

# CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

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## **I. Executive Summary**

*The Congressional-Executive Commission on China (the Commission), established by the U.S.-China Relations Act (19 U.S.C. 1307) as China prepared to enter the World Trade Organization, is mandated to monitor human rights and the development of the rule of law in China, and to submit an annual report to the President and the Congress. The Commission is also mandated to maintain a database of political prisoners in China—individuals who have been imprisoned by the Chinese government for exercising their civil and political rights under China’s Constitution and law or under China’s international human rights obligations. The Commission consists of nine Senators, nine Members of the House of Representatives, and five senior Administration officials appointed by the President and representing the Department of State, Department of Labor, and the Department of Commerce. 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, view, and recommendations, does not necessarily reflect the views of individual Executive Branch members or the policies of the Administration. The report covers the period from fall 2014 to fall 2015.*

*The Commission adopted this report by a vote of 22 to 0.†*

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

## OVERVIEW

Human rights and rule of law conditions in China deteriorated in many of the areas covered by this year's report, continuing a downward trend since Xi Jinping took power as Chinese Communist Party General Secretary in November 2012 and President in March 2013. The Commission continued to observe a range of legal and political developments that could have significant impact on the rights and welfare of China's citizens. Potentially positive developments are overshadowed by the Chinese government and Party's efforts to silence dissent, suppress human rights advocacy, and control civil society. These efforts are broader in scope than any other period documented since the Commission started issuing Annual Reports in 2002. Targets include human rights defenders, media outlets and journalists, public interest and human rights lawyers, Tibetans and Uyghurs, religious groups and edifices, non-governmental organizations (NGOs), intellectuals and democracy advocates, petitioners and peaceful protesters, and supporters of universal suffrage in Hong Kong.

The political direction set by President Xi and other Chinese leaders aims to build and expand upon that of their predecessors, with a core tenet of unchallenged Party leadership and a commitment to suppress discussions about the legitimacy of the Party's power. The Party and government continue to violate the human rights of Chinese citizens in ways that significantly influence their daily lives. For example, despite international condemnation and widespread public dissatisfaction, China's population control policies continued into their 35th year. Even after a slight modification of those policies in 2013, it remains the Chinese government's mode of operation to interfere with and control the reproductive lives of China's citizens—particularly women—and to enforce coercive birth limitation policies that violate China's obligations under international agreements. Restrictions on cultural and religious practices have resulted in authorities restricting the kinds of clothing worn by Uyghur women and the styles of facial hair of Uyghur men. Without an independent judiciary, citizens across China have little legal recourse and face significant challenges, for example, in seeking legal redress when local officials appropriate their land or homes for development projects.

It is increasingly clear that President Xi and the current cohort of Chinese leaders, will tolerate even less dissent than the previous administration. Even those making modest calls for reform—such as civil society organizations, intellectuals, and public interest lawyers who work in areas prioritized by the government—have faced harassment, detention, and arrest. State-approved Catholic Patriotic Association and “Three-Self Patriotic” Protestant churches in Wenzhou municipality, Zhejiang province, have faced demolitions and cross removals. Authorities ordered the removal of an environmental documentary, “Under the Dome,” produced by a well-known journalist and former television broadcaster of state-run China Central Television, from China's Internet portals after it went viral with over 200 million views. Just before International Women's Day, Chinese authorities detained five women's rights advocates and held them in abusive conditions for more than five weeks be-

cause they had planned to distribute brochures to raise awareness of sexual harassment on public transportation.

The government and Party's rhetoric against "foreign" ideals, values, and influence was increasingly strident and widespread this past year. The Party used various forms of media, internal decrees, public statements, and security-related legislation to warn the Chinese public and officials of the distinctions between Chinese and Western ideology, norms, and notions of judicial independence. Efforts continued to strengthen ideological control over the media, universities, the bureaucracy, the Internet, and the arts and entertainment industries. In May 2015, the government released a draft PRC Overseas Non-Governmental Organizations (NGO) Management Law that may make it difficult for foreign-based or -funded NGOs to operate in China. The Communist Party issued an internal document—Document No. 30—reportedly to purge "Western-inspired liberal ideas" from universities and prohibit teaching and research on a number of topics including judicial independence, media freedom, human rights, and criticism of the Communist Party's history. Taken along with the draft PRC Overseas NGO Management Law, Document No. 30 may have serious implications for academic partnerships formed between the United States and China, including exchange and study abroad programs and new "satellite campuses" established within U.S. colleges and universities.

The theme of the Fourth Plenum of the 18th Party Congress Central Committee held in November 2014, "*yifa zhiguo*," is often translated as "rule by law" or "rule in accordance with law," though Chinese leaders often point to the decision issued during the Fourth Plenum to demonstrate the government's commitment to the "rule of law." The actions of the Party leadership and government officials over the past year indicate that China is not moving toward a rule of law system, but is instead further entrenching a system where the Party utilizes statutes to strengthen and maintain its leading role and power over the country. Party documents expressly stated the intention to use the law to strengthen the Party's leadership over legislative, administrative, judicial, and other institutions.

During the 2015 reporting year, the Commission observed a persistent gap between the Chinese government's rhetoric regarding the importance of laws and the ability of citizens to use the legal system to protect their rights. Many of China's religious and political prisoners are subject to harsh and lengthy prison sentences as well as various forms of extralegal and administrative detention, including arbitrary detention in "black jails" and "legal education centers." China's continued use of extralegal and administrative detention remains an acute problem and overshadows China's abolition in late 2013 of the reeducation through labor system. The continuing and expanded uses of vaguely defined criminal charges and extralegal detention also raise questions about China's commitments to international human rights norms. For example, prominent public interest lawyer Pu Zhiqiang faces charges of "picking quarrels and provoking trouble" and "inciting ethnic hatred" for social media posts that mocked several government officials and that criticized China's ethnic policy. Liu Xia, wife of imprisoned Nobel

Peace Prize laureate Liu Xiaobo, remains isolated under extralegal detention at her home in Beijing municipality and reportedly is in poor health. The Commission's Political Prisoner Database has information on approximately 1,300 cases of political and religious prisoners currently known, or believed, to be detained or imprisoned, though the actual number is certain to be much higher, given the lack of transparency in the Chinese legal and prison system and other obstacles to the free flow of news and information.

Reports of torture and other human rights abuses in detention continued to be routine, including the denial of medical treatment and the use of forced hospitalization in psychiatric facilities to detain some individuals without mental health issues. Authorities in one Tibetan county issued regulations that provide for the collective punishment of an entire Tibetan family for possessing an image of the Dalai Lama. In addition, Chinese authorities harassed and detained students, family members, and associates of detained or imprisoned democracy and human rights advocates, as well as the lawyers who sought to defend them.

Since 2012 authorities have harassed, detained, or sentenced an increasing number of public interest lawyers, and efforts expanded this past year to disrupt rights lawyers' activities. Lawyers who accept politically sensitive cases continue to face disbarment, physical violence, and the closure of their law firms. In July 2015, Chinese authorities took into custody more than 250 individuals in an unprecedented nationwide sweep. Many of those interrogated, detained, or "disappeared" are self-described human rights lawyers and rights defenders. Several of the lawyers worked in one Beijing-based law firm. As of August 2015, 23 of those taken into custody were criminally detained, put under residential surveillance, or made a victim of enforced disappearance. Authorities engaged in a public smear campaign in government-run media to accuse the lawyers of "creating chaos" and being part of a "criminal gang" that engaged in plots in the name of "rights defense, justice, and public interest."

The Chinese government and Communist Party's violations of human rights and the rule of law have implications for U.S.-China relations. Chinese leaders are seeking a "new type" of U.S.-China relations and aim to play an expanded role in global institutions, yet continue to ignore international human rights norms. Human rights and rule of law are essential components of economic development, domestic stability, and the type of trust and confidence necessary to strengthen bilateral and multilateral cooperation on a range of issues that will define the 21st century.

It is increasingly clear that China's domestic human rights problems are of critical interest to U.S. foreign policy. There is a direct link between concrete improvements in human rights and the rule of law in China and the security and prosperity of both the United States and China. The security of U.S. investments and personal information in cyberspace, the health of the economy and environment, the safety of food and drug supplies, the protection of intellectual property, and the stability of the Pacific region are linked to China. They depend on the Chinese government's willingness to comply with international law, enforce its own laws, allow the free flow of news and information, fulfill its WTO obligations, and pro-



tect the basic rights of Chinese citizens, including the fundamental freedoms of religion, expression, assembly, and association.

#### MAJOR DEVELOPMENTS IN 2015

During the past reporting year, the Commission has observed the tightening of controls over the media, universities, civil society, and rights advocacy, and on members of ethnic minorities, especially Tibetans and Uyghurs. Concurrently, the Commission observed apparent efforts to limit the exchange of people and ideas between China and the international community through a series of new laws, some still in draft form, and increasingly alarmist rhetoric against “foreign” ideas and institutions. Meanwhile, other areas that the Commission is mandated to monitor, such as freedom of expression and religion, human trafficking, population control, democratic governance issues, and WTO compliance either have seen little improvement or deteriorated. While the Chinese government promoted legislation and national plans to improve some criminal and administrative legal procedures, enforce environmental standards, and protect the rights of survivors of domestic violence, among other plans, the lack of transparency and accountability and weak implementation reduces the possibility of significant improvements in the rule of law and democratic governance.

#### *China Restructuring Links With the International Community*

The Chinese government issued a series of far-reaching new laws during the past year: the PRC Counterespionage Law passed in November 2014 and the PRC National Security Law passed in July 2015. Drafts of the PRC Overseas NGO Management Law, the PRC Counterterrorism Law, and the PRC Cybersecurity Law were also the focus of domestic and international attention. Human rights advocates and legal experts expressed concern that these laws could provide the basis for an even broader and more severe crack-down on legal advocacy, civil society, and ethnic minority groups like the Uyghurs and Tibetans; impact international businesses that operate in or trade with China; and expand restrictions on the Internet and journalists.

The new PRC National Security Law, passed in July 2015, defines the Chinese government’s national interests broadly, domestically, and globally. The law identifies cyberspace, outer space, the oceans, and the Arctic as parts of China’s national security interests, as well as ensuring supplies of food, energy, and resources. It emphasizes the need not only to maintain territorial integrity but also to “guard against negative cultural influences” and “dominate the ideological sphere.” The new law provides additional legal basis for continued Internet censorship as well, saying China will protect “Internet sovereignty” and prevent and punish the “spread of harmful information.” The draft PRC Cybersecurity Law would grant authorities the legal power to cut Internet access to “safeguard national security and social public order.” The law also stipulates that user data from Internet companies must be stored in China.

The draft PRC Overseas NGO Management Law has the potential to affect a wide range of international organizations that oper-

ate inside China, from charitable groups to universities to industry associations. The draft law shifts regulation of international NGOs from the Ministry of Civil Affairs to the Ministry of Public Security, and requires overseas NGOs to find government-approved domestic sponsors in order to open a branch office in China, or even to conduct temporary activities. If the current draft passes, overseas NGOs—including those based in Hong Kong and Taiwan—will not be able to engage in or provide financial assistance for “political activities or illegal religious activities.” Some international NGOs have voiced concerns that they may need to pull out of China if the NGO law passes. Human rights observers raised concerns that the law could further impede the work of domestic rights-based NGOs, many of which are unable to fundraise in China and thus must rely on international funding.

#### *Intensified Crackdown on Civil Society*

During this reporting year, authorities expanded a crackdown that began in 2013, which included the suppression of individuals and organizations previously tolerated by authorities. For example, Liren, a network of rural libraries, closed under government pressure, and authorities temporarily detained several individuals associated with the organization. Beijing authorities shut down the Transition Institute, a non-governmental think tank with a focus on economic and social policy research, detained several staff members, and subsequently charged two of its directors, Guo Yushan and He Zhengjun, with “illegal business activity.” The five women’s rights advocates detained in the run-up to International Women’s Day worked for non-governmental organizations (NGOs). Authorities later forcibly closed Weizhiming, a women’s rights organization in Hangzhou municipality, Zhejiang province, started by one of the five women’s rights advocates. Several of the advocates also had direct ties to Beijing Yirenping Center, a public health and anti-discrimination NGO. In March, officials raided Yirenping’s office in Beijing, and in June, they briefly detained two former employees on suspicion of “illegal business activity.”

#### *The Lasting Effects of Population Control*

Faced with a rapidly aging population, a shrinking pool of working-age people, international condemnation, and high levels of public dissatisfaction, the Chinese government eased its coercive population control policies somewhat in 2013, allowing couples to have two children if at least one spouse was an only child. Despite gaining international acclaim for the adjustment, the Chinese government did not abolish the underlying one-child policy. This policy violates international standards, leads to official abuse and corruption, and exacerbates a looming demographic problem with likely economic, social, and security consequences. Authorities continued to use coercive population control methods as well as incentives, including job promotions, for officials who meet birth-limitation targets. There were reports of officials withholding social benefits and household registration, imposing heavy fines, coercing people to undergo sterilization or use contraception, and using arbitrary detention to punish birth limitation violators. Wang Feng, the former di-

rector of the Brookings-Tsinghua Center for Public Policy, said he believed “history will judge the ‘One-Child Policy’ as worse than the Cultural Revolution [as] the One-Child Policy will influence more than one generation.”

The Chinese government’s population control policies are a critical factor in creating a sex ratio imbalance resulting in the birth of significantly more males, millions of whom may not be able to find a female partner in China. This severe imbalance may already be driving regional human trafficking for the purposes of forced marriage and sexual exploitation. Chinese and Southeast Asian governments, non-governmental organizations (NGOs), and the United Nations report that cross-border trafficking into China for forced marriage and sexual exploitation appears to be increasing.

#### *Ideological Control of the Internet and Social Media*

The Chinese government committed to expand Internet access and broadband speed for China’s citizens while increasing control of the Internet and the censorship of information perceived as “harmful” or critical of Party authority. China’s digital space is highly policed, enforced by unknown numbers of security personnel and manipulated by paid commentators who seek to promote loyalty to government policies and counteract criticism. The Communist Youth League launched a plan this year to recruit 10 million “online youth civilization volunteers” to spread pro-government messages and “positive energy” via social media. Authorities continued to rein in media and opinion-makers critical of government policies and those viewed as potential threats to Party authority. The government continued efforts to control social media by harassing China’s Internet bloggers, shutting down popular chat site accounts, requiring real-name registration of accounts, limiting access to foreign services such as Flickr and Instagram, and blocking services that allow Internet users to circumvent China’s Great Firewall.

#### *Continued Repression of Ethnic Minorities*

Chinese authorities continue to implement intrusive and repressive policies in ethnic minority areas, particularly among Tibetans and Uyghurs. During the past year, officials continued to carry out rights abuses in the Xinjiang Uyghur Autonomous Region (XUAR). Amid deadly attacks reportedly committed by Uyghurs during the year, international observers expressed concerns over top-down security measures and the excessive use of force in the region. Authorities also introduced harsh and far-reaching new measures to restrict further Uyghur religious practice, ethnic identity, culture, and freedom of movement. The draft PRC Counterterrorism Law may justify additional human rights abuses. The draft law broadly defines terrorism to include “speech or behavior” intended to “create ethnic hatred, subvert state power, [or] split the state,” while the law’s expansive definition of “extremism” includes “forcing minors to take part in religious activities” and “misrepresenting or insulting national policy.”

There is little evidence that Party and government officials will tolerate Tibetans’ interest in preserving their culture, language, re-

ligion, and the environment on terms acceptable to Tibetans. During the reporting year, the Commission observed heightened efforts to control and interfere with Tibetan Buddhist religious practice and the selection of its leaders. Tibetan self-immolations continued in the past year in numbers similar to the previous year, as expanded security efforts and punitive measures continued. The formal dialogue between the Dalai Lama's representatives and Communist Party and government officials has been stalled since January 2010, the longest break since the dialogue resumed in 2002.

#### *Challenges to Hong Kong's "High Degree of Autonomy"*

Last year's pro-democracy protests revealed deep divisions over the degree of Hong Kong's autonomy within China. The actions of the Chinese and Hong Kong governments during the reporting year continue to raise serious concerns about the future of the freedoms and rule of law that distinguish Hong Kong from mainland China and underpin Hong Kong's financial reputation and prosperity. Chinese leaders continued to emphasize Chinese sovereignty and control over Hong Kong. Attacks on journalists and the editorial and financial pressures placed on media organizations by advertisers contributed to the steady erosion of press freedoms.

Pro-democracy protesters rejected a plan put forward by the National People's Congress Standing Committee (NPCSC) in August 2014 for electing Hong Kong's Chief Executive because it imposed a screening process designed to ensure that only candidates supportive of the central government in mainland China could be nominated. The non-violent protests, also referred to as "Occupy Central" and the "Umbrella Movement," stretched from September to early December 2014. Despite the efforts of protesters, opposition legislators, and other Hong Kong leaders to develop election reform proposals, Chinese and Hong Kong authorities continue to insist that any election reform plan must be in strict conformity with the undemocratic framework laid out by the NPCSC.

#### *As Businesses Face New Challenges, Labor Problems Persist*

There was optimism about the fiscal and bureaucratic reforms announced by President Xi at the Third Plenum of the 18th Party Congress in November 2013, but the investment environment for foreign companies in China has not improved. During this reporting year, there were record trade deficits in China's favor, and U.S. exports to China decreased. U.S. and other foreign businesses faced significant difficulties in the past year due to the weak rule of law, lack of government transparency, and preferential treatment for state-owned enterprises. Foreign businesses faced discriminatory monopoly investigations, intellectual property theft, and draft laws that will require the transfer of technology and encryption keys for information technology firms seeking a share of the Chinese market. Many of these actions contravene China's WTO commitments, but the United States has only initiated one WTO dispute in the past two-and-a-half years. As China's economy slows, U.S. media have reported on increasing difficulties for foreign companies due to China's emerging economic nationalism.

Ongoing Internet censorship continues to affect negatively the bottom lines of businesses and the ability of journalists to distribute news and information across borders. Google, Facebook, YouTube, Twitter, Bloomberg, Instagram, the New York Times, and many e-commerce websites remain blocked. Foreign journalists, who play a critical role reporting on financial and political information about China that their Chinese counterparts cannot cover, continue to face restrictions, harassment, surveillance, threats, and the detention of their local Chinese assistants. The difficulty in obtaining visas for foreign journalists seems to have eased somewhat in the past year, according to a survey done by the Foreign Correspondents' Club of China, but that same survey concluded that authorities continued to use the visa renewal and press accreditation process politically, targeting reporters and media organizations for their coverage that is critical of the Chinese government.

Despite seemingly high levels of unionization, the government-controlled All-China Federation of Trade Unions (ACFTU) is the only union workers may join. The ACFTU has proven ineffective in dealing with strikes, labor protests, and the needs of migrant workers. Chinese workers cannot freely join or organize independent unions. The government continued to curb the activities of labor NGOs, introducing registration hurdles and occasionally detaining NGO staff.

#### *Positive Developments*

Chinese authorities undertook initiatives and issued legislation with the potential to protect the rights of victims of domestic violence and improve environmental protections. A draft PRC Anti-Domestic Violence Law under consideration formally defines domestic violence in law for the first time and includes provisions for issuing restraining orders. Revisions to the PRC Environmental Protection Law went into effect in January 2015 with governmental pledges to improve enforcement of environmental laws. Some lawyers continue to report better access to criminal defendants since the revision of the PRC Criminal Procedure Law in 2012, but substantial impediments were reported in cases authorities deemed politically sensitive.

In February 2015, the Supreme People's Court publicly released its fourth five-year reform plan, which included limited calls for judicial independence when deciding some cases. Articles in state-run Chinese media were emphatic that the Chinese government was not adopting a model of judicial independence based on the United States or other "Western" nations. Chinese courts have also taken steps to increase judicial transparency.

This past year also brought significant changes to the PRC Administrative Litigation Law, which strengthens the framework for citizens to challenge government actions in court, including by expanding the scope of cases that may be heard in court. With millions of petitions (*xinfang*) filed annually, the revised law potentially could funnel some citizen complaints away from the petitioning system and into the courts. Amid these changes, lawyers who represented petitioners in cases the government deemed politically sensitive faced escalating reprisals and retribution.

The Chinese government made adjustments to the *hukou*, or household registration, system, which could ease registration if implemented effectively. The *hukou* system restricts access to health, education, and other social service benefits to China's rural migrants working in urban areas. Some local authorities continue to deny *hukou* to children born in violation of the Chinese government's population control policies. These children face difficulties accessing education and other government benefits.

## KEY RECOMMENDATIONS

With the deteriorating human rights situation in China and rapidly changing bilateral and global dynamics in the Asia-Pacific region, the United States faces a multitude of serious challenges in promoting internationally recognized human rights standards in China. In chartering an effective, integrated diplomatic path forward, the Administration—in partnership with the Congress and in consultation with civil society—should consider employing tactics and points of leverage that are consistent with U.S. interests and values, prioritize the protection of victims of human rights abuses, and maximize available resources. The Commission recognizes that only China’s leaders and the Chinese people can determine the course and progress of their domestic affairs and the scope of China’s compliance with international standards. Yet given the strategic and economic interdependencies of the U.S.-China relationship, and the importance of rights protections for advancing U.S. interests, there is a critical role for principled U.S. leadership in advancing democratic governance, human rights, and the rule of law in China.

For these purposes, the Commission makes the following recommendations to Congress and the Administration to encourage China’s compliance with international human rights standards and the development of the rule of law.

- **Mainstreaming Human Rights Promotion.** The Administration should continue to expand interagency coordination and its stated “whole-of-government” approach to ensure that all agencies interacting with the Chinese government are prepared to discuss relevant human rights and rule of law issues in the over 90 bilateral dialogues and other high-level meetings that occur annually. Congress and the Administration should work together to consider whether legislation or other measures are needed to develop a human rights action plan for implementation across all U.S. Government agencies and entities. The plan could incorporate the development of targeted talking points and prisoner lists, support for all U.S. delegations visiting China, and coordination with various “People-to-People” and multitrack diplomatic efforts that include both governmental and non-governmental actors. Congress should consider requesting a one-time report outlining existing progress on interagency human rights coordination efforts from the Administration and a study of the effectiveness, utility, and outcomes of the U.S.-China Human Rights Dialogue from the Government Accountability Office.

- **Rebalancing the “Asia Pivot” Toward Human Rights.** The Administration’s efforts to refocus U.S. attention and resources toward the Asia-Pacific region has broad support in Congress, but there is a need for strategic coordination on ways to pursue U.S. interests in human rights and the rule of law. Congress could consider requesting a one-time interagency report from the Administration on its strategies for making promotion of human rights and the rule of law an integral part of U.S. policy in the region, incorporating human rights into U.S. trade and security policy, and coordinating with regional allies on raising human rights concerns with China. The Administration and Congress should work to-

gether, and with regional allies and policy specialists, on ways to bring China into a regional economic and security cooperation system that includes human rights and humanitarian dimensions, similar to the Organization of Security and Cooperation in Europe (OSCE). The inclusion of a “third basket” of human rights concerns is a critically important aspect to any regional architecture, particularly given China’s efforts to reinterpret international rules to suit its own purposes and the foundational importance of democratic governance, the rule of law, and rights protections to the long-term success of economic and security cooperation.

- **Strategic Use of Visa Policy and Other Diplomatic Tools.**

Congress and the Administration should work together to make better use of existing laws that restrict visa access to the United States for human rights violations, including Section 604 of the International Religious Freedom Act, Section 801 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, and the relevant parts of Section 212 of the Immigration and Nationality Act. The Administration and Congress should work together to consider whether additional legislation is needed to address human rights challenges in China, specifically restrictions on the free flow of news and information, visa delays or denials for journalists and scholars, trafficking in persons, prolonged arbitrary detention and torture, allegations of organ harvesting, and massive discrimination and violence in ethnic minority areas. Options such as prohibiting meetings with Chinese officials responsible for carrying out or authorizing human rights abuses or denying such individuals access to programs or institutions that receive U.S. Government funding should be considered.

- **Ending China’s Population Control Policies.** The Administration should consider raising the issue of China’s population control policies and discuss, as part of security, legal, trafficking, and human rights dialogues, concrete responses to potential humanitarian, economic, societal, and security problems exacerbated by China’s sex ratio imbalance. Congress and the Administration should work together to integrate the provisions of the Girls Count Act (P.L. 114–24) into foreign assistance programs for China and seek collaborative technical assistance and capacity-building projects with inter-governmental organizations that increase property and inheritance rights for girls, ensure official registration for all of China’s boys and girls, protect women and their families from the coercive aspects of China’s population control policies, and retrain officials who engaged in population control and coercive family planning efforts.

- **Human Trafficking and Forced Labor.** The Administration should ensure that existing laws and policies intended to prevent U.S. Government procurement of goods made with forced labor, prison labor, or child labor are applied to goods imported from China. Congress and the Administration should consider whether additional legislation or other measures are needed to remove obstacles to effective enforcement of U.S. laws, such as requiring businesses to publicly report on their efforts and policies to prevent human trafficking in their supply chains or by offering procurement contracts only to businesses that can certify that they have inspected their supply chains and made significant efforts to pre-



vent human trafficking. Congress and the Administration should work together to ensure that the U.S. Department of State's Office To Monitor and Combat Trafficking in Persons and the U.S. Department of Labor's Bureau of International Labor Affairs have sufficient resources and status within their departments to effectively combat modern-day slavery, and that the U.S. Department of State's Annual Trafficking in Persons Reports' "Tier Rankings" and country summaries accurately reflect current conditions.

- **Hong Kong.** The Administration should continue to issue annually the report outlined in Section 301 of the United States-Hong Kong Policy Act of 1992. The Administration and Congress should work together to determine whether to reconsider some or all of the Hong Kong Policy Act's provisions allowing separate treatment for Hong Kong, particularly given the increasing role played by the central government in deciding Hong Kong's political development and the corresponding erosions in Hong Kong's autonomy and freedom of expression. Members of Congress should consider expressing support for Hong Kong democracy and human rights through resolutions, statements, and meetings at the highest levels during visits to both mainland China and Hong Kong. The Administration and Congress should press the Chinese government to permit individuals who peacefully participated in the Hong Kong pro-democracy demonstrations to travel freely to mainland China.

- **Internet Freedom.** Congress and the Administration should support the expansion of programs that distribute technologies to help Chinese human rights advocates and civil society organizations circumvent Internet restrictions in China. Congress should expand Internet freedom programs at the U.S. Department of State and the Broadcasting Board of Governors (BBG) that fund non-governmental organizations and media outlets that promote the free flow of information and those that track, preserve, and recirculate media and Internet content produced within China that has been deleted by censors. Members of Congress should again urge the BBG to promptly use allocated Internet freedom funds to employ firewall circumvention technologies. The Administration should work through the WTO and its member states to encourage and enforce the elimination of China's barriers to freedom of information so as to facilitate market growth. With Internet freedom and an end to the censorship of cross-border news and information of critical interest to Chinese civil society, U.S. investors in Chinese stocks, and U.S. businesses operating in China, freedom of information "deliverables" should be incorporated into the U.S.-China Bilateral Investment Treaty and any future trade regime negotiated with China.

- **Ethnic Minorities.** The Administration and Congress should work together to build cooperative exchanges with Chinese officials on ways to balance civil rights and national security, to differentiate between peaceful dissent and acts of violence, to protect human rights during "anti-terrorism" campaigns, and to understand how expanding protections for the freedom of religion can promote stability and be an effective antidote to extremism. The Administration should consider raising issues of human rights alongside security and stability in China's ethnic minority regions at bilateral security and counterterrorism dialogues and in any bi-

lateral or multilateral discussions with Chinese military or policy officials. Congress should make sure that U.S. counterterrorism cooperation arrangements do not endorse or support the Chinese government's suppression of Chinese citizens, including Uyghurs, Tibetans, and other ethnic minorities. The Administration and Congress should work together to press for unrestricted access to ethnic minority regions and to facilitate implementation of the Tibetan Policy Act of 2002, including establishing a diplomatic office in Lhasa, the capital of the Tibet Autonomous Region, encouraging development projects that comply with the Tibet Project Principles, and urging renewed dialogue between representatives of the Chinese government and the Dalai Lama's representatives.

- **Press Freedom.** The Administration should consider giving greater priority to the problems of censorship and limited press freedom in China and link these issues to U.S. economic interests. Restrictions on the free flow of news and information should be treated as trade barriers affecting foreign media companies attempting to access the Chinese market and investors seeking uncensored information about China's political and business climate. The Office of the U.S. Trade Representative should ensure that protection for investing in news agency services and online media is included as part of the negotiations for the Bilateral Investment Treaty. The Administration and Congress should also work together on legislation or other measures to further protect U.S. and other foreign journalists in China, including by considering the possibility of limiting the number of visas allowed to executives or administrative personnel from Chinese state-owned media enterprises operating in the United States.

- **Commercial Rule of Law.** The Administration and Congress should ensure that the Chinese government makes concrete improvements in the policies outlined in this report that violate China's existing international trade obligations as a condition for progress in any U.S. trade-related negotiations with China. Congress and the Administration should consider opposing the inclusion of the yuan as a reserve currency by the International Monetary Fund until the Chinese government ends Internet censorship and restrictions on the media that violate China's international obligations to protect the freedom of expression. Congress should consider requesting updated briefings and/or a one-time report on the U.S.-China Strategic and Economic Dialogue (S&ED) and the U.S.-China Joint Commission on Commerce and Trade (JCCT) in order to examine the effectiveness of these dialogues in achieving and fulfilling significant commitments on U.S. priorities in the bilateral relationship.

- **Engaging in Multilateral Action.** The Administration should continue to raise pertinent human rights issues in multilateral institutions where the United States and China are members and expand coordination efforts with other countries and international organizations on human rights dialogues and technical assistance, public statements, information about human rights perpetrators and visa bans, prisoner cases, and support for victims' families. Given the scope of this year's detentions and disappearances of human rights lawyers and defenders and the ongoing use of torture, especially against political prisoners, the Administration

should consider, together with allies, introducing a resolution on China at the next session of the UN Human Rights Council. The Administration should also work with the United Nations to implement the Human Rights Upfront (HRuF) initiative in China to make sure that the protection of civilians is a core responsibility of UN officials, especially in anticipation of the 2022 Winter Olympic Games in Beijing and in light of the findings from the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea. In addition, the Administration should expand collaboration on efforts to encourage Chinese engagement with UN special rapporteurs and other special procedures, and to end the Chinese government's reprisals against human rights defenders trying to access UN human rights mechanisms.

- **Training Programs.** Congress should continue to support efforts by the Administration to encourage genuine democratic governance and rule of law in China and improve the well-being of Chinese citizens through capacity-building programs for non-governmental organizations (NGOs) and a wide range of exchanges. The Administration should look for creative ways to continue existing aid and grant programs despite the Chinese government's efforts to further suppress international and domestic civil society, and should work with foreign NGOs and other countries on a unified approach to China's draft PRC Overseas NGO Management Law and other security legislation drafted or enacted in the past year. The Administration and Congress should look to expand technical assistance and capacity-building programs where Chinese officials have made recent commitments, such as efforts to curb torture and wrongful convictions.

- **North Korean Refugees.** The Administration should prioritize implementation of key recommendations of the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (UN COI), including by urging China to protect asylum seekers, immediately halt its practice of forcibly repatriating people to North Korea, and provide the office of the UN High Commissioner for Refugees complete and unfettered access to North Korean refugees. Congress and the Administration should work together to fully implement the bipartisan North Korean Human Rights Act and to determine if additional legislation or other measures are needed to end what the UN COI characterized as "systematic, widespread and gross human rights violations" in North Korea.

Congress and the Administration should work with China, South Korea, and the United Nations to establish multilateral "First Asylum" arrangements for North Korean refugees, as was done for the Vietnamese boat people in the late 1970s. Arrangements should be negotiated with countries in the region to provide temporary asylum to North Korean refugees with the assurance that they will be permanently resettled elsewhere.

- **Individual Political Prisoner Cases.** In meetings with Chinese officials, the President, Cabinet Secretaries, other administration officials, and Congressional leaders should raise cases, both publicly and privately, of individual victims of religious or political repression. It is important that these discussions occur across the broad spectrum of U.S.-China interactions. The Secretaries of De-

fense, Education, Commerce, Labor, Homeland Security, and other agencies also should raise cases during regular interactions with Chinese officials.

U.S. Embassy and consular officials, including the Ambassador, should regularly seek visits with prominent prisoners, even if denied access, and should maintain contact with family members and associates of those unjustly detained or imprisoned. There is compelling evidence that even if case discussions do not immediately result in the end of repression or detention, conditions are often improved for individuals whose cases are raised, particularly if such cases are raised publicly.

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

## SPECIFIC FINDINGS AND RECOMMENDATIONS

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

## FREEDOM OF EXPRESSION

*Findings*

- During the Commission's 2015 reporting year, the Chinese government and Communist Party continued to restrict expression in contravention of international human rights standards, including Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights. While such standards permit states in limited circumstances to restrict expression to protect interests such as national security and public order, official Chinese restrictions covered a broader range of activity, including peaceful dissent and expression critical of the government and Party.
- Significant legislative developments with potential implications for freedom of expression took place in China during this reporting year, including the passage of the PRC Counter-espionage Law in November 2014, the PRC National Security Law in July 2015, and the Ninth Amendment to the PRC Criminal Law in August. Commentators raised concerns about the government and Party's potential use of vaguely worded provisions in these laws to restrict and jeopardize the right to freedom of expression and the press, and the free flow of information.
- Chinese officials promoted national control of the Internet, or "Internet sovereignty" (*wangluo zhuquan*), in domestic legislation and international standards for Internet governance. Draft cybersecurity legislation advanced the principle that "Internet sovereignty is . . . an extension of national sovereignty in cyberspace."
- Chinese authorities continued to use provisions in the PRC Criminal Law to prosecute citizens for exercising their right to freedom of speech. Authorities targeted dozens of mainland supporters of the fall 2014 pro-democracy protests in Hong Kong, and detained many of them on suspicion of "picking quarrels and provoking trouble," Article 293 of the PRC Criminal Law. Representative cases included poet Wang Zang, housing rights advocate Han Ying, activist Xu Chongyang, and rights defender Song Ze. In addition, authorities used the charge of "illegal business activity," Article 225, against individuals who published unauthorized accounts of Chinese history and other material that authorities deemed to be politically sensitive. Cases reported on this past year included Huang Zerong, Shen Yongping, Fu Zhibin, and Wang Hanfei.

- By late 2014, Chinese authorities reportedly “returned to using more explicitly political charges” against rights defenders and activists in contrast to the frequent use of “public order” charges between 2012 and 2014. Representative cases involving charges of “inciting subversion of state power” included democracy activists Xie Wenfei and Wang Mo, and bloggers Liang Qinhui, Zheng Jinxian, and Huang Qian. Nobel Peace Prize laureate Liu Xiaobo remains in prison, serving year 6 of an 11-year sentence on the charge of “inciting subversion of state power” for several of his essays and his co-authorship of Charter 08. Chinese public security authorities, moreover, continued to hold his wife, poet and artist Liu Xia, under extra-legal detention at her home in Beijing municipality.
- In May 2015, the Beijing Municipal People’s Procuratorate indicted prominent public interest lawyer Pu Zhiqiang on the charges of “inciting ethnic hatred” and “picking quarrels and provoking trouble,” based on several microblog posts Pu made between 2011 and 2014 that either criticized the Chinese government’s ethnic policy in the Xinjiang Uyghur Autonomous Region or mocked officials. Authorities detained Pu amid a nationwide crackdown in China prior to the 25th anniversary of the 1989 Tiananmen protests and their violent suppression.
- The Chinese government continued to take steps to expand the country’s telecommunications infrastructure and provide greater Internet access, particularly to rural and less developed areas of China. There reportedly were 649 million Internet users in China at the end of December 2014, including 557 million who accessed the Internet from mobile devices.
- In February 2015, the Cyberspace Administration of China issued new user account name regulations that some commentators believe will be a more effective tool to monitor Internet users than prior attempts at real-name registration.
- The government and Party continued to control the press in violation of international press standards with censorship and propaganda instructions to limit the scope of news content, by stifling reporting with restrictive regulations, and by punishing journalists and media personnel. In April 2015, the Beijing No. 3 Intermediate People’s Court sentenced 71-year-old journalist Gao Yu to seven years’ imprisonment for “leaking state secrets.” Official media reported increased anticorruption investigations of staff working at state-run and more market-oriented media outlets.

### *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 importance 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 freedom to U.S. interests, noting how censorship and restric-

tions on journalists and media websites prevent the free flow of information on issues of public concern—including public health and environmental crises, food safety problems, and corruption—and acts as a trade barrier for foreign media and companies attempting to access the Chinese market. Raise these issues with Chinese officials during future rounds of the Strategic and Economic Dialogue. Assess the extent to which China's treatment of foreign journalists contravenes its WTO or other obligations.

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

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

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

## WORKER RIGHTS

### *Findings*

- The Chinese government's laws and practices continue to contravene international standards on freedom of association.

The right to freely associate is identified as a fundamental labor right by the International Labour Organization (ILO) and is protected under international law, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Yet, Chinese workers are not free to form or join trade unions of their own choosing. The All-China Federation of Trade Unions remains the only trade union organization allowed under Chinese law.

- Collective bargaining in China remains deeply flawed due to structural limitations of trade unions in representing workers. Many enterprise-level trade unions remain subject to undue influence by employers, while higher-level trade unions continue to be subordinate to the interests of national and provincial Chinese Communist Party and government authorities.
- Throughout the 2015 reporting year, labor non-governmental organizations (NGOs) and independent labor rights activists reported facing increased harassment and intimidation. Of particular concern, labor activists have increasingly become the target of violent attacks by unidentified assailants. In one such case, a group of unidentified men abducted labor activist Peng Jiayong in April 2015 outside a police station in Guangdong province and severely beat him.
- Child labor continues to be a problem in China despite the existence of legal measures prohibiting its practice. Systemic problems in enforcement of the law continue to facilitate the employment of children. Reports of child labor continued in 2015, including reports on the death of a 13-year-old in November 2014 at a shoe factory in Guangdong.
- Vocational school and college students engaged in work-study programs continue to be subject to hazardous working conditions that did not meet minimum Chinese standards for labor protections, and in some circumstances constitute forced labor. Estimates indicate that 10 million vocational school students participate in internships each year in China.
- Chinese workers, particularly migrant workers, continue to face significant challenges obtaining social insurance benefits. The failure of employers to purchase insurance for workers or provide regular insurance contributions remains widespread. Labor experts have raised concerns over a lack of pension insurance, particularly as an estimated 40 million migrant workers over the age of 50 approach retirement. Throughout the reporting year, these older workers were at the forefront of protests demanding insurance payments.
- Although disposable income and absolute wage levels reportedly have increased, the growth in wage levels has slowed in recent years. A comparison of minimum wage growth between 2011 and 2015 shows that the rate of growth declined over the past five years. At the same time, income inequality between industrial sectors and groups of workers has been increasing.
- Wage arrears and the nonpayment of wages remain significant problems, particularly for migrant workers. Chinese officials cited wage arrears as a primary factor prompting labor-related conflict in the reporting year, and labor experts predict the problem could become worse as economic growth continues



to slow. Use of violence by law enforcement, security personnel, and criminal syndicates to suppress worker-led wage arrears protests was also common. One NGO documented 63 cases between February 2014 and January 2015 in which authorities used violence to suppress workers protesting over wage arrears, including the reported deaths of four workers.

- Workers in China continue to be exposed to a variety of occupational health and safety risks, due in part to weak regulation and enforcement of health and safety standards. Despite a measurable decrease in recent years in the number of officially reported workplace accidents and fatalities, Chinese officials indicate substantial occupational hazards persist and industrial accidents and deaths remain too high.
- Some employers also frequently ignore mandatory health and safety standards and take actions that put the health and safety of workers at risk. Significant safety violations observed in the past reporting year included excessive overtime, unsafe working conditions, and a lack of safety training.
- Occupational disease remains a significant and growing problem in China. Experts indicate that around 36 percent of workers in China are exposed to hazards in the workplace and that occupational hazards overall are increasing. Research published in April 2015 found that the number of people suffering from occupational diseases in China, as well as the cumulative number of new cases and disease-related deaths, ranked among the highest in the world. Cases of the lung disease pneumoconiosis remain particularly high, with experts indicating 10,000 new cases are recorded on average each year and account for between 80 and 90 percent of all occupational disease cases in China.

#### *Recommendations*

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

- Call on the Chinese government to respect international rights to freedom of association and collective bargaining, and allow workers to organize and establish labor unions. Urge the Chinese government to enable workers to elect their union representatives democratically.
- Convey support in all appropriate bilateral dialogues for functioning collective bargaining and direct elections of trade union representatives, emphasizing the benefits that increased worker representation has for resolving workplace grievances and preventing wildcat strikes.
- Support ongoing cooperation between the U.S. Department of Labor and the China National Coal Association by increasing work on and funding for technical cooperation and exchange projects regarding industry regulatory compliance, worker representation at coal mines, and safety and health improvements.
- Engage Chinese government interest through all appropriate bilateral discussions for establishing a multistakeholder initiative between the U.S. and Chinese governments, multinational

corporations, and relevant civil society organizations, providing a set of principles to address the challenges of child labor and its root causes, particularly poverty and the low quality of education in rural areas.

- Encourage Chinese officials through all appropriate bilateral discussions to publish detailed statistical data on child labor and information on measures taken to prevent the employment of children under the age of 16.

- Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations involved in defending the rights of workers. Encourage Chinese officials at local levels to develop, maintain, and deepen relationships with labor organizations and businesses inside and outside of China, and to invite these groups to increase the number of training programs in China.

- Support China's increased engagement and cooperation with the International Labour Organization (ILO) through select 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.

- Support and provide adequate resources for the exchange programs between the U.S. Department of Labor and China's State Administration of Work Safety on understanding and promoting active participation by businesses, workers, and NGOs in efforts to promote a safety culture—the shared beliefs, practices, and attitudes of an establishment that encourage everyone to feel responsible for workplace safety. Encourage meaningful exchanges between Chinese and U.S. professional organizations, such as those between China's National Center for International Cooperation on Work Safety and the American Industrial Hygiene Association.

## CRIMINAL JUSTICE

### *Findings*

- During the Commission's 2015 reporting year, implementation of certain criminal justice reforms remained constrained in a political climate that emphasized perpetuating one-party rule at the expense of individual freedoms.

- Despite the abolition of the extrajudicial reeducation through labor system at the end of 2013, the Chinese government continued to use an array of other extrajudicial measures including “administrative” or otherwise non-criminal detention, disciplinary actions by the Chinese Communist Party against its own members, and other actions without adequate legal support. These measures are often arbitrary in nature according to the definition of arbitrary detention put forth by the UN Working Group on Arbitrary Detention in that they restrict personal liberty as severely, if not more, than some sanctions allowed by the PRC Criminal Law, and lack sufficient judicial procedures.

- China prepared a draft PRC Counterterrorism Law and adopted revisions to the PRC Criminal Law regarding the punishments for “terrorism” and “extremism.”
- The Chinese government continued to bring criminal charges against government critics and rights advocates such as public interest lawyer Pu Zhiqiang (charged with “picking quarrels and provoking trouble” and “inciting ethnic hatred”), democracy advocate Liu Jiakai (charged with “inciting subversion of state power”), documentary filmmaker Shen Yongping (convicted of “illegal business activity”), and civil society advocate Guo Yushan (charged with “illegal business activity”).
- Authorities publicly supported the rights of criminal suspects to meet with their lawyers, yet the Commission did not observe full implementation of provisions in the PRC Criminal Procedure Law regarding access to counsel. Criminal provisions on inducing witnesses to change their testimony have created a chilling effect among defense lawyers, which is exacerbated by a new revision to the PRC Criminal Law targeting lawyers that criminalizes “insulting, defaming, or threatening a judicial officer” and “engaging in other acts that seriously disrupt the order of the court.”
- The Commission observed continued reports of wrongful convictions as well as the use of torture and coercive tactics short of torture to obtain confessions. For example, in December 2014, the Inner Mongolia Autonomous Region High People’s Court overturned the April 1996 wrongful guilty verdict for rape and murder that resulted in the swift execution of 18-year-old ethnic Mongol Huugjilt. The announcement in early 2015 that the Chinese government would end quotas for “arrests, indictments, guilty verdicts and case conclusions” could positively impact the incentive structure for police, prosecutors, and judges, if fully implemented, by reducing pressure to extract confessions.
- Authorities expressed heightened concern over the procedures for granting clemency and parole. Various government agencies involved in the criminal justice process called for greater transparency in the way penal institutions are run, with the Supreme People’s Procuratorate announcing in March 2015 that 252 officials were punished in 2014 for “illegally granting parole or shortening prison terms.”
- The annual number of executions in China remained a state secret, with indications that the number stayed relatively steady for 2014. In keeping with the overall trend of curbing executions, the Chinese government reduced the number of capital crimes from 55 to 46. Judicial authorities also issued new measures that detailed how judges should take defense lawyers’ opinions into account during the review of death sentences.
- In late 2014, the Chinese government vowed to stop using executed prisoners as a source of transplant organs, though it remained unclear how quickly authorities would follow through on this pledge.

*Recommendations*

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

- Call on the Chinese government to publicly commit to a specific timetable for ratification of the International Covenant on Civil and Political Rights (ICCPR), which the Chinese government signed in 1998 but has not yet ratified.
- Urge Chinese officials to end all forms of extrajudicial detention—such as “custody and education,” compulsory drug treatment, and extralegal home confinement—that are imposed without meeting the standards for a fair trial as set forth in the ICCPR and other international human rights instruments.
- Raise with Chinese officials, during all appropriate bilateral discussions, individual cases where the investigation of allegedly criminal activity has been used to target government critics and rights advocates, including the ongoing treatment as criminal suspects of five women’s rights advocates detained in March 2015 for peaceful acts connected to their advocacy against sexual harassment.
- Publicly convey support for human rights advocates who have been deprived of liberty on unsubstantiated criminal charges, as in the prominent example of public interest lawyer Pu Zhiqiang.
- Raise concerns regarding the draft PRC Counterterrorism Law and recently adopted revisions to the PRC Criminal Law regarding the punishments for “terrorism” and “extremism” that threaten to criminalize activities falling within the freedoms of expression and religion that are protected under international human rights norms.
- As part of the 2015 review of China’s compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the UN Committee against Torture, draw attention to ongoing issues with the conditions under which suspects confess. Further encourage China to extend invitations to all UN special rapporteurs who have requested to visit China, and cooperate with other UN special procedures.
- Stress to the Chinese government the need for greater transparency in the number and circumstances of executions, and urge China to further limit the crimes for which the death penalty is available.
- Continue, and where appropriate, expand support for programs involving U.S. entities engaging with reform-minded Chinese organizations and individuals (both within and outside the government) in hopes of drawing on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform China as it charts a path toward reducing reliance on confessions, enhancing the role of witnesses at trials, and creating more reliable procedures for reviewing death penalty cases.

## FREEDOM OF RELIGION

*Findings*

- During the Commission's 2015 reporting year, the Chinese government and Communist Party continued to restrict freedom of religion in China. China's Constitution guarantees "freedom of religious belief" but limits protection of religious activities to "normal religious activities," a narrow protection that contravenes international human rights standards such as Article 18 of the Universal Declaration of Human Rights. The Chinese government continued to recognize only five religions: Buddhism, Catholicism, Islam, Protestantism, and Taoism. Authorities required groups wishing to practice these religions to register with the government and subject themselves to government controls. Registered and unregistered religious groups deemed to run afoul of state-set parameters continued to face harassment, detention, imprisonment, and other abuses, and the government continued to outlaw some religious and spiritual communities, including Falun Gong.
- The government and Party continued to call on officials and religious groups to ensure that religious doctrine and practices served government and Party goals. Officials called for a strengthening of the role of laws and regulations in governing religious practices, property, and sites of worship.
- Authorities continued to take steps designed to ensure that Buddhist doctrine and practices in non-Tibetan areas of China conformed to government and Party policy. Authorities continued to take steps to bring registered and unregistered Buddhist monasteries under stricter government and Party control.
- The government and Party continued to harass, detain, or hold incommunicado Catholics who practiced their religion outside of state-approved parameters. In January 2015, authorities told relatives of Shi Enxiang, an unregistered bishop whom authorities detained in 2001, that Shi had died in custody. Authorities later said this information was incorrect, and Shi's current status is unclear. Talks between Chinese and Holy See authorities regarding China's state-controlled system of bishop appointments did not result in an agreement, leaving in place the system in which state-controlled organizations can select and ordain bishops without approval from the Holy See.
- The government and Party continued a campaign—initiated in 1999—of extensive, systematic, and in some cases violent efforts to pressure Falun Gong practitioners to renounce their belief in and practice of Falun Gong. Authorities also continued to harass and detain family members, lawyers, and others who had contact or were affiliated with Falun Gong practitioners. Examples from this past year include Bian Xiaohui—daughter of imprisoned Falun Gong practitioner Bian Lichao—and Falun Gong practitioner Chen Yinghua.
- The government and Party continued to call for Muslims in China to practice Islam in conformity with government and Party goals, including attending state-controlled Hajj pilgrimages. Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) continued to enforce measures directed at "terrorism"

and “religious extremism” that had the effect of restricting peaceful religious practices. For example, authorities in Urumqi municipality, XUAR, banned the wearing of full facial or body coverings in public, and authorities in Hotan prefecture, XUAR, ordered local shopkeepers to sell alcohol and cigarettes.

- Authorities continued to restrict freedom of religion for Protestants in China, including by harassing and detaining Protestants from registered and unregistered churches who worshipped outside of state-approved parameters. Authorities interfered with Christmas activities in multiple locations, including by detaining members of the Langzhong house church for an “illegal gathering” in Sichuan province. Authorities in Zhejiang province continued to target Protestant churches for demolition or cross removal as part of a systematic campaign.
- Authorities from the State Administration for Religious Affairs “guided” preparations for the Chinese Taoist Association Ninth National Conference. Authorities carried out campaigns that distinguished registered Taoist temples from unregistered Taoist temples by publicly hanging placards on registered temples.
- Despite lacking formal central government recognition, some religious communities have been able to operate inside China. Chinese officials and authorities from the Moscow Patriarchate agreed to the ordination of an Eastern Orthodox priest.

#### *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 Article 18 of the Universal Declaration of Human Rights and to remove its framework for recognizing only select religious communities for limited state protections. Stress to Chinese authorities that freedom of religion includes the right to freely adopt and practice religious beliefs, and that China’s limited protections for “normal religious activities” do not meet international standards.
- Stress to the Chinese government that the right to freedom of religion includes, but is not limited to: The right of Buddhists to carry out activities in temples and select monastic teachers independent of state controls over religion; the right of Catholics to recognize the authority of the Holy See in matters relating to the practice of their faith, including to make bishop appointments; the right of Falun Gong practitioners to freely practice Falun Gong inside China; the right of Muslims to engage in preaching, overseas pilgrimage, the selection and training of religious leaders, and the wearing of clothing with religious significance; the right of Protestants to worship 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 Taoists to interpret their teachings and carry

out activities in temples independent of state controls over religion.

- Call for the release of Chinese citizens confined, detained, or imprisoned for peacefully pursuing their religious beliefs, as well as people confined, detained, or imprisoned in connection to their association with those people. Such prisoners include: Bishop Ma Daqin, who has been under extralegal confinement since July 2012 for renouncing his affiliation with the Chinese Catholic Patriotic Association; Bian Xiaohui, daughter of imprisoned Falun Gong practitioner Bian Lichao; Zhang Shaojie, pastor of an officially sanctioned church in Nanle county, Henan province, sentenced to 12 years' imprisonment in connection to a church land dispute with the local government; and other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

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

- Call on China to eliminate criminal and administrative penalties that target religious and spiritual movements, which have been used to punish Chinese citizens for exercising their right to freedom of religion. Specifically, call on China to abolish Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law," and Article 27 of the PRC Public Security Administration Punishment Law, which stipulates detention or fines for organizing or inciting others to engage in "cult" activities and for using "cults" or the "guise of religion" to disturb social order or to harm others' health.

- Encourage U.S. political leaders to visit religious sites in China to raise awareness and promote freedom of religion, in keeping with international human rights standards.

## ETHNIC MINORITY RIGHTS

### *Findings*

- During the Commission's 2015 reporting year, central government officials emphasized the importance of "ethnic unity" and a shared national identity over ethnic identity and religious beliefs. Reports from the past year noted the concern of scholars and others regarding the impact that official policies carried out in the name of "ethnic unity" may have on ethnic minority populations' cultural and religious identities.

- Central and regional officials developed counterterrorism measures that some international observers said increased the possibility of official abuses and human rights violations against ethnic minority groups. For instance, in January 2015, Human Rights Watch stated that the draft of the country's first counterterrorism legislation, made public for consultation in November 2014, would "establish a counterterrorism structure with enormous discretionary powers, [and] define terrorism and terrorist activities so broadly as to easily include peaceful dissent or criticism of the government or the Communist Party's ethnic and religious policies . . . ."
- Inner Mongolia Autonomous Region (IMAR) officials continued to detain and beat Mongol herders who protested against state and private exploitation of their traditional grazing lands and resulting environmental degradation. In addition, authorities reportedly restricted independent reporting on herders' protests and pollution-related grievances by harassing journalists and threatening herders.
- In December 2014, authorities released Mongol rights advocate Hada (who served a 15-year prison sentence, ending in 2010, after pursuing activities to promote Mongols' rights and democracy) from extralegal detention, but froze his bank account and restricted his movements and freedom of speech. Authorities also restricted the movements of Hada's son Uiles.

#### *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. In accordance with the PRC Regional Ethnic Autonomy Law, 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.
- Urge Chinese officials to meet with the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, in addition to other international experts on human rights and security, in order to find ways to ensure security and guard against terrorism without violating the rights of ethnic minority groups.
- 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.
- Call on Chinese officials to refrain from detaining, harassing, and otherwise pressuring journalists seeking to re-



port on herders' protests, herders' pollution-related grievances, or the situation of rights advocates such as Hada in the IMAR.

- Urge Chinese authorities to end restrictions on the freedom of movement and other unlawful restrictions against Hada and his son Uiles. The Universal Declaration of Human Rights grants "everyone . . . the right to freedom of movement and residence within the borders of each state."

## POPULATION CONTROL

### *Findings*

- The PRC Population and Family Planning Law is inconsistent with standards set forth in international agreements, including the 1995 Beijing Declaration and the 1994 Programme of Action of the Cairo International Conference on Population and Development. Controls imposed on Chinese women and their families, and additional abuses engendered by the system, including forced abortion and discriminatory policies against "out-of-plan" children, also violate standards set forth in the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. China is a State Party to these treaties and has committed to upholding their terms.
- In November 2013, the Chinese government announced a slight modification of China's population planning policy, allowing couples to bear a second child if one parent is an only child (*dandu erhai* policy). As of November 2014, all 31 provincial-level jurisdictions in China had amended population and family planning regulations in accordance with the new policy.
- Government statistics revealed the limited impact of the policy revision during its first year of implementation in 2014. The National Health and Family Planning Commission (NHFPC) had predicted that the policy would result in approximately two million additional births per year. As of December 2014, however, roughly 1.07 million out of 11 million eligible couples nationwide (less than 10 percent) had applied to have a second child, and only 470,000 additional children were born in 2014 as a result of the policy, significantly less than the 2 million additional births the NHFPC had predicted.
- Despite looming demographic challenges and calls from domestic and international experts for the cancellation of the one-child policy, NHFPC officials downplayed these concerns and insisted that "currently there are no plans to suspend or further relax the one-child policy." During the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2015, however, Premier Li Keqiang commented that the government was conducting comprehensive reviews of the implementation of the policy revision, fueling speculation that central government authorities were considering further changes to family planning policies.
- This past year, government authorities also took measures to implement reforms to the "reproductive services permit" (*shengyu fuwu zheng*) system, commonly known as the "birth permit" (*zhunsheng zheng*) system. Under the planned reform,

localities are to shift to a “first-child registration” (*yihai dengji*) system, whereby married couples register their first child and obtain a “reproductive services permit” without going through a complicated approval or application process. An approval process, however, is still in place for couples who intend to have a second child, but local family planning authorities are to promote standardization and simplification of that process. As of July 2015, 25 provinces and provincial-level municipalities have implemented the “first-child registration” system.

- Chinese law prohibits official infringement upon the rights and interests of citizens while implementing population planning policies but does not define what constitutes a citizen’s right or interest. Provincial population planning regulations in many provinces explicitly instruct officials to implement abortions for “out-of-plan” pregnancies, often referred to as a “remedial measure” (*bujiu cuoshi*), with no apparent requirement for parents’ consent.

- Chinese government officials continued to implement coercive family planning policies that interfere with and control the reproductive lives of Chinese citizens, especially women. Officials employed various methods to enforce family planning policies and punish violators, including levying heavy fines, withholding social benefits and permits, job termination, forced sterilization, and arbitrary detention.

- Authorities in some localities denied birth permits and household registration (*hukou*) to children whose parents violated local family planning requirements. People who lack *hukou* in China face considerable difficulty accessing social benefits compared to registered citizens.

- The Chinese government’s population planning policies continue to exacerbate the country’s demographic challenges, which include an aging population, diminishing workforce, and sex ratio imbalance.

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

### *Recommendations*

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

- Press Chinese government officials to reevaluate the PRC Population and Family Planning Law and bring it 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.

- Call on China's central and local governments to vigorously enforce provisions of Chinese law that provide for punishment of officials and other individuals who violate the rights of citizens when implementing population planning policies, and to clearly define what these rights entail. Urge the Chinese government to establish penalties, including specific criminal and financial penalties, for officials and individuals found to have committed abuses such as coercive abortion and coercive sterilization.
- Support the development of international cooperation and legal aid and training programs that help citizens pursue compensation under the PRC State Compensation Law and that help citizens pursue other remedies from the government for injuries suffered as a result of official abuse related to China's population planning policies.
- Urge Chinese authorities to heed the recommendations of the UN Committee on the Rights of the Child to "reform family planning policies in order to remove all forms of penalties and practices that deter parents or guardians from registering their children" and "abandon the *hukou* system in order to ensure birth registration for all children."
- In bilateral meetings with Chinese government officials, highlight the looming demographic challenges currently facing China—including a rapidly aging population, shrinking workforce, and sex ratio imbalance. Urge the Chinese government to take the recent policy modification further, abolishing all birth restrictions on families, and instead to employ a human rights-based approach by providing freedom to build their families as they see fit and privacy for all citizens, especially women.
- Publicly link, with supporting evidence, the sex ratio imbalance exacerbated by China's population planning policies with potential regional humanitarian and security concerns—trafficking, crime, increased internal and external migration, and other possible serious social, economic, and political problems—and discuss these issues in bilateral dialogues.
- Urge the Chinese government to take note of South Korea's success in normalizing its sex ratio by aggressively taking concrete steps to elevate the status of daughters and women's rights, particularly in terms of access to education and inheritance, marriage, and property rights.

#### FREEDOM OF RESIDENCE AND MOVEMENT

##### *Findings*

- The Chinese government largely continued to enforce the household registration (*hukou*) system established in 1958. This system limits the right of Chinese citizens to freely determine their place of residence. The *hukou* system classifies Chinese citizens as either rural or urban and confers legal rights and access to social services based on that classification. The implementation of *hukou* regulations discriminates against rural *hukou* holders, including those who migrate to urban areas, by denying them equal access to social benefits and pub-

lic services enjoyed by registered urban residents. The *hukou* system conflicts with international human rights standards guaranteeing freedom to choose one's residence and prohibiting discrimination on the basis of "national or social origin[,] . . . birth or other status."

- The Chinese central government took steps toward establishing a nationwide system of residence permits that would, in theory, give migrants and their families the same resident status as local residents after meeting certain criteria, affording them greater access to public benefits. The State Council released draft measures for residence permit systems in December 2014, setting the conditions migrants must meet in order to apply for local resident status. These conditions vary depending on the size of the locality, with larger cities allowed to retain heavier restrictions on migrants. The conditions include requirements on length of residence, employment, and educational attainment, among others, some of which are reportedly difficult for many migrant workers to meet.

- *Hukou* system reforms in the past year did not remove the link between resident status and the provision of social benefits, including public education, health care, public housing, and pensions. Local governments reportedly sought to restrict migrants in part to avoid the financial pressure of providing these benefits.

- Chinese authorities continued to deny Chinese citizens who criticize the government their internationally recognized right to leave the country. Uyghurs and Tibetans continued to face substantial restrictions on leaving China, including in obtaining passports. The Chinese government continued to deny the right to enter China to those expressing views the government perceives as threatening, in violation of international standards.

- Chinese authorities continued to violate the internationally recognized right which provides that "[e]veryone lawfully within the territory of a State shall . . . have the right to liberty of movement . . . ." As the Commission has observed in previous years, authorities heightened restrictions on freedom of movement during politically sensitive periods. Prominent cases of Chinese citizens suffering restrictions on their freedom of movement included rights lawyer Gao Zhisheng, whom authorities held in extralegal detention, even after his release from prison, and prevented from leaving China to join his family; and Mongol rights advocate Hada, whom authorities prevented from leaving Hohhot municipality, Inner Mongolia Autonomous Region, to seek medical treatment abroad for injuries suffered under torture in prison.

#### *Recommendations*

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

- Call on Chinese authorities to accelerate reforms to the *hukou* system, focusing on fully opening migration to major cities where migrants can more easily seek economic opportunity;

relaxing conditions on obtaining local resident status to allow migrant workers and their families to more easily access public benefits and services; and implementing laws and regulations to provide equal treatment to all Chinese citizens, regardless of place of birth or residence.

- Support programs, organizations, and exchanges with Chinese policymakers and academic institutions engaged in research and outreach to migrants, in order to advance legal assistance and anti-discrimination programs for migrants and their families and encourage policy debates on the *hukou* system.

- Emphasize in meetings with Chinese government officials that the Chinese government's noncompliance with international standards on freedom of movement and travel negatively affects confidence in the Chinese government's commitment to broader international standards. Call on the Chinese central government to combat local authorities' arbitrary and discriminatory restrictions on the ability of Uyghurs and Tibetans in particular to move freely inside China. Urge the Chinese central government to apply uniform passport application procedures nationwide and to end discriminatory passport application procedures in areas with significant Uyghur and Tibetan populations.

- Raise specifically Chinese authorities' restrictions on the freedom of movement and the right to leave the country of rights defenders, advocates, government critics, and their families and associates, including, among others: Gao Zhisheng, a prominent rights lawyer; Mongol rights advocate Hada; HIV/AIDS activist Wang Qiuyun; rights lawyer Sui Muqing; and Bao Zhuoxuan, 16-year-old son of detained lawyers Wang Yu and Bao Longjun.

## STATUS OF WOMEN

### *Findings*

- For the first time, mainland Chinese non-governmental organizations (NGOs) submitted reports to the UN Committee on the Elimination of Discrimination against Women (Committee) for its October 2014 review of China's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Chinese government reportedly did not allow domestic NGOs to submit reports for prior Committee reviews. The government reportedly censored some of the groups' reports, however, and prevented at least two women from participating in international women's rights forums, including the CEDAW review.

- On March 6 and 7, 2015, police detained 10 women in three major Chinese cities who planned to raise awareness of sexual harassment on public transportation by distributing stickers and pamphlets on March 8, International Women's Day. After five of the women were released, police from Beijing municipality criminally detained the remaining five on suspicion of "picking quarrels and provoking trouble." Authorities released the five women on bail after 37 days, and their freedom re-

mained curtailed. While observers noted surprise at the detentions—the government had previously tolerated some advocacy on women’s issues—they also viewed the detentions as part of a broader crackdown on civil society.

- Women’s labor force participation is relatively high, but women continue to face discrimination in hiring, a growing pay gap, and underrepresentation in management positions. During the Commission’s 2015 reporting year, Chinese courts heard at least two lawsuits for gender-based discrimination in hiring. Domestic and international media also reported cases of employers pressuring women to sign “no pregnancy” agreements as part of employment contracts and pushing pregnant women to resign in order to avoid paying maternity benefits.
- In November 2014, the State Council issued a draft PRC Anti-Domestic Violence Law for public comment, following over a decade of advocacy both within government and by civil society. Chinese domestic violence experts and women’s rights advocates described the draft law as “significant” and a “milestone.” Many advocates and lawyers recommended expanding the law’s definition of domestic violence and removing a requirement that restraining orders must be part of a civil suit. The National People’s Congress Standing Committee issued a revised draft in September 2015 that no longer linked restraining orders to civil suits but removed psychological abuse from the definition of domestic violence.
- In April 2015, the Sichuan Province High People’s Court issued a suspended death sentence in the high-profile retrial of Li Yan, who killed her husband in 2010 after enduring months of spousal abuse. Li is now unlikely to face execution, but many Chinese advocates still expressed disappointment with the severity of the sentence.
- This past year, Chinese and international NGOs and the UN Committee to Eliminate Violence against Women voiced concern over arbitrary detention and violence against women in “black jails” and “custody and education” facilities.

#### *Recommendations*

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

- Publicly and privately urge the Chinese government to drop all charges against the five women’s rights advocates whom authorities criminally detained prior to International Women’s Day on March 6 and 7, 2015.
- Support Chinese civil society groups and exchanges among Chinese and international non-governmental organizations (NGOs) that focus on securing Chinese women’s land and property rights, increasing women’s political participation, and combating violence against women, sexual harassment, and gender-based employment discrimination.
- Facilitate and support legal training for and domestic and international exchanges among judges, lawyers, anti-domestic violence advocates, law enforcement, and the government-affiliated All-China Women’s Federation in order to share ideas and

best practices for implementing, if passed, the PRC Anti-Domestic Violence Law, specifically with regard to police intervention techniques, the issuing of restraining orders, and the handling of domestic violence cases in the courts.

- Encourage and facilitate international dialogues to discuss the complex cultural and political factors that create sex ratio imbalances in China and elsewhere, with the goal of reversing such imbalances and raising the status of women.
- Support international exchanges among policymakers, legal advocates, academics, NGOs, and the private sector that focus on gender-based employment and education discrimination and sexual harassment in the workplace.

## HUMAN TRAFFICKING

### *Findings*

- China remains a country of origin and destination for the trafficking of men, women, and children for the purposes of forced labor, sexual exploitation, and forced marriage. Many groups remain at risk, including migrant workers and their children, people with disabilities, North Korean refugees in China, and Uyghurs fleeing China through Southeast Asia.
- Chinese and Southeast Asian governments, non-governmental organizations (NGOs), and the United Nations report that cross-border trafficking for forced marriage and sexual exploitation appears to be increasing. During the Commission's 2015 reporting year, reports emerged of Burmese, Cambodian, and Vietnamese women being trafficked into China for forced marriage.
- China's ongoing human trafficking problem stems from a variety of factors, including domestic socio-economic factors and poverty and regional instability. China's sex ratio imbalance—exacerbated by government-imposed birth limits and in keeping with a traditional bias toward sons—has created a demand for marriageable women and may contribute to human trafficking for forced marriage and sexual exploitation.
- In August 2015, the National People's Congress Standing Committee issued the Ninth Amendment to the PRC Criminal Law, effective November 1, 2015, that included a change to Article 241. Based on the current version of Article 241, buyers of trafficked women and children can avoid criminal liability if they have not harmed or prevented authorities from rescuing the victim. The amended law provides that buyers face criminal liability, although they may still receive a lighter or reduced punishment.
- Following the abolition of reeducation through labor (RTL) in 2013, authorities have reportedly continued the use of other forms of administrative detention, including “custody and education” facilities and compulsory drug detoxification centers, where detainees perform forced labor. At a press conference in November 2014, the vice minister of China's Ministry of Justice said that the “vast majority” of China's RTL facilities had been converted to compulsory drug detoxification centers.

- The PRC Criminal Law prohibits trafficking, but China's domestic legislation remains inconsistent with standards set forth in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. For example, the current definition of trafficking under Chinese law does not clearly cover offenses against male victims, and conflates illegal adoptions with human trafficking.
- Hong Kong is a transit point and destination for human trafficking. Migrant domestic workers in Hong Kong are particularly vulnerable to exploitation and abuse. The UN Committee on the Elimination of Discrimination against Women and domestic and international NGOs expressed concern that Hong Kong's laws do not adequately address human trafficking, as the definition of human trafficking in Hong Kong's Crimes Ordinance covers only the transboundary movement of persons "for the purpose of prostitution," not forced labor.

#### *Recommendations*

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

- Incorporate language into bilateral and multilateral trade and investment agreements requiring member countries to take concrete steps toward eliminating human trafficking and the use of forced labor within their borders.
- Support and 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 exchanges and training programs for police departments in mainland China and Hong Kong that focus on best practices for identifying and assisting trafficking victims; pursue cooperation on anti-trafficking efforts through the U.S.-China Joint Liaison Group on Law Enforcement Cooperation; and provide support to non-governmental organizations working on anti-human trafficking education and victims' services both in China and throughout Asia.
- Encourage and engage in continued regional cooperation to combat human trafficking through multilateral agreements and meetings such as the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT), Asia-Pacific Economic Cooperation (APEC), and the East Asia Summit.
- Urge the Chinese government to abide by its commitments under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and to bring anti-trafficking legislation into alignment with international standards, specifically with regard to China's legal definition of human trafficking.

#### NORTH KOREAN REFUGEES IN CHINA

##### *Findings*

- Throughout the Commission's 2015 reporting year, the Chinese government continued to detain and repatriate North Ko-



rean refugees to the Democratic People's Republic of Korea (DPRK), in violation of its obligations under international human rights and refugee law.

- Heightened security and instability along the China-North Korea and China-Southeast Asia borders increased the dangers for North Korean refugees fleeing the DPRK. The number of refugees who reached South Korea decreased from 1,514 in 2013 to 1,397 in 2014, reflecting a trend that has seen a significant drop in the number of refugees entering South Korea since 2011.
- North Korean women who enter China illegally remain particularly vulnerable to human trafficking. Estimates suggest between 70 and 90 percent of them become victims of human trafficking for the purposes of forced marriage or 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, contravening China's obligations under international law, including the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights.

#### *Recommendations*

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

- Use public sanctions against Chinese government agencies and individuals involved in the repatriation of North Korean refugees, and press for increased international monitoring of and accountability for China's treatment of refugees.
- Call on the Chinese government to allow the United Nations High Commissioner for Refugees unhindered access to North Korean refugees residing in China.
- Raise China's treatment of North Korean refugees in bilateral dialogues with China, and in ongoing discussions with China and other nations on denuclearization of the Korean Peninsula.
- Urge Chinese officials to abide by their obligations under international law, including the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Convention on the Elimination of All Forms of Discrimination against Women, to prosecute human traffickers operating in China and along the China-North Korea border.
- Urge Chinese officials 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.

## PUBLIC HEALTH

*Findings*

- The prevalence of infectious disease continued to be a public health concern in China, yet increasing rates of non-communicable diseases, such as diabetes, chronic kidney disease, and mental health conditions, pose challenges to Chinese policy-makers and government officials.
- Although the Chinese government announced it would cease harvesting organs from executed prisoners for organ transplantation and move to a voluntary donation system on January 1, 2015, international medical professionals and human rights organizations remained highly skeptical of the “voluntary” nature of a system that allows death row prisoners to donate.
- Human rights organizations reported that Chinese authorities continued to forcibly commit individuals without mental illness, including those with “grievances against officials” and “government critics,” to psychiatric facilities, even though provisions in the PRC Mental Health Law (MHL) prohibit such abuses. Involuntary commitment admissions and discharge procedures in the MHL do not fully comply with international legal standards.
- On a positive note, the Chinese government at central and local levels made efforts to strengthen implementation of the MHL. In November 2014, Shanghai municipality updated mental health regulations from 2001, thus issuing the first local mental health regulations since the MHL took effect in 2013.
- During the Commission’s 2015 reporting year, the Chinese government and Communist Party harassed non-governmental organizations (NGOs) and individuals engaged in public health advocacy. In March 2015, public security officials from Beijing municipality raided the Beijing Yirenping Center, an anti-discrimination public health group.
- The Chinese government and media outlets reported on cases of employment discrimination against persons with health-based conditions, in spite of provisions in national laws and regulations that prohibit such discrimination. Physical eligibility requirements continued to be a basis for denying employment to persons with HIV/AIDS and other health conditions.

*Recommendations*

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

- Urge the Chinese government to put in place mechanisms to strengthen legislation, regulation, and oversight of organ donation and transplantation activities.
- Call on the Chinese government to strengthen implementation of the PRC Mental Health Law (MHL) and stop forcibly committing petitioners and others without mental illness to psychiatric facilities. Urge the Chinese government to establish an independent panel made up of legal and medical professionals from both within and outside of the government to

monitor and report on implementation of the MHL, particularly in the use of involuntary commitment and treatment, and in accessing legal remedies in the courts.

- Call on the Chinese government to cease harassing NGOs and individuals who advocate for greater rights protections for individuals with health conditions mentioned in this report and in the Commission's Political Prisoner Database.

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

## THE ENVIRONMENT

### *Findings*

- During the Commission's 2015 reporting year, reports noted widespread and severe environmental challenges confronting China, as well as the potential effects of pollution on citizens' health. Environmental authorities acknowledged that relocation of polluting enterprises to less developed areas—known as dirty migration—and inadequate environmental protection in rural villages remain problematic, leaving rural residents more vulnerable to the effects of pollution.

- Amid serious environmental challenges, Chinese citizens have become more environmentally aware and concerned about pollution. In 2015, over 200 million viewers watched an online documentary on air pollution, "Under the Dome," by Chinese journalist Chai Jing.

- In response to rising awareness, central authorities have promoted the "healthy development" and standardization of public participation in environmental affairs. Channels of participation, however, are underdeveloped.

- During this reporting year, authorities in some locations attempted to silence environmental advocates. In one example, local authorities continued to monitor, restrict the movements of, and interfere with the livelihood of environmentalist Wu Lihong, a long-term advocate of cleaning up pollution in Lake Tai in Jiangsu province.

- The number of environmental protests has increased annually by 29 percent on average since 1996, and pollution problems remain among the primary triggers of environmentally focused mass incidents. Throughout this reporting year, many citizen anti-pollution protests in multiple provinces and autonomous regions were marked by censorship and ended in violent suppression by authorities. During many of these protests, authorities detained individuals, but the status of most of these individuals remained unclear as of August 2015.

- Reports highlighted China's progress in building an environmental court system. As of March 2015, there were 382 envi-

ronmental courts of various types. The number of environment and natural resources offenses and civil lawsuits adjudicated nationwide reportedly increased in 2014 compared to 2013. In general, however, the trend has been that courts hear a low number of environmental cases.

- News reports also highlighted problems affecting environmental litigation processes and barriers to utilizing the courts to resolve environmental grievances, including local government interference and official pressure on citizens not to file environmental lawsuits.

- Authorities continued to establish a legal framework to make it easier for environmental organizations to file environmental public interest lawsuits under certain circumstances. Despite this progress, reports noted that the number of such lawsuits in the courts has not met expectations and that numerous challenges to environmental public interest litigation remain. For example, relatively few environmental non-governmental organizations (NGOs) have the capacity or willingness to file such lawsuits.

- The Chinese Communist Party signaled its support for strengthening rule of law and legal enforcement in the environmental sector within the context of concerns over social stability and building an “ecological civilization” as part of achieving the “Chinese dream.” Some sources noted positive developments in enforcement of environmental laws, but overall, enforcement remains lax. Official accountability mechanisms remained underdeveloped and implementation problems persisted, hindering the development of the rule of law in the sector. In addition, corruption remained a problem within the environmental protection apparatus and noncompliance with environmental laws and regulations remained common.

- Throughout this reporting year, central authorities continued to build China’s environmental regulatory framework, but gaps remain. In addition, Chinese media highlighted new measures intended to improve government transparency in the environmental sector, but official censorship persisted and citizens continued to face obstacles in accessing environmental information from government agencies.

### *Recommendations*

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

- Continue U.S.-China technical and legal collaboration in the environmental protection sector, including the U.S.-China EcoPartnership projects and the U.S.-China Ten-Year Framework for Cooperation on Energy and Environment. Add collaborative programs focusing on improving transparency, reducing soil contamination, and improving government accountability, as well as programs to address environmental health issues and promote environmental justice. Encourage collaborative programs that include participation by independent Chinese environmental NGOs. Support efforts to assist China in training judges to handle environmental court cases.

- Urge Chinese authorities to fully implement provisions providing for public participation in environmental policy and project decisions. Support programs intended to improve the scientific, technical, legal, and operational capacity of Chinese environmental NGOs, including programs that assist NGOs in taking full advantage of opportunities to file environmental public interest lawsuits and submit open government information requests.
- Support efforts by Chinese and U.S. groups working to expand awareness of citizens' environmental rights in China and the protection of those rights. Include environmental law and transparency issues in the bilateral human rights and legal expert dialogues. Include discussion of human rights dimensions of climate change in the U.S.-China Climate Change Working Group.
- Support programs that improve environmental information disclosure in China. Share U.S. Government experiences with the Toxics Release Inventory Program and other U.S. programs that seek to provide more environmental transparency. Continue U.S. Government engagement with relevant individuals and organizations in developing China's capacity to reliably measure, report, publicize, and verify carbon emissions reduction strategies and techniques. In future U.S.-China Strategic and Economic Dialogue meetings, expand upon previous discussions regarding environmental transparency and greenhouse gas data reliability and transparency.

#### CIVIL SOCIETY

##### *Findings*

- During the Commission's 2015 reporting year, the Chinese central government narrowed the already restricted space within which non-governmental organizations (NGOs) are allowed to work. Authorities targeted some NGOs and their staff throughout the past year, including Liren Rural Library, the Transition Institute, and the Beijing Yirenping Center. Liren and Transition Institute closed, and current or former employees from all three NGOs were detained.
- The government's crackdown on NGOs and civil society networks has intensified, reportedly making the climate for civil society one of the worst in recent years. The international human rights NGO Chinese Human Rights Defenders reported that in 2014 authorities arbitrarily detained nearly as many rights defenders as in 2012 and 2013 combined.
- The regulatory environment for independent Chinese NGOs continues to be challenging for NGOs to navigate. Since the Chinese government restricts the growth of civil society organizations, independent NGOs are often forced to remain unregistered or to register as businesses, leaving them at risk of prosecution. In May 2015, Chinese Communist Party authorities reportedly decided to strengthen requirements to establish Party groups "in social, economic and cultural organizations." An international law expert observed that authorities encouraged NGOs to form internal Party groups in previous Party-

building efforts, but under a new directive, such Party groups are mandatory.

- In December 2014, the Ministry of Finance and other government agencies issued interim measures on government service procurement. The measures predicate funding on an organization's registration status and allow quasi-governmental organizations to compete for service bids. Chinese commentators observed that the participation of quasi-governmental organizations may exclude independent NGOs.

- International media and Chinese scholarly estimates of unregistered NGOs ranged from 1.2 million to 8 million, yet few met the criteria of being "voluntary, private, non-profit, and self-governing." In a 2014 report, one Chinese NGO counted 6,000 to 7,000 "weak and scattered" grassroots NGOs. A 2014 study reportedly found that the number of independent NGOs shrank over the last seven years, attributing the decrease to the difficulty of obtaining funding.

- The Chinese government has not released draft revisions, originally slated for 2013, to three regulations that Chinese officials say are key to the current legal framework for NGOs. In March 2015, a National People's Congress deputy requested that the government finish revising the regulations soon, saying that NGOs "have operated de facto without laws" since 2013.

- In May 2015, the National People's Congress Standing Committee issued the second draft of the PRC Overseas NGO Management Law. International human rights groups and Chinese observers asserted that the potential loss of international funding under the law is likely to set back independent Chinese NGOs, especially those engaged in rights advocacy. Scholars and advocates warned that universities and other organizations could face significant hurdles in conducting activities in China. Dozens of U.S. trade and lobby groups predicted that the draft law, if passed in its current form, would "have a significant adverse impact on the future of U.S.-China relations."

### *Recommendations*

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

- Urge the Chinese government to hasten the enactment or revision of legal provisions pertaining to civil society that are consistent with China's Constitution as well as China's international obligations. Urge China to ratify the International Covenant on Civil and Political Rights (ICCPR). Urge the Chinese government to revise the draft PRC Overseas NGO Management Law, the draft PRC Counterterrorism Law, the PRC Counterespionage Law, and the PRC National Security Law to reflect the principles of the ICCPR.

- Call on the Chinese government to release detained civil society advocates and cease harassment of NGOs. Integrate civil society needs and issues into bilateral discussions and policies, including U.S. Government programs in China, such as aid to civil society groups and legal exchanges.

- Take measures to facilitate the participation of Chinese civil society and NGO advocates in relevant international conferences and forums, and support international training to build their leadership capacity in non-profit management and best practices, public policy advocacy, strategic planning, and media relations.
- Encourage the Chinese government to establish a fair and transparent framework for implementation and regulation of government procurement of social services from NGOs. Where appropriate, support civil society leaders and advocates in visiting other WTO Agreement on Government Procurement signatories to observe government procurement of services from NGOs.

#### INSTITUTIONS OF DEMOCRATIC GOVERNANCE

##### *Findings*

- During the Commission’s 2015 reporting year, the Chinese Communist Party sought to strengthen its control over politics and society in order to maintain its rule in China’s authoritarian political system. Central Party leaders stressed the objective of enhancing Party leadership over non-governmental organizations, businesses, government agencies, and judicial and legislative institutions. The Party reportedly aims to “incentivize specific behaviors” by individuals and groups through a new “social credit” system which some observers have likened to a proxy for the legal system or labeled as another method of social control. Party authorities expressed the intention to use the law as a tool to impose the Party’s will.
- Sources documented a “hardening” of political discourse and a tightening of ideological control, including an emphasis on “ideological security.” Authorities issued edicts calling for enforcement of prescribed Party ideological norms in academia and requiring that “Western-inspired liberal ideas” be purged from universities. Reports noted an upswing in blaming overseas forces for China’s domestic problems and demonizing the West. The new PRC National Security Law included “cultural security” as a component of national security and calls for resistance to the penetration of negative perspectives, such as Western values that may be antagonistic to Chinese “core values.”
- Sources asserted that human rights abuses in China reportedly were “at their worst since 1989.” Chinese authorities continued to harass, detain, and impose prison sentences on democracy advocates who exercised their rights to the freedoms of speech, assembly, association, and demonstration, including individuals who advocated for democracy in Hong Kong. Some representative cases of detained democracy advocates include Zhao Haitong, Chen Shuqing, Yao Lifa, and Shen Yongping.
- In the lead-up to the 26th anniversary of the 1989 Tiananmen protests and their violent suppression, authorities questioned or held in custody, criminally detained, sent on forced “vacation,” or harassed individuals, including Chen Yunfei, for holding memorial events for victims. Authorities

also pursued cases against people first detained in 2014, including Pu Zhiqiang, Tang Jingling, Yu Shiwen, and Chen Wei.

- During the reporting year, Chinese authorities did not undertake any significant democratic political reforms. Authorities pledged, however, to improve existing “socialist political democratic consultative processes” in order to strengthen Party leadership. Central leaders also issued policies promoting government “administration according to law,” emphasizing the goals of strengthening legal enforcement, improving the organization of government, and bolstering administrative procedural systems of law. Authorities called for the establishment of top-down systems whereby leaders and other responsible parties will “assume lifelong accountability for major policy decisions.”

- During this reporting period, Chinese leaders continued to encourage elections at local levels, but news reports highlighted problems with local village committee elections in some locations, including interference from officials, irregular election procedures, silencing of candidates or election winners, and physical violence. Chinese political institutions remain out of compliance with the standards defined in Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed and declared an intention to ratify. Chinese political institutions also remain out of compliance with the standards set forth in Article 21 of the Universal Declaration of Human Rights.

- Chinese authorities reiterated previous pledges to improve “open government affairs” (proactive government transparency), but transparency and access to government data are still lacking. Government implementation of the 2008 Open Government Information Regulations remains problematic.

- Widespread corruption continued to be a serious challenge facing China. During the reporting year, central authorities expanded and reorganized anticorruption institutions and clarified the rights of informants who provide tips on suspected corruption. Chinese leaders’ wide-reaching anticorruption campaign continued snaring “tigers” and “flies” (high- and low-level officials) including Zhou Yongkang, a former member of the Standing Committee of the Political Bureau of the Communist Party Central Committee and head of the Party Central Committee Political and Legal Affairs Commission, whom a Tianjin municipality court sentenced to life imprisonment in a closed trial.

- Despite the seriousness of anticorruption efforts at the central level, preventing corruption remains challenging. Questions regarding the political motives behind those chosen for investigations, and accounts of torture and unnatural deaths and “suicides” of officials continued to surface. In addition, some officials continued to suppress anticorruption advocates.

### *Recommendations*

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



- Support U.S. research programs that seek to document and analyze the governing institutions and ideological campaigns of the Chinese Communist Party, as well as its influence over companies, government agencies, and legislative, judicial, and non-governmental institutions.
- Employ a whole-of-government approach to encourage Chinese authorities to improve China's human rights record, ratify the ICCPR, and release individuals detained or imprisoned for exercising their rights to the freedoms of speech, association, and assembly. Those political prisoners may include those who sought to hold memorials for victims of the violent suppression of the 1989 Tiananmen protests, those who have advocated for democratic reforms, those supporting universal suffrage in Hong Kong, those engaged in anticorruption advocacy, or other prisoners of conscience mentioned in this report and in the Commission's Political Prisoner Database.
- Support joint U.S.-China cooperative programs to develop independent village committee and people's congress election monitoring systems and encourage central and local Party and government leaders to implement free and fair elections across China. Continue to support democracy promotion and rule of law programs that are adapted to China.
- Support organizations working in China that seek to work with local Chinese governments and non-governmental organizations to improve transparency, especially efforts to expand and improve China's government information disclosure initiatives. Urge Chinese officials to further increase the transparency of Party affairs.
- Call on the Chinese government to expand upon planned systems of government accountability to include procedures whereby citizens may hold their officials accountable. Urge Chinese officials to strengthen and expand protections for corruption informants, investigate irregularities associated with corruption-related detentions, and release detained anticorruption advocates.

## COMMERCIAL RULE OF LAW

### *Findings*

- In December 2001, China acceded to the World Trade Organization (WTO), yet the Chinese government continued to fail to meet many of its WTO commitments regarding transparency and rule of law, such as reducing subsidies and preferential treatment to state-owned enterprises (SOEs). During the Commission's 2015 reporting year, negotiations for a Bilateral Investment Treaty (BIT) between China and the United States continued. According to both countries, BIT principles should include non-discrimination, fairness, openness, and transparency. Developments during this reporting year, moreover, highlighted significant concerns regarding China's discrimination against foreign companies, unfair enforcement, censorship, and problems with a lack of transparency.
- Developments during this reporting year raised concerns about the Chinese government's commitment to market-based

reforms. State-owned enterprises (SOEs) continued to play a major role in China's economy. In the 2015 Fortune Global 500 list, 76 of 98 Chinese companies included were SOEs. In July and August 2015, the Chinese government made unprecedented interventions in the stock market, and on August 11, 2015, the Chinese government devalued the yuan by 1.9 percent, the largest one-day depreciation in over 20 years.

- Challenging China on its failure to comply with its WTO commitments remained difficult. In February 2015, the Office of the U.S. Trade Representative (USTR) formally initiated a dispute against China for the first time since September 2012, challenging Chinese export subsidies that are part of the "Demonstration Bases-Common Service Platform." In July 2015, a WTO compliance report found that China's import duties on high-tech U.S. steel were inconsistent with China's WTO commitments. China had first imposed duties in April 2010. According to USTR, these duties contributed to more than US\$250 million in annual export losses. In 2014, the U.S. trade deficit in goods with China set a record of US\$342.6 billion, an increase of US\$23.9 billion from 2013. In the 12-month period from July 2014 through June 2015, U.S. goods exports to China decreased by US\$4.2 billion compared to the previous 12-month period.

- The Chinese government continued to censor the Internet in a manner that negatively affected U.S. businesses and violated China's WTO commitments. Accessing accurate information on the economy and commercial companies remained challenging. The U.S. Securities and Exchange Commission and the Public Company Accounting Oversight Board reportedly had difficulties obtaining audit documents for China-based companies listed on U.S. stock exchanges. As of October 2014, there were reportedly 548 China-based companies traded on U.S. capital markets. In September 2014, the Chinese e-commerce company Alibaba raised US\$25 billion on the New York Stock Exchange in the largest initial public offering in history. In April 2015, American geologist Xue Feng, whom authorities detained in 2007 on charges related to the purchase of a commercial database, was released from a prison in Beijing municipality.

- U.S. companies in China expressed concerns about government discrimination against foreign companies and targeted enforcement of vague and unwritten rules. In February 2015, Chinese authorities fined U.S.-based chip manufacturer Qualcomm nearly US\$1 billion and placed restrictions on its operations in China for alleged anticompetitive activities. In September 2014, Chinese authorities fined GlaxoSmithKline nearly US\$500 million for bribery-related charges.

- In May 2015, the Chinese government published a second draft of the PRC Overseas Non-Governmental Organizations (NGO) Management Law that may restrict foreign industry groups and civil society organizations from operating in China. Forty-five U.S. business groups reportedly submitted comments on the draft law and recommended revisions, stating that non-profits play an "integral part" in their operations.

- In March 2015, the National Development and Reform Commission and the Ministry of Commerce jointly released a revised Foreign Investment Catalogue. The National People's Congress also published draft revisions to the PRC Foreign Investment Law that would change the treatment of Variable-Interest Entities. During this reporting year, the State Council also announced plans to establish three new free trade zones. In July 2015, the National People's Congress passed a new PRC National Security Law, which may negatively impact foreign investment in China.
- Intellectual property theft and economic espionage, including cyber espionage, originating in China remained a significant concern. In 2014, 88 percent of counterfeit goods seized by U.S. Customs and Border Protection were from China (63 percent) and Hong Kong (25 percent). In May 2015, the U.S. Department of Justice announced the indictment of six Chinese nationals, including three Tianjin University professors, for charges including economic espionage and theft of trade secrets that may benefit Chinese government-controlled companies and universities. In July 2015, the U.S. Federal Bureau of Investigation reported a 53-percent increase in economic espionage cases under investigation from the past year, and reported that its survey had found 95 percent of victim companies suspected that the perpetrators were associated with the Chinese government. During this reporting year, China opened new intellectual property courts in Beijing and Shanghai municipalities, and Guangzhou municipality in Guangdong province.
- In April 2015, 57 countries, including the United Kingdom, Germany, and France, were approved as founding members of the Asian Infrastructure Investment Bank. During this reporting year, the Chinese government also announced additional details for the New Development Bank with Brazil, Russia, India, and South Africa; the Silk Road Economic Belt; and the maritime Silk Road.
- Food and drugs from China continued to be an issue of concern in the United States. U.S. officials had difficulty obtaining visas for inspections in China, and foreign companies expressed concerns over administrative enforcement actions and libel by Chinese companies. In April 2015, the National People's Congress revised the PRC Food Safety Law and the PRC Advertising Law.

#### *Recommendations*

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

- Require and urge the Chinese government, during Bilateral Investment Treaty (BIT) negotiations and other forums, to stop blocking access to U.S. media and technology companies in China, including the New York Times, Bloomberg News, Google, Facebook, and Dropbox. The Office of the U.S. Trade Representative should ensure that protection for investing in

news agency services and online media and funding of trade associations and non-profits in China is included in the BIT.

- Take further action in the WTO to ensure that China fulfills its transparency obligations and eliminates subsidies for Chinese state-owned enterprises (SOEs). Request up-to-date and complete notification of Chinese national and provincial subsidies that benefit SOEs and discriminate against U.S. investment.

- Study ways to respond to China's increased funding of international investment projects. The United States should consider approving the December 2010 International Monetary Fund (IMF) reform measures to increase IMF funding and representation of emerging economies.

- Provide additional support to U.S. companies facing administrative enforcement actions in China and litigating significant intellectual property cases, including AMSC in its trade secrets litigation against Sinovel involving over US\$450 million in damages.

- Increase reporting on intellectual property theft and cyber espionage from China. The U.S. Department of Justice should consider reporting intellectual property cases involving Chinese companies and Chinese nationals on an annual basis. The Director of National Intelligence should consider assessing and reporting on the vulnerability of U.S. telecommunications networks to cyber espionage due to foreign suppliers of information technology equipment, software, and services.

- The U.S. Securities and Exchange Commission should require full access to corporate documents for Chinese companies listed on U.S. stock exchanges, and should raise improvements in corporate transparency in discussions with Chinese officials.

- Press for U.S. Government food and drug safety inspection officials to obtain visas and conduct unannounced inspections of Chinese facilities that are exporting goods and products to the United States.

## ACCESS TO JUSTICE

### *Findings*

- In October 2014, at the Fourth Plenum of the 18th Party Congress Central Committee, central Party authorities announced a number of reforms under the slogan of “advancing governance of the country according to law.” Despite the Chinese government and Communist Party’s emphasis on the importance of the legal system, the Commission observed a persistent gap between the rhetoric regarding the importance of laws and the actual ability of citizens to use the legal system to protect their rights.

- In February 2015, the Supreme People’s Court (SPC) released its fourth five-year reform plan. The plan called for establishing mechanisms to prevent interference in judicial activities, but articles in state- and Party-run Chinese media emphasized that the Chinese government was not adopting a model of judicial independence based on the United States or other Western nations.

- Despite Party statements on the importance of China's Constitution and the Chinese government's declaration that "Constitution Day" would be commemorated on December 4, the ability of citizens to invoke China's Constitution as a basis for challenging government actions remains limited.
- In March 2015, the SPC issued a white paper on judicial transparency that called for greater access to trials, increased use of electronic filing systems, and expanded access to case decisions. The SPC released its 10th batch of "guiding cases" in April 2015 and in June 2015 issued rules specifying how judges should refer to guiding cases in subsequent cases.
- On May 1, 2015, the first-ever amendment to the PRC Administrative Litigation Law took effect. Application of the law that was initially enacted 25 years ago was hindered by common barriers referred to as the "three difficulties" (*san nan*): difficulties in filing cases, trying cases, and enforcing judgments. The Commission has not observed statistics establishing whether the revised law has begun to address long-standing obstacles to administrative cases.
- The basic legal framework for the petitioning system—the 2005 Regulations on Letters and Visits—remained unchanged during the 2015 reporting year. The Ministry of Justice, however, issued new measures on how judicial and administrative agencies should handle petitions, and the State Bureau for Letters and Visits announced plans to consider drafting a petitioning law.
- Citizens who engaged in causes that the government and Party deemed politically sensitive continued to face reprisals, as did the lawyers who represented people seeking justice. Individual cases of concern during the 2015 reporting year included lawyers Pu Zhiqiang, Qu Zhenhong, Xia Lin, Tang Jingling, and Yu Wensheng.
- Beginning on July 9, 2015, Chinese authorities took into custody more than 200 lawyers and rights advocates within a 48-hour time period in what appeared to be a nationwide, coordinated move against human rights lawyers. Some of the cases of concern from the crackdown are shown in the following table. Additional details from these cases and others related to the crackdown are available in the Commission's Political Prisoner Database.

## JULY 2015 CRACKDOWN: CASES OF CONCERN

Name and PPD Record No.	Case Summary (as of September 11, 2015)
<p>Wang Yu 2015-00252</p> 	<p>On July 9, 2015, public security officials in Beijing municipality took into custody 44-year-old lawyer Wang Yu. Authorities reportedly moved Wang to Tianjin municipality and detained her on suspicion of “picking quarrels and provoking trouble” and “inciting subversion of state power.” Wang worked at the Beijing Fengrui Law Firm and had represented several high-profile legal cases, including activist Cao Shunli, Uyghur scholar Ilham Tohti, and Falun Gong practitioners from Jiansanjiang, Heilongjiang province. Authorities also detained Wang’s husband, lawyer Bao Longjun, and the couple’s 16-year-old son as the two were preparing to fly to Australia where their son was to attend school. Authorities reportedly held Bao Longjun in Tianjin on suspicion of the same charges as Wang.</p>
<p>Zhou Shifeng 2015-00272</p> 	<p>On July 10, 2015, public security officials in Beijing municipality took into custody 51-year-old lawyer Zhou Shifeng following his visit on July 9 to the Tongzhou District PSB Detention Center to meet his newly released client Zhang Miao, a news assistant to the German weekly Die Zeit, who had been held in detention for nine months. Authorities held Zhou at an unknown location on unknown charges and his lawyers were unable to meet with him. Zhou worked as director of the Beijing Fengrui Law Firm and had represented writer Huang Zerong (known as Tie Liu) and worked with activist Wu Gan (known as Tu Fu). Zhou reportedly established a legal fund to help families of persecuted Chinese lawyers.</p>
<p>Li Heping 2015-00284</p> 	<p>On July 10, 2015, individuals identifying themselves as Tianjin municipality public security officials detained 43-year-old lawyer Li Heping in Beijing municipality. On August 3, Li’s wife filed a defamation lawsuit against nine Chinese news agencies for depicting her husband as a criminal. On August 6, Beijing officials reportedly summoned Li’s wife for hours of questioning. Li worked at the Globe-Law Law Firm in Beijing and had served as defense counsel for disbarred lawyer Gao Zhisheng and blind legal advocate Chen Guangcheng, among others. At the time of his 2015 detention, he and an assistant, Gao Yue, were working on a project monitoring China’s implementation of the UN Convention against Torture.</p>
<p>Zhang Kai 2015-00318</p> 	<p>On August 25, 2015, public security officials in Wenzhou municipality, Zhejiang province, detained 35-year-old lawyer Zhang Kai, reportedly in connection with his legal work on behalf of churches in Wenzhou. On September 3, the Wenzhou public security bureau informed Zhang’s family that he was under “residential surveillance at a designated location” believed to be in Wenzhou, on suspicion of “gathering a crowd to disrupt social order” and “stealing, spying, purchasing, and illegally providing state secrets and intelligence for overseas entities.” Zhang had provided legal counsel to over 100 Wenzhou churches, defending them against an official demolition campaign in which local authorities forcibly removed crosses from church building.</p>

<p>Wang Quanzhang 2015-00278</p> 	<p>On July 10, 2015, Wang Quanzhang, a lawyer at the Beijing Fengrui Law Firm, disappeared amid a crackdown by Chinese authorities on rights lawyers, legal advocates, and their supporters. Authorities reportedly criminally detained Wang on August 4 on suspicion of "picking quarrels and provoking trouble" and "inciting subversion of state power," but PSB officials later told Wang's lawyer that Wang was under "residential surveillance at a designated location" believed to be in Tianjin. Wang had worked on many high-profile rights defense cases, including advocating on behalf of other rights defense lawyers in Jiansanjiang, Heilongjiang province. In June 2015, court police in Shandong province reportedly beat Wang as he defended Falun Gong practitioners.</p>
<p>Sui Muqing 2015-00281</p> 	<p>On July 10, 2015, public security officials in Guangzhou municipality, Guangdong province, took lawyer Sui Muqing into custody on suspicion of "picking quarrels and provoking trouble," initially holding him at a PSB station in Panyu district, Guangzhou, before transferring him to an unknown location. The next day, Guangzhou PSB authorities reportedly notified Sui's wife that he was under "residential surveillance at a designated location" on suspicion of "inciting subversion of state power." Sui worked for a law firm in Guangzhou and had previously represented activist Guo Feixiong, rights lawyer Ding Jiayi, and activist Ye Xiaozheng, among others.</p>
<p>Xie Yang 2015-00295</p> 	<p>On July 11, 2015, public security officials from Changsha municipality, Hunan province, detained lawyer Xie Yang at a hotel in Huaihua municipality, Hunan. Authorities reportedly placed Xie under "residential surveillance at a designated location," believed to be in Changsha, on suspicion of "disrupting court order" and "inciting subversion of state power." Changsha PSB authorities refused to allow him to meet with his lawyer. Xie previously had represented democracy advocates Xue Minghai and Xie Wenfei and anticorruption advocate Zhang Baocheng. In May 2015 while in the Guangxi Zhuang Autonomous Region consulting for a business involved in a legal dispute, a group of armed men beat Xie, breaking his leg.</p>
<p>Xie Yanyi 2015-00308</p> 	<p>On July 12, 2015, public security officials in Beijing municipality took into custody lawyer Xie Yanyi, also searching his home and seizing documents. On July 18, Xie's wife filed a lawsuit against Xinhua News Agency and several Xinhua reporters after a Xinhua report described Xie as being part of a "major criminal gang." Xie's whereabouts were unknown, and his family did not receive official documents confirming his detention or the charges against him. Previously, Xie had been involved in many high-profile rights cases, including defending villager and rights advocate He Xianfu, investigating the shooting of Xu Chunhe in Heilongjiang province, and defending Falun Gong practitioners. In 2003, Xie attempted to sue former President Jiang Zemin for violating China's Constitution.</p>



### *Recommendations*

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

- Stress to the Chinese government the importance of translating the policy of “advancing governance of the country according to law” into concrete legal reforms that improve citizens’ access to justice. Such reforms could include further changes to the procedures that courts use when deciding whether to accept cases and reducing Party interference in the courts’ decisionmaking.
- Encourage expansion of the initial steps toward greater transparency of the judicial system by, for example, publishing all court decisions and further clarifying how courts and litigants can use “guiding cases.”
- Call on the Chinese government to implement 2015 revisions to the PRC Administrative Litigation Law in a timely manner, to further expand avenues for citizens to challenge government actions in court, and to improve the legal framework for petitioning.
- Urge the Chinese government to protect the fundamental civil and professional rights of China’s lawyers, to investigate all allegations of abuse, and to ensure that those responsible are brought to justice.
- Raise specifically the injustice of authorities’ treatment of public interest and human rights lawyers Pu Zhiqiang, Qu Zhenhong, Xia Lin, Tang Jingling, and Yu Wensheng as criminal suspects and, more broadly, concerns about the crackdown on hundreds of lawyers and rights advocates, including Wang Yu, Zhou Shifeng, and Li Heping that began in July 2015.
- 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 other non-governmental entities to foster programs that enhance the Chinese legal system’s potential to be a vehicle for protecting citizens’ rights.

### XINJIANG

#### *Findings*

- Violent clashes that took place during the Commission’s 2015 reporting year in the Xinjiang Uyghur Autonomous Region (XUAR) and that likely involved ethnic or political tensions led to more than 160 fatalities. International media and rights advocates raised concerns about Chinese authorities’ failure to report information and attempts to suppress information regarding deadly clashes involving Uyghurs.
- Central lawmakers considered counterterrorism legislation that human rights organizations and other critics assert, if passed, would provide officials with a pretext to commit human rights abuses in the name of counterterrorism, including in the XUAR. An international human rights organization cautioned that language in the draft law could be used to carry out rights



abuses in the XUAR; for instance, under Article 24, minors' participation in religious activity could be "characterized as 'terrorist or extremist tendencies.'"

- In conjunction with security measures, authorities launched activities aimed at eradicating "religious extremism," which international media and other observers argued frequently targeted Uyghurs' peaceful Islamic religious practices.

- According to the XUAR annual work report on the region's courts, XUAR authorities oversaw a 40-percent rise in concluded criminal trials in 2014 and carried out nearly twice as many arrests as compared to the previous year. The U.S.-based Dui Hua Foundation stated that the increase in criminal trials indicated "heightened . . . suppression of human rights activism and dissent in Xinjiang."

- In July 2015, Thai authorities forcibly deported 109 Uyghurs to China, in spite of widespread concern on the part of rights groups that Chinese authorities would persecute them upon their return. Chinese officials had reportedly pressured Thai authorities to deport the Uyghurs. The U.S. State Department, the United Nations High Commissioner for Refugees, and some international rights groups condemned the deportation, describing it as a violation of international law and warning that Chinese authorities were likely to subject them to harsh treatment.

- In December 2014, the Urumqi Intermediate People's Court sentenced six Uyghurs and one member of the Yi minority to prison terms ranging from three to eight years on the charge of "separatism," a crime falling under the category of "endangering state security." The seven individuals had reportedly been students of Uyghur scholar Ilham Tohti, and at least some had contributed to the website Uyghur Online, which Tohti founded. In September 2014, authorities convicted Tohti of "separatism" and sentenced him to life in prison.

- In November 2014, the XUAR People's Congress amended the XUAR Regulations on Religious Affairs (RRA), which took effect on January 1, 2015. The RRA were first passed in 1994 and last amended in 2001. The newly-amended regulations broaden XUAR officials' authority to limit religious practices, control online expression, and restrict the wearing of beards or attire perceived to have religious connotations.

- In October 2014, XUAR authorities issued new guidelines for the region's household registration (*hukou*) system, relaxing restrictions on people settling in southern parts of the XUAR but limiting migration to the more developed northern cities of Urumqi and Qaramay. Local officials reportedly said the relaxation of guidelines was aimed at facilitating Han Chinese migration to certain areas in the XUAR, and that Uyghurs were less likely to qualify for *hukou* in these areas under the guidelines. Regional authorities promoted the plan, which facilitates migration to areas predominantly populated by Uyghurs, as aimed at boosting "the establishment of mixed communities."

- In April 2015, authorities in Ili Kazakh Autonomous Prefecture ordered residents to turn in their passports to police by May 15 and said border control officials would cancel passports

that were not turned in. In addition, reports indicated officials continued to restrict Uyghurs' rights to stay in hotels in areas outside of the XUAR.

- Central and regional authorities continued to focus on cultivating the XUAR as a central focus of China's new Silk Road development strategy, promoting extensive "Silk Road" projects for their ability to simultaneously stimulate economic growth and "maintain stability" in the region. Central and regional authorities also continued to invest substantial funds in the XUAR to extract coal and gas, as well as to construct oil and gas pipelines and high-voltage electricity lines to transport energy resources between the XUAR and other parts of China and Central Asia. Some observers expressed concern over the environmental impact of new and ongoing development projects in the XUAR. Other observers raised concerns that development initiatives could further exacerbate existing regional economic inequality and ethnic tensions.
- As in past reporting years, the Commission observed employment advertisements that reserved positions exclusively for Han Chinese, including civil servant and private-sector positions, in contravention of Chinese labor law. Private and public employers also continued to reserve some positions exclusively for men, causing non-Han women to face both ethnic and gender discrimination in the hiring process.

#### *Recommendations*

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

- Support efforts to raise greater public awareness of human rights conditions in the XUAR, support initiatives to protect Uyghur culture, increase avenues for Uyghurs to protect their human rights, and undertake more frequent human rights-focused visits to the XUAR.
- Call on Chinese authorities to provide international humanitarian organizations with access to the 109 Uyghurs who were forcibly deported from Thailand to China in July 2015, in order to determine their status.
- Call on the Chinese government to increase transparency when reporting instances of violence and terrorism and during the criminal prosecution of defendants in cases involving separatism, violence, and terrorism.
- Call on the Chinese government to allow domestic and international journalists and observers greater freedom to independently verify official media accounts of violent and "terrorist" incidents.
- Urge Chinese authorities, when adopting legislation regarding counterterrorism, to adhere to international standards for the protection of human rights, including stipulations in United Nations Security Council resolutions that stress the need for countries to ensure compliance with "human rights, refugee, and humanitarian law" while countering terrorism.
- Call on the Chinese government to adhere to domestic laws and regulations guaranteeing freedom of religious belief as

well as international regulations guaranteeing religious practice free from state restrictions.

- Call for the release of Ilham Tohti, Mutellip Imin, Atikem Rozi, Perhat Halmurat, Shohret Nijat, Akbar Imin, Abduqeyum Ablimit, Luo Yuwei, and others who were detained or imprisoned for exercising their right to freedom of expression.

- Urge Chinese officials to end restrictions on Uyghurs' access to passports and to ensure Uyghurs are given the right to exit China, in accordance with the internationally recognized right to leave the country.

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

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

## TIBET

### *Findings*

- Formal dialogue between the Dalai Lama's representatives and Chinese Communist Party and government officials has been stalled since the January 2010 ninth round. The Commission observed no indication during the 2015 reporting year of official Chinese interest in resuming a dialogue that takes into account the concerns of Tibetans who live in the Tibetan autonomous areas of China. An April 2015 government white paper reiterated that Chinese officials would "only talk with private representatives of the Dalai Lama" to discuss "the future of the Dalai Lama and some of his followers" and how the Dalai Lama would "gain the forgiveness of the central government and the Chinese people."

- The Commission observed no evidence during its 2002 to 2015 period of reporting that the Party or government solicited systematic or representative input from the Tibetan population on economic development in the Tibetan autonomous areas of China. This past year, the Commission observed a series of reports likely to prove of unprecedented consequence to the pace and scale of economic development and urbanization on the Ti-

betan plateau, and to Tibetans living there. Urbanization, population, and railways will be among principal changes.

- The frequency of Tibetan self-immolation reportedly focusing on political and religious issues during the Commission's 2015 reporting year remained similar to the 2014 reporting year as security and punitive measures targeting self-immolation remained in effect. The Commission has not observed any sign that Party and government leaders intend to respond to Tibetan grievances in a constructive manner or accept any accountability for Tibetans' rejection of Chinese policies. Senior officials continued to blame self-immolation on foreign incitement.
- The Party and government continued efforts this past year to deepen the transformation of Tibetan Buddhism into a state-managed institution that prioritizes adherence to Party and government policies as a principal feature of the religion. An April 2015 government white paper outlined the rationale for claiming authority over Tibetan Buddhist reincarnation, including that of the Dalai Lama, and noted that 2007 government regulations "further institutionalize the reincarnation process." The Commission observed no developments this past year indicating that Party and government leaders intend to develop a "harmonious society" that tolerates Tibetan commitment toward their culture, language, and environment. In some areas, greater obstacles emerged for Tibetans seeking to organize efforts to preserve the Tibetan language or protect the environment.
- As of September 1, 2015, the Commission's Political Prisoner Database contained records of 646 Tibetan political prisoners believed or presumed currently detained or imprisoned. Of those, 635 are records of Tibetans detained on or after March 10, 2008; 43 percent of them are Tibetan Buddhist monks, nuns, teachers, or *trulkus*. On July 12, 2015, Tenzin Deleg, recognized by the Dalai Lama as a reincarnated Tibetan Buddhist teacher, died in prison in Sichuan province. He was sentenced in December 2002 to death with a two-year reprieve on charges of "splittism" and conspiracy to cause explosions, charges that he denied in a smuggled audiotape.

#### *Recommendations*

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

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

- Encourage the Chinese government to take fully into account the views and preferences of Tibetans when planning infrastructure, natural resource development, and settlement or resettlement projects in the Tibetan areas of China. Encourage the government to engage with appropriate experts in assessing the impact of such projects and in advising the government on the implementation and progress of such projects. Encourage the government to provide accurate and comprehensive data on the population in Tibetan areas of China.
- Urge the Chinese government to recognize the role of government regulatory measures and Party policies in the wave of Tibetan self-immolations and other protests. Stress to Chinese officials that strengthening the measures and policies that Tibetans resent is unlikely to promote “social stability” or a “harmonious society.” Urge the government to refrain from using security and judicial institutions to intimidate Tibetan communities by prosecuting and imprisoning Tibetans with alleged links to a self-immolator or for sharing self-immolation information.
- Urge the Chinese government to refrain from using intrusive management and legal measures to infringe upon and repress Tibetan Buddhists’ right to freedom of religion. Urge the government to cease treating the Dalai Lama as a security threat instead of as Tibetan Buddhism’s principal teacher. Urge the government to cease interference in the long-standing practices Tibetan Buddhists use to identify reincarnated teachers and to respect the principle summarized by the Dalai Lama that the person who reincarnates “has sole legitimate authority” over the circumstances and recognition of reincarnation. Urge the government to respect the right of Tibetan Buddhists to identify and educate religious teachers, including the Dalai Lama, in a manner consistent with Tibetan Buddhist preferences and traditions. Stress to Chinese officials that increasing pressure on Tibetan Buddhists by aggressive use of regulatory measures, “patriotic” and “legal” education, and anti-Dalai Lama campaigns is likely to harm social stability, not protect it.
- Stress to the Chinese government the importance of respecting and protecting the Tibetan culture and language. Urge Chinese officials to promote a vibrant Tibetan culture by honoring the reference in China’s Constitution to the freedoms of speech, association, assembly, and religion, and refrain from using the security establishment, courts, and law to infringe upon and repress Tibetans’ exercise of such rights. Stress the importance of respecting Tibetan wishes to maintain the role of both the Tibetan and Chinese languages in teaching modern subjects, and to refrain from criminalizing Tibetans’ passion for their language and culture.
- Continue to stress to the Chinese government the importance of distinguishing between peaceful Tibetan protesters and rioters; condemn the use of security campaigns to suppress human rights; and request the government to provide complete details about Tibetans detained, charged, or sentenced for protest-related and self-immolation-related “crimes.” Continue to raise in meetings and correspondence with Chinese officials the

cases of Tibetans who remain imprisoned as punishment for the peaceful exercise of human rights.

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

- Request that the Chinese government follow up on a 2010 statement by the Chairman of the Tibet Autonomous Region (TAR) government, reported in the Commission's 2010 Annual Report, that Gedun Choekyi Nyima, the Panchen Lama whom the Dalai Lama recognized in 1995, is living in the TAR as an "ordinary citizen" along with his family. Urge the government to invite a representative of an international organization to meet with Gedun Choekyi Nyima so that he can express to the representative his wishes with respect to privacy.

#### DEVELOPMENTS IN HONG KONG AND MACAU

##### *Findings*

- The Basic Laws of Hong Kong and Macau confirm the applicability of the International Covenant on Civil and Political Rights (ICCPR) to both territories. The Basic Law of Hong Kong provides specifically for universal suffrage in electing the Chief Executive upon nomination by a "broadly representative nominating committee in accordance with democratic procedures," while Macau's does not.
- In April 2015, the Hong Kong government announced its proposal for reforming Chief Executive (CE) elections, adhering to the restrictive framework mandated by the National People's Congress Standing Committee (NPCSC) in an August 31, 2014, decision. In June, Hong Kong's legislature voted down the proposal. All 27 pro-democratic legislators and 1 pro-Beijing legislator voted against the proposal.
- In response to the NPCSC's August 31 decision, pro-democracy activists launched massive civil disobedience protests. After police fired tear gas and pepper spray on non-violent protesters, tens of thousands of people joined the demonstrations, occupying major streets across Hong Kong for 79 days. Protesters remained encamped at three separate protest sites until the Hong Kong government enforced a civil court order to clear the majority of protesters in November and December 2014.
- During the largely non-violent demonstrations, there were reports of violence between police, protesters, and counter-protesters, including some reports of police use of excessive force

and protester violence against police. Journalists and media organizations reported dozens of attacks directed against reporters covering the protests, including attacks by police. During and after the demonstrations, some protesters reported that they were unable to travel to mainland China or Macau due to their participation in the demonstrations.

- Hong Kong police reportedly selectively enforced the law, arresting pro-democracy activists and demonstrators to harass and intimidate them. Police arrested, and then released, dozens of prominent pro-democracy advocates but reserved the right to prosecute them later. There were reports of Chinese intelligence services and groups connected to the Chinese government harassing and surveilling people perceived to oppose the Chinese government.

- Hong Kong journalists and media reported threats to press freedom due to self-censorship and editorial interference, pressure from the Chinese and Hong Kong governments, and intimidation and violent attacks on journalists. According to the international media non-governmental organization Reporters Without Borders, press freedom continued to deteriorate in Hong Kong in 2014, with Hong Kong's international ranking dropping to 70 from 61 in 2013.

- The Commission observed no progress regarding the UN Human Rights Committee's 2013 recommendation that Macau work to establish "an electoral system based on universal and equal suffrage . . ." in line with provisions of the ICCPR, or that the reservation to Article 25(b) of the ICCPR be withdrawn. Civil society and media organizations in Macau reported threats from intimidation and self-censorship. Macau authorities reportedly refused Hong Kong journalists and activists entry for political reasons.

- Macau authorities expanded coordination with mainland Chinese authorities, in part to fight financial crimes, including cooperating with the central government in its campaign against corruption. Macau continued to be a center for violations of mainland China's currency controls connected to its gambling industry. Macau authorities' pursuit of an extradition agreement with mainland China raised concerns regarding the rights of individuals facing extradition from Macau and Macau's autonomy from mainland China.

### *Recommendations*

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

- Consider enacting the Hong Kong Human Rights and Democracy Act (H.R. 1159) to monitor the state of Hong Kong's autonomy and freedoms and to promote democratic development in Hong Kong.
- Urge the Chinese central government and the Hong Kong government to restart the electoral reform process and work without delay toward implementing Chief Executive and Legislative Council elections by universal suffrage, in accordance with the provisions of the Basic Law and the International

Covenant on Civil and Political Rights (ICCPR). Issues relating to Hong Kong's autonomy and freedoms should be raised in meetings with central government officials.

- Urge Hong Kong authorities to reaffirm the rights of the people of Hong Kong to assemble and demonstrate peacefully, and the right of journalists to work safely and without hindrance. In meetings with Hong Kong officials, express U.S. concerns over the safety of reporters and urge Hong Kong officials to resolve outstanding cases of violence and intimidation against journalists.

- Increase support for democratic reforms in Macau. Urge Macau authorities to set a clear timeline for transition to universal suffrage in executive and legislative elections, as required by Article 25 of the ICCPR and as repeatedly urged by the UN Human Rights Committee.



## POLITICAL PRISONER DATABASE

*Recommendations*

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

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

## A POWERFUL RESOURCE FOR ADVOCACY

The Commission's 2015 Annual Report provides information about Chinese political and religious prisoners<sup>1</sup> in the context of specific human rights and rule of law abuses. Many of the abuses result from the Chinese Communist Party's and government's application of policies and laws. The Commission relies on the Political Prisoner Database (PPD), a publicly available online database maintained by the Commission, for its own advocacy and research work, including the preparation of the Annual Report, and routinely uses the database to prepare summaries of information about political and religious prisoners for Members of Congress and Administration officials. The Commission invites the public to read about issue-specific Chinese political imprisonment in sections of this Annual Report, and to access and make use of the upgraded PPD at <http://ppdcecc.gov>. (Information about the PPD is available at <http://www.cecc.gov/resources/political-prisoner-database>.)

The PPD received approximately 117,200 online requests for prisoner information during the 12-month period ending August 31, 2015—an increase of approximately 36 percent over the 86,100 requests during the 12-month period ending August 31, 2014.<sup>2</sup> During the 12-month period ending in August 2015, China was for the first time the country of origin of the largest share of requests for information, with approximately 40.4 percent of such requests—a 78 percent increase over the 22.7 percent of requests for information reported for China in the Commission's 2014 Annual Report.<sup>3</sup> The United States was second with approximately 26.7 percent (a decrease compared to 29.7 percent in the 2014 reporting period<sup>4</sup>), followed by Japan with 6.0 percent (a decrease compared to 20.3 percent in the 2014 reporting period<sup>5</sup>), Ukraine (4.1 percent), Germany (2.7 percent), India (2.0 percent), France (1.6 percent), the

United Kingdom (1.4 percent), the Russian Federation (1.0 percent), and the Republic of Korea (0.8 percent).

Worldwide commercial (.com) domains were for the first time the source of the largest share of online requests for information. Approximately 38.4 percent of the 117,200 requests for PPD information during the 12-month period ending in August 2015 originated from .com domains—a 130-percent increase compared to the 16.7 percent reported for such requests during the 2014 reporting period.<sup>6</sup> Numerical Internet addresses that do not provide information about the name of the registrant or the type of domain were second with approximately 31.8 percent of requests for PPD information. That figure represents a decrease of 6.6 percent from the 38.4 percent reported for such addresses during the period ending in August 2014,<sup>7</sup> and followed a decrease of 18.4 percent from the 56.8 percent reported for such addresses during the period ending in August 2013.<sup>8</sup>

Worldwide network (.net) domains were third with approximately 8.4 percent of online requests for PPD information during the period ending in August 2015, followed by domains in China (.cn) with 5.9 percent—a substantial drop from the 19.5 percent reported for the period ending in August 2014<sup>9</sup>—then by U.S. Government (.gov) domains with 4.6 percent; domains in Germany (.de) with 2.0 percent; in the European Union (.eu) with 1.0 percent; in France (.fr), Ukraine (.ua), and Brazil (.br) with approximately 0.6 percent each; worldwide non-profit organization (.org) domains with approximately 0.4 percent; and U.S. educational (.edu) domains with 0.3 percent.

China's rise during the Commission's 2015 reporting period to be the country of origin for the largest share of requests for PPD information coincides with the rise of worldwide commercial (.com) domains to be the type of domain that is the origin for the largest share of requests for PPD information.

#### POLITICAL PRISONERS

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

As of September 1, 2015, the PPD contained information on 8,029 cases of political or religious imprisonment in China. Of those, 1,310 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 6,719 are cases of prisoners who are known or believed to have been released, or executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that there are considerably more than 1,310 cases of current political and religious imprisonment in China. The Commission staff works on an ongoing basis to add cases of political and religious imprisonment to the PPD.

The Dui Hua Foundation, based in San Francisco, and the former Tibet Information Network, based in London, shared their

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

#### MORE POWERFUL DATABASE TECHNOLOGY

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

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

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

#### NEW POLITICAL PRISONER DATABASE FEATURES

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

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

**Notes to Section I—Political Prisoner Database**

<sup>1</sup>The Commission treats as a political prisoner an individual detained or imprisoned for exercising his or her human rights under international law, such as peaceful assembly, freedom of religion, freedom of association, free expression, including the freedom to advocate peaceful social or political change, and to criticize government policy or government officials. (This list is illustrative, not exhaustive.) In most cases, prisoners in the PPD were detained or imprisoned for attempting to exercise rights guaranteed to them by China's Constitution and law, or by international law, or both. Chinese security, prosecution, and judicial officials sometimes seek to distract attention from the political or religious nature of imprisonment by convicting a de facto political or religious prisoner under the pretext of having committed a generic crime. In such cases defendants typically deny guilt but officials may attempt to coerce confessions using torture and other forms of abuse, and standards of evidence are poor. If authorities permit a defendant to entrust someone to provide him or her legal counsel and defense, as China's 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.

<sup>2</sup>CECC, 2014 Annual Report, 9 October 14, 58.

<sup>3</sup>Ibid., 58.

<sup>4</sup>Ibid., 58.

<sup>5</sup>Ibid., 58.

<sup>6</sup>Ibid., 59.

<sup>7</sup>Ibid., 59.

<sup>8</sup>Ibid., 55.

<sup>9</sup>Ibid., 59.

## II. Human Rights

### FREEDOM OF EXPRESSION

#### *International Standards on Freedom of Expression*

During the Commission's 2015 reporting year, the Chinese government and Communist Party continued to restrict expression in contravention of international human rights standards, including Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 19 of the Universal Declaration of Human Rights.<sup>1</sup> According to the ICCPR—which China signed<sup>2</sup> and has stated its intent to ratify<sup>3</sup>—and as reiterated 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.<sup>4</sup> 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.”<sup>5</sup> An October 2009 UN Human Rights Council resolution, moreover, stated that restrictions on the “discussion of government policies and political debate,” “peaceful demonstrations or political activities, including for peace or democracy,” and “expression of opinion and dissent” are inconsistent with Article 19(3) of the ICCPR.<sup>6</sup>

#### *Legislative Developments*

Significant legislative developments took place in China during this reporting year, including the passage of the PRC Counterespionage Law in November 2014,<sup>7</sup> the PRC National Security Law in July 2015,<sup>8</sup> and the Ninth Amendment to the PRC Criminal Law in August.<sup>9</sup> Commentators raised concerns about the government and Party's potential use of vaguely worded legal provisions to restrict and jeopardize the right to freedom of expression<sup>10</sup> and the press,<sup>11</sup> and the free flow of information.<sup>12</sup> Examples of such provisions include:

- Article 13 of the PRC Counterespionage Law, which allows national security agencies to seize telecommunications equipment and to shut down or confiscate such equipment if an organization or individual found to be “harming national security . . . refuses to change or makes changes that do not comply” with the agencies' requests;<sup>13</sup>
- Article 76 of the PRC National Security Law, which calls for the nation to “strengthen press publicity and public opinion guidance on national security,”<sup>14</sup> a provision that violates press freedom, according to press advocacy organizations;<sup>15</sup>
- Article 25 of the PRC National Security Law, which allows for the punishment of the “dissemination of unlawful and harmful information on the Internet.”<sup>16</sup> Similarly, the amended version of Article 291 in the PRC Criminal Law punishes the fabrication and dissemination of certain types of false in-

formation—including regarding “dangerous situations,” “epidemics,” and “disasters”—on the Internet and other media with up to seven years’ imprisonment;<sup>17</sup> and

- Draft cybersecurity legislation issued for public comment in July 2015,<sup>18</sup> which contains a provision allowing authorities to temporarily suspend Internet services to “maintain national security and social order or to deal with sudden incidents.”<sup>19</sup>

#### PROMOTING “INTERNET SOVEREIGNTY”

Chinese officials promoted national control of the Internet, or “Internet sovereignty” (*wangluo zhuquan*),<sup>20</sup> in domestic legislation and international standards for Internet governance this past year. The draft PRC Cybersecurity Law advanced the principle that “Internet sovereignty is . . . an extension of national sovereignty in cyberspace.”<sup>21</sup> In November 2014, delegates representing international businesses at an Internet conference in China convened by the Cyberspace Administration of China, also known as the State Internet Information Office,<sup>22</sup> reportedly did not sign a draft declaration disseminated among participants by the conference host that called on the international community to “respect Internet sovereignty of all countries.”<sup>23</sup> In addition, China and other members of the Shanghai Cooperation Organization submitted a revised draft of the International Code of Conduct for Information Security (ICCIS) to the UN General Assembly in January 2015 that establishes “multilateral, transparent and democratic international Internet governance mechanisms.”<sup>24</sup> Commentators raised concerns that the draft emphasized state control of the Internet and is contrary to a multistakeholder model of Internet governance<sup>25</sup> that includes civil society and business interests.<sup>26</sup> According to a U.S. legal expert, the revised ICCIS draft may reflect the Chinese government’s reluctance to “[apply] existing international law to cyberspace.”<sup>27</sup>

#### *Abuse of the PRC Criminal Law To Punish Free Expression*

The Chinese government and Communist Party continue to exploit provisions within international standards, as stated above, as well as to use vague provisions in the PRC Criminal Law to prosecute citizens for exercising their right to freedom of speech. Examples documented during this reporting year included Article 293 (“picking quarrels and provoking trouble”), Article 225 (“illegal business activity”), and Article 105(2) (“inciting subversion of state power”).<sup>28</sup> Chinese legal experts continued to criticize a 2013 judicial interpretation that expanded “picking quarrels and provoking trouble” to penalize online speech, noting the interpretation goes beyond the provision’s scope of tangible acts of disorderly conduct.<sup>29</sup>

Chinese authorities used criminal charges to target dozens of mainland Chinese supporters of the fall 2014 Hong Kong pro-democracy protests for detention and harassment.<sup>30</sup> For example, of the 117 cases that the international non-governmental organization Chinese Human Rights Defenders (CHRD) documented of mainland Chinese citizens detained in connection to the pro-democracy protests in Hong Kong,<sup>31</sup> many were on suspicion of “picking quar-

rels and provoking trouble.”<sup>32</sup> Some of the detained individuals had posted online or sent via social media photos of themselves holding printed signs and, in at least one case, holding an umbrella<sup>33</sup>—one of the symbols associated with the protests<sup>34</sup>—to demonstrate their support for the Hong Kong protesters’ aspirations.<sup>35</sup> Authorities arrested some of the detainees, including poet Wang Zang,<sup>36</sup> housing rights advocate Han Ying,<sup>37</sup> activist Xu Chongyang,<sup>38</sup> and rights defender Song Ze.<sup>39</sup> Prosecutors in Guangdong province charged some local protest supporters, including democracy advocates Xie Wenfei<sup>40</sup> and Wang Mo,<sup>41</sup> with “inciting subversion of state power”—a crime of “endangering state security” under the PRC Criminal Law.<sup>42</sup> In addition, officials detained Yu Wensheng<sup>43</sup> and Xia Lin,<sup>44</sup> lawyers who attempted to protect the rights of clients in detention for their support of the pro-democracy protests.<sup>45</sup>

The government and Party also continued to use the charge of “illegal business activity” to prosecute individuals who published unauthorized accounts of Chinese history<sup>46</sup> and other material that authorities deemed to be politically sensitive. These individuals included 82-year-old journalist Huang Zerong (also known as Tie Liu),<sup>47</sup> documentarian Shen Yongping,<sup>48</sup> and writer Fu Zhibin.<sup>49</sup> In September 2014, the UN Working Group on Arbitrary Detention censured the Chinese government for “exploit[ing] the vagueness of Article 225 to justify the prosecution” of Wang Hanfei, the mainland Chinese publisher of a Hong Kong-based periodical, “for the peaceful exercise of his fundamental rights protected by international law.”<sup>50</sup> In 2012, authorities in Hunan province sentenced Wang to three years and six months’ imprisonment on the charges of “illegal business activity” and “fraud.”<sup>51</sup>

According to Chinese Human Rights Defenders, by late 2014, Chinese authorities “returned to using more explicitly political charges” against rights defenders and activists as demonstrated by the use of the charge of “inciting subversion of state power,” in contrast to the frequent use of “public order” charges between 2012 and 2014.<sup>52</sup> For example, Guangdong security officials arrested bloggers Liang Qinhui in February 2015,<sup>53</sup> and Zheng Jingxian<sup>54</sup> and Huang Qian in April,<sup>55</sup> on the charge of “inciting subversion of state power” for posting comments about government and Party leaders. They detained Zheng after he reportedly posted a microblog comment about the July 2014 detention of Zhou Yongkang, a former member of the Standing Committee of the Political Bureau of the Communist Party Central Committee and Minister of Public Security, three hours prior to the Party’s formal announcement of it.<sup>56</sup>

Nobel Peace Prize laureate Liu Xiaobo remains in prison, serving year 6 of an 11-year sentence on the charge of “inciting subversion of state power” for several of his essays and his co-authorship of Charter 08.<sup>57</sup> Foreign government leaders and advocacy organizations continued to call for his release from prison<sup>58</sup> and for the release of his wife, poet and artist Liu Xia, from extralegal detention at their home in Beijing municipality.<sup>59</sup>

### Pu Zhiqiang and the Criminalization of Speech

Authorities in Beijing detained and then arrested lawyer Pu Zhiqiang<sup>60</sup>—well-known for his work on freedom of speech,<sup>61</sup> his representation of defendants in politically sensitive cases,<sup>62</sup> and his public criticism of the reeducation through labor system<sup>63</sup>—amid a nationwide crackdown in China prior to the 25th anniversary of the 1989 Tiananmen protests and their violent suppression.<sup>64</sup> At the time of Pu’s detention in May 2014, the Party-run media outlet Global Times editorialized that the private gathering Pu attended to commemorate the Tiananmen anniversary that month was an event that “clearly crossed the red line of law” because the “June 4th incident” is “the most sensitive political issue in China.”<sup>65</sup>

A year after Pu’s detention, in May 2015, the Beijing Municipal People’s Procuratorate indicted him on the charges of “inciting ethnic hatred” and “picking quarrels and provoking trouble,”<sup>66</sup> based on several microblog posts Pu made between 2011 and 2014 that either criticized the Chinese government’s ethnic policy in the Xinjiang Uyghur Autonomous Region<sup>67</sup> or mocked officials.<sup>68</sup> Domestic commentators raised concerns that the authorities’ prosecution of Pu criminalizes speech protected under China’s Constitution.<sup>69</sup> One of the commentators, moreover, questioned the premise that Pu’s posts incited ethnic hatred, arguing instead that Pu’s condemnation of terrorist acts and his calls for authorities to improve ethnic minority policies served to “promote ethnic reconciliation and unity.”<sup>70</sup> In August 2015, the Beijing No. 2 Intermediate People’s Court reportedly notified Pu’s defense counsel that his trial would be delayed an additional three months.<sup>71</sup>

### *Growth and Control of the Internet and Mobile Communications*

#### EXPANDING ACCESS

The Chinese government continued to take steps to expand the country’s telecommunications infrastructure and provide greater Internet access in rural and less developed areas of China.<sup>72</sup> Government spending on Internet infrastructure reportedly is set to reach 430 billion yuan (US\$69.4 billion) in 2015 and 700 billion yuan (US\$112.9 billion) in total for 2016 and 2017.<sup>73</sup> According to the China Internet Network Information Center, there were 649 million Internet users in China by the end of 2014, close to 48 percent of the total population.<sup>74</sup> Also by the end of 2014, 557 million people in China accessed the Internet from mobile phones, amounting to 85.8 percent of Internet users in China, according to official data.<sup>75</sup> The telecommunications company Tencent reported that in 2014, active accounts for its messaging services WeChat (also known as Weixin) and QQ had already reached 500 million and 815 million, respectively.<sup>76</sup> Since 2012, WeChat’s public accounts platform reportedly has gained popularity—and increasing government scrutiny—by “empower[ing] users to reach mass audiences . . . .”<sup>77</sup>

#### GOVERNMENT AND PARTY CENSORSHIP OF ONLINE CONTENT

The Cyberspace Administration of China (CAC) issued the Internet User Account Name Management Regulations (2015 Regula-



tions) in February 2015.<sup>78</sup> Commentators believe that the 2015 Regulations hold the potential to be a more effective tool for monitoring Internet users than prior real-name account registration regulations.<sup>79</sup> The 2015 Regulations require real-name account registration for individuals and entities using a range of Internet services, including “blogs, microblogs, instant-messaging tools, online forums, [and] online commentary . . .,” among others.<sup>80</sup> Internet service providers, moreover, are required to “implement security management”<sup>81</sup> over prohibited content that the government deems harmful to national security, or that incites “ethnic hatred” or “destroys” national policies on religion.<sup>82</sup> Internet service providers are also required to cancel accounts that use purportedly false information or misuse the names of celebrities or organizations.<sup>83</sup> In preparation for the implementation of the 2015 Regulations, which took effect on March 1, 2015, Chinese Internet companies reportedly deleted more than 60,000 Internet accounts in February.<sup>84</sup> In March, state- and Party-run news agencies, such as Xinhua and People’s Daily, shut down more than 7,000 Internet accounts that violated the 2015 Regulations.<sup>85</sup> Government agencies, including the CAC and the Ministry of Culture, reportedly investigated, threatened punishment for, fined, or shut down websites with content that included sexual content,<sup>86</sup> violence,<sup>87</sup> anime cartoons,<sup>88</sup> and online dating services.<sup>89</sup> The South China Morning Post reported that the CAC also shut down dozens of social media accounts that shared unofficial versions of Chinese and Communist Party history.<sup>90</sup> Domestic websites deleted “more than one billion pornographic and harmful posts . . . as part of a clean-up of the [I]nternet.”<sup>91</sup> In addition, the Communist Party Youth League issued a document<sup>92</sup> in February 2015 calling for the recruitment of more than 10 million “online youth civilization volunteers” tasked with spreading “positive energy,” the “Chinese dream,” and “promoting rule of law” online and via social media outlets.<sup>93</sup>

#### **“Great Cannon” Cyberattacks**

International media reported on unprecedented, massive cyberattacks in March 2015<sup>94</sup> against GreatFire.org, a site that monitors Web-based censorship in China,<sup>95</sup> and GitHub, a program-sharing repository.<sup>96</sup> Web pages for GreatFire.org and the New York Times’ Chinese-language site hosted at GitHub were specifically targeted.<sup>97</sup> According to Citizen Lab, a human rights and information technology research center at the University of Toronto, the tool used for the cyberattacks—a so-called “Great Cannon”—hijacked traffic from overseas users to the domestic Chinese website Baidu and injected malicious code that was redirected against the targeted websites, thus overwhelming their servers and preventing user access.<sup>98</sup> Citizen Lab found that the Great Cannon appears to share some of its code with and was housed in the same infrastructure as the Great Firewall,<sup>99</sup> the Chinese government’s primary tool to prevent users from within China from accessing foreign websites that contain content the government deems politically sensitive.<sup>100</sup> Citizen Lab concluded that such an attack “would require the approval of high-level authorities within the Chinese government.”<sup>101</sup>

*Freedom of the Press*POLITICAL CONTROL OF THE MEDIA: "GUIDANCE," INTERFERENCE,  
AND REGULATION

International experts have identified media serving "as government mouthpieces instead of as independent bodies operating in the public interest" as a major challenge to free expression.<sup>102</sup> According to a 2015 Freedom House report, Chinese government and Communist Party "censorship and propaganda directives that are distributed to news outlets, websites, and portals . . . allow key state-run outlets to cover potentially damaging news in a timely but selective manner, then require other media to restrict their reporting to the established narrative."<sup>103</sup> The official term for this form of control is the "guidance of public opinion" (*yulun daoxiang*).<sup>104</sup> China Digital Times, a U.S.-based media aggregator, documented directives providing "guidance" for a wide range of events, political figures, and topics during this reporting year.<sup>105</sup> These included the 2014 pro-democracy protests in Hong Kong;<sup>106</sup> the criminal case against Zhou Yongkang, a former member of the Standing Committee of the Political Bureau of the Communist Party Central Committee and Minister of Public Security;<sup>107</sup> and a ferry accident in June 2015 along the Yangtze River.<sup>108</sup> In March 2015, the Shanghai Propaganda Department Information Service noted that censorship activity was targeted against "speech that . . . cast doubt or attack[ed] the government" in a directive to discontinue coverage and public feedback about "Under the Dome,"<sup>109</sup> a documentary about air pollution that reportedly received over 100 million views in its first 48 hours online.<sup>110</sup>

Government and business interference in news coverage continued to hinder the news media from fulfilling a public function to serve as a watchdog.<sup>111</sup> As a result, the state of Chinese investigative and independent journalism has deteriorated further,<sup>112</sup> with one commentator asserting that, "At no point in the past 10 years have things been quite so impossible as they have been under [Chinese President and Communist Party General Secretary] Xi Jinping."<sup>113</sup> The head editor of Southern Weekend, a market-driven newspaper based in Guangdong province that had been known for its investigative reporting, linked the newspaper's recent decline to several factors, including fewer readers, high production costs, the departure of talented staff, and competition from new online media.<sup>114</sup> A former staff journalist and a media scholar, however, ascribed Southern Weekend's decline to a provincial propaganda official's censoring of an editorial in support of constitutional rights in 2013<sup>115</sup> and aggressive censorship of the newspaper since that time.<sup>116</sup> In a March 2015 editorial, Beijing News asserted that government and business interference caused the Beijing News to withhold previous investigative reports, thus preventing it from exercising its "supervision of public opinion,"<sup>117</sup> a reference to the government's official term for journalism's watchdog function.<sup>118</sup> In the immediate aftermath of deadly chemical explosions in a facility near residential areas of Tianjin municipality in August 2015, Beijing News, China Youth Daily, and Caixin Media, among others, published reports that "were probing more deeply into the people and decisions behind the Tianjin explosion[s]."<sup>119</sup> Yet censorship

instructions indicated that Chinese authorities directed journalists to only use coverage from the state media agency Xinhua and refrain from posting “private” commentary through social media outlets about the Tianjin explosions.<sup>120</sup>

The pressures placed on Yanhuang Chunqiu (known in English as “China Through the Ages”) <sup>121</sup>—one of China’s most influential reform-oriented political magazines <sup>122</sup>—illustrated the government’s use of regulatory measures to obstruct independent journalism.<sup>123</sup> In September 2014, the government reassigned the magazine to a more restrictive “supervisory unit” (*zhuguan danwei*), a move that a Yanhuang Chunqiu senior editor said might compromise editorial independence and force the magazine to become another voice of the state.<sup>124</sup> In April 2015, the State Administration for Press, Publications, Radio, Film and Television (SAPPRFT) warned the magazine that 37 articles published since the beginning of 2015 violated guidelines, including articles with content about former political leaders Deng Xiaoping, Hu Yaobang, and Zhao Ziyang.<sup>125</sup> Reports in October 2014<sup>126</sup> and April 2015<sup>127</sup> also pointed to ongoing interference in the selection and retention of the magazine’s editorial leadership.

#### Anticorruption Investigations of Media Personnel

The Chinese government and Communist Party targeted individuals working in the media industry for investigation for alleged corruption and fraud during this reporting year,<sup>128</sup> including staff from China Central Television (CCTV)<sup>129</sup> and the 21st Century Business Herald.<sup>130</sup> Widespread government and business misconduct<sup>131</sup> and the lack of a free market for information<sup>132</sup> reportedly contribute to a media environment in China where corruption, such as payments to publish favorable stories and to expunge negative ones,<sup>133</sup> is rampant<sup>134</sup> and systemic.<sup>135</sup> According to an official from the Party’s Central Commission for Discipline Inspection who conducted investigations at SAPPRFT, in 2014, the highest number of media industry officials in five years were found to be in violation of Party “discipline,”<sup>136</sup> and investigations reportedly were to increase in 2015.<sup>137</sup> In addition, in 2014, the “Sweep Away Pornography, Strike Down Illegal Publications” Task Force Office reportedly investigated 212 cases of suspected extortion, operating as a journalist without an official press card, or involvement in illegal publications.<sup>138</sup>

### Anticorruption Investigations of Media Personnel—Continued

The government and Party's charges against some senior executives at state-run and commercial media outlets, however, may have been motivated by political concerns. For example, authorities sentenced former Liaoning province television executive Shi Lianwen to life imprisonment for corruption in 2014.<sup>139</sup> A more critical problem, according to David Bandurski of the University of Hong Kong's China Media Project, was Shi's alleged emphasis on the media market's commercial demands rather than on government and Party priorities.<sup>140</sup> Simon Denyer of the Washington Post wrote that authorities targeted Shen Hao, the founding editor of the 21st Century Business Herald, because under Shen's leadership, the publication had "stepped on many powerful toes in its reporting of the business dealings of China's Communist elite."<sup>141</sup> In August 2015, the Shanghai Municipality People's Procuratorate brought indictments against Shen and 29 others, as well as 15 business entities, associated with the 21st Century Business Herald on charges of extortion and forced transactions.<sup>142</sup>

### HARASSMENT AND CRIMINAL PUNISHMENT OF DOMESTIC JOURNALISTS AND MEDIA STAFF

The Committee to Protect Journalists reported an increase in the number of journalists and Internet writers imprisoned in China to 44 in 2014 from 32 in 2013, making China "the world's worst jailer of the press" in 2014.<sup>143</sup> Representative cases of imprisonment and detention of journalists include:

- **Ilham Tohti's Seven Students.** In December 2014, authorities in the Xinjiang Uyghur Autonomous Region imposed prison sentences of between three and eight years<sup>144</sup> on Atikem Rozi, Mutellip Imin, Perhat Halmurat, Shohret Nijat, Luo Yuwei, Abduqeyum Ablimit, and Akbar Imin on the charge of "separatism"<sup>145</sup> for alleged work on the Uyghur-language news website Uyghur Online.<sup>146</sup> The seven had been students of Ilham Tohti,<sup>147</sup> a university professor and founder of Uyghur Online who was sentenced to life imprisonment in September 2014 on the same charge.<sup>148</sup>
- **Gao Yu.** In April 2015, the Beijing No. 3 Intermediate People's Court sentenced 71-year-old journalist Gao Yu to seven years' imprisonment for "leaking state secrets."<sup>149</sup> According to People's Daily, the court reportedly alleged that Gao provided a central government circular to a foreign website in July 2013.<sup>150</sup> The media website in question denied receiving the document from Gao,<sup>151</sup> and her lawyer, Mo Shaoping, asserted that authorities did not show evidence that Gao was the source.<sup>152</sup> Commentators further noted the contents of the circular had already been distributed among government and Party officials and in state media;<sup>153</sup> one commentator rejected the premise that the document should even be classified as "secret."<sup>154</sup>
- **Zhang Miao.** Public security officials from Beijing municipality detained Zhang Miao, a news assistant for the German newspaper Die Zeit, from October 2014 through July 2015 on suspicion of "picking quarrels and provoking trouble."<sup>155</sup> In the

days prior to her detention, she accompanied Die Zeit's Beijing correspondent to Hong Kong to cover the 2014 pro-democracy protests.<sup>156</sup> Zhang's detention demonstrates the risks involved for Chinese nationals assisting foreign correspondents in China.<sup>157</sup>

#### HARASSMENT OF FOREIGN JOURNALISTS AND NEWS MEDIA

The Chinese government and Communist Party continued to use a range of methods to restrict and harass foreign journalists and news media in an attempt to silence independent reporting in China. According to the Foreign Correspondents' Club of China (FCCC) annual report on working conditions in 2014, these methods included official harassment of reporters, news assistants, and sources; attempts to block coverage of issues that authorities deemed "sensitive"; restrictions on travel to areas along China's border and ethnic minority regions; visa delays, denials, and threats of denial;<sup>158</sup> and blockage of foreign media websites<sup>159</sup> and social media accounts in China.<sup>160</sup>

**Physical and psychological intimidation.** Authorities harassed foreign journalists on assignments covering mainland supporters of the 2014 pro-democracy protests in Hong Kong,<sup>161</sup> ethnic rights advocates,<sup>162</sup> and striking workers.<sup>163</sup> Some examples from this past year included:

- **October 2014.** Security officials in Beijing municipality repeatedly interrogated Angela Köckritz, then the Beijing-based correspondent for the German newspaper Die Zeit, in connection to the October detention of her news assistant Zhang Miao.<sup>164</sup> According to the FCCC, Köckritz "felt so intimidated by the experience that she resigned her job as her paper's Beijing correspondent and left China."<sup>165</sup>
- **May 2015.** Police in Beijing stopped CNN correspondent David McKenzie and his cameraman from covering a peaceful street protest in which migrant workers were demonstrating for access to education for their children.<sup>166</sup> In a video segment aired on CNN, the police are shown shoving McKenzie, covering the camera lens with a hand, and temporarily detaining the reporting team.<sup>167</sup>
- **May 2015.** Al Jazeera reported that police from Chongqing municipality pointed assault rifles at an Al Jazeera reporter and crew while they were reporting on the aftermath of a protest over a proposed railway in Sichuan province, "despite having official approval from the local government to film in the area."<sup>168</sup>

**Visa delays and denial.** The FCCC remained concerned that "Chinese authorities are continuing to abuse the press card and visa renewal process in a political manner."<sup>169</sup> Representative trends and examples observed during this reporting year include the following:

- **2014.** The FCCC reported that the end-of-year visa renewal process in 2014 improved in comparison to delays experienced in 2013.<sup>170</sup> Some journalists faced "extreme delays" in 2014 when trying to obtain short-term J-2 visiting journalists visas.<sup>171</sup>

- **November 2014.** Nicholas Kristof, a columnist and former Beijing bureau chief for the New York Times, wrote in November 2014 that Chinese authorities would not issue him a visa.<sup>172</sup>
- **November 2014.** When a New York Times reporter asked Chinese President and Communist Party General Secretary Xi Jinping about easing visa restrictions for foreign correspondents at a press conference held during the November 2014 Asia-Pacific Economic Cooperation summit in Beijing,<sup>173</sup> Xi reportedly responded with metaphors that some commentators interpreted as “plac[ing] the blame with the journalists” and their media organizations for the visa problems.<sup>174</sup>

## Notes to Section II—Freedom of Expression

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

<sup>2</sup>United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights (ICCPR), last visited 26 July 15. China signed the ICCPR on October 5, 1998.

<sup>3</sup>See, e.g., State Council Information Office, “Progress in China’s Human Rights in 2012,” reprinted in Xinhua, 14 May 13, sec. 6. The State Council did not mention the International Covenant on Civil and Political Rights in its most recent human rights white paper, “Progress in China’s Human Rights in 2014,” State Council Information Office, “Progress in China’s Human Rights in 2014,” reprinted in Xinhua, 8 June 15.

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

<sup>5</sup>UN Human Rights Committee, General Comment No. 34, Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, 12 September 11, para. 21.

<sup>6</sup>UN GAOR, Hum. Rts. Coun., 12th Sess., Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, adopted by Human Rights Council resolution 12/16, A/HRC/RES/12/16, 12 October 09, para. 5(p)(i).

<sup>7</sup>PRC Counterespionage Law [Zhonghua renmin gongheguo fanjiandie fa], passed and effective 1 November 14.

<sup>8</sup>PRC National Security Law [Zhonghua renmin gongheguo guojia anquan fa], passed and effective 1 July 15.

<sup>9</sup>National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15.

<sup>10</sup>See, e.g., Verna Yu, “Legal Experts Fear China’s National Security Law Will Stifle Freedoms,” South China Morning Post, 11 March 15; “UN Human Rights Chief Says China’s New Security Law Is Too Broad, Too Vague,” UN News Centre, 7 July 15.

<sup>11</sup>See, e.g., International Federation of Journalists and Hong Kong Journalists Association, “New National Security Law in China Suppresses Media Freedom,” 2 July 15, reprinted in IFEX, 7 July 15; Yaqiu Wang, Committee to Protect Journalists, “How China’s National Security and Cybersecurity Laws Will Further Curb Press Freedom,” Committee to Protect Journalists (blog), 22 July 15.

<sup>12</sup>See, e.g., Verna Yu, “Legal Experts Fear China’s National Security Law Will Stifle Freedoms,” South China Morning Post, 11 March 15; Edward Wong, “Chinese Security Laws Elevate the Party and Stifle Dissent. Mao Would Approve,” New York Times, 29 May 15.

<sup>13</sup>PRC Counterespionage Law [Zhonghua renmin gongheguo fanjiandie fa], passed and effective 1 November 14, art. 13.

<sup>14</sup>PRC National Security Law [Zhonghua renmin gongheguo guojia anquan fa], passed and effective 1 July 15, art. 76.

<sup>15</sup>International Federation of Journalists (IFJ) and Hong Kong Journalists Association (HKJA), “New National Security Law in China Suppresses Media Freedom,” 2 July 15, reprinted in IFEX, 7 July 15. The IFJ and HKJA refer to Article 73 in their public statement rather than Article 76. Article 76 in the final version of the National Security Law is Article 73 in the second review draft of the National Security Law. PRC National Security Law [Zhonghua renmin gongheguo guojia anquan fa], passed and effective 1 July 15, art. 76; National People’s Congress Standing Committee, PRC National Security Law (Second Review Draft) [Zhonghua renmin gongheguo guojia anquan fa (cao’an erci shenyi gao)], National People’s Congress, 6 May 15, art. 73.

<sup>16</sup>PRC National Security Law [Zhonghua renmin gongheguo guojia anquan fa], passed and effective 1 July 15, art. 25.

<sup>17</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 291; National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, item 32.

<sup>18</sup>National People’s Congress Standing Committee, PRC Cybersecurity Law (Draft) [Zhonghua renmin gongheguo wangluo anquan fa (cao’an)], issued 6 July 15. See also Adam Segal, “China’s New Cybersecurity Law,” Council on Foreign Relations, Net Politics (blog), 8 July 15.

<sup>19</sup>National People’s Congress Standing Committee, PRC Cybersecurity Law (Draft) [Zhonghua renmin gongheguo wangluo anquan fa (cao’an)], issued 6 July 15, art. 50. See also “China Voice: Cyber Security High on China’s Agenda,” Xinhua, 9 July 15; Gerry Shih et al., “China’s Draft Cybersecurity Law Could Up Censorship, Irk Business,” Reuters, 8 July 15.

<sup>20</sup>Luo Yufan and Chen Fei, “China To Draft Cybersecurity Law To Protect Internet Sovereignty and National Security” [Woguo ni zhiding wangluo anquan fa weihu wangluo zhuquan guojia anquan], Xinhua, reprinted in National People’s Congress, 25 June 15; Joel Simon, “The New Censorship: Inside the Global Battle for Media Freedom” (New York: Columbia University Press, 2015), 104. According to Joel Simon of the Committee to Protect Journalists, Internet sovereignty is “... the principle that within a state’s territory the Internet should be under the jurisdiction of that country.”

<sup>21</sup> National People's Congress Standing Committee, PRC Cybersecurity Law (Draft) [Zhonghua renmin gongheguo wangluo anquan fa (cao'an)], issued 6 July 15, Explanation [Shuoming], sec. 3(1). According to the explanatory section issued with the draft law, "Internet sovereignty" undergirds Article 2. See also Luo Yufan and Chen Fei, "China To Draft Cybersecurity Law To Protect Internet Sovereignty and National Security" [Woguo ni zhiding wangluo anquan fa weihu wangluo zhuquan guojia anquan], Xinhua, reprinted in National People's Congress, 25 June 15. For an English translation of this Xinhua article, see Rogier Creemers, "Cybersecurity Law Draft Under Discussion at NPC," China Copyright and Media (blog), 25 June 15.

<sup>22</sup> Li Yuxiao and Xu Lu, "China's Cybersecurity Situation and the Potential of International Cooperation," in *China and Cybersecurity: Espionage, Strategy, and Politics in the Digital Domain*, eds. Jon R. Lindsay et al. (New York: Oxford University Press, 2015), 236.

<sup>23</sup> Catherine Shu, "China Tried To Get World Internet Conference Attendees To Ratify This Ridiculous Draft Declaration," TechCrunch, 20 November 14. TechCrunch posted a link to the draft declaration. James T. Areddy, "China Delivers Midnight Internet Declaration—Offline," Wall Street Journal, China Real Time Report (blog), 21 November 14.

<sup>24</sup> UN General Assembly, "Letter Dated 9 January 2015 From the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan to the United Nations Addressed to the Secretary-General," A/69/723, 13 January 15, item 2(8). Item 2(8) of the draft states, "All States must play the same role in, and carry equal responsibility for, international governance of the Internet, its security, continuity and stability of operation, and its development in a way which promotes the establishment of multilateral, transparent and democratic international Internet governance mechanisms which ensure an equitable distribution of resources, facilitate access for all and ensure the stable and secure functioning of the Internet."

<sup>25</sup> Kristen Eichensehr, "International Cyber Governance: Engagement Without Agreement?" Just Security (blog), 2 February 15; J. Michael Daniel et al., "China's Undermining an Open Internet," Politico, 4 February 15.

<sup>26</sup> J. Michael Daniel et al., "China's Undermining an Open Internet," Politico, 4 February 15.

<sup>27</sup> Kristen Eichensehr, "International Cyber Governance: Engagement Without Agreement?" Just Security (blog), 2 February 15. See also Henry Røigas, "An Updated Draft of the Code of Conduct Distributed in the United Nations—What's New?" NATO Cooperative Cyber Defence Centre of Excellence, 10 February 15.

<sup>28</sup> PRC Criminal Law [Zhonghua renmin gongheguo xingfa], issued 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, arts. 293, 225, 105(2). For the distinction between the charge of "subversion" and "inciting subversion," see Joshua Rosenzweig, "What's the Difference Between Subversion and Inciting Subversion?" Siweiluozhi Blog, 19 January 12.

<sup>29</sup> Zhang Qianfan, "'Picking Quarrels and Provoking Trouble' Extended to Online Speech" [Yanshen dao wangluo yanlun de "xunxin zishi"], Financial Times, 4 February 15; Zhang Mingkai, "Freedom of Online Speech and Criminal Offense" [Wangluo yanlun ziyou yu xingshi fanzui], Tencent Internet Crime Research Center, 12 December 14, reprinted in New Citizens' Movement Blog, 18 December 14; Zhou Dongxu, "Wei Dong: Internet Rumors Not Appropriately Defined as Picking Quarrels and Provoking Trouble" [Wei dong: wangluo zaoyao buyi bei jieding wei xunxin zishi], Caixin, 29 September 14. For a translation of Zhang Qianfan's Financial Times article, see Dui Hua Foundation, "Article 293: Deeming Free Speech Disorder in Internet Space," Dui Hua Human Rights Journal, 3 March 15. See also Jeremy Daum, "Updated: Quick Note on 'Picking Quarrels,'" China Law Translate (blog), 6 May 14.

<sup>30</sup> Chinese Human Rights Defenders, "Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests," 19 October 14, updated 9 July 15.

<sup>31</sup> Ibid.

<sup>32</sup> Chinese Human Rights Defenders, "[CHRB] China's Draft National Security Law: More License To Abuse Human Rights (5/15–21/2015)," 21 May 15.

<sup>33</sup> Tom Phillips, "Chinese Poet Faces Jail for Possession of Umbrella," Telegraph, 7 October 14.

<sup>34</sup> John Henley, "How the Umbrella Became a Symbol of the Hong Kong Democracy Protests," Guardian, 29 September 14.

<sup>35</sup> Chinese Human Rights Defenders, "Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests," 19 October 14, updated 9 July 15.

<sup>36</sup> Tom Phillips, "Chinese Poet Faces Jail for Possession of Umbrella," Telegraph, 7 October 14; Jack Chang, "Chinese Art Colony's Free-Speech Illusion Shatters," Associated Press, 17 October 14. For more information on Wang Zang, see the Commission's Political Prisoner Database record 2014-00420.

<sup>37</sup> "Urgent: Many Mainland Supporters of Hong Kong's Occupy Central Detained (Group Photo)" [Jinji: dalu duo ming zhichi xianggang zhan zhong renshi bei zhua (zutu)], Banned Books, 1 October 14; Chinese Human Rights Defenders, "Prisoner of Conscience—Han Ying," 24 December 14. For more information on Han Ying, see the Commission's Political Prisoner Database record 2014-00409.

<sup>38</sup> Chinese Human Rights Defenders, "Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests," 19 October 14, updated 9 July 15. For more information on Xu Chongyang, see the Commission's Political Prisoner Database record 2014-00434.

<sup>39</sup> Rights Defense Network, "Song Ze and Two Others Arrested for Supporting Hong Kong's 'Occupy Central,' Released on Bail" [Yin shengyuan xianggang "zhan zhong" bei bu de song ze deng san ren qubao huoshi], 6 June 15. For more information on Song Ze, see the Commission's Political Prisoner Database record 2013-00283.

<sup>40</sup> "Mainland Severely Punishes Occupy Central Supporter Xie Wenfei With Arrest for Incitement" [Dalu yancheng zhan zhong zhichizhe xie wenfei yi shandian zui pibu], Radio Free Asia, 25 November 14; Chinese Human Rights Defenders, "[CHRB] 'Inciting Subversion' Cases Move



Forward; Pu Zhiqiang Still in Legal Limbo (4/23–5/17/15),” 7 May 15. For more information on Xie Wenfei, see the Commission’s Political Prisoner Database record 2014-00209.

<sup>41</sup> Rights Defense Network, “Jiangsu, Huai’an Rights Defender Wang Mo Arrested for Inciting Subversion of State Power” [Jiangsu huai’an weiquan renshi wang mo bei yi shexian shandong dianfu guojia zhengquan zui daibu], 17 November 14. For more information on Wang Mo, see the Commission’s Political Prisoner Database record 2014-00328.

<sup>42</sup> PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 105.

<sup>43</sup> Rights Defense Network, “Xu Yan: Lawyer Yu Wensheng Arrested on November 20” [Xu yan: yu wensheng lushi yi yu 11 yue 20 ri bei pibu], 23 November 14. For more information on Yu Wensheng, see the Commission’s Political Prisoner Database record 2014-00387.

<sup>44</sup> Chinese Human Rights Defenders, “Prisoner of Conscience—Xia Lin,” 16 February 15. For more information on Xia Lin, see the Commission’s Political Prisoner Database record 2014-00432.

<sup>45</sup> Rights Defense Network, “Xu Yan: Lawyer Yu Wensheng Arrested on November 20” [Xu yan: yu wensheng lushi yi yu 11 yue 20 ri bei pibu], 23 November 14; Chinese Human Rights Defenders, “Prisoner of Conscience—Xia Lin,” 16 February 15.

<sup>46</sup> For information on the political sensitivity of historical accounts, see Ian Johnson, “China’s Brave Underground Journal,” *New York Review of Books*, 4 December 14. History, according to Johnson, “is one of China’s most sensitive issues . . . posing challenges to a regime for which history represents legitimacy.”

<sup>47</sup> Chinese Human Rights Defenders, “[CHRB] 82-Year-Old Dissident Writer Found ‘Guilty,’ Given 2.5-Year Suspended Sentence (2/20–26/2015),” 26 February 15. Tie’s wife reported that the case was linked to Tie’s publication of the memoirs of individuals labeled “Rightists” during Mao era political campaigns and a July 2014 essay critical of Liu Yunshan, a member of the Standing Committee of the Political Bureau of the Party Central Committee and the long-time head of the Central Propaganda Department. Chris Buckley, “Beijing Formally Charges Writer Who Published Memoirs of Victims of Mao Era,” *New York Times*, 23 October 14; “Tie Liu: Liu Yunshan Is the Behind-the-Scenes Backer of China’s News and Publishing Corruption” [Tie liu: liu yunshan shi zhongguo xinwen chubai de zonghoutai], *China Free Press*, 29 July 14. For background information on the Anti-Rightist Campaign, see Shao Yangxiang, “Who Will Compensate Victims of the Anti-Rightist Campaign?” in *Human Rights in China, China Rights Forum: Legal Reform and Accountability*, 2007, No. 2, 171. For more information on Huang Zerong, see the Commission’s Political Prisoner Database record 2014-00347.

<sup>48</sup> Edward Wong, “Prison Sentence for Maker of Documentary on Chinese Constitutional Rule,” *New York Times*, 30 December 14; “China Jails Filmmaker Over Documentary on the Country’s Constitution,” *Radio Free Asia*, 30 December 14. For more information on Shen Yongping, see the Commission’s Political Prisoner Database record 2014-00389.

<sup>49</sup> “We Are No Longer Silent—Fundraising Notice for Mr. Fu Zhibin” [Women bu zai chenmo—wei fu zhibin xiansheng mukuan gonggao], reprinted in Rights Defense Network, 8 March 15; Rights Defense Network, “Fu Zhibin, a Writer From Nanchang, Jiangxi, Faces Litigation After Six-Month Detention” [Jiangxi nanchang zuojia fu zhibin bei juya bannian hou mianlin bei qisu], 9 March 15. Fu reportedly published a collection of his essays on the history of the Chinese Communist Party and the Soviet Union which was available for purchase online. For more information on Fu Zhibin, see the Commission’s Political Prisoner Database record 2015-00085.

<sup>50</sup> UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at Its 70th Sess., No. 21/2014 (China), A/HRC/WGAD/2014/xx, 23 September 14, para. 28. For more information on Wang Hanfei, see the Commission’s Political Prisoner Database record 2015-00218.

<sup>51</sup> Chinese Human Rights Defenders, “Submission to UN on Wang Hanfei—August 29, 2013,” 17 September 13; PRC Government, “Chinese Government’s Response on Case of Wang Hanfei, November 1, 2013,” reprinted in Chinese Human Rights Defenders, 30 October 13. Chinese Human Rights Defenders noted in its August 2013 submission that the court sentenced Wang Hanfei to four years in prison—three years and six months on the fraud charge and six months on the illegal business activity charge. The Chinese government response to the UN Working Group on Arbitrary Detention indicated that Wang’s sentence is for three years and six months. The discrepancy in the actual length of sentence is provided for in Article 69 of the PRC Criminal Law. See PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 69.

<sup>52</sup> Chinese Human Rights Defenders, “[CHRB] ‘Inciting Subversion’ Cases Move Forward; Pu Zhiqiang Still in Legal Limbo (4/23–5/7/15),” 7 May 15.

<sup>53</sup> Rights Defense Network, “Guangzhou Netizen Liang Qinhui (Online Name: Dagger) Faces Criminal Detention for Posting Comments” [Guangzhou wangyou liang qinhui (wangming: jiandao) yin fatie zao xingshi juli], 5 February 15; “Internet Authors ‘Dagger’ and ‘Right Path for China’ Among Four Formally Arrested for ‘Inciting Subversion’” [Wangluo zuojia “jiandao” ji “huaxia zhengdao” deng si ren bei yi “shandian zui” pibu], *Radio Free Asia*, 2 April 15. For more information on Liang Qinhui, see the Commission’s Political Prisoner Database record 2015-00045.

<sup>54</sup> “Internet Authors ‘Dagger’ and ‘Right Path for China’ Among Four Formally Arrested for ‘Inciting Subversion’” [Wangluo zuojia “jiandao” ji “huaxia zhengdao” deng si ren bei yi “shandian zui” pibu], *Radio Free Asia*, 2 April 15; “Police in China’s Guangdong Widen Crackdown on Activists, Netizens,” *Radio Free Asia*, 10 April 15. For more information on Zheng Jingxian, see the Commission’s Political Prisoner Database record 2015-00046.

<sup>55</sup> “Police in China’s Guangdong Widen Crackdown on Activists, Netizens,” *Radio Free Asia*, 10 April 15.

<sup>56</sup>“Well-Known Blogger ‘Right Path for China’ Kidnapped by Guangdong National Security” [Zhiming bozhu “huaxia zhengdao” bei guangdong guo’an bangjia], Epoch Times, 18 February 15.

<sup>57</sup>Peter Foster, “Four Years On, Nobel Prize Winner Liu Xiaobo Still Unable To Collect Prize From Chinese Prison,” Telegraph, 10 October 14; Office of the Spokesperson, U.S. Department of State, “Statement by Secretary Kerry: Fifth Anniversary of Liu Xiaobo’s Conviction,” 24 December 14; Edward Wong and Ian Johnson, “Liu Xiaobo, Nobel-Winning Chinese Dissident, Is Said To Send Message From Prison,” New York Times, 10 December 14.

<sup>58</sup>Global Voice Advocacy, “Global Voices Calls for Immediate Release of Jailed Online Media Workers and Activists,” 24 January 15; PEN International, “China: PEN Renews Calls for Release of Poet Liu Xiaobo and Wife Liu Xia,” 8 December 14; Mairead Maguire, Arch. Desmond Tutu, Jody Williams, Shirin Ebadi, et al., “Letter to UN Secretary General et al.,” reprinted in Human Rights Foundation, 10 October 14; Naomi Woodley, “Prime Minister Tony Abbott Praises Chinese President Xi Jinping’s Commitment to Democracy, but Tourism Industry Not Convinced by FTA,” Australian Broadcasting Corporation, 17 November 14; Office of the Spokesperson, U.S. Department of State, “Statement by Secretary Kerry: Fifth Anniversary of Liu Xiaobo’s Conviction,” 24 December 14.

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<sup>60</sup>“Lawyer Denied Bail After Detention Ahead of Tiananmen Anniversary,” Associated Press, reprinted in South China Morning Post, 10 June 14.

<sup>61</sup>William Dobson, “The World’s Toughest Job: Try Being a Human Rights Lawyer in China,” Slate, 6 June 12 (on Pu’s defense of China Reform magazine); Philip P. Pan, “In China, Turning the Law Into the People’s Protector,” Washington Post, 28 December 04 (on Pu’s representation of Chen Kuidi and Wu Chuntao in 2004 over the right to criticize officials); Li Lingli, “Pu Zhiqiang: Little by Little, Moving Toward the Abolition of the RTL System” [Pu zhiqiang: yi diandian cujan laojiao zhidu feichu], Southern Weekend, 10 September 12 (on four speech-reviled reeducation through labor cases in Chongqing municipality, including college graduate village head Ren Jianyu).

<sup>62</sup>Teng Biao, “What Will This Crackdown on Activists Do to China’s Nascent Civil Society?” Guardian, 24 January 15.

<sup>63</sup>Li Lingli, “Pu Zhiqiang: Little by Little, Moving Toward the Abolition of the RTL System” [Pu zhiqiang: yi diandian cujan laojiao zhidu feichu], Southern Weekend, 10 September 12.

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<sup>66</sup>Beijing Municipal People’s Procuratorate Second Branch, “Pu Zhiqiang Indictment” [Pu zhiqiang qisu shu], reprinted in Rights Defense Network, 20 May 15; PRC Criminal Law [Zhonghua renmin gongheguo xingfa], 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, arts. 249, 293(2). Article 249 is a subset of Part 2, Chapter 4, or “crimes of infringing upon citizens’ right of the person and democratic rights.” Article 293(2) is a subset of Part 2, Chapter 6 “crimes of obstructing the administration of public order,” Section 1 “crimes of disturbing public order.” See also Rights Defense Network, “News Flash: Pu Zhiqiang Today Indicted on Crimes of Suspected Incitement of Ethnic Hatred and Picking Quarrels and Provoking Trouble” [Kuaixun: pu zhiqiang jinri bei yi shexian shandong minzu chouhen zui, xunxin zishi zui qisu], 15 May 15; Chris Buckley, “Chinese Rights Lawyer Detained in 2014 Will Stand Trial,” New York Times, 15 May 15.

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<sup>68</sup>Perry Link, “China: Inventing a Crime,” New York Review of Books, 9 February 15; Oiwan Lam, Global Voices Advocacy, “Human Rights Lawyer’s Indictment Marks the Beginning of a ‘Weibo Inquisition’ in China,” 22 May 15; Rights Defense Network, “Content of Pu Zhiqiang’s 28 Weibo Posts Used by the Police and Procuratorate To Indict on Picking Quarrels and Provoking Trouble, Incitement of Ethnic Hatred and Splittism Charges” [Pu zhiqiang bei gongjianfang zhikong shexian xunxin zishi, shandong minzu chouhen, shandong fenlie guojia de 28 tiao weibo neirong], 28 January 15, items 3 (on Shen Jilan and Mao Xinyu), 10 (Tian Zhenhui), 11 (Huang Qifan); Beijing Municipal People’s Procuratorate Second Branch, “Pu Zhiqiang Indictment” [Pu zhiqiang qisu shu], reprinted in Rights Defense Network, 20 May 15. The indictment only mentions “Shen Xx” and “Tian Xx” and not Mao Xinyu or Huang Qifan. “Human Rights Lawyer Pu Zhiqiang’s Case Again Sent to Procuratorate” [Renquan lushi pu

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<sup>69</sup>Zhang Xuezhong: Writing Weibo Posts Also Is a Crime?—A Legal Analysis of Pu Zhiqiang's Case" [Zhang xuezhong: xiexie weibo ye fazui?—guanyu pu zhiqiang an de falu fenxi], Outside the Great Firewall (blog), 21 May 15; Zhang Qianfan, "Conviction for One's Words Is a Legal Travesty" [Yi yan dingzui shi fazhi daji], Financial Times, 22 May 15.

<sup>70</sup>Zhang Xuezhong: Writing Weibo Posts Also Is a Crime?—A Legal Analysis of Pu Zhiqiang's Case" [Zhang xuezhong: xiexie weibo ye fazui?—guanyu pu zhiqiang an de falu fenxi], Outside the Great Firewall (blog), 21 May 15.

<sup>71</sup>"Trial Period for Pu Zhiqiang's Case Again Extended by Three Months" [Pu zhiqiang an shenxian zai yanchang 3 ge yue], Radio Free Asia, 20 August 15.

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<sup>74</sup>"CNNIC Issues 35th 'Statistical Report on Internet Development in China'" [CNNIC fabu di 35 ci "zhongguo hulian wangluo fazhan zhuangkuang tongji baogao"], China Internet Network Information Center, 3 February 15; China Internet Network Information Center, "The 35th Statistical Report on Internet Development in China" [Di 35 ci zhongguo hulian wangluo fazhan zhuangkuang tongji baogao], January 2015, 25.

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<sup>79</sup>Josh Chin, "China Is Requiring People To Register Real Names for Some Internet Services," Wall Street Journal, 4 February 15; Rogier Creemers, "New CAC Rules for User Names and Social Media Handles," China Copyright and Media (blog), 4 February 15; Paul Carsten, "China Censorship Sweep Deletes More Than 60,000 Internet Accounts," Reuters, reprinted in New York Times, 27 February 15.

<sup>80</sup>Cyberspace Administration of China, Internet User Account Name Management Provisions [Hulian wang yonghu zhanghao mingcheng guanli guiding], issued 4 February 15, effective 1 March 15, arts. 2, 5. See also "Internet User Account Name Management Regulations," translated in China Copyright and Media (blog), 4 February 15.

<sup>81</sup>Cyberspace Administration of China, Internet User Account Name Management Provisions [Hulian wang yonghu zhanghao mingcheng guanli guiding], issued 4 February 15, effective 1 March 15, art. 4.

<sup>82</sup>Ibid., art. 6. See also "Internet User Account Name Management Regulations," translated in China Copyright and Media (blog), 4 February 15.

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<sup>152</sup>Verna Yu, "Jailed Chinese Journalist Appeals Against 'Shameless' Sentencing," *South China Morning Post*, 22 April 15.

<sup>153</sup>"Baidu and Sina Weibo Begin Censoring Search Results for 'Gao Yu,'" *Fei Chang Dao* (blog), 19 April 15; Nicholas Bequelin (@bequelin), Twitter post, 17 April 15, 12:56 a.m.

<sup>154</sup>"Lawyer Zhang Xuezhong: Gao Yu's Conviction Is 'Perversion of the Law,'" translated and reprinted in Siweiluozi's Blog, 17 April 15.

<sup>155</sup>Committee to Protect Journalists, "Chinese Reporter Arrested in Connection With Hong Kong Protest Coverage," 14 October 14; Angela Köckritz, "They Have Miao," *Die Zeit*, 14 January 15; Chris Buckley, "Chinese Employee of German Weekly Is Freed After 9-Month Detention," *New York Times*, 9 July 15. The Committee to Protect Journalists report indicates authorities detained Zhang Miao on suspicion of "committing provocative activities and creating trouble" in reference to Article 293 in the PRC Criminal Law. The Commission uses the translation "picking quarrels and provoking trouble." PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 293. For more information on Zhang Miao, see the Commission's Political Prisoner Database record 2014-00371.

<sup>156</sup>Angela Köckritz, "They Have Miao," *Die Zeit*, 14 January 15.

<sup>157</sup>William Wan, "China Harassing and Imprisoning Chinese Working for Foreign News Outlets," *Washington Post*, 22 January 15; Matt Schiavenza, "News Assistants: The Unsung Heroes of Journalism in China," *Atlantic*, 19 January 15.

<sup>158</sup>Foreign Correspondents' Club of China, "FCCC Annual Working Conditions Report 2015," reprinted in *Wall Street Journal*, May 2015.

<sup>159</sup>"Reuters Websites Become Inaccessible in China," *Reuters*, 20 March 15; Alistair Charlton, "Reuters News Banned in China: English and Chinese Versions Inaccessible," *International Business Times*, 20 March 15. Western media blocked in China include the *New York Times*, *Bloomberg*, the *Wall Street Journal*, and *Reuters*.

<sup>160</sup>David Dawson, "Chinese Authorities Snuff Out Last Online Remnants of the New York Times," *The Diplomat*, 11 February 15.

<sup>161</sup>"BBC Reporter's Press Credentials Confiscated During Attempt To Interview Supporters of Hong Kong Protest Event" [BBC jizhe caifang shengyuan xianggang kangyi huodong zhengjian zao moshou], *BBC*, 2 October 14; "Beijing's Artist Supporters of Occupy Central Taken Away, Foreign Journalist Obstructed" [Beijing yishujia shengyuan zhan zhong bei zhua, waimei jizhe zao zurao], *Radio Free Asia*, 2 October 14.

<sup>162</sup>"Two French Reporters Attempting To Interview Hada Detained for Several Hours by Public Security and Then Expelled" [Liang ming faguo jizhe ni caifang hada bei gong'an kouliu huodong zhengjian hou quzhu], *Radio Free Asia*, 23 February 15; Liu Yizong, "AP Journalists Interviewing Striking Workers in Guangdong Taken Away by Officials" [Meilianshe jizhe caifang guangdong bagong gongren bei guanfang daizou], *Epoch Times*, 29 March 15.

<sup>163</sup>Liu Yizong, "AP Journalists Interviewing Striking Workers in Guangdong Taken Away by Officials" [Meilianshe jizhe caifang guangdong bagong gongren bei guanfang daizou], *Epoch*

Times, 29 March 15; "Protest at Japanese-Financed Factory Continues, Two Associated Press Reporters Detained Briefly" [Rizi chang gongchao chixu meilianshe liang jizhe yidu bei daizou], Radio Free Asia, 26 March 15.

<sup>164</sup> Angela Köckritz, "They Have Miao," *Die Zeit*, 14 January 15. According to Köckritz, authorities threatened her with visa problems and "negative consequences," and accused her of helping to organize the 2014 pro-democracy protests in Hong Kong.

<sup>165</sup> Foreign Correspondents' Club of China, "Foreign Correspondents' Club of China (FCCC) Visa Survey 2014 Findings," reprinted in International Association of Press Clubs, 4 March 15.

<sup>166</sup> David McKenzie, "CNN Crew Roughed Up by Police," 13 May 15, 00:30–01:09.

<sup>167</sup> Ibid.

<sup>168</sup> Scott Murdoch, "Al Jazeera Veteran Adrian Brown Strikes Trouble in China," *Australian*, 25 May 15.

<sup>169</sup> Foreign Correspondents' Club of China, "Foreign Correspondents' Club of China (FCCC) Visa Survey 2014 Findings," reprinted in International Association of Press Clubs, 4 March 15.

<sup>170</sup> Ibid. See also Freedom House, "Freedom of the Press 2015," April 2015, section on China.

<sup>171</sup> Foreign Correspondents' Club of China, "Foreign Correspondents' Club of China (FCCC) Visa Survey 2014 Findings," reprinted in International Association of Press Clubs, 4 March 15.

<sup>172</sup> Nicholas Kristof, "A Changed China Awaits Mr. Obama," *New York Times*, 8 November 14.

<sup>173</sup> Office of the Press Secretary, The White House, "Remarks by President Obama and President Xi Jinping in Joint Press Conference," 12 November 14; Mark Landler, "A Fruitful Visit by Obama Ends With Blunt Words by Xi Jinping," *New York Times*, 12 November 14.

<sup>174</sup> Mark Landler, "A Fruitful Visit by Obama Ends With Blunt Words by Xi Jinping," *New York Times*, 12 November 14. Landler reported that Xi Jinping said that "When a car breaks down on the road, perhaps we need to step down and see what the problem is . . ." and "Let he who tied the bell on the tiger take it off." Michael Calderone, "Chinese President Xi Jinping Suggests News Outlets Are the Ones To Blame for Visa Problems," *Huffington Post*, 12 November 14; Erik Wemple, "New York Times Editor on China Visa Problem: 'We're a Little Bit Hostages,'" *Washington Post*, 12 November 14.

## WORKER RIGHTS

*Freedom of Association*

The Chinese government's laws and practices continue to contravene international standards on freedom of association. The right to freely associate is identified as a fundamental labor right by the International Labour Organization (ILO) and is protected under international law, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.<sup>1</sup> Although China is a member of the ILO, Chinese labor law does not incorporate basic obligations relating to freedom of association as defined under international law.<sup>2</sup> Chinese workers are not free to form or join trade unions of their own choosing.<sup>3</sup> Organizing independent trade unions outside the structure of the state remains illegal, and authorities continue to suppress the work of independent labor rights groups.<sup>4</sup>

The All-China Federation of Trade Unions (ACFTU) remains the only legal trade union organization allowed under Chinese law.<sup>5</sup> The PRC Trade Union Law requires that all union activity be approved by and organized under the ACFTU, an organization under the direction of the Chinese Communist Party and government.<sup>6</sup> The ACFTU Constitution and the PRC Trade Union Law mandate that the ACFTU protect the legal rights and interests of workers while supporting the leadership of the Party and the broader goals and interests of the government.<sup>7</sup> Leading union officials hold concurrent high-ranking positions in the Party and government,<sup>8</sup> while enterprise-level union officials are frequently appointed by management, undermining union autonomy and giving employers influence over union policy and decisionmaking.<sup>9</sup> The ACFTU is reportedly the largest trade union organization in the world in terms of members, with a reported 290 million members at the end of 2014.<sup>10</sup>

*Collective Bargaining*

Collective bargaining in China remains limited in both law and practice. A series of provisions found in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law together provide a legal framework for negotiating collective contracts and some process of collective consultation between employers and workers.<sup>11</sup> Under this framework, workers and employers can negotiate collective contracts on a range of work-related issues, with the trade union specified as the principal negotiator and representative of workers.<sup>12</sup> In addition to national law, 29 of 31 provincial-level governments have issued regulations on collective negotiations.<sup>13</sup> Several central government officials have criticized inadequacies in national labor laws, indicating that provisions related to collective bargaining lack substance and are ineffective in requiring employers to negotiate with workers.<sup>14</sup>

Additionally, the limitations of trade unions in representing workers' interests make genuine collective bargaining difficult, if not unattainable.<sup>15</sup> Many enterprise-level trade unions remain subject to undue influence by employers, while higher level trade unions continue to be subordinate to the interests of national and provincial Party and government authorities.<sup>16</sup> Top-down bench-



marks issued by the central government and ACFTU on quantifiable rates for concluded collective contracts have also led enterprises to enter into agreements that either reflect minimum legal labor standards or fail to be implemented after signing.<sup>17</sup>

*Civil Society and Labor Non-Governmental Organizations*

Throughout the 2015 reporting year, labor non-governmental organizations (NGOs) and independent labor rights advocates reported increased harassment and intimidation. Labor NGOs have long worked under uncertain conditions, with many groups forced to operate informally due to their inability to officially register with the authorities.<sup>18</sup> Yet a number of labor advocates described the scope and intensity of the pressure over the past year as unprecedented.<sup>19</sup> Concerns over “maintaining social stability” amid rising labor unrest have led authorities to use aggressive tactics to monitor and restrict the activities of labor advocates and NGOs.<sup>20</sup> Several NGOs shut down or significantly reduced their operations reportedly due to pressure from local authorities.<sup>21</sup> In one example, police harassment forced the Chunfeng Labor Dispute Service Center in Shenzhen municipality, Guangdong province, to move its offices 13 times in 2014.<sup>22</sup>

Labor NGOs and advocates also reported numerous cases in which individuals faced heightened surveillance,<sup>23</sup> harassment,<sup>24</sup> and detention<sup>25</sup> as a result of their work. Authorities in Guangzhou municipality, Guangdong, criminally detained labor advocate Liu Shaoming on suspicion of “picking quarrels and provoking trouble” on May 30, 2015, reportedly due to his advocacy and efforts to organize a labor NGO, and formally arrested him on unknown charges on July 14.<sup>26</sup> Of particular concern, labor advocates have increasingly been subject to violent attacks.<sup>27</sup> The Commission observed reports of at least eight attacks against labor advocates or NGO offices since October 2014.<sup>28</sup> In several of these incidents, local authorities reportedly failed to investigate or solve the crimes.<sup>29</sup> In one case, a group of unidentified men abducted labor advocate Peng Jiayong outside a police station in Zhongshan municipality, Guangdong, severely beat him, and later abandoned him in the countryside.<sup>30</sup>

Domestic labor NGOs’ and advocates’ ties to foreign organizations were reportedly of particular concern to authorities throughout the past reporting year. In November 2014, authorities in Guangzhou closed the International Center for Joint Labor Research (ICJLR)—established in 2010 by the University of California, Berkeley, and Sun Yat-sen University in Guangzhou—without specific reason.<sup>31</sup> The ICJLR hosted local and foreign researchers studying industrial relations in China and organized academic forums on labor-related issues.<sup>32</sup> According to Chinese academics and others, the ICJLR’s closure came amid authorities’ growing concern over foreign influence on Chinese universities and civil society.<sup>33</sup> Other labor NGOs and advocates also reported facing pressure from authorities for accepting foreign funding.<sup>34</sup> In March 2015, Vice Chairman and Party Secretary of the ACFTU Li Yufu stated that “overseas hostile forces” were increasingly “attempting to wreck the solidarity of the working class and trade union unity with the help of some illegal labor ‘rights defense’ organizations

and ‘rights defense’ activists.”<sup>35</sup> Measures that went into effect in Guangzhou in January 2015 and a draft PRC Overseas NGO Management Law released in April 2015 may intensify scrutiny of domestic NGOs that receive foreign funding.<sup>36</sup> [For more information on the January 2015 Guangzhou Measures and the draft PRC Overseas NGO Management Law, see Section III—Civil Society.]

### *Child Labor*

Child labor continues to be a problem in China despite the existence of legal measures prohibiting its practice. As a member of the International Labour Organization (ILO), China has ratified the two core conventions on the elimination of child labor.<sup>37</sup> The PRC Labor Law and related legislation also prohibit the employment of minors under 16, and national legal provisions prohibiting child labor stipulate fines and other punishments for employing children.<sup>38</sup> Systemic problems in implementation and enforcement of the law, however, have hindered the effects of these legal measures.<sup>39</sup> Collusion between private businesses and local authorities reportedly continues to facilitate child labor.<sup>40</sup> In addition, a reported lack of government resources has hindered monitoring and oversight in the workplace.<sup>41</sup> In 2015, the ILO’s Committee of Experts on the Application of Conventions and Recommendations (CEACR) expressed “deep concern that, to date, not a single case of child labour has been found [by government regulators], despite the Government’s indication that its labour inspectors conduct routine visits and inspections.”<sup>42</sup>

The overall extent of child labor remains difficult to assess due to a lack of data and official reporting on cases.<sup>43</sup> In 2015, the CEACR expressed concern over this lack of transparency and urged the Chinese government to “take necessary measures to ensure that sufficient up-to-date data on the situation of working children in China is made available . . .”<sup>44</sup> Chinese experts and media reports indicated child laborers work primarily in low-skill service sectors as well as in small workshops and businesses, including textile and electronics manufacturing enterprises.<sup>45</sup> In a December 2014 report, the U.S. Department of Labor reported it had “reason to believe” six categories of goods—bricks, cotton, electronics, fireworks, textiles, and toys—were being produced in China with child labor.<sup>46</sup> Chinese experts and judicial officials identified poverty and the low quality of education in rural areas as underlying factors contributing to child labor in China.<sup>47</sup> Increased labor shortages in recent years and a desire to cut down on labor costs were also reported to be motivating factors for hiring underage workers.<sup>48</sup>

Reports of child labor continued during the reporting year with a high-profile case surfacing at a factory in Guangdong province. A migrant worker, Li Youbin, reportedly died in November 2014 after regularly working 10- to 12-hour shifts at a factory that manufactured shoes in Dongguan municipality, Guangdong.<sup>49</sup> Li was only 13 years old when the factory hired him and at the time of his death.<sup>50</sup> Southern Metropolitan Daily reported a labor dispatch agency provided Li with false identity documents to obscure his real age,<sup>51</sup> a problem authorities have acknowledged is widespread.<sup>52</sup>

### *Student Labor in Work-Study Programs*

The expansion of internship programs for vocational school and college students in recent years increased attention to the misuse of student labor through work-study programs. The Ministry of Education reported in October 2014 that 10 million vocational school students participate in internships each year in China.<sup>53</sup> The PRC Education Law and related legislation support the establishment of work-study and other vocational programs provided they contain educational content and do not negatively affect the safety and health of students.<sup>54</sup>

Reports throughout the 2015 reporting year, however, found student workers engaged in industrial and service sector internships that did not meet these standards and often violated Chinese labor law.<sup>55</sup> Chinese experts and media reports indicate that student interns often work for substandard wages in internships largely lacking educational or vocational content.<sup>56</sup> A survey published in September 2014 by the ILO and the China National Textile and Apparel Council found that 52 percent of student interns working in the textile and apparel industries worked under conditions that did not meet minimum Chinese labor standards, and in some circumstances constituted forced labor.<sup>57</sup> The survey found that in other cases, students worked full and overtime schedules under hazardous conditions.<sup>58</sup> An October 2014 report by the Ministry of Education found that for every 100,000 students engaged in internships, around 78 students on average were injured and 4 died.<sup>59</sup> In December 2014, Vice Minister of Education Lu Xin criticized the practice of vocational schools sending underage students to perform internships at low-end enterprises as a violation of Chinese labor law, saying that “it is never permitted for vocational students to be used as child labor.”<sup>60</sup> Although student workers are not explicitly excluded from protection under Chinese labor law, the absence of specific legal provisions addressing student workers has been cited as a reason for continued violations.<sup>61</sup>

### *Social Insurance*

Chinese workers continue to face significant challenges obtaining social insurance benefits, despite progress made in recent years expanding insurance coverage nationwide.<sup>62</sup> The PRC Social Insurance Law provides all workers with the right to social security by requiring employers to enroll their employees in five social insurance schemes, including basic pension insurance, medical insurance, work-related injury insurance, unemployment insurance, and maternity insurance.<sup>63</sup> The failure of employers to purchase insurance for workers or provide regular insurance contributions, however, remains widespread.<sup>64</sup> An October 2014 study published by a group of Chinese labor experts found that none of the five factories examined in their investigation had purchased pension insurance for their workers as required by law.<sup>65</sup> Labor experts and advocates have cited ineffective punitive measures, as well as collusion between local authorities and businesses, as underlying causes for employers’ noncompliance with the law.<sup>66</sup> Moreover, government policies in some instances have allowed employers to delay insurance contribution payments.<sup>67</sup> A government policy introduced dur-

ing the 2008 financial crisis allowed employers to delay insurance payments for up to six months.<sup>68</sup> Authorities reportedly never formally rescinded this policy, and the practice continues in some areas, including in the Guangxi Zhuang Autonomous Region and Shanxi and Zhejiang provinces.<sup>69</sup>

Migrant workers in particular continue to lack social insurance coverage. The National Bureau of Statistics of China indicated in 2015 that a minority of migrants had pension insurance (16.7 percent), medical insurance (17.6 percent), work-related injury insurance (26.2 percent), unemployment insurance (10.5 percent), and maternity insurance (7.8 percent).<sup>70</sup> Migrants also continue to have trouble transferring insurance when moving and in some instances faced restrictions filing claims for insurance compensation.<sup>71</sup> Labor experts have raised concerns specifically over the lack of pension insurance, as an estimated 40 million migrant workers over the age of 50 approach retirement age.<sup>72</sup> Throughout the 2015 reporting year, these older workers were at the forefront of protests demanding insurance payments.<sup>73</sup>

### *Wages*

Disposable income and absolute wage levels reportedly increased in China during this reporting year. The National Bureau of Statistics of China reported the national per capita disposable income in 2014 was 20,167 RMB (US\$3,300), an increase of 10.1 percent from 2013.<sup>74</sup> Monthly minimum wage levels also increased in 2014, with state media reporting a 14.1-percent average rise in minimum wages in 19 provincial-level areas.<sup>75</sup> As of April 2015, the Commission observed an increase in monthly minimum wages in 11 provincial-level areas at an average of 10 percent for 2015.<sup>76</sup> Structural changes in China's labor market, in particular a decline in the working age population, as well as an increasingly assertive workforce, have in part driven wage increases in recent years.<sup>77</sup>

The growth in wage levels, however, has slowed in recent years. A comparison of minimum wage growth between 2011 and 2015 shows that the rate of growth declined over the past five years, from an average increase of 22 percent in 2011 to 20 percent in 2012, 17 percent in 2013, 14 percent in 2014, and around 10 percent as of April 2015.<sup>78</sup> Chinese and international labor experts indicate slowing economic growth, declining business profits, and economic restructuring have all contributed to lower wage growth and will likely continue to do so in the near future.<sup>79</sup> Moreover, minimum wage growth in some areas has reportedly failed to achieve targets outlined in the 12th Five-Year Plan on Employment Promotion issued in 2011, which calls for minimum wage levels to increase by an average of 13 percent per year and reach 40 percent of the average wage in each region by 2015.<sup>80</sup> Current data indicates that minimum wage levels in many cities are less than the 40 percent target and remain generally insufficient to cover basic living expenses.<sup>81</sup>

As wage level growth has declined, income inequality between industrial sectors and groups of workers has been increasing.<sup>82</sup> In a study published by the International Monetary Fund in March 2015, the top fifth of earners in China accounted for 47 percent of total income while the bottom fifth accounted for less than 5 per-

cent, making China “one of the most unequal countries in the world.”<sup>83</sup>

#### *Wage Arrears and Non-Payment of Wages*

Wage arrears and the non-payment of wages remain significant problems, particularly for migrant workers. The Ministry of Human Resources and Social Security (MOHRSS) reported that labor authorities handled a total of 228,000 cases involving wage violations in the first 11 months of 2014, an increase of 7 percent from 2013.<sup>84</sup> Chinese and international media indicate deteriorating business conditions have made wage arrears especially common in the construction and manufacturing industries, where widespread use of subcontracting and tightening credit controls have caused the delay or non-payment of wages.<sup>85</sup> Vice Minister of the MOHRSS Qiu Xiaoping cited wage arrears as a primary factor prompting labor-related conflict in the past year, and labor experts predict wage arrears could become more common as economic growth continues to slow.<sup>86</sup>

Throughout the 2015 reporting year, protests by workers over wage arrears remained widespread, particularly in the weeks prior to the Chinese Lunar New Year holiday.<sup>87</sup> Use of violence by law enforcement and security personnel, and criminal syndicates, to suppress worker-led wage arrears protests is common, according to Chinese labor experts and advocates.<sup>88</sup> A February 2015 report published by a Chinese non-governmental human rights organization documented 63 cases between February 2014 and January 2015 in which authorities used violence to suppress workers protesting over wage arrears, causing the deaths of at least four workers.<sup>89</sup> In a case that attracted wide public attention, police beat to death female migrant worker Zhou Xiuyuan in December 2014 amid a dispute over unpaid wages at a construction site in Taiyuan municipality, Shanxi province.<sup>90</sup> Authorities tried the three police officers involved in the incident in May 2015.<sup>91</sup> In March 2015, Premier Li Keqiang indicated in the government’s annual work report that authorities would “deal with the ‘missing’ or delayed wages of migrant workers.”<sup>92</sup> Regulations released by the MOHRSS in December 2014 aim to streamline procedures for investigating and prosecuting cases of wage arrears.<sup>93</sup> Employers who fail to pay workers are already subject to criminal punishment under a provision in the 2011 amendment to the PRC Criminal Law,<sup>94</sup> yet few cases have been prosecuted.<sup>95</sup>

#### *Occupational Health and Safety*

Workers in China continue to be exposed to a variety of occupational safety and health risks. The director of the International Labour Organization’s China and Mongolia office stated that “China is likely to continue to face major [occupational safety and health] challenges” as the country’s industrial and urban landscape changes.<sup>96</sup> High-risk industries such as mining and chemical manufacturing still constitute a major part of the economy, while emerging industries present new challenges for workplace safety.<sup>97</sup> Amid slowing economic growth, government officials found some enterprises have reduced investment in workplace safety or low-

ered safety standards in order to attract business.<sup>98</sup> Despite a measurable decrease in recent years in the number of officially reported workplace accidents and fatalities, substantial occupational hazards persist and industrial accidents and deaths remain “too high,” according to Yang Dongliang, former director of the State Administration of Work Safety (SAWS).<sup>99</sup> SAWS reported a total of 290,000 accidents and 66,000 deaths in 2014, a decrease from 2013 of 3.5 percent and 4.9 percent, respectively.<sup>100</sup> Officially reported accidents and deaths in the mining industry in 2014 declined by 16.3 percent and 14.3 percent, respectively,<sup>101</sup> although some experts have suggested the actual number of accidents and deaths could be higher due to underreporting and cover-ups by local government authorities and mining enterprises.<sup>102</sup>

Weak regulation and enforcement of health and safety standards remain significant problems due, in part, to a lack of adequate resources. A December 2014 State Council report on workplace safety found that only 54 percent of China’s 3,312 economic development zones had adequate safety supervision.<sup>103</sup> For example, the economic development zone in Kunshan municipality, Jiangsu province, was reported in 2015 to have only three safety regulators for over 4,000 enterprises.<sup>104</sup> In some cases, enterprises were found to be operating without proper licensing. For example, the State Council reported in 2014 that 3,840 mines were operating without necessary permits or were engaged in illegal mining activity.<sup>105</sup> Some employers also frequently ignore mandatory health and safety standards and take actions that put the health and safety of workers at risk.<sup>106</sup> Significant safety violations observed in the past reporting year included the following:

- **Excessive Overtime.** Excessive overtime in violation of Chinese labor law remained widespread.<sup>107</sup> A November 2014 report by Beijing Normal University estimated that 90 percent of enterprises nationwide violated legal limits on overtime.<sup>108</sup> A January 2015 investigation on working conditions at two textile factories in Guangdong province found that workers performed between 112 and 134 hours of overtime per month.<sup>109</sup> To supplement low base wages, workers often requested overtime, which encouraged employers’ noncompliance with overtime limits.<sup>110</sup>
- **Unsafe Working Environment.** Labor non-governmental organizations (NGOs) and Chinese and international media highlighted a variety of occupational health and safety risks Chinese workers faced in some industries, including unsanitary working conditions, exposure to hazardous materials, and poor air quality.<sup>111</sup> Basic personal protection equipment was often inadequate or absent.<sup>112</sup> A March 2015 media investigation found that several textile factories in Guangdong used sandblasting in the production of jeans, a dangerous manufacturing process that can cause the respiratory disease silicosis.<sup>113</sup> The investigation uncovered evidence that factories provided workers with little or no protective equipment when sandblasting and handling harmful chemicals.<sup>114</sup>
- **Lack of Safety Training.** Employers frequently failed to provide workers with legally mandated safety training.<sup>115</sup> A December 2014 State Council report on workplace safety found

that 70 percent of workers in the mining, construction, and fireworks industries did not receive required safety training.<sup>116</sup> An investigation into a November 2014 fire at a food processing plant in Shandong province found a lack of safety training and emergency drills had contributed to the deaths of 18 workers and injuries of 13 others.<sup>117</sup>

Occupational disease remains a significant and growing problem in China. Experts indicate that around 36 percent of workers in China are exposed to hazards in the workplace and that occupational hazards overall are increasing, particularly in small and medium enterprises.<sup>118</sup> Former Director of the State Administration of Work Safety Yang Dongliang stated in February 2015 that “large gaps” still exist in preventing occupational diseases.<sup>119</sup> Research published in April 2015 by a consortium of Chinese universities and government-led research centers found that the number of people suffering from occupational diseases in China, as well as the cumulative number of new cases and disease-related deaths, ranked among the highest in the world.<sup>120</sup> The Chinese Center for Disease Control and Prevention recorded 15,871 new occupational disease cases in the first eight months of 2014, although labor experts indicate the actual number of new cases each year is most likely much higher than official reports.<sup>121</sup> Limited government disclosure of occupational disease rates, cases concealed by employers and local authorities, and the failure of many workers to undergo medical examinations reportedly cause many cases to go unaccounted for and undiagnosed.<sup>122</sup>

Instances of the lung disease pneumoconiosis remain particularly high, with government experts indicating 10,000 new cases on average are recorded each year, and reportedly account for between 80 and 90 percent of all occupational disease cases in China.<sup>123</sup> State-run media reported a total of 720,000 pneumoconiosis sufferers in China, but an NGO that does research on the disease estimated a number closer to 6 million.<sup>124</sup> Chinese medical experts and government officials have cited weak government oversight and inadequate investment in occupational health services as two of the factors contributing to high rates of occupational disease in China.<sup>125</sup> Research from 2015 indicated basic occupational health services only covered 10 to 20 percent of workers nationwide, while there was also a serious shortage of occupational health service professionals.<sup>126</sup>

### Contract Labor: Firefighters

During the past reporting year, the Commission observed that over-reliance on and abuse of contract and subcontract labor remained a problem across many industries,<sup>127</sup> including for public safety services such as firefighting.<sup>128</sup> The Ministry of Public Security reportedly employs approximately 130,000 official firefighters,<sup>129</sup> far fewer per capita than in other developing countries.<sup>130</sup> To cope with this shortage, local governments, public institutions, and enterprises throughout China employ approximately 113,000 contract firefighters in addition to those officially employed, according to government statistics from December 2014.<sup>131</sup> Contract firefighters reportedly receive low pay, few opportunities for advancement, insufficient training, and limited social insurance.<sup>132</sup> The adverse work conditions of contract firefighters pose serious hazards to both firefighters and the public. After a fire in Harbin municipality, Heilongjiang province, killed five firefighters in January 2015, a veteran Harbin firefighter stated that one of the deceased firefighters had been at the job for less than two months. Standard practice reportedly requires a year of training before being allowed to participate in firefighting,<sup>133</sup> but some new recruits are deployed after only a few months of training.

Such problems were seen in the case of a deadly chemical fire and explosions in Tianjin municipality on August 12, 2015.<sup>134</sup> Contract firefighters employed by the state-owned Tianjin Port Group were the first on the scene of the fire.<sup>135</sup> According to international and Chinese media reports, the contract firefighters attempted to extinguish the blaze with water because they were unaware that it was a chemical fire and had limited training on controlling such a fire.<sup>136</sup> Some experts indicated that water may have combined with the industrial chemicals to cause two massive explosions.<sup>137</sup> As of August 21, state-run media reported that 65 firefighters were among the 116 dead and 39 firefighters were among the 60 missing,<sup>138</sup> making it the deadliest incident for Chinese firefighters since 1949.<sup>139</sup> Reports that contract firefighters were omitted from the initial list of dead and missing persons raised concerns that the government would not recognize their sacrifices.<sup>140</sup> Premier Li Keqiang addressed such concerns during an inspection visit to Tianjin by stating that all the deceased firefighters “must be treated equally with the same burial treatment, honor and compensation.”<sup>141</sup>



## Notes to Section II—Worker Rights

<sup>1</sup>International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work, 18 June 98, art. 2; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23; 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). China has signed, and stated its intent to ratify, the ICCPR.

<sup>2</sup>ILO Convention (No. 87) Freedom of Association and Protection of the Right to Organize, 4 July 1950. Article 2 of the ILO Convention on Freedom of Association and Protection of the Right to Organize stipulates that “workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.” PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 10–11. Article 10 of the PRC Trade Union Law establishes the All-China Federation of Trade Unions (ACFTU) as the “unified national trade union federation” and Article 11 mandates that all unions must be approved by the next higher-level union body, giving the ACFTU an absolute veto over the establishment of any local union and the legal authority to block independent labor associations. UN GAOR Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second Periodic Report of China, Including Hong Kong, China and Macao, China, Adopted at Its 52nd Session (28 April–23 May 2014), 13 June 14, para. 23. Paragraph 23 of the concluding observations on the second periodic report of China by the UN Committee on Economic, Social and Cultural Rights expressed concern “that workers cannot freely exercise their right to form and join trade unions outside the option of the All-China Federation of Trade Unions.”

<sup>3</sup>PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 10–11. Article 10 of the PRC Trade Union Law establishes the All-China Federation of Trade Unions (ACFTU) as the “unified national trade union federation” and Article 11 mandates that all unions must be approved by the next higher level union body, giving the ACFTU an absolute veto over the establishment of any local union and the legal authority to block independent labor associations.

<sup>4</sup>Ibid.; “As Labor-Capital Disputes Increase Dramatically, Labor Groups Also Become Targets of Attack” [Laozi jiu fen juzeng laogong tuanti yi chengwei daji duixiang], Radio Free Asia, 30 December 14.

<sup>5</sup>PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 10–11.

<sup>6</sup>Ibid., arts. 9–12, 56; Constitution of the Chinese Trade Unions [Zhongguo gonghui zhangcheng], adopted 26 September 03, amended 21 October 08, General Principles.

<sup>7</sup>Ibid., arts. 4–6; Ibid.

<sup>8</sup>For example, during the past year, ACFTU Chairman Li Jianguo was concurrently a member of the Political Bureau of the Communist Party Central Committee. See “Li Jianguo, All-China Federation of Trade Unions Chairman” [Li jianguo quanguo zong gonghui zhuxi], All-China Federation of Trade Unions, last visited 23 July 15. See also Manfred Elfstrom, “Whither China’s New Worker Militancy?” China Policy Institute Blog, 31 March 15; “Collective Wage Consultations, Can They Only ‘Look Nice?’” [Gongzi jiti xieshang, zhineng “kanshangqu hen mei?”], Tencent, 23 April 15.

<sup>9</sup>Manfred Elfstrom, “Whither China’s New Worker Militancy?” China Policy Institute Blog, 31 March 15; “Collective Wage Consultations, Can They Only ‘Look Nice?’” [Gongzi jiti xieshang, zhineng “kanshangqu hen mei?”], Tencent, 23 April 15; Jane Slaughter, “Review: Behind China’s Wildcat Strike Wave,” Labor Notes, Troublemakers (blog), 15 October 14.

<sup>10</sup>Lily Kuo, “The Company That Made Your iPhone Is Reluctantly Bringing Democracy to Chinese Labor,” Quartz, 22 September 14; Wang Jiaoping et al., “Looking Back To Have an Even Better Start” [Huimou, shi weile geng hao di chufa], Workers’ Daily, 26 December 14.

<sup>11</sup>PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, chap. 3, arts. 16–35; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, effective 1 January 08, amended 28 December 12, chap. 5, secs. 1–2, arts. 51–67; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 6, 20.

<sup>12</sup>PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 6, 20; PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, chap. 3, arts. 16–35; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, effective 1 January 08, amended 28 December 12, chap. 5, secs. 1–2, arts. 51–67.

<sup>13</sup>Chen Xiaoyan and Shen Gang, “Enact Legislation, Allow Workers Daring To Talk With Bosses Their Desire To Talk” [Lifa, rang zhigong gan tan laoban yuan tan], Workers’ Daily, 9 March 15; Wang Kailei, “More and More Migrant Workers Brought Into China’s Union System” [Yuelaiyue duo nongmingong bei naru zhongguo gonghui tixi], Xinhua, 12 November 14.

<sup>14</sup>Chen Xiaoyan and Shen Gang, “Enact Legislation, Allow Workers Daring To Talk With Bosses Their Desire To Talk” [Lifa, rang zhigong gan tan laoban yuan tan], Workers’ Daily, 9 March 15; Chen Xiaoyan and Shen Gang, “Union Committee Members Offer Suggestions for Amending Labor Law” [Gonghui jie weiyuan zhizhao “laodong fa” xiugai], Workers’ Daily, 4 March 15.

<sup>15</sup>“Collective Wage Consultations, Can They Only ‘Look Nice?’” [Gongzi jiti xieshang, zhineng “kanshangqu hen mei?”], Tencent, 23 April 15.

<sup>16</sup>Liu Jiaying, “Report States Migrant Workers’ Collective Action Pushes Forward Labor Union Reform” [Baogao cheng nongmingong jiti xingdong tuidong gonghui gaige], Caixin, 8 December 14; Manfred Elfstrom, “Whither China’s New Worker Militancy?” China Policy Institute Blog, 31 March 15; “Collective Wage Consultations, Can They Only ‘Look Nice?’” [Gongzi jiti

xieshang, zhineng “kanshangqu hen mei”?), Tencent, 23 April 15; Jane Slaughter, “Review: Behind China’s Wildcat Strike Wave,” Labor Notes, Troublemakers (blog), 15 October 14. See also Chris King-Chi Chan and Elaine Sio-leng Hui, “The Development of Collective Bargaining in China: From ‘Collective Bargaining by Riot’ to ‘Party State-Led Wage Bargaining,’” China Quarterly, Vol. 216 (December 2013), 7.

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<sup>21</sup>Alexandra Harney, “China Labor Activists Say Facing Unprecedented Intimidation,” Reuters, 21 January 15; Jennifer Zhang, “USi Exclusive: Young Chinese Labour Activist: I Want To Set Up My Own NGO,” Union Solidarity International, 30 March 15; Anita Chan, “China’s Factory Workers Are Becoming More Restive,” Yale Global Online, 21 May 15; “Sunflower Center Suspects Registration Revoked Over Rights Defense for Female Workers” [Xiangyanghua zhongxin yi wei nugong weiquan bei che dengji], Radio Free Asia, 8 July 15.

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<sup>23</sup>See, e.g., “Guangzhou Shoe Factory Strike Continues, Workers Occupying Factory Building Confront Police” [Sui xie chang bagong chixu gongren zhanju changfang yu jing duizhi], Radio Free Asia, 23 April 15; Anita Chan, “China’s Factory Workers Are Becoming More Restive,” Yale Global Online, 21 May 15.

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<sup>25</sup>“Xitiecheng Company Staff in Guangzhou Threatened With Having Contracts Terminated, Citizens Who Found Out About the Situation Detained by Police” [Guangzhou xitiecheng gongsi yuangong bei weixie jieyue gongmin liaojie qingkuang zao jing kouliu], Radio Free Asia, 10 February 15; “Guangdong Workers’ Collective Rights Defense Continues To Face Suppression” [Guangdong gongren jiti weiquan jielian zao daya], Radio Free Asia, 20 April 15.

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<sup>87</sup>Wu Lina, "Why Can't 'Sentencing for Malicious Wage Arrears' Work Like 'Sentencing for Drunk Driving?'" [Weihe "eyi qianxin ruxing" buneng xiang "zuijia ruxing" yiyang qi zuoyong?], Xinhua, 11 February 15; Zhong Wei, "Liu Li: Make Good the Bridge Between Migrant Workers and the Government" [Liu li: zuohao nongmingong he zhengfu zhijian de qiaoliang], People's Daily, 13 February 15; "Nanjing Migrant Workers' Blood-Soaked Demand for Wages Makes Clear Wage Arrears Problem Is Still Widespread" [Nanjing mingong yuxue taoxin tuxian qianxin wenti rang pubian], Radio Free Asia, 18 February 15.

<sup>88</sup>Civil Rights & Livelihood Watch, "Respect Human Rights, Care For Life—2014 Statistics on Cases of Migrant Workers Demanding Wages and Suffering Violence and Injury" [Zunzhong renquan guan'ai shengming—2014 nian nongmingong tao xin zao baoli shanghai anjian tongji], 2 February 15. According to Civil Rights & Livelihood Watch, the law enforcement and security personnel involved in the violent suppression of wage arrear protests included local police, People's Armed Police (*wujing*), and S.W.A.T. forces (*tejing*). "Annual Statistics Released on Incidents of Workers Injured While Demanding Wages, Incidents Where Wages Are Demanded Considered Law and Order Stability Maintenance Cases Leading to a Vicious Cycle" [Niandu mingong taoxin shanghai an tongji chulu taoxin an dangcheng zhian weiwen an daozi exing xunhuan], Radio Free Asia, 2 February 15; "Nanjing Migrant Workers' Blood-Soaked Demand for Wages Makes Clear Wage Arrears Problem Is Still Widespread" [Nanjing mingong yuxue taoxin tuxian qianxin wenti rang pubian], Radio Free Asia, 18 February 15.

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<sup>92</sup>State Council, “Government Work Report” [Zhengfu gongzuo baogao], *Xinhua*, 16 March 15; State Council, “Report on the Work of the Government,” reprinted in *Xinhua*, 16 March 15.

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<sup>94</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 276.

<sup>95</sup>Wu Lina, “Why Can’t ‘Sentencing for Malicious Wage Arrears’ Work Like ‘Sentencing for Drunk Driving?’” [Weihe “eyi qianxin ruxing” buneng xiang “zuijia ruxing” yiyang qi zuoyong?], *Xinhua*, 11 February 15; “Ministry of Human Resources and Social Security: Wage Arrears of Migrant Workers Becoming a Prominent Labor Conflict” [Renshibu: tuoqian nongmingong gongzi shi you fasheng yi cheng tuchu laozi maodun], *China News Service*, 6 January 15.

<sup>96</sup>Tim De Meyer, International Labour Organization, “Join in Building a Culture of Prevention on OSH,” Speech at the ILO/SAWS Commemoration of World Day of Safety and Health and the Seminar on Preventative Safety Inspection, 28 April 15.

<sup>97</sup>*Ibid.* See also “State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15; Chen Jing, “Occupational Disease in China Widespread, Experts Call for Establishing Comprehensive Occupational Disease Risk Early Warning System” [Zhongguo zhiyebing gaofa zhuanjia yu jian quanmian de zhiyebing weihai yujing tixi], *China News Service*, 29 April 15.

<sup>98</sup>State Council, “State Council Report on Circumstances of Work Safety” [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14; “State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15.

<sup>99</sup>Wang Yichen, “2014 National Work Safety Accidents and Death Toll Totals Decline 3.5 Percent and 4.9 Percent” [2014 nian quanguo anquan shengchan shigu shu he siwang renshu xiajiang 3.5% he 4.9%], *China Economic Net*, 27 January 15; “State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15.

<sup>100</sup>State Administration of Work Safety, “2014 National Work Safety Review” [2014 nian quanguo anquan shengchan gongzuo huigu], 26 January 15; “State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15.

<sup>101</sup>State Administration of Work Safety, “2014 National Work Safety Review” [2014 nian quanguo anquan shengchan gongzuo huigu], 26 January 15.

<sup>102</sup>Michael Lelyveld, “China Cuts Coal Mine Deaths, but Count in Doubt,” *Radio Free Asia*, 16 March 15; Gao Yulong, “Coal Mine Conceals Reports of Deaths and Smuggles Black Coal, Workers Collectively Denounce Wage Arrears” [Meikuang man bao shangwang tou yun hei mei tuoqian gongzi zao gongren jiti jubao], *China Business News*, 7 April 15; “Seventeen Officials Punished After Mine Accident Cover-Up,” *Xinhua*, 28 January 15.

<sup>103</sup>State Council, “State Council Report on Circumstances of Work Safety” [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14.

<sup>104</sup>“State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15.

<sup>105</sup>State Council, “State Council Report on Circumstances of Work Safety” [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14.

<sup>106</sup>*Ibid.*

<sup>107</sup>See, e.g., “Investigation States Overtime in Labor Intensive Industries Has Become Normal State of Affairs, Costs of Rights Defense High” [Diaocha cheng laodong miji xing qiye jiaiban yi cheng changtai wei quan chengben gao], *China National Radio*, reprinted in *People’s Daily*, 5 February 15. According to Article 41 of the PRC Labor Law, employers may extend work hours, but the total number of overtime hours per month that a worker is allowed to perform may not exceed 36 hours. See PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 41.

<sup>108</sup>“90 Percent of Industry Workers’ Working Hours Exceed Limits, Holiday Overtime Pay ‘Disappears Without a Trace’” [Jiu cheng hangye laodongzhe gongzuo shijian chao biao jie jiari jiaiban fei “buyierfei”], *CCTV*, reprinted in *China News Service*, 24 November 14.

<sup>109</sup>Students and Scholars Against Corporate Misbehavior et al., “Investigation Report on the Working Conditions in UNIQLO’s China Suppliers,” January 2015, 1.

<sup>110</sup>“Investigation States Overtime in Labor Intensive Industries Has Become Normal State of Affairs, Costs of Rights Defense High” [Diaocha cheng laodong miji xing qiye jiaiban yi cheng

changtai weiquan chengben gao], China National Radio, reprinted in People's Daily, 5 February 15.

<sup>111</sup>Yuan Suwen et al., "Behind Rights Defense Difficulties of Migrant Workers With Occupational Disease: Settling Out of Fear That Things Will Drag on Becomes the Convention" [Zhiye bing nongmin gong weiquan nan beihou: haipa tuo buqi siliao cheng guanli], Xinhua, reprinted in China News Service, 3 January 15; "Sandblasting Still Being Used in Chinese Jean Factories," Al Jazeera, 11 March 15; Students and Scholars Against Corporate Misbehavior, "The Lives of iSlaves: Report on Working Conditions at Apple's Supplier Pegatron," September 2014, 3, 11–12; China Labor Watch, "Barbie, Mickey Mouse, Optimus Prime, Thomas the Tank Engine: Who Else Continues To Exploit Toy Workers?" 18 November 14, 4, 10–11; Students and Scholars Against Corporate Misbehavior et al., "Investigation Report on the Working Conditions in UNIQLO's China Suppliers," January 2015, 2, 19.

<sup>112</sup>"Sandblasting Still Being Used in Chinese Jean Factories," Al Jazeera, 11 March 15; Students and Scholars Against Corporate Misbehavior, "The Lives of iSlaves: Report on Working Conditions at Apple's Supplier Pegatron," September 2014, 3, 11–12; China Labor Watch, "Barbie, Mickey Mouse, Optimus Prime, Thomas the Tank Engine: Who Else Continues To Exploit Toy Workers?" 18 November 14, 4, 10–11; Students and Scholars Against Corporate Misbehavior et al., "Investigation Report on the Working Conditions in UNIQLO's China Suppliers," January 2015, 14, 17.

<sup>113</sup>"Sandblasting Still Being Used in Chinese Jean Factories," Al Jazeera, 11 March 15.

<sup>114</sup>Ibid.

<sup>115</sup>See, e.g., Students and Scholars Against Corporate Misbehavior, "The Lives of iSlaves: Report on Working Conditions at Apple's Supplier Pegatron," September 2014, 15; China Labor Watch, "Barbie, Mickey Mouse, Optimus Prime, Thomas the Tank Engine: Who Else Continues To Exploit Toy Workers?" 18 November 14, 4.

<sup>116</sup>State Council, "State Council Report on Circumstances of Work Safety" [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14.

<sup>117</sup>State Council and State Administration of Work Safety, "State Council, Office of the Committee on Safety Announcement on the Serious Fire Accident on '11.16' in Shouguang, Shandong" [Guowuyuan anweihui bangongshi guanyu shandong shouguang "11.16" zhongda huozai shigu de tongbao], 24 November 14.

<sup>118</sup>Chen Jing, "Occupational Disease in China Widespread, Experts Call for Establishing Comprehensive Occupational Disease Risk Early Warning System" [Zhongguo zhiyebing gaofa zhuanjia yu jian quanmian de zhiyebing weihai yujing tixi], China News Service, 29 April 15; State Council, "State Council Report on Circumstances of Work Safety" [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14.

<sup>119</sup>Zheng Genling et al., "Yang Dongliang: Great Disparity in Occupational Health, Particularly in the Prevention of Occupational Disease" [Yang dongliang: zhiye jiankang tebie shi zhiyebing fangzhi gongzuo chaju hen da], CCTV, 10 March 15.

<sup>120</sup>Han Xiaorong, "Number of People Suffering From Occupational Disease in China Ranks First in the World, Are You Infected?" [Zhongguo zhiyebing renshu ju quanqiu shouwei, ni zhongzhao le ma?], Shanghai Education News, 30 April 15; Chen Jing, "Occupational Disease in China Widespread, Experts Call for Establishing Comprehensive Occupational Disease Risk Early Warning System" [Zhongguo zhiyebing gaofa zhuanjia yu jian quanmian de zhiyebing weihai yujing tixi], China News Service, 29 April 15.

<sup>121</sup>Chinese Center for Disease Control and Prevention, "2014 National Occupational Disease Report Work Conference Opens in Chengdu" [2014 nian quanguo zhiyebing baogao gongzuo huiyi zai chengdu zhao kai], 30 September 14; Li Letao, "Occupational Disease Dangers Increasingly Serious, Lack of Health Examinations Leads to Difficulty in Rights Defense" [Zhiyebing weihai riqi yanzhong quefa jiankang tijian dao zhi nan weiquan], Dazhong Net, reprinted in Gaowei Law Firm, 22 April 15; China Labor Support Network, "The Current Situation Concerning Occupational Diseases and Disclosure of Government Information in China," Asia Monitor Resource Center, Asian Labour Update, No. 85, January 2015, 7–8.

<sup>122</sup>Li Letao, "Occupational Disease Dangers Increasingly Serious, Lack of Health Examinations Leads to Difficulty in Rights Defense" [Zhiyebing weihai riqi yanzhong quefa jiankang tijian dao zhi nan weiquan], Dazhong Net, reprinted in Gaowei Law Firm, 22 April 15; China Labor Support Network, "The Current Situation Concerning Occupational Diseases and Disclosure of Government Information in China," Asia Monitor Resource Center, Asian Labour Update, No. 85, January 2015, 7–8.

<sup>123</sup>Chen Jing, "Occupational Disease in China Widespread, Experts Call for Establishing Comprehensive Occupational Disease Risk Warning System" [Zhongguo zhiyebing gaofa zhuanjia yu jian quanmian de zhiyebing weihai yujing tixi], China News Service, 29 April 15; Gui Jie, "Love Save Pneumoconiosis: Let Everyone Know These Three Characters Pneumoconiosis" [Da'ai qingchen: rang chenfeibing san ge zi renren jie zhi], China Youth Daily, 4 February 15.

<sup>124</sup>Gao Zhu and Li Na, "The Road to Protecting Rights for Those With Pneumoconiosis: Medical Fees Are a Bottomless Pit and Claiming Compensation Is Arduous" [Chenfeibing huanzhe weiquan lu: yiyao fei shi ge wudidong suo pei jianxin], Workers' Daily, reprinted in Xinhua, 5 April 15; Gui Jie, "Love Save Pneumoconiosis: Let Everyone Know These Three Characters Pneumoconiosis" [Da'ai qingchen: rang chenfeibing san ge zi renren jie zhi], China Youth Daily, 4 February 15. See also Love Save Pneumoconiosis, "About Us: Foundation Introduction" [Guanyu women: jijin jianjie], last visited 27 July 15.

<sup>125</sup>Li Letao, "Occupational Disease Dangers Increasingly Serious, Lack of Health Examinations Leads to Difficulty in Rights Defense" [Zhiyebing weihai riqi yanzhong quefa jiankang tijian dao zhi nan weiquan], Dazhong Net, reprinted in Gaowei Law Firm, 22 April 15; Chen Jing, "Occupational Disease in China Widespread, Experts Call for Establishing Comprehensive Occupational Disease Risk Warning System" [Zhongguo zhiyebing gaofa zhuanjia yu jian quanmian de zhiyebing weihai yujing tixi], China News Service, 29 April 15.

<sup>126</sup>Chen Jing, “Occupational Disease in China Widespread, Experts Call for Establishing Comprehensive Occupational Disease Risk Warning System” [Zhongguo zhiyebing gaofa zhuanjia yu jian quanmian de zhiyebing weihai yujing tixi], China News Service, 29 April 15.

<sup>127</sup>New Generation Task Force, “Investigative Report on the State of Dispatch Labor Use in Guangzhou—Taking Automotive Manufacturing and Electronics Industries as Examples” [Guangzhou laowu paiqian shiyong zhuangkuang diaoyan baogao—yi qiche zhizao ji dianzi hangye wei li], iLabour.org, 20 October 14; “‘State Enterprise Dispatch Labor’ Dispute” [“Guoqi laowu paiqian gong” zhi bian], Worker’s Daily, 12 March 15; Jonathan Landreth and Kevin Slaten, “Major China Apple Supplier Pays Worker Less Than Foxconn: A Q&A With Kevin Slaten of China Labor Watch,” Asia Society, ChinaFile (blog), 20 February 15.

<sup>128</sup>Zheping Huang, “China’s Teenage, Untrained Firefighters Make Disasters Like Tianjin Worse,” Quartz, 18 August 15.

<sup>129</sup>Ibid.; “United States Does Not Encourage ‘Non-Permanent Staff Heroes’ To Serve as Heroes” [Meiguo bu guli “bianwai yingxiong” dang yingxiong], Caijing, 18 August 15.

<sup>130</sup>China Labour Bulletin, “In China, There Is No Firefighters’ Trade Union and It Shows,” 19 August 15; “United States Does Not Encourage ‘Non-Permanent Staff Heroes’ To Serve as Heroes” [Meiguo bu guli “bianwai yingxiong” dang yingxiong], Caijing, 18 August 15. According to Caijing, China employs fewer than 0.9 firefighters per 10,000 residents, while other developing countries have 3 firefighters per 10,000 residents, and developed countries employ between 10 and 15 firefighters per 10,000 residents. Zhang Yongsheng and Zhai Xingli, “Behind Deaths of Firefighters, Investigation Into Professionalization Dilemma” [Xiaofangyuan zhi si beihou zhiyehua kunjing diaocha], Beijing News, 15 January 15. Beijing News reports that China has fewer than 2 firefighters per 10,000 residents while the averages for developing and developed countries are 3 to 5 per 10,000 residents and more than 10 per 10,000 residents, respectively.

<sup>131</sup>Ministry of Public Security Fire Department, China Fire Yearbook (2014) [Zhongguo xiaofang nianjian (2014 nian)], December 2014, 378, 380, 382; Zheping Huang, “China’s Teenage, Untrained Firefighters Make Disasters Like Tianjin Worse,” Quartz, 18 August 15. See also PRC Fire Protection Law [Zhonghua renmin gongheguo xiaofang fa], passed 29 April 98, amended 29 October 08, effective 1 May 09, art. 39.

<sup>132</sup>China Labour Bulletin, “In China, There Is No Firefighters’ Trade Union and It Shows,” 19 August 15; Luo Ting et al., “Many From First Firefighting Team To Enter Scene of Fire Still Out of Contact” [Shou zhi jin huochang xiaofangdui reng duo ren shilian], Beijing News, 16 August 15.

<sup>133</sup>Zhang Yongsheng and Zhai Xingli, “Behind Deaths of Firefighters, Investigation Into Professionalization Dilemma” [Xiaofangyuan zhi si beihou zhiyehua kunjing diaocha], Beijing News, 15 January 15; Xu Ye and Ye Yuting, “Investigation of China’s ‘Non-Permanent Staff’ Firefighters: First Day Entering Scene of Fire, Third Day Moving Corpses” [Zhongguo “bianwai” xiaofangyuan diaocha: ru dui diyi tian shang huochang disan tian ban shiti], Phoenix Net, 21 August 15.

<sup>134</sup>Didi Kirsten Tatlow, “One Week After the Tianjin Blasts: What We Know,” New York Times, Sinosphere (blog), 19 August 15.

<sup>135</sup>Andrew Jacobs, “In Tianjin Blasts, a Heavy Toll for Unsuspecting Firefighters,” New York Times, 17 August 15; Zheping Huang, “China’s Teenage, Untrained Firefighters Make Disasters Like Tianjin Worse,” Quartz, 18 August 15.

<sup>136</sup>Andrew Jacobs, “In Tianjin Blasts, a Heavy Toll for Unsuspecting Firefighters,” New York Times, 17 August 15; Luo Ting et al., “Many From First Firefighting Team To Enter Scene of Fire Still Out of Contact” [Shou zhi jin huochang xiaofangdui reng duo ren shilian], Beijing News, 16 August 15.

<sup>137</sup>“China Explosions: Potent Chemical Mix Behind Tianjin Blasts,” BBC, 15 August 15.

<sup>138</sup>“Tianjin Blasts Death Toll Rises to 116, 60 Missing,” Xinhua, 21 August 15.

<sup>139</sup>Andrew Jacobs, “In Tianjin Blasts, a Heavy Toll for Unsuspecting Firefighters,” New York Times, 17 August 15; Bai Ying, “This Is an Unprecedented Firefight and Rescue—Exclusive Interview With Ministry of Public Security Fire Department Deputy Director, Chief Engineer Du Lanping” [“Zhe shi yi ci qiansuoweiyou de meihuo jiuyuan”—zhuanfang gong’anbu xiaofangju fu juzhang, zong gongchengshi du lanping], Xinhua, 15 August 15.

<sup>140</sup>Andrew Jacobs, “In Tianjin Blasts, a Heavy Toll for Unsuspecting Firefighters,” New York Times, 17 August 15; Chi Haibo, “Searching for Tianjin Port’s Full-Time Firefighters” [Xunzhao tianjin gang zhuanzhi xiaofangyuan], Beijing Youth Daily, 19 August 15.

<sup>141</sup>Zhao Yinan, “Premier Li Pledges Thorough Investigation Into Deadly Blasts,” China Daily, 17 August 15.



## CRIMINAL JUSTICE

*Introduction*

Criminal justice was an area of significant concern during the Commission's 2015 reporting year. Chinese authorities introduced discrete reforms that could improve the criminal justice system's fairness and accuracy.<sup>1</sup> The Commission did not observe statistics establishing the impact of reforms from the past reporting year, such as whether they led to a decrease in death sentences or a higher rate of convictions being overturned on appeal. A May 2015 report by an international human rights non-governmental organization (NGO) found that Chinese authorities have failed to fully enforce certain criminal justice reforms introduced in past years, especially measures that provide for excluding suspects' confessions and written statements obtained through torture.<sup>2</sup> Fundamental structural issues—including the dominance of police<sup>3</sup> in the police-procuratorate-court "iron triangle"<sup>4</sup> and the overriding influence of the Chinese Communist Party<sup>5</sup>—remained impediments to creating a criminal justice system that comports with standards dictated by both Chinese law<sup>6</sup> and international human rights instruments.<sup>7</sup> Although reform-minded individuals both within and outside the government continued to press for reforms furthering the protection of human rights,<sup>8</sup> their ability to bring about meaningful reform was constrained in a political climate that emphasized perpetuating one-party rule at the expense of individual freedoms.<sup>9</sup>

*Alternatives to the Criminal Justice System*

A narrow view of criminal justice in China that considers only formal criminal processes fails to capture the full breadth of extrajudicial measures used by the Chinese government and Communist Party. So-called "administrative" or otherwise non-criminal measures,<sup>10</sup> disciplinary actions by the Party against its own members,<sup>11</sup> and other actions taken by Chinese authorities that lack adequate legal support<sup>12</sup> continued to be tools for suppressing behavior that the government and Party deem dangerous, socially undesirable, or threatening to the existing political structure.<sup>13</sup> For example, an amendment to the PRC Food Safety Law to take effect in October 2015 provides that people who add inedible substances to food can be detained for 15 days without being afforded the protections in the PRC Criminal Procedure Law.<sup>14</sup>

While not labeled "criminal" by the Chinese government, these "administrative," Party-controlled, and extralegal measures can restrict personal liberty as severely, if not more, than some sanctions allowed by the PRC Criminal Law,<sup>15</sup> and lack sufficient judicial procedures.<sup>16</sup> These deprivations of liberty raise concerns under international law because of the Chinese government's failure to observe international norms relating to the right to a fair trial,<sup>17</sup> including as set forth in the International Covenant on Civil and Political Rights (ICCPR),<sup>18</sup> which China signed in 1998 but still has not ratified.<sup>19</sup>

## ADMINISTRATIVE MEASURES

In December 2013, the Chinese government ended the long-standing practice of reeducation through labor (RTL)—a form of administrative detention that could result in up to four years' deprivation of liberty without a trial.<sup>20</sup> The Commission's 2014 Annual Report cautioned, however, that alternative "administrative" measures remained after RTL's abolition.<sup>21</sup> Chinese authorities continued to use various extrajudicial measures during this reporting year.<sup>22</sup> For instance, although the PRC Mental Health Law took effect in 2013,<sup>23</sup> the use of psychiatric facilities to detain people who do not necessarily have mental health conditions continued to receive international attention as a form of arbitrary detention.<sup>24</sup> A report by a China-based NGO found that, in 2014, the government used mental health facilities to detain rights advocates.<sup>25</sup> Attention has also focused on China's use of involuntary detention of drug addicts in compulsory drug treatment centers,<sup>26</sup> with the public health advocacy NGO Beijing Aizhixing Institute questioning the conditions of confinement and use of forced labor at drug treatment centers in a February 2015 submission to the UN Committee against Torture.<sup>27</sup>

A focal point of concern has been "custody and education," a form of administrative detention that can deprive people of liberty for up to two years.<sup>28</sup> In response to a request through China's open government information system, the government reported there were 116 "custody and education" centers as of August 2014.<sup>29</sup> Authorities have largely used this form of detention against sex workers, and sometimes their customers,<sup>30</sup> though authorities have also reportedly used it against government critics.<sup>31</sup> Although UNAIDS has advised, "Sex workers and clients should have access to high-quality educational opportunities,"<sup>32</sup> a report by the international NGO Asia Catalyst concluded that "custody and education" detainees "are required to engage in long hours of uncompensated labor, and have few opportunities for skill training and education."<sup>33</sup> The release of actor Huang Haibo in December 2014 after six months' detention for soliciting a sex worker brought greater attention to the use of "custody and education,"<sup>34</sup> but the centers remained in use.<sup>35</sup>

## CHINESE COMMUNIST PARTY DISCIPLINARY PROCESS

The approximately 87 million members of the Chinese Communist Party<sup>36</sup> are subject to a complex and opaque disciplinary process entirely within the Party's control.<sup>37</sup> The Party has special measures for investigating, detaining, and punishing members prior to transferring them to the formal criminal justice system.<sup>38</sup> Party members can be subject to a Party disciplinary process called *shuanggui* (sometimes translated as "double designation"),<sup>39</sup> which requires them to appear for interrogation at a designated time and place.<sup>40</sup> *Shuanggui* not only contravenes the right to be free from arbitrary detention guaranteed by the Universal Declaration of Human Rights and the ICCPR,<sup>41</sup> but also violates Chinese law.<sup>42</sup> *Shuanggui* remains governed by internal Party rules<sup>43</sup> despite calls by voices ranging from Chinese legal experts<sup>44</sup> to a member

of the Chinese People's Political Consultative Conference<sup>45</sup> for the Party to consider bringing *shuanggui* into the legal system.

President and Party General Secretary Xi Jinping's ongoing anticorruption campaign brought new emphasis on the intersection of the Party disciplinary process with the formal criminal justice process.<sup>46</sup> By April 2015, the campaign had led to the removal of 100 high-ranking officials in addition to scores of low-ranking ones.<sup>47</sup> Most prominently, the June 2015 conviction of Zhou Yongkang, a former member of the Standing Committee of the Political Bureau of the Communist Party Central Committee and Minister of Public Security, for bribery, abusing power, and disclosing state secrets followed months of detention under the Party's disciplinary process.<sup>48</sup> The Tianjin No. 1 Intermediate People's Court sentenced Zhou to life in prison.<sup>49</sup> The PRC Criminal Procedure Law provides that trials be held in open court sessions by default.<sup>50</sup> In Zhou Yongkang's case, however, the government chose to hold the trial entirely behind closed doors, citing the legal exception for cases involving disclosure of state secrets.<sup>51</sup>

The lack of transparency regarding Party members' experiences when subjected to disciplinary measures complicates efforts to evaluate the extent to which the Party's procedures comply with international human rights norms.<sup>52</sup> The limited reports available indicate that, at a minimum, there are violations with respect to the arbitrary nature of the detention as well as the conditions of detention.<sup>53</sup>

#### OTHER EXTRALEGAL MEASURES

During the past reporting year, the Party and government continued to take actions without legal basis in order to silence voices perceived as threatening to the Party's control.<sup>54</sup> These extralegal measures were expedient tools for suppressing dissent and, because the Party and government do not formally recognize them, have been especially difficult to monitor and evaluate.<sup>55</sup> Measures range from home confinement (sometimes called "soft detention" for the Chinese term *ruanjin*)<sup>56</sup> to holding people at secret detention sites known as "black jails."<sup>57</sup> Prominent human rights lawyer Gao Zhisheng,<sup>58</sup> for example, was released from prison in August 2014 following completion of a three-year sentence for "inciting subversion of state power."<sup>59</sup> After his release, however, he remained under 24-hour surveillance at his home with limited telephone access.<sup>60</sup>

#### *Criminal Law*

During the Commission's 2015 reporting year, important developments took place in the formal criminal justice system with respect to both the substantive laws that could be used to support a conviction as well as the procedures that people undergo once identified as criminal suspects.

This past year the Chinese government adjusted the types of conduct subject to criminal sanctions and the severity of possible punishments. The National People's Congress Standing Committee passed the Ninth Amendment to the PRC Criminal Law in August 2015 with 51 revisions that will take effect in November 2015.<sup>61</sup>

The Ninth Amendment included positive changes such as reducing the number of capital crimes<sup>62</sup> and increasing protections for vulnerable populations by criminalizing the buying of women and children.<sup>63</sup> [For more information, see Section II—Human Trafficking.] Under the previous iteration of the law, Article 291 criminalized gathering a crowd to disturb order in a public place.<sup>64</sup> The new addition to Article 291 punishes the fabrication and dissemination of certain types of false information—including regarding “dangerous situations,” “epidemics,” and “disasters”—on the Internet and other media with up to seven years’ imprisonment.<sup>65</sup> The amendment did not include definitions of key terms like “dangerous situations,” “epidemics,” and “disasters.”<sup>66</sup> An amendment to Article 308 provides up to three years’ imprisonment for the transmission of certain information regarding court cases that are not to be tried in public.<sup>67</sup> The amendments to Articles 291 and 308 thus create new criminal liability for transmitting various types of information, in addition to existing PRC Criminal Law provisions criminalizing the disclosure of state secrets.<sup>68</sup> The April 2015 sentencing of veteran journalist Gao Yu to seven years’ imprisonment for allegedly leaking state secrets<sup>69</sup> was criticized by foreign governments<sup>70</sup> and international non-governmental organizations (NGOs)<sup>71</sup> as an abuse of criminal laws to silence peaceful criticism of the government. [For more information on Gao’s case, see Section II—Freedom of Expression.]

#### LAWS CRIMINALIZING TERRORISM AND EXTREMISM

The Chinese government’s June 2015 report on “Progress in China’s Human Rights in 2014” highlighted efforts to combat terrorism, reporting “[T]he judicial organs severely punished crimes such as the terrorist attacks at Tiananmen on October 28, 2013 and at Kunming railway station on March 1, 2014 to ensure the safety of life and property of the people.”<sup>72</sup> During the 2015 reporting year, the government considered adopting a counterterrorism law<sup>73</sup> and passed revisions to the PRC Criminal Law regarding the punishments for “terrorism” and “extremism.”<sup>74</sup> The Supreme People’s Court’s (SPC) 2014 work report noted a 14.8-percent increase over the previous year in cases handled by Chinese courts involving terrorist attacks and “separatism.”<sup>75</sup> The draft PRC Counterterrorism Law has garnered attention for its potential to criminalize activities that are freedoms protected under international human rights norms.<sup>76</sup> One international human rights NGO warned that “in its present form [the PRC Counterterrorism Law (Draft)] is little more than a license to commit human rights abuses.”<sup>77</sup>

#### “POCKET CRIMES”

This past year, Chinese authorities expanded the use of “pocket crimes” (*koudai zui*)<sup>78</sup>—such as “gathering a crowd to disturb social order”<sup>79</sup>—so named because Chinese authorities incorporate a wide variety of conduct within their definitions.<sup>80</sup> In May 2015, authorities indicted Pu Zhiqiang, a public interest lawyer, with “inciting ethnic hatred”<sup>81</sup> and “picking quarrels and provoking trouble”<sup>82</sup> related to comments on his microblog.<sup>83</sup> The PRC Criminal Law provision for “picking quarrels and provoking trouble” lists four relatively specific acts,<sup>84</sup> and the SPC and Supreme People’s

Procuratorate have issued a joint judicial interpretation of the crime.<sup>85</sup> One expert on Chinese law commented that the crime “as applied to Pu’s case has to be stretched beyond all recognition in order to apply.”<sup>86</sup> Authorities initially detained Pu in May 2014.<sup>87</sup>

Authorities have used the offense of “inciting subversion of state power”<sup>88</sup> to imprison human rights advocates such as lawyer Gao Zhisheng in 2006,<sup>89</sup> Nobel Peace Prize laureate Liu Xiaobo in 2009,<sup>90</sup> and, in May 2015, democracy advocate Liu Jiakai.<sup>91</sup> Similarly, authorities have charged people whom the government and Party see as threats with engaging in “illegal business activity.”<sup>92</sup> Authorities arrested Guo Yushan,<sup>93</sup> founder of the think tank and NGO Transition Institute, in January 2015.<sup>94</sup> The Beijing Municipal Public Security Bureau accused Guo of “illegal business activity” for publishing the Transition Institute’s various research reports on tax reforms, education equality, legal reforms, and social and economic issues.<sup>95</sup> Authorities released Guo and He Zhengjun, a Transition Institute manager arrested on the same charge, on “guarantee pending further investigation” (“bail”) the week prior to President Xi Jinping’s state visit to the United States in September 2015.<sup>96</sup> In December 2014, a district court in Beijing sentenced Shen Yongping,<sup>97</sup> the creator of a documentary about the history of constitutional governance in China, to one year’s imprisonment on the basis that disseminating copies of the film constituted “illegal business activity.”<sup>98</sup>

### *Criminal Procedure*

Chinese authorities’ implementation of key provisions in the 2012 PRC Criminal Procedure Law (CPL)<sup>99</sup> remained inconsistent<sup>100</sup> during the Commission’s 2015 reporting year. Even when Chinese authorities followed the CPL, they continued to target government critics in an effort to suppress rights advocacy.<sup>101</sup> In March 2015, authorities detained five women’s rights advocates<sup>102</sup> on suspicion of “picking quarrels and provoking trouble”<sup>103</sup>—later changed to “gathering a crowd to disturb order in a public place”<sup>104</sup>—for planning to distribute materials calling attention to sexual harassment.<sup>105</sup> Authorities released the five women over a month later on bail (also translated as “guarantee pending further investigation”),<sup>106</sup> meaning that they remained criminal suspects who were limited in their freedom of movement and communications for an investigation period of up to 12 months.<sup>107</sup> After their release, one of the women reported that authorities summoned her back for eight hours of interrogation and verbal abuse.<sup>108</sup> As the government reportedly continued surveillance of the women,<sup>109</sup> another Chinese women’s rights advocate wrote, “The police punished my friends to intimidate other social and political activists.”<sup>110</sup>

### ACCESS TO COUNSEL AND TREATMENT OF LAWYERS

Following the 2012 CPL’s clarification of procedures for lawyer-client contact,<sup>111</sup> the Supreme People’s Procuratorate (SPP) introduced new regulations in December 2014 aimed at improving the ability of lawyers to perform their professional duties by, for example, emphasizing the right to lawyer-client meetings in criminal

cases.<sup>112</sup> In March 2015, the head of the SPP reportedly stated that all levels of procuratorates should safeguard the rights of lawyers who represent defendants in major bribery cases<sup>113</sup>—a noteworthy development because lawyer-client contact had been especially constrained in cases involving serious bribery, endangering state security, and terrorism.<sup>114</sup> In general, however, lawyers continued to face substantial impediments when trying to play a meaningful role in criminal cases.<sup>115</sup> As explained by a Chinese legal scholar, “[T]he Chinese government was not prepared to adopt broad legal protections for defendants, including the right to remain silent and allowing lawyers to be present during interrogations.”<sup>116</sup> The Commission did not observe any change in the long-standing problem that most criminal suspects are not assisted by counsel.<sup>117</sup>

Criminal detentions and prosecutions of lawyers, particularly rights defense lawyers who took on cases deemed sensitive by the government, continued during the reporting year.<sup>118</sup> Article 306 of the PRC Criminal Law creates a strong disincentive for lawyers to collect evidence on their clients’ behalf because the government has used the provision to allege that lawyers who take on sensitive cases have fabricated evidence or induced witnesses to change their testimony.<sup>119</sup> A revision to the PRC Criminal Law amended Article 309 to stipulate that “insulting, defaming, or threatening a judicial officer” and “engaging in other acts that seriously disrupt the order of the court” may be punishable by up to three years’ imprisonment.<sup>120</sup> Over 500 lawyers signed an open letter in November 2014 expressing concerns that this provision could criminalize lawyers’ speech during trials if they challenge the court.<sup>121</sup>

Lawyers also faced reprisals short of formal criminal prosecution. In December 2014, authorities detained defense lawyer Zhang Keke after he invoked China’s Constitution in court while representing a Falun Gong practitioner.<sup>122</sup> Approximately 260 Chinese lawyers signed an open letter protesting Zhang’s treatment.<sup>123</sup> In April 2015, court personnel removed defense lawyer Chen Jian’gang from the courtroom and detained him after he objected to the court’s decision to shackle his client in contravention of Chinese law.<sup>124</sup>

Concerns for lawyers’ safety go beyond official government action. In April 2015, unidentified assailants attacked four defense lawyers outside a court after they had publicly accused police of having coerced their clients into confessing.<sup>125</sup> Hundreds of lawyers responded by calling for an investigation into the beatings.<sup>126</sup> [For information on a crackdown against rights lawyers launched in July 2015, see Section III—Access to Justice—Harassment and Abuse of Human Rights and Public Interest Lawyers.]

#### SOURCES OF EVIDENCE: TORTURE AND WRONGFUL CONVICTIONS

Numerous reports have surfaced over the past decade of innocent people convicted in China based on faulty evidence.<sup>127</sup> The Chinese government for years has acknowledged the problem of wrongful convictions, including the use of torture to extract confessions.<sup>128</sup> In a major policy document issued in October 2014, the Chinese Communist Party emphasized strengthening procedures for gathering and using evidence in criminal cases.<sup>129</sup> In March 2015, the head of the Supreme People’s Court (SPC) apologized for past wrongful convictions and called on courts to improve practices.<sup>130</sup>

Also in March 2015, the Supreme People's Procuratorate (SPP) issued "Five Major Cases in Correcting Wrongful Convictions."<sup>131</sup> In April 2015, the SPP announced that it was launching a special campaign to rectify "miscarriages of justice."<sup>132</sup> According to a December 2014 media report, the SPC was reportedly drafting more detailed guidance in conjunction with other government bodies regarding the procedures for excluding evidence, but this document had not been released publicly as of September 2015.<sup>133</sup>

Sources continued to report on high-profile wrongful convictions this past year.<sup>134</sup> In December 2014, the Inner Mongolia Autonomous Region High People's Court posthumously overturned an April 1996 guilty verdict for rape and murder that resulted in the swift execution of Huugjilt, an 18-year-old ethnic Mongol.<sup>135</sup> The case's handling came under intense scrutiny when, in December 2014, the commanding officer faced criminal charges for using force to extract confessions in other cases<sup>136</sup>—a rare example of police being held accountable for their interrogation practices.<sup>137</sup> Huugjilt reportedly confessed to the murder after 48 hours of interrogation but subsequently proclaimed his innocence.<sup>138</sup> Other examples from the 2015 reporting year included the Fujian Province High People's Court's decision in August 2014 to overturn Nian Bin's conviction for murder after eight years in prison following a coerced confession,<sup>139</sup> and the Shandong Province High People's Court's review of the infamous 1995 execution of Nie Shubin for a murder he did not commit.<sup>140</sup>

In early 2015, the Party called for an end to quotas for "arrests, indictments, guilty verdicts and case conclusions."<sup>141</sup> Depending on the implementation of such a plan,<sup>142</sup> this change could positively influence the incentive structure for police, as well as for prosecutors and judges, by reducing pressure to extract confessions.<sup>143</sup> Chinese authorities took steps to require that police film all interrogations<sup>144</sup> and to increase accountability of individual police officers for their conduct.<sup>145</sup> In addition, discussions continued regarding possible adoption of a new PRC Detention Center Law,<sup>146</sup> covering interrogation conditions at centers controlled by the Public Security Bureau.<sup>147</sup> One Chinese law professor pointed out, however, that rules for excluding illegally obtained evidence and other discrete legal reforms are insufficient,<sup>148</sup> and improvements to the overarching structure of the criminal process are necessary.<sup>149</sup>

Chinese authorities have stated their intention to place greater emphasis on trials,<sup>150</sup> including increasing citizen participation in the trial process.<sup>151</sup> For those cases proceeding from police investigation to formal charges and a trial, however, defendants regularly faced substantial challenges when countering the government's case. China had a nearly 100-percent conviction rate as of 2013<sup>152</sup> and has long had a practice of leniency for those who confess and severity for those who do not.<sup>153</sup> Witnesses rarely appear in court for questioning,<sup>154</sup> and the Commission observed few reports of successful use of the rules on excluding illegally obtained evidence contained in the 2012 Criminal Procedure Law.<sup>155</sup> In a May 2015 report, Human Rights Watch (HRW) reviewed 158,000 criminal court verdicts published on the Supreme People's Court (SPC) website and found 432 in which the suspects alleged torture.<sup>156</sup> HRW reported that, "The defendants were convicted in all

432 cases, and judges excluded confessions in only 23 cases (6 percent of the verdicts) due to concerns over police torture. And even in those 23 cases, the defendants were convicted.”<sup>157</sup>

The conditions under which suspects confess will be subject to detailed international scrutiny on November 17 and 18, 2015, when the UN Committee against Torture (Committee) reviews China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>158</sup> A number of NGOs have submitted to the Committee issues of concern ranging from an insufficient legal definition of torture under Chinese law to the use of extralegal detention facilities such as “black jails.”<sup>159</sup>

#### CLEMENCY AND PAROLE

The Chinese government took steps during the 2015 reporting year to address the use of clemency and parole in criminal cases. Following issuance in 2014 of various new rules on commutations and parole by the SPC,<sup>160</sup> Supreme People’s Procuratorate (SPP),<sup>161</sup> and the Ministry of Justice,<sup>162</sup> the SPP announced in March 2015 that 252 officials were punished in 2014 for “illegally granting parole or shortening prison terms.”<sup>163</sup> In February 2015, the SPC provided additional guidance in the form of eight typical cases involving commutations, parole, and temporarily serving sentences outside prison.<sup>164</sup> In April 2015, the Ministry of Justice issued an “Opinion on Further Deepening Prison Affairs Openness” that included provisions on information that should be provided to the public as well as to the families of prisoners.<sup>165</sup> The Ministry of Justice also warned about abuses of the medical parole system.<sup>166</sup> This past year, there were allegations that some wealthy prisoners bought patents to take advantage of an early release arrangement for prisoners who developed new technologies.<sup>167</sup>

The PRC Criminal Law further allows early release on the basis of good behavior.<sup>168</sup> American geologist Xue Feng was released on this basis in April 2015, 10 months before the end of his 8-year sentence.<sup>169</sup> The Beijing No. 1 Intermediate People’s Court convicted Xue in July 2010 of “illegally procuring state secrets” following a trial reportedly marred by numerous procedural abuses.<sup>170</sup>

#### *Death Penalty*

In its 2014 annual report on the death penalty, the international NGO Amnesty International once again was unable to publish an exact figure for executions in China because of the information’s classification and inaccessibility as a state secret.<sup>171</sup> Amnesty International noted, however, “[A]vailable information indicates that thousands of people are executed and sentenced to death in China each year.”<sup>172</sup> There were signs that the overall trend of curbing use of the death penalty had not reversed course.<sup>173</sup> The U.S.-based human rights organization Dui Hua Foundation estimated that executions would stay steady at about 2,400 in 2013 and 2014 because “[a]nnual declines in executions recorded in recent years are likely to be offset in 2014 by the use of capital punishment in anti-terrorism campaigns in the Xinjiang Uyghur Autonomous Region and the anticorruption campaign nationwide.”<sup>174</sup>



Public support in China for retaining the death penalty remained strong, including in corruption cases.<sup>175</sup> Nonetheless, in line with the goal announced at the Third Plenum of the 18th Party Congress Central Committee in November 2013<sup>176</sup> of “gradually reducing the number of crimes punishable by the death penalty,”<sup>177</sup> the Chinese government reduced the number of capital crimes from 55 to 46.<sup>178</sup> The crimes for which the death penalty is most commonly applied were not among those on the list.<sup>179</sup>

The Chinese government continued to reevaluate the procedures used to determine and carry out death sentences,<sup>180</sup> procedures that were overhauled in 2006 when the SPC took back final review power of capital cases.<sup>181</sup> In January 2015, the SPC issued new measures that detailed how judges should take defense lawyers’ opinions into account during the review of death sentences.<sup>182</sup> Courts also continued to face scrutiny from the general public regarding whether death sentences were warranted in individual cases.<sup>183</sup> An example of public pressure followed the April 2015 decision by a court in Anyue county, Ziyang municipality, Sichuan province, to suspend the death sentence of Li Yan, a woman who murdered her abusive husband.<sup>184</sup> [For more information on Li Yan’s case, see Section II—Status of Women.] Another point of concern was the conditions under which detainees on death row are held,<sup>185</sup> with reports that one prisoner was handcuffed and shackled for eight years.<sup>186</sup>

According to state-run media, the Chinese government announced the end of harvesting organs from executed prisoners starting in January 2015,<sup>187</sup> but further reported that death row prisoners remained “among the qualified candidates for donations.”<sup>188</sup> International medical professionals and human rights advocates expressed concerns regarding the voluntary nature of such donations.<sup>189</sup> One international human rights NGO cautioned that weaning China off harvesting organs from executed prisoners was a “marathon, not a sprint.”<sup>190</sup>

## Notes to Section II—Criminal Justice

<sup>1</sup> See, e.g., Supreme People's Court, Measures Concerning Listening to Defense Lawyers' Opinions in Handling Death Penalty Review Cases [Zuigao renmin fayuan guanyu banli sixing fuhe anjian tingqu bianhu lushi yijian de banfa], issued 29 January 15; Supreme People's Procuratorate, People's Procuratorate Guidelines for Reviews of Criminal Case Appeals [Renmin jianchayuan fucha xingshi shensu anjian guiding], issued 29 April 14, reprinted in Procuratorial Daily, 21 November 14.

<sup>2</sup> Human Rights Watch, "Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China," May 2015, 3.

<sup>3</sup> Hu Wei, "Experts Call for Less Police Dominance in China Legal System," Voice of America, 10 September 14; Murray Scot Tanner and Eric Green, "Principals and Secret Agents: Central Versus Local Control Over Policy and Obstacles to 'Rule of Law' in China," China Quarterly, Vol. 191 (September 2007), 644; Kam C. Wong, Chinese Policing, History, and Reform (New York: Peter Lang Publishing, 2009), 157. The colloquial term "police" encompasses a variety of law enforcement officials in China, e.g., local public security officers, state security officers, and People's Armed Police.

<sup>4</sup> Mike McConville, Criminal Justice in China: An Empirical Inquiry (Northampton, MA: Edward Elgar, 2011), 378–79.

<sup>5</sup> "Xi Makes the Rules," Economist, Analects (blog), 24 October 14.

<sup>6</sup> See, e.g., PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 33, 54, 121; Human Rights Watch (HRW), "Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China," May 2015. HRW's report describes the Chinese government's failure to fully implement Articles 33, 54, and 121 of the PRC Criminal Procedure Law. See also Chinese Human Rights Defenders, "New Rules on Lawyers' Input on Death Penalty Reviews Too Weak To Cut Down on Executions," 5 February 15.

<sup>7</sup> See, e.g., UN 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; 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.

<sup>8</sup> See, e.g., "China's Broken Justice System," New York Times, 17 March 15. During an annual report to the National People's Congress, President of the Supreme People's Court Zhou Qiang reportedly stated, "We deeply reproach ourselves for letting wrongful convictions happen . . . ." Luo Guoping, "Committee Member Li Wai: 'Shuanggui' Must Be Clearly Stipulated by Law" [Li wai weiyuan: "shuanggui" ying minque rufu], Caixin, 9 March 15; Tom Mitchell, "Lunch With FT: He Jiahong," Financial Times, 20 February 15; Elizabeth M. Lynch, "Translation—Beijing News Interviews Tian Wenchang on Custody & Education," China Law & Policy (blog), 25 June 14.

<sup>9</sup> See, e.g., "Xi Makes the Rules," Economist, Analects (blog), 24 October 14.

<sup>10</sup> See, e.g., State Council, Measures on Sex Workers' Custody and Education [Maiyin piaochang renyuan shourong jiaoyu banfa], issued and effective 4 September 93.

<sup>11</sup> See, e.g., "What Is 'Shuanggui': Special Organizational and Investigative Measures" [Shenme shi "shuanggui": teshu de zuzhi cuoshi he diaocha shouduan], China News, reprinted in Sina, 19 October 03.

<sup>12</sup> See, e.g., "To Date, Qin Yongmin and His Wife Kept Under Soft Detention for Over Two Months" [Qin yongmin fufu bei ruanjin liang ge duo yue zhijin], Radio Free Asia, 20 March 15.

<sup>13</sup> Peter Larson, "Laying Down the Law: Jerome Cohen on the Rule of Law in China Pt. 2," China Focus (blog), 25 April 15.

<sup>14</sup> PRC Food Safety Law [Zhonghua renmin gongheguo shipin anquan fa], passed 28 February 09, amended 24 April 15, effective 1 October 15, art. 123; Zhou Dongxu, "Changes to Food Safety Law Include Tougher Punishments," Caixin, 4 May 15.

<sup>15</sup> PRC Criminal Law [Zhonghua renmin gongheguo xingfa], 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, arts. 32–58.

<sup>16</sup> See, e.g., Jerome A. Cohen, "Incommunicado Detention in China," New York University School of Law, US-Asia Law Institute, 18 April 12.

<sup>17</sup> UN Office of the High Commissioner for Human Rights, "Fact Sheet No. 26, The Working Group on Arbitrary Detention," May 2000, sec. IV(C).

<sup>18</sup> International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9(1). See also CECC, 2014 Annual Report, 9 October 14, 207–08, endnotes 14, 15.

<sup>19</sup> "Over One Hundred Lawyers and Citizens Urge National People's Congress To Ratify International Conventions on Human Rights and Enact Press Laws" [Yu bai lushi ji gongmin yu renda pizhun guoji gongyue baozhang renquan ji banbu xinwen fa], Radio Free Asia, 10 March 15.

<sup>20</sup> "China Abolishes Reeducation Through Labor," Xinhua, 28 December 13.

<sup>21</sup> CECC, 2014 Annual Report, 9 October 14, 82–84. See also "Four Cities Pilot Reeducation Through Labor System Reform; Unlawful Activities in Education and Corrections To Be Replaced" [Si shi shidian laojiao zhidu gaige you weifa xingwei jiaoyu jiaozhi qudai], Beijing News, reprinted in Xinhua, 29 August 12.

<sup>22</sup> See, e.g., Human Rights Watch, "World Report 2015: China," last visited 22 June 15.

<sup>23</sup> PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13.

<sup>24</sup> Chinese Human Rights Defenders, "[CHRB] Forced Psychiatric Detention Persists 2 Years After China Enacted Mental Health Law," 8 May 15. See also Chinese Human Rights Defenders, "The Darkest Corners: Abuses of Involuntary Psychiatric Commitment in China," 6 August 12.

<sup>25</sup> Civil Rights & Livelihood Watch, “2014 Year-End Report on Mental Health and Human Rights (Forced Psychiatric Commitment) in China” [2014 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao], 14 January 15; “Forced ‘Psychiatric Care’ for China’s Government Critics Now Endemic: Report,” Radio Free Asia, 15 January 15.

<sup>26</sup> See, e.g., Dan Levin, “Despite a Crackdown, Use of Illegal Drugs in China Continues Unabated,” New York Times, 25 January 15.

<sup>27</sup> Beijing Aizhixing Institute, “List of Issues on the Rights of Drug Addicts in China Submitted to UN Committee against Torture by Beijing Aizhixing Institute, on Feb 8th, 2015,” 8 February 15, 1–2.

<sup>28</sup> State Council, Measures on Sex Workers’ Custody and Education [Maiyin piaochang renyuan shourong jiaoyu banfa], issued and effective 4 September 93, art. 9; Asia Catalyst, “‘Custody and Education’: Arbitrary Detention for Female Sex Workers in China,” December 2013.

<sup>29</sup> Wang Xing, “Ministry of Public Security Answers Information Request; Entire Country Presently Has 116 Custody and Education Centers” [Gong’anbu dafu xinxi gongkai shenqing quanguo xian you 116 ge shourong jiaoyu suo], Southern Metropolitan Daily, 1 August 14.

<sup>30</sup> Asia Catalyst, “‘Custody and Education’: Arbitrary Detention for Female Sex Workers in China,” December 2013, 14, 18–20; Lu Yijie et al., “Three Questions on the Measures on Sex Workers’ Custody and Education” [San wen maiyin piaochang renyuan shourong jiaoyu banfa], China Youth Daily, 6 June 14.

<sup>31</sup> Dui Hua Foundation, “Custody and Education Worse Than Reeducation Through Labor?” Dui Hua Reference Materials, 26 December 13.

<sup>32</sup> “UNAIDS Guidance Note on HIV and Sex Work,” UNAIDS/09.09E/JC1696E, updated April 2012, 10–11.

<sup>33</sup> Asia Catalyst, “‘Custody and Education’: Arbitrary Detention for Female Sex Workers in China,” December 2013, 8.

<sup>34</sup> Wang Gangqiao, “Robust Constitutional Supervisory System Makes Custody and Education Abolition a Real Question” [Jianquan xianfa jiandu zhidu xi shourong jiaoyu cunfei zhen wenti], Yangcheng Evening News, reprinted in People’s Daily, 2 December 14; Wang Ruiqi, “Actor Huang Haibo Released After Six-Month Detention,” Sina English, 1 December 14; Li Yunfang, “Lawyers Propose Repeal of Measures on Sex Workers’ Custody and Education” [Lushi jianyi chexiao maiyin piaochang renyuan shourong jiaoyu banfa], 17 April 14.

<sup>35</sup> “Committee Member Zhang Kangkang Calls for Abolition of the Custody and Education System” [Zhang kangkang weiyuan huyi feizhi shourong jiaoyu zhidu], Caixin, 4 March 15.

<sup>36</sup> Evan Osnos, “Born Red,” New Yorker, 6 April 15.

<sup>37</sup> “Policing the Party,” Economist, 1 September 12.

<sup>38</sup> Tania Branigan, “Bo Xilai’s Fate Lies With the Communist Party,” Guardian, 10 May 12.

<sup>39</sup> Jerome A. Cohen, “Incommunicado Detention in China,” New York University School of Law, US-Asia Law Institute, 18 April 12.

<sup>40</sup> “What is ‘Shuanggui’: Special Organizational and Investigative Measures” [Shenme shi “shuanggui”: teshu de zuzhi cuoshi he diaocha shouduan], China News, reprinted in Sina, 19 October 03; Flora Sapio, “Shuanggui and Extralegal Detention in China,” China Information, Vol. 22, No. 1, March 2008.

<sup>41</sup> Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9; International Covenant on Civil and Political Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9.

<sup>42</sup> PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 37; PRC Legislation Law [Zhonghua renmin gongheguo lifa fa], passed 15 March 00, effective 1 July 00, arts. 8, 9. See also Donald Clarke, “Discipline Inspection Commissions and Shuanggui Detention,” Chinese Law Prof Blog, 5 July 14; Eva Pils, China’s Human Rights Lawyers: Advocacy and Resistance (New York: Routledge, 2015), 80; Flora Sapio, “Shuanggui and Extralegal Detention in China,” China Information, Vol. 22, No. 1, March 2008, 23–24.

<sup>43</sup> Lucy Hornby, “China Eyes Rule-Based System but Flexes Extrajudicial Muscles,” Financial Times, 16 October 14. See also Fu Hualing, “Wielding the Sword: President Xi’s New Anti-Corruption Campaign,” Social Science Research Network, 7 September 14, revised 8 July 15, last visited 29 July 15, 148.

<sup>44</sup> “Pu’s Video Workshop Exposed Party Abuses,” Pu Zhiqiang, The Lawyer (blog), 22 August 14; Ye Zhusheng, “‘Shuanggui’: Between Discipline and the Law” [Jilu yu falu zhi jian de “shuanggui”], South Reviews, reprinted in Boxun, 13 June 13. For an English translation of Ye’s article, see Dui Hua Foundation, “Corruption, Shuanggui and Rule of Law,” Dui Hua Human Rights Journal, 27 June 13.

<sup>45</sup> Luo Guoping, “Committee Member Li Wai: ‘Shuanggui’ Must Be Clearly Stipulated by Law” [Li wai weiyuan: “shuanggui” ying minque rufa], Caixin, 9 March 15.

<sup>46</sup> See, e.g., Tania Branigan, “Politburo, Army, Casinos: China’s Corruption Crackdown Spreads,” Guardian, 14 February 15.

<sup>47</sup> “Most Complete ‘Hundred Tigers Map’: Guide to High Officials Sacked Since Start of 18th National Congress” [Zui wanzheng “bai hu tu”: shibada yilai luoma gaoguan yilan], China Economic Net, 27 April 15; Joseph Fewsmith, “China’s Political Ecology and the Fight Against Corruption,” China Leadership Monitor, Hoover Institution, Stanford University, No. 46 (Winter 2015), 19 March 15, 1–2; Human Rights Watch, “Political Repression at a High Mark,” 29 January 15.

<sup>48</sup> “Zhou Yongkang Sentenced to Life in Prison, No Limits for Anti-Corruption,” Xinhua, 11 June 15; Jerome A. Cohen, “Zhou Yongkang Case Shows China’s Rule of Law Still Good Only in Theory,” South China Morning Post, 18 August 14.

<sup>49</sup> “Zhou Yongkang Sentenced to Life in First Instance Trial” [Zhou yongkang yishen bei panchu wuqi tuxing], Caixin, 11 June 15.

<sup>50</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 183.

<sup>51</sup>"Zhou Yongkang Sentenced to Life in Prison, No Limits for Anti-Corruption," Xinhua, 11 June 15. See also Jerome A. Cohen, "Why Was Zhou Yongkang Denied a Public Trial Like Bo Xilai's?" South China Morning Post, 7 July 15; "Can Zhou Yongkang and Others Have Open Trials? Zhou Qiang: Open in Accordance With the Law," [Zhou yongkang deng shibushi dou hui gongkai shenpan? zhou qiang: yifa gongkai], CCTV, reprinted in Legal Daily, 16 March 15.

<sup>52</sup>David Wertime, "Inside China's Blackest Box," Foreign Policy, TeaLeafNation (blog), 2 July 14.

<sup>53</sup>"Bengbu, Anhui, Disciplinary Cadre Dies During Discussion, Family Members Say Deceased Had Four Broken Ribs" [Anhui bengbu jidian ganbu tanhua qijian siwang, jiaoshu cheng sizhe si gen leigu duanlie], The Paper, 16 January 15; "Pu's Video Workshop Exposed Party Abuses," Pu Zhiqiang, The Lawyer (blog), 22 August 14; "Lawyers Call for Probe Into Torture by China's Party Investigators," Radio Free Asia, 15 August 14. See also Jamil Anderlini, "China Launches Survey of Suicides Among Communist Party Officials," Financial Times, 29 January 15. In early 2015, the Chinese Communist Party reportedly launched a survey concerning suicides among officials.

<sup>54</sup>Ian Johnson, "China's Unstoppable Lawyers: An Interview With Teng Biao," New York Review of Books (blog), 19 October 14. See also Teng Biao, "What Is a 'Legal Education Center' in China," China Change, 3 April 14.

<sup>55</sup>See, e.g., "Chinese Rights Lawyer Marks Ten Months Under House Arrest," Radio Free Asia, 6 May 15; "Authorities Suppress Commemoration of Sensitive Figures on Eve of Qingming" [Qingming qianxi dangju daya jidian ming'an renshi], Radio Free Asia, 3 April 15; Rights Defense Network, "Democracy Rights Defender and Professor Sun Wenguang Again Held in Soft Detention During Qingming" [Minzhu weiquan renshi sun wenguang jiaoshou qingming zai zao ruanjin], 5 April 15; Rights Defense Network, "Petitioner Yue Ailing From Zibo, Shandong, Under Soft Detention for 10 Days for Going to Beijing To Petition" [Shandong zibo fangmin yue ailing yin fu jing shangfang bei ruanjin yijing 10 tian], 18 January 15; Rights Defense Network, "Famous Artist Mr. Li Xianting Under Soft Detention, House Under Guard" [Zhuming yishujia li xianting xiansheng bei ruanjin jia bei shanggang], 2 November 14; Ren Zhongyuan and Yang Baolu, "Detective Work by Group in 'Black Jail' Claim Leads to Trial," Caixin, 23 April 14.

<sup>56</sup>"During 26th Anniversary of June 4th, Many Human Rights and Democracy Public Figures in Guizhou and Zhejiang Placed Under Soft Detention or Forced To Travel" [Liu si 26 zhounian qijian guizhou zhejiang duo ming renquan ji minzhu renshi zao ruanjin huo bei luyou], Radio Free Asia, 8 June 15; "To Date, Qin Yongmin and His Wife Under Soft Detention for Over Two Months" [Qin yongmin fufu bei ruanjin liang ge duo yue zhijin], Radio Free Asia, 20 March 15. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 72–77. Home confinement without legal basis and "soft detention" (*ruanjin*) should be distinguished from "residential surveillance" (*jianshi juzhu*), which is provided for in the PRC Criminal Procedure Law.

<sup>57</sup>Chinese Human Rights Defenders, "We Can Beat You to Death With Impunity," October 2014; "Shanghai Petitioner Ma Yalian Put in 'Black Jail'; Following Refusal of Required Medical Attention Begins Hunger Strike" [Shanghai fangmin ma yalian bei guan "hei jianyu" yaoqiu kanbing bei ju bei po jueshi kangyi], Radio Free Asia, 12 March 15. See also Sophie Richardson, Human Rights Watch, "Dispatches: Casting a Light Into China's Black Jails," 28 March 14.

<sup>58</sup>For more information on Gao Zhisheng, see the Commission's Political Prisoner Database record 2005-00291.

<sup>59</sup>"Chinese Rights Lawyer Marks Ten Months Under House Arrest," Radio Free Asia, 6 May 15. See also Sophie Richardson, Human Rights Watch, "Dispatches: Making 2015 'Unforgettable' in China," 7 January 15; Jared Genser, Freedom Now, "A Major Setback to the Rule of Law in China," The Diplomat, 15 September 14; Teng Biao, "A Chinese Activist: Out of Prison but Not Free," Washington Post, 7 September 14.

<sup>60</sup>"Chinese Rights Lawyer's Phone Calls Limited Under House Arrest," Radio Free Asia, 8 January 15. Dui Hua Foundation, "Gao Zhisheng Begins Sentence of Deprivation of Political Rights," Dui Hua Human Rights Journal, 7 August 14; "Geng He: Gao Zhisheng Is Starting To Regain His Health and Is Retaining His Self-Confidence and Optimism" [Geng he: gao zhisheng shenti kaishi huifu reng baochi zixin leguan], Radio Free Asia, 9 February 15; Austin Ramzy, "Family of Dissident Lawyer Fears for His Health After Prison," New York Times, Sinosphere (blog), 14 August 14. After his release from prison, Gao began serving a "supplemental sentence of one year of deprivation of political rights" and reportedly suffered from serious medical ailments.

<sup>61</sup>National People's Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng'an (jiu)], issued 29 August 15, effective 1 November 15. For previous drafts, see National People's Congress Standing Committee, PRC Criminal Law Amendment (Nine) (Draft) (Second Reading) [Zhonghua renmin gongheguo xingfa xiuzheng'an (jiu) (cao'an) (erci shenqi gao)], issued 6 July 15; National People's Congress Standing Committee, PRC Criminal Law Amendment (Nine) (Draft) [Zhonghua renmin gongheguo xingfa xiuzheng'an (jiu) (cao'an)], issued 3 November 14. See also National People's Congress Law Committee, "Deliberative Conclusions Report Regarding 'PRC Criminal Law Amendment (Nine) (Draft)'" [Guanyu "zhonghua renmin gongheguo xingfa xiuzheng'an (jiu) (cao'an)" shenqi jiegao baogao], 24 August 15.

<sup>62</sup>National People's Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng'an (jiu)], issued 29 August 15, effective 1 November 15; Zhang Yi, "Fewer Crimes To Be Subject to Death Penalty," China Daily, 31 August 15. See also Xie Wenying, "Corruption Is Not Simply a Matter of Sentencing by the Numbers" [Tanwu shouhui buneng danchun yi shu'e liangxing], Procuratorial Daily, 3 November 14.

<sup>63</sup>National People's Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng'an (jiu)], issued 29 August 15, effective 1 November 15. See also National People's Congress, "Explanation of 'PRC Criminal Law Amendment (Nine) (Draft)'" [Guanyu "zhonghua renmin gongheguo xingfa xiuzheng'an (jiu) (cao'an)" de shuoming], 3 November 14.

<sup>64</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 291.

<sup>65</sup>National People's Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng'an (jiu)], issued 29 August 15, effective 1 November 15, item 32.

<sup>66</sup>Ibid.

<sup>67</sup>Ibid., item 36.

<sup>68</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 398.

<sup>69</sup>Verna Yu, "Chinese Journalist Gao Yu: An Egg Breaking Against the Communist Party's Wall," South China Morning Post, 16 May 15. For more information on Gao Yu, see the Commission's Political Prisoner Database record 2004-05037.

<sup>70</sup>Office of Press Relations, U.S. Department of State, "Daily Press Briefing—April 17, 2015," 17 April 15; "U.S. State Department Publicly Calls on China To Release Reporter Gao Yu" [Meigu guowuyuan gaodiao huyu zhongguo shifang jizhe gao yu], BBC, 28 April 15; European Union External Action, "Statement by the Spokesperson on the Sentencing of Veteran Chinese Journalist Gao Yu," 17 April 15.

<sup>71</sup>Human Rights in China, "Heavy Sentence for Gao Yu Exposes Hollowness of 'Rule by Law' in China," 17 April 15; Maya Wang, Human Rights Watch, "Dispatches: Silencing a Veteran Chinese Journalist," 15 April 15.

<sup>72</sup>State Council Information Office, "White Paper on Progress in China's Human Rights in 2014," reprinted in Xinhua, 8 June 15, sec. 2. For information on the October 28, 2013, attack in Tiananmen Square, Beijing municipality, see Rebecca Valli, "3 Sentenced to Death in China for Organizing Terror Plot," Voice of America, 16 June 14; Barbara Demick, "Tiananmen Square Attack Sows Terror in Spiritual Heart of China," Los Angeles Times, 28 October 13. For information on the March 2014 attack in Kunming municipality, Yunnan province, see Shannon Tiezzi, "China Executes 3 for Deadly Kunming Attack," The Diplomat, 24 March 15.

<sup>73</sup>"Counterterrorism Law Draft Enters Second Reading, Further Improving Definition of Terrorism" [Fan kongbu zhuyi fa cao'an jinru ershen jinyibu wanshan kongbu zhuyi deng dingyi], China News Net, 25 February 15; Shannon Tiezzi, "US Claims Victory in Debate Over Chinese Terror Law," The Diplomat, 17 March 15.

<sup>74</sup>National People's Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng'an (jiu)], issued 29 August 15, effective 1 November 15, item 7.

<sup>75</sup>Supreme People's Court, "Supreme People's Court Work Report" [Zuigao renmin fayuan gongzuo baogao], 12 March 15, 2; "Cases of Terrorism, Separatism Up 15%: Chief Justice," China Daily, 12 March 15. See also Dui Hua Foundation, "Xinjiang State Security Trials Flat, Criminal Trials Soar in 2014," Dui Hua Human Rights Journal, 10 March 15.

<sup>76</sup>Amnesty International, "China: Draconian Anti-Terror Law an Assault on Human Rights," 4 March 15; Shuan Sim, "China Terrorism Crackdown: Rising Cases in 2014 Concern Rights Groups," International Business Times, 12 March 15.

<sup>77</sup>Human Rights Watch, "China: Draft Counterterrorism Law a Recipe for Abuses," 20 January 15.

<sup>78</sup>Xu Qianchuan, "The Pockets of Criminal Law," Caijing, 21 January 14.

<sup>79</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 290.

<sup>80</sup>Zhao Bingzhi, "Zhao Bingzhi: Be Aware That Picking Quarrels and Provoking Trouble Has Become a New 'Pocket Crime,'" [Zhao bingzhi: jingti xunxin zishi zui chengwei xin "koudai zui"], Wo Bianhu, 8 May 15; Alinda Vermeer, "Renowned Chinese Human Rights Lawyer Still Detained After 10 Months," Global Voices Online, 27 February 15.

<sup>81</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 249.

<sup>82</sup>Ibid., art. 293.

<sup>83</sup>Chris Buckley, "Human Rights Lawyer Pu Zhiqiang Is Charged" [Renquan lushi pu zhiqiang bei tiqi gongsu], New York Times, 15 May 15; Zhang Qianfan, "Conviction for One's Words Is a Legal Travesty" [Yi yan dingzui shi fazhi daji], Financial Times, 22 May 15. See also Perry Link, "China: Inventing a Crime," New York Review of Books (blog), 9 February 15. For more information on Pu Zhiqiang, see the Commission's Political Prisoner Database record 2014-00174.

<sup>84</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 293.

<sup>85</sup>Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Application of Law in the Handling of Criminal Cases of Picking Quarrels and Provoking Trouble [Zuigao renmin fayuan, zuigao renmin jiaochayuan guanyu banli xunxin zishi xingshi anjian shiyong falu ruogan wenti de jieshi], 15 July 13; Jeremy Daum, "Quick Note on 'Picking Quarrels,'" China Law Translate (blog), 6 May 14. See also Edward Wong, "China Uses 'Picking Quarrels' Charge To Cast a Wider Net Online," New York Times, 26 July 15.

<sup>86</sup> Donald Clarke, “‘Picking Quarrels and Stirring Up Trouble’ in Chinese Law,” *Chinese Law Prof Blog*, 1 July 14. See also Edward Wong, “China Uses ‘Picking Quarrels’ Charge To Cast a Wider Net Online,” *New York Times*, 26 July 15.

<sup>87</sup> Luo Jieqi, “Prominent Lawyer Pu Zhiqiang Arrested” [Zhiming lushi pu zhiqiang zao pibu], *Caixin*, 13 June 14; “On the Anniversary of Pu Zhiqiang’s Detention; Beijing Prosecutors Conduct Three Supplemental Investigations” [Pu zhiqiang shouya zhounian beijing jianfang sanling buchong zhenchal], *BBC*, 5 May 15; Celia Hatton, “The Case Against Chinese Human Rights Lawyer Pu Zhiqiang,” *BBC China Blog*, 28 January 15; “Case of Human Rights Lawyer Pu Zhiqiang Enters Critical Prosecutorial Investigative Period” [Renquan lushi pu zhiqiang an jinru shenchal qisu guanlian qi], *Voice of America*, 7 May 15. See also Bernhard Zand, “Interview with Chinese Artist Ai Weiwei: The State is Scared,” *Spiegel Online*, 20 May 15. Artist Ai Weiwei commented on the broader implications of Pu’s case that, “There is not a shred of evidence, of course. No one knows what is going to happen to him. But his case will show where China will move in the coming years. Will he get a fair trial? Will there be rule of law in China? Will we ever respect each other’s free speech and opinion?”

<sup>88</sup> PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 105.

<sup>89</sup> Julie Makinen, “In China, Human Rights Lawyer Leaves Prison, but Has No Freedom,” *Los Angeles Times*, 12 September 14.

<sup>90</sup> Beijing Mo Shaoping Law Firm, “Concerning Liu Xiaobo’s Appeal Against the Charge of Inciting Subversion of State Power,” translated by Human Rights in China, 28 January 10. For more information on Liu Xiaobo, see the Commission’s Political Prisoner Database record 2004-03114.

<sup>91</sup> “Chinese Activist Sentenced to Five Years in Prison for Inciting Subversion” [Zhongguo huodong renshi yin shandong dianfu zui bei pan 5 nian jianjin], *BBC*, 11 May 15. For more information on Liu Jiakai, see the Commission’s Political Prisoner Database record 2013-00281.

<sup>92</sup> *China Digital Times*, “NGOs’ ‘Illegal Business Operation’ [Updated],” 14 May 15.

<sup>93</sup> For more information on Guo Yushan, see the Commission’s Political Prisoner Database record 2014-00370.

<sup>94</sup> Edward Wong, “China Arrests Activist Amid a Clampdown,” *New York Times*, 6 January 15; Gianluca Mezzofiore, “Chinese Scholar Who Helped Blind Dissident Chen Guangcheng Flee Is Arrested,” *International Business Times*, 6 January 15; Zeng Jinyan, “Guo Yushan and the Predicament of NGOs in China,” *Probe International*, 21 May 15.

<sup>95</sup> Beijing Municipality Public Security Bureau, “Opinion Recommending Prosecution for Guo Yushan” [Guo yushan qisu yijianshu], 2 April 15, reprinted in *Boxun*, 24 April 15.

<sup>96</sup> “China Releases Two NGO Activists ‘On Bail’ Ahead of President’s US Trip,” *Radio Free Asia*, 15 September 15.

<sup>97</sup> For more information on Shen Yongping, see the Commission’s Political Prisoner Database record 2014-00389.

<sup>98</sup> Edward Wong, “Prison Sentence for Maker of Documentary on Chinese Constitutional Rule,” *New York Times*, *Sinosphere* (blog), 30 December 14; Clifford Coonan, “Chinese Filmmaker Jailed After Documentary About Constitution,” *Hollywood Reporter*, 1 January 15.

<sup>99</sup> PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13.

<sup>100</sup> Sun Qian, “Reflections on the Implementation of the Revised Criminal Procedure Law” [Guanyu xingai hou xingshi susong fa zhixing qingkuang de ruogan sikao], *Procuratorial Daily*, 9 April 15.

<sup>101</sup> See, e.g., Maya Wang, “China’s Chilling Message to Women,” *CNN*, 7 April 15; “China’s Dissidents Feel the ‘Chilling Effect’ as Party’s Muzzling Tactics Prove Effective,” *Agence France-Presse*, reprinted in *South China Morning Post*, 10 July 14.

<sup>102</sup> Chinese Human Rights Defenders, “[CHRB] 5 Women’s & LGBT Rights Activists Detained in Escalating Clampdown on NGOs (3/6–12/15),” 12 March 15. For more information on the five women’s rights advocates and their cases, see the following records in the Commission’s Political Prisoner Database: 2015-00114 on Wei Tingting, 2015-00115 on Wang Man, 2015-00116 on Li Tingting, 2015-00117 on Wu Rongrong, and 2015-00118 on Zheng Churan.

<sup>103</sup> PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 293.

<sup>104</sup> *Ibid.*, art. 291. See also Elizabeth M. Lynch, “To Arrest or Not To Arrest—Prosecutors Have to Today To Determine Fate of Five Female Activists,” *China Law & Policy* (blog), 13 April 15.

<sup>105</sup> Edward Wong, “China Releases 5 Women’s Rights Activists Detained for Weeks,” *New York Times*, 13 April 15; Zhao Sile, “The Inspirational Backstory of China’s ‘Feminist Five,’” *Foreign Policy*, 17 April 15.

<sup>106</sup> PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, chap. 4.

<sup>107</sup> Human Rights in China, “HRIC Law Note: Five Detained Women Released on ‘Guarantee Pending Further Investigation,’” 13 April 15.

<sup>108</sup> John Ruwitch and Sui-Lee Wee, “Chinese Woman Activist Says Interrogated a Week After Release,” *Reuters*, 25 April 15.

<sup>109</sup> Lu Jun, Yirenping, “Five Women’s Rights Sisters Under Close Police Surveillance, After Visit, Li Tingting’s Close Friend Not in Contact” [Nuquan wu jiemei shoudao jingfang yanmi jiankong, li tingting miyou tanwang hou shilian], *Yirenpingnews* Google Group, 15 April 15.

<sup>110</sup> Xiao Meili, “China’s Feminist Awakening,” *New York Times*, 13 May 15.

<sup>111</sup> PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 37.

<sup>112</sup>Supreme People's Procuratorate, Supreme People's Procuratorate Regulations on Protecting Lawyers' Practice Rights According to Law [Zuigao renmin jiancha yuan guanyu yifa baozhang lushi zhiye quanli de guiding], issued 23 December 14, arts. 2, 5; Chen Kai, "SPP Introduces New Regulations to Protect Lawyers' Practices, Resolving 'Three Difficulties' and Other Problems" [Zuigao jian chutai baozhang lushi zhiye xingui jie jue "sannan" deng wenti], China Internet Information Center, 15 February 15; Zhou Bin, "Lawyers' Meetings at Detention Centers Usually Arranged Within Half an Hour" [Lushi kanshousuo huijian yiban ban xiaoshi nei anpai], Legal Daily, 17 August 15; Xing Shiwei, "Five Ministries Will Jointly Issue Document Protecting Lawyers' Practice Rights" [Wu bumen jiang lian fawen baozhang lushi zhiye quanli], Beijing News, 21 August 15. See, e.g., "Ganyu Procurator Notifies Detention Centers To Correct Violations; Protect the Right To Meet With Lawyers" [Ganyu jiancha tongzhi kanshousuo juzheng weifa baozhang lushi huijian quan], Jiangsu Province People's Procuratorate Net, 14 April 15.

<sup>113</sup>Luo Sha and Chen Fei, "SPP: Strict Standards in Major Bribery Cases for Lawyers' Meetings, Protect Lawyers' Rights and Interests" [Zuigao jian: yan'ge guifan zhongda huilu anjian lushi huijian baozhang lushi quanyil], Xinhua, 24 March 15.

<sup>114</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 37; Human Rights Watch, "China: End Nationwide Crackdown on Activists," 29 June 14.

<sup>115</sup>Dui Hua Foundation, "Despite Legal Reform: SPC Still Blocks Lawyer-Client Access," Dui Hua Human Rights Journal, 9 June 15; Wang Feng, "One-and-a-Half Years After Implementation of the New Criminal Procedure Law, Difficulties Meeting Clients and Having Witnesses Appear in Court Are Still Prominent" [Xin xing su fa shishi yi nian ban hui jian nan he zhengren chuting nan wenti reng ran tuchu], 21st Century Business Herald, 15 September 14; Shangquan Law Firm, "New Three Difficulties Appear for Criminal Defense" [Xingshi bianhu chuxian "xin san nan"], Shangquan Criminal Defense Network, 5 November 14.

<sup>116</sup>Andrew Jacobs, "Conviction Rates Count More in Chinese Justice Than Innocence," New York Times, 12 May 15.

<sup>117</sup>Zhang Youyi, "High Risk and Low Quality, Revealing Criminal Defense Lawyers' Six Major Difficulties" [Gao fengxian di zhiliang jiemi xingshi bianhu lushi liu da nanti], Legal Daily, reprinted in Nanjing Lawyers Net, 7 January 08; Jia Jinfeng, "Investigation of Lawyer Representation Rates in Criminal Cases" [Xingshi susong anjian de lushi bianhu lu qingkuang diaocha], Lunwen Wang, 23 December 14; US-Asia Law Institute, New York University School of Law, "Professional Responsibility for Chinese Criminal Defense Lawyers—A Potential Source of Protected Space," 21 October 14; "Mu Ping: In Twenty Thousand Criminal Cases, Lawyers Represented [Defendants] in Only 2.5 Percent of Cases" [Mu ping: liangwan xingsu'an lushi jin dai li 2.5%], Beijing News, 9 March 12; Zhu Lei, "CPPCC Member Yu Ning: Proposal To Increase Criminal Case Lawyer Participation Rate" [Yu ning weiyuan: jianyi tigao xing'an lushi canyu lu], Legal Daily, 12 March 12.

<sup>118</sup>See, e.g., Chinese Human Rights Defenders, "Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China," March 2015, 20–23; "China Human Rights Lawyers Concern Group Calls for Attention to Detained Mainland Human Rights Lawyers" [Zhongguo weiquan lushi guanzhu zu huyu guanzhu neidi bei jiya weiquan lushi], Radio Free Asia, 17 February 15; Amnesty International, "China: Drop Politically Motivated Charges Against Prominent Human Rights Lawyer," 15 May 15. For background on the long-term harassment of Chinese lawyers, see, e.g., Human Rights Watch, "China: Restrictions on Lawyers Fuel Unrest," 30 April 08.

<sup>119</sup>Human Rights Watch, "China: Protect Lawyers From Beatings and Harassment," 25 June 15; Human Rights Watch, "Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China," May 2015, 60, 113; Chen Xiao and Zhu Yuchen, "The Pain of the Criminal Law's Article 306" [Xingfa di 306 tiao zhi tong], Legal Weekend, reprinted in Legal Daily, 2 July 11; "Big Stick 306" and China's Contempt for the Law," New York Times, 5 May 11. The 2010 conviction by a Chongqing municipality court of lawyer Li Zhuang, for example, received national and international attention as an abusive use of this provision. See Wang Huazhong, "Lawyer for Gang Boss Suspect Gets Prison Sentence," China Daily, 9 January 10; Donald Clarke, "Li Zhuang's Conviction and the Problem of Witnesses," Chinese Law Prof Blog, 8 January 10, updated 9 January 10; Vincent R. Johnson and Stephen C. Loomis, "The Rule of Law in China and the Prosecution of Li Zhuang," Chinese Journal of Comparative Law, Vol. 1, No. 1, 1 March 13, 66–83.

<sup>120</sup>National People's Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng'an (jiu)], issued 29 August 15, effective 1 November 15, item 37. See also National People's Congress Legal Committee, "Deliberative Conclusions Report Regarding 'PRC Criminal Law Amendment (Nine) (Draft)'" [Guanyu "zhonghua renmin gongheguo xingfa xiuzheng'an (jiu) (cao'an)" shen yi jie guo bao gao], issued 24 August 15, item 6.

<sup>121</sup>"Legal Opinion on Revisions to Article 35 in 'Criminal Law Amendment (9)' Draft," [Guanyu "xingfa xiuzheng'an (9)" cao'an di 35 tiao xiugai neirong de falu yijian], reprinted in Boxun, 22 November 14; Joshua Rosenzweig, "Chinese Lawyers to Chinese Lawmakers: Let Us Defend Our Clients," Asia Society, ChinaFile (blog), 15 January 15; Frances Eve, "The Plight of China's Rights Lawyers," Asia Society, ChinaFile (blog), 16 January 15.

<sup>122</sup>"Over 200 Chinese Lawyers Jointly Protest Lawyer's Detention in Court" [Zhongguo yu 200 ming lushi lianshu kangyi lushi ting shang bei zhua], BBC, 12 December 14.

<sup>123</sup>"260 China Rights Lawyers Protest Detention of Fellow Lawyer," Jurist, 14 December 14. Earlier in 2014, the Wuhan Municipal Lawyers Association delayed renewing Zhang's lawyer's license reportedly in connection with his representation of Falun Gong practitioners. See "Over a Hundred Lawyers 'Fast' in Support of Zhang Keke" [Bai duo lushi "jinshi" shengyuan zhang keke], Radio Free Asia, 11 June 14.

<sup>124</sup>Leo Timm and Frank Fang, “Chinese Judge on Shackles: ‘Who Cares If It’s Illegal?’” Epoch Times, 28 April 15; Tian Jing, “Jiangsu Court Violates the Law, 14 Lawyers Jointly Promote Justice for Colleague” [Jiangsu fayuan weifa 14 lushi lianhe wei tonghang shenzhang zhengyi], New Tang Dynasty Television, 5 May 15.

<sup>125</sup>“Four Lawyers Beaten at Court in Hengyang, Hunan, Before Defending Case” [4 ming lushi zai hunan hengyang chuting bianhu qian zao ren ouda], BBC, 21 April 15.

<sup>126</sup>“Four Lawyers Outside Hunan Court Beaten, 400 Lawyers Jointly Call for a Thorough Investigation” [Si lushi hunan fayuan wai zao ou 400 lushi lianming cu checha], Boxun, 23 April 15.

<sup>127</sup>Human Rights Watch, “Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China,” May 2015; Ira Belkin, “China’s Tortuous Path Toward Ending Torture in Criminal Investigations,” Columbia Journal of Asian Law, Vol. 24, 2011, 273.

<sup>128</sup>See, e.g., Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], reprinted in Xinhua, 15 November 13, sec. 9(34); Yue Deliang, “Zhejiang Provincial People’s Congress Standing Committee Special Supervision of Confessions Extracted Through Torture and Other Problems” [Zhejiang sheng renda changweihui zhuanxiang jian du xingxun bigong deng wenti], 6 April 14; Chen Hongyang, “To Prevent Torture Focus on Excluding Illegal Evidence” [Fang xingxun bigong zhong zai feifa zhengju paichu], Guangzhou Daily, 15 May 14; Yang Yi, “Top Chinese Procurator Vows To Better Protect Rights, Prevent Wrongful Judgements,” Xinhua, 10 March 14; Xing Shiwei, “Establish ‘Wrongful Convictions Alert Day’ To Reflect Upon Cases of Injustice” [Sheli “cuo’an jingshi ri” lai fansi yuanjiacuo’an], Beijing News, 19 August 13; Shen Deyong, “How We Should Be Preventing Miscarriages of Justice” [Women yingdang ruhe fangfan yuanjiacuo’an], People’s Court Daily, 6 May 13; Melissa Bancroft, “China Admits Torture Behind Recent Wrongful Convictions,” Jurist, 20 November 06.

<sup>129</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, item 4(5).

<sup>130</sup>“Zhou Qiang Gives Supreme People’s Court Work Report” [Zhou qiang zuo zuigao renmin fayuan gongzuo baogao], reprinted in Caixin, 12 March 15; Zhang Jian, “Zhou Qiang: Regarding the Occurrence of Miscarriages of Justice, We Are Deeply Remorseful” [Zhou qiang: dui cuo’an fasheng women shen’gan zize], Beijing Times, 13 March 15.

<sup>131</sup>“SPP Releases 2014 Procuratorial Agencies’ Rectifications of Miscarriages of Justice in Five Major Cases” [Zuigao jian fabu 2014 nian jiancha jiguan jiuzheng yuanjiacuo’an wu da anli], Procuratorial Daily, reprinted in Supreme People’s Procuratorate, 14 March 15. In October 2014, the SPP publicly released updated standards for reviewing criminal appeals, the stage at which the higher courts examine cases to determine whether mistakes were made earlier in the cases’ handling. See Supreme People’s Procuratorate, “People’s Procuratorate Guidelines for Reviews of Criminal Case Appeals” [Renmin jianchayuan fucha xingshi shensu anjian guiding], issued 29 April 14, reprinted in Procuratorial Daily, 27 October 14.

<sup>132</sup>“China Launches Special Campaign To Rectify Miscarriages of Justice,” Xinhua, 28 April 15. In August 2015, the Supreme People’s Procuratorate issued a document listing eight prohibitions during the investigation of official crimes that included the prohibition of torture and other acts of illegal collection of evidence. See Supreme People’s Procuratorate, “Supreme People’s Procuratorate Eight Prohibitions in the Investigation of Official Crimes” [Zuigao renmin jianchayuan zhiwu fanzui zhengcha gongzuo baxiang jinling], issued 4 August 15, item 7.

<sup>133</sup>Xing Shiwei, “Grueling Interrogations Can Be Considered Torture-Extracted Confessions in Disguise” [Pilao shenxun ni suan bianxiang xingxun bigong], Beijing Times, 8 December 14.

<sup>134</sup>Jia Shiyu et al., “Chasing Injustice: 10 Cases, 3 Already Disposed Of” [Yuan’an zhui ze: 10 qi anjian 3 qi yi chuli], Beijing News, 18 December 14.

<sup>135</sup>“Courts Find Executed Chinese Teenager ‘Not Guilty,’” BBC, 15 December 14; Shi Wansen and Zhang Chi, “Inner Mongolia Autonomous Region High People’s Court Finds Huugjilt Not Guilty” [Neimenggu gaoyuan xuanpan hugejileitu wuzui], Legal Daily, 15 December 14. See also “Second-Instance Trial in Zhao Zhihong Case Upholds Death Sentence” [Zhao zhihong an ershen weichi sixing panjue], Legal Daily, 4 May 15.

<sup>136</sup>Adam Withnall, “Parents of Teenager ‘Tortured’ and Wrongfully Executed for Rape and Murder Watch in Court as Another Man is Convicted of the Crime,” Independent, 9 February 15.

<sup>137</sup>Human Rights Watch, “Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China,” May 2015, 103. Human Rights Watch noted that, “Our search of all Chinese court verdicts published on the SPC website during the first four months of 2014 found only one case in which police officers were convicted for abusing criminal suspects.”

<sup>138</sup>Josh Chin, “China Court Reverses Death Penalty Verdict, 18 Years Too Late,” Wall Street Journal, China Real Time Report (blog), 15 December 14.

<sup>139</sup>William Wan, “In China, A Rare Criminal Case in Which Evidence Made a Difference,” Washington Post, 29 December 14; “Man Compensated for 8-Year Wrongful Custody,” China Internet Information Center, 18 February 15; Zhu Changjun, “How To Write the Final Result of the ‘Nian Bin Case’” [“Nian bin an” de xiaoguo daodi gai ruhe shuxie], Beijing News, 2 February 15.

<sup>140</sup>Dui Hua Foundation, “Quest for Retrial: Court Holds Novel Hearing on Nie Shubin Case,” Dui Hua Human Rights Journal, 19 May 15; Xu Mingxuan, “Whether Nie Shubin Case Is Reviewed or Not, All Must Oppose ‘Intervention of Public Opinion’” [Nie shubin an fucha yu fou, dou dei fang “yulun ganyu”], Beijing News, 5 May 15. See also Zhan Shanfeng, “He Weifang: Why I Grabbed Hold of the Nie Shubin Case” [He weifang: wo weishenme jiuzhu nie shubin an bu fang], China Business Morning Post, reprinted in He Weifang’s blog, 22 December 14.



<sup>141</sup> Josh Chin, "China's Communist Party Sounds Death Knell for Arrest, Conviction Quotas," Wall Street Journal, China Real Time Report (blog), 22 January 15.

<sup>142</sup> Stanley Lubman, "Why Scrapping Quotas in China's Criminal Justice System Won't Be Easy," Wall Street Journal, China Real Time Report (blog), 30 January 15.

<sup>143</sup> Shannon Tiezi, "In China, A Move Away From Conviction Quotas," The Diplomat, 23 January 15; Human Rights Watch, "Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China," May 2015, 33–34.

<sup>144</sup> "Police To Film Interrogations," Xinhua, reprinted in China Daily, 15 February 15. For a critique of the actual efficacy of recording interrogations in curbing extorted confessions see Wu Liwei, "Preventing and Correcting Unjust and Wrongful Cases" [Yuanjiacuo'an "fang yu jiu"], Caixin, 20 April 15.

<sup>145</sup> "China To Hold Police Accountable for Erroneous Cases, for Life," Xinhua, reprinted in China Daily, 15 February 15.

<sup>146</sup> Susan Finder, "Senior Chinese Judges Speak Out on Preventing Injustices in China's Criminal Justice System," Supreme People's Court Monitor (blog), 17 May 15; "Detention Center Law (Draft for Examination) Experts' Seminar Was a Success" ["Kanshousuo fa (songshen gao)" zhuanjia yantaohui chenggong juban], China Law Society Research Office, 1 April 15; Wang Shoufeng et al., "Ministry of Public Security: Humanized Management Ensures Legitimate Rights and Interests of Imprisoned" [Gong'anbu: renxing hua guanli baozhang zai ya renyuan hefa quanyi], Public Security Daily, reprinted in Legal Daily, 19 September 14. See also Gao Yifei, "Detention Center Legislation From the Perspective of Protecting Human Rights" [Baozhang renquan shiye xia de kanshousuo lifa], Procuratorial Daily, reprinted in People's Daily, 2 July 15.

<sup>147</sup> Xu Xiaotong, "Can a Detention Center Law End 'Death by Blind Man's Bluff'?" [Kanshousuo fa neng fou zhongjie "duo mao mao si"], China Youth Daily, 14 May 14; Dui Hua Foundation, "Is Detention Center Law Enough To Prevent Police Abuse?" Dui Hua Human Rights Journal, 2 July 14. Detention centers are currently subject to the 1990 Detention Center Regulations. See State Council, PRC Regulations on Detention Centers [Zhonghua renmin gongheguo kanshousuo tiaoli], issued and effective 17 May 90.

<sup>148</sup> Duan Wen, "Why Do Courts Dare Not Acquit?" [Fayuan weishenme bu gan zuo wuzui panjue?], Phoenix Weekly, reprinted in QQ, 1 April 15.

<sup>149</sup> Human Rights Watch, "Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China," May 2015.

<sup>150</sup> Zhou Bin, "48-Item Reform Initiative Is a Strong Guarantee of Impartial Justice" [48 xiang gaige juecui quanli baozheng gongzheng sifa], Legal Daily, 9 April 15; Xing Shiwei, "Central Judicial Reform Office: Strengthening of Trial Stage Central in Preventing Miscarriages of Justice" [Zhongyang si gai ban: qianghua yi shenpan wei zhongxin fangzhi yuanjiacuo'an], Beijing News, 31 October 14. See also Tang Ya'nan and Ji Tianfu, "From the Perspective of Making Trials the Central, Preventing the Next Miscarriage of Justice" [Yi shenpan wei zhongxin shijiao xia de yuan cuo anjian fangfan], People's Court Daily, 13 May 15.

<sup>151</sup> Zhou Dongxu, "Legislature Approves Reform of Jury System," Caixin, 27 April 15.

<sup>152</sup> Andrew Jacobs, "Conviction Rates Count More in Chinese Justice Than Innocence," New York Times, 14 May 15; Terrence McCoy, "China Scored 99.9 Percent Conviction Rate Last Year," Washington Post, 11 March 14. See also Supreme People's Court, "2015 Supreme People's Court Work Report" [2015 nian zuigao renminfayuan gongzuo baogao], 12 March 15, 4.

<sup>153</sup> Supreme People's Court, "Opinion on Comprehensively Deepening Reform of the People's Courts—Fourth Five-Year Outline for Reform of the People's Courts (2014–2018)" [Zuigao renmin fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian—renmin fayuan disige wu nian gaige gangyao (2014–2018)], 4 February 15, para. 13. See also Margaret K. Lewis, "Leniency and Severity in China's Death Penalty Debate," Columbia Journal of Asian Law, Vol. 24, No. 2, 2011, 304–32.

<sup>154</sup> Li Shouwei, "Witnesses Appearing in Court: A New Scheme To Resolve a Longstanding Problem" [Zhengren chuting zuozheng: jie jue lao wenti de xin fang'an], Chinese Social Sciences Today, 30 April 14; Ma Aihu, "Improving the System of Chinese Witnesses Appearing in Court To Testify" [Zhongguo zhengren chuting zuozheng zhidu de wanshan], Lanzhou Lawyer (blog), 3 May 15. See also Human Rights Watch, "Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China," May 2015, 131; He Xin, "Dai Yuqing Case: When Witnesses Do Not Appear in Court, How To Distinguish Between Truth and Falsehood?" [Dai yuqing an: zhengren bu chuting zhenjia he bian], Caixin, 27 November 14.

<sup>155</sup> Ouyang Yanqin, "Courts Slow To Throw Illegally Collected Evidence Out of Trials," Caixin, 8 January 15; Liu Ling, "Lawyer Liu Ling: Speaking Again on Illegal Evidence Exclusion Rules" [Liu ling lushi: zai tan feifa zhengju paichu guize], Lawyer Liu Ling's Blog, 9 March 15.

<sup>156</sup> Human Rights Watch, "Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China," May 2015, 82.

<sup>157</sup> Ibid.

<sup>158</sup> UN Committee against Torture, Annotated Provisional Agenda, CAT/C/56/1, 4 September 15, item 4; UN Committee against Torture, "List of Issues in Relation to the Fifth Periodic Report of China," CAT/C/CHN/Q/5/Add.1, 15 June 15, paras. 31–32. The Committee most recently reviewed China in 2008. See UN Committee against Torture, Consideration of Reports Submitted by States Parties Under Article 19 of the Convention: Concluding Observations of the Committee against Torture: China, Adopted by the Committee at Its 41st Session (3–21 November 2008), CAT/C/CHN/CO/4, 12 December 08.

<sup>159</sup> See, e.g., Letter From Human Rights Watch to Members of the UN Committee against Torture, Office of the UN High Commissioner for Human Rights, 12 February 15, 5–7; China Human Rights Lawyers Concern Group Limited, "An NGO Submission to the UN Committee Against Torture for the LOIs and LOIPR of the 54th Session for the 6th Periodic Report of the People's Republic of China on the Implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," 9 February 15, paras. 2–3; Chinese

Human Rights Defenders, “Specific Information on the Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” 9 February 15, paras. 1, 2, 11.

<sup>160</sup>Supreme People’s Court, Supreme People’s Court Provisions on Procedures for Sentence Commutation and Parole Case Hearings [Zuigao renmin fayuan guanyu jianxing, jiashi anjian shenli chengxu de guiding], reprinted in China Court Network, issued 23 April 14, effective 1 June 14.

<sup>161</sup>Supreme People’s Procuratorate, Supreme People’s Procuratorate Provisions on Handling Commuted Sentences and Parole [Zuigao renmin jianchayuan banli jianxing, jiashi anjian guiding], issued and effective 27 August 14.

<sup>162</sup>Ministry of Justice, Provisions on Work Procedures for Prisons Proposing Commutations or Parole [Jianyu tiding jianxing jiashi gongzuo chengxu guiding], reprinted in PRC Central Government, issued 11 October 14, effective 1 December 14.

<sup>163</sup>“China Punishes Officials for Illegal Sentence Reductions,” Xinhua, 9 March 15. See also Zhang Hong, “Abuse of Parole System Targeted in Corruption Crackdown,” South China Morning Post, 25 February 14; “‘Commutation After an Appointed Time,’ ‘Bail Instead of Medical Treatment,’ ‘Pay To Get Out’—Committee Members Fiercely Debate ‘Covert Jailbreaks’ Phenomenon” [“Dao dian jianxing” “bao er bu yi” “ti qian chulong”—daibiao weiyuan reyi “bianxiang yueyu” xianxiang], Xinhua, 11 March 15; PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 81.

<sup>164</sup>Li Jing, “Supreme People’s Court Releases Eight Typical Cases of Commutation, Parole, and Serving Time Outside of Prison” [Zuigao fa fabu jianxing, jiashi, zan yu jianwai zhixing 8 jian dianxing anli], People’s Daily, 13 February 15.

<sup>165</sup>Ministry of Justice, Ministry of Justice Opinion on Further Deepening Prison Affairs Openness [Sifabu guanyu jinyibu shenhua yu wu gongkai de yijian], reprinted in China Court Network, 1 April 15. See also Yuan Dingbo, “202 Prisons Establish Platform for Handling Commutation, Parole, and Serving Time Outside of Prison Cases” [202 suo jianyu jiancheng jian jia zan ban’an pingtai], Legal Daily, 11 May 15.

<sup>166</sup>Danzeng Sangzhou, “Ministry of Justice Answers Question of Commutation and Parole: Criminals on Medical Parole All Brought Back To Be Checked” [Sifabu huiying jianxing jiashi zhiyi: baowaijiuyi zuifan dou daihui jiancha], China News Service, 5 November 14.

<sup>167</sup>Austin Ramzy, “In China, an Ingenious Scheme for Getting Out of Jail Early,” New York Times, Sinosphere (blog), 20 January 15; “China: Wealthy Prisoners Buy ‘Get Out of Jail’ Patents,” BBC, 19 January 15; Gao Yuyang et al., “Have ‘Prison Inventors’ Already Become a Supply Chain?” [“Jianyu famingjia” yi cheng chanyelian?], Beijing Youth Daily, 19 January 15.

<sup>168</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], 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, arts. 81–86.

<sup>169</sup>Dui Hua Foundation, “Dui Hua Welcomes Release of American Geologist Xue Feng,” 3 April 15; Xue Feng, “Thank You,” reprinted in University of Chicago, Department of Geophysical Sciences, Faculty Page of David Rowley, 4 April 15.

<sup>170</sup>Keith B. Richburg, “China Sentences American Geologist to 8 Years for Stealing State Secrets,” Washington Post, 5 July 10; Andrew Jacobs, “China Upholds Conviction of American Geologist,” New York Times, 18 February 11; “Beijing Court Upholds Eight-Year Sentence for American Geologist Xue Feng,” Congressional-Executive Commission on China, 23 February 11.

<sup>171</sup>Amnesty International, “Death Sentences and Executions 2014,” 31 March 15, 2.

<sup>172</sup>Ibid.

<sup>173</sup>Mara Hvistendahl, “China Rethinks the Death Penalty,” New York Times, 8 July 14.

<sup>174</sup>Dui Hua Foundation, “China Executed 2,400 People in 2013,” 20 October 14; Amnesty International, “Death Sentences and Executions 2014,” 31 March 15, 11. Amnesty International reported that “[b]etween June and August [2014], 21 people were executed in the Xinjiang Uighur Autonomous Region in relation to separate terrorist attacks.”

<sup>175</sup>“No Change Seen in China’s Use of Death Penalty Amid Broad Public Support,” Radio Free Asia, 2 April 15; Zachary Keck, “China Overwhelmingly Supports Death Penalty for Corrupt Officials,” The Diplomat, 7 November 14; Lijia Zhang, “China’s Death-Penalty Debate,” New York Times, 29 December 14; Margaret K. Lewis, “Leniency and Severity in China’s Death Penalty Debate,” Columbia Journal of Asian Law, Vol. 24, No. 2, 2011, 304–32.

<sup>176</sup>Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], 12 November 13, sec. 9(34).

<sup>177</sup>National People’s Congress, “Explanation of ‘People’s Republic of China Criminal Law Amendment (Nine) (Draft),’” [Guanyu “zhonghua renmin gongheguo xingfa xiuzheng’an (jiu) (cao’an)” de shuoming], 3 November 14, sec. 2(1).

<sup>178</sup>National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, items 9, 11, 41, 49; Zhang Yi, “Fewer Crimes To Be Subject to Death Penalty,” China Daily, 31 August 15. See also National People’s Congress Legal Committee, “Deliberative Conclusions Report Regarding ‘PRC Criminal Law Amendment (Nine) (Draft)’” [Guanyu “zhonghua renmin gongheguo xingfa xiuzheng’an (jiu) (cao’an)” shen yi jiegao], 24 August 15, item 8. The revisions to the PRC Criminal Law further heighten the legal requirements for executing prisoners who are sentenced to death with a two-year reprieve. National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, item 2.

<sup>179</sup>Susan Trevaskes, The Death Penalty in Contemporary China (New York: Palgrave Macmillan, 2012), 42–46; Dui Hua Foundation, “China Mulls Harsher Penalties for Protesters, ‘Cults,’ Fewer Capital Crimes,” Dui Hua Foundation Human Rights Journal, 6 August 15.

<sup>180</sup>Susan Finder, "What Does the 4th Plenum Mean for Death Penalty Reviews?" Supreme People's Court Monitor (blog), 10 November 14.

<sup>181</sup>Ren Zhongyuan, "Death Penalty Review Power Held for Eight Years; How Does the Supreme People's Court Stay Executions?" [Sixing fuhe quan shang shou ba nian zuigao fayuan ruhe daoxia liuren], Southern Weekend, 16 October 14; "The Death Penalty: Strike Less Hard," Economist, 3 August 13.

<sup>182</sup>Supreme People's Court, Measures Concerning Listening to Defense Lawyers' Opinions in Handling Death Penalty Review Cases [Zuigao renmin fayuan guanyu banli sixing fuhe anjian tingqu bianhu lushi yijian de banfa], issued 29 January 15, effective 1 February 15; Dan Yuxiao, "In Death Penalty Review Cases, Lawyers Opinions Shall Be Heard" [Sixing fuhe anjian lushi yijian ying bei tingqu], Caixin, 29 January 15. For a contrasting view see Chinese Human Rights Defenders, "New Rules on Lawyers' Input on Death Penalty Reviews Too Weak To Cut Down on Executions," 5 February 15.

<sup>183</sup>Yang Tao, "It's Possible To Have a System of Hesitating in Implementation of the Death Penalty" [Sixing zhixing youyu zhidu zhe ge keyi you], Beijing Youth Daily, 12 February 15; Lijia Zhang, "China's Death Penalty Debate," New York Times, 29 December 14.

<sup>184</sup>Didi Kirsten Tatlow, "Courts in China Face Balancing Act on Domestic Abuse," New York Times, Sinosphere (blog), 6 May 15; Ren Zhongyuan, "Shadow of Domestic Abuse Over Protection of Women's Rights; Failure To Fully Reverse Li Yan Case" [Jiabao yinying xia de funu quanyi baohu weineng wanguan fanzhuan de li yan an], Southern Weekend, 30 April 15. See also Chenjie Ma, "China's Death Penalty Practice Undermines the Integrity of the Death Penalty as a Sentencing Option," Australian Journal of Asian Law, Vol. 15, No. 2, 7.

<sup>185</sup>Chen Baocheng, "Continuing To Ask About the Heilongjiang Incident: How To Monitor 'Death Row?'" [Zai wen heilongjiang shijian: ruhe kanguan "sixingfan"?], Caixin, 3 September 14.

<sup>186</sup>Human Rights Watch, "Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China," May 2015, 5.

<sup>187</sup>"China Will Completely Stop Use of Executed Prisoners' Organs as Donor Source of Organ Transplants" [Zhongguo jiang quanmian tingzhi shiyong siqiu qiguan zuowei yizhi gongti lai yuan], China National Radio, reprinted in Xinhua, 2 January 15; "China To Scrap Organ Harvesting From Executed Prisoners," China Daily, 4 December 14; "Weaning China Off Organs From Executed Prisoners," Lancet, Vol. 385, No. 9962, 3 January 15. See also Tania Branigan, "China To Stop Using Executed Prisoners as Source of Transplant Organs," Guardian, 4 December 14; Alex Hosenball and Cho Park, "China's New Year's Resolution: No More Harvesting Executed Prisoners' Organs," ABC, 1 January 15. For background information on the topic, see Adnan Sharif et al., "Organ Procurement From Executed Prisoners in China," American Journal of Transplantation, 2014.

<sup>188</sup>"China To Scrap Organ Harvesting From Executed Prisoners," China Daily, 4 December 14.

<sup>189</sup>"Loopholes Remain in China's Organ Harvesting Ban," Radio Free Asia, 7 December 14; Katie Hunt, "Why China Will Struggle To End Organ Harvesting From Executed Prisoners," CNN, 5 December 14; Liz Kerr and Deborah Collins-Perrica, "Correspondence: Organ Transplantation in China: Concerns Remain," Lancet, Vol. 385, No. 9971, 7 March 15, 856. For an example of a preliminary report on organ donations following the reforms, see Jia Peng, "Huang Jiefu: Use of Executed Prisoners' Organs Stopped for Two Months, Citizens Donate 937 Organs" [Huang jiefu: siqiu qiguan ting yong liang yue gongmin juan 937 ge qiguan], Beijing News, 6 March 15.

<sup>190</sup>"Weaning China Off Organs From Executed Prisoners," Lancet, Vol. 385, No. 9962, 3 January 15, 1.

## FREEDOM OF RELIGION

*Regulatory and Policy Framework for Religion*

During the Commission's 2015 reporting year, the Chinese government and Communist Party continued to restrict freedom of religion in China. China's Constitution guarantees "freedom of religious belief"<sup>1</sup> but limits protection of religious activities to "normal religious activities."<sup>2</sup> This narrow protection contravenes international human rights standards. Article 18 of the Universal Declaration of Human Rights (UDHR) and Article 18 of the International Covenant on Civil and Political Rights (ICCPR)—the latter of which China has signed<sup>3</sup> and stated its intent to ratify<sup>4</sup>—recognize not only an individual's right to adopt a religion or belief, but also the freedom to manifest one's religion in "worship, observance, practice and teaching."<sup>5</sup>

The Chinese government continued to recognize only five religions: Buddhism, Catholicism, Islam, Protestantism, and Taoism. The 2005 Regulations on Religious Affairs (RRA) require groups wishing to practice these religions to register with the government and subject such groups to government controls.<sup>6</sup> The government and Party control religious affairs mainly through the State Administration for Religious Affairs (SARA) and lower level religious affairs bureaus under the State Council,<sup>7</sup> the Party Central Committee United Front Work Department (UFWD),<sup>8</sup> and the five "patriotic" religious associations—the Buddhist Association of China (BAC), the Catholic Patriotic Association of China (CPA), the Islamic Association of China (IAC), the Three-Self Patriotic Movement of Protestant Churches in China (TSPM), and the Chinese Taoist Association (CTA)<sup>9</sup> among other government and Party organizations.<sup>10</sup> As documented in this section, members of both registered and unregistered religious groups who ran afoul of state-set parameters continued to face harassment, detention, imprisonment, and other abuses.<sup>11</sup>

Authorities continued to carry out a crackdown against groups they deemed "cults." The crackdown spanned multiple provinces<sup>12</sup> and targeted different religious communities, including Buddhists,<sup>13</sup> Protestant house churches,<sup>14</sup> and practitioners of Falun Gong<sup>15</sup>—a spiritual practice that the government continued to outlaw.<sup>16</sup> The crackdown began in 2014,<sup>17</sup> but new legislation this year bolstered official efforts to target "cults." For example, in July 2015, the National People's Congress Standing Committee (NPCSC) passed the PRC National Security Law,<sup>18</sup> which explicitly banned "cult organizations."<sup>19</sup> In August 2015, the NPCSC passed an amendment to the PRC Criminal Law that increased the maximum possible sentence for "organizing and using a cult to undermine implementation of the law"—a crime under Article 300<sup>20</sup>—from 15 years to life in prison.<sup>21</sup>

This past year, the government and Party continued to call on officials and religious groups to ensure that religious doctrine and practices adhered to government policy and Party goals. For example, at a May 2015 UFWD meeting, President and Party General Secretary Xi Jinping emphasized that "religious work . . . should comprehensively implement the Party's policy on freedom of religious belief" and to "proactively guide religion to be in keeping with

socialism.”<sup>22</sup> Xi also called for “leading religion to strive to promote the service of economic development, social harmony, flourishing of culture, ethnic solidarity, and unification of the motherland.”<sup>23</sup> Officials also called for strengthening the role of laws and regulations in governing religious practices, property, and sites of worship. For example, a January 2015 SARA document outlining SARA’s work in the upcoming year called for strengthening the role of laws and regulations in its work,<sup>24</sup> as well as an improvement in guiding opinions regarding the management of sites of worship.<sup>25</sup> Other official statements echoed similar themes.<sup>26</sup>

### *Buddhism (Non-Tibetan)*

This past year, the Chinese government and Communist Party continued to take steps designed to ensure that Buddhist doctrine and practices in non-Tibetan areas of China conformed to government and Party policy. [For information on Tibetan Buddhists, see Section V—Tibet.] In April 2015, the state-controlled Buddhist Association of China (BAC) convened its Ninth National Conference in Beijing municipality,<sup>27</sup> during which authorities selected new BAC leadership.<sup>28</sup> Yu Zhengsheng, a member of the Standing Committee of the Political Bureau of the Communist Party Central Committee, met with the new BAC leadership and called on them to work towards government and Party goals, including “[having] a firm and correct political orientation” and “comprehensively implementing the Party’s basic policy on religion . . . .”<sup>29</sup> Yu’s remarks echoed similar themes from the 2010 BAC Eighth National Conference<sup>30</sup>—for example, that Buddhist clergy should be “politically reliable” and that Buddhism should follow the Party’s policy on religion<sup>31</sup>—as well as statements by government and Party officials in other settings.<sup>32</sup>

Authorities continued to take steps to bring registered and unregistered Buddhist monasteries under stricter government and Party control,<sup>33</sup> as outlined in the 2012 Opinion Regarding Issues Related to the Management of Buddhist Monasteries and Taoist Temples, a joint opinion issued by 10 government and Party offices.<sup>34</sup> For example, in March 2015, officials from the bureau of ethnic and religious affairs, public security bureau, and Buddhist association in Yuhang district, Hangzhou municipality, Zhejiang province, conducted a “surprise inspection” of Buddhist monasteries and folk religious sites in Yuhang in part to investigate the registration status of religious personnel.<sup>35</sup> In another example, authorities in Chongqing municipality reportedly carried out a campaign that would publicly distinguish registered Buddhist monasteries from unregistered Buddhist monasteries by hanging placards on registered monasteries.<sup>36</sup>

On July 14, 2015, the Zhuhai Intermediate People’s Court, in Zhuhai municipality, Guangdong province, tried Wu Zeheng, founder of the Buddhist group “Huazang Zongmen,”<sup>37</sup> for “organizing and using a cult to undermine implementation of the law,” rape, fraud, and producing and selling toxic and dangerous food products, and tried four others for similar crimes.<sup>38</sup> Central government news agency Xinhua quoted anonymous sources—reportedly former followers of Wu—as corroborating the charges against him.<sup>39</sup> Wu’s lawyer Lin Qilei and international observers reportedly character-

ized the case as religious persecution.<sup>40</sup> Authorities criminally detained Wu and over 10 of his followers in July 2014,<sup>41</sup> during a crackdown on “cults.”<sup>42</sup> The Zhuhai Municipal People’s Procuratorate subsequently returned the case at least twice to the public security bureau for supplementary investigation.<sup>43</sup>

### *Catholicism*

#### OFFICIAL HARASSMENT AND DETENTION

This past year, the Chinese government and Communist Party continued to harass, detain, or hold incommunicado Catholics who practiced their religion outside of state-approved parameters. For example:

- **Cao Jianyou and Quan Xiaoyun.** On March 22, 2015, authorities in Harbin municipality, Heilongjiang province, detained two unregistered priests—Cao Jianyou and Quan Xiaoyun—as the two officiated a mass.<sup>44</sup> Authorities reportedly detained the two priests on suspicion of “holding illegal religious activities at an unregistered worshipping venue.”<sup>45</sup>
- **Peng Weizhao.** In November 2014, authorities in Linchuan district, Fuzhou city, Jiangxi province, released underground bishop Peng Weizhao,<sup>46</sup> whom they detained in May 2014 after the Holy See appointed him a bishop without approval from Chinese authorities.<sup>47</sup> After Peng’s release, authorities reportedly ordered him to report to local authorities periodically, not leave Jiangxi, and not carry out his episcopal duties.<sup>48</sup>
- **Shi Enxiang.** A relative of Shi Enxiang, an unregistered bishop whom authorities detained in Beijing in 2001 without disclosing charges,<sup>49</sup> reportedly said officials in Baoding municipality, Hebei province, informed Shi’s family on January 30, 2015, that Shi had died in custody.<sup>50</sup> Officials in Baoding reportedly said later that this was “false information” spread by a “drunkard.”<sup>51</sup> The Commission has not observed any reports from Chinese authorities regarding Shi’s status.<sup>52</sup>
- **Su Zhimin and Ma Daqin.** According to a November 19, 2014, Asia News report, authorities continued to hold Bishops Su Zhimin and Ma Daqin in custody.<sup>53</sup> Authorities detained Su, an underground bishop, in 1997.<sup>54</sup> The Commission has observed no information from Chinese authorities regarding charges against Su or his location.<sup>55</sup> Authorities detained Ma after he announced publicly during his July 7, 2012, ordination ceremony that he planned to leave the Chinese Catholic Patriotic Association (CPA).<sup>56</sup> Authorities then placed Ma under extralegal confinement at the Sheshan seminary in Shanghai municipality.<sup>57</sup>
- **Demonstration in Linxi county.** On August 15, 2014, public security officials in Linxi county, Chifeng municipality, Inner Mongolia Autonomous Region, reportedly used force—including pepper spray—against a group of “several hundred” Catholics who gathered outside an office of the Linxi County People’s Government to protest local officials’ plans to build housing on the property of a local Catholic church.<sup>58</sup> The U.S.-based non-governmental organization ChinaAid reported that

over 10 of the Catholics were injured, including 6 with “serious” injuries.<sup>59</sup>

#### CHINA-HOLY SEE RELATIONS

During this reporting year, Chinese and Holy See authorities reportedly discussed potential changes to China’s state-controlled system of bishop appointments but did not reach an agreement,<sup>60</sup> leaving in place the system in which the state-controlled CPA and Bishops’ Conference of the Catholic Church in China (BCCCC) can select and ordain bishops without approval from the Holy See.<sup>61</sup> In November 2014, the Hong Kong-based newspaper *Wen Wei Po* cited an anonymous “authority” as saying that China had proposed a system in which Chinese and Holy See authorities must jointly agree to any bishop appointment, and that neither side would unilaterally appoint bishops in China.<sup>62</sup> The same source reportedly said that the Holy See wanted an agreement that would address the possible dissolution of the CPA and the possible cancellation of the National Conference of Chinese Catholic Representatives (NCCCR),<sup>63</sup> which authorities reportedly forced some bishops to attend against their will when the NCCCR last convened in 2010.<sup>64</sup> According to the charter of the state-led BCCCC, the NCCCR convenes every five years,<sup>65</sup> and in March 2015, the Hong Kong-based newspaper *Ta Kung Pao* cited the same anonymous source as the *Wen Wei Po* report as saying that “this year’s NCCCR” would be a “touchstone” for China-Holy See relations.<sup>66</sup>

#### *Falun Gong*

Government and Party officials continued a campaign—initiated in 1999—of extensive, systematic, and in some cases violent efforts to pressure Falun Gong practitioners to renounce their belief in and practice of Falun Gong.<sup>67</sup> For example:

- **Kong Qiuge.** In October 2014, Falun Gong practitioner Kong Qiuge, in her late 60s, reportedly died in a prison hospital in Urumqi municipality, Xinjiang Uyghur Autonomous Region,<sup>68</sup> after authorities detained her on suspicion of a “cult”-related crime.<sup>69</sup>
- **Wang Zhiwen.** In October 2014, authorities released Falun Gong practitioner Wang Zhiwen—sentenced to 16 years in prison in 1999 on “cult”-related charges<sup>70</sup>—from Qianjin Prison in Beijing.<sup>71</sup> Authorities reportedly then transferred him to a “transformation through reeducation center”<sup>72</sup> (or “brain-washing center”)<sup>73</sup>—a facility where authorities allegedly pressure Falun Gong practitioners to renounce their belief in Falun Gong.<sup>74</sup> Authorities released Wang from the “transformation through reeducation center” on October 24, 2014.<sup>75</sup> Wang reportedly suffered various forms of torture during his time in prison and was in poor physical and mental condition upon release.<sup>76</sup>
- **Zuo Kangwei.** On August 22, 2014, the Qinghe District People’s Court, in Huai’an city, Jiangsu province, reportedly sentenced 55-year-old Falun Gong practitioner Zuo Kangwei to three years’ imprisonment.<sup>77</sup> Officials in Huai’an detained Zuo on March 5, 2014, in apparent connection to her practice of

Falun Gong,<sup>78</sup> and on March 17, 2014, the Qinghe District People's Procuratorate approved indictment on charges of "organizing and using a cult to undermine implementation of the law,"<sup>79</sup> a crime under Article 300 of the PRC Criminal Law.<sup>80</sup>

• **Li Guifang, Meng Fanli, Wang Yanxin, and Shi Mengwen.** On May 21, 2015, the Jiansanjiang Agriculture Reclamation People's Court, in Fujin city, Jiamusi municipality, Heilongjiang province, sentenced Falun Gong practitioner Shi Mengwen to three years' imprisonment and Falun Gong practitioners Li Guifang, Meng Fanli, and Wang Yanxin each to two years' imprisonment for "organizing and using a cult to undermine implementation of the law."<sup>81</sup> Authorities in Jiansanjiang detained the four on March 21, 2014, for joining rights lawyers and others on March 20, 2014, outside a "legal education center" in Jiansanjiang where authorities had arbitrarily detained Falun Gong practitioners.<sup>82</sup> In 2015, the practitioners' lawyers filed an appeal, but the Heilongjiang Agriculture Reclamation Intermediate People's Court, in Harbin municipality, Heilongjiang, reportedly informed the practitioners' lawyers that the appeal would not be heard in court.<sup>83</sup>

Prior to the March 2015 National People's Congress and Chinese People's Political Consultative Conference (CPPCC) meetings (Two Sessions), authorities in Tianjin municipality reportedly detained at least 20 Falun Gong practitioners and confiscated literature, computers, and other personal items from Falun Gong practitioners as part of a coordinated crackdown.<sup>84</sup> According to Minghui (or Clear Wisdom), a U.S.-based news organization affiliated with Falun Gong, Zhao Fei—head of the Tianjin Municipal Public Security Bureau<sup>85</sup>—offered cash rewards to officials who detained Falun Gong practitioners.<sup>86</sup> Officials reportedly detained at least some of the practitioners in connection to their speaking to others about Falun Gong or possessing Falun Gong literature.<sup>87</sup> Those reportedly detained include Zhuge Yufang and her daughter Chen Ruoming, Fu Shaojuan, Zhang Cuihuan, Zhao Manhong, Song Yunling, Qu Lingyun, Tang Yuehua, Li Hongji, Li Jianmin, Zheng Qinglan, Niu Shuhua, Zhao Yuehua, Song Huichan, Wang Huizhen, Li Shanshan, Liu Qiong, Yang Hong, Jiang Yahui, and "Lu Jie" and "Xiao Gao"—names that may be pseudonyms.<sup>88</sup> Rights lawyers Tang Jitian and Cheng Hai both reportedly told the Epoch Times—a New York-based newspaper linked to Falun Gong and known for its critical coverage of China—that the Tianjin officials' actions had no legal basis.<sup>89</sup>

This past year, authorities continued to harass, detain, and sentence family members, lawyers, and others who had contact or were affiliated with Falun Gong practitioners. For example, on April 15, 2015, the Qiaodong District People's Court, in Shijiazhuang municipality, Hebei province, sentenced Bian Xiaohui, the daughter of Falun Gong practitioner Bian Lichao, and Falun Gong practitioner Chen Yinghua to prison terms of three years and six months and four years, respectively.<sup>90</sup> On March 12, 2014, officials in Shijiazhuang detained Bian Xiaohui and Chen Yinghua on suspicion of "organizing and using a cult to undermine implementation of the law"<sup>91</sup> after Bian held up a sign that said "I want to see my father" outside Shijiazhuang Prison where her



father was serving a 12-year sentence.<sup>92</sup> Chen took a photo of Bian's protest and posted it online.<sup>93</sup> Following those detentions, officials detained Bian Xiaohui's mother Zhou Xiuzhen when Zhou went to report the disappearance of her daughter.<sup>94</sup> On August 5, 2014, the Lu'nan District People's Court in Tangshan municipality, Hebei, reportedly tried Zhou,<sup>95</sup> but sources did not provide information on formal charges or sentencing of Zhou.<sup>96</sup> In July 2015, authorities launched a crackdown against rights defense lawyers that resulted in the detention of multiple lawyers who had defended Falun Gong practitioners.<sup>97</sup> Wang Yu and Wang Quanzhang, who had defended Li Guifang, Meng Fanli, Wang Yanxin, and Shi Mengwen in the case described above,<sup>98</sup> were among those detained in the July 2015 crackdown.<sup>99</sup>

In December 2014, Huang Jiefu, a CPPCC Standing Committee member and head of the Human Organ Donation and Transplant Committee,<sup>100</sup> reportedly announced that China would stop using organs from death row inmates for organ transplantation,<sup>101</sup> a practice that international observers asserted continues to affect Falun Gong practitioners.<sup>102</sup> State-run media reported harvesting organs from executed prisoners would end in January 2015 with a move to a fully voluntary organ donation system,<sup>103</sup> but international medical professionals<sup>104</sup> and human rights advocates<sup>105</sup> raised doubts about the "voluntary" nature of such donations, and emphasized the use of prisoners' organs violates international ethical standards in transplantation.<sup>106</sup> [For more information, see Section II—Public Health.]

### *Islam*

The Chinese government and Communist Party continued to call for Muslims in China to practice Islam in conformity with government and Party priorities. For example, during an April 2015 "Hajj pilgrimage work meeting," Jiang Jianyong, Deputy Director of the State Administration for Religious Affairs (SARA), instructed participants to "make political security and personal security a top priority in Hajj pilgrimage work from start to finish . . . , to continue to consolidate the results of the work of controlling unauthorized Hajj pilgrimages, and to prevent backlash from unauthorized Hajj pilgrimage events."<sup>107</sup> During a May 2015 event focused on interpretation of the Quran in Qianxi'nan Buyi and Miao Autonomous Prefecture, Guizhou province, Wu Jianmin, Deputy Head of the Ethnic and Religious Affairs Commission of Guizhou Province, told participants that the event was a "concrete manifestation" of Islam's "patriotism," among other attributes.<sup>108</sup>

Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) continued to enforce measures directed at "terrorism" and "religious extremism" that had the effect of restricting peaceful religious practices. [For more information, see Section IV—Xinjiang—Freedom of Religion.] In December 2014, the Standing Committee of the Urumqi Municipal People's Congress passed regulations intended to curb "religious extremism"<sup>109</sup> that banned the wearing of full facial or body coverings in public,<sup>110</sup> practices that have become more common among Muslim women in the XUAR.<sup>111</sup> In January 2015, the XUAR People's Congress Standing Committee approved the regulations.<sup>112</sup> The regulations follow other official ef-

forts in recent years to prevent Muslim women from wearing veils and Muslim men from wearing beards, practices that authorities in some cases identified with “extremism.”<sup>113</sup> Authorities in the XUAR also continued to call for minors not to enter sites of worship<sup>114</sup> and forbade fasting during Ramadan.<sup>115</sup> Authorities in Yining (Ghulja) municipality, Ili Kazakh Autonomous Prefecture, XUAR, reportedly ordered local residents to surrender their passports or face cancelation of their passports.<sup>116</sup> In April 2015, authorities in Aktash village, Laskuy township, Hotan county, Hotan prefecture, XUAR, ordered local shopkeepers to sell alcohol and cigarettes—the use of which many local Muslims considered a “sin” and “self-destructive,” respectively<sup>117</sup>—as well as to display the alcohol and cigarettes prominently.<sup>118</sup> Adil Sulayman, Secretary of the Aktash Village Party Committee, reportedly said that XUAR authorities considered abstaining from smoking to be a “form of religious extremism” and that increasing “religious sentiment” was “affecting stability.”<sup>119</sup> Describing the order, Sulayman reportedly said, “We have a campaign to weaken religion here and this is part of that campaign.”<sup>120</sup>

### *Protestantism*

The Chinese government and Communist Party continued to restrict freedom of religion for Protestants in China. For example, officials in various locations in China called on the Three-Self Patriotic Movement (TSPM) and China Christian Council (CCC)—the official organizations that manage registered Protestants under the leadership of the government and Party<sup>121</sup>—to work toward government and Party goals, such as to “hold on to a proper political orientation,”<sup>122</sup> to facilitate and liaise about the Party’s policy on religion,<sup>123</sup> and to assist with economic and social development.<sup>124</sup>

### OFFICIAL HARASSMENT AND DETENTION

Authorities continued to harass and detain registered and unregistered Protestants who worshipped outside of state-approved parameters. For example:

- **Zhao Weiliang and Cheng Hongpeng.** Authorities sentenced Zhao Weiliang and Cheng Hongpeng, members of a house church in Cao county, Heze municipality, Shandong province,<sup>125</sup> to four and three years in prison, respectively, on charges of “organizing and using a cult to undermine implementation of the law” following a May 27, 2015, trial.<sup>126</sup> Authorities reportedly determined Zhao and Cheng were members of the “Full-Scope Church” (or “All-Scope Church”), which authorities had officially designated a “cult.”<sup>127</sup>
- **Liu Fenggang, Lu Jingxiang, and Yan Jinwei.** In March 2015, authorities reportedly refused to issue entry-exit permits to several house church pastors—including Liu Fenggang of Beijing municipality and Lu Jingxiang and Yan Jinwei of Anhui province—to attend a religious meeting in Hong Kong.<sup>128</sup> Lu’s wife reportedly said that public security officials told Lu they could not process his permit because he was affiliated with a house church.<sup>129</sup>

- **Guo Yongfeng and Cai Yongsheng.** In January 2015, religious affairs officials in Shenzhen municipality, Guangdong province, reportedly took into custody Pastor Cai Yongsheng when democracy advocate Guo Yongfeng attempted to meet with him for Bible study.<sup>130</sup> Guo reportedly posted a message for help online, after which authorities allowed Cai to return home.<sup>131</sup> On January 23, domestic security officers (*guobao*) reportedly went to Guo's house and told him not to participate in religious activities but told him he could go to TSPM churches.<sup>132</sup>
- **Langzhong house church.** In December 2014, officials in Langzhong city, Nanchong municipality, Sichuan province, reportedly detained members of the Langzhong house church (an unregistered Protestant church) as church members prepared for a Christmas celebration and ordered them to serve administrative detention.<sup>133</sup> The detentions occurred at a time when authorities reportedly interfered with Christmas activities in multiple locations.<sup>134</sup> In January 2015, officials in Langzhong reportedly disrupted another meeting of the Langzhong house church and ordered five members to serve 15 days of administrative detention for "illegal assembly."<sup>135</sup>
- **Zhang Shaojie and Zhang Lingxin.** In October 2014, the Nanle County People's Court in Puyang municipality, Henan province, reportedly notified family members of Zhang Shaojie, a registered pastor, that their home would be auctioned to pay a fine Zhang received in a July 2014 sentence.<sup>136</sup> Authorities ordered them to vacate the house by October 26 or face forced eviction.<sup>137</sup> In early November 2014, authorities in Nanle took into custody Zhang's daughter, Zhang "Shanshan" Lingxin; they reportedly beat her and held her in a guest house, and then released her the following week.<sup>138</sup>

#### CHURCH DEMOLITIONS IN ZHEJIANG

This past year, authorities in Zhejiang province continued to target Protestant churches as part of the three-year (2013–2015) "Three Rectifications and One Demolition" campaign.<sup>139</sup> While the campaign's stated aim was to address "illegal structures,"<sup>140</sup> official rhetoric appeared to reflect an intention to target religious sites, especially Christian sites, for demolition.<sup>141</sup> In a July 10, 2015, open letter to the Zhejiang Provincial Ethnic and Religious Affairs Committee, the Zhejiang Provincial Christian Council claimed that authorities had removed over 1,200 crosses since February 2014.<sup>142</sup> Authorities reportedly removed crosses from both registered and unregistered churches,<sup>143</sup> and Christian Solidarity Worldwide reported 35 whole or partial demolitions of churches and church-owned buildings in Zhejiang between October 2013 and May 2015.<sup>144</sup> Authorities in Zhejiang also reportedly drafted legislation that would limit the size, location, and colors of crosses on churches.<sup>145</sup>

Authorities also detained and harassed people who protested, questioned, or disseminated information about the campaign. For example, on July 14, 2015, authorities in Shitang town, Wenling city, Taizhou municipality, Zhejiang, reportedly beat Christians who protested the removal of a church cross.<sup>146</sup> On March 24,

2015, the Pingyang County People's Court in Wenzhou municipality, Zhejiang, sentenced Huang Yizi, a registered pastor, to one year in prison in connection to his participation in a July 2014 protest over the removal of a church cross and for allegedly "frequently express[ing] his opposition to the provincial government's church-and-cross demolition campaign."<sup>147</sup> On March 25, 2015, the Yongjia County People's Court in Wenzhou, Zhejiang, reportedly sentenced eight people associated with the Sanjiang Church—which authorities demolished in April 2014<sup>148</sup>—to varying prison terms,<sup>149</sup> all with suspended sentences,<sup>150</sup> for "gathering a crowd to disturb public order" and "illegal occupation of farmland."<sup>151</sup> All eight reportedly participated in demonstrations against the demolition.<sup>152</sup>

### *Taoism*

In January 2015, the Chinese Taoist Association (CTA) began preparations for its Ninth National Conference, which reportedly would be held later in 2015.<sup>153</sup> According to the CTA, Jiang Jianyong, Deputy Director of the State Administration for Religious Affairs (SARA), attended a planning meeting as a representative of SARA and the Party's United Front Work Department (UFD), in order to "guide" [the meeting].<sup>154</sup>

Authorities in multiple locations carried out campaigns that distinguished registered and unregistered Taoist temples by publicly hanging placards on registered temples. For example, in May 2015, authorities in Beijing municipality hung a placard on the Dongyue Temple.<sup>155</sup> Zhu Weiqun, Chairperson of the Ethnic and Religious Affairs Committee of the Chinese People's Political Consultative Conference, Ma Jiye, Head of the UFD, Wang Xiaodong, Director of the Ethnic and Religious Affairs Committee of the Beijing Municipal People's Consultative Conference, and Li Shengyong, Deputy Director of the Beijing Municipal Bureau of Religious Affairs, reportedly performed the unveiling of the placard.<sup>156</sup> Authorities in Chongqing municipality reportedly also carried out a campaign to hang placards on registered Taoist temples.<sup>157</sup>

### *Other Religious Communities*

During the reporting year, the Chinese government maintained its framework that extends official recognition only to five religions for limited government protection.<sup>158</sup> Provisions allowed foreign religious communities, including communities not recognized as domestic religions by the government, to hold religious services for expatriates but forbade Chinese citizens from participating.<sup>159</sup> Despite lacking formal central government recognition, some religious communities have been able to operate inside China.<sup>160</sup> In May 2015, Metropolitan Hilarion Alfeyev of Volokolamsk, head of the Moscow Patriarchate's Department of External Relations, and SARA officials reportedly agreed to the ordination of an ethnic Chinese Eastern Orthodox priest to serve in Harbin municipality, Heilongjiang province, and to send two others to Russia to study "with a view to their possible ordination."<sup>161</sup>

## Notes to Section II—Freedom of Religion

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

<sup>2</sup>Ibid.

<sup>3</sup>United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights (ICCPR), last visited 23 June 14. China signed the ICCPR on October 5, 1998.

<sup>4</sup>See, e.g., State Council Information Office, “Progress in China’s Human Rights in 2012,” reprinted in *Xinhua*, 14 May 13, chap. VI; Permanent Mission of the People’s Republic of China to the UN, “Aide Memoire,” reprinted in United Nations, 13 April 06, para. IV; State Council, European Council, Prime Minister’s Office of Sweden, and European Commission, “Joint Statement of the 12th China-EU Summit,” reprinted in Ministry of Foreign Affairs, 30 November 09, para. 8. Upon presenting its candidacy for the 2013 UN Human Rights Council elections, China reportedly promised to “further protect civil and political rights,” although it did not specifically state intent to ratify the ICCPR. UN General Assembly, Sixty-Eighth Session, Item 115(c) of the Preliminary List, Elections To Fill Vacancies in the Subsidiary Organs and Other Elections: Election of Fourteen Members of the Human Rights Council, Note Verbale Dated 5 June 2013 from the Permanent Mission of China to the United Nations Addressed to the President of the General Assembly, A/68/90, 6 June 13.

<sup>5</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) on 10 December 48, art. 18; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) on 16 December 66, entry into force 23 March 76, art. 18.

<sup>6</sup>State Administration for Religious Affairs, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 6, 12.

<sup>7</sup>Yang Fenggang, *Religion in China: Survival and Revival Under Communist Rule* (New York: Oxford University Press, 2012), 78–84.

<sup>8</sup>Ibid., 78–79.

<sup>9</sup>Ibid., 69.

<sup>10</sup>Ibid., 78.

<sup>11</sup>See, e.g., “Buddhist Wu Zeheng and Others Detained for Eight Months, Lawyer Says Case Qualifies as Religious Persecution” [Fojiao tu wu zeheng deng ren bei ju ba ge yue, lushi zhi anjian shu zongjiao pohai], *Radio Free Asia*, 19 March 15; “China Authorities in Harbin Detain Two ‘Underground’ Priests,” *UCA News*, 23 March 15; Michael Forsythe, “Questions Rise on Fate of Chinese Bishop,” *New York Times*, 13 February 15; “Yujiang’s Underground Bishop Released but Under Police Surveillance,” *Asia News*, 19 November 14; ChinaAid, “Inner Mongolia: Catholic Believers Gather at County Government To Defend Rights, Demand Return of Church Property” [Neimeng: tianzhujiao xinzhong xian zhengfu jihui weiquan, yaoqiu gui huan jiaochan], 4 September 14; “Sichuan Police Attack House Church, Detain Over 20 People” [Sichuan jingfang chongji jiating jiaohui, zhua 20 duo ren], *Voice of America*, 24 January 15; Minnie Chan, “Huang Yizi, Detained Pastor in Wenzhou, Knew Risks in Fighting Removal of Crosses,” *South China Morning Post*, 17 August 14; “Pastor Huang Yizi Opposes Forcible Demolition of Church, Sentenced to One Year in Prison” [Huang yizi mushi fandui qiangchai jiaotang huoxing 1 nian], *Radio Free Asia*, 24 March 15.

<sup>12</sup>Tom Phillips, “Chinese Christians Under Pressure From ‘Anti-Cult’ Campaign,” *Telegraph*, 30 October 14; Zhuhai Municipal People’s Procuratorate, “‘Huazang Zongmen’ Case Begins Trial of First Instance in Zhuhai Intermediate Court” [“Huazang zongmen” an zai zhuhai zhongyuan yi shen kaiting], 14 July 15; “Ms. Zuo Kangwei of Huai’an City, Jiangsu Illegally Sentenced to Three Years Again” [Jiangsu huai’an shi zuo kangwei nushi zai bei feifa panxing san nian], *Minghui (Clear Wisdom)*, 27 August 14; “Ms. Zuo Kangwei Sentenced Second Time to Three Years in Prison,” *Minghui (Clear Wisdom)*, 3 September 14; Rights Defense Network, “Bian Xiaohui Sentenced to Three Years and Six Months, Chen Yinghua Sentenced to Four Years in Trial of First Instance in Bian Xiaohui Case” [Bian xiaohui an yi shen bian xiaohui bei pan 3 nian 6 ge yue, chen yinghua bei pan 4 nian], 15 April 15; “Falun Gong Practitioner’s Wife and Daughter Falsely Accused, Daughter To Be Sentenced After Asking To See Father” [Falun gong xueyuan qi nu zao wuhai nuer qiu jian fu yao panqiu], *Radio Free Asia*, 16 April 15.

<sup>13</sup>Zhuhai Municipal People’s Procuratorate, “‘Huazang Zongmen’ Case Begins Trial of First Instance in Zhuhai Intermediate Court” [“Huazang zongmen” an zai zhuhai zhongyuan yi shen kaiting], 14 July 15.

<sup>14</sup>Tom Phillips, “Chinese Christians Under Pressure From ‘Anti-Cult’ Campaign,” *Telegraph*, 30 October 14.

<sup>15</sup>“Ms. Zuo Kangwei of Huai’an City, Jiangsu Illegally Sentenced to Three Years Again” [Jiangsu huai’an shi zuo kangwei nushi zai bei feifa panxing san nian], *Minghui (Clear Wisdom)*, 27 August 14; “Ms. Zuo Kangwei Sentenced Second Time to Three Years in Prison,” *Minghui (Clear Wisdom)*, 3 September 14; Rights Defense Network, “Bian Xiaohui Sentenced to Three Years and Six Months, Chen Yinghua Sentenced to Four Years in Trial of First Instance in Bian Xiaohui Case” [Bian xiaohui an yi shen bian xiaohui bei pan 3 nian 6 ge yue, chen yinghua bei pan 4 nian], 15 April 15; “Falun Gong Practitioner’s Wife and Daughter Falsely Accused, Daughter To Be Sentenced After Asking To See Father” [Falun gong xueyuan qi nu zao wuhai nuer qiu jian fu yao panqiu], *Radio Free Asia*, 16 April 15.

<sup>16</sup>See, e.g., China Anti-Cult Association, “China Anti-Cult Association: Be Highly Vigilant About Various Cults That Harm the Public” [Zhongguo fan xiejiao xiehui: yao gaodu jingti weihai gongzhong de gezhong xiejiao], reprinted in *Kai Wind*, 3 June 14; Human Rights Watch, “Dangerous Meditation: China’s Campaign Against Falungong,” January 2002. Local government offices published similar “anti-cult” reports during the 2015 reporting year, reflecting the ban on organizations designated as “cults.” See, e.g., Sha County News Net, “Anti-Cult Knowledge—I Know” [Fan xiejiao zhishi—wo zhidao], 28 May 15; *KaiWind*, reprinted in Anhui Provin-

cial Public Security Bureau, “Enumerating ‘Almighty God’s’ Five Crimes” [Xishu “quanneng shen” wu zong zui], 13 October 14; Boxing County Public Security Bureau, “Eight Tricks Teach You To Recognize the ‘Guanyin Famen’ Cult” [Ba zhao jiao ni shibie xiejiao “guanyin famen”], 16 September 14. For background information on Falun Gong, see, e.g., Falun Dafa Information Center, “Overview of Persecution,” 9 April 15; Falun Dafa Information Center, “A Systematic Suppression of 100 Million People,” 4 July 12.

<sup>17</sup>Tom Phillips, “Chinese Christians Under Pressure From ‘Anti-Cult’ Campaign,” Telegraph, 30 October 14.

<sup>18</sup>PRC National Security Law [Zhonghua renmin gongheguo guojia anquan fa], passed and effective 1 July 15.

<sup>19</sup>Ibid., art. 27.

<sup>20</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 300.

<sup>21</sup>National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, item 33; “China Focus: China Adopts Amendments to Criminal Law,” Xinhua, 29 August 15; Dui Hua Foundation, “China Mulls Harsher Penalties for Protesters, ‘Cults’; Fewer Capital Crimes,” Dui Hua Human Rights Journal, 6 August 15.

<sup>22</sup>“Xi Jinping: Consolidate and Develop the Most Extensive Patriotic United Front” [Xi jinning: gonggu fazhan zui guangfan de aiguo tongyi zhanxian], Xinhua, 20 May 15. Xi further elaborated that religion must move in the direction of “Sinicization” (*zhongguohua*). Similarly, later in Xi’s speech, he encouraged the cultivation of non-Party members to “unswervingly walk along the path of socialism with Chinese characteristics” (*jianding buyi de zou zhongguo tese shehui zhuyi daolu*). For additional sources on the issue of “adapting to socialism” or “socialist society,” see, e.g., “Five Major Sects of Tibetan Buddhism Discuss How To Adapt to Socialism,” China Tibet News, 1 July 15; “Stand Firm on Atheism, Guide Religion To Adapt to Socialism, Communist Leaders Say,” UCA News, 14 December 01; Ye Xiaowen, “China’s Religions Retrospect and Prospect,” 19 February 01, reprinted in China Internet Information Center, 11 October 02.

<sup>23</sup>“Xi Jinping: Consolidate and Develop the Most Extensive Patriotic United Front” [Xi jinning: gonggu fazhan zui guangfan de aiguo tongyi zhanxian], Xinhua, 20 May 15.

<sup>24</sup>State Administration for Religious Affairs, “State Administration for Religious Affairs 2015 Work Plan Key Points” [Guojia zongjiao shiwu ju 2015 nian gongzuo yaodian], 15 January 15. This report calls for a strengthening of *fazhi*, a Chinese term that some observers claim can be translated either as “rule of law” or “rule by law.” In the context of this report, either translation implies a stronger role for law in SARA’s management of religious communities. For information regarding the translation of *fazhi*, see, e.g., Randall Peerenboom, *China’s Long March Toward the Rule of Law* (New York: Cambridge University Press, 2002), 64–65.

<sup>25</sup>State Administration for Religious Affairs, “State Administration for Religious Affairs 2015 Work Plan Key Points” [Guojia zongjiao shiwu ju 2015 nian gongzuo yaodian], 15 January 15.

<sup>26</sup>See, e.g., “Xi Jinping: Consolidate and Develop the Most Extensive Patriotic United Front” [Xi jinning: gonggu fazhan zui guangfan de aiguo tongyi zhanxian], Xinhua, 20 May 15; “Yu Zhengsheng Holds Spring Festival Discussion With Leadership of National Religious Organizations” [Yu zhengsheng yu quanguoxing zongjiao tuanti fuzeren yingchun zuotan], Chinese Central Television, 15 February 15; “Liu Yandong: Strengthen the Management of Religious Affairs According to Law, Protect the Lawful Rights and Interests of Religious Circles” [Liu yandong: yifa jiaqiang zongjiao shiwu guanli, weihu zongjiaojie hefa quanli], Xinhua, 14 February 15; Li Yumei and Lan Wenfei, “Proactively Lead Religion and Socialist Society To Mutually Adapt: State Administration for Religious Affairs Head Wang Zuo’an Answers Study Times Reporter’s Questions” [Jiji yindao zongjiao yu shehuizhuyi shehui xiang shiying: guojia zongjiao ju juzhang wang zuo’an da benbao jizhe wen], Study Times, 11 May 15; State Administration for Religious Affairs Party Committee, “Managing Religious Affairs According to Law” [Yifa guanli zongjiao shiwu], reprinted in China Ethnicity and Religion Net, 1 May 15; Luosang Danba, “Strengthen Ethnic and Religious Legislation To Assist in Promoting ‘Ruling the City According to Law’” [Jiaqiang minzu zongjiao lifa, zhu tui “yifa zhi shi”], National People’s Congress Magazine, vol. 4, 2015; Hu Meidong and Sun Li, “Chinese People’s Political Consultative Conference Member Zhan Silu: Religious Affairs Should Be Within a Legal Framework” [Quanguo zhengxie weiyuan zhan silu: zongjiao shiwu dou yinggai zai falu de kuangjia nei], China Daily, reprinted in China Ethnicity and Religion Net, 9 March 15.

<sup>27</sup>Buddhist Association of China, “Ninth National Conference of the Buddhist Association of China Opens in Beijing” [Zhongguo fojiao xiehui dijiuci quanguo daibiao huiyi zai jing kaimu], 19 April 15, reprinted in State Administration for Religious Affairs; “Yu Zhengsheng Meets With Delegates From the Ninth National Conference of the Buddhist Association of China” [Yu zhengsheng huijian zhongguo fojiao xiehui dijiuci quanguo daibiao huiyi daibiao], Xinhua, 21 April 15.

<sup>28</sup>Buddhist Association of China, “Ninth National Conference of the Buddhist Association of China Opens in Beijing” [Zhongguo fojiao xiehui dijiuci quanguo daibiao huiyi zai jing kaimu], 19 April 15, reprinted in State Administration for Religious Affairs.

<sup>29</sup>“Yu Zhengsheng Meets With Delegates From the Ninth National Conference of the Buddhist Association of China” [Yu zhengsheng huijian zhongguo fojiao xiehui dijiuci quanguo daibiao huiyi daibiao], Xinhua, 21 April 15.

<sup>30</sup>“Director Wang Zuo’an’s Remarks at the Eighth National Conference of the Buddhist Association of China” [Wang zuo’an ju zhang zai zhongguo fojiao xiehui dibaci quanguo daibiao huiyi shang de jianghua], Buddhism Online, 2 February 10. See also “National Conferences Highlight Restrictions on Buddhist and Taoist Doctrine,” CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 4.

<sup>31</sup>“Yu Zhengsheng Meets With Delegates From the Ninth National Conference of the Buddhist Association of China [Yu zhengsheng huijian zhongguo fojiao xiehui dijiuci quanguo daibiao huiyi daibiao], Xinhua, 21 April 15; “Director Wang Zuo’an’s Remarks at the Eighth National Conference of the Buddhist Association of China” [Wang zuo’an ju zhang zai zhongguo fojiao xiehui dibaci quanguo daibiao huiyi shang de jiang hua], Buddhism Online, 2 February 10. See also “National Conferences Highlight Restrictions on Buddhist and Taoist Doctrine,” CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 4.

<sup>32</sup>See, e.g., State Administration for Religious Affairs, “Wang Zuo’an’s Address at the ‘Elder Benhuan and Contemporary Buddhism’ Academic Conference” [Wang zuo’an juzhang zai “benhuan zhanglao yu dangdai fojiao” xueshu yantaohui shang de zhici], 12 April 15; “Further Exhibit the Role of Patriotic Religious Figures, Proactively Lead Religion To Adapt to Socialist Society” [Jinyibu fahui aiguo zongjiao renshi zuo yong, jiji yindao zongjiao yu shehui zhuyi shehui xiang shiying], Tianshan Net, 14 June 15.

<sup>33</sup>Chongqing Municipal Ethnic and Religious Affairs Committee, “Chongqing Municipality Comprehensively Begins Buddhist and Taoist Religious Activity Site Placard Hanging Work,” [Chongqing shi quanmian qidong fojiao daojiao huodong changsuo biaozi pai guapai gongzuo], 16 March 15, reprinted in State Administration for Religious Affairs, “Religious Activity Site Placard Hanging Ceremony for Beijing’s Dongyue Temple Takes Place” [Beijing dongyue miao zongjiao huodong changsuo guapai yishi juxing], China News Service, 16 May 15.

<sup>34</sup>State Administration for Religious Affairs, United Front Work Department, National Development and Reform Commission, Ministry of Public Security, Ministry of Housing and Urban-Rural Development, Ministry of Culture, State Administration for Industry and Commerce, China National Tourism Administration, China Security Regulatory Commission, and State Administration of Cultural Heritage, Opinion Regarding Issues Related to the Management of Buddhist Monasteries and Taoist Temples [Guanyu chuli sheji fojiao simiao, daojiao gongguan guanli youguan wenti de yijian], issued 8 October 12.

<sup>35</sup>Tao Lei, Yuhang District Party Committee United Front Work Department, “District Ethnic and Religious Affairs Bureau Conducts Surprise Nighttime Inspections of Religious Sites” [Qu minzongju dui zongjiao huodong changsuo kaizhan yeyan tuji jiancha], 25 March 15.

<sup>36</sup>Chongqing Municipal Ethnic and Religious Affairs Committee, “Chongqing Municipality Comprehensively Begins Buddhist and Taoist Religious Activity Site Placard Hanging Work,” [Chongqing shi quanmian qidong fojiao daojiao huodong changsuo biaozi pai guapai gongzuo], 16 March 15, reprinted in State Administration for Religious Affairs.

<sup>37</sup>“Buddhist Wu Zeheng and Others Detained for Eight Months, Lawyer Says Case Qualifies as Religious Persecution” [Fojiao tu wu zeheng deng ren bei ju ba ge yue, lushi zhi anjian shu zongjiao pohai], Radio Free Asia, 19 March 15.

<sup>38</sup>Zhuhai Municipal People’s Procuratorate, “‘Huazang Zongmen’ Case Begins Trial of First Instance in Zhuhai Intermediate Court” [“Huazang zongmen” an zai zhuhai zhongyuan yi shen kaiting], 14 July 15.

<sup>39</sup>“The Destruction of ‘Huazang Zongmen’—Case of Head Wu Zeheng, Suspected of Crimes Including Organizing and Using a Cult To Undermine Implementation of the Law, Exposed” [“Huazang zongmen” fume—jiaoshou wu zeheng shexian zuzhi, liyong xiejiao zuzhi pohuai falu shishi deng fanzui anjian jiemi], Xinhua, 15 July 15.

<sup>40</sup>“Buddhist Wu Zeheng and Others Detained for Eight Months, Lawyer Says Case Qualifies as Religious Persecution” [Fojiao tu wu zeheng deng ren bei ju ba ge yue, lushi zhi anjian shu zongjiao pohai], Radio Free Asia, 19 March 15.

<sup>41</sup>“Zhuhai Buddhist Organization ‘Huazang Famen’ Raided by Police, Founder and Followers Detained” [Zhuhai fojiao zuzhi “huazang famen” zao jingfang chaocha chuangan ren ji duo ming dizi bei bu], Radio Free Asia, 6 August 14; “Buddhist Wu Zeheng and Others Detained for Eight Months, Lawyer Says Case Qualifies as Religious Persecution” [Fojiao tu wu zeheng deng ren bei ju ba ge yue lushi zhi anjian shu zongjiao pohai], Radio Free Asia, 19 March 15.

<sup>42</sup>See, e.g., Tom Phillips, “Chinese Christians Under Pressure From ‘Anti-Cult’ Campaign,” Telegraph, 30 October 14; United States Commission on International Religious Freedom (USCIRF), “CHINA: USCIRF Condemns Arrest of Chinese Buddhist Leader Wu Zeheng and Detention and Mistreatment of Religious Leaders,” 30 October 14; Ben Blanchard, “China To Prosecute ‘Cult’ Leader as Crackdown Continues,” Reuters, 16 July 15.

<sup>43</sup>“Buddhist Wu Zeheng and Others Detained for Eight Months, Lawyer Says Case Qualifies as Religious Persecution” [Fojiao tu wu zeheng deng ren bei ju ba ge yue, lushi zhi anjian shu zongjiao pohai], Radio Free Asia, 19 March 15.

<sup>44</sup>“China Authorities in Harbin Detain Two ‘Underground’ Priests,” UCA News, 23 March 15.

<sup>45</sup>Ibid.

<sup>46</sup>“Yujiang’s Underground Bishop Released but Under Police Surveillance,” Asia News, 19 November 14.

<sup>47</sup>“China Detains Underground Catholic Administrator,” UCA News, 9 June 14.

<sup>48</sup>“Yujiang’s Underground Bishop Released but Under Police Surveillance,” Asia News, 19 November 14; “Bishop Peng Weizhao of Yujiang Diocese, Jiangxi Released” [Jiangxi yujiang jiaoqu peng weizhao zhujiao huoshi], UCA News, 19 November 14.

<sup>49</sup>Michael Forsythe, “Questions Rise on Fate of Chinese Bishop,” New York Times, 13 February 15.

<sup>50</sup>“Chinese Prelate Held in Secret for 14 Years Dies at Age 94,” UCA News, 2 February 15.

<sup>51</sup>“Missing, Presumed Dead: Underground Chinese Bishop, Aged 93,” Agence France-Presse, reprinted in Global Post, 25 February 15. See also Michael Forsythe, “Questions Rise on Fate of Chinese Bishop,” New York Times, 13 February 15.

<sup>52</sup>For more information on Shi Enxiang, see the Commission’s Political Prisoner Database record 2004-05378.

<sup>53</sup>“Yujiang’s Underground Bishop Released but Under Police Surveillance,” Asia News, 19 November 14.

<sup>54</sup>Ibid.; “Bishops and Priests Currently Being Held in China,” Sunday Examiner, last visited 1 July 15.

<sup>55</sup>For more information on Su Zhimin, see the Commission’s Political Prisoner Database record 2004-05380.

<sup>56</sup>“Shanghai Ordination Under Investigation,” UCA News, 11 July 12.

<sup>57</sup>“Yujiang’s Underground Bishop Released but Under Police Surveillance,” Asia News, 19 November 14; Sui-Lee Wee, “Special Report: The Bishop Who Stood up to China,” Reuters, 31 March 14. For more information on Ma Daqin, see the Commission’s Political Prisoner Database record 2013-00336.

<sup>58</sup>ChinaAid, “Inner Mongolia: Catholic Believers Gather at County Government To Defend Rights, Demand Return of Church Property” [Neimeng: tianzhujiao xinzhong xian zhengfu jihui weiquan, yaoqiu guihuan jiaochan], 4 September 14.

<sup>59</sup>Ibid.

<sup>60</sup>Yi Wei, “China-Vatican Agreement on Bishop Appointments Nearly Complete, Expecting Reply From Vatican Late This Year or Early Next Year” [Zhongfan zhujiao renming xieyi jin dacheng, jinnian di mingnian chu liao fan dafu], Wen Wei Po, 20 November 14.

<sup>61</sup>See, e.g., State Administration for Religious Affairs, “State Administration for Religious Affairs 2015 Work Plan Key Points” [Guojia zongjiao shiwu ju 2015 nian gongzuo yaodian], 15 January 15; Miko Morelos, “China To Continue Ordaining Bishops, Clerics Without Vatican Blessing,” Ecumenical News, 28 January 15.

<sup>62</sup>Yi Wei, “China-Vatican Agreement on Bishop Appointments Nearly Complete, Expecting Reply From Vatican Late This Year or Early Next Year” [Zhongfan zhujiao renming xieyi jin dacheng, jinnian di mingnian chu liao fan dafu], Wen Wei Po, 20 November 14. See also Jiang Jie, “Beijing Offers Vatican Joint Bishop Review,” Global Times, 21 November 14.

<sup>63</sup>Yi Wei, “China-Vatican Agreement on Bishop Appointments Nearly Complete, Expecting Reply From Vatican Late This Year or Early Next Year” [Zhongfan zhujiao renming xieyi jin dacheng, jinnian di mingnian chu liao fan dafu], Wen Wei Po, 20 November 14.

<sup>64</sup>Keith B. Richburg, “China Defies Vatican on Bishop Conclave,” Washington Post, 8 December 10; “Some Catholic Bishops Forced To Attend National Conference Against Their Will,” Congressional-Executive Commission on China, 7 February 11.

<sup>65</sup>Charter of the Bishops’ Conference of the Catholic Church in China [Zhongguo tianzhujiao zhujiao tuan zhangcheng], adopted 9 July 04, art. 11.

<sup>66</sup>“Hong Kong Media: Catholic ‘One Association, One Conference’ Leadership Turnover Tests China-Vatican Relations” [Gangmei: tianzhujiao “yi hui yi tuan” huanjie kaoyan zhongfan guanxi], Ta Kung Pao, 21 March 15.

<sup>67</sup>For background information, see Falun Dafa Information Center, “A Systematic Suppression of 100 Million People,” 4 July 12.

<sup>68</sup>Rights Defense Network, “Urumqi Falun Gong Practitioner Kong Qiuge Dies in Prison Hospital” [Wulumuqi falun gong xueyuan kong qiuge zai jianyu yiyuan qushi], 23 October 14; “Doctor Kong Qiuge of Urumqi, Xinjiang Persecuted to Death” [Xinjiang wulumuqi kong qiuge yisheng bei pohai zhi si], Minghui (Clear Wisdom), 1 November 14.

<sup>69</sup>Rights Defense Network, “Urumqi Falun Gong Practitioner Kong Qiuge Dies in Prison Hospital” [Wulumuqi falun gong xueyuan kong qiuge zai jianyu yiyuan qushi], 23 October 14; PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 300.

<sup>70</sup>Embassy of the People’s Republic of China in the Republic of Lithuania, “Four Key Falun Gong Cult Members Sentenced in Beijing,” 26 December 99.

<sup>71</sup>“Wang Zhiwen Forcibly Sent to Brainwashing Center, Many Call for His Rescue” [Wang zhiwen bei qiangsong xinaoban, gejie fasheng yingjiu], New Tang Dynasty Television, 26 October 14; Li Chen, “Wang Xiaodan Prepares To Apply for Father Wang Zhiwen To Come to the United States To Receive Medical Treatment” [Wang xiaodan ni shenqing fuqin wang zhiwen dao mei jiuyi], New Tang Dynasty Television, 11 November 14; Meng Jun, “Some of My Days With Wang Zhiwen, Unjustly Imprisoned” [Yu wang zhiwen tong zai yuanyu de yiduan rizi], Minghui (Clear Wisdom), 23 October 14. For more information on Wang Zhiwen, see the Commission’s Political Prisoner Database record 2004-02191.

<sup>72</sup>See, e.g., Falun Dafa Information Center, “Overview of Persecution,” 9 April 15. For more information on “transformation through reeducation,” see “Communist Party Calls for Increased Efforts To ‘Transform’ Falun Gong Practitioners as Part of Three-Year Campaign,” Congressional-Executive Commission on China, 22 March 11.

<sup>73</sup>“Wang Zhiwen Forcibly Sent to Brainwashing Center, Many Call for His Rescue” [Wang zhiwen bei qiangsong xinaoban, gejie fasheng yingjiu], New Tang Dynasty Television, 26 October 14; Li Chen, “Wang Xiaodan Prepares To Apply for Father Wang Zhiwen To Come to the United States To Receive Medical Treatment” [Wang xiaodan ni shenqing fuqin wang zhiwen dao mei jiuyi], New Tang Dynasty Television, 11 November 14; Meng Jun, “Some of My Days With Wang Zhiwen, Unjustly Imprisoned” [Yu wang zhiwen tong zai yuanyu de yiduan rizi], Minghui (Clear Wisdom), 23 October 14.

<sup>74</sup>See, e.g., Falun Dafa Information Center, “Overview of Persecution,” 9 April 15. For more information on “transformation through reeducation,” see “Communist Party Calls for Increased Efforts To ‘Transform’ Falun Gong Practitioners as Part of Three-Year Campaign,” Congressional-Executive Commission on China, 22 March 11.

<sup>75</sup>Li Chen, “Wang Xiaodan Prepares To Apply for Father Wang Zhiwen To Come to the United States To Receive Medical Treatment” [Wang xiaodan ni shenqing fuqin wang zhiwen dao mei jiuyi], New Tang Dynasty Television, 11 November 14.

<sup>76</sup>Li Mingxi, “Former Falun Dafa Research Society Volunteer Liaison Wang Zhiwen Released” [Yuan falun dafa yanjiu hui yiwu lianxi ren wang zhiwen bei shifang], Epoch Times, 27 October 14.



<sup>77</sup>“Ms. Zuo Kangwei of Huai’an City, Jiangsu Illegally Sentenced to Three Years Again” [Jiangsu huai’an shi zuo kangwei nushi zai bei feifa panxing san nian], Minghui (Clear Wisdom), 27 August 14; “Ms. Zuo Kangwei Sentenced Second Time to Three Years in Prison,” Minghui (Clear Wisdom), 3 September 14. For more information on Zuo Kangwei, see the Commission’s Political Prisoner Database record 2014-00320.

<sup>78</sup>Ibid.

<sup>79</sup>Ibid.

<sup>80</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 300.

<sup>81</sup>“Sentence Announced in Jiansanjiang Case, Lawyers and Family Members Blocked, Defendants Refuse To Accept Verdict, Lodge Appeal” [Jiansanjiang an xuan pan lushi, jia shu zao lanjie, dangshi ren bu fu panjue tichu shangsul], Radio Free Asia, 22 May 15; Li Yun and Shu Can, “No Trial of Second Instance in Jiansanjiang Case, Defense Attorneys Protest” [Jiansanjiang an er shen bu kaiting bianhu lushi kangyi], New Tang Dynasty Television, 13 August 15. For more information on these cases, see the Commission’s Political Prisoner Database records 2015-00301 on Li Guifang, 2015-00302 on Meng Fanli, 2015-00303 on Wang Yanxin, and 2015-00304 on Shi Mengwen.

<sup>82</sup>“Jiansanjiang, Heilongjiang, Responds Publicly to Case of Detention of Four Lawyers” [Heilongjiang jiansanjiang gongkai huiying juliu si ming lushi anjian], Tencent, 1 April 14; Didi Kirsten Tatlow, “11 Detained After Protesting ‘Black Jail’ in China,” New York Times, Sinosphere (blog), 1 April 14; “Heilongjiang Human Rights Case Follow-up: Four Falun Gong Practitioners Illegally Tried,” Minghui (Clear Wisdom), 21 December 14.

<sup>83</sup>Li Yun and Shu Can, “No Trial of Second Instance in Jiansanjiang Case, Defense Attorneys Protest” [Jiansanjiang an er shen bu kaiting bianhu lushi kangyi], New Tang Dynasty Television, 13 August 15.

<sup>84</sup>“Over 20 Falun Gong Practitioners Kidnapped in Tianjin Municipality” [Tianjin shi ershi duo ming falun gong xueyuan bei bangjia], Minghui (Clear Wisdom), 7 March 15; Luo Ya and Lu Chen, “Chinese City Orchestrates Arrest of Falun Gong Before Political Meetings,” Epoch Times, 10 March 15.

<sup>85</sup>Ministry of Public Security, “Zhao Fei Appointed Head of Tianjin Municipal Public Security Bureau” [Zhao fei bei renming wei tianjin shi gong’an ju juzhang], 26 July 14.

<sup>86</sup>“Over 20 Falun Gong Practitioners Kidnapped in Tianjin Municipality” [Tianjin shi ershi duo ming falun gong xueyuan bei bangjia], Minghui (Clear Wisdom), 7 March 15.

<sup>87</sup>Ibid.; Luo Ya and Lu Chen, “Chinese City Orchestrates Arrest of Falun Gong Before Political Meetings,” Epoch Times, 10 March 15.

<sup>88</sup>“Over 20 Falun Gong Practitioners Kidnapped in Tianjin Municipality” [Tianjin shi ershi duo ming falun gong xueyuan bei bangjia], Minghui (Clear Wisdom), 7 March 15.

<sup>89</sup>Luo Ya and Lu Chen, “Chinese City Orchestrates Arrest of Falun Gong Before Political Meetings,” Epoch Times, 10 March 15.

<sup>90</sup>Rights Defense Network, “Bian Xiaohui Sentenced to Three Years and Six Months, Chen Yinghua Sentenced to Four Years in Trial of First Instance in Bian Xiaohui Case” [Bian xiaohui an yishen bian xiaohui bei pan 3 nian 6 ge yue, chen yinghua bei pan 4 nian], 15 April 15; “Falun Gong Practitioner’s Wife and Daughter Falsely Accused, Daughter To Be Sentenced After Asking To See Father” [Falun gong xueyuan qinu zao wuhai nu’er qiu jian fu yao panqiu], Radio Free Asia, 16 April 15. For more information, see the Commission’s Political Prisoner Database records 2015-00171 on Bian Lichao, 2015-00152 on Bian Xiaohui, and 2015-00154 on Chen Yinghua.

<sup>91</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 300.

<sup>92</sup>Rights Defense Network, “Bian Xiaohui Sentenced to Three Years and Six Months, Chen Yinghua Sentenced to Four Years in Trial of First Instance in Bian Xiaohui Case” [Bian xiaohui an yishen bian xiaohui bei pan 3 nian 6 ge yue, chen yinghua bei pan 4 nian], 15 April 15; “Falun Gong Practitioner’s Wife and Daughter Falsely Accused, Daughter To Be Sentenced After Asking To See Father” [Falun gong xueyuan qinu zao wuhai nu’er qiu jian fu yao panqiu], Radio Free Asia, 16 April 15.

<sup>93</sup>Ibid.

<sup>94</sup>Rights Defense Network, “Lu’nan, Tangshan Court’s Constitution of a Collegiate Bench in Zhou Xiuzhen Case Illegal, Lawyers Hu Guiyun and Wang Quanzhang Leave Courtroom To File Complaint” [Zhou xiuzhen an tangshan lu’nan fayuan heyiting zucheng bu hefa, hu guiyun wang quanzhang lushi tuiting konggao], 5 August 14. For more information on Zhou Xiuzhen, see the Commission’s Political Prisoner Database record 2015-00172.

<sup>95</sup>“Over 100 Falun Gong Practitioners Kidnapped and Persecuted in the Tangshan Area in 2014” [2014 nian tangshan diqu bai yu ming falun gong xueyuan zao bangjia pohai], Minghui (Clear Wisdom), 16 April 15.

<sup>96</sup>See, e.g., Rights Defense Network, “Lu’nan, Tangshan Court’s Constitution of a Collegiate Bench in Zhou Xiuzhen Case Illegal, Lawyers Hu Guiyun and Wang Quanzhang Leave Courtroom To File Complaint” [Zhou xiuzhen an tangshan lu’nan fayuan heyiting zucheng bu hefa, hu guiyun wang quanzhang lushi tuiting konggao], 5 August 14; “Over 100 Falun Gong Practitioners Kidnapped and Persecuted in the Tangshan Area in 2014” [2014 nian tangshan diqu bai yu ming falun gong xueyuan zao bangjia pohai], Minghui (Clear Wisdom), 16 April 15.

<sup>97</sup>See, e.g., Sarah Cook, “How China’s Crackdown on Lawyers Affects Media Freedom,” The Diplomat, 12 August 15; “China’s Missing Rights Lawyers,” New York Times, 8 August 15.

<sup>98</sup>“China Falun Gong Trial Lawyer Hits Out at Police Security Cordon,” Radio Free Asia, 17 December 14; “Heilongjiang Human Rights Case Follow-up: Four Falun Gong Practitioners Illegally Tried,” Minghui (Clear Wisdom), 21 December 14.

<sup>99</sup>Chinese Human Rights Defenders, “Individuals Affected by July 10 Crackdown on Rights Lawyers,” 13 July 15.

<sup>100</sup>Xing Jin and Gu Changle, “China To Stop Organ Donation From Death Row Inmates Beginning Next Year” [Mingnian woguo quxiao si qiu qiguan juanxian], Zhengzhou Evening News, 5 December 14; Wu Jin, “CPPCC Member: Death Row Organ Transplants Temporary,” China Internet Information Center, 11 March 15.

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<sup>121</sup> Three-Self Patriotic Movement, Charter of the National Committee of Three-Self Patriotic Movement of the Protestant Churches in China [Zhongguo jidu jiao sanzi aiguo yundong weiyuanhui zhangcheng], passed 10 September 13, art. 6(1); China Christian Council, Charter of the China Christian Council [Zhongguo jidu jiao xiehui zhangcheng], passed 10 September 13, art. 7(1).

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<sup>130</sup> ChinaAid, "Eighty-Year-Old Wenzhou Preacher Cai Yongsheng Summoned by Shenzhen Police" [Wenzhou bashi duo sui lao chuandao ren cai yongsheng bei shenzhen jingfang chuanhuan], 22 January 15; "Guo Yongfeng Blocked From Attending Religious Activities" [Guo yongfeng bei zu canjia zongjiao huodong], Radio Free Asia, 23 January 15.

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<sup>132</sup> "Guo Yongfeng Blocked From Attending Religious Activities" [Guo yongfeng bei zu canjia zongjiao huodong], Radio Free Asia, 23 January 15.

<sup>133</sup> "Sichuan Police Attack House Church, Detain Over 20 People" [Sichuan jingfang chongji jiating jiaohui, zhua 20 duo ren], Voice of America, 24 January 15.

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<sup>136</sup> ChinaAid, "Nanle Court Sent Notice To Auction Pastor Zhang Shaojie's Home, Elderly Parents Plan To Go to Beijing To Petition to President Xi Jinping" [Nanle fayuan fachu gonggao yao paimai zhang shaojie mushi zhuzhai nianmai de fumu zhunbei jin jing xiang xi zhuxi gaozhuang], 24 October 14; Qiao Nong, ChinaAid, "Zhang Shaojie Refuses To Give Up Appealing, Home Faces Auction, 80-Year-Old Father Departs To Petition in Beijing" [Zhang shaojie ju qi shensu fangwu mianlin paimai baxun laofu qicheng fu beijing shangfang], 26 October 14; "Pastor Zhang Shaojie of Nanle Religion Case Given Heavy Sentence of 12 Years, He Said in Court That He Would Appeal, Lawyers Said [Sentence] a Setback for Justice" [Nanle jiao an zhang shaojie mushi bei zhongpan 12 nian, dang ting cheng jiang shangsu lushi zhi sifa daotui], Radio Free Asia, 4 July 14; "Chinese Christian Pastor's 12-Year Prison Term 'A Miscarriage of Justice,'" Radio Free Asia, 8 July 14.

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<sup>144</sup> Christian Solidarity Worldwide, "Zhejiang Church Demolitions: Timeline of Events," last visited 30 May 15.

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<sup>151</sup> Ibid.

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<sup>153</sup> Chinese Taoist Association, "Chinese Taoist Association Tenth Session of the Eighth Meeting of Association Leaders Convened in Beijing" [Zhongguo daoqiao xiehui ba jie shi ci huizhang huiyi zai jing zhaokai], 22 January 15.

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<sup>155</sup> "Religious Activity Site Placard Hanging Ceremony for Beijing's Dongyue Temple Takes Place" [Beijing dongyue miao zongjiao huodong changsuo guapai yishi juxing], China News Service, 16 May 15.

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<sup>157</sup> Chongqing Municipal Ethnic and Religious Affairs Committee, "Chongqing Municipality Comprehensively Begins Buddhist and Taoist Religious Activity Site Placard Hanging Work" [Chongqing shi quanmian qidong fojiao daoqiao huodong changsuo biaooshi pai guapai gongzuo], 16 March 15, reprinted in State Administration for Religious Affairs.

<sup>158</sup> For background information, see State Council Information Office, "Freedom of Religious Belief in China," October 1997; Magda Hornemann, "China: When Will Five-Fold State-Backed Religious Monopoly End?" Forum 18 News Service, 16 September 13; "Zhejiang and Other Provincial Governments Issue New Religious Regulations," CECC China Human Rights and Rule of Law Update, June 2006, 9.

<sup>159</sup> State Council, Provisions on the Management of the Religious Activities of Foreigners Within the PRC [Zhonghua renmin gongheguo jingnei waiguoren zongjiao huodong guanli guiding], issued and effective 31 January 94, art. 4; State Administration for Religious Affairs, Detailed Implementation of Rules for the Provisions on the Management of the Religious Activities of Foreigners Within the PRC [Zhonghua renmin gongheguo jingnei waiguoren zongjiao huodong guanli guiding shishi xize], issued and effective 26 September 00, amended 29 November 10, effective 1 January 11, arts. 7, 17(5).

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## ETHNIC MINORITY RIGHTS

*State Minority Policy*

During the Commission's 2015 reporting year, central government officials in China emphasized the importance of "ethnic unity" and a shared national identity over ethnic identity and religious beliefs.<sup>1</sup> Reports from the past year noted the concern of scholars and others regarding the impact that official policies carried out in the name of "ethnic unity" may have on ethnic minority populations' cultural and religious identities.<sup>2</sup> A "mass line" program implemented in the Xinjiang Uyghur Autonomous Region for a second consecutive year, for example, promotes "ethnic unity" and requires grassroots officials to monitor and control Muslim residents' religious practices.<sup>3</sup> At a Central Ethnic Work Conference held in late September 2014, Chinese President and Communist Party General Secretary Xi Jinping stressed the importance of "ethnic cohesion" in achieving common "prosperity and development" and emphasized ethnic minorities' identification with Chinese culture and the "great motherland."<sup>4</sup>

Central and regional officials developed counterterrorism measures that some international observers said increase the possibility of official abuses and human rights violations against ethnic minority groups.<sup>5</sup> For instance, in January 2015, Human Rights Watch stated that the draft of the country's first counterterrorism legislation<sup>6</sup>—made public for consultation in November 2014<sup>7</sup>—would "establish a counterterrorism structure with enormous discretionary powers, [and] define terrorism and terrorist activities so broadly as to easily include peaceful dissent or criticism of the government or the Communist Party's ethnic and religious policies . . . ."<sup>8</sup> In February 2015, officials in the Tibet Autonomous Region (TAR) announced rewards of up to 300,000 yuan (US\$48,000) for information on "terrorist attacks," including information on "terrorist organizations" or individuals crossing international borders and the use of the Internet in carrying out "terrorist activities."<sup>9</sup> The announcement followed a June 2014 statement by the Ministry of Public Security that officials would develop a nationwide system of rewards for reporting "terrorist activities."<sup>10</sup> An American scholar wrote in February 2015 that the newly announced TAR rewards system policy was vaguely worded, and that Chinese officials could potentially use it as justification to crack down on legitimate dissent.<sup>11</sup>

*Grasslands Protests in Inner Mongolia*

During the 2015 reporting year, Mongol herders and villagers in the Inner Mongolia Autonomous Region (IMAR) protested against state and private exploitation of their traditional grazing lands and the resulting environmental degradation. Authorities reportedly restricted independent reporting on herders' protests and pollution-related grievances by harassing journalists and threatening herders.<sup>12</sup> IMAR officials continued to detain and beat Mongol herders who engaged in grasslands-related protests.<sup>13</sup> At least two deaths reportedly were related to grasslands protests in the IMAR.<sup>14</sup> An international advocacy group reported that in April 2015, 1 pro-

tester died, 100 people were injured, and 50 people were detained in a police crackdown on more than 1,000 residents protesting pollution from a chemical refinery in Naiman Banner, Tongliao municipality, IMAR.<sup>15</sup> In January 2015, Tumor, a herder in Zargalant Sum (Ji'ergalangtusumu),<sup>16</sup> Abag (Abaga) Banner, Xilinhot (Xilinhaote) municipality, IMAR, committed suicide in front of a local government building to protest state appropriation of his grazing land.<sup>17</sup>

Representative examples of protests by Mongol herders and villagers during the 2015 reporting year also include:

- On January 26, 2015, in Hohhot city, IMAR, around 300 Mongol herders from different locations demonstrated in front of the IMAR Department of Agriculture and Animal Husbandry to protest the loss of their grazing lands.<sup>18</sup> Approximately 200 security officials who came to the scene detained more than 30 of the protesters and forced others to return home.<sup>19</sup>
- In January 2015, in Beijing municipality, dozens of Mongol herders from Durbed (Siziwang) Banner, Ulanqab (Wulanchabu) municipality, and Sunid (Sunite) Right Banner, Xilingol (Xilinguole) League, IMAR, demonstrated in front of central government buildings over their forced resettlement from traditional grazing lands due to the expansion of a military base and official policies regarding the use of grasslands.<sup>20</sup>
- On January 31, 2015, security officials in Durbed Banner detained five herders who had protested the previous day.<sup>21</sup> Also on January 31, security officials in Sunid Right Banner detained at least five herders and reportedly beat dozens of others.<sup>22</sup> Approximately 200 herders in each location had protested for weeks over state appropriation of their grazing lands and forced resettlement.<sup>23</sup>
- In May and June 2015, herders numbering in the hundreds staged numerous protests in several different locations in the IMAR over grievances related to their traditional grazing lands.<sup>24</sup> Authorities reportedly detained at least 17 herders and beat many protesters.<sup>25</sup>

#### *Release of Hada and Continued Restrictions*

On December 9, 2014, authorities released Mongol rights advocate Hada from extralegal detention at Jinye Ecological Park in Hohhot municipality, IMAR.<sup>26</sup> Authorities had continued to detain Hada despite his completion of a 15-year prison sentence on December 10, 2010.<sup>27</sup> Following Hada's December 2014 release, authorities froze his bank account and restricted his movements and freedom of speech.<sup>28</sup> In April 2015, Hada reported that Hohhot officials had denied his application for a passport, which he had planned to use to travel overseas to seek medical treatment.<sup>29</sup> Hada said following his release that he suffered from more than 10 different health conditions that resulted from inhumane treatment during his detention.<sup>30</sup> On February 21, 2015, security personnel detained two French reporters who tried to visit Hada at his home and expelled them from Hohhot after holding them at a police station for several hours.<sup>31</sup> On March 4, public security authorities in

Hohhot reportedly beat and detained Hada, and also detained his son Uiles, when Hada was on his way to meet with a Canadian reporter.<sup>32</sup> On the evening of March 4, public security officers expelled the Canadian reporter and his Chinese interpreter from Hohhot.<sup>33</sup> Authorities imprisoned Hada in 1995 after he organized peaceful protests for Mongol rights and for his role in the banned organization he founded, the Southern Mongolian Democratic Alliance (SMDA).<sup>34</sup>

In January 2015, Mongol rights advocate and author Govruud Huuchinhuu, who was a member of the SMDA, called on Chinese authorities to cease her own home confinement and end restrictions on Hada.<sup>35</sup> Also in January 2015, Huuchinhuu reported that local authorities had frozen her bank account.<sup>36</sup> Hada's wife Xinna, moreover, said authorities seized money her son sent to Huuchinhuu because they suspected it was meant for Hada.<sup>37</sup> In November 2010, public security officers in Tongliao placed Huuchinhuu under home confinement in apparent connection to her plans to welcome Hada upon his anticipated release from prison.<sup>38</sup>



## Notes to Section II—Ethnic Minority Rights

<sup>1</sup>James Leibold, “A Family Divided: The CCP’s Central Ethnic Work Conference,” China Brief, Vol. 14, No. 21, 7 November 14. See also “Unswervingly Take the Correct Path of Resolving Ethnic Problems With Chinese Characteristics” [Jianding buyi zou zhongguo tese jie jue minzu wenti de zhengque daolu], Seeking Truth, 16 October 14; “Ethnic Unity Is the Lifeline of People of All Ethnicities in Xinjiang” [Minzu tuan jie shi xinjiang ge zu ren min de sheng ming xian], Tianshan Net, 10 October 14; “China To Favor Minority Officials in Ethnically-Diverse Regions,” Xinhua, 22 December 14.

<sup>2</sup>See, e.g., Tom Phillips, “China Launches Massive Rural ‘Surveillance’ Project To Watch Over Uighurs,” Telegraph, 20 October 14; Julia Famularo, “Chinese Religious Regulations in the Xinjiang Uyghur Autonomous Region: A Veiled Threat to Turkic Muslims?” Project 2049 Institute, 8 April 15, 1; Ben Blanchard, “China Says Bilingual Education a Key for Xinjiang’s Stability,” Reuters, reprinted in Yahoo! News, 10 December 14.

<sup>3</sup>Tom Phillips, “China Launches Massive Rural ‘Surveillance’ Project To Watch Over Uighurs,” Telegraph, 20 October 14; Reza Hasmath, “Ethnic Violence in Xinjiang: Causes, Responses, and Future Outlook,” China Policy Institute Policy Paper, No. 7, 2014, 3. These articles refer to the “mass line” program in the XUAR. For more information on this education and ideology campaign, see CECC, 2014 Annual Report, 9 October 14, 42, 100, 140, 168.

<sup>4</sup>“Unswervingly Take the Correct Path of Resolving Ethnic Problems With Chinese Characteristics” [Jianding buyi zou zhongguo tese jie jue minzu wenti de zhengque daolu], Seeking Truth, 16 October 14. See also “Ethnic Unity Is the Lifeline of People of All Ethnicities in Xinjiang” [Minzu tuan jie shi xinjiang ge zu ren min de sheng ming xian], Tianshan Net, 10 October 14.

<sup>5</sup>See, e.g., Human Rights Watch, “China: Draft Counterterrorism Law a Recipe for Abuses,” 20 January 15; Julia Famularo, “Do China’s New Terrorism Laws Go Too Far?” National Interest, 13 February 15; International Campaign for Tibet, “New Aggressive ‘Counter-Terrorism’ Campaign Expands From Xinjiang to Tibet With Increased Militarization of the Plateau,” 15 October 14.

<sup>6</sup>“China Focus: Lawmakers Weigh China’s Draft Anti-Terrorism Law,” Xinhua, 25 February 15.

<sup>7</sup>Michael Martina, “Draft Chinese Law Paves Way for Counter-Terror Operations Abroad,” Reuters, 27 February 15; National People’s Congress Standing Committee, PRC Counterterrorism Law (Draft) [Zhonghua renmin gongheguo fan kongbu zhuyi fa (cao’an)], issued 3 November 14. See also “Counter-Terrorism Law (Initial Draft),” translated in China Law Translate (blog), 8 November 14.

<sup>8</sup>Human Rights Watch, “China: Draft Counterterrorism Law a Recipe for Abuses,” 20 January 15.

<sup>9</sup>Zhang Lili, “Reporting Information on Terrorist and Violent Activities Can Be Rewarded With Up to 300,000 Yuan” [Jubao she kong she bao xiansuo zuigao ke huo 30 wan yuan jiangli], Tibet Daily, 30 January 15; Michael Martina and Norihiko Shirouzu, “China’s Tibet To Reward Tips on ‘Terror Attacks,’” Reuters, 31 January 15.

<sup>10</sup>“Interpreting ‘Ministry of Public Security’s Circular on the Public Security Organs’ Establishment and Improvement of Reward Mechanisms for Reporting Violent Terrorist Criminal Activities” [Jiedu “gong’an bu guanyu gong’an jiguan jianli wanshan baoli kongbu fanzui huodong jubao jiangli jizhi de tongzhi”], China Police Daily, reprinted in Ministry of Public Security, 27 June 14.

<sup>11</sup>Julia Famularo, “Do China’s New Terrorism Laws Go Too Far?” National Interest, 13 February 15.

<sup>12</sup>Simon Denyer, “In China’s Inner Mongolia, Mining Spells Misery for Traditional Herders,” Washington Post, 7 April 15; “Detained Inner Mongolian Herder Monitored Following Release” [Neimenggu bei ju mumu huoshi hou zao jiankong], Radio Free Asia, 17 February 15; Southern Mongolian Human Rights Information Center, “Mongolian Herders Held Simultaneous Protests,” 21 January 15.

<sup>13</sup>Southern Mongolian Human Rights Information Center, “Herder Hanged Himself at Government Building Gate, Over 30 Arrested in Protest in the Regional Capital,” 26 January 15; Southern Mongolian Human Rights Information Center, “Protests Escalate, 15 Arrested, 6 Detained,” 3 February 15; Southern Mongolian Human Rights Information Center, “2,000 Police Mobilized, 100 People Injured, 50 Arrested, 1 Killed, Internet Cut Off, Highways Shutdown in Naiman Banner of Southern Mongolia,” 6 April 15. See also Ben Blanchard, “One Reported Dead After Pollution Protest in Northern China,” Reuters, 6 April 15. For a review of protests and authorities’ use of force against protesters in the 2014 reporting year, see CECC, 2014 Annual Report, 9 October 14, 100–01.

<sup>14</sup>Southern Mongolian Human Rights Information Center, “2,000 Police Mobilized, 100 People Injured, 50 Arrested, 1 Killed, Internet Cut Off, Highways Shutdown in Naiman Banner of Southern Mongolia,” 6 April 15; Southern Mongolian Human Rights Information Center, “Herder Hanged Himself at Government Building Gate, Over 30 Arrested in Protest in the Regional Capital,” 26 January 15.

<sup>15</sup>Southern Mongolian Human Rights Information Center, “2,000 Police Mobilized, 100 People Injured, 50 Arrested, 1 Killed, Internet Cut Off, Highways Shutdown in Naiman Banner of Southern Mongolia,” 6 April 15; Ben Blanchard, “One Reported Dead After Pollution Protest in Northern China,” Reuters, 6 April 15.

<sup>16</sup>A “sum” (“*sumu*”) is an administrative division equivalent to a township in the IMAR. See, e.g., Inner Mongolia Autonomous Region People’s Congress Standing Committee, Inner Mongolia Autonomous Region Sum, Township, Ethnic Township, Town People’s Congress Work Regulations [Neimenggu zizhiqu sumu, xiang, minzu xiang, zhen renmin daibiao dahui gongzuo tiaoli], issued and effective 2 June 95.

<sup>17</sup>Southern Mongolian Human Rights Information Center, “Herder Hanged Himself at Government Building Gate, Over 30 Arrested in Protest in the Regional Capital,” 26 January 15;

Sui-Lee Wee, "Herder Kills Himself in Inner Mongolia Over Land Grab," Reuters, 26 January 15.

<sup>18</sup> Southern Mongolian Human Rights Information Center, "Herder Hanged Himself at Government Building Gate, Over 30 Arrested in Protest in the Regional Capital," 26 January 15.

<sup>19</sup> Ibid. "Chinese Police Detain Protesters Outside Regional People's Congresses," Radio Free Asia, 27 January 15.

<sup>20</sup> Southern Mongolian Human Rights Information Center, "Mongolian Herders Held Simultaneous Protests," 21 January 15; "Mongolian Herders Travel to Beijing Amid Grassland Dispute With Army," Radio Free Asia, 13 January 15.

<sup>21</sup> Southern Mongolian Human Rights Information Center, "Protests Escalate, 15 Arrested, 6 Detained," 3 February 15; Su Rongfu, "Herders Continue To Fight Authorities' Repression, At Least 13 People Detained and Summoned" [Mumin jixu kangzheng dangju kaishi zhenya, zhixiao 13 ren bei zhua chuanhuan], Mongolia News (blog), 31 January 15. For information on the cases of four of the five herders detained in Durbed Banner, see the Commission's Political Prisoner Database records 2015-00286 on Odonhuaar, 2015-00287 on Davshilt, 2015-00288 on Naranhuaar, and 2015-00289 on Adiyaa.

<sup>22</sup> Southern Mongolian Human Rights Information Center, "Protests Escalate, 15 Arrested, 6 Detained," 3 February 15.

<sup>23</sup> Ibid.; "Chinese Police Jail Four Herders Over Grasslands Protest," Radio Free Asia, 3 February 15.

<sup>24</sup> Southern Mongolian Human Rights Information Center, "Protests Spread in Southern Mongolia, Many Arrested," 9 June 15; "Chinese Police Detain 17 Ethnic Mongolians as Grasslands Protests Spread," Radio Free Asia, 10 June 15.

<sup>25</sup> Ibid.

<sup>26</sup> "China Releases Veteran Mongolian Activist, Who Says He Was Tortured," Radio Free Asia, 9 December 14; Ben Blanchard, "China Releases One of Its Longest-Serving Political Prisoners, Relative Says," Reuters, 9 December 14.

<sup>27</sup> "Wife of Inner Mongolian Political Prisoner Writes to Chinese President," Radio Free Asia, 19 March 14; Southern Mongolian Human Rights Information Center, "Hada: 'Ready To Sue the Authorities,' Xinna: 'Ready To Go to Jail Again,'" 19 March 14; "Inner Mongolian Activist in Safe, Healthy State: Official," Xinhua, 6 March 13; Southern Mongolian Human Rights Information Center, "Hada and Family Members Still Missing," 24 February 13.

<sup>28</sup> "Mongolian Dissident Hada Denied ID Card, Bank Account After Interview," Radio Free Asia, 23 January 15; "China Releases Veteran Mongolian Activist, Who Says He Was Tortured," Radio Free Asia, 9 December 14; "Hada Is Issued Identity Card and Plans To Apply for Passport in Order To Go Abroad, Donations From Overseas Are Again Frozen by Authorities" [Hada huofa shenfenzheng jiang shenqing chuguo huzhao jingwai juankuan zai bei dangju dongjie], Radio Free Asia, 26 March 15.

<sup>29</sup> "China Denies Ethnic Mongolian Dissident a Passport To Seek Medical Help," Radio Free Asia, 30 April 15.

<sup>30</sup> Southern Mongolian Human Rights Information Center, "Hada, Discharged From 'Black Jail,' But Not Free," 10 December 14; "China Releases Veteran Mongolian Activist, Who Says He Was Tortured," Radio Free Asia, 9 December 14.

<sup>31</sup> "Two French Reporters Attempting To Interview Hada Detained for Several Hours by Public Security and Then Expelled" [Liang ming faguo jizhe ni caifang hada bei gong'an kouliu shu xiaoshi hou quzhu], Radio Free Asia, 23 February 15.

<sup>32</sup> "RFA Exclusive: Hada Kidnapped in the Street by Public Security Authorities When Going To Meet Foreign Journalist" [RFA dujia: hada jian waimei jizhe dangjie zao gong'an bangjia], Radio Free Asia, 5 March 15; "Hada and Son Kidnapped and Beaten in Broad Daylight, Canadian Reporter Expelled From Hohhot" [Guangtianhuari bangjia ouda hada fuzi jia'nada jizhe zao quli huhehaote], Radio Free Asia, 5 March 15.

<sup>33</sup> Ibid.

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

<sup>35</sup> Southern Mongolian Human Rights Information Center, "Statements From Southern Mongolian Dissident Writer Huuchinhuu Govruud," 6 January 15; "Mongolian Writer Hits Out at China Over Treatment of Dissident," Radio Free Asia, 6 January 15.

<sup>36</sup> Ibid.

<sup>37</sup> "Mongolian Writer Hits Out at China Over Treatment of Dissident," Radio Free Asia, 6 January 15.

<sup>38</sup> Southern Mongolian Human Rights Information Center, "Southern Mongolian Dissident Detained and Put Under House Arrest," 16 November 10; "Author Under House Arrest," Radio Free Asia, 18 November 10. For Commission analysis, see "Mongol Activist, Family Members Harassed and Detained as Release Date of Political Prisoner Hada Nears (Updated)," CECC China Human Rights and Rule of Law Update, No. 9, 8 December 10, 2. For more information on Govruud Huuchinhuu, see the Commission's Political Prisoner Database record 2010-00597.

## POPULATION CONTROL

*International Standards and China's Coercive Population Policies*

Chinese officials continue to actively promote and implement coercive population planning policies that violate international standards. The PRC Population and Family Planning Law and provincial regulations limit couples' freedom to build their families as they see fit.<sup>1</sup> National and provincial population planning policies continue to require that couples be married to have children and limit them to bearing one child.<sup>2</sup> Exceptions allowing for additional children exist for couples who meet certain criteria, which vary by province,<sup>3</sup> including some exceptions for ethnic minorities and a new exception allowing couples to have two children if one of the parents is an only child (*dandu erhai* policy).<sup>4</sup> Officials continue to enforce compliance with population planning targets using methods including heavy fines,<sup>5</sup> arbitrary detentions,<sup>6</sup> coerced abortions,<sup>7</sup> and coerced sterilizations.<sup>8</sup>

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<sup>9</sup> and the 1994 Programme of Action of the Cairo International Conference on Population and Development.<sup>10</sup> China was a state participant in the negotiations and adoption of both.<sup>11</sup> Acts of official violence committed in the implementation of population planning policies<sup>12</sup> contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>13</sup> which China has ratified.<sup>14</sup> Furthermore, discriminatory policies against some children whose parents fail to comply with population planning policies<sup>15</sup> contravene the Convention on the Rights of the Child<sup>16</sup> and the International Covenant on Economic, Social and Cultural Rights.<sup>17</sup> China is a State Party to these treaties and has committed to uphold their terms.<sup>18</sup>

*Policy Revision and Implementation*

At the Third Plenum of the 18th Party Congress Central Committee held in November 2013,<sup>19</sup> central Party authorities issued the Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms, which called for a broad range of reforms,<sup>20</sup> including the provision of a new exception to China's population planning policy aimed at addressing the demographic challenges facing China.<sup>21</sup> The exception allows couples to have two children if one of the parents is an only child (*dandu erhai* policy), which represents a slight modification of the previous policy.<sup>22</sup> Rural couples,<sup>23</sup> ethnic minority couples,<sup>24</sup> and couples in which both parents are only children (*shuangdu erhai* policy)<sup>25</sup> were among those already permitted under previous exceptions to bear a second child. Experts have predicted that the impact of the policy revision will be more noticeable in urban areas,<sup>26</sup> and that the change may affect 15 to 20 million people across China.<sup>27</sup> By November 2014, all 31 provincial-level jurisdictions in China had amended their population and family planning regulations in accordance with the new policy.<sup>28</sup>

Government statistics revealed the limited impact of the policy revision during its first year of implementation in 2014. The National Health and Family Planning Commission (NHFPC) had initially predicted that the policy would result in approximately 2 million additional births per year.<sup>29</sup> As of December 2014, roughly 1.07 million out of 11 million eligible couples nationwide (less than 10 percent) reportedly had applied to have a second child.<sup>30</sup> Moreover, official NHFPC data showed that only 470,000 additional children were born in 2014 as a result of policy implementation, a number significantly lower than the 2 million additional births the NHFPC had predicted.<sup>31</sup>

The policy revision also appears to have had limited impact at the provincial level. Reports from several provincial-level jurisdictions—including Beijing<sup>32</sup> and Shanghai municipalities;<sup>33</sup> Anhui,<sup>34</sup> Gansu,<sup>35</sup> Henan,<sup>36</sup> Jilin,<sup>37</sup> Liaoning,<sup>38</sup> and Zhejiang provinces;<sup>39</sup> and the Guangxi Zhuang Autonomous Region<sup>40</sup>—indicate an “overall low willingness” among couples eligible to have a second child.<sup>41</sup> For example, in 2014, out of approximately 90,000 couples in Jilin province who became eligible for a second child under the policy revision, only 7,004 couples (approximately 7.78 percent) applied to have a second child.<sup>42</sup> 170 additional children were born to newly eligible couples in Jilin province in 2014, representing approximately 2.43 percent of the 7,004 couples that applied and approximately 0.19 percent of the 90,000 eligible couples in the province.<sup>43</sup> Factors that discourage eligible couples from having a second child reportedly include the high cost of rearing an additional child,<sup>44</sup> couples’ limited time and energy,<sup>45</sup> lack of adequate child care options,<sup>46</sup> disruption to career development,<sup>47</sup> and the perception that “one child is best” due to decades-long government propaganda.<sup>48</sup>

As the two-child policy exception appeared to have limited impact in its first year of implementation<sup>49</sup> and China’s demographic challenges remain daunting,<sup>50</sup> some experts and media outlets called for further relaxation of the family planning policy to allow all couples to have two children (a universal two-child policy),<sup>51</sup> while others called for cancellation of the entire policy on family planning.<sup>52</sup> NHFPC officials, however, downplayed these concerns and repeatedly emphasized that “currently there are no plans to suspend or further relax the one-child policy.”<sup>53</sup> They maintained that implementation of the policy revision allowing married couples to have a second child if one of the parents is an only child had been steady in 2014,<sup>54</sup> and that the result was reasonable<sup>55</sup> and had met official expectations.<sup>56</sup> NHFPC officials also predicted that there would be 1 million more births in 2015 than in 2014.<sup>57</sup> Population experts, however, challenged the NHFPC’s prediction, arguing that the impact of the policy revision would be limited and that the number of additional births is unlikely to increase in 2015, as 2014 data showed a monthly decline in birth permit applications for a second child.<sup>58</sup>

In the 2015 government work report presented during the Third Meeting of the 12th National People’s Congress, Premier Li Keqiang mentioned that the government will “promote management reform for family planning services.”<sup>59</sup> According to a March 2015 article in *Caixin*, Li’s mention of reform presented a “marked contrast” to past official declarations that “family planning as a

fundamental national policy cannot be shaken.”<sup>60</sup> Speaking at a news conference after the conclusion of the annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference in March 2015, Li said that “. . . we are currently conducting comprehensive reviews of the [policy] . . . taking into consideration China’s economic and social development as well as changes in the demographic structure, weighing the pros and cons, to adjust and improve population policies in accordance with legal procedures.”<sup>61</sup> Li’s remarks fueled speculation that central government authorities were considering further changes to the family planning policy,<sup>62</sup> although no specific timeframe was given.<sup>63</sup> Chinese population experts expressed optimism that the current policy is only transitional and that a universal two-child policy will be implemented within the next few years.<sup>64</sup>

This past year, government authorities also took measures to implement reforms to the “reproductive services permit” (*shengyu fuwu zheng*) system, commonly known as the “birth permit” (*zhunsheng zheng*) system.<sup>65</sup> Following a July 2014 guiding opinion issued by the NHFPC to “actively promote reproductive services permit system reform,”<sup>66</sup> Li Bin, director of the NHFPC, emphasized the need to “resolve the difficulty in getting a birth permit” at a January 2015 work conference.<sup>67</sup> Sources indicate that obtaining a birth permit is a burdensome process, involving visits to multiple offices to get stamps of approval in order to complete the necessary paperwork.<sup>68</sup> The birth permit system reportedly has been a significant obstacle for married migrant worker couples who want to have children by requiring them to return to the locale of their household registration (*hukou*) to apply for birth permits.<sup>69</sup> [For more information on China’s *hukou* system, see Section II—Freedom of Residence and Movement. See also Punishment for Non-compliance below.] Localities are actively shifting to a “first-child registration” (*yihai dengji*) system whereby married couples register their first child and obtain a “reproductive services permit” without going through a complicated approval or application process.<sup>70</sup> An approval process, however, is still in place for couples who intend to have a second child, but local family planning authorities are to promote standardization and simplification of that process.<sup>71</sup> As of July 2015, 25 provinces and province-level municipalities—including Beijing municipality and Hebei, Shanxi, and Liaoning provinces—have implemented the “first-child registration” system, and at least 6 provide online registration.<sup>72</sup>

### *Coercive Implementation*

The PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the “legitimate rights and interests” of citizens while implementing family planning policies, but does not define what constitutes a citizen’s “legitimate” right or interest.<sup>73</sup> Despite these provisions, abuses committed during the implementation of family planning policies continued during the Commission’s 2015 reporting year. Many provincial-level population planning regulations explicitly instruct officials to carry out abortions, often referred to as “remedial measures” (*bujiu cuoshi*), for “out-of-plan” pregnancies, with no apparent requirement for parents’ consent.<sup>74</sup> Officials also reportedly contin-

ued to use other coercive methods—including arbitrary detention,<sup>75</sup> forced insertion of long-term birth control devices,<sup>76</sup> and forced sterilization<sup>77</sup>—to implement family planning policies.

#### OFFICIAL CAMPAIGNS

Language used in official speeches and government reports from jurisdictions across China continued to reflect an emphasis on harsh enforcement of family planning measures. The Commission noted that during this reporting year, as in previous years,<sup>78</sup> official reports from several provinces across China—including Anhui,<sup>79</sup> Fujian,<sup>80</sup> Gansu,<sup>81</sup> Guangdong,<sup>82</sup> Guizhou,<sup>83</sup> Hebei,<sup>84</sup> Henan,<sup>85</sup> Hubei,<sup>86</sup> Hunan,<sup>87</sup> Jiangsu,<sup>88</sup> Jiangxi,<sup>89</sup> Shandong,<sup>90</sup> and Sichuan<sup>91</sup>—continued to promote “family planning implementation work” which entailed harsh and invasive family planning measures. Phrases such as “fight the family planning battle” (*dahao jisheng zhang*),<sup>92</sup> “resolutely implement” (*henzhua*),<sup>93</sup> “spare no efforts” (*quanli yifu*),<sup>94</sup> “use hard measures and harsh tactics” (*caiqu ying cuoshi ying shouduan*),<sup>95</sup> and “use all means necessary” (*qian fang bai ji*)<sup>96</sup> appeared in official speeches and government reports, indicating the aggressive nature of these family planning campaigns.

Implementation targets promoted in local government reports were unrelenting, including some reports calling for a 100-percent implementation rate<sup>97</sup> in compelling women to undergo the invasive “three inspections” (intrauterine device (IUD), pregnancy, and health inspections),<sup>98</sup> “four procedures” (IUD insertion, first-trimester abortion, mid- to late-term abortion, and sterilization),<sup>99</sup> and the forcible collection of “social compensation fees” (*shehui fuyang fei*).<sup>100</sup> [See Punishment for Noncompliance below for additional information on “social compensation fees.”] For example, one March 2015 government report from Baiyangxi township, Luxi county, Xiangxi Tujia and Miao Autonomous Prefecture, Hunan province, indicated that township authorities had formed a “family planning work strike team” (*jisheng gongzuo tujidui*) to “comprehensively implement the task of the four procedures” during a township-wide family planning “service” campaign.<sup>101</sup> According to the same report, as of March 5, 2015, Baiyangxi family planning authorities had carried out 28 “four procedures” operations—2 sterilizations, 24 IUD insertions, and 2 abortions.<sup>102</sup>

### Representative Cases of Coercion

- **Guizhou province.** On May 12, 2015, the bureaus of education and of family planning in Libo county, Guizhou jointly issued a Notice of Order To Terminate Pregnancy to local school teacher Qin Yi.<sup>103</sup> The notice demanded that she either have an abortion by May 31, 2015, or lose her job.<sup>104</sup> Qin and her husband were remarried, and each had a child from their previous marriages.<sup>105</sup> Under family planning regulations in Anhui province where Qin's *hukou* is registered, a couple in their circumstances are allowed to have another child,<sup>106</sup> and Qin had obtained a birth permit in advance from family planning authorities in Anhui in February 2015.<sup>107</sup> But under Guizhou provincial family planning regulations, they were not permitted to have another child.<sup>108</sup> Following public criticism of the decision, the Guizhou Provincial Health and Family Planning Commission intervened and rescinded the pregnancy termination order, allowing Qin to have another child under Anhui's provincial family planning regulations.<sup>109</sup>
- **Guangdong province.** In May 2015, the Dongguan No. 1 People's Court accepted an administrative lawsuit from a Mr. Chen of Zhongtang township, Dongguan municipality, Guangdong, against the Zhongtang Township Public Security Bureau for refusing to issue *hukou* to his twin sons who had been "illegal residents" (*heihu*) for over four years due to their lack of *hukou*.<sup>110</sup> The public security bureau in charge of issuing *hukou* required Chen to provide a "certificate of family planning" from the local family planning office,<sup>111</sup> but officials at the family planning office refused to issue the certificate unless Chen's wife underwent sterilization.<sup>112</sup> According to Liu Huawen, Deputy Director of the Human Rights Research Center at the Chinese Academy of Social Sciences, there are many similar cases nationwide, and local regulations that link family planning measures to *hukou* registration are "inappropriate" and should be amended to protect the fundamental rights of children.<sup>113</sup>
- **Hunan province.** According to a December 2014 Consumption Daily report, family planning officials in Pingjiang county, Yueyang municipality, Hunan, required women who had given birth to undergo IUD insertions and sterilizations before they could obtain *hukou* for their children.<sup>114</sup> According to the same report, Chinese legal experts and state-run news agency Xinhua noted that such arbitrary restrictions have no legal basis and violate Chinese laws.<sup>115</sup>

### *Punishment for Noncompliance*

Chinese authorities continued to use various methods of punishment to enforce citizens' compliance with population planning policies. In accordance with national measures,<sup>116</sup> local governments have directed officials to punish noncompliance with heavy fines, termed "social compensation fees,"<sup>117</sup> which compel many couples to choose between undergoing an unwanted abortion and incurring a fine much greater than the average annual income of their locality.<sup>118</sup> For example, in November 2014, local family planning officials in Tuanlin township, Lin'gang district, Linyi municipality, Shandong province, reportedly detained a couple and their 10-month-old infant at a local hotel for failing to pay "social compensation fees" of 140,000 yuan (US\$22,600).<sup>119</sup> Family planning officials

also detained others at the hotel, including an elderly woman whose daughter had given birth to an “out-of-plan” child.<sup>120</sup> According to a December 2014 report, these detentions were “illegal” and a Linyi spokesperson indicated that the offending officials were investigated and punished.<sup>121</sup>

#### **Draft Regulations on the Collection and Management of Social Compensation Fees**

In November 2014, the National Health and Family Planning Commission (NHFPC) issued draft Regulations on the Collection and Management of Social Compensation Fees (Regulations) for review by the State Council and for public comment.<sup>122</sup> The draft Regulations marked several significant changes from the 2002 Measures for Collection of Social Compensation Fees, including the proposal of a unified national collection standard that limits fines for the first “out-of-plan” child to no more than three times the local average annual disposable income per person, a significant reduction from current fine amounts if passed and implemented.<sup>123</sup> Other changes introduced in the draft Regulations include eliminating fines for eligible couples who give birth to an additional child but fail to follow proper procedures,<sup>124</sup> and allowing only county-level family planning agencies to collect fines.<sup>125</sup>

Despite these proposed changes in the draft Regulations, many continued to voice concerns over corruption, lack of transparency, abuses, and violations of citizens’ legal rights in the collection and usage of “social compensation fees.”<sup>126</sup> Demographers, legal experts, National People’s Congress delegates, Internet users, and other individuals called on central government authorities this reporting year to amend the PRC Population and Family Planning Law and abolish “social compensation fees.”<sup>127</sup> At a symposium in December 2014, however, an NHFPC official emphasized that “social compensation fees” will not be abolished, saying that abolition would be “unfair to Chinese citizens who comply with the family planning policy.”<sup>128</sup> In its Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, issued in November 2014, the UN Committee on the Elimination of Discrimination against Women stated its concern that “notwithstanding the recent relaxation of the State party’s one-child policy, women who violate the policy are still subjected to fines . . . and continue to experience some difficulty in registering their children.”<sup>129</sup>

During this reporting year, authorities in some localities denied birth permits and *hukou* for children whose parents violated local family planning policies. In one such example reported by the Party-run news outlet Global Times in March 2015, family planning authorities in the Guangxi Zhuang Autonomous Region rejected a couple’s application for a birth permit “on the grounds that one of them had two children from a previous marriage.”<sup>130</sup> The couple was eligible to have a child together according to central government guidelines, but not under provincial-level regulations.<sup>131</sup> According to the Global Times, NHFPC guidelines allow a remarried couple to have a child together if one of the parents is a single child who has no children and the spouse has two children from a previous marriage.<sup>132</sup> The amended 2014 Guangxi Zhuang Autonomous Region Population and Family Planning Reg-



ulations, however, allow a remarried couple to have a child together only if one of the parents has no children and the spouse has only one child from a previous marriage.<sup>133</sup> A local official admitted that Guangxi's family planning regulations "might be a little harsh" for such couples, and maintained that central government guidelines on remarried couples are "only a recommendation" which "have not been applied in Guangxi due to its large population base and relatively fast population growth."<sup>134</sup>

Authorities in some areas also withheld *hukou* from children born in excess of birth quotas, demanding that their parents must first pay the necessary "social compensation fees" associated with their births.<sup>135</sup> In some localities, authorities would not issue *hukou* to children born to unmarried parents who lacked official documents—such as the child's birth permit and birth certificate, and the parents' marriage certificate and *hukou*.<sup>136</sup> People who lack *hukou* in China are commonly referred to as "illegal residents" (*heihu*)<sup>137</sup> and face considerable difficulty accessing social benefits typically afforded to registered citizens, including health insurance, public education, and state welfare.<sup>138</sup> According to 2010 national census data released by the State Council, there are approximately 13 million "illegal residents" in China, of whom about 1.3 million (10 percent) are children born to unmarried parents.<sup>139</sup> During this reporting year, in a positive development, Hubei province took steps to delink *hukou* registration from "social compensation fees" and birth control procedures, allowing children born to parents who violate family planning policies to register for *hukou* without the prerequisites of paying "social compensation fees" or undergoing birth control procedures.<sup>140</sup>

In September 2013, the UN Committee on the Rights of the Child conducted a periodic review of China's compliance with the Convention on the Rights of the Child. In its Concluding Observations, the Committee stated its concern about low rates of birth registration in China—in part due to China's family planning policies—and recommended that China "reform family planning policies in order to remove all forms of penalties and practices that deter parents or guardians from registering the birth of their children" and "abandon the *hukou* system in order to ensure birth registration for all children."<sup>141</sup>

Officials also imposed or threatened other punishments for family planning violations. These punishments included job termination,<sup>142</sup> arbitrary detention,<sup>143</sup> abortion,<sup>144</sup> and sterilization.<sup>145</sup> The PRC Population and Family Planning Law prohibits and provides punishments for officials' infringement on citizens' personal, property, and other rights while implementing population planning policies.<sup>146</sup>

### *Demographic Consequences of Population Control Policies*

The Chinese government's population planning policies continue to exacerbate the country's demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. Affected in recent decades by government restrictions on the number of births per couple, China's total fertility rate has dropped from 6 births per woman in the early 1970s<sup>147</sup> to an estimated 1.2 to 1.6 births per woman in 2015,<sup>148</sup> below the replace-

ment rate of 2.1 births per woman necessary to maintain a steady population.<sup>149</sup> The fertility rate is even lower in some major cities, such as Shanghai municipality, which currently has a fertility rate of 0.6 to 0.7 births per woman, reportedly one of the lowest in the world.<sup>150</sup>

China's low fertility rate has contributed to a rapidly aging population and a shrinking workforce. From 2013 to 2014, China's working-age population (persons between the ages of 16 and 59) declined by more than 6 million people<sup>151</sup> to 915.8 million,<sup>152</sup> and according to a February 2015 report, is "expected to fall at an accelerating rate in the coming years."<sup>153</sup> At the same time, the elderly population (persons aged 60 or older) increased by more than 10 million in 2014 to 212.4 million people, or 15.5 percent of the total population.<sup>154</sup> It is estimated that China's elderly population will reach 400 million, or a quarter of the population, by 2030,<sup>155</sup> and will account for approximately one-third of China's total population by 2050.<sup>156</sup> These demographic trends reportedly could burden China's health care, social services, and pension systems,<sup>157</sup> and may weaken China's economy as labor costs rise and its competitiveness erodes.<sup>158</sup> Chinese experts have voiced concerns that China's fertility rate is "dangerously low"<sup>159</sup> and "unsustainable,"<sup>160</sup> and some experts have called on the central government to allow all families to have a second child or to abolish the entire family planning policy.<sup>161</sup>

The Chinese government's restrictive family planning policies also continued to exacerbate China's sex ratio imbalance.<sup>162</sup> Although Chinese authorities continue to implement a ban on "non-medically necessary sex determination and sex-selective abortion,"<sup>163</sup> some people reportedly continue the practice in response to government-imposed birth limits and in keeping with a traditional cultural preference for sons.<sup>164</sup> According to several reports, China's sex ratio at birth is about 116 to 118 males to 100 females (compared with a global average of 103 to 107 males per 100 females).<sup>165</sup> According to a CCTV report, census data from the National Bureau of Statistics of China showed that there were approximately 34 million more males than females in China.<sup>166</sup> Officials from the National Health and Family Planning Commission described China's sex ratio imbalance as "the most serious and prolonged in the world."<sup>167</sup> In its October 2013 Concluding Observations on the Combined Third and Fourth Periodic Reports of China, the UN Committee on the Rights of the Child urged China to "take immediate legal, policy and awareness-raising measures to prevent sex-selective abortions, female infanticide and abandonment of girls, including by addressing factors that reinforce cultural norms and practices that discriminate against girls."<sup>168</sup>

Demographic experts Andrea den Boer and Valerie Hudson expressed concerns that the sex ratio imbalance in China has contributed to "increases in societal instability characterized by a rise in violent crime, the number of secret societies and gangs, the levels of muscular nationalism, and prostitution and trafficking in women and children," which may have "regional and international repercussions . . ."<sup>169</sup> This past year, reports continued to suggest a link between China's large number of "surplus males" and the trafficking of foreign women—from countries including Cambodia,<sup>170</sup>

Laos,<sup>171</sup> Mongolia,<sup>172</sup> Burma (Myanmar),<sup>173</sup> North Korea,<sup>174</sup> Thailand,<sup>175</sup> and Vietnam<sup>176</sup>—into China for forced marriage or commercial sexual exploitation.

Reports also indicate that decades of birth limits under China's population planning policies combined with a traditional preference for sons have helped create a "black market" for illegal adoptions.<sup>177</sup> According to reports in January 2015, police in Shandong province rescued 37 infants who had been born in an "underground delivery room," part of an illegal adoption scheme run by eight criminal syndicates.<sup>178</sup> A police spokesperson revealed that almost all of the babies had health conditions, including seven found to have sexually-transmitted diseases.<sup>179</sup> According to Chen Shiqu, Director of the Ministry of Public Security Anti-Trafficking Office, moving pregnant women to a "trafficking site" for the purpose of selling their babies is a "new form of child trafficking."<sup>180</sup> On June 21, 2015, 52 fathers from 20 provinces in China issued a "Father's Day" plea to central government authorities to abolish family planning policies, citing family planning policies and the "social compensation fee" system as major causes of illegal adoptions.<sup>181</sup> [For information on the Chinese government's conflation of child trafficking with illegal adoption, see Section II—Human Trafficking.]

## Notes to Section II—Population Control

<sup>1</sup>PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, effective 1 September 02, art. 18. Article 18 stipulates, “The State maintains its current policy for reproduction, encouraging late marriage and child-bearing and advocating one child per couple. Where the requirements specified by laws and regulations are met, plans for a second child, if requested, may be made. Specific measures in this regard shall be formulated by the people’s congress or its standing committee of a province, autonomous region, or municipality directly under the Central Government.” Implementing regulations in different provinces vary with respect to the ages at which couples may give birth or the spacing permitted between children; most provinces have cancelled limitations on birth spacing altogether. See, e.g., “New Updates for Universal Two-Child Policy, When Will the Two-Child Policy Become Universal?” [Quanmian fangkai ertai zuixin xiaoxi ertai zhengce heshi quanmian fangkai], Re Dian Shi Jian Net, 22 March 15; “19 Provinces in China Cancel [Mandatory] Birth Spacing, Central [Authorities] Call for Strict Control of the Births of Multiple Children” [Woguo 19 sheng quxiao shengyu jian’ge zhongyang yaoqiu yankong duohai shengyu], Xinhua, reprinted in People’s Daily, 31 December 13. For provincial-level regulations limiting how many children married couples may bear, see, e.g., Beijing Municipality People’s Congress Standing Committee, Beijing Municipality Population and Family Planning Regulations [Beijing shi renkou yu jihua shengyu tiaoli], effective 1 September 03, amended 21 February 14, art. 17, reprinted in Liuxiaoer; Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 17 January 14, art. 18, reprinted in Liuxiaoer.

<sup>2</sup>PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, effective 1 September 02, art. 18. Article 18 stipulates, “The State maintains its current policy for reproduction, encouraging late marriage and child-bearing and advocating one child per couple. Where the requirements specified by laws and regulations are met, plans for a second child, if requested, may be made.” For provincial population policies that limit married couples to bearing one child, see, e.g., Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 17 January 14, art. 18, reprinted in Liuxiaoer; Beijing Municipality People’s Congress Standing Committee, Beijing Municipality Population and Family Planning Regulations [Beijing shi renkou yu jihua shengyu tiaoli], issued 1 September 03, amended 21 February 14, art. 17, reprinted in Liuxiaoer; Jiang Yuanbo, “Suggestions Regarding the Initiation of Review on Provincial Family Planning Regulations” [Guanyu qidong dui ge sheng jihua shengyu tiaoli jinxing shencha de jianyi], Population and Future, 15 March 15.

<sup>3</sup>Chen Wei and Jin Yongai, “The Implementation and Influencing Factors of China’s Family Planning Policy—A Micro-Level Perspective” [Zhongguo jihua shengyu zhengce de zhixing ji qi yingxiang yinsu—ji yu weiguan de shijiao], Population and Economics, No. 4 (2014), 118–28, reprinted in China Social Sciences Net, 10 February 15; Jiang Yuanbo, “Suggestions Regarding the Initiation of Review on Provincial Family Planning Regulations” [Guanyu qidong dui ge sheng jihua shengyu tiaoli jinxing shencha de jianyi], Population and Future, 15 March 15.

<sup>4</sup>Ibid. For provincial regulations that allow dandu couples to have two children, see, e.g., Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 17 January 14, art. 19(1, 4), reprinted in Liuxiaoer; Beijing Municipality People’s Congress Standing Committee, Beijing Municipality Population and Family Planning Regulations [Beijing shi renkou yu jihua shengyu tiaoli], issued 15 January 91, amended 14 May 99, effective 1 September 03, amended 21 February 14, art. 17(2, 5), reprinted in Liuxiaoer.

<sup>5</sup>See, e.g., “First Child Born in Hong Kong, Couple Sues Family Planning Agency for Fining Them for Giving Birth to a Second Child in Mainland China” [Fufu zai xianggang sheng toutai neidi er tai bei fa qisu jisheng bumen], Southern Metropolitan Daily, reprinted in Sina, 1 December 14; Wu Tingting and Zhang Lu, “Proposal To Unify Social Compensation Fee Collection Standards” [Shehui fuyang fei ni tongyi jizheng biaoqun], Beijing Morning Post, 21 November 14; “Shandong Family Unable To Pay Fines, [Authorities] Even Detain an Infant” [Shandong chaosheng hu jiao bu qi fakuan lian dai ying’er ye bei ju], The Paper, reprinted in Women’s Rights in China, 12 December 14.

<sup>6</sup>“Shandong Family Unable To Pay Fines, [Authorities] Even Detain an Infant” [Shandong chaosheng hu jiao bu qi fakuan lian dai ying’er ye bei ju], The Paper, reprinted in Women’s Rights in China, 12 December 14; “Woman in Lanba Township, Shuicheng County, Guizhou Detained and Beaten During Forced Pregnancy Inspection” [Guizhou shuicheng xian lanba zhen funu bei qiangzhi chayun zhong, bei guanya ouda], Radio Free Asia, 22 January 15.

<sup>7</sup>“Two Provinces’ Two-Child Policies for Remarried Couples Come Into Conflict, Pregnant Teacher With Anhui Birth Permit Is Ordered To Get Abortion in Guizhou” [Liang sheng zaihuin erhai zhengce chongtu, huaiyun jiaoshi you anhui zhunsheng zheng bei guizhou zeling yincan], The Paper, 18 May 15; Liu Xin, “Shandong County Denies ‘Abortion Quotas,’” Global Times, 26 May 15. See also Tan Fangzhi, Baiyangxi Township People’s Government, “Baiyangxi Township ‘Fights Hard’ To Carry Out Targeted Family Planning Service Activities” [Baiyangxi xiang kaizhan jizhong jisheng fuwu huodong yeshi ‘man pin de’], 5 March 15.

<sup>8</sup>Sun Ying, “Twins Already Four Years Old but Are Still ‘Illegal Residents,’ Public Security Bureau: [Mother] Must Be Sterilized Before Hukou Can Be Registered” [Shuangbaotai chusheng si nian reng shi ‘heihu’ gong’anju: xiang shanghu xian jiezu], China National Radio, 19 May 15; Tang Ru, “Pingjiang County, Hunan Province: Family Planning Office Distributes Assignments, Forced Procedures Imposed on Women” [Hunan pingjiang xian: jisheng fenpei renwu funu qiangzhi shoushu], Consumption Daily, 11 December 14; “Family Planning Office of

Sizhang Township, Sishui County, Jining Municipality Illegally Implements Forced Sterilization" [Jining shi sishui xian sizhang zhen jisheng ban weigui qiangzhi jiezhai], Qilu Net, 6 May 15. See also Tan Fangzhi, Baiyangxi Township People's Government, "Baiyangxi Township 'Fights Hard' To Carry Out Targeted Family Planning Service Activities" [Baiyangxi xiang kaizhan jizhong jisheng fuwu huodong yeshi "man pin de"], 5 March 15.

<sup>9</sup>Beijing Declaration and Platform for Action (1995), 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 1, 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; . . ." (para. 9) and "are convinced that . . . [t]he explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment . . ." (para. 17).

<sup>10</sup>Programme of Action adopted at the Cairo International Conference on Population and Development, 13 September 94, paras. 7.2, 8.25. Paragraph 7.2 states that, "Reproductive health therefore implies that people . . . have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice . . ." Paragraph 8.25 states, "In no case should abortion be promoted as a method of family planning."

<sup>11</sup>United Nations, "Report of the Fourth World Conference on Women," 1996, chap. II., para. 3; chap. VI, para. 12. China was the host of and a participating state at the Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. United Nations Population Information Network, A/Conf.171/13: Report of the International Conference on Population and Development (ICPD), 18 October 94, chap. II, sec. C, chap. VI, sec. 1. China was one of the participating states at the ICPD, which reached general agreement on the Programme of Action. The Programme of Action is provided as an annex to the above ICPD report.

<sup>12</sup>"Shandong Family Unable To Pay Fines, [Authorities] Even Detain an Infant" [Shandong chaosheng hu jiao bu qi fakuan lian dai ying'er ye bei ju], The Paper, reprinted in Women's Rights in China, 12 December 14; "Woman in Lanba Township, Shuicheng County, Guizhou Detained and Beaten During Forced Pregnancy Inspection" [Guizhou shuicheng xian lanba zhen funu bei qiangzhi chayun zhong, bei guanya ouda], Radio Free Asia, 22 January 15.

<sup>13</sup>UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, art. 1; UN Committee against Torture, Consideration of Reports Submitted by State Parties Under Article 19 of the Convention: Concluding Observations of the Committee against Torture: China, Adopted at Its 41st Session (3–21 November 2008) CAT/C/CHN/CO/4, 12 December 08, para. 29. In 2008, the Committee against Torture noted again with concern China's "lack of investigation into the alleged use of coercive and violent measures to implement the population policy (A/55/44, para. 122)."

<sup>14</sup>See United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 11 July 14. China signed the convention on December 12, 1986, and ratified it on October 4, 1988.

<sup>15</sup>See, e.g., Sun Ying, "Twins Already Four Years Old but Are Still 'Illegal Residents,' Public Security Bureau: [Mother] Must Be Sterilized Before Hukou Can Be Registered" [Shuangbaotai chusheng si nian reng shi "heihu" gong'anju: xiang shanghu xian jiezhai], China National Radio, 19 May 15; Tang Ru, "Pingjiang County, Hunan Province: Family Planning Office Distributes Assignments, Forced Procedures Imposed on Women" [Hunan pingjiang xian: jisheng fenpei renwu funu qiangzhi shoushu], Consumption Daily, 11 December 14.

<sup>16</sup>UN Convention on the Rights of the Child (CRC), adopted and opened for signature, ratification, and accession by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, signed by China 29 August 90, ratified 2 March 92, arts. 2–4, 6, 24, 26, 28. Article 2 of the CRC calls upon States Parties to "respect and ensure the rights set forth . . . to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's . . . national, ethnic or social origin . . . birth or other status;" and that "State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." Article 24 sets forth the right of the child to access health care; Article 26 sets forth the right of the child to social security; and Article 28 sets forth the right of the child to free primary education and accessible secondary education and higher education.

<sup>17</sup>International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, signed by China 27 October 97, ratified 27 March 01, art. 10(3). Article 10(3) calls upon States Parties to recognize that "Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions."

<sup>18</sup>UN Convention on the Rights of the Child (CRC), adopted and opened for signature, ratification, and accession by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, signed by China 29 August 90, ratified 2 March 92. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, signed by China 27 October 97, ratified 27 March 01.

<sup>19</sup>Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige

ruogan zhongda wenti de jue ding], issued 12 November 13; "China To Ease One-Child Policy," Xinhua, 15 November 13.

<sup>20</sup>Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], issued 12 November 13. See also David Shambaugh, "Breaking Down China's Reform Plan," National Interest, 2 December 13; Christopher K. Johnson, Center for Strategic and International Studies, "China Announces Sweeping Reform Agenda at Plenum," 15 November 13.

<sup>21</sup>Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], issued 12 November 13, para. 46; National Health and Family Planning Commission, "National Health and Family Planning Commission Deputy Director Wang Pei'an Answers Reporters' Questions About Maintaining the Basic National Family Planning Policy and Launching the Implementation of Two Children for Married Couples in Which One Parent Is an Only Child Policy" [Guojia weisheng jishengwei fu zhuren wang pei'an jiu jianchi jihua shengyu jiben guoce qidong shishi dandu erhai zhengce da jizhe wen], 16 November 13; Marcus Roberts, "Why Aren't Chinese Couples Keen To Have More Children?" MercatorNet, 6 February 15; Elizabeth Economy, "Time for Xi To Reform His Reforms," Forbes, 6 February 15.

<sup>22</sup>Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], issued 12 November 13, para. 46. See also "Chinese Communist Party Announces Revision to Population Planning Policy," CECC China Human Rights and Rule of Law Update, No. 2, 23 December 13.

<sup>23</sup>Jiang Yuanbo, "Suggestions Regarding the Initiation of Review on Provincial Family Planning Regulations" [Guanyu qidong dui ge sheng jihua shengyu tiaoli jinxing shencha de jianyi], Population and Future, 15 March 15.

<sup>24</sup>Ibid.

<sup>25</sup>Tian Yuan and Zheng Songbo, "All 31 Provinces in China Have Launched Two-Child Policy for Families in Which Both Parents Are Only Children" [Quanguo 31 shengfen jun yi fangkai shuangdu jiating sheng ertai zhengce], China Radio International, reprinted in NetEase, 26 November 11.

<sup>26</sup>Wei Gu, "China's Coming Baby Boomlet Will Deliver a Boost," Wall Street Journal, 22 November 13; Shan Juan, "Wait a Minute, Baby," China Daily, 17 November 13.

<sup>27</sup>Dai Lili, "'Single Only-Child' Households Can Have a Second Child" ["Dandu" jiating fangkai sheng er tai], Beijing Evening News, reprinted in Beijing Daily, 16 November 13; "Will a New 'Baby Wave' Come With the Launch of the 'Two Children for Married Couples in Which One Parent Is an Only Child' Policy?" ["Dandu lianghai" zhengce qidong xin yi lun "ying'er chao" hui lai ma?], People's Daily, reprinted in China News Service, 13 December 13.

<sup>28</sup>"A Universal Two-Child [Policy], If Not Relaxed This Year When Will It Be?" [Quanmian ertai, jinnian bu kaifang dai heshi?], China National Radio, 9 March 15; "NHFP Deputy Director: It Is Not Good To Have a Large Population, Nor Is It Good To Have Much Less" [Weijiwei fu zhuren: renkou duo le bu hao ye bushi yue shao yue hao], China National Radio, reprinted in Boxun, 14 March 15.

<sup>29</sup>"Relevant National Health and Family Planning Commission Officials Interpret Adjustment to the Family Planning Policy" [Weisheng jisheng wei xiangguan fuzeren jiedu jihua shengyu tiaozheng zhengce], Xinhua, reprinted in PRC Central People's Government, 6 December 13; Liu Yang, "Two Million Additional Births Per Year After Implementation of 'Two Children for Married Couples in Which One Parent Is an Only Child [Policy]'" ["Dandu erhai" shishi hou nian zeng xingsheng er yue 200 wan], Beijing Youth Daily, reprinted in Xinhua, 18 April 14; Liang Jianzhang, "NHFP, Please Do Not Continue To Mislead Policy Making" [Qing weiji wei buyao jixu wudao juece], Caixin, 14 January 15; "Scholar: Official Figure Incorrect, 'Two Children for Married Couples in Which One Parent Is an Only Child [Policy]' Will Have Very Limited Impact on the Number of Births" [Xuezhe: guanfang shuju bu zhun "dandu erhai" dui chusheng renshu yingxiang shen wei], Phoenix Net, 11 February 15.

<sup>30</sup>"NHFP Official: No Pilot Sites Planned This Year for Universal Two-Child Policy" [Weijiwei guanyuan: jinnian buhui gao quanmian kaifang ertai quyue xing shidian], Beijing News, reprinted in China News Service, 4 March 15; Jeremy Koh, "China May See New Baby Boom After Easing Policy," Channel NewsAsia, 25 February 15.

<sup>31</sup>"NHFP Official: No Pilot Sites Planned This Year for Universal Two-Child Policy" [Weijiwei guanyuan: jinnian buhui gao quanmian kaifang ertai quyue xing shidian], Beijing News, reprinted in China News Service, 4 March 15; "China Considering One-Child Policy Changes: Premier," Agence France-Presse, reprinted in Sudan Vision, 16 March 15; "Only 1/10th Chinese Couples Had 2nd Child After Policy Relaxed," Press Trust of India, reprinted in News Nation, 10 March 15.

<sup>32</sup>Li Xinling, "Number of Applications for a 'Second Child From Married Couples in Which One Parent Is an Only Child' Lower Than Expected Across the Nation" [Gedi "dandu erhai" shenqing liang di yu yuqi], China Youth Daily, 12 January 15.

<sup>33</sup>"China's 'Two Children for Married Couples in Which One Parent Is an Only Child' Policy Encounters Chills" [Zhongguo "dandu ertai" zhengce yu leng], Radio Free Asia, 29 January 15.

<sup>34</sup>Li Xinling, "Number of Applications for a 'Second Child From Married Couples in Which One Parent Is an Only Child' Lower Than Expected Across the Nation" [Gedi "dandu erhai" shenqing liang di yu yuqi], China Youth Daily, 12 January 15.

<sup>35</sup>Tian Xiaodong, "Last Year in Gansu Province 4,826 Couples Applied To Have a Second Child" [Qunian gansu sheng 4826 dui dandu fufu shenqing shengyu ertai], Lanzhou Evening News, reprinted in People's Daily, 16 February 15.

<sup>36</sup> Liu Yang, "Seventy Percent [of Couples] in Jilin Province Want 'a Second Child,' 48 Percent Are Restricted [From Doing So] Due to [Lack of] 'Parental Help'" [Jilin sheng qicheng xiang yao "er hai" 48% shouzhi yu "fumu bangdai"], New Culture Net, 9 March 15.

<sup>37</sup> Ibid.

<sup>38</sup> "China's 'Two Children for Married Couples in Which One Parent Is an Only Child' Policy Encounters Chills" [Zhongguo "dandu ertai" zhengce yu leng], Radio Free Asia, 29 January 15.

<sup>39</sup> Liu Yang, "Seventy Percent [of Couples] in Jilin Province Want 'A Second Child,' 48 Percent Are Restricted [From Doing So] Due to [Lack of] 'Parental Help'" [Jilin sheng qicheng xiang yao "er hai" 48% shouzhi yu "fumu bangdai"], New Culture Net, 9 March 15.

<sup>40</sup> Li Xinling, "Number of Applications for a 'Second Child From Married Couples in Which One Parent Is an Only Child' Lower Than Expected Across the Nation" [Gedi "dandu erhai" shenqing liang di yu yuqi], China Youth Daily, 12 January 15.

<sup>41</sup> Liu Yang, "Seventy Percent [of Couples] in Jilin Province Want 'a Second Child,' 48 Percent Are Restricted [From Doing So] Due to [Lack of] 'Parental Help'" [Jilin sheng qicheng xiang yao "er hai" 48% shouzhi yu "fumu bangdai"], New Culture Net, 9 March 15.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Frank Sieren, "Sieren's China: Baby Boom Nowhere in Sight," Deutsche Welle, 23 January 15; "Shanghai Couples Urged To Have More Children," China Daily, 28 January 15; Marcus Roberts, "Why Aren't Chinese Couples Keen To Have More Children?" MercatorNet, 6 February 15; "Fewer Couples in China Than Expected Apply for a Second Child," Want China Times, 4 March 15.

<sup>45</sup> Frank Sieren, "Sieren's China: Baby Boom Nowhere in Sight," Deutsche Welle, 23 January 15; Han Zhang, "Young Chinese Parents Hesitate on Second Child," The Diplomat, 24 February 15.

<sup>46</sup> Elizabeth Economy, "Time for Xi To Reform His Reforms," Forbes, 6 February 15; Marcus Roberts, "Why Aren't Chinese Couples Keen To Have More Children?" MercatorNet, 6 February 15.

<sup>47</sup> "Shanghai Couples Urged To Have More Children," China Daily, 28 January 15; Marcus Roberts, "Why Aren't Chinese Couples Keen To Have More Children?" MercatorNet, 6 February 15.

<sup>48</sup> Marcus Roberts, "Why Aren't Chinese Couples Keen To Have More Children?" MercatorNet, 6 February 15; Elizabeth Economy, "Time for Xi To Reform His Reforms," Forbes, 6 February 15. See also "Shanghai Couples Urged To Have More Children," China Daily, 28 January 15.

<sup>49</sup> "Only 1/10th Chinese Couples Had 2nd Child After Policy Relaxed," News Nation, 10 March 15; "Provincial National People's Congress Delegates Wang Hai, Yang Hua: '[Universal] Two-Child Policy' Should Be Fully Implemented Soon" [Sheng renda daibiao wang hai, yang hua: "er tai" jin zao quanmian fangkai], Anhui News, 28 January 15; Marcus Roberts, "Why Aren't Chinese Couples Keen To Have More Children?" MercatorNet, 6 February 15.

<sup>50</sup> Li Jinlei, "CASS: China Is Nearing the Low Fertility Trap, Should Allow All Couples To Have Two Children" [Shekeyuan: zhongguo jiejin di shengyu xianjing ying jinkuai quanmian fangkai erhai], China News Service, 15 December 14; Han Zhang, "Young Chinese Parents Hesitate on Second Child," The Diplomat, 24 February 15; "Expert: China Should Fully Relax Second Child Policy," CCTV, 6 March 15; Marcus Roberts, "Why Aren't Chinese Couples Keen To Have More Children?" MercatorNet, 6 February 15.

<sup>51</sup> Li Jinlei, "CASS: China Is Nearing the Low Fertility Trap, Should Allow All Couples To Have Two Children" [Shekeyuan: zhongguo jiejin di shengyu xianjing ying jinkuai quanmian fangkai erhai], China News Service, 15 December 14; "Only 1/10th Chinese Couples Had 2nd Child After Policy Relaxed," News Nation, 10 March 15; Han Zhang, "Young Chinese Parents Hesitate on Second Child," The Diplomat, 24 February 15; Li Wen, "CASS: China Should Relax the Two-Child Policy as Soon as Possible" [Shekeyuan: zhongguo ying jinkuai fangkuan shengyu liang hai zhengce], BBC, 15 December 14.

<sup>52</sup> "China's 'Two Children for Married Couples in Which One Parent Is an Only Child' Policy Encounters Chills" [Zhongguo "dandu ertai" zhengce yu leng], Radio Free Asia, 29 January 15; Li Xinling, "Number of Applications for a 'Second Child from Married Couples in Which One Parent Is an Only Child' Lower Than Expected Across the Nation" [Gedi "dandu erhai" shenqing liang di yu yuqi], China Youth Daily, 12 January 15; Cao Siqu, "Overhaul Family Planning Policy, Say Experts," Global Times, 22 March 15.

<sup>53</sup> Li Wen, "CASS: China Should Relax the Two-Child Policy as Soon as Possible" [Shekeyuan: zhongguo ying jinkuai fangkuan shengyu liang hai zhengce], BBC, 15 December 14; "Shanghai Couples Urged To Have More Children," China Daily, 28 January 15.

<sup>54</sup> Liu Yang, "Seventy Percent [of Couples] in Jilin Province Want 'A Second Child,' 48 Percent Are Restricted [From Doing So] Due to [Lack of] 'Parental Help'" [Jilin sheng qicheng xiang yao "er hai" 48% shouzhi yu "fumu bangdai"], New Culture Net, 9 March 15.

<sup>55</sup> Han Zhang, "Young Chinese Parents Hesitate on Second Child," The Diplomat, 24 February 15.

<sup>56</sup> Liu Yang, "Seventy Percent [of Couples] in Jilin Province Want 'A Second Child,' 48 Percent Are Restricted [From Doing So] Due to [Lack of] 'Parental Help'" [Jilin sheng qicheng xiang yao "er hai" 48% shouzhi yu "fumu bangdai"], New Culture Net, 9 March 15; "Scholar: Official Figure Incorrect, 'Two Children for Married Couples in Which One Parent Is an Only Child [Policy]' Will Have Very Limited Impact on the Number of Births" [Xuezh: guanfang shuju bu zhun "dandu erhai" dui chusheng renshu yingxiang shen wei], Phoenix Net, 11 February 15; Liang Jianzhang, "NHFPCC, Please Do Not Continue To Mislead Policy Making" [Qing weijiwei buyao jixu wudao juece], Caixin, 14 January 15.

<sup>57</sup> "NHFPCC Predicts 1 Million More Births in 2015 Than in 2014" [Weijiwei yuji 2015 nian chusheng renkou jiang bi 2014 nian duo 100 wan], China News Service, 11 February 15; "Scholar: Official Figure Incorrect, 'Two Children for Married Couples in Which One Parent Is an Only

Child [Policy] Will Have Very Limited Impact on the Number of Births" [Xuezh: guanfang shuju bu zhun "dandu erhai" dui chusheng renshu yingxiang shen wei], Phoenix Net, 11 February 15.

<sup>58</sup> Liang Jianzhang, "NHFP, Please Do Not Continue To Mislead Policy Making" [Qing weijiwei buyao jixu wudao juece], Caixin, 14 January 15; "Scholar: Official Figure Incorrect, Two Children for Married Couples in Which One Parent Is an Only Child [Policy] Will Have Very Limited Impact on the Number of Births" [Xuezh: guanfang shuju bu zhun "dandu erhai" dui chusheng renshu yingxiang shen wei], Phoenix Net, 11 February 15.

<sup>59</sup> State Council, "Government Work Report" [Zhengfu gongzuo baogao], Xinhua, 16 March 15.

<sup>60</sup> Zhou Dongxu, "Family Planning as a Basic National Policy Cannot Be Shaken' Not Mentioned in Premier's Report" [Zongli baogao wei ti jihua shengyu jiben guoce bu dongyao], Caixin, 5 March 15.

<sup>61</sup> Li Keqiang: Adjusting Population Policies According to Reviewed Results of 'Two Children for Married Couples in Which One Parent Is an Only Child [Policy]' Implementation" [Li keqiang: hui genju "dandu erhai" shishi hou de pinggu jieguo tiaozheng renkou zhengce], People's Daily, 15 March 15; "China Weighing Further Birth Policy Changes: Premier," Xinhua, 15 March 15.

<sup>62</sup> Zhou Dongxu, "Do the Premier's Remarks Mean Changes to Family Planning Policies?" [Zongli biaotai shifou yiwei jisheng zhengce jiang bian], Caixin, 16 March 15; Maria Khan, "China Plans Further Changes to One-Child Policy," Agence France-Presse, reprinted in International Business Times, 15 March 15; Margaux Schreurs, "Further Relaxation of One Child Policy Expected, Pension Fund Wears Thin," Beijinger, 16 March 15; "China Loosens Up on Hated One-Child Policy," Agence France-Presse, reprinted in Times Live, 16 March 15.

<sup>63</sup> "China Weighing Further Birth Policy Changes: Premier," Xinhua, 15 March 15; "China May Move To Relax One-Child Policy Further," Tribune India, 16 March 15.

<sup>64</sup> Wang Xiaodong, "All Couples May Be Allowed To Have a Second Child Soon: Experts," China Daily, 8 May 15; Zhao Meng, "Conversation With Director of Population Association of China Zhai Zhenwu, More Suitable To Implement a Full Universal Two-Child Policy Within the Next Five Years" [Duihua renkou xuehui huizhang zhai zhenwu weilai wunian nei quanmian fangkai erhai bijiao heshi], The Paper, 25 March 15; Meng Qingwei, "Expert Reveals: Early in '13th Five-Year [Plan]' May Be 'Time To Open a Window' on Universal Two-Child Policy" [Zhuanjia toulou: "shisan wu" zaoqi huo cheng lianghai zhengce quanmian fangkai "chuangkou qi"], China Business Journal, 23 March 15.

<sup>65</sup> See, e.g., Zhang Donghong, Xinxian Municipality Population and Family Planning Commission, "Municipal Population and Family Planning Leaders Guest-Host Live Radio Show To Explain Xinxian Municipality's Reproductive Services Permit Reform Work" [Shi renkou jishengwei lingdao zuoke zhibo jian xianchang jiedu wo shi gaige shengyu fuwu zheng gongzuo], 5 August 15 (Xinxian municipality is located in Henan province). See also "How To Abolish the Birth Permit" [Ruhe quxiao zhunsheng zheng], Zongbao Net, 24 October 14; "Family Planning Services Permit" [Jihua shengyu fuwu zheng], Mama Net, last visited 1 September 15. The "birth permit" (*zhunsheng zheng*) system was instituted in the 1980s to "regulate and manage the population." In the 1990s, the "birth permit" was renamed in some locations as the "reproductive health services permit" (*shengyu jiankang fuwu zheng*) or "family planning services permit" (*jihua shengyu fuwu zheng*). It is also known as a "reproductive services permit" (*shengyu fuwu zheng*), "family planning services manual" (*jihua shengyu fuwu shouce*), or "reproductive permit" (*shengyu zheng*). While different names are used to refer to the same document, the original term, "birth permit" (*zhunsheng zheng*), continues to be used. The more restrictive "birth permit" system of the 1980s has largely been reformed and the newer birth permit serves multiple purposes, including: allowing a couple to legally bear a child; allowing couples to obtain reproductive health services and "birth insurance" during pregnancy; collecting marriage and reproduction information for official record keeping; and registering a child's *hukou*.

<sup>66</sup> National Health and Family Planning Commission, "National Health and Family Planning Commission Guiding Opinion Regarding Strengthening Family Planning Grassroots Work" [Guojia weisheng jishengwei guanyu jiaqiang jihua shengyu jiceng jichu gongzuo de zhidao yijian], issued 2 July 14, sec. 4(2).

<sup>67</sup> National Health and Family Planning Commission, "National Health and Family Planning Commission Convenes Work Meeting on Reforming the Reproductive Services Permit System" [Guojia weisheng jishengwei zhao kai gaige shengyu fuwu zheng zhidu gongzuo huiyi], 9 January 15.

<sup>68</sup> Zhao Peng, "Say Goodbye to Birth Permits for First Child" [Sheng yihai he zhunsheng zheng shuo baibai], People's Daily, 3 June 15; "Birth Permit Now Easier Process," China Daily, 4 December 12.

<sup>69</sup> Ibid.

<sup>70</sup> See, e.g., Zhao Peng, "Say Goodbye to Birth Permits for First Child" [Sheng yihai he zhunsheng zheng shuo baibai], People's Daily, 3 June 15; "Beginning Next Month, by Supplying Complete Information Chongqing Couples Having First Child Can Obtain Birth Permit in One Day" [Xia yue qi chongqing fuqi shengyu toutai ziliao qiquan ke dangtian ling zhunsheng zheng], Chongqing Morning Post, reprinted in Xinhua, 4 June 15. See also Zhang Shuhui, "Hebei Province Implements First-Child Registration System" [Hebei sheng yihai shengyu shixing jiu jin dengji zhidu], Hebei Daily, reprinted in Xinhua, 12 August 15.

<sup>71</sup> National Health and Family Planning Commission, "National Health and Family Planning Commission Convenes Work Meeting on Reforming the Reproductive Service Permit System" [Guojia weisheng jishengwei zhao kai gaige shengyu fuwuzheng zhidu gongzuo huiyi], 9 January 15. See also Zhao Peng, "Say Goodbye to Birth Permits for First Child" [Sheng yihai he zhunsheng zheng shuo baibai], People's Daily, 3 June 15; Zhang Donghong, Xinxian Municipality Population and Family Planning Commission, "Municipal Population and Family Planning Leaders Guest-Host Live Radio Show To Explain Xinxian Municipality's Reproductive



Services Permit Reform Work” [Shi renkou jishengwei lingdao zuoke zhibo jian xianchang jiedu wo shi gaige shengyu fuwu zheng gongzuo], 5 August 15.

<sup>72</sup>National Health and Family Planning Commission, “July Regular News Briefing Material One: Relevant Population and Family Planning Work Situation” [7 yue lixing fabuhui cailiao yi: renkou he jihua shengyu gongzuo youguan qingkuang], 10 July 15.

<sup>73</sup>PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, effective 1 September 02, arts. 4, 39.

<sup>74</sup>For some specific examples, see 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, reprinted in Lawtime, 10 April 14, art. 25; 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, reprinted in Lawtime, 16 January 14, art. 15; 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, reprinted in Lawtime, 9 April 14, art. 18; Sichuan Province People’s Congress Standing Committee, Sichuan Province Population and Family Planning Regulations [Sichuan sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, art. 22; Anhui Province People’s Congress Standing Committee, Anhui Province Population and Family Planning Regulations [Anhui sheng renkou yu jihua shengyu tiaoli], issued 22 January 14, reprinted in Population and Family Planning Commission of Anhui Province, 2 February 14, art. 27; Beijing Municipal Population and Family Planning Commission, “Early Term Abortion” [Zaoqi rengong liuchan], 10 April 09. The Beijing Municipal Population and Family Planning Commission clearly draws a link between the term “remedial measures” and abortion: “Early term abortion refers to the use of surgery or pharmaceuticals to terminate a pregnancy before the 12th week of gestation; it is a remedial measure taken after the failure of contraception.” See also Zhengzhou University Family Planning Office, “From Family Planning to Planned Pregnancy” [Cong jihua shengyu zou xiang jihua huaiyun], last visited 21 May 15.

<sup>75</sup>“Shandong Family Unable To Pay Fines, [Authorities] Even Detain an Infant” [Shandong chaosheng hu jiao bu qi fakuan lian dai ying’er ye bei ju], The Paper, reprinted in Women’s Rights in China, 12 December 14; “Woman in Lanba Township, Shuicheng County, Guizhou Detained and Beaten During Forced Pregnancy Inspection” [Guizhou shuicheng xian lanba zhen funu bei qiangzhi chayun zhong, bei guanya ouda], Radio Free Asia, 22 January 15.

<sup>76</sup>“Internet Users From Across the Country Voice Complaints Regarding ‘Forced IUD Implants’” [Gedi wangyou baoliao “qiangzhi shang huan”], Chuansong Men, 30 April 15; Tang Ru, “Pingjiang County, Hunan Province: Family Planning Office Distributes Assignments, Forced Procedures Imposed on Women” [Hunan pingjiang xian: jisheng fenpei renwu funu qiangzhi shoushu], Consumption Daily, 11 December 14; “Does Guizhou Province Require Forced IUD Implant After Giving Birth to First Child?” [Guizhou sheng yi [tai] yao qiangzhixing shang huan ma], Message Board for Local Leaders, People’s Daily, 28 January 15. See also Tan Fangzhi, Baiyangxi Township People’s Government, “Baiyangxi Township ‘Fights Hard’ To Carry Out Targeted Family Planning Service Activities” [Baiyangxi xiang kaizhan jizhong jisheng fuwu huodong yeshi “man pin de”], 5 March 15.

<sup>77</sup>Sun Ying, “Twins Already Four Years Old but Are Still ‘Illegal Residents,’ Public Security Bureau: [Mother] Must Be Sterilized Before Hukou Can Be Registered” [Shuangbaotai chusheng si nian reng shi “heihu” gong’anju: xiang shanghu xian jieza], China National Radio, 19 May 15; Tang Ru, “Pingjiang County, Hunan Province: Family Planning Office Distributes Assignments, Forced Procedures Imposed on Women” [Hunan pingjiang xian: jisheng fenpei renwu funu qiangzhi shoushu], Consumption Daily, 11 December 14; “Family Planning Office of Sizhang Township, Sishui County, Jining Municipality Illegally Implements Forced Sterilization” [Jining shi sishui xian sizhang zhen jisheng ban weigui qiangzhi jieza], Qilu Net, 6 May 15; Tan Fangzhi, Baiyangxi Township People’s Government, “Baiyangxi Township ‘Fights Hard’ To Carry Out Targeted Family Planning Service Activities” [Baiyangxi xiang kaizhan jizhong jisheng fuwu huodong yeshi “man pin de”], 5 March 15.

<sup>78</sup>CECC, 2014 Annual Report, 9 October 14, 104; CECC, 2013 Annual Report, 10 October 13, 100; CECC, 2012 Annual Report, 10 October 12, 91; CECC, 2011 Annual Report, 10 October 11, 111; CECC, 2010 Annual Report, 10 October 10, 118.

<sup>79</sup>“Anfengtang Township, Shou County, Holds Family Planning Promotion Meeting” [Shou xian anfengtang zhen zhaokai jihua shengyu tuijin hui], Liu’an News Net, reprinted in NetEase, 4 March 15.

<sup>80</sup>Langqi Township People’s Government, Circular Regarding the Launch of 2015 Langqi Township Family Planning Work [Guanyu kaizhan 2015 nian langqi zhen jihua shengyu gongzuo de tongzhi], issued 4 December 14.

<sup>81</sup>Hu Xiaoyun, Lujiawan Township, “Lujiawan Township Convenes 2015 Township Special Family Planning Work Meeting” [Lujiawan xiang zhaokai 2015 nian quan xiang renkou jisheng gongzuo zhuanli huiyi], 16 March 15.

<sup>82</sup>Nanjiangkou Township Party Committee and Government Office, “Nanjiangkou Township Holds Health and Family Planning Work Meeting” [Nanjiangkou zhen zhaokai weisheng yu jihua shengyu gongzuo huiyi], 13 March 15; Liu Huang Township, “Liu Huang Township Convenes Spring 2015 Targeted Services Mobilization Meeting for Family Planning” [Liu Huang zhen zhaokai 2015 nian chunji jihua shengyu jizhong fuwu huodong dongyuan da hui], 25 March 15.

<sup>83</sup>Zhang Jianping, Jinlong Township Family Planning Office, “Jinlong Township ‘Five Early [Campaign]’ To Push the Launch of 2015 Family Planning Work” [Jinlong xiang “wu zao” zhu tui 2015 niandu ji shengyu gongzuo de kaizhan], 10 December 14; Yonghe Township People’s

Government, “Yonghe Township Earnestly Plans 2015 Population and Family Planning Work” [Yonghe zhen renzhen mouhua 2015 nian renkou jisheng gongzuo], 26 January 15.

<sup>84</sup>Nangong City Population and Family Planning Commission, “Nangong City Holds Family Planning Work Meeting Involving Three Levels of Cadres” [Nangong shi zhaokai jihua shengyu gongzuo sanji ganbu da hui], 29 January 15; Niu Bai, Ningjin County Population and Family Planning Commission, “Ningjin County Convenes Population and Family Planning Work Meeting” [Ningjin xian zhaokai renkou he jihua shengyu gongzuo huiyi], 25 March 15.

<sup>85</sup>Chaoyang Township People’s Government, “Chaoyang Township Plans Spring Family Planning Work” [Chaoyang zhen bushu chunji jihua shengyu gongzuo], 13 March 15; Song Mengjia, Mengjin County Party Committee, “Baihe Township Holds Targeted Spring Family Planning Mobilization Activities” [Baihe zhen juxing chunji jihua shengyu jizhong huodong dongyuan hui], China Mengjin Net, 10 March 15.

<sup>86</sup>Wang Deyou, Huangzhou District Health and Family Planning Commission, “Family Planning Work in Chencelou Township Walks on the Path of a New Normal” [Chencelou zhen jihua shengyu gongzuo bu ru xin changtai], 8 March 15; Tuanfeng County People’s Government, “2015 County Family Planning Work Meeting Convenes” [2015 nian quan xian jihua shengyu gongzuo huiyi zhaokai], 6 March 15; Zhou Wenhong, Huangmei County Health and Family Planning Commission, “Huangmei County Family Planning Work Meeting Convenes” [Huangmei xian jihua shengyu gongzuo huiyi zhaokai], 9 January 15.

<sup>87</sup>Tan Fangzhi, Baiyangxi Township People’s Government, “Baiyangxi Township ‘Fights Hard’ To Carry Out Targeted Family Planning Service Activities” [Baiyangxi xiang kaizhan jizhong jisheng fuwu huodong yeshi “man pin de”], 5 March 15; Hengyang Municipality Population and Family Planning Commission, “Changning City: City Leaders Inspect Spring Birth Control Activities” [Changning shi: shi lingdao ducha chunji jieyu huodong], 27 February 15; Hu Caixia, “Zimenqiao Township Plans Strict Spring Family Planning Work” [Zimenqiao zhen yanmi bushu chunji jihua shengyu gongzuo], Shuang Feng Net, 9 March 15.

<sup>88</sup>Quxia Township, “Quxia Township ‘Four Insists’ To Continue To Elevate Family Planning Service Standard” [Quxia zhen “si ge jianchi” buduan tigao jisheng fuwu shuiping], 26 December 14.

<sup>89</sup>“Xiangdong Township Family Planning Service ‘Three Reaches’” [Xiangdong zhen jisheng fuwu “san daojia”], Pingxiang News, 25 March 15.

<sup>90</sup>Ningjin County Fee Collection Administration, “Spare No Efforts To Start an Upsurge for Family Planning Service Activities” [Quanli yifu xianqi jisheng fuwu huodong gaochao], 25 March 15.

<sup>91</sup>Langzhong City Family Planning Commission, “Hongshan Township Solidly Pushes Honest Family Planning Activities and Achieves Concrete Results” [Hongshan zhen zhashi kaizhan chengxin jisheng huodong gude shi xiao], 16 March 15.

<sup>92</sup>Liu Huang Township, “Liu Huang Township Convenes Spring 2015 Targeted Services Mobilization Meeting for Family Planning” [Liu Huang zhen zhaokai 2015 nian chunji jihua shengyu jizhong fuwu huodong dongyuan da hui], reprinted in Fengshun County People’s Government, 25 March 15.

<sup>93</sup>Chaoyang Township People’s Government, “Chaoyang Township Plans Spring Family Planning Work” [Chaoyang zhen bushu chunji jihua shengyu gongzuo], 13 March 15.

<sup>94</sup>Zhou Wenhong, Huangmei County Health and Family Planning Commission, “Huangmei County Family Planning Work Meeting Convenes” [Huangmei xian jihua shengyu gongzuo huiyi zhaokai], 9 January 15; “Xiangdong Township Family Planning Service ‘Three Reaches’” [Xiangdong zhen jisheng fuwu “san daojia”], Pingxiang News, 25 March 15; Ningjin County Fee Collection Administration, “Spare No Efforts To Start an Upsurge for Family Planning Service Activities” [Quanli yifu xianqi jisheng fuwu huodong gaochao], 25 March 15.

<sup>95</sup>Ningjin County Fee Collection Administration, “Spare No Efforts To Start an Upsurge for Family Planning Service Activities” [Quanli yifu xianqi jisheng fuwu huodong gaochao], 25 March 15.

<sup>96</sup>Quxia Township, “Quxia Township ‘Four Insists’ To Continue To Elevate Family Planning Service Standard” [Quxia zhen “sige jianchi” buduan tigao jisheng fuwu shuiping], reprinted in Taixing City Family Planning Commission, 26 December 14; Niu Bai, Ningjin County Population and Family Planning Commission, “Ningjin County Convenes Population and Family Planning Work Meeting” [Ningjin xian zhaokai renkou he jihua shengyu gongzuo huiyi], 25 March 15.

<sup>97</sup>Hu Caixia, “Zimenqiao Township Strictly Plans Spring Family Planning Work” [Zimenqiao zhen yanmi bushu chunji jihua shengyu gongzuo], Shuang Feng Net, 9 March 15; Yonghe Township People’s Government, “Yonghe Township Earnestly Plans 2015 Population and Family Planning Work” [Yonghe zhen renzhen mouhua 2015 nian renkou jisheng gongzuo], 26 January 15.

<sup>98</sup>Ma Jianwen, “Investigation Into the ‘Three Inspections’ of Rural Family Planning” [Nongcun jihua shengyu zhong de “san cha” qingkuang diaocha], Women’s Rights in China, reprinted in Boxun, 15 April 09; Yonghe Township People’s Government, “Yonghe Township Earnestly Plans 2015 Population and Family Planning Work” [Yonghe zhen renzhen mouhua 2015 nian renkou jisheng gongzuo], 26 January 15; Hu Caixia, “Zimenqiao Township Strictly Plans Spring Family Planning Work” [Zimenqiao zhen yanmi bushu chunji jihua shengyu gongzuo], Shuang Feng Net, 9 March 15.

<sup>99</sup>“Chinese People Suffer From Family Planning [Policy’s] Forced Sterilizations and Abortions” [Jihua shengyu qiangzhi jieza renliu hai ku le zhongguo ren], Tencent, 15 June 12; Yonghe Township People’s Government, “Yonghe Township Earnestly Plans 2015 Population and Family Planning Work” [Yonghe zhen renzhen mouhua 2015 nian renkou jisheng gongzuo], 26 January 15; Hu Caixia, “Zimenqiao Township Strictly Plans Spring Family Planning Work” [Zimenqiao zhen yanmi bushu chunji jihua shengyu gongzuo], Shuang Feng Net, 9 March 15.

<sup>100</sup>Nangong City Population and Family Planning Commission, “Nangong City Holds Family Planning Work Meeting Involving Three Levels of Cadres” [Nangong shi zhaokai jihua shengyu

gongzuo sanji ganbu da hui], 29 January 15; Ningjin County Fee Collection Administration, “Spare No Efforts To Start an Upsurge for Family Planning Service Activities” [Quanli yifu xianqi jisheng fuwu huodong gaochao], 25 March 15. “Social compensation fees” are also known as “social maintenance fees.”

<sup>101</sup> Tan Fangzhi, Baiyangxi Township People’s Government, “Baiyangxi Township ‘Fights Hard’ To Carry Out Targeted Family Planning Service Activities” [Baiyangxi xiang kaizhan jizhong jisheng fuwu huodong yeshi “man pin de”], 5 March 15.

<sup>102</sup> Ibid.

<sup>103</sup> “Two Provinces’ Two-Child Policies for Remarried Couples Come Into Conflict, Pregnant Teacher With Anhui Birth Permit Is Ordered To Get Abortion in Guizhou” [Liang sheng zaihun erhai zhengce chongtu, huaiyun jiaoshi you anhui zhunsheng zheng bei guizhou zeling yincan], The Paper, 18 May 15.

<sup>104</sup> Ibid.

<sup>105</sup> Li Chunhui, “Guizhou Province Responds to the Case of a Five-Months-Pregnant School Teacher With Birth Permit Still Being Ordered To Have an Abortion” [Guizhou huiying huaiyun 5 yue nu jiaoshi chi zhunsheng zheng reng bei zeling yincan], Xinhua, reprinted in CCTV, 20 May 15; “Pregnant Female Teacher Has Birth Permit From Anhui Province, Guizhou Province Demands Abortion, Then Recants” [Huaiyun nu jiaoshi chi anhui zhunsheng zheng guizhou yaoqiu yincan you gaikou], Shanghai Morning Post, reprinted in Southern Metropolitan Daily, 20 May 15.

<sup>106</sup> “Pregnant Female Teacher Has Birth Permit From Anhui Province, Guizhou Province Demands Abortion, Then Recants” [Huaiyun nu jiaoshi chi anhui zhunsheng zheng guizhou yaoqiu yincan you gaikou], Shanghai Morning Post, reprinted in Southern Metropolitan Daily, 20 May 15; Anhui Province People’s Congress Standing Committee, Anhui Province Population and Family Planning Regulations [Anhui sheng renkou yu jihua shengyu tiaoli], issued 28 July 02, amended 26 June 04, 24 February 11, 22 January 14, art. 20(4).

<sup>107</sup> Li Chunhui, “Guizhou Province Responds to the Case of a Five-Months-Pregnant School Teacher With Birth Permit Still Being Ordered To Have an Abortion” [Guizhou huiying huaiyun 5 yue nu jiaoshi chi zhunsheng zheng reng bei zeling yincan], Xinhua, reprinted in CCTV, 20 May 15; “Pregnant Female Teacher Has Birth Permit From Anhui Province, Guizhou Province Demands Abortion, Then Recants” [Huaiyun nu jiaoshi chi anhui zhunsheng zheng guizhou yaoqiu yincan you gaikou], Shanghai Morning Post, reprinted in Southern Metropolitan Daily, 20 May 15.

<sup>108</sup> “Pregnant Female Teacher Has Birth Permit From Anhui Province, Guizhou Province Demands Abortion, Then Recants” [Huaiyun nu jiaoshi chi anhui zhunsheng zheng guizhou yaoqiu yincan you gaikou], Shanghai Morning Post, reprinted in Southern Metropolitan Daily, 20 May 15; Guizhou Province People’s Congress Standing Committee, Guizhou Province Population and Family Planning Regulations [Guizhou sheng renkou yu jihua shengyu tiaoli], issued 24 July 98, effective 27 July 98, amended 29 September 02, 25 September 09, 17 May 14, art. 34(4).

<sup>109</sup> “Pregnant Female Teacher Has Birth Permit From Anhui Province, Guizhou Province Demands Abortion, Then Recants” [Huaiyun nu jiaoshi chi anhui zhunsheng zheng guizhou yaoqiu yincan you gaikou], Shanghai Morning Post, reprinted in Southern Metropolitan Daily, 20 May 15; “Guizhou Province Health and Family Planning Commission: Notice Used To Order Pregnant Teacher To Terminate Pregnancy Invalid” [Guizhou sheng weijiwei: zeling huaiyun jiaoshi zhongzhi renshen de tongzhi wuxiao], Radio Free Asia, 19 May 15.

<sup>110</sup> Sun Ying, “Twins Already Four Years Old but Are Still ‘Illegal Residents,’ Public Security Bureau: [Mother] Must Be Sterilized Before Hukou Can Be Registered” [Shuangbaotai chusheng si nian reng shi “heihu” gong’anju: xiang shanghu xian jieza], China National Radio, 19 May 15.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Tang Ru, “Pingjiang County, Hunan Province: Family Planning Office Distributes Assignments, Forced Procedures Imposed on Women” [Hunan pingjiang xian: jisheng fenpei renwu funu qiangzhi shoushu], Consumption Daily, 11 December 14.

<sup>115</sup> Ibid.

<sup>116</sup> PRC Measures for Administration of Collection of Social Maintenance Fees [Shehui fuyang fei zhengshou guanli banfa], issued 2 August 02, effective 1 September 02, arts. 3, 7.

<sup>117</sup> All Girls Allowed, “One-Child Policy Fines Relative to Income Levels in China,” 1 November 12. See, e.g., Shaanxi Provincial Implementing Measures for Collection and Management of Social Maintenance Fees [Shanxi sheng shehui fuyang fei zhengshou guanli shishi banfa], issued 8 June 04, effective 1 August 04, art. 5(1). In Shaanxi province, individuals in violation of local population planning regulations can each be fined three to six times the amount of the average income of a resident in their locality, sometimes more, based on their income compared to the average income of local residents the previous year.

<sup>118</sup> See, e.g., Shaanxi Provincial Implementing Measures for Collection and Management of Social Maintenance Fees [Shanxi sheng shehui fuyang fei zhengshou guanli shishi banfa], issued 8 June 04, effective 1 August 04, art. 5(1). In Shaanxi province, married couples who violate local population planning regulations can each be fined three to six times the amount of the average income of a resident in their locality, sometimes more, based on their income compared to the average income of local residents the previous year. For a recent example in Lanba township, Shuicheng county, Guizhou province, see “Woman in Lanba Township, Shuicheng County, Guizhou, Detained and Beaten During Forced Pregnancy Inspection” [Guizhou shuicheng xian lanba zhen funu bei qiangzhi chayun zhong, bei guanya ouda], Radio Free Asia, 22 January 15; “Shandong Family Unable To Pay Fines, [Authorities] Even Detain an Infant” [Shandong chaosheng hu jiao bu qi fakuan lian dai ying’er ye bei ju], The Paper, reprinted in Women’s Rights in China, 12 December 14.

<sup>119</sup>“Shandong Family Unable To Pay Fines, [Authorities] Even Detain an Infant” [Shandong chaosheng hu jiao buqi fakuan lian dai ying'er ye bei jul], The Paper, reprinted in Women's Rights in China, 12 December 14.

<sup>120</sup>Ibid. An “out-of-plan” child refers to a child born to parents who failed to obtain a birth permit prior to the birth of the child. An “out-of-plan” birth can include, but is not limited to, three scenarios: parents fail to obtain a marriage certificate prior to giving birth; parents are eligible to have a child but failed to obtain a birth permit; or parents give birth in excess of government-imposed limits. Children born in violation of relevant family planning regulations are considered “out-of-plan.” See Family Planning Office of the Ocean University of China, “Must-Know Family Planning Knowledge Questions and Answers” [Jisheng ying zhi ying hui zhishi wenda], 27 November 07, item 18; “Provincial Public Security Bureau, Family Planning Commission: Family Planning Certificate or Proof of Sterilization Are No Longer Required for Households To Register Out-of-Plan Births” [Sheng gong'anju, sheng weijiwei xiawen: zhengce wai shengyu ru hu buzai chayan jisheng zhengming huo jieza zhengming], Aiweibang, 1 July 15.

<sup>121</sup>“Shandong Family Unable To Pay Fines, [Authorities] Even Detain an Infant” [Shandong chaosheng hu jiao bu qi fakuan lian dai ying'er ye bei jul], The Paper, reprinted in Women's Rights in China, 12 December 14.

<sup>122</sup>“Regulations on the Collection and Management of Social Compensation Fees, Soliciting Comments and Proposing Unified Collection Standards” [Shehui fuyang fei zhengshou guanli tiaoli zhengqiu yijian ni tongyi zhengshou biao zhun], People's Daily, 20 November 14.

<sup>123</sup>Ibid., art. 6; Zhang Ran, “Fines for Second Child Not To Exceed Three Times the Per Capita Income of One's Hukou Locale” [Chaosheng ertai fakuan bu gao yu huji di sanbei renjun shouru], Jinghua Net, 21 November 14; Wen Ru, “Social Compensation Fees Expected To Lower in Beijing” [Beijing shehui fuyang fei you wang jiangdi], Beijing News, 22 November 14.

<sup>124</sup>“Regulations on the Collection and Management of Social Compensation Fees, Soliciting Comments and Proposing Unified Collection Standards” [Shehui fuyang fei zhengshou guanli tiaoli zhengqiu yijian ni tongyi zhengshou biao zhun], People's Daily, 20 November 14, art. 3; Zhang Ran, “Fines for Second Child Not To Exceed Three Times the Per Capita Income of One's Hukou Locale” [Chaosheng ertai fakuan bu gao yu huji di sanbei renjun shouru], Jinghua Net, 21 November 14; “Why Have Social Compensation Fees' Whereabouts Become A Mystery” [Shehui fuyang fei, weihe quxiang cheng mi], China United Television, 10 December 14.

<sup>125</sup>“Regulations on the Collection and Management of Social Compensation Fees, Soliciting Comments and Proposing Unified Collection Standards” [Shehui fuyang fei zhengshou guanli tiaoli zhengqiu yijian ni tongyi zhengshou biao zhun], People's Daily, 20 November 14, art. 8; Zhang Ran, “Fines for Second Child Not To Exceed Three Times the Per Capita Income of One's Hukou Locale” [Chaosheng ertai fakuan bu gao yu huji di sanbei renjun shouru], Jinghua Net, 21 November 14.

<sup>126</sup>Jiang Jie, “NPC Members Call for End to ‘Social Maintenance Fees,’” Global Times, 29 November 14; “Over Ten Thousand People Sent Joint Letter to the National People's Congress and State Council Calling for the Cancellation of Social Compensation Fees” [Wan ren lianshu zhixin renda guowuyuan huyu quxiao shehui fuyang fei], Radio Free Asia, 8 December 14.

<sup>127</sup>Zhao Meng, “Public Comments Solicitation for the Regulations on the Collection of Social Compensation Fees Closes, 14 Lawyers Sent Letter to State Council Calling for Abolishment” [Shehui fuyang fei zhengshou tiaoli zhengqiu yijian jiezhi, 14 lushi zhi xin guowuyuan yu quxiao], The Paper, 21 December 14; Jiang Jie, “NPC Members Call for End to ‘Social Maintenance Fees,’” Global Times, 29 November 14; “Over Ten Thousand People Sent Joint Letter to the National People's Congress and State Council Calling for the Cancellation of Social Compensation Fees” [Wan ren lianshu zhixin renda guowuyuan huyu quxiao shehui fuyang fei], Radio Free Asia, 8 December 14; “50 Law Professors Sign Joint Proposal: Abolish Social Compensation Fees” [50 ming faxue jiaoshou lianming jianyi: quxiao shehui fuyang fei], Tencent, 22 March 15.

<sup>128</sup>“NHFP Said, Social Compensation Fees Will Not Be Abolished” [Weijiwei shuo le, shehui fuyang fei bu quxiao], Anhui News, 3 December 14; “Over Ten Thousand People Sent Joint Letter to the National People's Congress and State Council Calling for the Cancellation of Social Compensation Fees” [Wan ren lianshu zhixin renda guowuyuan huyu quxiao shehui fuyang fei], Radio Free Asia, 8 December 14; Shan Juan, “Family Size Violation Fees To Stay,” China Daily, 3 December 14.

<sup>129</sup>UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at Its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 38.

<sup>130</sup>Cao Siqu, “Remarried Couples Still Face Baby Restrictions,” Global Times, 30 March 15.

<sup>131</sup>Ibid.; Guangxi Zhuang Autonomous Region People's Congress Standing Committee, Guangxi Zhuang Autonomous Region Population and Family Planning Regulations [Guangxi zhuangzu zizhiqu renkou yu jihua shengyu tiaoli (2014 nian 1 yue xiuzheng)], issued 23 March 12, amended 13 January 14, art. 14(5).

<sup>132</sup>Cao Siqu, “Remarried Couples Still Face Baby Restrictions,” Global Times, 30 March 15; Zhao Meng, “In Line With National Guidelines but Not Local Regulations, A Special Remarried Family in Guangxi Encounters Awkwardness With Giving Birth” [Fuhe guojia wenjian bu fuhe difang tiaoli, guangxi teshu zaihun jiating zaoyu shengyu gan'ga], The Paper, 29 March 15.

<sup>133</sup>Cao Siqu, “Remarried Couples Still Face Baby Restrictions,” Global Times, 30 March 15; Guangxi Zhuang Autonomous Region People's Congress Standing Committee, Guangxi Zhuang Autonomous Region Population and Family Planning Regulations [Guangxi zhuangzu zizhiqu renkou yu jihua shengyu tiaoli (2014 nian 1 yue xiuzheng)], issued 23 March 12, amended 13 January 14, art. 14(5).

<sup>134</sup>Cao Siqu, “Remarried Couples Still Face Baby Restrictions,” Global Times, 30 March 15.

<sup>135</sup> See, e.g., Dong Zhenjie, "Child Born Ten Years Ago but Still Unable To Register Hukou, Father Sues Shenzhen Public Security Bureau" [Haizi chusheng shi nian wufa ban hukou fuqin gao shenzhen gong'anju], *Legal Evening Report*, 8 January 15; Han Ximin, "Girl Denied SZ Hukou Appeals Court Ruling," *Shenzhen Daily*, 25 June 15.

<sup>136</sup> Han Xiao, "Unmarried Father Left, Son and Daughter Have Difficulty Registering Hukou and Will Face Problems at School Age" [Weihun baba pao le nan luohu yi shuang ernu dao shangxue nianling cheng nanti], *Qilu Evening News*, reprinted in *China Tibet Online*, 13 March 15; Wang Na, "Lintong Court: Difficult for Children Born to Unmarried Parents To Obtain Hukou, Mediation Documents Solve the Problem" [Lintong fayuan: feihun zinu nan luohu tiaojie wenshu jie qi nan], *China Court Network*, 27 March 15.

<sup>137</sup> Wan Haiyuan, "China's 'Illegal Residents' Survey" [Zhongguo "heihu" qunti diaocha], *South Reviews*, 27 February 15.

<sup>138</sup> Ibid.; Nathan VanderKlippe, "The Ghost Children: In the Wake of China's One-Child Policy, A Generation Is Lost," *Globe and Mail*, 15 March 15; Stephanie Gordon, "China's Hidden Children," *The Diplomat*, 12 March 15; Han Xiao, "Unmarried Father Left, Son and Daughter Have Difficulty Registering Hukou and Will Face Problems at School Age" [Weihun baba pao le nan luohu yi shuang ernu dao shangxue nianling cheng nanti], *Qilu Evening News*, reprinted in *China Tibet Online*, 13 March 15.

<sup>139</sup> Wan Haiyuan, "China's 'Illegal Residents' Survey" [Zhongguo "heihu" qunti diaocha], *South Reviews*, 27 February 15.

<sup>140</sup> National Health and Family Planning Commission, "Hubei Province Issues Regulations To Strengthen the Management of Birth Registration" [Hubei sheng chutai guiding jiaqiang chusheng renkou dengji guanli], 23 March 15; Wu Changhua, "Hubei Issues Newborn Children Hukou Registration Provisions, Children Born to Unmarried Parents and Parents Who Exceed Birth Quotas Can Register Hukou Normally" [Hubei chutai xinsheng'er hukou dengji guiding feihun sheng ji chaosheng ying'er ke zhengchang shang hukou], *Jingchu Net*, 3 March 15.

<sup>141</sup> UN Committee on the Rights of the Child, Concluding Observations on the Combined Third and Fourth Periodic Reports of China, Adopted by the Committee at Its Sixty-Fourth Session (16 September–4 October 2013), CRC/C/CHN/CO/3–4, 29 October 13, paras. 39, 40(a–b).

<sup>142</sup> Wang Zhenghua, "'Secret' Children Could Cost State Workers Their Jobs," *China Daily*, 26 March 15; "Two Provinces' Two-Child Policies for Remarried Couples Come Into Conflict, Pregnant Teacher With Anhui Birth Permit Is Ordered To Get Abortion in Guizhou" [Liang sheng zaihun erhai zhengce chongtu, huaiyun jiaoshi you anhui zhunsheng zheng bei guizhou zeling yincan], *The Paper*, 18 May 15.

<sup>143</sup> For reports of officials depriving citizens of their personal liberty with no legal basis in order to forcibly implement population planning policies, see, e.g., "Woman in Lanba Township, Shuicheng County, Guizhou, Detained and Beaten During Forced Pregnancy Inspection" [Guizhou shuicheng xian lanba zhen funu bei qiangzhi chayun zhong, bei guanya ouda], *Radio Free Asia*, 22 January 15; "Shandong Family Unable To Pay Fines, [Authorities] Even Detain an Infant" [Shandong chaosheng hu jiao bu qi fakuan lian dai ying'er ye bei ju], *The Paper*, reprinted in *Women's Rights in China*, 12 December 14.

<sup>144</sup> "Two Provinces' Two-Child Policies for Remarried Couples Come Into Conflict, Pregnant Teacher With Anhui Birth Permit Is Ordered To Get Abortion in Guizhou" [Liang sheng zaihun erhai zhengce chongtu, huaiyun jiaoshi you anhui zhunsheng zheng bei guizhou zeling yincan], *The Paper*, 18 May 15. See also Liu Xin, "Shandong County Denies 'Abortion Quotas,'" *Global Times*, 26 May 15; Tan Fangzhi, Baiyangxi Township People's Government, "Baiyangxi Township 'Fights Hard' To Carry Out Targeted Family Planning Service Activities" [Baiyangxi xiang kaizhan jizhong jisheng fuwu huodong yeshi "man pin de"], 5 March 15.

<sup>145</sup> Sun Ying, "Twins Already Four Years Old but Are Still 'Illegal Residents,' Public Security Bureau: [Mother] Must Be Sterilized Before Hukou Can Be Registered" [Shuangbaotai chusheng si nian reng shi "heihu" gong'anju: xiang shanghu xian jieza], *China National Radio*, 19 May 15. See also Tang Ru, "Pingjiang County, Hunan Province: Family Planning Office Distributes Assignments, Forced Procedures Imposed on Women" [Hunan pingjiang xian: jisheng fenpei renwu funu qiangzhi shoushu], *Consumption Daily*, 11 December 14; "Family Planning Office of Sizhang Township, Sishui County, Jinling Municipality, Illegally Implements Forced Sterilization" [Jining shi sishui xian sizhang zhen jisheng ban weigui qiangzhi jieza], *Qilu Net*, 6 May 15; Tan Fangzhi, Baiyangxi Township People's Government, "Baiyangxi Township 'Fights Hard' To Carry Out Targeted Family Planning Service Activities" [Baiyangxi xiang kaizhan jizhong jisheng fuwu huodong yeshi "man pin de"], 5 March 15.

<sup>146</sup> PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, effective 1 September 02, arts. 4, 39. Article 4 of the PRC Population and Family Planning Law (PFPL) states that officials "shall perform their administrative duties strictly in accordance with the law, and enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens." Article 39 states that an official is subject to criminal or administrative punishment if he "infring[es] on a citizen's personal rights, property rights, or other legitimate rights and interests" or "abus[es] his power, neglect[s] his duty, or engag[es] in malpractices for personal gain" in the implementation of population planning policies.

<sup>147</sup> "Another One on the Way," *China Daily*, reprinted in *The Star*, 3 May 15.

<sup>148</sup> Nicola Davison, "China Struggles To Loosen One-Child Policy as Couples Urged To Apply for Second Child," *Telegraph*, 28 January 15; Winston Mok, "China's Rise Jeopardised by Declining Workforce," *South China Morning Post*, 23 March 15; "Experts Call for Accelerated Removal of China's 2nd Child Policy," *CCTV America*, 27 February 15; Mu Guangzong, "Two-Child Policy Fundamental to Population Security," *China Daily*, 5 March 15; Liu Zhongliang, "Ultra-Low Fertility Rate Will Cause China To Become the World's Largest 'Industrial Wasteland'" [Chao di shengyu lu jiang shi zhongguo bian cheng quanqiu zui da "gongye feixu"], *Caogen*, 7 March 15.

<sup>149</sup>Nicola Davison, "China Struggles To Loosen One-Child Policy as Couples Urged To Apply for Second Child," *Telegraph*, 28 January 15; "Another One on the Way," *China Daily*, reprinted in *The Star*, 3 May 15.

<sup>150</sup>Winston Mok, "China's Rise Jeopardised by Declining Workforce," *South China Morning Post*, 23 March 15; Nicola Davison, "China Struggles To Loosen One-Child Policy as Couples Urged To Apply for Second Child," *Telegraph*, 28 January 15.

<sup>151</sup>Matt Joass, "7 Big China Myths Busted," *Motley Fool*, 16 February 15; "China's One-Child Policy Backfires as Labor Pool Shrinks Again," *Bloomberg*, 20 January 15.

<sup>152</sup>National Bureau of Statistics of China, "China's Economy Realized a New Normal of Stable Growth in 2014," 20 January 15; "China's Workforce Shrinks by Nearly 4 Million Amid Greying Population," *South China Morning Post*, 21 January 15; "China Workers Decline as Demographic Time Bomb Ticks," *Agence France-Presse*, reprinted in *Daily Mail*, 20 January 15.

<sup>153</sup>Matt Joass, "7 Big China Myths Busted," *Motley Fool*, 16 February 15; John Knight et al., *East Asia Forum*, "China's Declining Working-Age Population," 19 April 13.

<sup>154</sup>National Bureau of Statistics of China, "China's Economy Realized a New Normal of Stable Growth in 2014," 20 January 15; "China's Workforce Shrinks by Nearly 4 Million Amid Greying Population," *South China Morning Post*, 21 January 15; "China Workers Decline as Demographic Time Bomb Ticks," *Agence France-Presse*, reprinted in *Daily Mail*, 20 January 15.

<sup>155</sup>"China Media: Ageing Concerns," *BBC*, 13 January 15; Simon Denyer, "'One Is Enough': Chinese Families Lukewarm Over Easing of One-Child Policy," *Washington Post*, 25 January 15; "Another One On the Way," *China Daily*, reprinted in *The Star*, 3 May 15.

<sup>156</sup>Jeremy Koh, "China May See New Baby Boom After Easing Policy," *Channel NewsAsia*, 25 February 15; Wang Xiaodong, "All Couples May Be Allowed To Have a Second Child Soon: Experts," *China Daily*, 8 May 15.

<sup>157</sup>Emily Tsang, "Ageing China Braces for Onslaught of Dementia With 30M Cases Predicted by 2050," *South China Morning Post*, 26 January 15; Simon Denyer, "'One Is Enough': Chinese Families Lukewarm Over Easing of One-Child Policy," *Washington Post*, 25 January 15; David McKenzie, "For China, Three Decades of One-Child Policy Proves Hard To Undo," *CNN*, 30 March 15.

<sup>158</sup>"China's One-Child Policy Backfires as Labor Pool Shrinks Again," *Bloomberg*, 20 January 15; David McKenzie, "For China, Three Decades of One-Child Policy Proves Hard To Undo," *CNN*, 30 March 15; Jeremy Koh, "Greater Relaxation of China's One-Child Policy Needed: Analysts," *Channel NewsAsia*, 26 January 15.

<sup>159</sup>"Experts Call for Accelerated Removal of China's 2nd Child Policy," *CCTV America*, 27 February 15.

<sup>160</sup>Mu Guangzong, "Two-Child Policy Fundamental to Population Security," *China Daily*, 5 March 15.

<sup>161</sup>"NHFPCC Revealed for the First Time To Comprehensively Relax the Two-Child Policy, Currently Working on Drafting Relevant Regulations" [Weijiwei shouci toulou quanmian fangkai er tai muqian zhengzai zhuajin zhiding xiangguan guiding], *Morning Express*, reprinted in *China National Radio*, 14 July 15; Li Wen, "CASS: China Should Relax the Two-Child Policy as Soon as Possible" [Shekeyuan: zhongguo ying jinkuai fangkuan shengyu liang hai zhengce], *BBC*, 15 December 14; Li Xinling, "Number of Applications for a 'Second Child for Married Couples in Which One Parent Is an Only Child' Lower Than Expected Across the Nation" [Gedi "dandu erhai" shengqing liang di yu yuqi], *China Youth Daily*, 11 January 15.

<sup>162</sup>National Health and Family Planning Commission, "Interpretation of the 'Circular on Strengthening the Fight, Prevention, and Control of Fetal Gender Identification by Blood Test'" [Guanyu jiaqiang daji fangkong caixie jian ding tai'er xingbie xingwei de tongzhi] wenjian jiedu], 21 January 15; Catherine Wong Tsoi-lai, "Gender Imbalance Plagues Shandong," *Global Times*, 29 January 15.

<sup>163</sup>For regulations prohibiting the practices of non-medically necessary gender determination testing and sex-selective abortion, see National Health and Family Planning Commission et al., *Circular on Strengthening the Fight, Prevention, and Control of Fetal Gender Identification by Blood Test* [Guanyu jiaqiang daji fangkong caixie jian ding tai'er xingbie xingwei de tongzhi], issued 26 December 14; State Commission for Population and Family Planning, Ministry of Health, State Food and Drug Administration, *Regulations Regarding the Prohibition of Non-Medically Necessary Gender Determination Examinations and Sex-Selective Termination of Pregnancy* [Guanyu jin zhi fei yixue xuyao de tai'er xingbie jian ding he xuanze xingbie de rengong zhongzhi renshen de guiding], issued 29 November 02, effective 1 January 03. For a report on the earlier regulation, see "China Bans Sex-Selection Abortion," *Xinhua*, reprinted in *China Internet Information Center*, 22 March 03. See also PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, effective 1 September 02, art. 22. According to Article 22, "Discrimination against, maltreatment, and abandonment of baby girls are prohibited."

<sup>164</sup>Shan Juan, "Gang Busted for Illegal Gender Selection Testing," *China Daily*, 20 January 14. According to Zhai Zhenwu, a professor at the Renmin University School of Sociology and Population Studies, son preference is the "root cause" of China's skewed sex ratio, and "the preference for boys became more intense as the three-decade-old family planning policy restricted most families to just one child." See also "China Media: Economic Resilience," *BBC*, 21 January 15; Will Hall, "China Admits It Is Plunging Toward Crisis," *Christian Examiner*, 22 January 15.

<sup>165</sup>National Health and Family Planning Commission, "Interpretation of the 'Circular on Strengthening the Fight, Prevention, and Control of Fetal Gender Identification by Blood Test'" [Guanyu jiaqiang daji fangkong caixie jian ding tai'er xingbie xingwei de tongzhi] wenjian jiedu], 21 January 15; "China's Gender Imbalance Crisis 'Most Serious in the World,' Direct Result of One-Child Policy," *Inquisitr*, 21 January 15; "China Workers Decline as Demographic Time Bomb Ticks," *Agence France-Presse*, reprinted in *Daily Mail*, 20 January 15; Will Hall,

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<sup>166</sup>Hu Cao, "Males Outnumber Females by 34 Million in China," *CCTV*, 30 January 15; Yuan Ren, "Oh China, This Isn't How To Solve Your 'Girl Problem,'" *Telegraph*, 27 February 15.

<sup>167</sup>National Health and Family Planning Commission, "Interpretation of the 'Circular on Strengthening the Fight, Prevention, and Control of Fetal Gender Identification by Blood Test' [Guanyu jiaqiang daji fangkong caixie jiangding tai'er xingbie xingwei de tongzhi] wenjian jiedu], 21 January 15; Catherine Wong Tsoi-lai, "Gender Imbalance Plagues Shandong," *Global Times*, 29 January 15; "Gender Crisis Spurs Call," *The Standard*, 22 January 15; Hu Cao, "Males Outnumber Females by 34 Million in China," *CCTV*, 30 January 15.

<sup>168</sup>UN Committee on the Rights of the Child, Concluding Observations on the Combined Third and Fourth Periodic Reports of China, Adopted by the Committee at Its Sixty-Fourth Session (16 September–4 October 2013), CRC/C/CHN/CO/3–4, 29 October 13, para. 28.

<sup>169</sup>Andrea den Boer and Valerie M. Hudson, "The Security Risk of China's Abnormal Demographics," *Washington Post*, 30 April 14.

<sup>170</sup>Khuon Narim and Simon Henderson, "Nine Cambodian Women Seek Refuge in China," *Cambodia Daily*, 29 November 14; Jina Moore, "Cambodia Is China's Newest Market for Foreign Brides," *BuzzFeed*, 5 February 15.

<sup>171</sup>"Lao, Chinese Police Team Up in Search for Trafficked Lao Girl," *Radio Free Asia*, 13 March 15; U.S. Department of State, "Trafficking in Persons Report 2014," June 2014, 132.

<sup>172</sup>U.S. Department of State, "Trafficking in Persons Report 2014," June 2014, 132.

<sup>173</sup>Jonah Fisher, "Sold in Myanmar and Trafficked to China," *BBC*, 11 January 15; Paul Carsten, "China Seizes 31 Trafficking Suspects Holding Myanmar Women," *Sydney Morning Herald*, 25 November 14; "Burmese Girls 'Sold As Brides' in Rural China," *BBC*, 24 November 14.

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<sup>179</sup>*Ibid.*

<sup>180</sup>"Shandong Uncovers 'Underground Delivery Room,' 7 Infants Suffer from Syphilis and AIDs" [Shandong pohuo "dixia chanfang" 7 yingyou'er huan meidu aizi], *Beijing Times*, 14 January 15.

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## FREEDOM OF RESIDENCE AND MOVEMENT

*Freedom of Residence*

The Chinese government largely continued to enforce the household registration (*hukou*) system established in 1958.<sup>1</sup> The *hukou* system classifies Chinese citizens as either rural or urban, and confers legal rights and access to public services based on the classification.<sup>2</sup> While Chinese officials have gradually loosened restrictions resulting from the *hukou* system, it remains a “mechanism determining one’s eligibility for full citizenship, social welfare, and opportunities for social mobility.”<sup>3</sup> The *hukou* system conflicts with international human rights standards guaranteeing freedom to choose one’s residence and prohibiting discrimination on the basis of “national or social origin[,] . . . birth or other status.”<sup>4</sup>

The implementation of *hukou* regulations discriminates against rural *hukou* holders, including those who migrate to urban areas, by denying them equal access to social benefits and public services enjoyed by registered urban residents.<sup>5</sup> These benefits and services include, for example, equitable access to free education, social insurance programs, and housing funding.<sup>6</sup> Many migrant workers do not participate in social insurance or health insurance programs, reportedly because they do not expect to qualify to receive adequate benefits after paying in.<sup>7</sup> Additionally, authorities use the *hukou* system to punish parents who do not comply with family planning requirements.<sup>8</sup> [For more information on the *hukou* system and population planning policy, see Section II—Population Control.]

Following the State Council’s July 2014 opinion on *hukou* system reform,<sup>9</sup> the Chinese government took steps toward establishing a nationwide system of residence permits that would in theory give migrants and their families local resident status after meeting certain criteria.<sup>10</sup> The State Council in December 2014 released draft measures on the residence permit system, setting conditions that migrants must meet to apply for local resident status.<sup>11</sup> These conditions vary depending on the size of the locality. In towns and small cities, migrants are required to have a stable residence and to have lived in the locality for more than six months.<sup>12</sup> Large cities, however, are permitted to establish points systems whereby migrants must meet certain criteria in order to be eligible for residence permits, including having stable employment and residence, contributing to social insurance programs, and meeting educational requirements.<sup>13</sup>

The draft measures do not eliminate the difficulties many migrants face in freely choosing their places of residence and obtaining equal access to public services. The residence permit criteria are reportedly difficult for many migrant workers to meet, due to their income levels and socio-economic status.<sup>14</sup> Under the draft measures, large cities, which offer greater economic opportunity to migrant workers, maintain restrictive conditions for obtaining local resident status.<sup>15</sup> Local governments have cited the fiscal burden of providing public benefits<sup>16</sup> and “carrying capacity”<sup>17</sup> among the reasons for restrictions on migrants.

The national-level draft measures would neither delink resident status from provision of public benefits<sup>18</sup> nor would they provide



for reducing the disparity in benefits between rural and urban resident status.<sup>19</sup> Some provincial authorities, however, planned to eliminate<sup>20</sup> the distinction between rural and urban resident status.<sup>21</sup> Several provinces planned to retain the linkage between residence and benefits.<sup>22</sup> As of June 2015, 17 province-level governments had issued implementing or draft opinions outlining reforms to the *hukou* system.<sup>23</sup>

During the Commission's 2015 reporting year, Chinese central and provincial authorities began to implement an urbanization plan, passed in March 2014, under which 100 million migrants from rural areas will settle in urban areas by 2020.<sup>24</sup> The National Development and Reform Commission and 10 other agencies issued an urbanization pilot project in December 2014, selecting 2 provinces and 62 prefecture-level and county-level cities and towns<sup>25</sup> to implement its first stages before expanding it nationally.<sup>26</sup> The pilot project outlines various mechanisms for promoting rural-to-urban migration, including sharing the cost of rural-to-urban population movement, financing and investment, and reforms to rural land management,<sup>27</sup> as well as furthering *hukou* reform by revising conditions for settling in the pilot areas.<sup>28</sup>

#### *International Travel*

Chinese officials continued to deny some citizens who criticize the government, those citizens' relatives, and some ethnic minority groups their internationally recognized right to leave the country. Article 12 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed and committed to ratify, provides that "[e]veryone shall be free to leave any country . . . ."<sup>29</sup> Under Article 12, countries may restrict this right, but only "to protect national security, public order" and other select public interests.<sup>30</sup> Broadly written Chinese laws provide officials the authority to block those threatening state security or whose "exit from China is not allowed" from leaving the country,<sup>31</sup> an authority which the Chinese government used to prevent government critics, rights defenders, and advocates from leaving China.<sup>32</sup>

Tibetans<sup>33</sup> and Uyghurs<sup>34</sup> reportedly continued to face restrictions on leaving China, including in obtaining passports.<sup>35</sup> According to Human Rights Watch, authorities used discriminatory "slow-track" passport application procedures in some areas with significant Tibetan and Uyghur populations to deny Tibetans and Uyghurs passports, or delay their issuance, due to their ethnic or religious minority status.<sup>36</sup> In March, officials in Ili prefecture, Xinjiang Uyghur Autonomous Region (XUAR), ordered residents to turn in their passports to authorities, apparently as part of a regional security crackdown that critics said violates Uyghur residents' freedom of movement.<sup>37</sup> As the Commission has observed in previous years, XUAR authorities reportedly restricted the ability of Muslims to travel abroad on pilgrimage, allowing only government-organized group travel.<sup>38</sup> Authorities in the Tibet Autonomous Region reportedly continued to impose onerous and arbitrary bureaucratic procedures on Tibetans to obstruct or prevent them from obtaining passports and traveling internationally.<sup>39</sup> [For more information on government restrictions on Uyghurs and Tibetans, see Section IV—Xinjiang and Section V—Tibet.]

Article 12 of the ICCPR also provides that “[n]o one shall be arbitrarily deprived of the right to enter his own country.”<sup>40</sup> The Chinese government, including Hong Kong and Macau authorities,<sup>41</sup> continued to deny this right to those expressing views the government deems to be critical of the Party or government, in violation of international standards.

The Commission observed reports on the following representative cases during the 2015 reporting year:

- In October 2014, authorities in Henan province confiscated the passport of HIV/AIDS activist **Wang Qiuyun** and placed her under surveillance in Hebi city, Henan.<sup>42</sup> Wang was to participate in the UN Committee for the Elimination of Discrimination against Women’s review of China’s compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Geneva.<sup>43</sup>
- In March 2015, domestic security officials in Guangzhou municipality, Guangdong province, prevented lawyer **Sui Muqing** from flying to Thailand for vacation.<sup>44</sup> Authorities reportedly considered Sui a “threat to state security” and therefore stopped him from traveling.<sup>45</sup> Sui has provided legal assistance to a number of rights advocates and activists, including rights lawyer Ding Jiayi,<sup>46</sup> rights advocate Guo Feixiong,<sup>47</sup> and poet and artist Wang Zang.<sup>48</sup>
- In May 2015, public security authorities in Yibing municipality, Sichuan province, held rights advocate **Deng Chuanbin** for questioning and seized his passport, Hong Kong-Macau travel permit, and computing and communication devices.<sup>49</sup> Deng said that the authorities wanted to prevent him from flying to Geneva in June to participate in training provided by an international human rights organization.<sup>50</sup>
- In July 2015, authorities seized **Bao Zhuoxuan** (also known as Bao Mengmeng),<sup>51</sup> the 16-year-old son of detained lawyers Wang Yu and Bao Longjun,<sup>52</sup> at the Beijing Capital International Airport in Beijing municipality, as he was traveling with his father to Australia to attend high school.<sup>53</sup> Police reportedly confiscated Bao’s passport and held him in Tianjin municipality for two days before he went to stay with extended family in the Inner Mongolia Autonomous Region.<sup>54</sup> Bao reportedly remained under strict police monitoring there.<sup>55</sup>

#### *Domestic Movement*

This past year, the Commission observed reports of Chinese authorities punishing and harassing rights advocates and their families and associates by restricting their freedom of movement. Article 12 of the International Covenant on Civil and Political Rights provides that “[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement . . . .”<sup>56</sup> Authorities heightened restrictions on freedom of movement during politically sensitive periods, including the November 2014 Asia-Pacific Economic Cooperation Summit,<sup>57</sup> March 2015 meetings of the National People’s Congress and Chinese People’s Political Consultative Conference,<sup>58</sup> and June anniversary of the

1989 Tiananmen protests.<sup>59</sup> Representative cases of restrictions on freedom of movement include:

- Authorities continued to keep prominent rights lawyer **Gao Zhisheng** in “soft detention” (*ruanjin*), an extralegal form of home confinement, after his August 2014 release from prison.<sup>60</sup> Authorities initially convicted Gao of “inciting subversion of state power” in 2006, sentencing him to three years’ imprisonment, suspended for five years.<sup>61</sup> From 2006 to 2011, however, authorities repeatedly abducted Gao and tortured him.<sup>62</sup> In 2011, a Beijing court ordered Gao to serve his original three-year sentence.<sup>63</sup> Gao’s wife reported that authorities prevented him from leaving Urumqi municipality, Xinjiang Uyghur Autonomous Region, to join his family in the United States and to seek medical treatment for injuries he suffered during his imprisonment.<sup>64</sup>
- Public security authorities prevented Mongol rights advocate **Hada** from leaving Hohhot municipality, Inner Mongolia Autonomous Region, after releasing him from four years of extralegal detention in December 2014.<sup>65</sup> In 1996, a Hohhot court sentenced Hada to 15 years’ imprisonment for espionage and “separatism,” but upon his 2010 release from prison, authorities continued to detain him.<sup>66</sup> Authorities initially refused to issue Hada an identity card<sup>67</sup> and froze his family’s bank accounts.<sup>68</sup> Hada sought to leave China to seek medical treatment for injuries suffered under torture in prison.<sup>69</sup> Chinese authorities also denied Hada a passport, claiming his departure from China would harm national security.<sup>70</sup> [For more information on Hada, see Section II—Ethnic Minority Rights.]

## Notes to Section II—Freedom of Residence and Movement

<sup>1</sup>PRC Regulations on Household Registration [Zhonghua renmin gongheguo hukou dengji tiaoli], issued and effective 9 January 58.

<sup>2</sup>Kam Wing Chan, “Crossing the 50 Percent Population Rubicon: Can China Urbanize to Prosperity?” *Eurasian Geography and Economics*, Vol. 53, No. 1 (2012), 67.

<sup>3</sup>*Ibid.*

<sup>4</sup>International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 2(1), 12(1), 12(3), 26; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 2, 13(1).

<sup>5</sup>Kam Wing Chan, “Crossing the 50 Percent Population Rubicon: Can China Urbanize to Prosperity?” *Eurasian Geography and Economics*, Vol. 53, No. 1 (2012), 67.

<sup>6</sup>Zhou Tian, “Closer Look: Local Officials Have Little Love for National Hukou Reform,” *Caixin*, 25 February 15; Zhou Tian, “Henan and Heilongjiang Abolish Agricultural and Non-Agricultural Hukou Divide” [Henan heilongjiang quxiao nongye yu fei nong huji huafen], *Caixin*, 13 November 14.

<sup>7</sup>Shao Xi, “Study Finds Migrant Workers Excluded From Insurance Coverage,” *Caixin*, 13 October 14; Liyan Qi and Laurie Burkitt, “Falling Through the Cracks of China’s Health-Care System,” *Wall Street Journal*, 4 January 15.

<sup>8</sup>Stephanie Gordon, “China’s Hidden Children,” *The Diplomat*, 12 March 15; Nathan VanderKlippe, “The Ghost Children: In the Wake of China’s One-Child Policy, a Generation Is Lost,” *Globe and Mail*, 15 March 15.

<sup>9</sup>State Council, Opinion on Further Carrying Out Household Registration System Reform [Guowuyuan guanyu jinyibu tuijin huji zhidu gaige de yijian], issued 30 July 14.

<sup>10</sup>State Council Legislative Affairs Office, Measures for Management of Residence Permits (Draft for Public Comment) [Juzhuzheng guanli banfa (zhengqiu yijian gao)], issued 4 December 14.

<sup>11</sup>*Ibid.*, arts. 2, 16.

<sup>12</sup>*Ibid.*, arts. 2, 16(1).

<sup>13</sup>*Ibid.*, arts. 2, 16(4).

<sup>14</sup>Li Jinlei, “Many Places Putting Forward Opinions on Household Registration System Reform, Abolishing Agricultural and Non-Agricultural Hukou Differences” [Duo di chutai huji zhidu gaige yijian quxiao nongye fei nongye hukou qufen], *China News*, 21 November 14; Zhao Han, “Rule Change Forces Migrants’ Children Out of Beijing for School,” *Caixin*, 16 February 15; Zhou Tian, “Closer Look: Local Officials Have Little Love for National Hukou Reform,” *Caixin*, 25 February 15; Chen Lei, “Residence Permit System Reform ‘Arduous,’ This Year There Will Be Breakthrough” [Juzhuzheng zhidu gaige “jianxin” jinnian jiang you tupu], *Legal Daily*, 26 March 15.

<sup>15</sup>State Council, Opinion on Further Carrying Out Household Registration System Reform [Guowuyuan guanyu jinyibu tuijin huji zhidu gaige de yijian], issued 30 July 14, 2(6–7); State Council Legislative Affairs Office, Measures for Management of Residence Permits (Draft for Public Comment) [Juzhuzheng guanli banfa (zhengqiu yijian gao)], issued 4 December 14, arts. 2, 16; Xue Lei, “Hukou Reform—How Will 100 Million People Settle in Cities and Towns?” [Huji gaige 1 yi ren ruhe luohu chengzhen?], *Beijing Youth Daily*, 14 March 15; Organisation for Economic Cooperation and Development, “Managing Urbanisation in China: Migration, Land and Planning,” in *OECD Urban Policy Reviews: China 2015*, 18 April 15, 92, 107.

<sup>16</sup>Kam Wing Chan, “Paulson Policy Memorandum: Achieving Comprehensive Hukou Reform in China,” *Paulson Institute*, December 2014, 18; Liu Yichen et al., “NDRC: Tongzhou and 61 Other Areas To Pilot Points-Based Settlement” [Guojia fagaiwei: beijing tongzhou deng 62 di jiang shidian jifen luohu], *China National Radio*, 7 February 15; Chun Han Wong, “Residency Rights May No Longer Be a Pipe Dream for Beijing’s Migrant Workers,” *Wall Street Journal*, *China Real Time Report* (blog), 10 February 15; Zhou Tian, “Closer Look: Officials Have Little Love for National Hukou Reform,” *Caixin*, 25 February 15.

<sup>17</sup>See, e.g., Jiangxi Province Public Security Bureau, Implementing Opinion on Further Carrying Out Household Registration System Reform (Draft for Public Comment) [Guanyu jinyibu tuijin huji zhidu gaige de shishi yijian (zhengqiu yijian gao)], issued 12 November 14, 2(3); Qinghai Province People’s Government Implementing Opinion on Further Deepening Household Registration System Reform [Qinghai sheng renmin zhengfu guanyu jinyibu shenhua huji zhidu gaige de shishi yijian], issued and effective 27 January 15, 2(4). See also Gao Jian, “Beijing Categorized as Megacity, Plans Points-Based Settlement” [Beijing shu chaoda chengshi ni jifen luohu], *Beijing Daily*, 5 December 14; Shi Rui et al., “Gov’t Support for Beijing Firms Hiring Locals ‘Is Discrimination,’” *Caixin*, 6 April 15.

<sup>18</sup>State Council Legislative Affairs Office, Measures for Management of Residence Permits (Draft for Public Comment) [Juzhuzheng guanli banfa (zhengqiu yijian gao)], issued 4 December 14, arts. 12, 13; Chun Han Wong, “Residency Rights May No Longer Be a Pipe Dream for Beijing’s Migrant Workers,” *Wall Street Journal*, *China Real Time Report* (blog), 10 February 15.

<sup>19</sup>State Council Legislative Affairs Office, Measures for Management of Residence Permits (Draft for Public Comment) [Juzhuzheng guanli banfa (zhengqiu yijian gao)], issued 4 December 14.

<sup>20</sup>See, e.g., Heilongjiang Province People’s Government Circular on Further Carrying Out Work on Household Registration System Reform [Heilongjiang sheng renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige gongzuo de tongzhi], issued 31 October 14, 2(1).

<sup>21</sup>See, e.g., Henan Province People’s Government Implementing Opinion on Deepening Household Registration System Reform [Henan sheng renmin zhengfu guanyu shenhua huji zhidu gaige de shishi yijian], issued 4 November 14, 4(15); Xinjiang Uyghur Autonomous Region People’s Government, Implementing Opinion on Further Carrying Out Household Registration Management System Reform in the XUAR [Guanyu jinyibu tuijin wogu huji guanli zhidu gaige de

shishi yijian], issued 30 September 14, 3(8); Jilin Province People's Government Opinion on Further Carrying Out Household Registration System Reform [Jilin sheng renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de yijian], issued 21 January 15, 3(8); Shaanxi Province People's Government Opinion on Further Carrying Out Household Registration System Reform [Shanxi sheng renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de yijian], issued 19 March 15, 3(7).

<sup>22</sup> See, e.g., Henan Province People's Government Implementing Opinion on Deepening Household Registration System Reform [Henan sheng renmin zhengfu guanyu shenhua huji zhidu gaige de shishi yijian], issued 4 November 14, 4(16); Sichuan Province Implementing Plan for Further Carrying Out Household Registration System Reform [Sichuan sheng jinyibu tuijin huji zhidu gaige shishi fang'an], issued 22 November 14, 3(2.2); Shanxi Province People's Government Implementing Opinion on Further Carrying Out Household Registration System Reform [Shanxi sheng renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de shishi yijian], issued 14 January 15, 3(9). See also Zhang Wei, "7 Provinces and Municipalities To Specify Concrete Measures This Year for Launching Household Registration System Reform" [7 sheng shi mingque jinnian chutai huji gaige juti cuoshi], *Legal Daily*, 4 March 15.

<sup>23</sup> "17 Provinces Operate on Hukou System, Abolish Agricultural and Non-Agricultural Hukou Differences" [17 sheng xiang huji zhidu kaidao quxiao nongye feinongye hukou xingzhi qufen], CCTV, 10 June 15.

<sup>24</sup> State Council, Opinion on Further Carrying Out Household Registration System Reform [Guowuyuan guanyu jinyibu tuijin huji zhidu gaige de yijian], 30 July 14, para. 3; PRC Central People's Government, "National New-Type Urbanization Plan (2014–2020)" [Guojia xinxing chengzhenhua guihua (2014–2020 nian)], reprinted in *Xinhua*, 16 March 14; Liu Yichen et al., "NDRC: Beijing's Tongzhou and 61 Other Areas To Pilot Points-Based Settlement" [Guojia fagaiwei: beijing tongzhou deng 62 di jiang shidian jifen luohu], *China National Radio*, 7 February 15.

<sup>25</sup> National Development and Reform Commission et al., "National New-Type Urbanization Comprehensive Pilot Plan" [Guojia xinxing chengzhenhua zonghe shidian fang'an], 29 December 14, 6.

<sup>26</sup> *Ibid.*, 2.

<sup>27</sup> *Ibid.*, 3–4.

<sup>28</sup> Liu Yichen et al., "NDRC: Beijing's Tongzhou and 61 Other Areas To Pilot Points-Based Settlement" [Guojia fagaiwei: beijing tongzhou deng 62 di jiang shidian jifen luohu], *China National Radio*, 7 February 15.

<sup>29</sup> International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(2).

<sup>30</sup> *Ibid.*, art. 12(3).

<sup>31</sup> PRC Passport Law [Zhonghua renmin gongheguo huzhao fa], passed 29 April 06, effective 1 January 07, art. 13(7); PRC Exit and Entry Administration Law [Zhonghua renmin gongheguo chujing rujing guanli fa], issued 30 June 12, effective 1 July 13, art. 12(5–6). Article 13(7) of the PRC Passport Law holds that "[u]nder any of the following circumstances, the passport issuance departments shall not issue any passport to the applicant: . . . The competent organs of the State Council believe that his leaving China will do harm to the state security or result in serious losses to the benefits of the state." Article 12(5–6) of the PRC Exit and Entry Administration Law provides that "[u]nder any of the following circumstances, Chinese citizens are not allowed to exit China: . . . May endanger national security or interests, and are not allowed to exit China upon decision by competent departments under the State Council . . . Other circumstances in which exit from China is not allowed in accordance with laws or administrative regulations."

<sup>32</sup> See, e.g., Rights Defense Network, "Li Xiaoling of Zhuhai, Guangdong, Restricted From Leaving Country, Rule by Law Becomes Decoration" [Guangdong zhuhai li xiaoling bei xianzhi chujing, yifa zhiguo cheng baishel], 26 October 14; Rights Defense Network, "Lawyer Cheng Hai Prevented From Leaving Country" [Cheng hai lushi bei jinzhi chujing], 18 November 14; "Women's Rights Advocate Guo Jing Forbidden To Travel Abroad, Five Women's Rights Advocates Demand Dismissal of Their Case" [Nuquanzhe guo jing bei jin chujing luyou 5 nuquan yaoqiu che an], *Radio Free Asia*, 26 May 15.

<sup>33</sup> See, e.g., "Popular Tibetan Village Leader Is Killed in Detention in Driru," *Radio Free Asia*, 15 December 14; Tibetan Centre for Human Rights and Democracy, "Two Monks Detained, Many Others Beaten and Detained in Ngaba," 29 December 14; "Tibetan Monks, Nuns Are Denied Passports in Serthar," *Radio Free Asia*, 16 January 15; "Self-Immolation to Death Protest in Security Heavy Ngaba," *Voice of America*, 9 March 15.

<sup>34</sup> See, e.g., "Hotan County Local Officials Think of 'Investigation Form for Those Leaving the Country'" [Xoten nahiyesining "chetelge chiqqughuchilarni tekshurush jedweli"ge yerlik emeldarlar piker qildi], *Radio Free Asia*, 15 December 14; "Uyghurs Face Seizure of Land, Personal Property Under Tough New Rules," *Radio Free Asia*, 17 December 14; Michael Martina, "China Investigates 32 for Graft Linked to Xinjiang Muslim Pilgrims," *Reuters*, 15 January 15.

<sup>35</sup> Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Report on Human Rights Practices—2013, China (Includes Tibet, Hong Kong and Macau)," 27 February 14, 41; "Mainland Tibetans' Passports Confiscated for 3 Years So Far" [Dalu zangren huzhao quanmin bei moshou zhijin 3 nian], *Radio Free Asia*, 20 March 15; "China Denying Passports To Restrict Critics, Minorities," *Associated Press*, reprinted in *New York Times*, 20 May 15.

<sup>36</sup> Human Rights Watch, "One Passport, Two Systems: China's Restrictions on Foreign Travel by Tibetans and Others," July 2015, 1–3, 8, 11–13.

<sup>37</sup> Emma Graham-Harrison, "Chinese Police Order Yining Residents To Hand in Passports in Latest Crackdown," *Guardian*, 13 May 15; Edward Wong, "Chinese Police Order Residents in a Xinjiang Prefecture To Turn in Passports," *New York Times*, 14 May 15.

<sup>38</sup>Xinjiang Uyghur Autonomous Region Regulations on Religious Affairs [Xinjiang weiwu'er zizhiqu zongjiao shiwu tiaoli], issued 28 November 14, effective 1 January 15, art. 35; "China Punishes Officials for Abuses in Arranging Pilgrimages," Associated Press, reprinted in New York Times, 15 January 15.

<sup>39</sup>Tibetan Centre for Human Rights and Democracy, "Discriminatory Chinese Passport Regulations Violate Tibetans' Right To Travel," 5 May 15.

<sup>40</sup>International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(4).

<sup>41</sup>See, e.g., Lai Ying-kit, "Four More Occupy Student Protesters 'Barred From Entering Mainland China,'" South China Morning Post, 17 November 14; William Wan and Kris Cheng Lok-chit, "Hong Kong Protesters Denied Entry Into China," Washington Post, 24 November 14; Tony Cheung and Elizabeth Cheung, "Mainland Travel Ban on Protesters Is 'Burning Bridges' With Hong Kong Youth," South China Morning Post, 11 December 14; "Scholarism's Tiffany Chin Sze-man Refused Entry to Kunming, Returned to Hong Kong. Another Member Wong Wai-kei Refused Entry to Shenzhen" [Xuejin sichao qian siwen rujing kunming bei ju fan xianggang ling yi chengyuan huang weiji bei ju rujing shenzhen], Radio Free Asia, 19 February 15.

<sup>42</sup>Jess Macy Yu, "Chinese AIDS Activist Says She Was Kept From U.N. Conference," New York Times, Sinosphere (blog), 23 October 14; "Chinese Authorities Hold HIV Activist Ahead of World AIDS Day," Radio Free Asia, 1 December 14.

<sup>43</sup>Jess Macy Yu, "Chinese AIDS Activist Says She Was Kept From U.N. Conference," New York Times, Sinosphere (blog), 23 October 14; Simon Denyer, "China Bars AIDS Activist From Traveling Despite Talk of Ending Discrimination," Washington Post, 23 October 14.

<sup>44</sup>Civil Rights & Livelihood Watch, "News Flash: Rights Defender Lawyer Sui Muqing Again Illegally Intercepted When Leaving Country" [Kuaixun: weiquan sui muqing lushi chujing zai zao feifa lanjie], 25 March 15; "Guangzhou Lawyer Sui Muqing Again Restricted From Leaving Country, Rights Defender Guo Chunping Again 'Forced To Travel' After Release" [Guangzhou lushi sui muqing zai bei xianzhi chujing weiquan renshi guo chunping huoshi hou you "bei luyou"], Radio Free Asia, 26 March 15. For more information on Sui Muqing, see the Commission's Political Prisoner Database record 2015-00281.

<sup>45</sup>"Guangzhou Lawyer Sui Muqing Again Restricted From Leaving Country, Rights Defender Guo Chunping Again 'Forced to Travel' After Release" [Guangzhou lushi sui muqing zai bei xianzhi chujing weiquan renshi guo chunping huoshi hou you "bei luyou"], Radio Free Asia, 26 March 15.

<sup>46</sup>Jonathan Kaiman, "China Jails Four More New Citizens Movement Activists," Guardian, 18 April 14. For more information on Ding Jiaxi, see the Commission's Political Prisoner Database record 2013-00307.

<sup>47</sup>"Guo Feixiong Criminally Detained Possibly Over Citizen Social Movement, Hunan Authorities Escalate Pressure on Rights Activists" [Guo feixiong bei xingju huo yin gongmin shehui yundong hunan dangju daya weiquan renshi xingdong shengji], Radio Free Asia, 18 August 13. For more information on Guo Feixiong, see the Commission's Political Prisoner Database record 2005-00143.

<sup>48</sup>Tom Phillips, "Chinese Poet Faces Jail for Possession of Umbrella," Telegraph, 7 October 14. For more information on Wang Zang, see the Commission's Political Prisoner Database record 2014-00420.

<sup>49</sup>Rights Defense Network, "Sichuan's Deng Chuanbin, Because of Participating in International Rights Organization's Rights Knowledge Training, Illegally Summoned, Passport, HK-Macau Travel Permit, Communications Equipment Confiscated" [Sichuan deng chuanbin yin canjia guoji renquan jigou zhuban de renquan zhishi peixun zao feifa chuanhuan huzhao, gang'ao tongxingzheng, tongxun shebei bei koul], 8 June 15.

<sup>50</sup>Deng Chuanbin, "Activist Interrogated and Prevented From Attending Human Rights Training in Geneva," China Change, 11 June 15.

<sup>51</sup>"Seized or Summoned Lawyers and Citizens Increase to 234 People" [Bei daizou huo chuanhuan de lushi ji gongmin zeng zhi 234 ren], Radio Free Asia, 17 July 15.

<sup>52</sup>For more information, see the Commission's Political Prisoner Database records 2015-00252 on Wang Yu and 2015-00253 on Bao Longjun.

<sup>53</sup>Philip Wen, "Teen Bound for Melbourne School Stranded After Chinese Authorities Arrest Parents," The Age, 2 August 15; "New Trend in China's Oppression of Lawyers, Using 'Endangering State Security' To Prevent Children From Leaving the Country" [Zhongguo daya lushi xian xin dongxiang yi "weihai guojia anquan" jinzhi zinu chujing], Radio Free Asia, 4 August 15.

<sup>54</sup>Philip Wen, "Teen Bound for Melbourne School Stranded After Chinese Authorities Arrest Parents," The Age, 2 August 15.

<sup>55</sup>Ibid.

<sup>56</sup>International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(1).

<sup>57</sup>See, e.g., "APEC Restrictions 'Worse Than Prison': China Dissident," Agence France-Presse, reprinted in Global Post, 7 November 14; Rights Defense Network, "APEC Convened, Tianjin's Zhang Lanying, First Person To Publicly Resign from CCP, in Soft Detention" [APEC zhaokai, tianjin gongkai tuidang diyiren zhang lanying bei ruanjin], 8 November 14; Rights Defense Network, "Beijing APEC Begins, Tiananmen Busy Seizing Petitioners" [Beijing APEC kaihui, tiananmen mangzhe zhua fangmin], 10 November 14; Rights Defense Network, "Beijing Petitioner Ge Zhihui Held at Home in Soft Detention for 10 Days Because of APEC Convening" [Beijing fangmin ge zhihui yin APEC zhaokai yi bei ruanjin jiazhong 10 tian], 12 November 14.

<sup>58</sup>See, e.g., "On Eve of Two Sessions, 5,000 People Gather at Letters and Calls Bureau, in Beijing Clearances, Petitioners From Across China Again Met With Forceful Stability Maintenance" [Lianghui qianxi 5000 ren ju xinfang ju hanyuan beijing qingchang gedi fangmin zai zao qiangli weiwu], Radio Free Asia, 2 March 15; Rights Defense Network, "Two Sessions Stability Maintenance: Beijing Forced Demolition Victim Ge Zhihui Held by Police in Soft Detention at

Home" [Lianghui weiwen: beijing baoli qiangchai shouhai ren ge zhihui bei jingcha ruanjin jiazhong], 4 March 15.

<sup>59</sup>See, e.g., "Guo Chunping Sent Back for 'June 4' Post Online, Su Changlan Asked To Write 'Repentance Letter' in Prison" [Guo chunping yin fa "liu si" wang tie bei qianfan su changlan yu zhong bei yaoqiu xie "huiguo shu"], Radio Free Asia, 26 May 15; "As 26th Anniversary of 'June 4' Approaches, Tiananmen Mothers Closely Watched by Police" [Beijing "liu si" 26 zhounian linjin tiananmen muqin bei gong'an kanshou], Radio Free Asia, 26 May 15.

<sup>60</sup>"RFA Exclusive: Gao Zhisheng Out of Prison for 5 Months Still Under Soft Detention" [RFA dujia: gao zhisheng chuyu wu ge yue reng zao ruanjin], Radio Free Asia, 8 January 15; "Geng He: Gao Zhisheng's Health Is Starting To Recover; He Still Has Self-Confidence and Is Optimistic" [Geng he: gao zhisheng shenti kaishi huifu reng baochi zixin leguan], Radio Free Asia, 9 February 15. For more information on Gao Zhisheng, see the Commission's Political Prisoner Database record 2005-00291.

<sup>61</sup>"Beijing Court Withdraws Probation on Ex-Lawyer," Xinhua, reprinted in China Internet Information Center, 16 December 11.

<sup>62</sup>Charles Hutzler, "AP Exclusive: Missing Chinese Lawyer Told of Abuse," Associated Press, reprinted in ChinaAid, 10 January 11.

<sup>63</sup>"Beijing Court Withdraws Probation on Ex-Lawyer," Xinhua, reprinted in China Internet Information Center, 16 December 11.

<sup>64</sup>"Press Statement by Wife of Gao Zhisheng, on 9/8/2014," China Change, 12 September 14; Julie Makinen, "In China, Human Rights Lawyer Leaves Prison, but Has No Freedom," Los Angeles Times, 12 September 14.

<sup>65</sup>"Mongolian Dissident Calls for Help To Leave China With Family," Radio Free Asia, 17 December 14; "Officials Delay Issuance of Identity Card, Hada Claims He Is Under De Facto Soft Detention" [Dangju tuoyan bu fa shenfenzheng hada zhi bianxiang ruanjin], Radio Free Asia, 30 January 15. For more information on Hada, see the Commission's Political Prisoner Database record 2004-02045.

<sup>66</sup>"Mongolian Dissident Calls for Help To Leave China With Family," Radio Free Asia, 17 December 14.

<sup>67</sup>"Officials Delay Issuance of Identity Card, Hada Claims He Is Under De Facto Soft Detention" [Dangju tuoyan bu fa shenfenzheng hada zhi bianxiang ruanjin], Radio Free Asia, 30 January 15.

<sup>68</sup>"Mongolian Dissident Hada Denied ID Card, Bank Account After Interview," Radio Free Asia, 23 January 15.

<sup>69</sup>Southern Mongolian Human Rights Information Center, "Hada, Discharged From 'Black Jail,' But Not Free," 10 December 14; Southern Mongolian Human Rights Information Center, "Video Statements by Hada and Xinna," 14 December 14; "Hada Is Issued Identity Card and Plans To Apply for Passport in Order To Go Abroad, Donations From Overseas Are Again Frozen by Authorities" [Hada huo fa shenfenzheng jiang shenqing chuguo huzhao jingwai juankuan zai bei dangju dongjie], Radio Free Asia, 26 March 15; "China Denies Ethnic Mongolian Dissident a Passport To Seek Medical Help," Radio Free Asia, 30 April 15.

<sup>70</sup>"China Denies Ethnic Mongolian Dissident a Passport To Seek Medical Help," Radio Free Asia, 30 April 15.

## STATUS OF WOMEN

*Public Participation*

## POLITICAL DECISIONMAKING

The Chinese government is obligated under its international commitments<sup>1</sup> and domestic laws<sup>2</sup> to ensure gender-equal political participation; however, women remain underrepresented in political decisionmaking positions. Female representation remains low or non-existent in key Communist Party and government leadership positions, including ministerial positions;<sup>3</sup> provincial leadership;<sup>4</sup> and membership in the Political Bureau of the Communist Party Central Committee (Politburo),<sup>5</sup> Politburo Standing Committee,<sup>6</sup> and National People's Congress.<sup>7</sup> Representation at both upper and lower levels of government continues to fall short of the 30 percent target recommended by the UN Commission on the Status of Women.<sup>8</sup>

## CIVIL SOCIETY

During the Commission's 2015 reporting year, Chinese non-governmental organizations (NGOs) and women's advocates saw positive developments within a climate of increasing state control. For the first time, domestic NGOs submitted reports to the UN Committee on the Elimination of Discrimination against Women (Committee) for its October 2014 review of China's compliance with the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).<sup>9</sup> The Chinese government reportedly did not allow domestic NGOs to submit reports for prior Committee reviews.<sup>10</sup> In November 2014, the State Council issued a draft PRC Anti-Domestic Violence Law,<sup>11</sup> following over a decade of advocacy both within the government and by civil society.<sup>12</sup> After its release, lawyers and advocates held conferences,<sup>13</sup> gave interviews,<sup>14</sup> submitted comments to the State Council,<sup>15</sup> and wrote opinion pieces assessing the draft law and suggesting improvements.<sup>16</sup>

Women's rights advocates in China faced numerous restrictions in the past year. Chinese authorities reportedly censored NGO reports submitted to the Committee<sup>17</sup> and prevented at least two women from participating in international women's rights forums, including the CEDAW review.<sup>18</sup> Authorities also detained women's rights advocates in the days preceding International Women's Day.<sup>19</sup> [See box titled Detentions of Women's Rights Advocates below.] These actions violated China's obligations under international standards<sup>20</sup> and went against the Committee's recommendation to China to "protect women human rights defenders."<sup>21</sup>



### Detentions of Women's Rights Advocates

On March 6 and 7, 2015, police in three major Chinese cities detained 10 women<sup>22</sup> who planned to raise awareness about sexual harassment on public transportation by distributing stickers and pamphlets on March 8, International Women's Day.<sup>23</sup> After releasing five of the women, police from Beijing municipality criminally detained the remaining five—Li Tingting,<sup>24</sup> Wang Man,<sup>25</sup> Wei Tingting,<sup>26</sup> Wu Rongrong,<sup>27</sup> and Zheng Churan<sup>28</sup>—on suspicion of “picking quarrels and provoking trouble,” which they later changed to “gathering a crowd to disturb order in a public place.”<sup>29</sup> Authorities subjected the women to lengthy interrogations and sleep deprivation.<sup>30</sup> Following widespread domestic<sup>31</sup> and international outcry,<sup>32</sup> authorities released the five on April 13.<sup>33</sup> The women were released on bail,<sup>34</sup> however, meaning their freedom remains curtailed and police are closely monitoring them.<sup>35</sup> While observers noted surprise at the detentions—the government had previously tolerated some advocacy on women's issues<sup>36</sup>—they also viewed the detentions as part of a broader crackdown on civil society.<sup>37</sup> All five women worked for NGOs,<sup>38</sup> including the Beijing Yirenping Center, a public health and anti-discrimination NGO<sup>39</sup> that Chinese authorities have recently targeted.<sup>40</sup> The NGO Weizhiming, which Wu Rongrong founded and for which Zheng Churan also worked, closed on May 29 under pressure from authorities.<sup>41</sup> [For more information on the crackdown on Yirenping and other NGOs, see Section III—Civil Society.]

### *Gender-Based Discrimination*

#### EMPLOYMENT DISCRIMINATION

Women's labor force participation in China is relatively high<sup>42</sup>—64 percent in 2013 according to the World Bank<sup>43</sup>—however, women continue to face challenges such as discrimination in hiring,<sup>44</sup> a growing pay gap,<sup>45</sup> and underrepresentation in management positions.<sup>46</sup> During this reporting year, Chinese courts heard at least two lawsuits for gender-based discrimination in hiring: In November 2014, a woman won a case against the Hangzhou New East Cuisine School for discriminatory hiring practices.<sup>47</sup> In March 2015, the Shunyi District People's Court in Beijing municipality heard another such case brought against a courier company, but the Commission had not observed reports of a verdict as of August 2015.<sup>48</sup> China's first gender-based employment discrimination lawsuit concluded with a settlement in December 2013.<sup>49</sup>

In their submissions to the Committee on the Elimination of Discrimination against Women, several Chinese NGOs noted concerns over employers' discriminating against pregnant women.<sup>50</sup> Domestic and international media also reported cases of employers pressuring women to sign “no pregnancy” agreements as part of employment contracts<sup>51</sup> and pushing pregnant women to resign in order to avoid paying for maternity benefits.<sup>52</sup> China is obligated under its international commitments<sup>53</sup> and domestic laws<sup>54</sup> to eliminate discrimination against women, including discrimination against women based on pregnancy.<sup>55</sup> Provisions in the PRC Labor Law and other regulations forbid women, including pregnant women, from performing certain jobs.<sup>56</sup>

## EDUCATION DISCRIMINATION

Chinese women and girls generally match or exceed their male peers in terms of enrollment rates in primary,<sup>57</sup> secondary,<sup>58</sup> and tertiary education;<sup>59</sup> however, rural girls reportedly have higher school drop-out rates than their male and urban peers.<sup>60</sup> While the PRC Education Law prohibits gender-based discrimination in education,<sup>61</sup> the government allows limits on female enrollment in certain fields such as military and public security.<sup>62</sup>

## PROPERTY RIGHTS DISCRIMINATION

Chinese law guarantees equal property rights for women and men;<sup>63</sup> in practice, however, Chinese women's property rights lack adequate protection. For example, in rural areas, land contracts are issued to households rather than individuals,<sup>64</sup> and as of 2011, only 17 percent of land contracts included women's names.<sup>65</sup> Rural women are vulnerable to loss of land rights in the event of marriage, divorce, or the death of a spouse.<sup>66</sup> When rural governments appropriate land rights, women are reportedly less likely than men to receive compensation.<sup>67</sup> In one such case in November 2014, domestic and international media reported that 92 women in Hainan province sued their village committee when, following forced relocation, the committee compensated only male villagers.<sup>68</sup>

A 2011 Supreme People's Court interpretation of the PRC Marriage Law stated that in a divorce, property should go to the party whose name appears on the deed.<sup>69</sup> Reports, however, indicate that urban women often contribute financially to the purchase of a home without having their names on the deed.<sup>70</sup> The UN Committee on the Elimination of Discrimination against Women found in November 2014 that this interpretation "indirectly discriminat[es] against women."<sup>71</sup>

*Violence Against Women*

## DOMESTIC VIOLENCE

For over a decade, women's rights advocates and NGOs in China have called for a national-level domestic violence law.<sup>72</sup> On November 25, 2014, the State Council Legislative Affairs Office issued a draft PRC Anti-Domestic Violence Law for public comment.<sup>73</sup> The draft law clearly defined domestic violence<sup>74</sup> and contained provisions on prevention,<sup>75</sup> handling domestic violence cases,<sup>76</sup> and issuing restraining orders.<sup>77</sup> Chinese domestic violence experts and women's rights advocates described the draft law as "significant" and a "milestone."<sup>78</sup>

Many advocates and lawyers suggested revisions to the draft law, including: expanding the definition of domestic violence to include sexual violence;<sup>79</sup> adding cohabiting couples within the scope of "family members" (*jiating chengyuan*) protected by the law;<sup>80</sup> and allowing domestic violence victims to apply for restraining orders directly, as the draft required restraining orders be part of a civil suit.<sup>81</sup> In September 2015, the National People's Congress Standing Committee issued for public comment a revised draft law<sup>82</sup> that does not define "family members."<sup>83</sup> One commentator argued this omission might allow for a broader the scope of those covered

by the law.<sup>84</sup> In addition, unlike the earlier draft, the revised draft law omitted emotional—or psychological—abuse (*jingshen baoli*) from the definition of domestic violence.<sup>85</sup> The revised draft also no longer linked restraining orders to civil suits, allowing domestic violence victims or individuals facing the threat of domestic violence to apply directly to the courts for restraining orders.<sup>86</sup>

In March 2015, the Supreme People's Court (SPC) and other government entities jointly issued a Guiding Opinion on Handling Criminal Domestic Violence Cases in Accordance with the Law (the Opinion)<sup>87</sup> that included cohabiting couple violence within the definition of domestic violence.<sup>88</sup> The Opinion also instructed courts to show lenience in cases in which victims of domestic violence harm their abusers.<sup>89</sup> In April, the Sichuan Province High People's Court issued a suspended death sentence in the high-profile retrial of Li Yan,<sup>90</sup> who killed her husband in 2010 after enduring months of spousal abuse.<sup>91</sup> In 2012, the same court had upheld Li's death sentence on appeal,<sup>92</sup> but in June 2014, the SPC ordered a retrial<sup>93</sup> following Chinese and international advocates' calls for a sentence commutation.<sup>94</sup> Li is now unlikely to face execution,<sup>95</sup> but many Chinese advocates still expressed disappointment with the severity of the sentence.<sup>96</sup>

#### SEXUAL HARASSMENT

Chinese law prohibits sexual harassment, yet it lacks a clear legal definition and standards for prevention, reporting, and punishment.<sup>97</sup> In November 2014, the Committee on the Elimination of Discrimination against Women (the Committee) urged China to require employers to assume legal liability for sexual harassment occurring in the workplace.<sup>98</sup> In March 2015, the government-affiliated All-China Federation of Trade Unions put forward a proposal to the National People's Congress and the Chinese People's Political Consultative Conference suggesting that local governments should clearly define sexual harassment, and firms should create mechanisms for preventing sexual harassment.<sup>99</sup> Also in March, a group of women issued an open letter to the Guangzhou Municipal People's Congress in Guangdong province calling for sexual harassment prevention training for public transportation workers.<sup>100</sup>

#### STATE-AUTHORIZED VIOLENCE

Officials in China reportedly continued to use coercion<sup>101</sup> and violence<sup>102</sup> against women while implementing family planning policies, in contravention of international standards.<sup>103</sup> Following its October 2014 review of China, the Committee noted its concern over "illegal practices such as forced abortion and sterilization."<sup>104</sup> [For more information, see Section II—Population Planning.]

In an October 2014 report, the NGO Chinese Human Rights Defenders noted that the "great majority" of detainees held in extra-legal detention facilities known as "black jails" (*hei jianyu*) were women.<sup>105</sup> These women were at great risk of physical and sexual violence.<sup>106</sup> In fall 2014, other NGOs and the Committee also voiced concern over arbitrary detention and reports of violence against women in "custody and education" facilities.<sup>107</sup>

## Notes to Section II—Status of Women

<sup>1</sup>Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 7. Under Article 7 of CEDAW, China is committed to ensuring the right of women, on equal terms with men, “to 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 23 June 15. China signed the convention on July 17, 1980, and ratified it on November 4, 1980.

<sup>2</sup>PRC Law on the Protection of Women’s Rights and Interests [Zhonghua renmin gongheguo funu quanqi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, art. 11; PRC Electoral Law of the National People’s Congress and Local People’s Congresses [Zhonghua renmin gongheguo quanguo renmin daibiao dahui he difang geji renmin daibiao dahui xuanju fa], passed 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10, art. 6. Both of these laws stipulate that an “appropriate number” of female deputies should serve at all levels of people’s congresses.

<sup>3</sup>“China Political Leaders” [Zhongguo zhengyao], Chinese Communist Party News, People’s Daily, last visited 25 March 15. Out of 25 ministries and ministry-level agencies, 2 have female leaders.

<sup>4</sup>Ibid. Out of 31 provinces, provincial-level municipalities, and special autonomous regions, 1 has a woman serving as governor, and none have women serving as provincial Party Secretaries.

<sup>5</sup>Ibid.; “Chinese Communist Party 17th Congress Central Leadership Organization Members” [Zhongguo gongchandang di shiqi jie zhongyang lingdao jigou chengyuan], China Internet Information Center, last visited 23 June 15; “Chinese Communist Party Central Committee (7th Session–17th Session)” [Zhongguo gongchandang zhongyang weiyuanhui (diqi jie–dishiqi jie)], Xinhua, last visited 19 May 15. In the 12 sessions of the Politburo since 1945, not including alternate members, at most there have been two women serving at a time (9th and 18th); 4 sessions included one woman (10th, 12th, 16th, and 17th), and 6 sessions had no women members (7th, 8th, 11th, 13th, 14th, and 15th).

<sup>6</sup>Ibid.; “Chinese Communist Party Central Committee (7th Session–17th Session)” [Zhongguo gongchandang zhongyang weiyuanhui (diqi jie–dishiqi jie)], Xinhua, last visited 19 May 15. In the 12 sessions of the Politburo since 1945, there has never been a female member of the Politburo Standing Committee.

<sup>7</sup>Women Studies Institute of China, “The Shadow Report of Chinese Women’s NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 19 of the Convention on the Elimination of All Forms of Discrimination against Women: Temporary Special Measures and the Political and Public Life (Article 4 & 7),” September 2014, 1. Women held 23.4 percent of seats in the 12th National People’s Congress, which began in 2013. According to the 2014 China Statistical Yearbook, female representation in the National People’s Congress has remained around 21 percent since the late 1970s. National Bureau of Statistics of China, “Number of Deputies to All the Previous National People’s Congresses,” China Statistical Yearbook 2014, 2014, Table 24–1.

<sup>8</sup>Women Studies Institute of China, “The Shadow Report of Chinese Women’s NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 19 of the Convention on the Elimination of All Forms of Discrimination against Women: Temporary Special Measures and the Political and Public Life (Article 4 & 7),” September 2014, 1–2; Introductory Statement by H.E. Mme. Song Xiuyuan, Head of the Chinese Delegation, at Consideration of China’s Combined Seventh and Eighth Periodic Reports by the Committee on the Elimination of Discrimination against Women, item 3. Women made up 23.4 percent of the 12th National People’s Congress and 22.6 percent of village committee members. “Target: 30 Percent of Leadership Positions to Women by 1995—United Nations Commission on the Status of Women,” UN Chronicle, 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.

<sup>9</sup>See, e.g., Anti-Domestic Violence Network/Beijing FanBao, Beijing Zhongze Women’s Legal Consulting Services Center, and China Women’s University, “The Shadow Report of Chinese Women’s NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Violence Against Women (General Recommendation No.19),” September 2014; Beijing Cultural Development Center for Rural Women, “The Shadow Report of Chinese Women’s NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: The Rights of Migrant Women,” September 2014; China LBT Rights Initiative, “Shadow Report: Implementation of the Convention to Eliminate All Forms of Discrimination against Women in the PRC,” September 2014. For access to the complete list of NGO submissions to CEDAW, see United Nations Office of the High Commissioner for Human Rights, “CEDAW—Convention on the Elimination of All Forms of Discrimination against Women, 59th Session (20 Oct 2014–7 Nov 2014),” last visited 18 March 15.

<sup>10</sup>Ye Shan and Yao Yao, “Making Progress,” Women of China English Monthly, February 2015, reprinted in All-China Women’s Federation, 25 May 15; Women in a Changing China, Staff Roundtable of the Congressional-Executive Commission on China, 8 March 10, Katherine Zhao, Division of Social Sciences, University of Chicago, Remarks during Question and Answer Period; Women in a Changing China, Staff Roundtable of the Congressional-Executive Commission on China, 8 March 10, Rangita de Silva de Alwis, Director of International Human Rights Policy Programs, Wellesley Centers for Women, Remarks during Question and Answer Period.

<sup>11</sup> State Council Legislative Affairs Office, PRC Anti-Domestic Violence Law (Draft) [Zhonghua renmin gongheguo fan jiating baoli fa (cao'an)], issued 25 November 14.

<sup>12</sup> Feng Yuan, "Reprint: Feng Yuan: What To Make of the Anti-Domestic Violence Law Comment Draft? A Detailed Interpretation" [Zhuanzai: feng yuan: ruhe lijie fan jiabao fa zhengqiu yijian gao? chao xiangxi jiedu], Nuquan Zhi Sheng, reprinted in Rights Defense Network, 18 December 14; "Home Truths," Economist, 6 December 14; Zhou Hongshuang, "Each Year All-China Women's Federation Receives 50,000 Domestic Violence Complaints; How Many Hurdles Remain in Combating Domestic Violence?" [Meinian fulian jie jiating baoli tousu da 5 wan jian fan jiabao yao guo ji daokan?], Guangming Daily, 12 January 15; Didi Kirsten Tatlow, "Pushing for a Law Against Domestic Violence in China," New York Times, Sinosphere (blog), 26 February 14.

<sup>13</sup> Yang Changping, "Anti-Domestic Violence Law Enters Legislative Process, Experts Recommend: Sexual Violence Should Be Considered Domestic Violence" [Fan jiating baoli fa jinru lifa chengxu zhuanjia jianyi: xing baoli yingdang suan jiabao], Beijing Evening News, 14 December 14; Feng Xixi, "Draft Anti-Domestic Violence Law Is Out, Boyfriends Beating Girlfriends Should Be Considered Domestic Violence" [Fan jiabao lifa cao'an chulu nanyou ouda nuyou ying suan jiating baoli], Yangcheng Evening News, 21 November 14; Hou Jianbin, "Academy of Social Sciences Institute of Law Holds Anti-Domestic Violence Law Conference" [She ke yuan faxue suo juban fan jiabao lifa yantaohui], Legal Daily, 14 January 15.

<sup>14</sup> See, e.g., "China's Domestic Violence Law 'Needs Detailed Work': Experts," Radio Free Asia, 2 December 14; Zhang Hui, "Experts Say Draft Domestic Violence Law Far From Perfect," Global Times, 4 December 14; Lijia Zhang, "New Domestic Violence Law Won't Change Chauvinistic Attitudes of China's Men," South China Morning Post, 8 December 14; Yang Changping, "Anti-Domestic Violence Law Enters Legislative Process, Experts Recommend Sexual Violence Should Be Considered Domestic Violence" [Fan jiating baoli fa jinru lifa chengxu zhuanjia jianyi xing baoli yingdang suan jiabao], Beijing Evening News, 14 December 14.

<sup>15</sup> Legal Center for NGO, "Comments and Suggestions on Modifying the Anti-Domestic Violence Law (Draft) Comment Draft" [Guanyu dui "fan jiating baoli fa (cao'an) zhengqiu yijian gao" de xiugai yijian he jianyi], reprinted in NGO Development Exchange Network, 31 December 14; Leadership Matrix Network, "18 Organizations Jointly Submit Revision Suggestions for Anti-Domestic Violence Law Comment Draft" [18 jia jigou lianhe tijiao "fan jiating baoli fa" (zhengqiu yijian gao) de xiugai jianyi], 20 January 15.

<sup>16</sup> See, e.g., Feng Yuan, "Reprint: Feng Yuan: What To Make of the Anti-Domestic Violence Law Comment Draft? A Detailed Interpretation" [Zhuanzai: feng yuan: ruhe lijie fan jiabao fa zhengqiu yijian gao? chao xiangxi jiedu], Nuquan Zhi Sheng, reprinted in Rights Defense Network, 18 December 14; Deng Xueping, "'Anti-Domestic Violence' Law Still Clearly Conservative" ["Fan jiabao" lifa reng xian baoshou], Beijing News, 26 November 14.

<sup>17</sup> UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 32.

<sup>18</sup> Jess Macy Yu, "Chinese AIDS Activist Says She Was Kept From U.N. Conference," New York Times, Sinosphere (blog), 23 October 14; Chinese Human Rights Defenders, "[CHRB] Women's Rights Defenders Face Reprisals Over UN Review (10/31–11/6/2014)," 6 November 14; "Chinese Authorities Slap Travel Ban on Outspoken Women's Rights Activist," Radio Free Asia, 13 November 14; "Meet the 5 Female Activists China Has Detained," New York Times, 6 April 15. Chinese authorities prevented Wang Quyun from attending China's review by the Committee on the Elimination of Discrimination against Women in October 2014, and prevented another activist, Zheng Churan, from attending a UN-sponsored women's rights event in Thailand in November 2014. Zheng Churan was also among the five women's rights advocates detained prior to International Women's Day. For more information on China's use of travel restrictions against dissidents and others, see Section II—Freedom of Residence and Movement.

<sup>19</sup> Edward Wong, "China Releases 5 Women's Rights Activists Detained for Weeks," New York Times, 13 April 15; Chinese Human Rights Defenders, "[CHRB] 5 Women's and LGBT Rights Activists Detained in Escalating Clampdown on NGOs (3/6–12/15)," 12 March 15.

<sup>20</sup> Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 13(2), 20(1); International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 21, 22(1). China has signed but not ratified the ICCPR. See United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 29 May 15.

<sup>21</sup> UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 33(a).

<sup>22</sup> Edward Wong, "China Releases 5 Women's Rights Activists Detained for Weeks," New York Times, 13 April 15; Chinese Human Rights Defenders, "[CHRB] 5 Women's and LGBT Rights Activists Detained in Escalating Clampdown on NGOs (3/6–12/15)," 12 March 15.

<sup>23</sup> Ibid.; Sophie Richardson, Human Rights Watch, "Dispatches: China—How Not To Observe International Women's Day," 10 March 15.

<sup>24</sup> For more information on Li Tingting, see the Commission's Political Prisoner Database record 2015-00116.

<sup>25</sup> For more information on Wang Man, see the Commission's Political Prisoner Database record 2015-00115.

<sup>26</sup> For more information on Wei Tingting, see the Commission's Political Prisoner Database record 2015-00114.

<sup>27</sup> For more information on Wu Rongrong, see the Commission's Political Prisoner Database record 2015-00117.

<sup>28</sup>For more information on Zheng Churan, see the Commission's Political Prisoner Database record 2015-00118.

<sup>29</sup>"Detained Women's Rights Activist's Liver Disease Worrying, Outside World Urges Authorities To Provide Humanitarian Treatment" [Bei ju nuquan zhe ganbing kanyou waijie cu dangju rendao yizhi], Voice of America, 23 March 15; Sui-Lee Wee, "China Frees Five Women Activists on Bail After Outcry," Reuters, 13 April 15; "Women's Rights Advocate Guo Jing Forbidden To Travel Abroad, Five Women's Rights Advocates Demand Dismissal of Their Case" [Nuquan zhe guo jing bei jin chujing luyou 5 nuquan yaoqiu che an], Radio Free Asia, 26 May 15. The five women were reportedly involved in a range of advocacy activities: Li Tingting (also known as Li Maizi) is known for street performances such as "Occupy the Men's Toilet" and managed the LGBT program at the Beijing Yirenping Center; Wang Man worked on gender and poverty issues for the Global Call to Action Against Poverty; Wei Tingting worked for the LGBT rights NGO Ji'ande; prior to founding the NGO Weizhiming, Wu Rongrong previously worked for the health advocacy NGO Beijing Aizhixing Institute and the Beijing Yirenping Center; and Zheng Churan (also known as Datu) advocated for victims of domestic violence and women with disabilities. See Chinese Human Rights Defenders, "[CHRB] 5 Women's and LGBT Rights Activists Detained in Escalating Clampdown on NGOs (3/6-12/15)," 12 March 15; "Meet the 5 Female Activists China Has Detained," New York Times, 6 April 15; Tania Branigan, "Five Chinese Feminists Held Over International Women's Day Plans," Guardian, 12 March 15.

<sup>30</sup>"Chinese Feminist Subjected to 'Extreme' Interrogations: Lawyer," Radio Free Asia, 26 March 15; Simon Denyer, "China Releases Five Women's Rights Activists After Global Uproar," Washington Post, 13 April 15.

<sup>31</sup>Wei Zhili, "Workers Support Feminists Trapped in Prison—Workers Show Support for Women's Rights Activists Detained on March 7" [Nuquan xian laoyu gongren lai shengyuan—gongren shengyuan 3 yue 7 ri bei daizou de nuquan xingdongzhe], New Media Women, reprinted in iLabour.org, 10 March 15; "Out of the Window: Support Sun Yat-sen University Alumna and Women's Rights Advocate—Sun Yat-sen Students Add Names in Solidarity" [Chuangwai shi zhichi zhongda xiaoyou ji nuquan gongyiren—zhongda xuezi de lianming shengyuan], edaily, reprinted in China Digital Times, 12 March 15; Rights Defense Network, "Letter by 34 Women Lawyers From 18 Provinces and Cities Denouncing Detention of Several Women's Rights Advocates" [Quanguo shiba sheng shi sanshi ming nu lushi jiu shu ming nuxing quanyi changdao zhe bei jiya de jubao xin], 15 March 15; Sui-Lee Wee, "China Frees Five Women Activists on Bail After Outcry," Reuters, 13 April 15.

<sup>32</sup>Oiwan Lam, "Five Young Feminists Still Missing in China," Global Voices, 16 March 15; Simon Denyer, "China Releases Five Women's Rights Activists After Global Uproar," Washington Post, 13 April 15; Sui-Lee Wee, "China Frees Five Women Activists on Bail After Outcry," Reuters, 13 April 15.

<sup>33</sup>Edward Wong, "China Releases 5 Women's Rights Activists Detained for Weeks," New York Times, 13 April 15; Sui-Lee Wee, "China Frees Five Women Activists on Bail After Outcry," Reuters, 13 April 15; Rights Defense Network, "Feminist Five Case News Flash: Wei Tingting, Wang Man, and Zheng Churan Released; Li Maizi and Wu Rongrong Still Detained (Latest Information: Li Maizi and Wu Rongrong Also Released. Currently, All Five Have Been Released.)" [Nuquan wu jiemei an kuaixun: wei tingting, wang man he zheng chu [sic] san ren bei fang li maizi he wu rongrong liang ren reng zai ya (zuixin xiaoxi: li maizi he wu rongrong ye yi shifang. daoci, wu ren yijing quanbu shifang.)], 13 April 15.

<sup>34</sup>Human Rights in China, "HRIC Law Note: Five Detained Women Released on 'Guarantee Pending Further Investigation,'" 13 April 15; Edward Wong, "China Releases 5 Women's Rights Activists Detained for Weeks," New York Times, 13 April 15. The women were released on bail (*qubao houshen*), which Human Rights in China translates as "release on guarantee pending further investigation." By releasing the women on bail, authorities may continue to restrict their freedom of movement, summon the women for further questioning, and monitor the women. For relevant Chinese legal provisions, see PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 68–69; Ministry of Public Security, Public Security Procedural Regulations on Handling Criminal Cases [Gong'an jiguan banli xingshi anjian chengxu guiding], issued 13 December 12, effective 1 January 13, arts. 77, 85–86, 89.

<sup>35</sup>"Beijing Stomps on Civil Society," Wall Street Journal, 15 April 15; Human Rights in China, "HRIC Law Note: Five Detained Women Released on 'Guarantee Pending Further Investigation,'" 13 April 15; "China's Five Women's Rights Activists Return Home, Immediately Under Close Surveillance" [Zhongguo wu nuquan huodong renshi huijia ji shou yanmi jiankong], Radio Free Asia, 14 April 15; Edward Wong, "China Releases 5 Women's Rights Activists Detained for Weeks," New York Times, 13 April 15.

<sup>36</sup>Yaxue Cao, "Detention of Five Chinese Feminist Activists at the Juncture of Beijing+20—An Interview With Gender Scholar Wang Zheng," China Change, 11 April 15; Emily Rauhala, "Five Feminists Remain Jailed in China for Activities the Government Supports," Time, 19 March 15; Rachel Lu, "They Are the Best Feminist Activists in China," Foreign Policy, 17 March 15.

<sup>37</sup>Elizabeth Lynch, "The Future Is Already Present? How the Draft Foreign NGO Management Law Could Be Applied," China Law & Policy (blog), 11 May 15; Simon Denyer, "China Releases Five Women's Rights Activists After Global Uproar," Washington Post, 13 April 15; Yaxue Cao, "Detention of Five Chinese Feminist Activists at the Juncture of Beijing+20—An Interview With Gender Scholar Wang Zheng," China Change, 11 April 15; Chinese Human Rights Defenders, "[CHRB] 5 Women's & LGBT Rights Activists Detained in Escalating Clampdown on NGOs (3/6-12/15)," 12 March 15.

<sup>38</sup>Chinese Human Rights Defenders, "[CHRB] 5 Women's & LGBT Rights Activists Detained in Escalating Clampdown on NGOs (3/6-12/15)," 12 March 15; Simon Denyer, "China Releases Five Women's Rights Activists After Global Uproar," Washington Post, 13 April 15; Weizhiming, "Statement on Hangzhou Weizhiming Women's Organization Forced Closure" [Hangzhou

weizhiming funu jigou jiang bei po guanbi shengming], reprinted in *Feminists Activists Delicious* [Nuquan xingdongpai hen hao chi], WeChat post, 29 May 15; “Chinese Women’s Rights Group Collapses Under Official Pressure,” Associated Press, reprinted in *Guardian*, 5 June 15.

<sup>39</sup> *Ibid.*; Edward Wong, “China Releases 5 Women’s Rights Activists Detained for Weeks,” *New York Times*, 13 April 15; Yaxue Cao, “Detention of Five Chinese Feminist Activists at the Junction of Beijing+20—An Interview With Gender Scholar Wang Zheng,” *China Change*, 11 April 15; “China Targets Rights Group Yirenping After Activists’ Release,” BBC, 15 April 15.

<sup>40</sup> William Wan, “China Raids NGO Offices in Latest Sign of Crackdown on Dissent,” *Washington Post*, 26 March 15; Yaxue Cao, “Detention of Five Chinese Feminist Activists at the Junction of Beijing+20—An Interview With Gender Scholar Wang Zheng,” *China Change*, 11 April 15; “China Targets Rights Group Yirenping After Activists’ Release,” BBC, 15 April 15; Sui-Lee Wee, “Chinese Police Detain Two Activists Linked to Prominent NGO,” *Reuters*, 15 June 15; Didi Kirsten Tatlow, “Lawyer Charged After Trying To Defend June 4 Commemorators,” *New York Times*, *Sinosphere* (blog), 7 July 14.

<sup>41</sup> Weizhiming, “Statement on the Forced Closure of Hangzhou Weizhiming Women’s Organization” [Hangzhou weizhiming funu jigou jiang bei po guanbi shengming], reprinted in *Feminists Activists Delicious* [Nuquan xingdongpai hen hao chi], WeChat post, 29 May 15; Vanessa Piao, “Pressure From Chinese Authorities Forces Ex-Detained Feminist To Shutter Organization,” *New York Times*, *Sinosphere* (blog), 5 June 15. See also “Chinese Women’s Rights Group Collapses Under Official Pressure,” Associated Press, reprinted in *Guardian*, 5 June 15.

<sup>42</sup> China ranks 56th for labor force participation out of 142 countries in the *World Economic Forum Global Gender Gap Report 2014*. World Economic Forum, “The Global Gender Gap Report 2014,” 28 October 14, 150.

<sup>43</sup> World Bank, “Labor Force Participation Rate, Female (% of Female Population Ages 15+) (Modeled ILO Estimate),” last visited 7 May 15.

<sup>44</sup> See, e.g., “Building a Society With Equal Employment for Women,” *Sina*, translated by and reprinted in *Women of China*, All-China Women’s Federation, 6 February 15; Liu Yang, “Rejected After Trial Period, Girl Sues Postal Express for Employment Discrimination” [Shiyong hou zaoju nuhai gao youzheng sudi jiuye qishi], *Beijing News*, 31 March 15; Zhou Dongxu, “Female University Students Suffer Employment Discrimination, the Higher the Level of Education the More Severe [the Discrimination]” [Nu daxuesheng jiuye zao qishi xueli yue gao yue yanzhong], *Caixin*, 28 January 15; Zhou Dongxu, “Men Have Better Chance Than Women To Get Job Interview, Study Finds,” *Caixin*, 30 January 15.

<sup>45</sup> UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 36(a); All-China Women’s Federation and National Bureau of Statistics of China, “Report on Major Results of the Third Wave Survey on the Social Status of Women in China” [Disan qi zhongguo funu shehui diwei diaocha zhuyao shuju baogao], *Chinese Women’s Research Network*, 26 October 11, item 3; Christina Larson, “Why China Needs a ‘Lean In’ Movement,” *Bloomberg*, 20 May 13.

<sup>46</sup> World Economic Forum, “The Global Gender Gap Report 2014,” 28 October 14, 151. 18 percent of firms have female top managers according to the *World Economic Forum Global Gender Gap Report*. An analysis of 300 top Chinese firms by the *New York Times* found that on average fewer than 1 in 10 board members were female, and 126 of the 300 companies had no female board members. Didi Kirsten Tatlow and Michael Forsythe, “In China’s Modern Economy, a Retro Push Against Women,” *New York Times*, 20 February 15.

<sup>47</sup> See, e.g., Lijia Zhang, “China’s Savvy Young Women Begin To Tear Down the Walls of Gender Discrimination,” *South China Morning Post*, 12 January 15; Yao Yao, “Apology Asked for in Zhejiang’s First Gender Discrimination Case Retrial,” *Women of China*, All-China Women’s Federation, 11 January 15; “Zhejiang Province’s First Gender Discrimination Case Won” [Zhejiang sheng diyi lie xingbie qishi an shengsu], *Radio Free Asia*, 13 November 14.

<sup>48</sup> Liu Yang, “Rejected After Trial Period, Girl Sues Postal Express for Employment Discrimination” [Shiyong hou zaoju nuhai gao youzheng sudi jiuye qishi], *Beijing News*, 31 March 15; Liu Yang, “Female University Student Sues ‘Post’ for Employment Discrimination, Case Has Been Filed” [Nu daxuesheng qisu “youzheng” jiuye qishi huo li’an], *Beijing News*, 1 February 15; “‘Recruiting Female Couriers Is Illegal,’ Taken to Court on Accusations of Gender-Based Discrimination, Beijing Post Refuses To Admit Wrongdoing” [“Zhao nu kuaidiyuan shi weifa”, xingbie qishi beigao shang fating, beijing youzheng ju bu rencuo], *Nuquan Zhi Sheng*, reprinted in *Chuansongmen*, 20 April 15.

<sup>49</sup> “Building a Society With Equal Employment for Women,” *Sina*, translated by and reprinted in *Women of China*, All-China Women’s Federation, 6 February 15; Zhang Ling and Zhang Shuling, “Girl Who Sued Giant for Employment Discrimination Will Receive Compensation” [Nusheng gao juren jiuye qishi huo zeng zijin], *Beijing News*, 19 December 13; Peng Xiaofei, “Amicable Settlement in First Gender-Based Employment Discrimination Case” [Jiuye xingbie qishi diyi an hejie], *Beijing Morning Post*, 19 December 13.

<sup>50</sup> Chinese Working Women Network et al., “A Joint Parallel Report Concerning the People’s Republic of China for Consideration by the United Nations Committee on the Elimination of All Forms of Discrimination against Women at its 59th Session,” 23 September 14, paras. 26–28, 30; Network of Chinese Human Rights Defenders and a Coalition of NGOs, “Civil Society Report Submitted to the Committee on the Elimination of Discrimination against Women For Its Review at the 59th Session of the Combined 7th and 8th Report by the People’s Republic of China on Its Implementation of the Convention on the Elimination of All Forms of Discrimination against Women,” 30 September 14, para. 33.

<sup>51</sup> Zhou Jing, “Female Worker Forced To Quit After Becoming Pregnant, How To Protect Women’s Rights and Interests?” [Nugong huaiyun bei bi cizhi, funu quanyi ruhe baozhang?], *Xinhua*, 10 March 15.

<sup>52</sup>Gao Weiqiang, "All-China Federation of Trade Unions Publicizes 10 Typical Illegal Labor Cases: Gender Employment Discrimination Is the First Case" [Quanzong gongbu shi da laodong weifa dianxing an: jiu ye xingbie qishi diyi an pai shouwei], CCTV, 2 February 15; Sarah O'Meara, "Women Cheated of Maternity Benefits in China," Telegraph, 3 March 15; Xu Yihang and Xu Ridan, "Within the Law Remain Provisions [That Are] Difficult To Implement; NPC and CPPCC In-Depth Analysis of Reasons" [Falu zhong cunzai nanyi luoshi de fatiao daibiao weiyuan shenru pouxi yuanyin], Justice Net, 11 May 15.

<sup>53</sup>International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 7. China signed the ICESCR on October 27, 1997, and ratified it on March 27, 2001. See United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 14 July 15. Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 11.1. China signed the convention on July 17, 1980, and ratified it on November 4, 1980. See United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 14 September 12.

<sup>54</sup>PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 48; PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 13; PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, art. 2.

<sup>55</sup>PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 29(3); PRC State Council, Special Provisions for the Work Protection of Female Employees [Nu zhi gong laodong baohu tebie guiding], issued and effective 28 April 12, art. 5.

<sup>56</sup>Ibid., arts. 59, 60, 63; Ibid., Appendix, paras. 1, 2. See also China Labour Bulletin, "Workplace Discrimination in China," last visited 28 May 15.

<sup>57</sup>United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Statistics, "Ratio of Female to Male Primary Enrollment," reprinted in World Bank, last visited 8 May 15.

<sup>58</sup>United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Statistics, "Ratio of Female to Male Secondary Enrollment," reprinted in World Bank, last visited 2 April 15.

<sup>59</sup>United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Statistics, "Ratio of Female to Male Tertiary Enrollment," reprinted in World Bank, last visited 2 April 15.

<sup>60</sup>UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 34; China Women's University, "The Shadow Report of Chinese Women's NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Equal Right in Education (Article 10)," September 2014, 2; Institute of Sociology under the Yunnan Academy of Social Sciences, Gender and Development in China Network, Beijing Zhongze Women's Legal Consulting Services Center, "The Shadow Report of Chinese Women's NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Rural Women (Article 14)," September 2014, 4.

<sup>61</sup>PRC Education Law [Zhonghua renmin gongheguo jiaoyu fa], passed 18 March 95, effective 1 September 95, amended 27 August 09, art. 9.

<sup>62</sup>UN Committee on the Elimination of Discrimination against Women, List of Issues and Questions in Relation to the Combined Seventh and Eighth Periodic Reports of China, Addendum, Replies of China, CEDAW/C/CHN/Q/7–8/Add.1, 15 August 14, para. 14(1).

<sup>63</sup>PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, art. 30.

<sup>64</sup>PRC Rural Land Responsibility Law [Zhonghua renmin gongheguo nongcun tudi chengbao fa], passed 29 August 02, effective 1 March 03, art. 15; Tania Branigan, "For Richer, For Poorer: How China's Laws Put Women Second," Guardian, 24 February 15. See also Xiaobei Wang, Rights and Resources Initiative, "Ensuring Poor Rural Women Benefit From Forestland Reform in China: Summary of Field Research and Policy Recommendations," July 2012, sec. 2.

<sup>65</sup>Landesa, "Summary of 2011 17-Province Survey's Findings Insecure Land Rights: The Single Greatest Challenge Facing China's Sustainable Development and Continued Stability," 26 April 12. See also Tim Hanstad, "Depriving Women Farmers of Land Rights Will Set Back China," South China Morning Post, 4 November 14.

<sup>66</sup>Institute of Sociology Under the Yunnan Academy of Social Sciences, Gender and Development in China Network, Beijing Zhongze Women's Legal Consulting Services Center, "The Shadow Report of Chinese Women's NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Rural Women (Article 14)," September 2014, 3; UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 44; Tim Hanstad, "Depriving Women Farmers of Land Rights Will Set Back China," South China Morning Post, 4 November 14; Sun Jiawei, "Who Will Protect Their Land Rights?" [Shui lai baohu tamen de tudi quanyi?], Heilongjiang Daily, 7 May 15.

<sup>67</sup>Tim Hanstad, "Depriving Women Farmers of Land Rights Will Set Back China," South China Morning Post, 4 November 14; Institute of Sociology under the Yunnan Academy of Social



Sciences, Gender and Development in China Network, Beijing Zhongze Women's Legal Consulting Services Center, "The Shadow Report of Chinese Women's NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Rural Women (Article 14)," September 2014, 3–4.

<sup>68</sup>Ren Mingchao, "Nearly 100 Female Villagers Sue Village Committee for Gender Discrimination" [Jin bai nu cunmin zhuanggao cunweihui xingbie qishi], China Youth Daily, 26 November 14; Tania Branigan, "For Richer, For Poorer: How China's Laws Put Women Second," Guardian, 24 February 15.

<sup>69</sup>Supreme People's Court, "Supreme People's Court Guidance on Various Issues Regarding the Application of the PRC Marriage Law (Three)" [Zuigao renmin fayuan guanyu shiyong "zhonghua renmin gongheguo hunyin fa" ruogan wenti de jieshi (san)], issued 9 August 11, art. 10. See also, Elizabeth M. Lynch, "Heaven Help the Working Girl: The Impact of the Law on Women in China," China Law & Policy (blog), 28 January 15; UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 44.

<sup>70</sup>"Watering the Gardens of Others," Economist, 12 June 15; Tania Branigan, "For Richer, For Poorer: How China's Laws Put Women Second," Guardian, 24 February 15.

<sup>71</sup>UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 44.

<sup>72</sup>Feng Yuan, "Reprint: Feng Yuan: What To Make of the Anti-Domestic Violence Law Comment Draft? A Detailed Interpretation" [Zhuanzai: feng yuan: ruhe lijie fan jiabao fa zhengqiu yijian gao? chao xiangxi jiedu], Nuquan Zhi Sheng, reprinted in Rights Defense Network, 18 December 14; "Home Truths," Economist, 6 December 14; Zhou Hongshuang, "Each Year All-China Women's Federation Receives Up to 50,000 Domestic Violence Complaints; How Many Hurdles Remain in Combating Domestic Violence?" [Meinian fulian jie jiating baoli tousu da 5 wan jian fan jiabao yao guo ji daokan?], Guangming Daily, 12 January 15; Wang Xiaodong, "Law To Get Tough on Domestic Violence," China Daily, 5 March 15.

<sup>73</sup>State Council Legislative Affairs Office, "Legislative Affairs Office of the State Council Circular Publicly Requesting Comments on PRC Anti-Domestic Violence Law (Draft for Comment)" [Guowuyuan fazhi bangongshi guanyu "zhonghua renmin gongheguo fan jiating baoli fa (zhengqiu yijian gao)" gongkai zhengqiu yijian de tongzhi], 25 November 14; State Council Legislative Affairs Office, PRC Anti-Domestic Violence Law (Draft for Comment) [Zhonghua renmin gongheguo fan jiating baoli fa (zhengqiu yijian gao)], 25 November 14.

<sup>74</sup>State Council Legislative Affairs Office, PRC Anti-Domestic Violence Law (Draft for Comment) [Zhonghua renmin gongheguo fan jiating baoli fa (zhengqiu yijian gao)], 25 November 14, art. 2.

<sup>75</sup>Ibid., chap. 2.

<sup>76</sup>Ibid., chap. 3.

<sup>77</sup>Ibid., chap. 4.

<sup>78</sup>Yang Changping, "Anti-Domestic Violence Law Enters Legislative Process, Experts Recommend Sexual Violence Be Considered Domestic Violence" [Fan jiating baoli fa jinru lifa chengxu zhuanjia jianyi xing baoli yingdang suan jiabao], Beijing Evening News, 14 December 14; Tania Branigan, "First Women To Benefit From New Chinese Laws on Domestic Violence," Guardian, 31 December 14; Lijia Zhang, "New Domestic Violence Law Won't Change Chauvinistic Attitudes of China's Men," South China Morning Post, 8 December 14; Zhou Hongshuang, "Each Year All-China Women's Federation Receives 50,000 Domestic Violence Complaints, How Many Hurdles Remain in Combating Domestic Violence?" [Meinian fulian jie jiating baoli tousu da 5 wan jian fan jiabao yao guo ji daokan?], Guangming Daily, 12 January 15.

<sup>79</sup>Kaiser Kuo and Jeremy Goldkorn, "Domestic Abuse in China," Asia Society, ChinaFile (blog), Sinica Podcast, 5 December 14, 23:09; Lijia Zhang, "New Domestic Violence Law Won't Change Chauvinistic Attitudes of China's Men," South China Morning Post, 8 December 14; Yang Changping, "Anti-Domestic Violence Law Enters Legislative Process, Experts Recommend Sexual Violence Be Considered Domestic Violence" [Fan jiating baoli fa jinru lifa chengxu zhuanjia jianyi xing baoli yingdang suan jiabao], Beijing Evening News, 14 December 14.

<sup>80</sup>Feng Yuan, "Reprint: Feng Yuan: What To Make of the Anti-Domestic Violence Law Comment Draft? A Detailed Interpretation" [Zhuanzai: feng yuan: ruhe lijie fan jiabao fa zhengqiu yijian gao? chao xiangxi jiedu], Nuquan Zhi Sheng, reprinted in Rights Defense Network, 18 December 14; Deng Xueping, "'Anti-Domestic Violence' Law Still Conservative" ["Fan jiabao" lifa reng xian baoshou], Beijing News, 26 November 14; Yang Changping, "Anti-Domestic Violence Law Enters Legislative Process, Experts Recommend Sexual Violence Be Considered Domestic Violence" [Fan jiating baoli fa jinru lifa chengxu zhuanjia jianyi xing baoli yingdang suan jiabao], Beijing Evening News, 14 December 14.

<sup>81</sup>Kaiser Kuo and Jeremy Goldkorn, "Domestic Abuse in China," Asia Society, ChinaFile (blog), Sinica Podcast, 5 December 14, 27:38; Feng Yuan, "Reprint: Feng Yuan: What To Make of the Anti-Domestic Violence Law Comment Draft? A Detailed Interpretation" [Zhuanzai: feng yuan: ruhe lijie fan jiabao fa zhengqiu yijian gao? chao xiangxi jiedu], Nuquan Zhi Sheng, reprinted in Rights Defense Network, 18 December 14; Yang Changping, "Anti-Domestic Violence Law Enters Legislative Process, Experts Recommend Sexual Violence Be Considered Domestic Violence" [Fan jiating baoli fa jinru lifa chengxu zhuanjia jianyi xing baoli yingdang suan jiabao], Beijing Evening News, 14 December 14; State Council Legislative Affairs Office, PRC Anti-Domestic Violence Law (Draft for Comment) [Zhonghua renmin gongheguo fan jiating baoli fa (zhengqiu yijian gao)], 25 November 14, chap. 4, art. 27.

<sup>82</sup>National People's Congress Standing Committee, PRC Anti-Domestic Violence Law (Draft) [Zhonghua renmin gongheguo fan jiating baoli fa (cao'an)], released for public comment 8 September 15; "Soliciting Opinions on Draft Laws" [Falu cao'an zhengqiu yijian], National People's Congress, last visited 24 September 15.

<sup>83</sup>National People's Congress Standing Committee, PRC Anti-Domestic Violence Law (Draft) [Zhonghua renmin gongheguo fan jiating baoli fa (cao'an)], released for public comment 8 September 15, art. 2; State Council Legislative Affairs Office, PRC Anti-Domestic Violence Law (Draft) (Draft for Comment) [Zhonghua renmin gongheguo fan jiating baoli fa (cao'an) (zhengqiu yijian gao)], 25 November 14, art. 2. Article 2 of the November 2014 draft included a definition of "family members," but this definition did not appear in the September 2015 draft.

<sup>84</sup>"What's New in the New Domestic Violence Law Draft?" China Law Translate (blog), 16 September 15.

<sup>85</sup>National People's Congress Standing Committee, PRC Anti-Domestic Violence Law (Draft) [Zhonghua renmin gongheguo fan jiating baoli fa (cao'an)], released for public comment 8 September 15, art. 2; State Council Legislative Affairs Office, PRC Anti-Domestic Violence Law (Draft) (Draft for Comment) [Zhonghua renmin gongheguo fan jiating baoli fa (cao'an) (zhengqiu yijian gao)], 25 November 14, art. 2. Article 2 of the November 2014 draft defined domestic violence as "physical, emotional, and other abuse by family members." The September 2015 draft defines domestic violence as, "abusive behavior toward family members, including beating, confining, mutilating, and restricting personal freedom."

<sup>86</sup>National People's Congress Standing Committee, PRC Anti-Domestic Violence Law (Draft) [Zhonghua renmin gongheguo fan jiating baoli fa (cao'an)], released for public comment 8 September 15, art. 23.

<sup>87</sup>Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice, Guiding Opinion on Handling Criminal Domestic Violence Cases in Accordance With the Law [Guanyu yifa banli jiating baoli fanzui anjian de yijian], issued 2 March 15.

<sup>88</sup>Ibid.

<sup>89</sup>Ibid., item 20; "Interpretation of Guiding Opinion on Handling Criminal Domestic Violence Cases in Accordance With the Law" [Guanyu yifa banli jiating baoli fanzui anjian de yijian jiedu], Southern Net, 25 March 15.

<sup>90</sup>Ren Zhongyuan and Huang Ziyi, "Protecting Women's Rights and Interests in the Shadow of Domestic Violence; The Not Completely Overturned Case of Li Yan" [Jiabao yinying xia de funu quanyi baohu wei neng wanquan fanzhuang de li yan an], Southern Weekend, 30 April 15; Didi Kirsten Tatlow, "China, in Suspending Woman's Death Sentence, Acknowledges Domestic Abuse," New York Times, 24 April 15; Chinese Human Rights Defenders, "China Fails To Right a Wrong, Sentences Victim of Domestic Violence to Death a Second Time," 24 April 15.

<sup>91</sup>Li Haifu and Cai Xiaoli, "Sichuan Woman Kills Husband Then Dismembers, Boils, and Discards Corpse; Claims She Suffered Domestic Violence" [Sichuan nuzi sha fu hou jinxing fenge pengzhu paoshi cheng zaoshou jiabao], Sichuan News Net, reprinted in Xinhua, 30 January 13; Human Rights Watch, "China: Commute Death Sentence in Domestic Violence Case," 30 January 13; Dui Hua Foundation, "China's Supreme Court Overturns Death Sentence of Domestic Violence Survivor," 23 June 14.

<sup>92</sup>Li Haifu and Cai Xiaoli, "Sichuan Woman Kills Husband Then Dismembers, Boils, and Discards Corpse; Claims She Suffered Domestic Violence" [Sichuan nuzi sha fu hou jinxing fenge pengzhu paoshi cheng zaoshou jiabao], Sichuan News Net, reprinted in Xinhua, 30 January 13; Human Rights Watch, "China: Commute Death Sentence in Domestic Violence Case," 30 January 13.

<sup>93</sup>Emma Graham-Harrison, "Domestic Violence Victim in China Wins Death Sentence Reprieve," Guardian, 24 April 15; Dui Hua Foundation, "China's Supreme Court Overturns Death Sentence of Domestic Violence Survivor," 23 June 14.

<sup>94</sup>Raymond Li, "Outcry Over Sichuan Woman's Death Sentence for Killing Abusive Husband," South China Morning Post, 30 January 13; Amnesty International, "Document—Chinese Woman Faces Imminent Execution: Li Yan," 24 January 13; Human Rights Watch, "China: Commute Death Sentence in Domestic Violence Case," 30 January 13.

<sup>95</sup>Amnesty International, "Good News: Death Sentence for Li Yan Overturned," 27 April 15; Emma Graham-Harrison, "Domestic Violence Victim in China Wins Death Sentence Reprieve," Guardian, 24 April 15; Didi Kirsten Tatlow, "Courts in China Face Balancing Act on Domestic Abuse," New York Times, Sinosphere (blog), 6 May 15.

<sup>96</sup>Didi Kirsten Tatlow, "China, in Suspending Woman's Death Sentence, Acknowledges Domestic Abuse," New York Times, 24 April 15; Emma Graham-Harrison, "Domestic Violence Victim in China Wins Death Sentence Reprieve," Guardian, 24 April 15; Ren Zhongyuan and Huang Ziyi, "Protecting Women's Rights and Interests in the Shadow of Domestic Violence; The Not Completely Overturned Case of Li Yan" [Jiabao yinying xia de funu quanyi baohu wei neng wanquan fanzhuang de li yan an], Southern Weekend, 30 April 15; Didi Kirsten Tatlow, "Courts in China Face Balancing Act on Domestic Abuse," New York Times, Sinosphere (blog), 6 May 15.

<sup>97</sup>PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, arts. 40, 58; State Council, Special Provisions for the Work Protection of Female Employees [Nu zhigong laodong baohu tebie guiding], issued and effective 28 April 12, art. 11.

<sup>98</sup>UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 37(c).

<sup>99</sup>Liu Yunlong, "All-China Federation of Trade Unions To Put Forward Proposal on Sexual Harassment in the Workplace" [Quanguo zong gonghui jiang jiu gongzuo changsuo xingsaorao wenti jinxing ti'an], China National Radio, 2 March 15.

<sup>100</sup>“Guangzhou Female Passengers Call on Public Transit System To Create Sexual Harassment Prevention Mechanisms To Combat Groping” [Guangzhou nu chengke huyu gonggong jiaotong xitong jian xingsaorao fangfan jizhi daji xian zhushou], Radio Free Asia, 16 January 15.

<sup>101</sup>Rights Defense Network, “Hunan Anren County Requires Mothers To Get IUD Before Child Can Get Hukou” [Hunan anren xian guiding muqin shanghuan hou xinsheng fangneng shang hukou], 9 October 14; Zhang Hongying, “Shangrao County Villager Detained for Refusing To Pay Social Compensation Fee” [Shangrao xian yi cunmin ju jiao shehui fuyang fei bei juliu], Shangrao Evening News, 11 November 14; Nectar Gan, “Chinese Villagers and Infant Illegally Detained for Days After Violating One-Child Policy,” South China Morning Post, 12 December 14; Zhao Meng and Zhang Xuan, “Shandong Linyi Family Planning Office Exposed Detaining ‘Extra Birth Family’ Behind 4 Locks; Police Rescue [the Family]” [Shandong linyi jishengban bei pu she 4 dao suo guan “chao sheng hu,” jingfang jieru jiejiu], The Paper, 10 December 14.

<sup>102</sup>“Woman in Lanba Township, Shuicheng County, Guizhou Province Detained and Beaten During Forced Pregnancy Inspection” [Guizhou shuicheng xian lanba zhen funu bei qiangzhi cha yun zhong, bei guanya ouda], Radio Free Asia, 22 January 15.

<sup>103</sup>Beijing Declaration and Platform for Action (1995), adopted at the Fourth World Conference on Women on 27 October 95, and endorsed by UN General Assembly resolution 50/203 on 22 December 95, paras. 115, 124(b); UN Women, Convention on the Elimination of All Forms of Discrimination against Women, General Recommendations Made by the Committee on the Elimination of Discrimination against Women, last visited 24 June 15, General Recommendation No. 19 (11th Session, 1992), paras. 22, 24(m), General Recommendation No. 21 (13th Session, 1994), paras. 21–23.

<sup>104</sup>UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 24.

<sup>105</sup>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, 1, 4–6.

<sup>106</sup>Ibid., 1, 9–12.

<sup>107</sup>Network of Chinese Human Rights Defenders and a Coalition of NGOs, “Civil Society Report Submitted to the Committee on the Elimination of Discrimination against Women For Its Review at the 59th Session of the Combined 7th and 8th Report by the People’s Republic of China on Its Implementation of the Convention on the Elimination of All Forms of Discrimination against Women,” 30 September 14, para. 10; Dui Hua Foundation, “Submission to the 59th Session of the UN Committee on the Elimination of Discrimination against Women,” 3 October 14, 6; UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 29(c); CECC, 2014 Annual Report, 9 October 14, 83–84. See also Asia Catalyst, “‘Custody and Education’: Arbitrary Detention for Female Sex Workers in China,” December 2013.

## HUMAN TRAFFICKING

*Trends*

The Commission observed some positive legal developments in the area of human trafficking during the 2015 reporting year. Nevertheless, China remains a country of origin<sup>1</sup> and destination<sup>2</sup> for the trafficking of men, women, and children, as defined under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol).<sup>3</sup> Men, women, and children are reportedly trafficked within China's borders for forced labor, including in the construction, manufacturing, brick-making, and home care industries.<sup>4</sup> Women and girls also are reportedly trafficked for forced marriage and sexual exploitation.<sup>5</sup> People with disabilities and children reportedly are particularly vulnerable to trafficking for the purposes of forced begging.<sup>6</sup>

The Chinese and Southeast Asian governments,<sup>7</sup> non-governmental organizations (NGOs),<sup>8</sup> and the United Nations report that cross-border trafficking into China for forced marriage and sexual exploitation appears to be increasing.<sup>9</sup> A spokesperson for China's Supreme People's Court said the crime of trafficking for commercial sexual exploitation is "increasingly prominent," and that trafficking of foreign women is increasing in some regions of China.<sup>10</sup> Cambodian and international media reported a growing trend of Cambodian women being trafficked into China for forced marriage.<sup>11</sup> The Vietnamese government reported a rise in trafficking of Vietnamese citizens, saying 85 percent of victims were women and children, and 70 percent were trafficked to China.<sup>12</sup> The Vietnam-based NGO Pacific Links Foundation also reported an increase in trafficking from Vietnam to China for forced marriage.<sup>13</sup> Burmese media reported that police in Burma handled more trafficking cases in 2014 compared to 2013, with the majority of these cases involving trafficking to China for forced marriage.<sup>14</sup>

*Risk Factors*

China's ongoing human trafficking problem stems from a variety of economic, demographic, and political factors. The United Nations Office on Drugs and Crime reports that China is a major country of origin for migrants smuggled to other parts of Asia, North America, and Europe.<sup>15</sup> Primarily driven by socio-economic factors, these migrants are vulnerable to human trafficking.<sup>16</sup> Within China, domestic migrant workers are reportedly vulnerable to being trafficked for forced labor.<sup>17</sup> The children of domestic migrant workers, who are in some cases unable to migrate with their parents, are at risk of forced labor, forced marriage, and sexual exploitation.<sup>18</sup> Poverty and regional instability<sup>19</sup> contribute to trafficking from Southeast Asia into China for forced labor and sexual exploitation.<sup>20</sup> Amid wage increases and labor shortages,<sup>21</sup> some Chinese factories employ illegal foreign migrant workers<sup>22</sup> who reportedly face exploitative conditions<sup>23</sup> and are at risk of trafficking for forced labor.<sup>24</sup>

China's sex ratio imbalance—exacerbated by government-imposed birth limits and in keeping with a traditional bias toward sons<sup>25</sup>—has created a demand for marriageable women and may

contribute to human trafficking for forced marriage.<sup>26</sup> According to estimates by the National Bureau of Statistics of China, in 2014, China had nearly 34 million more men than women.<sup>27</sup> The sex ratio at birth, while lower than previous years,<sup>28</sup> remained high at roughly 116 boys born for every 100 girls.<sup>29</sup> According to demographers, a normal sex ratio at birth is within the range of 103 to 106 boys born for every 100 girls.<sup>30</sup>

Some Uyghurs from the Xinjiang Uyghur Autonomous Region reportedly attempt to flee religious and other forms of persecution in China with the help of smugglers in China and Southeast Asia,<sup>31</sup> putting them at risk of human trafficking.<sup>32</sup> According to Reuters, in March 2014, Thai authorities intercepted more than 200 Uyghurs held in camps run by suspected human traffickers in Thailand.<sup>33</sup> Thai authorities subsequently held many of the Uyghurs in reportedly poor conditions in detention facilities.<sup>34</sup> In late June 2015, Thai authorities reportedly allowed 173 of the refugees to leave Thailand and go to Turkey,<sup>35</sup> but forcibly returned another 109 refugees to China, where many reportedly remained in detention as of August 2015.<sup>36</sup> [For more information, see Section IV—Xinjiang.] North Korean refugees who escape into China also remain at risk for human trafficking,<sup>37</sup> although border crossings have reportedly decreased in recent years.<sup>38</sup> In February 2015, the independent website NK News reported a case of Chinese smugglers forcing North Korean refugees to perform sex acts online for a South Korea-based Web broadcasting service.<sup>39</sup> In addition, according to research by the Database Center for North Korean Human Rights, the government of the Democratic People's Republic of Korea reportedly sends North Korean laborers abroad, including to China, under conditions that may constitute trafficking.<sup>40</sup>

### *Anti-Trafficking Efforts*

During the 2015 reporting year, the Chinese government continued to cooperate with its neighbors to combat human trafficking by signing a new anti-trafficking agreement with the Laotian government in September 2014<sup>41</sup> and by working with the five other member countries of the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT)<sup>42</sup> to draft COMMIT's fourth Sub-Regional Plan of Action, adopted in April 2015.<sup>43</sup> The Chinese government also provided logistical support and significant funding for COMMIT-related workshops and activities in 2014, according to the UN Action for Cooperation against Trafficking in Persons annual report.<sup>44</sup>

While China's domestic legislation remains inconsistent with UN TIP Protocol standards,<sup>45</sup> the Chinese government took steps to improve its laws and regulations on human trafficking. In August 2015, the National People's Congress Standing Committee issued the Ninth Amendment to the PRC Criminal Law, effective November 1, 2015,<sup>46</sup> that included a change to Article 241.<sup>47</sup> Based on the current version of Article 241, buyers of trafficked women and children can avoid criminal liability if they have not harmed or prevented authorities from rescuing the victim.<sup>48</sup> The amended law provides that buyers face criminal liability,<sup>49</sup> although they may still receive a lighter punishment.<sup>50</sup> Additionally, in December 2014, the central government issued an opinion that allows au-

thorities to terminate custody rights of parents who sell their children,<sup>51</sup> and in February 2015, the Supreme People's Court published eight model cases that provided sentencing guidance for trafficking cases.<sup>52</sup>

In recent years, the Chinese government has undertaken two potentially positive reforms; these reforms, however, did not appear to significantly reduce the problem of human trafficking during the reporting year. In late 2013, the government abolished the reeducation through labor (RTL) system,<sup>53</sup> a form of arbitrary detention in which individuals were detained without trial<sup>54</sup> and forced to labor.<sup>55</sup> RTL detainee labor constituted forced labor as defined by the 1930 International Labour Organization Forced Labor Convention,<sup>56</sup> and constituted trafficking as defined by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol).<sup>57</sup> Since the abolition of RTL, authorities have reportedly continued the use of other forms of administrative detention, including "custody and education" facilities and compulsory drug detoxification centers,<sup>58</sup> where detainees perform forced labor.<sup>59</sup> At a press conference in November 2014, the vice minister of China's Ministry of Justice said that the "vast majority" of China's RTL facilities had been converted to compulsory drug detoxification centers.<sup>60</sup>

The second reform, a November 2013 adjustment to China's population planning policy, allowed married couples in which one parent is an only child to bear a second child.<sup>61</sup> Some experts suggested this reform had the potential to ameliorate China's sex ratio imbalance, in turn reducing demand for trafficking for forced marriage.<sup>62</sup> Most couples eligible to have a second child under the new exception reside in cities,<sup>63</sup> and while data from China's 2010 census show that cities have sex ratio imbalances, in 27 out of 31 provincial-level jurisdictions, the largest imbalances were found in townships or villages.<sup>64</sup> Many residents of these areas were already allowed to have a second child under existing policy exceptions.<sup>65</sup> The dean of the Renmin University School of Society and Population and other observers have argued that the 2013 policy adjustment alone is unlikely to reverse China's sex ratio imbalance.<sup>66</sup> [For more information on China's sex ratio imbalance, see Section II—Population Control.]

### *Anti-Trafficking Challenges*

In its Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, issued November 7, 2014, the UN Committee on the Elimination of Discrimination against Women noted its concern over "the lack of clarity as to whether domestic law criminalizes all forms of trafficking . . . ."<sup>67</sup> The UN TIP Protocol definition of human trafficking involves three components: the action of recruitment, transfer, harboring, or receipt of persons; the means of force, coercion, fraud, deception, or control; and "the purpose of exploitation," including sexual exploitation or forced labor.<sup>68</sup> Although the PRC Criminal Law prohibits human trafficking,<sup>69</sup> China's domestic legislation remains inconsistent with UN TIP Protocol standards.<sup>70</sup> For example, the current definition of trafficking under Chinese law<sup>71</sup> does not clearly cover certain types of non-physical coercion<sup>72</sup> or offenses against male vic-

tims.<sup>73</sup> These forms of trafficking are covered under Article 3 of the UN TIP Protocol.<sup>74</sup> Although the State Council's China Action Plan To Combat Trafficking in Persons (2013–2020), issued in January 2013, revised the Chinese term for trafficking to include all persons (*guaimai renkou*),<sup>75</sup> both the current version of the PRC Criminal Law<sup>76</sup> and the Ninth Amendment to the PRC Criminal Law refer only to women and children.<sup>77</sup>

The PRC Criminal Law is also overly broad compared with the UN TIP Protocol in that its definition of trafficking includes the purchase or abduction of children for subsequent sale without specifying the end purpose of these actions.<sup>78</sup> Under the UN TIP Protocol, illegal adoptions are considered trafficking only if the end purpose of the sale is exploitation, such as sexual exploitation or forced labor.<sup>79</sup> Due to these inconsistencies between China's legal definition of human trafficking and international standards, official reports and statistics do not provide an accurate picture of the number of trafficking cases China's criminal justice system handles.<sup>80</sup>

**Representative Human Trafficking Cases Published During  
the 2015 Reporting Year**

- **Shanghai municipality.** According to Chinese media reports, in October 2014, police rescued 11 girls, aged 13 to 17, from Chongqing municipality and Sichuan province who had been trafficked to Shanghai municipality and forced into commercial sexual exploitation.<sup>81</sup> The youngest victim, aged 13, used a client's cell phone to text her mother for help.<sup>82</sup> Authorities detained eight suspects in connection with the case.<sup>83</sup>
- **Inner Mongolia Autonomous Region.** In November 2014, Chinese police disclosed that they had broken up an international criminal trafficking syndicate, rescuing 14 women and detaining 31 suspects.<sup>84</sup> According to media reports, traffickers promised the women jobs or holiday tours and then sold the women into forced marriages in rural China.<sup>85</sup> Eleven of the 14 rescued women were from Burma, 5 of whom were under 18.<sup>86</sup>
- **Anhui province.** Chinese media reported in November 2014 that police in Anhui province broke up a criminal syndicate that was targeting women who appeared to suffer from "mental disorders,"<sup>87</sup> detaining eight suspects.<sup>88</sup> The traffickers reportedly detained, beat, raped, and sold the women.<sup>89</sup> Police found contracts in one suspect's home promising buyers that the women were able to bear children and were not married.<sup>90</sup> Police believe the syndicate trafficked at least 10 women.<sup>91</sup>

*Hong Kong*

Hong Kong is a transit point and destination for human trafficking.<sup>92</sup> An April 2015 UN report noted that Hong Kong's international airport is an important point of transit for migrant smuggling,<sup>93</sup> and that these migrants are at risk of human trafficking.<sup>94</sup> Migrant domestic workers in Hong Kong are particularly vulnerable to exploitation and abuse.<sup>95</sup> These workers often arrive in Hong Kong owing large debts to employment agencies,<sup>96</sup> and employers and placement agencies frequently confiscate the workers'

passports.<sup>97</sup> In a February 2015 report, Amnesty International estimated that “[t]housands of the approximately 300,000 migrant domestic workers . . . in Hong Kong were trafficked for exploitation and forced labor . . . .”<sup>98</sup> The anti-trafficking non-governmental organization (NGO) Justice Centre Hong Kong attributed the lack of precise data on the extent of human trafficking in Hong Kong in part to the absence of comprehensive anti-trafficking legislation.<sup>99</sup> The UN Committee on the Elimination of Discrimination against Women as well as domestic and international NGOs expressed concern that Hong Kong’s laws do not adequately address human trafficking,<sup>100</sup> as the definition of human trafficking in Hong Kong’s Crimes Ordinance covers only the transboundary movement of persons “for the purpose of prostitution,” not forced labor or other forms of trafficking.<sup>101</sup> The Chinese central government has not extended the UN TIP Protocol to apply to Hong Kong.<sup>102</sup> [For more information on Hong Kong, see Section VI—Developments in Hong Kong and Macau.]



## Notes to Section II—Human Trafficking

<sup>1</sup> See, e.g., Humanitarian Organization for Migrant Economics, “Shadow Report to 59th Session of the Committee of Elimination of All Forms of Discrimination against Women,” October 2014, 3; Justin McIntosh, “The Stubborn Cycle of Massage Parlor Trafficking,” *Columbus Monthly*, May 2015; United Nations Action for Cooperation against Trafficking in Persons, “Annual Progress Report 2014,” 20 May 15, 9; Sarah Lazarus, “Slavery at Sea: Human Trafficking in the Fishing Industry Exposed,” *South China Morning Post*, *Post Magazine*, 14 June 15.

<sup>2</sup> See, e.g., Ligia Kiss et al., “Health of Men, Women, and Children in Post-Trafficking Services in Cambodia, Thailand, and Vietnam: An Observational Cross-Sectional Study,” *Lancet Global Health*, Vol. 3, March 2015, 156; “Cambodian Trafficking Victim Warns Others Not To Succumb to Brokers,” *Radio Free Asia*, 2 February 15; Nirmal Ghosh, “Bride or Brothel—The Choice for Duped Vietnamese Women Trafficked to China in Thriving Industry,” *Straits Times*, 7 December 14; United Nations Action for Cooperation against Trafficking in Persons, “Annual Progress Report 2014,” 20 May 15, 9.

<sup>3</sup> UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). This protocol is also commonly referred to as the Palermo Protocol because it was adopted in Palermo, Italy. United Nations Treaty Collection, Chapter XVIII, Penal Matters, 12.a., Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, last visited 26 May 15. China acceded to the Protocol on February 8, 2010.

<sup>4</sup> Walk Free Foundation, “The Global Slavery Index 2014,” 13 November 14, 102.

<sup>5</sup> Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking, Hearing of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Committee on Foreign Affairs, U.S. House of Representatives, 22 April 15. Testimony of Mark Lagon, President, Freedom House, 3; Charles Custer, “Missing, Kidnapped, Trafficked: China Has a Problem With Its Children,” *Guardian*, 12 March 15; Chen Huizhi, “11 Girls Rescued From Child Prostitution Ring,” *Shanghai Daily*, 1 April 15; Subin Kim, “Operators of Webcam Site Exploiting Defector Women Indicted,” *NK News*, 24 February 15.

<sup>6</sup> Charles Custer, “Missing, Kidnapped, Trafficked: China Has a Problem With Its Children,” *Guardian*, 12 March 15; Walk Free Foundation, “The Global Slavery Index 2014,” 13 November 14, 102.

<sup>7</sup> Zhang Lei, “Over 7,700 Trafficking Cases, Over Half Sentenced Harshly” [7700 yu guaimai an zhongxing lu chao yiban], *Beijing Evening News*, 27 February 15; Minh Hung, “Kidneys, Newborns, Wives for Sale: Human Trafficking on the Rise in Vietnam,” *Thanh Nien News*, 21 April 15; “Human Trafficking Peaks in 2014,” *Eleven*, 13 January 15; “China Returns 6 Trafficked Vietnamese Women,” *Xinhua*, 6 May 15.

<sup>8</sup> Sarah Lazarus, “How Asia Is a Hub for ‘Silent Crime’ of Modern-Day Slavery,” *South China Morning Post*, *Post Magazine*, 7 June 15; Nirmal Ghosh, “Bride or Brothel—The Choice for Duped Vietnamese Women Trafficked to China in Thriving Industry,” *Straits Times*, 7 December 14; Network of Chinese Human Rights Defenders and a Coalition of NGOs, “Civil Society Report Submitted to the Committee on the Elimination of Discrimination against Women for Its Review at the 59th Session of the Combined 7th and 8th Report by the People’s Republic of China on Its Implementation of the Convention on the Elimination of All Forms of Discrimination against Women,” 30 September 14, para. 16.

<sup>9</sup> United Nations Action for Cooperation against Trafficking in Persons, “Annual Progress Report 2014,” 20 May 15, 9.

<sup>10</sup> Hu Yongping and Sun Mantao, “Supreme People’s Court: Domestic and International Collusion in Crime of Trafficking and Kidnapping Foreign Women Increasing” [Zuigao fa: guoneiwai bufa zhe goujie guaimai guaipian waiji funu fanzui zengduo], *China Internet Information Center*, 27 February 15.

<sup>11</sup> Manabu Ito, “Dearth of Wives for Chinese Men Prompts Bride Trafficking,” *Nikkei Asian Review*, 9 April 15; Khuon Narim and Simon Henderson, “Nine Cambodian Women Seek Refuge in China,” *Cambodia Daily*, 29 November 14; Jina Moore, “Cambodia Is China’s Newest Market for Foreign Brides,” *BuzzFeed*, 5 February 15.

<sup>12</sup> Minh Hung, “Kidneys, Newborns, Wives for Sale: Human Trafficking on the Rise in Vietnam,” *Thanh Nien News*, 21 April 15.

<sup>13</sup> Nirmal Ghosh, “Bride or Brothel—The Choice for Duped Vietnamese Women Trafficked to China in Thriving Industry,” *Straits Times*, 7 December 14.

<sup>14</sup> “Human Trafficking Peaks in 2014,” *Eleven*, 13 January 15; Pyae Thet Phyo, “Human Trafficking Cases Rise in 2014,” *Myanmar Times*, 15 December 14; “Myanmar Arrests 93 Traffickers, But None From Rakhine,” *Agence France-Presse*, reprinted in *Express Tribune*, 8 June 15. According to *Agence France-Presse*, official figures on trafficking cases in Burma do not include cases involving the Rohingya minority.

<sup>15</sup> United Nations Office on Drugs and Crime, “Migrant Smuggling in Asia: Current Trends and Related Challenges,” April 2015, 73, 78, 80, 82.

<sup>16</sup> *Ibid.*, 73, 77–78, 80, 82.

<sup>17</sup> Walk Free Foundation, “The Global Slavery Index 2014,” 13 November 14, 102–103.

<sup>18</sup> *Ibid.*, 103. See also “The Problems of Left Behind Children” [Liushou ertong wenti], *Radio Free Asia*, 12 December 14; “‘Child Laborers,’ How Should We Rescue You?” [“Tonggong”], *women gai ruhe jiejiu ni?*, *Xinhua*, 29 December 14.

<sup>19</sup> See, e.g., Women’s League of Burma, “Ongoing Sexual Violence Highlights Urgent Need for Burma Army To Stop Offensives and Pull Back Troops From Kachin Areas,” 22 January 15; “Hundreds Flee New Fighting in Myanmar’s North,” *Al Jazeera*, 16 January 15; “Thousands Flee Myanmar Conflict as State of Emergency Imposed in Kokang,” *Agence France-Presse*, reprinted in *South China Morning Post*, 19 February 15.

<sup>20</sup>United Nations Action for Cooperation against Trafficking in Persons, "COMMIT SOM/IMM Concluded," 5 May 15; Jina Moore, "Cambodia Is China's Newest Market for Foreign Brides," BuzzFeed, 5 February 15; Kachin Women's Association Thailand, "Pushed to the Brink: Conflict and Human Trafficking on the Kachin-China Border," June 2013, 13; "Human Trafficking Peaks in 2014," Eleven, 13 January 15; Nirmal Ghosh, "Bride or Brothel—The Choice for Duped Vietnamese Women Trafficked to China in Thriving Industry," Straits Times, 7 December 14.

<sup>21</sup>Duncan Hewitt, "Illegal Foreign Workers on the Rise in China as Factories Face Labor Shortages," International Business Times, 1 April 15; "Labor Shortages Reported Across China," Want China Times, 27 August 14.

<sup>22</sup>Duncan Hewitt, "Illegal Foreign Workers on the Rise in China as Factories Face Labor Shortages," International Business Times, 1 April 15; Frank Sieren, "Sieren's China: Stopgap Workers," Deutsche Welle, 28 April 15.

<sup>23</sup>Ibid.

<sup>24</sup>Bureau of International Labor Affairs, U.S. Department of Labor, "Reducing Child Labor and Forced Labor Toolkit: Risk and Impact Information Gathering," last visited 22 April 15; United Nations Office on Drugs and Crime, "Migrant Smuggling in Asia: Current Trends and Related Challenges," April 2015, I.

<sup>25</sup>Andrea M. Den Boer, Valerie M. Hudson, and Jenny Russell, "China's Mismatched Bookends: A Tale of Birth Sex Ratios in South Korea and Vietnam," Paper prepared for the meeting of the International Studies Association, New Orleans, Louisiana, February 2015, 5–6; Liberty Asia and Thomson Reuters Foundation, "From Every Angle: Using the Law To Combat Human Trafficking in Southeast Asia," November 2014, 44; Population Reference Bureau, "PRB Discuss Online: Will China Relax Its One-Child Policy?" 22 February 11.

<sup>26</sup>Liberty Asia and Thomson Reuters Foundation, "From Every Angle: Using the Law To Combat Human Trafficking in Southeast Asia," November 2014, 44; Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking, Hearing of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Committee on Foreign Affairs, U.S. House of Representatives, 22 April 15, Written Testimony of Mark Lagon, President, Freedom House, 3; Manabu Ito, "Dearth of Wives for Chinese Men Prompts Bride Trafficking," Nikkei Asian Review, 9 April 15.

<sup>27</sup>National Bureau of Statistics of China, "2014 National Economic and Social Development Statistics Bulletin" [2014 nian guomin jingji he shehui fazhan tongji gongbao], 26 February 15. See also Yuen Yeuk-laam, "China Census Shows Continuing Gender Imbalance, Aging Population," Global Times, 21 January 15.

<sup>28</sup>Chen Xianling, "China's Sex Ratio Highest in the World, In 34 Years 30 Million 'Extra' Men Born" [Woguo xingbiebi pian gao shijie diyi 34 nian "duo" chu 3000 wan nanxing], Southern Metropolitan Daily, 11 February 15; National Health and Family Planning Commission, "Interpretation of Document 'Circular on Strengthening the Striking and Prevention of Behaviors of Fetal Gender Identification Through Drawing Blood'" ["Guanyu jiaqiang daji fang kong cai xie jiangding ta'er xingbie xingwei de tongzhi" wenjian jiedu], 21 January 15; "China's Sex Ratio at Birth Declines 4 Years in a Row," Xinhua, 5 March 13.

<sup>29</sup>Hu Hao, "China's Sex Ratio at Birth Falls Sixth [Year] in a Row" [Woguo chusheng renkou xingbiebi liu nian jiang], Xinhua, 4 February 15; Yuen Yeuk-laam, "China Census Shows Continuing Gender Imbalance, Aging Population," Global Times, 21 January 15; Chen Xianling, "China's Sex Ratio Highest in the World, In 34 Years 30 Million 'Extra' Men Born" [Woguo xingbiebi pian gao shijie diyi 34 nian "duo" chu 3000 wan nanxing], Southern Metropolitan Daily, 11 February 15.

<sup>30</sup>See, e.g., Christophe Z. Guilmoto, "Skewed Sex Ratios at Birth and Future Marriage Squeeze in China and India, 2005–2100," Demography, Vol. 49 (2012), 17 December 11, 77–78; Stuart Basten and Georgia Verropoulou, "Maternity Migration' and the Increased Sex Ratio at Birth in Hong Kong SAR," Population Studies, Vol. 67, No. 3 (2013), 325; Population Control in China: State-Sponsored Violence Against Women and Children, Hearing of the Congressional-Executive Commission on China, 30 April 15, Testimony of Dr. Nicholas Eberstadt, Henry Wendt Chair in Political Economy, American Enterprise Institute for Public Policy Research, 2.

<sup>31</sup>"Uyghurs Rely on Chinese Smugglers To Travel to Turkey," Radio Free Asia, 28 May 15; Sumeyye Ertekin, "Uighurs Flee China for Turkey in Search of Peace," Al Jazeera America, 3 February 15; "Dismal Conditions Push Uyghurs To Escape From Thai Facility," Radio Free Asia, 17 November 14; Michael Martina et al., "China Rebukes Turkey for Offer To Shelter Uighur Refugees," Reuters, 28 November 14.

<sup>32</sup>United Nations Office on Drugs and Crime, "Human Trafficking FAQs," last visited 29 May 15; United Nations Office on Drugs and Crime, "Migrant Smuggling in Asia: Current Trends and Related Challenges," April 2015, I.

<sup>33</sup>Andrew R.C. Marshall, "Suspected Uighurs Rescued From Thai Trafficking Camp," Reuters, 14 March 14; Reuters, Chutima Sidasathian, and Alan Morison, "200 'Turkish Refugees' Rescued From Thai Slave Camp Turn Out To Be Uyghurs," South China Morning Post, 14 March 14; "China Wants Uighur Refugees Back From Thailand," Associated Press, reprinted in Daily Mail, 15 November 14; Andrew R.C. Marshall and Amy Sawitta Lefevre, "Special Report: Flaws Found in Thailand's Human-Trafficking Crackdown," Reuters, 10 April 14.

<sup>34</sup>UN Human Rights Council, Communications Report of Special Procedures, A/HRC/29/50, 2 June 15, 57; "Uyghur Girl Appeals for Help in Freeing Family From Thai Detention Center," Radio Free Asia, 16 June 15; "Illnesses, Deaths Among Uyghur Refugees in Thai Detention Centers," Radio Free Asia, 7 January 15.

<sup>35</sup>"Group of 173 Uyghurs Freed From Thai Detention Arrive in Turkey," Radio Free Asia, 1 July 15.

<sup>36</sup>Michael Martina, "Returning Uighurs Attacked Thai, Chinese Police, China Says," Reuters, 4 August 15; "Uighurs Deported From Thailand to China Remain in Detention," Voice of America, 5 August 15; Simon Denyer, "Uighurs Face 'Grim' Return to China as Authorities Level Terrorism Claims," Washington Post, 10 July 15.

<sup>37</sup>Han Dong-ho et al., Korea Institute for National Unification, “White Paper on Human Rights in North Korea 2014,” 15 September 14, 561–62; United Nations Office on Drugs and Crime, “Migrant Smuggling in Asia: Current Trends and Related Challenges,” April 2015, 82; Madison Park, “Women Activists’ Plans To Cross Korea’s DMZ Draws Ire,” CNN, 24 May 15; Subin Kim, “Operators of Webcam Site Exploiting Defector Women Indicted,” NK News, 24 February 15.

<sup>38</sup>Ju-min Park and James Pearson, “Bugged Phones and Double Barbed Wire: Far Fewer North Koreans Defect,” Reuters, 21 May 15.

<sup>39</sup>Subin Kim, “Operators of Webcam Site Exploiting Defector Women Indicted,” NK News, 24 February 15.

<sup>40</sup>Sarah E. Mendelson, “Outsourcing Oppression: Trafficked Labor From North Korea,” Foreign Affairs, 28 May 15. Mendelson notes that these North Korean laborers are often misled about the conditions they will face abroad, and that “government minders apparently use force, fraud, deception, and coercion to exploit laborers once they’ve reached their destination.” Scott A. Snyder, “Human Rights Conditions of Overseas Laborers From North Korea,” Council on Foreign Relations, Asia Unbound (blog), 22 May 15.

<sup>41</sup>Agreement Between the Government of the Lao People’s Democratic Republic and the Government of the People’s Republic of China on Cooperation in Preventing and Combating Trafficking in Persons, signed 1 September 14, reprinted in UN Action for Cooperation against Trafficking in Persons.

<sup>42</sup>Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region, signed 29 October 04, reprinted in UN Action for Cooperation against Trafficking in Persons. The six signatories to the MOU were Cambodia, China, Laos, Burma (Myanmar), Thailand, and Vietnam.

<sup>43</sup>Coordinated Mekong Ministerial Initiative Against Trafficking, COMMIT 4th Sub-Regional Plan of Action (SPAIV 2015–2018), signed 29 April 15, reprinted in UN Action for Cooperation against Trafficking in Persons, 3. See also “Six GMS Countries Sign Joint Declaration, Reaffirming Anti-Human Trafficking Commitment,” Xinhua, 30 April 15; United Nations Action for Cooperation against Trafficking in Persons, “COMMIT SOM/IMM Concluded,” 5 May 15; Charles Parkinson and Pech Sotheary, “Kingdom Backs Regional Human Trafficking Plan,” Phnom Penh Post, 1 May 15.

<sup>44</sup>United Nations Action for Cooperation against Trafficking in Persons, “Annual Progress Report 2014,” 20 May 15, 13.

<sup>45</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, arts. 3(a), 6.3. Topics that need to be addressed in domestic legislation to bring it into compliance with the UN TIP Protocol include protection and rehabilitation of victims of trafficking, addition of non-physical forms of coercion into the legal definition of trafficking, and trafficking of men.

<sup>46</sup>National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15; National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) (Draft) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu) (cao’an)], issued 3 November 14; National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) (Draft) (Second Reading) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu) (cao’an) (erci shenyingao)], issued 6 July 15. The National People’s Congress Standing Committee issued the first draft of the Ninth Amendment to the PRC Criminal Law in November 2014 and a second draft in July 2015.

<sup>47</sup>National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, item 15.

<sup>48</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 241; Sun Gan and Sun Siya, “Men Also Included as a Vulnerable Group in Indecency Law” [Nanxing ye bei naru weixie zui shouhai qunti], Beijing Times, 28 October 14.

<sup>49</sup>“China Focus: China Adopts Amendments to Criminal Law,” Xinhua, 29 August 15. See also Guo Peiqing, “To Curb the Crime of Trafficking Children, Amend the Law To Punish Buyers” [Ezhi guaimai ertong fanzui xu xiu fa yancheng maifang], Beijing Youth Daily, 5 June 15; Sun Gan and Sun Siya, “Men Also Included as a Vulnerable Group in Indecency Law” [Nanxing ye bei naru weixie zui shouhai qunti], Beijing Times, 28 October 14; Chen Liping, “Pointing Out Seven Major Highlights of the Criminal Law Amendment (Nine) Draft” [Dianji xingfa xiuzheng’an (jiu) cao’an de qi da liangdian], Legal Daily, 28 October 14.

<sup>50</sup>National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, item 15; National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) (Draft) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu) (cao’an)], issued 3 November 14, item 13; National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) (Draft) (Second Reading) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu) (cao’an) (erci shenyingao)], issued 6 July 15, item 15. The final wording differs slightly from earlier drafts of the amendment. The first draft provided that buyers of trafficked women who did not prevent the women from returning home and buyers of children who had not harmed them could receive a light or reduced punishment, or be exempt from punishment. The second

draft provided that buyers could receive a light or reduced punishment in cases involving trafficked children, or be exempt from punishment in cases that involved trafficked women.

<sup>51</sup>Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of Civil Affairs, Opinion on Handling Certain Issues of Guardians' Violations of Minors' Rights and Interests in Accordance With the Law [Guanyu yifa chuli jianhuren qin'ai wei chengnianren quanyi xingwei ruogan wenti de yijian], issued 18 December 14, effective 1 January 15, 35(1); United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), "UN-ACT January 2015 Newsletter," January 2015.

<sup>52</sup>Zhou Bin, "SPC Circulates Model Cases of Punishment for Trafficking Women and Children" [Zuigaofa tongbao chengzhi guaimai funu ertong fanzui dianxing anli], Legal Daily, 27 February 15.

<sup>53</sup>National People's Congress Standing Committee Decision on Abolishing Laws and Regulations Regarding Reeducation Through Labor [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang falu guiding de jue ding], reprinted in Xinhua, issued and effective 28 December 13; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2014, 132.

<sup>54</sup>Amnesty International, "Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China," ASA 17/042/2013, 17 December 13, 5; Human Rights Watch, "China: Fully Abolish Re-Education Through Labor," 8 January 13; State Council, Decision on the Issue of Reeducation Through Labor [Guowuyuan guanyu laodong jiaoyang wenti de jue ding], reprinted in National People's Congress, issued 3 August 57, item 3; State Council, Supplementary Provisions on Reeducation Through Labor [Guowuyuan guanyu laodong jiaoyang de buchong guiding], reprinted in National People's Congress, issued 29 November 79, items 1–2.

<sup>55</sup>Amnesty International, "Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China," ASA 17/042/2013, 17 December 13, 17–18; State Council, Decision on the Issue of Reeducation Through Labor [Guowuyuan guanyu laodong jiaoyang wenti de jue ding], reprinted in National People's Congress, issued 3 August 57, item 2.

<sup>56</sup>ILO Convention (No. 29) Concerning Forced or Compulsory Labour, 28 June 30, 39 U.N.T.S. 55, art. 2. Article 2.1 of the Convention defines "forced or compulsory labour" as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Article 2.2 (c) makes an exception for "[a]ny work or service extracted from any person as a consequence of a conviction in a court of law . . . ." As RTL inmates were detained without trial, this exception did not apply. See also Amnesty International, "Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China," ASA 17/042/2013, 17 December 13, 17.

<sup>57</sup>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). RTL inmate labor can be viewed as constituting trafficking under Article 3(a) of the UN TIP Protocol, as RTL facility authorities engaged in the "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." For more information on conditions RTL inmates faced, including "the threat or use of force," see, e.g., Amnesty International, "Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China," ASA 17/042/2013, 17 December 13, 5, 17–30; Human Rights Watch, "China: Fully Abolish Re-Education Through Labor," 8 January 13; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2013, 129.

<sup>58</sup>Amnesty International, "Amnesty International Report 2014/15: The State of the World's Human Rights," 25 February 15, 108; Dui Hua Foundation, "Submission to the 59th Session of the UN Committee on the Elimination of Discrimination against Women," 3 October 14, 5–6; John Ruwitch, "A Jail by Another Name: China Labor Camps Now Drug Detox Centers," Reuters, 2 December 13.

<sup>59</sup>Ministry of Justice, Judicial Administrative Agencies Compulsory Drug Detoxification Work Regulations [Sifa xingzheng jiguan qiangzhi geli jiedu gongzuo guiding], issued 3 April 13, effective 1 June 13, art. 43; Human Rights Watch, "Where Darkness Knows No Limits: Incarceration, Ill-Treatment, and Forced Labor as Drug Rehabilitation in China," January 2010, 27–31; Dui Hua Foundation, "Submission to the 59th Session of the UN Committee on the Elimination of Discrimination against Women," 3 October 14, 6; Asia Catalyst, "Custody and Education": Arbitrary Detention for Female Sex Workers in China," December 2013, 8, 25–27.

<sup>60</sup>Sun Ying, "Ministry of Justice: Most of Nation's Former Reeducation Through Labor Centers Have Been Turned Into Compulsory Drug Detoxification Centers" [Sifabu: quanguo jue da duoshu yuan laojiao changsuo zhuan wei qiangzhi geli jiedu changsuo], China National Radio, 5 November 14.

<sup>61</sup>Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], issued 12 November 13, para. 46. See also "One Year Later, Initial Impact of China's Population Planning Policy Adjustment Smaller Than Expected," Congressional-Executive Commission on China, 9 December 14.

<sup>62</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2014, 132, 134; National Health and Family Planning Commission, "National Health and Family Planning Commission Deputy Director Wang Pei'an Answers Reporters' Questions About Maintaining the Basic National Family Planning Policy and Launching the Implementation of the Two-Child Policy for Single-Only-Child Couples" [Guojia weisheng jisheng wei fu zhuren wang pei'an jiu jianchi jihua shengyu jiben guoce qidong shishi dandu lianghai zhengce da jizhe wen], 16 November 13; Population Reference Bureau, "PRB Discuss Online: Will China Relax Its One-Child Policy?" 22 February 11; Gretchen Livingston, Pew Re-

search Center, “Will the End of China’s One-Child Policy Shift Its Boy-Girl Ratio?” Fact Tank (blog), 15 November 13.

<sup>63</sup>Sun Renbin et al., “Single Only [Child Couples] Two-Child Policy Gradually Implemented, Why Has the Expected “Baby Boom” Not Happened?” [Dandu erhai zhengce zhubu fangkai weihe wei xian yuqi “ying’er chao”?], Xinhua, 10 November 14; Wang Qingyun, “Second-Child Policy Having Limited Effect,” China Daily, 11 July 14; Liu Baijun, “Yunnan Province ‘Single Only [Child Couples] Two Children’ Policy Starts, Mainly Affects Non-Rural Population” [Yunnan sheng “dandu erhai” zhengce qidong zhuyao sheji feinong renkou], Legal Daily, 31 March 14.

<sup>64</sup>National Bureau of Statistics of China, “Tabulation on the 2010 Population Census of the People’s Republic of China” [Zhongguo 2010 nian renkou pucha ziliao], 2010, Part 2, Vol. 6, Tables 6–1(a–c), last visited 24 April 15.

<sup>65</sup>See, e.g., 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 22 April 14, arts. 13(3), 17; Hainan Province People’s Congress Standing Committee, Hainan Province Population and Family Planning Regulations [Hainan sheng renkou yu jihua shengyu tiaoli], effective 1 December 03, amended 30 May 14, effective 1 June 14, art. 17; 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, art. 10; 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, art. 19(8).

<sup>66</sup>Long Yuqin et al., “Current Situation of ‘More Boys Fewer Girls’ Difficult To Change, Fears That Sex Ratio Target of 12th Five-Year Plan Difficult To Meet” [“Nanduo nushao” xianzhuang nan gai shi’erwu chusheng xingbiebi mubiao kong nan wancheng], Southern Metropolitan Daily, 11 August 14; Nuquan Zhi Sheng, “Sex Ratio at Birth Close to 116, Gender Discrimination To Blame” [Chusheng xingbiebi jin 116, xingbie qishi re de huo], Weibo post, 21 January 15, 10:29 a.m.; Sui-Lee Wee, “China Says Its Gender Imbalance ‘Most Serious’ in the World,” Reuters, 21 January 15. See also Charis Loh and Elizabeth J. Remick, “China’s Skewed Sex Ratio and the One-Child Policy,” *China Quarterly*, Vol. 222 (June 2015), 295, 300, 306, 315.

<sup>67</sup>UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 28.

<sup>68</sup>United Nations Office on Drugs and Crime, “What Is Human Trafficking?” last visited 27 May 15; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a).

<sup>69</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240.

<sup>70</sup>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03. Topics that need to be addressed in domestic legislation to bring it into compliance with the UN TIP Protocol include protection and rehabilitation of victims of trafficking (UN TIP Protocol, Article 6.3), addition of non-physical forms of coercion into the legal definition of trafficking (UN TIP Protocol, Article 3(a)), and trafficking of men (covered under the definition of “trafficking in persons” in Article 3(a) of the UN TIP Protocol).

<sup>71</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240. Article 240 defines trafficking as “abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.”

<sup>72</sup>Ibid., arts. 240, 244, 358. See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” 19 June 13, 130. According to this report, “it remains unclear whether [articles 240, 244, and 358] have prohibited the use of common non-physical forms of coercion, such as threats of financial or reputational harm, or whether acts such as recruiting, providing, or obtaining persons for compelled prostitution are covered.”

<sup>73</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240. The PRC Criminal Law defines trafficking as “abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.” See also Walk Free Foundation, “The Global Slavery Index 2014,” 13 November 14, 102.

<sup>74</sup>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). See also United Nations Office on Drugs and Crime, “What Is Human Trafficking?” last visited 27 May 15.

<sup>75</sup>State Council General Office, “China Action Plan To Combat Trafficking in Persons (2013–2020)” [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13.

<sup>76</sup> PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240.

<sup>77</sup> National People's Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng'an (jiu)], issued 29 August 15, effective 1 November 15; PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240. The amendment did not include a change to Article 240 of the PRC Criminal Law, which defines human trafficking using the term "trafficking in women and children" (*guaimai funu ertong*). Item 15 of the Ninth Amendment to the PRC Criminal Law revising Article 241 of the PRC Criminal Law refers only to women and children.

<sup>78</sup> PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240. The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim."

<sup>79</sup> UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a, c). The end result of exploitation is one of the required elements of a trafficking case under Article 3 of the UN TIP Protocol. See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretative 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.

<sup>80</sup> See, e.g., Zhou Bin, "Supreme People's Court Circulates Model Cases of Punishment for Trafficking Women and Children" [Zuigaofa tongbao chengzhi guaimai funu ertong fanzui dianxing anli], Legal Daily, 27 February 15; "Women, Children Trafficking Cases Drop in China," Xinhua, 27 February 15; Zhang Lei, "Over 7,700 Trafficking Cases, Over Half Sentenced Harshly" [7700 yu guaimai an zhongxing lu chao yiban], Beijing Evening News, 27 February 15.

<sup>81</sup> Chen Huizhi, "11 Girls Rescued From Child Prostitution Ring," Shanghai Daily, 1 April 15; Zeng Ye et al., "Trafficked 13-Year-Old Luzhou Girl Borrows Phone To Text Location, Finally Rescued by Police" [Luzhou 13 sui bei guaimai shaonu jie shouji fa dizhi zhong huo jingfang jiejiu], Sichuan Television, 31 March 15.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> "Burmese Girls 'Sold as Brides' in Rural China," BBC, 24 November 14; Paul Carsten, "China Seizes 31 Trafficking Suspects Holding Myanmar Women," Reuters, 24 November 14; "Inner Mongolia Police Crack International Trafficking of Women Case, 14 Women Rescued" [Neimenggu jingfang po teda kuaguo guaimai funu an 14 ming funu huojiu], Xinhua, reprinted in People's Daily, 24 November 14.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Zheng Yujia, "Many Women With Mental Disorders Sexually Exploited" [Duo ming jingshen zhang'ai nuzi zao maimai jianyin], Beijing Times, 18 November 14. See also "Anhui Police Uncover Gang Trafficking Women With Mental Disorders" [Zhongguo anhui jingfang pohuo zhuanmen guaimai jingshen zhang'ai funu tuanhuo], Radio Free Asia, 19 November 14.

<sup>88</sup> "Anhui Police Uncover Gang Trafficking Women With Mental Disorders" [Zhongguo anhui jingfang pohuo zhuanmen guaimai jingshen zhang'ai funu tuanhuo], Radio Free Asia, 19 November 14.

<sup>89</sup> Zheng Yujia, "Many Women With Mental Disorders Sexually Exploited" [Duo ming jingshen zhang'ai nuzi zao maimai jianyin], Beijing Times, 18 November 14; "Anhui Police Uncover Gang Trafficking Women With Mental Disorders" [Zhongguo anhui jingfang pohuo zhuanmen guaimai jingshen zhang'ai funu tuanhuo], Radio Free Asia, 19 November 14.

<sup>90</sup> Zheng Yujia, "Many Women With Mental Disorders Sexually Exploited" [Duo ming jingshen zhang'ai nuzi zao maimai jianyin], Beijing Times, 18 November 14.

<sup>91</sup> Ibid.

<sup>92</sup> See, e.g., Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," July 2015, 180; Amnesty International, "China: Hong Kong SAR Submission to the United Nations Committee on the Elimination of Discrimination against Women: 59th Session, 20 October–7 November 2014," 3 October 14, 5; Astrid Zwegnert, "Interview: Lawyers Seek New Ways To Help Hong Kong's Human Trafficking Victims," Thomson Reuters Foundation, 22 June 15.

<sup>93</sup> United Nations Office on Drugs and Crime, "Migrant Smuggling in Asia: Current Trends and Related Challenges," April 2015, 78.

<sup>94</sup> Ibid., I, 82.

<sup>95</sup> Amnesty International, "China: Hong Kong SAR: Submission to the United Nations Committee on the Elimination of Discrimination against Women: 59th Session, 20 October–7 November 2014," 3 October 14, 5. See also "Hong Kong Maid's Employer Found Guilty of Severe Physical Abuse," Guardian, 9 February 15; Jennifer Ngo and Chris Lau, "Hong Kong Maid Dies Five Days After Being Crushed by Falling Concrete Slab," South China Morning Post, 17 March 15; Astrid Zwegnert, "Interview: Lawyers Seek New Ways To Help Hong Kong's Human Trafficking Victims," Thomson Reuters Foundation, 22 June 15.

<sup>96</sup> Leslie Shaffer, "Debt Bondage Behind Hong Kong Sex Trade," CNBC, 7 December 14; Amnesty International, "China: Hong Kong SAR: Submission to the United Nations Committee on

the Elimination of Discrimination against Women: 59th Session, 20 October–7 November 2014,” 3 October 14, 9; Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong et al., “Submission to CEDAW Pre-Sessional Working Group on the Implementation of CEDAW in Hong Kong,” January 2014, 14.

<sup>97</sup> Amnesty International, “China: Hong Kong SAR: Submission to the United Nations Committee on the Elimination of Discrimination against Women: 59th Session, 20 October–7 November 2014,” 3 October 14, 8; Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong et al., “Submission to CEDAW Pre-Sessional Working Group on the Implementation of CEDAW in Hong Kong,” January 2014, 14; Jennifer Ngo and Chris Lau, “Hong Kong Maid Dies Five Days After Being Crushed by Falling Concrete Slab,” *South China Morning Post*, 17 March 15.

<sup>98</sup> Amnesty International, “Amnesty International Report 2014/15: The State of the World’s Human Rights,” 25 February 15, 112.

<sup>99</sup> Aleta Miller, Justice Centre Hong Kong, “Justice for Erwana: A Long Way To Go,” Justice Centre Hong Kong (blog), 13 February 15. See also Justice Centre Hong Kong, “Human Trafficking Labour Research Project,” last visited 10 September 15.

<sup>100</sup> UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 56; Liberty Asia and Thomson Reuters Foundation, “From Every Angle: Using the Law To Combat Human Trafficking in Southeast Asia,” November 2014, 6; Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong et al., “Submission to CEDAW Pre-Sessional Working Group on the Implementation of CEDAW in Hong Kong,” January 2014, 14.

<sup>101</sup> Legislative Council of the Hong Kong Special Administrative Region, Crimes Ordinance (Cap. 200) [Di 200 zhang xingshi zuixing tiaoli], amended 2 August 12, sec. 129(1); Hong Kong Bar Association, “Submission of the Hong Kong Bar Association to the UN Committee on the Elimination of Discrimination against Women (‘Committee’),” 10 January 14, para. 10; Liberty Asia and Thomson Reuters Foundation, “From Every Angle: Using the Law To Combat Human Trafficking in Southeast Asia,” November 2014, 6.

<sup>102</sup> United Nations Treaty Collection, Chapter XVIII, Penal Matters, 12.a., Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, last visited 29 April 15. See also UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, Adopted by the Committee at its 59th Session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 56.

## NORTH KOREAN REFUGEES IN CHINA

*Introduction*

Throughout the Commission's 2015 reporting year, the Chinese government continued to detain and repatriate North Korean refugees to the Democratic People's Republic of Korea (DPRK), despite substantial evidence that repatriated persons face torture, imprisonment, and other inhuman treatment.<sup>1</sup> The Chinese government maintains that North Koreans who enter China without proper documentation are illegal economic migrants and continues to forcibly repatriate them based on a 1961 treaty and 1986 border protocol with the DPRK.<sup>2</sup> China's repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol.<sup>3</sup> China is also obligated under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating persons if there are "grounds for believing that [they] would be in danger of being subject to torture."<sup>4</sup>

The UN Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea has called "the current handling of the movement of people across [the China-North Korea border] far from ideal," stating that the present situation "can easily lead to abuses."<sup>5</sup> Despite being a State Party to both the 1951 Convention and 1967 Protocol, China has not enacted formal legislation or administrative provisions for determining the status of refugees and granting asylum.<sup>6</sup>

China continues to be a main transit point for North Korean refugees.<sup>7</sup> Information on the number of North Korean refugees residing in China remains difficult to ascertain due in part to the Chinese government's refusal to allow the UN High Commissioner for Refugees access to these North Korean refugees.<sup>8</sup> A resolution adopted by the UN General Assembly in December 2014 called on all States "to ensure unhindered access to the UN High Commissioner for Refugees and his Office [to North Korean refugees]."<sup>9</sup>

*Increased Border Security*

Throughout the reporting year, heightened security and instability along the China-North Korea and China-Southeast Asia borders increased the dangers North Korean refugees face. Chinese authorities reportedly strengthened security along the China-North Korea border following three incidents between September 2014 and April 2015 in which rogue North Korean soldiers killed at least 10 Chinese citizens.<sup>10</sup> In June 2015, Chinese border guards shot and killed an unidentified North Korean border crosser.<sup>11</sup> A South Korean media outlet identified the border crosser as a North Korean civilian and indicated Chinese border security was operating under new orders to shoot all illegal border crossers refusing arrest.<sup>12</sup> Concerns over cross-border drug smuggling and human trafficking have also reportedly led Chinese authorities to install new barbed-wire fencing.<sup>13</sup>

Along the border with Southeast Asia, Chinese authorities reportedly stepped up efforts to combat illegal border crossings. In a



case reported by South Korean media in October 2014, Chinese authorities detained 11 North Koreans as they attempted to cross into Burma from Yunnan province.<sup>14</sup> International experts indicate that Southeast Asia remains a main transit point for North Korean refugees, with a large number of refugees reportedly passing through the region en route to South Korea.<sup>15</sup> In January 2015, Chinese authorities reported that a campaign initiated in May 2014 had uncovered several hundred human trafficking cases along the border with Southeast Asia and resulted in the detention of over a thousand unidentified persons.<sup>16</sup>

Heightened border security could be limiting the outflow of refugees from the DPRK, as demonstrated by the smaller number of refugees reaching South Korea. According to the South Korean Ministry of Unification, the number of refugees who reached South Korea decreased from 1,514 in 2013 to 1,397 in 2014,<sup>17</sup> continuing the trend of a significant decline in the number of refugees entering South Korea since 2011.<sup>18</sup>

#### *Crackdown on Foreign Aid Workers*

A reported crackdown by Chinese and North Korean authorities this past year on organizations and individuals assisting North Korean refugees has made it increasingly difficult for refugees to flee the DPRK. Individuals and groups including foreign aid workers, Christian missionaries, South Korean churches, and non-governmental organizations have had a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.<sup>19</sup> Greater scrutiny and monitoring by Chinese authorities has reportedly led to the closure of many aid groups operating within China<sup>20</sup> and resulted in the detention of several foreign nationals, highlighted below.

- **Peter Hahn.** Chinese authorities formally arrested Peter Hahn, a U.S. citizen, in December 2014 reportedly on charges of “embezzlement and counterfeiting receipts.”<sup>21</sup> Hahn reportedly ran a Christian aid agency in Tumen city, Yanbian Korean Autonomous Prefecture, Jilin province, and had previously managed several projects that provided assistance to North Koreans, including refugees.<sup>22</sup> Authorities released Hahn on August 17, 2015, on the basis of time served, after he received a nine-month sentence for “counterfeiting receipts.”<sup>23</sup>

- **Kevin and Julia Garratt.** Chinese authorities placed Kevin and Julia Garratt, Canadian citizens, under “residential surveillance” beginning in August 2014 on “suspicion of engaging in activities endangering national security.”<sup>24</sup> In February 2015, authorities criminally detained Kevin on “suspicion of stealing national secrets,” while Julia was released on bail.<sup>25</sup> They operated a coffee shop near the North Korean border in Liaoning province, and were reportedly involved with organizations assisting North Koreans and sheltering refugees from the DPRK.<sup>26</sup>

#### *Trafficking of North Korean Women*

North Korean women who enter China illegally remain particularly vulnerable to human trafficking. Experts indicate that the

majority of North Korean refugees entering China are women,<sup>27</sup> with some estimates suggesting that between 70 and 90 percent become victims of human trafficking.<sup>28</sup> The Chinese government's refusal to recognize these women as refugees denies them legal protections and encourages the trafficking of North Korean women and girls within China.<sup>29</sup> The demand for trafficked women has been linked to a sex ratio imbalance in China driven by the Chinese government's population planning policies.<sup>30</sup> Many women are trafficked by force or deception from the DPRK into or within China for the purposes of forced marriage.<sup>31</sup> In other cases, women become victims of sex trafficking and are forced into commercial sexual exploitation.<sup>32</sup> China is obligated under the Convention on the Elimination of All Forms of Discrimination against Women and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to take measures to safeguard trafficking victims and suppress all forms of trafficking in women.<sup>33</sup>

### *Children*

Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to a lack of legal resident status in China. The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.<sup>34</sup> Despite this stipulation, Chinese authorities in practice continue to largely deprive these children of their rights to birth registration and nationality.<sup>35</sup> Without proof of resident status, these children are unable to access education and other public services.<sup>36</sup> In some cases, bribery of local officials has allowed some children to obtain identification documents, but the bribes are reportedly high and attempting to negotiate with local officials risks exposing the North Korean mother to arrest and repatriation.<sup>37</sup> The denial of nationality rights and access to education for these children contravenes China's obligations under international law, including the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights.<sup>38</sup>

## Notes to Section II—North Korean Refugees in China

<sup>1</sup>UN Human Rights Council, Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, A/HRC/25/CRP.1, 7 February 14, paras. 116–122, 405–442; Lu Shan et al., “North Korean Woman Illegally Enters Country, Luannan Police Report Her” [Chaoxian nuzi feifa rujing luannan minjing qiansong chujing], Tangshan Labor Daily, reprinted in Huan Bohai News, 28 May 15.

<sup>2</sup>Democratic People's Republic of Korea Ministry of State Security, People's Republic of China Ministry of Public Security, Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas, signed 12 August 86, art. 4, reprinted in North Korea Freedom Coalition. The protocol commits each side to treat as illegal those border crossers who do not have proper visa certificates, except in cases of “calamity or unavoidable factors.” James D. Seymour, “China: Background Paper on the Situation of North Koreans in China,” commissioned by UNHCR, Protection Information Section, January 2005, 13. According to a report commissioned by the UN High Commissioner for Refugees (UNHCR), the validity of “[the Protocol] cannot be authenticated, but it does not seem implausible.” UN Human Rights Council, Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, Annex II—Correspondence with China, A/HRC/25/63, 7 February 14, 33. In a January 2014 letter addressed to the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea Chairman Michael Kirby, China's Deputy Permanent Representative to the United Nations Office in Geneva Wu Haitao indicated that “China has repeatedly made clear, on various occasions, its position that DPRK citizens who have entered China illegally do it for economic reasons.”

<sup>3</sup>UN Convention Relating to the Status of Refugees (1951 Convention), 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, 33. Article 1 of the 1951 Convention 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.” UN Protocol Relating to the Status of Refugees (1967 Protocol), adopted by UN General Assembly resolution A/RES/2198 of 16 December 66, entry into force 4 October 67. The Chinese government acceded to the 1951 Convention and the 1967 Protocol in September 1982, but has not adopted legislation to implement the treaties.

<sup>4</sup>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly 10 December 84, entry into force 26 June 87, art. 3. Article 3 states that, “No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” The Chinese government ratified the Convention on October 4, 1988.

<sup>5</sup>Marzuki Darusman, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, UN General Assembly, A/69/548, 24 October 14, para. 36.

<sup>6</sup>UN Office of the High Commissioner for Refugees, “The People's Republic of China: Fact Sheet,” September 2014, 2; “Uncovering the Two Routes North Korean Refugees Use To Pass Through China on Their Way to South Korea” [Jiemi zai hua “tuobeizhe” zhanzhuang fu han 2 luxian], Phoenix Television, 21 October 14; UN Office of the High Commissioner for Refugees, “UNHCR 2014–2015 Global Appeal: East Asia and the Pacific,” last visited 24 July 15, 2–3.

<sup>7</sup>United Nations Office on Drugs and Crime, “Migrant Smuggling in Asia: Current Trends and Related Challenges,” April 2015, 76; Marzuki Darusman, Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, UN General Assembly, A/69/548, 24 October 14, para. 24.

<sup>8</sup>UN Human Rights Council, Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, A/HRC/25/CRP.1, 7 February 14, paras. 395, 444.

<sup>9</sup>Situation of Human Rights in the Democratic People's Republic of Korea, adopted by UN General Assembly resolution 69/188 of 18 December 14, item 2(iv).

<sup>10</sup>Qiao Jianjun and Liu Senlin, “Yanbian, Jilin Tightens Control on Chinese-Russian and Chinese-North Korean Borders, 24-Hour Video Monitoring” [Jilin yanbian yanguan zhong'e zhongchao bianjing 24 xiaoshi shipin jiankong], China Defense News, reprinted in China News Service, 14 January 15; Sui-Lee Wee and Megha Rajagopalan, “China Enlists Citizens To Patrol Border With North Korea—State Media,” Reuters, 15 January 15; Yang Feng, “Official Confirms 3 Killed in Village on China-Korea Border, Third Incident in 8 Months” [Guanfang zhengshi zhongchao bianjing cunzhuang 3 ren yuhai xi 8 ge yue lai disan qi], Beijing News, 29 April 15.

<sup>11</sup>Austin Ramzy, “China Says It Killed North Korean Suspected of Illegally Crossing Border,” New York Times, 11 June 15; “Troops Garrisoned in Yanbian, Jilin Shoot Dead Suspected Illegal Border Crosser” [Jilin yanbian zhujun guanbing jibi 1 ming yi si feifa yuejingzhe], People's Daily, 11 June 15.

<sup>12</sup>Lee Sang Yong, “Civilian Not Soldier Shot in Helong,” Daily NK, 15 June 15; Stephan Haggard, Peterson Institute for International Economics, “Shoot To Kill on the China-DPRK Border??” North Korea: Witness to Transformation (blog), 19 June 15.

<sup>13</sup>“North Korean Authorities Offer Rewards for Informing on Defectors, Smugglers,” Radio Free Asia, 3 March 15.

<sup>14</sup>“11 N. Korean Defectors Arrested in China,” Yonhap News Agency, 31 October 14.

<sup>15</sup>UN Human Rights Council, Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, A/HRC/25/CRP.1, 7 February

14, paras. 159, 393–394; United Nations Office on Drugs and Crime, “Migrant Smuggling in Asia: Current Trends and Related Challenges,” April 2015, 79; Rohan Radheya, “Refugee in Laos Awaits Chance To Reach S. Korea,” NK News, 5 November 14; Robert Lauler, “North Korean Defectors SK-Bound After Laos Release,” NK News, 20 October 14. According to published estimates, 90 percent of North Korean refugees pass from China through Laos on their way to the Republic of Korea.

<sup>16</sup>“Massive Exodus of Uyghurs Suspected of ‘Jihad Migration’” [Weizu daju waitao yi “qianxi shengzhan”], *Oriental Daily News*, 20 January 15; Kor Kian Beng, “China Cracks Down on Uighur Exodus,” *Straits Times*, reprinted in *AsiaOne*, 22 January 15.

<sup>17</sup>Ministry of Unification of the Republic of Korea, “Korean Peninsula Information: North Korean Refugees Current Situation” [Hanbandao xinxi: tuobei jumin xiankuang], last visited 10 June 15.

<sup>18</sup>*Ibid.*

<sup>19</sup>United Nations Office on Drugs and Crime, “Migrant Smuggling in Asia: Current Trends and Related Challenges,” April 2015, 83–84; Matthew Bell, “China Is Cracking Down on the Missionary Lifeline That Helps North Korean Refugees,” *Public Radio International*, 5 December 14.

<sup>20</sup>Matthew Bell, “China Is Cracking Down on the Missionary Lifeline That Helps North Korean Refugees,” *Public Radio International*, 5 December 14; Megha Rajagopalan, “Canadian Couple Accused of Spying in China Held in Near Isolation, Son Says,” *Reuters*, 24 October 14.

<sup>21</sup>Megha Rajagopalan, “China Arrests American Christian Aid Worker Near North Korean Border,” *Reuters*, 19 December 14; Philip Wen, “Peter Hahn, Korean-American Aid Worker, Held in China,” *The Age*, 20 November 14.

<sup>22</sup>Jane Perlez, “China Detains U.S. Aid Worker Who Assisted North Koreans,” *New York Times*, 20 November 14; Philip Wen, “Peter Hahn, Korean-American Aid Worker, Held in China,” *The Age*, 20 November 14; Megha Rajagopalan, “China Arrests American Christian Aid Worker Near North Korean Border,” *Reuters*, 19 December 14.

<sup>23</sup>Michael Martina, “China Releases Korean-American Missionary: Lawyer,” *Reuters*, 7 September 15; “Fraud Convict Peter Hahn Let Go,” *Standard*, 7 September 15.

<sup>24</sup>Ministry of Foreign Affairs, “February 5, 2015, Ministry of Foreign Affairs Spokesman Hong Lei Holds Routine Press Conference” [2015 nian 2 yue 5 ri waijiaobu fayanren hong lei zhuchi lixing jizhehui], 5 February 15.

<sup>25</sup>*Ibid.*

<sup>26</sup>Dan Levin, “China Holds Canadian on Suspicion of Stealing State Secrets,” *New York Times*, 5 February 15; Stephan Haggard, Peterson Institute for International Economics, “Detainee Update: Peter Hahn and the Garratt Case,” *North Korea: Witness to Transformation* (blog), 11 February 15.

<sup>27</sup>Lisa Curtis and Olivia Enos, Heritage Foundation, “Combating Human Trafficking in Asia Requires U.S. Leadership,” 26 February 15; Kyla Ryan, “The Women Who Escape From North Korea,” *The Diplomat*, 24 November 14; Olivia Enos, “Human Trafficking Thrives Where Rule of Law Ends,” *The Diplomat*, 16 March 15.

<sup>28</sup>*Ibid.*

<sup>29</sup>Gary Chodorow, “China Police Search for 100 Missing Vietnamese Brides,” *U.S. and China Visa Law* (blog), 15 December 14; Olivia Enos, “Human Trafficking Thrives Where Rule of Law Ends,” *The Diplomat*, 16 March 15.

<sup>30</sup>Madeline Fetterly, “Sex Trafficking and China’s One Child Policy,” *The Diplomat*, 6 November 14; Kyla Ryan, “The Women Who Escape From North Korea,” *The Diplomat*, 24 November 14; Olivia Enos, “Human Trafficking Thrives Where Rule of Law Ends,” *The Diplomat*, 16 March 15.

<sup>31</sup>Liberty Asia, “From Every Angle: Using the Law To Combat Human Trafficking in Southeast Asia,” November 2014, 44; Amnesty International, “The Other Interview: Escape From North Korea,” 6 February 15; Sylvia Wassermann, “A Fugitive’s Harrowing Flight From North Korea,” *Deutsche Welle*, 3 May 15; Lisa Curtis and Olivia Enos, Heritage Foundation, “Combating Human Trafficking in Asia Requires U.S. Leadership,” 26 February 15.

<sup>32</sup>Madeline Fetterly, “Sex Trafficking and China’s One Child Policy,” *The Diplomat*, 6 November 14; Subin Kim, “Operators of Webcam Site Exploiting Defector Women Indicted,” *NK News*, 24 February 15.

<sup>33</sup>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; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, arts. 6, 9.

<sup>34</sup>PRC Nationality Law [Zhonghua renmin gongheguo guoji fa], passed, issued, and effective 10 September 80, art. 4.

<sup>35</sup>UN Human Rights Council, Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, A/HRC/25/CRP.1, 7 February 14, items 139–141, 472–477; Stephanie Gordon, “Children of North Koreans, Living Between Borders,” *NK News*, 4 March 15.

<sup>36</sup>UN Human Rights Council, Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, A/HRC/25/CRP.1, 7 February 14, items 139–141, 472–477.

<sup>37</sup>Stephanie Gordon, “Children of North Koreans, Living Between Borders,” *NK News*, 4 March 15.

<sup>38</sup>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(1), 7, 28(1a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also provide all children with access to education without discrimination

on the basis of nationality. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 13. Under Article 13, China recognizes that everyone has a right to education, including a free and compulsory primary education.

## PUBLIC HEALTH

*Introduction*

Although the prevalence of infectious disease continues to be a public health concern in China,<sup>1</sup> increasing rates of non-communicable diseases, such as diabetes,<sup>2</sup> chronic kidney disease,<sup>3</sup> and mental health conditions<sup>4</sup> pose challenges to Chinese policymakers and government officials. With the prior round of health care reform in China focused on expanding health insurance coverage,<sup>5</sup> the State Council issued a new five-year (2015–2020) plan in March 2015 that addresses ongoing challenges in accessing medical care.<sup>6</sup> These include the uneven distribution of health care resources between rural and urban areas,<sup>7</sup> the high cost of medical treatment,<sup>8</sup> and public hospitals that reportedly have given priority to profits over patient needs.<sup>9</sup>

## CONCERNS OVER THE ORGAN DONATION SYSTEM

China faces a significant public health problem in meeting the needs of individuals who need organ transplants, a problem exacerbated by an organ donation system still at an early stage of development.<sup>10</sup> The disparity between supply and demand for organ transplants in China is large, with estimates of one million people in need of organ transplants, among whom 300,000 are medically eligible for them, according to a March 2015 report in Caixin.<sup>11</sup> Approximately 10,000 transplants have been performed annually in recent years,<sup>12</sup> relying heavily on organs harvested from executed prisoners.<sup>13</sup> A top Chinese health official acknowledged international concerns and, since at least 2012, has stated repeatedly that the Chinese government would phase out the country's dependence on executed prisoners as a source of organs for transplant.<sup>14</sup>

State-run media reported the end of harvesting organs from executed prisoners with a move to a fully voluntary organ donation system in January 2015.<sup>15</sup> Death row prisoners, however, remain “among the qualified candidates for donations, but their organs will be registered in the computerized system instead of being used for private trades.”<sup>16</sup> International medical professionals and human rights advocates raised doubts about the “voluntary” nature of such donations, and emphasized that the use of prisoners' organs violates international ethical standards in transplantation.<sup>17</sup>

*Implementation of the PRC Mental Health Law*

Forcibly committing individuals without mental illness to psychiatric facilities (*bei jingshenbing*), including “government critics” and petitioners with “grievances against officials,” reportedly continued during the Commission's 2015 reporting year<sup>18</sup> despite the PRC Mental Health Law's (MHL) provisions to prevent such abuse.<sup>19</sup> Microblogger Shi Genyuan<sup>20</sup> and activist Song Zaimin<sup>21</sup> were released from forcible hospitalization in October and November 2014, respectively. The Chinese human rights organization Civil Rights & Livelihood Watch also documented cases of forced commitment before major political meetings this past year.<sup>22</sup>

The Chinese government at central and local levels made efforts to strengthen implementation of the MHL. In November 2014, Shanghai municipality issued mental health regulations that updated municipal regulations from 2001, thus issuing the first local mental health regulations in China since the MHL came into effect in 2013.<sup>23</sup> Beijing municipality and Hangzhou municipality, Zhejiang province, reportedly considered whether to revise regulations that pre-date the MHL.<sup>24</sup> In June 2015, the State Council issued a five-year work plan on mental health that would expand access to treatment and services, increase the number of mental health professionals and organizations providing services, and offer more public outreach on mental health, among other aims.<sup>25</sup>

According to Chinese experts, most local regulations do not yet have “effective oversight and review mechanisms for involuntary admission, clear time limitation [sic] for such admissions, and specific discharge procedures,” due, in part, to difficulties in balancing medical needs and legal protections, as well as community safety concerns and the rights of individuals with mental illness.<sup>26</sup> For example, Shanghai’s regulations maintain a limit of 72 hours for initial diagnosis in cases of involuntary admission,<sup>27</sup> whereas the MHL lacks a specific timeframe,<sup>28</sup> leaving open the potential for an unlimited period of commitment. The delimited time period was a feature of Shanghai’s earlier mental health regulations (2001)<sup>29</sup> and is in keeping with international standards.<sup>30</sup> The non-governmental organization Chinese Human Rights Defenders raised concerns during this reporting year that the MHL leaves persons subjected to involuntary hospitalization for mental illness “vulnerable to human rights violations,” including violating provisions in the Convention on the Rights of Persons with Disabilities (CRPD).<sup>31</sup> Articles 12 and 14 of the CRPD, for example, stipulate people with psychosocial disabilities shall “enjoy legal capacity on an equal basis with others” and “enjoy the right to liberty and security of person.”<sup>32</sup>

The broad rights and responsibilities of guardians of persons with mental illness came into focus in April 2015 when a plaintiff in Shanghai lost a lawsuit for deprivation of liberty against his guardian and a psychiatric facility in a case reported to be the first lawsuit under the MHL.<sup>33</sup> The plaintiff in the Shanghai case spent more than 12 years involuntarily committed to a psychiatric facility even though his illness reportedly was under control.<sup>34</sup> In cases of involuntary commitment, patients may not discharge themselves on their own recognizance.<sup>35</sup> Despite efforts by the psychiatric facility to facilitate the plaintiff’s release, his guardian reportedly claimed he was unable to care for the plaintiff and refused to authorize discharge.<sup>36</sup> One commentator noted weak protocols at psychiatric hospitals and the courts’ “lack [of] authority” to determine legal relief were factors in the plaintiff’s case.<sup>37</sup>

### *Public Health Advocacy*

Although the Chinese government encouraged the development of non-governmental organizations (NGOs) to provide public health and social welfare services,<sup>38</sup> the government’s sanction of service provision did not extend to non-governmental advocacy it deemed to be politically sensitive.<sup>39</sup> Chinese officials harassed public health

advocates, for example, by preventing the HIV/AIDS advocate Wang Qiuyun from traveling to Geneva, Switzerland, in October 2014 to attend a UN conference<sup>40</sup> and detaining anti-health discrimination advocates Guo Bin and Yang Zhanqing in June 2015.<sup>41</sup> In March 2015, public security authorities from Beijing municipality raided the Beijing Yirenping Center, an NGO that advocates for employment equality and anti-discrimination for persons with infectious diseases and disabilities.<sup>42</sup> [For further information on the harassment of Yirenping during this reporting year, see Section III—Civil Society.]

Barriers in access to justice in cases of employment discrimination based on health conditions<sup>43</sup> include difficulties in filing cases,<sup>44</sup> relying on mediation over adjudication,<sup>45</sup> and financial burdens.<sup>46</sup> Chinese media reported on individual and group health advocacy during this reporting year, including these examples:

- A woman who was denied employment in Chengdu municipality, Sichuan province, because a pre-employment physical exam revealed she carried Hepatitis B, brought her case to court in December 2014.<sup>47</sup>
- Two HIV-positive people whose discrimination cases had been rejected by local courts in Guizhou province reportedly advocated for their right to sue in a November 2014 letter to the president of the Supreme People's Court.<sup>48</sup>
- In February 2015, plaintiffs in six AIDS-related employment discrimination cases wrote to the All-China Federation of Trade Unions<sup>49</sup> to call on employers, particularly government and public institutions, to discontinue use of discriminatory physical eligibility standards when hiring.<sup>50</sup>



## Notes to Section II—Public Health

<sup>1</sup> See, e.g., Laurie Garrett, Council on Foreign Relations, “The Year of the Flu,” 4 February 15; Gabriel Domínguez, “WHO: ‘China Is Witnessing an Evolving HIV Epidemic,’” *Deutsche Welle*, 3 December 14; Cesar Chelala, “Tuberculosis Showing a Resurgence in China,” *Japan Times*, 30 March 15.

<sup>2</sup> “Diabetes in China: Mapping the Road Ahead,” *Lancet* (Diabetes & Endocrinology), 11 September 14; Sabrina Tavernise, “Global Diabetes Rates Are Rising as Obesity Spreads,” *New York Times*, 8 June 15.

<sup>3</sup> Luxia Zhang, Fang Wang et al., “Prevalence of Chronic Kidney Disease in China: A Cross-Sectional Survey,” *Lancet*, Vol. 379, No. 9818, 3 March 12.

<sup>4</sup> Cheng Huang, Hai Yu, and Jeffrey P. Kaplan, “Can China Diminish Its Burden of Non-Communicable Diseases and Injuries by Promoting Health in Its Policies, Practices, and Incentives?” *Lancet*, Vol. 384, 30 August 14, 784.

<sup>5</sup> David Blumenthal and William Hsiao, “International Health Care Systems: Lessons From the East—China’s Rapidly Evolving Health Care System,” *New England Journal of Medicine*, Vol. 372, No. 14, 2 April 15.

<sup>6</sup> State Council General Office, “National Medical and Health Services System Plan (2015–2020)” [Quanguo yiliao weisheng fuwu tixi guihua gangyao], 6 March 15.

<sup>7</sup> Zhou Tian, “Gains and Losses in Health Care Reform in 2014 (Part 2)” [2014 nian yigai deshi (xia)], *Caixin*, 23 December 14; David Blumenthal and William Hsiao, “International Health Care Systems: Lessons From the East—China’s Rapidly Evolving Health Care System,” *New England Journal of Medicine*, Vol. 372, No. 14, 2 April 15.

<sup>8</sup> Zhou Tian, “Gains and Losses in Health Care Reform in 2014 (Part 2)” [2014 nian yigai deshi (xia)], *Caixin*, 23 December 14.

<sup>9</sup> Chou Yi et al., “Health Insurance Reform, Clinical Care, and ‘Public’ Hospitals—Delegates Look at Three Major Directions of Deepening China’s Health Care Reforms” [Yibao gaige, fenji zhenliao, “gongyi” yiyuan—daibiao weiyuan jujiao woguo shenhua yigai san da fangxiang], *Xinhua*, 11 March 15.

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<sup>11</sup> Shi Rui, “Huang Jiefu: Stopping the Use of Executed Prisoners’ Organs Will Not Create a Shortage” [Huang jiefu: tingyong siqiu qiguan buhui yinqi duanque], *Caixin*, 11 March 15.

<sup>12</sup> Adnan Sharif et al., “Organ Procurement From Executed Prisoners in China,” *American Journal of Transplantation*, Vol. 14, Issue 10, October 2014; “China To Scrap Organ Harvesting From Executed Prisoners,” *China Daily*, 4 December 14; Zhang Jin, “Closer Look: Changing Hearts on the Organ Transplant System,” *Caixin*, 15 December 14.

<sup>13</sup> “China To Scrap Organ Harvesting From Executed Prisoners,” *China Daily*, 4 December 14; Zhang Jin, “Closer Look: Changing Hearts on the Organ Transplant System,” *Caixin*, 17 December 14.

<sup>14</sup> “China To Abolish Transplanting Organs From Condemned Prisoners Within 3–5 Years,” *Xinhua*, 22 March 12; Wei Mingyan, “Within Two Years, Organ Donation Will Replace Executed Prisoners as Donors” [Qiguan juanxian liangnian nei qudai siqiu gongti], *Beijing News*, 15 August 13; Adnan Sharif et al., “Organ Procurement From Executed Prisoners in China,” *American Journal of Transplantation*, Vol. 14, Issue 10, October 2014.

<sup>15</sup> “China Will Completely Stop Use of Executed Prisoners’ Organs as Donor Source of Organ Transplants” [Zhongguo jiang quanmian tingzhi shiyong siqiu qiguan zuowei yizhi gongti laiyuan], *China National Radio*, reprinted in *Xinhua*, 2 January 15; “China To Scrap Organ Harvesting From Executed Prisoners,” *China Daily*, 4 December 14. See also “Weaning China Off Organs From Executed Prisoners,” *Lancet*, Vol. 385, No. 9962, 3 January 15.

<sup>16</sup> “China To Scrap Organ Harvesting From Executed Prisoners,” *China Daily*, 4 December 14; Adnan Sharif et al., “Organ Procurement From Executed Prisoners in China,” *American Journal of Transplantation*, Vol. 14, Issue 10, October 2014.

<sup>17</sup> Torsten Trey et al., “Correspondence: Organ Transplantation in China: Concerns Remain,” *Lancet*, Vol. 385, No. 9971, 7 March 15, 854; Huige Li et al., “Correspondence: Organ Transplantation in China: Concerns Remain,” *Lancet*, Vol. 385, No. 9971, 7 March 15, 855–56; Jacob Lavee and Vivekanand Jha, “Correspondence: Organ Transplantation in China: Concerns Remain,” *Lancet*, Vol. 385, No. 9971, 7 March 15, 855; Liz Kerr and Deborah Collins-Perrica, “Correspondence: Organ Transplantation in China: Concerns Remain,” *Lancet*, Vol. 385, No. 9971, 7 March 15, 856; Adnan Sharif et al., “Organ Procurement From Executed Prisoners in China,” *American Journal of Transplantation*, Vol. 14, Issue 10, October 2014; Francis L. Delmonico et al. on behalf of the Transplantation Society and the Declaration of Istanbul Custodian Group, “Open Letter to President of China,” *Transplantation Society Tribune*, Vol. 11, Issue 1, Spring 2014, 10.

<sup>18</sup> Chinese Human Rights Defenders, “[CHRB] Forced Psychiatric Detention Persists 2 Years After China Enacted Mental Health Law (5/8–14/2015),” 15 May 15; Civil Rights & Livelihood Watch, “2014 Year-End Report on Mental Health and Human Rights in China (Forced Hospitalization)” [2014 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao], 14 January 15, sec. 1(6). Additional examples during this reporting year include Xu Dajin and Shi Youfang, Civil Rights & Livelihood Watch, “Forcibly Hospitalized Jiangxi Petitioner Xu Dajin Again Sent for ‘Medical Treatment’ by Police” [Jiangxi bei jingshenbing fangmin xu dajin zai bei jingfang song qu “zhibing”], 6 April 15 (case of Xu Dajin); Civil Rights & Livelihood Watch, “Anhui Petitioner Shi Youfang Forced To Undergo Psychiatric Assessment After Detention” [Anhui fangmin shi youfang bei juliu hou qiangzhi zuo jingshenbing jiangding], 26 February 15 (case of Shi Youfang).

<sup>19</sup>PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 75(5), 78(1).

<sup>20</sup>Civil Rights & Livelihood Watch, “Fujian Blogger Talks About How Shi Genyuan Was Forcibly Committed to Psychiatric Hospital and Most Recent Conditions” [Fujian wangyou tan shi genyuan bei jingshenbing de jingguo he zui xin qingkuang], 4 September 14; Rights Defense Network, “News Flash: Shi Genyuan (Chronology Project) Released Today” [Kuaixun: shi genyuan (duandai gongcheng) jin bei shifang], 11 October 14. For more information on Shi Genyuan, see the Commission’s Political Prisoner Database record 2014-00343.

<sup>21</sup>“Beijing Democracy Rights Defender Song Zaimin Has Been Held at Pinggu Psychiatric Hospital for More Than One Month Already” [Beijing minzhu weiquan renshi song zaimin yi bei guan pinggu jingshenbing yuan 1 ge duo yue], Boxun, 16 September 14; “After Being Forcibly Committed, Song Zaimin Has Left the Hospital and Returned Home: Wu Jinsheng” [Bei jingshenbing song zaimin yijing chuyuan huijia: wu jinsheng], Boxun, 6 November 14. For more information on Song Zaimin, see the Commission’s Political Prisoner Database record 2014-00346.

<sup>22</sup>Civil Rights & Livelihood Watch (CRLW), “2014 Year-End Report on Mental Health and Human Rights in China (Forced Hospitalization)” [2014 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao], 14 January 15. The CRLW report specified that forced commitments increased around the time of the Fourth Plenum of the 18th National Congress Central Committee in November 2014 and the annual meetings of the National People’s Congress and the Chinese People’s Political Consultative Conference in March 2015.

<sup>23</sup>Shanghai Municipal People’s Congress, Shanghai Municipality Mental Health Regulations [Shanghai shi jingshen weisheng tiaoli], issued 20 November 14, effective 1 March 15; Wei Yan, “Shanghai Municipality Mental Health Regulations ‘Upgraded’ Within the Year, Free Counseling for Depression” [“Shanghai shi jingshen weisheng tiaoli” niannei “kaiji” yiyuzheng ke mianfei xinli zixun], East Day, 10 October 14.

<sup>24</sup>See, e.g., Beijing Municipal People’s Congress Standing Committee, “Beijing Mental Health Regulations’ Post-Legislative Assessment Work Team Conducts Investigation at Anding Hospital” [“Beijing shi jingshen weisheng tiaoli” lifa hou pinggu gongzuo zu gua anding yiyuan diaoyan], 18 September 14; Hangzhou Municipal Health and Family Planning Commission, “Hangzhou Municipality’s Essential Work for Health and Planning in 2015” [2015 nian hangzhou shi weisheng jisheng gongzuo yaodian], 22 December 14, item 3.

<sup>25</sup>State Council General Office, “National Mental Health Work Plan (2015–2020)” [Quanguo jingshen weisheng gongzuo guihua (2015–2020)], 4 June 15, item 2(3); Hu Huo et al., “Who Will Help Society’s Marginalized ‘Spiritual Wanderers’?—A Focused Look at the National Mental Health Work Plan” [Shei lai bangzhu shehui bianyuan de “jingshen liulangzhe”?—jujiao quanguo jingshen weisheng gongzuo guihua], Xinhua, 18 June 15.

<sup>26</sup>Yang Shao and Bin Xie, “Approaches to Involuntary Admission of the Mentally Ill in the People’s Republic of China: Changes in Legislation From 2002 to 2012,” *Journal of the American Academy of Psychiatry and the Law*, Vol. 43, No. 1, 1 March 15.

<sup>27</sup>Shanghai Municipal People’s Congress, Shanghai Municipality Mental Health Regulations [Shanghai shi jingshen weisheng tiaoli], issued 20 November 14, effective 1 March 15, art. 32. Article 32 of the Shanghai regulations limits emergency observation to 72 hours after which discharge is required.

<sup>28</sup>PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, art. 30; Jeremy Daum, “Still Crazy After All These Years,” *China Law Translate* (blog), 20 May 13. As China law scholar Jeremy Daum noted in 2013, “[i]n earlier drafts of the MHL, the period for diagnosis was limited to 72 hours, but the final text does not contain this requirement and only requires that diagnosis be performed without delay.” See also Yang Shao and Bin Xie, “Operationalizing the Involuntary Treatment Regulations of China’s New Mental Health Law,” *Shanghai Archives of Psychiatry*, Vol. 25, No. 6, December 2013, 385, sec. 4.

<sup>29</sup>Shanghai Municipality Mental Health Regulations [Shanghai shi jingshen weisheng tiaoli], issued 28 December 01, effective 7 April 02, art. 31.

<sup>30</sup>World Health Organization, “Mental Health Legislation & Human Rights,” *Mental Health Policy and Service Guidance Package*, 2003, 24. Emergency procedures “should allow the compulsory evaluation of persons with mental disorders and/or admission for 48–72 hours to allow assessment by a mental health specialist if there is a reasonable suspicion of an immediate risk to their health or safety.”

<sup>31</sup>Chinese Human Rights Defenders, “CHRD Information Submission to the UN Committee Against Torture for Consideration in List of Issues—February 2015,” 17 February 15, para. 29(a).

<sup>32</sup>Convention on the Rights of Persons with Disabilities, adopted by UN General Assembly resolution 61/106 of 13 December 06, entry into force 3 May 08, arts. 12, 14. See also Chinese Human Rights Defenders, “The Darkest Corners: Abuses of Involuntary Psychiatric Commitment in China,” August 2012, 13.

<sup>33</sup>Wang Yejie and Zhou Kai, “Shanghai: Person Suffering From Schizophrenia Wants To ‘Fly Out of the Cuckoo’s Nest’” [Shanghai yi jingshen fenliezheng huanzhe yu “feiyue fengren yuan”], *China Youth Daily*, 15 April 15. For a recent article on concerns about the power of guardians, see Zhao Han, “Public Interest Organization Calls for Reform of Adult Guardianship System in the Civil Code” [Gongyi jigou hu minfa dian bianzuan ying gaige chengren jianghu zhidu], *Caixin*, 23 May 15. See also CECC, 2013 Annual Report, 10 October 13, 121–22.

<sup>34</sup>Liu Xin, “Mentally-Ill Patient Loses Lawsuit Seeking To Leave Shanghai Hospital,” *Global Times*, 16 April 15. According to the *Global Times*, Xu’s lawyer said, “Xu’s illness has been controlled and he is now able to live a normal life. Xu has the right to leave the hospital.”

<sup>35</sup>Yang Shao and Bin Xie, “Operationalizing the Involuntary Treatment Regulations of China’s New Mental Health Law,” *Shanghai Archives of Psychiatry*, Vol. 25, No. 6, December 2013, 385, sec. 5.

<sup>36</sup> Wang Yejie and Zhou Kai, “Person From Shanghai Suffering From Schizophrenia Wants To Fly Out of the Cuckoo’s Nest” [Shanghai yi jingshen fenliezheng huanzhe yu “feiyue fengren yuan”], China Youth Daily, 15 April 15.

<sup>37</sup> Wang Cailiang, “In a First, Demolition Case Included in Top Ten Public Interest Cases for 2014” [Chaiqian anjian shouci ruxuan 2014 zhongguo shi da gongyi susong], Caijing (Wang Cailiang blog), 11 February 15.

<sup>38</sup> Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], issued 12 November 13, sec. 13(48); Ministry of Finance, Ministry of Civil Affairs, and State Administration of Industry and Commerce, Government Service Procurement Management Measures (Interim) [Zhengfu goumai fuwu guanli banfa (zhanxing)], issued 15 December 14, effective 1 January 15, art. 14(1–2).

<sup>39</sup> Andrew Jacobs and Chris Buckley, “In China, Civic Groups’ Freedom, and Followers, Are Vanishing,” New York Times, 26 February 15.

<sup>40</sup> Jess Macy Yu, “Chinese AIDS Activist Says She Was Kept From U.N. Conference,” New York Times, Sinosphere (blog), 23 October 14; Simon Denyer, “China Bars AIDS Activist From Traveling Despite Talk of Ending Discrimination,” Washington Post, 23 October 14.

<sup>41</sup> Rights Defense Network, “Authorities’ Suppression of Grassroots NGOs Continues, NGO Directors Guo Bin and Yang Zhanqing Detained” [Dangju dui minjian NGO zhenya jixu NGO fuzeren guo bin, yang zhanqing zao jubu], 13 June 15; Tom Phillips, “Fears of New Crackdown as China Holds Two Former Members of Rights Group,” Guardian, 15 June 15.

<sup>42</sup> Beijing Yirenping Center, “Yirenping: Anti-Discrimination Public Interest Organization Raided While Calling for Release of Five Women’s Rights Activists,” reprinted in Rights Defense Network, 26 March 15; “China’s Fear of Women With Pamphlets,” New York Times, 27 March 15. For information on the harassment of Zhengzhou Yirenping in 2014, see CECC, 2014 Annual Report, 9 October 14, 126, 134. See also Fu Hualing, “Embedded Socio-Legal Activism in China: The Case of Yirenping,” reprinted in Social Sciences Research Network, 5 November 12, last visited 27 April 15.

<sup>43</sup> National laws and regulations that prohibit health-based discrimination include the PRC Law on the Protection of Persons With Disabilities [Zhonghua renmin gongheguo canjiren baozhang fa], passed 28 December 90, amended 24 April 08, effective 1 July 08, arts. 3, 30–40; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], passed 30 August 07, effective 1 January 08, arts. 3, 29, 30; State Council, Regulations on the Treatment and Control of HIV/AIDS [Aizibing fangzhi tiaoli], issued 18 January 06, effective 1 March 06, art. 3; State Council, Regulations on the Employment of Persons With Disabilities [Canjiren jiuye tiaoli], issued 14 February 07, effective 1 May 07, arts. 3, 27.

<sup>44</sup> Shao Xi, “Guizhou Again Refuses Case-Filing of AIDS Employment Discrimination, Plaintiff Appeals” [Guizhou zai ju aizi jiuye qishi li’an yuangao shangsul], Caixin, 6 November 14; “Rule of Law News: Guizhou Allows Filing of HIV/AIDS Employment Discrimination Case for the First Time” [Fazhi xixun: guizhou shouci shouli aizi jiuye qishi an], New Citizens Movement (blog), 27 January 15.

<sup>45</sup> Shao Xi, “Guizhou Again Refuses Case-Filing of AIDS Employment Discrimination, Plaintiff Appeals” [Guizhou zai ju aizi jiuye qishi li’an yuangao shangsul], Caixin, 6 November 14; Yu Yingbo, “In Jiangsu’s First AIDS Employment Discrimination Case Decision, Plaintiff Compensated 40,000 [Yuan]” [Jiangsu shouli aizi jiuye qishi an jie’an yuangao huo pei 4 wan], Legal Daily, 9 October 14.

<sup>46</sup> “Jiangsu’s First Case of AIDS Employment Discrimination Receives Compensation” [Jiangsu shouli aizi jiuye qishi an huo pei], Radio Free Asia, 9 October 14; Wu Liufeng and Yang Xue, “Woman College Student Refused Employment Due to Hepatitis B, Women’s Federation ‘Goes to Court’ To Help Her With Lawsuit” [Nu daxuesheng yin yigan bei jupin fulian “chuting” bang ta da guansi], West China City Daily, 4 December 14.

<sup>47</sup> Wu Liufeng and Yang Xue, “Woman College Student Refused Employment Due to Hepatitis B, Women’s Federation ‘Goes to Court’ To Help Her With Lawsuit” [Nu daxuesheng yin yigan bei jupin fulian “chuting” bang ta da guansi], West China City Daily, 4 December 14; Feng Dan, “Hepatitis B Anti-Discrimination Case Goes to Court in Chengdu, First Time for Mass Organization To Support Litigation” [Chengdu fan yigan qishi an kaiting shenli, quntuan zuzhi shouci zhichi susong], NGO Development Exchange Network, 5 December 14.

<sup>48</sup> Yu Yingbo, “Plaintiffs in Two Cases of AIDS-Related Employment Discrimination in Guizhou Send Letter to SPC President” [Guizhou liang aizi jiuye qishi an dangshiren zhixin zuigaoyuan yuanzhang], Legal Daily, 30 November 14. The New Citizens Movement blog reported in January 2015 that a local court in Guizhou province allowed the case to be filed. “Rule of Law News: Guizhou Allows Filing of HIV/AIDS Employment Discrimination Case for the First Time” [Fazhi xixun: guizhou shouci shouli aizi jiuye qishi an], New Citizens Movement (blog), 27 January 15.

<sup>49</sup> Wan Jing, “Litigants Recommend ACFTU Pay Attention to AIDS-Based Employment Discrimination” [Dangshiren jianyi quanzong guanzhu aizi jiuye qishi], Legal Daily, 3 February 15. See also Dong Jun, “ACFTU: Employer Discrimination a Prominent Problem” [Quanzong: yongren danwei jiuye qishi wenti tuchu], Xinhua, 2 February 15. An ACTFU official noted health and disability cases among typical cases of employment discrimination.

<sup>50</sup> Wan Jing, “Litigants Recommend ACFTU Pay Attention to AIDS-Based Employment Discrimination” [Dangshiren jianyi quanzong guanzhu aizi jiuye qishi], Legal Daily, 3 February 15. See also LGBTRights, “Plaintiffs in Six AIDS Discrimination Cases Name the All-China Federation of Trade Unions, How About It?” [Aizi qishi liu yuangao dianming zhonghua quanguo zonggong hui, yue ma?], Aiweibang, 5 February 15.

## THE ENVIRONMENT

*Environmental Challenges*

During the Commission's 2015 reporting year, reports of widespread and severe environmental challenges confronting China focused on soil,<sup>1</sup> air,<sup>2</sup> marine,<sup>3</sup> and surface and groundwater pollution,<sup>4</sup> as well as the potential effects of pollution on citizens' health.<sup>5</sup> Although the number of pollution incidents reportedly declined in 2014 compared to 2013, authorities had to respond to hundreds of environmental accidents throughout the year.<sup>6</sup> One such incident involved pollution from a mining company that contaminated a reservoir in Chongqing municipality, which affected the drinking water supply for 50,000 people.<sup>7</sup> In addition, environmental authorities acknowledged that the relocation of polluting industries to less developed areas—known as dirty migration—and inadequate environmental protection in rural villages remain problematic.<sup>8</sup> Reports noted increasing numbers of pollution sources in villages,<sup>9</sup> which have left rural residents more vulnerable to the effects of pollution over time when compared with urban residents.<sup>10</sup>

*Growing Public Concern, Environmental Protests, and Official Suppression*

Amid these serious environmental challenges, Chinese citizens have become more environmentally aware and concerned about pollution.<sup>11</sup> For example, after hundreds of millions of viewers reportedly watched Chinese journalist Chai Jing's online documentary on air pollution, "Under the Dome,"<sup>12</sup> authorities ordered its removal from the Internet.<sup>13</sup> As environmental awareness has grown, authorities have sought to promote the "orderly development" of public participation in the environmental sector,<sup>14</sup> including the supervision of environmental legal enforcement.<sup>15</sup> In July 2015, the Ministry of Environmental Protection issued the Measures for Public Participation in Environmental Protection,<sup>16</sup> which reaffirm existing provisions providing for participation in rulemaking.<sup>17</sup> The Measures, however, narrow the scope of public participation<sup>18</sup> and pre-participation information-sharing requirements for officials when compared with an earlier draft of the Measures.<sup>19</sup> The new Measures also provide for the supervision of "illegal behavior,"<sup>20</sup> and for the first time provide for "participation" in the "implementation" of administrative licenses and punishments.<sup>21</sup> The Measures do not, however, specifically provide for the supervision of environmental protection agencies or main emissions of key polluting work units as stipulated in the April draft of the Measures.<sup>22</sup>

## LIMITS TO OFFICIAL TOLERANCE

During this reporting year, authorities in some locations attempted to silence environmental advocates. Authorities in Zhoutie township, Yixing city, Wuxi municipality, Jiangsu province, continue to monitor, restrict the movements of, and interfere with the livelihood of environmentalist Wu Lihong, a long-term advocate of cleaning up pollution in Lake Tai in Jiangsu.<sup>23</sup> Authorities sentenced Wu to three years in prison in 2007 on reportedly trumped-up charges of extortion and fraud after a torture-induced confes-

sion.<sup>24</sup> In March 2015, authorities in Guangzhou municipality, Guangdong province, administratively detained a woman for 14 days for reposting information on social media about a group of mothers concerned about air pollution.<sup>25</sup> Also in March, authorities in Xi'an municipality, Shaanxi province, detained Zhang Hui and Feng Honglian for a day after they held up placards with anti-pollution slogans in public.<sup>26</sup>

Citizen anti-pollution protests in some locations throughout the year were censored and ended with authorities' violent suppression, including the detention, injury, or death of protesters in several known cases. Nationally, the number of environmentally focused "mass incidents" (large-scale protests) reportedly has increased annually by 29 percent on average since 1996,<sup>27</sup> and pollution problems have been among the primary triggers of "mass incidents."<sup>28</sup> The Commission observed authorities' efforts to silence expression of environmental grievances and to violently suppress anti-pollution protests in the Inner Mongolia,<sup>29</sup> Tibet,<sup>30</sup> and Xinjiang Uyghur Autonomous Regions,<sup>31</sup> as well as in Shanghai municipality,<sup>32</sup> and Guangdong,<sup>33</sup> Hubei,<sup>34</sup> Hebei,<sup>35</sup> Sichuan,<sup>36</sup> Anhui,<sup>37</sup> Fujian,<sup>38</sup> Shanxi,<sup>39</sup> Hunan,<sup>40</sup> and Qinghai provinces.<sup>41</sup> The status of individuals detained by authorities for participating in these environment-related protests remains unclear.

#### *Underdeveloped Court System*

This past year, reports highlighted Chinese authorities' progress in building an environmental court system. In total, by March 2015, there were 382 environmental courts of various types at or below the intermediate court level in 18 provinces,<sup>42</sup> compared to 5 courts in 2 provinces operating on a trial basis in 2009.<sup>43</sup> High courts, however, are just beginning to establish special environmental tribunals,<sup>44</sup> following the lead and directive of the Supreme People's Court.<sup>45</sup> As of March 2015, high courts in only 11 provinces had created such tribunals.<sup>46</sup> Despite growth in the number of environmental courts, the trend in past years has been that courts hear a low number of environmental cases.<sup>47</sup> In 2014, however, courts adjudicated 16,000 cases related to environmental offenses, 8.5 times more than the previous year, and courts adjudicated 3,331 civil lawsuits, a more than 50-percent increase over the previous year.<sup>48</sup>

News reports also highlighted problems affecting environmental litigation processes and barriers to utilizing the courts to resolve environmental grievances.<sup>49</sup> Local government officials in some locations continue to interfere with environmental judicial cases<sup>50</sup> and pressure citizens not to file environmental lawsuits.<sup>51</sup> In one example, in March 2015, a court in Hengyang municipality, Hunan province, initially accepted lawsuits brought against Hengyang Meilun Chemical Company by 53 parents of children who suffered from high blood lead levels.<sup>52</sup> Subsequently, local officials reportedly used threats, intimidation tactics, and court delays to pressure the parents to withdraw their legal complaints.<sup>53</sup> When the open trial began in June, only 13 plaintiffs remained.<sup>54</sup>

*Public Interest Litigation: Opportunities and Limits*

The Supreme People's Court (SPC) and the central government took steps to establish a legal framework to make it easier for environmental organizations to file environmental public interest lawsuits under prescribed circumstances,<sup>55</sup> ending a multi-year debate regarding the establishment of such a system.<sup>56</sup> The revised PRC Environmental Protection Law, which took effect in January 2015, and the SPC Interpretation on Certain Issues Related to Application of the Law in Environmental Civil Public Interest Litigation, issued the same month, clarified provisions of the PRC Civil Procedure Law related to environmental public interest lawsuits.<sup>57</sup> During this reporting period, central government and judicial authorities also issued several documents that have the potential to further strengthen the legal foundation for environmental public interest litigation.<sup>58</sup> In addition, central authorities plan to explore the establishment of systems for procuratorates to raise public interest lawsuits.<sup>59</sup> Prior to these efforts, few public interest lawsuits related to the environment made it into the courts; between 2000 and 2013, courts heard fewer than 60 environmental public interest lawsuits.<sup>60</sup> Local procuratorates, administrative agencies, and other government organizations filed most of them,<sup>61</sup> while environmental "social organizations" filed only eight lawsuits (just over 13 percent).<sup>62</sup>

Despite these developments, reports note that numerous challenges to environmental public interest litigation remain. Most environmental organizations reportedly do not meet the criteria to file environmental public interest lawsuits<sup>63</sup>—only about 700 of the 7,000 registered environmental "social organizations" fulfill the requirements.<sup>64</sup> In addition, Chinese estimates assert that of these 700 groups, fewer than 30 groups have the capacity<sup>65</sup> and less than 2 percent are willing to file such lawsuits.<sup>66</sup> Other reported challenges to a functioning environmental public interest law system include:

- Courts' reluctance to accept lawsuits<sup>67</sup> and Chinese government and Communist Party pressure on courts not to accept lawsuits;<sup>68</sup>
- Difficulties with determining losses in environmental cases;<sup>69</sup> and
- Hurdles faced by environmental groups when filing environmental public interest lawsuits, including difficulty obtaining evidence,<sup>70</sup> lack of qualified legal and scientific personnel,<sup>71</sup> and shortage of material and financial resources.<sup>72</sup>

*Regulatory Developments and Challenges to Rule of Law*

The Communist Party Central Committee and the State Council signaled their support for strengthening rule of law in the environmental sector within the larger context of efforts to "maintain social stability"<sup>73</sup> and to build an "ecological civilization" as part of achieving the "Chinese dream."<sup>74</sup>

In line with these commitments, central authorities continued to build China's environmental protection regulatory framework, although gaps remain.<sup>75</sup> Throughout the reporting period, authorities drafted or were in the process of drafting or revising numerous

laws, measures, and plans related to soil,<sup>76</sup> air,<sup>77</sup> and water pollution<sup>78</sup> and wildlife protection.<sup>79</sup> Official policy statements and initiatives also focused on energy development,<sup>80</sup> green gross domestic product,<sup>81</sup> environmental emergencies,<sup>82</sup> environmental protection taxes,<sup>83</sup> liability insurance,<sup>84</sup> public-private partnerships to fund environmental protection projects,<sup>85</sup> property rights over natural assets,<sup>86</sup> corporate social responsibility,<sup>87</sup> and the devolution of power for approving additional categories of environmental impact assessments to provincial authorities.<sup>88</sup> In addition, on November 11, 2014, the U.S. and Chinese governments made a joint announcement regarding their respective pledges to address their greenhouse gas emissions.<sup>89</sup> The Chinese government pledged to cap total coal consumption at approximately 4.2 billion tons by 2020, peak greenhouse gas emissions around 2030, and “make best efforts to peak early . . . .”<sup>90</sup>

#### PLEDGES TO IMPROVE LAW ENFORCEMENT

During the Commission’s 2015 reporting year, authorities reiterated pledges<sup>91</sup> to improve legal enforcement in the environmental sector. In October 2014, the Party Central Committee emphasized a “focus on carrying out comprehensive law enforcement in [the areas of] . . . resources and the environment . . . ,”<sup>92</sup> including building regulatory structures to restrain exploitative behavior, strengthening producers’ legal liability for environmental protection, and substantially raising the costs of violating the law.<sup>93</sup> In November 2014, the State Council General Office issued a circular<sup>94</sup> that reportedly will facilitate the implementation of the PRC Environmental Protection Law.<sup>95</sup> The circular includes provisions that stipulate “zero tolerance” toward illegal pollution emissions and dumping, allow for public disclosure of “blacklists” naming violators,<sup>96</sup> specify that local officials should abolish all policies that have hindered enforcement of environmental laws,<sup>97</sup> and mandate improved professional standards for environmental enforcement personnel.<sup>98</sup>

#### ENFORCEMENT, ACCOUNTABILITY, AND IMPLEMENTATION

Throughout this reporting year, sources noted some positive developments in legal enforcement of environmental laws and regulations. In 2014, authorities investigated 20 percent more environmental and natural resources violations than in 2013<sup>99</sup> and handed out 83,195 administrative penalty decisions, a 25.5-percent increase over 2013.<sup>100</sup> In one landmark case, authorities levied the largest fines to date against six polluting firms in Jiangsu province, which one Chinese expert said is “a signal that the use of public interest litigation to impose higher costs on polluting firms is now normal.”<sup>101</sup> A February 2015 Xinhua article reported that in 2014, public security officials “arrested” six times as many individuals associated with environmental crimes nationally as in the previous year.<sup>102</sup> This development follows a June 2013 judicial interpretation clarifying the application of criminal provisions to environmental violations<sup>103</sup> and a December 2013 opinion that outlined closer cooperation between the environmental protection and public security ministries in enforcing environmental laws.<sup>104</sup>

These largely positive developments notwithstanding, official accountability mechanisms in the environmental sector remain underdeveloped. In March 2015, Chen Jining, the new Minister of Environmental Protection, noted that mechanisms for incorporating environmental protection into government officials' professional assessments are still in a trial phase.<sup>105</sup> One news article noted that Lanzhou municipality, Gansu province, and Shandong and Guizhou provinces are piloting various types of government environmental auditing systems.<sup>106</sup> During this process, they have faced several challenges, including determining values of waterways and other natural resources, quantifying baselines from which to measure performance, coordinating audits among multiple ministries, and creating "corruption-proof" audit procedures.<sup>107</sup>

Media reports from the past year indicated that corruption within environmental agencies<sup>108</sup> and related state-owned enterprises<sup>109</sup> remained a problem. Environmental impact assessment (EIA) agencies came under public scrutiny after an October 2014 investigation by Southern Weekend found that, of the over 5,000 registered EIA engineers in 11 provinces, 16 percent could be falsely registered.<sup>110</sup> In February 2015, central Chinese Communist Party anticorruption officials reportedly reprimanded the Ministry of Environmental Protection (MEP) for a series of problems including interfering in EIAs.<sup>111</sup> In August 2015, reports highlighted concerns over official improprieties associated with the August 12 explosions in Tianjin municipality.<sup>112</sup>

Implementation challenges, lax enforcement of environmental laws and policies, and data falsification remained problematic, hindering the development of the rule of law in the environmental protection sector. In November 2014, an MEP official noted that enforcement of environmental laws and regulations has not been sufficiently strict.<sup>113</sup> Moreover, in some places, government officials have limited the number of inspections environmental departments can undertake and prohibited environmental protection officials from directly imposing fines on companies.<sup>114</sup> Chinese official and media sources noted other problems with data falsification,<sup>115</sup> lax implementation,<sup>116</sup> and enforcement,<sup>117</sup> and an international scientific journal pointed out that officials face challenges putting the recently revised PRC Environmental Protection Law into practice.<sup>118</sup>

Noncompliance with environmental laws and regulations also remained problematic. A State Council circular issued in November 2014 noted difficulties with environmental supervision and legal enforcement in some locations and pointed out that environmental violations occurred frequently.<sup>119</sup> Numerous news reports carried stories of industry- or company-specific instances of noncompliance.<sup>120</sup> One environmental non-governmental organization reported that as of early December 2014, 1,069 companies, about 40 percent of all the companies listed on Chinese stock exchanges, had unfavorable environmental records.<sup>121</sup> Official documents noted instances of disregard for environmental enforcement personnel, violence against environmental officials, and resistance to authorized inspections.<sup>122</sup>



*Environmental Transparency: Advances and Setbacks*

During this reporting year, Chinese media highlighted measures intended to improve transparency. These measures included a major Chinese Communist Party decision issued in October 2014 that reiterated the call for the general advancement of open government affairs,<sup>123</sup> and a State Council opinion that called for greater transparency regarding legal enforcement.<sup>124</sup> In March and April 2015, environmental authorities announced that 338 cities were disclosing real-time environmental monitoring data<sup>125</sup> and issued plans to establish a unified platform to disclose environmental impact assessment information.<sup>126</sup>

Official censorship, however, persisted. In March 2015, authorities reportedly ordered some media outlets to remove articles discussing an online documentary about air pollution—“Under the Dome”<sup>127</sup>—and later required them to remove the video from websites.<sup>128</sup> In other examples, in 2015, central and local officials censored information about and prohibited news sites from independently reporting on the August 12 explosions in Tianjin municipality,<sup>129</sup> local authorities reportedly tried to limit independent reporting of anti-pollution protests in the Inner Mongolia Autonomous Region,<sup>130</sup> and central officials sought to censor information regarding the explosion of a paraxylene (PX) chemical factory in Fujian province.<sup>131</sup> A “relevant government department” reportedly told the creator of an air quality data phone application that he had to stop providing data collected by the U.S. Embassy in Beijing municipality around the time of U.S. President Barack Obama’s visit to China and the Asia-Pacific Economic Cooperation summit in November 2014.<sup>132</sup>

In addition, Chinese citizens continued to face obstacles in accessing environmental information from government agencies.<sup>133</sup> In one example, after the World Health Organization reported in March 2015 that glyphosate, an ingredient in Monsanto’s herbicide Roundup, was “classified as probably carcinogenic to humans,”<sup>134</sup> three individuals sued the Ministry of Agriculture (MOA) for refusing an open government information request for access to a 27-year-old toxicology report on Roundup.<sup>135</sup> This case followed a Beijing court’s ruling against lawyer Huang Leping, who sought to compel the MOA to disclose information on the importation of genetically modified (GM) crops and the Chinese government’s plans for domestic cultivation of GM crops.<sup>136</sup>

## Notes to Section II—The Environment

<sup>1</sup> See, e.g., “Pollution and Health in China: Confronting the Human Crisis,” *China Dialogue*, 7 September 14; He Guangwei, “Special Report: The Victims of China’s Soil Pollution Crisis,” *China Dialogue*, 30 June 14; Cherie Chan, “Soil Contamination Found Near Huge Mine in Western China,” *New York Times*, Sinosphere (blog), 12 June 14; Cui Zheng, “China Draft Proposes Tougher Curbs on Soil Pollution,” *China Dialogue*, 29 January 15; Wu Jingjing, “Ministry of Environmental Protection: China Plans To Use Six or Seven Years To Curb the Trend of Worsening Soil Pollution” [Huanbaobu: zhongguo ni yong liu qi nian shijian ezhi turang wuran ehua qushi], *Xinhua*, 11 July 15.

<sup>2</sup> “Ministry of Environmental Protection: Serious Air Pollution Affects 560,000 Square Kilometers in October” [Huanbaobu: 10 yue zhong wuran yingxiang mianji da 56 wan pingfang gongli], *Beijing Youth Daily*, reprinted in *Xinhua*, 26 October 14; Li Jing, “670,000 Smog-Related Deaths a Year: The Cost of China’s Reliance on Coal,” *South China Morning Post*, 5 November 14; “Smog Causes Lung Cancer: Lawmaker,” *Xinhua*, 30 October 14; “Chen Jining Answers Journalists’ Questions With Regard to Comprehensively Strengthening Environmental Protection” [Chen jining jiu quanmian jiaqiang huanjing baohu da jizhe wen], *National People’s Congress*, 7 March 15.

<sup>3</sup> See, e.g., State Oceanic Administration, “2014 Bulletin on the Status of China’s Marine Environment” Issued” [“2014 nian zhongguo haiyang huanjing zhuangkuang gongbao” fabu], 11 March 15; Beth Walker, “Most of China’s Coastal Waters Heavily Polluted,” *China Dialogue*, 11 March 15; Robert Lee Hotz, “Which Countries Create the Most Ocean Trash?” *Wall Street Journal*, 12 February 15.

<sup>4</sup> See, e.g., State Council, “Water Pollution Prevention and Control Action Plan” [Shui wuran fangzhi xingdong jihua], reprinted in Ministry of Environmental Protection, 2 April 15; “Nationally, the Water Quality in More Than a Tenth of Water Sources Does Not Meet Standards, Water Departments Detail Reasons” [Quanguo shuiyuan di shuizhi yu yicheng wei dabiao shuili bumen xiang jie qiyin], *Xinhua*, 19 November 14.

<sup>5</sup> See, e.g., Li Jing, “670,000 Smog-Related Deaths a Year: The Cost of China’s Reliance on Coal,” *South China Morning Post*, 5 November 14; “Pollution and Health in China: Confronting the Human Crisis,” *China Dialogue*, 7 September 14.

<sup>6</sup> Ministry of Environmental Protection (MEP), “MEP Bulletin on the Basic Situation of Sudden Environmental Incidents in 2014” [Huanjing baohu bu tongbao 2014 nian tufa huanjing shijian jiben qingkuang], 23 January 15.

<sup>7</sup> Du Ximeng, “Public Report on the Results of the Investigation Into the Qianzhangyan Reservoir Pollution Incident: 50,000 People Facing Drinking Water Problems” [Qianzhangyan shuiku shou wuran shijian diaocha jieguo gongbu zhi 5 wan ren yin shui kunnan], *China Broadcast Network*, reprinted in *Xinhua*, 21 January 15.

<sup>8</sup> “Chen Jining Answers Journalists’ Questions With Regard to Comprehensively Strengthening Environmental Protection” [Chen jining jiu quanmian jiaqiang huanjing baohu da jizhe wen], *National People’s Congress*, 7 March 15.

<sup>9</sup> *Ibid.*

<sup>10</sup> Liu Hongqiao, “China Set To Miss Safe Rural Drinking Water Targets,” *China Dialogue*, 5 March 15; Rachel Lu, “China’s Real Inconvenient Truth: Its Class Divide,” *Foreign Policy*, 6 March 15; He Guangwei, “Special Report: The Victims of China’s Soil Pollution Crisis,” *China Dialogue*, 30 June 14; Luna Lin, “Chinese Countryside Facing More Serious Drinking Water Crisis Than Cities,” *China Dialogue* (blog), 7 May 14; Gao Jianghong, “Scholar Says Water Quality Situation Is a Disaster, But Worse Are State Secrets” [Xuezheng cheng shuizhi qingkuang hen zaogao dan duo zao shi guojia jimi], 21st Century Business Herald, reprinted in *Sina*, 27 April 14.

<sup>11</sup> Liu Jingqi, “Is the Distance From Participation to Public Interest Near or Far?” [Canyu li gongyi shi jin haishi yuan?], *China Environmental News*, 2 September 14; Daniel K. Gardner, “China’s Environmental Awakening,” *New York Times*, 14 September 14; “China’s Environmental Supervision Is Grim, People’s Reaction Is Strong” [Woguo huanjing jianguan xingshi yanjun baixing fanying qianglie], PRC Central People’s Government, 9 December 14.

<sup>12</sup> Heng Shao, “Only in China: Why a Smog Documentary Sent Chinese Stocks Soaring to Trading Limit,” *Forbes*, 2 March 15; Ben Beaumont-Thomas, “Smash-Hit Chinese Pollution Doc Under the Dome Taken Offline by Government,” *Guardian*, 10 March 15.

<sup>13</sup> Ben Beaumont-Thomas, “Smash-Hit Chinese Pollution Doc Under the Dome Taken Offline by Government,” *Guardian*, 9 March 15; “Minitrue: Delete ‘Under the Dome,’” *China Digital Times*, 7 March 15.

<sup>14</sup> See, e.g., Ministry of Environmental Protection, Measures for Public Participation in Environmental Protection [Huanjing baohu gongzhong canyu banfa], issued 13 July 15, effective 1 September 15, art. 1.

<sup>15</sup> State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14.

<sup>16</sup> Ministry of Environmental Protection, Measures for Public Participation in Environmental Protection [Huanjing baohu gongzhong canyu banfa], issued 13 July 15, effective 1 September 15, art. 1.

<sup>17</sup> *Ibid.*, art. 2. Other previous laws, regulations, and measures already stipulate that citizens may participate in rulemaking and in environmental impact assessments. See, e.g., Ministry of Environmental Protection, Guiding Opinion Regarding Advancing Public Participation in Environmental Protection [Guanyu tuijin huanjing baohu gongzhong canyu de zhidao yijian], issued 22 May 14, reprinted in *Ecology Net*, item 4(1–4).

<sup>18</sup> Ministry of Environmental Protection, Circular Regarding Public Solicitation of Comments on the “Measures for Public Participation in Environmental Protection (Provisional)” (Comment Solicitation Draft) [Guanyu “huanjing baohu gongzhong canyu banfa (shixing)” (zhengqiu yijian

gao) gongkai zhengqiu yijian de tongzhi], 13 April 15, art. 3(3); Ministry of Environmental Protection, Measures for Public Participation in Environmental Protection [Huanjing baohu gongzhong canyu banfa], issued 13 July 15, effective 1 September 15. The draft measures issued in April 2015 stipulated for the first time that citizens may participate in the investigation and management of some serious environmental incidents, but this stipulation was not included in the final measures issued in July.

<sup>19</sup> Ibid., arts. 8, 10. The April 2015 draft of the measures stipulated that environmental officials should use channels convenient for the public when disclosing related environmental information. Such information would include background on the project or issue, possible environmental impacts, and information regarding the necessity for and feasibility of the project or issue. Ibid., art. 5. In contrast, the final version of the measures do not stipulate that officials must use channels convenient for the public when disclosing information. Rather, officials are only required to provide information on the background of the project or issue, the time period for accepting suggestions, the methods by which the public may submit opinions and suggestions, and the methods of contacting the relevant agency.

<sup>20</sup> Ministry of Environmental Protection, Measures for Public Participation in Environmental Protection [Huanjing baohu gongzhong canyu banfa], issued 13 July 15, effective 1 September 15, art. 2.

<sup>21</sup> Ibid.

<sup>22</sup> Ministry of Environmental Protection, Circular Regarding Public Solicitation of Comments on the “Measures for Public Participation in Environmental Protection (Provisional)” (Comment Solicitation Draft) [Guanyu “huanjing baohu gongzhong canyu banfa (shixing)” (zhengqiu yijian gao) gongkai zhengqiu yijian de tongzhi], 13 April 15, arts. 3(4), 16, 17.

<sup>23</sup> Andrew Jacobs, “Despite Persecution, Guardian of Lake Tai Spotlights China’s Polluters,” New York Times, 23 November 14. See also CECC, 2007 Annual Report, 10 October 07, 138–40. For more information on Wu Lihong, see the Commission’s Political Prisoner Database record 2007-00162.

<sup>24</sup> Ibid. See also CECC, 2007 Annual Report, 10 October 07, 138–40.

<sup>25</sup> Brian Wu, “China Wants Cleaner Air Without an Environmental Movement,” Science Times, 16 March 15.

<sup>26</sup> Verna Yu, “Two Held for Pollution Protest Released, Activists Say,” South China Morning Post, 11 March 15; Tom Phillips, “China Arrests Anti-Smog Campaigners,” Telegraph, 9 March 15.

<sup>27</sup> “Environmental Dispute Litigation Difficulties Urgently Need To Change, Ecological Justice Reforms Enter a Window of Opportunity” [Huanjing jiufen susong nan jidai gaibian shengtai sifa gaige jinru chuankou qi], Economic Information Daily, reprinted in Xinhua, 8 October 14.

<sup>28</sup> Luna Lin, “China’s Water Pollution Will Be More Difficult To Fix Than Its Dirty Air,” China Dialogue (blog), 17 February 14; Benjamin Haas and Henry Sanderson, “China Outsourcing Smog to West Region Stirs Protest,” Bloomberg, 6 March 14; “Chinese Anger Over Pollution Becomes Main Cause of Social Unrest,” Bloomberg, 6 March 13. For a discussion of mass incidents in general, including environmental incidents, see Chen Rui, “2012 Mass Incident Research Report” [2012 nian quntixing shijian yanjiu baogao], Legal Daily, 27 December 12, sec. 3. See also “Reported PRC Civil Disturbances in 2012,” Open Source Center, 7 May 13, 12–13.

<sup>29</sup> See, e.g., “Residents of ‘Cancer Village’ Protest Air, Water Pollution,” Boxun, 24 November 14; “Dozens Held After Pollution Protests in China’s Inner Mongolia,” Radio Free Asia, 6 April 15; Ben Blanchard, “One Reported Dead After Pollution Protest in Northern China,” Reuters, reprinted in New York Times, 6 April 15; Simon Denyer, “In China’s Inner Mongolia, Mining Spells Misery for Traditional Herders,” Washington Post, 7 April 15; Simon Denyer, “In China, a Tug of War Over Coal Gas: Cleaner Air but Worse for the Climate,” Washington Post, 5 May 15.

<sup>30</sup> “Tibetans Arrested After Mining Protest in Kham Gonjo,” Voice of America, 1 May 15. In April 2015, authorities reportedly detained 10 Tibetans in Gongjue (Gonjo) county, Changdu (Chamdo) prefecture, Tibet Autonomous Region, after a protest against a government mining and road-building project near a local sacred mountain.

<sup>31</sup> “Polluting Factories Wreak Havoc in Xinjiang’s Once-Fertile Township,” Radio Free Asia, 5 November 14. Dirty migration reportedly affected ethnic minority residents in the Xinjiang Uyghur Autonomous Region, where authorities reportedly told those affected that they were barred from petitioning for the closure of several factories.

<sup>32</sup> Liu Qin, “Shanghai Residents Throng Streets in ‘Unprecedented’ Anti-PX Protest,” China Dialogue, 2 July 15. The number of protesters reportedly peaked at 50,000. Celia Hutton, “Armed Police Move in Against Chinese Anti-Plant Protesters,” BBC, China Blog (blog), 29 June 15. In the last week of June 2015, residents in Jinshan district, Shanghai municipality, took to the streets in a multi-day protest because they believed the government planned to build a paraxylene (PX) plant or refinery in the area, already home to numerous chemical plants. After six days, police broke up the protests, reportedly detaining dozens of people. John Ruwitch, “Shanghai Chemical Plant Protesters Warned To End Demonstrations,” Reuters, 29 June 15. Authorities reportedly warned the protesters to end their demonstrations and called the protests illegal. The Jinshan News reportedly ran an editorial claiming that unnamed persons were rumor-mongering, committing libel and instigation, and had “seriously disrupted the productive life of the Jinshan people . . . , hurting normal social order.” Vivienne Zeng, “Shanghai Government Struggles To Get Environmental Protesters Off the Street,” Hong Kong Free Press, 29 June 15. Authorities reportedly censored news of the protests.

<sup>33</sup> Chris Buckley, “In Southern China, Residents Wary of the Government Protest a Plan To Burn Waste,” New York Times, 14 September 14. Authorities reportedly detained two dozen people in Boluo county, Huizhou municipality, Guangdong province, during multiple demonstrations involving thousands of people against a trash incinerator. “Police Detain ‘At Least 10’ in Clashes With Pollution Protesters in China’s Guangdong,” Radio Free Asia, 15 April 15. In April

2015, authorities in a village near Qingyuan municipality, Guangdong, reportedly detained 10 people following a conflict that broke out during a protest against pollution they believed was linked to an iron works plant.

<sup>34</sup>Liu Qin, "China's Top Court May Lean on Local Govt To Enforce Environmental Law," *China Dialogue*, 11 February 15. A source reported in February 2015 that authorities in Wuhan municipality, Hubei province, had detained local residents who protested against pollution from trash incinerators. The courts declined to accept a case brought by residents in the area. Xi Fanchao, "Wuhan Residents' Lawsuit Against Guodingshan Trash Incinerator Related to Pollution Accepted, Compensation of 7 Yuan" [Wuhan jumin gao guodingshan laji fenhuichang wuran huo li'an, suopei 7 yuan], *The Paper*, 18 April 15. The local court eventually accepted the environmental case.

<sup>35</sup>"Tangshan Villagers' Protest of Polluting Businesses Sets Off Clashes, More Than Ten Arrested and Many Beaten" [Tangshan cunmin kangyi wuran qiye baofa chongtu shi yu ren bei zhua duo ren bei da], *Radio Free Asia*, 19 April 15.

<sup>36</sup>"Thousands Protest, Riot in China's Sichuan After Coking Plant Leak," *Radio Free Asia*, 14 April 15. In April 2015, thousands of people joined a multi-day demonstration against a toxic gas leak in Neijiang city, Sichuan province. Police reportedly detained "more than a dozen" people, and authorities censored news about the protest.

<sup>37</sup>"More Than 20 Villagers Detained Blocking Imposed Construction of a Chemical Plant in Kouzi Township in Fuyang, Anhui" [Anhui fuyang kouzi zhen qiang zheng jianzao huagongchang cunmin zulan ershi yu ren bei zhua], *Radio Free Asia*, 27 March 15. In March 2015, authorities detained several protesters demonstrating against a chemical plant in Anhui, but reports did not indicate if police took further action.

<sup>38</sup>"Over a Thousand Villagers Demonstrate; Concerned That Pharmaceutical Company Is Polluting the Environment" [Qian duo cunmin shiwei you yaochang wuran huanjing], *Radio Free Asia*, 17 March 15. In March 2015, authorities reportedly detained more than 20 villagers in Fuzhou municipality, Fujian province, who joined a protest with more than 1,000 people who were demonstrating against the construction of a pharmaceutical factory.

<sup>39</sup>"Pollution Protest Actions Occur One After Another, Huilong Villagers in Shanxi Surround Polluting Aluminum Plant" [Kangyi wuran xingdong ciqibifu shanxi huilong cunmin weidu paiwu lu chang], *Radio Free Asia*, 20 April 15. In April 2015, authorities in Huilong village, Jiakou county, Luliang municipality, Shanxi province, detained more than 10 people who had joined a multi-day protest of several hundred people demonstrating against pollution linked to an aluminum plant.

<sup>40</sup>Tom Phillips, "Inside China's Toxic Village of Widows," *Telegraph*, 16 February 15. A villager from a polluted village outside of Zhuzhou city, Hunan province, reportedly stated that police maintained a presence at the village's entrance out of concern that the villagers would protest against pollution or that journalists would try to report on health impacts that the villagers alleged were due to pollution.

<sup>41</sup>"Tibetans Decry Pollution, Damage to Land From Chinese Mining," *Radio Free Asia*, 20 January 15. In January, authorities in a Tibetan autonomous area in Qinghai province reportedly took a man into custody after he represented villagers and raised complaints regarding mining pollution.

<sup>42</sup>Xi Jianrong, "Environmental Enforcement From Weak to Strong, Judiciary Actively Involved" [Huanbao zhifa you ruo zhuan qiang sifa jiji jieru], *Legal Daily*, 3 March 15.

<sup>43</sup>See, e.g., Linden Ellis, "Giving the Courts Green Teeth: Current Developments in Environmental Enforcement in China," *Woodrow Wilson International Center for Scholars, China Environment Forum*, 22 October 08.

<sup>44</sup>Wu Bin, "22 Provincial-Level High Courts Have Not Established Environmental and Resources Trial Mechanisms" [22 sheng ji gaoyuan wei she huanjing ziyuan shenpan jigou], *Southern Metropolitan Daily*, 20 September 14; Li Zenghui, "Hebei Province High Court Establishes Environmental Protection Tribunal" [Hebei sheng gaoyuan chengli huanjing baohu shenpan ting], *People's Daily*, 19 March 15; Zhu Guoliang, "Jiangsu High Court Establishes Environment and Resources Tribunal" [Jiangsu gaoyuan zu jian huanjing ziyuan shenpan ting], *Xinhua*, 4 December 14.

<sup>45</sup>Bao Xiaodong et al., "(Green Times) Environmental Public Interest Litigation, Where Are Crucial Points of Reform? Dialogue With SPC Environmental and Resources Tribunal Presiding Judge Zheng Xuelin" [(Luse shijian) huanjing gongyi susong, gaige guanjian zai na duihua zuigaofa huanjing ziyuan shenpan tingzhang zheng xuelin], *Southern Weekend*, 26 September 14; David Stanway, "China Supreme Court Appoints Top Environmental Judge," *Reuters*, 30 June 14. See also "SPC Establishes Environmental and Resources Tribunal in Response to New Expectations of the Judiciary, Mainly Trying Environmental Pollution and Natural Resources Civil Cases" [Zuigaofa chengli huanzi shenpan ting huiying sifa xin qidai zhu shen huanjing wuran ziran ziyuan min an], *Legal Daily*, 4 July 14; CECC, 2014 Annual Report, 9 October 14, 129; Gu Min, "Jiangsu Province High People's Court Adds Environmental and Resources Tribunal" [Jiangsu sheng gaoji renmin fayuan zengshe huanjing ziyuan shenpan ting], *Xinhua*, reprinted in *Sina*, 19 October 14.

<sup>46</sup>Wu Bin, "22 Provincial-Level High Courts Have Not Established Environmental and Resources Trial Mechanisms" [22 sheng ji gaoyuan wei she huanjing ziyuan shenpan jigou], *Southern Metropolitan Daily*, 20 September 14; "Hebei Province High Court Establishes Environmental Protection Tribunal" [Hebei sheng gaoyuan chengli huanjing baohu shenpan ting], *People's Daily*, 19 March 15; Zhu Guoliang, "Jiangsu High Court Establishes Environment and Resources Tribunal" [Jiangsu gaoyuan zu jian huanjing ziyuan shenpan ting], *Xinhua*, 4 December 14.

<sup>47</sup>Bao Xiaodong et al., "(Green Times) Environmental Public Interest Litigation, Where Are Crucial Points of Reform? Dialogue With SPC Environmental and Resources Tribunal Presiding Judge Zheng Xuelin" [(Luse shijian) huanjing gongyi susong, gaige guanjian zai na duihua zuigaofa huanjing ziyuan shenpan tingzhang zheng xuelin], *Southern Weekend*, 26 Sep-

tember 14; “Current Problems and Remedies in Environmental and Resources Type Cases” [Dangqian huanjing ziyuan lei anjian cunzai de wenti yu duice], People’s Court News, reprinted in Tianjin Court Net, 13 November 14; Yang Xueying, “How Pollution Victims Have Power” [Wuran shouhaizhe ruhe you lilian], Dazhong Daily, reprinted in Center for Legal Aid to Pollution Victims, China University of Political Science and Law, 14 May 15.

<sup>48</sup>Zhou Qiang Gives Supreme People’s Court Work Report” [Zhou qiang zuo zuigao renmin fayuan gongzuo baogao], Caixin, 12 March 15; Te-Ping Chen, “China Sees Surge in Court Cases Against Polluters,” Wall Street Journal, 12 March 15.

<sup>49</sup>Bao Xiaodong et al., “(Green Times) Environmental Public Interest Litigation, Where Are Crucial Points of Reform? Dialogue With SPC Environmental and Resources Tribunal Presiding Judge Zheng Xuelin” [(Luse shijian) huanjing gongyi susong, gaige guanjian zai na duihua zuigaofa huanjing ziyuan shenpanling tingzhang zheng xuelin], Southern Weekend, 26 September 14; “Environmental Public Interest Litigation Will Have Operational Rules of Procedure” [Huanjing gonggong susong jiang you ke caozuoxing chengxu guize], Legal Daily, 12 November 14; “Current Problems and Remedies in Environmental and Resources Type Cases” [Dangqian huanjing ziyuan lei anjian cunzai de wenti yu duice], People’s Court News, reprinted in Tianjin Court Net, 13 November 14; Yang Xueying, “How Pollution Victims Have Power” [Wuran shouhaizhe ruhe you lilian], Dazhong Daily, reprinted in Center for Legal Aid to Pollution Victims, China University of Political Science and Law, 14 May 15; Christopher Beam, “China Tries a New Tactic To Combat Pollution: Transparency,” New Yorker, 6 February 15; Zhang Chun, “Growing Pains for China’s New Environmental Courts,” China Dialogue, 17 June 15. Previous reports illustrate the ongoing nature of these barriers. See, e.g., Feng Jun, “Citizens Fight Haze” [Minjian kang mai], Southern Metropolitan Daily, 10 March 14; Rachel E. Stern, “Poor Rural Residents in China Seen as Easy Target for Environmental Lawsuits,” China Dialogue, 24 April 13; Hu Zhonghua, “The Limitations to China’s Environmental Public Interest Litigation System” [Woguo huanjing gongyi susong zhidu de xiandu], Journal of the Wuhan University of Technology (Social Science Edition), Vol. 24, No. 6, reprinted in China Environment and Resources Law Network, 26 November 12.

<sup>50</sup>Li Jing, “Chinese Environmental Lawyer Takes on the Powerful To Give Voice to Vulnerable Pollution Victims,” South China Morning Post, 22 March 15; Bao Xiaodong et al., “(Green Times) Environmental Public Interest Litigation, Where Are Crucial Points of Reform? Dialogue With SPC Environmental and Resources Tribunal Presiding Judge Zheng Xuelin” [(Luse shijian) huanjing gongyi susong, gaige guanjian zai na duihua zuigaofa huanjing ziyuan shenpanling tingzhang zheng xuelin], Southern Weekend, 26 September 14.

<sup>51</sup>Li Jing, “Chinese Environmental Lawyer Takes on the Powerful To Give Voice to Vulnerable Pollution Victims,” South China Morning Post, 22 March 15; Xue Xiaolin, “Withdrawing Legal Complaint Is Current Trend in Hunan Children’s Lead Poisoning Cases, Working Group: If Not Withdrawn Then Will Withhold Subsistence Allowance” [Hunan ertong xue qian an xian che su chao gongzuozu: bu che quxiao dibao], The Paper, reprinted in Tencent, 14 May 15.

<sup>52</sup>Xue Xiaolin, “Withdrawing Legal Complaint Is Current Trend in Hunan Children’s Lead Poisoning Cases, Working Group: If Not Withdrawn Then Will Withhold Subsistence Allowance” [Hunan ertong xue qian an xian che su chao gongzuozu: bu che quxiao dibao], The Paper, reprinted in Tencent, 14 May 15.

<sup>53</sup>Ibid.

<sup>54</sup>Alexandra Harney, “Pollution Trial Offers Rare Glimpse Into a Chinese Courtroom,” Reuters, 13 June 15; Xue Xiaolin, “Withdrawing Legal Complaint Is Current Trend in Hunan Children’s Lead Poisoning Cases, Working Group: If Not Withdrawn Then Will Withhold Subsistence Allowance” [Hunan ertong xue qian an xian che su chao gongzuozu: bu che quxiao dibao], The Paper, reprinted in Tencent, 14 May 15.

<sup>55</sup>Barbara Finamore, “How China’s Top Court Is Encouraging More Lawsuits Against Polluters,” National Resources Defense Council, Switchboard Blog (Barbara Finamore’s blog), 26 January 15.

<sup>56</sup>Kong Lingyu, “The Years-Long Debate Over Environmental Public Interest Litigation Comes to an End” [Huanjing gongyi susong zhenglun shu nianzhong luodi], Caixin, 7 January 15.

<sup>57</sup>PRC Civil Procedure Law [Zhonghua renmin gongheguo minshi susong fa], passed 9 April 91, amended 28 October 07, 31 August 12, effective 1 January 13, art. 55; PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 58. See also Supreme People’s Court, Interpretation Regarding Certain Issues Related to Application of the Law in Environmental Civil Public Interest Litigation [Guanyu shenli huanjing minshi gongyi susong anjian shiyong falu ruogan wenti de jieshi], issued 6 January 15; CECC, 2014 Annual Report, 9 October 14, 128–29. For a general overview of the SPC Interpretation, see Susan Finder, “Why the Supreme People’s Court Is Harnessing the NGO ‘Genie,’” Supreme People’s Court Monitor (blog), 26 January 15.

<sup>58</sup>Supreme People’s Court, Ministry of Civil Affairs, and Ministry of Environmental Protection, Circular on Implementing the Civil Environmental Public Interest Litigation System [Guanyu guanche shishi huanjing minshi gongyi susong zhidu de tongzhi], issued 26 December 14; Susan Finder, “Supreme People’s Court Interprets the Civil Procedure Law,” Supreme People’s Court Monitor (blog), 4 February 15.

<sup>59</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, item 4(2.5). See also Chinese Communist Party Central Committee, “CCP Central Committee Decision Concerning Some Major Questions in Comprehensively Moving Governing the Country According to the Law Forward,” translated in China Copyright and Media (blog), 28 October 14, item 4(2.5); “China To Pilot Reform on Public Interest Litigations,” Xinhua, 21 May 15.

<sup>60</sup>“Environmental Dispute Litigation Difficulties Urgently Need To Change, Ecological Justice Reforms Enter a Window of Opportunity” [Huanjing jiufen susong nan jidai gaibian shengtai sifa gaige jinru chuankou qi], Economic Information Daily, reprinted in Xinhua, 8 October 14.

<sup>61</sup>Ibid.

<sup>62</sup>Ibid.

<sup>63</sup>Ibid. “Wang Ming: NGOs Need To Improve Their Professional Standards in Environmental Public Interest Litigation” [Wang ming: NGO huanjing gongyi susong xu tigao zhuan ye shuizhun], China Charity Alliance, 10 March 15.

<sup>64</sup>Yang Fenglin, “Environmental Public Interest Litigation Not Subject to Regional Restrictions” [Huanjing gongyi susong bu shou diyu xianzhi], Jinghua News, 7 January 15. For more information on these criteria, see Supreme People’s Court, Interpretation Regarding Certain Issues Related to Application of the Law in Environmental Civil Public Interest Litigation [Guanyu shenli huanjing minshi gongyi susong anjian shiyong falu ruogan wenti de jieshi], issued 6 January 15, effective 7 January 15.

<sup>65</sup>He Zhen, “Will the Phenomenon of Excessive Public Interest Lawsuits Emerge?” [Gongyi susong hui chuxian lan su xianxiang ma?], China Environmental News, 4 February 15.

<sup>66</sup>“Wang Ming: NGOs Need To Improve Their Professional Standards in Environmental Public Interest Litigation” [Wang ming: NGO huanjing gongyi susong xu tigao zhuan ye shuizhun], China Charity Alliance, 10 March 15.

<sup>67</sup>Chang Jiwen, “New Environmental Protection Law Encounters Implementation Problems” [Xin huanbao fa zaoyu shishi nanti], Economic Information Daily, 8 April 15; Yang Fenglin, “Environmental Public Interest Litigation Not Subject to Regional Restrictions” [Huanjing gongyi susong bu shou diyu xianzhi], Jinghua News, 7 January 15; “Tenggeli Desert Pollution Public Interest Case Not Accepted, Plaintiff Declared Ineligible To File Lawsuit” [Tenggeli shamo wuran gongyi susong wei bei shouli yuangao bei zhi meiyou qisu zige], China National Radio, 23 August 15. In this example, a court in the Ningxia Hui Autonomous Region did not accept a public interest lawsuit brought by an environmental group against eight companies suspected of dumping pollutants in a desert area because the group did not specifically state in its charter that its scope of work included public interest litigation.

<sup>68</sup>Chang Jiwen, “New Environmental Protection Law Encounters Implementation Problems” [Xin huanbao fa zaoyu shishi nanti], Economic Information Daily, 8 April 15.

<sup>69</sup>Bao Xiaodong et al., “(Green Times) Environmental Public Interest Litigation, Where Are Crucial Points of Reform? Dialogue With SPC Environmental and Resources Tribunal Presiding Judge Zheng Xuelin” [(Luse shijian) huanjing gongyi susong, gaige guanlian zai na duihua zuigao fa huanjing ziyuan shenpan tingzhang zheng xuelin], Southern Weekend, 26 September 14.

<sup>70</sup>“Environmental Dispute Litigation Difficulties Urgently Need To Change, Ecological Justice Reforms Enter a Window of Opportunity” [Huanjing jiufen susong nan jidai gaibian shengtai sifa gaige jinru chuankou qi], Economic Information Daily, reprinted in Xinhua, 8 October 14. See also Pan Congwu, “Environmental Protection Public Interest Litigation Needs To Break Through the Difficult Situation of Collecting Evidence” [Huanbao gongyi susong jidai tupu quzheng nan kunj], Legal Daily, 11 April 15.

<sup>71</sup>Tong Ke’nan, “Does Environmental Public Interest Litigation Appear Satisfactory?” [Huanjing gongyi susong kanshangqu hen mei?], China Environmental News, 11 March 15.

<sup>72</sup>Ibid. “Environmental Dispute Litigation Difficulties Urgently Need To Change, Ecological Justice Reforms Enter a Window of Opportunity” [Huanjing jiufen susong nan jidai gaibian shengtai sifa gaige jinru chuankou qi], Economic Information Daily, reprinted in Xinhua, 8 October 14.

<sup>73</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, items 1.3, 5(4.4). In November 2014, the Party Central Committee emphasized an “imperative to have the rule of law play a greater role in leading and standardizing practices in order to realize . . . ecological welfare.” The Committee called on authorities to “strengthen governance over key problems such as . . . harm to the ecological environment,” within the broader context of efforts to “guard against, diffuse, and control problems influencing social stability.”

<sup>74</sup>Chinese Communist Party Central Committee and State Council, Opinion on Accelerating Advancement in Building an Ecological Civilization [Guanyu jia kuai tuijin shengtai wenming jianshe de yijian], issued 25 April 15, reprinted in Xinhua, 5 May 15.

<sup>75</sup>Wang Kunting, “Promote Ecological Transformation of Laws and Regulations” [Tuijin falu fagui shengtaihua], China Environmental News, 10 December 14.

<sup>76</sup>Chen Liping, “Drafting Work Proceeding Steadily” [Qicao gongzuo zhengzai jiji wen bu tuijin], Legal Daily, 19 January 15. This article discusses the status of a possible soil pollution prevention and control law. “‘Soil Environmental Quality Standard’ Revision Draft Open for Public Comment” [“Turang huanjing zhiliang biao zhun” xiuding cao’an gongkai zhengqiu yijian], China Environmental News, 15 January 15; Cui Zheng, “China Draft Proposes Tougher Curbs on Soil Pollution,” China Dialogue, 29 January 15. Authorities issued a draft of the new soil pollution standards in January that places greater limits on pollutants.

<sup>77</sup>State Council Legislative Affairs Office, PRC Air Pollution Prevention and Control Law (Amendment Draft for Public Comment) [Zhonghua renmin gongheguo daqi wuran fangzhi fa (xiuding cao’an zhengqiu yijian gao)], issued 9 September 14.

<sup>78</sup>State Council, “Water Pollution Prevention and Control Action Plan” [Shui wuran fangzhi xingdong jihua], issued 2 April 15, reprinted in Ministry of Environmental Protection, 16 April 15. The plan outlines concrete water pollution control targets and introduces new plans for public-private project funding arrangements. See also Ministry of Environmental Protection and Ministry of Finance, Implementing Opinion on Advancing Government and Social Capital Cooperation in the Area of Water Pollution Prevention and Control [Guanyu tuijin shui wuran fangzhi lingyu zhengfu he shehui ziben hezuo de shishi yijian], issued 9 April 15; Xie Jiali, “Ex-

planation of 'Ten Water Articles': Where Is the Funding Coming From To Implement the 'Ten Water Articles?'" [Jiedu "shui shi tiao": luoshi "shui shi tiao" zijin cong nali lai?], China Environmental News, 5 May 15.

<sup>79</sup>"Changes to Wildlife Protection Law on Horizon, NPC Deputy Says," Caixin, 13 March 15. The National People's Congress's Standing Committee has put revisions to the PRC Wildlife Protection Law on the 2015 legislative agenda.

<sup>80</sup>State Council General Office, "Energy Development Strategic Action Plan (2014–2020)" [Nengyuan fazhan zhanlue xingdong jihua (2014–2020 nian)], issued 19 November 14.

<sup>81</sup>Ministry of Environmental Protection, "Accelerate and Advance Construction of an Ecological Civilization, Effectively Push Forward Implementation of New 'Environmental Protection Law,'" Ministry of Environmental Protection Relaunches Research on Green GDP" [Jiakuai tuijin shengtai wenming jianshe you xiao tuidong xin "huanbao fa" luoshi huanjing baohubu chongqi luse GDP yanjiu], 30 March 15. The MEP relaunched research on green GDP with the aim of establishing new pilot projects by 2017. Huang Jijun, "Green Development Report Regarded as Settling the Development Debt" [Luse fazhan baogao suanqing fazhan zhang], China Environmental News, 13 May 15.

<sup>82</sup>Ministry of Environmental Protection, Sudden Environmental Incident Investigation and Management Measures [Tufa huanjing shijian diaocha chuli banfa], issued 15 December 14, effective 1 March 15. While Article 17 of the Measures stipulates that environmental protection bureaus should release to the public information about sudden environmental incidents, Article 6 stipulates that such information may not be released without approval from the leader of the environmental incident investigative group. State Council General Office, National Plan on Emergency Preparedness for Environmental Sudden Incidents [Guojia tufa huanjing shijian yingji yu an], issued 29 December 14, reprinted in PRC Central People's Government, 3 February 15. The plan, revised from a 2005 version, includes provisions regarding providing timely information to higher level authorities and the public, as well as for "guiding public opinion."

<sup>83</sup>"Environmental Protection Tax Takes Shape in a Draft Proposal, National People's Congress Finance and Economic Committee Recommends Deliberation as Soon as Possible" [Huanjing baohu shuifa xingcheng cao'an gao quanguo renda caijing wei jianyi jinzhao tiqing shenji], Xinhua, 3 November 14; Kathy Chen and David Stanway, "China Issues Draft Environmental Tax Law," Reuters, reprinted in New York Times, 10 June 15; Kong Lingyu, "Amid Worsening Pollution, Gov't Moves Toward Law on Ecotaxes," Caixin, 19 March 15. Such a tax would replace many pollution fees but may mean less revenue for environmental departments to reduce pollution, and some environmentalists are concerned that the taxation officials do not know enough about pollution issues.

<sup>84</sup>"China: 28 Provinces in Environmental Liability Insurance Trials," Asian Insurance Review, 4 June 15.

<sup>85</sup>Xie Jiali, "Explanation of 'Ten Water Articles': Where Is the Funding Coming From To Implement the 'Ten Water Articles?'" [Jiedu "shui shi tiao": luoshi "shui shi tiao" zijin cong nali lai?], China Environmental News, 5 May 15.

<sup>86</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, item 2(4.7). According to Item 2(4.7), "Build and complete legal structures for property rights over natural assets, perfect legal structures in the area of State land exploitation and protection, formulate and perfect laws and regulations for ecological compensation, the prevention of soil, water, and air pollution, and the protection of the maritime ecological environment, to stimulate the construction of an ecological civilization."

<sup>87</sup>Ibid., item 2(4.2). See also Chinese Communist Party Central Committee, "CCP Central Committee Concerning Some Major Questions in Comprehensively Moving Governing the Country According to the Law Forward," translated in China Copyright and Media (blog), 28 October 14, item 2(4.2).

<sup>88</sup>Kou Jiangze and Deng Xu, "Authority To Approve EIAs Given to Lower Levels, How To Seize Effective Control" [Huanping shenpi quan xiafang, ruhe jie zhuguan hao], People's Daily, 6 May 15. Officials are devolving authority to approve 6 additional project categories of environmental impact assessments to provincial authorities in addition to the existing 25 categories. For information on previous measures, see Ministry of Environmental Protection, "Announcement Regarding Ministry of Environmental Protection Delegation of Authority To Examine and Approve Environmental Impact Assessment Documents for Certain Construction Projects" [Huanjing baohubu guanyu xiafang bufen jianshe xiangmu huanjing yingxiang pingjia wenjian shenpi quanxian de gonggao], 15 November 13. This announcement states that the Ministry of Environmental Protection will delegate authority to provincial governments to assess and approve environmental impact assessments (EIA) for certain projects. Ministry of Environmental Protection, "Government Information Disclosure Guide for Construction Project Environmental Impact Assessments (Provisional)" ["Jianshe xiangmu huanjing yingxiang pingjia zhengfu xinxi gongkai zhinan (shixing)"], 14 November 13, item 4(1.6). This document guides authorities' disclosure of full EIA reports and other documents. Ministry of Environmental Protection, Circular Regarding Earnestly Strengthening Environmental Impact Assessment Supervision and Administration Work [Guanyu qieshi jiaqiang huanjing yingxiang pingjia jiandu guanli gongzuo de tongzhi], issued 15 November 13. This circular seeks to strengthen the supervision and administration of EIAs.

<sup>89</sup>Office of the Press Secretary, The White House, "Fact Sheet: U.S.-China Joint Announcement on Climate Change and Clean Energy Cooperation," 11 November 14.

<sup>90</sup>Ibid.; Office of the Press Secretary, The White House, "U.S.-China Joint Announcement on Climate Change," 12 November 14; World Resources Institute, "Taking Stronger Action on Climate Change: China and the United States," ChinaFAQs, 6 February 15, 2; Shannon Tiezzi, "In New Plan, China Eyes 2020 Energy Cap," The Diplomat, 20 November 14.

<sup>91</sup>Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], issued 12 November 13. The Decision urged authorities to “strengthen grassroots law enforcement in . . . environmental protection” (item 31). State Council, Certain Opinions on Promoting Fair Market Competition and Maintaining the Normal Market Order [Guanyu cujin shichang gongping jingzheng weihu shichang zhengchang zhixu de ruogan yijian], issued 8 July 14.

<sup>92</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, item 3(3.2). See also Chinese Communist Party Central Committee, “CCP Central Committee Decision Concerning Some Major Questions in Comprehensively Moving Governing the Country According to the Law Forward,” translated in China Copyright and Media (blog), 28 October 14, item 3(3.2).

<sup>93</sup>Ibid., item 2(4.7); Ibid., item 2(4.7).

<sup>94</sup>State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14.

<sup>95</sup>“State Council General Office Demands ‘Zero Tolerance’ for Environmental Violations, Experts: Reflects Determination To Control Environmental Pollution” [Guo ban yaoqiu dui huanjing weifa “ling rongren” zhuanjia: tixian zhili huanjing wuran jue xin], China National Radio, 28 November 14.

<sup>96</sup>State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14, art. 5.

<sup>97</sup>Ibid., art. 11.

<sup>98</sup>Yang Yiping, “Strict Law Enforcement Is Necessary To Guarantee Law Is Substantial and Reaches the Ground” [Yange zhifa caineng baozhang falu jianshi luodi], China Environmental News, 23 December 14; State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14, art. 14.

<sup>99</sup>Supreme People’s Procuratorate, “Cao Jianming Gives the Supreme People’s Procuratorate Work Report” [Cao jianming zuo zuigao renmin jianchayuan gongzuo baogao], reprinted in Caixin, 12 March 15; Te-Ping Chen, “China Sees Surge in Court Cases Against Polluters,” Wall Street Journal, 12 March 15.

<sup>100</sup>Tong Ke’nan, “Bulletin on the Status of Administrative Penalties and Environmental Criminal Cases Handed Over Last Year” [Tongbao qunian xingzheng chufa he huanjing fanzui anjian yi song qingkuang], China Environmental News, 15 April 15.

<sup>101</sup>Zhang Chun, “China’s Polluters Hit With Biggest-Ever Fines,” China Dialogue (blog), 6 January 15.

<sup>102</sup>“Chinese Police See Soaring Environmental Crimes,” Xinhua, 6 February 15.

<sup>103</sup>Supreme People’s Court and Supreme People’s Procuratorate, Interpretation of Certain Issues Related to Laws Applicable in Criminal Cases of Environmental Pollution [Guanyu banli huanjing wuran xingshi anjian shiyong falu ruogan wenti de jieshi], issued 8 June 13, effective 19 June 13. For more information on the Interpretation, see CECC, 2013 Annual Report, 10 October 13, 125.

<sup>104</sup>Wang Erde, “Within Half a Year, 247 Environmental Criminal Cases Filed” [Bannian nei huanjing xing’an li’an 247 qi], 21st Century Business Herald, reprinted in China Environmental News, 4 December 13.

<sup>105</sup>“Chen Jining Answers Journalists’ Questions With Regard to Comprehensively Strengthening Environmental Protection” [Chen jining jiu quanmian jiaqiang huanjing bao hu da jizhe wen], National People’s Congress, 7 March 15.

<sup>106</sup>Chang Chun, “China Trials Environmental Audits To Hold Officials to Account,” China Dialogue, 18 June 15.

<sup>107</sup>Ibid.

<sup>108</sup>Ben Blanchard and Judy Hua, “China Slates Environment Ministry After Graft Probe,” Reuters, 10 February 15.

<sup>109</sup>Guo Yongfang, “70 Listed Companies Caught in Anticorruption Storms—Natural Resources Companies Accounted for About One in Four” [70 jia shangshi gongci juan ru fanfu fengbao ziyou lei zhan si fen zhi yi zuoyou], Beijing News, reprinted in Caijing, 9 February 15.

<sup>110</sup>Bao Xiaodong, “Five Thousand EIA Engineers, More Than 16 Percent? Violate the Law? Search for ‘Shadow EIA Engineers’” [Wu qian huanpingshi, wei gui gaoda 16%? souxun “yingzi huanpingshi”], Southern Weekend, 17 October 14.

<sup>111</sup>Ben Blanchard and Judy Hua, “China Slates Environment Ministry After Graft Probe,” Reuters, 10 February 15.

<sup>112</sup>Niu Jiwei et al., “Xinhua Exclusive Gets to the Bottom of Rui Hai Company: Who Is the Mystery Person in Control?” [Xinhua dujia qidi rui hai gongsi: shei shi shenmi kongzhi ren?], Xinhua, 19 August 15; “China Explosions: Potent Chemical Mix Behind Tianjin Blasts,” BBC, 15 August 15.

<sup>113</sup>“State Council General Council Demands ‘Zero Tolerance’ for Environmental Violations, Experts: Reflects Determination To Control Environmental Pollution” [Guo ban yaoqiu dui huanjing weifa “ling rongren” zhuanjia: tixian zhili huanjing wuran jue xin], China National Radio, 28 November 14.

<sup>114</sup>Ibid.

<sup>115</sup>“338 Cities’ Environmental Monitoring Data Released in Real Time, Pollution Sources Have Nowhere To Hide” [338 ge chengshi huanjing jiance shuju shishi fabu wuranyuan wuchugangshen], People’s Daily, 2 April 15. In 2015, an official investigation into 72 monitoring stations in 12 provincial-level areas reportedly found that some local governments had directed en-



vironmental monitoring stations to fake monitoring data. Yang Weihai, "China Will Launch Special Investigation To Crack Down on 'Falsification' of Air Quality Monitoring Data" [Zhongguo jiang kaizhan zhuanxiang jiancha yanda kongqi zhiliang jiance shuju "zao jia"], Xinhua, 1 April 15; Liu Shixin, "Some Locations Still Fake Environmental Monitoring Data" [Bufen difang rengcun huanjing jiance shuju zaojia], China Youth Daily, 2 April 15.

<sup>116</sup>Wan Ganjiang and Chen Liezi, "What Bottlenecks Are There in the Implementation of the New Environmental Protection Law?" [Xin huanbaofa shishi zhong cunzai na xie pingjing?], China Environmental News, 8 April 15; Chang Jiwen, "New Environmental Protection Law Encounters Implementation Problems" [Xin huanbaofa zaoyu shishi nant], Economic Information Daily, 8 April 15.

<sup>117</sup>Ministry of Environmental Protection, "Ministry of Environmental Protection Bulletin on Progress Since the New Environmental Protection Law Went into Effect, New Leadership To Place More Importance on Environmental Rule by Law" [Huanjing baohu bu tongban xin "huanbao fa" shengxiao yilai jinzhuan qingkuang xin lingdao banzi jiang geng jia zhongshi huanjing fazhi], 2 March 15; Li Jing, "China's Pollution High on Agenda for Country's Top Political Consultation Body," South China Morning Post, 3 March 15; State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14.

<sup>118</sup>Bao Zhang and Cong Cao, "Policy: Four Gaps in China's New Environmental Law," Nature, 21 January 15.

<sup>119</sup>State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14.

<sup>120</sup>"Company Probed for Dumping 200 Tons of Toxic Waste Daily," Global Times, 13 April 15. The Global Times reported that one company secretly discharged 200 tons of landfill leachate into wells daily for several years. "Tougher Environmental Law Pressures China Steel Mills," Reuters, 4 February 15; "Chinese Police See Soaring Environmental Crimes," Xinhua, 6 February 14.

<sup>121</sup>Institute of Public and Environmental Affairs, "Green Stocks Report Issue No. 2: Smog Risk of Listed Companies" [Luse zhengquan 2 qi baogao: shangshi gongsi de wumai fengxian], 9 December 14, 2–3; Stuart Leavenworth, "Chinese Environmentalists Accuse 1,000 Companies of Polluting," McClatchy Newspapers, 9 December 14.

<sup>122</sup>"State Council General Council Demands 'Zero Tolerance' of Environmental Violations, Experts: Reflects Determination To Control Environmental Pollution" [Guo ban yaoqiu dui huanjing weifa "ling rongren" zhuanjia: tixian zhili huanjing wuran juexin], China National Radio, 28 November 14; Ministry of Environmental Protection, "Ministry of Environmental Protection Bulletin Regarding Handling of Two Instances of Violent Resistance Against Environmental Enforcement Personnel" [Huanjing baohu bu tongbao liang qi huanjing zhifa ren yuan shoudao baoli kang fa shijian de chuli qingkuang], 26 February 15.

<sup>123</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, 3(6.1); Jamie P. Horsley, "China's Leaders Endorse Disclosure as the 'Norm,'" Freedominfo.org, 4 November 14.

<sup>124</sup>State Council, Certain Opinions on Promoting Fair Market Competition and Maintaining the Normal Market Order [Guanyu cujin shichang gongping jingzheng weihu shichang zhengchang zhixu de ruogan yijian], issued 8 July 14, para. 19.

<sup>125</sup>"338 Cities' Environmental Monitoring Data Announced in Real Time, Pollution Sources Have Nowhere To Hide" [338 ge chengshi huanjing jiance shuju shishi fabu wuranyuan wuchu cangshen], People's Daily, 2 April 15.

<sup>126</sup>Zou Chunxia, "Ministry of Environmental Protection: An Integrated Public Platform Will Be Built To Disclose EIA Information" [Huanbaobu: huanping xinxi jiang jian tongyi gongkai pingtai], Beijing Youth Daily, 20 March 15.

<sup>127</sup>Te-Ping Chen, "Beijing Quietly Curbs Discussion of Documentary on Air Pollution," Wall Street Journal, 2 February 15.

<sup>128</sup>"Minitrue: Delete 'Under the Dome,'" China Digital Times, 7 March 15; Edward Wong, "China Blocks Web Access to 'Under the Dome' Documentary on Pollution," New York Times, 6 March 15.

<sup>129</sup>"Minitrue: Media Directives on Tianjin Port Explosion," China Digital Times, 13 August 15; Gabriel Dominguez, "China's Official Response to Emergencies Is 'Censorship,'" Deutsche Welle, 18 August 15.

<sup>130</sup>Simon Denyer, "Inner Mongolian Herders Feel Force of China's Hunger for Minerals," Guardian, 10 April 15; Simon Denyer, "In China's Inner Mongolia, Mining Spells Misery for Traditional Herders," Washington Post, 7 April 15; "Detained Inner Mongolian Herder Monitored Following Release" [Neimenggu bei ju mumu huoshi hou zao jiankong], Radio Free Asia, 17 February 15; Southern Mongolian Human Rights Information Center, "Mongolian Herders Held Simultaneous Protests," 21 January 15.

<sup>131</sup>"Minitrue: Fujian PX Explosion," China Digital Times, 7 April 15.

<sup>132</sup>Andrew Jacobs, "Air Quality App Forced To Stop Providing Data From U.S. Embassy," New York Times, Sinosphere (blog), 10 November 14.

<sup>133</sup>Gong Zhihong, "Not Disclosing Environmental Information, Environmental Protection Departments Taken to Court" [Bu gongkai huanjing xinxi huanbao bumen bei gao shang fating], Xinhua, 19 January 15; Huang Fang, "Environmental Organization Makes Open Information Requests to 43 Counties, Environmental Protection Bureau Asked 'Hostile Force or Not'" [Huanbao zuzhi xiang 43 xian shenqing xinxi gongkai, zao huanbaoju wen "shifou didui shili"], The Paper, 22 January 15.

<sup>134</sup>International Agency for Research on Cancer, World Health Organization, "IARC Monographs Volume 112: Evaluation of Five Organophosphate Insecticides and Herbicides," 20 March 15, 1.

<sup>135</sup>Dominique Patton, "Chinese Citizens Sue Government Over Transparency on Monsanto Herbicide," Reuters, 8 April 15.

<sup>136</sup>Ibid.

### III. Development of the Rule of Law

#### CIVIL SOCIETY

##### *Intensified Crackdown on NGOs and Civil Society*

Chinese non-governmental organizations (NGOs) provide social services<sup>1</sup> and engage in public outreach,<sup>2</sup> education,<sup>3</sup> and issue advocacy.<sup>4</sup> NGOs work in a variety of sectors, including labor, environment, poverty alleviation, health, education, and gender.<sup>5</sup> Prior to President and Communist Party General Secretary Xi Jinping's transition to power, NGOs were able to operate more freely in some sectors that authorities considered less politically sensitive,<sup>6</sup> including women's rights advocacy.<sup>7</sup> Due to government pressure, Chinese rights defenders tend to work in loose and decentralized networks rather than formal NGOs.<sup>8</sup>

During the Commission's 2015 reporting year, the central government narrowed the already restricted space within which NGOs are allowed to work. A government crackdown on NGOs and civil society networks that began in 2013 intensified this past year,<sup>9</sup> reportedly making the climate for civil society one of the worst in recent years.<sup>10</sup> The international human rights NGO Chinese Human Rights Defenders reported 995 arbitrary detention cases of rights defenders in 2014, nearly as many as the two-year total of 1,160 from 2012 to 2013.<sup>11</sup> Authorities, moreover, targeted some NGOs and their staff throughout the past year, as represented in the following developments:<sup>12</sup>

- In September 2014, Liren Rural Library,<sup>13</sup> a Chinese NGO that established a network of 22 libraries across rural China, closed in the face of government pressure.<sup>14</sup> In October and November, authorities temporarily detained individuals associated with Liren, including Ling Lisha,<sup>15</sup> Liu Jianshu,<sup>16</sup> and Xu Xiao.<sup>17</sup>
- In October 2014, authorities in Beijing municipality reportedly shut down Transition Institute (TI),<sup>18</sup> an NGO think tank dedicated to educational and economic policy,<sup>19</sup> and detained several of its staff members.<sup>20</sup> In January 2015, 87 days after their detention, the police formally arrested and charged two TI leaders, Guo Yushan<sup>21</sup> and He Zhengjun,<sup>22</sup> with "illegal business activity."<sup>23</sup> Authorities also held Huang Kaiping, TI's managing director, incommunicado for 110 days before releasing him in January 2015.<sup>24</sup> When Huang's lawyer asked Huang if he was tortured, Huang reportedly responded, "Let's not talk about that now, you understand."<sup>25</sup> Torture is in violation of China's obligation as a State Party<sup>26</sup> to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>27</sup> Authorities took into custody in March 2015 and released at an unknown date<sup>28</sup> another TI staff member, Yang Zili, a former political prisoner.<sup>29</sup> In their handling of the cases of Guo, He, and Huang, authorities violated the PRC Criminal Procedure Law, which requires that a suspect be released after 37 days if the procuratorate does not authorize the arrest.<sup>30</sup> Guo and He were released on "bail" the week before Chinese President Xi Jinping's state visit to the United States in September 2015.<sup>31</sup>

- In March 2015, security officials in Beijing reportedly raided the office of the Beijing Yirenping Center,<sup>32</sup> a public health and anti-discrimination NGO whose founders had received several awards from Chinese state-run news media.<sup>33</sup> This was the second time in two years that authorities had targeted the group.<sup>34</sup> In April 2015, the Ministry of Foreign Affairs publicly accused Yirenping of unspecified legal violations,<sup>35</sup> which an Yirenping statement indicated could have been linked to the group's advocacy on behalf of five women's rights advocates whom authorities detained earlier in March.<sup>36</sup> Three of the five are either current or former employees of Yirenping.<sup>37</sup> Released on bail in April 2015,<sup>38</sup> the five women continued to face police surveillance.<sup>39</sup> [For more information, see box on Detentions of Women's Rights Advocates in Section II—Status of Women.] Later in June, authorities detained two former Yirenping employees, Guo Bin and Yang Zhanqing, on charges of “illegal business activity,” according to their lawyers.<sup>40</sup> Officials released Guo and Yang in July.<sup>41</sup>
- In June 2015, Weizhiming, a women's rights organization led by Wu Rongrong, one of the five women detained in March 2015, shut down after police began investigating four of its six staff members.<sup>42</sup>

Many Chinese rights advocates have observed that the crack-down on NGOs and rights defenders has exerted a “chilling” effect on civil society.<sup>43</sup> The targeting of these NGOs calls into question Chinese authorities' commitment to uphold the rights guaranteed in China's Constitution, including the right to freedom of assembly,<sup>44</sup> as well as international standards on freedom of speech and association outlined in the International Covenant on Civil and Political Rights<sup>45</sup> and the Declaration on Human Rights Defenders.<sup>46</sup>

#### *Government and Party Control*

The regulatory environment for independent Chinese NGOs continues to be challenging for NGOs to navigate. Central authorities require some NGOs to secure the sponsorship of a governmental or quasi-governmental organization in order to be eligible for registration under the Ministry of Civil Affairs (MCA).<sup>47</sup> This “dual management system” imposes differentiated treatment of NGOs based on how politically sensitive the authorities believe them to be.<sup>48</sup> According to Chinese NGO workers, although central authorities pledged reform, the registration process remained closed to NGOs that work on rights issues or are otherwise deemed to be sensitive.<sup>49</sup> One of China's few independent NGOs that monitor human rights<sup>50</sup> applied for registration four times between 2013 and March 2015, but the Beijing municipal civil affairs bureau refused to register the group each time.<sup>51</sup> Since the government restricts the growth of civil society organizations, independent NGOs are often forced to remain unregistered or register as businesses.<sup>52</sup> Both options leave them hampered and at risk of prosecution,<sup>53</sup> as with the accusations of “illegal business activity” against Transition Institute<sup>54</sup> and Yirenping employees.<sup>55</sup> In May 2015, Party authorities reportedly decided to strengthen requirements to establish Party groups “in social, economic and cultural organiza-

tions.”<sup>56</sup> An international law expert observed that in previous Party-building efforts, NGOs were encouraged to form internal Party groups, but the May requirements make them mandatory.<sup>57</sup> A Chinese rights advocate speculated that the decision may result in Party selection and appointment of some NGO personnel.<sup>58</sup>

In terms of fundraising and government procurement, independent NGOs are at a disadvantage vis-à-vis quasi-governmental or government-organized non-governmental organizations (GONGOs). Under Chinese law, only a few quasi-governmental foundations are allowed to raise funds from the public.<sup>59</sup> A 2014 Chinese Academy of Social Sciences Blue Book reportedly found that government organizations’ monopoly over fundraising is one of the reasons independent NGOs receive little funding.<sup>60</sup> In October 2014, the MCA allocated 200 million yuan (US\$32.2 million) to procure services and training from NGOs for 2015,<sup>61</sup> at approximately the same level as from 2012 to 2014.<sup>62</sup> In December 2014, the MCA and other government agencies issued provisional Government Service Procurement Management Measures (Measures).<sup>63</sup> The Measures predicate funding on an organization’s registration status and allow quasi-governmental organizations to compete for service bids.<sup>64</sup> In January 2015, a public management professor who teaches at Tsinghua University expressed concern about the Measures, calling for more public participation in building accountability mechanisms.<sup>65</sup> Other Chinese commentators found the participation of quasi-governmental organizations to have a crowding-out effect for independent NGOs,<sup>66</sup> including a sociology professor in Beijing who said the government should slow the pace of procurement until a fair and effective assessment system is in place.<sup>67</sup>

Chinese government funding restrictions limited the independence of most Chinese NGOs and deepened their reliance on international funding. For example, the Measures on government procurement issued in December 2014 designated social services as procurement areas, with only limited mention of legal aid and services and no mention of human rights.<sup>68</sup> A British academic observed that government funds disbursed in 2012 led labor NGOs “to limit their activities to safe agendas and to become more adjuncts of the government rather than of workers.”<sup>69</sup> According to sources cited in a November 2014 Radio Free Asia report, one consequence of regulatory restrictions and domestic funders’ reluctance to fund projects the government deems politically sensitive<sup>70</sup> is that independent NGOs—especially those that advocate for human and civil rights—rely more heavily on international funding.<sup>71</sup>

The number and strength of independent NGOs in China, though open to debate, remain limited, according to some observers. Statistics from the Ministry of Civil Affairs show that by the end of 2014, China had 600,000 registered “social organizations,” of which 30,000 were able to register without a sponsor.<sup>72</sup> International media and Chinese scholarly estimates of independent unregistered NGOs range from 1.2 million to 8 million,<sup>73</sup> yet few met the criteria of being “voluntary, private, non-profit, and self-governing.”<sup>74</sup> Two NGO directories that collected information on both registered and unregistered NGOs in 2014 and 2015 identified approximately 3,000 independent NGOs.<sup>75</sup> In a 2014 report, a Chinese NGO ex-

pert noted that despite estimates of millions of NGOs, he counted 6,000 to 7,000 “weak and scattered” grassroots NGOs.<sup>76</sup> A Shanghai-based consultant estimated that 3,000 to 5,000 independent NGOs in China “have achieved a basic degree of scale,” and “only one or two hundred are in a position to significantly innovate, expand, and/or replicate.”<sup>77</sup> A 2014 study reportedly found that the number of independent NGOs shrank over the last seven years and attributed the decrease to the difficulty of obtaining funding.<sup>78</sup> Moreover, according to one Chinese NGO, publicly available information about such NGOs is often “vague” and “varies widely” because so many Chinese NGOs are unable to formally register.<sup>79</sup>

### *Regulatory and Legal Developments*

The Chinese government has not released draft revisions, originally slated for release in 2013, to three regulations which Chinese officials say are key to the current legal framework for non-governmental organizations (NGOs).<sup>80</sup> These State Council regulations are the Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises, Regulations on the Registration and Management of Social Organizations, and Regulations on the Management of Foundations.<sup>81</sup> In March 2015, a National People’s Congress (NPC) delegate who is an expert on civil society in China urged the government to finish revising the regulations soon, saying “social organizations . . . have operated de facto without laws” since 2013.<sup>82</sup> Another NPC delegate called for a “Social Organizations Law” to strengthen governance norms, including oversight and independence of NGOs.<sup>83</sup> An official said in March 2015 that the NPC would review the draft national charity law, first drafted in 2005,<sup>84</sup> by late 2015.<sup>85</sup> A Chinese researcher suggested adding a clause allowing human rights advocacy to the law.<sup>86</sup>

In January 2015, authorities in Guangzhou municipality, Guangdong province, issued Measures for the Management of Social Organizations (Guangzhou Measures).<sup>87</sup> The central government often chooses certain cities for piloting new regulations or measures that are later introduced nationwide,<sup>88</sup> such as its choice of Guangzhou for pilot NGO registration measures in 2012 and 2013.<sup>89</sup> The Guangzhou Measures require NGOs to report foreign funding or subsidies 15 days before receipt,<sup>90</sup> and allow the government to confiscate the property of NGOs if they are not registered or if they undertake activities under their organizational name without first getting permission to do so.<sup>91</sup> NGOs using international funding for activities that “endanger national security” may face loss of registration, fines, orders to dismiss and replace the organization’s personnel, or criminal charges for the organization’s responsible parties.<sup>92</sup> After public input, Guangzhou authorities removed controversial provisions from the draft Guangzhou Measures that would have banned efforts to start NGOs<sup>93</sup> or prohibit NGOs that are funded or connected to foreign organizations.<sup>94</sup> Voice of America reported in March 2015 that the Guangzhou Measures would likely restrict funding for labor NGOs in a sector that largely relies on outside funding.<sup>95</sup>

*Government Efforts To Control Foreign and Domestic NGOs*

During the reporting year, the Chinese government considered laws that may have negative consequences for Chinese civil society, including a draft PRC Counterterrorism Law<sup>96</sup> and a draft PRC Overseas Non-Governmental Organizations (NGO) Management Law.<sup>97</sup> [See box on the Draft PRC Overseas NGO Management Law below.] The draft PRC Counterterrorism Law stipulates NGOs that fail to report their funding sources to the government may be fined up to 50,000 yuan (US\$8,000),<sup>98</sup> and requires banks to monitor the “financial flow” of both Chinese and overseas NGOs.<sup>99</sup> Human Rights Watch called for an overhaul of the draft PRC Counterterrorism Law, warning that otherwise, Chinese civil society may face even more “politically motivated arrests and prosecutions.”<sup>100</sup>

**Draft PRC Overseas NGO Management Law**

According to the draft PRC Overseas NGO Management Law, authorities aim to “regulate and guide activities” of overseas<sup>101</sup> NGOs. Key provisions include:

- Requiring overseas NGOs that establish permanent offices in China to register with public security authorities at the provincial level or above, and to secure a sponsor organization and approval from relevant government agencies or government-approved organizations;<sup>102</sup>
- Forbidding overseas NGOs within China from carrying out activities that “endanger” interests such as “China’s national unity,” “national interests,” “public interest,” “public order,” and “culture.”<sup>103</sup> Overseas NGOs are also forbidden from undertaking or funding “political activities or illegal religious activities”;<sup>104</sup>
- Requiring overseas NGOs without branch offices to find Chinese partner organizations and obtain temporary activity permits in order to engage in activities in China;<sup>105</sup>
- Forbidding Chinese individuals and organizations from accepting funding from or “covertly represent[ing]” overseas NGOs that have not established a branch office or obtained a temporary activity permit;<sup>106</sup>
- In most cases forbidding overseas NGOs from soliciting contributions or accepting donations within China;<sup>107</sup>
- Requiring overseas NGOs to hire and recruit volunteers in China through government-approved intermediaries,<sup>108</sup> and to cap the percentage of foreign staff at overseas NGOs at 50 percent;<sup>109</sup>
- Adding administrative burdens, including submission of activity and work reports,<sup>110</sup> yearly activity plans,<sup>111</sup> mandatory reregistration every five years,<sup>112</sup> and financial reporting;<sup>113</sup> and
- Permitting public security agencies to inspect the offices of overseas NGOs, seal or seize documents, venues, facilities, or property,<sup>114</sup> and freeze bank accounts of NGOs and affiliated individuals under investigation.<sup>115</sup>

**Draft PRC Overseas NGO Management Law—Continued**

International human rights organizations urged the Chinese government to withdraw or substantially revise the draft law out of concern that its provisions contravene the right to freedom of association contained in both international law<sup>116</sup> and China's Constitution.<sup>117</sup> Chinese and international commentators noted that under the draft PRC Overseas NGO Management Law, registration and oversight authority of overseas NGOs would transfer from the Ministry of Civil Affairs to the Ministry of Public Security.<sup>118</sup> Commentators stated that this may make the environment for overseas NGOs, especially legal and civil rights NGOs, more restrictive.<sup>119</sup> Chinese observers said the draft law's broad and vague language would make it difficult to enforce<sup>120</sup> and allow for selective enforcement.<sup>121</sup> Maya Wang of Human Rights Watch said the draft law would give "China's police veto power over international groups and their decisions."<sup>122</sup>

Chinese and international civil society organizations deemed the draft PRC Overseas NGO Management Law detrimental to Chinese NGOs and to China's broad range of trade and exchange activities with the world. International human rights groups and Chinese observers asserted that the loss of international funding is likely to set back independent Chinese NGOs,<sup>123</sup> especially those that engage in rights advocacy.<sup>124</sup> International news media reported that some international NGOs may curtail or end their work in China.<sup>125</sup> Scholars and advocates warned that common "international cultural, educational and technical exchanges" could decline, and universities and other organizations could face significant hurdles in conducting activities in China.<sup>126</sup> In a joint letter to the National People's Congress, dozens of U.S. trade and lobby groups, including the U.S. Chamber of Commerce, predicted that the draft law, if passed in its current form, would "have a significant adverse impact on the future of U.S.-China relations."<sup>127</sup>



### Notes to Section III—Civil Society

<sup>1</sup>Reza Hasmath and Jennifer Y. J. Hsu, “Communities of Practice and the NGO Sector in China,” Association for Research on Nonprofit Organizations and Voluntary Action Annual Conference (Chicago, USA), November 2015, Introduction. According to Hasmath and Hsu, social services outsourcing refers to the provision of public funds by the government to a non-profit organization or business to deliver public goods and services.

<sup>2</sup>See Zhang Xiong, “To Serve the Girls” [Wei xiaojie fuwu], Southern People Weekly, 11 March 15; Zhang Ren, “Research Report on the Status and Development of Grassroots Organizations Serving Substance Abuse Population in Beijing Municipality” [Beijing shi chengyin renqun caogen zuzhi xianzhuang ji fazhan diaoyan baogao], China Drug Banning Exhibition Center, 15 June 15.

<sup>3</sup>See, e.g., Love Save Pneumoconiosis, “Introduction to the Foundation” [Jijin jianjie], last visited 3 August 15; Amity Foundation, “Who We Are,” last visited 3 August 15; Beijing LGBT Center, “Introduction to the Center” [Zhongxin jiangjie], last visited 3 August 15.

<sup>4</sup>See, e.g., Guo Ting, “To Promote Law and Abolish the Custody System: Public Interest Actors’ Uphill Efforts” [Tuijin fazhi feizhi shourong gongyi ren de jiannan xingdong], Asia Development Brief, 15 December 14.

<sup>5</sup>Isabel Hilton et al., “The Future of NGOs in China: A ChinaFile Conversation,” Asia Society, ChinaFile (blog), 14 May 15.

<sup>6</sup>Teng Biao, “Review of Draft Overseas NGO Management Law and National Security Law” [Ping jingwai feizhengfu zuzhi guanlifa he guojia anquan fa cao’an], Independent Chinese PEN Center, 30 June 15; Yang Guang, “Yang Guang: Stifling NGOs Shows Totalitarian Mindset” [Yang guang: esha NGO shi jiquan zhuyi siwei], Directions Magazine, reprinted in New Century Net, 3 July 15.

<sup>7</sup>Rui Di, “Zhao Sile: Feminist Action Is the Most Active and Visible Social Movement in China” [Zhao sile: nuquan xingdong zhongguo zui huoyue zui kejian de shehui yundong], Radio France International, 14 April 15; Isabel Hilton et al., “The Future of NGOs in China: A ChinaFile Conversation,” Asia Society, ChinaFile (blog), 14 May 15.

<sup>8</sup>See, e.g., Guo Feixiong, “My Rights Defense Resume and Thoughts on Political Strategies—From Guo Feixiong’s Self Defense in Court” [Wode weiquan yundong jianshi ji zhengzhi caozuo linian—zhai zi guo feixiong fating bianhuci], New Citizens’ Movement, 28 February 15; “Interview With ‘Super Vulgar Butcher’ Wu Gan, To Discuss Freedom in Hong Kong and Occupy Central” [Zhuanfang “chaoji disu tufu” wu gan tan xianggang ziyou he zhan zhong], Boxun, 28 February 14; Xiao Shu, “Xiao Shu Special Column: 26 Years Later, They Are Still Willing To Be Cannon Fodder” [Xiao shu zhuanlan zouguo 26 nian tamen yijiu gan dang paohui], Storm Media, 4 June 15.

<sup>9</sup>Chen Yizhong, “Interview With Xiao Shu: Citizens’ Movement and China’s Transition” [Zhuanfang xiao shu: gongmin yundong yu zhongguo zhuanxing], Financial Times, 12 June 15; Human Rights Watch, “World Report 2015,” 2015, China, 155–57; Elizabeth Whitman, “Obama China President Meeting: Petition Seeks To Cancel Meeting From Xi Jinping, Citing Dozens of Arrests,” International Business Times, 14 July 15.

<sup>10</sup>Human Rights Watch, “World Report 2015,” 2015, China, 155; Jennifer Duggan, “China Targets Lawyers in New Human Rights Crackdown,” Guardian, 13 July 15; “Human Rights Abuses in China ‘At Worst Since 1989’: Report,” Radio Free Asia, 16 February 15; “Xi Jinping Intensifies Crackdown on Rights Activists (Yu Ying-shih)” [Xi jingping qianghua dui weiquan renshi de daya (yu yingshi)], Radio Free Asia, 9 June 15.

<sup>11</sup>Chinese Human Rights Defenders, “Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,” 15 March 15.

<sup>12</sup>Zeng Jinyan, “Guo Yushan and the Predicament of NGOs,” Probe International, 21 May 15.

<sup>13</sup>For information about Liren Rural Library, see Liren Rural Library [Liren xiangcun tushuguan], China Development Brief, last visited 31 July 15. According to its profile at China Development Brief, Liren Rural Library uses the English name China Rural Library.

<sup>14</sup>Vanessa Piao, “Liren Library Closes, Citing ‘Tremendous Pressure,’” New York Times, Sinosphere (blog), 22 September 14.

<sup>15</sup>Didi Kirsten Tatlow, “Young, Idealistic, and Caught Up in a Wave of Detentions,” New York Times, Sinosphere (blog), 10 December 14; Zhen Shuji, “Supporter of Occupy Central, Artist Ling Lisha, Released, Guo Yushan Still Missing” [Shengyuan xianggang zhan zhong yishujia ling lisha huoshi guo yushan reng shizong], Radio France International, 13 December 14. Authorities released Ling on bail in December 2014 after 70 days in detention. For more information on Ling Lisha, see the Commission’s Political Prisoner Database record 2015-00044.

<sup>16</sup>Didi Kirsten Tatlow, “Young, Idealistic, and Caught Up in a Wave of Detentions,” New York Times, Sinosphere (blog), 10 December 14; Lu Yang, “Public Interest Worker Liu Jianshu Released” [Gongyi renshi liu jianshu huoshi], Voice of America, 24 December 14. Authorities released Liu Jianshu on bail in December 2014. For more information on Liu Jianshu, see the Commission’s Political Prisoner Database record 2015-00044.

<sup>17</sup>“Chinese Journalist Xu Xiao Detained on Suspicion of Harming National Security” [Zhongguo meiti ren xu xiao shexian weihai guojia anquan bei zhua], Radio Free Asia, 1 December 14; “Famous Publishing Figure and Writer Xu Xiao Released After Nearly One Month and Returned Home” [Zhuming chubananren zuojia xuxiao bei daizou jin yi ge yue hou huoshi huijia], Radio France International, 24 December 14. Authorities released Xu on bail in December 2014. For more information on Xu Xiao, see the Commission’s Political Prisoner Database record 2014-00419.

<sup>18</sup>Chinese Human Rights Defenders, “[CHRB] Beijing Police Detain Outspoken Intellectuals, Close Two Independent Groups (11/21–12/4, 2014),” 21 December 14.

<sup>19</sup>Human Rights Watch, “China: Release Leading Rule of Law Activists,” 22 January 15; Andrew Jacobs and Chris Buckley, “In China, Civic Groups’ Freedom, and Followers, Are Vanishing,” New York Times, 26 February 15.

<sup>20</sup> Josh Chin, "China Detains Legal Activist Guo Yushan," *Wall Street Journal*, 12 October 14.  
<sup>21</sup> Edward Wong, "China Arrests Activist Amid a Crackdown," *New York Times*, 7 January 15; "Guo Yushan, He Zhengjun 'Illegal Business Activity Case' Developments" [Guo yushan he zhengjun "feifa jingying an" jinzhàn], *Boxun*, 4 April 15. For more information on Guo Yushan, see the Commission's Political Prisoner Database record 2014-00370.

<sup>22</sup> Rights Defense Network, "Lawyer Xi Xiangdong: Record of a Meeting With He Zhengjun of the 'Transition Institute,' Detained on Suspicion of Operating an Illegal Business" [Xi xiangdong lushi: "chuanzhixing" he zhengjun shexian feifa jingying an huijian ji], 7 January 15; "Guo Yushan, He Zhengjun 'Illegal Business Activity Case' Developments" [Guo yushan he zhengjun "feifa jingying an" jinzhàn], *Boxun*, 4 June 15. For more information on He Zhengjun, see the Commission's Political Prisoner Database record 2015-00003.

<sup>23</sup> Human Rights Watch, "China: Release Leading Rule of Law Activists: Impending Decisions Spotlight Harsh Crackdown on Critics," 22 January 15; "Guo Yushan, He Zhengjun 'Illegal Business Activity Case' Developments" [Guo yushan he zhengjun "feifa jingying an" jinzhàn], *Boxun*, 4 June 15.

<sup>24</sup> Chinese Human Rights Defenders, "CHRD Information Submission to the UN Committee against Torture for Consideration in List of Issues—February 2015," 17 February 15; Li Zhongqian, "Beijing Transition Institute Director Huang Kaiping Released" [Beijing chuanzhixing suozhang huang kaiping huoshì], *Storm Media*, 28 January 15. For more information on Huang Kaiping, see the Commission's Political Prisoner Database record 2015-00004.

<sup>25</sup> Li Zhongqian, "Beijing Transition Institute Director Huang Kaiping Released" [Beijing chuanzhixing suozhang huang kaiping huoshì], *Storm Media*, 28 January 15.

<sup>26</sup> United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 4 August 15. China signed the CAT on December 12, 1986, and ratified it on October 4, 1988.

<sup>27</sup> UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, arts. 2, 11.

<sup>28</sup> Civil Rights & Livelihood Watch, "News Flash: Citizen Yang Zili and Bengbu Associate Detained by Police" [Kuaixun: gongmin yang zili bengbu huiyou bei jingfang zhuzou], 24 March 15; Yang Zili, "Yang Zili: Some Government Departments Are Shameless: On Seeing Butcher on CCTV" [Yang zili: cong tufu shang yangshi kan mouxie bumen de wuchi], *New Citizens' Movement*, 31 May 15.

<sup>29</sup> Xiao Shu, "Yang Zili and the Paranoid Regime: A Journalist's Plight Demonstrates the Depth of China's Present Illness," *Wall Street Journal*, 29 January 15. For more information on Yang Zili, see the Commission's Political Prisoner Database record 2004-04188.

<sup>30</sup> PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 89.

<sup>31</sup> "China Releases Two NGO Activists 'On Bail' Ahead of President's US Trip," *Radio Free Asia*, 15 September 15.

<sup>32</sup> Andrew Jacobs, "China Raids Offices of Rights Group as Crackdown on Activism Continues," *New York Times*, 26 March 15.

<sup>33</sup> "Yirenping Introduction" [Yirenping jianjie], Yirenping Website, last visited 10 July 15. Yirenping has received awards from China Central Television (CCTV) and People's Court Web, among others.

<sup>34</sup> CECC, 2014 Annual Report, 9 October 14, 134.

<sup>35</sup> "China Targets Rights Group Yirenping After Activists' Release," *BBC*, 15 April 15.

<sup>36</sup> Beijing Yirenping Center, "Response to China's Ministry of Foreign Affairs Accusation Against Yirenping," translated in *China Change*, 15 April 15; "Chinese Authorities Want To Punish NGO Advocating for Five Feminists" [Zhongguo dangju yu chengchu shengyuan nuquan wu jiemei de NGO], *Voice of America*, 15 April 15; Chinese Human Rights Defenders, "[CHRB] 5 Women's and LGBT Rights Activists Detained in Escalating Clampdown on NGOs (3/6-12/15)," 12 March 15; "Meet the 5 Female Activists China Has Detained," *New York Times*, 6 April 15; Tania Branigan, "Five Chinese Feminists Held Over International Women's Day Plans," *Guardian*, 12 March 15. The five women were reportedly involved in a range of advocacy activities: Li Tingting (Li Maizi) is known for street performances such as "Occupy the Men's Toilet" and managed the LGBT program at the Beijing Yirenping Center; Wang Man worked on gender and poverty issues for Global Call to Action Against Poverty; Wei Tingting worked for the LGBT rights NGO Ji'ande; prior to founding the NGO Weizhiming, Wu Rongrong worked for the health advocacy NGO Beijing Aizhixing Institute and the Beijing Yirenping Center; and Zheng Churan (also known as Datu) advocated for victims of domestic violence and women with disabilities. For more information, see the following records in the Commission's Political Prisoner Database: 2015-00114 on Wei Tingting, 2015-00115 on Wang Man, 2015-00116 on Li Tingting, 2015-00117 on Wu Rongrong, and 2015-00118 on Zheng Churan.

<sup>37</sup> Elizabeth M. Lynch, "Update: Good or Bad? Five Female Activists Released on Bail," *China Law & Policy* (blog), 14 April 15.

<sup>38</sup> "Why China Arrested, Then Released, Five Feminists," *Economist*, *The Economist Explains* (blog), 27 April 15.

<sup>39</sup> Steven Jiang, "Released Feminists: Out of Jail but Not Free," *CNN*, 14 April 15; "Women's Rights Advocate Guo Jing Forbidden To Travel Abroad, Five Women's Rights Advocates Demand Dismissal of Their Case" [Nuquanzhe guo jing bei jin chujing luyou 5 nuquan yaoqiu che an], *Radio Free Asia*, 26 May 15.

<sup>40</sup> Tom Phillips, "Fears of New Crackdown as China Holds Two Former Members of Rights Group," *Guardian*, 15 June 15.

<sup>41</sup> Rights Defense Network, "Public Interest Workers Guo Bin, Yang Zhanqing Released on Bail Today" [Gongyi renshi guo bin, yang zhanqing jinri qubao huoshi], 11 July 15.

<sup>42</sup> Vanessa Piao, "Pressure From Chinese Authorities Forces Ex-Detained Feminist To Shutter Organization," *New York Times*, *Sinosphere* (blog), 5 June 15.

<sup>43</sup>Sang Pu, “The Tyranny That Disregards the Law and Imprisons Gao Yu” [Jianjin gao yu de famang baozheng], *Stand News*, 21 April 15; Lin Feng, “NGOs Face Hard Times,” *Voice of America*, 11 March 15; Wuyue Huahao, “The Long Winter for Civil Society” [Gongmin shehui de manchang handong], 8090 Net, 14 May 15.

<sup>44</sup>PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 35.

<sup>45</sup>International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 19, 21, 22; UN GAOR, Hum. Rts. Coun. 25th Sess., Agenda Item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, 4 December 13, para. 153. China signed the ICCPR in 1998, and the Chinese government has stated its intent to ratify it. During the UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record in October 2013, China stated it is “making preparations for the ratification of ICCPR and will continue to carry out legislative and judicial reforms.”

<sup>46</sup>UN General Assembly, 53rd Sess., Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society To Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), A/RES/53/144, 8 March 99, art. 5(a–c).

<sup>47</sup>Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, art. 6; Temporary Regulations on the Registration and Management of Non-Governmental, Non-Enterprise Institutions [Minban feiqiye danwei dengji guanli zanxing tiaoli], issued and effective 25 October 98, arts. 6–7.

<sup>48</sup>Teng Biao, “Review of Draft Overseas NGO Management Law and National Security Law” [Ping jingwai feizhengfu zuzhi guanli fa he guojia anquan fa cao’an], Independent Chinese PEN Center, 30 June 15.

<sup>49</sup>“China’s NGOs and Civil Society (II): Numerous Forbidden Areas Prevent NGOs From Promoting Development of Civil Society” [Zhongguo de NGO yu gongmin shehui (er) jinqu linli zu’ai NGO tuidong gongmin shehui fazhan], *Radio Free Asia*, 11 November 14; Feng Renke and Li Linjin, “The Plight of Chinese Worker Rights Groups” [Zhongguo laogong weiquan NGO de kunjing], *Financial Times*, 2 March 15.

<sup>50</sup>For more information on human rights groups in China, see, e.g., Human Rights Watch, “World Report 2014,” 2014, China, 320. For examples of official harassment of rights activists and organizations, see, e.g., Rights Defense Network, “China Civil Society Development and Freedom of Association Research Report” [Zhongguo minjian zuzhi fazhan yu gongmin jieshe ziyou xianzhuang baogao], 8 January 14. For more information on China Human Rights Watch and its founder Qin Yongmin, see Qin Yongmin, “Introduction to China Human Rights Watch Founder Qin Yongmin” [Zhongguo renquan guancha jubanren qin yongmin jianjie], *Rose China*, 21 August 14. For more information on Qin Yongmin, see the Commission’s Political Prisoner Database record 2004-02138.

<sup>51</sup>China Human Rights Watch, “China Human Rights Watch Registration Notice: MCA Illegally Rejects Third Application” [Zhongguo renquan guancha zhuce wengao: minzhengbu feifa juju zhongguo renquan guancha disan ci zhuce shenqing], *Uphold the Constitution and Defend Rights Net*, 27 September 14; Zhang Jiarui and Pan Lu, “On Fourth Time in Beijing To Register, ‘China Human Rights Watch’ Refused by Authorities” [“Zhongguo renquan guancha” disi ci jin jing zhuce bei dangju juju], *Rose China*, 24 March 15.

<sup>52</sup>Wan Yanhai, “Wan Yanhai Special Column: Sounding the Alarm Bell Over Transition Institute’s ‘Illegal Business Activity’” [Wan yanhai zhuanlan: chuanzhixing “feifa jingying zui” qiaoxiang de jingzhong], *Storm Media*, 1 May 15.

<sup>53</sup>See, e.g., He Qinglian, “An Analysis of Xi Jinping’s ‘High Pressure Cooker’ Style of Governance” [Jiexi xi jinping de “gaoyaguo” zhili moshi], *Human Rights in China Biweekly*, Vol. 154, 16 April 15. For a history of the legal changes that forced groups to register as businesses, see Wan Yanhai, “Wan Yanhai Special Column: Sounding the Alarm Bell Over Transition Institute’s ‘Illegal Business Activity’” [Wan yanhai zhuanlan: chuanzhixing “feifa jingying zui” qiaoxiang de jingzhong], *Storm Media*, 1 May 15.

<sup>54</sup>Chinese Human Rights Defenders, “Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,” 15 March 15, 15.

<sup>55</sup>Tom Phillips, “Fears of New Crackdown as China Holds Two Former Members of Rights Group,” *Guardian*, 15 June 15.

<sup>56</sup>Didi Kirsten Tatlow, “For NGOs in China, a Sense of Party Creep,” *New York Times*, *Sinosphere* (blog), 3 June 15.

<sup>57</sup>Stanley Lubman, “China Asserts More Control Over Foreign and Domestic NGOs,” *Wall Street Journal*, *China Real Time Report* (blog), 16 June 15.

<sup>58</sup>Wan Yanhai, “Wan Yanhai Special Column: Chinese Communist Party Wants To Absorb ‘Non-State-Owned’ Organizations Into Its System” [Wan yanhai zhuanlan: zhonggong yu ba “feiguoyou” zuzhi naru tizhi], *Storm Media*, 19 June 15.

<sup>59</sup>Yang Xiaohong and Song Jia, “Charity Waiting for Its Breakthrough” [Dengdai tuwei de cishan], *Chuansongmen*, 4 January 15.

<sup>60</sup>Jiang Tao, “CASS Report: China’s Civil Society Organizations Face Five Predicaments” [Shekeyuan baogao: zhongguo minjian zuzhi mianlin wu da kunjing], *China News Net*, 25 December 14.

<sup>61</sup>Ministry of Civil Affairs, Implementation Plan for 2015 Central Government Financial Support for Social Organization Participation in Social Service Projects [2015 nian zhongyang caizheng zhichi shehui zuzhi canyu shehui fuwu xiangmu shishi fang’an], issued 29 October 14.

<sup>62</sup>Ministry of Civil Affairs, Implementation Plan for 2014 Central Government Financial Support for Social Organization Participation in Social Service Projects [2014 nian zhongyang caizheng zhichi shehui zuzhi canyu shehui fuwu xiangmu shishi fang’an], issued 25 November 13, item 1; Ministry of Civil Affairs, Implementation Plan for 2013 Central Government Financial Support for Social Organization Participation in Social Service Projects [2013 nian

zhongyang caizheng zhichi shehui zuzhi canyu shehui fuwu xiangmu shishi fang'an], issued 13 December 12; State Civil Organization Administration, "Project Announcement of Central Government Financial Support for Social Organization Participation in Social Service Projects" [Zhongyang caizheng zhichi shehui zuzhi canyu shehui fuwu xiangmu lixiang gonggao], 20 April 12, reprinted in Hainan Province Social Organization Net, 27 September 12. The allocation was also 200 million yuan for 2012 to 2014.

<sup>63</sup> Ministry of Finance, Ministry of Civil Affairs, and State Administration of Industry and Commerce, "Government Service Procurement Management Measures (Interim)" [Zhengfu goumai fuwu guanli banfa (zanxing)], issued 15 December 14, effective 1 January 15, art. 14(2, 5).

<sup>64</sup> Ibid., art. 6.

<sup>65</sup> Wang Ming, "Wang Ming: Government Procurement of Services Should Establish Social Accountability Mechanisms" [Wang ming: zhengfu goumai fuwu ying jianli shehui wenze jizhi], China Charity Alliance, 6 January 15.

<sup>66</sup> Xu Yongguang, "Planned Economy Mentality Melts Away Space for Growth of Social Organizations" [Jihua jingji siwei tunshi dalu shehui zuzhi shengzhang kongjian], Phoenix Weekly, 14 November 14.

<sup>67</sup> Li Guang, "Government Should Slow Procurement of Public Services" [Zhengfu goumai gonggong fuwu yi fanghuan], Phoenix Weekly, 22 November 14.

<sup>68</sup> Ministry of Finance, Ministry of Civil Affairs, and State Administration of Industry and Commerce, Government Service Procurement Management Measures (Interim) [Zhengfu goumai fuwu guanli banfa (zanxing)], issued 15 December 14, effective 1 January 15, art. 14(2, 5).

<sup>69</sup> Jude Howell, "Shall We Dance? Welfare Incorporation and the Politics of State-Labour NGO Relations in China," London School of Economics Research Online, November 2014, 19.

<sup>70</sup> Xiao Shu, "It's Not Necessary To Oppose All Things Foreign in the Public Interest Sphere" [Gongyi lingyu bubi fengyang bifan], Financial Times, 26 November 14; Song Zhibiao (Jiuwenpinglun), "Draft Law on Overseas NGO Management: Indiscriminately Pounding Mentors to Death" [Jingwai NGO fa an: luanquan dasi shifu], WeChat post, 9 May 15.

<sup>71</sup> "China's NGOs and Civil Society (One): Besieged and Surviving in the Crevice" [Zhongguo de NGO yi gongmin shehui (yi) chongwei nanpo zai jiafeng zhong qiusheng], Radio Free Asia, 10 November 14; Jia Ping, "Jia Ping: A Chinese Example of Ineffective Control: Commentary on the Second Review Draft of the Draft Overseas NGO Management Law" [Jia ping: wuxiao guanzhi de zhongguo yangben—"jingwai feizhengfu zuzhi guanli fa" (cao'an dierci shenqi gao) pingshu], NGO Development Exchange Network (blog), 22 May 15; Wu Shan, "Setting Laws and Limits on Overseas NGOs" [Ligui jingwai NGO], Caijing, 25 May 15. According to Caijing, international funders spend several hundred million dollars in China each year working in more than 20 areas, including poverty aid, education, disability, and gender. See also Guo Hong, "Guo Hong: More Important Than Funding: Overseas NGOs Bring Beliefs and Ideas" [Guo hong: biqi zijin jingwai zuzhi dailai geng zhongyaode shi linian], NGO Development and Exchange Network (blog), 12 June 15. For example, in low-income areas in Daliangshan, Leibo county, Liangshan Yi Autonomous Prefecture, Sichuan province, overseas funding has been key in supporting poverty aid, harm reduction, and services for leprosy patients.

<sup>72</sup> Wang Yong, "More Than 30,000 Social Organizations Throughout the Country Have Directly Registered" [Quanguo zhijie dengji shehui zuzhi yi chao 3 wan], China Philanthropy Times, 18 March 15.

<sup>73</sup> "Chinese Civil Society: Beneath the Glacier," Economist, 12 April 14; Kristie Lu Stout, "People Power in the People's Republic of China," CNN, 26 June 14. In 2014, the Economist estimated that there may be as many as 1.5 million unregistered groups while CNN reported an estimate by the Economist's Beijing Bureau Chief of close to 2 million. Li Fan, "The Current State of Civil Society in China" [Li fan: woguo gongmin shehui de xianzhuang], Tianze Economic Research Institute (Unirule), Biweekly Forum, 12 September 14. Li Fan, director of World and China Institute, a Chinese NGO research center, estimated that China may have up to 8 million unregistered social organizations, while Hu Xingdou, an economics professor at the Beijing Institute of Technology, and Xu Xin, a law professor at Beijing Institute of Technology, both questioned Li's estimate, saying that Li's definition of what constitutes an NGO was too broad. Shawn Shieh and Amanda Brown-Inz, "A Special Report: Mapping China's Public Interest NGOs," China Development Brief, 14 January 13. These estimates include groups such as quasi-governmental mass organizations, spun-off government units, business associations, recreational clubs, virtual groups, and rural mutual aid groups.

<sup>74</sup> Shawn Shieh and Amanda Brown-Inz, "A Special Report: Mapping China's Public Interest NGOs," China Development Brief, 14 January 13, 8.

<sup>75</sup> China Development Brief, "NGO Directory," last visited 1 June 15. See also Shawn Shieh and Amanda Brown-Inz, "A Special Report: Mapping China's Public Interest NGOs," China Development Brief, 14 January 13, 8; NGO2.0 and Chinese Public Interest Charity Research Center, Sun Yat-sen University, "Civil Society Public Interest Group Database Analytical Report" [Zhongguo minjian gongyi zuzhi jichu shujuku shuju fenxi baogao], April 2014. The criteria both directories employ to define NGOs are largely similar. The Civil Society Public Interest Group Database focused on voluntary, non-profit groups that are unaffiliated with the government, while the China Development Brief Directory focused on "voluntary, private, non-profit and self-governing" groups.

<sup>76</sup> Deng Guosheng, "Why Can't We See the Function of Grassroots NGOs?" [Caogen zuzhi de zuoyong weishenme kanbujian?], China Philanthropy Advisors, 20 May 14.

<sup>77</sup> Brent Fulton, "How Many NGOs Does China Really Have?" China Source (blog), 7 July 14. The consultant cited reportedly defined "a basic degree of scale" for "independently run" organizations in terms of years of operation, staff size, and project implementation experience.

<sup>78</sup> Han Yan, "China's Public Interest Sector: Five Bumpy Years" [Zhongguo gongyi, gouyou kankan zhe wu nian], Social Entrepreneur Institute, 16 December 14.

<sup>79</sup>“Whither Institutional Reform for Social Organizations in Light of Three Government Initiatives?” [San jian qi fa shehui zuzhi de zhidu gaige lu zai hefang?] NGO Development Exchange Network, 15 July 15.

<sup>80</sup>“Jiusan Society Provincial Party Committee Proposal at the Second Meeting of the 11th Guangdong Province People’s Political Conference” [She shengwei tijiao sheng zhengxie shiyi jie erci huiyi ti’an], Jiusan Society Guangdong Province Party Committee, 22 January 14. The Jiusan Society, one of China’s “eight democratic parties” under the umbrella of the Chinese People’s Political Consultative Conference, submitted a proposal in 2014 to the Guangdong Political Consultative Conference noting that three sets of regulations currently constitute the legal framework for Chinese “social organizations,” but that actual practice has outpaced the regulations, and revisions are urgently needed.

<sup>81</sup>Ibid.

<sup>82</sup>Zhang Mulan and Zhang Xuetao, “Voices About the Public Interest” [Naxie gen gongyi youguan de shengyin], China Philanthropy Times, 12 March 15.

<sup>83</sup>Zhang Yuan, “Formulate Social Organization Law To Break Through Development Bottleneck” [Zhiding shehui zuzhi fa tupo fazhan pingjing], Legal Daily, 13 March 15.

<sup>84</sup>Han Xu, “The Public Discusses Charity Law” [Zhongyi cishan fa], Southern Metropolitan Public Interest, 6 February 15. See Yu Lu, “Where Did All the NGOs Go? Five Questions on the Legislative Consultation for the ‘Charity Law’” [Minjian zuzhi qu nale? wuwen “cishan fa” lifa zixun], NGO Development Exchange Network, 19 March 15. Grassroots groups were as a rule not invited to closed-door meetings to discuss the Charity Law with the government, and were not privy to advance viewing of the draft law.

<sup>85</sup>“Draft Charity Enterprises Law May Be Reviewed by Year-End; Will Specify Management and Use of Charity Assets and Disclosure Requirements” [Cishan shiye fa cao’an niandi youwang shenyi: jiang zhuanzhang guiding cishan caichan guanli shiyong he xinxi gongkai], Beijing Times, 11 March 15. Civil society observers refer to the draft law as the Charity Law, while the Chinese Government refers to it as the “Charity Enterprises Law.” See, e.g., Yu Lu, “Where Did All the NGOs Go? Five Questions on the Legislative Consultation for the ‘Charity Law’” [Minjian zuzhi qu nale? wuwen “cishan fa” lifa zixun], NGO Development Exchange Network, 19 March 15.

<sup>86</sup>Bai Xin, “Charity Law Legislation Should Not Just Be About Poverty and Disaster Aid” [Cishan fa lifa buying zhishi fupin jikun], Sohu News, 17 March 15.

<sup>87</sup>Guangzhou Municipal People’s Government, Guangzhou Municipality Measures for the Management of Social Organizations [Guangzhou shi shehui zuzhi guanli banfa], issued 30 October 14, effective 1 January 15.

<sup>88</sup>Chen Xueyang, “From Pilots to Legislation: The Logic of China’s Reform” [Cong shidian dao lifa de zhongguo gaige luojil], Financial Times, 10 March 15.

<sup>89</sup>For Guangzhou’s pilot status, see “Special Edition on the Development of Social Organizations in China,” China Philanthropy Times, 2013.

<sup>90</sup>Guangzhou Municipal People’s Government, Guangzhou Municipality Measures for the Management of Social Organizations [Guangzhou shi shehui zuzhi guanli banfa], issued 30 October 14, effective 1 January 15, art. 42, item 3.

<sup>91</sup>Ibid., art. 52. Article 52 of the Guangzhou Measures does not specify from which entity or entities NGOs are required to get permission to hold activities.

<sup>92</sup>Ibid., art. 53.

<sup>93</sup>Li La, “Guangzhou Definition of ‘Illegal Social Organization’ May Change” [Feifa shehui zuzhi dingyi huo shan’gai], Southern Metropolitan Daily, 6 November 14. The measures that went into effect on January 1, 2015, do not contain the provision in question.

<sup>94</sup>Chinese Human Rights Defenders, “Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,” March 2015, 17.

<sup>95</sup>“China’s NGOs Face Hard Times” [Duli NGO zai zhongguo zao handong], Voice of America, 11 March 15.

<sup>96</sup>National People’s Congress Standing Committee, PRC Counterterrorism Law (Draft), [Zhongguo renmin gongheguo fan kongbu zhuyi fa (cao’an)], 3 November 14.

<sup>97</sup>National People’s Congress Standing Committee, PRC Overseas Non-Governmental Organizations Management Law (Draft) (Second Reading Draft) [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi guanli fa (cao’an) (erci shenyi gao)], 5 May 15.

<sup>98</sup>National People’s Congress Standing Committee, PRC Counterterrorism Law (Draft), [Zhongguo renmin gongheguo fan kongbu zhuyi fa (cao’an)], 3 November 14, art. 95.

<sup>99</sup>Ibid., chap. 3, art. 21.

<sup>100</sup>Human Rights Watch, “China: Draft Counterterrorism Law a Recipe for Abuses: Major Overhaul Needed for Law To Conform with International Legal Obligations,” 20 January 15.

<sup>101</sup>Donald Clarke, “China’s Draft Law on Overseas NGOs,” China Law Prof (blog), 13 May 15. The word “overseas” includes Hong Kong. An Zijie, “Hong Kong NGO Conference: Feedback on ‘Overseas Non-Governmental Organizations Management Law (Draft)’ (Second Reading Draft)” [Xianggang NGO yantaohui: guanyu “jingwai feizhengfu zuzhi guanli fa (cao’an)” (erci shenyi gao) de yijian fankui], NGO Development Exchange Network, reprinted in China Development Brief, 25 May 15. Hong Kong groups convened a conference on May 25, 2015, to discuss recommendations on revising the law.

<sup>102</sup>National People’s Congress Standing Committee, PRC Overseas Non-Governmental Organizations Management Law (Draft) (Second Reading Draft) [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi guanli fa (cao’an) (erci shenyi gao)], 5 May 15, arts. 7, 11–12, 19–20. For an English translation, see China Development Brief, “CDB English Translation of the Overseas NGO Management Law (Second Draft),” 21 May 15.

<sup>103</sup>Ibid., art. 5; Ibid.

<sup>104</sup>Ibid., art. 59; Ibid.

<sup>105</sup>Ibid., arts. 5, 6, 18, 59; Ibid.

<sup>106</sup>Ibid., art. 38; Ibid.

<sup>107</sup> Ibid., art. 26; Ibid.

<sup>108</sup> Ibid., art. 32; Ibid.

<sup>109</sup> Ibid., art. 35; Ibid.

<sup>110</sup> Ibid., art. 36–37; Ibid.

<sup>111</sup> Ibid., art. 24; Ibid.

<sup>112</sup> Ibid., art. 15; Ibid.

<sup>113</sup> Ibid., arts. 29, 37; Ibid.

<sup>114</sup> Ibid., art. 49; Ibid.

<sup>115</sup> Ibid., art. 50; Ibid.

<sup>116</sup> Human Rights in China, “HRIC Law Note: Draft Law on Foreign NGOs Undermines Chinese Civil Society and China’s International Engagement,” 21 May 15; Human Rights Watch, “Submission by Human Rights Watch to the National People’s Congress Standing Committee on the Second Draft of the Foreign Non-Governmental Organizations Management Law,” 1 June 15; Amnesty International, “China: Submission to the NPC Standing Committee’s Legislative Affairs Commission on the Second Draft Foreign Non-Governmental Organizations Management Law,” June 2015, 3–4. These organizations noted China’s obligation to ensure freedom of association under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 20(1); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22. See also UN Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/HRC/23/39, 24 April 13.

<sup>117</sup> Amnesty International, “China: Submission to the NPC Standing Committee’s Legislative Affairs Commission on the Second Draft Foreign Non-Governmental Organizations Management Law,” June 2015, 3. Amnesty International notes that article 35 of the PRC Constitution guarantees that Chinese citizens “enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.” PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 35.

<sup>118</sup> Teng Biao, “Review of Draft Overseas NGO Management Law and National Security Law” [Ping jingwai feizhengfu zuzhi guanli fa he guojia anquan fa cao’an], Independent Chinese PEN Center, 30 June 15; Yao Yao, “Yao Yao: Public Security Supervises, Overseas NGOs Stuck: On the Expulsion of Overseas NGOs Management Law (1)” [Yao yao: gong’an jianguan jingwai zuzhi yanfu—ping quzhu jingwai feizhengfu zuzhi guanli fa (yi)], NGO Development Exchange Network, 18 May 15; Maya Wang, Human Rights Watch, “China Tightens Screws on Civil Society,” Dispatches (blog), 8 May 15; National People’s Congress Standing Committee, PRC Overseas Non-Governmental Organizations Management Law (Draft) (Second Reading Draft) [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi guanli fa (cao’an) (erci shenyi gao)], 5 May 15, art. 7.

<sup>119</sup> Teng Biao, “Review of Draft Overseas NGO Management Law and National Security Law” [Ping jingwai feizhengfu zuzhi guanli fa he guojia anquan fa cao’an], Independent Chinese PEN Center, 30 June 15; Yao Yao, “Yao Yao: Public Security Supervises, Overseas NGOs Stuck: On the Expulsion of Overseas NGOs Management Law (1)” [Yao yao: gong’an jianguan jingwai zuzhi yanfu—ping quzhu jingwai feizhengfu zuzhi guanli fa (yi)], NGO Development Exchange Network, 18 May 15; Maya Wang, Human Rights Watch, “China Tightens Screws on Civil Society,” Dispatches (blog), 8 May 15.

<sup>120</sup> New Citizens Movement, “Legal Proposal on Suspension of ‘Overseas Non-Governmental Organization Management Law’” [Guanyu zanting zhiding “jingwai feizhengfu zuzhi guanli fa” de falu jianyi shu], 3 June 15; “NGO Figure: Overseas NGO Management Law Is an Example of Ineffective Governance” [NGO renshi: jingwai NGO guanli fa shi wuxiao guanzhi yangban], Voice of America, 4 June 15.

<sup>121</sup> Globalization Monitor, “China Established Law To Limit Overseas Non-Governmental Groups” [Zhongguo lifa xianzhi jingwai feizhengfu zuzhi], Independent Media HK, 9 June 15; @Luo Luo, “Jia Xijin: Do Not Manage Overseas Non-Governmental Groups With a National Security Perspective” [Jia xijin: wuyong guo’an siwei guanli jingwai zuzhi], NGO Development Exchange Network, 12 May 15; “Special Issue: Intensifying Policy Controls on Overseas NGOs Described as Considerable Backslide” [Zhuantu jiaqiang jiankong jingwai NGO zhengce beizhi dadaotui], Radio Free Asia, 20 May 15.

<sup>122</sup> Maya Wang, Human Rights Watch, “China Tightens Screws on Civil Society,” Dispatches (blog), 8 May 15.

<sup>123</sup> Human Rights in China, “HRIC Law Note: Draft Law on Foreign NGOs Undermines Chinese Civil Society and China’s International Engagement,” 21 May 15; Elizabeth Lynch, “A Slow Death? China’s Draft Foreign NGO Management Law,” China Law & Policy (blog), 10 May 15.

<sup>124</sup> Human Rights Watch, “China: Scrap Repressive Foreign Organizations Law: Draft Law Would Severely Undermine Groups With Ties Abroad,” 1 June 15; Song Zhibiao (Jiuwenpinglun), “Draft Law on Overseas NGO Management: Indiscriminately Pounding Mentors to Death” [Jingwai NGO fa an: luanquan dasi shifu], WeChat post, 9 May 15.

<sup>125</sup> Andrew Jacobs, “Foreign Groups Fear China Oversight Plan,” New York Times, 17 June 15.

<sup>126</sup> Ira Belkin and Jerome A. Cohen, “Will China Close Its Doors?” New York Times, 1 June 15; Donald Clarke, “China’s Draft Law on Overseas NGOs,” Chinese Law Prof Blog, 13 May 15; Carl Minzner, Teng Biao, Isabel Hinton, and Zhou Dan, “L’Eggo My NGO! A Draft Law Designed To Counter the Influence of Foreign Organizations May Choke Chinese Civil Society Instead,” Foreign Policy, 19 May 15; Is Academic Freedom Threatened by China’s Influence on U.S. Universities?, Hearing of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Committee on Foreign Affairs, U.S. House of Representatives, 25 June 15, Testimony of Jeffrey S. Lehman, Vice Chancellor, NYU Shanghai.

<sup>127</sup> Simon Denyer, "Proposed Chinese Security Laws Rattle U.S. and European Businesses," Washington Post, 10 June 15.

## INSTITUTIONS OF DEMOCRATIC GOVERNANCE

*Context for Governance: Political Power and Ideological Reach of the Communist Party*

In China's one-party, authoritarian political system,<sup>1</sup> the Chinese Communist Party dominates the state and society.<sup>2</sup> The Party continues to grow and is known to penetrate and exert its influence on politics and society at all levels through Party groups in governmental agencies<sup>3</sup> and in a variety of organizations,<sup>4</sup> including many businesses.<sup>5</sup> International experts asserted that under Party General Secretary and President Xi Jinping, there is less separation of Party and government.<sup>6</sup> During the Commission's 2015 reporting year, central Party authorities emphasized "rectifying" weak grassroots-level Party organizations<sup>7</sup> and stressed the goal of further strengthening Party leadership over the government's administrative, judicial, legislative, and other institutions.<sup>8</sup> Central Party leaders also expressed the intention to use the law as a tool to achieve those goals and impose the Party's will, saying: "... the Party . . . acting within the scope of the Constitution and the law . . . , [will] be effective at making the Party's standpoints become the national will through statutory procedures, be effective at ensuring that the candidates recommended by Party organizations become leaders in State political bodies through statutory procedures, be effective at implementing Party leadership over the country and society through State political bodies, and be effective at utilizing democratic centralist principles to safeguard the authority of the center . . . ." <sup>9</sup> In addition, they stressed "strengthen[ing] Party leadership over legislative work" <sup>10</sup> and maintaining the Party's role in coordinating "all sides with people's congresses, governments, consultative conferences, trial bodies and prosecutorial bodies . . . ." <sup>11</sup>

During the reporting period, central Party leaders also further emphasized adherence to Party ideology. Party authorities, recalling the important role Party branches played during China's "revolution, construction, and reform" periods, stressed requirements to establish Party branches in all state-affiliated agencies and organizations, as well as in "economic, cultural, social, and other organizations" in order "to ensure the implementation of the Party's ideology, principles, and policy directions through these important channels." <sup>12</sup> Party leaders particularly underscored the Party's leadership and control over, or the demand for, adherence to Party ideology by state-owned enterprises,<sup>13</sup> universities,<sup>14</sup> the military,<sup>15</sup> the courts,<sup>16</sup> the media,<sup>17</sup> and think tanks.<sup>18</sup> Authorities reportedly also encouraged programs for artists to uphold the "correct view" of art.<sup>19</sup> In addition, articles documented a "hardening" of political discourse,<sup>20</sup> a tightening of ideological control,<sup>21</sup> and an emphasis on "ideological security."<sup>22</sup>

Reports described the Party's insistence on drawing clear distinctions between Chinese and Western ideology,<sup>23</sup> norms and values,<sup>24</sup> and notions of judicial independence.<sup>25</sup> State-run media reportedly emphasized that China's "governing in accord with the constitution" is not the same as "constitutional democracy" in Western nations.<sup>26</sup> Reports also noted an upswing in demonizing the West<sup>27</sup> and blaming overseas forces for China's domestic problems.<sup>28</sup> The



definition of national security in the new PRC National Security Law passed in July 2015 is very broad<sup>29</sup> and includes “political,” “economic,” and “international” security, as well as “cultural and social security.”<sup>30</sup> One Chinese security expert reportedly explained that to ensure “cultural security” Chinese authorities needed to promote traditional Chinese culture while repelling other perspectives including some Western values incompatible with Chinese core values.<sup>31</sup>

The Party made efforts to enforce prescribed ideological norms within academic and research circles, and repel Western ideals. These efforts included mandating quotas for student Internet propaganda workers and issuing directives to report on ideological trends among students.<sup>32</sup> News reports noted attacks on academics and social commentators for voicing their opinions.<sup>33</sup> An official internal document—“Document No. 30”—reportedly called for a purge of “Western-inspired liberal ideas” from universities.<sup>34</sup> There has been some pushback against the Party’s efforts.<sup>35</sup> Chinese lawyers, for example, inquired into the legal basis of the restrictions on teaching materials,<sup>36</sup> and students, academics, and others raised questions about imposing ideological restrictions and launching attacks on Western ideology.<sup>37</sup>

Central authorities provided more details about the government-controlled “social credit” system first introduced in 2014. Authorities intend the “social credit” scheme to be part of China’s socialist market economic and “social governance” systems,<sup>38</sup> to “strengthen sincerity in government affairs,” and to improve commercial and social “sincerity” and “judicial credibility.”<sup>39</sup> One journalist commented that by making information available to the public regarding legal compliance, the new system may be “a proxy for an underdeveloped legal system.”<sup>40</sup> The “social credit” system will include a numerical index to evaluate individuals and organizations, including companies, on their financial standing, and social and moral behavior.<sup>41</sup> It also will include an information database linked to citizen identification cards tracking citizens’ financial data, criminal records, travel history, and perhaps even Internet purchases and online behavior.<sup>42</sup> An international China expert asserted that this system is similar to one formerly employed by the East German government that was intended to prevent a revolt against the state, but “the Chinese aim is far more ambitious: it is clearly an attempt to create a new citizen” by “incentivizing specific behaviors.”<sup>43</sup>

*Intensified Crackdown on Democracy Advocates, Free Speech, Association, and Assembly*

Under Chinese Communist Party General Secretary and President Xi Jinping, Party repression reportedly has intensified<sup>44</sup> and the ongoing crackdown is stronger than “anything since the Mao era.”<sup>45</sup> Other reports assert that human rights abuses in China are “the cruelest we have seen since 1989,”<sup>46</sup> that the “persecution of human rights defenders in 2014 was as severe as it has been since the mid-1990s,”<sup>47</sup> and that there has been a narrowing of tolerance for civic activism.<sup>48</sup> Under Xi Jinping, there reportedly has been “suppression of previously tolerated activities, topics, and individuals.”<sup>49</sup> A disturbing trend is Chinese authorities’ increasing use

of retaliation against individuals who plan to or have reached out to UN human rights bodies, including preventing citizens from traveling abroad to attend UN treaty body reviews of China by confiscating their passports and other means.<sup>50</sup> Those individuals include Wang Qiuyun, a member of the Women's Network Against HIV/AIDS whom authorities prevented from attending a review of China before the Committee on the Elimination of Discrimination against Women,<sup>51</sup> and Deng Chuanbin, who had planned to attend a human rights training session in Geneva, Switzerland, before authorities confiscated his passport.<sup>52</sup>

Chinese authorities also continued to harass, detain, and impose prison sentences on democracy advocates who exercised their rights to freedom of speech, assembly, association, and demonstration, including individuals who advocated for democracy in Hong Kong.<sup>53</sup> Representative cases of democracy advocates targeted by authorities are noted below:

- **Chen Shuqing.** In September 2014, authorities detained Chen on suspicion of “inciting subversion of state power” for participating in activities associated with the banned China Democracy Party.<sup>54</sup>
- **Zhao Haitong.** In November 2014, authorities sentenced Zhao to 14 years’ imprisonment for “inciting subversion of state power” for participating in peaceful demonstrations and for advocating for democratic reforms.<sup>55</sup>
- **Shen Yongping.** In December 2014, authorities sentenced Shen, a filmmaker, to one year’s imprisonment for “illegal business activity” for making available online for free his documentary about historical efforts to establish constitutional government in China.<sup>56</sup>
- **Yao Lifa.** In late 2014, authorities held Yao in detention for over a month, possibly because he was invited to provide assistance to an election candidate in Shandong province, among other possible reasons.<sup>57</sup>

Authorities persecuted individuals for participating in memorial events in remembrance of the victims of the violent suppression of the 1989 Tiananmen protests. During the lead-up to the 26th anniversary of the Tiananmen protests, authorities questioned, held in custody,<sup>58</sup> criminally detained,<sup>59</sup> sent on forced “vacation,”<sup>60</sup> or harassed<sup>61</sup> individuals and warned or pressured artists and historians not to document the lives of Tiananmen protesters.<sup>62</sup> Authorities also pursued criminal cases against people detained prior to the 25th anniversary in 2014.<sup>63</sup> Below are some representative cases of people affected by the ongoing crackdown.

- **Pu Zhiqiang.** Authorities detained Pu on May 6, 2014, after he had attended a gathering in someone’s home during which participants discussed topics related to the 1989 Tiananmen protests.<sup>64</sup> Pu also made videos of his interviews with officials under suspicion of corruption who allege they had been tortured during their detention.<sup>65</sup> According to the May 2015 indictment, the charges against Pu were “picking quarrels and provoking trouble” and “inciting ethnic hatred.” Officials dropped two other charges.<sup>66</sup>

- **Tang Jingling.** Authorities detained Tang in May 2014 and later charged him with “inciting subversion of state power” related to his role in a “June Fourth Meditation” activity commemorating the 1989 Tiananmen protests through meditation.<sup>67</sup> His trial began on June 19, 2015, but ended after he dismissed his attorneys to protest procedural violations.<sup>68</sup>
- **Yu Shiwen and Chen Wei (husband and wife).** Authorities detained Yu and Chen in May 2014 after the couple reportedly organized a memorial service in Henan province in February 2014 that commemorated former Party leaders Hu Yaobang and Zhao Ziyang and victims of the crackdown on the 1989 Tiananmen protests.<sup>69</sup> Authorities later arrested them on the charge of “picking quarrels and provoking trouble.” Officials released Chen on bail in September 2014 but continued to hold Yu.<sup>70</sup>
- **Chen Yunfei.** Authorities detained Chen on March 25, 2015, and formally arrested him on April 30 on the charges of “inciting subversion of state power” and “picking quarrels and provoking trouble” following his visit to the burial site of a 1989 Tiananmen democracy protest crackdown victim.<sup>71</sup>

*Reform: Pledge To Expand “Socialist Political Democratic Consultative Processes”*

During the reporting year, central Party authorities did not pledge to undertake any significant democratic political reforms.<sup>72</sup> They did, however, pledge to improve and develop the existing “socialist political democratic consultative system”<sup>73</sup> in order to strengthen Party leadership. Chinese officials describe China’s political system as a “socialist democracy” with “multi-party cooperation” and “political consultation” under the leadership of the Communist Party.<sup>74</sup> Previously, types of “consultation” have included: input (intraparty) on decisions about Party cadre appointments; input on development projects at grassroots levels; input on some draft laws; and discussions between Party representatives and the national Chinese People’s Political Consultative Conference (CPPCC) and the eight “democratic” minor parties under the CPPCC umbrella.<sup>75</sup>

In line with the pledge to improve China’s “socialist political democratic consultative system,” in February 2015, authorities issued an opinion stipulating improvement of vaguely defined Party-led<sup>76</sup> “democratic consultation” channels while “using promotion of consultative democracy to improve and strengthen the Party’s leadership and consolidate the Party’s hold on power.”<sup>77</sup> The opinion emphasized allowing mass organizations<sup>78</sup> to fully develop as Party conduits to the public,<sup>79</sup> and stipulated strengthening consultation between the CPPCC and eight “democratic” minor parties and the judiciary and government.<sup>80</sup> The opinion also called for gradual exploration of the involvement of “social organizations”—non-governmental groups, professional associations, and non-profit groups able to register with the government<sup>81</sup>—in undefined consultation processes.<sup>82</sup>

*Reform: Party Promotes “Administration According to Law”*

During the reporting period, central Party leaders emphasized government reforms promoting “administration according to law”<sup>83</sup> and “modernizing government and governing capacity”<sup>84</sup> in the Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law (Decision) passed at the Fourth Plenum of the 18th National Congress of the Chinese Communist Party Central Committee in October 2014 (Fourth Plenum).<sup>85</sup> The Fourth Plenum Decision emphasized components of “administration according to law,” such as strengthening legal enforcement;<sup>86</sup> improving the organization of government and bolstering administrative procedure systems of law;<sup>87</sup> and developing statutory procedures for incorporating public and expert participation, risk assessments, and collective discussion during certain administrative policy decisionmaking processes.<sup>88</sup> The Decision also mandated improving administrative procedural transparency and tightening restraints on and supervision over the use of government administrative authority.<sup>89</sup> In addition, it specified the establishment of top-down systems whereby government leaders would “assume lifelong accountability for major policy decisions and a mechanism for tracking down and investigating those responsible for the decisionmaking” even after they leave office.<sup>90</sup>

*Local Elections in China’s One-Party State*

Chinese leaders continued to encourage some popular participation in elections at local levels, but China’s political institutions remain out of compliance with international human rights standards. In China, elections are held at the very lowest administrative levels for rural village and urban community residents’ committees.<sup>91</sup> Elections for local people’s congresses exist but take place only at the county level and below.<sup>92</sup> The Chinese Communist Party employs both “intraparty” elections and selection processes at local and national levels,<sup>93</sup> but use of the term “intraparty democracy” in recent years reportedly has reached a low point in the media discourse of Chinese leaders.<sup>94</sup> There are no national-level elections for government officials.<sup>95</sup> Chinese political institutions do not meet the standards defined in Article 25 of the International Covenant on Civil and Political Rights,<sup>96</sup> which China has signed and declared an intention to ratify.<sup>97</sup> Chinese political institutions also remain out of compliance with the standards set forth in Article 21 of the Universal Declaration of Human Rights, which stipulates that the “will of the people” should be “expressed in periodic and genuine elections which shall be by universal and equal suffrage.”<sup>98</sup>

Chinese authorities claimed that, by the end of 2013, 98 percent of villages directly elected their Party committees,<sup>99</sup> but this figure does not reflect the quality of those elections, which in some cases may not be free or fair. During the reporting year, for example, Party authorities in a prefecture in the Tibet Autonomous Region discriminated against certain types of individuals through codified restrictions on village committee and Party committee election candidates.<sup>100</sup> Prefectural authorities mandated that village committee candidates be members or soon-to-be members of the Communist

Party and cannot have “practiced evil religions” or “attended overseas ‘religious gatherings’ organized by the Fourteenth Dalai,” among other restrictions.<sup>101</sup> Other reports highlighted additional problems with local village committee elections, including interference from officials,<sup>102</sup> gender inequality,<sup>103</sup> irregular election procedures,<sup>104</sup> failure to recognize election outcomes,<sup>105</sup> silencing candidates whom Party authorities deem to be challenging,<sup>106</sup> and physical violence.<sup>107</sup>

#### *Open Government Affairs and Citizen Access to Information*

Chinese authorities reiterated their intent to improve “open government affairs” (proactive government transparency) and to aim for information disclosure as the norm.<sup>108</sup> The Fourth Plenum Decision urged transparency, especially in government finances and budgets, distribution of public funding, approval and implementation of major construction projects, and public interest affairs.<sup>109</sup> In November 2014, the State Council General Office issued an opinion calling on government agencies to improve their websites, strengthen public trust in the government, and make government websites the primary source of government information.<sup>110</sup> In April 2015, the State Council issued a decision calling on government agencies to make available to the public lists itemizing their administrative powers—including compulsory enforcement, administrative fines, and other related information—in an attempt to improve transparency, promote administrative reform, and restrain arbitrary authority.<sup>111</sup>

Despite these policy and regulatory measures, transparency and access to government data is still lacking and government implementation of the 2008 Open Government Information Regulations<sup>112</sup> remains problematic. A source noted that it is getting more difficult for Chinese scientists to obtain good-quality public data, most of which are held by government departments.<sup>113</sup> The lack of regulatory transparency reportedly has contributed to the complexity of the environment for U.S. businesses in China.<sup>114</sup> In August 2015, authorities called on the media to use only approved story lines, tried to censor news reports, and blocked journalists from reporting on the August 12 chemical fire and explosions in Tianjin municipality that reportedly caused the death of 173 people.<sup>115</sup> Before and after restrictions took effect and government agencies issued statements, however, social media and mainstream media reported on the disaster.<sup>116</sup>

#### *Corruption*

Widespread corruption continued to be a serious challenge facing China, alarming both Chinese leaders and members of the international community.<sup>117</sup> News sources reported on corruption related to the procurement of government and military equipment and services,<sup>118</sup> as well as corruption in the media,<sup>119</sup> sports,<sup>120</sup> art,<sup>121</sup> and intelligence and security<sup>122</sup> sectors. News reports also highlighted serious problems with the buying and selling of official positions<sup>123</sup> and collusion between business and government officials.<sup>124</sup>

## SNARING "TIGERS AND FLIES"

During the reporting year, Chinese leaders' wide-reaching anticorruption campaign continued snaring so-called "flies" and "tigers,"<sup>125</sup> including high-level officials in the government,<sup>126</sup> people's congresses,<sup>127</sup> the Chinese People's Political Consultative Conference,<sup>128</sup> the military,<sup>129</sup> state-owned enterprises,<sup>130</sup> the media,<sup>131</sup> the Party's discipline inspection apparatus,<sup>132</sup> and the state security apparatus.<sup>133</sup> According to Xinhua, the Supreme People's Procuratorate's corruption probe data indicated that in 2014, procuratorates investigated a total of 55,101 people in 41,487 cases of violations related to their official jobs, an increase of 7.4 percent over the previous year.<sup>134</sup>

The highest ranking official snared in the anticorruption campaign was Zhou Yongkang, a former member of the Standing Committee of the Political Bureau of the Communist Party Central Committee and head of the Party Central Committee Political and Legal Affairs Commission.<sup>135</sup> On June 11, 2015, the Tianjin No. 1 Intermediate People's Court sentenced Zhou to life imprisonment and loss of political rights for life, and confiscated his personal assets for the crimes of accepting bribes, abuse of power, and intentionally leaking state secrets, following a closed trial that began on May 22.<sup>136</sup> Other high-level officials suspected of corruption included Xu Caihou<sup>137</sup> and Guo Boxiong, both former vice chairmen of the Central Military Commission,<sup>138</sup> and Ling Jihua, a key aide to former Party General Secretary and President Hu Jintao.<sup>139</sup>

## ANTICORRUPTION MEASURES

The anticorruption campaign in China continued, but authorities persisted in punishing citizen anticorruption advocacy efforts. The Fourth Plenum Decision called for "acceleration" of anticorruption legislation.<sup>140</sup> Authorities reportedly announced that the anticorruption drive would become more "targeted and focused,"<sup>141</sup> while other sources indicated authorities would focus on political factions and organized corruption within the Party.<sup>142</sup> Anticorruption authorities reportedly called for more public participation in the campaign against corruption but emphasized that the campaign would not lead to "mass movements" that disrupt social stability.<sup>143</sup> At the same time, anticorruption advocates Ding Jiaxi,<sup>144</sup> Liu Ping,<sup>145</sup> and Huang Wenxun<sup>146</sup> remained imprisoned.

The anticorruption campaign also included several specific Party and governmental anticorruption measures and institutional changes. The Supreme People's Procuratorate (SPP) set up Party discipline inspection offices inside all of the approximately 140 central Party and government agencies as well as central legislative and consultative bodies.<sup>147</sup> Central authorities also overhauled the anticorruption bureau under the SPP, elevating its status, and renaming it the General Office of Anticorruption.<sup>148</sup> In addition, authorities instituted a national real estate registry<sup>149</sup> and stepped up efforts to locate and bring to justice Chinese nationals living overseas who are corruption suspects.<sup>150</sup> To ensure smooth development of corruption informant tip procedures, the SPP issued a revised version of the SPP Informant Tip Work Provisions.<sup>151</sup> These rules further clarified the rights of informants,<sup>152</sup> increased reward

amounts for informants,<sup>153</sup> and toughened legal liabilities for individuals who threaten whistleblowers.<sup>154</sup>

Despite the seriousness of anticorruption efforts at the central level, preventing corruption remains challenging,<sup>155</sup> and reports highlighting the darker sides of the anticorruption drive continued to surface. One article noted President Xi Jinping's vulnerability to claims that political motives may be driving decisions about corruption investigation targets.<sup>156</sup> Other articles raised ongoing accounts of torture<sup>157</sup> and abnormal deaths of officials,<sup>158</sup> including alleged "suicides."<sup>159</sup> One Chinese news article reported that government institutions were ordered to collect data on officials who died "unnatural" deaths and noted that, based on a survey of news articles, an estimated 50 Party officials died unnatural deaths between November 2012 and December 2014.<sup>160</sup> An opinion piece in *China Daily* reported an increase in the occurrence of suicides by officials over the last few years, approximately 30 percent of which have been linked to corruption investigations.<sup>161</sup>

### Notes to Section III—Institutions of Democratic Governance

<sup>1</sup>Jidong Chen et al., “Sources of Authoritarian Responsiveness: A Field Experiment in China,” *American Journal of Political Science* (forthcoming), reprinted in Social Science Research Network, last visited 28 April 15; Jin Kai, “No, China Isn’t Fascist: Once Again, Western Media Misunderstands China’s Political System,” *The Diplomat*, 5 March 15.

<sup>2</sup>Susan V. Lawrence and Michael F. Martin, Congressional Research Service, “Understanding China’s Political System,” 20 March 13, summary.

<sup>3</sup>*Ibid.*, 3–4; “Chinese Communist Party Has 87,793,000 Party Members and 4,360,000 Grassroots Organizations” [Zhongguo gongchandang you dangyuan 8779.3 wan ming jiceng dang zuzhi 436.0 wan ge], *Xinhua*, 29 June 15. By the end of 2014, there were reportedly 7,565 urban neighborhood Communist Party organizations, 32,753 township organizations, 92,581 community (residential) committees, and 577,273 village committees. In addition, by the end of 2014, the Party reportedly had over 87.7 million party members in total, compared with over 77.9 million at the end of 2009. For the 2009 figure, see Gao Lei, “At the End of 2009 Total Number of Party Members Throughout the Country Reaches 77,995,000” [Jiezhì 2009 niandi quanguo dangyuan zongshù dà 7799.5 wan ming], Chinese Communist Party Information Net, 28 June 10. Party branches are within public institutions (including hospitals, schools, and research institutes) as well as within government departments.

<sup>4</sup>“Chinese Communist Party Has 87,793,000 Party Members and 4,360,000 Grassroots Organizations” [Zhongguo gongchandang you dangyuan 8779.3 wan ming jiceng dang zuzhi 436.0 wan ge], *Xinhua*, 29 June 15. By the end of 2014, there were Party organizations in 184,000 “social organizations” (*shehui zuzhi*), covering about 41.9 percent of all “social organizations.”

<sup>5</sup>*Ibid.* By the end of 2014, there were reportedly 194,900 publicly-owned enterprises and over 1,579,000 private enterprises with Party organizations, amounting to over 91 percent and 53 percent of such enterprises, respectively.

<sup>6</sup>Christopher K. Johnson and Scott Kennedy, “China’s Un-Separation of Powers: The Blurred Lines of Party and Government,” *Foreign Affairs*, 24 July 15.

<sup>7</sup>Sheng Ruowei, “More Than 60,000 Weak and Lax Grassroots Party Organizations Rectified” [Liuwan duo ge ruanruo huansan jiceng dang zuzhi bei zhengdun], *People’s Daily*, 31 May 14.

<sup>8</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, items 1(8), 2(2). See also Chinese Communist Party Central Committee, “CCP Central Committee Decision Concerning Some Major Questions in Comprehensively Moving Governing the Country According to the Law Forward,” translated in China Copyright and Media (blog), 28 October 14, item 2(2).

<sup>9</sup>*Ibid.*, item 1(8); *Ibid.*, item 1(8).

<sup>10</sup>*Ibid.*, item 2(2); *Ibid.*, item 2(2).

<sup>11</sup>*Ibid.*, item 1(8); *Ibid.*, item 1(8).

<sup>12</sup>“Xi Jinping Convenes Chinese Communist Party Politburo Meeting, Deliberates ‘Chinese Communist Party Organization Work Regulations (Provisional)’” [Xi jingping zhuchi zhongyang zhengzhijū huiyi shen yi “zhongguo gongchandang dangzu gongzuo tiaoli (shixing)"], *Xinhua*, 29 May 15.

<sup>13</sup>“Xi Jinping: Deepen Reforms and Vigorously Expand Consolidated Achievements, Continue To Thoroughly Struggle Against Corruption” [Xi jingping: shenhua gaige gonggu chengguo jiji tuozhan buduan ba fan fubai douzheng yin xiang shenru], *Xinhua*, 13 January 15; Li Tao, “Xi Stresses CPC’s Leadership, Supervision Over SOEs,” *Xinhua*, 13 January 15; “China Tightens Communist Party Leadership at State Firms,” *Reuters*, reprinted in *New York Times*, 5 June 15.

<sup>14</sup>Chinese Communist Party Central Committee General Office and State Council General Office, Opinions Concerning Further Strengthening and Improving Propaganda and Ideology Work in Higher Education Under New Circumstances [Guanyu jinyibu jiaqiang he gaijin xin xingshi xia gaoxiao xuanchuan sixiang gongzuo de yijian], reprinted in *Xinhua*, 19 January 15. See also “Opinions Concerning Further Strengthening and Improving Propaganda and Ideology Work in Higher Education Under New Circumstances,” translated in China Copyright and Media (blog), 16 February 15; “Central Organization Department and Ministry of Education Responsible Persons Answer Questions About ‘College Presidents Responsibility System’” [Zhongzubu, jiaoyubu fuzeren jiu “xiaozhang fuze zhi” da jizhe wen], *Caixin*, 16 October 14.

<sup>15</sup>Minnie Chan, “Communist Party ‘Controls the Gun,’ PLA Top Brass Reminded,” *South China Morning Post*, 5 November 14; “Party Media Analyzes ‘New Gutian Meeting,’ Releases Signal: Show Your Colors and Oppose Nationalization of the Military” [Dang mei jiedu “xin gutian huiyi” shifang xinhao: qizhi xianming fandui jundui guojiahua], *The Paper*, 2 November 14.

<sup>16</sup>Chris Buckley, “China Is Said To Be Doing Away With Goals for Arrests and Convictions,” *New York Times*, 21 January 15.

<sup>17</sup>“China’s Xi Urges Young, New Media Workers To Lead Rejuvenation of Nation,” *Reuters*, 21 May 15; Bob Dietz, Committee to Protect Journalists, “In China, Mainstream Media as Well as Dissidents Under Increasing Pressure,” 17 December 14; “Central United Front First-Ever Training for New Media Professionals, Including Chen Tong, Zhang Yiming, Deng Fei, and Others” [Zhongyang tongzhanbu shou du lunxun xin meiti congye ren yuan, chen tong zhang yiming deng fei deng zai lie] *The Paper*, 19 May 15.

<sup>18</sup>“CCP General Office and State Council General Office Opinions Concerning Strengthening the Construction of New Types of Think Tanks With Chinese Characteristics,” translated in China Copyright and Media (blog), 21 January 15. China Copyright and Media’s translation is an unofficial translation. “China To Instill National Characteristics in Think Tanks,” *Xinhua*, 20 January 15.

<sup>19</sup>“China To Send Artists To Live in Grassroots Communities,” *Xinhua*, 1 December 14.



- <sup>20</sup>Qian Gang, "Reading Chinese Politics in 2014," China Media Project, 30 December 14.
- <sup>21</sup>"China's Xi Calls for Tighter Ideological Control in Universities," Reuters, 29 December 14; "Analysts Say Chinese Politics Will Continue To Turn Left in 2015" [Fenxi renshi 2015 nian zhongguo zhengzhi jixu zuo zhuan], Voice of America, 1 March 15; "Chinese Authorities Blocked History Websites, Chinese Communist Party Strengthens Ideological Control" [Zhongguo dangju feng lishi wangzhan zhonggong jiaqiang yishi xingtai kongzhi], Radio Free Asia, 16 February 15.
- <sup>22</sup>Simon Tisdall, "Chinese Repression of Dissent Intensifies Under Ruthless Xi Jinping," Guardian, 30 December 14.
- <sup>23</sup>Peter Ford, "China Targets 'Hostile Foreign Forces' in Crescendo of Accusations," Christian Science Monitor, 9 November 14.
- <sup>24</sup>Cao Siqi, "Cultural Security Stressed in Law," Global Times, 21 April 15; Chinese Communist Party Central Committee General Office and State Council General Office, Opinion on Strengthening Construction of a Public Security Prevention and Control System [Guanyu jiaqiang shehui zhi'an fangkong tixi jianshe de yijian], reprinted in Xinhua, issued 13 April 15, para. 15.
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- <sup>26</sup>"Authoritative Interview: China's 'Govern According to the Constitution' Is Not Western 'Constitutional Democracy'" [Quanwei fangtan: zhongguo de "yi xian zhizheng" bushi xifang de "xianzheng minzhu"], CCTV, 5 November 14; Qian Gang, "Reading Chinese Politics in 2014," China Media Project, 30 December 14.
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- <sup>29</sup>"UN Rights Chief Concerned by 'Broad Scope' of China's New Security Law," UN News Centre, 7 July 15.
- <sup>30</sup>PRC National Security Law [Zhonghua renmin gongheguo guojia anquan fa], passed and effective 1 July 15, art. 3.
- <sup>31</sup>Cao Siqi, "Cultural Security Stressed in Law," Global Times, 21 April 15.
- <sup>32</sup>"Quotas for University Youth League Propaganda Work," China Digital Times, 5 February 15.
- <sup>33</sup>Chris Buckley and Andrew Jacobs, "Maoists in China, Given New Life, Attack Dissent," New York Times, 4 January 15; Megha Rajagopalan, "Chinese Academic Bemoans 'Narrow-Minded . . . Repressive' Attacks," Reuters, reprinted in New York Times, 26 January 15.
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- <sup>35</sup>Joanna Chiu, "Students in China Rail Against Government Restrictions," Deutsche Presse-Agentur, 23 February 15; Megha Rajagopalan, "Chinese Academic Bemoans 'Narrow-Minded . . . Repressive' Attacks," Reuters, reprinted in New York Times, 26 January 15.
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- <sup>39</sup>Ibid., para. 3; Ibid., para. 3.
- <sup>40</sup>Sara Hsu, "China's New Social Credit System," The Diplomat, 10 May 15.
- <sup>41</sup>Michelle FlorCruz, "China To Use Big Data To Rate Citizens in New 'Social Credit System,'" International Business Times, 28 April 15; Sara Hsu, "China's New Social Credit System," The Diplomat, 10 May 15.
- <sup>42</sup>"'21 Articles for Maintaining Stability' Promote Information 'Single Card,' Triggering Polarized Commentary" ["Weiwen 21 tiao" tui xinxi "yikatong" yinfa liangji pinglun], Radio Free Asia, 15 April 15; Chinese Communist Party Central Committee General Office and State Council General Office, Opinion on Strengthening Construction of a Public Security Prevention and Control System [Guanyu jiaqiang shehui zhi'an fangkong tixi jianshe de yijian], reprinted in Xinhua, issued 13 April 15, para. 15; Sara Hsu, "China's New Social Credit System," The Diplomat, 10 May 15.
- <sup>43</sup>Michelle FlorCruz, "China To Use Big Data To Rate Citizens in New 'Social Credit System,'" International Business Times, 28 April 15.
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<sup>96</sup> 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. 25; UN Office of the High Commissioner for Human Rights, General Comment No. 25: The Right To Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, CCPR/C/21/Rev.1/Add.7, 12 July 96. Article 25 of the ICCPR stipulates that citizens be permitted to “take part in the conduct of political affairs” and “to vote and to be elected at genuine periodic elections” (para. 1). The language requires that: “where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power and that they are accountable through the electoral process for their exercise of that power” (para. 7). The language also requires that “the right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions . . . [party membership should not be a condition of eligibility to vote, nor a ground of disqualification]” (para. 10). In addition, Article 25 stipulates that “freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected . . .” (para. 12); and an “independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant . . .” (para. 20).

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<sup>128</sup>See, e.g., Su Rong, “China Takes Down Senior Leader Amid Anti-Corruption Campaign,” Associated Press, reprinted in ABC News, 16 February 15; “More Than 30 Allegedly Corrupt Representatives and Members Will Miss the Two Sessions” [30 duo shexian tanfu de daibiao, weiyuan jiang quexi lianghui], Voice of America, 1 March 15.

<sup>129</sup>See, e.g., Susan Finder, “Shoring Up the ‘Rule of Law’ in China’s Military,” The Diplomat, 4 February 15. For information on specific cases, see Ben Blanchard and Benjamin Kang Lim, “Exclusive: China Investigates Second Top Officer for Graft—Sources,” Reuters, 3 March 15.

<sup>130</sup>See, e.g., Joanne Chiu, “More China Southern Executives Removed in Graft Probe,” Wall Street Journal, 16 January 15; “Xinhua Commentary: Don’t Let ‘State-Owned Enterprise Worms’ Gnaw Away at State-Owned Assets” [Xinhua shiping: buneng ren you “guoqi zhuchong” zhu kong guoyou zichan], Xinhua, 7 February 15; Guo Yongfang, “70 Listed Companies Caught Up in Anti-Corruption Storms—Natural Resources Companies Accounted for About One in Four” [70 jia shangshi gongsi juanru fanfu fengbao ziyuan lei zhan si fen zhi yi zuoyou], Beijing News, reprinted in Caijing, 9 February 15; James T. Areddy, “China Graft Buster Wants Targets To Fear ‘Sword of Damocles,’” Wall Street Journal, China Real Time Report (blog), 12 February 15.

<sup>131</sup>See, e.g., Edward Wong, “CCTV, China’s Propaganda Tool, Finds Itself at Center of Antigraft Drive,” New York Times, 13 February 15; Alice Yan, “China To Step Up Anti-Graft Drive in Media and Broadcasting Sector,” South China Morning Post, 30 January 15.

<sup>132</sup>Ye Jingsi, “China Anticorruption: Last Year Discipline Inspection System Investigated Nearly 1,600 People Internally” [Zhongguo fan fubai: qu nian jidian xitong neibu chachu jin 1600 ren], BBC, 7 January 15.

<sup>133</sup>Sui-Lee Wee, “China Ejects Spy Chief From Group of Advisers: Xinhua,” Reuters, 25 February 15; Chun Han Wang, “China Antigraft Agency Investigates Intelligence Official,” Wall Street Journal, 16 January 15.

<sup>134</sup>“China Enhances Crackdown on Corruption: Reports,” Xinhua, 12 March 15.

<sup>135</sup>“Tianjin Procuratorate Files Charges Against Zhou Yongkang” [Tianjin jiancha jiguan gongsu zhou yongkang], Beijing Times, 4 April 15.

<sup>136</sup>“Zhou Yongkang Sentenced to Life Imprisonment in First Instance Trial” [Zhou yongkang yishen bei panchu wuqi tuxing], Xinhua, 11 June 15.

<sup>137</sup>Teddy Ng, “Former Top General Xu Caihou To Be Charged With Bribery Offenses,” South China Morning Post, 29 October 14.

<sup>138</sup>Ma Xueling, “Eight High Ranking Officials Seized in the Past 37 Days, China Sweeps Up Another Wave of ‘Tigers’” [37 tian qin xia 8 ming gaoguan zhongguo zai xian yi bo “da hu” gaochaol], Xinhua, 1 August 15.

<sup>139</sup>Brian Spegele, “China’s Investigation of Ex-President’s Aide Marks New Phase in War on Corruption,” Wall Street Journal, 23 December 14.

<sup>140</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, item 2(4.3).

<sup>141</sup>Andrea Chen and Mimi Lau, “Chinese Graft Busters Launch ‘Targeted’ Inspections of Government and State Firms,” Wall Street Journal, 18 November 14.

<sup>142</sup>Cary Huang and Laura Zhou, “China’s Anti-Graft Agency To Focus on Political Factions and Organized Corruption,” South China Morning Post, 13 January 15; Jeremy Page, “China Anticorruption Campaign Targets Party ‘Cliques,’” South China Morning Post, 2 March 15.

<sup>143</sup>“Corruption Fight Needs Public Support: CCDI,” Xinhua, reprinted in China Daily, 14 January 15.

<sup>144</sup>Jonathan Kaiman, “China Jails Four More New Citizens’ Movement Activists,” Guardian, 18 April 14, reprinted in Chinese Human Rights Defenders, 12 May 14. Authorities sentenced Ding Jiayi on the charge of “gathering a crowd to disrupt order in a public place.” For additional information on Ding’s case, see Beijing Municipal Haidian District People’s Procuratorate, “Indictment of Ding Jiayi and Li Wei by Beijing Municipal Haidian District People’s Procuratorate,” translation posted on China Change, 21 December 13. See also the Commission’s Political Prisoner Database record 2013–00307 on Ding Jiayi.

<sup>145</sup>Josh Chin, "China Hands Out Harsh Sentences to Anticorruption Activists," Wall Street Journal, 19 June 14. Authorities sentenced Liu, Wei, and Li for "picking quarrels and provoking trouble" and in addition sentenced Liu and Wei on the additional charges of "gathering a crowd to disrupt order in a public place" and "organizing and using a cult to undermine implementation of the law." Rights Defense Network, "Rights Defense Network Statement: Strongly Protests Jiangxi, Xinyu Authorities' Heavy Sentences for Liu Ping, Wei Zhongping, and Li Sihua" [Weiquanwang shengming: qianglie kangyi jiangxi xinyu dangju zhong pan liu ping, wei zhongping, li sihua], 19 June 14. According to Rights Defense Network, officials originally arrested Liu for "inciting subversion of state power." Rights Defense Network, "Liu Ping, Wei Zhongping, Li Sihua Court of Second Instance Refuses To Hold Court Hearing and Upholds Original Verdict, Liu Ping Sent to a Women's Prison in Jiangxi Province" [Liu ping, wei zhongping, li sihua jin er shen ju bu kaiting weichi yuanpan liu ping ru jiangxi sheng nujian], 11 August 14.

<sup>146</sup>Chinese Human Rights Defenders, "[CHRB] Activist Said To Be Secretly Sentenced to 4 Years, Enforced Disappearance of Tibetan Monk (7/10–17/2014)," 17 July 14. According to the CHRD article, authorities may have secretly sentenced Huang Wenxun to four years' imprisonment for "inciting subversion of state power" but his sentence has not been confirmed by authorities. Chinese Human Rights Defenders, "Five Gentlemen From Chibi on Illuminating China Travels' Chen Jianxiong and Li Yinli Released" ["Guangming zhongguoxing chibi wu junzi" chen jianxiong, li yinli huoshi], 13 July 13; China Human Rights Defenders, "[CHRB] Police Seize Lawyer After Blocking Visit to Detained Activist Xu Zhiyong (7/12–18, 2013)," 19 July 13. For more information on Huang Wenxun, see China Political Prisoner of Concern, "Huang Wenxun (CPPC #00069)" 10 March 14. See also the Commission's Political Prisoner Database record 2013-00231.

<sup>147</sup>"Discipline Inspectors Set Up Offices in More Top Organs," Xinhua, 31 March 15.

<sup>148</sup>Li Jing, "China To Reform Anti-Corruption Bureau To Help in the Fight Against Graft," South China Morning Post, 3 November 14.

<sup>149</sup>Michael Cole, "China Property Registration To Begin in March in Corruption Crackdown," Mingtiandi, 3 December 14.

<sup>150</sup>Keira Lu Huang, "More Than 100 Corruption Suspects Seized Abroad in China's 'Fox Hunt' Campaign," South China Morning Post, 30 October 14.

<sup>151</sup>Supreme People's Procuratorate, People's Procuratorate Informant Tip Work Provisions [Renmin jianchayuan jubao gongzuo guiding], issued 18 July 96, amended 8 April 09, 21 July 14, effective 30 September 14, arts. 1, 8, reprinted in Procuratorial Daily; "Closely Rely on the Masses To Construct a 'Four-Pronged Integrated' System of Informant Reports" [Jinmi yikao renmin qunzhong goujian "siwei yiti" jubao tixi], Procuratorial Daily, 28 October 14.

<sup>152</sup>Ibid., art. 8; Ibid.

<sup>153</sup>Ibid., arts. 66–70; Ibid.

<sup>154</sup>Ibid., arts. 58–65, 76–77; Ibid.

<sup>155</sup>Russell Leigh Moses, "After the 'Shock and Awe': China's Anti-Corruption Quagmire," Wall Street Journal, China Real Time Report (blog), 18 December 14.

<sup>156</sup>Elizabeth C. Economy, "Time for Xi To Reform His Reforms," Council on Foreign Relations, Asia Unbound (blog), 6 February 15.

<sup>157</sup>Andrew Jacobs and Chris Buckley, "Presumed Guilty in China's War on Corruption, Targets Suffer Abuses," New York Times, 19 October 14.

<sup>158</sup>Wang Linuo, "Media: An Official Stripped Naked Put in Ice Bucket Smothers to Death" [Meiti: you guanyuan bei tuoguang fang bingtong men si], Caijing, reprinted in Phoenix Net, 1 March 15.

<sup>159</sup>Xie Yanzong, "Discipline Inspection Official From Bengbu, Anhui Died During Interrogation, Family Says the Deceased Had Four Fractured Ribs" [Anhui bengbu jijian ganbu tanhua qijian siwang, jiaoshu cheng sizhe si gen leigu duanlie], The Paper, 16 January 15; Tom Phillips, "Communist Party Official 'Attempts To Throw Himself to Death To Avoid Downfall,'" Telegraph, 26 January 15; "Zisha Shouyi: Suicide Benefits," China Daily, 26 January 15.

<sup>160</sup>Guo Qingyuan, "Amid Graft Fight, Communist Party Wants Count of 'Unnatural Deaths,'" Caixin, 29 January 15.

<sup>161</sup>"Zisha Shouyi: Suicide Benefits," China Daily, 26 January 15; Tom Phillips, "Communist Party Official 'Attempts To Throw Himself to Death To Avoid Downfall,'" Telegraph, 26 January 15.

## COMMERCIAL RULE OF LAW

*Introduction*

During the Commission's 2015 reporting year the Chinese government's discrimination against foreign companies,<sup>1</sup> targeted enforcement of vague and unwritten rules,<sup>2</sup> censorship and blocking of international websites,<sup>3</sup> and problems engendered by a lack of government<sup>4</sup> and corporate transparency<sup>5</sup> appear to have continued unabated. In December 2001, China acceded to the World Trade Organization (WTO) and agreed to comply with its WTO commitments.<sup>6</sup> During the 2015 reporting year, negotiations for a Bilateral Investment Treaty (BIT) between China and the United States continued,<sup>7</sup> and both countries agreed to pursue a BIT that "embodies the principles of non-discrimination, fairness, openness, and transparency."<sup>8</sup> China, however, has failed to comply with many similar WTO commitments.<sup>9</sup> State-owned enterprises continued to play a major role in China's economy,<sup>10</sup> the Chinese government made unprecedented interventions in the stock market in July and August 2015,<sup>11</sup> and the Chinese government significantly devalued the yuan in August 2015;<sup>12</sup> these developments raised concerns about the Chinese government's commitment to market-based reforms.<sup>13</sup> U.S. regulators continued to face difficulties in obtaining audit documents for Chinese-based companies listed on U.S. capital markets.<sup>14</sup> Intellectual property theft originating in China remained a significant concern,<sup>15</sup> and in May 2015, the U.S. Department of Justice announced the indictment of three Tianjin University professors on charges that included economic espionage.<sup>16</sup>

*WTO Commitments and Disputes*

During this reporting year, China continued to fail to comply with many of its WTO commitments, including those related to transparency, subsidies notification, and translation. In a 1992 Memorandum of Understanding with the United States, the Chinese government agreed to "publish on a regular and prompt basis all laws, regulations, rules, decrees, administrative guidance and policies" that impacted trade.<sup>17</sup> Further, in 2014, China asserted that it "has fully honored its extensive commitments of the WTO accession"<sup>18</sup> and that "local governments also fulfilled the responsibility to comply with WTO rules."<sup>19</sup> In a December 2014 report, the Office of the U.S. Trade Representative (USTR), however, noted problems related to transparency: The "absence of the rule of law in China . . . fosters the use of vague and unwritten policies and does not provide for meaningful administrative or judicial review of Chinese regulatory actions."<sup>20</sup> In February 2015, USTR and the U.S. Department of Commerce highlighted in an annual subsidies report to Congress their efforts "to hold China accountable" for its "transparency obligations under the WTO Subsidies Agreement," and noted that since April 2012, the United States has issued two "counter notifications" to the WTO detailing 300 subsidies unreported by China.<sup>21</sup> The report found that China's subsidies notifications remained "significantly incomplete."<sup>22</sup> Analysis by the US-China Business Council found that in 2014, China's compliance



with regulatory transparency commitments remained “far below China’s commitments for nearly all government entities.”<sup>23</sup> In March 2015, the State Council announced plans to translate trade-related measures into English.<sup>24</sup> China previously committed to do so in 2001.<sup>25</sup> In September 2014, China claimed that “constraints on administrative resources” had prevented fulfillment of this WTO commitment.<sup>26</sup>

Challenging China’s noncompliance with WTO commitments has been slow and difficult for the United States and Europe, although during the reporting year USTR initiated a formal WTO dispute against China for the first time since September 2012.<sup>27</sup> As of July 2015, the United States had initiated 16 dispute proceedings against China in the WTO since 2004.<sup>28</sup> According to USTR, as of December 2014, 8 of 15 disputes initiated before February 2015 were still active, including a dispute initiated in 2007 that challenged Chinese barriers to film distribution.<sup>29</sup> On February 11, 2015, the United States initiated a 16th dispute against a Chinese export subsidy program called “Demonstration Bases—Common Service Platform”<sup>30</sup> for noncompliance with China’s commitments under the WTO Subsidies and Countervailing Measures Agreement.<sup>31</sup> The Chinese government described the dispute as “groundless.”<sup>32</sup> In July 2015, a WTO compliance report again found that China’s import duties on high-tech U.S. steel imports were inconsistent with China’s WTO commitments.<sup>33</sup> China began imposing the duties in April 2010 resulting in more than US\$250 million in annual export losses for U.S. producers.<sup>34</sup> In October 2014, the European Commission dropped an investigation into export subsidies for Chinese telecommunication companies Huawei and ZTE.<sup>35</sup> European officials reportedly believed that a WTO dispute would be too slow, and European companies reportedly feared retaliation in China.<sup>36</sup>

#### *Censorship and Non-Transparency of Commercial and Economic Information*

During the 2015 reporting year, Chinese authorities continued to censor the Internet<sup>37</sup> in a manner that negatively impacted U.S. businesses and violated China’s WTO commitments.<sup>38</sup> An American Chamber of Commerce survey published in February 2015 found that 83 percent of surveyed companies believed Internet censorship negatively affected their business.<sup>39</sup> According to the European Union Chamber of Commerce in China, “restrictions on access to legitimate sources of information [impede] normal business functions . . . .”<sup>40</sup> At an April 2015 event in Shanghai municipality, U.S. Secretary of Commerce Penny Pritzker said a free and open Internet is “an absolute necessity.”<sup>41</sup> According to a senior official quoted in China Daily in September 2014, foreign Internet companies are required to safeguard “the interests of China” and “the interests of Chinese consumers.”<sup>42</sup> According to a computer industry association representative, “trade law scholars have agreed years ago that [Internet censorship] is a violation of international trade law obligations . . . the question is really whether or not the U.S. can politically afford to make a trade dispute over online censorship.”<sup>43</sup> In October 2011, USTR, under WTO rules, requested detailed information from China on Internet restrictions that allow

Chinese authorities to block websites of U.S. companies, including the possibility of administrative and judicial appeals for blocked U.S. service providers.<sup>44</sup> In December 2014, USTR reported that outreach to China to discuss the seemingly “arbitrary” censorship had continued, although no improvements have been reported.<sup>45</sup>

U.S. regulators and investors continued to have difficulty obtaining accurate information on Chinese companies and China’s economy. In January 2014, the U.S. Securities and Exchange Commission (SEC) suspended activities of the Chinese affiliates of the accounting companies KPMG, PricewaterhouseCoopers, Ernst & Young, and Deloitte for refusing to provide audit documents on SEC-registered Chinese companies due to concerns over state secrets.<sup>46</sup> In February 2015, the SEC settled the charges against the accounting companies without including Chinese authorities in the settlement or providing for increased access to audit documents.<sup>47</sup> The Wall Street Journal criticized the SEC for this settlement that leaves investors in U.S. markets without “basic protection against Chinese fraudsters . . . .”<sup>48</sup> The Public Company Accounting Oversight Board, established by Congress to oversee public company audits, reported difficulties in its negotiations with Chinese regulators and faced difficulties obtaining legal and financial documents from China. As of October 2014, 548 China-based companies were listed in the United States.<sup>49</sup> Cayman Islands-registered Chinese company Alibaba Group<sup>50</sup> raised US\$25 billion in the largest initial public offering in history in a September 2014 offering on the New York Stock Exchange.<sup>51</sup> During the reporting year, international media reports expressed concerns with the accuracy of Chinese economic reporting,<sup>52</sup> and in July 2015, the Chinese government reportedly censored critical stock market coverage.<sup>53</sup> A June 2015 World Bank report found that the Chinese government had “formal ownership of 65 percent of commercial bank assets and de facto control of 95 percent of these assets” and quoted earlier World Bank analysis that China’s financial system is “unbalanced, repressed, costly to maintain, and potentially unstable;”<sup>54</sup> several days after publication, the World Bank deleted the critical chapter of the report.<sup>55</sup>

#### *Criminal Cases Involving Commercial Information*

During this reporting year, there were developments in three corporate criminal cases involving former Chinese nationals that raised rule of law concerns. In April 2015, American geologist Xue Feng was released from a Beijing prison and deported to the United States.<sup>56</sup> In November 2007, Chinese authorities detained Xue and later sentenced him to eight years’ imprisonment based on charges that included illegally providing state secrets<sup>57</sup> related to the purchase of a commercial database containing information on 30,000 oil wells.<sup>58</sup> In 2011, U.S. President Barack Obama raised Xue’s case with former Chinese President Hu Jintao,<sup>59</sup> and U.S. embassy officials reportedly visited Xue 87 times during his detention.<sup>60</sup> In March 2015, a report indicated that the mining company Rio Tinto decided not to support their employee and Australian citizen Stern Hu, whom authorities detained in 2009 and later sentenced to 10 years’ imprisonment for stealing commercial secrets and bribery, due to his confession.<sup>61</sup> Hu’s confession, however, was

reportedly based on a promise that Chinese authorities would immediately deport him to Australia if he confessed.<sup>62</sup> In June 2015, British citizen Peter Humphrey and his wife, naturalized U.S. citizen Yu Yingzeng, were released from prison.<sup>63</sup> They had run a business in China helping corporate clients prevent fraud.<sup>64</sup> The Shanghai No. 1 Intermediate People's Court sentenced them in August 2014 for purchasing private information.<sup>65</sup> Chinese officials reportedly withheld medical treatment during Humphrey's detention and incarceration because he refused to admit guilt.<sup>66</sup> Humphrey described his and Yu's televised confessions as "heavily cut and pasted" and "heavily distorted."<sup>67</sup>

**Draft PRC Overseas NGO Management Law and Business Community Response**

In May 2015, the National People's Congress published a second draft of the PRC Overseas Non-Governmental Organizations (NGO) Management Law for public comment.<sup>68</sup> The draft law broadly defines NGOs, places registration under the oversight of public security agencies, and requires permits for temporary activities in China.<sup>69</sup> In June 2015, 45 U.S. business groups submitted comments to the National People's Congress that stated foreign non-profits play "an integral part" in their daily operations and urged revisions to the law.<sup>70</sup>

*Foreign Investment and Free Trade Zones*

During the 2015 reporting year, negotiations for a Bilateral Investment Treaty (BIT) between the United States and China continued, the Chinese government published draft revisions to the PRC Foreign Investment Law, and the State Council announced new free trade zones.<sup>71</sup> Negotiations for a BIT have been ongoing since 2008,<sup>72</sup> and U.S. businesses expressed disappointment with the slow progress.<sup>73</sup> In June 2015, China reportedly provided a draft BIT "negative list" to the United States.<sup>74</sup> As of August 2015, China has signed a total of 130 BITs with other countries, of which 108 were in force.<sup>75</sup>

In January 2015, the Chinese government proposed significant revisions to the PRC Foreign Investment Law<sup>76</sup> that may make some variable-interest entities (VIEs) illegal,<sup>77</sup> and made revisions to China's foreign investment catalogue. VIEs utilize contractual agreements between offshore holding companies and Chinese companies to allow foreign investment in areas in which foreigners are restricted from directly investing.<sup>78</sup> As of 2013, 95 of 200 Chinese companies listed on the New York Stock Exchange reportedly used a VIE.<sup>79</sup> In March 2015, the Chinese government issued revisions to the Catalogue of Industries for Guiding Foreign Investment (2015 Catalogue).<sup>80</sup> The 2015 Catalogue classifies industries into three sectors—"encouraged," "restricted," and "prohibited"—and is used to promote China's industrial policies and economic development plans.<sup>81</sup> Although authorities reduced the number of restricted industries in the 2015 Catalogue, higher education and preschool education investments must now be Chinese-controlled.<sup>82</sup> Foreign investment in media-related entities continues to be "prohibited" in the 2015 Catalogue.<sup>83</sup> According to the US-China Busi-

ness Council, the revisions “lack substantive impact.”<sup>84</sup> During the reporting year, the Chinese government also proposed a new cybersecurity review process that met with substantial foreign opposition.<sup>85</sup> In July 2015, the National People’s Congress (NPC) passed a new PRC National Security Law,<sup>86</sup> which according to a senior U.S. Department of the Treasury official, may block investments in China on grounds “beyond genuine national security considerations.”<sup>87</sup> In July 2015, the NPC also released a draft of the PRC Cybersecurity Law for public comment;<sup>88</sup> according to the proposed law, companies would be required to store certain types of “important information” exclusively in China.<sup>89</sup>

In April 2015, the State Council announced more detailed plans for free trade zones (FTZ) in Guangdong and Fujian provinces and Tianjin municipality.<sup>90</sup> The Chinese government reportedly will give foreign investors equal treatment in FTZs outside the list of prohibited sectors, commonly referred to as a “negative list.”<sup>91</sup> The Shanghai FTZ opened in 2013; a March 2015 survey, however, found three-quarters of U.S. respondents operating in China believed the FTZ provided “no tangible benefits.”<sup>92</sup>

#### *Administrative Enforcement Commitments and Discriminatory Practices*

During this reporting year, the Chinese government reiterated its commitments to improving rule of law, transparency, and non-discrimination;<sup>93</sup> according to the Office of the U.S. Trade Representative (USTR), however, “the overall investment environment is not yet improving for [U.S.] companies.”<sup>94</sup> U.S. companies initially were buoyed by Chinese official statements that needed economic reforms would finally occur,<sup>95</sup> but by April 2015, U.S. companies reported the impact of the reforms were between “limited” and “none.”<sup>96</sup>

In September 2014, Premier Li Keqiang claimed Chinese authorities conducted investigations “legally, transparently and fairly”;<sup>97</sup> domestic and foreign companies, however, believe they have been treated unfairly.<sup>98</sup> When China joined the World Trade Organization, the Chinese government committed to “apply and administer in a uniform, impartial and reasonable manner all its laws, regulations and other measures.”<sup>99</sup> In December 2014, the Chinese government further agreed that Chinese agencies would “strictly follow statutory limits on their authority, procedures, and requirements.”<sup>100</sup> U.S. officials documented, however, that Chinese authorities still provide limited transparency regarding administrative actions and warnings to “cooperate” or face “steep fines.”<sup>101</sup>

Amid concerns about transparency and equal treatment of overseas companies, Chinese authorities issued record fines to foreign companies in antimonopoly and corruption investigations.<sup>102</sup> According to many companies, there is an “absence of recourse” if administrative regulators exceed their authority or do not follow the law.<sup>103</sup> In February 2015, Chinese authorities fined U.S.-based company Qualcomm nearly US\$1 billion, and significant restrictions were placed on Qualcomm’s China operations for alleged anti-competitive activities.<sup>104</sup> According to a U.S. expert, “the clear perception is that Qualcomm’s travails are part of an inquisition against foreign companies, particularly American ones.”<sup>105</sup> In Sep-

tember 2014, Chinese authorities fined GlaxoSmithKline nearly US\$500 million after five senior employees received sentences of up to four years' imprisonment for bribery following a one-day closed trial.<sup>106</sup> According to New York Times reporters, the GlaxoSmithKline fine may be a sign of China's "rising economic nationalism."<sup>107</sup>

### *State-Owned Enterprises and Corruption Cases*

During this past reporting year, the Chinese government committed to deepening the reform of state-owned enterprises (SOEs), although results were limited, and SOEs continued to play a major role in China's economy and stock markets. In March 2015, at the annual meetings of the National People's Congress and Chinese People's Political Consultative Congress, Premier Li Keqiang reiterated plans first announced in 2013 to take "systematic steps to implement the reform of introducing mixed ownership to SOEs . . . ."<sup>108</sup> According to the Financial Times, recent developments indicate "privatization will play at most a subsidiary role in broader efforts to boost the efficiency of SOEs," and state groups will maintain majority stakes. Unfair competition by SOEs undermines a rules-based system and creates an uneven playing field for business.<sup>109</sup> News articles noted that the merger of two of China's largest train companies and the potential merger of two of China's largest oil companies likely indicate increasing consolidation among SOEs to make them more competitive globally.<sup>110</sup> In the 2015 Fortune Global 500 list, 76 of 98 Chinese companies included were SOEs.<sup>111</sup> As of December 2014, SOEs comprised over three-quarters of the market capitalization in two of the major Chinese stock indices.<sup>112</sup> In July and August 2015, after significant losses in the Chinese stock markets, the Chinese government made "unprecedented" interventions to support stock prices.<sup>113</sup>

Chinese anticorruption efforts focused in part on SOEs. In June 2015, Zhou Yongkang, former member of the Standing Committee of the Political Bureau of the Chinese Communist Party Central Committee, former Minister of Public Security, and also previously the general manager of China National Petroleum Company (CNPC), received a life sentence following a closed trial for crimes that included taking bribes of approximately US\$118,000 and assisting his family in accumulating assets of over US\$300 million.<sup>114</sup> Zhou's position and connections with CNPC reportedly contributed to his political rise, and Zhou's family members reportedly took bribes from CNPC officials.<sup>115</sup> In April 2015, the Hanjiang Intermediate People's Court in Hubei province tried Jiang Jiemin, who once oversaw state-owned companies and was previously the top official at CNPC, on corruption and abuse of power charges.<sup>116</sup>

### *Intellectual Property Rights and Cyber Theft*

During the reporting year, U.S. companies faced significant difficulties related to intellectual property rights in China. In 2014, 88 percent of counterfeit goods seized by U.S. Customs and Border Protection were from China (63 percent) and Hong Kong (25 percent),<sup>117</sup> compared to 93 percent in 2013 (China, 68 percent and Hong Kong, 25 percent),<sup>118</sup> and 84 percent in 2012 (China, 72 per-

cent and Hong Kong, 12 percent).<sup>119</sup> In 2015, China remained on the Office of the U.S. Trade Representative's (USTR) Priority Watch List for concerns including reported deficiencies in trade secret protection, "indigenous innovation" policies, and market access barriers.<sup>120</sup> According to USTR, "[p]hysical markets in China continue to facilitate the distribution of significant quantities of counterfeit merchandise for consumption in China and abroad."<sup>121</sup> USTR also noted concerns voiced by Chinese regulators about counterfeit and pirated products available through Alibaba's e-commerce website Taobao.<sup>122</sup>

The Chinese government continued to take steps to improve the protection of intellectual property in China. In fall 2014, Chinese authorities opened specialized intellectual property courts in Beijing and Shanghai municipalities and Guangzhou municipality, Guangdong province.<sup>123</sup> These specialized courts will have jurisdiction over certain types of patent and technology secrets cases, some civil and administrative cases, and some well-known trademark cases.<sup>124</sup> In 2014, Chinese courts accepted 133,863 new intellectual property cases, representing an increase of 19.5 percent from 2013.<sup>125</sup> In 2014, the number of trademark applications in China increased by over 21 percent compared to 2013, reaching nearly 2.3 million.<sup>126</sup> In April 2015, the State Intellectual Property Office began to solicit public comments on draft revisions to the PRC Patent Law.<sup>127</sup> According to USTR, however, the draft revisions "appear not to address concerns identified by the United States and industry."<sup>128</sup> In May 2015, the Beijing No. 1 Intermediate People's Court was scheduled to hold a hearing in a US\$450 million trade secrets civil lawsuit by the U.S.-based AMSC against the Chinese company Sinovel.<sup>129</sup>

In April 2015, President Obama issued an executive order allowing for the "blocking" of transactions involving the property of individuals or entities involved in cyber theft.<sup>130</sup> In May 2015, the U.S. Department of Justice (DOJ) announced the indictment of six Chinese nationals, including three Tianjin University professors, for "economic espionage and theft of trade secrets" and related crimes that may benefit Chinese government-controlled companies and universities.<sup>131</sup> The Chinese government reportedly refused to restart a bilateral cyber working group unless DOJ dropped a May 2014 indictment of five People's Liberation Army officials for cyber espionage.<sup>132</sup> The Chinese state-owned enterprises State Nuclear Power Technology, Baosteel Group, and the Aluminum Corporation of China reportedly benefited from the hacking, although they were not named in the indictment.<sup>133</sup> In July 2015, the U.S. Federal Bureau of Investigation (FBI) reported that there had been a 53-percent increase in economic espionage cases under investigation over the past year<sup>134</sup> and that an FBI survey had found 95 percent of victim companies surveyed suspected that individuals associated with the Chinese government were responsible.<sup>135</sup> In January 2015, Ren Zhengfei, the chairman of the telecommunications company Huawei, stated at an online event during the World Economic Forum in Davos, that Huawei "has never been asked by [the Chinese] government to spy," but as a Chinese company, "we definitely advocate the Chinese Communist [P]arty, we love our country . . . ." <sup>136</sup> In an interview with the Australian Finan-

cial Review in July 2013, General Michael Hayden, the former director of both the National Security Agency and the Central Intelligence Agency, had agreed that Huawei represented an “unambiguous national security threat” to the United States and Australia.<sup>137</sup> Hayden further asserted in that interview that the Chinese government defines the targets of its “legitimate espionage” to include “intellectual property, commercial trade secrets, and the negotiating positions of private entities.”<sup>138</sup>

*Record Trade Deficit and Chinese Outbound Investment*

During the 2015 reporting year, the trade deficit between the United States and China reached record highs as Chinese authorities maintained currency controls. In December 2001, China acceded to the World Trade Organization (WTO) and made commitments to improve transparency, strengthen the rule of law, and open its markets.<sup>139</sup> In 2014, the U.S. goods trade deficit with China reached a record US\$342.6 billion, up US\$23.9 billion from 2013.<sup>140</sup> In the 12-month period from July 2014 through June 2015, U.S. goods exports to China decreased by US\$4.2 billion compared to the previous 12-month period.<sup>141</sup> Between 2001 and the end of 2014, U.S. imports from China increased from US\$102 billion to US\$467 billion, while U.S. exports to China only increased from US\$19 billion to US\$124 billion.<sup>142</sup> A December 2014 analysis by the Economic Policy Institute asserted that the growth in the U.S. goods trade deficit with China between 2001 and 2013 eliminated or displaced 3.2 million U.S. jobs.<sup>143</sup> According to the U.S. Department of the Treasury, the Chinese yuan remained “significantly undervalued” and in 2014, the yuan depreciated 2.4 percent against the U.S. dollar.<sup>144</sup> In May 2015, International Monetary Fund officials, based on their own analysis and following discussions with senior Chinese officials, stated that the yuan is no longer undervalued.<sup>145</sup> On August 11, 2015, the Chinese government devalued the yuan by 1.9 percent, the largest one-day decline in value in over 20 years.<sup>146</sup> According to a Chinese government official and some Chinese exporters, a depreciated yuan will increase Chinese exports.<sup>147</sup>

During the reporting year, the Chinese government actively promoted foreign investment and Chinese exports. In March 2015, Premier Li Keqiang announced plans to speed up implementation of China’s “go global” strategy to support and promote foreign investment by Chinese companies.<sup>148</sup> According to a Chinese official, there will soon be a “historical turning point” when China’s outbound investment exceeds inbound investment.<sup>149</sup>

**Asian Infrastructure and Investment Bank (AIIB) and Other Funds**

In October 2014, 21 Asian countries signed a memorandum of understanding on establishing the China-led Asian Infrastructure Investment Bank (AIIB).<sup>150</sup> In April 2015, 57 countries, including the United Kingdom, Germany, and France, were approved as AIIB founding members.<sup>151</sup> The U.S. Government expressed concerns with transparency and the AIIB governance structure to Germany<sup>152</sup> and other countries.<sup>153</sup> China reportedly has plans for a New Development Bank with Brazil, Russia, India, and South Africa, and a Silk Road development fund.<sup>154</sup> In March 2015, at the Boao Forum for Asia, President Xi Jinping described the potential of China's "Belt and Road" initiatives, including a Silk Road Economic Belt and a maritime Silk Road.<sup>155</sup>

*Food and Drug Safety*

During the reporting year, food and drugs from China continued to be an issue of concern in the United States. The U.S. Food and Drug Administration (FDA) continued to have difficulty obtaining visas for inspections in China, although new implementing arrangements were signed with Chinese partners in November and December 2014, and foreign companies expressed concerns over administrative enforcement and also libel by Chinese companies.<sup>156</sup> According to a January 2015 report, in 2014 the FDA conducted 66 inspections of food facilities in China that export to the United States, up from 59 inspections in 2013.<sup>157</sup> According to the FDA, however, U.S. inspectors at times were required to rely on translators supplied by the firms being inspected.<sup>158</sup> In December 2014, the FDA sent a warning letter to an active pharmaceutical ingredients (APIs) supplier based in Wuxi municipality, Jiangsu province, that noted concerns with the "authenticity and reliability" of data collected and APIs produced by the subject company.<sup>159</sup> Reports also indicated a growing problem with the online sale of illegal drugs from China to the United States.<sup>160</sup> In summer 2014, Chinese media reported food safety violations at a Shanghai facility owned by Illinois-based OSI Group; OSI Group reportedly lost "hundreds of millions of dollars" in revenue as a result.<sup>161</sup> In January 2015, OSI Group criticized the Shanghai Food and Drug Administration for a "very misleading" statement that certain OSI Group products were "questionable products."<sup>162</sup> In June 2015, KFC filed litigation in Shanghai against three companies for posting over 4,000 messages spreading online rumors, including that KFC used genetically modified chickens.<sup>163</sup>

In April 2015, the National People's Congress (NPC) passed amendments to the PRC Food Safety Law to include stronger penalties for violations and additional requirements.<sup>164</sup> According to Chinese media, the revised law will be "the strictest food safety law in history."<sup>165</sup> The same month, the NPC passed revisions to the PRC Advertising Law,<sup>166</sup> including higher penalties for false advertising and a specific prohibition on advertisements that claim infant formula can replace breast milk.<sup>167</sup>



### Notes to Section III—Commercial Rule of Law

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<sup>2</sup>American Chamber of Commerce in the People's Republic of China and Bain & Company, "2015 China Business Climate Survey Report," 11 February 15, 25; Office of the U.S. Trade Representative, "2014 Report to Congress on China's WTO Compliance," December 2014, 49, 88.

<sup>3</sup>Reporters Without Borders, "2015 World Press Freedom Index," 12 February 15. In 2015, China ranked 176th out of 180 countries for press freedom. See also Michael Forsythe, "Alibaba Says It Relies on Markets, Not Connections," New York Times, DealBook (blog), 21 July 14. The New York Times has been blocked in China since 2012.

<sup>4</sup>Transparency International, "Corruption Perceptions Index 2014: Clean Growth at Risk," 3 December 14. China's ranking deteriorated in 2014 from 2013, despite China's ongoing anticorruption campaign. US-China Business Council, "China 2015 Regulatory Transparency Scorecard," March 2015.

<sup>5</sup>Transparency International, "Transparency in Corporate Reporting," 5 November 14, 3. Seven of the 12 worst-performing companies in the Transparency International index were Chinese, including Bank of China, Bank of Communications, Agricultural Bank of China, China Construction Bank, CNOOC Limited, China Shenhua Energy Group, and Industrial and Commercial Bank of China. See also "The SEC Caves on China," Wall Street Journal, 26 February 15.

<sup>6</sup>World Trade Organization, "Protocols of Accession for New Members Since 1995, Including Commitments in Good and Services," last visited 5 May 15. 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.

<sup>7</sup>"China, US Basically Complete Text Negotiation on BIT," Xinhua, reprinted in PRC Central People's Government, 7 March 15.

<sup>8</sup>Office of the Press Secretary, The White House, "Fact Sheet: U.S.-China Economic Relations," 12 November 14.

<sup>9</sup>World Trade Organization, Trade Policy Review Body, Trade Policy Review, China, Minutes of the Meeting, Addendum, WT/TPR/M/300/Add.1, 9 September 14, 185–237, 431–439. The United States raised 88 questions to China regarding the Secretariat Report and 8 questions regarding the Government Report, and also a total of 25 follow-up questions regarding potential areas where China was not in compliance with its trade obligations as identified in the Trade Policy Review. Office of the U.S. Trade Representative, "2014 Report to Congress on China's WTO Compliance," December 2014, 21–26.

<sup>10</sup>Scott Cendrowski, "China's Global 500 Companies Are Bigger Than Ever—And Mostly State-Owned," Fortune, 22 July 15; "Big State-Owned Enterprises Pillar of Economy in China," Xinhua, 23 August 15.

<sup>11</sup>Li Xiang, "Stock Crisis Buffer Fund Proposed," China Daily, 13 July 15; Wayne M. Morrison and Gabriel M. Nelson, Congressional Research Service, "China's Recent Stock Market Volatility: What Are the Implications?" 20 July 15; Heather Timmons, "China's Stock Market Stimulus Has Cost Over \$1 Trillion So Far," Quartz, 5 August 15. Quartz cites Christopher Balding, a Peking University political economics professor, as saying that the stimulus provided to date had already reached US\$1.3 trillion. Balding described the stimulus as "far and away the largest economic support package in history." Patrick Chovanec, "China Destroyed Its Stock Market in Order To Save It," Foreign Policy, 16 July 15.

<sup>12</sup>James K. Jackson, Congressional Research Service, "China's Currency Devaluation," 17 August 15; "The Battle of Midpoint," Economist, 15 August 15.

<sup>13</sup>Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], 12 November 13, sec. 1(2); Wayne M. Morrison and Gabriel M. Nelson, Congressional Research Service, "China's Recent Stock Market Volatility: What Are the Implications?" 20 July 15; U.S. Department of the Treasury, "Readout From a Treasury Spokesperson on a Call Between Secretary Jacob J. Lew and Chinese Vice Premier Wang Yang," 21 August 15.

<sup>14</sup>"The SEC Caves on China," Wall Street Journal, 26 February 15; James R. Doty, Remarks on Public Company Accounting Oversight Board (PCAOB) Standing Advisory Group Meeting Webcast, 20 November 14.

<sup>15</sup>Felicia Schwartz and Ian Talley, "U.S. Officials Warn Chinese Cyber Espionage Imperils Ties," Wall Street Journal, 23 June 15.

<sup>16</sup>Office of Public Affairs, U.S. Department of Justice, "Chinese Professors Among Six Defendants Charged With Economic Espionage and Theft of Trade Secrets for Benefit of People's Republic of China," 19 May 15. The three indicted Tianjin University professors were Hao Zhang, Wei Pang, and Jinping Chen. There were a total of six individuals indicted, including the three Tianjin University professors.

<sup>17</sup>Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China Concerning Market Access, 10 October 92, art. 1.

<sup>18</sup>World Trade Organization, Trade Policy Review Body, Trade Policy Review, Report by China, WT/TPR/G/300, 27 May 14, 23.

<sup>19</sup>World Trade Organization, Trade Policy Review Body, Trade Policy Review, China, Minutes of the Meeting, Addendum, WT/TPR/M/300/Add.1, 9 September 14, 207.

<sup>20</sup>Office of the U.S. Trade Representative, "2014 Report to Congress on China's WTO Compliance," 18 December 14, 88.

<sup>21</sup> Office of the U.S. Trade Representative and U.S. Department of Commerce, “Subsidies Enforcement Annual Report to the Congress,” February 2015, iii.

<sup>22</sup> *Ibid.*, 10.

<sup>23</sup> US-China Business Council, “China 2015 Regulatory Transparency Scorecard,” March 2015, 1.

<sup>24</sup> State Council, “China To Translate Trade-Related Rules Into English,” 23 March 15; State Council General Office, Circular on Translation of Trade-Related Measures Into English [Guowuyuan bangongting guanyu zuohao yu maoyi xiangguan bumen guizhang yingwen fanyi gongzuo de tongzhi], issued 23 March 15. The English version does not include an attachment listing the types of measures to be translated.

<sup>25</sup> World Trade Organization, Report on the Working Party on the Accession of China, WT/ACC/CHN/49, 1 October 01, 334.

<sup>26</sup> World Trade Organization, Trade Policy Review Body, Trade Policy Review, China, Minutes of the Meeting, Addendum, WT/TPR/M/300/Add.1, 9 September 14, 188. China’s WTO commitment was to make translations available in one of the official WTO languages; translation into English is not required.

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<sup>28</sup> World Trade Organization, “Disputes by Country/Territory,” last visited 24 June 15.

<sup>29</sup> Office of the U.S. Trade Representative, “2014 Report to Congress on China’s WTO Compliance,” 18 December 14, 36–37.

<sup>30</sup> Office of the U.S. Trade Representative, “United States Launches Challenge to Extensive Chinese Export Subsidy Program,” 11 February 15.

<sup>31</sup> World Trade Organization, DS489, China—Measures Related to Demonstration Bases and Common Service Platforms Programmes, Dispute Settlement, WT/DS489/1, last visited 1 May 15.

<sup>32</sup> Dinny McMahon, “China Calls U.S. Complaint on Subsidies ‘Groundless,’” Wall Street Journal, 7 March 15.

<sup>33</sup> Press Office, Office of the U.S. Trade Representative, “U.S. Wins Trade Enforcement Challenge to China’s Duties on Steel,” 31 July 15.

<sup>34</sup> *Ibid.*

<sup>35</sup> Robin Emmott and Francesco Guarascio, “Exclusive: China, EU Close to Deal on Telecoms Trade Dispute—Sources,” Reuters, 8 October 14.

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<sup>37</sup> Reporters Without Borders, “2015 World Press Freedom Index,” 12 February 15. In 2015, China ranked 176th out of 180 countries for press freedom. See also Michael Forsythe, “Alibaba Says It Relies on Markets, Not Connections,” New York Times, DealBook (blog), 21 July 14. The New York Times has been blocked in China since 2012.

<sup>38</sup> American Chamber of Commerce in the People’s Republic of China and Bain & Company, “2015 China Business Climate Survey Report,” 11 February 15, 30; Commercial Cyber Espionage and Barriers to Digital Trade in China, Hearing of the U.S.-China Economic and Security Review Commission, 15 June 15, Testimony of Matthew Schruers, Vice President for Law & Policy, Computer and Communications Industry Association.

<sup>39</sup> American Chamber of Commerce in the People’s Republic of China and Bain & Company, “2015 China Business Climate Survey Report,” 11 February 15, 30.

<sup>40</sup> European Union Chamber of Commerce, Beijing Position Paper 2015/2016, 9 April 15, 12.

<sup>41</sup> Office of Public Affairs, U.S. Department of Commerce, “Commerce Secretary Penny Pritzker Highlights Importance of Entrepreneurship at China Executive Leadership Academy Pudong,” 16 April 15.

<sup>42</sup> Li Jiabao, “Foreign Firms ‘Must Follow Chinese Law,’” China Daily, 11 September 14. The senior official quoted was Lu Wei, Director of the Office of the Chinese Communist Party Central Leading Group for Cyberspace Affairs and of the Cyberspace Administration of China. See also “Lu Wei: Curriculum Vitae” [Lu wei jianli], Cyberspace Administration of China, last visited 21 September 15.

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<sup>44</sup> Office of the U.S. Trade Representative, “United States Seeks Detailed Information on China’s Internet Restrictions,” October 2011.

<sup>45</sup> Office of the U.S. Trade Representative, “2014 Report to Congress on China’s WTO Compliance,” 18 December 14, 139–140.

<sup>46</sup> U.S. Securities and Exchange Commission, In the Matter of BDO China Dahua CPA Co., Ltd., et al., Initial Decision (Public), File Nos. 3-14872, 3-15116, Release No. 553 Administrative Proceeding File, 22 January 14, 3.

<sup>47</sup> “The SEC Caves on China,” Wall Street Journal, 26 February 15; Wang Zichen, “Xinhua Insight: SEC vs. Big Four, Dust Has Yet To Settle,” Xinhua, 19 February 15.

<sup>48</sup> “The SEC Caves on China,” Wall Street Journal, 26 February 15.

<sup>49</sup> George W. Russell, “An Interview With James R. Doty, Chairman of the Public Company Accounting Oversight Board,” Journal of the Global Accounting Alliance, 14 October 14.

<sup>50</sup> U.S. Securities and Exchange Commission, Amendment No. 7 to Form F-1 Registration Statement Under the Securities Act of 1933: Alibaba Group Holding Limited, Registration No. 333-195736, 15 September 14, 1.

<sup>51</sup> Leslie Picker and Lulu Yilun Chen, "Alibaba's Banks Boost IPO Size to Record of \$25 Billion," Bloomberg, 22 September 14; Paul Gillis, "Son of Enron? Alibaba's Risky Corporate Structure," Foreign Affairs, 28 October 14.

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<sup>53</sup> "Minitrue: Rules on Stock Market Reporting," China Digital Times, 9 July 15.

<sup>54</sup> World Bank, "China Economic Update—June 2015, Special Topic: Reform Priorities in China's Financial Sector," reprinted in DocIn, June 2015, 30, 38; Shawn Donnan and Gabriel Wildau, "World Bank Denies China Sought To Have Critical Report Censored," Financial Times, 3 July 15.

<sup>55</sup> World Bank, "China Economic Update—June 2015," 3 July 15. According to the World Bank, "[T]he financial sector that was previously included in this report was removed because it had not gone through the World Bank's usual internal review and clearance procedures." See also Shawn Donnan and Gabriel Wildau, "World Bank Denies China Sought To Have Critical Report Censored," Financial Times, 3 July 15.

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<sup>57</sup> Beijing No. 1 Intermediate People's Court, Criminal Verdict No. 1881 (2009) [(2009) yizhong xing chuzi di 1881 hao], 25 July 10, 23; Catherine Maticic, "Geologist Reflects on Life Behind Bars in China," Science, ScienceInsider (blog), 6 July 15.

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<sup>59</sup> Charles Hutzler, "China Holds, Mistreats U.S. Man on Secrets Charge," Associated Press, reprinted in U.S. News & World Report, 19 November 09.

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<sup>63</sup> Denise Roland, "British Investigator Says Chinese Officials Tried To Force Confession," Wall Street Journal, 18 June 15; "UK Investigator Says Chinese Officials Mistreated Him To Get GSK Confession," Reuters, reprinted in New York Times, 18 June 15.

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<sup>67</sup> Ibid.

<sup>68</sup> National People's Congress Standing Committee, PRC Overseas Non-Governmental Organizations Management Law (Draft) (Second Reading Draft) [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi guanli fa (cao'an) (erci shen yi gao)], issued 5 May 15.

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<sup>70</sup> Gillian Wong, "U.S. Business, Professional Groups Sign Letter Opposing Draft China NGO Law," Wall Street Journal, 4 June 15.

<sup>71</sup> Office of the Press Secretary, The White House, "Fact Sheet: U.S.-China Economic Relations," 12 November 14; Ministry of Commerce, PRC Foreign Investment Law (Draft for Public Comment) [Zhonghua renmin gongheguo waiguo touzi fa (cao'an zhengqiu yijian gao)], issued 19 January 15; "China Announces Plans for Pilot Free Trade Zones," Xinhua, 20 April 15.

<sup>72</sup> James Zimmerman, "Beijing's Negative Stance on Investment," Wall Street Journal, 1 April 15; Office of the Press Secretary, The White House, "Fact Sheet: U.S.-China Economic Relations," 12 November 14.

<sup>73</sup> James Zimmerman, "Beijing's Negative Stance on Investment," Wall Street Journal, 1 April 15.

<sup>74</sup> Michael Martina, "Update 1—China, U.S. Swap Investment Treaty 'Negative Lists,'" Reuters, reprinted in CNBC, 12 June 15.

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<sup>85</sup> Carlos Tejada, “U.S. Business Groups Ask China To Postpone New Cybersecurity Review,” Wall Street Journal, 29 January 15.

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<sup>117</sup>Office of International Trade, U.S. Customs and Border Protection, U.S. Department of Homeland Security, "Intellectual Property Rights Seizure Statistics Fiscal Year 2014," last visited 23 July 15, 10. These percentages are based on manufacturers' suggested retail prices (MSRP).

<sup>118</sup>Office of International Trade, U.S. Customs and Border Protection, U.S. Department of Homeland Security, "Intellectual Property Rights Fiscal Year 2013 Seizure Statistics," last visited 23 July 15, 11. These percentages are based on manufacturers' suggested retail prices (MSRP).

<sup>119</sup>Office of International Trade, U.S. Customs and Border Protection, U.S. Department of Homeland Security, "Intellectual Property Rights Fiscal Year 2012 Seizure Statistics," last visited 23 July 15, 10. These percentages are based on manufacturers' suggested retail prices (MSRP).

<sup>120</sup>Office of the U.S. Trade Representative, "2015 Special 301 Report," April 2015, 1, 32–43.

<sup>121</sup>Office of the U.S. Trade Representative, "2014 Out-of-Cycle Review of Notorious Markets," 5 March 15, 20.

<sup>122</sup>Ibid., 13–14.

<sup>123</sup>Keith Zhai, "China Opens Intellectual Property Courts To Improve Image," Bloomberg, 3 November 14.

<sup>124</sup>Supreme People's Court, Provisions on the Jurisdiction of Beijing, Shanghai, and Guangzhou Intellectual Property Court Cases [Guanyu beijing, shanghai, guangzhou zhishi chanquan fayuan anjian guanxia de guiding], issued 31 October 14, effective 3 November 14, art. 1.

<sup>125</sup>Supreme People's Court, "The Status of Judicial Protection for Intellectual Property Protection in Chinese Courts in 2014" [Zhongguo fayuan zhishi chanquan sifa baohu zhuangkuang (2014)], 20 April 15.

<sup>126</sup>State Administration for Industry and Commerce, "Annual Development Report on China's Trademark Strategy in 2014" [Zhongguo shangbiao zhanlue niandu fazhan baogao (2014)], April 2015, 5.

<sup>127</sup>State Intellectual Property Office, "'PRC Patent Law (Draft for Comment)' Comparison of Provisions" ["Zhonghua renmin gongheguo zhuanli fa xiugai cao'an (zhengqiu yijian gao)" tiaowen duizhao], 1 April 15.

<sup>128</sup>Office of the U.S. Trade Representative, "2015 Special 301 Report," April 2015, 33–34.

<sup>129</sup>"AMSC Provides Update on Sinovel Litigation," Globe Newswire, reprinted in AMSC, 23 April 15.

<sup>130</sup>Office of the Press Secretary, The White House, "Executive Order—Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities," 1 April 15, secs. 1, 6(a). The Executive Order states, "All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: . . ." Ellen Nakashima, "U.S. To Establish Sanctions Program To Combat Cyberattacks, Cyberspying," Washington Post, 1 April 15.

<sup>131</sup>Office of Public Affairs, U.S. Department of Justice, "Chinese Professors Among Six Defendants Charged With Economic Espionage and Theft of Trade Secrets for Benefit of People's Republic of China," 19 May 15. Jinping Chen was only charged with conspiracy to commit the crimes.

<sup>132</sup>Adam Segal, "Was There Progress on Cyber at the U.S.-China Strategic and Economic Dialogue?" Council on Foreign Relations, Net Politics (blog), 25 June 15; "China Suspends Cyber Working Group Activities With US To Protest Cyber Theft Indictment," Xinhua, reprinted in China Daily, 20 May 14.

<sup>133</sup>Ellen Nakashima and William Wan, "U.S. Announces First Charges Against Foreign Country in Connection With Cyberspying," Washington Post, 19 May 14. See also Chinese Communist Economic Espionage Sanctions Act of 2014, H.R. 5103, 113th Cong., 14 July 14. H.R. 5103 was not enacted.

<sup>134</sup>Gina Chon, "FBI Blames China for 53% Spy Case Surge," Financial Times, 23 July 15; Wesley Bruer, "FBI Sees Chinese Involvement Amid Sharp Rise in Economic Espionage Cases," CNN, 24 July 15.

<sup>135</sup>Ibid.

<sup>136</sup>Charles Clover, "Ren Zhengfei Rebuts Accusations That Huawei Spies for China," Financial Times, 22 January 15.

<sup>137</sup> Christopher Joye, "Transcript: Interview With Former CIA, NSA Chief Michael Hayden," *Australian Financial Review*, 19 July 13.

<sup>138</sup> *Ibid.*

<sup>139</sup> World Trade Organization, "Protocols of Accession for New Members Since 1995, Including Commitments in Goods and Services," last visited 15 July 15; U.S. Government Accountability Office, "World Trade Organization: Analysis of China's Commitments to Other Members," October 2002, 12–13. The GAO analysis found that "China made 685 WTO commitments, including 77 transparency commitments, 57 commitments related to laws and regulations, and 67 non-discrimination commitments."

<sup>140</sup> Office of the U.S. Trade Representative, "2015 National Trade Estimate Report on Foreign Trade," 1 April 15, 69.

<sup>141</sup> U.S. Census Bureau, "Trade in Goods With China," last visited 23 June 15.

<sup>142</sup> *Ibid.*

<sup>143</sup> Will Kimball and Robert E. Scott, Economic Policy Institute, "China Trade, Outsourcing and Jobs," 11 December 14, 10.

<sup>144</sup> Office of International Affairs, U.S. Department of the Treasury, "Report to Congress on International Economic and Exchange Rate Policies," 9 April 15, 3, 13–14.

<sup>145</sup> International Monetary Fund, "IMF Staff Completes the 2015 Article IV Consultation Mission to China," Press Release No. 15/237, 26 May 15; Ian Talley, "IMF to Brighten View of China's Yuan," *Wall Street Journal*, 3 May 15. See also Office of International Affairs, U.S. Department of the Treasury, "Report to Congress on International Economic and Exchange Rate Policies," 9 April 15, 3, 13–14.

<sup>146</sup> James K. Jackson, Congressional Research Service, "China's Currency Devaluation," 17 August 15; Heather Stewart, "Eight Reasons Why China's Currency Crisis Matters to Us All," *Observer*, reprinted in *Guardian*, 15 August 15.

<sup>147</sup> Guo Liqin, "Ministry of Commerce Official: Renminbi Devaluation Good for Exports, Impact on Investment Limited" [Shangwubu guanyuan: renminbi bianzhi li hao chukou dui touzi yingxiang youxian], *First Financial*, reprinted in *Sina*, 12 August 15; Brian Spegele, "Yuan Devaluation Won't Fix All for China's Exporters," *Wall Street Journal*, 11 August 15. See also James K. Jackson, Congressional Research Service, "China's Currency Devaluation," 17 August 15.

<sup>148</sup> State Council, "Report on the Work of the Government," reprinted in *Xinhua*, 16 March 15, 3.

<sup>149</sup> State Council, "Full Transcript of Policy Briefing of the State Council on Jan 16, 2015," 16 January 15.

<sup>150</sup> "21 Asian Countries Sign MOU on Establishing Asian Infrastructure Investment Bank," *Xinhua*, 24 October 14.

<sup>151</sup> Cary Huang, "57 Nations Approved as Founder Members of China-Led AIIB," *South China Morning Post*, 27 April 15.

<sup>152</sup> Andrew Higgins and David E. Sanger, "3 European Powers Say They Will Join China-Led Bank," *New York Times*, 17 March 15.

<sup>153</sup> Brenda Goh et al., "Three Major Nations Absent as China Launches World Bank Rival in Asia," *Reuters*, 4 November 14.

<sup>154</sup> "Asian Infrastructure Investment Bank: Following the Money," *Economist*, 17 March 15.

<sup>155</sup> "Xi Jinping Speech at Opening Ceremony of Boao Forum for Asia" [Xi jingping bo'ao yazhou luntan kaimushi shang de yanjiang], *CCTV*, reprinted in *China Daily*, 30 March 15.

<sup>156</sup> Ed Silverman, "FDA Warns Chinese Ingredients Maker About 'Basic' Manufacturing Problems," *Wall Street Journal*, *Pharmalot* (blog), 5 January 15; OSI Group, "OSI China Ready for a Restart," *South China Morning Post*, 19 January 15; "KFC Sues Chinese Companies for Online Rumors About Its Food," *Associated Press*, reprinted in *CNBC*, 1 June 15.

<sup>157</sup> U.S. Government Accountability Office, "Food Safety: Additional Actions Needed To Help FDA's Foreign Offices Ensure Safety of Imported Food," January 2015, 10.

<sup>158</sup> *Ibid.*, 23.

<sup>159</sup> U.S. Food and Drug Administration, U.S. Department of Health and Human Services, Novacyl Wuxi Pharmaceutical Co., Ltd. 12/19/14, "Warning Letter, WL: 320–15–04," 19 December 14.

<sup>160</sup> Dan Levin, "In China, Illegal Drugs Are Sold Online in an Unbridled Market," *New York Times*, 21 June 15; Abigail Hauslohner and Peter Hermann, "The Scariest Thing About Synthetic Drugs Is Everything That's Unknown," *Washington Post*, 18 July 15.

<sup>161</sup> Laurie Burkitt, "Food Processor OSI Faces Fresh Setback in China," *Wall Street Journal*, 6 January 15; OSI Group, "OSI China Ready for a Restart," *South China Morning Post*, 19 January 15.

<sup>162</sup> Laurie Burkitt, "Food Processor OSI Faces Fresh Setback in China," *Wall Street Journal*, 6 January 15.

<sup>163</sup> KFC, "Striking Back Against Internet Rumors: KFC Files Lawsuit Against 10 Weixin Accounts" [Daxiang wangluo yaoyan fanji zhan kendeji jiang 10 ge weixin zhanghao gaoshang fayuan], June 2015; "KFC Sues Chinese Companies for Online Rumors About Its Food," *Associated Press*, reprinted in *CNBC*, 1 June 15.

<sup>164</sup> PRC Food Safety Law [Zhonghua renmin gongheguo shipin anquan fa], passed 28 February 09, amended 24 April 15, effective 1 October 15; "China's Legislature Passes Toughest Food Safety Law Amendment," *Xinhua*, 24 April 15.

<sup>165</sup> "Strictest 'Food Safety Law' in History Effective October 1" [Shishang zuiyan "shiping anquan fa" 10 yue 1 ri shishi], *Daily News*, reprinted in *Xinhua*, 2 May 15.

<sup>166</sup> PRC Advertising Law [Zhonghua renmin gongheguo guanggao fa], passed 27 October 94, amended 24 April 15, effective 1 September 15.

<sup>167</sup> *Ibid.*, art. 20; John Ruwitch, "Amended China Law Curbs Tobacco Ads in Land of Smokers," *Reuters*, 24 April 15; John Balzano, "Revised Food Safety Law in China Signals Many Changes and Some Surprises," *Forbes*, 3 May 15.

## ACCESS TO JUSTICE

*Introduction*

Chinese citizens continued to turn to the legal system for help when they were harmed by environmental hazards,<sup>1</sup> unsafe food,<sup>2</sup> discrimination,<sup>3</sup> and other causes.<sup>4</sup> Chinese law allows citizens to use the legal system to dispute unlawful government acts.<sup>5</sup> International human rights instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, likewise call for the ability of citizens to obtain effective legal remedies when their rights are violated.<sup>6</sup> During the 2015 reporting year, however, the Commission observed a persistent gap between the Chinese government's rhetoric regarding the importance of laws and the actual ability of citizens to use the legal system to protect their rights.<sup>7</sup> Recent judicial reforms indicate recognition by the Chinese government that the current system is dysfunctional,<sup>8</sup> and official media has touted that the revised PRC Administrative Litigation Law "will make it easier for citizens to take the government to court."<sup>9</sup> It is too soon, however, to determine fully the impact of these developments. Teng Biao, a Chinese lawyer, explained that "[t]he major problem with rule of law in mainland China is not establishing legal provisions but rather implementing laws."<sup>10</sup>

*The Fourth Plenum and Judicial Reforms*

In October 2014, the Chinese Communist Party's leaders gathered for the Fourth Plenum of the 18th Party Congress Central Committee and issued the Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law (Fourth Plenum Decision).<sup>11</sup> The purposes of the Fourth Plenum Decision, according to the government's June 2015 report on "Progress in China's Human Rights in 2014," were "to protect civic rights, to defend human dignity and to put basic human rights into practice."<sup>12</sup> The Fourth Plenum Decision reportedly underscored President and Party General Secretary Xi Jinping's effort to boost public confidence in the legal system<sup>13</sup> by outlining a number of structural reforms to judicial institutions, including:<sup>14</sup>

- Emphasizing that judges should not be removed except for legal reasons and unless legal procedures are followed;<sup>15</sup>
- Creating a "lifetime" (*zhongshen*) responsibility system whereby judges are responsible throughout their careers for cases that they adjudicated;<sup>16</sup>
- Ensuring that courtroom hearings play a decisive role in ascertaining facts and impartial adjudication,<sup>17</sup> which could entail reconsidering the role of court "adjudication committees" (*shenpan weiyuanhui*) that currently can instruct judges on how to decide certain cases;<sup>18</sup>
- Introducing a model whereby judges are promoted from lower courts;<sup>19</sup>
- Changing from a "case filing review system" (*li'an shencha zhi*) to a "case filing registration system" (*li'an dengji zhi*);<sup>20</sup> and

- Establishing “circuit tribunals” (*xunhui fating*) to try major administrative or civil commercial cases involving more than one province.<sup>21</sup> Two of these tribunals reportedly heard their first cases by May 2015.<sup>22</sup>

The Fourth Plenum Decision also endorsed improving the legal aid system and expanding the scope of aid, with the stated objective of ensuring that citizens may obtain timely and effective legal assistance when their rights were infringed upon.<sup>23</sup> This past year, the Commission observed efforts with respect to the provision of legal aid in at least one domestic violence case,<sup>24</sup> a development that coincided with the public release of the draft PRC Anti-Domestic Violence Law.<sup>25</sup> At present, however, the scope of government-funded legal aid remains limited. For example, free legal assistance is available to criminal defendants only when the defendant is facing life imprisonment or death<sup>26</sup> or when certain vulnerable populations like minors or people who are blind, deaf, or mute are involved.<sup>27</sup> Amendments to the laws governing civil and administrative cases that restrict the ability of non-lawyers to represent parties also reportedly may cause citizens to try to resolve their grievances outside the legal system.<sup>28</sup> Such “barefoot” non-lawyers offer an alternative source of assistance when litigants cannot afford or find lawyers to take their cases.<sup>29</sup>

In February 2015, the Supreme People’s Court (SPC) publicly released its fourth five-year reform plan (SPC Reform Plan),<sup>30</sup> which echoed themes in the Fourth Plenum Decision.<sup>31</sup> The SPC Reform Plan called for establishing mechanisms to prevent official interference in judicial activities,<sup>32</sup> but articles in state- and Party-run Chinese media emphasized that the Chinese government was not adopting a model of judicial independence based on the United States or other Western nations.<sup>33</sup> SPC President Zhou Qiang said that courts must “resolutely resist the influence of mistaken Western viewpoints and ways of thinking . . . .”<sup>34</sup> The Fourth Plenum Decision indicated the Party’s continuing interaction with the courts by calling on the Party to “support the courts and procuratorates in exercising their functions and authorities independently and fairly according to the law.”<sup>35</sup> Furthermore, the Fourth Plenum Decision called on the Party’s political-legal committees to continue to “ensure that China’s Constitution and laws are implemented correctly and uniformly.”<sup>36</sup> Reports indicate that the committees’ interference might be decreasing,<sup>37</sup> but a spate of recent resignations by judges<sup>38</sup> is attributed in part to complaints about outside interference in their work.<sup>39</sup>

During the reporting year, the government and Party similarly took a hardline stance against “Western” constitutionalism,<sup>40</sup> despite the Fourth Plenum Decision’s use of language on the importance of China’s Constitution<sup>41</sup> and the Chinese government’s declaration that “Constitution Day” would be commemorated on December 4.<sup>42</sup> The ability of citizens to invoke the Constitution as a basis for challenging government actions remains limited.<sup>43</sup> The National People’s Congress Standing Committee has exclusive power to interpret and supervise enforcement of China’s Constitution.<sup>44</sup>

The extent to which the Fourth Plenum Decision and SPC Reform Plan will ultimately translate into concrete improvements in



the judicial system remains unclear. Scholars have debated the significance of the Fourth Plenum Decision—including what is meant by “advancing governance of the country according to law”<sup>45</sup>—when, as noted by scholars in a July 2015 Asia Policy roundtable, the Decision “also underscores the [Party’s] sustained leadership over the Chinese legal system.”<sup>46</sup> One U.S. expert on Chinese law raised questions concerning how to reconcile the Fourth Plenum Decision’s support for the importance of the legal system with the crackdown on freedoms of expression, assembly, and association observed this past year.<sup>47</sup>

### *Judicial Transparency*

The theme of government transparency runs throughout the Fourth Plenum Decision.<sup>48</sup> The Chinese government began implementing the Open Government Information Regulations in 2008,<sup>49</sup> but citizens have continued to face substantial obstacles when seeking information from the government.<sup>50</sup> The SPC had likewise previously been slow to increase transparency and did not create a national online database until 2013.<sup>51</sup> [For more information on government transparency, see Section III—Institutions of Democratic Governance.]

This past year, the judiciary emphasized mechanisms for enhancing transparency. In March 2015, the SPC issued a white paper on judicial transparency that called for greater access to trials, increased use of electronic filing systems, and expanded access to case decisions.<sup>52</sup> When releasing the white paper, He Xiaorong, office director of the SPC Judicial Reform Leading Group, told reporters that, by the end of 2014, Chinese courts had uploaded nearly six million court judgments to the public database.<sup>53</sup> Access to such a vast pool of cases could help to “develop a body of precedents to guide the legal community and create judicial transparency and accountability to address public concerns about the fairness of the litigation system,” according to a December 2014 post on the American Chamber of Commerce in Shanghai website.<sup>54</sup>

The SPC released its 10th batch of “guiding cases” in April 2015.<sup>55</sup> In June 2015, the SPC issued rules specifying how judges should refer to guiding cases in subsequent cases.<sup>56</sup> The rules explained that judges should respond when parties raise guiding cases when arguing their positions to the court,<sup>57</sup> and SPC officials reportedly “stressed the use of referential precedent to ensure fairer judgements.”<sup>58</sup>

### *Citizen Petitioning and Revisions to the Administrative Litigation Law*

The PRC Administrative Litigation Law (ALL),<sup>59</sup> which provides a framework for citizens to challenge government actions in court,<sup>60</sup> underwent significant revisions during the past reporting year.<sup>61</sup> Application of the law, which initially took effect 25 years ago,<sup>62</sup> was hindered by common barriers referred to as the “three difficulties” (*san nan*): difficulties in filing cases, trying cases, and enforcing judgments.<sup>63</sup> Following passage by the National People’s Congress Standing Committee in November 2014, revisions to the

ALL took effect on May 1, 2015.<sup>64</sup> Revised provisions included, among others:

- Expanding the scope of permitted cases by eliminating the “specific administrative act” requirement in the previous version of the ALL;<sup>65</sup>
- Listing 12 areas for which legal proceedings may be launched against the government, such as alleged violations of agreements on land and housing compensation, disputes over administrative detention, and abuse of administrative power;<sup>66</sup> and
- Requiring that a representative of the relevant administrative agency appear in court.<sup>67</sup>

Announcement of the amendments was followed by an April 2015 SPC interpretation that provided additional guidance on issues such as procedures for filing cases and examples of litigation demands that meet the legal standard.<sup>68</sup> The Commission has not observed statistics establishing whether these recent reforms have begun to address long-standing obstacles to administrative cases.

Chinese official media expressed hope that a byproduct of the ALL revisions would be to increasingly funnel citizen complaints away from the petitioning (*xinfang*) system—through which individuals with grievances seek redress from government officials<sup>69</sup>—and toward the courts.<sup>70</sup> According to a November 2014 media report, more than 4 million petitions involving administrative disputes have been filed annually.<sup>71</sup> Wang Cailiang, a lawyer and deputy director of the All China Lawyers Association Administrative Law Committee, told the media, “With the [ALL] amendment, many more people would see the courts as an avenue to seek justice, instead of going to Beijing hoping to talk to officials.”<sup>72</sup>

The basic legal framework for the petitioning system—the 2005 Regulations on Letters and Visits (2005 Regulations)—remained unchanged during the 2015 reporting year.<sup>73</sup> The Party and government continued to discuss proposals that were addressed during the 2014 reporting year,<sup>74</sup> including with respect to channeling law- and litigation-related petitions through legal channels<sup>75</sup> and increasing the use of online petitioning.<sup>76</sup> In May 2015, the Ministry of Justice issued the Opinion Regarding Further Strengthening Law- and Litigation-Related Petition Work and the Measures on Judicial and Administrative Agencies To Conclude Petitioning Matters.<sup>77</sup> Also in May 2015, the State Bureau for Letters and Visits announced plans to consider drafting a petitioning law to improve the 2005 Regulations.<sup>78</sup>

#### *Harassment and Abuse of Human Rights and Public Interest Lawyers*

During the 2015 reporting year, the Chinese government used criminal investigations and charges against citizens who engaged in activities that allegedly threatened the existing political system.<sup>79</sup> Lawyers who represented people seeking to safeguard their rights<sup>80</sup> also faced reprisals.<sup>81</sup> In December 2014, for example, hundreds of lawyers signed a letter protesting the detention of lawyer Zhang Keke after he openly invoked in court the rights to freedom of speech and religion provided for in China’s Constitution.<sup>82</sup>

In May 2015, the government charged public interest lawyer Pu Zhiqiang with “inciting ethnic hatred”<sup>83</sup> and “picking quarrels and provoking trouble”<sup>84</sup> related to comments from his microblog accounts.<sup>85</sup> Pu was among the 14 Chinese civil rights advocates profiled in a 2005 issue of the Hong Kong-based *Asia Weekly*.<sup>86</sup> According to the *Economist*, “All of the activists pictured on the magazine’s cover have since been imprisoned, detained, beaten or threatened, except for one lawyer who had already fled the country into exile in Canada.”<sup>87</sup>

Other cases of concern during the 2015 reporting year included:

- **Xia Lin.** Public security officers in Beijing municipality took lawyer Xia Lin into custody in November 2014 and subsequently criminally detained him on suspicion of “fraud.”<sup>88</sup> Chinese Human Rights Defenders raised concerns that Xia’s ongoing detention may be retaliation for representing Pu Zhiqiang and Guo Yushan, founder of the NGO Transition Institute.<sup>89</sup>
- **Tang Jingling.** In May 2014, public security officials in Baiyun district, Guangzhou city, Guangdong province, took human rights lawyer Tang Jingling from his home and later criminally detained him on suspicion of “picking quarrels and provoking trouble.”<sup>90</sup> Authorities arrested Tang on the charge of “inciting subversion of state power.”<sup>91</sup> The trial of Tang and two other rights advocates concluded in July 2015,<sup>92</sup> but authorities had not announced a verdict as of September 2015. Tang gained prominence as a rights lawyer working on cases related to land seizures and corruption.<sup>93</sup> His 2014 detention reportedly was linked to a larger crackdown around the 25th anniversary of the violent suppression of the 1989 Tiananmen protests.<sup>94</sup>
- **Yu Wensheng.** In October 2014, authorities criminally detained Yu Wensheng, a well-known human rights lawyer, on suspicion of “picking quarrels and provoking trouble.”<sup>95</sup> Reports suggested that Yu’s detention was linked to his efforts to meet with a client whom authorities detained for his support of the 2014 pro-democracy protests in Hong Kong.<sup>96</sup> Authorities released Yu in January 2015,<sup>97</sup> but his wife issued a statement in June 2015 reporting that domestic security officials had been harassing Yu and his family at their home.<sup>98</sup>
- **Qu Zhenhong.** In May 2014, public security officials in Beijing took into custody lawyer Qu Zhenhong, the niece and defense counsel for Pu Zhiqiang, on suspicion of “illegally gathering citizens’ information.”<sup>99</sup> Following her formal arrest, authorities released Qu on bail in May 2015.<sup>100</sup>

Despite the personal risks underscored by the cases described above, lawyers continued to provide advice to citizens who sought to access the legal system during this reporting year in cases that involve issues such as religious freedom,<sup>101</sup> opposition to forced eviction,<sup>102</sup> and freedom of speech and association.<sup>103</sup> The mainland China-based China Human Rights Lawyers Group, members of which provide legal services to citizens who have been detained for exercising their civil rights,<sup>104</sup> marked its one-year anniversary in September 2014 with 225 participating lawyers.<sup>105</sup>

## JULY 2015 CRACKDOWN ON RIGHTS LAWYERS AND ADVOCATES

Beginning on July 9, 2015, Chinese authorities took into custody more than 200 lawyers and rights advocates within a 48-hour time period in what appeared to be a nationwide, coordinated crackdown.<sup>106</sup> As of September 1, 2015, authorities from 24 provinces and provincial-level municipalities had summoned for questioning, harassed, prevented from leaving China, or had taken into custody at least 300 lawyers, law firm staff, rights advocates, and some of their family members; 23 remained in detention or were being held under “‘residential surveillance’ in unknown locations,” according to Chinese Human Rights Defenders.<sup>107</sup> The crackdown received widespread condemnation from foreign governments,<sup>108</sup> international non-governmental organizations and bar associations,<sup>109</sup> and scholars.<sup>110</sup> In a letter to Chinese President and Communist Party General Secretary Xi Jinping that urged the immediate release of all of the detained individuals in the crackdown, the New York City Bar Association noted, “Chinese law and international standards protect the rights of lawyers in China both to practice their profession and to carry out their professional duties to clients free of government interference. These detentions violate those standards and undermine the rule of law.”<sup>111</sup> [For information on some of the detained lawyers’ cases, see Section I—Findings—Access to Justice.]

## Notes to Section III—Access to Justice

<sup>1</sup>“Landmark Case on Lead Poisoning in Children Begins in China,” Reuters, reprinted in *Guardian*, 12 June 15; Alexandra Harney, “Lead Poisoning Lawsuit Tests China’s Resolve Over Pollution,” Reuters, reprinted in *The Age*, 6 May 15; “Wuhan Residents’ Pollution Case Filed Against Guodingshan Garbage Incinerator Plant Seeking 7 Yuan Compensation” [Wuhan jumin gao guodingshan laji fenshao chang wuran huo li’an, suopei 7 yuan], *The Paper*, 18 April 15; “5 Lanzhou Residents Suing ‘Lanzhou Veolia’ Are Finally Able To File Case” [Lanzhou 5 shimin su “yang shuiwu” zhong huo li’an], *Legal Daily*, 26 February 15. For other examples of citizens attempting to use the legal system to address environmental concerns, see Dominique Patton, “Chinese Citizens Sue Government Over Transparency on Monsanto Herbicide,” Reuters, 8 April 15; “Court Hearing China’s Landmark NGO Environmental Lawsuit,” *China Daily*, 15 May 15.

<sup>2</sup>Zheng Caixiong, “Half of Poisoned Food Cases Involved Pork,” *China Daily*, 10 July 15. Under the revised PRC Food Safety Law, violators are liable for compensation when they cause harm to consumers. National People’s Congress, PRC Food Safety Law [Zhonghua renmin gongheguo shipin anquan fa], passed 28 February 09, amended 24 April 15, effective 1 October 15, arts. 126, 147, 148.

<sup>3</sup>China Labour Bulletin, “Plaintiff Awarded 2,000 Yuan by Court in Hangzhou Gender Discrimination Case,” 13 November 14; China Labour Bulletin, “Plaintiff Obtains 30,000 Yuan in China’s First Gender Discrimination Lawsuit,” 9 January 14.

<sup>4</sup>Supreme People’s Court, Supreme People’s Court Work Report [Zuigao renmin fayuan gongzuo baogao], 12 March 15, 39. See also Susan Finder, “Supreme People’s Court President Says Court Reforms in ‘Deep Water Area,’” Supreme People’s Court Monitor (blog), 15 March 15.

<sup>5</sup>PRC Administrative Litigation Law [Zhonghua renmin gongheguo xingzheng susong fa], passed 4 April 89, amended 1 November 14, effective 1 May 15, art. 11; Supreme People’s Court Interpretation Regarding Several Questions on the Application of the PRC Administrative Litigation Law [Zuigao renmin fayuan guanyu shiyong “zhonghua renmin gongheguo xingzheng susong fa” ruogan wenti de jieshi], issued 20 April 15, effective 1 May 15, art. 1. See also Kevin J. O’Brien and Li Lianjiang, “Suing the State: Administrative Litigation in Rural China,” *China Journal*, No. 51 (January 2004).

<sup>6</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 8; 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. 2. China signed the ICCPR in 1998 but has not yet ratified it. “Over One Hundred Lawyers and Citizens Urge National People’s Congress To Ratify International Conventions on Human Rights and Enact Press Laws” [Yu bai lushi ji gongmin yu renda pizhun guoji gongyue baozhang renquan ji banbu xinwen fa], *Radio Free Asia*, 10 March 15.

<sup>7</sup>Rachel Lu, “China’s President Raises Eyebrows With Sharp Rhetoric on Rule of Law,” *Foreign Policy*, TeaLeafNation (blog), 3 February 15; Stanley Lubman, “Chinese Rule of Law: The Rhetoric and the Reality,” *Wall Street Journal*, *China Real Time Report* (blog), 4 April 11.

<sup>8</sup>Susan Finder, “China’s Master Plan for Remaking Its Courts,” *The Diplomat*, 26 March 15.

<sup>9</sup>Zhou Yu, “Newly Amended Law Empowers Private Citizens To Sue Government,” *Global Times*, 6 April 15. See also “China Adopts Amendment to Administrative Procedure Law,” *Xinhua*, 1 November 14; “Amendment to Administrative Procedure Law Hailed in China,” *Xinhua*, 24 December 13.

<sup>10</sup>“Experts Pessimistic on CCP Fourth Plenum Proposals on Ruling the Country According to Law” [Zhuanjia bu kanhao zhonggong si zhong quanhu tichu de yifa zhiguo], *Radio Free Asia*, 28 October 14.

<sup>11</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14. Various government agencies have issued follow-on documents. See, e.g., Supreme People’s Procuratorate, Opinion Concerning Implementation of the “Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law” [Zuigao renmin jianchayuan guanyu guanche luoshi “zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding” de yijian], reprinted in *Procuratorial Daily*, 5 February 15; Supreme People’s Court, Opinion Concerning Comprehensively Deepening People’s Courts’ Reform [Zuigao renmin fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian], issued 26 February 15.

<sup>12</sup>State Council Information Office, “Progress in China’s Human Rights in 2014,” reprinted in *Xinhua*, 8 June 15.

<sup>13</sup>“Xi Stresses Boosting Public Confidence in Judicial System,” *Xinhua*, 25 March 15; Luo Shuzhen, “Have Strength To Reform and Innovate; Continue To Improve Judicial Credibility, Allow the People in Each Judicial Case To Have the Feeling of Fair Justice” [Yongyu gaige chuangxin buduan tigao sifa gongxinlin rang renmin qunzhong zai mei yi ge sifa tiaojian zhong dou ganshou dao gongping zhengyi], *China Court Net*, 8 May 15.

<sup>14</sup>For additional judicial reforms raised in the Fourth Plenum Decision, see Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 4 (“Guarantee Judicial Fairness, Raise Judicial Credibility”). The Fourth Plenum Decision did not propose increased centralization of court finances; instead, only limited local experimentation is underway. Wang Guibin, “Shanghai Legal System Reform: Legal Inspection of Budget by Municipal Finance Bureau Administration” [Shanghai sifa tizhi gaige: fajian yusuan you shi caizheng ju zhi guan], *Beijing News*, 19 January 15; Supreme People’s Court, “Shanghai Deploys Pilot Program To Comprehensively Advance Legal System Reforms” [Shanghai bushu quanmian tuijin sifa

tizhi gaige shidian gongzuo], 24 April 15; Carl Minzner, “Legal Reform in the Xi Jinping Era,” *Asia Policy*, No. 20 (July 2015), 6–7. Professor Donald Clarke noted that the centralization up to the provincial level of court finances and personnel appointments “is popular among [Chinese] legal academics but controversial among judges.” Donald Clarke, “The Fourth Plenum’s ‘Decision’: My Take,” *Chinese Law Prof Blog*, 29 October 14. The centralization of court finances was reportedly considered following the Third Plenum of the 18th Party Congress. See John Wagner Givens, Jamestown Foundation, “Fleshing Out the Third Plenum: The Direction of China’s Legal Reform,” *China Brief*, Vol. 14, No. 6, 21 March 14, 10.

<sup>15</sup> Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 4(1.3).

<sup>16</sup> *Ibid.*, sec. 4(3.3).

<sup>17</sup> *Ibid.*, sec. 4(3.2).

<sup>18</sup> Susan Finder, “Where Is the Supreme People’s Court Headed With Judicial Committee Reform?” *Supreme People’s Court Monitor* (blog), 21 December 14. For more information regarding the adjudication committee system and calls for its reform, see Zhu Lei, “Committee Member Shi Jie’s Proposal: Further Reform the System of Adjudication Committees” [Shi jie weiyuan jianyi: jinyibu gaige shenpan weiyuanhui zhidu], *Legal Daily*, 6 March 15; Procedural Law Research Institute, China University of Political Science and Law, “Consensus and Disagreement: Concerning Reform of the Court Adjudication Committee System” [Gongshi yu fenqi: guanyu shenpan weiyuanhui zhidu gaige], 5 May 15; “Chen Ruihua: Mistakes in Justice—Comments on Court Adjudication Committee System” [Chen ruihua: zhengyi de wuqu—ping fayuan shenpan weiyuanhui zhidu], *Ai Sixiang*, 11 October 11; Xin Frank He, “China and Its Adjudication Committees,” *East Asia Forum*, 3 December 11.

<sup>19</sup> Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 6(1.3).

<sup>20</sup> *Ibid.*, sec. 4(2.4). The Supreme People’s Court subsequently issued provisions in April 2015. Zhang Ziyang, “Supreme People’s Court Issues ‘Provisions on Several Issues Regarding Case Registration and Filing’” [Zuigao renmin fayuan gongbu “guanyu renmin fayuan dengli li’an ruogan wenti de guiding”], *Xinhua*, reprinted in *China News Net*, 16 April 15; Susan Finder, “New Docketing Procedures Come to the Chinese Courts,” *Supreme People’s Court Monitor* (blog), 18 June 15.

<sup>21</sup> Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 4(2.3); Shannon Tiezzi, “4 Things We Learned From China’s 4th Plenum,” *The Diplomat*, 23 October 14.

<sup>22</sup> “Gavel Falls on Supreme People’s Court First Circuit Court’s First Case” [Zuigao renmin fayuan diyi xunhui fating shou an luochui], *People’s Court Daily*, reprinted in *Xinhua*, 5 May 15; “Supreme People’s Court Second Circuit Court Hears First Case in Shenyang” [Zuigaofa di’er xunhui fating zai shenyang jin shen diyi an], *China News Net*, reprinted in *People’s Daily*, 10 March 15.

<sup>23</sup> Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 5(3).

<sup>24</sup> See, e.g., “Bozhou Establishes First Domestic Violence Shelter, Women Injured by Domestic Violence Can Receive Legal Aid” [Bozhou chengli shoujia fan jiabao bihusuo; jiabao shouhai funu ke huo de falu yuanzhu], *Bozhou Daily*, reprinted in *Hefei Hotline*, 5 May 15.

<sup>25</sup> State Council Legislative Affairs Office, PRC Anti-Domestic Violence Law (Draft) (Draft for Comment) [Zhonghua renmin gongheguo fan jiating baoli fa (cao’an) (zhengqiu yijian gao)], 25 November 14; Simon Denyer, “Battered Women in China Could Finally Get a Measure of Legal Protection,” *Washington Post*, 6 March 15; “China’s Draft Domestic Violence Law ‘Largely Cosmetic’: Feminists,” *Radio Free Asia*, 30 July 15; Liu Rong, “Standing Committee of the National People’s Congress Today Convened Its 16th Meeting, Anti-Domestic Violence Law Is Publicly Revealed” [Quanguo renda changweihui jin zhaokai 16 ci hui fan jiabao fa chu liangxiang], *People’s Daily*, reprinted in *National People’s Congress News Net*, 24 August 15. For a report on how ordinary Chinese view domestic violence, see “Heard in the Hutong: How Chinese View Domestic Violence,” *Wall Street Journal*, *China Real Time Report* (blog), 8 May 15.

<sup>26</sup> PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 34. See also Dui Hua Foundation, “China’s New Criminal Procedure Law: Death Penalty Procedures,” *Dui Hua Human Rights Journal*, 3 April 12.

<sup>27</sup> PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 34, 266. See also “New Issues and Countermeasures for Criminal Law Legal Aid System Following Revisions” [Xingshi falu yuanzhu zhidu xiuding hou de xin wenti ji duice], *China Court Net*, reprinted in *China Legal Aid Net*, 13 May 14. For an example of a pro bono legal aid program see “Assistance Plan for the Wronged’ Starting on Friday” [“Mengyuanzhe yuanzhu jihua” ben zhouwu qidong], *Beijing Shangquan Law Firm* (blog), 20 May 14.

<sup>28</sup> Aaron Halegua, “China’s Restrictions on Barefoot Lawyers Could Backfire,” *South China Morning Post*, 29 March 15.

<sup>29</sup> *Ibid.*

<sup>30</sup> Supreme People’s Court, Opinion on Comprehensively Deepening Reform of the People’s Courts—Fourth Five-Year Outline for Reform of the People’s Courts (2014–2018) [Zuigao renmin

fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian—renmin fayuan disi ge wu nian gaige gangyao (2014–2018)], 4 February 15; Xu Juan, “Supreme People’s Court Releases Post-Revision ‘Fourth Five-Year Reform Plan’” [Zuigaofa fabu xiuding hou de “si wu gaige gangyao”], People’s Daily, 27 February 15. The Ministry of Public Security, Supreme People’s Procuratorate, and the Ministry of Justice also issued reform plans. “Comprehensively Deepening Public Security Reform Includes Cancellation of Temporary Residency Permit System Among 15 Prominent Highlights” [Quanmian shenhua gong’an gaige han’gai quxiao zanzhuzheng zhidu deng 15 ge tuchu liangdian], People’s Daily, reprinted in Legal Daily, 16 February 15; “Opinion Concerning Deepening Procuratorial Reforms (2013–2017 Work Plan) (2015 Revised Edition)” [Guanyu shenhua jiancha gaige de yijian (2013–2017 nian gongzuo guihua) (2015 nian xiudingban)], Procuratorial Daily, 26 February 15; “Outline of the Procuratorate Reform Plan,” translated in China Law Translate (blog), 27 February 15; Ministry of Justice, “Ministry of Justice: Fully Exert Judicial and Administrative Offices’ Functional Roles, Earnestly Complete Comprehensive Advancements Towards Rule of Law in All Work” [Sifabu: chongfen fahui sifa xingzheng jiguan zhineng zuoyong, renzhen zuo hao quanmian tuijin yifa zhiguo gexiang gongzuo], 17 March 15.

<sup>31</sup>See, e.g., Supreme People’s Court, Opinion on Comprehensively Deepening Reform of the People’s Courts—Fourth Five-Year Outline for Reform of the People’s Courts (2014–2018) [Zuigao renmin fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian—renmin fayuan disi ge wu nian gaige gangyao (2014–2018)], 4 February 15, sec. 3(3)17; Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14.

<sup>32</sup>Supreme People’s Court, Opinion on Comprehensively Deepening Reform of the People’s Courts—Fourth Five-Year Outline for Reform of the People’s Courts (2014–2018) [Zuigao renmin fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian—renmin fayuan disi ge wu nian gaige gangyao (2014–2018)], 4 February 15, para. 55. See also “China Regulates Against Officials’ Judicial Meddling,” Xinhua, 30 March 15; Xing Shiwei, “Leading Cadres’ Lawbreaking and Judicial Interference Can Lead to Criminal Responsibility” [Lingdao ganbu weifa ganyu sifa ke zhui xing ze], Beijing News, 31 March 15.

<sup>33</sup>Zhang Chunxian, “Zhang Chunxian: Comprehensively Advance Ruling Xinjiang According to Law” [Zhang chunxian: quanmian tuijin yifa zhi jiang], People’s Daily, 7 January 15; Liu Ruifu, “The Fundamental Differences Between China’s Independent, Impartial Justice and Western Countries’ ‘Judicial Independence’” [Woguo duli gongzheng sifa yu xifang guojia “sifa duli” de genben qubie], Seeking Truth, reprinted in Xinhua, 26 December 14. See also Qian Gang, “Who Gave ‘Judicial Independence’ a Death Sentence?” China Media Project, 14 January 15; Sui-Lee Wee, “China’s Top Court Says No to West’s Model of Judicial Independence,” Reuters, 26 February 15.

<sup>34</sup>Wen Yaqiong, “Supreme People’s Court: Distinguish Clearly Between Western ‘Judicial Independence’ and ‘Separation of Powers’” [Zuigaofa: huaqing yu xifang “sifa duli” “san quan dingli,” jiejian], China Internet Information Center, 25 February 15; Josh Chin, “Don’t Call It Western, China’s Top Court Unveils Vision for Reform,” Wall Street Journal, China Real Time Report (blog), 26 February 15.

<sup>35</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 4(1).

<sup>36</sup>Ibid., sec.7(1).

<sup>37</sup>“Political-Legal Committees Carry Out 11 Reforms This Year: Leaders’ Interference in Judicial Process Will Be Recorded” [Zhengfawei jinnian jinxing 11 xiang gaige: lingdao ganyu sifa yao jilu], Xinhua, reprinted in Sina, 22 January 15; Qiu Rui, “Mainland Political-Legal Committees Show Signs of Reform” [Dalu zhengfawei xianlu gaige jixiang], Phoenix Weekly, 19 January 15; Keith Zhai, “Communist Party Committees Are Meddling Less in Courtrooms: Judges,” South China Morning Post, 12 December 13; Song Shijing and Li Xiangrong, “Politics and Law Committee Reform Accelerates, Advocating Rule of Law Thinking and Non-Intervention in Specific Cases” [Zhengfawei gaige jiasu, changdao fazhi siwei bu jieru juti anjian], Beijing News, reprinted in People’s Daily, 23 October 14. For a report on opposing views, see “China’s Judicial Reforms Won’t Shake Party Hold on Courts: Experts,” Radio Free Asia, 31 March 15.

<sup>38</sup>Ren Zhongyuan and Huang Ziyi, “Shortage of Judges, Court Panic: Things Are Changing” [Faguan huang, fayuan huang: shiqing zheng zai qi bianhua], Southern Weekend, 17 April 15; Wu Lina, “Loss of Judges Serious, Can Salary Alone Get Modern ‘Judge Bao’ To Stay?” [Faguan liushi yanzhong dandu xinchou nengfou liuzhu xiandai “bao gong”], Xinhua, reprinted in China Court Network, 15 April 15.

<sup>39</sup>Tan Mintao, “Judicial Reforms Are Coming, Why Do Judges Still Want To Resign?” [Sifa gaige lai le, faguan weihe hai yao cizhi?], Consensus Net, 16 April 15; Stanley Lubman, “China’s Exodus of Judges,” Wall Street Journal, China Real Time Report (blog), 4 May 15. See also “Legal Window: Resignations of Chinese Judges Reflect Deep Problems” [Falu chuankou: zhongguo faguan cizhi zheshe shengce wenti], Voice of America, 5 June 15.

<sup>40</sup>“People’s Daily: Blindly Following Western So-Called ‘Constitutional Government’ Is Nothing More Than Cutting Feet To Fit the Shoes” [Renmin ribao: mangmu gen xifang suowei “xianzheng” pao wuyi xuezushilu], People’s Daily, reprinted in China News, 5 February 15; Minxin Pei, “China’s War on Western Values,” Project Syndicate, 10 February 15. See also Jacques delisle, “The Rule of Law with Xi-Era Characteristics: Law for Economic Reform, Anticorruption, and Illiberal Politics,” Asia Policy, No. 20 (July 2015), 28. For a contrasting view on recent discussions of constitutionalism, see Cheng Li, “Fourth Plenum Has Opened Up Discourse on Constitutionalism, Governance,” China’s Transition, Bloomberg Brief, October 2014, 8.

<sup>41</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang

guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], issued 23 October 14, sec. 2.

<sup>42</sup>Guo Junkui, “‘National Constitution Day’ Strengthens the Constitution’s Supreme Idea” [“Guojia xianfa ri” qianghua xianfa zhishang de linian], *People’s Daily*, 4 December 14; State Council Information Office, “Progress in China’s Human Rights in 2014,” reprinted in *Xinhua*, 8 June 15, sec. 3(1). See also “On China’s First Constitution Day, Distance From Constitutional Rule Remains Great” [Zhongguo shou ge xianfa ri juli xingzheng reng yaoyuan], *Radio Free Asia*, 4 December 14.

<sup>43</sup>“China’s Constitution ‘Useless’ Without Enforcement: Lawyers,” *Radio Free Asia*, 4 December 14; Otto Malmgren, “Article 37: The Right to Liberty of Person Under the Chinese Constitution,” *China-EU Law Journal*, Vol. 2, No. 1–2 (September 2013), 42–43; Jerome A. Cohen, “A Constitutional Court for China? Taiwan’s Example,” *US-Asia Law Institute*, New York University School of Law, 28 October 09. See also Joanna Chiu, “China’s Constitutional Crisis,” *Atlantic*, 3 September 13.

<sup>44</sup>“NPC’s Power of Supervision,” *Xinhua*, reprinted in *China Daily*, 3 March 15; Keith J. Hand, “An Assessment of Socialist Constitutional Supervision Models and Prospects for a Constitutional Supervision Committee in China: The Constitution as Commander?” *Social Science Research Network*, 29 June 15, revised 25 July 15, last visited 3 August 15, 1. See also Gui Tiantian, “Former Supreme People’s Court President Proposes Adding Constitutional Committee to the National People’s Congress” [Zuigao fayuan yuan yuanzhang jianyi zai quanguo renda zengshe xianfa weiyuanhui], *Beijing Youth Daily*, reprinted in *People’s Daily*, 8 November 14. China does not have a constitutional court or specialized committee within the National People’s Congress for examining constitutional issues.

<sup>45</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], issued 23 October 14. See, e.g., Jerome A. Cohen, “China’s Socialist Rule of Law Still Offers Real Hope of Improvements to Legal System,” *New York University School of Law*, *US-Asia Law Institute*, 5 November 14; Elizabeth C. Economy, “Is China Committed to Rule of Law?” *Council on Foreign Relations*, 29 October 14; “YCW Conversation—Legal Reform in China,” *Young China Watchers*, 28 April 15.

<sup>46</sup>“Roundtable: The Future of ‘Rule According to Law’ in China,” *Asia Policy*, No. 20 (July 2015), 3. Participants in the roundtable were Carl Minzner, Donald Clarke, Ling Li, Jacques deLisle, Kjeld Erik Brogdsgaard, and Stanley Lubman. See also Donald Clarke, “China’s Legal System and the Fourth Plenum,” *Asia Policy*, No. 20 (July 2015), 10; Fang Yiyan, “Looking Over ‘Rule of Law,’ Dirt on the Back of the Coin” [Fankan “yifa zhiguo” yingbi beimian de wugou], *Human Rights in China Chinese Biweekly Journal*, No. 146, 25 December 14.

<sup>47</sup>Stanley Lubman, “As China Cracks Down on Dissidents, It Also Promises Legal Reform,” *Wall Street Journal*, *China Real Time Report* (blog), 28 November 14.

<sup>48</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], issued 23 October 14, secs. 1, 2, 3, 4(4). See also Jamie P. Horsely, “China’s Leaders Endorse Disclosure as the ‘Norm,’” *FreedomInfo.Org*, 4 November 14.

<sup>49</sup>“China Commits to ‘Open Government Information’ Effective May 1, 2008,” *CECC China Human Rights and Rule of Law Update*, May 2008, 2.

<sup>50</sup>“Right To Know,” *Economist*, 3 May 14. For reports on the success of lawsuits filed against the government, see Zhao Fuduo, “Provincial Success Rates of ‘Citizens Suing Officials’ Show Large Differences” [“Min gao guan” shengsulu shengji chayi da], *Caixin*, 12 December 14; Fang Qing, “In Government Information Disclosure Lawsuits, 12 Percent of Citizens Suing Officials Are Successful” [Zhengfu xinxi gongkai susong 12% “min gao guan” shengsu], *Guangzhou Daily*, 23 January 15. A notable information disclosure request from the reporting year was that of the mother of Xu Chunhe, a man shot by police on a train platform in Heilongjiang province. “Qing’an Police Accept Lawyer’s Information Disclosure Application in Shooting Case” [Qing’an jingfang jieshou qiangji an lushi xinxi gongkai shenqing], *Sina*, 11 May 15; “Official Publication of Xu Chunhe Video Fails To Quell Controversy, Lawyer Applies to Police for Information Disclosure” [Guanfang gongbu xu chunhe shipin reng wei neng pingxi zhengyi lushi xiang jingfang shenqing xinxi gongkai], *Radio Free Asia*, 15 May 15. See also “Woman To Sue Over Police Killing of Her Son in China’s Heilongjiang,” *Radio Free Asia*, 12 May 15; Xu Ai and Cheng Zilong, “On the Trail of the ‘Qing’an Train Station Incident’” [“Qing’an huoche zhan shijian” zhuizong], *Xinhua*, 14 May 15; Kiki Zhao, “China Clears Police Officer in Death of Unarmed Man, but Controversy Isn’t Over,” *New York Times*, *Sinosphere* (blog), 15 May 15. For another example of citizens trying to use the courts to obtain information from a government agency, see “Lawyer Requests Publication of Information on Train Ticket Refund Fee Hikes Case” [Lushi shenqing huoche tuipiao fei zhangjia xinxi gongkai an], *Southern Weekend*, 22 December 14; Wan Xuezhong and Yu Yingbo, “Refund Ticket Fee Hike Information Publication Trial Suspended” [Tuipiao fei zhangjia xinxi gongkai an zhongzhi shenli], *Legal Daily*, 12 December 14.

<sup>51</sup>“Chinese Courts Publish Judgement Documents Online,” *Xinhua*, 27 November 13; Riva Gold, “Big Move? China’s Highest Court Flirts With Transparency,” *Wall Street Journal*, *China Real Time Report* (blog), 4 July 13. See also Dui Hua Foundation, “China Plots National Verdict Database,” *Dui Hua Human Rights Journal*, 14 May 13; Liu Changsong, “Publishing Court Decisions Will Help Reduce Judicial Corruption” [Gongkai caipan wenshu hiyu jianshao sifa fubai], *Beijing News*, 12 May 13.

<sup>52</sup>Supreme People’s Court, *Judicial Transparency of Chinese Courts: Chinese-English Juxtaposed* [Zhongguo fayuan de sifa gongkai: hanying duizhao] (Beijing: People’s Court Press, 2015), 38–41, 44–46. See also Supreme People’s Court, “Press Release Draft on the Situation Regarding Judicial Transparency of Chinese Courts (White Paper)” [Guanyu zhongguo fayuan de sifa gongkai (baipishu) youguan qingkuang de xinwen fabu gao], 10 March 15; “China Issues



White Paper on Judicial Transparency,” Xinhua, reprinted in China Daily, 10 March 15; “China’s Supreme People’s Court Issues First Judicial Transparency White Paper” [Zhongguo zuigaofa fabu shou ge sifa gongkai baipishu], Radio Free Asia, 10 March 15.

<sup>53</sup> Supreme People’s Court, “Press Release Draft on the Situation Regarding Judicial Transparency of Chinese Courts (White Paper)” [Guanyu zhongguo fayuan de sifa gongkai (baipishu) youguan qingkuang de xinwen fabu gao], 10 March 15. See also “China Voice: Achievements Made in Building Transparent Judicial System,” Xinhua, 10 March 15; Supreme People’s Court, Judicial Opinions of China, last visited 18 July 15.

<sup>54</sup> Michael Vella and Vincent Li, “Judicial Reform Brings Rule of Law Under Spotlight,” *Insight: The Voice of the American Chamber of Commerce in Shanghai*, 8 December 14.

<sup>55</sup> Supreme People’s Court Circular Regarding Publication of Tenth Batch of Guiding Cases [Zuigao renmin fayuan guanyu fabu dishi pi zhidaoxing anli de tongzhi], issued 15 April 15. When issuing the first set of cases, the Supreme People’s Court (SPC) noted the role of the guiding case system in helping all walks of life understand the courts’ work. Circular of the Supreme People’s Court on Issuing the First Set of Guiding Cases [Zuigao renmin fayuan guanyu fabu diyi pi zhidaoxing anli de tongzhi], issued 20 December 11. For a discussion of the reasons why the SPC initiated the guiding case system, see Wang Hong, “Building a Guiding Precedents System With Chinese Characteristics,” *Mirror*, 7 December 12, translated in Dui Hua Foundation, “Can China’s Legal Reform Survive Without Judicial Independence?” *Dui Hua Human Rights Journal*, 20 December 12.

<sup>56</sup> Supreme People’s Court, Implementing Details on the Supreme People’s Court Provisions on Case Guidance Work [Zuigao renmin fayuan guanyu anli zhidaogongzuo de guiding shishi xize], issued 13 May 15, reprinted in China Internet Information Center; Stanford University Law School, “Breaking News: China’s Supreme Court Explains How To Cite Guiding Cases,” China Guiding Cases Project (blog), 5 June 15.

<sup>57</sup> Supreme People’s Court, Implementing Details on the Supreme People’s Court Provisions on Case Guidance Work [Zuigao renmin fayuan guanyu anli zhidaogongzuo de guiding shishi xize], issued 13 May 15, reprinted in China Internet Information Center, art. 11.

<sup>58</sup> “China’s Top Court Stresses Referential Precedent for Justice,” Xinhua, reprinted in China Daily, 2 June 15. See also “China’s Supreme Court Launches Case-Tracking Website,” Xinhua, 14 November 14. According to this Xinhua report, the courts also increased transparency of the adjudication process by introducing a website that allows parties to track the progress of their cases.

<sup>59</sup> PRC Administrative Litigation Law [Zhonghua renmin gongheguo xingzheng susong fa], passed 4 April 89, amended 1 November 14, effective 1 May 15. The Chinese government also passed revisions to the PRC Legislation Law during the 2015 reporting year. PRC Legislation Law [Zhonghua renmin gongheguo lifa fa], passed 15 March 00, amended and effective 15 March 15. See also “Authorized Release of the Two Sessions: Decision of the National People’s Congress Concerning Revision of the ‘PRC Legislation Law’” [Lianghui shouquan fabu: quanguo renmin daibiao dahui guanyu xiugai “zhonghua renmin gongheguo lifa fa” de jue ding], Xinhua, 15 March 15; “China Adopts Revision to Legislation Law,” Xinhua, 15 March 15; Jiang Ling et al., “Legislative Law Revised, Where Are the Highlights” [Xiugai lifa fa liangdian dou zai na], *People’s Daily*, 9 March 15. The revised law includes provisions on releasing draft laws for public comment. PRC Administrative Litigation Law [Zhonghua renmin gongheguo xingzheng susong fa], passed 4 April 89, amended 1 November 14, effective 1 May 15, art. 37; Qiu Shi and Laney Zhang, Law Library of Congress, “China: Law on Legislation Amended,” Library of Congress Global Legal Monitor, 8 July 15. The Chinese government has not yet passed the long-discussed Administrative Procedure Law. Xing Shiwei, “Professor of Law: China Should Quickly Enact the ‘Administrative Procedure Law’” [Fa da jiaoshou: woguo ying zhujin zhiding “xingzheng chengxu fa”], *Beijing News*, 31 October 14.

<sup>60</sup> Peng Dongyu, “Strengthening Protection of Citizens’ Administrative Litigation Power” [Qianghua dui gongmin xingzheng susong quanli de baohu], *China National People’s Congress Magazine*, No. 22, reprinted in *National People’s Congress*, December 2012; “Editor’s Notes: PRC, Administrative Litigation Law,” *China Law & Practice*, last visited 18 July 15; Kevin J. O’Brien and Li Lianjiang, “Suing the Local State: Administrative Litigation in Rural China,” *China Journal*, No. 51 (January 2004).

<sup>61</sup> Wang Cailiang, “Amended Administrative Litigation Law and Administering in Accordance With Law” [Xingzheng susong fa xiugai yu yifa xingzheng], *Caijing*, Wang Cailiang (blog), 3 May 15; Wu Peng and Hu Jinguang, “The Amended ‘Administrative Litigation Law’ and Constructing a Rule of Law Country” [“Xingzheng susong fa” xiugai yu fazhi guojia jianshe], *Journal of the Chinese Academy of Governance*, reprinted in *People’s Daily*, Chinese Communist Party News, 30 January 15.

<sup>62</sup> PRC Administrative Litigation Law [Zhonghua renmin gongheguo xingzheng susong fa], passed 4 April 89, amended 1 November 14, effective 1 May 15.

<sup>63</sup> Sun Ying, “Hopes That the New ‘Administrative Litigation Law’ and the Implementation of Judicial Interpretations Will Resolve the Three Difficulties of Administrative Lawsuits Against Officials” [Xin “xingzheng susong fa” ji sifa jieshi shixing youwang jie jue min gao guan san nan], *China National Radio*, reprinted in *China Daily*, 1 May 15. See also He Haibo, “Litigations Without a Ruling: The Predicament of Administrative Law in China,” *Tsinghua China Law Review*, Vol. 3, No. 2 (2011), 257.

<sup>64</sup> “National People’s Congress Standing Committee Decision Concerning Revision of the ‘PRC Administrative Litigation Law’” [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai “zhonghua renmin gongheguo xingzheng susong fa” de jue ding], Xinhua, reprinted in *National People’s Congress*, 1 November 14.

<sup>65</sup> *Ibid.*, item 60.

<sup>66</sup> *Ibid.*, item 4.

<sup>67</sup> *Ibid.*, item 3. See also “China Amends Law To Support Citizens Suing Gov’t,” Xinhua, reprinted in *China Daily*, 1 November 14.

<sup>68</sup>Supreme People's Court, "Supreme People's Court Interpretation Regarding Several Questions on the Application of the PRC Administrative Litigation Law" [Zuigao renmin fayuan guanyu shiyong zhonghua renmin gongheguo xingzheng susong fa ruogan wenti de jieshi], 27 April 15; "Courts Can Judge the Legality of Red-Header Documents" [Fayuan ke panding hongtou wenjian shifou hefa], China Youth Daily, 28 April 15.

<sup>69</sup>Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," Stanford Journal of International Law, Vol. 42 (2006), 103–79.

<sup>70</sup>"Amending the Administrative Litigation Law: Getting Through the 'Three Difficulties' Will Allow People To Trust the Law Instead of Petitions" [Xingzheng susong xiu fa: datong "san nan" rang laobaixing xinfang bu xinfang], Procuratorate Daily, reprinted in People's Daily, National People's Congress News, 3 November 14. See also He Haibo, "Expectations Following the 'Administrative Litigation Law' Revision" ["Xingzheng susong fa" xiugai zhihou de xuannian], Caixin, 5 December 14.

<sup>71</sup>Sun Gan, "Citizens Suing Officials: Petition Cases Exceed 4 Million Annually" ["Min gao guan" xinfang anjian nian chao 400 wan jian], Beijing Times, 5 November 14.

<sup>72</sup>Adrian Wan, "Revised Law Means It's Now Easier To Sue Than Petition Governments," South China Morning Post, 2 November 14.

<sup>73</sup>State Council, Regulations on Letters and Visits [Xinfang tiaoli], issued 5 January 05, effective 1 May 05.

<sup>74</sup>CECC, 2014 Annual Report, 9 October 14, 158–59.

<sup>75</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 5(4.2); Ministry of Justice, "Ministry of Justice Issues a Set of Documents on Law- and Litigation-Related Petitions Reforms" [Sifabu yinfa shefa shesu xinfang gaige peitao wenjian], 6 May 15; State Bureau for Letters and Visits, "Publicity Announcement for the 10th Anniversary of the Revision of the 'Petition Regulations'" ["Xinfang tiaoli" xiuding shishi 10 zhounian xuanchuan zuopin zhengji qishi], 24 March 15. See also State Bureau for Letters and Visits, "Announcement Evaluating the Results of the Collecting of Works for 'These Ten Years of the Regulations'" ["Tiaoli zhe shi nian" zhengji zuopin pingshen jieguo gongbao], 24 April 15. For examples of articles in state- and Party-run media on protracted efforts to reform the petitioning system, see Bai Yang, "China's Petitioning Reforms Strive To Break Through Petitioning's 'Last Kilometer'" [Woguo xinfang gaige litu datong xinfang "zuihou yi gongli zhi du"], Xinhua, 31 May 15; Li Bin, "Petitioning Reforms Are Aimed at a Rule of Law Target" [Xinfang gaige dang miaozhun fazhi de baxin], People's Daily, 4 June 15.

<sup>76</sup>Huang Lu, "During Inspection of Provincial Bureau of Letters and Visits, Fu Dehui Emphasizes: Make Online Petitioning the Main Channel for Petitioning" [Fu dehui diaoyan sheng xinfang ju shi qiangdiao: ba wangshang xinfang da zaocheng xinfang gongzuo zhu qudao], Sina News, 10 July 15; Wang Jianhua, "Build Rule of Law Petitioning, Sunshine Petitioning, and Responsible Petitioning" [Dazao fazhi xinfang, yangguang xinfang he zeren xinfang], State Bureau for Letters and Visits, 8 June 15.

<sup>77</sup>Ministry of Justice, "Ministry of Justice Issues a Set of Documents on Law- and Litigation-Related Petitions Reforms" [Sifabu yinfa shefa shesu xinfang gaige peitao wenjian], 6 May 15. See also "Chinese Judicial Departments To Better Handle Petitions," Xinhua, 8 May 15; "Ministry of Justice Clarifies Standards for Finalizing Petitioner Matters: Guarding Against Unlimited Appeals Without a Final Resolution" [Sifabu mingque xinfang shixiang zhongjie biao zhun; fang zhong er bu jie wuxian shensu], Xinhua, 6 May 15.

<sup>78</sup>Sun Wenjing, "Cabinet Said To Approve Study for Law on Public's Gripes Against Gov't," Caixin, 14 May 15; State Council, Regulations on Letters and Visits [Xinfang tiaoli], issued 5 January 05, effective 1 May 05.

<sup>79</sup>See, e.g., "Police in China's Guangdong Move Ahead With Activist's Subversion Trial," Radio Free Asia, 30 April 15; "Sichuan Rights Defense Advocate Chen Yunfei Formally Arrested After 35 Days in Custody" [Sichuan weiquan renshi chen yunfei juya 35 tian hou zao pibu], BBC, 3 May 15; Tom Phillips, "Chinese Police Seize 'Warm-Hearted' Tiananmen Activist," Telegraph, 2 April 15; Didi Kirsten Tatlow, "Beijing Police Recommend Charges Against Civil Society Advocates," New York Times, Sinosphere (blog), 28 April 15. In June 2015, two former senior staff members of the non-governmental organization Beijing Yirenping Center were detained on suspicion of "illegal business activity." "Refile: China Detains Two Rights Activists in Widening Crackdown," Deutsche Presse-Agentur International, 15 June 15; "Two Public Interest Figures Taken Into Custody for 'Illegal Business Activity'" [Liang gongyi renshi bei yi 'feifa jingying zui' zhuabu], Radio Free Asia, 14 June 15. See also Xin Lin and Wen Jian, "More Than 1,000 Supporters Call for the Release of Rights Activist," Radio Free Asia, 3 July 15; Rights Defense Network, "Parents of Those Harmed by Vaccines Start Donation Activities in Support of Public Interest Volunteer Yang Zhanqing" [Yimiao shouhai jiazhang faqi juankuan shengyuan gongyi zhiyuanzhe yang zhanqing xingdong], 24 June 15; Tom Phillips, "Fears of New Crackdown as China Holds Two Former Members of Rights Group," Guardian, 15 June 15.

<sup>80</sup>For academic analyses on the various types of Chinese lawyers involved in cases that fall under the general umbrella of rights protection, see, e.g., Fu Hualing, "Human Rights Lawyering in Chinese Courtrooms," Chinese Journal of Comparative Law, Vol. 2, No. 2 (October 2014), 270–88 (analyzing human rights lawyering in China based on three ideal types: moderate lawyering, critical lawyering, and radical lawyering); Eva Pils, China's Human Rights Lawyers: Advocacy and Resistance (New York: Routledge, 2015), 47–51; Fu Hualing and Richard Cullen, "Weiquan (Rights Protection) Lawyering in an Authoritarian State: Building a Culture of Public Interest Lawyering," China Journal, No. 59 (January 2008), 111; Sida Liu and Terence C. Halliday, "Political Liberalism and Political Embeddedness: Understanding Politics in the Work of Chinese Criminal Defense Lawyers," Law & Society Review, Vol. 45, No. 4 (December 2011), 831–66.

<sup>81</sup>"China's Legal Profession Had 'Worst Year Ever' in 2014," Radio Free Asia, 20 January 15.

<sup>82</sup>“Chinese Lawyer Detained for Invoking Constitution,” Associated Press, 12 December 14.  
<sup>83</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 249.

<sup>84</sup>*Ibid.*, art. 293; Interpretation of the Supreme People’s Court and the Supreme People’s Procuratorate on Several Issues Concerning the Application of Law in the Handling of Criminal Cases of Picking Quarrels and Provoking Trouble [Zuigao renmin fayuan, zuigao renmin jianchayuan guanyu banli xunxin zishi xingshi anjian shiyong falu ruogan wenti de jieshi], 15 July 13; Jeremy Daum, “Quick Note on ‘Picking Quarrels,’” China Law Translate (blog), 6 May 14.

<sup>85</sup>“VOA Connects: Pu Zhiqiang Charged on Suspicion of Inciting Ethnic Hatred, Picking Quarrels and Provoking Trouble” [VOA lianxian: pu zhiqiang bei yi shexian shandong minzu chouhen, xunxin zishi zui qisu], Voice of America, 15 May 15; Zhang Qianfan, “Conviction for One’s Words Is a Legal Travesty” [Yi yan dingzui shi fazhi daji], Financial Times, 22 May 15; Perry Link, “China: Inventing a Crime,” New York Review of Books (blog), 9 February 15.

<sup>86</sup>“China’s Rights Defense Lawyers Elected as ‘Men of the Year’” [Zhongguo weiquan lushi dangxuan “fengyun renwu”], Radio Free Asia, 19 December 05.

<sup>87</sup>“And the Law Won,” Economist, 23 May 15. For more information on several of these individuals, see the following records in the Commission’s Political Prisoner Database: 2005-00291 on Gao Zhisheng, 2011-00183 on Teng Biao, 2004-04744 on Zheng Enchong, 2014-00174 on Pu Zhiqiang, 2005-00027 on Guo Guoting, 2005-000198 on Zhu Jiuhu, 2005-00199 on Xu Zhiyong, 2005-00143 on Yang Maodong (also known as Guo Feixiong), 2005-00001 on Li Baiguang, 2010-00738 on Fan Yafeng, and 2005-00126 on Chen Guangcheng.

<sup>88</sup>“Rights Defense Lawyer Xia Lin Criminally Detained on Suspicion of ‘Fraud’” [Weiquan lushi xia lin yin she “zhapian zui” bei xingju], Radio Free Asia, 17 November 14. For more information on Xia Lin, see the Commission’s Political Prisoner Database record 2014-00432.

<sup>89</sup>Chinese Human Rights Defenders, “Authorities Retaliate Against 2 Lawyers for Representing Detained Activists,” 14 November 14; Chinese Human Rights Defenders, “Xia Lin,” 16 February 15.

<sup>90</sup>Rights Defense Network, “Guangzhou Tang Jingling, Yuan Xinting Arrests Approved by Authorities on Suspicion of ‘Inciting Subversion of State Power’” [Guangzhou tang jingling, yuan xinting bei dangju yi shexian “shandong dianfu guojia zhengquan zui” pi bu], 21 June 14. For more information on Tang Jingling, see the Commission’s Political Prisoner Database record 2011-00255.

<sup>91</sup>Rights Defense Network, “Tang Jingling Inciting Subversion Case Trial Opens in Guangzhou, Adjourns Midday Without Judgment” [Tang jingling dianfu an guangzhou kaishen, zhongwu xiuting wei panjue], 19 June 15.

<sup>92</sup>Tang Jingling, “Excerpt from Tang Jingling’s Self Defense and Final Statement at Trial” [Tang jingling zai fating shang suo zuode “ziwo bianhu he zuihou chenshu”], reprinted in Human Rights in China, 24 July 15; “Former Teacher Tells Court of Torture as Guangzhou Three Subversion Trial Ends,” Radio Free Asia, 24 July 15; Mimi Lau, “Tight Security as Trial Resumes of Chinese Rights Lawyer and Activists Charged With Subversion,” South China Morning Post, 23 July 15; Dan Levin, “Trial of Chinese Rights Campaigners on Subversion Charges Continues,” New York Times, 24 July 15.

<sup>93</sup>“Rights Lawyer Tang Jingling Detained Ahead of Tiananmen Anniversary,” Associated Press and Agence France-Presse, reprinted in South China Morning Post, 16 May 14.

<sup>94</sup>*Ibid.*

<sup>95</sup>“Human Rights Lawyer Yu Wensheng Criminally Detained for Dispute at Fengtai Detention Center for Attempting To Exercise Right of Lawyer To Meet With Client” [Renquan lushi yu wensheng beijing fengtai kanshousuo zheng lushi huijian quan bei xingju], Boxun, 24 October 14; Civil Rights & Livelihood Watch, “Lawyer Wang Cheng and Citizen Song Ze Seized in Beijing With Lawyer Yu” [Wang cheng lushi gongmin song ze zai beijing yu yu lushi yitong bei zhua], 14 October 14. For more information on Yu Wensheng, see the Commission’s Political Prisoner Database record 2014-00387.

<sup>96</sup>Rights Defense Network, “Solemn Declaration Strongly Condemning Beijing Municipality Police’s Illegal Seizure of Lawyer Yu Wensheng” [Guanyu qianglie qianze beijing shi jingfang feifa zhua bu yu wensheng lushi de yanzheng shengming], 13 October 14.

<sup>97</sup>Rights Defense Network, “Rights Defense Lawyer Yu Wensheng Released From Prison on January 20: 29 Citizens Still Locked Up in This Wave” [Weiquan lushi yu wensheng 1 yue 20 ri huoshi chuyu: ci bo bei zhua gongmin hai you 29 ren bei guanya], 22 January 15.

<sup>98</sup>“Lawyer’s Wife Xu Yan Issues Statement Protesting State Security Captain’s Harassment and Threats” [Lushi gizi xu yan fabiao shengming kangyi guobao duizhang saorao weixie], Radio Free Asia, 16 June 15.

<sup>99</sup>“China Holds Two More Rights Lawyers Under Criminal Detention,” Radio Free Asia, 16 May 14. For more information on Qu Zhenhong, see the Commission’s Political Prisoner Database record 2014-00179.

<sup>100</sup>“Pu Zhiqiang’s Niece, Qu Zhenhong, Released on Bail” [Pu zhiqiang waishengnu qu zhenhong qubao huoshi], BBC, 18 May 15.

<sup>101</sup>See, e.g., Yaxue Cao and Yaqiu Wang, “14 Cases Exemplify the Role Played by Lawyers in the Rights Defense Movement, 2003–2015,” China Change, 19 August 15; “Announcement on the Establishment of a Legal Backup Group for the Jiansanjiang Cases” [Jiansanjiang anjian falu houyuantuan chengli gonggao], Boxun, 7 January 15; Luo Ya, “Eight Lawyers Brave Possible Beating To Defend Falun Gong,” Epoch Times, 18 December 14.

<sup>102</sup>See, e.g., Yaxue Cao and Yaqiu Wang, “14 Cases Exemplify the Role Played by Lawyers in the Rights Defense Movement, 2003–2015,” China Change, 19 August 15.

<sup>103</sup>See, e.g., “Tohti Verdict Upheld,” Global Times, 22 November 14; “Human Rights Lawyer Yu Wensheng Criminally Detained for Dispute at Fengtai Detention Center for Attempting To Exercise Right of Lawyer To Meet With Client” [Renquan lushi yu wensheng beijing fengtai

kanshousuo zheng lushi huijian quan bei xingju], Boxun, 24 October 14; “In One Step Forward, Chinese Authorities Release Zhang Miao, an Employee at the German Weekly Die Zeit, and in One Step Backward, [They] Arrest Zhang Miao’s Rights Lawyer Zhou Shifeng” [Zhongguo dangju qianjiao shifang wei deguo shidai zhokan gongzuo de zhang miao houjiao jiu daibu zhang miao de weiquan lushi zhou shifeng], Radio France Internationale, 10 July 15.

<sup>104</sup> Rights Defense Network, “Mainland Lawyers Issue Public Announcement Regarding Formation of the Chinese Lawyers Group for the ‘Protection of Human Rights’” [Dalu lushi fabu zhongguo “baozhang renquan” lushi fuwutuan chengli gonggao], 14 September 13.

<sup>105</sup> “China Human Rights Lawyers Group Celebrates First Anniversary With 225 Members” [Zhongguo renquan lushi tuan chengli yi zhou nian chengyuan zeng zhi 225 ren], Radio Free Asia, 13 September 14.

<sup>106</sup> 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. See also “China’s Missing Rights Lawyers,” New York Times, 8 August 15; China Human Rights Lawyers Concern Group, “As of 20:00 25 July 2015, At Least 255 Lawyers/Law Firm Staff/Human Rights Activists Have Been Detained/Arrested/Incommunicado/Summoned/Restricted Freedom Temporarily,” 25 July 15.

<sup>107</sup> For the total number of individuals detained as of September 1, 2015, see Chinese Human Rights Defenders, “Individuals Affected by July 10 Crackdown on Rights Lawyers,” 13 July 15, last visited 1 September 15. See also Chinese Human Rights Lawyers Concern Group, “As of 18:00 28th August 2015, At Least 277 Lawyers/Law Firm Staff/Human Right[s] Activists/Family Members Have Been Detained/Arrested/Incommunicado/House Arrested/Forbidden To Leave the Country/Questioned/Summoned/Restricted Freedom Temporarily,” 28 August 15.

<sup>108</sup> See, e.g., John Kirby, U.S. Department of State, “U.S. Condemns Detention of Human Rights Defenders in China,” 12 July 15; Canada Department of Foreign Affairs, Trade and Development, “Canada Gravely Concerned by Detention and Disappearance of Lawyers and Activists in China,” 16 July 15; Department of Foreign Affairs and Trade, Commonwealth of Australia, “Recent Human Rights Developments in China,” 17 July 15; Federal Foreign Office, Federal Republic of Germany, “Human Rights Commissioner Strässer Condemns the Arrest of Scores of Lawyers in China,” 14 July 15. Intergovernmental organizations also expressed concerns about the arrests. See, e.g., European External Action Service, European Union, “Statement by the Spokesperson on Recent Developments in the Human Rights Situation in China,” 17 July 15; United Nations Office of the High Commissioner for Human Rights, “Lawyers Need To Be Protected Not Harassed”—UN Experts Urge China To Halt Detentions,” 16 July 15.

<sup>109</sup> See, e.g., China Labour Bulletin et al., “China: Open Letter to States for Joint Action To Address Worsening Crackdown on Human Rights Defenders and Lawyers,” 10 August 15, reprinted in Chinese Human Rights Defenders, 12 August 15 (joint letter from China Labour Bulletin, Chinese Human Rights Defenders, Fédération Internationale des Droits de l’Homme, Human Rights in China, Human Rights Watch, International Campaign for Tibet, International Service for Human Rights); Freedom House, “China Detentions and Repatriations Violate Basic Rights,” 14 July 15; Amnesty International, “China: Lawyers Face 15 Years in Jail on ‘Chilling’ State Security Charges,” 16 July 15; The Law Society of England and Wales, “Law Society Urges China To Release Lawyers Arrested in ‘Crackdown,’” 15 July 15; Japan Federation of Bar Associations, “Bar Federation Condemns China’s Detention of Lawyers,” 26 July 15; Law Council of Australia, “Law Council Deeply Concerned with ‘Crackdown’ Against Lawyers in China,” 17 July 15; New York City Bar Association, “City Bar Voices Grave Concern Over Treatment of Rights Lawyers in China,” 44th Street Blog, 10 August 15; American Bar Association, “ABA President William C. Hubbard Statement on Lawyers in China,” 3 August 15. Organizations based in Hong Kong and Taiwan also expressed concerns about the arrests. See Foreign Correspondents’ Club, Hong Kong, “FCCHK Statement on the Detention of Human Rights Lawyers in China,” 17 July 15; Hong Kong Bar Association, “Statement of Hong Kong Bar Association on Reports of Multiple Arrests Made of Mainland Legal Professionals,” 18 July 15; Taiwan Bar Association, “Statement of the Entire Association on Mainland China’s Arrests and Other [Measures Against] Rights Defense Lawyers” [Jiu zhongguo dalu dui weiquan lushi jin daibu deng zhi quan lianhui shengming shu], 21 July 15.

<sup>110</sup> “Dozens of Human Rights Groups Condemn China’s Repeated Violations of Legal Procedures, Hong Kong Academics Join for First Time To Petition for Detained Lawyers” [Shushi renquan tuanti qianze zhongguo zaici weifan falu chengxu xianggang xuejie shou canyu lianshu shengyuan lushi], Radio Free Asia, 12 July 15; “China’s ‘Rule by Law’ Takes an Ugly Turn: A ChinaFile Conversation,” Asia Society, ChinaFile (blog), 14 July 15; Josh Chin and Te-Ping Chen, “China Targets Human-Rights Lawyers in Crackdown,” Wall Street Journal, 12 July 15. As reported in the Wall Street Journal, Professor Jerome Cohen of New York University School of Law “described the recent sweep as ‘insane,’” noting that “China’s leaders must be in desperate straits to engage in this extraordinary, coordinated attack on human-rights lawyers.”

<sup>111</sup> New York City Bar Association, “City Bar Voices Grave Concern Over Treatment of Rights Lawyers in China,” 44th Street Blog, 10 August 15.

## IV. Xinjiang

### *Introduction*

During the Commission's 2015 reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) emphasized the implementation of top-down security and development initiatives in the region, enforcing policies some observers said could exacerbate existing ethnic tensions. International journalists and rights groups provided accounts of violent clashes throughout the reporting year that differed significantly from official accounts, and included reports of Chinese authorities' excessive use of force and extrajudicial killings in addition to attacks committed by Uyghurs. Central government lawmakers considered counterterrorism legislation that critics said could provide officials with unprecedented authority to commit rights abuses, including in the XUAR. Regional lawmakers enacted new regulations regarding religious affairs that increased officials' ability to monitor and control Uyghurs' religious practices. XUAR authorities also tightened regulations on online speech and continued to restrict independent media coverage of violent incidents in the region.

### *Security Measures and Conflict*

During this reporting year, regional authorities continued to implement repressive security measures targeting Uyghur communities. In January 2015, XUAR Communist Party Secretary Zhang Chunxian called for a renewed push against terrorism in the XUAR.<sup>1</sup> Reports from international media and rights advocates documented arbitrary detentions;<sup>2</sup> police, People's Armed Police, and People's Liberation Army (PLA) checkpoints and patrols;<sup>3</sup> and searches of Uyghur homes.<sup>4</sup> In November 2014, officials began to recruit at least 3,000 former members of the PLA to serve as "community workers" in Urumqi city in order to "maintain stability."<sup>5</sup> International observers expressed concerns over security measures and the excessive use of force in the region.<sup>6</sup> In conjunction with security measures, authorities launched activities aimed at eradicating "religious extremism,"<sup>7</sup> which international media and other observers argued frequently targeted Uyghurs' peaceful Islamic religious practices.<sup>8</sup>

International media and rights advocates also raised concerns about Chinese authorities' failure to report information and attempts to suppress information regarding deadly clashes involving Uyghurs.<sup>9</sup> An April 2015 Agence France-Presse report cast doubt on the Chinese government's account of July 28, 2014, violence in Yarkand (Shache) county, Kashgar prefecture, citing villagers who said security personnel shot and killed protesters and "disappeared" hundreds of others who were protesting against religious restrictions.<sup>10</sup> Officials called the incident, likely the deadliest of 2014, a terrorist attack in which militants from outside the area had "incited rioters to attack police."<sup>11</sup> On September 21, 2014, in Bugur (Luntai) county, Bayingol Mongol Autonomous Prefecture, more than 50 people died and 50 others were injured, according to official figures, after residents reportedly raided government buildings and a police station and set off explosive devices.<sup>12</sup> Authorities

initially reported that only two people had died in the violence.<sup>13</sup> An official media report in Tianshan Net describing the incident as a “terrorist attack” differed markedly from a Radio Free Asia (RFA) report that did not explicitly label the clash a terrorist attack, and that quoted a source who said it was sparked by anger over forced evictions.<sup>14</sup>

Throughout this reporting year, more than 160 people died in violent clashes in the XUAR that likely involved ethnic or political tensions. Representative cases follow:

- On October 12, 2014, in Maralbeshi (Bachu) county, Kashgar, 22 people died, including the assailants, after 4 Uyghur men with knives and explosives attacked police officers and Han Chinese stall owners at a farmers’ market.<sup>15</sup> Officials reportedly instructed state media not to report on the incident.<sup>16</sup>
- On November 28, 2014, in Yarkand county, Kashgar, 15 people died, including 11 attackers shot by police, and 14 others were injured. The assailants reportedly used knives and explosives to attack and kill people on a street with food vendors.<sup>17</sup>
- On February 17, 2015, in Bay (Baicheng) county, Aksu prefecture, 17 people died, including 9 attackers shot by police, when Uyghurs inside a house clashed with police conducting house-to-house searches.<sup>18</sup> According to RFA, the dead included the local police chief and three other police officers, nine attackers and four “passersby” who were killed by police gunfire.<sup>19</sup>
- On June 23, 2015, in Kashgar city, Kashgar prefecture, between 18 and 28 people died when a group of Uyghurs with knives and explosives attacked police at a traffic checkpoint.<sup>20</sup> The dead reportedly included up to 5 police officers and 15 attackers, as well as a number of bystanders.<sup>21</sup>

In at least three fatal attacks during the reporting year, Uyghur attackers specifically targeted local officials. On February 24, 2015, in Guma (Pishan) county, Hotan prefecture, a young Uyghur man reportedly stabbed a population planning official to death.<sup>22</sup> On March 8, 2015, in Yarkand, Kashgar, Uyghur attackers killed a local police commander and two of his family members, as well as a security guard.<sup>23</sup> According to RFA, the attackers came from a nearby township where, days earlier, the police commander had been involved in the shooting of a Uyghur woman.<sup>24</sup> On May 15, 2015, a young Uyghur man reportedly stabbed a township head to death in Hotan county, Hotan prefecture.<sup>25</sup> In March 2015 in Hotan county, an unidentified group of Uyghurs kidnapped the chief of public security in a local village, after which police detained more than 200 suspects and conducted raids of local homes to investigate the kidnapping.<sup>26</sup>

In addition to attacks that took place within the XUAR during the reporting year, Uyghurs reportedly carried out attacks outside of the XUAR. Several witnesses stated that Uyghurs were responsible for a March 6, 2015, knife attack that injured nine people at the railway station in Guangzhou municipality, Guangdong province.<sup>27</sup> Police shot and killed one of the attackers.<sup>28</sup> On March 26, police in Kaiyuan city, Yunnan province, reportedly shot and killed

one Uyghur after he and three other Uyghurs attacked a public security checkpoint.<sup>29</sup>

### *Legal and Counterterrorism Developments*

According to the XUAR annual work report on the region's courts, XUAR authorities oversaw a 40-percent rise in concluded criminal trials in 2014 and carried out nearly twice as many arrests as compared to the previous year.<sup>30</sup> The U.S.-based human rights organization Dui Hua Foundation stated that the increase in criminal trials indicated "heightened . . . suppression of human rights activism and dissent in Xinjiang."<sup>31</sup> In the spring of 2014, central and regional government officials launched a year-long crackdown on terrorism in the XUAR,<sup>32</sup> following a series of violent clashes and attacks in the region.<sup>33</sup> Amnesty International expressed concern that under the crackdown, authorities would not try defendants according to due process of law.<sup>34</sup> In late 2014, state media reported that as part of the crackdown, XUAR authorities had destroyed 115 alleged "terrorist cells," detained 238 people who had provided religious instruction or sites for religious instruction, and shut down 171 "religious training sites."<sup>35</sup> In May 2015, XUAR officials announced that they had broken up 181 "terrorist groups" as part of the crackdown.<sup>36</sup> In December 2014, Supreme People's Court President Zhou Qiang said authorities must "crack down harshly and quickly" on terrorism cases, as well as on cases involving national security and social stability.<sup>37</sup> In addition, in January 2015, XUAR Party Secretary Zhang Chunxian wrote in an article discussing the rule of law and stability in the region that rule of law in China is not based on "separation of powers," and China should not emulate Western "judicial independence" and "judicial neutrality."<sup>38</sup>

#### **Draft PRC Counterterrorism Law**

In November 2014, the Chinese government made public for consultation a draft of the PRC Counterterrorism Law,<sup>39</sup> legislation described by Chinese scholars and lawmakers as necessary to protect the country against terrorism.<sup>40</sup> The wide-ranging law seeks to define what constitutes terrorist activity, and lays out a framework for establishing counterterrorism institutions, enhancing security, and coordinating intelligence gathering and emergency response, among other areas.<sup>41</sup> Human rights organizations and other critics warned that the law fails to conform to international legal standards and provides officials with a pretext to commit human rights abuses in the name of counterterrorism, including in the XUAR.<sup>42</sup> During a February 2015 review, authorities removed a reference to "thought" in the draft law's definition of terrorism,<sup>43</sup> a definition that Human Rights Watch (HRW) had warned was "overly broad."<sup>44</sup> The Commission did not observe reports of the removal of other language in the draft law that HRW cautioned could be used to carry out rights abuses in the XUAR.<sup>45</sup> For instance, under Article 24, minors' participation in religious activity could be characterized as "terrorist or extremist tendencies."<sup>46</sup>

In December 2014, the Urumqi Intermediate People's Court sentenced six Uyghurs and one member of the Yi ethnic minority to prison terms ranging from three to eight years on the charge of "separatism,"<sup>47</sup> a crime falling under the category of "endangering state security."<sup>48</sup> The seven individuals had reportedly been students of Uyghur scholar Ilham Tohti, and at least some had contributed to the website Uyghur Online, which Tohti founded.<sup>49</sup> In November 2014, the XUAR High People's Court upheld Tohti's life sentence, rejecting an appeal filed by his lawyers.<sup>50</sup> The court announced its decision on the appeal inside the Urumqi No. 1 Public Security Bureau Detention Center,<sup>51</sup> where Tohti was being held, a move his lawyers and international rights groups said violated normal judicial procedures.<sup>52</sup>

On May 31, 2015, authorities released from prison Ablikim Abdureyim, the son of U.S.-based Uyghur rights advocate Rebiya Kadeer, who had served nine years for "instigating and engaging in secessionist activities."<sup>53</sup> Kadeer attributed her son's survival in prison, where he was reportedly tortured, to "the concern shown by the international community and rights organizations, as well as pressure from western governments on Beijing."<sup>54</sup>

#### *Development Policy*

During the Commission's 2015 reporting year, central government and regional authorities continued to focus on cultivating the XUAR as a central point of China's new "Silk Road" development strategy, promoting extensive "Silk Road" projects for their ability to simultaneously stimulate economic growth and "maintain stability" in the region.<sup>55</sup> Some observers expressed concern over the environmental impact of new and ongoing development projects in the XUAR.<sup>56</sup> Other observers raised concerns that development initiatives could further exacerbate existing regional economic inequality and ethnic tensions.<sup>57</sup>

In November 2014, President Xi Jinping announced that central government authorities would spend US\$40 billion to establish a Silk Road Fund,<sup>58</sup> including US\$16.3 billion in funds for infrastructure projects.<sup>59</sup> In April 2015, during a two-day visit to Pakistan, Xi announced a US\$46 billion package of development projects, including energy, rail, road, and other infrastructure projects linking the XUAR to Pakistan's Gwadar port.<sup>60</sup> During the visit, Xi Jinping and Pakistani leaders also stressed the importance of bilateral efforts to fight terrorism.<sup>61</sup>

Central and regional authorities continued investing substantial funds in the XUAR to extract coal and gas, as well as to construct oil and gas pipelines and high-voltage electricity lines to transport energy resources between the XUAR and other parts of China and Central Asia.<sup>62</sup> In November 2014, authorities launched the XUAR's first high-speed rail line, which cut the travel time by around half between Qumul (Hami) city and the regional capital Urumqi.<sup>63</sup> In February 2015, central government authorities announced a financial support package for southern areas of the XUAR designed to "stimulate economic development and safeguard social stability."<sup>64</sup>

As part of policy measures President Xi introduced in May 2014 that were reportedly aimed at employing and educating Uyghurs in



Han Chinese areas, as well as strengthening “ethnic unity,”<sup>65</sup> authorities continued to bring groups of Uyghurs from the XUAR to areas on China’s east coast to work in factory jobs.<sup>66</sup> The government of Guangdong province, which reportedly planned to bring 5,000 workers from the XUAR in the three years beginning in 2014,<sup>67</sup> issues payments to companies employing the workers.<sup>68</sup>

In 2015, regional officials began the second round of the “Down to the Grassroots” campaign,<sup>69</sup> which officials and Party-run media billed as aiming to boost development, improve people’s livelihoods, and enhance stability and “ethnic unity.”<sup>70</sup> Under the program, which began in 2014, 70,000 XUAR officials assume one-year “grassroots” positions in villages throughout the region,<sup>71</sup> as part of a three-year regional plan to dispatch 200,000 “grassroots” cadres.<sup>72</sup> In one village in Ghulja (Yining) municipality, Ili Kazakh Autonomous Prefecture, authorities reported that officials cleared a landfill site and improved public transport for local children, among other tasks.<sup>73</sup> A British reporter found that the 12 officials stationed in Bayandai village in Ghulja were equipped with riot shields, helmets, and spears at their base at the local population planning clinic, and they had set up a closed-circuit television camera and a temporary police station in front of the village mosque.<sup>74</sup>

### *Freedom of Religion*

This past reporting year, XUAR authorities increased their ability to regulate and penalize Uyghurs for Muslim religious practices and the expression of their religious identity. In November 2014, the XUAR People’s Congress amended the Xinjiang Uyghur Autonomous Region Regulations on Religious Affairs (RRA), which took effect on January 1, 2015.<sup>75</sup> The RRA were first issued in 1994<sup>76</sup> and last amended in 2001.<sup>77</sup> The newly amended regulations broaden XUAR officials’ authority to limit religious practices, control online expression, and restrict wearing beards or attire perceived to have religious connotations.<sup>78</sup> The 2015 RRA amendments codify a number of guidelines previously implemented only as policy directives or by local authorities.<sup>79</sup>

Authorities throughout the XUAR also continued to implement other policies and regulations restricting Uyghur Muslims’ attire, appearance, and behavior. In January 2015, the XUAR People’s Congress Standing Committee approved a ban on wearing face-covering veils in public in Urumqi municipality,<sup>80</sup> which followed similar restrictions drafted or enforced in 2014 in Qaramay (Kelamayi) city<sup>81</sup> and Turpan prefecture.<sup>82</sup> Authorities continued to promote a regional “beauty project,” under which authorities urge Muslim women to dress in a “modern” fashion and not to wear veils and other clothing that may be associated with Islamic beliefs or a Muslim cultural identity.<sup>83</sup> In December 2014, authorities in some parts of the XUAR issued a brochure listing 75 forms of “extreme religious activities.”<sup>84</sup> The 75 listed activities included wearing veils and abusing or threatening people who dress “fashionably,” in addition to reading extremist websites, abstaining from alcohol, and other types of behavior.<sup>85</sup> In April 2015, authorities in Hotan county, Hotan prefecture, reportedly ordered Uyghur shopkeepers to stock alcohol and cigarettes in a campaign to “weaken religion,”

as many local residents refrained from drinking and smoking for religious reasons.<sup>86</sup>

Authorities in some locations in the XUAR tightened restrictions on minors' observance of Islamic religious practices.<sup>87</sup> In October 2014, more than 1,000 school principals in Kashgar prefecture, for instance, signed a pledge to "resist the infiltration of religion on campus."<sup>88</sup> Authorities also targeted what they termed "religious extremism," and local governments throughout the XUAR enforced campaigns to "eradicate extremism" throughout the reporting year.<sup>89</sup> In June 2015, XUAR Communist Party Secretary Zhang Chunxian delivered a speech on religion in which he warned against "religious extremism" and emphasized the role of Chinese culture and "Chinese socialism" in guiding religion in China.<sup>90</sup> In June 2015, a court in Atush (Atushi) city, Kizilsu (Kizilesu) Kirghiz Autonomous Prefecture, reportedly sentenced five Uyghurs to terms of between one and three years for engaging in "religious extremism," after they attended "unsanctioned" sermons and wore "crescent moon-shaped" beards.<sup>91</sup> In addition, state media reported in March 2015 that the XUAR People's Congress was planning to draft, by 2016, regulations specifically targeting "religious extremism."<sup>92</sup>

Some Uyghur Muslims and Christians continued to serve prison sentences for the peaceful observance of their religious beliefs.<sup>93</sup> In March 2015, an online state media outlet published an article reporting that a court in Kashgar prefecture sentenced a man to six years in prison for wearing a long beard and sentenced his wife to two years for wearing a burqa.<sup>94</sup> The state media website later deleted the article, reportedly due to censorship instructions from government authorities.<sup>95</sup> On March 21, 2015, authorities in Hanerik (Han'airike) township, Hotan county, reportedly sentenced Uyghur religious scholar Qamber Amber to nine years' imprisonment, following a public trial, for defying official instructions to stop giving speeches at religious ceremonies and for otherwise "refusing to cooperate" with authorities.<sup>96</sup>

As in the previous reporting year,<sup>97</sup> local government officials throughout the XUAR reportedly maintained restrictions on Uyghurs' observance of Ramadan, forbidding government employees, students, and teachers from fasting.<sup>98</sup> In Keriya (Yutian) county, Hotan prefecture, authorities forbade food establishments from shutting down or refusing to serve food during Ramadan.<sup>99</sup> Hotan prefecture's Quality and Technology Supervision Bureau announced in June that, as in previous years, it would carry out special educational activities regarding atheism for the bureau's cadres and workers during Ramadan.<sup>100</sup> In addition, authorities reportedly restricted imams in the XUAR to one hour of preaching on Fridays, the Muslim holy day, during the Ramadan period.<sup>101</sup>

### *Freedom of Expression*

During the reporting period, regional officials restricted the flow of information, including media reports and Internet communications. Foreign journalists reported that security officials monitored them and attempted to restrict their coverage when they reported from the XUAR.<sup>102</sup> Government authorities also periodically issued instructions to domestic media outlets not to report on violent inci-

dents involving Uyghurs.<sup>103</sup> International reports cited a statement from Radio Free Asia (RFA) that Chinese authorities had sentenced one of Uyghur-American RFA journalist Shohret Hoshur's brothers to prison in 2014 on "state security" charges, likely in retaliation for his coverage of news in the XUAR.<sup>104</sup> Authorities reportedly scheduled an August 2015 trial for another of Hoshur's brothers on charges of "leaking state secrets," with a third brother potentially set to be tried soon afterwards on the same charge<sup>105</sup>—both of whom were reportedly detained after discussing their brother's 2014 trial in a telephone call with Hoshur.<sup>106</sup>

The XUAR government also tightened measures to control and monitor online speech. In December 2014, regional officials issued new restrictions requiring Internet service providers to provide their encryption technology to the government, locate their servers within the XUAR, and obtain information about users' real identities.<sup>107</sup> According to an international rights group, the restrictions are a continuation of the Chinese government's strategy of "combining broad-based definitions of 'terrorism' and what it styles as 'religious extremism' with highly restrictive [I]nternet regulation."<sup>108</sup> In January 2015, state media reported new regulations requiring anyone selling a mobile phone or computer in the XUAR to provide the purchaser's personal details to police.<sup>109</sup> State media described the measures as tools to combat terrorism and other crimes,<sup>110</sup> but overseas rights groups voiced concerns over the scope of the restrictions.<sup>111</sup>

### *Freedom of Movement*

In October 2014, XUAR authorities issued new guidelines for the region's household registration (*hukou*) system, relaxing restrictions on people settling in southern parts of the XUAR but limiting migration to the more developed northern cities of Urumqi and Qaramay.<sup>112</sup> Local police officials reportedly said the relaxation of guidelines was aimed at facilitating Han Chinese migration to certain areas in the XUAR, and that Uyghurs were less likely to qualify for *hukou* in areas such as Urumqi and Qaramay under the guidelines.<sup>113</sup> According to an Australian scholar, officials intended the new rules to encourage Han Chinese to migrate to southern parts of the XUAR, even if they did not overtly state this aim.<sup>114</sup> Regional authorities promoted the plan, which facilitates migration to areas predominantly populated by Uyghurs,<sup>115</sup> as aimed at boosting "the establishment of mixed communities."<sup>116</sup>

During this reporting year, authorities limited Uyghurs' ability to travel, both domestically and abroad. Reports indicated officials continued to restrict Uyghurs' access to hotels in areas outside of the XUAR.<sup>117</sup> In December 2014, Radio Free Asia reported that authorities in Hotan prefecture had begun enforcing rules making it more difficult for local Uyghurs to obtain passports in order to travel abroad.<sup>118</sup> In April 2015, authorities in Ili Kazakh Autonomous Prefecture ordered residents to turn in passports to police by May 15, and said border control officials would cancel passports that were not turned in.<sup>119</sup>

In August 2015, in a potentially positive development, XUAR authorities announced they would simplify the region's passport ap-

plication process and facilitate international travel for XUAR residents of different ethnic groups.<sup>120</sup>

### *Uyghur Refugees in Southeast Asia*

During this reporting year, international media reports highlighted a trend of Uyghurs traveling from the XUAR to Southeast Asian countries in hopes of later finding refuge in Turkey.<sup>121</sup> This migration came amid a period of security crackdowns in the XUAR and restrictions on Uyghur Muslims' religious practices.<sup>122</sup> In particular, reports highlighted the situation of hundreds of individuals believed to be Uyghurs whom Thai authorities were holding in detention facilities.<sup>123</sup> Thai authorities intercepted and held more than 400 Uyghurs beginning in March 2014, including large numbers of women and children,<sup>124</sup> although some reportedly fled from Thai detention facilities in November 2014.<sup>125</sup> In March 2015, a Thai court rejected the claims of 17 Uyghurs held in Thailand that immigration authorities had illegally detained them.<sup>126</sup> In late June 2015, Thai authorities allowed 173 Uyghur women and children to leave Thailand and travel to Turkey, where they planned to resettle.<sup>127</sup> The group reportedly included some of the 17 Uyghurs who had appealed to the Thai court.<sup>128</sup>

On July 9, 2015, Thai authorities forcibly deported 109 Uyghurs to China,<sup>129</sup> in spite of widespread concern on the part of rights groups that Chinese authorities would persecute them upon their return.<sup>130</sup> Chinese officials had reportedly pressured Thai authorities to deport the Uyghurs.<sup>131</sup> The U.S. State Department,<sup>132</sup> the United Nations High Commissioner for Refugees (UNHCR),<sup>133</sup> and some international rights groups<sup>134</sup> condemned the deportation, describing it as a violation of international law and warning that Chinese authorities were likely to subject them to harsh treatment. As of July 9, 2015, between 50 and 67 Uyghurs reportedly remained in Thai detention facilities.<sup>135</sup>

In addition, in October 2014, rights groups urged Malaysian authorities not to deport 155 Uyghurs, including 76 children, who had fled to Malaysia from China.<sup>136</sup> In December 2012, Malaysian authorities deported six Uyghur asylum seekers to China, although the UNHCR was still reviewing their asylum claims.<sup>137</sup>

In January 2015, Chinese authorities said that since they began cracking down on "human smuggling" in southern border regions in May 2014, they had detained 1,204 people for their role in "human smuggling" or for trying to cross the border illegally.<sup>138</sup> Reports attributed the crackdown largely to officials' attempts to block Uyghurs they said were connected with violence or terrorism from crossing the border.<sup>139</sup> Chinese police used lethal force in at least three incidents involving individuals who were likely Uyghurs attempting to cross the border into Vietnam and who, in at least two of the incidents, authorities said attacked police.<sup>140</sup>

### *Other Social Policies*

During this reporting year, Chinese officials linked the implementation of social policies in the areas of education, population planning, and labor to the preservation of stability in the XUAR. In December 2014, Yu Zhengsheng, a member of the Standing

Committee of the Political Bureau of the Communist Party Central Committee and Chairman of the Chinese People's Political Consultative Conference (CPPCC),<sup>141</sup> stated that "bilingual education" was important to the maintenance of "social stability" and "ethnic unity" in the XUAR.<sup>142</sup> Under "bilingual education," class instruction takes place primarily in Mandarin Chinese, largely replacing instruction in languages spoken by ethnic minority groups.<sup>143</sup> In January 2015, Hou Hanmin, a CPPCC delegate and Party Secretary of the XUAR Women's Federation,<sup>144</sup> called for measures to lower birth rates in southern parts of the XUAR.<sup>145</sup> Hou voiced concern that high birth rates, in addition to a high number of early marriages and high divorce rates, "pos[ed] risks to social stability."<sup>146</sup> In June 2015, officials in Toqsu (Xinhe) county, Aksu prefecture, reportedly said they had ordered local Uyghur farmers to engage in *hashar*, a type of forced group labor for public works projects, in part to promote stability in the area.<sup>147</sup>

While authorities sent some Uyghur workers outside of the XUAR to participate in programs reportedly aimed at promoting "ethnic unity,"<sup>148</sup> some government and private employers within the XUAR discriminated against non-Han job applicants.<sup>149</sup> As in past reporting years,<sup>150</sup> the Commission observed employment advertisements that set aside positions exclusively for Han Chinese, including civil servant and private-sector positions, contravening Chinese labor law.<sup>151</sup> Private and public employers also continued to reserve some positions exclusively for men, leaving non-Han women to face both ethnic and gender discrimination in the hiring process.<sup>152</sup>

#### Notes to Section IV—Xinjiang

<sup>1</sup>“Zhang Chunxian Publishes Signed Article in the People’s Daily: Fully Promote the Rule of Xinjiang According to Law” [Zhang chunxian zai renmin ribao fabiao shuming wenzhang: quanmian tuijin yifa zhi jiang], People’s Daily, 7 January 15. Zhang’s article followed central and regional government officials’ launch, in the spring of 2014, of a year-long crackdown on terrorism in the XUAR. See “Legal and Counterterrorism Developments” in this section for information on the crackdown.

<sup>2</sup>Simon Denyer and Xu Yangjingjing, “China Jails a Muslim for Six Years—For Refusing To Shave His Beard,” Washington Post, 30 March 15; “China’s Jailing of Man Who Grew Beard ‘Absurd,’” Agence France-Presse, reprinted in Daily Mail, 30 March 15; “China Forces Shot Protesters: Xinjiang Residents,” Agence France-Presse, reprinted in Daily Mail, 28 April 15.

<sup>3</sup>“Five Dead After Security Checkpoint Clash in Xinjiang’s Hoten Prefecture,” Radio Free Asia, 30 January 15; Huang Mingjian and Wang Yiming, “Impregnable Barrier Built on the Edge of the Desert To Fight Terror and Safeguard Stability” [Shamo fudi zhu qi fankong weiwen de tongqiang tiebi], China Police Net, 16 February 15; “China’s Drive To Settle New Wave of Migrants in Restive Xinjiang,” Agence France-Presse, reprinted in South China Morning Post, 8 May 15; Cui Jia and Zhao Lei, “PLA Strengthens Xinjiang Forces To Foil Terror Attacks,” China Daily, 23 January 15; “At Least Eight Uyghurs Shot Dead by Chinese Authorities in Xinjiang,” Radio Free Asia, 19 June 15.

<sup>4</sup>Simon Denyer, “From Burqas to Boxing Gloves, China’s 75 Tips for Spotting Extremist Muslims,” Washington Post, WorldViews (blog), 12 December 14; “Hacking, Shooting Incident Leaves 17 Dead in Xinjiang’s Aksu Prefecture,” Radio Free Asia, 20 February 15; “Police Conduct Raids in Xinjiang a Year After Flag Burning at Mosque,” Radio Free Asia, 16 April 15.

<sup>5</sup>Jia Mengyan, “Urumqi City Recruiting 3,000 Former Soldiers, They Can Have Residency and Take Civil Service Exam” [Wushi zhao sanqian tuiyi bing ke luohu canjia nabian kao], Urumqi Evening News, 26 November 14; Zhang Dongmei, “Urumqi To Recruit 3,000 Former Soldiers From Throughout Xinjiang, They Can Have Residency and Take the Civil Service Examination” [Wulumuqi mianxiang quan jiang zhao sanqian tuiyi bing ke luohu he canjia nabian kaoshi], Yaxin Net, 26 November 14. See also Tom Phillips, “China Sends Thousands of Troops To Combat Xinjiang Violence,” Telegraph, 28 November 14.

<sup>6</sup>Andrew Jacobs, “6 Men, Said To Have Attacked the Police, Are Killed in China’s Far West,” New York Times, 12 January 15; Uyghur Human Rights Project, “Legitimizing Repression: China’s ‘War on Terror’ Under Xi Jinping and State Policy in East Turkestan,” 3 March 15; “China Clamps Down on ‘Underage Religion’ Among Muslim Uyghurs,” Radio Free Asia, 30 October 14.

<sup>7</sup>Liu Xia, “Remarkable Results From Hotan Prefecture Launch of All-Out ‘Eradicate Extremism’ Work” [Hetian diqu quanli kaizhan “qu jiduanhua” gongzuo chengxiao xianzhul], Tianshan Net, 4 February 15; Li Chunling, “To ‘Eradicate Extremism,’ the ‘Three Not Managed’ Problem Must Be Resolved” [“Qu jiduanhua” yao jiejie hao “san bu guan” wenti], Xinjiang Daily, 6 February 15; Yang Jie, “Akto County Launches ‘Seven Advanced Homes’ Activity To ‘Eradicate Extremism’” [Aketao xian kaizhan “qi jin jiating” huodong “qu jiduanhua”], Xinjiang Daily, reprinted in Xinhua, 6 February 15; “New Xinjiang Islamic Association Issues Proposals to Islamic Clergy and the Muslim Public To Thoroughly Carry Out Activities To Eliminate Religious Extremism and Resolutely Eradicate Religious Extremist Thinking” [Xin xinjiang yisilan jiao xiehui xiang yisilan jiao jie renshi he musilin qunzhong fachu changyi shenru kaizhan qu zongjiao jiduanhua huodong jianjue chanchu zongjiao jiduan sixiang], Xinjiang Daily, 10 December 14; Lin Wei, “Using ‘Individual Actions’ To Accumulate Positive Energy That ‘Eradicates Extremism’” [Yong “wei xingdong” huiju “qu jiduanhua” de zheng nengliang], Tianshan Net, 14 October 14; Liu Xia, “Kizilsu Kirgiz Autonomous Prefecture Promotes ‘Eradicate Extremism’ Propaganda Education Work Meeting by Convening On-Site” [Kezhou tuijin “qu jiduanhua” xuanchuan jiaoyu gongzuo xianchang hui zhao kai], Tianshan Net, 3 February 15.

<sup>8</sup>Simon Denyer and Xu Yangjingjing, “China Jails a Muslim for Six Years—For Refusing To Shave His Beard,” Washington Post, WorldViews (blog), 30 March 15; UN GAOR, Hum. Rts. Coun., 28th Sess., Agenda Item 3, Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, Written Statement Submitted by the Society for Threatened Peoples, a Non-Governmental Organization in Special Consultative Status, A/HRC/28/NGO/68, 20 February 15, 2, 3; World Uyghur Congress, “2014 Report on Human Rights Violations in East Turkestan,” 19 February 15, 7–8.

<sup>9</sup>Michael Forsythe, “Deadly Attacks in Xinjiang Go Unreported in China,” New York Times, Sinosphere (blog), 26 February 15; Carrie Gracie, “The Twilight World of China’s Wild West,” BBC, 7 December 14; “China Forces Shot Protesters: Xinjiang Residents,” Agence France-Presse, reprinted in Daily Mail, 28 April 15; Benjamin Haas, “Hear This Now: Propaganda Drive in Xinjiang Village,” Agence France-Presse, 28 April 15; “Six Uyghurs Die in Village Police Operation in Xinjiang,” Radio Free Asia, 1 May 15; Uyghur Human Rights Project, “Legitimizing Repression: China’s ‘War on Terror’ Under Xi Jinping and State Policy in East Turkestan,” 3 March 15.

<sup>10</sup>“China Forces Shot Protesters: Xinjiang Residents,” Agence France-Presse, reprinted in Daily Mail, 28 April 15; Benjamin Haas, “Hear This Now: Propaganda Drive in Xinjiang Village,” Agence France-Presse, 28 April 15.

<sup>11</sup>Ibid.

<sup>12</sup>Tian Shan, “Police Reveal Situation of Serious Violent Terrorist Attack Case in Luntai County, Xinjiang” [Jingfang pilu xinjiang luntai xian yanzhong baoli kongbu xiji an qingkuang], Tianshan Net, 25 September 14; Dan Levin, “At Least 50 Killed in Xinjiang Violence, Officials Say,” New York Times, 25 September 14; “Official Death Toll in Xinjiang’s Bugur Violence Climbs to 50,” Radio Free Asia, 25 September 14; “Innocent Bystander Shot by Police in Xinjiang’s Bugur Violence,” Radio Free Asia, 3 October 14.

<sup>13</sup>Dan Levin, “At Least 50 Killed in Xinjiang Violence, Officials Say,” New York Times, 25 September 14.

<sup>14</sup>Ibid. "Official Death Toll in Xinjiang's Bugur Violence Climbs to 50," Radio Free Asia, 25 September 14; Tian Shan, "Police Reveal Situation of Serious Violent Terrorist Attack Case in Luntai County, Xinjiang" [Jingfang pilu xinjiang luntai xian yanzhong baoli kongbu xiji an qingkuang], Tianshan Net, 25 September 14.

<sup>15</sup>"22 Killed in Farmers' Market Attack in Xinjiang's Kashgar Prefecture," Radio Free Asia, 18 October 14; "Violent Attack Takes Place in Bachu County, Xinjiang, Attackers Are Killed at the Scene" [Xinjiang bachu xian fasheng baoli xiji shijian xijizhe bei dangchang jibi], Radio Free Asia, 19 October 14.

<sup>16</sup>China Digital Times, "Minitrue: Violent Incident in Kashgar," 20 October 14.

<sup>17</sup>"Xinjiang Shache County Decisively Handles a Violent Terrorist Attack" [Xinjiang shache xian guoduan chuzhi yiqi baokong xiji an], Tianshan Net, 29 November 14; Chris Buckley, "Attack in Western China Leaves at Least 15 People Dead," New York Times, 29 November 14; "15 Dead in Attack in West China's Xinjiang Region," Associated Press, reprinted in New York Times, 29 November 14.

<sup>18</sup>"Hacking, Shooting Incident Leaves 17 Dead in Xinjiang's Aksu Prefecture," Radio Free Asia, 20 February 15.

<sup>19</sup>Ibid.

<sup>20</sup>"At Least 18 Dead in Ramadan Attack on Police Checkpoint in Xinjiang," Radio Free Asia, 23 June 15; Michael Forsythe, "Deadly Clash Between Police and Ethnic Uyghurs Reported in Xinjiang Region of China," New York Times, 24 June 15.

<sup>21</sup>Ibid.

<sup>22</sup>"Two Attacks in Pishan County, Xinjiang in Half a Month, Family Planning Official Killed" [Xinjiang pishan xian ban yue liang xiji jisheng guanyuan bei sha], Radio Free Asia, 25 February 15.

<sup>23</sup>"Chinese Police Shoot Seven Uyghurs Dead Following Fatal Xinjiang Knife Attack," Radio Free Asia, 18 March 15.

<sup>24</sup>Ibid.

<sup>25</sup>"Han Chinese Head of Xinjiang Township Stabbed to Death by Uyghur Man," Radio Free Asia, 27 May 15.

<sup>26</sup>"Police Raids Yield No Clues About Kidnapped Uyghur Village Police Chief," Radio Free Asia, 23 March 15; "Xinjiang Police Chief Kidnapped for Half a Month, Motive Unknown" [Xinjiang jingcha suozhang bei bangjia ban yue dongji weiming], Radio Free Asia, 24 March 15; "Xinjiang Hotan Uyghur Village Security Team Leader Kidnapped, Residents Reveal Details of Shache Attack Incident" [Xinjiang hetian weizu cun bao'an duizhang bei bangjia minzhong pilu shache xiji shijian xijie], Radio Free Asia, 24 March 15.

<sup>27</sup>Mimi Lau and Stephen Chen, "Knifeman at Large After Attack at Guangzhou Railway Station Leaves Nine Injured," South China Morning Post, 6 March 15. See also "Knife Attack at China Train Station Leaves 9 Injured," Associated Press, reprinted in New York Times, 6 March 15.

<sup>28</sup>Mimi Lau and Stephen Chen, "Knifeman at Large After Attack at Guangzhou Railway Station Leaves Nine Injured," South China Morning Post, 6 March 15; "Knife Attack at China Train Station Leaves 9 Injured," Associated Press, reprinted in New York Times, 6 March 15.

<sup>29</sup>"Another Attack by Uyghurs on Security Forces in Yunnan, One Dead and Three Escaped" [Yunnan zai you weiren xiji gong'an 1 si 3 tao], Radio Free Asia, 26 March 15.

<sup>30</sup>"Annual Work Report of Xinjiang Courts (2014)" [Xinjiang fayuan gongzuo niandu baogao (2014 nian)], Xinjiang Court Net, 22 January 15; Dui Hua Foundation, "Xinjiang State Security Trials Flat, Criminal Trials Soar in 2014," Dui Hua Human Rights Journal, 10 March 15; Edward Wong, "Criminal Trials Rose Sharply in China's Far West in 2014, Group Says," New York Times, 11 March 15; Cui Jia, "Xinjiang Arrests Nearly Doubled," China Daily, 23 January 15; James T. Aredy, "Xinjiang Arrests Nearly Doubled in '14, Year of 'Strike-Hard' Campaign," Wall Street Journal, China Real Time Report (blog), 23 January 15.

<sup>31</sup>Dui Hua Foundation, "Xinjiang State Security Trials Flat, Criminal Trials Soar in 2014," Dui Hua Human Rights Journal, 10 March 15.

<sup>32</sup>"Xinjiang Is the Battlefield in Year-Long Crackdown on Violent Terrorism" [Yanda baokong yi nian yi xinjiang wei zhu zhanchang], Beijing Times, 26 May 14; "With Xinjiang as the Main Battleground, China Launches a One-Year Crackdown Special Operation on Violence and Terrorism" [Yi xinjiang wei zhu zhanchang zhongguo kaizhan weiqi yi nian yanda baokong zhuanxiang xingdong], China News Service, 25 May 14.

<sup>33</sup>For information on these violent clashes and attacks, see CECC, 2014 Annual Report, 9 October 14, 162–65.

<sup>34</sup>Amnesty International, "Amnesty International Report 2014/15: The State of the World's Human Rights," 25 February 15, 107–13.

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<sup>122</sup>See, e.g., Sumeyye Ertekin, “Uighurs Flee China for Turkey in Search of Peace,” Al Jazeera, 3 February 15; “Uyghurs Rely on Chinese Smugglers To Travel to Turkey,” Radio Free Asia, 28 May 15.

<sup>123</sup>See, e.g., “Uyghur Refugees Go on Hunger Strike in Thai Detention Center,” Radio Free Asia, 22 January 15; “Turkish NGOs Rally for Help to Uighurs in Thailand,” Daily Sabah, 13 January 15; “Dismal Conditions Push Uyghurs To Escape From Thai Facility,” Radio Free Asia, 17 November 14.

<sup>124</sup>Steve Herman, “Suspected Uighurs From China Remain in Limbo in Thailand,” Voice of America, 11 April 14; Alan Morison and Chutima Sidasathian, “Terrorists or Terrified: Unproven Claims About Mystery Families Alarm Rights Group,” Phuketwan, 24 March 14; Edward Wong, “Thais Detain More Migrants Believed To Be Ethnic Uighurs,” New York Times, 24 March 14.

<sup>125</sup>Edward Wong, “Thailand Is Searching for Scores of Uighurs Who Fled China,” New York Times, 18 November 14; “Dismal Conditions Push Uyghurs To Escape From Thai Facility,” Radio Free Asia, 17 November 14.

<sup>126</sup>Amy Sawitta Lefevre, “Thailand Keeps Suspected Uighurs in Custody Amid Turkey-China Tug-of-War,” Reuters, 27 March 15; “Thai Court Rules Year-Long Detention of Suspected Uyghurs Is Legal,” Radio Free Asia, 27 March 15.

<sup>127</sup>“Group of 173 Uyghurs Freed From Thai Detention Arrive in Turkey,” Radio Free Asia, 1 July 15; Susan Fraser, “173 Uighur Refugees Arrive in Turkey From Thailand,” Associated Press, 2 July 15.

<sup>128</sup>“Group of 173 Uyghurs Freed From Thai Detention Arrive in Turkey,” Radio Free Asia, 1 July 15.

<sup>129</sup>Didi Tang et al., “Thailand Condemned for Repatriation of 109 Uighurs to China,” Associated Press, reprinted in New York Times, 9 July 15. See also “Thailand’s Move To Return Uighurs to China Is a Massive Moral Failure,” Washington Post, 24 July 15.

<sup>130</sup>See, e.g., “Turkish NGOs Rally for Help to Uighurs in Thailand,” Daily Sabah, 13 January 15; Uyghur American Association, “Uyghur American Association Urges UNHCR and the United States To Work Closely With Thai Government on Resettlement of Uyghur Refugees,” 19 November 14; Human Rights Watch, “Thailand: Don’t Forcibly Return Uighurs to China,” 14 March 14.

<sup>131</sup>Jamil Anderlini, “China Presses Thailand To Return Uighur Refugees,” Financial Times, 3 April 14; “Send Uyghurs Back Home, Says China,” Associated Press, reprinted in Bangkok Post, 17 November 14; Human Rights Watch, “Thailand: 100 Ethnic Turks Forcibly Sent to China,” 9 July 15.

<sup>132</sup>Office of Press Relations, U.S. Department of State, “U.S. Condemns Forced Deportation of Ethnic Uighurs in Thailand to China,” 9 July 15.

<sup>133</sup>Patsara Jikkham, “Thailand on Defensive as Activists Slam Uighur Deportation,” Bangkok Post, 9 July 15; “Thailand Expels Nearly 100 Uyghurs to Uncertain Fate in China,” Radio Free Asia, 9 July 15.

<sup>134</sup>See, e.g., Human Rights Watch, “Thailand: 100 Ethnic Turks Forcibly Sent to China,” 9 July 15; Amnesty International, “Thailand Must Not Send Uighurs to Chinese Torture,” 9 July 15; Uyghur American Association, “Uyghur American Association Strongly Condemns Thai Government Decision To Forcibly Return Uyghur Refugees,” 9 July 15.

<sup>135</sup>Amnesty International, “Thailand Must Not Send Uighurs to Chinese Torture,” 9 July 15; Uyghur American Association, “Uyghur American Association Strongly Condemns Thai Government Decision To Forcibly Return Uyghur Refugees,” 9 July 15.

<sup>136</sup>See, e.g., “Rights Group Urges Malaysia Not To Deport Uyghur Migrants to China,” Agence France-Presse, reprinted in South China Morning Post, 6 October 14; “Govt Should Not Be Hasty in Deportation of Uighurs to China,” Rakyat Post, 7 October 14.

<sup>137</sup>Human Rights Watch, “Malaysia: Stop Forced Returns to China,” 3 February 13; Hemananthani Sivanandam and Dorothy Cheng, “Six Uighurs Deported for Violating Immigration Laws,” Sun Daily, 18 February 13.

<sup>138</sup>Zhang Yang, “‘No Return’ Under the Spell of Extremist Ideology (Closer Look)” [Jiduan sixiang guhuo xia de “bu gui lu” (shen yuedu)], People’s Daily, 19 January 15; “Massive Exodus of Uyghurs Suspected of ‘Jihad Migration’” [Weizu daju waitao yi “qianxi shengzhan”], Oriental Daily News, 20 January 15; Kor Kian Beng, “China Cracks Down on Uighur Exodus,” Straits Times, reprinted in AsiaOne, 22 January 15.

<sup>139</sup>See, e.g., “Massive Exodus of Uyghurs Suspected of ‘Jihad Migration’” [Weizu daju waitao yi “qianxi shengzhan”], Oriental Daily News, 20 January 15; Kor Kian Beng, “China Cracks Down on Uighur Exodus,” Straits Times, reprinted in AsiaOne, 22 January 15.

<sup>140</sup>Ben Blanchard, “China Police Stop ‘Extremists’ Leaving Country, One Shot Dead,” Reuters, 24 December 14; Chris Buckley, “Chinese Police Kill 2 Uighurs Fleeing to Vietnam, Reports Say,” New York Times, 19 January 15; Ben Blanchard, “China Police Shoot Dead Two ‘Terrorists’ on Vietnam Border,” Reuters, 17 April 15.

<sup>141</sup>“Resumé of Comrade Yu Zhengsheng” [Yu zhengsheng tongzhi jianli], People’s Daily, March 2013.

<sup>142</sup>Ben Blanchard, "China Says Bilingual Education a Key for Xinjiang's Stability," Reuters, 10 December 14.

<sup>143</sup>For Commission analysis, see "Xinjiang Authorities Accelerate Promotion of Mandarin-Focused Bilingual Education," Congressional-Executive Commission on China, 10 May 11.

<sup>144</sup>Zhu Kaili, "CPPCC Member Hou Hanmin: It's Difficult for Xinjiang 'Guli' To Set Up Businesses" [Zhengxie weiyuan hou hanmin: xinjiang "guli" chuanye ye shi manpin de], Tianshan Net, 26 January 15. For a discussion of the use of the Chinese term "*guli*"—a transliteration of the Turkic suffix "*gul*"—in reference to Uyghur women, see "Ancient Beauties & Even Older Stereotypes," Sinoglot (blog), 17 February 10.

<sup>145</sup>"Xinjiang Official Calls for Fewer Births, Later Marriage in Rural South," Global Times, 23 January 15; Michael Martina, "China Official Calls for Reduced Birth Rates in Xinjiang," Reuters, 23 January 15.

<sup>146</sup>Ibid.

<sup>147</sup>"Forced Labor for Uyghurs in Xinjiang County To Promote 'Stability,'" Radio Free Asia, 9 June 15.

<sup>148</sup>Edward Wong, "To Quell Unrest, Beijing Moves To Scatter Uighurs Across China," New York Times, 6 November 14; "Xi Jinping: Expand the Scale of Xinjiang Ethnic Minorities Going Inland To Live" [Xi jinpings: kuoda xinjiang shaoshu minzu dao neidi juzhu guimo], Xinhua, 29 May 14. See also Li Wenfang, "Xinjiang Workers Begin Their New Life," China Daily, 3 November 14; Edward Wong and Patrick Zuo, "Chinese Officials Issue Rules for Employing Uighurs in the South," New York Times, Sinosphere (blog), 7 November 14.

<sup>149</sup>See, e.g., Dominique Patton, "Top China Cotton Producer Resists Reforms in Restive Xinjiang," Reuters, 19 February 15; Dexter Roberts, "China Tries To Bring Growth to Its Restless Xinjiang Region," Bloomberg, 11 December 14.

<sup>150</sup>See, e.g., CECC, 2014 Annual Report, 9 October 14, 168; CECC, 2013 Annual Report, 10 October 13, 167; CECC, 2012 Annual Report, 10 October 12, 154.

<sup>151</sup>"2015 Xinjiang Bortala Prefecture Jinghe County PSB Police Personnel Recruitment Position Table" [2015 nian xinjiang bozhou jinghe xian gong'anju zhaopin jingwu ren yuan zhiwei biao], CUG60.com, 25 April 15; "Bayangol Mongol Autonomous Prefecture Keda Energy Company Ltd. Manager" [Bazhou keda nengyuan youxian gongsi jingli], Nanjing Talent Net, 24 April 15; Anhui Normal University Employment and Entrepreneurship Service, "Xinjiang Aksu Prefecture Intermediate Vocational Technical School" [Xinjiang akesu diqu zhongdeng zhiye jishu xuexiao], 16 April 15; Kashgar City Human Resources and Social Security Bureau, "Announcement for 2015 Xinjiang Kashgar Prefecture Broadcasting Industry Hotline Professional Job Recruitment for 8 People" [2015 xinjiang kashi diqu guangbo hangfeng re xian zhuan ye gangwei zhaopin 8 ren gonggao], reprinted in Offcn, 15 April 15; "Fittings Superintendent" [Peijian guanli yuan], Yili Talent, 6 April 15; "Xinjiang Aerospace Information Company Ltd. Turpan City Branch" [Xinjiang hangtian xinxi youxian gongsi tulufan shi fen gongsi], Turpan Talent Net, 19 March 15; Xinjiang Examination Information Center, "Xinjiang 2015 Shule County Administrative Career Position Recruits in Kashgar Prefecture for 95 Workers . . ." [Xinjiang 2015 nian shule xian xingzheng shiye danwei mianxiang kashi diqu linxuan 95 ming gong . . .], reprinted in Niuren Weixin, last visited 24 July 15. For Chinese legal provisions that forbid employment discrimination, see, e.g., PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, issued and effective 1 January 95, art. 12; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], passed 30 August 07, issued and effective 1 January 08, art. 28.

<sup>152</sup>"2015 Xinjiang Bortala Prefecture Jinghe County PSB Police Personnel Recruitment Position Table" [2015 nian xinjiang bozhou jinghe xian gong'anju zhaopin jingwu ren yuan zhiwei biao], CUG60.com, 25 April 15; Kashgar City Human Resources and Social Security Bureau, "Announcement for 2015 Xinjiang Kashgar Prefecture Broadcasting Industry Hotline Professional Job Recruitment for 8 People" [2015 xinjiang kashi diqu guangbo hangfeng re xian zhuan ye gangwei zhaopin 8 ren gonggao], reprinted in Offcn, 15 April 15; "Xinjiang Aerospace Information Company Ltd. Turpan City Branch" [Xinjiang hangtian xinxi youxian gongsi tulufan shi fen gongsi], Turpan Talent Net, 19 March 15; Xinjiang Examination Information Center, "Xinjiang 2015 Shule County Administrative Career Position Recruits in Kashgar Prefecture for 95 Workers . . ." [Xinjiang 2015 nian shule xian xingzheng shiye danwei mianxiang kashi diqu linxuan 95 ming gong . . .], reprinted in Niuren Weixin, last visited 24 July 15.

## V. Tibet

### *Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives*

Formal dialogue between the Dalai Lama's representatives and Chinese Communist Party and government officials has been stalled since the January 2010 ninth round,<sup>1</sup> the longest interval since such contacts resumed in 2002.<sup>2</sup> The Commission observed no indication during the 2015 reporting year of official Chinese interest in resuming a dialogue that takes into account the concerns of Tibetans who live in the Tibetan autonomous areas of China.<sup>3</sup> An April 2015 State Council white paper reiterated<sup>4</sup> that Chinese officials would "only talk with private representatives of the Dalai Lama" to discuss "the future of the Dalai Lama and some of his followers."<sup>5</sup> Talks would also seek "solutions" for how the Dalai Lama would "gain the forgiveness of the central government and the Chinese people," the paper said.<sup>6</sup>

Under Secretary of State for Civilian Security, Democracy, and Human Rights Sarah Sewall, who also serves as the Special Coordinator for Tibetan Issues,<sup>7</sup> referred in June 2015 to ongoing Tibetan self-immolation and stated:

This tragedy underscores the need for the Chinese government to resume direct dialogue, without preconditions, with the Dalai Lama or his representatives. We are very concerned that it has been more than five years since the last round of dialogue. The situation on the ground . . . continues to deteriorate.<sup>8</sup>

### *Economic Development, Urbanization, Party Policy*

The Commission observed no evidence during its 2002 to 2015 period of reporting that the Party or government solicited systematic or representative input from the Tibetan population on economic development in the Tibetan autonomous areas of China.<sup>9</sup> Commission annual reports have documented implementation of a development model—"Chinese characteristics with Tibetan traits"<sup>10</sup>—that effectively boosts economic growth<sup>11</sup> and household income.<sup>12</sup> At the same time, officials deny Tibetans adequate rights to protect their culture,<sup>13</sup> language,<sup>14</sup> religion,<sup>15</sup> and environment.<sup>16</sup>

Party officials continued to blame the Dalai Lama and entities associated with him for Tibetan unwillingness to accept Chinese policies and implementation. In March 2015, for example, a senior Tibet Autonomous Region (TAR) official reportedly asserted in a televised speech on "Serfs Emancipation Day"—an observance<sup>17</sup> established after the 2008 Tibetan protests<sup>18</sup>—that the Party's "political struggle" with the "Dalai clique" is "related to progress and backwardness."<sup>19</sup>

In August 2014, the Communist Party Central Committee journal *Seeking Truth*<sup>20</sup> cautioned that "ethnic distribution is undergoing profound changes" and acknowledged that the Party faced "new situations, new problems, and new challenges in an unprecedented manner."<sup>21</sup> The article advised that the Party must "maintain strategic assertiveness."<sup>22</sup> This past year, the Commission ob-

served reports likely to prove of unprecedented consequence to the pace and scale of economic development and urbanization on the Tibetan plateau, and to Tibetans living there, as well as policy developments with potentially significant impact. Such developments include the following:

- **Urbanization.** In November 2014, December 2014, and April 2015, respectively, the State Council approved upgrades of Changdu (Chamdo),<sup>23</sup> Rikaze (Shigatse),<sup>24</sup> and Linzhi (Nyingtri)<sup>25</sup> cities—the capitals of TAR prefectures with the same names—to the status of municipalities (prefectural-level cities). Previously, Lhasa, the regional capital, was the only TAR municipality.<sup>26</sup> All four municipalities are on or near railway lines that either are completed (Lhasa,<sup>27</sup> Rikaze<sup>28</sup>) or are under construction (Changdu,<sup>29</sup> Linzhi<sup>30</sup>).

- **Population.** State-run media reported that the officially acknowledged TAR urban population in 2013 was 740,000 and that a January 2015 “urbanization conference” decided to increase the “permanent urban population” by approximately 280,000 by 2020.<sup>31</sup> The announcement—which preceded the April 2015 upgrade of Linzhi to become the fourth TAR municipality<sup>32</sup>—stated that three TAR “cities or towns” would each have populations of “up to 500,000” by 2020.<sup>33</sup> The report referred to the Lhasa city population as “currently . . . less than 300,000,”<sup>34</sup> a likely reference to 2013 data.<sup>35</sup> The Commission noted in its 2014 Annual Report that after 2009, TAR yearbooks ceased to report detailed population data, hindering analysis.<sup>36</sup> The figure “less than 300,000” is as much as 60 percent greater than the 186,392 population reported for 2008 in the 2009 TAR yearbook.<sup>37</sup> The increase is substantial and likely represents five years’ growth.<sup>38</sup>

- **Railways.** State-run media reported significant progress in railway construction, though completion will be later than predicted.<sup>39</sup> Following government approval of a feasibility report in October 2014,<sup>40</sup> construction began in December 2014 at each end of the Sichuan-Tibet railway: a 402-kilometer (approximately 250 miles) link eastward from Lhasa to Linzhi,<sup>41</sup> and a 42-kilometer (approximately 26 miles) link westward from Chengdu, the Sichuan province capital, to Ya’an city, Sichuan.<sup>42</sup> The Lhasa-Linzhi railway is scheduled for completion by 2022 and estimated to cost 36.6 billion yuan (US\$5.89 billion)<sup>43</sup>—more than triple the per kilometer cost of the Golmud-Lhasa railway completed in 2006.<sup>44</sup> The Lhasa-Linzhi railway will traverse seven TAR counties<sup>45</sup> south of the Yalunzangbu (Yarlung Tsangpo, or Brahmaputra) river and north of the border with the Indian state of Arunachal Pradesh, which the Chinese government claims as part of China.<sup>46</sup> Public reports created in cooperation with U.S. military agencies noted regional security issues potentially associated with construction of the Lhasa-Linzhi railway.<sup>47</sup>

- **UFWD.** On July 30, 2015, the Communist Party Central Committee Political Bureau (Politburo) met and decided to establish a new central leading small group (*gongzuo lingdao xiaozu* or *gongzuo xietiao xiaozu*<sup>48</sup>) to guide the United Front Work Department (UFWD) in its work<sup>49</sup> implementing Party

policies.<sup>50</sup> On July 10, Party officials representing UFWD offices in the TAR and Sichuan, Gansu, Qinghai, and Yunnan provinces met to discuss coordination on issues including regional and national stability.<sup>51</sup>

• **Sixth Forum.** On August 24–25, 2015, the Standing Committee of the Politburo, chaired by President of China and Party General Secretary Xi Jinping, met for the Sixth Tibet Work Forum (Sixth Forum).<sup>52</sup> The Fifth Tibet Work Forum took place in January 2010.<sup>53</sup> At the Sixth Forum, Xi reportedly called for the Party to, among other things:

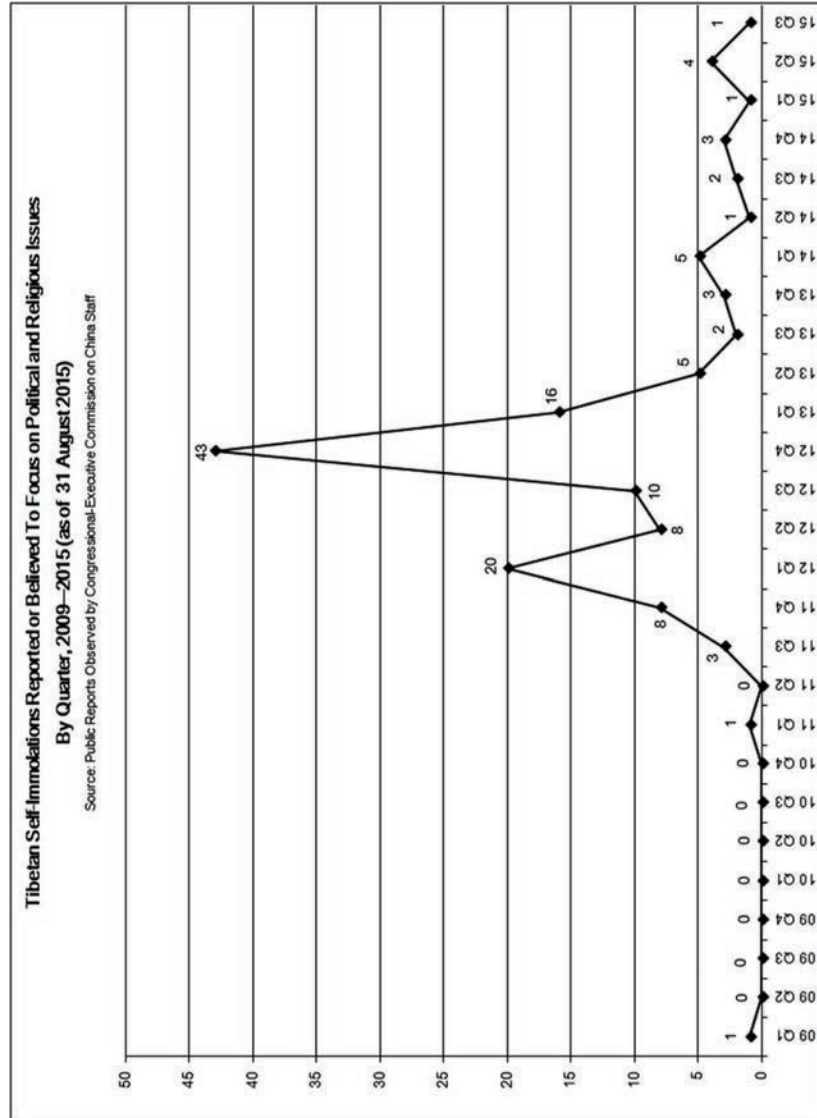
- “[U]nswervingly carry out propaganda and education activities on Marxist motherland view, views on nation, religious view, cultural view, . . . .”;<sup>54</sup>
- “[C]ontinuously strengthen the identification of the people of various nationalities with the great motherland, with the Chinese nation, with the Chinese culture, with the Communist Party of China, and with socialism with Chinese characteristics”;<sup>55</sup> and
- “[M]erge socialist core value concept education into the curriculum of various levels and various kinds of schools, promote the state’s common language, and strive to nurture socialist cause builders . . . .”<sup>56</sup>

### *Tibetan Self-Immolation*

The frequency of Tibetan self-immolation reportedly focusing on political and religious issues during the Commission’s 2015 reporting year remained similar to the 2014 reporting year as security and punitive measures targeting self-immolation remained in effect.<sup>57</sup> During the 12-month period September 2014–August 2015, the Commission recorded 11 self-immolations focused on political and religious issues.<sup>58</sup> During the preceding 12-month period, September 2013–August 2014, the Commission recorded 10 such self-immolations.<sup>59</sup> The Commission has not observed any sign that Party and government leaders intend to respond to Tibetan grievances in a constructive manner or accept any accountability for Tibetans’ rejection of Chinese policies.

Senior officials continued to blame self-immolation on foreign incitement.<sup>60</sup> For example, on March 11, 2015, Zhu Weiqun, currently the Chairperson of the Ethnic and Religious Affairs Committee of the Chinese People’s Political Consultative Conference (CPPCC),<sup>61</sup> accused the Dalai Lama and his supporters of “inciting self-immolation among the Tibetan people” and urged the Dalai Lama “to forsake his evil ways.”<sup>62</sup> He asserted that declining numbers of self-immolations demonstrated that the Dalai Lama “is exerting less influence” among Tibetans.<sup>63</sup> Zhu formerly was the Executive Deputy Head of the Communist Party Central Committee’s United Front Work Department;<sup>64</sup> in that capacity he met with the Dalai Lama’s representatives in sessions of dialogue from 2003 until the most recent round in 2010.<sup>65</sup>

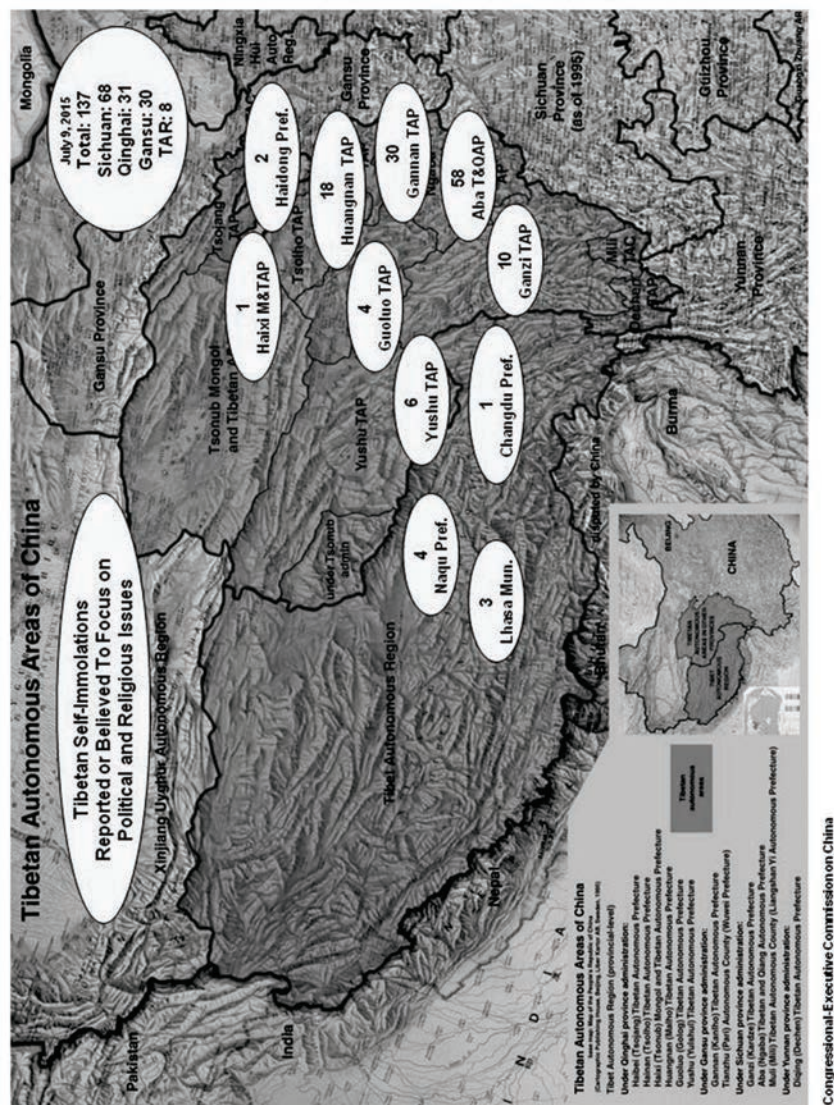




The general character of self-immolations in the past reporting year—acts committed publicly and featuring calls for Tibetan freedom and the Dalai Lama’s return<sup>66</sup>—appeared to remain consistent with previous years, and were concurrent with government use of regulatory measures to control and repress principal elements of Tibetan culture and religion, including Tibetan Buddhist monastic institutions,<sup>67</sup> and with the apparent collapse of the China-Dalai Lama dialogue.<sup>68</sup> Fewer details on such protests have emerged, however, possibly as a result of blocked communications<sup>69</sup> or fear of criminal prosecution and imprisonment for sharing information about a self-immolation with entities outside of China.<sup>70</sup>

Since 2009 and as of August 2015, 137 Tibetans—121 of them reportedly deceased—have self-immolated in 10 of 17 Tibetan autonomous prefectures (TAPs) and 1 ordinary prefecture.<sup>71</sup> From January 2014 to August 2015, Tibetans self-immolated in 6 TAPs located in three provinces.<sup>72</sup> As of July 9, 2015:<sup>73</sup>

- 75 of the 137 self-immolators reportedly were laypersons; 62 were current or former monks or nuns;
- 69 of the 137 self-immolations reportedly took place in Qinghai and Gansu provinces and the Tibet Autonomous Region; 68 took place in Sichuan province;
- 116 of the 137 self-immolators were male; 55 were current or former monks; 61 were laypersons; and
- 21 of the 137 self-immolators were female; 7 were current or former nuns; 14 were laypersons.



TIBETAN SELF-IMMOLATIONS REPORTED OR BELIEVED TO FOCUS ON  
POLITICAL AND RELIGIOUS ISSUES (SEPTEMBER 2014–AUGUST 2015)

See CECC 2012–2014 Annual Reports for Self-Immolations 1–126 <sup>74</sup>

No.	Date of Self-Immolation	Name Sex / Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov. / Pref. / County)	Status
	2014				
127	September 16	Konchog M/42	Father	Qinghai / Guoluo / Gande	Hospital- ized <sup>75</sup>

TIBETAN SELF-IMMOLATIONS REPORTED OR BELIEVED TO FOCUS ON POLITICAL AND RELIGIOUS ISSUES (SEPTEMBER 2014–AUGUST 2015)—CONTINUED

See CECC 2012–2014 Annual Reports for Self-Immolations 1–126<sup>74</sup>

No.	Date of Self-Immolation	Name Sex / Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov. / Pref. / County)	Status
128	September 17	Lhamo Tashi M/22	Student	Gansu / Gannan / Hezuo	Deceased <sup>76</sup>
129	December 16	Sanggye Khar M/about 34	Father	Gansu / Gannan / Xiahe	Deceased <sup>77</sup>
130	December 22	Tsepe Kyi F/about 20	Nomad	Sichuan / Aba / Aba	Deceased <sup>78</sup>
131	December 23	Kalsang Yeshe M/about 38	Monk Nytso Mon- astery	Sichuan / Ganzi / Ganzi	Deceased <sup>79</sup>
	<b>2015</b>				
132	March 5	Norchug F/47	Wife and mother	Sichuan / Aba / Aba	Deceased <sup>80</sup>
133	April 8	Yeshe Khadro F/47	Nun Nganggang Nunnery	Sichuan / Ganzi / Ganzi	Deceased <sup>81</sup>
134	April 16	Nekyab M/mid-40s or 50s	Husband and father	Sichuan / Aba / Aba	Deceased <sup>82</sup>
135	May 20	Tenzin Gyatso M/35	Husband and father	Sichuan / Ganzi / Daofu	Deceased <sup>83</sup>
136	May 27	Sanggye Tso F/36	Wife and mother	Gansu / Gannan / Zhuoni	Deceased <sup>84</sup>
137	July 9	Sonam Tobgyal M/26	Monk Dzongsar Monastery	Qinghai / Yushu / Yushu	Deceased <sup>85</sup>

*Religious Freedom for Tibetan Buddhists*

The Chinese Communist Party and government continued efforts this past year to deepen the transformation of Tibetan Buddhism into a state-managed institution that prioritizes adherence to Party and government policies as a principal feature of the religion.<sup>86</sup> The range of religious activity in which officials sought to interfere or control, sometimes by imposing coercive regulations, ranged from as slight as whether a pilgrim could carve or place mani (offering) stones,<sup>87</sup> to as consequential as whether the Dalai Lama would reincarnate.<sup>88</sup>

In March 2015, Zhu Weiqun, Chairperson of the CPPCC Ethnic and Religious Affairs Committee<sup>89</sup> and former counterpart in dialogue with the Dalai Lama's envoys,<sup>90</sup> stated in an interview that failure to comply with government-mandated procedures for identifying the Dalai Lama's reincarnation would be "illegal" and that the resultant "so-called Dalai Lama" would be "illegal."<sup>91</sup> During the same month, Pema Choling (*Baima Chilin*), Chairman of the Tibet Autonomous Region (TAR) People's Congress Standing Com-

mittee<sup>92</sup> and Deputy Secretary of the TAR Party Committee,<sup>93</sup> said the Dalai Lama's remarks on reincarnation were "blasphemy against . . . Tibetan Buddhism" and that the Dalai Lama's reincarnation is "not up to the Dalai Lama."<sup>94</sup> In a 2011 signed declaration, however, the Dalai Lama wrote:<sup>95</sup>

[T]he person who reincarnates has sole legitimate authority over where and how he or she takes rebirth and how that reincarnation is to be recognized.

An April 2015 State Council white paper outlined the rationale for claiming authority over Tibetan Buddhist reincarnation, including that of the Dalai Lama, and noted that 2007 government regulations "further institutionalize the reincarnation process."<sup>96</sup> In his 2011 declaration, the Dalai Lama denounced the referenced regulations—titled Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism<sup>97</sup>—as "brazen meddling" and warned that "it will be impossible" for Tibetan Buddhists "to acknowledge or accept it."<sup>98</sup>

Regulations reportedly issued in September 2014 by the Biru (Driru) County People's Government in Naqu (Nagchu) prefecture, TAR,<sup>99</sup> asserted greater control over religious activities. Some articles<sup>100</sup> punish an individual by imposing a ban varying from one to three years on harvesting *cordyceps sinensis* ("caterpillar fungus")—a principal source of income for many Tibetan families.<sup>101</sup> Some articles also impose loss of welfare benefits for either one or three years.<sup>102</sup> Loss of income and social support could effectively impose collective punishment<sup>103</sup> by subjecting an entire family to financial hardship for the action of one family member.<sup>104</sup> The Commission's 2014 Annual Report included information on a June 2014 set of "temporary" Biru regulations that in some cases imposed collective punishment.<sup>105</sup> Examples from the September 2014 regulations include the following:

- **Images.** Leaders of township-level Communist Party committees or governments who fail to "discover" and punish the possession or display of images of the Dalai Lama will be warned officially;<sup>106</sup> heads of Monastery Management Committees<sup>107</sup> who fail to prevent possession or display of such images will be warned officially;<sup>108</sup> monks and nuns who possess or display such images face expulsion from their monastic institutions and six months' "education";<sup>109</sup> laypersons who possess or display such images face six months' "education" and loss of "the right" to collect *cordyceps sinensis* for two years.<sup>110</sup>
- **Stones.** Leaders of township-level Party or government offices who fail to prevent "unauthorized" mani stone<sup>111</sup> carving and cairn building will be warned officially; if the stones are not removed within a "certain time period," officials will lose their rank.<sup>112</sup> Persons involved in mani stone carving or cairn building face six months' "education" and loss of "the right" to collect *cordyceps sinensis* for two years if they fail to "clean up within a certain period."<sup>113</sup>
- **Movement.** The "leading checkpoint official and police officers on duty" at checkpoints will receive an "official warning" if checkpoints "fail to properly prevent monastics without full qualifications<sup>114</sup> from traveling."<sup>115</sup> Similar warnings will

occur if “monastics without proper qualifications” travel elsewhere for religious study or “engage in splittist sabotage after reaching other localities.”<sup>116</sup>

A document reportedly issued in February 2015 by Party officials in Tongren (Rebgong) county, Huangnan (Malho) TAP, Qinghai province, outlined 20 points forbidding and penalizing activity characterized as related to “Tibet independence.”<sup>117</sup> Several points, however, target ordinary Tibetan Buddhist activity.<sup>118</sup> The document also appears to call for collective punishment of monastic institutions.<sup>119</sup>

Representative examples of additional developments adversely affecting Tibetans’ exercise of freedom of religion this past year include the following:

- **Must-Haves.** In April 2015, TAR Party Secretary Chen Quanguo “reemphasized” the role of the “nine must-haves” (*jiu you*)<sup>120</sup>—items promoting Party political objectives—within TAR monasteries and nunneries.<sup>121</sup> The Party reportedly introduced the campaign in December 2011;<sup>122</sup> Chen described it in September 2012.<sup>123</sup> In an April 2015 Seeking Truth article, Chen reportedly called on monks and nuns to “have a personal feeling of the Party and government’s care and warmth” and “follow the Party’s path.”<sup>124</sup> Monks and nuns reportedly would face increased “assessment activities” to ensure “harmonious monasteries” and “patriotic, law-abiding monks and nuns.”<sup>125</sup>
- **Education.** Chen announced the same month the launch of a “legal education campaign” at TAR monasteries and nunneries.<sup>126</sup> Such campaigns seek to “educate” monks, nuns, religious teachers, and monastic administrators about their obligations under government regulatory measures and about penalties for failing to fulfill them.<sup>127</sup> The Party launched a similar campaign in 2012.<sup>128</sup>
- **Intimidation.** Reports of deployment of large, intimidating displays of security personnel and equipment at Tibetan Buddhist monasteries on days regarded as among the holiest of the year interfered with peaceful Tibetan Buddhist observances.<sup>129</sup>
- **Passports.** In December 2014, officials in Seda (Serthar) county, Ganzi (Kardze) TAP, Sichuan province, reportedly began to issue passports to “the general public,” but not to monks or nuns.<sup>130</sup>
- **Tenzin Deleg.** On July 12, 2015, Tenzin Deleg, recognized by the Dalai Lama as a reincarnated Tibetan Buddhist teacher,<sup>131</sup> died in prison in Sichuan.<sup>132</sup> He was sentenced in December 2002 to death with a two-year reprieve on charges of inciting “splittism” and conspiracy to cause explosions,<sup>133</sup> charges that he denied in a smuggled audiotape.<sup>134</sup> Human Rights Watch and the Commission published reports on the case.<sup>135</sup> In January 2005, the Sichuan Province High People’s Court commuted the sentence to life imprisonment.<sup>136</sup> In 2010, prison officials reportedly informed his relatives that he was “suffering from ailments related to bones, heart, and blood pressure.”<sup>137</sup> Based on government regulations, he became eligible for medical parole in January 2012.<sup>138</sup> In October 2014, Tibetans in Sichuan province gathered to pray for his re-

lease;<sup>139</sup> he was reported to be seriously ill as recently as April 2015.<sup>140</sup>

### *Status of Tibetan Culture*

The Commission observed no developments this past year indicating that Party and government leaders intend to develop a “harmonious society” that tolerates Tibetan commitment toward their culture, language, and environment. In some areas, greater obstacles emerged for Tibetans seeking to organize efforts to preserve the Tibetan language or protect the environment.<sup>141</sup> Promoting the notion that Tibetans should maintain “unity” may have played a role in a fatal police beating,<sup>142</sup> a self-immolation,<sup>143</sup> and an imprisonment.<sup>144</sup>

In an unusual positive development, a “collective” of Tibetan journalists associated with China Tibet Online, a Party-controlled news website,<sup>145</sup> posted a Tibetan-language statement in September 2014.<sup>146</sup> According to a High Peaks Pure Earth translation,<sup>147</sup> the group expressed the intent “to discard and disavow all of our previous activities of propaganda and politico-ideological engagements” and commit “to reporting and writing about real social issues, livelihoods of people, conflicts and controversies in Tibet as they are.”<sup>148</sup> The group asserted they were exercising their “rights of journalism and mass media within the limits of the Central Government’s directives.”<sup>149</sup> As of August 2015, the Commission had not observed additional reports on the matter.

Representative examples of developments capable of hindering Tibetans’ capacity to foster and protect their culture, language, and environment included the following:

- **Ethnicity.** An August 2014 article authored by the State Ethnic Affairs Commission Leading Party Group and published in *Seeking Truth* warned of challenges facing “ethnic work.”<sup>150</sup> “The more we find ourselves in times like this, the more we should remain politically sober . . . and steadfastly take the correct path, with Chinese characteristics, of handling the ethnic issue.”<sup>151</sup> The article urged:

Promote refining the management of ethnic affairs; improve the formulation of different governing strategies toward different ethnic regions; and improve the use of economic, administrative, legal, cultural, information, media and other means in implementing comprehensive management.<sup>152</sup>

- **Expression.** Officials detained or sentenced Tibetans including Kalsang Yarphel<sup>153</sup>—whose lyrics urged Tibetans to speak Tibetan, unite, and build courage;<sup>154</sup> Pema Rigzin<sup>155</sup>—who produced “patriotic” songs including for Kalsang Yarphel; Druglo (pen name “Shokjang”)<sup>156</sup>—a writer and intellectual who discussed subjects including China’s system of ethnic autonomy;<sup>157</sup> and blogger Gedun Gyatso (pen name Dademig)<sup>158</sup>—who may have written “political” material.<sup>159</sup>

- **Association.** A Tongren (Rebgong) county Party document distributed in February 2015<sup>160</sup> forbids and penalizes Tibetan association for various purposes by characterizing it as independence-oriented.<sup>161</sup> Penalized association involves Tibetan

communication,<sup>162</sup> language,<sup>163</sup> education,<sup>164</sup> and the environment,<sup>165</sup> and appears to provide for collective punishment of families and villages.<sup>166</sup>

• **Language and education.** The role of Tibetan language in education remained an issue this past year. On November 1, 2014, students at the Tibetan Language Middle School in Ruo'ergai (Dzoege) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan province, reportedly protested against a possible change from Tibetan to Chinese as the language of instruction.<sup>167</sup> According to a January 2015 report, authorities shut down a “winter workshop” offered by a Yushu (Yulshul) TAP, Qinghai province, monastery to local children for the past 24 years.<sup>168</sup> Among subjects taught were Tibetan grammar and logic.<sup>169</sup>

• **Livelihood and environment.** Tibetans continued to protest against the loss of their land or environmental damage to it. Examples include reports from: Mozhugongka (Maldro Gongkar) county, Lhasa municipality, TAR, on mining runoff “destroying fish and crops and causing health problems”;<sup>170</sup> Nanmulin (Namling) county, Rikaze (Shigatse) municipality, TAR, on “security forces” allegedly wounding 13 people after opening fire on Tibetans protesting local mining operations;<sup>171</sup> Ruo'ergai county, Aba T&QAP, Sichuan, on land seized for a development project;<sup>172</sup> Rangtang (Dzamthang) county, Aba T&QAP, on police beating members of a family who refused to sell their land for use as a police barracks and other development projects;<sup>173</sup> Xiahe (Sangchu) county, Gannan (Kanlho) TAP, Gansu province, on road building that prevented access to grazing lands and authorities’ failure to provide fair compensation for the land;<sup>174</sup> Kangtsa (Gangcha) county, Haibei (Tsojang) TAP, Qinghai, on environmental damage in nomadic areas caused by mining and failure to provide payment for land use;<sup>175</sup> and Chenduo (Tridu) county in Yushu TAP, Qinghai, on officials who seized residency permits and driver’s licenses from Tibetan nomads who refused to move from their grazing lands to a newly built town.<sup>176</sup>

In a positive development, state-run media announced in January 2015 that officials will establish a national park that includes parts of three counties in Yushu and Guoluo (Golog) TAPs, Qinghai,<sup>177</sup> including an area in Zaduo (Dzatoe) county where Tibetans reportedly had “clashed” with authorities over mining.<sup>178</sup> According to an October 2014 report, officials halted mining in the park area.<sup>179</sup>

#### *Summary: Tibetan Political Detention and Imprisonment*

As of September 1, 2015, the Commission’s Political Prisoner Database (PPD) contained 1,834 records—a figure certain to be far from complete—of Tibetan political prisoners detained on or after March 10, 2008, the beginning of a period of mostly peaceful political protests that swept across the Tibetan plateau.

Among the 1,834 PPD records of Tibetan political detentions reported since March 2008 are 27 Tibetans ordered to serve reeducation through labor (all believed released) and 429 Tibetans whom



courts sentenced to imprisonment (259 are believed released upon sentence completion).<sup>180</sup> Of the 429 Tibetan political prisoners sentenced to imprisonment since March 2008, sentencing information is available for 409 prisoners, including 5 sentenced to life imprisonment and 404 sentenced to fixed-term sentences averaging approximately 5 years and 3 months, based on PPD data as of September 1, 2015.

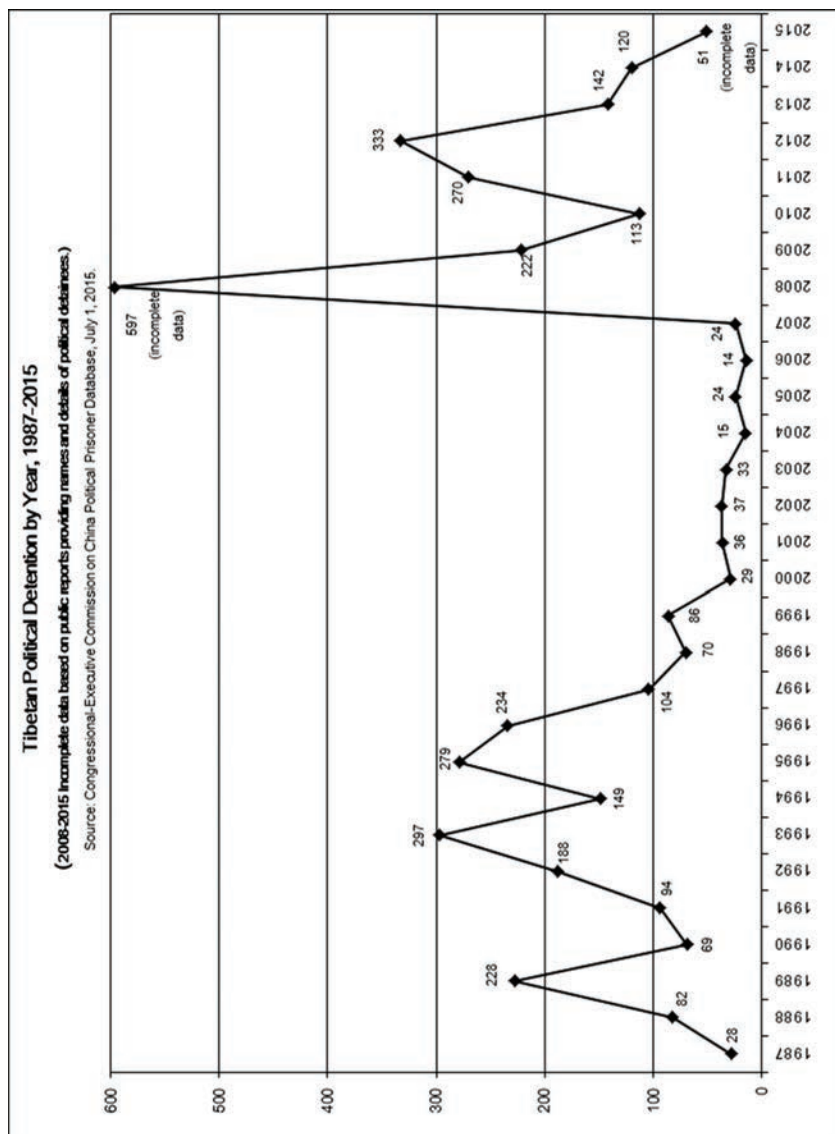
#### CURRENT TIBETAN POLITICAL DETENTION AND IMPRISONMENT

As of September 1, 2015, the PPD contained records of 646 Tibetan political prisoners believed or presumed currently detained or imprisoned. Of those, 635 are records of Tibetans detained on or after March 10, 2008;<sup>181</sup> 11 are records of Tibetans detained prior to March 10, 2008.

Of the 635 Tibetan political prisoners who were detained on or after March 10, 2008, and who were believed or presumed to remain detained or imprisoned as of September 1, 2015, PPD data indicated that:

- 275 (43 percent) are Tibetan Buddhist monks, nuns, teachers, or *trulkus*.<sup>182</sup>
- 557 (88 percent) are male, 49 (8 percent) are female, and 29 are of unknown gender.
- 258 (41 percent) are believed or presumed detained or imprisoned in Sichuan province and 208 (33 percent) in the Tibet Autonomous Region. The rest are believed or presumed detained or imprisoned in Qinghai province (96), Gansu province (71), Beijing municipality (1), and the Xinjiang Uyghur Autonomous Region (1).
- Sentencing information is available for 164 prisoners: 159 reportedly were sentenced to fixed terms ranging from 1 year and 6 months to 20 years,<sup>183</sup> and 5 were sentenced to life imprisonment.<sup>184</sup> The average fixed-term sentence is approximately 8 years and 6 months. Seventy (43 percent) of the prisoners with known sentences reportedly are Tibetan Buddhist monks, nuns, teachers, or *trulkus*.

Sentencing information for 8 of the 11 Tibetan political prisoners detained prior to March 10, 2008, and believed imprisoned as of September 1, 2015, indicates sentences from 9 years to life imprisonment. The average fixed-term sentence is 11 years and 9 months.



### Notes to Section V—Tibet

<sup>1</sup>Office of His Holiness the Dalai Lama, “Press Statement,” 25 January 10. According to the January 25 press statement, the Dalai Lama’s envoys would arrive in China “tomorrow” (i.e., January 26, 2010). For information in Commission annual reports in years with more recent examples of dialogue between the Dalai Lama’s representatives and the Chinese Communist Party and government officials, see CECC, 2010 Annual Report, 10 October 10, 219–20; CECC, 2009 Annual Report, 10 October 09, 273–77; CECC, 2008 Annual Report, 31 October 08, 187–88.

<sup>2</sup>“Press Conference on Central Gov’t’s Contacts With Dalai Lama (Text),” China Daily, 11 February 10. After the ninth round of dialogue, Zhu Weiqun referred to the gap between the eighth and ninth rounds as “the longest interval after we resumed contact and talks in 2002.”

<sup>3</sup>For more information on the Tibetan autonomous areas of China, see CECC, “Special Topic Paper: Tibet 2008–2009,” 22 October 09, 22–24. In China there are 1 provincial-level area of Tibetan autonomy, 10 prefectural-level areas of Tibetan autonomy, and 2 county-level areas of Tibetan autonomy. The area of the Tibet Autonomous Region (TAR) (approximately 1.2 million square kilometers), the 10 Tibetan Autonomous Prefectures (TAPs) (approximately 1.02 million square kilometers), and the 2 Tibetan autonomous counties (TACs) (approximately 0.019 million square kilometers) totals approximately 2.24 million square kilometers. The 10 TAPs make up approximately 46 percent of the TAR/TAP/TAC total area. Steven Marshall and Susette Cooke, *Tibet Outside the TAR: Control, Exploitation and Assimilation: Development With Chinese Characteristics* (Washington, DC: Self-published CD-ROM, 1997), Table 7, citing multiple Chinese sources. Table 7 provides the following information. Tibet Autonomous Region (1.2 million square kilometers, or 463,320 square miles). Qinghai province: Haibei (Tsojang) TAP (52,000 square kilometers, or 20,077 square miles), Hainan (Tsolho) TAP (41,634 square kilometers, or 16,075 square miles), Haixi (Tsonub) Mongol and Tibetan AP (325,787 square kilometers, or 125,786 square miles), Huangnan (Malho) TAP (17,901 square kilometers, or 6,912 square miles), Goluo (Golog) TAP (78,444 square kilometers, or 30,287 square miles), and Yushu (Yushu) TAP (197,791 square kilometers, or 76,367 square miles). Gansu province: Gannan (Kanlho) TAP (45,000 square kilometers, or 17,374 square miles) and Tianzhu (Pari) TAC (7,150 square kilometers, or 2,761 square miles). Sichuan province: Ganzi (Kardze) TAP (153,870 square kilometers, or 59,409 square miles), Aba (Ngaba) Tibetan and Qiang AP (86,639 square kilometers, or 33,451 square miles), and Muli (Mili) TAC (11,413 square kilometers, or 4,407 square miles). Yunnan province: Diqing (Dechen) TAP (23,870 square kilometers, or 9,216 square miles). The table provides areas in square kilometers; conversion to square miles uses the formula provided on the website of the U.S. Geological Survey: 1 square kilometer = 0.3861 square mile. For population data, see Tabulation on Nationalities of 2000 Population Census of China, Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Tables 10–1, 10–4. According to China’s 2000 census data, the Tibetan population of the TAR (approximately 2.43 million persons), the 10 TAPs (approximately 2.47 million persons), and the 2 TACs (approximately 0.11 million persons) totaled approximately 5.01 million Tibetans. The Tibetan population of the 10 TAPs made up approximately 49 percent of the TAR/TAP/TAC total Tibetan population as of 2000. See also Tabulation on the 2010 Population Census of the People’s Republic of China, National Bureau of Statistics of China, Department of Population and Employment Statistics, Population Census Office Under the State Council, 23 April 13, Table 2–1. The table titled “Population by Age, Sex, and Nationality” listed the national Tibetan population as 6,282,187. As of June 2014, the Commission had not observed detailed data based on the 2010 census for ethnic population in provincial-, prefectural-, and county-level administrative areas.

<sup>4</sup>For previous reports on official Party and government demands of the Dalai Lama during previous sessions of dialogue and limitations on topics Chinese officials would discuss, see, e.g., “Party Official Adds More Preconditions Before Dalai Lama Dialogue Can Resume,” CECC China Human Rights and Rule of Law Update, No. 6, 2009; “China-Dalai Lama Dialogue Round Ends: Party Restates Hard Line, Tibetans Begin Meeting,” CECC China Human Rights and Rule of Law Update, November 2008; “China Demands That the Dalai Lama Fulfill Additional Preconditions to Dialogue,” Congressional-Executive Commission on China, 30 July 08.

<sup>5</sup>State Council Information Office, (White Paper) “Tibet’s Path of Development Is Driven by an Irresistible Historical Tide,” 15 April 15. For additional information on official Chinese statements limiting the scope of talks, see, e.g., “China Willing To Talk to Dalai Lama About His Future, Not Tibet,” Indo-Asian News Service, 15 July 08, reprinted in Yahoo!; “China Demands That the Dalai Lama Fulfill Additional Preconditions to Dialogue,” Congressional-Executive Commission on China, 20 July 08. According to the Yahoo! report, Dong Yunhu, Director General of the State Council Information Office, said the Chinese government “will never discuss the future of Tibet” with the Dalai Lama but would discuss the Dalai Lama’s future and that of “some of his supporters.”

<sup>6</sup>State Council Information Office, (White Paper) “Tibet’s Path of Development Is Driven by an Irresistible Historical Tide,” 15 April 15.

<sup>7</sup>U.S. Department of State, “Remarks Delivered at the ‘Lockdown in Tibet’ Event,” 15 June 15.

<sup>8</sup>Ibid.

<sup>9</sup>For information in recent Commission annual reports on the Chinese Communist Party and government approach to economic development in autonomous Tibetan areas of China, see CECC, 2014 Annual Report, 9 October 14, 182–83; CECC, 2013 Annual Report, 10 October 13, 184; CECC, 2012 Annual Report, 10 October 12, 165–66; CECC, 2011 Annual Report, 10 October 11, 214–19; and CECC, 2010 Annual Report, 10 October 10, 222–24.

<sup>10</sup>See, e.g., “Chinese Communist Party Central Committee Political Bureau Convenes Meeting To Study, Promote Work on Tibet’s Development by Leaps and Bounds and Long-Term Order

and Stability—Chinese Communist Party Central Committee General Secretary Hu Jintao Presides Over the Meeting” [Zhonggong zhongyang zhengzhiju zhaokai huiyi—yanjiu tuijin xizang kuayueshi fazhan he changzhi jiu'an gongzuo—zhonggong zhongyang zongshuji hu jintao zhuchi huiyi], Xinhua, 8 January 10 (translated in Open Source Center, 8 January 10); Qin Jiaofeng, Gama Duoqi, and Quan Xiaoshu, “Make Every Effort To Promote Leapfrog Development in Tibet Through Adherence to ‘Chinese Characteristics and Tibetan Traits’—Interview With National People’s Congress Deputy and Tibet Autonomous Region Chairman Baima Chilin” [Jianchi “zhongguo tese, xizang tedian” licu xizang kuayueshi fazhan—fang guanguo renda daibiao, xizang zizhi qu zhuxi baima chilin], Xinhua, 10 March 10 (translated in Open Source Center, 10 March 10). For information on developments at the January 2010 Fifth Tibet Work Forum, see “Communist Party Leadership Outlines 2010–2020 ‘Tibet Work’ Priorities at ‘Fifth Forum,’” CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10.

<sup>11</sup>“Tibet’s 2014 GDP Growth Up 12 pct,” Xinhua, 31 December 14. According to the report, the Tibet Autonomous Region “economy” grew 12 percent in 2014 and maintained “double-digit growth since 1994.”

<sup>12</sup>Ibid. According to the report, the per capita net income of “farmers and herdsmen” in the Tibet Autonomous Region rose 14 percent in 2014; “disposable income” of urban residents rose 8 percent.

<sup>13</sup>For reports related to Tibetan culture, see, e.g., Tibetan Centre for Human Rights and Democracy, “TCHRD Condemns Chinese Police Shooting of Unarmed Tibetans in Kardze,” 14 August 14 (interference with festival); “China issues 20 ‘Illegal Activities Related to the Independence of Tibet,’” Tibet Post International, 25 February 15 (“protests or gatherings under the banner of . . . food security or the protection of animals”); “Tibetan Musician Who Produced Songs for Popular Singer Is Jailed,” Radio Free Asia, 1 December 14 (“jailed for more than two years for producing patriotic Tibetan songs”).

<sup>14</sup>For reports related to Tibetan language, see, e.g., International Campaign for Tibet, “Tibetan Demonstrations Over Land, Education Policy,” 4 November 14 (“calling for equality in education . . . after an official meeting was held about bilingual education”); “China Issues 20 ‘Illegal Activities Related to the Independence of Tibet,’” Tibet Post International, 25 February 15 (“protests or gatherings under the banner of the equality of languages”); “Tibetan Singer Jailed Four Years for Belting Out Patriotic Songs,” Radio Free Asia, 29 November 14 (“songs calling on Tibetans to speak their own language”).

<sup>15</sup>For reports related to Tibetan Buddhism, see, e.g., International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driyu: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14; “Tibetan Monks, Nuns Are Denied Passports in Serthar,” Radio Free Asia, 16 January 15 (“Chinese authorities . . . are refusing to give passports to monks and nuns for travel outside China”); Ben Blanchard, “China Says Dalai Lama ‘Profanes’ Buddhism by Doubting His Reincarnation,” Reuters, 9 March 15 (Tibet Autonomous Region Communist Party Deputy Secretary and Chairman of the TAR People’s Congress Pema Choling (Baima Chilin): “[the Dalai Lama] is profaning religion and Tibetan Buddhism”). For information on Pema Choling’s TAR positions, see China Directory 2014 (Tokyo: Radiopress, December 2013), 433.

<sup>16</sup>For reports related to the environment, see, e.g., “Tibetans Decry Pollution, Damage to Land From Chinese Mining,” Radio Free Asia, 20 January 15 (“mining operations in a Tibetan-populated region of Qinghai province are wrecking the environment”); “Villagers Protest in Tibet’s Maldro Gongkar County Over Mine Pollution,” Radio Free Asia, 29 September 14 (“More than 1,000 Tibetan villagers have protested against Chinese mining . . .”); “Thirteen Wounded as Chinese Police Open Fire on Tibetan Anti-Mine Protesters,” Radio Free Asia, 1 October 14 ([Protesters in Rikaze (Shigatse) prefecture] “suffered gunshot wounds when Chinese security forces fired into a crowd of villagers . . .”).

<sup>17</sup>Laba Ciren and Gama Duoqi, “Setting of ‘Emancipation Day for Millions of Tibetan Serfs’ Exposes Reactionary Nature and Darkness of Old Tibet’s Feudal System,” Xinhua, 19 January 09 (translated in Open Source Center); Bai Xu, Gama Doje, et al., Xinhua, “The Day That Changed My Life—Tibet Sets ‘Serfs Emancipation Day,’” 19 January 09. See also “TAR Creates March 28 Holiday To Celebrate 1959 Dissolution of Dalai Lama’s Government,” Congressional-Executive Commission on China, 10 May 09.

<sup>18</sup>For Commission reporting on the March–April 2008 Tibetan protests, see “Protests Fueled by Patriotic Education Continue Amidst Lockdowns,” Congressional-Executive Commission on China, 10 April 08. See also, “Statement of Steven Marshall Before the Senate Foreign Relations Committee—April 23, 2008,” 23 April 08.

<sup>19</sup>“Televised Speech to Commemorate the 56th Anniversary of the Liberation of Serfs in Tibet” [Jinian xizang baiwan nongnu jiefang 56 zhounian dianshi jianghua], Tibet Daily, 28 March 15 (translated in Open Source Center, 4 April 15). Open Source Center attributes the speech to “Losang Jamcan” [Lobsang Gyaltsen (Luosang Jiangcun)], Chairman of the Tibet Autonomous Region People’s Government, but the basis of the attribution is not apparent.

<sup>20</sup>China Directory 2014 (Tokyo: Radiopress, December 2013), 22. China Directory lists Seeking Truth (*Qishi*) as an organization under the Party Central Committee.

<sup>21</sup>State Ethnic Affairs Commission Leading Party Group, “Guide to Action for Effectively Conducting Ethnic Work Under the New Situation—Studying General Secretary Xi Jinping’s Important Expositions on Ethnic Work” [Xin xingshi xia zuo hao minzu gongzuo de xingdong zhinan—xuexi xi jinping zongshuji guanyu minzu gongzuo de zhongyao lunshu], Seeking Truth, 31 July 14 (translated in Open Source Center, 17 December 14). China Directory 2014 (Tokyo: Radiopress, December 2013), 13–28. The State Ethnic Affairs Commission Leading Party Group is not listed as a group directly under the Party’s Central Committee.

<sup>22</sup>Ibid.

<sup>23</sup>Wang Shoubao and Zhang Jingpin, “Tibet Qamdo Prefecture Revocation and Establishment of Municipality Obtains State Council Approval” [Xizang changdu diqu che di she shi huo guowuyuan pifufu], Xinhua, 3 November 11.

<sup>24</sup>“New City Inaugurated in China’s Tibet,” Xinhua, 19 December 14 (“Xigaze . . . the third prefecture-level city in the region”).

<sup>25</sup>“New City To Be Established in China’s Tibet,” Xinhua, 3 April 15 (“Nyingchi . . . the fourth prefecture-level city in the region”).

<sup>26</sup>“The Tibet Autonomous Region,” National People’s Congress, 19 March 09 (“1 prefecture-level city”).

<sup>27</sup>“Qinghai-Tibet Railway Ready for Operation on July 1,” Xinhua, 29 June 06.

<sup>28</sup>“Xinhua Insight: Tibet’s Second Railway Line Opens,” Xinhua, 15 August 14.

<sup>29</sup>Changdu (Chamdo), the capital of Changdu prefecture, is near the Sichuan-Tibet railway route but not on it. “Construction of Sichuan-Tibet Railway To Start in Sept,” China Daily, 1 September 09. According to a schematic published in the China Daily article, the railway will go through Zuogang (Dzogang) county, Changdu prefecture, south of Changdu city. According to the same schematic, the railway will go through Litang (Lithang) and Kangding (Dartsedo) counties in Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan province. See “Construction of Lhasa-Nyingchi Railway Begins,” Xinhua, 19 December 14 (construction began in December 2014); “Construction Begins on Chengdu-Ya’an Section of Sichuan-Tibet Railway,” Xinhua, 6 December 14.

<sup>30</sup>“Construction of Lhasa-Nyingchi Railway Begins,” Xinhua, 19 December 14. According to the National Development and Reform Commission approved plan, the section would take “seven years” to complete.

<sup>31</sup>“Tibet’s Urbanization Rate Expected To Exceed 30% by 2020,” Xinhua, 14 January 15.

<sup>32</sup>“New City To Be Established in China’s Tibet,” Xinhua, 3 April 15 (“Nyingchi . . . the fourth prefecture-level city in the region”).

<sup>33</sup>“Tibet’s Urbanization Rate Expected To Exceed 30% by 2020,” Xinhua, 14 January 15.

<sup>34</sup>Ibid.

<sup>35</sup>Based on Commission staff research experience, the report’s assertion that the Lhasa city population was “currently . . . less than 300,000” likely meant that it was the most current information available as of the Xinhua article’s January 2015 publication date. The most recent publication available in January 2015 would have been published in 2014 and reported data for 2013.

<sup>36</sup>Commission staff verified that Tibet Statistical Yearbooks did not contain county-level population statistics after the 2009 edition.

<sup>37</sup>Tibet Statistical Yearbook 2009 (Beijing: China Statistics Press, June 2009), Table 3–7, “Population by Region.”

<sup>38</sup>Based on Commission staff research experience, the report’s assertion that the Lhasa city population was “currently . . . less than 300,000” likely meant that it was the most current information available. The most recent population data available in January 2015 likely would have been published in 2014 and reported data for 2013.

<sup>39</sup>Initial articles predicting completion dates were published in 2008. “Qinghai-Tibet Plateau To Embrace 6 More Railway Lines by 2020,” China Tibet Online, reprinted in Xinhua, 3 December 08. The China Tibet Online report states, “By 2020, six main railway lines and some branches connecting Tibet Autonomous Region and Qinghai Province with other parts of China, are expected to be built and put into operation.” Xin Dingding, “Qinghai-Tibet Railway To Get Six New Lines,” China Daily, 17 August 08. The China Daily report states, “The six new tracks include one from Lhasa to Nyingchi [Linshi] and one from Lhasa to Xigaze [Rikaze], both in the Tibet autonomous region. Three tracks will originate from Golmud in Qinghai province and run to Chengdu in Sichuan province, Dunhuang in Gansu province, and Kuerle [Ku’erle] of the Xinjiang Uygur Autonomous Region. The sixth will link Xining, capital of Qinghai, with Zhangye in Gansu.” For an official 2008 map of planned railways, see National Development and Reform Commission, “Long-Term Railway Network Plan (2008 Revision)” [Zhong changqi tieluwang guihua tu (2008 nian tiaozheng)], last visited 8 April 15, 7.

<sup>40</sup>“China Approves New Railway in Tibet,” Xinhua, 31 October 14.

<sup>41</sup>“Construction of Lhasa-Nyingchi Railway Begins,” Xinhua, 19 December 14.

<sup>42</sup>“Construction Begins on Chengdu-Ya’an Section of Sichuan-Tibet Railway,” Xinhua, 6 December 14.

<sup>43</sup>“Construction of Lhasa-Nyingchi Railway Begins,” Xinhua, 19 December 14. According to the Xinhua report, the section would take “seven years” to complete.

<sup>44</sup>Based on information in official reports, the Lhasa-Linshi railway would cost approximately 91 million yuan per kilometer; the Golmud-Lhasa railway, completed in 2006, cost approximately 25.8 million yuan per kilometer. “Construction of Lhasa-Nyingchi Railway Begins,” Xinhua, 19 December 14. “Government Scrutinizes Spending on Qinghai-Tibet Railway,” Xinhua, reprinted in People’s Daily, 29 June 06 (29.46 billion yuan for the 1,142 kilometer Golmud-Lhasa section).

<sup>45</sup>“Sichuan-Tibet Railroad Project From Lhasa to Nyingchi Is Approved; Overall Investment for the Project Is 36.6 Billion” [Chuan zang tielu lasa zhi linshi duan xiangmu huo pi xiangmu zong touzi 366 yi], Xinhua, reprinted in People’s Daily, 1 November 14. According to the article, although the western terminus is Lhasa, the most western point will be 32 kilometers west of Lhasa in “Xierong.” Commission map research indicates that Xierong (Sheldrong) is located in Qushui (Chushur) county, Lhasa municipality. The railway will pass through the following seven counties located along the south bank of the Yalungzangbu (Yarlung Tsangpo, or Brahmaputra) river prior to reaching Linshi (Nyingtri) county, the capital of Linshi (Kongpo) prefecture: Gongga (Gongkar), Zhanang (Dranang), Naidong (Nedong), Sangri (Zangri), and Jiacha (Gyatsa) located in Shannan (Lhoka) prefecture; and Langxian (Nang Dzong) and Milin (Minling) located in Linshi prefecture.

<sup>46</sup>“China Calls in Indian Ambassador To Voice Unhappiness on Modi’s Visit to Disputed Territory,” Xinhua, 21 February 15. According to the article, “The so-called ‘Arunachal Pradesh’ was established largely on the three areas of China’s Tibet . . . currently under Indian illegal occupation.”

<sup>47</sup>Harsh V. Pant, Strategic Studies Institute and U.S. Army War College Press, "The Growing Complexity of Sino-Indian Ties," June 2014, 12, 14, 27; Rodney Jones, Defense Threat Reduction Agency Advanced Systems and Concepts Office and Policy Architects International, "Nuclear Escalation Ladders in South Asia," April 2011, 6, 22.

<sup>48</sup>Chinese Communist Party sources can be inconsistent in referring to such groups. See, e.g., "The Political Bureau of the CPC Central Committee Holds a Meeting To Analyze and Study the Current Economic Situation and the Economic Work and To Study Further Pushing Forward the Work of Economic and Social Development and the Long-Term Peace, Order, and Stability in Tibet; Xi Jinping, General Secretary of the CPC Central Committee, Presides Over the Meeting" [Zhonggong zhongyang zhengzhiju zhaokai huiyi—fenxi yanjiu dangqian jingji xingshi he jingji gongzuo—yanjiu jinyibu tuijin xizang jingji shehui fazhan he changzhi jiu an gongzuo—zhonggong zhongyang zongshuji xi jinpings zhuchi huiyi], Xinhua, 30 July 15 (translated in Open Source Center, 31 July 15 (uses "central leading group" (*gongzuo lingdao xiaozu*)); Zhong Yongyong, "Chinese Communist Party 18th Central Committee," Chinese Communist Party 18th Central Committee, reprinted in Sina (blog), 18 April 13 (uses "coordination small group" or "coordination small working group" (*gongzuo xietiao xiaozu*) to refer to such groups). See also Alice Miller, "More Already on the Central Committee's Leading Small Groups," China Leadership Monitor, Hoover Institution, Stanford University, No. 44 (Summer 2014), 28 July 14. Miller's usage includes "leading small group" and "coordination small group."

<sup>49</sup>For a brief state-run media description of the United Front Work Department's objective, see "Chinese Officials Stress Role of United Front in Serving Social Management," Xinhua, 27 June 11. According to the Xinhua report, the United Front Work Department plays an important role in Communist Party "social management" regarding "people of different political parties, ethnic groups, religions and social groups at home and abroad." See also Chi Hsiao-hua, "Tibetan Promoted as Deputy Head of United Front Work Department," Sing Tao Daily, 12 September 06 (translated in Open Source Center 15 September 06). The Sing Tao Daily article states, "According to the UFWD's official website, the department comprises six bureaus, namely Bureau One (works with democrats), Bureau Two (works with ethnic minorities and representatives of religions), Bureau Three (works with compatriots in Hong Kong, Macau, Taiwan and overseas), Bureau Four (selection of non-CPC members to fill government posts), Bureau Five (liaison with private enterprisers), and Bureau Six (works with intellectuals who are not CPC members)."

<sup>50</sup>"The Political Bureau of the CPC Central Committee Holds a Meeting To Analyze and Study the Current Economic Situation and the Economic Work and To Study Further Pushing Forward the Work of Economic and Social Development and the Long-Term Peace, Order, and Stability in Tibet; Xi Jinping, General Secretary of the CPC Central Committee, Presides Over the Meeting" [Zhonggong zhongyang zhengzhiju zhaokai huiyi—fenxi yanjiu dangqian jingji xingshi he jingji gongzuo—yanjiu jinyibu tuijin xizang jingji shehui fazhan he changzhi jiu an gongzuo—zhonggong zhongyang zongshuji xi jinpings zhuchi huiyi], Xinhua, 30 July 15 (translated in Open Source Center, 31 July 15). For a publicly available version of the same Chinese-language report, see "The Political Bureau of the CPC Central Committee Holds a Meeting To Analyze and Study the Current Economic Situation and the Economic Work and To Study Further Pushing Forward the Work of Economic and Social Development and the Long-Term Peace, Order, and Stability in Tibet; Xi Jinping, General Secretary of the CPC Central Committee, Presides Over the Meeting" [Zhonggong zhongyang zhengzhiju zhaokai huiyi—fenxi yanjiu dangqian jingji xingshi he jingji gongzuo—yanjiu jinyibu tuijin xizang jingji shehui fazhan he changzhi jiu an gongzuo—zhonggong zhongyang zongshuji xi jinpings zhuchi huiyi], Xinhua, 30 July 15.

<sup>51</sup>Tang Chaoyang, "Lhasa and Tibetan Areas in Four Provinces Signed a Joint Cooperative Agreement To Ensure Stability" [Lasa ji si sheng zang qu qianshu gong bao wending hezuo xieyi], China News Service, 11 July 15 (summarized in Open Source Center, 14 July 15).

<sup>52</sup>"Xi Jinping Stresses at the Sixth Tibet Work Forum—Administer Tibet According to Law, Increase Tibetans' Wealth Over the Long Term—Accelerate the Pace of Comprehensively Building Up a Moderately Well-Off Society—Li Keqiang and Yu Zhengsheng Speak; Zhang Dejiang, Liu Yunshan, Wang Qishan, Zhang Gaoli Attend" [Xi jinpings zai zhongyang di liu ci xizang gongzuo zuotanhui shang qiangdiao—yifa zhi zang fumin xing zang changqi jian zang—jia kuai xizang quanmian jiancheng xiaokang shehui bufa—li keqiang yu zhengsheng jiang hua—zhang dejiang liu yunshan wang qishan zhang gaoli chuxi], Xinhua, 25 August 15, reprinted in People's Daily (translated in Open Source Center, 25 August 15).

<sup>53</sup>"The CPC Central Committee and the State Council Hold the Fifth Tibet Work Forum" [Zhonggong zhongyang guo wuyuan zhaokai diwu ci xizang gongzuo zuotanhui], Xinhua, 22 January 10 (translated in Open Source Center, 25 January 10). See also CECC, 2010 Annual Report, 10 October 10, 215–19; "Communist Party Leadership Outlines 2010–2020 'Tibet Work' Priorities at 'Fifth Forum,'" CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10, 2.

<sup>54</sup>"Xi Jinping Stresses at the Sixth Tibet Work Forum—Administer Tibet According to Law, Increase Tibetans' Wealth Over the Long Term—Accelerate the Pace of Comprehensively Building Up a Moderately Well-Off Society—Li Keqiang and Yu Zhengsheng Speak; Zhang Dejiang, Liu Yunshan, Wang Qishan, Zhang Gaoli Attend" [Xi jinpings zai zhongyang di liu ci xizang gongzuo zuotanhui shang qiangdiao—yifa zhi zang fumin xing zang changqi jian zang—jia kuai xizang quanmian jiancheng xiaokang shehui bufa—li keqiang yu zhengsheng jiang hua—zhang dejiang liu yunshan wang qishan zhang gaoli chuxi], Xinhua, 25 August 15, reprinted in People's Daily (translated in Open Source Center, 25 August 15).

<sup>55</sup>Ibid.

<sup>56</sup>Ibid.

<sup>57</sup>For information in recent Commission annual reports on Tibetan self-immolation, see CECC, 2014 Annual Report, 9 October 14, 172–78; CECC, 2013 Annual Report, 10 October 13, 172–81; and CECC, 2012 Annual Report, 10 October 12, 156–60.

<sup>58</sup>The Commission has posted under Resources, Special Topics on its website ([www.cecc.gov](http://www.cecc.gov)) a series of lists of Tibetan self-immolations. "CECC Update: Tibetan Self-Immolations," Congressional-Executive Commission on China, 22 July 15. The summary contains a list showing that self-immolations numbered 127–137 took place during the period September 2014–August 2015.

<sup>59</sup>*Ibid.* The summary contains a list showing that self-immolations numbered 117–126 took place from September 2013–August 2014.

<sup>60</sup>For information in recent Commission annual reports with information on officials blaming foreign entities for self-immolation, see CECC, 2013 Annual Report, 10 October 13, 174; and CECC, 2012 Annual Report, 10 October 12, 157.

<sup>61</sup>China Directory 2014, (Tokyo: Radiopress, December 2013), 154. See also Han Miao and Li Yunlu, "Zhu Weiqun: Tibet Getting Better Is the Fundamental Reason Why the Dalai Lama Cannot Go Any Further" [Zhu weiqun: xizang yue lai yue hao shi dalai zou buxia xiaqu de genben yuanyin], Xinhua, 11 March 15.

<sup>62</sup>"Chinese Official Urges Dalai Lama To 'Forsake Evil Ways,'" Xinhua, 11 March 15; Ben Blanchard, "China Says Dalai Lama Less and Less Influential, But Must Reincarnate," Reuters, 11 March 15.

<sup>63</sup>Ben Blanchard, "China Says Dalai Lama Less and Less Influential, But Must Reincarnate," Reuters, 11 March 15. See also "Chinese Official Urges Dalai Lama To 'Forsake Evil Ways,'" Xinhua, 11 March 15.

<sup>64</sup>China Directory 2012, (Tokyo: Radiopress, December 2011), 17, 27. Zhu Weiqun also held the position of Director of the Party's General Office of the Central Coordinating Group for Tibet Affairs. China Directory 2014, (Tokyo: Radiopress, December 2013). Zhu retired from the Central Committee; China Directory 2014 does not indicate that he held any Central Committee positions.

<sup>65</sup>"United Front Work Department Executive Deputy Head Reveals Inside Story of Communist Party-Dalai Talks" [Tongzhanbu changwu fubuzhang jiemi zhonggong yu dalai tanpan neimu], Phoenix Net, 23 December 08 (translated in Open Source Center, 25 December 08) ("Since 2003, Zhu Weiqun has participated in all the subsequent engage-and-talk interactions with the Dalai side."); "Press Conference on Central Govt's Contacts With Dalai Lama (Text)," China Daily, 11 February 10 (demonstrates participation in 2010 round of dialogue). For information in previous Commission annual reports on Zhu Weiqun's involvement in the dialogue between the Dalai Lama's representatives and Party and government officials, see, e.g., CECC, 2010 Annual Report, 10 October 10, 219–20; CECC, 2009 Annual Report, 10 October 09, 274–75; CECC, 2008 Annual Report, 31 October 08, 187.

<sup>66</sup>For reports providing specific detail on self-immolators' protests during the period beginning on September 16, 2014 (in chronological order), see, e.g., "Tibetan Man Self-Immolates in Front of Police Station in Qinghai," Radio Free Asia, 4 October 14 (Konchog "burned himself in front of a police station"); "Tibetan Student Perishes in First Self-Immolation in Five Months," Radio Free Asia, 21 September 14 (Lhamo Tashi self-immolated "shouting slogans in front of the . . . police station"); International Campaign for Tibet, "Self-Immolation in Eastern Tibet and Major Troop Deployments in Lhasa as Tibetans Mark Religious Anniversary," 16 December 14 (Sanggye Khar "set fire to himself and died . . . outside a police station"); International Campaign for Tibet, "Self-Immolation of Monk Known for Protecting Religion and Culture," 23 December 14 (Kalsang Yeshe "called for the return of the Dalai Lama . . . and for freedom for Tibetans"); Tibetan Centre for Human Rights and Democracy, "Monk Dies of Self-Immolation Calling for Dalai Lama's Return to Tibet," 24 December 14 (Kalsang Yeshe "called for 'the return of Dalai Lama to Tibet' and 'freedom for Tibetans'"); International Campaign for Tibet, "Tibetan Nun Sets Fire to Herself in Kardze," 10 April 15 (Yeshe Khadro "called for the long life of the Dalai Lama, for the Dalai Lama to be invited to Tibet, and for freedom for Tibet"); "Tibetan Man Burns Himself to Death in Front of Makeshift Altar," Voice of America, 17 April 15 (Nekyab "set fire to himself after calling out some demands"; "people . . . heard him shout out for the return of the Dalai Lama to Tibet"); International Campaign for Tibet, "Tibetan Mother Who Self-Immolated Wrote Note Calling for Long Life of Dalai Lama," 1 June 15 (Sanggye Tso "left a note calling for the long life of the Dalai Lama"); Free Tibet, "Come Together in the Power of Unity for Tibet," 20 July 15 ("The central hope of our people is to reinstate His Holiness the Dalai Lama in the Potala palace.").

<sup>67</sup>For reports on government repression of religious activity during the Commission's 2015 reporting year, see, e.g., International Campaign for Tibet, "Harsh New 'Rectification' Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and 'Mani Walls,'" 20 November 14; "Monks, Nuns Forced To Return to Tibet County in Religious Life Clampdown," Radio Free Asia, 24 October 14. For Commission analysis of Chinese government regulatory intrusion upon Tibetan Buddhist affairs, see, e.g., "Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion," Congressional-Executive Commission on China, 23 December 11; "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures," Congressional-Executive Commission on China, 10 March 11; "New Legal Measures Assert Unprecedented Control Over Tibetan Buddhist Reincarnation," Congressional-Executive Commission on China, 22 August 07. For measures issued by China's central government, see, e.g., State Administration for Religious Affairs, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jingshi zige pingding he pinren banfa], passed 25 November 12, effective 3 December 12; State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10; State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07.

<sup>68</sup>During the 2015 reporting year, the Commission did not observe indications that dialogue between the Chinese government and the Dalai Lama's representatives might soon resume.

<sup>69</sup>See, e.g., International Campaign for Tibet, "Tibetan Man Self-Immolates in Golog. Harrowing Image Reaches Tibetans in Exile," 6 October 14 (regarding Konchog's self-immolation: "news only reached Tibetans in exile [October 5] due to restrictions on information and tightened security"); "Tibetan Man Dies in Self-Immolation Protest in Front of Police Station," Radio Free Asia, 16 December 14 (regarding Sanggye Khar's self-immolation: "clamped down on communications"); "Tibetan Father of Four Self-Immolates in Protest in Sichuan," Radio Free Asia, 20 May 15 (regarding Tenzin Gyatso's self-immolation: "restrictions on movement and communications have been imposed").

<sup>70</sup>See PRC Criminal Law [Zhonghua renmin gongheguo xingfa], issued 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 111. The statute stipulates punishment for sharing "state secrets or intelligence" with "an organ, organization or individual outside the territory of China." For examples of Tibetans sentenced to imprisonment in connection with allegations of sharing self-immolation information, see, e.g., the Commission's Political Prisoner Database records 2015-00084 on Kalsang Tsering; 2014-00014 on Karma Tsewang; 2014-00046 on Tobden; 2013-00327 on Tenzin Rangdrol; 2012-00275 on Lobsang Jinpa; 2012-00276 on Tsultrim Kalsang; 2012-00278 on Sonam Yiggyen; 2012-00279 on Sonam Sherab; 2012-00349 on Lobsang Tsering; 2012-00266 on Lobsang Konchog; 2012-00296 on Lobsang Tashi; and 2012-00297 on Thubdor.

<sup>71</sup>The Commission has posted under the Special Topics section of the Resources tab of its website ([www.cecc.gov](http://www.cecc.gov)) a series of lists of Tibetan self-immolations. See, e.g., "CECC Update: Tibetan Self-Immolations," Congressional-Executive Commission on China, 22 July 15. As of July 9, 137 Tibetan self-immolations reported or believed to focus on political and religious issues took place in the following 10 prefectural-level areas of Tibetan autonomy (arranged in descending order by number of self-immolations): Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, 58 self-immolations; Gannan (Kanlho) Tibetan Autonomous Prefecture (TAP), Gansu province, 30 self-immolations; Huangnan (Malho) TAP, Qinghai province, 18 self-immolations; Ganzi (Kardze) TAP, Sichuan, 10 self-immolations; Yushu (Yulshul) TAP, Qinghai, 6 self-immolations; Naqu (Nagchu) prefecture, Tibet Autonomous Region (TAR), 4 self-immolations; Guoluo (Golog) TAP, Qinghai, 4 self-immolations; Lhasa municipality, TAR, 3 self-immolations; Changdu (Chamdo) prefecture, TAR, 1 self-immolation; Haixi (Tsonub) Mongol and Tibetan Autonomous Prefecture, Qinghai, 1 self-immolation. In addition, 2 Tibetans self-immolated in Haidong prefecture, Qinghai, which is not an area of Tibetan autonomy. (The preceding information does not include the following six self-immolation protests: Yushu TAP property protests by females Dekyi Choezom and Pasang Lhamo on June 27 and September 13, 2012, respectively; Yushu property protest by female self-immolator Konchog Tsono in March 2013; Gannan TAP property protest by female Tashi Kyi on August 28, 2015; and the April 6, 2012, deaths of a Tibetan Buddhist abbot, Athub, and a nun, Atse, in a Ganzi TAP house fire initially reported as accidental and later as self-immolation. The Commission continues to monitor reports on their deaths.)

<sup>72</sup>Ibid. A total of 17 self-immolations numbered 121–137 took place from January 2014 through August 2015: Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province (122–123, 130, 132, 134); Ganzi Tibetan Autonomous Prefecture (TAP), Sichuan (125–126, 131, 133, 135); Huangnan TAP, Qinghai province (121, 124); Gannan TAP, Gansu province (128–129, 136); Guoluo TAP, Qinghai (127); and Yushu TAP, Qinghai (137).

<sup>73</sup>"CECC Update: Tibetan Self-Immolations," Congressional-Executive Commission on China, 22 July 15.

<sup>74</sup>CECC, 2014 Annual Report, 9 October 14, 175; CECC, 2013 Annual Report, 10 October 13, 174–78; CECC, 2012 Annual Report, 10 October 12, 157–60.

<sup>75</sup>See, e.g., "Tibetan Man Self-Immolates in Front of Police Station in Qinghai," Radio Free Asia, 4 October 14; International Campaign for Tibet, "Tibetan Man Self-Immolates in Golog. Harrowing Image Reaches Tibetans in Exile," 6 October 14; Free Tibet, "Tibetan Man Survives Self-Immolation Protest," 6 October 14.

<sup>76</sup>See, e.g., "Tibetan Student Perishes in First Self-Immolation in Five Months," Radio Free Asia, 21 September 14; International Campaign for Tibet, "Tibetan Student Sets Fire to Himself Outside Government Office in Northeastern Tibet," 22 September 14; Free Tibet, "Student Dies After Setting Himself Alight," 21 September 14; International Campaign for Tibet, "Self-Immolation in Eastern Tibet and Major Troop Deployments in Lhasa as Tibetans Mark Religious Anniversary," 16 December 14.

<sup>77</sup>See, e.g., "Tibetan Man Dies in Self-Immolation Protest in Front of Police Station," Radio Free Asia, 16 December 14; International Campaign for Tibet, "Self-Immolation in Eastern Tibet and Major Troop Deployments in Lhasa as Tibetans Mark Religious Anniversary," 16 December 14; Free Tibet, "Tibetan Dies in Fatal Protest," 16 December 14 ("Sangyal Khar").

<sup>78</sup>See, e.g., Tibetan Centre for Human Rights and Democracy, "Tibetan Woman, 19, Dies of Self-Immolation: Police Detain Family Members," 23 December 14 ("Tsepey"); "Tibetan Teenage Girl Carries Out Self-Immolation Protest," Voice of America, 22 December 14 ("Tsepey"); Free Tibet, "Tibetan Woman Dies in Self-Immolation Protest," 22 December 14 ("Tsepe Kyi").

<sup>79</sup>See, e.g., International Campaign for Tibet, "Self-Immolation of Monk Known for Protecting Religion and Culture," 23 December 14; Tibetan Centre for Human Rights and Democracy, "Monk Dies of Self-Immolation Calling for Dalai Lama's Return to Tibet," 24 December 14; "Tibetan Monk Self-Immolates in Second Protest This Week," Radio Free Asia, 23 December 14.

<sup>80</sup>See, e.g., International Campaign for Tibet, "Self-Immolation and Protest in Tibet Amid Intensified Security in Buildup to March 10 Anniversary," 9 March 15; Tibetan Centre for Human Rights and Democracy, "Tibetan Mother Dies in Self-Immolation Protest: Body Quickly Cremated for Fear of Seizure by Police," 9 March 15; "Self-Immolation to Death Protest in Security Heavy Ngaba," Voice of America, 9 March 15.

<sup>81</sup>See, e.g., "Tibetan Nun in Kardze Stages Self-Immolation Protest Over Chinese Policies," Radio Free Asia, 10 April 15 ("Yeshi Khando," "Ngagong" nunnery); International Campaign for



Tibet, "Tibetan Nun Sets Fire to Herself in Kardze," 10 April 15 ("Yeshe Kandro"); "Tibetan Nun Self-Immolates To Protest Chinese Rule in Karze," Voice of America, 10 April 15 ("Yeshe Khando").

<sup>82</sup> See, e.g., International Campaign for Tibet, "Tibetan Man Sets Fire to Himself Beside Shrine With Religious Offerings (Updated)," 16 April 15 ("Neykyab"); "Tibetan Man Burns Himself to Death in Front of Makeshift Altar," Voice of America, 17 April 15 ("Nikyab"); "Tibetan Man Dies in Second Self-Immolation Protest This Month," Radio Free Asia, 16 April 15 ("Nei Kyab").

<sup>83</sup> See, e.g., "Tibetan Father of Four Self-Immolates in Protest in Sichuan," Radio Free Asia, 20 May 15; "Tibetan Mother of Two Burns to Death in Protest," Radio Free Asia, 27 May 15 (Tenzin Gyatso "set himself on fire and died"); International Campaign for Tibet, "Tibetan Father of Four Self-Immolates After Oppressive Measures To Prevent Dalai Lama Birthday Celebrations," 21 May 15; "Father of Four Self-Immolates in Kham Tawu," Voice of America, 21 May 15.

<sup>84</sup> See, e.g., International Campaign for Tibet, "Tibetan Mother Who Self-Immolated Wrote Note Calling for Long Life of Dalai Lama," 1 June 15 ("Sangye Tso"); International Campaign for Tibet, "Tibetan Mother of Two Sets Fire to Herself Outside Government Building," 27 May 15; Tibetan Centre for Human Rights and Democracy, "Tibetan Mother Dies of Self-Immolation Protest in Front of Chinese Government Office," 28 May 15 ("Sangyal Tso").

<sup>85</sup> See, e.g., Free Tibet, "Come Together in the Power of Unity for Tibet," 20 July 15 ("Sonam Topgyal"); Tibetan Centre for Human Rights and Democracy, "Monk Stages Burning Protest in Remote Tibetan Town as China Imposes Internet Blockade," 10 July 15; International Campaign for Tibet, "Tibetan Monk Self-Immolates as Security Tightened for Dalai Lama's Birthday," 10 July 15.

<sup>86</sup> For Commission analysis of Chinese government regulatory intrusion upon Tibetan Buddhist affairs, see, e.g., "Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion," Congressional-Executive Commission on China, 23 December 11; "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures," Congressional-Executive Commission on China, 10 March 11; "New Legal Measures Assert Unprecedented Control Over Tibetan Buddhist Reincarnation," Congressional-Executive Commission on China, 22 August 07. For measures issued by China's central government, see, e.g., State Administration for Religious Affairs, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jingshi zige pingding he pinren banfa], passed 25 November 12, effective 3 December 12; State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10; State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07.

<sup>87</sup> Driiru County People's Government, "Announcement of Provisional Implementation of the County Government Decision on Rectification of the Religious Sphere and Allocation of Responsibilities for Subsequent Maintenance of Standards," 12 September 14, sec. 17, translated in International Campaign for Tibet, "Harsh New 'Rectification' Drive in Driiru: Nuns Expelled and Warning of Destruction of Monasteries and 'Mani Walls,'" 20 November 14. Section 17 addresses "rectifying unauthorised carving of Mani [prayer] stones and piling up of Mani walls [traditional walls of mantras carved on stone]." See also "China Imposes Harsh New Restrictions in Restive Tibet County," Radio Free Asia, 7 October 14.

<sup>88</sup> Han Miao and Li Yunlu, "Zhu Weiqun: Tibet Getting Better Is the Fundamental Reason Why the Dalai Lama Cannot Go Any Further" [Zhu weiqun: xizang yue lai yue hao shi dalai zou buxia qu de genben yuanyin], Xinhua, 11 March 15. According to Zhu, "The power to decide on the reincarnation of the Dalai Lama and the abolition or continuation of the lineage rests with the central government and not on anyone else, not even the Dalai Lama himself."

<sup>89</sup> China Directory 2014, (Tokyo: Radiopress, December 2013), 154. See also Han Miao and Li Yunlu, "Zhu Weiqun: Tibet Getting Better Is the Fundamental Reason Why the Dalai Lama Cannot Go Any Further" [Zhu weiqun: xizang yue lai yue hao shi dalai zou buxia qu de genben yuanyin], Xinhua, 11 March 15.

<sup>90</sup> "United Front Work Department Executive Deputy Head Reveals Inside Story of Communist Party-Dalai Talks" [Tongzhanbu changwu fubuzhang jiemi zhonggong yu dalai tanpan neimu], Phoenix Net, 23 December 08 (translated in Open Source Center, 25 December 08) ("Since 2003, Zhu Weiqun has participated in all the subsequent engage-and-talk interactions with the Dalai side."); "Press Conference on Central Govt's Contacts With Dalai Lama (Text)," China Daily, 11 February 10 (demonstrates participation in 2010 round of dialogue). For information in previous Commission annual reports on Zhu Weiqun's involvement in the dialogue between the Dalai Lama's representatives and Party and government officials, see, e.g., CECC, 2010 Annual Report, 10 October 10, 219–20; CECC, 2009 Annual Report, 10 October 09, 274–75; CECC, 2008 Annual Report, 31 October 08, 187.

<sup>91</sup> Han Miao and Li Yunlu, "Zhu Weiqun: Tibet Getting Better Is the Fundamental Reason Why the Dalai Lama Cannot Go Any Further" [Zhu weiqun: xizang yue lai yue hao shi dalai zou bu xiaqu de genben yuanyin], Xinhua, 11 March 15.

<sup>92</sup> "Tibetan Official Defends Reincarnation System, Slams Dalai Lama," Xinhua, 9 March 15.

<sup>93</sup> China Directory 2014, (Tokyo: Radiopress, December 2013), 6, 432. Pema Choling (*Baima Chilin*) is also a member of the Communist Party Central Committee and a Deputy Secretary of the Tibet Autonomous Region Party Committee.

<sup>94</sup> "Tibetan Official Defends Reincarnation System, Slams Dalai Lama," Xinhua, 9 March 15.

<sup>95</sup> Office of His Holiness the Dalai Lama, "Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation," 24 September 11. In the statement, after writing, "I make the following declaration," he listed the subject, "The next incarnation of the Dalai Lama." See also "Dalai Lama Rejects Communist Party 'Brazen Meddling' in Ti-

betan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12.

<sup>96</sup>State Council Information Office, (White Paper) “Tibet’s Path of Development Is Driven by an Irresistible Historical Tide,” reprinted in Xinhua, 15 April 15. For contents of the regulations that “further institutionalize the reincarnation process,” see State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07.

<sup>97</sup>State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07.

<sup>98</sup>Office of His Holiness the Dalai Lama, “Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation,” 24 September 11. See also “Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12.

<sup>99</sup>Driru County People’s Government, “Announcement of Provisional Implementation of the County Government Decision on Rectification of the Religious Sphere and Allocation of Responsibilities for Subsequent Maintenance of Standards,” 12 September 14, translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14.

<sup>100</sup>Ibid., arts. 37(5) (two-year ban), 38(2) (one-year ban), 43(4) (two-year ban), 44(2) (one-year ban), 44(4) (two-year ban), 45(2) (three-year ban), 55(2) (three-year ban), translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14. The ICT translation indicates that several pages of the regulations were missing, preventing complete analysis.

<sup>101</sup>For reports on the value and economic importance of *cordyceps sinensis* to Tibetans in some areas, see, e.g., Huang Jingjing, “Physicians Challenge Craze for Exorbitantly Priced TCM Fungus,” Global Times, 30 July 14; Daniel Winkler, “Yartsa Gunbu (*Cordyceps sinensis*) and the Fungal Commodification of Tibet’s Rural Economy,” Economic Botany, Vol. 62, No. 3 (2008), 291; Jonathan Watts, “Fungus Gold Rush in Tibetan Plateau Rebuilding Lives After Earthquake,” Guardian, 17 June 10; Human Rights Watch, “They Say We Should Be Grateful—Mass Relocating and Relocation Programs in Tibetan Areas of China,” 27 June 13.

<sup>102</sup>Driru County People’s Government, “Announcement of Provisional Implementation of the County Government Decision on Rectification of the Religious Sphere and Allocation of Responsibilities for Subsequent Maintenance of Standards,” 12 September 14, Arts. 37(3) (three-year ban), 38(2) (one-year ban), 45(2) (three-year ban), 55(2) (three-year ban), translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14. The ICT translation indicates that several pages of the regulations were missing, preventing complete analysis.

<sup>103</sup>For examples of recent precedents in government imposition of collective punishment in Tibetan autonomous areas, see, e.g., CECC, 2014 Annual Report, 9 October 14, 176–78; “County Government Threatens Self-Immolation Communities With Collective Punishment,” Congressional-Executive Commission on China, 14 April 14; Ruofeng County People’s Government, Notice of Interim Anti-Self-Immolation Provisions [Guanyu fan zifen gongzuo zanzing guiding de tongzhi], 8 April 13, reprinted and translated in China Digital Times, “Community Punished for Self-Immolations,” 18 February 14; Tibetan Centre for Human Rights and Democracy, “China Holds Tibetan Livelihood to Ransom To Secure Political Stability,” 30 July 14.

<sup>104</sup>Driru County People’s Government, “Announcement of Provisional Implementation of the County Government Decision on Rectification of the Religious Sphere and Allocation of Responsibilities for Subsequent Maintenance of Standards,” 12 September 14, Arts. 37(5), 38(2), 43(4), 44(2, 4), 45(2), 55(2), translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14.

<sup>105</sup>See CECC, 2014 Annual Report, 9 October 14, 177–78. See also Tibetan Centre for Human Rights and Democracy, “China Holds Tibetan Livelihood to Ransom To Secure Political Stability,” 30 July 14. The TCHRD report provided the following translation for the title on the cover of the document: “Information Handbook for the Enforcement of Two Separate Regulations Issued by Diru County People’s Government” [‘Bri-ru rdzong mi-dmangs srid-gzhung gi—’gtan-bebs khag gnyis’ kyi—dril-bsgrags lag-deb]. The date “June 2014” is on the cover.

<sup>106</sup>Driru County People’s Government, “Announcement of Provisional Implementation of the County Government Decision on Rectification of the Religious Sphere and Allocation of Responsibilities for Subsequent Maintenance of Standards,” 12 September 14, Art. 37(1), translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14.

<sup>107</sup>See, e.g., Zou Le, “Committees To Ensure Stability in Tibet’s Monasteries,” Global Times, 15 February 12 (“A [Monastery Management Committee] has been established in every monastery in the Tibet Autonomous Region”). See also CECC, 2012 Annual Report, 10 October 12, 161–62, for more information on the establishment of Monastery Management Committees in Tibet Autonomous Region monasteries and nunneries.

<sup>108</sup>Driru County People’s Government, “Announcement of Provisional Implementation of the County Government Decision on Rectification of the Religious Sphere and Allocation of Responsibilities for Subsequent Maintenance of Standards,” 12 September 14, Art. 37(2), translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14.

<sup>109</sup>Ibid., Art. 37(4), translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14.

<sup>110</sup>Ibid., Art. 37(5), translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14.

<sup>111</sup>Based on Commission staff experience in Tibetan autonomous areas of China, Nepal, and India, in this context, a “mani” stone is a stone upon which a Tibetan Buddhist prayer or image has been carved, sometimes painted, and that may be left or positioned as an offering. For more information on mani stones, see, e.g. British Museum, “Mani Stone,” last visited 13 July 15; “Mani Stones in Many Scripts,” BabelStone (blog), 5 November 06.

<sup>112</sup>Driru County People’s Government, “Announcement of Provisional Implementation of the County Government Decision on Rectification of the Religious Sphere and Allocation of Responsibilities for Subsequent Maintenance of Standards,” 12 September 14, Art. 44, translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14.

<sup>113</sup>Ibid., Art. 44(4), translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14.

<sup>114</sup>“Full qualifications” may refer to the official registration monks and nuns must obtain before they can live legally as “professional religious personnel” at a monastery or nunnery and to engage legally in religious activity. For information on regulations on monastic matters in the Tibet Autonomous Region including registration and travel, see, e.g., Buddhist Association of China, Measures for Confirming the Credentials of Tibetan Buddhist Professional Religious Personnel [Zangchuan fojiao jiaozhi renyuan zige rending banfa], effective 10 January 10; Tibet Autonomous Region Implementing Measures for the “Regulation on Religious Affairs” (Trial Measures) [Xizang zizhiq shishi “zongjiao shiwu tiaoli” banfa (shixing)], issued 19 September 06, effective 1 January 07, arts. 19, 29, 41–43. See also CECC, 2007 Annual Report, Section IV—Tibet: Special Focus for 2007, 10 October 07, 193–95, on provisions regulating monastic travel.

<sup>115</sup>Driru County People’s Government, “Announcement of Provisional Implementation of the County Government Decision on Rectification of the Religious Sphere and Allocation of Responsibilities for Subsequent Maintenance of Standards,” 12 September 14, Art. 56, translated from Tibetan in International Campaign for Tibet, “Harsh New ‘Rectification’ Drive in Driru: Nuns Expelled and Warning of Destruction of Monasteries and ‘Mani Walls,’” 20 November 14. Based on the translation, the regulations appear not to specify the authority that will officially warn police officers and “leading checkpoint officials” who fail to prevent a monk or nun from traveling. See also CECC, 2007 Annual Report, Section IV—Tibet: Special Focus for 2007, 10 October 07, 193–95, on provisions regulating monastic travel.

<sup>116</sup>Ibid. The translation of the article uses the phrase “go outside of their own accord” to refer to traveling elsewhere for religious study. Based on Commission staff analysis, “go outside” likely refers to an area “outside” the local area but not necessarily outside the country. The same article refers separately to “travel illegally cross national borders.” See also CECC, 2007 Annual Report, Section IV—Tibet: Special Focus for 2007, 10 October 07, 193–95, on provisions regulating monastic travel.

<sup>117</sup>“Twenty Illegal Activities Related to Tibet Independence,” translated in International Campaign for Tibet, “Praying and Lighting Butter-Lamps for Dalai Lama ‘Illegal’: New Regulations in Rebkong,” 14 April 15; Oliver Arnoldi, “Illegal Activities Related to the Independence of Tibet,” translated in “China Issues 20 ‘Illegal Activities Related to the Independence of Tibet,’” Tibet Post International, 25 February 15. Based on the reports, the date of issue of the document is unknown; ICT states that “a note at the end of the Tibetan version states it was distributed on February 12, 2015 by the Communist Party office of Tongren County.” See also “China Warns Tibetans in Rebong Against ‘Separatist’ Activities,” Radio Free Asia, 23 February 15.

<sup>118</sup>Oliver Arnoldi, “Illegal Activities Related to the Independence of Tibet,” translated in “China Issues 20 ‘Illegal Activities Related to the Independence of Tibet,’” Tibet Post International, 25 February 15. Based on Commission analysis, points that targeted ordinary or long-standing Tibetan practices that are not wholly independence activities may include the following: (9) “To legally or illegally travel outside of the state to participate in any religious events”; (10) “To hang images of the 14th Dalai Lama or of people fighting for Tibetan independence in public places”; (12) “To pray using butter lamps and smoke offerings, to chant or to free animals for self-immolators or to express condolences to their families”; (15) “To use the force of religion and its tenets as well as race to destabilise societal order. . . .”; (17) “To incite or plan prayer services for the 14th Dalai Lama at monasteries and public places during festivals and other holidays”; (18) “To incite or plan gatherings for praying for the 14th Dalai Lama under the banner of religion and tradition”; (19) “To intentionally create rumours about Tibetan independence by publicising messages, images, audio or videos of a variety of regular religious and traditional activities. . . .”; and (20) “. . . to participate in festivals when outside forces carry out activities related to Tibetan independence. To destabilise the social order under the banner of forcing others to only speak Tibetan and to kill, sell or free animals.” See also “Twenty Illegal Activities Related to Tibet Independence,” translated in International Campaign for Tibet, “Praying and Lighting Butter-Lamps for Dalai Lama ‘Illegal’: New Regulations in Rebkong,” 14 April 15.

<sup>119</sup>“Twenty Illegal Activities Related to Tibet Independence,” translated in International Campaign for Tibet, “Praying and Lighting Butter-Lamps for Dalai Lama ‘Illegal’: New Regulations in Rebkong,” 14 April 15. Language indicating that persons who did not carry out an “illegal” activity but who were associated with some who allegedly had includes the following: “Leaders, key actors and their families will be disqualified from enjoying the benefits of the public benefit policy. . . . Villages in which incidents of instability have occurred, and monasteries also, will

be subject to intensive comprehensive rectification, responsibility will be allocated to officials stationed in those townships, villages or monasteries, no work projects or expenditure will be sanctioned for the following two years, and those already sanctioned will all be wound down.” See also Oliver Arnoldi, “Illegal Activities Related to the Independence of Tibet,” translated in “China Issues 20 ‘Illegal Activities Related to the Independence of Tibet,’” Tibet Post International, 25 February 15.

<sup>120</sup>Miles Yu, “‘Nine Must-Haves’ for Tibetans,” Washington Times, 1 February 12. The article listed the “nine must-haves”: (1) “a composite portrait of Mao Zedong, Deng Xiaoping, Jiang Zemin and Hu Jintao, representing four generations of Chinese communist leadership”; (2) “a Chinese national flag known as the Five-Starred flag, with the biggest yellow star at the center symbolizing the core leadership of the Chinese Communist Party”; (3) “a road leading to the facilities so it is easier for forces from outside to visit”; (4) “a supply of water”; (5) “a source of electricity”; (6) “radio and television sets, which will be powered by the mandatory availability of electricity”; (7) “access to movies”; (8) “a library”; (9) and “copies of the Communist Party of China state-controlled newspapers, the People’s Daily and Tibet Daily.” See also State Council Information Office, “Tibet Strengthening and Innovating in Temple Management Work, Promoting Religious Harmony” [Xizang jiaqiang he chuangxin simiao guanli gongzuo cujin zongjiao hemu], 25 December 14.

<sup>121</sup>Cao Siqu, “All Tibet Temples Required To Fly National Flag,” Global Times, 9 April 15. According to the Global Times article, “[Chen Quanguo] . . . re-emphasized that all temples will have the national flag, communication services, newspapers, book stores, water and electrical supply and television broadcasts.” See also Ishaan Tharoor, “Top Chinese Official in Tibet Wants Buddhist Temples To Spread Propaganda,” Washington Post, 3 April 15; “Tibet Chief Demands Monasteries Display Chinese Flags,” Associated Press, reprinted in New York Times, 9 April 15. See also State Council Information Office, “Tibet Strengthening and Innovating in Temple Management Work, Promoting Religious Harmony” [Xizang jiaqiang he chuangxin simiao guanli gongzuo cujin zongjiao hemu], 25 December 14.

<sup>122</sup>Miles Yu, “‘Nine Must-Haves’ for Tibetans,” Washington Times, 1 February 12; Allen Ai, “Tibet Daily: Monks Praise Government’s ‘9 Must-Haves’ Policy,” Shanghaiist, 13 February 12.

<sup>123</sup>Chen Feiyu, “‘Five Continued Focuses,’ Realize Greater Development (Under Guidance of Scientific Development Concept)—Interview With Tibet CPC Secretary Chen Quanguo” [“Wu ge jixu zhuoli” shixian geng da fazhan (zai kexue fazhan guan zhiyin xia)—fang xizang zizhi qu dangwei shuji chen quanguo], People’s Daily, 4 September 12 (translated in Open Source Center, 21 September 12). Chen stated: “We have carried out in a down-to-earth way the project of ensuring that all monasteries and temples have the portraits of four leaders (Mao Zedong, Deng Xiaoping, Jiang Zemin, and Hu Jintao), have national flag, have water facility, have power supply, have radio and television sets, have movies, have libraries, and have the People’s Daily Newspaper and Tibet Daily newspaper [jiu you gong cheng].”

<sup>124</sup>Ben Blanchard, “Tibet Party Boss Says Temples Must Be Propaganda Centres,” Reuters, 3 April 15. See also State Council Information Office, “Tibet Strengthening and Innovating in Temple Management Work, Promoting Religious Harmony” [Xizang jiaqiang he chuangxin simiao guanli gongzuo cujin zongjiao hemu], 25 December 14.

<sup>125</sup>“China To Test Tibetan Monks and Nuns for Patriotism,” Agence France-Presse, reprinted in Guardian, 8 April 15; China Digital Times, “Monks’ Loyalty To Be Tested, Divisive Deity Promoted,” 8 April 15. See also State Council Information Office, “Tibet Strengthening and Innovating in Temple Management Work, Promoting Religious Harmony” [Xizang jiaqiang he chuangxin simiao guanli gongzuo cujin zongjiao hemu], 25 December 14.

<sup>126</sup>Chen Quanguo, “Overall Situation of the Work of Using ‘Four Comprehensives’ To Guide Governance of Borderlands [and] Tibet Stability (Deepening Study and Implementation of the Spirit of Comrade Xi Jinping’s Important Speeches)” [Yong “si ge quanmian” yinling zhi bian wen zang de quanju gongzuo (shenru xuexi guanche xi jinping tongzhi xilie zhongyao jianghua jingshen)], People’s Daily, 8 April 15; Cao Siqu, “All Tibet Temples Required To Fly National Flag,” Global Times, 9 April 15. See also State Council Information Office, “Tibet Strengthening and Innovating in Temple Management Work, Promoting Religious Harmony” [Xizang jiaqiang he chuangxin simiao guanli gongzuo cujin zongjiao hemu], 25 December 14; “China To Test Tibetan Monks and Nuns for Patriotism,” Agence France-Presse, reprinted in Guardian, 8 April 15.

<sup>127</sup>In the Tibet Autonomous Region, the following are some of the regulatory measures that establish state control over Tibetan Buddhism: State Administration for Religious Affairs, Regulation on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05; State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07; Buddhist Association of China, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jing shi zige pingding he pinren banfa], issued and effective 3 December 12. For Commission analysis of Chinese government regulatory intrusion upon Tibetan Buddhist affairs, see, e.g., “Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12; “Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures,” Congressional-Executive Commission on China, 10 March 11; “New Legal Measures Assert Unprecedented Control Over Tibetan Buddhist Reincarnation,” Congressional-Executive Commission on China, 22 August 07. See also State Council Information Office, “Tibet Strengthening and Innovating in Temple Management Work, Promoting Religious Harmony” [Xizang jiaqiang he chuangxin simiao guanli gongzuo cujin zongjiao hemu], 25 December 14; “China To Test Tibetan Monks and Nuns for Patriotism,” Agence France-Presse, reprinted in Guardian, 8 April 15.

<sup>128</sup>Yu Zhen, “Tibetan Buddhist Monasteries in the Entire Region To Deepen the Carrying Out of Rule-of-Law Propaganda-Themed Education Activities” [Quan qu zangchuan fojiao simiao

shenru kaizhan fazhi xuanchuan zhuti jiaoyu huodong qidong], Tibet Daily, 11 May 12, reprinted in China Tibet News, 12 May 12.

<sup>129</sup>International Campaign for Tibet, "Self-Immolation and Protest in Tibet Amid Intensified Security in Buildup to March 10 Anniversary," 9 March 15 (Kumbum Monastery, near Xining city, Qinghai province: "massed ranks of armed troops gathered in a show of force"); "A Show of Force at Tibetan Prayer Festival," Voice of America, 6 March 15 (Kumbum Monastery); International Campaign for Tibet, "Self-Immolation in Eastern Tibet and Major Troop Deployments in Lhasa as Tibetans Mark Religious Anniversary," 16 December 14 (central Lhasa: "anniversary of the death of Tsongkhapa, founder of the Gelugpa . . . school of Tibetan Buddhism"); "China Deploys Heavy Security Presence at Tibetan Religious Festival," Radio Free Asia, 26 August 14 (Drepung Monastery, Lhasa: Shoton festival). The March 9, 2015, International Campaign for Tibet report provides multiple images showing a large deployment of People's Armed Police personnel and equipment on March 5, 2015, at Kumbum Monastery, located in Huangzhong county, Xining municipality, Qinghai province. In 2015, March 5 was Chotrul Duchen, an observance of the 15th day (full moon) of the first Tibetan month, a time when large numbers of Tibetan Buddhists visit major monasteries. Men-Tsee-Khang Tibetan Medical and Astrological Institute, "Calendar: 2015 Wood-Sheep Year," last visited 14 July 15.

<sup>130</sup>"Tibetan Monks, Nuns Are Denied Passports in Serthar," Radio Free Asia, 16 January 15.

<sup>131</sup>The Dalai Lama recognized Tenzin Deleg as a reincarnated Tibetan Buddhist teacher (*trulku*) during the period 1982–1987, when Tenzin Deleg was in India. See "The Execution of Lobsang Dondrub and the Case Against Tenzin Deleg: The Law, the Courts, and the Debate on Legality," Congressional-Executive Commission on China, 10 February 03, 13; Human Rights Watch, "Trials of a Tibetan Monk: The Case of Tenzin Delek," Vol. 16, No.1(c), February 2004, 12.

<sup>132</sup>Tibetan Centre for Human Rights and Democracy, "TCHRD Calls for Immediate Investigation Into Death of Prominent Tibetan Reincarnate Monk in Chinese Prison," 17 July 15; "Tenzin Delek Rinpoche's Sister, Niece Are Detained in Sichuan," Radio Free Asia, 17 July 15. According to the RFA report, Tenzin Deleg was held in "Mianyang jail" (i.e., Mianyang Prison).

<sup>133</sup>See "The Execution of Lobsang Dondrub and the Case Against Tenzin Deleg: The Law, the Courts, and the Debate on Legality," Congressional-Executive Commission on China, 10 February 03, 2; Human Rights Watch, "Trials of a Tibetan Monk: The Case of Tenzin Delek," Vol. 16, No.1(c), February 2004, 5; "Tibetan Monk Death Penalty Commuted to Life in Prison," Xinhua, 26 January 05; "Two Tibetans Sentenced to Death in SW China," Xinhua, 26 January 03; "Tibetan Monk Protests Innocence in Smuggled Audiotape," Radio Free Asia, 21 January 03.

<sup>134</sup>"Tibetan Monk Protests Innocence in Smuggled Audiotape," Radio Free Asia, 21 January 03. According to the RFA report, Tenzin Deleg reportedly stated on tape: "Whatever [the authorities] do and say, I am completely innocent. . . . I have always urged people to be kind-hearted and caring toward others. Everybody knows what I say and practice." For detailed information, see, e.g., "The Execution of Lobsang Dondrub and the Case Against Tenzin Deleg: The Law, the Courts, and the Debate on Legality," Congressional-Executive Commission on China, 10 February 03; Human Rights Watch, "Trials of a Tibetan Monk: The Case of Tenzin Delek," Vol. 16, No.1(c), February 2004. See the Commission's Political Prisoner Database record 2004-01950 on Tenzin Deleg.

<sup>135</sup>"The Execution of Lobsang Dondrub and the Case Against Tenzin Deleg: The Law, the Courts, and the Debate on Legality," Congressional-Executive Commission on China, 10 February 03; Human Rights Watch, "Trials of a Tibetan Monk: The Case of Tenzin Delek," Vol. 16, No.1(c), February 2004. See the Commission's Political Prisoner Database record 2004-01950 on Tenzin Deleg.

<sup>136</sup>"Tibetan Monk Death Penalty Commuted to Life in Prison," Xinhua, 26 January 05. See also "The Execution of Lobsang Dondrub and the Case Against Tenzin Deleg: The Law, the Courts, and the Debate on Legality," Congressional-Executive Commission on China, 10 February 03; Human Rights Watch, "Trials of a Tibetan Monk: The Case of Tenzin Delek," Vol. 16, No.1(c), February 2004.

<sup>137</sup>"Sisters Visit Jailed Monk," Radio Free Asia, 11 June 10.

<sup>138</sup>Based on the following sources, as of January 26, 2012, Tenzin Deleg had served seven years of life imprisonment following the January 26, 2005, commutation of his initial January 26, 2003, sentence to death with a two-year reprieve to life imprisonment. "Xinhua: Tenzin Deleg Death Penalty Commuted to Life Imprisonment," Congressional-Executive Commission on China, 26 January 05; "Tibetan Monk Death Penalty Commuted to Life in Prison," Xinhua, 26 January 05; "Two Tibetans Sentenced to Death in SW China," Xinhua, 26 January 03; PRC Ministry of Justice, Supreme People's Procuratorate, and Ministry of Public Security, Measure on Implementing Medical Parole for Prisoners, Document No. 247 (1990), Art. 2, translated in Dui Hua Foundation, "Measure on Implementing Medical Parole for Prisoners," Dialogue, Issue 7, Spring 2002, 3. The following is an excerpt from the Dui Hua translation of Article 2: "For prisoners sentenced to life imprisonment, fixed prison terms or forced labor, if one of the following conditions is fulfilled during their reform period, then medical parole can be permitted: (i) A prisoner is serving either a life sentence or death sentence with two-year reprieve that has been reduced to life imprisonment, and he has served seven years or more of his life sentence."

<sup>139</sup>International Campaign for Tibet, "Tibetans Gather To Pray for Imprisoned Tibetan Religious Teacher," 17 October 14. Tibetans gathered in Yajiang (Nyagchukha) county, Kardze (Ganzi) Tibetan Autonomous Prefecture, Sichuan province.

<sup>140</sup>Tibetan Centre for Human Rights and Democracy, "China: Release Reincarnated Tibetan Buddhist Monk on Medical Parole," 7 April 15 ("his heart condition has worsened"); International Campaign for Tibet, "Tibetans Gather To Pray for Imprisoned Tibetan Religious Teacher," 17 October 14 ("believed to be in very poor health in prison, with a liver condition and serious problems with his legs").

<sup>141</sup>“China Warns Tibetans in Rebong Against ‘Separatist’ Activities,” Radio Free Asia, 23 February 15. According to the RFA report, Tongren (Rebong) county authorities would treat as “illegal associations” those that are “formed in the name of the Tibetan language, the environment, and education.” “‘Underage’ Tibetan Monks Face New Clampdown on Religious Life,” Radio Free Asia, 24 February 15. According to the RFA report, officials in Delingha (Terlenkha) and Dulan (Tulan) counties in Haixi (Tsonub) Mongol and Tibetan Autonomous Prefecture, Qinghai province, banned Tibetan language classes for students who had already graduated from school. See also International Campaign for Tibet, “Tibetan Demonstrations Over Land, Education Policy,” 4 November 14.

<sup>142</sup>Tibetan Centre for Human Rights and Democracy, “Extrajudicial Killing, Arbitrary Detention and Religious Repression Continue in Restive Tibetan County,” 15 December 14. According to the TCHRD report, Bachen Gyalwa (“Bachen Gyewa”) was known for promoting “the religious, cultural, educational, social and economic wellbeing and unity of the people of Ushung village.” For more information on Bachen Gyalwa, see the Commission’s Political Prisoner Database record 2015-00048.

<sup>143</sup>International Campaign for Tibet, “Tibetan Man Sets Fire to Himself Beside Shrine With Religious Offerings (Updated),” 17 April 15. According to the ICT report, using an alias, Nekyab (“Neykyab”) had “frequently spoken in online forums about the importance of unity.”

<sup>144</sup>“Tibetan Singer Jailed Four Years for Belting Out Patriotic Songs,” Radio Free Asia, 29 November 14. According to RFA, Kalsang Yarphel performed songs “calling on Tibetans to speak their own language and to forge unity among themselves.” For more information on Kalsang Yarphel, see the Commission’s Political Prisoner Database record 2013-00274.

<sup>145</sup>High Peaks Pure Earth, “‘A Brief Announcement from China Tibet Online’ by Tibetan Journalists,” 18 September 14. According to the article, “websites such as China Tibet Online are under the control of the United Front.” The term, “United Front,” used in the article refers to the Chinese Communist Party Central Committee’s United Front Work Department. See, e.g., China Directory 2014 (Tokyo: Radiopress, December 2013), 16.

<sup>146</sup>High Peaks Pure Earth, “‘A Brief Announcement from China Tibet Online’ by Tibetan Journalists,” 18 September 14.

<sup>147</sup>High Peaks Pure Earth, “About Us,” last visited 12 June 15. According to the “about us” statement, “High Peaks Pure Earth provides insightful commentary on Tibet related news and issues and provides translations from writings in Tibetan and Chinese posted on blogs from Tibet and the People’s Republic of China.”

<sup>148</sup>High Peaks Pure Earth, “‘A Brief Announcement from China Tibet Online’ by Tibetan Journalists,” 18 September 14.

<sup>149</sup>Ibid.

<sup>150</sup>State Ethnic Affairs Commission Leading Party Group, “Guide to Action for Effectively Conducting Ethnic Work Under the New Situation—Studying General Secretary Xi Jinping’s Important Expositions on Ethnic Work” [Xin xingshi xia zuo hao minzu gongzuo de xingdong zhinan—xuexi xi jinping zongshuji guanyu minzu gongzuo de zhongyao lunshu], Seeking Truth, 31 July 14.

<sup>151</sup>Ibid.; China Directory 2014 (Tokyo: Radiopress, December 2013), 13–28. The State Ethnic Affairs Commission Leading Party Group is not listed as a group directly under the Party’s Central Committee.

<sup>152</sup>State Ethnic Affairs Commission Leading Party Group, “Guide to Action for Effectively Conducting Ethnic Work Under the New Situation—Studying General Secretary Xi Jinping’s Important Expositions on Ethnic Work” [Xin xingshi xia zuo hao minzu gongzuo de xingdong zhinan—xuexi xi jinping zongshuji guanyu minzu gongzuo de zhongyao lunshu], Seeking Truth, 31 July 14 (translated in Open Source Center, 17 December 14). China Directory 2014 (Tokyo: Radiopress, December 2013), 13–28. The State Ethnic Affairs Commission Leading Party Group is not listed as a group directly under the Party’s Central Committee.

<sup>153</sup>“Tibetan Musician Who Produced Songs for Popular Singer Is Jailed,” Radio Free Asia, 1 December 14 (“jailed for four years”); “Tibetan Singer Jailed Four Years for Belting Out Patriotic Songs,” Radio Free Asia, 29 November 14 (“songs calling on Tibetans to speak their own language and to forge unity among themselves”); Tibetan Centre for Human Rights and Democracy, “China Detains Tibetan Singer for ‘Politically Subversive’ Song,” 9 August 13 (“lyrics were deemed ‘politically subversive’ by the Chinese authorities”). For more information on Kalsang Yarphel, see the Commission’s Political Prisoner Database record 2013-00274. Security officials detained Kalsang Yarphel on July 14, 2013; the Chengdu Intermediate People’s Court sentenced him to four years’ imprisonment on November 27, 2014.

<sup>154</sup>Tibetan Centre for Human Rights and Democracy, “China Detains Tibetan Singer for ‘Politically Subversive’ Song,” 9 August 13. The article provides a translation of a song titled, “Fellow Tibetans.”

<sup>155</sup>“Tibetan Musician Who Produced Songs for Popular Singer Is Jailed,” Radio Free Asia, 1 December 14 (“sentenced to two years and six months in jail and fined 50,000 yuan”). For more information on Pema Rigzin, see the Commission’s Political Prisoner Database record 2015-00078. Security officials detained Pema Rigzin on May 7, 2013; the Chengdu Intermediate People’s Court sentenced him to two years and six months’ imprisonment on November 27, 2014.

<sup>156</sup>“Tibetan Writer Believed To Be Jailed in Northwest China Province,” Radio Free Asia, 8 April 15 (Shogiang (“Shokjang”) “secretly detained for a second time on March 19”); “Tibetan Writer Shokjung Arrested in Rebong,” Voice of America, 8 April 15 (“On March 19, 2015, Chinese security police in Rebong . . . arrested . . . writer and blogger Shokjung”). For information on the reaction from other Tibetan writers, see, e.g., High Peaks Pure Earth, “Tashi Rabten Remembers Detained Writer Shokjang,” 9 April 15; High Peaks Pure Earth, “‘My Friend Is Innocent. Return Him!’ More From Netizens on Detained Writer Shokjang,” 9 April 15. For more information on Druglo (Shogiang (“Shokjang”)), see the Commission’s Political Prisoner Database record 2010-00153.

<sup>157</sup> Shokjang, "Conflict and Resolution: A Response to Liu Junning," 7 June 14, translated in High Peaks Pure Earth, 2 September 14.

<sup>158</sup> Yeshe Choesang, "Tibetan Monk Disappeared After Arbitrarily Arrested From Chengdu," Tibet Post International, 2 February 15. According to the article, the basis for the detention was "unknown" but a source referred to Gedun Gyatso's "alleged political writings." For more information on Gedun Gyatso, see the Commission's Political Prisoner Database record 2015-00080. Security officials detained Gedun Gyatso on January 10, 2015.

<sup>159</sup> Ibid.

<sup>160</sup> Based on the reports, the date of issue of the document is unknown. The ICT report states that "a note at the end of the Tibetan version states it was distributed on February 12, 2015 by the Communist Party office of Tongren County." "Twenty Illegal Activities Related to Tibet Independence," translated in International Campaign for Tibet, "Praying and Lighting Butter-Lamps for Dalai Lama 'Illegal': New Regulations in Rebkong," 14 April 15. Oliver Arnoldi, "Illegal Activities Related to the Independence of Tibet," translated in "China Issues 20 'Illegal Activities Related to the Independence of Tibet,'" Tibet Post International, 25 February 15. The TPI report described the issuing authority as "Chinese authorities in Rebkong County." See also "China Warns Tibetans in Rebong Against 'Separatist' Activities," Radio Free Asia, 23 February 15.

<sup>161</sup> "Twenty Illegal Activities Related to Tibet Independence," translated in International Campaign for Tibet, "Praying and Lighting Butter-Lamps for Dalai Lama 'Illegal': New Regulations in Rebkong," 14 April 15; Oliver Arnoldi, "Illegal Activities Related to the Independence of Tibet," translated in "China Issues 20 'Illegal Activities Related to the Independence of Tibet,'" Tibet Post International, 25 February 15. Based on Commission analysis, although the title of the document asserts that the "illegal activities" are all "related to Tibetan independence," an objective basis to support such a broad characterization is unavailable. See also "China Warns Tibetans in Rebong Against 'Separatist' Activities," Radio Free Asia, 23 February 15.

<sup>162</sup> Oliver Arnoldi, "Illegal Activities Related to the Independence of Tibet," translated in "China Issues 20 'Illegal Activities Related to the Independence of Tibet,'" Tibet Post International, 25 February 15. Based on Commission analysis, the points that target ordinary or long-standing Tibetan practices relating to Tibetan language may include the following: (3) "To write, draw, announce, sell or distribute books, art, audio recordings or videos endorsing ethnic separatism or nationalist views that are expressed too forcefully"; (6) "To use social media including QQ and WeChat . . . to spread rumours that undermine national unity or create social unrest and ethnic division"; (14) "To publicise nationalist views that are expressed too forcefully and to discuss Tibetan independence in schools"; and (19) ". . . To send biased publicity of legal activities—including reeducation campaigns, the closing of illegal organisations and the prosecution of criminals—to outside of the state and to publicise facilities to outside forces." See also "Twenty Illegal Activities Related to Tibet Independence," translated in International Campaign for Tibet, "Praying and Lighting Butter-Lamps for Dalai Lama 'Illegal': New Regulations in Rebkong," 14 April 15.

<sup>163</sup> Ibid. Based on Commission analysis, the points that may target ordinary or long-standing Tibetan practices relating to Tibetan language include the following: (3) "To write, draw, announce, sell or distribute books, art, audio recordings or videos endorsing ethnic separatism or nationalist views that are expressed too forcefully"; (4) "To establish illegal organisations or activities under the name of the Tibetan language, the environment or education"; (5) "To incite, plan or lead illegal activities that include protests or gatherings under the banner of the equality of languages, food security or the protection of animals"; and (20) ". . . To destabilise the social order under the banner of forcing others to only speak Tibetan and to kill, sell or free animals." See also "Twenty Illegal Activities Related to Tibet Independence," translated in International Campaign for Tibet, "Praying and Lighting Butter-Lamps for Dalai Lama 'Illegal': New Regulations in Rebkong," 14 April 15.

<sup>164</sup> Ibid. Based on Commission analysis, the points that may target ordinary or long-standing Tibetan practices relating to education include the following: (3) "To write, draw, announce, sell or distribute books, art, audio recordings or videos endorsing ethnic separatism or nationalist views that are expressed too forcefully"; (4) "To establish illegal organisations or activities under the name of the Tibetan language, the environment or education"; and (5) "To incite, plan or lead illegal activities that include protests or gatherings under the banner of the equality of languages, food security or the protection of animals." See also "Twenty Illegal Activities Related to Tibet Independence," translated in International Campaign for Tibet, "Praying and Lighting Butter-Lamps for Dalai Lama 'Illegal': New Regulations in Rebkong," 14 April 15.

<sup>165</sup> Ibid. Based on Commission analysis, the points that may target ordinary or long-standing Tibetan practices relating to care of the environment include the following: (4) "To establish illegal organisations or activities under the name of the Tibetan language, the environment or education"; (5) "To incite, plan or lead illegal activities that include protests or gatherings under the banner of the equality of languages, food security or the protection of animals"; and (15) "To use the force of religion and its tenets as well as race to destabilise societal order. Also, under the banner of ethnicity, to plan illegal activities toward government officials and the public including to warn them, take revenge on them and to consider them as enemies." See also "Twenty Illegal Activities Related to Tibet Independence," translated in International Campaign for Tibet, "Praying and Lighting Butter-Lamps for Dalai Lama 'Illegal': New Regulations in Rebkong," 14 April 15.

<sup>166</sup> "Twenty Illegal Activities Related to Tibet Independence," translated in International Campaign for Tibet, "Praying and Lighting Butter-Lamps for Dalai Lama 'Illegal': New Regulations in Rebkong," 14 April 15. "Leaders, key actors and their families will be disqualified from enjoying the benefits of the public benefit policy. . . . Villages in which incidents of instability have occurred, and monasteries also, will be subject to intensive comprehensive rectification, responsibility will be allocated to officials stationed in those townships, villages or monasteries, no work projects or expenditure will be sanctioned for the following two years, and those already sanc-

tioned will all be wound down.” See also Oliver Arnoldi, “Illegal Activities Related to the Independence of Tibet,” translated in “China Issues 20 ‘Illegal Activities Related to the Independence of Tibet,’” Tibet Post International, 25 February 15.

<sup>167</sup> International Campaign for Tibet, “Tibetan Demonstrations Over Land, Education Policy,” 4 November 14 (students called for “equality of education”); “Tibetan Students Protest Official’s Call for Instruction in Chinese,” Radio Free Asia, 6 November 14 (students “staged protests against a possible switch to Mandarin as their language of instruction”).

<sup>168</sup> “China Forces Closure of Academic Workshop by a Monastery in Kyegudo,” Phayul, 23 January 15. The Phayul report cited Voice of Tibet. Phayul identified the monastery as Dondrubling, near Yushu (Kyegudo), the capital of Yushu Tibetan Autonomous Prefecture, Qinghai province.

<sup>169</sup> Ibid.

<sup>170</sup> “Villagers Protest in Tibet’s Maldro Gongkar County Over Mine Pollution,” Radio Free Asia, 29 September 14.

<sup>171</sup> “Thirteen Wounded as Chinese Police Open Fire on Tibetan Anti-Mine Protesters,” Radio Free Asia, 1 October 14.

<sup>172</sup> “Eleven Tibetans Detained in Sichuan Over Land-Grab Protest,” Radio Free Asia, 30 January 15; Phuntsok Yangchen, “Two Tibetans From Chengdu Protest Rearrested in Zoege,” Phayul, 4 February 15. For more information, see the Commission’s Political Prisoner Database records 2015-00111 on Jigdral Kyab and 2015-00112 on Tsepag.

<sup>173</sup> “Four Tibetans ‘Severely Beaten’ for Refusing To Sell Land,” Radio Free Asia, 2 January 15.

<sup>174</sup> “Tibetan Villagers Block Highway Construction in Sit-Down Protest,” Radio Free Asia, 21 April 15 (“proposed extension of a Chinese-built highway into nomadic grazing areas”); International Campaign for Tibet, “Tibetan Demonstrations Over Land, Education Policy,” 4 November 14 (“unfair compensation for land in their home areas”); “2 Tibetans Arrested in Sangchu for Protesting Forced Landgrab,” Phayul, 28 April 15. For information on Tibetans detained in connection to the protest, see the Commission’s Political Prisoner Database records 2015-00160 on Sanggye Khar and 2015-00161 on Sonam Gyatso.

<sup>175</sup> “Tibetans Decry Pollution, Damage to Land From Chinese Mining,” Radio Free Asia, 20 January 15.

<sup>176</sup> “Tibetan Nomads Resist Relocation, Are Stripped of Personal Documents,” Radio Free Asia, 7 November 14.

<sup>177</sup> “China Plans National Park at Major Riverheads,” Xinhua, 27 January 15; “Chinese Mining Is Ordered Stopped in Tibetan Protest-Hit Dzatoe,” Radio Free Asia, 23 October 14.

<sup>178</sup> “China Plans National Park at Major Riverheads,” Xinhua, 27 January 15. According to the report, the three counties that will have areas within the national park protected area are “Madoi” [Maduo (Matoe) county, Guoluo (Golog) TAP], “Zhidoi” [Zhiduo (Dritoe) county, Yushu (Yulshul) TAP], and “Zadoi” [Zaduo (Dzatoe) county, Yushu TAP]. For information on a 2013 “clash,” see “Tibetan Mine Protesters Vow To Appeal to Beijing,” Radio Free Asia, 22 August 13.

<sup>179</sup> “Chinese Mining Is Ordered Stopped in Tibetan Protest-Hit Dzatoe,” Radio Free Asia, 23 October 14.

<sup>180</sup> In addition to the 429 Tibetans detained on or after March 10, 2008, whom courts sentenced to imprisonment are 2 Tibetans believed charged with a crime and tried with an unknown result; 8 Tibetans believed charged (and who may face trial); 1 Tibetan charged and released on bail; 3 Tibetans believed charged and then possibly released; and 1 who may have been charged, tried, and then died.

<sup>181</sup> In addition to the 635 Tibetan political prisoners believed or presumed to be currently detained or imprisoned and who were detained on or after March 10, 2008, the Commission’s Political Prisoner Database recorded, as of May 1, 2015, another 1,199 Tibetan political prisoners detained or imprisoned on or after March 10, 2008, who are believed or presumed to have been released, or who reportedly escaped or died.

<sup>182</sup> Tibetan Buddhists believe that a *trulku* is a teacher who is a part of a lineage of teachers that are reincarnations.

<sup>183</sup> All of the 159 sentences to fixed-term imprisonment were judicial.

<sup>184</sup> PRC Criminal Law [Zhonghua renmin gongheguo xingfa], issued 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 50. A sentence of death with a two-year reprieve may be commuted to life imprisonment upon expiration of the two-year reprieve if a prisoner “commits no intentional crime” during the reprieve. If a prisoner “has truly performed major meritorious service,” then the sentence may be commuted to a fixed-term sentence of 25 years upon expiration of the two-year reprieve. If the prisoner “has committed an intentional crime” during the period of suspension, the death penalty “shall be executed upon verification and approval of the Supreme People’s Court.”



## VI. Developments in Hong Kong and Macau

### *Hong Kong*

During the Commission's 2015 reporting year, massive pro-democracy demonstrations ("Occupy Central" or the "Umbrella Movement") took place from September through December 2014, drawing attention to ongoing tensions over Hong Kong's debate on electoral reform and Hong Kong's autonomy from the Chinese central government under the "one country, two systems" approach. The Commission observed developments raising concerns that the Chinese and Hong Kong governments may have infringed on the rights of the people of Hong Kong, including in the areas of political participation and democratic reform, press freedom, and freedom of assembly.

#### UNIVERSAL SUFFRAGE AND AUTONOMY

Hong Kong's Basic Law guarantees freedom of speech, religion, and assembly; promises Hong Kong a "high degree of autonomy"; and affirms the International Covenant on Civil and Political Rights (ICCPR) applies to Hong Kong.<sup>1</sup> The Basic Law also states that its "ultimate aim" is the election of Hong Kong's Chief Executive (CE) "by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures" and of the Legislative Council (LegCo) "by universal suffrage."<sup>2</sup> The CE is currently chosen by a 1,200-member Election Committee,<sup>3</sup> largely consisting of members elected in functional constituencies made up of professionals, corporations, religious and social organizations, and trade and business interest groups.<sup>4</sup> Forty LegCo members are elected directly by voters and 30 by functional constituencies.<sup>5</sup> The electors of many functional constituencies, however, reportedly have close ties to or are supportive of the Chinese government.<sup>6</sup>

Despite committing in principle to allow Hong Kong voters to elect the CE by universal suffrage in 2017, the Chinese government's framework for electoral reform<sup>7</sup> restricts the ability of voters to nominate CE candidates for election. Under this framework, laid out in an August 31, 2014, decision by the National People's Congress Standing Committee (NPCSC), a 1,200-person Nominating Committee (NC), formed similarly to the Election Committee,<sup>8</sup> would select two to three candidates, each of whom would ultimately require approval by a majority of NC members.<sup>9</sup> Voters would then choose from among these two to three candidates in the CE election.<sup>10</sup> The current Election Committee is dominated by members supportive of the central government.<sup>11</sup> The Hong Kong government announced that any potential reforms would be in "strict conformity" with the NPCSC decision.<sup>12</sup> Pro-democratic legislators pledged to veto any bill adhering to the NPCSC decision,<sup>13</sup> which some described as "fake universal suffrage,"<sup>14</sup> and demanded the NPCSC withdraw or revise its decision.<sup>15</sup>

On June 18, 2015, the LegCo voted down the Hong Kong government's electoral reform proposal. All 27 pro-democratic legislators and 1 pro-Beijing legislator voted against the proposal,<sup>16</sup> denying the measure the two-thirds majority required for passage.<sup>17</sup> Be-

cause the reform proposal was defeated, future elections, including the 2017 CE<sup>18</sup> and 2016 LegCo<sup>19</sup> elections, will continue to use the current electoral methods. The Hong Kong government rejected calls to restart the electoral reform process, saying that doing so would be “legally infeasible and impracticable.”<sup>20</sup>

#### FALL 2014 PRO-DEMOCRACY DEMONSTRATIONS

International rights non-governmental organizations (NGOs), domestic and international media organizations, and other observers expressed concern over aspects of the Hong Kong government and police response to massive pro-democracy demonstrations in fall 2014,<sup>21</sup> citing threats to the rights of the people of Hong Kong to the freedoms of speech, assembly, and association guaranteed under the Basic Law and international law.<sup>22</sup>

Pro-democratic activists called for protests against the NPCSC’s August 31 decision. The “Occupy Central with Love and Peace” protest group initially called for limited duration civil disobedience demonstrations to begin on a holiday.<sup>23</sup> A separate university student class boycott culminated in hundreds of activists attempting to occupy a courtyard outside government headquarters on September 26 and 27, 2014.<sup>24</sup> Thousands of people gathered near government headquarters to support the students.<sup>25</sup> On September 28, police fired tear gas and pepper spray on crowds that had occupied a major thoroughfare near government headquarters,<sup>26</sup> prompting tens of thousands of people to join the demonstrations over the next few days and occupy additional major streets in areas beyond the initially planned Central District.<sup>27</sup> Protesters remained encamped at three separate protest sites until the Hong Kong government enforced a civil court order to clear the majority of protesters in November and December.<sup>28</sup>

During the largely non-violent demonstrations,<sup>29</sup> there were reports of violence between police, protesters, and counter-protesters. Some observers reported police at times used “excessive”<sup>30</sup> or “unjustifiable”<sup>31</sup> force against protesters, journalists, and onlookers.<sup>32</sup> In one incident, police officers were filmed kicking a handcuffed activist.<sup>33</sup> The police officers involved were immediately suspended and later arrested on suspicion of assault.<sup>34</sup> Observers also reported several instances of protesters attacking police, including one instance on December 1 in which protesters reportedly beat a police officer unconscious.<sup>35</sup> Journalists’ organizations said that in some instances, police witnessed counter-protesters attacking pro-democracy demonstrators, but did not protect them or promptly arrest the attackers.<sup>36</sup> Hong Kong police and a police watchdog body received over 2,000 complaints regarding police conduct during the demonstrations and began investigating the complaints.<sup>37</sup>

Journalists, media organizations, and NGOs reported dozens of incidents of attacks and threats against journalists covering the demonstrations.<sup>38</sup> Media organizations reported several instances of police intimidating, threatening, or using “unnecessary force” against reporters covering the protests, even when reporters displayed press credentials.<sup>39</sup> Pro-democracy media websites suffered numerous cyberattacks during the demonstrations.<sup>40</sup>

Hong Kong police reportedly selectively enforced the law, arresting pro-democracy advocates and demonstrators as a form of har-

assment and “political prosecution.”<sup>41</sup> Police arrested more than 40 protesters, activists, and legislators<sup>42</sup> for unauthorized assemblies,<sup>43</sup> but released them without charge, reserving the right to prosecute them later.<sup>44</sup> In one instance, police charged four prominent protest leaders in July 2015 with obstructing police officers at a non-violent June 2014 protest against the central government.<sup>45</sup> One of the protesters said the timing of the charges was meant to “deter [them] from further political protests,”<sup>46</sup> while another described it as “white terror.”<sup>47</sup> The lawyer of one of the protesters said police were holding out the threat of additional prosecution against activists and protesters, including for actions and events over a year in the past, in order to forestall future demonstrations.<sup>48</sup> Police reportedly interpreted Hong Kong’s Crimes Ordinance<sup>49</sup> broadly to justify ordering the removal of online content encouraging participation in the fall 2014 demonstrations,<sup>50</sup> characterized by police as “incit[ing] others on the Internet to commit illegal acts.”<sup>51</sup> Critics worried that by exploiting the Ordinance’s ambiguous language (regarding “access to [a] computer with criminal or dishonest intent”)<sup>52</sup> to arrest some activists, police may be “criminalizing legitimate, protected speech.”<sup>53</sup>

Protesters and pro-democracy activists reported sustained harassment and intimidation during and after the demonstrations, including hacking of their email accounts or phones, by groups reportedly connected to the Chinese government.<sup>54</sup> Sources reported Chinese intelligence services hired former Hong Kong police officers to surveil people perceived to oppose the Chinese government, including pro-democratic legislators.<sup>55</sup>

Some protesters and activists were unable to travel to mainland China or Macau due to their participation in the demonstrations.<sup>56</sup> In November, Chinese authorities prevented three student protest leaders from flying to Beijing municipality to meet Chinese officials.<sup>57</sup> Pro-democracy advocates claimed the Chinese and Hong Kong governments had assembled “blacklists” of activists banned from entering mainland China.<sup>58</sup>

#### PRESS FREEDOM

This past year, continuing pressure from the Chinese and Hong Kong governments, including pressure to self-censor, and violence and intimidation reportedly resulted in further deterioration of Hong Kong’s press freedom. Reporters Without Borders lowered Hong Kong’s ranking from 61st to 70th out of 180 countries in its 2015 press freedom index.<sup>59</sup> Nearly 90 percent of journalists surveyed by a journalists’ union believed press freedom in Hong Kong worsened over the last year.<sup>60</sup>

Journalists at some publications reported editorial interference resulting in self-censorship and punishment. After TVB News aired a video reporting the beating of a handcuffed activist by several police officers,<sup>61</sup> an editor temporarily deleted the video’s voiceover, later altering it to cast doubt on police use of force.<sup>62</sup> TVB management reportedly punished several journalists who signed a petition condemning the editorial change.<sup>63</sup> Two of the punished editors and several other journalists resigned, claiming dissatisfaction with TVB management.<sup>64</sup> In February 2015, journalists at newspaper Ming Pao protested after the editor-in-chief unilaterally decided to

downplay a report on the violent suppression of the 1989 Tiananmen protests.<sup>65</sup>

The Hong Kong and Chinese central governments reportedly pressured journalists to give favorable coverage to opponents of the pro-democracy demonstrations.<sup>66</sup> Many media owners have commercial interests in mainland China and connections to the Chinese government.<sup>67</sup> Pro-democracy media organizations reportedly faced difficulties operating without support from government or business patrons.<sup>68</sup> Pro-democracy media company Next Media and its journalists have been the targets of repeated attacks, threats, and harassment.<sup>69</sup> In January 2015, attackers firebombed Next Media publication *Apple Daily*'s headquarters and the home of its prominent pro-democratic publisher.<sup>70</sup>

### *Macau*

#### POLITICAL AND PRESS FREEDOMS

Although Macau's Basic Law does not mention "universal suffrage,"<sup>71</sup> it ensures the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau.<sup>72</sup> During the Commission's 2015 reporting year, Macau did not make progress toward "an electoral system based on universal and equal suffrage . . ." in line with the ICCPR, and no steps were taken to withdraw the reservation to Article 25(b) of the ICCPR,<sup>73</sup> as repeatedly recommended by the UN Human Rights Committee.<sup>74</sup> Macau's Legislative Assembly voted against discussing electoral reform to further democratize its elections, with some lawmakers saying Macau's political development depends on central government decisions.<sup>75</sup> A December 2014 opinion survey indicated that 60 percent of Macau residents supported universal suffrage for Chief Executive elections.<sup>76</sup>

Civil society activists in Macau reported intimidation<sup>77</sup> from the Macau and Chinese governments meant to pressure activists to "tone down" their activities, reportedly because of fear of pro-democratic unrest in Hong Kong spreading to Macau.<sup>78</sup> The Macau Journalists Association reportedly received anonymous complaints from reporters at public broadcaster Teledifusão de Macau that self-censorship had worsened.<sup>79</sup>

This past year, Macau authorities blocked some Hong Kong journalists, activists, and others from entering the territory for political reasons.<sup>80</sup> Citing threats to internal security,<sup>81</sup> Macau immigration authorities refused to allow several Hong Kong reporters to enter Macau to report on Chinese President and Communist Party General Secretary Xi Jinping's visit in December 2014.<sup>82</sup> A prominent pro-democratic Hong Kong legislator protested after authorities barred her from entering Macau "for security reasons" while she was on vacation in January 2015.<sup>83</sup> Macau's Secretary for Security denied that the Macau government had a "blacklist" banning certain people from entering Macau.<sup>84</sup>

#### CORRUPTION AND MACAU'S AUTONOMY

During the Commission's 2015 reporting year, the Macau government expanded coordination with Chinese authorities, in part to fight financial crimes connected to Macau's gambling industry and

to cooperate with the central government's anticorruption campaign. Macau continued to be a center for violations of mainland China's currency controls, in part through fraudulent use of UnionPay bank cards at mainland-registered point-of-sale terminals.<sup>85</sup> From January to March 2015, illegal UnionPay transactions in Macau totaled MOP 260 million (US\$32.5 million).<sup>86</sup> Macau's gambling regulator requires gaming operators to report "high value transactions"<sup>87</sup> of MOP 500,000 (US\$62,000) or greater,<sup>88</sup> a reporting threshold higher than international anti-money laundering standards.<sup>89</sup>

To combat the use of UnionPay bank cards in evading mainland China's capital controls, in November 2014, the Monetary Authority of Macau announced plans to create a "reciprocal surveillance mechanism"<sup>90</sup> providing the Chinese Ministry of Public Security access to UnionPay money transfer data in Macau.<sup>91</sup> Macau's Commission Against Corruption said in April 2015 that Macau authorities would cooperate with Chinese authorities in "fugitive manhunt and asset recovery activities."<sup>92</sup> Officials from the Central Commission for Discipline Inspection reportedly are stationed in the central government's Macau liaison office as part of the central government's campaign against corruption.<sup>93</sup>

Macau officials held talks with Chinese authorities in February on potential regulations governing transfer of offenders or suspects to mainland China.<sup>94</sup> The UN Human Rights Committee reiterated its concern that implementation of these regulations must ensure offenders' protection under the ICCPR.<sup>95</sup> In July, mainland anticorruption authorities reportedly worked with Macau law enforcement officials to detain a fugitive corruption suspect in Macau, returning him to Guangdong province.<sup>96</sup> Some Macau legal experts criticized Macau authorities,<sup>97</sup> referring to two previous rulings from Macau's highest court holding that, due to the lack of an extradition agreement between Macau and mainland China, Macau authorities were not permitted to detain individuals wanted for extradition to mainland China.<sup>98</sup>

### Notes to Section VI—Developments in Hong Kong and Macau

<sup>1</sup> Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tiebie xingzhengqu jiben fa], passed 4 April 90, effective 1 July 97, arts. 2 ("high degree of autonomy"), 27 (freedoms of speech and assembly), 32 (freedom of religion), 39 (applicability of the International Covenant on Civil and Political Rights).

<sup>2</sup> Ibid., arts. 45 (Chief Executive), 68 (Legislative Council).

<sup>3</sup> Ibid., art. 45, annex I, instrument 2.

<sup>4</sup> Ibid., art. 45, annex I, instrument 2; Legislative Council of the Hong Kong Special Administrative Region, Legislative Council Ordinance (Cap. 542) [Di 542 zhang lifa hui tiaoli], amended 17 July 15, sec. 20; Tanna Chong, "Legco Election 2016: How a Handful of Voters Elect 30 Hong Kong Lawmakers," South China Morning Post, 6 February 14.

<sup>5</sup> Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tiebie xingzhengqu jiben fa], passed 4 April 90, effective 1 July 97, art. 68, annex II, instrument 4; Legislative Council of the Hong Kong Special Administrative Region, Legislative Council Ordinance (Cap. 542) [Di 542 zhang lifa hui tiaoli], 1 October 12, secs. 20ZC, 21(c); Tanna Chong, "LegCo Election 2016: How a Handful of Voters Elect 30 Hong Kong Lawmakers," South China Morning Post, 6 February 14; Stuart Lau, "Can Trade-Based Seats Continue To Function?" South China Morning Post, 8 February 14.

<sup>6</sup> Freedom House, "Freedom in the World 2014—Hong Kong," last visited 6 September 14. See also Te-Ping Chen, "Beijing Debate Stirs Hong Kong Poll," Wall Street Journal, 6 September 12; "Hong Kong's Pro-Democracy Parties Fail To Capitalize on Anti-Beijing Mood in Key Vote," Associated Press, reprinted in Washington Post, 10 September 12.

<sup>7</sup> Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tiebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14, reprinted in Xinhua.

<sup>8</sup> Hong Kong Special Administrative Region Government, "2017 Make It Happen! Method for Selecting the Chief Executive by Universal Suffrage, Consultation Report and Proposals," April 2015, chap. 4; Chris Buckley and Alan Wong, "Hong Kong Presents Plan for Elections, Offering Little to Democrats," New York Times, 22 April 15.

<sup>9</sup> Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tiebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14, reprinted in Xinhua; 2(2). See also Hong Kong Special Administrative Region Government, "2017 Make It Happen! Method for Selecting the Chief Executive by Universal Suffrage, Consultation Report and Proposals," April 2015, chap. 4.

<sup>10</sup> Ibid.

<sup>11</sup> Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tiebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14 reprinted in Xinhua; Michael Martina and James Pomfret, "Hong Kong Braces for Protests as China Rules Out Full Democracy," Reuters, 31 August 14; Chris Buckley and Michael Forsythe, "China Restricts Voting Reforms for Hong Kong," New York Times, 31 August 14.

<sup>12</sup> Hong Kong Special Administrative Region Government, "2017 Seize the Opportunity—Method for Selecting the Chief Executive by Universal Suffrage Consultation Document," January 2015, sec. 2.07.

<sup>13</sup> Alan Wong, "Hong Kong Leaders Insist Election Will Follow Beijing's Rules," New York Times, 6 January 15; "Govt. Launches Second Consultation on Reform," Radio Television Hong Kong, 8 January 15; Joyce Ng, "27 Pan-Democrat Lawmakers United in Pledge To Veto Political Reforms," South China Morning Post, 10 March 15. See also Emma Graham-Harrison, "Hong Kong's Draft Election Law Gives Little Ground to Protesters' Demands," Guardian, 22 April 15.

<sup>14</sup> "Lawmakers Heckle Hong Kong Chief Over Political Reform Plan," Radio Free Asia, 26 March 15; Tony Cheung et al., "Hong Kong Government Sticks to Rigid Beijing Framework in 2017 Election Proposal," South China Morning Post, 22 April 15.

<sup>15</sup> Joyce Ng, "27 Pan-Democrat Lawmakers United in Pledge To Veto Political Reforms," South China Morning Post, 10 March 15; "Central Government: Don't Make Unprincipled Concessions" [Zhongyang: bu zuo wu yuanze rangbu], Ming Pao, 20 April 15.

<sup>16</sup> James Pomfret and Clare Baldwin, "Mystery Walk-Out in Hong Kong Vote Brings Heavy Defeat for Beijing," Reuters, 18 June 15; "Political Reform Rejected by Large 28:8 Margin" [28:8 zheng gai da bi shu foujue], Ming Pao, 18 June 15. The final vote was 8 in favor of the proposal and 28 against; 31 pro-Beijing legislators left the LegCo chamber as voting was taking place. "Hong Kong Reform Package Rejected as Pro-Beijing Camp Walk Out in 'Miscommunication,'" South China Morning Post, 19 June 15.

<sup>17</sup> Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tiebie xingzhengqu jiben fa], passed 4 April 90, effective 1 July 97, annex I(7).

<sup>18</sup> Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Spe-

cial Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14, reprinted in Xinhua, sec. 4. See also Hong Kong Information Services Department, “LegCo To Vote on Electoral Reform Package To Amend Method for Selection of Chief Executive of HKSAR,” 15 June 15.

<sup>19</sup>Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage [Quanguo renda changweihui guanyu xianggang tebie xingzhengqu 2012 nian xingzheng zhangguan he lifa hui chansheng banfa ji youguan puxuan wenti de jue ding], adopted 29 December 07, para. 4; Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14, reprinted in Xinhua, sec. 4.

<sup>20</sup>Hong Kong Information Services Department, “LCQ4: The Government’s Work on Constitutional Reform,” 24 June 15; Hong Kong Information Services Department, “LCQ5: Constitutional Development,” 24 June 15.

<sup>21</sup>See, e.g., Human Rights Watch, “Hong Kong: Free Peaceful Protesters; Avoid Excessive Force,” 30 September 14; Hong Kong Journalists Association, “Six News Unions Strongly Condemn Assaults on Journalists at Blue Ribbons Movement,” 26 October 14; International Federation of Journalists, “Hong Kong Police Breach Police General Orders,” 27 November 14; Amnesty International, “Hong Kong: Heavy-Handed Policing Will Only Inflammate Protests,” 28 November 14; “Hong Kong Lawmakers Arrested Over Democracy Protests,” Agence France-Presse, reprinted in Business Insider, 2 March 15.

<sup>22</sup>Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzhengqu jiben fa], passed 4 April 90, effective 1 July 97, arts. 27 (freedoms of speech and assembly), 39 (applicability of ICCPR); International Covenant on Civil and Political Rights, adopted and proclaimed by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 19 (freedom of speech), 21 (freedom of assembly), 22 (freedom of association).

<sup>23</sup>James Pomfret and Yimou Lee, “Hong Kong Clashes, Arrests Kick-Start Plans To Blockade City,” Reuters, 27 September 14.

<sup>24</sup>James Pomfret et al., “Hong Kong Students Storm Government HQ To Demand Full Democracy,” Reuters, 26 September 14; Phila Siu et al., “Occupy Central Won’t Start Early, Says Benny Tai, After Student Clashes With Police Leave Dozens Injured,” South China Morning Post, 27 September 14.

<sup>25</sup>Phila Siu et al., “Occupy Central Won’t Start Early, Says Benny Tai, After Student Clashes With Police Leave Dozens Injured,” South China Morning Post, 27 September 14.

<sup>26</sup>See, e.g., Hong Kong Bar Association, “Statement of the Hong Kong Bar Association on the Use of Force by the Hong Kong Police at Harcourt Road on September 28, 2014” [Xianggang da lushi gonghui xinwen fabu xianggang jingfang zai 2014 nian 9 yue 28 ri dui jijie yu xiaque dao zhi shiwei renshi shiyong wuli], 29 September 14; Human Rights Watch, “Hong Kong: Free Peaceful Protesters; Avoid Excessive Force,” 30 September 14; Hong Kong Professional Teachers’ Union, “The PTU Statement of Strong Condemnation on Violence Imposed by the Government on Citizens and Calling for Teachers To Strike,” 28 September 14.

<sup>27</sup>Chris Buckley and Alan Wong, “Crackdown on Protests by Hong Kong Police Draws More to the Streets,” New York Times, 28 September 14; Austin Ramzy and Alan Wong, “Hong Kong Protesters Defy Officials’ Call To Disperse,” New York Times, 29 September 14; Jennifer Ngo and Ernest Kao, “We Only Started Protesting After Police Fired Tear Gas, Some Say,” South China Morning Post, 30 September 14.

<sup>28</sup>“Hong Kong Protest Vote Canceled Amid Warnings, Attacks on Journalists,” Radio Free Asia, 27 October 14; Hong Kong Information Services Department, “Incidents and Cases Relating to Illegal Occupation,” 9 November 14; Chris Buckley and Alan Wong, “As Hong Kong Occupy Protests Wind Down, Many Make One Last Visit,” New York Times, 10 December 14; Samuel Chan et al., “Occupy Is Over: Hong Kong Chief Executive Announces End to Protests as Causeway Bay Is Cleared,” South China Morning Post, 15 December 14. A handful of protesters later returned and set up tents on sidewalks outside the Legislative Council building, staying until after the government’s proposal was defeated in June 2015. Alan Wong, “Pro-Democracy Demonstrators Decamp in Hong Kong,” New York Times, Sinosphere (blog), 23 June 15.

<sup>29</sup>Chris Buckley and Alan Wong, “Hong Kong Police Remove Protesters’ Camp After a Night of Chaotic Clashes,” New York Times, 25 November 14.

<sup>30</sup>See, e.g., Human Rights Watch, “Hong Kong: Free Peaceful Protesters; Avoid Excessive Force,” 30 September 14; Maya Wang, Human Rights Watch, “Dispatches: Caught on Film—Excessive Use of Force by Hong Kong Police,” 15 October 14; Emily Tsang, “More Occupy Central Protesters Claim To Have Been Beaten by Police,” South China Morning Post, 3 November 14.

<sup>31</sup>Amnesty International, “Hong Kong: Heavy-Handed Policing Will Only Inflammate Protests,” 28 November 14.

<sup>32</sup>See, e.g., Jennifer Ngo and Samuel Chan, “Student Pepper-Sprayed and Beaten Brands Police a ‘Gang of Thugs,’” South China Morning Post, 17 October 14; “Chair of Student-Government Talks Pledges To Remain Impartial Despite Past CY Leung Links,” South China Morning Post, 20 October 14; Emily Tsang, “More Occupy Central Protesters Claim To Have Been Beaten by Police,” South China Morning Post, 3 November 14; Amnesty International, “Hong Kong: Heavy-Handed Policing Will Only Inflammate Protests,” 28 November 14.

<sup>33</sup>Emily Tsang et al., "Police Launch Probe After Alleged Beating of Civic Party's Ken Tsang Caught on Camera," *South China Morning Post*, 15 October 14; "Police Actions in Hong Kong Protests Spark Outrage," Associated Press, reprinted in *Washington Post*, 15 October 14; Simon Denyer, "Hong Kong Opens Probe Into 'Vicious' Video Showing Police Kicking Protester," *Washington Post*, 15 October 14.

<sup>34</sup>Michael Forsythe and Austin Ramzy, "7 Officers Arrested in Beating of a Protester in Hong Kong," *New York Times*, 26 November 14. The activist criticized authorities' handling of the case, particularly police refusal to name the accused officers and the delay in prosecution. See Laura Mannering, "Hong Kong Protester 'Beaten by Police' Slams Case Delay," *Agence France-Presse*, reprinted in *Yahoo! News*, 17 April 15; "Ken Tsang, Activists Mark 300 Days of Non-Action," *Radio Television Hong Kong*, 11 August 15.

<sup>35</sup>Danny Lee, "Caught on Camera: Suspected Police Officer Knocked Unconscious by Occupy Protesters as Fighting Erupts," *South China Morning Post*, 1 December 14.

<sup>36</sup>Andrew Browne et al., "Clashes Break Out at Hong Kong Protest Site," *Wall Street Journal*, 3 October 14; Amnesty International, "Hong Kong: Women and Girls Attacked as Police Fail To Protect Peaceful Protesters," 3 October 14; International Federation of Journalists, "Hong Kong Union Condemns Deliberate Attacks on Media by Anti-Occupy Protesters," 8 October 14; Foreign Correspondents' Club of Hong Kong, "FCC Condemns Attacks on Journalists Covering H.K. Protests," last visited 17 October 14; Hong Kong Journalists Association et al., "Letter to Commissioner of Police," 26 October 14.

<sup>37</sup>Samuel Chan, "Police Watchdog Has Reviewed 20 Per Cent of Occupy Complaints—But Has Nearly 2,000 Still To Go," *South China Morning Post*, 6 March 15.

<sup>38</sup>Hong Kong Journalists Association, "Six News Unions Strongly Condemn Assaults on Journalists at Blue Ribbons Movement," 26 October 14; PEN American Center, "Threatened Harbor: Encroachments on Press Freedom in Hong Kong," 16 January 15, Appendix, 40–44; International Federation of Journalists, "China's Media War: Censorship, Corruption & Control," January 2015, 54, 58–59. See also Clare Jim, "Anti-Occupy Mob Roughs Up Hong Kong Journalists," *Reuters*, 25 October 14.

<sup>39</sup>See, e.g., Hong Kong Journalists Association et al., "Six Press Unions Complain Against Police Over Use of Force Against Journalists," 15 October 14; Hong Kong Independent Media Network et al., "Four Online Media Groups' Joint Statement on Clearing of Lung Wo Road: Strongly Condemning Violent Police Attack on Journalists, Warning Authorities Are Trampling Press Freedom," 15 October 14; International Federation of Journalists, "Hong Kong Police Breach Police General Orders," 27 November 14; Hong Kong Journalists Association, "Journalists Caught Between Two Fires: Hong Kong Media Faces Serious Harassment and Self-Censorship," July 2015, 10–11, 13.

<sup>40</sup>Parmy Olson, "The Largest Cyber Attack in History Has Been Hitting Hong Kong Sites," *Forbes*, 20 November 14; PEN American Center, "Threatened Harbor: Encroachments on Press Freedom in Hong Kong," 16 January 15, 16–17; Emily Tsang, "Hong Kong Cyberattacks Spiked During Protests, Academic's Study Finds," *South China Morning Post*, 27 February 15.

<sup>41</sup>"Hong Kong Lawmakers Arrested Over Democracy Protests," *Agence France-Presse*, reprinted in *Business Insider*, 2 March 15.

<sup>42</sup>Samuel Chan and Jeffie Lam, "Eleven More Occupy Activists Face 'Arrest by Appointment' at Hong Kong Police HQ," *South China Morning Post*, 26 February 15; "Hong Kong Lawmakers Arrested Over Democracy Protests," *Agence France-Presse*, reprinted in *Business Insider*, 2 March 15; Hong Kong Information Services Department, "LCQ7: Arrests and Prosecutions in Relation to Public Order Events," 25 March 15.

<sup>43</sup>Legislative Council of the Hong Kong Special Administrative Region, Public Order Ordinance (Cap. 245) [Di 245 zhang gong'an tiaoli], amended 25 April 13, sec. 17A.

<sup>44</sup>"Hong Kong Lawmakers Arrested Over Democracy Protests," *Agence France-Presse*, reprinted in *Business Insider*, 2 March 15; Peter So, "Democratic Party Lawmakers Among Fresh Arrests of Key Occupy Central Figures," *South China Morning Post*, 3 March 15.

<sup>45</sup>Phila Siu, "Student Activists Joshua Wong and Nathan Law Charged With Obstructing Police in Hong Kong Protest," *South China Morning Post*, 14 July 15; Tony Cheung and Joyce Ng, "Student Activist Joshua Wong Faces Charges Over Hong Kong 'White Paper' Protest Last Year," *South China Morning Post*, 7 July 15. Authorities reportedly charged the four protesters under the offences against the Person Ordinance. Legislative Council of the Hong Kong Special Administrative Region, Offences against the Person Ordinance (Cap. 212) [Di 212 zhang qin hai ren shen zui tiaoli], amended 30 June 97, sec. 36(b) ("Any person who . . . assaults, resists, or wilfully obstructs any police officer in the due execution of his duty or any person acting in aid of such officer . . . shall be guilty of an offence . . ."). See also "Joshua Wong and Three Others Arraigned Today, Again Protesting and Burning 'White Paper'" [Huang zhifeng deng si ren jin titang zaici shiwei fenshao "baipishu"], *Ta Kung Pao*, 17 July 15.

<sup>46</sup>Alan Wong, "Student Leaders Charged Over Hong Kong Protest," *New York Times*, *Sinosphere* (blog), 14 July 15.

<sup>47</sup>Tony Cheung and Joyce Ng, "Student Activist Joshua Wong Faces Charges Over Hong Kong 'White Paper' Protest Last Year," *South China Morning Post*, 7 July 15.

<sup>48</sup>Alan Wong, "Student Leaders Charged Over Hong Kong Protest," *New York Times*, *Sinosphere* (blog), 14 July 15.

<sup>49</sup>Legislative Council of the Hong Kong Special Administrative Region, Crimes Ordinance (Cap. 200) [Di 200 zhang xingshi zuixing tiaoli], amended 30 June 97, sec. 161.

<sup>50</sup>Alan Wong, "Hong Kong Police Accuse Man of Inciting Protests," *New York Times*, 19 October 14; Jennifer Zhang, "Police Are Using Hong Kong's Computer Crime Law To Crack Down on Pro-Democracy Organizers," *Quartz*, 27 October 14; Michael Forsythe and Alan Wong, "In Hong Kong, Fears of a Police Crackdown Online," *New York Times*, 28 October 14; Bryan Harris, "Surge in Web Posts Taken Down by Hong Kong Police Sparks Censorship Fears," *South China Morning Post*, 15 February 15.



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<sup>52</sup>Legislative Council of the Hong Kong Special Administrative Region, Crimes Ordinance (Cap. 200) [Di 200 zhang xingshi zuixing tiaoli], amended 30 June 97, sec. 161.

<sup>53</sup>Bai Lin, "Suspected of Using a Computer With Dishonest Intent, Faculty of Orchid Gardening Member Arrested for Saying 'Wat Wing-yin Should Go to Hell'" [She bu chengshi shiyong diannao cheng "qu yingyan ying miemen" lanhua xi chengyuan bei bul], Apple Daily, 28 May 15; Charis Heung, "Security Bureau Trying To Expand Computer Law, Say Experts," EJIinsight, 2 June 15; Jennifer Zhang, "Hong Kong Social Media Activists Under Fire as Key Electoral Policy Vote Approaches," Global Voices Online, 11 June 15.

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<sup>55</sup>David Lague et al., "Special Report—How China Spies on Hong Kong's Democrats," Reuters, 15 December 14.

<sup>56</sup>See, e.g., Lai Ying-kit, "Four More Occupy Student Protesters 'Barred From Entering Mainland China,'" South China Morning Post, 17 November 14; William Wan and Kris Cheng Lok-Chit, "Hong Kong Protesters Denied Entry Into China," Washington Post, 24 November 14; Tony Cheung and Elizabeth Cheung, "Mainland Travel Ban on Protesters Is 'Burning Bridges' With Hong Kong Youth," South China Morning Post, 11 December 14; "Scholarism's Tiffany Chin Sze-man Refused Entry to Kunming, Returned to Hong Kong, Another Member Wong Wai-kei Refused Entry to Shenzhen" [Xuemin sichao qian siwen rujing kunming bei ju fan xianggang ling yi chengyuan huang weiji bei ju rujing shenzhen], Radio Free Asia, 19 February 15.

<sup>57</sup>"Hong Kong Democracy Protest Leaders To Fly to Beijing," Agence France-Presse, reprinted in Channel News Asia, 14 November 14; "Hong Kong Activists Denied Permit To Go to Beijing," Associated Press, reprinted in New York Times, 15 November 14; "More Hong Kong Students on Blacklist as Protesters Await Road Clearances," Radio Free Asia, 17 November 14.

<sup>58</sup>"Report of Central Government Drawing Up List of Five Hundred People Barred From Entering China" [Chuan zhongyang zao ding jin rujing wubai ren mingdan], Sing Tao Daily, 16 November 14; Isabella Steger, "Democracy Activists Worry Hong Kong Government Is Keeping a Travel 'Blacklist,'" Wall Street Journal, China Real Time Report (blog), 5 January 15.

<sup>59</sup>Reporters Without Borders, "2015 World Press Freedom Index," 12 February 15.

<sup>60</sup>Hong Kong Journalists Association, "Press Freedom Index Survey 2014" [Xinwen ziyou zhishu diaocha 2014], March 2015, 24.

<sup>61</sup>"Open Letter From TVB News Bureau Reporters Group" [Yi qun wuxian xinwen bu jizhe de gongkai xin], InmediaHK, 15 October 14; Hong Kong Journalists Association et al., "Seven News Unions Throw Their Weight Behind TVB Journalists," 15 October 14; Danny Mok, "TVB Journalists Quit Over Coverage of Alleged Police Attack on Occupy Protester," South China Morning Post, 26 February 15.

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<sup>63</sup>"TVB Punishes Staff After Anti-Censorship Petition: Report," EJIinsight, 14 November 14; International Federation of Journalists, "Staff Exodus From Hong Kong Broadcaster as News Service Compromised," 4 March 15.

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<sup>67</sup>Freedom House, "Freedom of the Press 2015—Hong Kong," 28 April 15.

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<sup>72</sup>Ibid., art. 40.

<sup>73</sup>International Covenant on Civil and Political Rights (ICCPR), adopted and proclaimed by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 25(b). Article 25(b) of the ICCPR guarantees the right "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage . . ."

<sup>74</sup>UN Human Rights Committee, International Covenant on Civil and Political Rights, Concluding Observations on the Initial Report of Macao, China, Adopted by the Committee at its 107th Session (11–28 March 2013), CCPR/C/CHN-MAC/CO/1, 29 April 13, para. 7; UN Human Rights Committee, International Covenant on Civil and Political Rights, Report on Follow-up

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<sup>75</sup>Catarina Pinto, "Lawmakers Say 'No' to Debating Political Reform," Macau Daily Times, 19 November 14.

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<sup>77</sup>Viviana Chan, "New Macau Fears Greater Intimidation" [Novo macau teme maior intimidação], Jornal Tribuna de Macau, 12 November 14; "'Apple Daily' Reporter Barred From Entering Macau, Jason Chao: Proves HK Gov't Made Blacklist" ["Pingguo" jizhe bei ju rujing aomen zhou tingxi: zhengming gang fu zhizuo hei mingdan], Apple Daily, 30 April 15.

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<sup>79</sup>International Federation of Journalists, "China's Media War: Censorship, Corruption & Control," 27 January 15, 63; High Representative of the European Union for Foreign Affairs and Security Policy, European Commission, "Joint Report to the European Parliament and the Council Macao Special Administrative Region: 2014 Annual Report," 24 April 15, 5–6.

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<sup>81</sup>Internal Security Framework Law of the Macau Special Administrative Region [Aomen tebie xingzhengqu neibu bao'an gangyao fa], issued and effective 4 December 02, art. 17, para. 1, item 4; International Federation of Journalists, "Macau Government Continues To Deny Entry to Journalists," 15 December 14.

<sup>82</sup>International Federation of Journalists, "Macau Government Continues To Deny Entry to Journalists," 15 December 14; Peter So et al., "Hong Kong Activists on Mission To Reach Xi Jinping Turned Back at Macau Ferry Terminal," South China Morning Post, 20 December 14.

<sup>83</sup>"Emily Lau Prevented From Entering Macau" [Emily lau impedida de entrar em macau], Jornal Ponto Final, 5 January 15; Catarina Mesquita, "Secretary for Security Denies Existence of Blacklist" [Secretário para a segurança nega existência de lista negra], Jornal Ponto Final, 14 January 15.

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<sup>87</sup>Gaming Inspection and Coordination Bureau, Instruction No. 2/2006 Preventive Measures for the Practice of the Crimes of Money Laundering and the Financing of Terrorism [Di 2/2006 hao zhishi qingxi heqian ji zizhu kongbu zhuyi fanzui de yufang cuoshi], issued and effective 13 November 06, Definitions.

<sup>88</sup>Ibid., sec. 6, specifically 6.1.

<sup>89</sup>Asia-Pacific Group on Money Laundering and Offshore Group of Banking Supervisors, "Mutual Evaluation Report on Macao, China," 24 July 07, 155, 225.

<sup>90</sup>Monetary Authority of Macau, "Deterrence and Handling of Cross-Border Criminal Activities Related to Mainland Bank Cards and Mainland POS Machines," 21 November 14.

<sup>91</sup>Niall Fraser, "Macao Shares Plunge as China Launches Major Crackdown on Flow of Illicit Funds," South China Morning Post, 17 December 14; Niall Fraser, "Chinese Officials To Meet Macau Regulators as Mainland Tightens Screws on Gambling Hub," South China Morning Post, 18 January 15; Zhang Yan, "Macao Casinos Targeted in the Fight Against Graft," China Daily, 21 January 15.

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<sup>95</sup>UN Human Rights Committee, International Covenant on Civil and Political Rights, Report on Follow-up to the Concluding Observations of the Human Rights Committee, CCPR/C/112/2,

8 December 14, 23–24; UN Human Rights Committee, International Covenant on Civil and Political Rights, Concluding Observations on the Initial Report of Macao, China, Adopted by the Committee at its 107th Session (11–28 March 2013), CCPR/C/CHN–MAC/CO/1, 29 April 13, para. 11; UN Human Rights Committee, International Covenant on Civil and Political Rights, Concluding Observations of the Human Rights Committee—Portugal (Macao), CCPR/C/79/Add.115, 4 November 99, para. 14.

<sup>96</sup> Guangdong Province Discipline Inspection Commission and Guangdong Province Supervision Department, “Guangdong ‘Red Notice’ Figure Wu Quanshen Seized and Brought to Justice” [Guangdong “hong tong” renyuan wu quanshen bei ji’na gui’an], 23 July 15; He Na, “One of 100 Most-Wanted Fugitives Caught in Macao,” China Daily, 25 July 15. Macau’s Secretary for Security reportedly said that the fugitive’s expulsion was due to his lack of residence permit and that he was not extradited or handed over to mainland police. Macau authorities reportedly canceled the man’s temporary Macau residence permit and expelled him to mainland China. Lan Huilong, “Deported by Macau Police, Only Village Official Captured Under Red Notice” [Bei aomen jingfang quzhu chujing hongse tongji ling weiyi cunguan luowang], Southern Metropolitan Daily, 29 July 15; Patricia Silva Alves, “Government Withdraws Residence Permit for Fugitive Wanted by Interpol” [Governo retirou autorização de residência a fugitivo procurado pela interpol], Jornal Ponto Final, 30 July 15.

<sup>97</sup> Patricia Silva Alves, “Arrest of Fugitive: Sonia Chan Says That Authorities ‘Will Act in Accordance With the Law’” [Detenção de fugitivo: sônia chan acredita que autoridades “vão agir de acordo com a lei”], Jornal Ponto Final, 28 July 15; Patricia Silva Alves, “Government Withdraws Residence Permit for Fugitive Wanted by Interpol” [Governo retirou autorização de residência a fugitivo procurado pela interpol], Jornal Ponto Final, 30 July 15.

<sup>98</sup> Court of Final Appeal of the Macau Special Administrative Region, Case No. 12/2007 [Di 12/2007 hao an], issued 20 March 07, Summary; Court of Final Appeal of the Macau Special Administrative Region, Case No. 3/2008 [Di 3/2008 hao an], issued 12 February 08, Summary, 3. In both cases, the Macau Court of Final Appeal held that without explicit extradition guidelines and without an extradition agreement between Macau and mainland China, Macau authorities could not detain individuals sought by Interpol for handover to mainland China.

