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CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2011

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

OCTOBER 10, 2011

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

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I. Executive Summary

INTRODUCTION

The China of today is vastly different from that of 30 years ago, when major economic reforms began, and even 10 years ago, when China acceded to the World Trade Organization. More people in today's China enjoy an improved quality of life, economic freedoms, and greater access to information via the Internet and other communication technologies. But economic and technological progress has not led to commensurate gains in China's human rights and rule of law record.

In the areas of human rights and rule of law this year, China's leaders have grown more assertive in their violation of rights, disregarding the very laws and international standards that they claim to uphold and tightening their grip on Chinese society. China's leaders have done this while confidently touting their own human rights and rule of law record. This year, officials declared that China had reached a "major milestone" in its legal system and made "remarkable achievements" in carrying out its 2009–2010 National Human Rights Action Plan, asserting that "civil and political rights have been effectively protected." China's leaders no longer respond to criticism by simply denying that rights have been abused. Rather, they increasingly use the language of international law to defend their actions. According to China's leaders, today's China is strong and moving forward on human rights and rule of law.

Official rhetoric notwithstanding, China's human rights and rule of law record has not improved. Indeed, as this year's Annual Report indicates, it appears to be worsening in some areas. A troubling trend is officials' increased willingness to disregard the law when it suits them, particularly to silence dissent. Beginning in February 2011, Chinese police took the unusual step of "disappearing" numerous lawyers and activists in one of the harshest crackdowns in recent memory. It was no surprise, then, that in sensitive issue areas such as China's population planning policy, local government officials demonstrated little restraint in turning to illegal measures, including violence, to coerce compliance with a policy that itself violates international human rights standards. Lack of respect for the rule of law extended into the international arena, where China pursued domestic subsidies and industrial policies inconsistent with China's commitments as a member of the World Trade Organization.

The Chinese government's misuse of the law to violate fundamental human rights continued. The Commission observed officials citing the "law" as a basis to crack down on peaceful protests; to prevent Buddhists, Catholics, Falun Gong practitioners, Muslims, Protestants, and Taoists from freely practicing their beliefs; to pre-

vent Tibetans, Uyghurs, and other ethnic minorities from exercising autonomy despite guarantees in Chinese law; to prevent workers from independently organizing; and to clamp down on civil society organizations. The Communist Party tightened its grip at all levels of society, stepping up monitoring of citizens and social groups and stifling attempts at independent political participation and advocacy for democracy.

Along with negative developments, there have been some hopeful signs, notably at the grassroots level. The Commission observed the courage of citizens calling for justice, as when daring journalists and millions of Internet users outmaneuvered censors to raise questions about the government's response to a high-speed rail crash, or when members of the Shouwang Church openly defied the government to hold outdoor worship services in Beijing. The Commission also continued to observe well-intentioned officials and individuals seeking to bring about positive changes within the system. Such actions testify to the Chinese people's desire for a just society and their willingness to be productive partners in pursuit of that aim.

Human rights and rule of law developments in China are important to the rest of the world. The rights to freedom of expression, association, and religion are universal and transcend borders. These rights are provided for in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, two documents that China has publicly supported. When the Chinese government and Communist Party deny these rights, as when they censor the press and Internet and restrict access to courts, citizens worldwide—not just in China—know less about issues such as poisoned food, unsafe products, natural and man-made disasters, and infectious disease, and have less recourse to hold officials accountable. Moreover, the Chinese government's respect for human rights and rule of law domestically serves as an important barometer for China's compliance and cooperation internationally, from trade agreements to issues of common global concern. Finally, as recent years have shown, China's increasing confidence in and defense of its human rights record risk setting negative precedents for other countries and reshaping international human rights standards to allow for China's abuses. China's strident justification this past year of its imprisonment of the Nobel Peace Prize winner Liu Xiaobo, and the refusal of some governments to send representatives to the Nobel ceremony, exemplify this trend.

This is the Commission's 10th Annual Report on China's human rights and rule of law developments. As in the past, the Commission has assessed the Chinese government's record on the basis of China's own Constitution and laws and international human rights standards, relying on research based in large part on reports and articles published in China. As Commission research has shown this past year, Chinese officials continue to deny Chinese citizens their rights in order to preserve the Communist Party's notion of political stability and harmony. China's stability is in the United States' best interest, but the Commission believes that stability will not result from repressing rights for perceived short-term gain,

but only by ensuring and protecting the rights of all Chinese citizens.

OVERVIEW

Below is a discussion of the major trends that the Commission observed during the 2011 reporting year, covering the period from fall 2010 to fall 2011.

DISREGARD FOR THE LAW

The Commission observed Chinese officials disregarding the law to deny Chinese citizens the freedoms of speech, association, and religion, and the right to be free from arbitrary detention, as well as Chinese officials refusing to abide by international commitments:

- **Disappearance of Human Rights Lawyers and Activists.** In the first half of 2011, authorities reportedly "disappeared" numerous lawyers and rights activists known for criticizing the Communist Party and for advocating on behalf of politically sensitive causes and groups. The "disappearances," in which persons went missing with little or no word of their whereabouts or the charges against them, violated the limited procedural protections provided under Chinese law and drew the criticism of the UN Working Group on Enforced or Involuntary Disappearances and of the international community. The missing included the well-known artist and public advocate Ai Weiwei, who was kept at a secret location for 81 days before being released on bail on the condition that he not grant interviews or send Twitter messages. Following the crackdown, the Chinese government announced a draft revision to its Criminal Procedure Law that would legalize such disappearances.
- **Population Planning.** Although Chinese law prohibits officials from infringing on the rights and interests of citizens when promoting compliance with population planning policies, the Commission noted reports of official campaigns, as well as numerous individual cases in which officials used violent methods to coerce citizens to undergo sterilizations or abortions or pay heavy fines for having "out-of-plan" children. In one such example, in October 2010, local family planning officials in Xiamen city, Fujian province, reportedly kidnapped a woman who was eight months pregnant with her second child and detained her for 40 hours. They then forcibly injected her with a substance that caused the fetus to be aborted. During this time, the woman's husband reportedly was not permitted to see her.
- **Worker Rights.** China's Constitution and international human rights standards provide for freedom of association, but workers in China are still denied their fundamental right to organize independent unions, despite some potentially positive but limited developments this past year (see below). Instead, workers must rely on a Party-controlled union to represent them. Without genuine labor representation, Chinese workers continue to face poor working conditions and harassment when

they seek to advocate independently for their rights. Worker safety issues, especially among miners, and child labor remained serious problems.

• **Extralegal Confinement of Released Activists, Petitioners.** Hu Jia, a human rights and environmental advocate, and Chen Guangcheng, a self-trained legal advocate who publicized population planning abuses, were released from prison this year only to face, along with their families, onerous conditions of detention and abuse with little or no basis in Chinese law. In Chen's case, authorities kept him and his wife under extralegal house arrest and allegedly beat them after video footage of their conditions was smuggled out of the house and released on an overseas Web site. In addition, officials continued to hold Mongol rights advocate Hada after completion of his prison sentence in December 2010. The legal basis under Chinese law, if any, for his continued custody is unclear. Chinese and international media also reported on the ongoing problem of "black jails," which are extralegal detention facilities used to house and abuse citizens who persistently petition the government about their grievances.

• **Commercial Rule of Law.** China continued to implement policies that are inconsistent with its commitments as a member of the World Trade Organization (WTO) and are incompatible with the rule of law. Industrial policies limit market access for non-Chinese companies and in some cases violate the core WTO principle of national treatment; state-owned enterprises enjoy direct and indirect subsidies, including land and regulatory protection, which is contrary to China's WTO commitments. Favoring state-owned enterprises has implications for human rights, including the taking of land to subsidize production and the use of the state secrets law to protect information in the state-owned sector. WTO cases this past year addressed the impact of China's policies on its trading partners in industries ranging from tires to wind energy. These cases highlight Chinese support of its domestic industry, China's use of quotas and subsidies, the lack of transparency, and the fear of retaliation against foreign companies that speak up. China continued to control its currency, which many economists and the International Monetary Fund consider to be undervalued.

• **Ethnic Minority Language and Culture.** In Tibetan autonomous areas of China, the Xinjiang Uyghur Autonomous Region, the Inner Mongolia Autonomous Region, and other minority areas, the government continued to promote policies threatening the viability of the language and culture of Tibetans, Uyghurs, Mongols, and other groups, in contravention of China's Constitution and law providing autonomy to ethnic minorities. These policies included the imposition of Mandarin Chinese language in schools at the expense of other languages, the compulsory resettlement of large numbers of nomads, tight curbs over religious practice, and economic development projects that threatened livelihoods and sacred sites.

MISAPPLICATION OF THE LAW AS A TOOL FOR REPRESSION

The Commission also noted the continuance of Chinese officials abusing and strengthening laws as a tool for repression and to deny citizens the basic freedoms of speech, association, and religion, and the right to be free from arbitrary detention.

- **Criminal and Administrative Law.** Official abuse of Chinese criminal law and administrative provisions prohibiting "subversion," "splittism," and "disrupting social order" remained a significant concern this reporting year. Chinese officials used these provisions to imprison labor advocates, writers, Internet essayists, democracy advocates, and Tibetan and Uyghur writers and journalists who engaged in peaceful expression and assembly. These included labor lawyer and advocate Zhao Dongmin, three Tibetans—Buddha (pen name), Jangtse, and Kalsang Jinpa—democracy advocate Liu Xianbin, Uyghur journalist Memetjan Abdulla, and numerous other advocates swept up in the domestic crackdown that followed protests in the Middle East and North Africa and the calls for "Jasmine" protests in China. In August, China's top legislature reviewed a draft amendment of the Criminal Procedure Law that would legalize the current practice of forcibly "disappearing" rights advocates in violation of international standards.
- **Internet Regulation.** The Chinese government sought to tighten its supervision of Internet activities, establishing in May 2011 a State Internet Information Office to "strengthen [the state's] supervision of online content." Reports indicated that officials also stepped up measures to monitor Internet use in public places. The total number of Web sites in China reportedly decreased dramatically as a result of greater state intervention.
- **Religious Regulation.** The Chinese government continued to formally recognize only five religions and to require groups belonging to these religions to register with the government and submit to ongoing state control. Unregistered worshippers and those practicing unrecognized beliefs continued to face harassment.
  - **Buddhists and Taoists.** Authorities maintained a restrictive framework for controlling Buddhist and Taoist doctrines, practices, worship sites, and religious personnel.
  - **Catholics.** Authorities continued to harass and detain Catholics who worshipped outside state-controlled parameters. The state-controlled church forced some bishops to attend the ordination ceremonies of two bishops ordained without Holy See approval—the first such ordinations since late 2006—as well as a December 2010 state-controlled church conference.
  - **Falun Gong.** Officials continued to carry out a campaign—lasting more than a decade—of extensive, systematic, and in some cases violent efforts to pressure Falun Gong practitioners to renounce their beliefs. This year, officials were in the second year of a three-year campaign

that included greater funding and government measures to achieve these goals.

○ **Protestants.** Officials took into custody or confined to their homes hundreds of members of unregistered Protestant congregations who assembled into large groups or across congregations. These included members of the Shouwang Church, which had not registered with the authorities, after they attempted to hold large-scale outdoor services in Beijing.

- **Regulations in Ethnic Minority Regions.**

○ **Tibetans.** Governments at prefecture levels or above issued or drafted a series of regulations to tighten state control over Tibetan Buddhist monasteries, nunneries, monks, and nuns.

○ **Uyghurs.** Following demonstrations and riots in the Xinjiang region in 2009, authorities there maintained repressive security policies that targeted peaceful dissent, human rights advocacy, and expressions of cultural and religious identity, especially among Uyghurs.

TIGHTENING PARTY CONTROL OVER SOCIETY

The Commission observed the Communist Party's attempts to strengthen control over many aspects of society in ways that threatened basic human rights of freedom of expression, association, and religion. Authorities created new institutions and stepped up monitoring of citizens and groups in the name of "comprehensive management of public security" and "safeguarding social stability." In some cities, Party monitoring was extended into commercial buildings and local officials packaged "social management" tasks with government service delivery in expanded monitoring of neighborhoods. Party wariness of the formation of independent networks, whether among Chinese citizens or between Chinese citizens and foreign groups, remained a prominent feature in many policies.

- **Democratic Governance and Political Participation.** Top officials continued to insist that there would be no multiparty elections or separation of powers and that the goal of any political reform—whether it is of the political system or of the media—must be to strengthen, not weaken, the Party's leadership. The use of the Internet by independent candidates running in local people's congress elections emerged as a hopeful sign for grassroots attempts at democracy, but the Party discouraged such candidates, and local officials took repressive measures to stop them. The Party sought to monopolize village leadership positions. Authorities continued to have no tolerance for certain democracy advocates, for example restricting the freedom of movement of elections expert Yao Lifa.
- **Media and Internet.** Party officials maintained heavy censorship of the Internet, media, and publishing, including limiting coverage of public disasters and health emergencies, and silencing well-known journalists such as Chang Ping. Repression of foreign journalists peaked after they attempted to cover the calls for "Jasmine" protests.

• **Negotiations With the Dalai Lama.** Regarding the status of negotiations between Chinese officials and the Dalai Lama or his representatives, no formal dialogue between the two sides took place this past year, the longest break since dialogue resumed in 2002. Officials continued their campaign to discredit the Dalai Lama as a religious leader. For his part, the Dalai Lama renounced an official role in exiled Tibetan governance, a move that could alter the dialogue dynamics by making it more difficult for officials to characterize him as a "political" figure.

PROGRESS CLAIMED; IMPACT UNCLEAR

This past year, the Chinese government announced new measures related to human rights and the rule of law, but the actual impact was unclear or negative.

• **Civil Society.** Beijing and Shanghai reportedly conducted limited reforms to potentially make it easier for certain types of civil society organizations to register with the government, but some experts argued that the moves could solidify the government's already tight control over which types of civil society organizations are allowed to operate in China.

• **Death Penalty Reform.** In order to limit application of the death penalty, for which statistics remain a state secret, authorities amended the PRC Criminal Law to reduce the number of crimes punishable by death from 68 to 55. In practice authorities rarely, if ever, applied the death penalty for the 13 reclassified crimes.

• **Access to Justice.** Officials promoted a new mediation law, effective in January 2011, as the preferred method of resolving disputes and maintaining social stability. While mediation may be effective in some cases, the courts' emphasis on this form of dispute resolution raised questions about denying access to courts, increasing pressure on courts and parties to mediate cases, and weakening the rule of law.

• **Village Governance.** Local authorities continued to implement pilot projects in villages to reduce corruption, maintain "social stability," improve budget transparency, and promote "democratic" public participation, but the sustainability and impact of these projects are unclear.

• **Environment.** Some central-level authorities continued to state their support for public participation and took steps to improve environmental information disclosure. An administrative provision limiting the disclosure of basic pollution information, however, appeared to remain in effect, and local environmental authorities continued to be reluctant to disclose information, especially in relation to polluting industries. In addition, central-level environmental officials issued a measure that states support for social organizations and encourages closer cooperation between government officials and environmental groups, but also stipulates strengthening "guidance" of and "political thought" work for environmental groups.

POTENTIAL FOR PROGRESS

In a few areas, the Commission observed developments that could bring about positive change in human rights and the rule of law in China depending on implementation and other factors.

- **Mental Health.** After decades of preparation, officials released a draft national mental health law in June 2011 that could curb abuse of the diagnosis of mental illness to detain in psychiatric institutions persons who voice dissent.
- **Government Transparency.** Officials continued to state their support for open government information initiatives, and the number of government agencies publicly disclosing general information about their budgets reportedly increased. However, a number of fundamental obstacles to transparency remained in place, including China's state secrets laws, lack of a free press and independent judiciary, and policies requiring government approvals of investments through a non-transparent process.
- **Worker Rights.** Faced in part with the demands of a younger, more assertive workforce and pressure to maintain social stability, Chinese officials introduced limited steps that could improve conditions for workers. A law on social insurance took effect that deals with work-related injury insurance, and authorities reportedly continued to consider a draft national wage regulation. It remains unclear whether such measures will help address unequal wealth distribution and streamline worker compensation procedures.
- **Citizen Participation on the Internet.** Government initiatives to expand access to the Internet, including access among rural residents, have contributed to creating an online space that Chinese citizens have utilized to express concern over human rights and government policies. The government and Party, however, continued to heavily censor the Internet and to promote its use for economic development and propaganda.
- **Anticorruption.** The government continued limited anticorruption measures, including steps to prevent corruption at the grassroots level, to curb judicial corruption, and to criminalize bribery of foreign officials by Chinese companies operating overseas. Officials issued provisions calling for the promotion of an "honest" Party and a "clean" government. Despite some new regulatory language, protections for whistleblowers remain inadequate.
- **Access to Justice.** Chinese officials reportedly took some steps to expand legal aid and to promote administrative law reforms that seek to provide greater oversight of state agencies and government employees and to protect citizens' interests.
- **Property Rights.** Regulations covering expropriation of urban housing came into effect in January 2011. If fully implemented, the regulations could offer greater protection for urban homeowners. Rural landowners, however, lack equivalent protection.
- **Criminal Procedure Reforms.** In August, China's top legislature reviewed a draft amendment to the Criminal Proce-

dure Law, which includes revisions that aim to prohibit forced self-incrimination, bar the use of evidence obtained through torture, and permit Chinese criminal defense attorneys to meet criminal defendants in custody without being monitored.

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

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 2011 reporting year, Chinese officials continued to maintain a broad range of restrictions on free expression that do not comply with international human rights standards, including Article 19 of the International Covenant on Civil and Political Rights and Articles 19 and 29 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, Chinese restrictions covered a much broader range of activity, including expression critical of the Communist Party and peaceful dissent. Despite this, Chinese officials continue to point to Internet development in China as proof of freedom of expression and to argue that Chinese restrictions comply with international law, including in the case of imprisoned Nobel Peace Prize winner Liu Xiaobo.
- This past year was marked by a major crackdown on Internet and press freedom that exemplified the range of tools officials can use to restrict the free flow of information. The crackdown began in mid-February following protests in the Middle East and North Africa and the appearance of online calls for "Jasmine" protests in China.
- While international and domestic observers continued to note the vibrancy of Internet and cell phone use in China, government and Party officials showed little sign of loosening political control. Top leaders, including President Hu Jintao, called for "strengthening" the Party's guidance of online public opinion, as well as the Party's leadership over the Internet. Officials established a central-level agency to tighten supervision of the Internet and issued regulations to increase monitoring of Internet use in public places. Censors continued to block the sharing of online information that officials deemed to be politically sensitive, including news of the Nobel Peace Prize award to imprisoned intellectual and reform advocate Liu Xiaobo, the calls for "Jasmine" protests, and words such as "human rights" and "democracy." At times, citizen expression on China's microblogs overwhelmed censors, including following the Wenzhou high-speed train accident in July 2011.
- Officials insisted that any reform of the media industry would result in "no change in the Party's control over the media." Officials continued to issue broad guidance, such as telling the media it was their "common responsibility" to pro-

mote the 90th anniversary of the Party's founding. Officials also continued to issue specific directives, such as how to cover the protests in the Middle East and North Africa and the award of the Nobel Peace Prize to Liu Xiaobo. Harassment of foreign journalists reached a new height this past year, including beatings and threats of expulsion of journalists who attempted to report on the "Jasmine" protest strolls.

• Officials continued to arbitrarily restrict expression by abusing vague criminal law provisions and abusing broad regulations and registration requirements applicable to journalists, publishers, news media, and the Internet. Citizens who criticized the government were charged with national security crimes such as "subversion." Official campaigns to train and supervise journalists conducted in the name of combating corruption continued to be heavily imbued with political indoctrination. Officials continued to use campaigns they described as intended to enforce the law to instead target "illegal" political and religious publications. Such publications included ones that "defame the Party and state leaders" or "contain political rumors that create ideological confusion."

Recommendations

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

○ Raise concerns over and draw enhanced international attention to the Chinese government's continued insistence that its restrictions on freedom of expression are consistent with international standards. Chinese officials assert that such measures are taken to protect national security or public order when available information indicates that many measures are aimed at silencing opposition to the Party or blocking the free flow of information on politically sensitive topics. Emphasize that the Chinese government's position undermines international human rights standards for free expression, particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Articles 19 and 29 of the Universal Declaration of Human Rights. Emphasize to Chinese officials that Communist Party and government censorship of the Internet and the press can lead to instability by eroding public faith in the media and government.

○ Engage in dialogue and exchanges with Chinese officials on the issue of how governments can best ensure that restrictions on freedom of expression are not abused and do not exceed the scope necessary to protect national security, minors, and public order. Emphasize the importance of procedural protections such as public participation in formulation of restrictions on free expression, transparency regarding implementation of such restrictions, and independent review of such restrictions. Reiterate Chinese officials' own calls for greater transparency and public participation in lawmaking. Such discussions may be part of a broader discussion on how both the U.S. and Chinese governments can work together to ensure the protection

of common interests on the Internet, including protecting minors, computer security, and privacy.

○ Acknowledge the Chinese government's efforts to expand access to the Internet and cell phones, especially in rural areas, while continuing to press officials to comply with international standards. Support the research and development of technologies that enable Chinese citizens to access and share political and religious content that they are entitled to access and share under international human rights standards. Support practices and Chinese-language tools and training materials that enable Chinese citizens to access and share content in a way that ensures their security and privacy. Support the dissemination of online Chinese-language information on the Internet, especially popular Chinese social media sites, that discusses the rights and freedoms to which Chinese citizens are entitled under international standards.

○ Raise concerns regarding Chinese officials' instrumental use of the law, including vague national security charges, as a tool to suppress citizens' rights to freedom of expression, and question whether such actions are in keeping with the spirit of the "rule of law."

○ Elevate concern over the increased harassment of foreign journalists, who this past year have been beaten and threatened with expulsion for attempting to report on events of public concern. Emphasize that such treatment is not in keeping with regulations issued for the 2008 Beijing Summer Olympic Games in which Chinese officials promised greater freedoms for foreign journalists, and is not in keeping with the treatment Chinese journalists are afforded when reporting on events in the United States.

○ Call for the release of Liu Xiaobo and other political prisoners imprisoned for allegedly committing crimes of endangering state security and other crimes but whose only offense was to peacefully express support for political reform or criticism of government policies, including Tan Zuoren (sentenced in February 2010 to five years in prison after using the Internet to organize an independent investigation into school collapses in an earthquake).

WORKER RIGHTS

Findings

• Workers in China still are not guaranteed, either by law or in practice, full worker rights in accordance with international standards, including the right to organize into independent unions. The All-China Federation of Trade Unions (ACFTU), the official union under the direction of the Communist Party, is the only legal trade union organization in China. All lower level unions must be affiliated with the ACFTU.

• The Commission continues to note the lack of genuine labor representation in China. ACFTU officials continue to state that it is their goal to develop stronger representation for workers. In January 2011, for example, the ACFTU announced its plan to establish a system of electing worker representatives in 80

percent of unionized public enterprises and 70 percent of unionized non-public enterprises in 2011. In March 2011, Zhang Mingqi, the vice chairman of the ACFTU, acknowledged that an increase in worker actions was due to enterprises having "neglected the legal rights and benefits of workers" for many years. Multiple localities in China also announced plans to establish collective wage consultation systems in coming years, including Qingdao, Changde, Rizhao, Qinhuangdao, and Shenzhen.

• At the same time, advocates for worker rights in China continue to be subjected to harassment and abuse. In particular, officials appear to target advocates who have the ability to organize and mobilize large groups of workers. For example, in October 2010, a Xi'an court sentenced labor lawyer and advocate Zhao Dongmin to three years in prison for organizing workers at state-owned enterprises. Authorities charged him with "mobilizing the masses to disrupt social order." Authorities continue to detain Yang Huanqing for organizing teachers in fall 2010 to petition against social insurance policies they alleged to be unfair.

• As the Commission found in 2010, Chinese authorities continue to face the challenge of accommodating a younger, more educated, and rights-conscious workforce. In February 2011, the ACFTU released a set of policy recommendations intended to better address the demands of these young workers. Younger workers, born in the 1980s and 1990s, continue to be at the forefront of worker actions in China this year, including large-scale street protests in southern China in June 2011. These young workers also make up about 100 million of China's 160 million migrant workers, and compared to their parents, have higher expectations regarding wages and labor rights. China's Minister of Agriculture Han Changfu has pointed out that many of these young workers have never laid down roots, are better educated, are the only child in the family, and are more likely to "demand, like their urban peers, equal employment, equal access to social services, and even the obtainment of equal political rights."

• With Chinese officials charged with preserving "social stability," the extent to which they will allow workers to bargain for higher wages and genuine representation remains unclear. In part to address official concern over the unequal distribution of wealth across China and its potential effects on "social unrest," the government reportedly is considering a national regulation on wages. Chinese media in the past year reported that the draft regulation includes provisions creating a "normal increase mechanism" for wages, defining a set of standards to calculate overtime pay, and requiring the management of certain "monopolized industries" (*longduan qiye*) to disclose to the government and the public the salary levels of their senior employees.

• The Commission continued to monitor the progress of Guangdong province's draft Regulations on Democratic Management of Enterprises, which reportedly would extend to workers the right to ask for collective wage consultations and

allow worker members to sit on the enterprise's board of directors and board of supervisors, represent worker interests in the boards' meetings, and take part in the enterprise's decision-making processes. In September 2010, the Standing Committee of the Guangdong People's Congress reportedly withdrew the draft from further consideration due to heavy opposition from industry. During this reporting year, a major Hong Kong media source reported that Guangdong authorities would approve the draft in January 2011. However, no such action has been observed.

• Chinese workers, especially miners, continued to face persistent occupational safety issues. In November 2010, the ACFTU released figures showing a 32 percent increase in occupational illnesses in 2009, of which the vast majority involved lung disease. Officials took some efforts to close some mines and promote safety, and fatalities have been consistently reduced over the past few years, but uneven enforcement reportedly continued to hinder such efforts. Collusion between mine operators and local officials reportedly remains widespread.

• In January 2011, revisions to the Regulations on Work-Related Injury Insurance became effective. The changes include requiring officials to respond more quickly to worker injury claims, but the effectiveness of the changes is unclear. As the Commission reported last year, the claims process may last for more than a decade. The process is further complicated for migrant workers who may already have left their jobs and moved to another location by the time clinical symptoms surface.

• The extent of child labor in China is unclear in part because the government does not release data on child labor despite frequent requests by the U.S. Government, other countries' governments, and international organizations. While a national legal framework exists to address the issue, systemic problems in enforcement have dulled the effects of these legal measures. Reports of child labor continued to surface this past year. As an example, in March 2011, Shenzhen authorities reportedly found 40 children working at an electronics factory.

• The National People's Congress Standing Committee passed the PRC Social Insurance Law in October 2010, and it became effective on July 1, 2011. The law specifies that workers may transfer their insurance from one region to another and discusses five major types of insurance: Old-age pension, medical, unemployment, work-related injury, and maternity. No implementing guidelines have been released and some critics have said the law is too broad to be implemented effectively. In addition, the extent to which the law will enable a greater number of migrant workers to obtain social insurance remains unclear. At the same time, migrant workers continued to face discrimination in urban areas, and their children still faced difficulties accessing city schools. Employment discrimination more generally continued to be a serious problem, especially for workers without urban household registration status.

Recommendations

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

- Support projects promoting reform of Chinese labor laws and regulations to reflect internationally recognized labor principles. Prioritize projects that not only focus on legislative drafting and regulatory development, but also analyze implementation and measure progress in terms of compliance with internationally recognized labor principles at the shop-floor level.
- Support multi-year pilot projects that showcase the experience of collective bargaining in action for both Chinese workers and trade union officials; identify local trade union offices found to be more open to collective bargaining; and focus pilot projects in those locales. Where possible, prioritize programs that demonstrate the ability to conduct collective bargaining pilot projects even in factories that do not have an official union presence. Encourage the expansion of exchanges between Chinese labor rights advocates in non-governmental organizations (NGOs), the bar, academia, the official trade union, and U.S. collective bargaining practitioners. Prioritize exchanges that emphasize face-to-face meetings with hands-on practitioners and trainers.
- Encourage research that identifies factors underlying inconsistency in enforcement of labor laws and regulations. This includes projects that prioritize the large-scale compilation and analysis of Chinese labor dispute litigation and arbitration cases and guidance documents issued by, and to, courts at the provincial level and below, leading ultimately to the publication and dissemination of Chinese language casebooks that may be used as a common reference resource by workers, arbitrators, judges, lawyers, employers, union officials, and law schools in China.
- 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 inside and outside of China and to invite these groups to increase the number of training programs in mainland China. Support programs that train workers in ways to identify problems at the factory-floor level, equipping them with skills and problem-solving training so they can relate their concerns to employers effectively.
- Where appropriate, share the United States' ongoing experience and efforts in protecting worker rights—through legal, regulatory, or non-governmental means—with Chinese officials. Expand site visits and other exchanges for Chinese officials to observe and share ideas with U.S. labor rights groups, lawyers, the U.S. Department of Labor (USDOL), and other regulatory agencies at all levels of U.S. Government that work on labor issues.
- Support USDOL's exchange with China's Ministry of Human Resources and Social Security (MOHRSS) regarding setting

and enforcing minimum wage standards; strengthening social insurance; improving employment statistics; and promoting social dialogue and exchanges with China's State Administration of Work Safety (SAWS) regarding improving workplace safety and health. Support the annual labor dialogue with China that USDOL started in 2010 and its plan for the establishment of a safety dialogue. Encourage discussion on the value of constructive interactions among labor NGOs, workers, employers, and government agencies. Encourage exchanges that emphasize the importance of government transparency in developing stable labor relations and in ensuring full and fair enforcement of labor laws.

CRIMINAL JUSTICE

Findings

• During the Commission's 2011 reporting year, the Chinese government waged a broad-scale crackdown on human rights advocates, lawyers, bloggers, writers, and democracy activists. In early 2011, Chinese public security officials detained more than 200 advocates in a campaign that appeared related to official sensitivity over recent protests in the Middle East and North Africa and to an anonymous online call for so-called "Jasmine" protests within China.

• Harassment and intimidation of human rights advocates and their families by Chinese government officials continued during this reporting year. Public security authorities and unofficial personnel illegally monitored and subjected to periodic illegal home confinement human rights defenders, petitioners, religious adherents, human rights lawyers, and their family members. Such mistreatment and abuse were evident particularly in the leadup to sensitive dates and events, such as the Nobel Peace Prize award ceremony in December 2010 and the "Jasmine" protests of early 2011.

• Chinese officials continued to use various forms of extralegal detention against Chinese citizens, including human rights advocates, petitioners, and peaceful protesters. Those arbitrarily detained were often held in psychiatric hospitals or extralegal detention facilities and subjected to treatment inconsistent with international standards and protections found in China's Constitution and the PRC Criminal Procedure Law.

• Chinese criminal defense lawyers continue to confront obstacles to practicing law without judicial interference or fear of prosecution. In cases that officials deemed "politically sensitive," criminal defense attorneys routinely faced harassment and abuse. Some suspects and defendants in sensitive cases were not able to have counsel of their own choosing and some were compelled to accept government-appointed defense counsel. Abuses of Article 306 of the PRC Criminal Law, which prescribes criminal liability to lawyers who force or induce a witness to change his or her testimony or falsify evidence, continue to hinder effective criminal defense.

• In February 2011, the National People's Congress Standing Committee reviewed and passed the eighth amendment to the

PRC Criminal Law, which reduced the number of crimes punishable by the death penalty to 55 crimes. The reduction signaled the first time the Chinese government has reduced the number of crimes punishable by capital punishment since the PRC Criminal Law was enacted in 1979. International organizations and the state-run media pointed out that courts rarely, if ever, applied the death penalty for the 13 crimes no longer eligible for capital punishment.

Recommendations

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

○ Press the Chinese government to release immediately advocates who are in prison or detention and to adhere to fair trial standards and ensure procedural protections for the approximately 40 human rights advocates in cases that have already gone to trial.

○ Support the establishment of exchanges between Chinese provincial law enforcement agencies and U.S. state law enforcement agencies to study policing, evidence collection, inmate rights, and other criminal justice reforms currently underway in China.

○ Press the Chinese government to adopt the recommendation of the United Nations (UN) Committee against Torture to investigate and disclose the existence of "black jails" and other secret detention facilities as a first step toward abolishing such forms of extralegal detention. Ask the Chinese government to extend an invitation to the UN Working Group on Arbitrary Detention to visit China.

○ Call on the Chinese government to commit publicly to a specific timetable for its ratification of the International Covenant on Civil and Political Rights, which the Chinese government signed in 1998 but has not yet ratified. Press the Chinese government to implement the principles asserted in its 2009–2010 National Human Rights Action Plan, and request that the Chinese government implement additional plans to advance human rights and the rule of law.

○ Urge the Chinese government to amend the PRC Criminal Procedure Law to reflect the enhanced rights and protections for lawyers and detained suspects contained in the 2008 revision of the PRC Lawyers Law. Encourage Chinese officials to commit to a specific timetable for revision and implementation of the revised PRC Criminal Procedure Law.

FREEDOM OF RELIGION

Findings

• The Chinese government continued in the past reporting year to restrict Chinese citizens' freedom of religion. China's Constitution guarantees freedom of religious belief but limits protections for religious practice to "normal religious activities," a term applied in a manner that falls short of international human rights protections for freedom of religion. The

government continued to recognize only five religions—Buddhism, Catholicism, Islam, Protestantism, and Taoism—and required groups belonging to these religions to register with the government. Registered groups received some legal protection for their religious activities but remained subject to ongoing state controls. Members of both unregistered and registered groups deemed to run afoul of state-set parameters for religion faced risk of harassment, detention, and other abuses. Some unregistered groups had space to practice their religions, but this limited tolerance did not amount to official recognition of these groups' rights. Authorities also shut down the activities of some unregistered groups and maintained bans on other religious or spiritual communities, including Falun Gong.

• The government continued to use law to control religious practice in China rather than protect the religious freedom of all Chinese citizens, accelerating efforts in the past reporting year to revise or pass new legal measures. Planned legal measures, like others passed in recent years, build on provisions contained in the 2005 Regulations on Religious Affairs (RRA). Recent legal measures have added more clarity to ambiguous provisions in the RRA but also have articulated more detailed levels of control.

• Authorities continued to control Buddhist institutions and practices and take steps to curb "unauthorized" Buddhist temples. As of August 2011, the central government and 9 of 10 Tibetan autonomous prefectural governments issued or drafted regulatory measures that increase substantially state infringement on freedom of religion in Tibetan Buddhist monasteries and nunneries.

• Authorities continued to deny Catholics the freedom to recognize the authority of the Holy See in matters relating to the practice of their faith, including selecting Chinese bishops. Authorities continued to harass, detain, and place under surveillance some unregistered priests and bishops, as well as forced some bishops to attend what the Holy See considers illegitimate state-controlled church events against their will.

• Local governments across China continued to prohibit Muslims from engaging in religious outreach and preaching activities independent of state-set parameters. In the Xinjiang Uyghur Autonomous Region, officials integrated curbs over Islam into security campaigns and monitored mosques, placed restrictions on the observance of the holiday of Ramadan, continued campaigns to prevent Muslim men from wearing beards and women from wearing veils, and targeted "illegal" religious materials in censorship campaigns.

• Cases of harassment and detention of Protestants since late 2010 suggest that authorities' sensitivities have intensified toward Protestants who organize into large groups or across congregations, or who have contact with foreign individuals or organizations. This past year, the government also called for "guiding" members of unregistered Protestant groups to worship at registered sites.

• Authorities maintained controls over Taoist activities and took steps to curb "feudal superstitious activities."

• Authorities are currently in the second year of a three-year campaign to increase efforts to pressure Falun Gong practitioners to renounce their belief in and practice of Falun Gong. This campaign is part of a broader campaign—lasting more than a decade—that reportedly has been extensive, systematic, and in some cases violent. Local authorities in Guangzhou city, Guangdong province, took measures to restrict the freedom of Falun Gong practitioners during the November 2010 Asian Games in Guangzhou, including detaining Falun Gong practitioners on suspicion of "cult"-related activity.

Recommendations

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

○ Call on the Chinese government to guarantee to all citizens freedom of religion in accordance with Article 18 of the Universal Declaration of Human Rights and to remove the government's framework for recognizing only select religious communities for limited state protections. Stress to Chinese authorities that freedom of religion includes the right to practice a religion, as well as the right to hold religious beliefs, and that China's limited protections for "normal religious activities" do not meet protections for freedom of religion as defined by international human rights standards. Call on officials to integrate steps to protect freedom of religion into initiatives to improve human rights in China. Stress to the Chinese government that the right to freedom of religion includes: The right of Buddhists to carry out activities in temples independent of state controls over religion, and the right of Tibetan Buddhists to express openly their respect or devotion to Tibetan Buddhist teachers, including the Dalai Lama; 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 religious outreach and preaching activities independent of state-set parameters and not face curbs on their internationally protected right to freedom of religion in the name of upholding "stability"; the right of Protestants to worship free from state controls over doctrine and to worship in unregistered house churches, free from harassment, detention, and other abuses; and the right of Taoists to interpret their faith free from state efforts to ban practices deemed as "feudal superstitions."

○ Call for the release of Chinese citizens confined, detained, or imprisoned in retaliation for pursuing their right to freedom of religion (including the right to hold and exercise spiritual beliefs). Such prisoners include: Sonam Lhatso (Tibetan Buddhist nun sentenced in 2009 to 10 years' imprisonment after she and other nuns staged a protest calling for Tibetan independence and the Dalai Lama's long life and return to Tibet); Su Zhimin (an unregistered Catholic bishop who disappeared after being taken into police custody in 1996); Wang Zhiwen (Falun Gong practitioner serving a 16-year sentence for organizing peaceful

protests by Falun Gong practitioners in 1999); Nurtay Memet (Muslim man sentenced to five years' imprisonment for a "superstition"-related activity connected to his religion); Fan Yafeng (a legal scholar, religious freedom advocate, and house church leader kept under home confinement since November 2010 in connection with his advocacy for unregistered Protestant communities and coinciding with a broader crackdown on rights advocates), as well as other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

○ Call for officials to eliminate criminal and administrative penalties that target religion and spiritual movements and have been used to punish Chinese citizens for exercising their right to freedom of religion. Specifically, call for officials to eliminate Article 300 of the PRC Criminal Law (which criminalizes using a "cult" to undermine implementation of state laws) 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).

○ Support initiatives to provide technical assistance to the Chinese government in drafting legal provisions that protect, rather than restrain, freedom of religion for all Chinese citizens. Promote exchanges to bring experts on religious freedom to China and support training classes for Chinese officials on international human rights standards for the protection of freedom of religion. Promote dialogue on religious freedom, including information on protecting the rights of the range of religious communities and organizations, including faith-based groups that carry out social welfare activities.

○ Support non-governmental organizations that collect information on conditions for religious freedom in China and that inform Chinese citizens of how to defend their right to freedom of religion against Chinese government abuses. Support organizations that help religious practitioners to appeal prisoners' sentences and orders to serve reeducation through labor stemming from citizens' exercise of freedom of religion; to challenge government seizure of property; and to challenge job discrimination based on religion.

ETHNIC MINORITY RIGHTS

Findings

• In the past reporting year, ethnic minorities in China continued to face unique challenges in upholding their rights, as defined in both Chinese and international law. The International Covenant on Civil and Political Rights stipulates that ethnic, religious, and linguistic minorities within a state "shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." The PRC Regional Ethnic Autonomy Law stipulates some protections for minority rights and provides for a system of regional autonomy in designated areas. Limits in the substance and implementa-

tion of state laws and policies, however, prevented minorities from fully enjoying their rights in line with international standards and from exercising meaningful autonomy in practice.

• The government continued to recognize 55 groups as minority "nationalities" or "ethnicities" (*shaoshu minzu*) and exerted tightest control over groups deemed to challenge state authority, especially in the Xinjiang Uyghur Autonomous Region, Tibet Autonomous Region and other Tibetan autonomous areas, and Inner Mongolia Autonomous Region. [See separate findings and recommendations on Xinjiang and Tibet within this section.] Government authorities continued to punish ethnic Mongols perceived to challenge state power or who attempted to promote their rights. In the past year, authorities detained, sentenced to prison, or appeared to hold in extralegal detention a number of Mongols who aimed to protect their rights or preserve Mongol culture. Those detained included Mongols who held demonstrations in May 2011 to protest government policy toward grasslands use and curbs on Mongol culture.

• Government steps to address ethnic minorities' grievances remained limited in the past year. The State Ethnic Affairs Commission reported in December 2010 on exploring and "perfecting" "new mechanisms and forms" for improving the state's regional ethnic autonomy system, but also affirmed the basic parameters of the state's minority policies. The Chinese government's 2009–2010 National Human Rights Action Plan pledged support for some aspects of ethnic minority rights, but appeared to have limited impact, especially in the areas of civil and political rights.

• The Chinese government continued to implement top-down development policies that have undercut the promotion of regional autonomy and limited the rights of ethnic minorities to maintain their unique cultures, languages, and livelihoods, while bringing a degree of economic improvements to minority areas. The government bolstered longstanding grasslands policies that have imposed grazing bans and required some herders to resettle from grasslands and abandon pastoral livelihoods, a development that affects Mongols, Tibetans, Kazakhs, and other minority groups in China. Mongols protested grasslands policies during a series of demonstrations in May.

Recommendations

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

○ Support rule of law programs and exchange programs that raise awareness among Chinese leaders of different models for governance that protect ethnic minorities' rights and allow them to exercise meaningful autonomy over their affairs, in line with both domestic Chinese law and international human rights standards. Following the expiration of the 2009–2010 National Human Rights Action Plan, call on Chinese authorities to continue to include attention to minority rights in sub-

sequent human rights initiatives and issue concrete plans for implementation and assessment in line with international standards.

○ Support programs that promote models for economic development in China that include participatory decisionmaking from ethnic minority communities. Call on the Chinese government to examine the efficacy of existing grasslands policies in ameliorating environmental degradation and to take steps to ensure that the rights of herders are protected in the process of promoting environmental policies.

○ Support non-governmental organizations that address human rights conditions for ethnic minorities in China to enable them to continue their research and develop programs to help ethnic minorities increase their capacity to protect their rights. Encourage such organizations to develop training programs on promoting economic development that includes participatory decisionmaking from ethnic minority communities; programs to protect ethnic minority languages, cultures, and livelihoods; and programs that document conditions and research rights abuses in the Inner Mongolia Autonomous Region. Encourage broader human rights and rule of law programs that operate in China to develop projects that address issues affecting ethnic minorities in China.

○ Call on the Chinese government to release people detained, imprisoned, or otherwise held in custody for advocating for the rights of ethnic minority citizens, including Mongol rights advocate Hada (who remains in custody despite the expiration of his 15-year sentence in December 2010), his wife Xinna and son Uiles (detained in advance of Hada's scheduled release and later formally arrested), and other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

POPULATION PLANNING

Findings

• Chinese government officials continued to implement population planning policies that interfere with and control the reproductive lives of its citizens, especially women, employing various methods including fines, withholding of state benefits and permits, forced sterilization, forced abortion, and arbitrary detention to punish policy violations.

• The Commission observed in 2011 the continued practice by local governments of specifically targeting migrant workers for coercive implementation of family planning policies.

• The PRC Population and Family Planning Law is not consistent with the standards set by 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, from forced abortion to discriminatory policies against "out-of-plan" children, also violate standards in the Convention on the Elimination of All Forms of Discrimination against Women, 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 is bound to uphold their terms.

• The Chinese government does not consistently implement provisions in the PRC Population and Family Planning Law (PFPL) that prohibit and provide punishment for abuses in the implementation of population planning policies. Article 4 of the PFPL states that officials shall "enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens." Under Article 39, an official is subject to criminal or administrative punishment if, in the implementation of population planning policies, the official "infringes on a citizen's personal rights, property rights, or other legitimate rights and interests" or "abuses his power, neglects his duty, or engages in malpractices for personal gain . . . ."

• September 2010 marked the 30th anniversary of the beginning of China's current family planning efforts, and following this anniversary, the Commission observed increased public discussion of the prospects for family planning policy reform. Top Communist Party and government leaders continue to publicly defend the policy and rule out its cancellation in the near-term.

• The Chinese government's population planning policies continue to exacerbate the country's demographic challenges, including a severely imbalanced sex ratio—the highest in the world—an aging population, and a decline in the working age population.

• Authorities released Chen Guangcheng, a self-trained legal advocate who publicized population planning abuses, from prison after he had completed his full sentence on September 9, 2010. Following his release, however, authorities have kept Chen and his family under "soft detention," or home confinement, and continued to subject them to abuse and restrictive control.

Recommendations

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

○ Urge Chinese government officials to cease coercive methods of enforcing family planning policies. Urge the Chinese government to dismantle coercive population controls and provide greater reproductive freedom and privacy for women.

○ Urge the Chinese government to reevaluate the PRC Population and Family Planning Law and bring it into conformance with international standards set forth in the 1995 Beijing Declaration and the 1994 Programme of Action of the Cairo International Conference on Population and Development, as well as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights.

○ Urge China's central and local governments to enforce vigorously provisions under Chinese law that provide for punishments of officials and other individuals who violate the rights

of citizens when implementing population planning policies. Urge the Chinese government to establish penalties, including specific criminal and financial penalties, for officials and individuals found to commit abuses such as coercive abortion and coercive sterilization—practices that continue in China despite provisions under existing laws and regulations intended to prohibit them. Urge the Chinese government to delink material and financial incentives for officials from their performance in implementing family planning policies and thereby reduce or remove the impetus for unlawful practices.

○ Support the development of programs and international cooperation on legal aid and training programs that help citizens pursue compensation under the PRC State Compensation Law and that help citizens pursue other remedies against the state for injury suffered as a result of official abuse related to China's population planning policies.

○ Call on the Chinese government to release Chen Guangcheng and his family from extralegal detention and to permit them to enjoy the freedoms of movement, expression, and association, as provided under Chinese law and international standards to which the Chinese government has committed.

Freedom of Residence and Movement

Findings

• During the Commission's reporting year, the Chinese government continued to relax some household registration (*hukou*) restrictions consistent with earlier efforts. The system, first implemented in the 1950s, continues to limit the right of Chinese citizens to establish formally their permanent place of residence.

• The Chinese government implemented several pilot *hukou* reform projects in several municipalities, aimed to bring all residents who already hold a local *hukou* under a unified registration system. The ramifications of the latest *hukou* reforms remain unclear. The Chinese media have praised the latest reforms as an important step toward true equality between urban and rural Chinese citizens. However, potential problems include the possibility of forced relocation of rural residents, inadequate compensation, and rural residents' ability to adjust to urban life after relocation.

• The Chinese government continued to impose restrictions on Chinese citizens' right to travel in a manner that is inconsistent with international human rights standards. During the past year, authorities increasingly used various legal pretexts to prevent rights defenders, advocates, and critics from leaving China. Officials often cited the PRC Law on the Control of the Exit and Entry of Citizens as justification for preventing rights defenders from traveling.

• The Chinese government continued to place restrictions on liberty of movement to punish and control political dissidents and human rights advocates. Restrictions on liberty of movement within China were especially harsh during this reporting

period. Authorities employed a spectrum of measures including stationing police to monitor the homes of rights defenders, taking rights defenders to remote areas, inviting them to meetings to "drink tea" with security personnel, and imprisonment.

• Chinese authorities used forceful efforts to intimidate and control human rights advocates and their family members during this reporting period. The Chinese government appears to have intensified efforts to crack down on human rights advocates after the awarding of the Nobel Peace Prize to prominent Chinese writer and democracy activist Liu Xiaobo and an anonymous online call for "Jasmine Revolution" protests within China.

Recommendations

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

○ Support programs, organizations, and exchanges with Chinese policymakers and academic institutions engaged in research and outreach to migrant workers that provide legal assistance to migrant workers, and encourage policy debates on the *hukou* system.

○ Call on U.S. academic and public policy institutions and experts to consult with the Commission on avenues for outreach to Chinese academic and public policy figures engaged in policy debates on reform of the *hukou* system.

○ Stress to Chinese government officials that the Chinese government's non-compliance with international standards regarding freedom of movement inside China negatively impacts confidence outside China in the Chinese government's commitment to international standards more generally.

○ Call on the Chinese government to revise the PRC Law on the Control of the Exit and Entry of Citizens so that the meaning and parameter of "harmful to state security," and "cause a major loss to national interests" under Article 8(5) are more clear.

○ Call on the Chinese government to revise the PRC Law on the Control of the Exit and Entry of Citizens so that those who are detained can appeal the decision or seek other remedies.

○ Raise specifically Chinese government authorities' restriction on liberty of movement of rights defenders, advocates, and critics including writer Liu Xia, wife of Nobel Peace Prize Laureate Liu Xiaobo, and human rights activist Chen Guangcheng and his family.

STATUS OF WOMEN

Findings

• Chinese officials continue to promote existing laws that aim to protect women's rights, including the amended PRC Law on the Protection of Women's Rights and Interests and the amended PRC Marriage Law; however, ambiguity and lack of clearly outlined responsibilities in China's national-level legislation, in addition to selective implementation and selective en-

forcement of this legislation across localities, limit progress on concrete protections of women's rights.

• In its domestic laws and policy initiatives and through its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Chinese government has committed to ensuring female representation in government. However, female representation at all levels of government appears to have made little significant progress in the 2011 reporting year.

• The National People's Congress Standing Committee passed the revised PRC Organic Law of the Villagers' Committees in October 2010, revising the language stating that there should be "an appropriate number of women" in village committees to language that states village committees "should have female members." The revised law also includes a stipulation that women should hold one-third of positions in village representative assemblies. The impact these revisions will have on female representation at the village level in the future is unclear, but some domestic observers have hailed them as a positive step. An increase in women's decisionmaking power at the village level may lead to greater protection of women's property rights in rural areas.

• China has committed under CEDAW to take "all appropriate measures to eliminate discrimination against women in the field of employment." Women continue to experience widespread discrimination in areas including recruitment, wages, and retirement despite the fact that the Chinese government has committed under Article 7 of the International Covenant of Economic, Social and Cultural Rights and Article 11 of CEDAW to ensuring gender equality in employment. While China's existing laws such as the PRC Labor Law, amended PRC Law on the Protection of Women's Rights and Interests (LPWRI), and PRC Employment Promotion Law prohibit gender discrimination, they lack clear definitions and enforcement mechanisms, which weakens their effectiveness.

• The amended LPWRI and amended PRC Marriage Law prohibit domestic violence, and individuals charged with the crime of domestic violence are punishable under the PRC Criminal Law. These national legal provisions leave many who encounter domestic violence unprotected, however, as they do not define domestic violence or outline specific responsibilities of government departments in prevention, punishment, and treatment. Officials reportedly completed draft national-level legislation that clarifies the definition and distribution of government responsibilities. Domestic violence reportedly remains pervasive, affecting nearly one-third of families in China. China's amended LPWRI also prohibits sexual harassment and provides an avenue of recourse for victims. The LPWRI does not, however, provide a clear definition of sexual harassment or specific standards and procedures for prevention and punishment, presenting challenges for victims in protecting their rights. Sexual harassment reportedly remains prevalent in China.

• Statistics and analysis from studies published in 2008, 2009, and 2010 regarding China's skewed sex ratio suggest that sex-selective abortion remains widespread, especially in rural areas, despite the government's legislative efforts to deter the practice. Some observers, including Chinese state-run media, have linked China's increasingly skewed sex ratio with an increase in forced prostitution, forced marriages, and other forms of human trafficking.

Recommendations

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

○ Support programs in China that increase women's leadership training through U.S.-China exchanges and international conferences. Support legal programs that promote women's land rights, especially in rural areas, and urge that steps be taken to ensure that village rules and regulations are in accordance with national-level laws and policies and to ensure adequate protection of women's rights and interests.

○ Urge the Chinese government to strengthen enforcement mechanisms for implementation of provisions in the PRC Labor Law, the amended PRC Law on the Protection of Women's Rights and Interests (LPWRI), and the PRC Employment Promotion Law that prohibit gender discrimination. Urge Chinese officials to address specifically gender discrimination in recruitment, wages, and retirement.

○ Urge the Chinese government to enact comprehensive national-level legislation that clearly defines domestic violence, assigns responsibilities to government and civil society organizations in addressing it, and outlines punishments for offenders. Inquire whether officials will release such legislation for public comment and, if so, how long the public comment period will be and to whom it will be made available. Urge the Chinese government to further revise the LPWRI or enact new comprehensive national-level legislation to provide a clear definition of sexual harassment and specific standards and procedures for prevention and punishment. Support training programs that increase awareness of domestic violence and sexual harassment issues among judicial and law enforcement personnel.

HUMAN TRAFFICKING

Findings

• China remains a country of origin, transit, and destination for the trafficking of men, women, and children. The majority of human trafficking cases are domestic and involve trafficking for sexual exploitation, forced labor, and forced marriage.

• The Chinese government acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) in December 2009. To date, the Chinese government has revised some, but not all, of its legislation to conform to the Palermo Protocol. For example,

the Chinese government issued an amendment to the PRC Criminal Law, which included revisions that broaden the scope of prosecutable offenses for forced labor and increase penalties, but do not clearly define forced labor. The Chinese government's legal definition of trafficking does not conform to international standards.

• Using the definition of human trafficking under Chinese law—which conflates human smuggling, child abduction, and illegal adoption with human trafficking—the Supreme People's Court reportedly convicted 3,138 defendants in trafficking cases in 2010, up from 2,413 in 2009. Of these, courts reportedly handed down 2,216 prison sentences of five years or more. In addition, the Supreme People's Procuratorate reportedly convicted 4,422 individuals on trafficking-related crimes in 2010. In cooperation with non-governmental organizations and international organizations, Chinese authorities took steps to improve protection, services, and care for victims of trafficking but continued to focus efforts on women and children.

• The Chinese government does not offer legal alternatives to deportation for identified foreign victims of trafficking, and continues to deport North Korean refugees under the classification of "economic migrants," regardless of whether or not they are victims of trafficking.

Recommendations

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

○ Urge the Chinese government to abide by its commitments under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; continue to revise the government's definition of trafficking; and enact comprehensive anti-trafficking legislation to align with international standards.

○ Call on the Chinese government to provide more services for trafficking victims. Support expanding training programs for law enforcement personnel and shelter managers that help raise awareness and improve processes for identifying, protecting, and assisting trafficking victims. Support legal assistance programs that advocate on behalf of both foreign and Chinese trafficking victims.

○ Object to the continued deportation of North Korean trafficking victims as "economic migrants." Urge the Chinese government to abide by its international obligations with regard to North Korean trafficking victims and provide legal alternatives to repatriation.

North Korean Refugees in China

Findings

• During the Commission's 2011 reporting year, central and local authorities continued policies of classifying all North Koreans in China as "illegal" economic migrants and repatriating North Korean refugees in China, amid rising concerns over hu-

manitarian crises and political instability in the Democratic People's Republic of Korea (DPRK). In 2011, the Chinese government reportedly increased the presence of public security officials in northeastern China and erected new barricades along the Chinese-North Korean border.

• The Chinese government continued to deny the UN High Commissioner for Refugees (UNHCR) access to the Chinese-North Korean border and to North Korean refugees in northeast China. The inability of the UNHCR to access North Koreans seeking asylum in China makes it difficult for the UNHCR and human rights organizations to obtain accurate information on the number of North Korean refugees, the reasons behind the North Korean defections, and the concerns of North Korean refugees over forced repatriation.

• Chinese security authorities reportedly cooperated with North Korean police officials to repatriate North Korean refugees in reported "manhunts" throughout China, including remote areas within Yunnan province and the Guangxi Zhuang Autonomous Region. Chinese law enforcement agencies have deployed hundreds of officials to locate and forcibly repatriate North Korean refugees.

• North Korean women in China continue to be trafficked into forced marriage and commercial sexual exploitation. The Chinese government's repatriation of trafficked North Korean women contravenes the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol (Protocol), as well as Article 7 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). The government's failure to take adequate measures to prevent North Korean women from being trafficked and to protect North Korean victims of trafficking contravenes its obligations under Article 9 of the Palermo Protocol and Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

• Chinese local authorities near the border with the DPRK continued to deny household registration (*hukou*) to the children of North Korean women married to Chinese citizens. Without household registration, these children live in a stateless limbo and cannot access education and other social benefits.

Recommendations

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

○ Support the efforts of the UNHCR to gain unfettered access to North Korean refugees in China, beginning with children born to a North Korean parent in China, and encourage the Chinese government to work with the UNHCR in enacting and implementing national asylum legislation that conforms with China's obligations under the 1951 Convention and its Protocol and to immediately cease detaining and repatriating North Koreans in China.

○ Urge central and local Chinese government officials to abide by their obligations under the Palermo Protocol (Article 9) and CEDAW (Article 6) to prosecute human traffickers in northeastern China and along the border with the DPRK.

○ Urge Chinese officials to grant residency status and related social benefits to North Korean women married to Chinese citizens and grant the same to their children. In particular, urge local Chinese officials to allow these children to receive an education in accordance with the PRC Nationality Law (Article 4) and the PRC Compulsory Education Law (Article 5). Urge the Chinese government to allow greater numbers of North Korean defectors to have safe haven and secure transit until they reach third countries.

PUBLIC HEALTH

Findings

• The Chinese government's domestic legislation explicitly forbids discriminatory practices in employment, and as a State Party to the International Covenant on Economic, Social and Cultural Rights, the Chinese government has committed to eliminate discrimination in employment and education against persons with disability or infectious diseases. Discrimination against people living with medical conditions such as infectious diseases and mental illness remains commonplace, and those who experience discrimination face challenges in seeking legal recourse.

• Chinese non-governmental organizations (NGOs) and individual advocates continue to play a positive role in raising awareness about health concerns; however, Chinese officials continue to harass some public health advocates and monitor and control the activities of NGOs through restrictions on registration and funding.

• The burden that cases of mental illness place on the country's under-resourced mental healthcare system is significant. Officials reportedly continue to abuse their power over psychiatric institutions and medical professionals by using them as "tools for detaining people deemed a threat to social stability." In June 2011, the Chinese government released for public comment the draft Mental Health Law, which generated vibrant discussion among individuals and organizations across civil society sectors. Officials announced plans to enact the Mental Health Law by the end of 2011.

Recommendations

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

○ Call on the Chinese government to stop repression of public health advocates and provide more support to U.S. organizations that address public health issues in China.

○ Urge Chinese officials to focus attention on effective implementation of the PRC Employment Promotion Law and related regulations that prohibit discrimination in hiring and in the

workplace against persons living with HIV/AIDS, Hepatitis B virus, and other illnesses. Support programs that raise rights awareness among individuals living with infectious disease, disability, or mental illness.

○ Urge the Chinese government to address concerns that individuals and NGOs raised during the public comment period for the draft Mental Health Law. Urge Chinese officials to accomplish their stated goal of enacting the Mental Health Law by the end of 2011. Urge officials to then ensure implementation of the law across localities.

THE ENVIRONMENT

Findings

• China's environmental problems remain serious. This year's report highlights heavy metal and growing rural pollution problems. Citizens continued to express their environmental grievances and sometimes protested in the streets, including at a protest against a chemical plant in Dalian city, Liaoning province, involving over 10,000 citizens who "took a walk" in front of government and Communist Party buildings. In some cases, officials suppressed demands for a cleaner environment. Local authorities detained, harassed, or threatened people including parents of children affected by lead poisoning in several provinces who raised grievances or sought redress; citizens demonstrating or complaining about landfill operations in Fujian province; citizens protesting operations of a waste incinerator in Jiangsu province; and citizens protesting expanded mining operations in the Inner Mongolia Autonomous Region and Tibetan autonomous areas.

• Corruption, noncompliance with and uneven implementation and enforcement of environmental laws and regulations, and the lack of legal recourse, remain significant challenges for China in managing its environmental problems. Sometimes environmental protection authorities do not take enforcement actions as required by law, and at times courts refuse to accept lawsuits because of concerns over "social stability." Environmental protection was among the areas to have the highest levels of bribery and corruption in the first six months of 2010.

• Central and some local Chinese environmental protection officials have taken steps to improve information disclosure. Yet, efforts to implement disclosure measures remain underdeveloped. Some citizens have been proactive in requesting information; however, several challenges to accessing information remain, including administrative provisions that limit the scope of information that environmental authorities can disclose. The most difficult type of information to obtain in some cases is that related to polluting enterprises, which has potential implications for citizen health. Chinese citizens and experts have expressed concern over the speed and lack of transparency of developing hydroelectric and nuclear power projects. The nuclear power plant disaster in Japan in March 2011 appeared to embolden Chinese citizens and experts to speak out about safety concerns, and prompted Chinese officials to con-

duct a safety review and consider new legislation that could improve the transparency of China's nuclear industry.

• Environmental protection remains a sector in which public participation is somewhat encouraged, yet officials also continue to seek to "guide" or manage participation. A new national-level official guiding opinion requires environmental groups to report on their international cooperative projects with foreign non-governmental entities for "examination and approval." The opinion also calls for the further strengthening of relations and cooperation between the government and social organizations, as well as greater political indoctrination of environmental groups by relevant authorities.

• Top Chinese authorities reportedly consider China to be vulnerable to the impacts of climate change and have taken steps to mitigate and adapt to climate change. Chinese leaders plan to voluntarily reduce carbon dioxide intensity (i.e., emissions per unit of GDP) by 17 percent by 2015. While non-governmental organizations continue some activities to address climate change, public participation in climate change policy processes is minimal. Chinese leaders stated they would improve data reliability and transparency in relation to energy and climate change; however, Chinese leaders face significant challenges in these areas. Official Chinese measures to address climate change, as well as their implementation, could place the rights of citizens at risk without sufficient procedural and safety protections.

Recommendations

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

○ Call upon the Chinese government to cease punishing citizens for their grassroots environmental activism or for utilizing official and institutionalized channels to voice their environmental grievances or to protect their rights. Support efforts by Chinese and U.S. groups working in China to expand awareness of citizens' environmental rights and to promote the protection of those rights. Projects might include supporting U.S.-China discussions about complaint resolution mechanisms and strengthening U.S.-China cooperation regarding researching and addressing environmental health problems. Include environmental law issues in the bilateral human rights and legal expert dialogues.

○ Support multilateral exchanges regarding environmental enforcement and compliance tools, including environmental insurance, market mechanisms, criminal prosecution of serious environmental infringements, and public interest litigation mechanisms. Encourage Chinese leaders to strengthen environmental impact assessment processes and citizen participation in those processes. Engage Chinese officials and others who seek to devise a realistic and fair compensation system for people harmed by pollution in China that could aid enforcement efforts.

○ Support continued expansion of 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. Support programs that educate Chinese citizens about China's system of open government information. Encourage Chinese officials to make government and expert research reports regarding climate change and its impacts in China public and easily accessible. In addition, continue U.S. Government engagement with relevant ministries, academic institutions, experts, and non-governmental organizations (NGOs) in developing China's capacity to measure, report, publicize, and verify emissions reduction strategies and techniques reliably.

○ Encourage the development of environmental NGOs in China, including incorporating joint non-governmental participation in bilateral projects. Support efforts to raise the technical and operational capacity of Chinese environmental NGOs.

○ Engage local Chinese leaders in their efforts to reconcile development and environmental protection goals. Call upon U.S. cities with sister-city relationships in China to incorporate environmental rights awareness, environmental protection, and climate change components into their sister-city programs. When making arrangements for travel to China, request meetings with officials from central and local levels of the Chinese government to discuss environmental governance and best practices. Invite Chinese local-level leaders, including those from counties, townships, and villages, to the United States to observe U.S. public policy practices and approaches to environmental problem-solving.

CIVIL SOCIETY

Findings

• During the Commission's 2011 reporting year, the number of civil society organizations (CSOs)—including organizational forms that most nearly correspond to the Western concept of non-governmental organizations (NGOs)—participating in legal and policymaking activities in areas that are not politically sensitive continued to increase gradually. At the same time, organizations and individuals who worked on politically sensitive issues continued to face challenges.

• NGOs continued to face challenges fulfilling complicated and cumbersome registration requirements. In order to operate legally, an organization is required to obtain a sponsorship agreement from a public administration department in a relevant "trade, scientific or other professional area" at the appropriate level of government before registering with the Ministry of Civil Affairs (MCA). Sponsorship agreements are sometimes difficult to obtain because local sponsors are at times reluctant to take on the burdens of supervisory responsibilities. NGOs that do not fulfill these "dual management" requirements are not protected under the law and are prohibited from receiving outside donations. Some NGOs opt to register as commercial

entities, in part to circumvent the burdens of fulfilling dual management requirements, though such actions could also subject them to targeted or selective oversight from the government as well as higher tax rates.

• The Commission observed in this reporting year that "private" foundations (*fei gongmu jijin hui*), which are not permitted to solicit donations through public fundraising activities, reportedly continued to face operational hardships. "Private" foundations may apply to become "public" foundations (*gongmu jijin hui*), which are permitted to solicit donations through public fundraising activities, only if they can find government department sponsors and meet other required criteria. The Chinese government reportedly is considering revisions to the 2004 PRC Regulations on the Management of Foundations and is drafting the PRC Charities Law. Nevertheless, because draft language does not appear to have been widely circulated, it remains unclear what the proposed revisions and the new law will entail or how proposed regulatory changes will create room for private foundations to operate and grow.

• Some Chinese citizens who sought to establish and operate NGOs that focus on issues officials deem to be sensitive faced intimidation, harassment, and punishment from government authorities. During this reporting year, for example, Chinese authorities continued to repeatedly harass and interfere with the operations of Aizhixing Institute of Health Education, a Beijing-based public health advocacy organization founded in 1994 by Wan Yanhai, a public health researcher. Authorities reportedly visited Aizhixing's office where they confiscated documents, warned Wan—who had left China for the United States in May 2010 over concerns for his personal safety—not to attend the Nobel Peace Prize ceremony in Norway honoring Liu Xiaobo, and shut down the organization's Web site for posting a letter that officials found objectionable.

• Some localities are following efforts in Shenzhen to simplify the registration process for certain types of service-oriented NGOs, and two other localities are among those considering changes to current regulations. Authorities in Beijing, for example, may extend to the entire city a current pilot project in one district that "opens up" the registration process for four types of social organizations, including the types of organizations that provide "social benefits" (*shehui fuli*) and "social services" (*shehui fuwu*). Officials in Shanghai city reportedly signed a "cooperative agreement" with the Ministry of Civil Affairs to "create new models for the development of social organizations." The extent to which these reform efforts will create space for civil society organizations to grow remains unclear, as civil society advocates remain under tight scrutiny, and some were subjected to harassment, detention, and other abuses. Moreover, some experts on Chinese civil society both in China and abroad have cautioned that the latest reform efforts, while helpful to many grassroots organizations providing various kinds of social services, could also solidify the government's ability to control such groups by forcing them to follow "government leadership" as a condition to operate.

• During this reporting year, Chinese officials have continued to emphasize efforts to "guide" developments in civil society. Zhou Yongkang, the Secretary of the Communist Party Central Committee Political and Legal Affairs Commission, said that "in fostering comprehensive social organizations, we must work hard to integrate various types of social organizations into a social organization system led by the Party Committee and the government . . . in the management of social organizations, we must establish a system of separate development and separate management to promote the healthy and orderly development of social organizations . . . in the management of foreign non-governmental organizations working in China, we must establish a joint management mechanism to protect legitimate exchanges and cooperation and strengthen management according to the law."

Recommendations

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

○ Ask Chinese officials for updates on recent reforms at the local level relating to registration of non-governmental organizations (NGOs) and other aspects of civil affairs. Encourage these officials to broaden the reform efforts that relax constraints on NGOs and to make them applicable to other parts of the country through national legislation and regulatory development.

○ Ask the Chinese government to refrain from applying uneven or selective enforcement of regulations to intimidate groups that they consider to be handling sensitive work. Request the Chinese government to revisit the recently issued State Administration of Foreign Exchange circular concerning overseas donations to Chinese organizations. Emphasize that NGOs, both domestic and international, are outlets for citizens to channel their grievances and find redress, and in turn contribute to the maintenance of a stable society. Conversely, point out that stricter controls over civil society organizations could remove a potentially useful social "safety valve," thereby increasing the sources of instability. During discussions with Chinese officials, mention the Tsinghua University report which found that even as the government increased spending on public security and tightened its control over civil society, social conflicts are happening with greater regularity.

○ Take measures to facilitate the participation of Chinese citizens who work in the NGO sector in relevant international conferences and forums, and support training opportunities in the United States to build their leadership capacity in nonprofit management, public policy advocacy, strategic planning, and media relations.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

• The Communist Party exercises control over political affairs, government, and society through networks of Party committees or branches that exist at all levels in government, legislative, and judicial agencies, as well as in businesses, major social groups (including unions), the military, and most residential communities. During the 2011 reporting year, Communist Party leaders reiterated Party dominance and accelerated efforts to build or revitalize Party organizations, especially focusing on Party branches in commercial buildings, urban neighborhoods, academic institutions, and law firms.

• China's political institutions do not comply with the standards defined in Article 25 of the International Covenant on Civil and Political Rights, which Chinese leaders have signed and declared an intention to ratify. Nor do China's political institutions comply with the standards outlined in the Universal Declaration of Human Rights. While central-level Chinese leaders continued to issue measures meant to improve the efficiency of bureaucratic governance and to bolster trust in the Party, news reports did not indicate any major forthcoming political reforms. Premier Wen Jiabao emphasized the need for political reforms; however, some of his remarks were censored in the Chinese domestic news. Other top leaders appeared to criticize ideological pluralism and to emphasize the impossibility of implementing "Western-style" democracy with its separation of powers and competing political parties.

• During this reporting year, Chinese authorities expanded social controls under the banner of strengthening "comprehensive management of public security" and "safeguarding social stability." Officials engaged in a largely preemptive crackdown affecting hundreds of people, apparently disregarding their constitutional right to freedom of assembly and preventing them from gathering peacefully in so-called "Jasmine Revolution" rallies, with the purpose of advocating for democratic reforms, among other issues. In addition, authorities continued to detain, sentence, and demonstrate little tolerance for those individuals involved in political parties not sanctioned by the Communist Party. For example, authorities handed down a harsh sentence to Liu Xianbin for his democracy advocacy activities and arrested Li Tie for posting writings advocating for democracy on the Internet.

• Direct elections for local people's congress representatives are held only at the county level. Authorities appeared to discourage "independent candidates" who utilized online resources to campaign in the latest round of local people's congress elections, and news stories reported harassment of "independent candidates" and their families. At least 100 "independent candidates" announced via microblog their intention to run.

• Chinese leaders continued to voice support for village autonomy with the Party as the leading core. While village committee elections have spread across most of China, they continue to be plagued by official interference and corruption.

Major revisions to the law governing village committee elections are likely to alter the balance of authority in village-governing organizations, partially because the law mandates establishment of a new "supervisory committee" or equivalent in every village. The revisions also clarify election and recall procedures. The supervisory committees may help to reduce village corruption, but they may also act to "maintain social stability" by stifling critical voices. Central-level officials continued a survey of outstanding governance problems at the grassroots level, and authorities in numerous localities reported that they instituted a variety of "democratic management" projects to improve relations between village leaders and rural residents, to reduce corruption, to improve information disclosure, and to promote "democratic" public participation. The Commission has not observed news media reports containing details on the implementation and sustainability of these pilot projects.

• Authorities continued to express support for government information disclosure and expanding the transparency of Party affairs. In addition, the State Council released the Opinion Regarding Strengthening Construction of a Government That Rules by Law in November 2010, which emphasizes enhancing government information disclosure, with a focus on budgets, allocation of public resources, approval and implementation of major construction projects, and nonprofit social causes. Beijing municipality issued a measure that reportedly will, for the first time, include Party leaders within the "scope of accountability."

• The Chinese government and Communist Party reportedly sought to improve governance accountability, and at the same time improve "social management." The government reportedly took limited steps to combat corruption, which remains a significant problem. In the 2011 reporting year, the Chinese government issued China's first white paper on corruption as well as other measures to subject officials to financial audits, encourage reporting of corruption, and protect whistleblowers. Chinese government authorities revised official evaluation models that could lead to greater accountability, relieving pressure on officials to falsify data in order to be promoted. Authorities issued a major economic and social development plan for the next five years (the 12th Five-Year Plan), which notes that authorities will "establish a community management and service platform," linking service provision and social management.

• Citizens and groups in China have little direct access to political decisionmaking processes; however, they are increasingly able to use various channels to express opinions regarding proposed policies and regulatory instruments. New measures stipulate that "major" policy decisionmaking processes should include public participation, expert argumentation, risk assessment, legal review, and group discussions. The measures also stipulate that authorities should track how their decisions are being implemented.

Recommendations

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

○ Call on the Chinese government to release people detained or imprisoned for exercising their right to call for political reform within China—including democracy advocate Liu Xianbin, who was sentenced to 10 years in prison in March 2011 for "inciting subversion of state power"; the people detained for mentioning the protests in the Middle East and North Africa or calls for "Jasmine" protests in personal communications or in Internet postings; and other prisoners of conscience mentioned in this report and in the Commission's Political Prisoner Database.

○ Support research programs for U.S. citizens to study political and social developments at the grassroots level in China and expand the number of U.S. consulates throughout the country.

○ Support programs that aim to reduce corruption in local people's congress and village committee elections, including expansion of domestic election monitoring systems, training of Chinese domestic election monitors, and joint U.S.-Chinese election monitoring activities.

○ Support continued substantive exchanges between Members of the U.S. Congress and members of the National People's Congress and the Chinese People's Political Consultative Conference, especially in relation to Congressional oversight processes and budgetary matters.

○ Support projects of U.S. or Chinese organizations that seek to work with local Chinese governments in their efforts to improve transparency and accountability, especially efforts to expand and improve China's government information disclosure initiatives. Such projects might include training in the U.S. Freedom of Information system for Chinese officials, joint efforts to better publicize the Open Government Information (OGI) Regulations at local levels, and citizen and group training about how to submit OGI requests.

○ Support projects that assist local governments, academics, and the nonprofit sector in expanding transparent public hearings and other channels for citizens to incorporate their input in the policymaking process. Such projects might include an exchange program component, whereby Chinese local government officials and non-governmental organization representatives would travel together to the United States to attend town hall or public meetings that address significant issues. Such projects might also include pilot projects in China in which citizens' suggestions to authorities about draft laws, regulations, or policies are made available to the public.

COMMERCIAL RULE OF LAW

Findings

• Industrial policy continues to play an important role in the Chinese economy, guiding important sectors such as auto-

motive, software, and "cultural industry." These industrial policies are comprehensive frameworks for development in key sectors of the Chinese economy, providing for subsidies and other benefits, plans for restructuring the state-owned companies in the relevant sector, and export goals. The use of industrial policies, especially in key sectors, was supplemented by China's 12th Five-Year Plan, which sets out certain "strategic emerging industries" for support, including energy conservation, new-generation information technology (IT), biotechnology, high-end equipment manufacturing, new energies, new materials, and new-energy vehicles. Further, the Ministry of Industry and Information Technology and other government departments have issued sector-specific plans.

• China's state-owned sector enjoys preferential treatment, crowding out private companies in certain key sectors. This can act as a barrier to legal development and the rule of law, as the state controls the companies, the courts, the legislatures, and administrative departments. China's industrial policies encourage the transfer of technology to the state-owned enterprises (SOEs), and their consolidation into "domestic champions." SOEs also enjoy various direct and indirect subsidies.

• Chinese legislation is vague as to whether information concerning the SOEs falls under China's rules on commercial secrets or the PRC State Secrets Law. This was highlighted in the case of Xue Feng, a U.S. citizen who was arrested in China for helping his U.S.-based employer purchase a commercial database in China. The database was not classified as a state secret at the time of the transaction. Xue was sentenced to eight years' imprisonment in China for violating China's state secrets law, and his sentence was upheld on appeal in February 2011.

• China has been a party to several World Trade Organization (WTO) cases since acceding to the WTO in December 2001, and there were six active disputes against China in 2010. The WTO found against China in a case it brought challenging the United States' imposition of tariffs on certain auto and truck tires under the transitional product-specific safeguard provision in China's Protocol of Accession. The United States brought a case against China concerning its provision of subsidies to the domestic wind energy industry, which is pending. China appealed a WTO decision that China's restraints of exports of bauxite, coke, fluorspar, magnesium, manganese, silicon carbide, silicon metal, yellow phosphorus, and zinc are not consistent with China's obligations under the WTO.

• The value of the Chinese yuan continues to be a subject of concern to policymakers inside and outside China.

• Chinese government departments closely regulate foreign investment in China and use the approval process to ensure that foreign investment is in keeping with government policy. During the Commission's 2011 reporting year, Chinese authorities issued a revised draft of the Foreign Investment Guidance Catalogue, which lists industries in which foreign investment is encouraged, restricted, or forbidden. The revised catalogue

includes provisions listing as "encouraged" the strategic emerging industries covered in the 12th Five-Year Plan.

- Chinese outbound investment has grown, with much of the growth concentrated in investments in energy and minerals needed for Chinese manufacturing. Outbound investment is regulated by the Ministry of Commerce (MOFCOM) and the National Development and Reform Commission (NDRC). The State-Owned Assets Supervision and Administration Commission issued new measures regulating offshore financial activities by the state-owned enterprises (SOEs). Outbound investments are financed by loans from China's state-owned banks, outbound investment funds, and use of renminbi reserves.
- Two of the three Chinese government departments in charge of implementing the PRC Antimonopoly Law (AML) issued new AML regulations during the 2011 reporting year. The State Administration for Industry and Commerce passed three sets of regulations on monopoly agreements, abuse of dominance, and abuse of administrative power, and the NDRC issued two sets of regulations on price monopoly. The five sets of regulations became effective on February 1, 2011.
- MOFCOM, which handles AML merger reviews, has held up approval of mergers of non-Chinese entities outside China during this reporting year, including Nokia's purchase of certain of Motorola's network assets, and the merger of two Russian potash companies. There have been no reports of MOFCOM not approving, or giving only conditional approval to, mergers between Chinese companies; however, the State-Owned Assets Supervision and Administration Commission has been encouraging the consolidation of the SOEs in China, a process which some industrial policies, such as that for the auto industry, mandate.

Recommendations

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

- Develop and support a project surveying the role of China's industrial policies in the Chinese economy from the perspective of WTO requirements, including how the development of these policies, and the role they play in directing China's economy, impact the development of transparency, rule of law, and China's compliance with its international legal commitments.
- Request through the Open Government Information office at the Ministry of Commerce, or through bilateral dialogues between the U.S. Department of Justice and the Federal Trade Commission and their Chinese counterparts, details on merger applications reviewed since the PRC Antimonopoly Law came into effect, including the number of applications involving non-Chinese companies, the number of applications involving state-owned enterprises, and the results of each of the merger reviews.
- Through bilateral dialogues between (1) the U.S. Trade Representative and U.S. Department of Commerce and (2) China's Ministry of Commerce, National Development and Reform

Commission, and State-Owned Assets Supervision and Administration Commission, obtain details on the amount of Chinese investment (other than in financial instruments) in the United States, the criteria Chinese authorities use in making approval decisions concerning such investment, and how such investment is financed.

○ Arrange for Chinese authorities to clarify the approval procedure applicable to foreign investment in China, including how the security review procedure relates to the regular review procedure applicable to all foreign investment in China under the auspices of legal exchanges such as the U.S. Legal Exchange under the Joint Commission on Commerce and Trade.

ACCESS TO JUSTICE

Findings

• Chinese citizens' ability to redress perceived wrongs continued to face significant challenges during the Commission's 2011 reporting year. Authorities continued to promote a "harmonious" socialist society with Chinese characteristics. Key policies and regulations during the past year reflect the Party's ongoing concern with "maintaining social stability."

• The courts encouraged the use of mediation over trials as means to resolve disputes in civil cases. Critics point out that mediation could lead to curtailed access to courts for Chinese citizens. In addition, it remains unclear whether the new PRC People's Mediation Law can adequately resolve disputes without coercion, and whether it can provide for effective enforcement of mediated agreements.

• Citizen petitioners seeking to address their grievances continued to face official reprisals, harassment, violence, and detention, especially by local governments due to incentive structures linked to citizen petitioning.

• Officials at various levels of government continued to discourage, intimidate, and detain human rights lawyers and defenders who take on issues, cases, and clients that officials deem to be "sensitive." Officials employed a spectrum of measures including stationing police to monitor the homes of rights defenders, forcing rights defenders to travel to unknown areas or to attend meetings to "drink tea" with security personnel, and imprisonment.

• The Supreme People's Court announced in May 2011 that it would issue uniform guidelines for some types of cases. The guiding cases are meant to provide uniformity in decision-making for the public security apparatus, procuratoracy, and the courts. One of the key questions that remains unanswered is the degree to which the guiding cases are binding on lower courts.

• The Chinese government continued to promote administrative law reforms that seek to provide greater oversight of state agencies and government employees and to protect citizen interests if they are faithfully implemented and executed. The amended PRC Administrative Supervision Law became effective in June 2011. Its key provisions provide some protection

for whistleblowers. The amended PRC State Compensation Law became effective in December 2010. Its key provisions expand the scope of the law by allowing negligence as a cause of action against the government under some circumstances. In addition, the amended law eliminates certain procedural loopholes making it easier to establish a valid claim.

• Chinese citizens remained reluctant to bring cases against government officials utilizing administrative law provisions. Cases brought against the government based on administrative law provisions reportedly accounted on average for very low percentages of local courts' total workloads.

• The government increased funding for the legal aid system during the 2011 reporting year. Nevertheless, China faces a systemic shortage of defense lawyers. In underdeveloped regions, some criminal defendants may have no access to legal representation.

Recommendations

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

○ Support the U.S. State Department's International Visitor's Leadership Program and other bilateral exchange programs that bring Chinese human rights lawyers, advocates, and scholars to the United States for study and dialogue. Support similar programs in the non-governmental organization and academic sectors that partner with China's human rights lawyers and nonprofit legal organizations.

○ Continue to monitor the policy of mediation as the Chinese government's preferred way to resolve disputes. Achieve a clear understanding of the implications on Chinese citizens' access to justice and the Chinese government's compliance with international standards.

○ Continue to monitor the anticipated issuance of the guiding cases by the Supreme People's Court for the public security apparatus, procuratoracy, and the courts. Pay particular attention to their effect, if any, on lower level courts.

○ Express concern to Chinese authorities over treatment of petitioners and encourage Chinese leaders to examine the incentive structures at the local level that lead to abuse of petitioners who seek to express their grievances.

○ Object to the continued harassment of human rights lawyers and advocates. Call for the release of lawyers and activists who have been subject to unlawful home confinement, "disappearance," or harassment by officials for their activities to defend and promote the rights of Chinese citizens.

○ Support exchange, education, and training in legal aid expertise with Chinese defense lawyers and law schools.

PROPERTY

Findings

• Over the past year, there have been numerous cases of expropriation and abuses by local governments and property de-

velopers, including forced evictions. Forced evictions are contrary to the General Comments to the International Covenant on Economic, Social and Cultural Rights, which China has ratified. Some property owners who refuse to leave their homes have been beaten, harassed, or illegally detained. China's economic development has led to increased need for land, and income from land sales has been an important source of revenue for local governments.

• In January 2011, the Regulations on Expropriation and Compensation for Housing on State-Owned Land came into effect. The regulations define "public interest" in the context of land takings and set out some procedural protection for urban land rights owners. Though the 2007 PRC Property Law and the 2004 PRC Law on Administration of Urban Real Property both provide that local government should only expropriate land in the "public interest," neither include a definition of the term. While the new regulations provide greater clarity and better protection, their effectiveness will depend on implementation.

• The Regulations on Expropriation and Compensation for Housing on State-Owned Land apply only to urban land, leaving China's rural residents with a lower level of protection. Rural land is owned by collectives, and farmers legally can enter into 30-year contracts with their collectives for use of collectively owned land. However, there is little protection for farmers, and there have been recommendations that protection from expropriation be extended to rural residents.

Recommendations

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

○ Urge the Chinese government in meetings and correspondence to prepare and pass legislation concerning expropriations that provides protection for rural land dwellers comparable to that enjoyed by urban dwellers under the Regulations on Expropriation and Compensation for Housing on State-Owned Land.

○ Arrange and support a program of technical assistance for Chinese government departments responsible for land management concerning U.S. procedures and standards for taking property by eminent domain. Such assistance would highlight the meaning under U.S. law of takings in the "public interest," and could be organized by U.S. municipal governments working with their sister cities in China.

○ Urge the Chinese government to put in place comprehensive legislation to clarify rural land titles and to provide legal assistance to rural land dwellers to help them protect their rights to collectively owned land. Working through U.S.-China dialogues, such as the Legal Exchange under the Joint Commission on Commerce and Trade, engage in technical exchanges with China concerning pro bono programs at law firms, or provision of other legal services for the poor in the United States.

XINJIANG

Findings

• Human rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR) remained poor in the Commission's 2011 reporting year. Following demonstrations and riots in the region in July 2009, authorities maintained repressive security policies that targeted peaceful dissent, human rights advocacy, and independent expressions of cultural and religious identity, especially among Uyghurs, as threats to the region's stability. Authorities bolstered security in the region in summer 2011, following incidents they described as terrorist attacks and in advance of an expanded trade expo.

• The Chinese government continued to obscure information about people tried in connection to the July 2009 demonstrations and riots, while overseas media reported on cases of people imprisoned for peaceful speech and assembly during that time. The number of trials completed in the XUAR for crimes of endangering state security—a category of criminal offenses that authorities in China have used to punish citizen activism and dissent—decreased in 2010 compared to 2009 figures but remained higher than in years before 2009.

• Implementation of a series of central government-led development initiatives, first announced at a May 2010 meeting known as the Xinjiang Work Forum, spurred an intensification of longstanding policies—including Mandarin-language schooling, herder resettlement, and urban development projects—that have undermined the rights of Uyghurs and other non-Han groups to maintain their cultures, languages, and livelihoods.

• Authorities in the XUAR enforced tight controls over religion, especially Islam, and maintained restrictions on religious practice that are harsher than curbs articulated in national regulations. Officials integrated curbs over Islam into security campaigns and monitored mosques, placed restrictions on the observance of the holiday of Ramadan, continued campaigns to prevent Muslim men from wearing beards and women from wearing veils, and targeted "illegal" religious materials in censorship campaigns.

• Discriminatory job hiring practices against Uyghurs and other non-Han groups continued in both the government and private sectors. Authorities also continued to send rural non-Han men and women to jobs elsewhere in China, through programs reportedly marked, in some cases, by coercion to participate and exploitative working conditions. Education authorities in the XUAR continued to require students to pick cotton and engage in other forms of labor in work-study programs that exceeded permitted parameters for student labor under Chinese law and international standards for worker rights.

• National and XUAR government officials continued to implement projects that have undermined Uyghurs' ability to protect their cultural heritage. Authorities continued steps to demolish and "reconstruct" the Old City section of Kashgar and relocate residents, a five-year project launched in 2009 that has drawn

opposition from Uyghur residents and other observers for requiring the resettlement of residents and for undermining cultural heritage protection. The Chinese government also continued to politicize the protection of Uyghurs' intangible cultural heritage, nominating a Uyghur social and artistic gathering for increased state and international protection, but defining this form of intangible heritage narrowly to exclude variations that contain religious elements and social activism.

• Information remained limited on the status of asylum seekers forcibly returned to China from Cambodia in December 2009, before the UN High Commissioner for Refugees (UNHCR) could make a determination of the asylum seekers' refugee status. In May 2011, Chinese security officials, in cooperation with authorities in Kazakhstan, forcibly returned a Uyghur man—initially recognized as a refugee, though the UNHCR later revoked this status—from Kazakhstan to China. In August, authorities in Thailand turned over a Uyghur man to Chinese authorities—who are presumed to have returned him to China—while authorities in Pakistan and Malaysia forcibly returned Uyghurs to China in the same month. The forced returns are among several documented cases of forced deportation in recent years, highlighting the ongoing risks of "refoulement" and torture that Uyghur refugees, asylum seekers, and migrants have faced in neighboring countries under the sway of China's influence and its disregard for international law.

Recommendations

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

○ Support legislation that expands U.S. Government resources for raising awareness of human rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR), for protecting Uyghur culture, and for increasing avenues for Uyghurs to protect their human rights.

○ Raise concern about human rights conditions in the XUAR to Chinese officials and condemn the use of security campaigns to suppress human rights. Call on the Chinese government to release people imprisoned for advocating for their rights or for their personal connection to rights advocates, including: Gheyret Niyaz (sentenced in 2010 to 15 years in prison for "leaking state secrets" after giving interviews to foreign media); Nurmemet Yasin (sentenced in 2005 to 10 years in prison for allegedly "inciting racial hatred or discrimination" or "inciting separatism" after writing a short story); Alim and Ablikim Abdureyim (adult children of activist Rebiya Kadeer, sentenced in 2006 and 2007 to 7 and 9 years in prison, respectively, for alleged economic and "separatist" crimes), as well as other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

○ Call on the Chinese government to provide details about each person detained, charged, tried, or sentenced in connection to demonstrations and riots in the XUAR in July 2009, in-

cluding each person's name, the charges (if any) against each person, the name and location of the prosecuting office (i.e., procuratorate), the court handling each case, and the name of each facility where a person is detained or imprisoned. Call on the Chinese government to encourage people who have been wrongfully detained to file for compensation. Call on the Chinese government to ensure people suspected of crimes in connection to events in July 2009 are able to hire a lawyer and exercise their right to employ legal defense in accordance with Articles 33 and 96 of the PRC Criminal Procedure Law and to ensure suspects can employ legal defense of their own choosing. Call on the Chinese government to announce the judgments in all trials connected to events in July 2009, as required under Article 163 of the PRC Criminal Procedure Law. Call on the government to allow independent experts to conduct independent examinations into the demonstrations and riots and to allow them access to the trials connected to these events.

○ Support non-governmental organizations that address human rights issues in the XUAR to enable them to continue to gather information on conditions in the region and develop programs to help Uyghurs increase their capacity to preserve their rights and protect their culture, language, and heritage. Provide support for media outlets devoted to broadcasting news to the XUAR and gathering news from the region to expand their capacity to report on the region and provide uncensored information to XUAR residents. Provide support for libraries that hold Uyghur-language collections to increase their capacity to collect and preserve books and journals from the XUAR. Support organizations that can research and take steps to safeguard tangible and intangible cultural heritage in the XUAR.

○ Call on the Chinese government to support development policies in the XUAR that promote the broad protection of XUAR residents' rights and allow the XUAR government to exercise its powers of regional autonomy in making development decisions. Call on central and XUAR authorities to ensure equitable development that promotes not only economic growth but also respects the broad civil and political rights of XUAR residents and engages these communities in participatory decisionmaking. Ensure development projects take into account the particular needs and input of non-Han ethnic groups, who have faced unique challenges protecting their rights in the face of top-down development policies and who have not been full beneficiaries of economic growth in the region. Call on authorities to ensure that residents have input into resettlement initiatives and receive adequate compensation. Call on authorities to take measures to safeguard the rights of herders to preserve their cultures and livelihoods.

○ Call on the Chinese government to ensure government and private employers abide by legal provisions barring discrimination based on ethnicity and cease job recruiting practices that reserve positions exclusively for Han Chinese. Call on authorities to monitor compliance with local directives promoting job opportunities for non-Han groups, who continue to face dis-

crimination in the job market. Support organizations that can provide technical assistance in monitoring compliance with labor laws and in bringing suits challenging discriminatory practices, as provided for under Article 62 of the PRC Employment Promotion Law. Call on Chinese authorities to investigate reports of coercion and exploitative working conditions within labor transfer programs that send rural non-Han men and women to jobs in the interior of China. Call on Chinese authorities to investigate work-study programs within the XUAR and ensure they do not exceed permitted parameters for student labor under Chinese law and international standards for worker rights.

○ Call on the Chinese government to provide information on the whereabouts and current legal status of Uyghur asylum seekers forcibly returned from Cambodia in December 2009 and Uyghurs forcibly returned to China from Kazakhstan, Thailand, Pakistan, and Malaysia in 2011. Raise the issue of Uyghur refugees and asylum seekers with Chinese officials and with officials from international refugee agencies and from transit or destination countries for Uyghur refugees. Call on Chinese officials and officials from transit or destination countries to respect the asylum seeker and refugee designations of the UN High Commissioner for Refugees and the refugee and citizenship designations of other countries. Call on transit and destination countries for Uyghur asylum seekers, refugees, and migrants to abide by requirements in the 1951 Convention Relating to the Status of Refugees and the Convention against Torture on "refoulement."

TIBET

Findings

• Expanding Chinese government and Communist Party use of legal and policy measures to increase pressure on Tibetan culture—especially on religion and language—are resulting in consequences that Tibetans believe threaten the viability of their culture. Declining well-being of Tibetan culture contrasts with increases in government-provided statistical measures on economic development and social services, such as education. Tibetans who peacefully express disapproval of government and Party policy on Tibetan affairs are at increased risk of punishment as the central and local governments expand the use of legal measures to safeguard "social stability" by criminalizing such expression.

• No formal dialogue took place between the Dalai Lama's representatives and Chinese government and Party officials during the Commission's 2011 reporting year. The environment for dialogue deteriorated as the government pressed forward with implementation of legal measures and policies that many Tibetans—including the Dalai Lama—believe threaten the Tibetan culture, language, religion, heritage, and environment. In 2011, the Dalai Lama took steps to end the official role of a Dalai Lama in the India-based organization that is commonly referred to as the Tibetan government-in-exile. The

change has the potential to alter dialogue dynamics by eliminating the basis for the Party and government to characterize the Dalai Lama as a "political" figure.

• The government and Party continued the campaign to discredit the Dalai Lama as a religious leader and expanded government and Party control over Tibetan Buddhism to impose what officials describe as the "normal order" of the religion. As of August 2011, the central government and 9 of 10 Tibetan autonomous prefectural governments issued or drafted regulatory measures that increase substantially state infringement of freedom of religion in Tibetan Buddhist monasteries and nunneries. The measures impose closer monitoring and supervision of each monastery's Democratic Management Committee—a monastic group legally obligated to ensure that monks, nuns, and teachers obey government laws, regulations, and policies. The measures expand significantly township-level government authority over monasteries and nunneries and provide a monitoring, supervisory, and reporting role to village-level committees.

• Government security and judicial officials used China's legal system as a means to detain and imprison Tibetan writers, artists, intellectuals, and cultural advocates who turned to veiled language to lament the status of Tibetan culture or criticize government policies toward the Tibetan people and culture. Examples during the 2011 reporting year included writer-publishers, a conference organizer, a singer, and persons who downloaded "prohibited" songs. The government seeks to prevent such Tibetans from influencing other Tibetans by punishing peaceful expression as a "crime" and using imprisonment to remove them from society.

• Events this past year highlighted the importance Tibetans attribute to the status and preservation of the Tibetan language and the increased threat that some Tibetans believe will result from "reform" of the "bilingual education" system. Tibetan students in one province led protests against plans to reduce the status and level of use of Tibetan language during the period 2010 to 2020. A Party official characterized "unity of spoken and written language" as essential for "a unified country" and implied that protesting students put national unity at risk. Retired Tibetan educators submitted to authorities a petition analyzing what they deemed to be violations of China's Constitution and Regional Ethnic Autonomy Law that result in the infringement of ethnic minorities' rights.

• Rural Tibetans protested against what they consider to be adverse effects of government and Party economic development policies—especially mining—that prioritize government objectives above respecting or protecting the Tibetan culture and environment. The value of Tibet Autonomous Region (TAR) mineral resources is approximately double the 2001 to 2010 subsidies the central government provided to the TAR, based on official reports. The TAR government has completed the compulsory settlement or resettlement of nearly two-thirds of the TAR rural population. Officials provided updates on construction of the railway network that will crisscross the Ti-

betan plateau: one link will traverse quake-struck Yushu, which the government renamed and will make into a "city" with a substantial population, economy, and well-developed infrastructure. Tibetans in Yushu protested after authorities either sold or expropriated their property without providing adequate compensation.

Recommendations

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

○ Urge the Chinese government to engage in substantive dialogue with the Dalai Lama or his representatives on protecting 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. The Dalai Lama's withdrawal from exiled Tibetan administrative affairs has the potential to alter dialogue dynamics by eliminating the basis for the government and Party to characterize him as a "political" figure. As tensions rise in Tibetan areas, a Chinese government decision to engage in dialogue can result in a durable and mutually beneficial outcome for the Chinese government and Tibetans and improve the outlook for local and regional security in coming decades.

○ Convey to the Chinese government the urgent importance of refraining from expanding the use of legal measures to infringe upon and repress Tibetan Buddhists' right to the freedom of religion. Point out to Chinese officials that the anti-Dalai Lama campaign, aggressive programs of "patriotic education," and recent prefectural-level legal measures seeking to control Tibetan Buddhist monastic affairs could promote social discord, not "social stability." Urge the government to respect the right of Tibetan Buddhists to identify and educate religious teachers in a manner consistent with Tibetan preferences and traditions.

○ Request that the Chinese government follow up on a 2010 statement by the Chairman of the TAR government 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 Gedun Choekyi Nyima can express to the representative his wishes with respect to privacy; photograph the international representative and Gedun Choekyi Nyima together; and publish Gedun Choekyi Nyima's statement and the photograph.

○ Convey 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 China's Constitution's reference to the freedoms of speech, association, assembly, and religion, and refraining from using the security establishment, courts, and law to infringe upon and repress Tibetans' exercise of such rights. Urge officials to respect Tibetan wishes to maintain the role of both the

Tibetan and Chinese languages in teaching modern subjects and not to consign Tibetan language to inferior status by discontinuing its use in teaching modern subjects.

○ Encourage the Chinese government to take fully into account the views and preferences of Tibetans when the government plans infrastructure, natural resource development, and resettlement projects in the Tibetan areas of China. Encourage the Chinese government to engage appropriate experts in assessing the impact of such projects and in advising the government on the implementation and progress of such projects. Request the Chinese government to compensate fully, fairly, and promptly all Tibetans who suffer the loss of property or property rights as a result of the April 2010 Yushu earthquake and the government's decision to redevelop Yushu as a new "city."

○ Increase support for U.S. non-governmental organizations to develop programs that can assist Tibetans to increase their capacity to peacefully protect and develop their culture, language, and heritage; that can help to improve education, economic, health, and environmental conservation conditions of ethnic Tibetans living in Tibetan areas of China; and that create sustainable benefits for Tibetans without encouraging an influx of non-Tibetans into these areas.

○ Continue to convey 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 Chinese government to provide complete details about Tibetans detained, charged, or sentenced for protest-related crimes. Continue to raise in meetings and correspondence with Chinese officials the cases of Tibetans who are imprisoned as punishment for the peaceful exercise of human rights. Representative examples include: Former Tibetan monk Jigme Gyatso (now serving an extended 18-year sentence for printing leaflets, distributing posters, and later shouting pro-Dalai Lama slogans in prison); monk Choeying Khedrub (sentenced to life imprisonment for printing leaflets); Bangri Chogtrul (regarded by Tibetan Buddhists as a reincarnated lama, serving a sentence of 18 years commuted from life imprisonment for "inciting splittism"); and nomad Ronggyal Adrag (sentenced to 8 years' imprisonment for shouting political slogans at a public festival).

DEVELOPMENTS IN HONG KONG AND MACAU

Findings

• Though the Hong Kong Basic Law states that the "ultimate aim" is the selection of the chief executive and the election of all members of the Legislative Council (Legco) by universal suffrage, reforms passed in 2011 fell short of these aims. The reforms cover the election of Legco members and the selection of the chief executive in Hong Kong's 2012 elections. Under the reforms, the number of members of the selection committee that chooses the chief executive will be increased from 800 to 1,200, and the number of Legco members will be increased from 60 to 70, with 5 of the additional 10 members elected di-

rectly and the other 5 elected under a newly created territory-wide District Council functional constituency. According to a report in an independent Hong Kong newspaper, the mainland Chinese government has been "coordinating" election strategies behind the scenes.

• The Sino-U.K. Joint Declaration and Hong Kong's Basic Law provide that Hong Kong shall enjoy a high degree of autonomy. In the past year Hong Kong's immigration authorities refused to grant visas to two exiled leaders of the Tiananmen protests, Wu'er Kaixi and Wang Dan, to attend the funeral of Hong Kong democracy activist Szeto Wah in January 2011. Hong Kong controls its own immigration policies under the Basic Law, and at least one Hong Kong commentator viewed the immigration department's refusal to issue visas as Hong Kong deferring to the wishes of the mainland authorities.

• Corruption in Macau is a major and growing problem, with Macau's ranking on the Transparency International Corruption Perception Index dropping from 43rd in 2009 to 46th in 2010. The growth of gambling in Macau, fueled by money from mainland Chinese gamblers and the growth of U.S.-owned casinos, has been accompanied by widespread corruption, organized crime, and money laundering.

Recommendations

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

○ Continue to make every effort to visit Hong Kong when traveling to mainland China. U.S. Government delegations' meetings in Hong Kong should include meetings with members of the Hong Kong Legislative Council, officials with the Hong Kong government administration, and members of the judiciary. Such meetings show U.S. support for a high degree of autonomy in Hong Kong under the system of "one country, two systems" and for rule of law.

○ In meetings with Chinese government officials, urge them to allow the people of Hong Kong to enjoy the high degree of autonomy articulated in the Basic Law and the Sino-U.K. Joint Declaration, especially in matters concerning elections and immigration, and to allow the introduction of universal suffrage with "one man, one vote," if this is the wish of the people of Hong Kong.

○ Arrange for regulatory experts from states with gaming industries, such as Nevada, to provide technical training and assistance to Macau authorities on how to control criminal activity, and ensure that U.S. casino owners and operators in Macau are adhering to the highest standards for the gaming industry.

The Commission adopted this report by a vote of 13 to 0.†

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://ppd.cecc.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 2011 Annual Report provides information about Chinese political and religious prisoners[1] in the context of specific human rights and rule of law abuses. Many of the abuses result from the 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://ppd.cecc.gov*. (Information on how to use the PPD is available at *http://www.cecc.gov/pages/victims/index.php*.)

PPD use has increased substantially following the July 2010 PPD upgrade. The PPD received approximately 90,900 online requests for prisoner information during the 12-month period ending August 31, 2011, an increase of approximately 164 percent over the 34,400 requests during the 12-month period ending in August 2010. During the 12-month period ending in August 2011, the United States was the country of origin of the largest share of requests for information (approximately 46 percent), followed by China (24 percent), Germany (8 percent), France (3.5 percent), and Great Britain (3.2 percent). Approximately 13 percent of the requests originated from U.S. Government (.gov) Internet domains, 13 percent from worldwide commercial (.com) domains, 13 percent from worldwide network (.net) domains, 1.5 percent from U.S. education (.edu) domains, and 0.8 percent from worldwide nonprofit organization (.org) domains. Approximately 16 percent of the re-

quests for information were from numerical Internet addresses that do not provide information about the name of the registrant or the type of domain.

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, 2011, the PPD contained information on 6,623 cases of political or religious imprisonment in China. Of those, 1,451 are cases of political or religious prisoners currently known or believed to be detained or imprisoned, and 5,172 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 1,451 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 cope with 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 for 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 pro-

viding 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.

II. Human Rights

FREEDOM OF EXPRESSION

Introduction

During the Commission's 2011 reporting year, Chinese officials maintained a broad range of restrictions on free expression that do not comply with international human rights standards. While such standards permit states in limited circumstances to restrict expression to protect interests such as national security and public order, Chinese restrictions covered a much broader range of activity, including peaceful expression critical of the Communist Party. Chinese officials showed little sign of loosening political control over the Internet and cell phones. They called for strengthening the Party's guidance of online opinion and censored politically sensitive information, including searches for "human rights" or "democracy." At times, citizen expression on China's popular microblogs overwhelmed censors, including following a high-speed train accident in July. A top official said there would be "no change in the Party's control over the media," amidst censorship of events such as the Nobel Peace Prize award to imprisoned Chinese intellectual and reform advocate Liu Xiaobo and intensified harassment of foreign journalists. Officials continued to abuse vague criminal charges, including subversion, to target peaceful speech critical of the Party. Officials maintained broad regulations and registration requirements applicable to journalists, publishers, news media, and the Internet.

International Standards for Free Expression

Many Chinese restrictions on free expression do not comply with international human rights standards. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Articles 19 and 29 of the Universal Declaration of Human Rights permit officials to restrict expression so long as it is (1) for the purpose of respecting the rights or reputations of others or protecting national security, public order, public health or morals, or the general welfare; (2) set forth in law; and (3) necessary and the least restrictive means to achieve the purported aim.[1] Regarding the purpose requirement, the UN Human Rights Council has said restrictions on "discussion of government policies and political debate," "peaceful demonstrations or political activities, including for peace and democracy," and "expression of dissent," are inconsistent with Article 19 of the ICCPR.[2] As outlined in this section, Chinese officials continued to restrict expression on the Internet and in the media for impermissible purposes, such as to stifle peaceful criticism of the Communist Party. As to restrictions clearly set forth in law, Chinese officials this past year abused vaguely worded criminal law provisions and resorted to extralegal measures to arbitrarily restrict free expression. As to the narrowness requirement, as documented in this section, Chinese restrictions continued to be overly broad and disproportionate to protecting the stated interest. In May 2011, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression noted

that restrictions on expression should be applied by an independent body and include the possibility of remedy against abuse.[3] As noted in this section, in China there remained no independent checks on government abuse.

Official Response to Overseas Protests and Calls for Domestic "Jasmine" Protests

This past year was marked by a crackdown on free expression in China in early 2011 that followed protests in the Middle East and North Africa and the appearance of online calls for "Jasmine" protests domestically. Protests in the Middle East began in Tunisia in December 2010 and soon spread to Egypt, Libya, and other countries in the region. In February 2011, the "Jasmine" calls began circulating online in China.[4] They called for weekly non-violent protest strolls in select cities to demand an end to corruption and to promote issues such as judicial independence, free expression, and political reform.[5]

MEDIA AND INTERNET CENSORSHIP

Officials reportedly censored Chinese media coverage of the Middle East and North Africa protests. According to leaked censorship instructions, officials allegedly ordered Chinese media to use only stories issued by the central government news agency, Xinhua, and banned reporting on demands for democracy in the Middle East or drawing comparisons to China's political system.[6] Western media observed Chinese media relying heavily on Xinhua stories and observed one-sided coverage emphasizing the dangers of democracy for countries not ready for it.[7] At the time, online censors reportedly blocked searches of the words "Egypt," "Libya," "Jasmine," and "democracy."[8] The duration and effectiveness of the censorship was unclear. Foreign media attempting to report on the "Jasmine" protests encountered intense harassment. [See Foreign Journalists below for more information.]

HARASSMENT, DETENTIONS OF CHINESE CITIZENS

Starting in mid-February 2011, Chinese authorities also targeted large numbers of writers, artists, Internet bloggers, lawyers, and reform advocates. Many were outspoken critics of the government; some tried to share information about the "Jasmine" protest calls, while the connection of others, if any, to the calls was unclear.[9] Officials detained numerous citizens on national security and public disturbance charges.[10] [For information on these and other individual cases in the crackdown, see Internet and Other Electronic Media, and Abuse of Criminal Laws To Punish Free Expression in this section.] The UN Working Group on Enforced or Involuntary Disappearances and other international groups noted reports of numerous Chinese citizens having gone missing or disappearing into official custody with little or no information about their charges or whereabouts.[11] [For more information on the apparent disregard of criminal procedural protections in connection with the disappearances, see Enforced Disappearances in Section II—Criminal Justice.]

Internet and Other Electronic Media

BLOCKING AND FILTERING POLITICAL CONTENT

In China, officials are not transparent about the content that is blocked or why it is blocked,[12] and they continue to arbitrarily block content for purposes impermissible under international standards. Chinese authorities expressed anger over the awarding of the Nobel Peace Prize to imprisoned prominent intellectual and reform advocate Liu Xiaobo in October 2010, for example, and blocked online searches for "Nobel Peace Prize" or "Liu Xiaobo" and text messages containing Liu's name.[13] In January 2011, authorities reportedly banned hundreds of words, including "democracy" and "human rights" from cell phone text messages.[14] Politically sensitive Web sites continued to be blocked, including a popular Tibetan culture site, an anticorruption site, and a public health advocacy Web site.[15] Officials also continued to block information in a disproportionate manner that did not appear necessary to achieve a legitimate aim. For example, access to overseas sites such as Facebook, Twitter, and YouTube remained completely blocked.[16] In late May 2011, officials reportedly imposed broad blocks on Internet and cell phone access in the northern part of the Inner Mongolia Autonomous Region following a series of mostly peaceful protests sparked by the death of a herder.[17]

Officials continued to detain and harass Chinese citizens who sought to share politically sensitive content online. In each case, the activity appeared to pose little threat to national security or public order, or the punishment appeared disproportionate to the alleged offense. For example, rights defender Cheng Jianping (who uses the pseudonym Wang Yi) sent a satirical Twitter message urging anti-Japanese protesters to converge on the Japanese pavilion at the Shanghai 2010 World Expo.[18] The Xinxiang City Reeducation Through Labor (RTL) Committee in Henan province ordered her to serve one year of RTL in November 2010.[19] In April 2011, authorities in Chongqing municipality ordered a citizen to serve RTL for posting scatological humor in a critique of the policies of Chongqing's Party Secretary Bo Xilai.[20] In November 2010, Shanghai police interrogated the writer Xia Shang after he offered to buy flowers for victims of a Shanghai fire in an Internet post.[21] Officials treated citizens who sought to share information about the calls for domestic "Jasmine" protests, which appeared to be a nonviolent call for political reform, as threats to the state. The detained included Hua Chunhui, an insurance company manager and activist who reportedly sent Twitter messages about the "Jasmine" protest calls and was charged with endangering state security.[22] In April 2011, officials in Jiangsu province ordered Hua to serve 18 months of RTL.[23] In February, police in Harbin city, Heilongjiang province, detained Internet blogger Liang Haiyi on suspicion of the crime of "subversion of state power." Police accused her of posting information about the "Jasmine" protests on the popular QQ microblogging site.[24]

The types of content prohibited online in China are not clearly defined in law, and thus conflict with international standards. Chinese Internet regulations contain vague and broad prohibitions on content that, for example, "harms the honor or interests of the na-

tion," "spreads rumors," or "disrupts national policies on religion."[25] Chinese law does not define these concepts.[26] In China, the government places the burden on Internet service and content providers to monitor and remove content based on these vague standards and to maintain records of such activity and report it to the government.[27] In February 2011, a manager at Renren, a major social media company similar to Facebook, said that the company censored sensitive content using a staff of 500 and a keyword filtering system, and that the "CEO would have to have a coffee with the government" for any misstep.[28] The Party's influence over the technology sector was evident in June, when more than 60 representatives from top Chinese Internet companies, including Sina and Baidu, gathered in Shanghai to commemorate the Party's 90th anniversary.[29] Also in June, Sina announced plans to launch an English microblog site in the United States, which could have the effect of exporting Chinese censorship to overseas markets.[30] The U.S.-based company Google, which has operations in China and which in early 2010 challenged Chinese censorship requirements, reportedly continued to face problems in China. In March 2011, Google reported that the Chinese government appeared to be interfering with its email service in China and making it look like a technical problem.[31] The government denied the charge.[32] In June, Google reported that an attack on hundreds of personal Gmail accounts, including those of Chinese political activists, senior U.S. officials, and journalists, had originated from China.[33] The Party's official newspaper rejected the allegation.[34]

PRIOR RESTRAINTS ON THE INTERNET

In addition to blocking certain types of content, officials in China control the Internet by determining who gains access to the medium through numerous licensing requirements (i.e., prior restraints). All Web sites hosted in China are required either to be licensed by or registered with the government, and sites providing news content or audio and video services require an additional license or registration.[35] In a 2011 report, the UN Special Rapporteur for Free Expression said that licensing requirements "cannot be justified in the case of the Internet, as it can accommodate an unlimited number of points of entry and an essentially unlimited number of users."[36] In October 2010, Chinese media reported that as of the end of September 2010 Chinese Internet companies had inspected nearly 1.8 million Web sites and shut down 3,000 for failing to register.[37] In July 2011, the Chinese Academy of Social Sciences (CASS) reported a 41 percent decrease in the number of Web sites in China in 2010 to 1.91 million sites.[38] The report's editor cited government campaigns targeting "obscene" sites and the economic downturn as reasons for the decrease, and said in recent years few sites had been closed "purely to control speech."[39] Other observers in China, however, attributed the decrease to the chilling effect of expanding government control.[40] The CASS study also claimed that the United States was using new media, including the Voice of America, to threaten China's "ideological safety."[41]

EXPANDING OVERALL ACCESS, WHILE MAINTAINING CONTROL

The government has pledged to expand access to the Internet and cell phones.[42] Official statistics indicate that by the end of 2010, there were 457 million Internet users in China, including a growing number in rural areas, and by April 2011, 900 million mobile phone accounts.[43] Officials have sought to expand the Internet to promote economic development and government propaganda.[44] Still, international observers and Western media continue to note the difficulties officials have in controlling this emerging and vibrant space for expression, including expression of criticism of the government and discussion of some politically sensitive topics.[45] In July 2011, for example, users on China's two most popular Twitter-type microblogs posted some 26 million messages after a high-speed train crash near Wenzhou city, Zhejiang province.[46] Officials reportedly censored some messages, but a large number of messages either were allowed through or appeared too quickly for censors to react.[47]

Official statements and actions continue to emphasize control rather than freedom on the Internet. The importance of maintaining official control was reinforced in May 2011, when officials established a State Internet Information Office to "supervise and urge relevant departments to strengthen their supervision of online content, and to be responsible for approvals for online news services and other related services as well as day-to-day oversight."[48] In China, the Communist Party exercises tight control over government agencies that manage the media and Internet.[49] This relationship gives the Party discretion to use government restrictions not just for the purpose of regulating pornography, intellectual property violations, and protecting minors—permissible purposes under international standards—but also to serve the Party's interests. In February 2011, President Hu Jintao called for "strengthening the mechanisms for guiding online public opinion."[50] The practice of authorities paying Chinese citizens to post comments favorable to the government and Party on the Internet reportedly continued.[51] In February, Communist Party Politburo Standing Committee member Zhou Yongkang said authorities should "coalesce a comprehensive" structure for managing the Internet "under the Party committee's unified leadership."[52] In Beijing, authorities reportedly issued regulations requiring bars, hotels, and other public places to purchase and install costly software to monitor the identities of people using wireless services at those locations.[53]

Abuse of Criminal Law To Punish Free Expression

Officials continued to use the criminal charges of "subversion" and "inciting subversion" (Article 105 of the PRC Criminal Law) this past year, in part in connection with the crackdown that followed protests in the Middle East and North Africa and the calls for "Jasmine" protests domestically.[54] According to the non-governmental organization (NGO) Chinese Human Rights Defenders, out of a total of 48 individuals detained since mid-February 2011, officials had charged at least 17 with "subversion" or "inciting subversion."[55] Ran Yunfei, a prolific writer, blogger, and activist, was arrested in March for "inciting subversion."[56] Authorities released

him in August but placed him under "residential restriction" for six months, restricting his movements and ability to write and speak.[57] In March, police in Ningbo city, Zhejiang province, detained prominent blogger Guo Weidong on suspicion of "inciting subversion of state power" after alleging he had forwarded information online about the protests.[58]

Officials also charged numerous persons with "creating disturbances," a crime under Article 293 of the PRC Criminal Law.[59] Officials detained the human rights activist Wei Qiang on the charge of "creating a disturbance" in March 2011, before releasing him on bail to await trial in April.[60] In February, Wei was at the site of one of the "Jasmine" protest strolls in Beijing and reported on the scene using his Twitter account. Amid the broader crackdown, authorities in March 2011 also detained the Beijing-based rights advocate Wang Lihong on the charge of creating a disturbance, but in connection with activities stemming from almost a year earlier.[61] They alleged that Wang had used the Internet to organize protests outside a court in support of three bloggers accused of defamation for helping a woman call on officials to reinvestigate her daughter's death.[62] In September, after a trial reportedly marked by procedural irregularities,[63] a Beijing court sentenced Wang to nine months in prison for creating a disturbance.[64]

In the case of the well-known artist Ai Weiwei, officials charged him with economic crimes, alleging that his company had evaded "a huge amount of tax."[65] Ai had become an outspoken critic of government policies and had been keeping track of the lawyers, bloggers, and activists swept up in the crackdown, when officials detained him in April.[66] Authorities had refused to notify his family of the charges against him or his whereabouts and kept him at a secret location, purportedly under "residential surveillance."[67] During his 81 days in custody, Ai was reportedly kept in a cell without windows and was accompanied by two guards.[68] Authorities released Ai on bail in June on the condition that he not give interviews or use Twitter.[69] In August, Ai resumed his Twitter messages and told a Western newspaper, "I can't be alive and not express my feelings."[70]

The actual threat these citizens posed to state security and public order or whether the underlying crime was the actual motivation for official action is unclear, as details regarding many of these cases remain limited. Available information suggests that officials targeted the citizens to stifle political expression and dissent. Many of the citizens targeted had track records of criticizing the government and Communist Party and advocating for democracy and human rights.[71] As the UN Working Group on Arbitrary Detention and Chinese Human Rights Defenders have noted in recent years, the vagueness of Chinese crimes of endangering state security, including subversion, lends itself to official abuse of freedom of speech, and Chinese courts make little assessment of whether the speech in question poses a threat to state security.[72] There were other cases of alleged subversion or splittism this past year. In October 2010, officials in Wuhan city, Hubei province, arrested the prolific blogger Li Tie on charges of subversion; Li had written numerous essays in support of democracy.[73] In November, Beijing authorities detained activist Bai Dongping on inciting subversion

charges after he posted online a photo of the 1989 Tiananmen protests.[74] In December, three Tibetan writers, Kalsang Jinpa, Jangtse Donkho, and Buddha were sentenced to prison terms of three to four years for inciting splittism after articles they had written about the 2008 Tibetan protests appeared in a magazine.[75] In March 2011, authorities in Suining city, Sichuan province, sentenced democracy advocate Liu Xianbin to 10 years in prison for seeking to incite subversion by writing essays advocating for, among other things, democracy, and posting them on Web sites outside of China.[76]

Authorities Defend Liu Xiaobo Case on Grounds of International Law

After imprisoned prominent intellectual and reform advocate Liu Xiaobo was awarded the Nobel Peace Prize in October 2010, Chinese authorities sought to defend their handling of his case as consistent with international law. After the award was announced, China's central government news agency, Xinhua, issued an analysis of the case based on the findings of a Chinese criminal law scholar, Gao Mingxuan.[77] The analysis noted that international treaties and nearly every country's laws criminalize some speech, and that Liu's speech had sought to incite the overthrow of the Chinese government.[78] Xinhua failed to note that the essays and activities cited as evidence against Liu, who was sentenced to 11 years in prison, did not advocate violence and instead called for nonviolence and gradual political reform.[79] A May 2011 opinion of the UN Working Group on Arbitrary Detention concluded that Chinese authorities' handling of Liu's case violated both his right to fair trial and his right to political free speech as provided under international law.[80] Chinese officials responded to the Nobel announcement by detaining citizens who distributed leaflets and posted online messages in support of Liu.[81]

Extralegal Harassment

Chinese officials continued to physically harm, restrict the travel of, and otherwise extralegally harass citizens to punish and stifle expression. Under illegal home confinement after his release, self-trained legal advocate Chen Guangcheng and his wife Yuan Weijing recorded video of themselves describing the round-the-clock surveillance and harassment they faced.[82] After the video was smuggled out and posted online in February 2011, security officials reportedly beat Chen and Yuan on two occasions.[83] After the Nobel announcement in October 2010, authorities confined Liu Xia, the wife of Liu Xiaobo, to her home in Beijing and cut off her communications to the outside world.[84] A May 2011 opinion of the UN Working Group on Arbitrary Detention concluded that Liu Xia's house arrest violates international standards.[85] After his release from prison in December, China Democracy Party co-founder Qin Yongmin was harassed by police in Wuhan city, Hubei province, who accused him of speaking to reporters.[86] Officials refused to allow the noted writer Liao Yiwu to attend the March 2011 PEN World Writers Festival in New York and a literary festival in Australia in May.[87] In July, Liao escaped China at the Vietnam bor-

der. He fled to Berlin in anticipation of the publication of a memoir on the four years he spent in a Chinese prison for writing a poem on the 1989 Tiananmen protests.[88] The Buddhist leader Wu Zeheng reportedly has been beaten, harassed, and prevented from participating in a Buddhist celebration by authorities in Guangdong province following his release from prison in February 2010.[89] Wu previously served 11 years for alleged economic crimes, although reports connect that imprisonment to his issuance of letters to China's leadership calling for reforms and an end to corruption.[90]

Freedom of the Press

Chinese government and Communist Party control over the press continued to violate international standards. International experts identify media serving "as government mouthpieces instead of as independent bodies operating in the public interest" as a major challenge to free expression.[91] In China, officials expect the media to serve as the Party and government's mouthpiece. In a November 2010 speech on political reform, Liu Binjie, director of the government agency responsible for regulating the press, the General Administration on Press and Publication, said any reform must be "beneficial to strengthening and improving the Party's leadership over press and publishing work. . . . From beginning to end we must insist on . . . no change to the nature of press and publishing serving as mouthpiece of the Party and the people, no change in the Party's control over the media."[92] In January 2011, a spokesperson for the State Administration for Radio, Film, and Television (SARFT) said officials had ruled out any moves to commercialize radio and television stations. "Radio and television stations are the Party's important news media and battleground for propagandizing ideology and culture . . . and propaganda must remain its focus," he said.[93] In November 2010, the Party's official journal, Seeking Truth, cited the experience of the former Soviet Union to argue against any liberalization of China's press.[94]

Authorities have allowed reporters some room to exercise "public supervision" duties over local officials and local matters, but in recent years have sought to rein in this space. In the summer of 2010, for example, the Central Propaganda Department reportedly barred more commercially oriented "metropolitan" (*dushi*) newspapers from publishing "negative" stories about incidents in other geographic areas within China or carrying stories published by newspapers based in other areas, a practice known as "outside area supervision."[95] Rhetorically, officials continue to claim that the rights of legally recognized journalists should be protected, although the content of such rights remains unclear.[96] Emboldened by official claims that journalists deserve protection, Chinese journalists protested a series of incidents during the summer of 2010 in which local officials and commercial interests had targeted a number of journalists, including threatening them with charges of criminal defamation.[97] Despite such protests, a deputy editor at Caijing, a Chinese financial magazine known for its investigative reporting, noted the "core problem: our police and judiciary are not independent and there is widespread collusion between officials and enterprises."[98] In July, the Party issued an order censoring

news coverage of a high-speed train accident in Wenzhou city, Zhejiang province, forcing newspapers to discard pages containing coverage of the incident.[99] The order came after Chinese citizens flooded the Internet with messages questioning officials' response and openness following the crash.[100] A number of Chinese journalists expressed outrage at the propaganda order on their blogs, and at least one news weekly appeared to ignore the order.[101]

POLITICAL CONTROL OF MEDIA THROUGH PARTY DIRECTIVES

This past year, officials continued to publicly issue broad directives on what China's domestic media should report, reminding journalists of their duty to "correctly" (*zhengque*) guide public opinion. On Journalists' Day in China in November 2010, Li Changchun, a member of the Standing Committee of the Political Bureau of the Communist Party Central Committee, said that "a correct public opinion orientation benefits the Party and the people."[102] He called on the news media to "propagandize the Party's positions."[103] To prepare for the 90th anniversary of the founding of the Chinese Communist Party in July 2011, Central Propaganda Department director Liu Yunshan said in April that covering the anniversary was the "common responsibility of media organizations at various levels."[104] He called on evening and metropolitan newspapers to "use vivid stories and inspiring topics to illustrate the glorious history of our Party's struggle" and urged online media to "help the large numbers of netizens understand the Party's great historical course by publishing special postings, background links, and online interviews."[105] In May 2011, an official at SARFT confirmed that television stations had been verbally ordered not to air detective and time travel shows during the anniversary period.[106]

The Party, through its Central Propaganda Department, lower level propaganda departments, and other government agencies, also issues more specific directives to the media on what they can and cannot report on. These directives are considered state secrets, but their contents continue to be leaked to the public and reported on by foreign and Hong Kong media and non-governmental organizations. In an April 2011 Washington Post story, unnamed Chinese editors and journalists confirmed the substance of a series of directives issued in March that appeared to reflect official nervousness over the North Africa and Middle East protests.[107] In January 2011, the International Federation of Journalists released a report documenting more than 80 censorship orders in 2010.[108] The orders reportedly blocked information on "public health, disasters, corruption and civil unrest."[109] A virtual news blackout, including the blacking out of Western stations broadcast in China, followed the Nobel Peace Prize announcement in October 2010.[110] The only news stories were from state-run media outlets such as Xinhua and Global Times, which reported on Chinese displeasure with the award.[111] In January 2011, the Central Propaganda Department reportedly ordered media not to use the phrase "civil society" in their reports.[112]

PUNISHMENT OF JOURNALISTS

Journalists and news media who issued news reports that authorities did not approve of continued to face punishment. In De-

cember 2010, a reporter at Southern Weekend said that the paper had been ordered to cease publication of an annual media award.[113] In January 2011, the outspoken journalist Chang Ping, who worked for the Southern Daily Group, reported that he had been dismissed from his job under pressure from authorities.[114] That same month, Time Weekly placed one of its editors, Peng Xiaoyun, on what appeared to be involuntary leave after the paper ran a story mentioning prominent activists and several signers of Charter 08.[115] Titled the "100 Most Influential People of Our Time" and published in mid-December, the list included Zhao Lianhai, the advocate for victims of tainted milk.[116] After the story's publication, copies reportedly were recalled and Peng and another editor were required to write self-criticisms.[117] In March 2011, Peng reported that she had been dismissed.[118] The publishers of another Guangzhou-based publication, South Wind Window, reportedly demoted its president and suspended another journalist after officials criticized a story they deemed "anti-government and anti-Communist Party."[119] Following the Wenzhou train crash, China's central television network suspended Wang Qinglei after the host of a program he produced questioned the Railway Ministry's response to the incident, and removed another program after it criticized the ministry's spokesman.[120]

POLITICAL CONTROL OF MEDIA THROUGH REGULATION OF EDITORS AND JOURNALISTS

All news media are subject to an extensive licensing system and continual government oversight. In order to legally report the news, domestic newspapers, magazines, and Web sites, as well as individual journalists, must obtain a license or accreditation from the government.[121] Radio and television broadcast journalists must pass a government-sponsored exam that tests them on basic knowledge of Marxist views of news and Communist Party principles.[122] In the 2010 Annual Report, the Commission reported that government officials were planning to require all journalists to pass a similar exam, but it is unclear whether this exam has been implemented.[123] Ongoing training initiatives for journalists continued to be heavily imbued with political indoctrination. In November, teleconferences with journalists across China were held in connection with a new campaign to "Stop False Reporting, Strengthen Social Responsibility, and Strengthen Construction of News Profession Ethics."[124] The campaign sought to "guide editors and journalists to grasp the basics of Marxist views of news . . . in order to strengthen the feeling of glory and mission in doing the Party's news work well."[125] According to an April 2011 article on the China Journalists Association Web site on 14 newspaper units that carried out "self-education," journalists at one Beijing newspaper were reminded that "news media are the mouthpiece of the Party and people . . . and not simply a commercial activity."[126]

International experts have criticized a general licensing requirement for journalists.[127] In a 2010 joint declaration on challenges to free expression, the UN Special Rapporteur on Freedom of Opinion and Expression and his international counterparts identified as challenges "registration requirements for print media" and government rules against "publishing false news."[128] Chinese officials

continue to exercise their discretion to shut down unlicensed media. In March 2011, China's main press regulator, the General Administration on Press and Publication, announced a 100-day campaign to, among other objectives, shut down "illegal" reporting offices.[129]

FOREIGN JOURNALISTS

This past year the Commission observed a spike in the intensity and level of harassment against foreign journalists as they attempted to report on events considered sensitive by Chinese officials. In February 2011, foreign journalists who traveled to Linyi city, Shandong province, to report on the home confinement of self-trained legal advocate Chen Guangcheng encountered violent groups of men who roughed them up, threatened them with bricks, and destroyed equipment.[130] The journalists contacted local police but received no assistance.[131] In late February and early March 2011, Chinese authorities harassed foreign journalists attempting to cover the "Jasmine" protest strolls at sites in Beijing and other parts of China.[132] On February 27, reporters covering the Wangfujing site in Beijing met rough treatment from officials, and one journalist was reportedly beaten and later sought treatment at a hospital.[133] Chinese Foreign Minister Yang Jiechi denied that any foreign journalists had been beaten, and foreign ministry spokesperson Jiang Yu said the journalists had disrupted "normal order" and violated unspecified rules.[134] Harassment continued in the days that followed, with officials asking a journalist to sign a pledge promising never to report on the "Jasmine" protests and officials threatening to expel journalists or revoke their press credentials.[135] In April, plainclothes police detained, and in at least one case roughed up, foreign reporters attempting to cover an outdoor Christian religious gathering.[136] In May 2011, the professional association of international journalists in China, the Foreign Correspondents' Club of China, said 94 percent of survey respondents believed reporting conditions in China had deteriorated, with 70 percent saying they faced interference, violence, or other harassment during the past year, and 40 percent saying their sources had encountered official harassment.[137]

RESTRICTIONS ON "ILLEGAL" PUBLISHING AND POLITICAL AND RELIGIOUS PUBLICATIONS

The Chinese government continued to engage in campaigns to root out unlicensed publications and publications containing what officials deemed to be "illegal" political and religious content. In China, no one may publish, print, copy, or distribute a publication without government approval, and publishers must submit to ongoing government supervision.[138] To obtain government approval, a publisher must meet minimum capital requirements, obtain a government-approved sponsor, and accord with the state's own plans for the publishing industry.[139] Once approved, publishers must submit written reports of their publishing activities to the government and seek advance approval to publish on matters that involve "state security" or "social stability."[140] In March 2011, the State Council amended the Regulations of the Administration of Publications, leaving these general requirements intact and adding new

provisions requiring those who distribute publications over the Internet or information networks to obtain a license and requiring specialized personnel to take a state exam to show compliance with state-imposed qualifications.[141]

Those who "illegally" engage in business activities, including publishing without a license, remain subject to criminal penalties under Article 225 of the PRC Criminal Law, and officials continue to use this charge to target political speech.[142] In August 2010, authorities in Shaanxi province detained author and journalist Xie Chaoping on this charge after he published a book on the relocation of citizens affected by a hydroelectric dam.[143] Prosecutors refused to approve Xie's arrest for insufficient evidence.[144] In December 2010, authorities took Mongol writer Erden-uul into custody in apparent connection to a new book he authored that reportedly addressed Inner Mongolian independence from China, saying the writer had engaged in "illegal publishing."[145] The Chinese government reported in September 2010 that Mongol rights advocate Sodmongol was being tried in connection to "counterfeiting book registration numbers and illegally publishing and selling books."[146] In April 2010 authorities detained Sodmongol while he was en route to attend the UN Permanent Forum on Indigenous Issues.[147]

Government agencies police content based on vague and sweeping prohibitions on content deemed by officials to "destroy ethnic unity, or infringe upon ethnic customs and habits," "propagate evil cults or superstition," or "harm the honor or interests of the nation."[148] Provincial and local authorities continued to target "illegal" political and religious publications. In March 2011, a Chinese news report said authorities in Heilongjiang province would "strictly confiscate political illegal publications and publications that defame the Party and state leaders, along with illegal publications that incite ethnic division."[149] It also said authorities would emphasize blocking and confiscating "illegal political publications" that "hostile foreign forces cook up," or that "domestic lawless persons illegally print or copy to disseminate political rumors," or that "create ideological confusion."[150] In April, authorities in Jiangxi province seized some 632 publications that constituted "illegal religious propaganda."[151] Also in April, authorities in Guang'an city, Sichuan province, reportedly destroyed some 30 items that were "illegal political publications, [related to the] Falun Gong cult organization, and illegal religious propaganda," as well as 1,141 "illegal newspapers and journals."[152]

WORKER RIGHTS

Introduction

Workers in China still are not guaranteed, either by law or in practice, full worker rights in accordance with international standards, including the right to organize into independent unions. Advocates for worker rights in China continued to be subjected to harassment and abuse. The All-China Federation of Trade Unions (ACFTU), the official union under the direction of the Communist Party, is the only legal trade union organization in China. All lower level unions must be affiliated with the ACFTU.

During the 2011 reporting year, Chinese authorities have faced the dual challenges of accommodating a younger, more educated, and rights-conscious workforce and addressing changes in economic development patterns (including inland growth, fewer workers migrating to coastal areas, rising wages, and labor shortages in some locales). Due in part to shifting labor, economic, and demographic conditions, official and unofficial reports have indicated that workers appeared to have gained increased leverage in the relationship between labor and capital. In recent years, Chinese workers have become more assertive in securing their rights, higher wages, more genuine representation, and better protection under China's labor laws. In some cases during this reporting year, workers continued to channel their grievances through, and to seek guidance, advice, and legal aid from, labor lawyers and advocates. At the same time, authorities have harassed, detained, and sent to prison labor advocates who attempted to organize workers for "disrupting social order." Some local officials reportedly beat and kicked striking workers and labor petitioners, and reports of attacks on migrant workers seeking back pay continued to surface.

With Chinese officials charged with preserving "social stability," the extent to which they will allow workers to bargain for higher wages and genuine representation remains unclear. Principles and different aspects of collective bargaining rights have been mentioned in multiple drafts of local and national regulations during this reporting year, including the draft Regulation on Wages—proposed in part to address official concern over the unequal distribution of wealth across China and its potential effects on "social unrest"—as well as trials and measures for collective wage negotiations in different localities. Some critics, however, have questioned the lack of specifics in some of these proposals and, thus, their eventual effectiveness.

Rights Consciousness, Worker Actions, and "Social Stability"

During this reporting year, Chinese officials have continued to assess the characteristics of the new generation of migrant workers as well as their significance on the shifting labor landscape, public safety, and "social stability."[1] Chinese government statistics suggest that these young workers constitute 61.6 percent of all migrant workers.[2] In February 2011, the ACFTU released a study identifying the characteristics unique to current young migrant workers. The document also provided several policy recommendations for "resolving the problems facing the new generation of mi-

grant workers in realizing their rights and interests."[3] The report notes that over half of young migrant workers are unmarried and that 74.1 percent of them had "studied in school" prior to leaving home. By contrast, only 35.4 percent of the "traditional migrants," those born before 1980, had studied in school.[4] These young migrant workers also are mostly concentrated in secondary and tertiary industries and are overwhelmingly employed by private enterprises (84.3 percent) as opposed to state-owned enterprises (12.5 percent).[5] On average, they receive lower wages (167.27 yuan (US$26) lower than "traditional migrants"); are more likely to sign labor contracts that lack specific provisions detailing minimum pay in line with local regulations; have less employment stability; face "relatively more hidden dangers" in terms of workplace safety; and are less likely to join labor unions (44.6 percent of young migrant workers are union members, versus 56 percent of "traditional migrants").[6]

The ACFTU report provides several recommendations on ways in which the government may more effectively accommodate younger workers' unique life experiences and characteristics. Some of the suggestions include strengthening efforts to tackle wage disparities, advance social insurance programs, provide technical training to increase young migrant workers' competitiveness and ability to adjust to changing circumstances, encourage localities to explore methods to reform the household registration system, and organize young migrant workers into unions and facilitate channels for them to address their grievances.[7] These suggestions appear to reflect the Chinese government's initial ideas to grapple with the aforementioned generational changes, a generation of migrant workers who, as one senior Chinese official observed, have never put down roots, are better educated, are only children, and are more likely to demand equal access to employment and social services—and even equal political rights—in the cities.[8]

Official and unofficial reports indicate that, for the most part, the young migrant workers described above have been at the forefront of recent worker actions.[9] Worker actions have been common in China in recent years, and that continues to be the case during the 2011 reporting year. China Strikes, a Web site dedicated to "track[ing] strikes, protests and other collective actions taken by Chinese workers to defend their rights and interests," recorded at least 32 such actions by workers from October 2010 to May 2011.[10]

As with the spate of worker actions that took place in the spring and summer of 2010 that garnered international attention, workers during this reporting year took action to recover back wages, protest the non-payment of wages, call for higher pay, and, for some older workers, demand due compensation in the cases of restructuring at certain enterprises. Social inequality and the lack of rule of law reportedly played a role in driving low-paid migrant workers to participate in a series of riots and protests in southern China in June 2011.[11] In April 2011, workers reportedly blocked the front gate of a liquor factory protesting the compensation terms during restructuring.[12] In the same month, more than 1,000 truck drivers in Shanghai municipality, reacting to rising fuel costs, protested for higher pay. In March 2011, about 80 sanitation workers in Guangzhou city, Guangdong province, took part in work stoppages

to protest non-payment of wages, claiming that management owed each worker from 3,000 to 4,000 yuan (US$464 to US$618) for overtime and other allowances.[13] In November 2010, an "entire street" in Foshan city, Guangdong province, was reportedly "filled with workers," perhaps up to 7,000, as management at Foxconn, a Taiwanese-owned company that produces electronics, allegedly forced workers to sign contracts with terms that many workers found unsatisfactory.[14] Starting in October 2010, about 70 workers at a Japanese-owned factory took part in strikes to demand that the company comply with China's labor laws, including the right to sign contracts and to be compensated with overtime payments.[15]

Chinese authorities during this reporting year continued to harass, detain, and imprison labor advocates and lawyers whom officials deemed to be threats to "social stability." For example, authorities ordered Yang Huanqing, a teacher in Jingzhou city, Hubei province, to serve one year of reeducation through labor in March 2011 for "disrupting work unit order" when he supposedly organized 22 and 33 dismissed teachers in October and November 2010, respectively, to petition in Beijing. Yang reportedly led the teachers to petition against social insurance policies they alleged were unfair.[16]

In another case that reflects authorities' concern with labor advocates' and lawyers' ability to organize and mobilize large groups of workers, the Xincheng District People's Court in Xi'an city, Shaanxi province, sentenced labor lawyer and advocate Zhao Dongmin to three years' imprisonment on October 2010 for "gathering a crowd to disrupt social order."[17] Zhao had allegedly organized workers at state-owned enterprises in Xi'an in April 2009 to establish the Shaanxi Union Rights Defense Representative Congress, an organization that, according to China Labor News Translations, a Web site dedicated to analyzing developments in China labor relations, was "critical of the Chinese [state-run] trade union's failure to represent the interests of state sector employees in restructured and/or privatized enterprises."[18] Prior to Zhao's arrest, Shaanxi authorities had warned that Zhao and others had:

> seriously disrupted the normal workings of Party and government organs and have become a huge potential danger to social stability. They have made use of problems in society, including using old and frail enterprise retirees as cannon fodder to pressure the government. They have stirred up extreme delusions and fanned the flames in an extremely outrageous manner. If resolute measures are not adopted, they will grow into a threatening force and are very likely to wreak even greater havoc to social stability.[19]

Freedom of Association and Collective Bargaining

The Chinese government prevents workers in China from exercising their constitutional right to freedom of association.[20] Trade union activity in China is organized under the All-China Federation of Trade Unions (ACFTU), a quasi-governmental organization under the direction of the Communist Party.[21] Leading trade union officials hold concurrent high-ranking positions in the Party. The

ACFTU Constitution and the Trade Union Law of 1992 both highlight the dual nature of the ACFTU to protect the legal rights and interests of workers while supporting the leadership of the Party and the broader goals and interests of the Chinese government.[22] The ACFTU monopolizes many worker rights issues in China, such as shop-floor organizing and formalistic collective contract negotiations, but it does not consistently or uniformly advance the rights of workers.[23]

At the shop-floor level, the ACFTU's unions remain weak and marginalized. While the ACFTU and its affiliated unions at lower administrative levels sometimes may play an important role in legislative and regulatory development, this role is not matched with power at the enterprise level. Generally speaking, firm-level union branches are weak, non-democratic, and subordinate to management.[24] Despite an increase in legislation and administrative regulations that grants the ACFTU more power at the firm level to resolve disputes, the structural weaknesses of the trade union branches make improvements in trade union autonomy and worker advocacy difficult and slow.[25]

COLLECTIVE CONTRACTING

Collective contracts and some process of collective consultation and negotiation have been part of Chinese labor relations since the 1990s, when state enterprise reform deepened and labor conflict began to increase rapidly, especially in the private sector. The ACFTU has championed collective contracts and collective negotiations as important foundations for trade union work at the enterprise level. In recent years, the collective contract system has received more Chinese government and Communist Party support as part of an attempt to institutionalize a tripartite system of labor relations at the local level between the government, the ACFTU, and the employer associations.[26] Moreover, some Chinese officials have stated in public that collective consultation—and, in the process, fostering more genuine representation for workers—could be an effective way to defuse labor disputes and develop "harmonious labor relations."[27]

In January 2011, the ACFTU published a set of "work objectives" for the new year, stating the organization's goal to "set up trade union organizations according to law to unionize the vast majority of workers[.]"[28] More specifically, some of the benchmarks that the ACFTU document provided include the boosting of national unionization rates at "businesses with corporate capacity to 65 [percent]," and an increase in "the number of union memberships to make up more than 80 [percent] by the end of 2011" and "over 90 [percent] by the end of 2013."[29] Even as the ACFTU supplied quantifiable benchmarks, however, it is not clear how these goals will be implemented in practice. It remains to be seen whether such goals will facilitate the approval of local and national regulations with specific implementation and follow-through directives and measures, as well as the necessary reforms to make unions more representative of workers' interests.[30]

During this past year, the Commission continued to follow developments concerning the Guangdong province draft Regulations on Democratic Management of Enterprises (Regulations). As the Com-

mission reported last year,[31] the draft Regulations would extend to workers the right to ask for collective wage consultations[32] and allow worker members to sit on the enterprise's board of directors and board of supervisors,[33] represent worker interests in the boards' meetings,[34] and take part in the enterprise's decision-making processes.[35] In September 2010, reportedly under heavy lobbying by members of the Hong Kong industrial community, many of whom operate factories in southern China and are concerned with rising production costs, the Guangdong People's Congress Standing Committee decided to suspend further deliberation of the draft Regulations.[36] In January 2011, a source in the Hong Kong industrial community who had met with officials in Guangdong province reported to the South China Morning Post that the Guangdong Provincial People's Congress would "very likely" approve the draft Regulations later that month.[37] Other unofficial sources, however, suggest that the approval process of the draft Regulations seemed to have stalled indefinitely.[38]

Other localities in China also announced plans to establish collective wage consultation systems in the coming years. In Qingdao city, Shandong province, for example, the Qingdao City Health Bureau announced in March 2011 goals to establish a system of "equal collective wage consultation" for all contract workers within three years.[39] In a city with more than 40,000 medical workers, the health bureau's plan reportedly will only cover contracted workers, who number around 5,000.[40] At medical organizations where unions do not yet exist, a government document suggests that workers may choose their own representatives.[41] This past year, other cities that reported plans for collective wage consultation initiatives included Changde city, Hunan province;[42] Rizhao city, Shandong province;[43] Qinhuangdao city, Hebei province;[44] and Guanghaiwei city, Zhejiang province.[45] The Shenzhen Municipal Trade Union reportedly plans to sign collective wage contracts at 550 enterprises in the next year.[46]

The extent to which the ACFTU's stated goals, if materialized, and other local experiments with collective consultation will expand the space for greater and more genuine worker representation remains unclear. At present, the collective contract and consultation system remains weak and formalistic in many cases because enterprise-level trade union leaders are not positioned to serve the interests of their workers. Many collective contracts reportedly solely reflect the basic legal standards in the locality and often are the result of concerted government or Party work to encourage the enterprise to enter into formalistic contracts rather than the result of genuine bargaining between management and the enterprise trade union.[47] Finally, none of the aforementioned actions taken by different localities and the ACFTU have changed the fact that freedom of association does not exist in China.

Migrant Workers

Migrants are generally characterized as rural residents who have left their place of residence to seek non-agricultural jobs in Chinese cities, sometimes in the same province and sometimes far from home. Official Chinese government statistics break down the total number of migrants into those who spent less than half the year

as migrants, i.e., those who spent less than six months during the year away from their place of legal residence (61 million in 2010), and those who spent more than half the year as migrants (160 million in 2010).[48] The government estimates that over the next three decades, about 300 million people are expected to relocate to urban areas.[49] As a marginalized urban group, migrant workers are often abused, exploited, or placed in unsafe work conditions by employers who take advantage of their insecure social position and lower levels of education.[50] Persistent discrimination reportedly continues to adversely affect the social, civil, and political rights of migrant workers.[51]

In 2011, migrant workers continued to face serious challenges in the workplace, such as wage arrears and non-payment of wages.[52] They also lacked access to reliable social insurance, specifically payments covering occupational injuries and diseases.[53] Many localities have expanded efforts to provide migrants with social insurance coverage. Figures from the Chinese Ministry of Human Resources and Social Security indicated that, by mid-2011, 838 counties in 27 provinces and autonomous regions, as well as the four directly administered municipalities, had launched what the State Council has called the "new-type rural social old-age insurance pilots," covering 24 percent of the population in these areas.[54] A 2009 State Council document also provided details on ways to make social insurance accounts transferable as migrants move around the country.[55] There still appear to be significant problems in terms of participation (for both employers and employees), coverage, and portability between rural and urban areas.[56] Migrant workers generally are able to withdraw funds only from their individual accounts, losing the larger percentage of their pensions that is paid by their employers. With migrant workers facing uncertainty about whether they will return to the same locale from one year to the next to look for new work, and with the portability of pension accounts highly restricted, some have chosen to withdraw their pensions.[57]

Law on Social Insurance

The National People's Congress approved the PRC Law on Social Insurance in October 2010, and it went into effect on July 1, 2011.[58] The law states that the Chinese government will establish[59] a system of basic old-age insurance,[60] medical insurance,[61] work-related injury insurance,[62] unemployment insurance,[63] and maternity insurance.[64] It specifies the respective responsibilities of employees and employers to fund contributions for different insurance programs. Under the law, both the employee and the employer, for example, are required to contribute toward the basic insurance funds for old-age pensions, medical care, and unemployment benefits.[65] For work-related injury and maternity insurance, however, only the employer is responsible for the contributions.[66] The law also requires employers to register employees with social insurance agencies within 30 days of hire,[67] delineates the legal penalties for an employer who fails to contribute the required funds within the specified time limit,[68] and grants social insurance agencies the right to seek help from government administrative units—at the county level or above—to request the transfer of funds equal

to the amount of missed payments from the appropriate banking and financial institutions.[69]

One of the law's stated aims is to make social insurance coverage "sustainable,"[70] and the law specifies that workers may transfer their accounts as they move from one region to another. It explicitly states that "rural residents entering cities to work may participate in social insurance."[71] In the cases of old-age and medical insurance, the law seeks to enable their portability by stating that, for an individual who travels from one region to another for work, his or her basic old-age and medical insurance records "will transfer along with the individual," and the calculation of his or her contributions will be "cumulative."[72] Once the individual reaches retirement age, basic old-age insurance benefits will be calculated by taking into account work performed in all localities, but payments will be made in a "unified" way (i.e., no distinction between work done in rural and urban areas).[73] The law, however, states only that "national coordination" of old-age insurance pools and "provincial coordination" of the other four insurance pools will be "gradually implemented," leaving the "specific time frame [and] steps" for the State Council to decide.[74] Moreover, one foreign law firm pointed out that since the law does not provide "national united social insurance contribution rates . . . employers would still need to refer to the local regulations for contribution rates of the social insurance schemes."[75] At this point, the law's effectiveness and ability to standardize and expand China's social safety net remain unclear and implementation regulations have yet to be issued.[76]

Wages

By the end of 2010, 30 provinces had reportedly raised minimum wage levels by an average of 22.8 percent.[77] Some localities continued to establish higher levels of increases thereafter.[78] On March 1, 2011, Guangdong province announced a four-tier minimum wage level chart, categorizing minimum wage levels by region within the province.[79] Authorities assigned Guangzhou city, the provincial capital, a level of 1,300 yuan (US$200) per month. Dongguan city, where many foreign-invested factories are located, fell into the second category, with a new minimum wage level of 1,100 yuan (US$170) per month. In Shenzhen, effective April 1, 2011, the government raised the minimum wage level by 20 percent, to 1,320 yuan (US$204) per month, the highest in China.[80] Other localities, such as Shanghai municipality and Shandong province, also established further increases.[81] Reports indicate that some cities proceeded to raise minimum wages because they struggled to attract workers.[82] Despite rising minimum wage levels, however, reports also indicate that inflationary pressure continued: Inflation stood at 5.4 percent in March 2011[83] and 5.5 percent in May 2011, with food prices rising by 11.7 percent.[84]

The PRC 1994 Labor Law guarantees minimum wages for workers and requires local governments to set wage standards for each region.[85] The PRC Labor Contract Law improves formal monitoring requirements by tasking local labor bureaus to monitor labor practices to ensure rates adhere to minimum wage standards.[86] The law also imposes legal liability on employers who pay rates below

minimum wage.[87] In addition, the law guarantees minimum hourly wages for part-time workers.[88]

Illegal labor practices, however, continue to undermine minimum wage guarantees. Wage arrears remain a serious problem, especially for migrant workers.[89] Subcontracting practices within industry reportedly also exacerbate the problem of wage arrearages. When investors and developers default on their payments to construction companies, workers at the end of the chain of labor subcontractors may lack the means to recover wages from the original defaulters. Some subcontractors neglect their own duties to pay laborers and leave workers without any direct avenue to demand their salaries.[90] The Ministry of Human Resources and Social Security, in conjunction with other government agencies—including the Ministry of Public Security and the State-Owned Assets Supervision and Administration Commission—reportedly formed a "united investigative group" and examined wage arrears problems in provincial-level areas such as Tianjin, Hebei, Inner Mongolia, Jilin, Zhejiang, Jiangxi, Liaoning, Guangxi, Qinghai, and Xinjiang.[91]

DRAFT REGULATION ON WAGES

In part to address official concern over the unequal distribution of wealth across China and its potential effects on "social unrest," Chinese media sources indicated that the Chinese government reportedly has assembled a "basic framework" for a national regulation on wages.[92] The Ministry of Human Resources and Social Security (MOHRSS) began formulating the regulation in 2007, and officials reportedly started soliciting comments and suggestions for a completed draft in early 2009.[93] Some media reports indicated that the regulation would be approved sometime in 2010, though one MOHRSS official later said that was never the case.[94] It appears that deliberations surrounding the pending regulation likely will continue throughout 2011.[95]

Based on media reporting, the draft contains 10 sections, including provisions that delineate the "parameters for collective contracts, collective consultations, and minimum wages."[96] In addition, the draft reportedly lays out standards to determine minimum wage level increases, and mandates certain enterprises to "periodically and publicly release average wage levels, increases, and bonuses";[97] requires that overtime compensation, time off given on days with extreme temperatures, as well as various kinds of state subsidies may not be factored into the calculation of wage levels;[98] calls upon provinces to consider local consumer price indexes in setting minimum wage levels;[99] and establishes a "normal increase mechanism" to "create a system" of collective wage consultations and "open a scientifically logical space for wage increases."[100]

Labor experts cited in Chinese media reports also commented that the draft lacks clarity on certain points. For example, it reportedly does not delineate whether or not employers will be required to answer workers' demands for collective wage negotiations, nor does it lay out the consequences for failing to do so.[101] One labor expert also supported the idea to "link wage increases to the growth of enterprises," which apparently was introduced in an earlier version of the draft.[102]

Reportedly, the draft regulation attempts to bridge the wealth gap with additional provisions such as requiring the disclosure to both the government and the public of plans to adjust salary levels and benefits within what one state-run publication called "monopolized industries."[103] These so-called "monopolized industries" (*longduan qiye*) refer to state-owned enterprises in industries such as electricity, telecommunications, insurance, and finance.[104] Another provision reportedly also would require these enterprises to seek approval from three different government departments before issuing bonuses or raises.[105] One media report suggested that these provisions have contributed to the delay in the regulation's approval.[106] One academic cited in the same report stated that the draft's proposed "interference with or even control of wages through administrative methods are not compatible with the trends of market economics."[107]

PRESSURE TO EXAMINE WAGE POLICIES

In 2011, three developments continued to exert pressure on Chinese officials at all levels to examine their policies on wages: Labor shortages in certain areas, growing income inequality, and the central government's acknowledgement of the need to rebalance China's economy. During this reporting year, the Commission monitored reports of labor shortages surfacing in China's manufacturing centers, particularly in the south and coastal areas.[108] As early as 2006, the PRC State Council Development Research Center found that 75 percent of the 2,749 villages surveyed in China "no longer have young laborers to move" outward,[109] and other reports also suggest that more migrant workers are opting to pursue opportunities in their home provinces.[110] Such developments reportedly have contributed to the upward pressure on wage levels and, combined with other factors, have made some factory owners consider moving their operations further inland or to Southeast Asian countries in order to keep production costs competitive.[111] At the same time, it has been pointed out that "improved productivity can pay for more than half of these wage increases, while the other half can be passed in the form of higher customer prices."[112] Moreover, despite moderate increases, wages actually have fallen for 22 straight years in proportion to China's gross domestic product.[113]

The unequal distribution of wealth received much attention in recent years. The National People's Congress and the Chinese People's Political Consultative Conference featured this issue prominently during their March 2010 meetings.[114] In 2011, the Chinese media continued to report on the growing gap between the rich and the poor.[115] The current "income ratio among China's eastern, central, and western regions" is roughly 1.52:1:0.68.[116] Moreover, the distribution has grown more unequal over time, with rural areas lagging far behind the urban regions.[117] According to a November 2010 Chinese report, the ratio of "urban to rural income" was 2.9:1 in 2001, 3.22:1 in 2005, and 3.31:1 in 2008.[118] The difference between the top and bottom 10 percent of China's income earners has increased from a multiple of 7.3 in 1988 to 23 in 2009.[119]

Chinese officials have appeared more willing to openly acknowledge that a higher consumption rate within China is an important part of the government's efforts to rebalance the country's economic

development. The PRC Outline of the 12th Five-Year Plan on National Economic and Social Development, for example, noted that Chinese officials "must be soberly aware of the fact that the problems of lack of balance, lack of coordination, and lack of sustainability in China's development remain prominent" and that the imbalance in the "investment and consumption relationship" poses a challenge to the country's future growth.[120] More pointedly, Premier Wen Jiabao has also described China's current growth model as "unbalanced, unstable, uncoordinated, and unsustainable."[121] Although some experts have said that reforms can be done in the short term via "administrative fiat," such as "mandatory wage hikes," any rebalancing efforts will be difficult, as "state-backed and private corporate sectors are likely to protest reforms that threaten their margins, as will these sectors' support bases associated with their interests, such as the commerce ministry and the Ministry of Industry and Information Technology."[122]

Occupational Safety and Work Conditions

LEGAL FRAMEWORK AND DEVELOPMENTS

The PRC Law on Safe Production, which took effect in 2002, delineates a set of guidelines to prevent workplace accidents and to keep "their occurrence at a lower level, ensuring the safety of people's lives and property and promoting the development of the economy."[123] Specifically, the law charges principal leading members of production and business units to educate workers on safety issues and formulate rules of operation;[124] protects workers' right to have knowledge of, speak up about, and address work safety issues;[125] sets forth trade unions' rights to pursue workers' complaints over safety issues;[126] tasks local governments at the county level or above to inspect and handle violations and potential dangers in a timely manner;[127] and lays out the consequences for non-compliance.[128]

Workers in China, however, continued to face persistent occupational safety issues, especially those working in the mining industry. On November 9, 2010, Zhang Mingqi, the Vice Chairman of the All-China Federation of Trade Unions, spoke to reporters at the National Mining Industry Health and Safety Experience Exchange Conference and stated that China had 18,128 reported cases of occupational-related illnesses in 2009, which represented a 32 percent increase from the previous year.[129] Of the 2009 cases, 14,495—about 80 percent—involved the lung disease pneumoconiosis.[130] The People's Daily has reported that a total of 57,000 Chinese coal miners suffer from pneumoconiosis annually, and more than 6,000 of them die from the disease each year.[131] Reportedly, "pneumoconiosis is now responsible for nearly three times as many deaths each year as mine accidents."[132]

Miners are limited in their ability to promote safer working conditions in part due to legal obstacles to independent organizing. Collusion between mine operators and local government officials reportedly remains widespread.[133] Chinese authorities reportedly closed 1,600 small coal mines with "outdated facilities" during the first 10 months of 2010.[134] The State Administration of Work Safety issued a directive in September 2010 requiring mine managers

to spend time in the shafts with workers in an effort to focus their attention on safety issues; the directive also laid out specific fines for managers who refused to do so.[135] The China Daily, however, reported that some managers skirted the new requirements by handpicking "people to be promoted to 'assistants to managers' and to accompany the miners" in their place.[136]

WORKING CONDITIONS

Workplace abuses and poor working conditions remained a persistent problem this reporting year. Allegations of unsafe working environments, for example, continued to surface at factories operated by Foxconn, a Taiwanese-owned company that manufactures electronic products. In July, a worker died after falling from his dormitory at one of Foxconn's factory complexes in southern China.[137] The Commission reported last year that more than 10 employees committed suicide in 2010, reportedly as a result of the harsh working conditions at the company's production plants.[138] Workers often cited low wages, forced overtime, military-style management, and social isolation as some of the major problems that they face.[139] Reports also indicated that some workers are also exposed to chemicals known to be harmful.[140] In May 2011, a blast at Foxconn's factory in Chengdu city killed 3 people and injured 16 others; the families of the factory's workers complained at the time that Foxconn management "turned down" their demand for "a list of dead and injured."[141] Poor conditions and other workplace abuses also surfaced at other factories, including "routine excessive overtime" that averaged 120 hours per month, use of harmful chemicals, poor ventilation, arbitrary calculation of wages, and mistreatment by management.[142] The Commission also observed one recently published report detailing a past case involving Chinese prisoners who, in addition to doing hard labor during the day, were "forced to play online games" at night "to build up credits that prison guards would then trade for real money."[143]

WORKERS COMPENSATION

One major problem facing injured workers or their family members seeking to receive timely compensation is China's "complicated and incredibly time consuming" work-related injury compensation procedure.[144] Some cases reportedly can last for decades.[145] It is difficult to determine the total number of cases in part because many cases never are reported due to the complicated nature of the compensation process.[146] Moreover, Chinese courts and doctors do not routinely recognize some occupational diseases. While traumatic work injuries and deaths have been widely recognized and reported, experts on workers compensation litigation in China report failure to diagnose diseases like silicosis and failure to recognize that the condition may be caused by exposure to chemicals at work.[147] As a result, the extent of work-related diseases like silicosis remains difficult to measure and report on and, therefore, in many cases goes largely unrecognized.[148]

In January 2011, the State Council's revisions to the Regulations on Work-Related Injury Insurance (Work Injury Regulations) became effective.[149] The revisions made 24 changes to the old Regulations, clarifying the definitions of what constituted "occupational

injuries";[150] adding law firms and accounting firms, among others, to the list of contributors to the occupational injury insurance fund;[151] and stating that in applications where "the facts are clear" and "rights and obligations are apparent," the social insurance administrative department shall render a decision within 15 days of accepting the applications.[152]

In addition to the aforementioned Work Injury Regulations, the PRC Law on Social Insurance, which went into effect in July 2011, also addressed the topic of work-related injury insurance.[153] It clarifies that the "employing unit," not the worker, is responsible for contributing to the work-related injury insurance fund.[154] The law states that the contribution rates will be determined by the "risk level" of each industry, as well as the number of workplace injury cases that occur in that industry, and leaves the task of setting the specific rate figures to the State Council.[155] Though the law's language maintains that workers are entitled to receive work-related injury insurance benefits if their injuries or illnesses are certified as work related and that certification of such injuries should be "straight-forward [and] convenient," it does not provide a specific time requirement for the certification process.[156] The law does, however, detail the types of expenses that may be paid with money from the insurance fund. These may include, for example, a worker's medical treatment and rehabilitation fees as well as food and travel allowances if the worker obtains treatment outside of the area where the injury took place.[157]

At this point, it is not clear to what extent the revisions to the Work Injury Regulations or the new PRC Law on Social Insurance will streamline the complicated and time-consuming compensation processes for injured workers. Central government directives have, in previous years, encouraged local governments to pressure bereaved families into signing compensation agreements and to condition out-of-court compensation settlements on forfeiture by bereaved families of their rights to seek further compensation through the court system.[158] Moreover, there have been reports of local officials preempting class actions by prohibiting contact among members of bereaved families in order to forestall coordination.[159]

Child Labor

Child labor remained a problem in China during this reporting year.[160] As a member of the International Labour Organization (ILO), China has ratified the two core conventions on the elimination of child labor.[161] The PRC Labor Law and related legislation prohibit the employment of minors under 16 years old.[162] Both national and local legal provisions prohibiting child labor stipulate fines for employing children.[163] Under the PRC Criminal Law, employers and supervisors face prison sentences of up to seven years for forcing children to work under conditions of extreme danger.[164] Systemic problems in enforcement, however, have dulled the effects of these legal measures. The extent of child labor in China is unclear in part because the government does not release data on child labor despite frequent requests by the U.S. Government, other foreign governments, and international organizations. One recent report by a global risks advisory firm, however, suggests that China

is rated as "amongst those with the most widespread abuses of child workers" and estimates that there are "between 10 to 20 million underage workers." [165]

Child laborers reportedly work in low-skill service sectors as well as small workshops and businesses, including textile, toy, and shoe manufacturing enterprises.[166] Many underage laborers reportedly are in their teens, typically ranging from 13 to 15 years old, a phenomenon exacerbated by problems in the education system and labor shortages of adult workers.[167] In March 2011, a Hong Kong newspaper reported that authorities in Longgang district, Shenzhen Special Economic Zone, rescued 40 children who were found working at a factory that manufactured electronics.[168] The children were reportedly between the ages of 12 and 14, holders of "fake identity cards" that apparently demonstrated that they were of legal working age, and had worked there for at least three months for about five yuan (US$0.77) an hour.[169] In another case reflective of the child labor problem, Apple acknowledged in February 2011 that, in 2010, it had discovered 91 children under 16 years old working in 10 "Chinese factories owned by its suppliers"; in contrast, in 2009, the company discovered only 11 such cases.[170] In the case of one factory that reportedly hired 42 of the children, Apple learned that the "vocational school involved in hiring the underage workers had falsified student IDs and threatened retaliation against students who revealed their ages during [Apple's] audits." [171]

The Chinese government, which has condemned the use of child labor and pledged to take stronger measures to combat it,[172] permits "work-study" programs and activities that in practical terms perpetuate the practice of child labor and are tantamount to official endorsement of it.[173] National provisions prohibiting child labor provide that "education practice labor" and vocational skills training labor organized by schools and other educational and vocational institutes do not constitute use of child labor when such activities do not adversely affect the safety and health of the students.[174] The PRC Education Law supports schools that establish work-study and other programs, provided that the programs do not negatively affect normal studies.[175] These provisions contravene China's obligations as a Member State to ILO conventions prohibiting child labor.[176] In 2006, the ILO's Committee of Experts on the Applications of Conventions and Recommendations "expresse[d] . . . concern at the situation of children under 18 years performing forced labor not only in the framework of re-educational and reformative measures, but also in regular work programs at school." [177]

CRIMINAL JUSTICE

Introduction

During the Commission's 2011 reporting year, the Chinese government's failure to uphold legal protections for criminal suspects and defendants, promote transparency of the judicial process, and implement legal reforms highlighted ongoing problems within the criminal justice system. Chinese public security officials continue to contravene international standards by detaining, interrogating, and investigating criminal suspects without adequate due process protections. Closed trial proceedings and unfair trial procedures continue to contravene Chinese and international legal protections and demonstrate the lack of an independent judiciary.

During the year, the Chinese government signaled its resolve to protect what it deemed to be "social stability" through targeted crackdowns on rights advocates and continued reliance on an array of arbitrary and extrajudicial detention measures. In early 2011, Chinese public security officials implemented a harsh crackdown on government critics and rights advocates, including lawyers, bloggers, writers, and democracy activists. In the months that followed, Chinese authorities employed a range of illegal and arbitrary detention measures—including home confinement and enforced disappearances—to "maintain stability" and silence rights advocates. International human rights groups have called the 2011 crackdown one of the most severe in years.

Abuse of Police Powers: Suppression of Dissent

During this past year, the Commission observed reports of Chinese law enforcement personnel engaged in a range of abuses targeting human rights advocates, lawyers, writers, and their families.[1] These abuses included harassment, assault, detention, kidnappings, and illegal surveillance.[2] Reported incidents of abuse increased during periods of heightened official sensitivity. Beginning in February 2011, public security officials and plainclothes security personnel detained, harassed, "disappeared," and placed under illegal surveillance prominent rights defenders. The campaign appeared related to official concern over protests in the Middle East and North Africa and to an anonymous online call for so-called "Jasmine" protests within China.[3] By April 18, the non-governmental organization Chinese Human Rights Defenders reported that public security officials had criminally detained 39 rights advocates and that more than 20 individuals remained "disappeared."[4] For example, Chinese police detained Beijing-based lawyer Tang Jitian on February 16 after he attended a meeting to discuss the ongoing "soft detention" of the self-trained legal advocate Chen Guangcheng.[5] Beijing police summoned and detained human rights lawyer and university lecturer Teng Biao on February 19 before searching his residence and confiscating property, including two computers, politically themed books, and documentaries.[6] In February, the Guardian reported that five domestic security protection officers allegedly beat human rights lawyer Liu Shihui after he attempted to attend a planned protest in Guangzhou city, Guangdong province.[7] The Commission also noted

increased police abuses against rights defenders and advocates surrounding other politically sensitive events, such as the Nobel Peace Prize Ceremony in December 2010 and the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2011.[8] Such arbitrary restrictions on personal liberty, freedom of expression, and freedom of peaceful assembly and association contravene the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as China's Constitution and domestic laws.[9]

Pretrial Detention and Prisons: Torture and Abuse in Custody

Although the Chinese government formally outlawed torture in 1996 with amendments to the PRC Criminal Procedure Law and the PRC Criminal Law,[10] torture and abuse by law enforcement officers remain widespread. In November 2008, the UN Committee against Torture (UNCAT) stated it "remains deeply concerned about the continued allegations . . . of routine and widespread use of torture and ill-treatment of suspects in police custody, especially to extract confessions or information to be used in criminal proceedings."[11] Although China objected to the UNCAT report's findings in its November 2009 followup report, in October 2010, UNCAT submitted a letter to the Chinese government requesting clarification on issues including the legal safeguards to prevent torture, the harassment of lawyers and rights defenders, and the lack of statistical information related to torture.[12]

During this reporting year, the Commission observed multiple reports in which public security officials allegedly employed various torture measures, including beatings, electric shock, cigarette burnings, and sleep deprivation.[13] In January 2011, the Guardian reported on the December 2010 death of local police chief Xie Zhigang in Benxi city, Liaoning province, who reportedly died from a heart attack within a day of his detention. Xie's wife disputed the police account and claimed Xie died as a result of torture, stating, "There were bruises all over [Xie's] body, and deep scars on his wrist and ankles. Five of his ribs were broken."[14] In March 2011, human rights lawyer Zhang Kai released a video of Qian Chengyu, a witness to the murder of village leader and petitioner Qian Yunhui. In the February 2011 video, Qian Chengyu described how public security officials beat him for five hours and deprived him of sleep for thirty hours and explained that the injuries prevented him from standing for a month.[15]

In response to a spate of high-profile suspicious deaths and increased public scrutiny since 2009, Chinese law enforcement agencies reportedly have ordered an overhaul of prisons and detention centers. In 2009 and 2011, Chinese agencies released various guidelines intended to improve oversight responsibilities and enhance supervision of detainees in detention centers.[16] In early 2011, the Ministry of Public Security reportedly delivered a draft revision of the Detention Regulations, the first revision since the Detention Regulations were enacted in 1990.[17] In February 2011, Xinhua reported that in a nationwide campaign to improve oversight of detention centers, prosecutors found 2,207 detention center "bullies" and prosecuted 123 suspected crimes.[18] In a March 2011 China News Weekly interview, Sun Qian, Deputy Procurator-Gen-

eral of the Supreme People's Procuratorate, said that abnormal deaths in recent years had "exposed problems in prison administration law enforcement" and had resulted in reportedly "thorough" official investigations into prisons and detention centers.[19]

Arrest and Trial Procedure Issues

ACCESS TO COUNSEL

The right to legal counsel in criminal trials is not a guaranteed legal right for all defendants in China, even though the PRC Criminal Procedure Law (CPL) and the PRC Lawyers Law provide guidelines for legal representation in criminal trials.[20] Chinese law grants all criminal defendants the right to hire an attorney, but only guarantees legal defense if the defendant is a minor, faces a possible death sentence, or is blind, deaf, or mute. Although the Chinese government has increased funding for legal assistance in recent years, most criminal defendants approach the legal system without access to legal assistance. [For more information on developments in China's legal aid system, see Section III—Access to Justice.] This remains counter to provisions under Article 14(3)(d) of the International Covenant on Civil and Political Rights, which grant the right to defend oneself in person or through legal assistance.[21]

Chinese criminal defendants face two primary obstacles—referred to on occasion as the "two lows" (*liang di*)—in securing criminal defense counsel: The low rate of active representation by lawyers in criminal cases and the low quality of criminal defense.[22] Most Chinese defendants confront the criminal process without the assistance of an attorney.[23] According to a February 2011 Beijing Review article, a professor at China University of Political Science and Law noted that 80 to 90 percent of criminal defendants in China are unable to hire a lawyer.[24] In addition, the higher proportion of risks associated with criminal defense work—as compared with those of civil and commercial work—continues to impact the quality of criminal representation.[25] In recent years, lawyers have been illegally detained, criminally punished, beaten, summoned, and disbarred for performing their legal responsibilities.[26]

Chinese lawyers also remain vulnerable to prosecution under Article 306 of the PRC Criminal Law (commonly referred to as the "lawyer-perjury" statute), a legal provision on evidence fabrication that specifically targets criminal defense attorneys.[27] While harassment of lawyers takes many forms in China, from prosecution for corruption to threats and physical violence, a disproportionately high number of such cases involve charges of evidence fabrication.[28] Many evidence fabrication cases are brought under Article 306, which makes it a crime for defense attorneys or other defense agents to "destroy or forge evidence, help any parties destroy or forge evidence, or coerce or entice witnesses into changing their testimony in defiance of the facts or giving false testimony."[29] Because of the risks presented by Article 306, most defense attorneys reportedly engage in passive defense: they focus on finding flaws and weaknesses in the prosecutors' evidence rather than actively collecting evidence or conducting their own investigations.[30] Chinese criminal defense lawyers acknowledge that the threat of Arti-

cle 306 of the PRC Criminal Law—also commonly referred to as "Big Stick 306"—gives prosecutors "unlimited power" to intimidate lawyers and derail criminal defense work.[31]

Specific cases involving Article 306 of the PRC Criminal Law continued to be featured prominently in national Chinese news and in ongoing debates over Article 306. In June 2011, for instance, leading Chinese scholars and lawyers criticized the high profile case against four criminal defense lawyers—Yang Zaixin, Yang Zhonghan, Luo Sifang, and Liang Wucheng—in Beihai city, Guangxi Zhuang Autonomous Region.[32] The four criminal defense attorneys were representing criminal suspect Pei Jinde, accused in a murder trial, when the testimonies of three defense witnesses challenged the prosecution's case.[33] Authorities later detained the four attorneys on suspicion of committing "witness tampering" under Article 306 and arrested the defense witnesses, who were indicted on perjury charges. On June 28, 2011, public security officials formally arrested rights lawyer Yang Zaixin on suspicion of violating Article 306.[34] The three remaining criminal defense lawyers were reportedly released on bail pending trial on suspicion of similar charges.[35] In July 2011, China University of Political Science and Law Professor Chen Guangzhong told Oriental Outlook Magazine that the formal arrest of Yang Zaixin was "wrongful" and that, based on disclosed information, the four lawyers were fulfilling their professional obligations.[36] In July 2011, the Global Times, which operates under the official People's Daily, reported that more than 30 unidentified persons attacked lawyers from Beijing municipality and Shandong and Yunnan provinces who had travelled to Beihai to represent lawyer Yang Zaixin.[37] According to the Global Times article, the assailants reportedly demanded the lawyers not represent client Yang and that they leave immediately.[38]

Chinese legal scholars this past year continued to urge revision of the PRC Criminal Procedure Law, which is reportedly on the National People's Congress agenda, to address the problem of Article 306 and other longstanding issues related to criminal defense counsel. Such longstanding issues include the commonly referred to "three difficulties" (*san nan*) of criminal defense: Gaining access to detained clients, reviewing the prosecutors' case files, and collecting evidence.[39] Although authorities amended the 2008 PRC Lawyers Law to address these issues, inconsistencies between the PRC Lawyers Law and the 1997 PRC Criminal Procedure Law remain. In January 2011, several criminal defense lawyers, interviewed by the Legal Weekly, expressed growing frustrations over limitations within criminal defense work. In addition to the widely discussed "three difficulties," prominent Beijing criminal defense lawyer Xu Lantang raised "ten difficulties"—including the difficulty of getting witnesses to appear in court, the difficulty of getting a hearing for trial on appeal, and the difficulty of participating in the death penalty review process.[40] According to the article, criminal defense lawyers' primary obstacle is having innocence claims accepted by people's courts.[41] A January 2011 Legal Daily article said that the challenges to successfully representing criminal defendants have led to a decline in the rate of legal representation of criminal defendants in China.[42]

FAIRNESS OF CRIMINAL TRIALS

Chinese lawyers and criminal defendants continue to face numerous obstacles in ensuring the application of the right to a fair trial. Although judicial independence is enshrined in the 1997 PRC Criminal Procedure Law, Chinese judges regularly receive political guidance on pending cases, including instructions on how to rule, from both the government and the Communist Party.[43] Closed trials, undue political influence, and a lack of transparency in judicial decisionmaking remain commonplace within the justice system. For criminal suspects that reach the trial stage, the likelihood of a guilty verdict is great. According to 2010 official statistics from the Supreme People's Court, the conviction rate for criminal cases was 98.12 percent.[44] Chinese officials routinely sentence defendants in trials that fall far short of fair trial standards set forth in the International Covenant on Civil and Political Rights.[45]

During this reporting year, the Commission has observed several notable cases in which Chinese judicial authorities failed to provide transparency and uphold defendants' fair trial rights in accordance with domestic and international law. In March 2011, for instance, the Suining Intermediate People's Court in Sichuan province sentenced democracy advocate Liu Xianbin, a signatory to Charter 08 (a treatise advocating political reform and human rights), to 10 years' imprisonment for "inciting subversion of state power."[46] Authorities reportedly denied Liu access to a lawyer for months, which appeared to contravene protections in the PRC Lawyers Law.[47] [For more information about Liu Xianbin, see Section III—Institutions of Democratic Governance.] In August 2011, the Chaoyang District People's Court in Beijing city tried rights advocate Wang Lihong for "creating a disturbance" in connection with her role in organizing a protest outside of a Fujian province courthouse on April 16, 2010.[48] It was not until March 2011, nearly 12 months after the protest, that Chinese authorities criminally detained Wang.[49] At Wang's own trial in August, Wang's criminal defense lawyer, Han Yicun, maintained that the trial was "unfair," since the judge interrupted Wang's final statement and did not permit defense attorney Han to finish his defense statement.[50] In addition, the criminal defense attorneys were unable to photocopy court documents or present arguments before the indictment.[51] In September, the court sentenced Wang to nine months in prison for "creating a disturbance."[52] Additionally, in the past year, the UN Working Group on Arbitrary Detention released Opinion No. 15/2011, which found that the December 2009 criminal case against prominent intellectual Liu Xiaobo "was organized in [a] way which constitutes a breach of fairness."[53]

In June 2010, two regulations took effect that prohibit convictions based on illegally obtained evidence.[54] According to a November 2010 Oriental Outlook Weekly article, however, fewer than 20 percent of lawyers surveyed had used the regulations, and many alleged that the regulations lacked enforceability.[55] In January 2011, a Procuratorial Daily article addressed the reasons behind enforcement obstacles and why the implemented guidelines lack force.[56] The article noted that the evidence regulations "possess their own

inherent flaws," "easily result in different interpretations," and suffer from the prejudices of judicial officials.[57]

Human Rights Lawyers and Defenders

Amid a broad crackdown against human rights advocates that began in February 2011, authorities in Beijing municipality and Guangzhou city, Guangdong province, detained at least five prominent human rights lawyers in late February or early March 2011, including Teng Biao, Tang Jitian, Jiang Tianyong, and Tang Jingling.[58] Chinese officials detained other human rights lawyers, such as Li Fangping and Li Xiongbing, for briefer periods in April and May 2011.[59] In at least some instances, authorities required those released to sign "letters of guarantee."[60] According to one unnamed human rights lawyer, the "letters" required that those released guarantee not to commit certain acts, including criticizing the Communist Party, participating in training by overseas organizations, and communicating with overseas organizations.[61] As a result, released human rights lawyers declined to speak to the media about their detentions.[62]

The following are examples from the past year of official mistreatment of Chinese human rights lawyers and defenders.

- In February 2011, security officials in Shandong province reportedly beat self-trained legal advocate Chen Guangcheng and his wife Yuan Weijing. The reported beatings followed the couple's covert recording of video footage in which they described the official surveillance, intimidation, harassment, and abuse their family has endured since Chen's release from prison after serving his full sentence on September 9, 2010.[63]
- In April 2011, Beijing-based human rights lawyer Jin Guanghong disappeared amid a number of apparently politically motivated disappearances.[64] After a Beijing psychiatric hospital reportedly released Jin 10 days later, he was in an "extremely weak physical and mental state."[65] Jin alleged he was beaten and vaguely recalled receiving injections while tied to a bed.[66] He was unable to fully recall the circumstances surrounding his detention.[67] In recent years, Jin had defended a member of the banned Falun Gong spiritual movement in Guangzhou city, Guangdong province, and had participated on the legal defense team in a high-profile 2010 criminal defamation case in Fujian province.[68] [For more information on conditions for Falun Gong practitioners, see Section II—Freedom of Religion—Falun Gong.]
- In April 2011, public security officials in Beijing detained housing rights advocate and former lawyer Ni Yulan on suspicion of "creating a disturbance."[69] The criminal detention of Ni and the disappearance of her husband followed months of police harassment, which included surveillance and disruptions in their electricity, water, and Internet services.[70] Ni is confined to a wheelchair reportedly due to chronic medical conditions and alleged official torture suffered over the past decade.[71]

In 2011, Chinese authorities have continued to pressure human rights lawyers who take on sensitive cases by denying annual pro-

fessional license renewals during the "annual inspection and assessment process" (*niandu jiancha kaohe*), which justice departments throughout the country completed in July 2011.[72] Lawyers that participate in politically "sensitive" cases—including those involving workers' rights, religious freedom, and political reform—frequently fail to have their professional licenses renewed during the annual assessment.[73] As of mid-July 2011, justice departments failed to renew the professional licenses of at least four human rights lawyers, including Liu Xiaoyuan, Cheng Hai, Li Jinglin, and Li Baiguang.[74] In July 2011, a Caijing article reported that some lawyers viewed the annual assessment system as a "tool to suppress disobedient lawyers."[75] The article claimed that prominent rights lawyer Liu Xiaoyuan failed to pass the 2011 "annual inspection and assessment process" as a result of offending officials.[76] In a subsequent posting on his personal blog, however, Liu denied offending any individuals prior to failing to have his professional license renewed.[77]

The whereabouts and condition of prominent human rights lawyer Gao Zhisheng, who angered Chinese authorities by exposing human rights abuses and representing marginalized citizens and religious practitioners, remain unknown. Weeks after reportedly reappearing publicly in late March 2010, Gao "disappeared" again in mid-April 2010.[78] In January 2011, the Associated Press released information from an April 2010 interview with Gao in which he confirmed being tortured extensively during detention.[79] In February 2011, Freedom Now, a U.S.-based non-governmental organization that represents individual prisoners of conscience, publicly released a November 2010 statement from the UN Working Group on Arbitrary Detention in which the UN agency demanded the Chinese government "proceed to an immediate release of [Gao] and provide for reparation of the harm caused as a result of his situation."[80]

Arbitrary Detention

Arbitrary detention in China takes many forms and continues to be widely used by Chinese authorities to quell local petitioners, government critics, and rights advocates. Among the forms of arbitrary extralegal and illegal detention are:

- "enforced disappearances";
- "soft detention" (*ruanjin*), a range of extralegal controls under which individuals may be subjected to home confinement, surveillance, restricted movement, and limitations on contact with others;
- reeducation through labor, an administrative detention of up to four years for minor offenses;
- "black jail" (*hei jianyu*) detentions; and
- forcible detention in psychiatric hospitals for non-medical reasons.

"*Shuanggui*," another form of extralegal detention, is used by the Communist Party for investigation of Party members, most often in cases of suspected corruption. The UN Working Group on Arbitrary Detention (UNWGAD) defines the deprivation of personal liberty to be "arbitrary" if it meets one of the following criteria: (1) There is

no clear legal basis for the deprivation of liberty; (2) an individual is deprived of his liberty for having exercised rights guaranteed under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR); or (3) there is grave non-compliance with fair trial standards set forth in the UDHR and other international human rights instruments.[81] In addition, many forms of arbitrary detention also appear to contravene protections within China's Constitution and domestic laws.[82] In this past year, for example, UNWGAD issued two opinions declaring that the Chinese government's imprisonment of prominent intellectual Liu Xiaobo and house arrest of his wife Liu Xia contravene the UDHR and amount to arbitrary detentions. The opinions call on Chinese officials to immediately release Liu Xiaobo, immediately end Liu Xia's house arrest, and provide reparations to both persons.[83]

ENFORCED DISAPPEARANCES

During the 2011 reporting year, the Commission observed numerous reported cases of Chinese citizens who went "missing" or "disappeared" into official custody with little or no information about their whereabouts or potential charges against them. In an April 8, 2011, press release, the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID) expressed "serious concern at the recent wave of enforced disappearances that allegedly took place in China over the last few months," adding that it had received "multiple reports of a number of persons having [been] subject to enforced disappearance . . . ."[84] Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance defines "enforced disappearance" as follows: "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."[85] In late May, Chinese Human Rights Defenders reported that at least 22 prominent Chinese rights advocates—including well-known artist and public advocate Ai Weiwei, petitioner Zhou Li, and writer Gu Chuan—had been subjected to enforced disappearances, some for as long as 70 days.[86] In June, UNWGEID issued a press release expressing "serious concern" over all persons subjected to enforced disappearance in China, including the 300 Tibetan monks whom security personnel allegedly removed from Kirti Monastery, Aba county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province, on April 21, 2011.[87]

Draft Amendment to the PRC Criminal Procedure Law

In August 2011, the National People's Congress Standing Committee (NPCSC) reviewed a draft amendment to the PRC Criminal Procedure Law (CPL), which includes 99 amendments to the current CPL.[88] Chinese state-run media has reported that any revised draft amendment approved by the NPCSC will likely be deliberated upon and passed by the plenary session of the National People's Congress in March 2012.[89]

According to state-run media reports, legal scholars have said the CPL draft revisions "will help improve the protection of criminal suspects' human rights"[90] and have said the draft amendment complies with international standards.[91] The CPL draft amendment includes revisions that would aim to prohibit forced self-incrimination,[92] and bar collecting evidence obtained through torture.[93] The draft amendment explicitly states that Chinese criminal defense attorneys are not to be monitored when meeting criminal defendants in custody.[94]

International organizations and news media outlets have raised concerns that specific amendment revisions, however, would legalize the current practice of forcibly "disappearing" rights advocates in violation of international standards.[95] The revisions allow Chinese police, in cases involving national security, terrorism, or major instances of bribery, to keep criminal suspects under residential surveillance at a fixed location outside of their homes, with approval from an upper level procuratorate or security organ, for up to six months, if keeping them at their homes would likely "hinder an investigation."[96] The revisions also would permit Chinese police to withhold information about this form of "house arrest" in the case of suspected state security or terrorism cases, if they believed that notifying relatives, as normally required, could "hinder the investigation."[97] Under the International Convention for the Protection of All Persons from Enforced Disappearance, a state commits a crime of enforced disappearance when its agents arrest, detain, abduct, or otherwise deprive a person of liberty and then deny holding the person or conceal the fate or whereabouts of the person.[98] Chinese lawyers and media organizations have also criticized these provisions for having the potential to undermine human rights protections.[99] In September 2011, for instance, an editorial in the official newspaper China Daily acknowledged potential loopholes: "For one thing, the crime of endangering state security is a vague and sprawling conception. Without proper definition and limitations, it is highly vulnerable to abuse. The impossibility of notification and the possibility of impeding investigations are even harder to define and clarify."[100]

"SOFT DETENTION" AND CONTROL

During this reporting year, the Commission noted various reports of law enforcement authorities continuing to use "soft detention" (*ruanjin*) to control and intimidate Chinese citizens.[101] Those under "soft detention" may be subject to various forms of harassment, including home confinement, surveillance, restricted movement, and limited contact with others.[102] The "soft detention" that numerous human rights defenders, advocates, and their family members are subjected to has no basis in Chinese law and constitutes arbitrary detention under international human rights standards.

In the period surrounding the Nobel Peace Prize award ceremony in late 2010, Chinese authorities used "soft detention" measures on more than 100 prominent human rights advocates and associates of 2010 Nobel Peace Prize award recipient Liu Xiaobo.[103] The Commission also noted that in 2011, authorities placed many rights defenders under "soft detention" after releasing them from official custody. The following are some notable "soft detention" cases from the past year:

- From October 2010 to December 2010, state security officials in Wuxi city, Jiangsu province, and Beijing municipality held Ding Zilin, a representative of the Tiananmen Mothers (an advocacy organization of 1989 Tiananmen protest victims' relatives), and her husband Jiang Peikun under "soft detention" for a period of 74 days. The couple was unable to access all forms of communication and unable to contact relatives, friends, and fellow rights advocates.[104]
- In February 2011, a publicly released homemade video of legal advocate Chen Guangcheng showed Chen and his family under "soft detention" in Dongshigu village, Linyi city, Shandong province.[105] Chen and his family have been under "soft detention" since September 2010, when he completed a 51-month sentence for disturbing public order and destroying public property.[106]
- In April 2011, public security officers reportedly placed Jin Tianming, a Protestant pastor, and 500 members of the Shouwang Church in Beijing under "soft detention" after several outdoor worship services organized by the Shouwang Church.[107]

REEDUCATION THROUGH LABOR (RTL)

Public security officers continued to use the reeducation through labor (RTL) system to silence critics and to circumvent the criminal procedure process. RTL is an administrative measure that allows Chinese law enforcement officials to order Chinese citizens, without legal proceedings or due process, to serve a period of administrative detention of up to three years, with the possibility of up to one year extension.[108] While the Bureau of Reeducation Through Labor Administration maintains that the RTL system has been established "to maintain public order, to prevent and reduce crime, and to provide compulsory educational reform to minor offenders,"[109] authorities frequently use RTL to punish, among others, dissidents, drug addicts, petitioners, Falun Gong adherents, and religious practitioners who belong to religious groups not approved by the government.[110]

During this reporting year, the Commission observed numerous accounts of RTL orders violating the legal rights of Chinese citizens, specifically their right to a fair trial and right to be protected from arbitrary detention. In November 2010, an RTL committee in Henan province ordered rights defender Cheng Jianping (who uses the pseudonym Wang Yi) to serve one year of RTL. Authorities alleged that Cheng "disturbed social order" when, in October 2010, she re-tweeted a Twitter message from her fiancé regarding anti-Japanese protests following a fishing incident between China and Japan in disputed waters.[111] The tweet was reportedly satirical in

tone and urged demonstrators to protest at the Japanese pavilion at the Shanghai 2010 World Expo.[112] In March 2011, Chinese authorities ordered rights advocate Yang Qiuyu to serve two years of RTL for "creating a disturbance."[113] The RTL order claimed that Yang had "incited" petitioners to go to Tiananmen Square, Wangfujing Street, and other locations in Beijing to cause "trouble."[114] In July 2011, Shanghai authorities released Shanghai petitioner Mao Hengfeng after she served 18 months of RTL for "disturbing the social order."[115] According to her husband Wu Xuewei, Mao was subjected to physical and mental torture while serving her RTL order.[116] After her release, Wu said that Mao, who arrived home in a wheelchair, was unable to speak and did "not have the strength to walk."[117] Mao was initially released on medical parole in February 2011, but officials detained Mao again two days later for unspecified "illegal activities."[118]

Human rights advocates and legal experts in China have been calling for an end to RTL for decades. In August 2010, on the eve of the 53rd anniversary of the establishment of China's RTL system, a number of Chinese scholars, lawyers, and advocates publicly released a "civil rights advocacy letter" calling on the government to immediately abolish the "Decision of the State Council Regarding the Question of Reeducation Through Labor" and other administrative regulations that form the legal basis for RTL.[119] The letter stated that current RTL provisions that permit detention without a judicial trial are unconstitutional and violate Chinese domestic laws and regulations, including the PRC Legislation Law and the PRC Administrative Punishment Law.[120] In February 2011, the advocates reportedly planned to send the signed letter, with over 1,000 signatures, to the National People's Congress Standing Committee.[121]

"BLACK JAILS": SECRET DETENTION FACILITIES

Chinese authorities continued to use "black jails" (*hei jianyu*)—secret detention sites established by local officials—to detain and punish petitioners who travel to Beijing and provincial capitals to voice complaints and seek redress for injustices.[122] Those detained are denied access to legal counsel and often denied contact with family members or associates.[123] A December 2010 Human Rights Watch report detailed conditions for prisoners in "black jails": "Once detained, petitioners are subjected to abuses including physical and sexual violence, food and sleep deprivation, denial of medical care, and intimidation."[124] [For more information about China's petitioning, or *xinfang* (letters and visits), system, see Section III—Access to Justice.]

In recent years, the Commission has observed reports by international and domestic Chinese media organizations on "black jails," as well as on the network of personnel that intercept and abuse petitioners.[125] In one prominent example of domestic reporting, in September 2010, the Southern Metropolitan Daily reported on a private security company, Anyuanding, which was accused of assisting local governments in abducting and detaining petitioners in "black jails."[126] The New York Times reported in late September 2010 that the "system of interceptors and black jails has flourished in recent years," as Chinese petitioners have sought official redress

in the face of illegal land grabs, official misconduct, and other injustices.[127] In April 2011, the Southern Metropolitan Daily reported on the experiences of Sun Yinxia and two individuals forcibly detained in a "black jail" in Sihong county, Jiangsu province, after refusing to sign an agreement allowing the local government to demolish their houses without adequate compensation.[128] Village and township leaders reportedly watched as unidentified guards forcibly detained the "nail household"[129] residents, who reportedly were later "beaten," "sexually harassed," and tortured during their 12 days of detention.[130] According to the article, local residents said that local officials had detained nearly 200 people in the "black jail" since it opened in 2006.[131] In August 2011, Chinese media reported on a "black jail" in Changping district, Beijing municipality, after a petitioner surnamed Zhou revealed information about her four-day detention.[132] According to the Beijing News, several "black jail" "retrievers" forcibly detained Zhou after she visited a local government office in Beijing.[133] The "black jail" personnel reportedly held Zhou and more than 50 detainees in tight quarters without beds, depriving the detainees of their mobile phones and beating some who resisted the detention center management. Zhou said that the detainees, from several provinces, had been forcibly detained or lured into detention.[134]

SHUANGGUI: EXTRALEGAL INVESTIGATORY DETENTION OF COMMUNIST PARTY MEMBERS

During this reporting year, the Commission continued to observe Chinese media reporting on the Communist Party's use of *shuanggui* (often translated as "double regulation" or "double designation"), a form of extralegal detention that involves summoning Party members under investigation to appear at a designated place at a designated time.[135] Notable cases of high-ranking officials placed under *shuanggui* included: Liu Xiquan, a deputy head of Beijing's Chaoyang district;[136] Zhang Wanqing, Shandong Provincial People's Government Secretary-General;[137] and Zhang Rui, a deputy director at the Department of Exchequer in the Ministry of Finance.[138] *Shuanggui* investigations often precede formal Party disciplinary sanctions or the transfer of suspects to law enforcement agencies if there has been a violation of the criminal law.[139] The investigations at undisclosed locations usually last several months, and officials may extend the investigations for over a year.[140] Those under investigation are "generally held incommunicado and denied some of the protections to which criminal suspects are entitled at least in principle."[141]

Legal Scholar Questions Anti-Crime Campaign's Excesses

This past year, authorities in Chongqing municipality, Sichuan province, continued a massive, public "anti-crime" sweep (known in Chinese as "striking organized crime and uprooting evil" [*dahei chu'e*]) of criminal syndicates and corrupt officials that netted thousands of arrests and raised various concerns about judicial independence and procedural rights.[142] In an April 2011 public letter, circulated widely, Beijing-based human rights advocate and university professor He Weifang compared the "movement-style" campaign to the turbulent period of the Cultural Revolution.[143] Of the campaign, He writes, "the Cultural Revolution is being replayed, and the ideal of rule of law is right now being lost."[144] He publicly questioned the lack of independent adjudicative and prosecutorial powers and criticized the public security agencies' emphasis on order above all.[145]

Medical Parole

During this reporting year, Chinese authorities denied medical parole and adequate medical treatment to prisoners, particularly human rights advocates. The U.S. State Department observed in its report on China's human rights situation for 2010 that "[a]dequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment."[146] In January 2011, Zeng Jinyan, a rights advocate and the wife of human rights defender Hu Jia, applied for medical parole on behalf of Hu, who suffers from hepatitis and cholelithiasis.[147] As was the case with previous requests, authorities denied the appeal for medical parole, despite Hu's deteriorating condition.[148] The Commission noted at least one case where untimely medical parole release had likely contributed to a decline in a prisoner's medical condition. In December 2010, rights advocate Zhang Jianhong, who wrote under the pen name Li Hong, died after being released on medical parole on June 5, 2010.[149] Authorities had repeatedly denied Zhang medical parole, which resulted in an apparent worsening of his condition.[150]

In addition, authorities appeared to use medical parole as a measure to silence rights advocates and defenders. In December 2010, authorities released rights advocate Zhao Lianhai, the head of an advocacy group for parents of children sickened by melamine-tainted milk, on medical parole.[151] Some supporters, however, feared that Zhao's release was intended to keep him silent.[152] In April 2010, Zhao reportedly broke this public silence to comment on the broad crackdown on rights advocates and to detail the intense pressure he and his family were living under.[153] Police reportedly then threatened to rescind Zhao's medical parole if he continued to comment on the treatment of human rights advocates.[154] In February 2011, Shanghai authorities terminated the medical parole release of Shanghai petitioner Mao Hengfeng, two days after her release from a reeducation through labor (RTL) center.[155] Although authorities cited "illegal activities inconsistent with [the stipulations of] medical parole" as the rationale, they reportedly did not specify the alleged "illegal activities."[156] Mao reportedly suffered torture and ill treatment throughout her RTL detention.[157]

Capital Punishment

During this reporting year, the Chinese government maintained its policy of not releasing details on the thousands of prisoners reportedly executed annually and continued to keep information on the death penalty a state secret. Chinese officials also maintained the stated goal of limiting the number of executions. In March 2011, for instance, Supreme People's Court (SPC) President Wang Shengjun emphasized the state policy of "strictly controlling and carefully applying the death penalty" and urged "improving the death penalty review process" in his report to the annual session of the National People's Congress.[158] In May 2011, the SPC stated in its annual 2010 work report that courts should suspend death sentences for two years, if the criminal circumstances do not require an "immediate execution."[159] On February 25, 2011, the National People's Congress Standing Committee (NPCSC) passed the eighth amendment to the PRC Criminal Law, which reduced the number of crimes punishable by the death penalty from 68 to 55.[160] As the revision was the first time the Chinese legislature reduced the number of crimes subject to capital punishment since enacting the PRC Criminal Law in 1979, the country's official media heralded the reform as a step "to restructure its penalty system and better protect human rights."[161] In an August 2010 Southern Weekend article on the then proposed amendment, a member of the National People's Congress Legal Committee pointed out that authorities rarely, if ever, applied the death penalty for the 13 crimes under consideration for reclassification as non-capital offenses.[162]

FREEDOM OF RELIGION

Introduction

The Chinese government continued in the Commission's 2011 reporting year to restrict Chinese citizens' freedom of religion. China's Constitution guarantees freedom of religious belief but limits protections for religious practice to "normal religious activities,"[1] a term applied in a manner that falls short of international human rights protections for freedom of religion.[2] The government continued to recognize only five religions—Buddhism, Catholicism, Islam, Protestantism, and Taoism—and required groups belonging to these religions to register with the government. Registered groups received some legal protection for their religious activities but remained subject to ongoing state controls. Members of both unregistered groups and registered groups deemed to run afoul of state-set parameters for religion faced risk of harassment, detention, and other abuses. Some unregistered groups had space to practice their religions, but this limited tolerance did not amount to official recognition of these groups' rights. Authorities also shut down the activities of some unregistered groups and maintained bans on other religious or spiritual communities, including Falun Gong.

Despite the Chinese government's stated commitment to promoting internationally recognized human rights, it has not committed to promoting religious freedom in line with international human rights standards. The Chinese government's 2009–2010 National Human Rights Action Plan, which was "framed . . . in pursuit of . . . the essentials of the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights," affirmed the government's existing framework of control over religion.[3] A September 2010 State Council Information Office white paper, which described China's human rights progress in the previous year, addressed a range of civil, political, economic, social, and cultural rights, but made no reference to religion.[4] The State Administration for Religious Affairs' goals for 2011 called for further institutionalizing existing controls and mobilizing religious communities to promote doctrine that advances state-defined notions of "social harmony."[5]

The government continued to use law to control religious practice in China rather than protect the religious freedom of all Chinese citizens, accelerating efforts in the past year to revise or pass new legal measures. The State Administration for Religious Affairs (SARA) issued measures for the management of Tibetan Buddhist monasteries in September 2010, effective in November 2010, that stipulate more extensive controls over these religious venues.[6] [See Section V—Tibet for more information.] In January 2011, SARA announced it would issue new legal measures (*banfa*) and provisions (*guiding*) during the year on managing the "collective religious activities" of foreigners in China; on certifying teacher qualifications; on granting degrees at religious schools; and on managing religion-related foreign affairs.[7] It also described plans to begin drafting measures for the management of religious schools and of Muslims' pilgrimage to Mecca (Hajj).[8] The planned measures, like others passed in recent years, build on provisions in the Regulations on Religious Affairs (RRA), which took effect in March 2005.[9]

Recent legal measures have added more clarity to ambiguous provisions in the RRA but also have articulated more detailed levels of control. In addition, while such legal measures, along with the RRA, have provided limited protections for the activities of registered religious communities—such as establishing venues for worship and holding property—they exclude unregistered groups from these benefits, leaving their activities and possessions vulnerable to official abuses.[10]

Buddhism (Non-Tibetan)

During the Commission's 2011 reporting year, the Chinese government and Communist Party maintained a restrictive framework for controlling the doctrine, practices, worship sites, and religious personnel of Buddhists in non-Tibetan areas.[11] [For more information on conditions for Tibetan Buddhists, see Section V—Tibet.] State-controlled "patriotic religious organizations"[12] monitor and control the doctrine, practices, property, and personnel of each of China's five recognized religions, and the Buddhist Association of China (BAC) continued to monitor, control, and restrict the religious activities of Buddhists.

CONTROLS OVER BUDDHIST DOCTRINE AND PRACTICE

This past reporting year, the government and Party continued to control Buddhist doctrine and practices to conform them to government and Party goals. Local governments and Buddhist associations throughout China continued to call for government and Party controls over Buddhists.[13] For example, the Shanxi Provincial Buddhist Association reportedly called on Buddhists to recognize Communist Party doctrine, implement the Party's basic policy on religion, and demonstrate allegiance to China and to socialism, among other goals.[14] China's State Administration for Religious Affairs (SARA) called for authorities to "lead" Buddhists to hold Buddhist scripture reading events based on the government-dictated theme of "purity and harmony,"[15] and local authorities and Buddhist associations held events that echoed this theme.[16] Local governments continued to restrict Buddhist practices by calling for the removal of practices that authorities deemed to be "superstitious" or "feudal."[17] Chinese law does not provide clear definitions for these terms,[18] giving authorities the flexibility to arbitrarily restrict the religious practices of Buddhists.

CONTROLS OVER BUDDHIST SITES OF WORSHIP AND RELIGIOUS PERSONNEL

The government and Party continued to impose political goals on the management of Buddhist sites of worship and personnel. Government sources continued to call for the construction of "harmonious temples, mosques, and churches,"[19] and during a March 2011 interview with the central government news agency Xinhua, BAC head Master Chuanyin said a December 2010 event that focused on this theme "aroused the positive nature of making contributions to economic and social development" for Buddhists.[20] The Regulations on Religious Affairs conditions the construction of sites of worship on government oversight,[21] and local authorities

throughout China continued to call for restrictions on what authorities often refer to as the "indiscriminate construction of temples and excessive construction of open-air religious statues."[22] In addition, local Buddhist associations throughout China continued to exercise control over the appointment of Buddhist monks and nuns.[23] For example, the Mount Putuo Buddhist Association, in Zhoushan prefecture, Zhejiang province, convened a meeting in late 2010 in which an official from the Jiangsu Provincial Ethnic and Religious Affairs Committee "required" the Mount Putuo Buddhist Association to confirm and put on file the qualifications of Buddhist monks and nuns according to guidance from SARA.[24]

Catholicism

During the Commission's 2011 reporting year, the Chinese government and Communist Party continued to interfere in the religious activities of China's estimated 4 to 12 million Catholics.[25] The state-controlled church continued to deny Catholics in China the freedom to accept the authority of the Holy See to select bishops, and authorities continued to detain and harass some Catholics who practiced their faith outside of state-approved parameters. In addition, authorities forced some bishops to attend a December 2010 national conference of state-controlled church leadership, as well as the ordination ceremonies of two bishops ordained without Holy See approval.

INTERFERENCE WITH RELIGIOUS PERSONNEL AND ACTIVITIES

The government and Party continued to implement a restrictive framework of control over the selection and activities of Catholic religious personnel. Since the 1950s, the government and Party have denied Catholics in China the freedom to accept the authority of the Holy See to select bishops, and the state-controlled church asserts that it has the authority to approve the ordination of bishops in China.[26] Officials have cited the principles of "independence" for Catholics in China and the "autonomous" selection and ordination of bishops as a basis for rejecting the authority of foreign entities (including the Holy See) over the state-controlled church,[27] and China's State Administration for Religious Affairs continued to call for the promotion of these principles in 2011.[28] In some cases, the state-controlled church has allowed discreet Holy See approval of bishops who have also received state-controlled church approval, and this practice continued during this reporting year.[29] Nevertheless, on November 20, 2010, state-controlled church authorities ordained Guo Jincai of Chengde diocese,[30] Hebei province, the first ordination of a Catholic bishop in China without Holy See approval since November 2006. Authorities reportedly forced some bishops to attend the ordination, including Li Liangui of the Cangzhou diocese, Hebei.[31] In July 2011, authorities in Shantou city, Guangdong province, took bishops Liang Jiansen, Liao Hongqing, Su Yongda, and Gan Junqiu into custody[32] and reportedly forced them to attend the ordination ceremony of Huang Bingzhang, another bishop ordained without Holy See approval.[33]

The government continued to interfere in the affairs of some unregistered bishops and their congregations this past year. For ex-

ample, authorities in Gonghui town, Zhangbei county, Zhangjiakou city, Hebei province, reportedly restricted access to the town after the March 9, 2011, death of unregistered bishop Hao Jinli[34] in order to prevent large numbers of Catholics from traveling there to pay their respects to the bishop.[35]

Authorities also continued efforts to incorporate political themes into Catholic doctrine and education. In November 2010, the Hebei Provincial Ethnic and Religious Affairs Bureau appointed one of its own officials, Tang Zhaojun, to join the leadership of the Hebei Seminary and teach classes on ideology and politics.[36] Students at the seminary demonstrated soon thereafter,[37] and the seminary appointed new leadership in January 2011.[38] Honorary chairman Liu Bainian[39] of both the Catholic Patriotic Association (CPA)—which manages the state-controlled church on behalf of the government and Party[40]—and the Bishops Conference of the Catholic Church in China (BCCCC)—which approves the selection of bishops in China[41]—said in a March 2011 interview that "[w]hat the church needs is talent who love the country and love religion: politically, they should respect the Constitution, respect the law, and fervently love the socialist motherland."[42]

HARASSMENT AND DETENTION

The government and Party continued to harass and detain unregistered Catholics who practiced their faith outside of state-approved parameters. At least 40 unregistered Chinese bishops are in detention, home confinement, or surveillance; are in hiding; or have disappeared under suspicious circumstances.[43] Some have been missing for years, such as unregistered (or "underground") bishops Su Zhimin and Shi Enxiang, whom public security officials took into custody in 1996 and 2001, respectively.[44] Authorities targeted other Catholics more recently. For example, on April 8, 2011, public security officials in Beijing municipality reportedly took into custody Beijing-based unregistered priest Chen Hailong in connection with his religious activities.[45] Authorities reportedly took him to a guest house in Yanqing county, Beijing, and then took him to an unknown location on April 9.[46] Authorities reportedly questioned Chen about the location of unregistered bishop Zhao Kexun and then released Chen on July 23, 2011.[47]

BISHOPS FORCED TO ATTEND NATIONAL CATHOLIC CONFERENCE

From December 7 to 9, 2010, the state-controlled Catholic church convened the eighth National Conference of Chinese Catholic Representatives (NCCCR) in Beijing to choose new state-controlled church leaders. Throughout the NCCCR, government and Party leaders emphasized that Catholics in China should practice their religion in conformity with government and Party policies. For example, Jia Qinglin—a member of the Standing Committee of the Political Bureau of the Communist Party Central Committee[48]—described to CPA and BCCCC representatives the Party's efforts to prevent Catholics in China from practicing their faith independent of Party policies: "Religious work is an important component of the work of the Party and the country . . . . [The Party Central Committee] continuously consolidates and develops a patriotic united front between the Party and the religious community."[49]

During the time surrounding the NCCCR, the government denied some bishops the choice to abstain from religious activities that contravene the Holy See's policies. Both the Holy See and some delegates at the NCCCR reportedly alleged that authorities forced some bishops to take part in the NCCCR,[50] following reports that authorities instructed local United Front Work Departments and Ethnic and Religious Affairs Bureaus throughout China to ensure that enough delegates attend.[51] For example, on December 6, 2010, public security officials in Hengshui city, Hebei province, reportedly used force to remove registered bishop Feng Xinmao from the Jing county cathedral in Hengshui to take him to the NCCCR.[52] Shortly before the NCCCR, public security authorities attempted to force bishop Li Liangui to participate, but they could not locate him,[53] and they reportedly told members of his diocese, the Cangzhou diocese, that they would attempt to find him.[54] After Li returned to his diocese on December 17, 2010, authorities reportedly took him to attend a political study session and ordered him to write a letter of apology for his absence.[55] As of January 20, 2011, he reportedly was back at the Cangzhou diocese.[56]

Falun Gong

During the Commission's 2011 reporting year, the Communist Party and Chinese government continued to carry out a campaign—lasting more than a decade[57]—of extensive, systematic, and in some cases violent efforts to pressure Falun Gong practitioners to renounce their belief in and practice of Falun Gong. The government and Party refer to this process as "transformation through reeducation," or simply "transformation," and they are currently in the second year of a three-year, national campaign to increase efforts to "transform" Falun Gong practitioners. In addition, authorities in Guangzhou city, Guangdong province, targeted Falun Gong practitioners during the November 2010 Asian Games, held in Guangzhou. Falun Gong is a spiritual movement based on Chinese meditative exercises called *qigong* and the teachings of its founder, Li Hongzhi.[58] It is difficult to ascertain the number of practitioners in China today, because the movement has been forced underground, but official Chinese sources and Falun Gong sources estimate that tens of millions of Chinese citizens practiced Falun Gong in the 1990s.[59] The Commission tracks information on Falun Gong practitioners detained in connection to their practice of Falun Gong based on public information, which is incomplete, and reports that information in its Political Prisoner Database (PPD). As of September 20, 2011, the PPD contained records of 486 Falun Gong practitioners currently detained, serving prison sentences, or serving reeducation through labor (RTL) terms.[60] Of the 376 serving prison sentences and for whom sentence information is available, the average sentence was approximately 7 years and 7 months.[61]

HARASSMENT, DETENTION, AND "TRANSFORMATION"

This past reporting year, government authorities and the 6–10 Office—an extralegal, Party-run security apparatus created in June 1999 to implement the ban against Falun Gong[62]—continued to take measures to "transform" Falun Gong practitioners in China,[63]

primarily through prisons, RTL centers, and specialized facilities known as "transformation through reeducation centers."[64] For example, in September 2010, public security officials detained 11 Falun Gong practitioners[65] in Laishui county, Baoding municipality, Hebei province, under orders from a 6–10 Office in Baoding and reportedly forced them to participate in "transformation" at a "transformation through reeducation center."[66]

The government and Party also continued to harass and detain people who attempted to assist Falun Gong practitioners, such as family members and lawyers. For example, on February 24, 2011, public security officials in Shijiazhuang city, Hebei province, took into custody Hu Mingliang after he sought legal redress against the Hebei Women's RTL Center.[67] Public security officials there reportedly had sexually assaulted his daughter Hu Miaomiao, a Falun Gong practitioner.[68] The Commission has not observed reports that provide further information on Hu Mingliang's whereabouts. On February 16, 2011, public security officials in Xuanwu district, Beijing municipality, detained human rights lawyer Tang Jitian,[69] whose lawyer's license had been revoked by the Beijing Municipal Justice Bureau in 2010 in connection with his representation of a Falun Gong practitioner in 2009.[70] Authorities reportedly placed Tang under a state described as "house arrest" in March 2011, as of which time he reportedly was suffering from tuberculosis.[71] [For more information on the detention and disappearance of human rights lawyers, see Section II—Criminal Justice.]

PARTY SPEARHEADS CAMPAIGN TO INCREASE EFFORTS TO "TRANSFORM" FALUN GONG PRACTITIONERS

The government and Party are in the second year of a three-year, national campaign to increase efforts to "transform" Falun Gong practitioners. Documents from local governments, Party organizations, and other sources describe a "2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan," a campaign that calls on governments, Party organizations, businesses, and individuals to increase efforts to "transform" Falun Gong practitioners,[72] including allocating more funding to "transformation" work.[73] The campaign is divided into three stages, with themes that include the following:[74]

SELECTED THEMES OF THE "2010–2012 TRANSFORMATION-THROUGH-REEDUCATION ASSAULT AND CONSOLIDATION OVERALL BATTLE WORK PLAN"

Stage	Selected Themes
Stage 1: 2010	• Establishing targets for the campaign • Signing "responsibility agreements" to implement "transformation through reeducation"
Stage 2: 2011	• Training a professional cadre corps and a civil, volunteer "help and education" corps to participate in "transformation" work • "Deeply launching the work of a transformation-through-reeducation assault and consolidation"
Stage 3: 2012	• Developing a long-term mechanism for work to "return to society" Falun Gong practitioners who have renounced their belief in and practice of Falun Gong • Drawing lessons from the experience of the campaign and "establish[ing] and perfect[ing] long-lasting mechanisms for transformation through reeducation work" • Proposing new "transformation through reeducation" duties

The documents indicate that the Party has taken the lead role in initiating and overseeing the campaign. Some cite the October 2007 17th Party Congress as a basis for the campaign,[75] and one states specifically that the 17th Party Congress "put forward a new, higher requirement" in "the work of dealing with cults, including transformation through reeducation."[76] Some note that 6–10 Office authorities at the central, provincial, municipal, and county levels have required local government authorities to participate in the campaign,[77] and one describes "transformation" work as "led by the Party committees, with the cooperation of relevant [government] departments . . . ."[78] That document also refers to "transformation" work as a "test of [the] Party's ability to govern."[79]

The documents also call for the establishment of mechanisms to place greater responsibility for "transformation" work on actors at the local level, such as governments, Party organizations, businesses, and individuals. For example, one document calls on 6–10 Office authorities to sign "responsibility agreements" with various businesses and to assess the "transformation" work of those businesses on a regular basis.[80] In some cases, local governments have established specific, numerical targets. For example, the General Office of the Ruichang Municipal People's Government established the following targets: To reduce by 50 percent the number of people who had not been "transformed" by the end of 2009, and to keep the proportion of "recidivists" and "unstable people" within 10 percent of "transformed" Falun Gong practitioners.[81]

The mechanisms to place greater responsibility at the local level include personalized and, in some cases, invasive measures that reach into the workplaces and homes of Falun Gong practitioners.

For example, one document calls on authorities to "mobilize and organize basic-level Party organizations and mass organizations, form responsibility help and education small groups, and enter the villages and homes [of Falun Gong practitioners] to conduct an educational assault."[82] One document calls on local authorities to require local businesses to establish "transformation-through-re-education assault work small groups" and develop an individual plan to "transform" each employee who has not been "transformed."[83] Three of the documents call on authorities to establish databases of information on Falun Gong practitioners.[84]

ASIAN GAMES

Under the theme of "oppose cults, promote harmony, welcome the Asian Games,"[85] authorities used the 2010 Asian Games as a justification to increase security measures targeted at Falun Gong practitioners (the Asian Games were held in Guangzhou city, Guangdong province, from November 12 to 27, 2010). For example, on August 18, 2010, public security officials in Haizhu district, Guangzhou, criminally detained lawyer and Falun Gong practitioner Zhu Yubiao on suspicion of "using a cult to undermine the implementation of the law,"[86] a crime under Article 300 of the PRC Criminal Law[87] and a charge commonly used against Falun Gong practitioners. The charges reportedly were related to Falun Gong materials that authorities found in Zhu's home during a sweep of Falun Gong practitioners and supporters ahead of the Asian Games.[88] Zhu was last reported to be held at the Haizhu District Public Security Bureau Detention Center.[89] In addition, a November 10, 2010, directive from the Guangzhou Municipal People's Government instructed local authorities to "prevent cult organizations and law breakers, including 'Falun Gong,' from using wireless communications to initiate activities of interference and destruction."[90]

Islam

Chinese authorities maintained tight controls over the affairs of Muslim communities. The state-controlled Islamic Association of China (IAC) continued to regulate the confirmation of religious leaders, content of sermons, and overseas pilgrimages to accord with the Chinese government and Communist Party objectives. In 2011, the IAC marked the 10th anniversary of the establishment of a steering committee to interpret scripture and compile sermons in line with state goals. In an April 2011 speech on the anniversary, Wang Zuo'an, Director of the State Administration for Religious Affairs (SARA), praised the scripture interpretation work for raising the "political caliber" of religious leaders and for promoting "positive positions within Islam that suit social progress." He also described the work as beneficial for "rallying the Muslim masses even more tightly around the Party and government" and called for future work to "even better conform to the needs of our country's social development."[91] In its work plan for 2011, SARA said it would "help" the IAC in its scripture interpretation work and change of leadership.[92]

SARA announced plans in 2011 to draft legal measures on "the management of Hajj work,"[93] building on existing requirements in the national Regulations on Religious Affairs and other documents that regulate pilgrimages.[94] The government requires all pilgrimages to take place under the auspices of the IAC.[95] Participants are subject to "patriotic education" prior to departure and to restrictions on activities within Mecca in a stated effort to guard against contact with "East Turkistan forces" (groups, according to the Chinese government, that seek Xinjiang's independence) and other "enemy forces."[96] An official from SARA reported in October 2010 that authorities had strengthened "education and guidance" toward Muslims and "investigated, prosecuted, and curbed" the activities of "illegal organizations" as part of efforts to stop pilgrimages organized independently of state control.[97]

Local governments maintained bans on Islamic religious activities outside of state-sanctioned parameters. Authorities in multiple localities continued to call for banning "*dawa* preaching activities"—a term apparently used by officials to refer to religious outreach to fellow Muslims, including by foreign groups—and to stop religious "infiltration."[98] Authorities in a neighborhood in Shizuishan municipality, Ningxia Hui Autonomous Region, for example, reported in September 2010 on an "implementation plan" to address "*dawa*" activities and on "educating and leading" cadres and religious believers to distance themselves from and stop "*dawa*" activities and organizations.[99] In Taojiang county, Yiyang municipality, Hunan province, local Islamic association officials reported taking steps to stop "infiltration" by outside missionaries, whose sermons were deemed to "violate" the Quran and state policy, and they reported carrying out "ideological work" toward local Muslims after ordering "*dawa* preachers" to leave the province.[100] In Changde municipality, Hunan province, authorities called for "vigorously performing anti-infiltration stability work" following "illegal proselytizing and infiltration activities" by "backbone members" of "Muslim extremist '*dawa* preaching groups'" and foreign Christian missionaries and reported "appropriately handling" three "infiltration" incidents connected to "*dawa*" groups.[101] In Huangpu district, Guangzhou municipality, Guangdong province, authorities singled out for scrutiny the activities of "Muslims, Tibetan Buddhists, and members of non-mainstream sects" who came to the locality, as part of steps to guard against "foreign infiltration."[102]

ISLAM IN THE XINJIANG UYGHUR AUTONOMOUS REGION

See Section IV—Xinjiang for information on conditions in the Muslim-majority Xinjiang Uyghur Autonomous Region.

Protestantism

During the Commission's 2011 reporting year, the Chinese government and Communist Party continued to implement a restrictive framework for control of the doctrine and practices of China's estimated 20 million or more registered Protestants,[103] who worship in state-sanctioned churches. Unregistered Protestants worship outside state-sanctioned churches; reliable data on the number of unregistered Protestants is difficult to obtain, and estimates

vary widely. Many sources estimate that there are between 50 and 70 million unregistered Protestants,[104] while other estimates range from approximately 45 million to over 100 million.[105] The government and Party continued to harass, detain, and imprison some members of both the registered and unregistered communities who ran afoul of government or Party policy. In addition, cases of harassment and detention since late 2010 suggest that authorities' sensitivities intensified toward Protestants who assemble into large groups or across congregations, or who have contact with foreign individuals or organizations.

GOVERNMENT AND PARTY SEEK TO CONTROL PROTESTANT DOCTRINE AND PRACTICES

This past year, the government, Party, and state-controlled Protestant church continued to dictate the terms by which Protestants in China must interpret doctrine and theology. China's Constitution guarantees "freedom of religious belief,"[106] but the government and Party continued to promote "theological reconstruction," the process by which the state-controlled church attempts to eliminate elements of the Christian faith that do not conform to Party goals and ideology.[107] The Three-Self Patriotic Movement (TSPM) and the China Christian Council (CCC) are the official organizations that manage registered Protestants on behalf of the government and Party,[108] and TSPM Secretary General Xu Xiaohong linked Protestant doctrine to political goals when he reportedly said in September 2010 that "[t]here are many Bible teachings that are complementary to the government policy of social harmony. These ethics, if carried out, are a great help to society and, in a way, help consolidate the regime."[109] Officials also continued to link theological reconstruction to economic development[110] and describe it as a "requirement" for the "mutual adaptation" of Protestantism and socialism.[111]

HARASSMENT, DETENTION, AND INTERFERENCE WITH PLACES OF WORSHIP

The government and Party continued to harass, detain, imprison, and interfere with the religious activities of some Protestants who worship outside of state-approved parameters. In particular, cases since late 2010 suggest that authorities' sensitivities intensified toward members of unregistered Protestant congregations ("house churches") who assembled into large groups or across congregations, or who had contact with foreign individuals or organizations. The Commission has not observed official statements that acknowledge a concerted effort to target house church congregations during this period, but a January 2011 document from China's State Administration for Religious Affairs (SARA) that outlines SARA's policies in 2011 called on authorities to "guide" Protestants who "participate in activities at unauthorized gathering places" (house churches) to worship in state-controlled churches.[112] In addition, two April 2011 editorials from the Global Times warned unregistered Protestant congregations not to overstep state-approved parameters in their religious activities.[113] The Global Times operates under the People's Daily,[114] the official news media of the Communist Party. During this period, authorities throughout China

stopped house church gatherings; took participants into custody; placed unregistered Protestants under "soft detention" (*ruanjin*), a form of unlawful home confinement; and blocked access to sites of worship. Such measures violate provisions in international law that protect religious practice and peaceful assembly, such as Articles 18 and 20 of the Universal Declaration of Human Rights[115] and Articles 18 and 21 of the International Covenant on Civil and Political Rights.[116] China's Regulations on Religious Affairs excludes unregistered religious groups from the limited state protections that it offers,[117] leaving members of house church congregations at risk of harassment, detention, and imprisonment by authorities. Selected cases follow:[118]

- Beginning on April 9, 2011, public security authorities in Beijing repeatedly took into custody and placed under "soft detention" members and leaders of the unregistered Beijing Shouwang Church as they attempted to worship outdoors in Beijing.[119] Shouwang reportedly has approximately 1,000 members, one of the largest unregistered congregations in Beijing.[120] Shouwang began to organize outdoor worship gatherings every Sunday from April 10 onward after authorities reportedly pressured its landlords to deny it access to indoor sites where it had previously met or planned to meet.[121] In one instance, officials reportedly took into custody over 160 church members.[122] In total, officials reportedly placed approximately 500 church members and leaders under "soft detention,"[123] including pastors Jin Tianming, Yuan Ling, Zhang Xiaofeng, and Li Xiaobai, and lay leaders Sun Yi, You Guanhui, and Liu Guan.[124] As of April 29, all seven remained confined to their homes.[125]
- On May 10, 2011, public security officials in Zhengzhou city, Henan province, interrupted a Bible study gathering of members of the Chinese House Church Alliance (CHCA)—which associates with unregistered Protestant congregations in multiple provinces—and took into custody 49 people.[126] The 49 included 3 persons who were previously detained in April after having contact with CHCA leaders,[127] as well as Korean pastor Jin Yongzhe (*pinyin* name), and Jin's wife Li Sha.[128] All but Jin and Li were released by the following day;[129] Jin and Li were released on May 15.[130] Since late 2010, authorities in various locations have harassed and detained CHCA leadership, including president Zhang Mingxuan[131] and vice president Shi Enhao.[132] On June 21, public security officials in Suqian city, Jiangsu province, reportedly detained Shi on suspicion of "using superstition to undermine the implementation of the law,"[133] and authorities later ordered him to serve two years of reeducation through labor.[134]
- In December 2010, authorities harassed, detained, or prevented from leaving the country approximately 200 Protestants who received invitations to attend the Third Lausanne Congress on World Evangelization, held in South Africa,[135] despite the fact that a January 2011 SARA report lists "proactively launching foreign religious exchanges" as an achievement of SARA in 2010.[136] Authorities reportedly warned members of unregistered church communities not to attend because their

attendance would "endanger state security,"[137] an explanation that, according to Fan Yafeng, anecdotal evidence suggests has been broadly applied to rights defenders and other citizens.[138] Fan is a prominent legal scholar, religious freedom advocate, and house church leader.[139] [See Section II—Freedom of Residence and Movement for more information.]

• Between October and December 2010, authorities in Beijing took Fan Yafeng into custody at least six times in connection with his legal advocacy for unregistered Protestant communities[140] and his contact with foreign media.[141] Since November 1, 2010, public security officials have prevented him from leaving his home.[142]

Other members of unregistered Protestant communities remain in detention or in prison for practicing their religion. For example, Uyghur Protestant Alimjan Yimit remains in the Xinjiang No. 3 Prison in Urumqi city, Xinjiang Uyghur Autonomous Region,[143] after the Kashgar Intermediate People's Court sentenced him to 15 years in prison in 2009 for "leaking state secrets."[144] He previously told a U.S. citizen about an interview between himself and local authorities about his own preaching activities; the interview's contents were later classified as a state secret.[145]

In a May 2011 letter submitted to the National People's Congress (NPC),[146] 22 house church leaders and members called on the NPC to investigate and resolve the Beijing Shouwang Church's conflict with authorities, examine the constitutionality of the Regulations on Religious Affairs, and pass a law that protects freedom of religious belief.[147] Drawing on Article 18 of the Universal Declaration of Human Rights, the letter argued that freedom of religion includes assembly, association, expression, education, and evangelization.[148]

Authorities also continued to interfere in the religious practices and worship sites of registered Protestants. For example, in December 2010, public security officials in Bengbu city, Anhui province, pressured three congregations—two unregistered and one registered—to cancel a Christmas service that all three had planned to hold together.[149] On November 19, 2010, the registered Chengnan Church, in Tinghu district, Yancheng city, Jiangsu province, was demolished[150] after government officials and real estate developers had unsuccessfully sought to purchase the church's property to build commercial residential buildings.[151]

Taoism

During the Commission's 2011 reporting year, the Chinese government and Communist Party continued to exercise control over Taoist[152] religious activities in much the same way that they do for other religious communities in China, restricting doctrine, personnel, activities, and sites of worship.

CONTROLS OVER DOCTRINE

The state-controlled Chinese Taoist Association (CTA) continued to dictate the terms by which Taoists must interpret doctrine and continued to call on Taoists to accept government and Party goals. For example, a November 23, 2010, CTA announcement seeking

students for a Taoist scripture reading class required candidates to "fervently love the socialist motherland [and] uphold the leadership of the Chinese Communist Party."[153] Authorities continued to link Taoist doctrine to patriotism and economic development,[154] and in March 2011, China's State Administration for Religious Affairs (SARA) urged the CTA to hold an international event on Taoism because it would be significant in "increasing the influence of Taoism, spreading traditional Chinese culture, increasing the country's soft power, and the great revival of the Chinese nation."[155]

CONTROLS OVER PERSONNEL, ACTIVITIES, AND SITES OF WORSHIP

The government requires Taoist groups and religious personnel to register with the CTA to legally perform ritual services and hold Taoist ceremonies.[156] Local governments continued to restrict Taoist practices by calling for the removal of practices that authorities deem to be "superstitious" or "feudal."[157] China's Regulations on Religious Affairs conditions the construction of sites of worship on government oversight,[158] and local governments continued to call on officials to monitor and control the "indiscriminate" construction of Taoist temples and statues.[159] Central and local authorities also used the November 2010 Asian Games as a justification for imposing political goals on Taoist practices.[160] For example, SARA Vice Director Jiang Jianyong told participants at a November 2010 Taoist cultural festival in Huizhou city, Guangdong province, that the festival would be "advantageous for 'constructing harmonious religion and serving the Asian Games.'"[161]

Other Religious Communities

The Chinese government did not recognize additional religious groups in the past year or remove its framework of recognizing only selected religious communities. In January 2011, the State Administration for Religious Affairs (SARA) implemented a technical revision to implementing rules that regulate the activities of foreigners in China.[162] The revised rules retain broad restrictions on foreigners' religious activities in China and interaction with Chinese citizens, barring them from leading religious activities with Chinese citizens in attendance, "cultivating followers from among Chinese citizens," distributing "religious propaganda materials," and carrying out "other missionary activities."[163] Leaders of the Church of Jesus Christ of Latter-day Saints reported in August 2010 on holding meetings with a high-level Chinese official and said church leaders "established a relationship" that they "expect will lead to regularizing the activities of the Church of Jesus Christ of Latter-day Saints in China."[164] No new developments appeared to take place in this area in the past reporting year. SARA has engaged in talks with officials from the Orthodox Church in recent years,[165] but the Orthodox Church continues to lack national-level recognition. A limited number of localities in China recognize the Orthodox church within local legislation.[166]

Ethnic Minority Rights

Introduction

In the past reporting year, ethnic minorities in China continued to face unique challenges in upholding their rights, as defined in both Chinese and international law. The International Covenant on Civil and Political Rights stipulates that ethnic, religious, and linguistic minorities within a state "shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." [1] China's Regional Ethnic Autonomy Law stipulates some protections for minority rights and provides for a system of regional autonomy in designated areas.[2] Limits in the substance and implementation of state laws and policies, however, prevented minorities from fully enjoying their rights in line with international standards and from exercising meaningful autonomy in practice. The government continued to recognize 55 groups as minority "nationalities" or "ethnicities" (*shaoshu minzu* [3]) and exerted tightest control over groups deemed to challenge state authority, especially in the Xinjiang Uyghur Autonomous Region, the Tibet Autonomous Region and other Tibetan autonomous areas, and the Inner Mongolia Autonomous Region. [See Section IV—Xinjiang and Section V—Tibet for more information on these areas. See text below for information on broader government policies toward ethnic minorities and on conditions in the Inner Mongolia Autonomous Region.]

State Minority Policy

Government steps to address ethnic minorities' grievances remained limited in the 2011 reporting year. The State Ethnic Affairs Commission (SEAC) reported in December 2010 on exploring and "perfecting" "new mechanisms and forms" for improving the regional ethnic autonomy system, but throughout the year SEAC also affirmed the basic parameters of the state's minority policies.[4] In a June 2011 report, SEAC called for "persisting on the correct path of [using] Chinese characteristics [*zhongguo tese*] to solve ethnic problems." [5] In August, SEAC issued a five-year plan on the construction of an "ethnic legal system," outlining measures to promote continued legislation and research related to ethnic issues.[6] The plan perpetuates the state's existing legal framework for ethnic minorities, though it also calls for research on ethnic minority-related legislation in other countries and on protections for ethnic minorities in international human rights conventions.[7] The Chinese government's 2009–2010 National Human Rights Action Plan (HRAP) outlined measures to promote legislation on regional autonomy and on some aspects of ethnic minority rights,[8] but the HRAP appeared to have limited impact in spurring improvements, especially for civil and political rights.[9] The Chinese government continued to implement top-down development policies that have undercut the promotion of regional autonomy and limited the rights of ethnic minorities to maintain their unique cultures, languages, and livelihoods, while bringing a degree of economic improvement to minority areas.[10] During the past reporting year au-

thorities promoted a second 10-year phase of the Great Western Development Project, which has accelerated development efforts in a number of provinces and regions with large populations of non-Han ethnic groups.[11] The PRC Outline of the 12th Five-Year Plan on National Economic and Social Development called for expanding aid for development efforts in ethnic minority areas.[12]

Grasslands Policy and Protests in Inner Mongolia

The government bolstered longstanding grasslands policies that have imposed grazing bans and required some herders to resettle from grasslands and to abandon pastoral livelihoods, a development that affects Mongols, Tibetans, Kazakhs, and other minority groups in China.[13] At a State Council meeting in April 2011, authorities called for "more forceful policy measures" for "speeding up development of pastoral areas, ensuring the state's ecological security, and promoting ethnic unity and border stability," along with "a more vigorous employment policy" for "encouraging herders to change [modes of] production and occupations."[14] In August, the government publicized a State Council opinion issued in June on the development of grasslands.[15] The opinion reinforces grazing bans, calls for resettling nomadic pastoralists by 2015, and promotes herders' change of occupation.[16] Scholars have questioned the efficacy of state grasslands policies in meeting the declared goal of ameliorating grasslands degradation,[17] while communities affected have reported forced resettlement, inadequate compensation, minimal recourse for grievances, and poor living conditions, along with challenges in upholding traditional pastoral livelihoods and preserving their cultures.[18]

Mongols in the Inner Mongolia Autonomous Region (IMAR) held a series of protests in May 2011, after mining workers in Xilingol League, IMAR, killed a Mongol herder protesting mining operations on grasslands and, in a separate incident, a mining worker killed a resident protesting other mining operations.[19] Demonstrators called for authorities to address the case of the murdered herder and protested government policy toward grasslands use and curbs on Mongol culture.[20] Authorities reportedly took some protesters into detention, as well as others believed to be connected to the protests.[21] In the aftermath, security in the region reportedly remained tight, with curbs on the Internet and other communication tools.[22] Authorities and official media acknowledged some of the protesters' concerns but did not address broader grievances over official curbs on Mongol culture, and cast blame on groups with alleged "ulterior motives" for organizing the protests.[23] In June, the Xilingol Intermediate People's Court sentenced two people to death for the murders in May.[24] Mongols in the IMAR also held other protests connected to grasslands use and mining later in the summer.[25]

Political Prisoners

In addition to detentions associated with the May protests in the IMAR, officials punished other ethnic Mongols who aimed to protect their rights or preserve Mongol culture. New developments occurred in the following cases:

• **Hada.** The 15-year prison sentence of Mongol rights advocate Hada expired on December 10, 2010, but authorities have continued to hold him in custody.[26] Hada's prison sentence stemmed from charges of "splittism" and "espionage" after he organized a peaceful protest for Mongol rights in Hohhot, the IMAR capital, in 1995.[27] Before Hada's scheduled release, authorities also detained Hada's wife and son, Xinna and Uiles—later formally arresting them both[28]—and placed under home confinement people who had planned to mark Hada's homecoming, including rights advocate Govruud Huuchinhuu, whose whereabouts later became unknown.[29]

• **Batzangaa.** On January 15, 2011, the Dongsheng District People's Court, Ordos municipality, IMAR, tried Batzangaa, the head of a traditional Mongolian medicine school, on charges connected to "diverting a special fund" and sentenced him on January 27, 2011, to three years' imprisonment with a four-year reprieve.[30] Batzangaa had come under official scrutiny earlier because of his school's activities promoting cooperation between Mongols and Tibetans and because of a land dispute with local authorities.[31] Chinese security officials initially detained Batzangaa and his family in October 2009 outside the UN High Commissioner for Refugees office in Ulaanbaatar, Mongolia, where Batzangaa had applied for asylum.[32]

• **Erden-uul (pen name Unaga).** In December 2010, authorities took Mongol writer Erden-uul into custody in apparent connection to a book he authored that reportedly addressed Inner Mongolian independence from China. Authorities described the book's publication as "illegal publishing" and "illegal operation of a business." The most recent report on his status from mid-January 2011 indicated that he remained in detention.[33]

• **Sodmongol.** Following the April 2010 detention of Mongol rights advocate Sodmongol while he was in Beijing, en route to the UN Permanent Forum on Indigenous Issues in New York, the Chinese government reported in September 2010 that he was being tried in connection to "counterfeiting book registration numbers and illegally publishing and selling books."[34] [See Section II—Freedom of Expression for more information about government controls over the publishing industry.]

Population Planning

Introduction

China's population planning policies in both their nature and implementation violate international standards. During the Commission's 2011 reporting year, central and local authorities continued to implement population planning policies in a manner that interferes with and controls the reproductive lives of Chinese citizens, especially women. Population planning policies limit most women in urban areas to bearing one child, while permitting slightly more than half of Chinese women—located in many rural areas—to bear a second child if their first child is female.[1] The Commission notes continued debate in the Chinese media about possible reform of these policies, but has not observed government action to introduce national reform measures.

Local officials continue to monitor the reproductive cycles of Chinese women in order to prevent unauthorized births. The Chinese government requires married couples to obtain a birth permit before they can lawfully bear a child and forces them to employ contraceptive methods at other times. Although Chinese law prohibits officials from infringing upon the rights and interests of citizens while promoting compliance with population planning policies, reports during this reporting year indicate that abuses continue. Mandatory abortion, which is often referred to as a "remedial measure" (*bujiu cuoshi*) in government reports, is endorsed explicitly as an official policy instrument in the regulations of at least 18 of China's 31 provincial-level jurisdictions.[2] This past year, the Commission found that local officials continued to coerce women with unauthorized pregnancies to undergo abortions in both urban and rural areas across China.

International Standards

China's population planning policies in both their nature and implementation constitute human rights violations according to international standards. The 1995 Beijing Declaration and the 1994 Programme of Action of the Cairo International Conference on Population and Development provide for the freedom to make reproductive decisions.[3] The PRC Population and Family Planning Law and provincial implementing guidelines, however, limit couples' freedom of reproductive choice by stipulating if, when, and how often they may bear children.[4] Other domestic policies coerce compliance with population planning targets through heavy fines.[5] Controls imposed on Chinese women and their families and additional abuses engendered by the system, from forced abortion to discriminatory policies against "out-of-plan" children, violate standards in the Convention on the Elimination of All Forms of Discrimination against Women,[6] the Convention on the Rights of the Child,[7] and the International Covenant on Economic, Social and Cultural Rights.[8] China is a state party to these treaties and is bound to uphold their terms.

Coercive Implementation

Chinese law prohibits certain types of official behavior in the implementation of population planning policies. For example, 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."[9] Article 39 states that an official is subject to criminal or administrative punishment if he "infringes on a citizen's personal rights, property rights, or other legitimate rights and interests" or "abuses his power, neglects his duty, or engages in malpractices for personal gain" in the implementation of population planning policies.[10] Despite these provisions, the Commission has noted continued abuses in the 2011 reporting year, as illustrated by the examples of official campaigns and individual cases of abuse below.

OFFICIAL CAMPAIGNS

During the 2011 reporting year, authorities in some areas implemented population planning enforcement campaigns—in some cases dubbed "spring family planning service activities" (*chunji jisheng fuwu xingdong*)—that employed coercive measures to prevent or terminate "out-of-plan" pregnancies.[11] For example, in March 2011, the Yangchun city government in Guangdong province reported that one such campaign had commenced and that the "focal points" of the campaign were the sterilization of mothers with two daughters and the implementation of "remedial measures" for out-of-plan pregnancies.[12] Yangchun family planning officials were directed to adopt "man-on-man military tactics," "launch meticulous ideological work," and "storm the fortifications of 'nail households' (*dingzi hu*)[13] and 'flight households' (*waitao hu*)[14] in a targeted manner."[15]

The Commission noted that this year, in official speeches and government reports from a wide range of localities, authorities also used the phrase "spare no efforts" (*quanli yifu*) to signify intensified enforcement measures and less restraint on officials who oversee coercive population planning implementation measures. Between November 2010 and June 2011, county and township governments in at least eight provincial-level jurisdictions (Shandong,[16] Anhui,[17] Gansu,[18] Guangdong,[19] Hunan,[20] Guangxi,[21] Hubei,[22] and Jiangxi[23]) urged officials to "spare no efforts" in implementing family planning campaigns including, in some cases, the "two inspections and four procedures" (*liangjian sishu*)—or intrauterine device (IUD) inspections and pregnancy inspections (the two inspections), IUD implants, first-trimester abortions, mid- to late-term abortions, and sterilization (the four procedures).[24]

Reports surfaced in May 2011 regarding official implementation of population planning policies which resulted in the illegal abduction and sale of children by local officials. From 2000 to 2005 in Hunan province,[25] family planning officials reportedly took at least 16 children—allegedly born in violation of population planning policies—from their families and sold them to local orphanages.[26] In many of the reported cases, officials took the children because their

families could not pay the steep fines levied against them for violating population planning regulations.[27]

INDIVIDUAL CASES OF VIOLENT COERCION

Numerous reports emerged this past year illustrating family planning officials' use from 2009 to 2011 of violence to coerce sterilizations, abortions, or payment of fines. The following are representative cases that occurred in eight different provinces.

- **Hunan.** In February 2009, local family planning officials reportedly kidnapped Liu Dan, 39 weeks pregnant with her first child, and forced her to undergo an abortion because she had not yet reached the age at which she could be legally married to the child's father. Liu and the child reportedly died during the procedure.[28]
- **Anhui.** In July 2010, local family planning officials reportedly kidnapped 23-year-old Li Hongmei and forced her to undergo a sterilization procedure. She later filed a lawsuit, which the local county people's court did not accept on the grounds that the case was "unclear."[29]
- **Yunnan.** In September 2010, officials reportedly destroyed a man's home, harassed his family, and reportedly beat his 67-year-old mother because the man did not return home to pay family planning fines and undergo a mandatory sterilization procedure.[30]
- **Shandong.** In September 2010, local family planning officials reportedly forced a woman surnamed Xie to undergo an abortion when she was six months pregnant because her husband had been three months younger than the legal marriage age at the time the child was conceived.[31]
- **Fujian.** In October 2010, local family planning officials reportedly kidnapped a woman who was eight months pregnant and detained her for 40 hours. They then forcibly injected her with a substance which aborted the fetus. During this time, the woman's husband was reportedly not permitted to see her.[32]
- **Henan.** In November 2010, local family planning officials reportedly kidnapped a man in order to force him to pay the remainder of a fine for having a second child. The same day, the village head notified his family that he was in the hospital. When the family went to see him, they reportedly found him dead under unknown circumstances.[33]
- **Guizhou.** In May 2011, local family planning officials reportedly beat Zhang Xuequn and her husband and forced her to undergo surgical implantation of an intrauterine device, despite the fact that she showed them her valid marriage license and birth permits and that she was technically accountable to the government in her home province of Zhejiang.[34]
- **Jiangxi.** In May 2011, local officials reportedly beat Zhang Julan and forced her to undergo tubal ligation surgery after she and 10 other villagers went to the town government to discuss officials' illegal requisition of land. Zhang remained in the

hospital for at least one month following the procedure due to injuries she sustained while in official custody.[35]

Punishments and Rewards

Chinese authorities continued to use various methods of punishment and reward to manage citizens' compliance with population planning policies. For example, in accordance with national policy,[36] local governments continued to direct officials to levy fines, termed "social compensation fees" (*shehui fuyang fei*), against couples who give birth to an unauthorized child.[37] These fines force many couples to choose between undergoing an unwanted abortion and incurring financial hardship.[38] Often with court approval, family planning officials are permitted to take "forcible" action against families who are unwilling or unable to pay the fines.[39] These "forcible" actions are in violation of the PRC Population and Family Planning Law and include the confiscation of family belongings and the destruction of violators' homes.[40]

In some cases officials not only levy fines against violators but also threaten or impose other punitive measures, including job loss, demotion, denial of promotion, expulsion from the Communist Party, destruction of personal property, arbitrary detention, and, in some cases, violence.[41] Some children may go without household registration (*hukou*) in China because they are born "out-of-plan" and their parents do not pay the necessary fines.[42] According to sources cited in a December 2010 Chinese Human Rights Defenders report, family planning officials in some cases also reportedly withhold a *hukou* from an otherwise eligible child whose mother refuses to undergo sterilization or IUD insertion after the child's birth.[43] Lack of a valid *hukou* raises barriers to access to social benefits typically linked to the *hukou*, including government-subsidized healthcare and public education.[44] [For additional discussion of China's *hukou* system, see Section II—Freedom of Residence and Movement.]

Some local governments offer rewards to informants who report population planning violations. Local government reports during the 2011 reporting year mentioned rewards for informants in amounts ranging from 100 yuan (US$15) to 6,000 yuan (US$926) per case for verified information on violations by either citizens or officials, including concealment of out-of-plan births, false reports of medical procedures, and falsified family planning documents.[45] Conversely, authorities in one neighborhood in Chifeng city, Inner Mongolia Autonomous Region, offered a reward of up to 20,000 yuan (US$3,085) for information regarding non-medically necessary prenatal sex determination examinations or performance of a sex-selective abortion.[46]

Local governments similarly incentivized family planning officials to ensure strict implementation of population planning policies. For example, in March 2011, the Maojing township government in Qingyang city, Gansu province, issued a report on the "outstanding results" of the government's "rectification activities."[47] The report calls for officials to "spare no efforts" (*quanli yifu*) in implementing population policies and notes that village cadres face a penalty of 1,500 yuan (US$230) for each woman with two daughters whom they fail to sterilize. Conversely, they are promised a re-

ward of 500 yuan (US$77) for each tubal ligation that they see through to completion.[48] A March 2011 directive from the Yangchun city government in Guangdong province indicated a goal of fostering "friendly one-upmanship" and "keen competition" among family planning cadres, calling for daily progress reports and participation in "information sharing meetings" in which they are publicly praised or criticized based on their reports.[49] [See Official Campaigns above.]

Targeting Migrant Workers

As in prior years, the Commission observed during its 2011 reporting year a number of reports indicating that some local governments continue to target migrant workers specifically for implementation, in some cases coercively, of family planning policies. For example, in April 2011, the Sucheng township government in Zuoquan county, Jinzhong municipality, Shanxi province, called for a one-month "superior services, superior management" campaign targeting migrant worker women "who had given birth, were pregnant, or may become pregnant again." As part of the "superior management" efforts, Sucheng officials were directed to "adopt remedial measures"—a term often used to refer to mandatory abortion—for out-of-plan pregnancies and "levy social compensation fees in accordance with the law" for out-of-plan births.[50] In November 2010, the Tangshan city government in Hebei province reprinted a China Population Report article on the "Six Rights and Six Obligations of the Migrant Population." Obligations 5 and 6 directed that migrant workers whose contraceptive measures "fail" should "promptly adopt remedial measures" and that migrant workers who violate family planning laws and regulations should pay the appropriate "social compensation fees."[51] The Commission also noted directives from local governments in several provinces, including Jiangsu,[52] Guangdong,[53] Shandong,[54] and Zhejiang,[55] instructing local officials to take advantage of the spring festival timeframe—a period when many migrant workers return home to be with family—to target the migrant population for family planning policy implementation and services. [For additional information on official treatment of migrant workers, see Section II—Freedom of Residence and Movement and Section II—Worker Rights.]

Prospects for Policy Reform

September 2010 marked the 30th anniversary of the beginning of China's current family planning policies,[56] and following this anniversary, the Commission observed increased public discussion of the prospects for family planning policy reform.[57] According to a March 2011 Xinhua report, officials in five provinces will introduce relaxed population planning trial measures in 2011, allowing a second child for some couples in which both persons are only children.[58] The same "loosened" measures are already in effect in major municipalities including Shanghai,[59] Beijing,[60] and Tianjin.[61] While census data released in 2011 may have also sparked new debate among Chinese leaders regarding family planning policies,[62] top Communist Party and government leaders con-

tinue to publicly defend the policy and rule out its cancellation in the near term.[63]

Demographic Consequences

The Chinese government's population planning policies continue to exacerbate the country's demographic challenges, including an aging population, diminishing workforce, and skewed sex ratio. Affected in recent decades by government restrictions on the number of births per couple, China's total fertility rate has dropped from 6.1 births per woman in 1949[64] to an estimated 1.5 births per woman in 2011,[65] resulting in the rapid growth of China's aging population and decline in the working-age population. In the 2011 reporting year, officials continued to express concern about China's aging population and its present and anticipated strain on the country's social services.[66] Several reports also have emerged projecting that the recent decline in China's working-age population may result in significant labor shortages by as soon as 2013.[67] [For additional information on China's projected labor shortage, see Section II—Worker Rights.]

In response to government-imposed birth limits and in keeping with a traditional cultural bias for sons, Chinese parents continue the practice of sex-selective abortion,[68] contributing to a severely skewed sex ratio—the highest sex ratio in the world.[69] In August 2011, Chinese state media noted that China's sex ratio at birth "is increasing," citing the remarks of a senior Chinese health official at a press conference.[70] Some social and political scientists argue that large numbers of "surplus males" could create social conditions that the Chinese government may choose to address by expanding military enlistment.[71] Reports in the 2011 reporting year have also suggested a possible linkage between China's large number of "surplus males" and an increase in the trafficking of women and children for forced marriage or commercial sexual exploitation.[72] In August 2011, the State Council issued the PRC Outline for the Development of Children (2011–2020), which urged officials to "step up efforts against the use of ultrasound and other [forms of technology] to engage in non-medically necessary sex determination and sex-selective abortion."[73]

Case Update: Chen Guangcheng

Public security officials continue to hold prominent rights advocate Chen Guangcheng and his family under "soft detention," or home confinement, following his release from prison on September 9, 2010, after serving his full sentence.[74] Authorities reportedly beat Chen Guangcheng and his wife Yuan Weijing in their home on February 8[75] and February 18, 2011.[76] The beatings are believed to be in connection with the couple's recording of video footage, released on ChinaAid's Web site on February 9, in which Chen and Yuan spoke of the official abuse and restrictive control the family has faced since Chen's release.[77] Officials reportedly did not permit Chen and Yuan to seek medical care for their injuries sustained in the beatings.[78] Foreign journalists and a "netizen" who attempted to visit Chen's village following the release of this video reported encountering "groups of violent, plainclothes thugs."[79] Police also reportedly detained several lawyers and rights defenders in Beijing in February after they met to discuss Chen's case.[80]

Chen is a self-trained legal advocate who drew international news media attention to population planning abuses, particularly forced abortions and forced sterilizations, in Linyi city, Shandong province, in 2005.[81] The Yinan County People's Court tried and sentenced Chen in August 2006 to four years and three months in prison for "intentional destruction of property" and "organizing a group of people to disturb traffic order."[82] Chen's trial, retrial, and treatment in prison prompted repeated criticism for criminal procedure violations and infringement of the rights of Chen and his family.[83] Chen reportedly remains under "soft detention" with his family, and his six-year-old daughter reportedly has not been permitted to leave the house to attend school.[84]

Freedom of Residence and Movement

Freedom of Residence

The Chinese government continued to enforce the household registration (*hukou*) system it first established in the 1950s.[1] *Hukou* regulations place limitations on the right of Chinese citizens to formally establish their permanent place of residence. Initially used to control migration of the rural population to China's cities, the *hukou* system today has developed into "one of the most important mechanisms determining entitlement to public welfare, urban services and, more broadly, full citizenship."[2] The *hukou* regulations classify Chinese citizens as either rural or urban *hukou* holders, and local governments restrict access to some social services based on the classification. The implementation of these regulations discriminates against rural *hukou* holders who migrate to urban areas by imposing significant constraints on rural *hukou* holders' ability to obtain healthcare benefits, education, and other social services in urban locations where they reside but lack legal residency status. The *hukou* regulations appear to contravene the freedoms guaranteed in Article 13 of the Universal Declaration of Human Rights and Articles 12 and 26 of the International Covenant on Civil and Political Rights, which include "the right to liberty of movement and freedom to choose [one's] residence."[3]

During this reporting period, many local governments have continued to relax certain *hukou* restrictions, consistent with earlier reform efforts. While details vary by location, the key provisions of these reforms allow some rural residents to transfer their *hukou* status from rural to urban status based on certain criteria, which usually include income, education, and specialized skill sets. For example, the coastal province of Guangdong implemented a point-based system that allowed some rural *hukou* holders to become urban *hukou* holders. However, only a relatively small number of migrant workers, 60,000[4] out of 23 million[5] according to data available in October 2010, had been affected by the reform.

During the Commission's 2011 reporting year, authorities implemented new experimental *hukou* reform policies. Unlike earlier *hukou* reforms that have allowed some rural residents to obtain urban *hukou* based on criteria such as income and education, the latest reforms seek to include all residents who already hold a local *hukou* irrespective of other criteria such as income and education. For example, Chengdu municipality initiated *hukou* reforms that allowed all local *hukou* holders to register under a unified registration system for purposes of concentrated community relocation, marriage and population control, employment taxes, creditworthiness, and social benefits.[6] The implications of the latest *hukou* reforms are unclear.

It has become increasingly apparent that one of the driving forces behind the latest *hukou* reforms is the need for more land for urbanization. According to Global Times, which operates under the official People's Daily, "the ultimate goal of reform, is to engineer a smooth and advanced urbanization process"—meaning more rural land must be made available for economic and industrial development.[7] At the same time, authorities have provided some safeguards for rural residents against potential adverse consequences

resulting from the reforms. For example, a key feature of the latest *hukou* reform allows local rural *hukou* holders to temporarily retain their contracted land.[8] According to official government statements, the land retention provision is meant to ease the rural-to-urban transition: "It is clear that the current *hukou* reform does not call for rural residents to give up their land and rural property. As soon as they settle down into urban areas, their land and properties will need to be dealt with sooner or later."[9] The long-term implications for rural residents, especially after the land seizure, remain unclear.

Under the rubric of *hukou* reform, there appears to be increasing tension between some local governments and rural residents. The tension results from the clash between some rural residents' desire to remain on rural land and some local authorities' inclination to convert rural land to urban land.[10] The conversion allows the local government to sell some of the rural land rights to developers after relocating rural residents to urban areas. According to one Chinese source, "officials are eager to move farmers off the land, because land sales make up about half of local government revenue and, in some areas, as much as 80 percent. The governments earn huge profits by compensating farmers very little . . . . [T]his scheme has become a new source of land supply for many local governments."[11] [For a discussion of the requisition and conversion of rural land, see Section III—Property—Urban Land and Collectively Owned—or Rural—Land.]

In connection with the latest *hukou* and land reforms, corruption at the local level and mistreatment of rural residents emerged as prominent issues during this reporting period. Some local governments forcibly seized rural land and relocated rural residents to urban areas, often at a compensation level that is deemed unfair based on market values.[12] For example, in one case, authorities withheld 70 percent of the money owed to rural residents after the residents moved into apartments.[13] In another example, the local government removed 11,000 villagers from rural lands located outside of Wuxi city, Jiangxi province, and sold the underlying land to developers for 30 times the amount it paid in compensation to the rural residents.[14]

The current *hukou* reforms face many challenges. In addition to local-level corruption and abuse, it is unclear how rural residents will adapt after relocation to urban areas, or to what extent their host municipalities can bear the cost of providing social benefits equivalent to those available to the existing urban residents. In addition, the issue of how to deal with rural residents who insist on staying on rural land remains a key concern to the Commission.

Freedom of Movement

The majority of Chinese citizens enjoy increasing freedom of movement to travel within China and internationally. However, authorities restrict freedom of movement to penalize citizens who express views that authorities deem objectionable. During this reporting period, the Chinese government placed restrictions on freedom of movement that are inconsistent with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.[15]

Chinese authorities increasingly prevented rights defenders, advocates, and critics from leaving China under the color of law. Officials often cited the PRC Law on the Control of the Exit and Entry of Citizens as justification for preventing rights defenders from traveling (see examples below). To the extent the authorities provided an explanation for the prohibition on travel, they frequently cited Article 8(5) of the Law, which prohibits the departure from China of "persons whose exit from the country . . . in the opinion of the competent department of the State Council, [would] be harmful to state security or cause a major loss to national interests."[16] However, the meaning and scope of "harmful to state security" and "cause a major loss to national interests" are undefined. In addition, there appear to be no effective remedial provisions for appealing a decision preventing one's freedom to travel.

The Commission particularly notes official efforts to block some human rights advocates' ability to travel internationally, especially during the period close to the Nobel Prize award ceremony. To the extent the authorities gave any justification at all, they predominantly cited the activists' travel as harmful to "national security." Examples include the following:

- Authorities prevented Nobel Prize Laureate Liu Xiaobo's lawyer, Mo Shaoping, and his colleague, He Weifang, from traveling to London to attend a legal conference hosted by the International Bar Association on November 9, 2010;[17] prevented economist Mao Yushi from traveling to Singapore on December 1, citing concerns for "national security";[18] prevented artist Ai Weiwei from boarding a flight to Seoul on December 2, also citing concerns for "national security" at the boarding gate;[19] prevented human rights lawyer Jiang Tianyong from boarding flights to the United States on October 30, 2010, again citing concerns for "national security";[20] and prevented professor and religious scholar He Guanghu from boarding a plane to Singapore to attend a conference on November 20, 2010, explaining that his trip "would pose a threat to national security."[21] Authorities also turned down retired professor Sun Wenguang's passport application after he openly stated his desire to attend the Nobel Peace Prize ceremony.[22]
- Chinese authorities prevented poet, writer, and musician Liao Yiwu from traveling to the United States in March to promote his books,[23] from attending the PEN World Voices Festival of International Literature in New York City in April,[24] and from attending a literary festival in Australia in May.[25] Liao had been imprisoned for four years for reciting his poem "Massacre" about the Tiananmen protests.[26] In July 2011, with help from his friends, Liao fled to Germany through Vietnam and Poland so that he could "speak freely and publish freely."[27]

HOME CONFINEMENT, SURVEILLANCE, AND HARASSMENT OF CHINESE CITIZENS

The Chinese government placed restrictions on liberty of movement to punish and control political dissidents and human rights advocates in contravention of international legal standards[28] and Article 37 of China's Constitution, which prohibits unlawful deten-

tion, and deprivation or restriction of personal freedom of citizens by unlawful means.

As in previous years, authorities continued to employ a range of measures to restrict liberty of movement, including stationing police to monitor the homes of rights defenders,[29] forcing rights defenders to take so-called "vacations" to remote areas[30] or to "drink tea" with security personnel,[31] removing them to unknown locations,[32] and imprisoning them.[33] In apparent sensitivity to recent protests in the Middle East and North Africa, as well as an online call for "Jasmine" protests within China, authorities detained, "forcibly disappeared," or put under extralegal home confinement several dozen human rights defenders, including human rights lawyers Jiang Tianyong, Li Tiantian, Liu Anjun, and Teng Biao, among others.[34]

In October 2010, in apparent connection with the awarding of the Nobel Peace Prize to Liu Xiaobo, authorities restricted approximately three dozen human rights defenders' freedom of movement. For example, authorities stationed police personnel, sometimes around-the-clock, outside of the homes of writer Yu Jie and democracy advocate Hu Shigen,[35] lawyer Li Fangping and activist Li Zhiying,[36] and Christian house church leader Xu Yonghai.[37] Authorities also placed Ding Zilin, the organizer of the Tiananmen Mothers, under extralegal house arrest for 74 days;[38] and close associates of Liu Xia, wife of the Nobel Peace Prize Laureate Liu Xiaobo, have not been able to reach her.[39]

The Commission notes that, during this reporting period, authorities employed particularly forceful techniques to intimidate and control the family members of human rights defenders and activists. For example, authorities continued to confine, harass, and abuse legal advocate Chen Guangcheng and his family after his official prison release date in September 2010.[40] [See Case Update: Chen Guangcheng in Section II—Population Planning.] Officials have also kept Liu Xia under extralegal house arrest since October 2010.[41] In addition, authorities detained Xinna and Uiles, the wife and son of Mongol rights advocate Hada, on apparent charges of "illegal business operations" and "drug possession."[42]

Status of Women

Introduction

Chinese officials continue to actively promote the protection of women's rights and interests in accordance with international human rights norms; however, due in part to ambiguity and a lack of clearly outlined responsibilities in China's national-level legislation, women still encounter gender inequality, discrimination, and other abuses in the community, in the workplace, and at home. Women's representation in leadership positions at all levels of government still falls short of international norms and, according to the most recent available statistics, appears to have made little significant progress for at least four decades. Chinese women continued to face gender-based employment discrimination during the Commission's 2011 reporting year, including lower average wages than their male counterparts, gender bias in recruitment, and compulsory retirement at an age set 5 to 10 years younger than that of men. Domestic violence and sexual harassment reportedly affect a majority of Chinese women, yet ambiguity in China's existing national-level legislation on these issues limits preventative measures and makes it difficult for women to seek recourse when they encounter abusive treatment. Officials reportedly completed draft domestic violence legislation that addresses longstanding concerns regarding issues such as domestic violence among cohabitating couples, psychological abuse, and physical violence, but it is unclear when and if such legislation will be placed on the legislative agenda. Sex-selective abortion continues, despite Chinese government regulations prohibiting the practice, and exacerbates China's severely imbalanced sex ratio. Observers have raised concerns this year that China's skewed sex ratio may lead to an uptick in the trafficking of women for forced marriage or commercial sexual exploitation.

Gender Equality

In its domestic laws [1] and policy initiatives [2] and through its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),[3] the Chinese government has committed to ensuring female representation in government. However, at the highest levels of the central government, as well as in the Communist Party, female representation remains low. Only one woman currently holds a position in the Party's top-ranking 25-person Political Bureau of the Communist Party Central Committee,[4] and women hold only four positions in China's 35-person State Council.[5] Official statistics on female political participation in the country's legislature do not appear to be available for years more recent than 2008,[6] at which time China's National Bureau of Statistics reported that women made up approximately 21 percent of delegates to the National People's Congress. This figure has shown little growth since the early 1970s [7] and remains short of the 30 percent standard set by the UN Commission on the Status of Women in 1990.[8] Song Xiuyan, Vice Chair of the National Working Committee on Children and Women under the State Council, reported in August 2011 that female leadership has in-

creased in the provincial, municipal, and county levels of government since 2000. When asked about the lack of women's political participation at higher levels, she stated, "[W]e still have a lot of work to do to raise social awareness and guarantee gender equality through legal means."[9] In August 2011, the State Council issued the PRC Outline for the Development of Women (2011–2020), which, among other goals, calls for "local governments at the county level and above to have at least one female leader" by the end of 2020.[10]

Against a backdrop of reportedly limited female representation at the village level,[11] authorities revised national-level legislation this year, changing the language on female quotas in village committees and village representative assemblies. With limited decisionmaking power in village committees, women face challenges in protecting their rights and interests.[12] The National People's Congress Standing Committee passed the revised PRC Organic Law of the Villagers' Committees in October 2010, changing the stipulation that village committees should have "an appropriate number of women"[13] to the stipulation that village committees "should have female members."[14] The revised law also includes a new stipulation requiring that "female village representatives should make up one-third or more of the village representative assembly," a separate decisionmaking body made up of village committee members and village representatives.[15] According to one Peking University law professor, "The Organic Law of the Villagers' Committees is not directly aimed at furthering women's rights, however, it is of great significance in protecting women's rights, for it is related to women's right to vote, which is vital in upholding and furthering women's rights and gender equality."[16] The impact that these revisions will have on female representation at the village level in the future is unclear, but some domestic observers have hailed them as a positive step.[17] An increase in women's decisionmaking power at the village level may lead to greater protection of women's property rights,[18] an issue that plagues rural women who lose their land when they marry out of their village.[19] [For additional information on the PRC Organic Law of the Villagers' Committees, see Section III—Institutions of Democratic Governance.]

Employment Discrimination

Gender-based employment discrimination with respect to issues such as wages, recruitment, and retirement age remains widespread in China, despite government efforts to eliminate it and promote women's employment. The Chinese government has signed and ratified the International Covenant on Economic, Social and Cultural Rights and has committed under Article 7 to ensuring "the right of everyone to the enjoyment of just and favourable conditions of work," including "equal pay for equal work," and "equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence."[20] Several domestic laws also prohibit gender discrimination and promote gender equality in the workplace,[21] but according to an analysis in a February 2010 Women's Watch-China report, these laws do not provide guidance for an enforcement mechanism. For example, if a female encounters dis-

crimination in recruitment or on the job, she has no legal basis for filing a lawsuit against the discriminatory behavior; she can only request labor arbitration.[22]

A number of domestic reports and surveys from the 2011 reporting year highlighted challenges that women continue to face in employment due to their gender:

- **Difficulty securing employment.** According to a January 2011 Shaanxi Provincial Women's Federation survey, 70 percent of those surveyed believed that males have an easier time finding a job than females. In addition, 44 percent of females surveyed reported that they had encountered discrimination based on their marital or childbearing status, compared to 13.9 percent of their male counterparts. In addition, 19 percent of females surveyed reported that their height and physical appearance were obstacles in their job search, compared to 10.9 percent of their male counterparts.[23]
- **Wage disparity.** A survey released in February 2011 by the educational consulting firm MyCOS reported that the income gap between male and female graduates increased with their level of education. For example, on a monthly basis, males with vocational school degrees reportedly earned an average of 169 yuan (US$26) more than females, males with undergraduate degrees reportedly earned an average of 330 yuan (US$51) more than females, and males with graduate degrees earned an average of 815 yuan (US$126) more than females.[24]
- **Unequal treatment.** A study released in March 2011 by the non-profit research group Center for Work-Life Policy reported that, in a survey on the female talent pool in China, 35 percent of those surveyed believed that women faced unfair treatment at work. The study also found that 48 percent of women choose to "disengage, scale back their ambitions or consider quitting [their jobs]" due to "problems of bias."[25]
- **Forced early retirement.** Mandatory retirement ages for women in China continue to be five years earlier than those for men.[26] Public discussion on retirement age burgeoned in the 2011 reporting year surrounding the publication of a white paper on the state of China's human resources in September 2010,[27] the issuance of new social security regulations in Shanghai municipality in September 2010,[28] passage of the PRC Law on Social Insurance in October 2010,[29] proposals at the annual sessions of the National People's Congress in March 2011,[30] and the release of the 2010 Census results in April.[31] The gender discrepancy in retirement age may obstruct some women's career advancement and impact their economic rights and interests.[32] In the past, the lower retirement age for women has also reportedly contributed to hiring discrimination, as employers in some cases preferred to hire women younger than 40 years of age.[33]

In May 2011, the Shenzhen Municipal Women's Federation passed draft regulations on gender equality.[34] If adopted, the Shenzhen Special Economic Zone Gender Equality Promotion Regulations would be the first legislation of their kind in China to spe-

cifically focus on gender equality.[35] The draft has reportedly been placed on the 2011 legislative agenda.[36]

Violence Against Women

DOMESTIC VIOLENCE

The amended PRC Law on the Protection of Women's Rights and Interests (LPWRI) and amended PRC Marriage Law prohibit domestic violence,[37] and the crime of domestic violence is punishable under the PRC Criminal Law.[38] The problem of domestic violence remains widespread, reportedly affecting more than one-third of Chinese families.[39] Current national-level legal provisions regarding domestic violence leave many victims unprotected, as they simply prohibit domestic violence without defining the term or clarifying specific responsibilities of government departments in prevention, punishment, and treatment.[40] During the Commission's 2011 reporting year, Chinese advocates continued to express concern regarding the nationwide problem of domestic violence and called for clear national-level legislation on domestic violence.[41] According to state-run media sources, officials announced in March 2011 the completion of draft domestic violence legislation.[42] Highlights reportedly include attention given to cohabitating couples, as well as to cases that involve "psychological violence."[43]

SEXUAL HARASSMENT

Sexual harassment remains prevalent in China, yet those who encounter sexual harassment remain largely unprotected under Chinese law and face difficulties in defending their rights. An April 2011 article published by a Chinese business investigation group reported that 84 percent of women in China had experienced some form of sexual harassment and that 50 percent of this harassment had occurred in the workplace.[44] A Women's Watch-China (WWC) survey released in May 2011 interviewed both men and women and found that 19.8 percent of those surveyed had experienced sexual harassment, and of those, 55.1 percent were women.[45] The Chinese government has committed under Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women to taking "all appropriate measures to eliminate discrimination against women in the field of employment,"[46] and it introduced the concept of sexual harassment into legislation with the 2005 amendment to the LPWRI.[47] The amended LPWRI prohibits sexual harassment and provides an avenue of recourse for victims through either administrative punishment for offenders or civil action in the court system, but it does not provide a clear definition of sexual harassment or specific standards and procedures for prevention and punishment.[48] While most people who face sexual harassment choose to remain silent about it,[49] those who decide to take legal action risk losing their lawsuits due to the challenge of supplying adequate evidence.[50]

As reported in the Commission's 2009 and 2010 Annual Reports, in February 2009, a study group led by three Chinese researchers submitted a draft proposal to the National People's Congress for a law aimed at preventing sexual harassment in the workplace.[51] The proposed law would hold the Ministry of Human Resources

and Social Security responsible for prevention and punishment of sexual harassment in the workplace, while also holding the All-China Federation of Trade Unions, the Communist Youth League, and the All-China Women's Federation responsible for providing aid to those who experience sexual harassment.[52] The Commission has not found indicators of progress on this or similar national-level legislation during the 2011 reporting year.

Population Planning and Gender Equality

According to reports during the Commission's 2011 reporting year, sex-selective abortion continues, despite the government's legislative and policy efforts to deter such practices. In response to government-imposed birth limits and in keeping with a traditional cultural bias for sons, some Chinese parents choose to engage in sex-selective abortion, especially rural couples whose first child is a girl.[53] The Chinese government issued national regulations in 2003 banning prenatal gender determination and sex-selective abortion.[54] Statistics and analysis from studies published in 2008,[55] 2009,[56] and 2010[57] regarding China's significantly skewed sex ratio show that sex-selective abortion remains prevalent, especially in rural areas, suggesting that implementation of the ban on sex-selective abortion remains uneven. In August 2011, the State Council issued the PRC Outline for the Development of Children (2011–2020), which urged officials to "step up efforts against the use of ultrasound and other [forms of technology] to engage in non-medically necessary sex determination and sex-selective abortion."[58] Some observers, including Chinese state media, have linked China's increasingly skewed sex ratio with an increase in forced prostitution, forced marriages, and other forms of human trafficking.[59] [For more information regarding China's skewed sex ratio, see Section II—Population Planning.]

HUMAN TRAFFICKING

Introduction

The Chinese government took steps to combat human trafficking during the Commission's 2011 reporting year, but challenges remain. Multiple factors shape the context of the ongoing human trafficking problem in China, including the government's population planning policies and their exacerbation of China's skewed sex ratio; migrant mobility; uneven enforcement of anti-trafficking laws; lack of anti-trafficking training, education, and resources; and government corruption. In addition, officials in the past year continued to focus on the abduction and sale of women and children,[1] while giving proportionally less attention to other forms of trafficking. The government's limited capacity restricts the number of trafficking victims that can access official protection, services, and care. The National People's Congress Standing Committee passed amendments to the PRC Criminal Law in February 2011, including new language which, if implemented, may strengthen prosecution and punishment of forced labor cases. Authorities reported taking action to combat trafficking in the 2011 reporting year. Gaps between domestic legislation and international standards remain and continue to limit the scope and effectiveness of anti-trafficking efforts.

Anti-Trafficking Challenges

The Chinese government acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) in December 2009,[2] but it has not revised current domestic legislation to come into full compliance. The PRC Criminal Law prohibits the trafficking of persons, which it defines as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim."[3] The law does not provide definitions for these concepts. The PRC Criminal Law separately prohibits forced prostitution,[4] but it does not make clear whether minors under 18 years of age who are engaged in prostitution may be considered victims of trafficking, regardless of the use of force. Chinese law does not clearly prohibit non-physical forms of coercion-including debt bondage and threats-or the recruitment, provision, or attainment of persons for forced prostitution,[5] which are covered under Article 3 of the Palermo Protocol.[6] The Chinese government's differing definition of human trafficking has negative implications for anti-trafficking work in China, including limiting the Chinese government's prosecution efforts, protection of victims, and victim services.[7] It is unclear whether the Chinese government's definition of human trafficking also has negative implications for program funding, as fiscal information on programs is not publicly available.

Chinese officials continue to conflate human trafficking with human smuggling and therefore treat some victims of trafficking as criminals, although recent law enforcement efforts have sought to reduce this.[8] According to the UN Office on Drugs and Crime, the main international body responsible for implementing the Palermo Protocol, human trafficking and migrant smuggling differ with re-

spect to consent, exploitation, transnationality, and source of profit.[9] Commonly, human trafficking involves the exploitation of an individual (either domestically or across borders) for forced labor or prostitution without the individual's consent, whereas migrant smuggling involves the cross-border transport of an individual with the individual's consent and for direct or indirect profit resulting from the transport.[10] In conflating the two, Chinese officials may consider an individual's illegal entry into China to be a crime of "human smuggling" and punish the individual accordingly, while giving less consideration to the role exploitation may have played in the border crossing.[11] The Chinese government continues to deport all undocumented North Koreans as illegal "economic migrants" and does not provide legal alternatives to repatriation for identified foreign victims of trafficking.[12] [For more information, see Section II—North Korean Refugees in China.] Reports from the 2011 reporting year indicate that official corruption and lack of resources in some areas also continue to deter or limit anti-trafficking efforts and exacerbate the trafficking problem.[13]

Prevalence

China remains a country of origin, transit, and destination for the trafficking of men, women, and children.[14] The majority of trafficking cases are domestic;[15] however, human traffickers continue to traffic Chinese women and children from China to countries around the world.[16] Women and girls from countries across Asia, as well as some countries in Europe and Africa, are also trafficked into China and forced into marriages, employment, and sexual exploitation.[17] Forced labor continues, and certain cases gained widespread media attention during this reporting year;[18] however, the full extent of the forced labor problem in China is unclear.[19] [See Section II—Worker Rights for more information on child labor.] According to the Palermo Protocol, forced labor of any person under 18 years of age constitutes "trafficking in persons."[20]

Driving Factors

Experts link the reported growth[21] of the trafficking market in China to several political, demographic, economic, and social factors. Reports indicate that China's skewed sex ratio,[22] which is increasing against the backdrop of China's population planning policies and Chinese families' preference for sons,[23] has increased the demand for trafficking for forced marriage and commercial sexual exploitation.[24] In recent years, domestic and international observers have also linked the growing trafficking market with the lack of awareness and education on trafficking prevention for vulnerable women and parents[25] and conditions in bordering countries such as instability in Burma and poverty in the Democratic People's Republic of Korea.[26] [For additional information on China's skewed sex ratio, see Section II—Population Planning.]

Representative Human Trafficking Cases From the 2011 Reporting Year

- In December 2010, authorities detained an official from a government-funded homeless shelter for his alleged involvement in a forced labor scheme.[27] The official allegedly sold 11 workers, 8 of whom reportedly had disabilities, to a building materials factory in the Xinjiang Uyghur Autonomous Region (XUAR), where they were held and forced to work for at least three years without pay or protective gear.[28]
- Also in December, authorities detained a brick kiln employer in Shaanxi province on charges of forced labor after he brought people in who were mentally ill, deaf, mute, disabled, or otherwise vulnerable to exploitation.[29] Authorities reportedly rescued 18 workers from the brick kiln.[30]
- Despite a 2008 XUAR Department of Education circular stating that students enrolled in elementary and junior high school would no longer participate in work-study activities to pick cotton, a number of Chinese media and government reports from the 2011 reporting year indicate that authorities in the XUAR continued to implement work-study programs in 2009 and 2010 that required school-age students to pick cotton and engage in other forms of labor.[31] [See Section IV—Xinjiang for more information on these programs.]
- Individuals continued to force children to work in exploitative conditions as child beggars.[32] In one incident reported in February 2011, a man in Henan province "rented out" his daughter for 5,000 yuan (US$774) to an "acrobatic troupe" and discovered three years later that the eight-year-old had been made to beg and was physically abused.[33] In another incident reported in August, a man in the XUAR sold his 12-year-old daughter to a group who trained her to pickpocket. When she was "rescued and sent back home," the man reportedly sold her again to a different pickpocketing group.[34]
- Authorities in the XUAR announced plans in April 2011 for a nationwide campaign to locate and retrieve children from the XUAR who are "strays" and in some cases "steal or beg for a living."[35]

Anti-Trafficking Efforts

The Chinese government, non-governmental organizations, and individuals continued efforts to combat human trafficking during the Commission's 2011 reporting year. As reported in the Commission's 2010 Annual Report, in December 2009, the National People's Congress Standing Committee (NPCSC) approved China's accession to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).[36] On February 25, 2011, the NPCSC revised the PRC Criminal Law, making amendments to provisions on forced labor[37]—a crime that constitutes human trafficking under the Palermo Protocol.[38] The revised legislation broadens the scope of activity considered punishable for forced labor and strengthens punishments for "serious" crimes of forced labor; however, the legislation still does not clearly define what constitutes forced labor.[39] [See box titled Strengthened Legislation on Forced Labor below.] The Commission did not observe changes to other areas in which China's do-

mestic legislation does not comply with the Palermo Protocol during the 2011 reporting year.[40]

Strengthened Legislation on Forced Labor

The National People's Congress Standing Committee passed amendments to the PRC Criminal Law in February 2011, which included additions to provisions on trafficking in Article 244.[41] The revised provisions, if properly implemented, may strengthen prosecution and punishment of forced labor cases:

- **Widened scope of punishable persons.** The new provision expands the scope of responsibility from "employer" to "whoever forces another to work . . . ." In addition, the new provision adds language that provides a basis for punishing anyone who is "aware of a person committing the crime . . . and recruits or transports personnel for him, or otherwise aids forced labor."[42] This added language, if implemented, may strengthen prosecution and punishment of middlemen, transporters, and recruiters.
- **Lengthened prison sentences.** The revised provision provides for a maximum three-year imprisonment for forced labor situations that are not considered "serious." This period of time was unclear prior to revisions. The new provision also provides for longer prison sentences (three to seven years, an increase from the former maximum of three years) for forced labor crimes that are considered "serious."[43] While the term "serious" is not clearly defined, this revised language, if implemented, may result in harsher punishments for those convicted of forced labor crimes.

Chinese authorities, in cooperation with non-governmental organizations and international organizations, took steps to improve protection, services, and care for victims of trafficking but continued to focus such efforts only on women and children identified as victims through the government's definition of trafficking. The International Organization on Migration and the Ministry of Civil Affairs conducted two training sessions during the Commission's 2011 reporting year that reportedly addressed issues including victim identification, protection, and assistance.[44] According to the U.S. State Department, the All-China Women's Federation (ACWF) is in the process of starting a network of shelters for women. At these shelters, women reportedly may access referrals for legal aid, report human trafficking violations, and seek assistance from social workers.[45] In addition, in September 2010, Minister of Public Security Meng Jianzhu and Vietnamese Minister of Public Security Le Hong Anh signed a cooperative agreement to work together on trafficking prevention and control.[46]

The Chinese government continued outreach and education campaigns in concert with the ACWF and international organizations. The government continued trafficking education campaigns in areas with high numbers of migrant workers, including train and bus stations, and through television, cell phones, and the Internet, informing workers of their rights.[47] Chinese authorities established nationwide and local hotlines for reporting suspected trafficking cases,[48] although there appears to be limited public data on their use.

As the Chinese government continues to conflate human smuggling, illegal adoption, and child abduction with human trafficking, accurate statistics on the number of trafficking cases the government investigated and prosecuted during the past reporting year are not available.[49] Using the definition of human trafficking under Chinese law, the Supreme People's Court reportedly convicted 3,138 defendants in trafficking cases in 2010,[50] up from 2,413 in 2009,[51] and of those convicted, authorities reportedly handed down 2,216 prison sentences for terms of five years or more.[52] In addition, the Supreme People's Procuratorate prosecuted 4,422 individuals for trafficking offenses,[53] up from 4,017 in 2009.[54]

The U.S. State Department placed China on its Tier 2 Watch List for the seventh consecutive year in 2011,[55] listing several areas in which anti-trafficking efforts were insufficient, including that the Chinese government "does not fully comply with the minimum standards for the elimination of trafficking" and "did not demonstrate evidence of significant efforts to address all forms of trafficking or effectively protect victims."[56]

CIVIL SOCIETY EFFORTS

Individual citizens have also been active in the effort to combat human trafficking. One individual's anti-trafficking efforts on an Internet blog launched during the 2011 reporting year have received widespread attention.[57] While the combined efforts of the individual, the blog's photograph contributors, and a number of government agencies have resulted in the "rescue" of at least six abducted children,[58] the online campaign has also raised concerns regarding the privacy of the children being photographed,[59] potential for publicly misidentifying children as abducted,[60] and the risk that traffickers might inflict further harm on their victims if they find pictures of them posted publicly.[61]

North Korean Refugees in China

Introduction

During the Commission's 2011 reporting year, the Chinese government persisted in detaining and repatriating North Korean refugees to the Democratic People's Republic of Korea (DPRK), despite the harsh punishments refugees face once they have returned to the DPRK.[1] In 2011, the Chinese government reportedly increased the presence of public security officials in northeastern China and erected new border barricades along the China-DPRK border. The Chinese government classifies all North Korean refugees in China as "illegal" economic migrants and not refugees (*nanmin*) and continues its policy of repatriating them.[2] China's repatriation of North Korean refugees, including those who leave the DPRK for fear of persecution, contravenes obligations under the 1951 Convention Relating to the Status of Refugees (1951 Convention) and its 1967 Protocol (1967 Protocol), to which China has acceded.[3] In addition, the North Korean government's imprisonment and torture of repatriated North Koreans renders North Koreans in China refugees "sur place," or those who fear persecution upon return to their country of origin.[4] Under the 1951 Convention and its 1967 Protocol, the Chinese government is obligated to refrain from repatriating refugees "sur place."[5]

Unlawful Repatriation

During the 2011 reporting year, the Chinese government appeared to take new measures to stem streams of North Korean refugees.[6] In September 2010, one overseas news organization reported that Chinese public security authorities were cooperating with North Korean police agents to repatriate North Korean refugees throughout China—including in regions such as Yunnan province and the Guangxi Zhuang Autonomous Region—in organized "manhunts."[7] Chinese officials reportedly have deployed hundreds of People's Armed Police and law enforcement officials to work with 100 North Korean state security officials throughout China. In some instances, North Korean agents reportedly pose as North Korean defectors to target refugees in migrant communities.[8]

Media reports indicated that Chinese officials continue to enforce a system of rewards to facilitate the capture of North Korean refugees and members of their support network. Chinese authorities offer bounties to Chinese citizens who turn in North Koreans and fine,[9] detain,[10] or imprison[11] those who provide the refugees with humanitarian assistance. Chinese authorities reportedly offer rewards of up to 3,000 yuan (US$456) to Chinese nationals and Chinese nationals of Korean descent (Sino-Koreans, or *chaoxianzu*) who provide information on North Koreans.[12] As a result, many North Koreans living throughout China are now settling farther from the China-DPRK border.[13]

China's public security bureau agencies hold all detained North Korean refugees in detention centers that are not subject to independent monitoring.[14] Refugees cannot challenge their detention in court.[15] The Chinese government continued to deny the UN High

Commissioner for Refugees (UNHCR) permission to operate along its northeastern border with the DPRK.[16]

Punishment in the DPRK

During the 2011 reporting year, the DPRK appeared to increase surveillance camera systems and reinforce barbed wire in areas along the Chinese-North Korean border in order to crack down on North Korean refugees to China.[17] North Koreans repatriated by the Chinese government face the threat of imprisonment, torture, and capital punishment in the DPRK.[18] Under the 2004 revised North Korean Penal Code, border crossers can receive sentences of up to two years' imprisonment in a "labor-training center."[19] North Korean authorities assign harsher punishment, including long sentences and public execution, to repatriated North Koreans deemed to have committed "political" crimes, which include attempted defection; conversion to Christianity; and having had extensive contact with religious groups, South Koreans, or Americans.[20] A significant number of the non-governmental organizations (NGOs) and humanitarian workers assisting North Koreans in China and helping them seek asylum are Christian, South Korean, or American.[21]

In May 2011, Amnesty International (AI) released new information demonstrating that North Korean political prison camps, which hold an estimated 200,000 people, have "expanded significantly."[22] It is unclear, based on the reports, how many of those detained were forcibly repatriated from China. Based on AI interviews with former detainees at one political prison camp, prisoners in some cases are reportedly forced to work in inhumane conditions and "are frequently subjected to torture and other cruel, inhumane, and degrading treatment."[23] The North Korean Human Rights Archives organization claims that there are at least 480 prisons and detention facilities throughout the DPRK.[24]

Trafficking and Denial of Access to Education

The Chinese government's policy of repatriating North Korean refugees and denying them legal status increases their vulnerability to trafficking, mistreatment, and exploitation in China. North Korean women, in particular, often fall victim to inhumane treatment and indentured servitude.[25] NGOs and researchers estimate that as many as 70 percent of the tens of thousands of North Korean refugees in China are women.[26] In March 2011, an NGO worker estimated that 9 out of every 10 North Korean women in China are trafficked.[27] Traffickers, many of whom operate in organized networks, use false promises to lure North Korean women into China and abduct those entering China on their own.[28] Traffickers reportedly blackmail North Korean women in China by warning them that if they do not obey, they will be reported to Chinese authorities who will forcibly repatriate them.[29] Chinese authorities reportedly took steps to investigate and crack down on criminal syndicates trafficking North Korean women. In June 2011, for instance, public security officials in Hailun city, Heilongjiang province, detained traffickers but also detained three trafficked North Korean women with them.[30]

The trafficking of North Korean women has created a black market in which refugees are "moved and traded like merchandise, with many sold as 'brides,' kept in confinement, and sexually assaulted."[31] In a March 2011 Radio Free Asia article, a North Korean defector living in Yanji city, Yanbian Korean Autonomous Prefecture, Jilin province, described how Chinese middlemen "appraise" and sell trafficked women based on certain criteria.[32] He said, "North Korean women in their 40s are sold for 3,000 yuan (US$457), those in their 30s for 5,000 yuan (US$761), and those in their 20s for about 7,000 yuan (US$1,066)."[33] There is a high demand for wives in northeastern China where severe sex ratio imbalances have spurred the Chinese market for trafficked North Korean brides, and where poor, disabled, or elderly men have difficulty finding wives.[34] [See Section II—Population Planning for more information on sex ratio imbalance in China.] In other cases, North Korean women have been trafficked into commercial sexual exploitation and forced to work as prostitutes or in Internet sex operations.[35] Some women reportedly have been sold and resold multiple times,[36] and trafficked North Korean women have testified to beatings, sexual abuse, and being locked up to prevent escape.[37]

The Chinese government's repatriation of trafficked North Korean women contravenes the 1951 Convention and its Protocol, and the Chinese government is obligated under Article 7 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) to "consider adopting legislative or other appropriate measures that permit victims of trafficking to remain in its territory, temporarily or permanently . . . giving appropriate consideration to humanitarian and compassionate factors."[38] The Chinese government's failure to prevent trafficking of North Korean women and protect them from revictimization also contravenes its obligations under Article 9 of the Palermo Protocol and Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women.[39] Although the central government has taken limited steps to combat trafficking and protect trafficking victims,[40] traffickers continue to traffic an estimated 90 percent of the North Korean women in China,[41] and the Chinese government refuses to provide these victims with legal alternatives to repatriation.[42] [For more information on the central government's efforts to combat trafficking, see Section II—Human Trafficking.]

Another problem that reportedly stems from China's unlawful repatriation policy is the denial of education and other public goods for the children of North Korean women married to Chinese citizens. The scope of this problem, however, is unclear based on limited public information. The PRC Nationality Law guarantees citizenship and, by extension, household registration (*hukou*) to all children born in China to at least one parent of Chinese nationality.[43] The PRC Compulsory Education Law, moreover, provides that all children age six years and older with Chinese citizenship shall receive nine years of free and compulsory education, regardless of race or ethnicity.[44] Some local governments refuse to register Chinese-North Korean children without seeing documentation that the mother is a citizen, has been repatriated, or has run away.[45] Local authorities contravene the PRC Nationality Law, the

PRC Compulsory Education Law, and the Chinese government's commitments under international conventions when they refuse these children the *hukou* required to access public education and obtain healthcare.[46] Denial of *hukou* forces these children to live in a stateless limbo. Estimates for the number of such stateless children in China range from several thousand to several tens of thousands.[47] Moreover, when their North Korean mothers are repatriated, a significant number of these children also are abandoned, as their fathers are unwilling or unable to take care of them.[48] According to one non-governmental organization, China may have as many as 100,000 of these "orphans."[49] [See Section II—Freedom of Residence and Movement.]

PUBLIC HEALTH

Public Health Advocacy

Despite official recognition of the positive role non-governmental actors have played in raising awareness about health concerns, combating stigma, and promoting prevention of diseases,[1] many Chinese citizens involved in public health advocacy continued to face government harassment and interference in the past year. In addition to restrictions on registration and funding of non-governmental organizations (NGOs) that remain in effect and have been used to monitor and control NGO activities,[2] government pressure on some public health advocates continued during this reporting year, as illustrated by the following cases.

- **Tian Xi.** On February 11, 2011, the Xincai County People's Court in Zhumadian municipality, Henan province, sentenced public health advocate Tian Xi to one year's imprisonment for "intentional destruction of property."[3] Tian Xi reportedly was infected with HIV, Hepatitis B, and Hepatitis C through a hospital blood transfusion in 1996.[4] Since learning of his diseases, he has persistently petitioned for resolution of his case and the cases of others who have been infected through transfusions.[5] Although Tian Xi's sentence was reportedly related to his destruction of office supplies during a dispute with a hospital official over his case,[6] government and Communist Party official documents from Gulu township, Xincai county, indicate that officials had planned to take action against Tian Xi before the hospital dispute.[7] Issued prior to the hospital dispute, the documents called for public security officials to take "security and stability control measures against Tian Xi" and to "intervene, prepare documentation, [and] strike."[8] Tian Xi's family, as well as international observers, expressed concern regarding his health while in prison.[9] Authorities released Tian Xi on August 18, 2011, upon the completion of his sentence.[10]
- **Aizhixing.** Authorities continued to harass and interfere with the operations of Aizhixing Institute of Health Education, a Beijing-based public health advocacy NGO. In December 2010, Beijing tax officials and public security personnel entered the organization's office and confiscated documents as part of an investigation into Aizhixing's compliance with tax regulations.[11] On March 11, 2011, Beijing officials demanded that Aizhixing remove from its Web site an open letter alleging that two central government officials were involved in a blood transfusion scandal which led to an HIV/AIDS epidemic in Henan province in the 1990s.[12] The letter noted that former Henan provincial officials (not named in the letter, but later identified as Li Changchun and Li Keqiang)[13] never faced legal action and instead were appointed to positions in China's top policymaking organ.[14] On March 15, without providing a reason, Beijing municipal press and publications officials notified Aizhixing that the organization's Web site had been shut down.[15]
- **Chang Kun.** On April 4, 2011, authorities in Linquan county, Fuyang municipality, Anhui province, physically injured

public health advocate Chang Kun as he presided over an annual meeting of the AIBO Youth Center, a public health education NGO that he founded.[16] Unidentified "thugs" reportedly entered the room while Chang was speaking and "beat him severely," leaving Chang unconscious for several hours.[17] That morning, authorities had also destroyed his video camera.[18] The same local authorities who injured Chang reportedly had visited his organization a few days before the conference and destroyed several signs outside his office.[19]

- **Hu Jia and Zeng Jinyan.** Authorities released prominent HIV/AIDS advocate Hu Jia from prison on June 26, 2011, upon completion of his three-and-a-half-year sentence for "inciting subversion." On her Twitter page, Hu's wife, Zeng Jinyan, reported that the couple would not be able to receive visitors,[20] indicating that numerous security vehicles were stationed outside their home in Beijing.[21] Zeng said that she had returned to Beijing on June 19[22] after her landlord, citing unidentified pressure, served her a notice of eviction from her apartment in the Shenzhen Special Economic Zone.[23] According to Zeng, eight security officers escorted her from the airport upon her arrival in Beijing.[24]

Health-Based Discrimination

DISCRIMINATION IN EMPLOYMENT

China's domestic legislation explicitly forbids discriminatory practices in employment.[25] Nevertheless, health-based discrimination, including "mandatory testing of workers [including for infectious diseases], denial of job opportunities, forced resignations[,] and restricted access to health insurance," reportedly remains widespread.[26] Those who experience such discrimination also continue to face challenges in seeking legal recourse,[27] as highlighted by health-based discrimination lawsuits this past year in Hebei,[28] Anhui,[29] and Sichuan[30] provinces.

DISCRIMINATION IN HEALTHCARE

Individuals living with infectious diseases such as HIV/AIDS continue to face difficulties accessing medical care. Reports emerged during this past year indicating that people living with HIV/AIDS are, in some cases, refused medical treatment at "mainstream hospitals"[31] and instead forced to seek treatment at separate infectious disease facilities referred to as "HIV/AIDS hospitals."[32] A joint study published in May 2011 by the International Labour Organization and the STD and AIDS Prevention and Control Center of the Chinese Center for Disease Control and Prevention found that underlying reasons for the denial of treatment included perceived risks to other patients, lack of resources, potential loss of profit, and "poor feasibility of policies and mechanisms."[33]

Mental Health

In 2001, China ratified the International Covenant on Economic, Social and Cultural Rights and in doing so committed itself to ensuring "the right of everyone to the enjoyment of the highest at-

tainable standard of physical and mental health."[34] As the Commission reported in its 2010 Annual Report, cases of mental illness are prevalent in China, and the burden these cases place on the country's under-resourced mental healthcare system is significant.[35] The rate of treatment is low,[36] and officials reportedly continue to abuse their power over psychiatric institutions and medical professionals by using them as "tools for detaining people deemed a threat to social stability."[37] Against the backdrop of these concerns, in October 2010, a court in Shandong province ordered compensation for the plaintiff in China's first case of misdiagnosed mental illness and compulsory psychiatric treatment,[38] and in June 2011, the central government took steps that could improve the legislative framework for regulating the mental healthcare system.

Draft Mental Health Law Released for Public Comment

On June 10, 2011, the State Council Legislative Affairs Office announced the release of a draft Mental Health Law for public comment.[39] Officials and experts have reportedly been working on the draft for 26 years.[40] Individuals and organizations across a range of civil society sectors reportedly participated in the 30-day public comment period, including some individuals[41] who have experienced being "misidentified as mentally ill" (*bei jingshenbing*)—a strategy that Chinese officials often use to extralegally detain "troublemakers" in psychiatric institutions.[42] In March 2011, top government officials announced plans to enact the Mental Health Law by the end of the year.[43] A list of selected highlights from the draft, as well as observers' expressed concerns regarding the draft, follows.

Highlights:

- Article 3 provides for an integrated approach to prevention, treatment, and recovery of those who live with mental illness, placing "prevention as the priority." It also provides for the establishment of a mechanism for implementing this approach, calling for the participation of both government and civil society actors.[44]
- Article 4 prohibits infringement on a mentally ill individual's human dignity and personal safety and calls for the legal protection of the individual's rights to education, work, medical treatment, privacy, and help from the state and society.[45]
- The legislation outlines procedures for diagnosis and admittance for psychiatric treatment, including requirements that standards for diagnosis and treatment be determined by the State Council health administration department (Article 22);[46] that diagnosis be performed by a practicing psychiatrist (Article 25);[47] and that, in cases of involuntary admittance, two or more psychiatrists should diagnose the individual, provide a written copy of the diagnosis within 72 hours, and notify the individual and the party who brought the individual in for diagnosis, which in some cases may include public security personnel (Article 26).[48]

Draft Mental Health Law Released for Public Comment—Continued

- Article 27 requires that admittance for psychiatric treatment be voluntary, but includes exceptions for cases in which the individual is incapable of recognizing or controlling his own conduct or is in danger of harming himself, endangering public safety or the safety of others, or disrupting public order.[49]

Concerns:

Aizhixing, a Beijing-based public health advocacy organization, raised the following concerns regarding the draft Mental Health Law.[50]

- The draft does not clearly state protections for certain basic rights of individuals who live with mental illness, particularly the rights to legally marry, pursue a divorce, and raise children. Reporting and supervision requirements in Articles 12 and 63 also may conflict with the protection of an individual's privacy and human dignity.[51]
- There are remaining questions regarding the protections provided for persons involuntarily committed to a mental institution. For example, there does not appear to be an upper limit for the amount of time a person may be involuntarily institutionalized.[52]
- There are remaining questions regarding how an individual or guardian can seek legal recourse against a judicial determination of a medical diagnosis. The draft also does not make clear whether an individual may obtain legal representation to dispute a diagnosis in court.[53]
- The draft calls for increased surveillance as part of a "mental health monitoring network" and reporting system (Article 20) to prevent major violent outbreaks by persons with mental illness. However, the draft does not appear to protect citizens from infringement on citizens' rights to privacy and human dignity.[54]

THE ENVIRONMENT

Introduction

During the Commission's 2011 reporting year, the Chinese government continued to strengthen regulatory efforts to address China's serious environmental problems. Inadequate access to information, unreliable access to legal remedies, an underdeveloped compensation system for individuals and groups harmed by pollution, uneven enforcement and lax compliance, corruption, and other issues, however, have contributed to the continuation of these serious environmental problems and to the potential for the infringement of citizens' rights. Chinese authorities have taken some steps to improve collection of environmental data and to expand "open environmental information," but significant challenges remain, especially in relation to obtaining information on industrial pollution sources. Access to legal remedies also remains a challenge, and channels available to citizens to express environmental grievances are not always open, contributing to the rise of citizen anti-pollution demonstrations. Chinese authorities continued to selectively stifle environmental activism and environmental grievances or suppress people who were involved in or organized collective action to halt perceived environmental harms. During this reporting year, citizen grievances regarding hydroelectric dam construction, lead pollution, chemical plants, and waste incinerator and landfill operations were prominently covered in Chinese and foreign media.

Serious Environmental Challenges: Focus on Rural and Heavy Metal Pollution

China's environmental problems reportedly remain severe, despite some regulatory advances and isolated reductions in a limited number of pollutants.[1] Examples highlight the seriousness of these problems and the legal challenges they pose. In October 2010, a Chinese research institute completed a "Green GDP" report on the economic impacts of environmental pollution in China, which asserts that the economic costs of environmental pollution and ecological damage have risen 74.8 percent over a five-year period from 2004 to 2008, equaling about 3 percent of GDP.[2] In February 2011, a Chinese scholarly report revealed that 10 percent of the rice in markets in many cities contained cadmium levels above standard; soil pollution is seen as the culprit.[3] In August, it came to light that the Luliang Chemicals Company dumped over 140 truckloads, totaling over 5,200 tons, of hexavalent chromium slag in Yunnan province, where it could wash into the Pearl River via its tributaries.[4] The chromium reportedly killed fish and livestock and threatens drinking water sources.[5] The dumping case underscores the lack of official transparency and reportedly may have involved official complicity, highlighting governance problems.[6] An employee of the plant reportedly admitted that the company had dumped or buried over 288 thousand tons of chromium dregs between 1989 and 2003.[7] Across 12 provinces, there reportedly may be 1 to 1.3 million tons of chromium waste (from a variety of sources) not disposed of properly, with some dumped in water sources and densely populated areas.[8]

During this reporting year, authorities continued to develop regulatory instruments to manage these pollution problems. Chinese officials currently have reduction targets for only two pollutants but have announced plans to expand this to four in the next five-year period (2011–2015).[9] Environmental officials reportedly discussed revisions to the Environmental Protection Law, circulated a draft for comment of a technical guideline for public participation in environmental impact assessment processes, issued the Opinions Regarding Initiation of Environmental Pollution Damage Assessment Work, which outlines the initial steps toward an environmental compensation system, and issued several other relevant laws, policies, and measures on environmental issues.[10]

Over the past year, officials focused on growing rural pollution problems, which highlight ongoing challenges in applying the laws evenly and in protecting citizens' health, especially the health of children and the rural poor. Authorities reportedly acknowledged environmental conditions in many villages are still severe, partially due to the increasing movement of polluting enterprises from urban to village areas.[11] In June 2011, a top environmental official stated that environmental protection efforts in rural areas lag far behind those in urban areas, the foundation for rural environmental management is weak, regulatory standards are incomplete, and the ability to monitor problems is insufficient.[12] These problems put the health of rural populations at risk. In January 2011, central government officials announced long-term plans to address rural pollution challenges, primarily relying on the policy of "using rewards to promote control."[13] In June 2011, Chinese news reports further described the steps officials said they would take during the next five-year period.[14] The Minister of Environmental Protection stated that China would "work hard" to make initial improvements in rural village environmental quality by 2015 and to control prominent environmental problems in key villages and townships across the country by 2020.[15]

Environmental protection officials also prioritized heavy metal pollution problems, including lead pollution that is linked to cases of lead poisoning involving thousands of children in several provinces in 2009 and 2010.[16] Some of these cases involve the violation of citizens' rights.[17] [See Access to Justice and Suppression of Citizen Demands for a Cleaner Environment in this section for more information on these cases.] In response to the series of lead poisoning cases, authorities reportedly released a circular in May 2011 that outlined steps to address heavy metal pollution, including better management and disposal of pollutants, punishment of violators, and enhanced transparency.[18] However, the circular does not have the power of a legally binding regulation.[19] In June 2011, environmental authorities launched a special campaign to try to reduce heavy metal pollution and asserted that they would use their authority to suspend approval of new projects in areas where heavy metal pollution cases have occurred.[20] In August, the Ministry of Environmental Protection reportedly suspended production at 1,015 lead battery manufacturing, assembly, and recycling plants and made public the names of these plants. Authorities shut down 583 of the plants, but the news agency reporting the story did not indi-

cate how many of the plants moved production facilities to other locations.[21]

Access to Justice and Suppression of Citizen Demands for a Cleaner Environment

Environmental problems, including heavy metal pollution, continued to trigger citizen grievances and demands for better environmental quality. In June 2011, nearly 1,000 citizens blocked a road protesting pollution from a battery plant in Heyan city, Guangdong province; one citizen reported that 10 people were injured in the ensuing conflict between citizens and police and that police killed one person.[22] In August, more than 10,000 citizens peacefully protested a chemical plant that manufactures paraxylene (PX) in Dalian city, Liaoning province, by "taking a stroll," after a typhoon damaged an ocean wall protecting the plant, triggering citizen concerns about a chemical leak.[23] Prior to the storm, factory workers, reportedly ordered by plant bosses, stopped and beat reporters who wanted to investigate possible impacts of a storm on chemical storage tanks.[24] The story of this event reportedly was pulled from TV coverage.[25] Local Communist Party and government leaders quickly responded to the protest and reportedly put the "relocation of the plant on the government work agenda."[26] One international press report noted that the government was considering closing down the plant prior to the protests. It also noted that the plant had been approved during the term of a previous Party Secretary, speculating that the current cohort of authorities may have had political motives for allowing such a large demonstration.[27] Nevertheless, the Global Times, which operates under the official People's Daily, stated that citizens taking to the streets to express their views "should not be advocated in China" and that "Chinese society objected" to the street protests as evidenced by the fact that "[r]eports on this incident have not gained much ground in China's mainstream media . . . ."[28]

Access to legal remedies remains unreliable, contributing to citizen protests, despite a growing number of specialized environmental courts. In 2010, regular Chinese courts completed 12,018 environmental pollution compensation cases, an increase of 2.83 percent over the previous year.[29] However, notably, a study by a Peking University professor reportedly found that courts often refuse to take cases in the name of "social stability."[30] One expert with an international environmental organization noted that Chinese lawyers said they believe it is more difficult to have an environmental damages case accepted by the courts now than in the past.[31] The same expert noted that public supervision via the courts has been constrained in recent years, emphasizing that while litigation in some cases has driven legal reform or compelled a local government to act, it has not been as effective in stopping pollution problems or for compelling pollution cleanup.[32] In some cases, the expert noted, litigation has led to compensation for citizens, but he pointed out that compensation is sometimes difficult to obtain due to evidentiary burdens and problems in proving causality.[33] In some cases, it can be difficult to obtain compensation even when a party has been ordered to pay it.[34] One former environmental protection official told a reporter that "[w]ith limited

fines and low compensation, breaking the law is often cheaper than following it . . . ."[35] Specialized environmental courts may still benefit environmental litigation, although critics reportedly believe they have not resolved the challenges of local protectionism or judicial independence.[36] Some of these courts, which are growing in number, set local rules providing for public interest litigation cases brought by procuratorates, environmental agencies, non-government organizations, and individuals.[37] In January 2011, the Kunming Intermediate People's Court in Yunnan province awarded approximately 4 million yuan (US$626,300) compensation for citizens whose drinking water had been contaminated in a public interest case brought by the Kunming City Environmental Protection Bureau and supported by the city procuratorate.[38] The Commission's 2010 Annual Report noted a couple of these courts have accepted a few cases brought by the All-China Environment Federation (ACEF), an environmental group that is overseen by the Ministry of Environmental Protection;[39] the ACEF demonstration cases appear to have been the only quasi-NGO or NGO public interest cases accepted by the courts.

In some cases, officials suppressed citizen demands for a cleaner environment. The study by the Peking University professor reportedly found that criminal liability for pollution is rarely enforced and that in many cases, citizens exposed to environmental harms have little access to legal remedies and may resort to violence to pressure the polluter to act.[40] Further, the study pointed out that those who use violence to protest pollution are often prosecuted.[41] Some recent incidents of official suppression of largely peaceful citizen demands for a cleaner environment include the following:

- According to a June 2011 Human Rights Watch Report, local officials in four provinces—Henan, Hunan, Shaanxi, and Yunnan—in recent years "imposed arbitrary limits on access to blood lead testing; refused appropriate treatment to children and adults with critically high lead levels; withheld and failed to explain test results showing unaccountable improvements in lead levels; and denied the scope and severity of lead poisoning."[42] Other sources provide additional information on cases in Hunan and Shaanxi.[43] Parents reportedly stated that local police threatened some people who tried to obtain information and detained or arrested individuals protesting against polluting factories or seeking help for their sick children.[44] In addition, journalists, including one foreign reporter, indicated they had been harassed when they tried to report on some of the lead poisoning cases.[45]
- In October 2010, over 1,000 citizens in Pingnan county, Ningde city, Fujian province, signed a collective petition complaining about pollution from a local landfill facility[46] following a protest that resulted in the detention of four citizens.[47] After receiving no response from local government officials, five village representatives took the collective petition to the provincial government office of letters and visits.[48] County officials intercepted and detained the representatives on suspicion of "disrupting social order."[49] Their detention triggered a protest by village residents.[50] News reports do not provide additional information on those detained.

- In late 2010, authorities allegedly beat and detained 17 persons who participated in protests or who petitioned against proposed mining operations in Rikaze (Shigatse) prefecture, Tibet Autonomous Region (TAR).[51] Also in late 2010, authorities detained over 20 Tibetans, some briefly, for their protest or petitioning activities against a construction team said to have a mining permit.[52] In August 2010, officials reportedly fired upon a group of 100 Tibetans and possibly killed one to four citizens. They were protesting gold-mining operations in Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan province, because of the harmful environmental effects. Authorities also reportedly detained 35 Tibetans in this case.[53] In July 2011, authorities in Zuogong (Dzogang) county, Changdu (Chamdo) prefecture, TAR, reportedly detained about 50 Tibetans because they protested mining activities.[54] Authorities reportedly warned citizens that protest activities would be considered "politically motivated." Officials detained the "village officials" who traveled to Lhasa, the TAR capital, to "protest" the mining and the other detentions, as well as the alleged protest "ringleaders."[55] [See Section V—Tibet for more information on these incidents.]
- In May 2011, citizens and police clashed in a large-scale conflict involving as many as 10,000[56] residents in a village in Wuxi city, Jiangsu province, after residents gathered to protest the operation of a waste incinerator that they have opposed since 2007 because they claim to have been tricked into accepting it.[57] Authorities reportedly injured several citizens and took a few residents into custody,[58] although reports do not provide further information on those detained.
- In June 2011, Mongol herders in Bayannuur city, Inner Mongolia Autonomous Region, shut down the water pump to a lead mine, which had expanded into grazing land, after "repeatedly petitioning the government."[59] Some protesters set up traditional tents outside of government offices for nearly two weeks.[60] The herders believed the mine was polluting the environment and endangering their health.[61] The local government sent more than 50 riot police to the scene, and they reportedly beat and detained many of the protesters.[62] A group of 600 herders reportedly sought compensation for pollution linked to the mine.[63] The mine reportedly agreed to compensate the group with 1.2 million yuan (US$188,000), and the herders ended their protest.[64] News stories do not provide further details regarding the herders detained by police. The demonstration followed herder protests in May linked to the death of a herder at the hands of a mine worker.[65] [See Section II—Ethnic Minority Rights for more information on the May protests.]

Hydroelectric Dam and Water Project Construction: Rights and Safety Controversies

Increasing reliance on renewable energy and reducing China's carbon dioxide and other air pollutant emissions are among the reasons Chinese authorities cite for escalating the construction of hydroelectric dams.[66] Some of these projects reportedly continue to raise safety concerns and include forcible relocation practices. To

date, China has constructed 25,800 large dams, and the associated land requisition projects reportedly have led to the relocation of more than 10 million people.[67] Central-level authorities announced in early 2011 that development of hydropower, including the controversial series of dams along the Nu River (Salween River), is a "must."[68] Local officials rapidly built many smaller hydroelectric projects along the Nu River that did not need State Council approval over the past two years, some of which are in areas of relative geological instability, leading to heightened concerns among experts and citizens.[69] In May 2011, Xinhua reported that the State Council had recognized "urgent" problems associated with the Three Gorges Dam.[70] During the same month, the State Council Standing Committee passed a plan to address these issues.[71] Estimates of the number of people resettled because of the Three Gorges Dam so far range from 1.4 million to 4 million.[72] There have been numerous reports of infringements on the rights of populations affected by the Three Gorges Dam, including an attack on activist Fu Xiancai that left him paralyzed.[73] Additional areas with reports of forced resettlement practices include Fujian, Hunan, and Yunnan provinces.[74] In some cases, these resettlement practices triggered citizen protests. For example, in March 2011, as many as 2,000 to 3,000 citizens reportedly blocked roads to protest compensation levels for their homes and farmland in Suijiang county, Zhaotong prefecture, Yunnan province, to make way for the Xiangjiaba Dam along the Yangtze River.[75] Authorities reportedly administratively detained several men for two weeks in what appeared to be punishment for participating in the demonstrations.[76] Central authorities acknowledged problems with compensation schemes, and the PRC Outline of the 12th Five-Year Plan on National Economic and Social Development (12th Five-Year Plan) notes intended reforms to the land requisition system, including shrinking "the scope of requisitioned land, and increas[ing] the compensation standard for requisitioned land."[77]

The relocation of some of the 330,000 people relocated in Hubei and Henan provinces to make way for the central route of the South-to-North Water Diversion Project, which is slated for completion in 2014 and will divert water from China's southern regions to dryer northern regions,[78] so far reportedly has involved less forcible practices. The relocation projects, however, have already triggered a protest and citizen grievances. According to an international non-governmental organization report released in August 2010, authorities utilized persuasion rather than physical force in some citizen relocation projects in Danjiangkou city, Hubei province, which the report described as an improvement from the practices employed in Three Gorges Dam relocations. The government employees who were responsible for persuading people to relocate, however, reportedly were required to live among the villagers and were not permitted to return home until the villagers all agreed to relocate.[79] News reports indicate the project has already triggered a multi-day villager protest in Qianjiang city, Hubei province;[80] led to complaints by relocated farmers about inadequate compensation,[81] poor job prospects, and unprofitable land;[82] and triggered at least one instance in which officials threatened citizens who took their grievances to higher levels.[83] In addition, the central route of

the relocation project reportedly generated claims of dishonest officials and corruption, as well as additional citizen hardships.[84]

Environmental Transparency and Public Participation

Central and some local Chinese environmental protection officials have taken steps to improve environmental transparency, but regular disclosure of information remains a problem. Central authorities took a positive step when they reportedly acknowledged the link between pollution in the Huai River basin and the high number of cancerous tumors found in residents along the river.[85] According to its 2010 annual work report, the Ministry of Environmental Protection received 226 requests for information in 2010, an increase of 205 percent.[86] The report does not indicate how many requests were granted or denied, only that the ministry responded to every request, except one which was still in process.[87] The ministry received 25 requests for administrative reconsideration.[88] A joint Chinese-international study released in December 2010 found that there had been some improvement in awareness of the need for transparency on the part of government officials but that more efforts are necessary to translate this awareness into regular disclosure of information.[89] The study also found that the types of information hardest for researchers to obtain included "list(s) of polluting enterprises whose pollutant discharge exceeds national or local standards, list(s) of enterprises with major or serious environmental pollution accidents or incidents, and list(s) of enterprises refusing to carry out effective environmental administrative penalties."[90] The results of a second joint study by Chinese and international non-governmental organizations (NGOs) on open environmental information in 113 cities released in December 2010 noted overall improvement in information disclosure from 2009 to 2010 but also noted that some cities' disclosure performance declined.[91] Eleven cities (9.73 percent) earned "passing" scores of 60 or above in 2009–2010, an increase from four cities (3.54 percent) in 2008.[92] The study noted that "many facilities in violation of emissions and clean production standards failed to publicly disclose emissions data as required by law."[93]

During this reporting period, environmental groups have utilized environmental open government information procedures to obtain information, although barriers to transparency continue. A December 2010 article by a Chinese author noted that at least 35 organizations joined an ongoing campaign promoting green consumption and that these NGOs had requested information on polluting factories.[94] Over 300 enterprises reportedly responded to the requests by explaining the reasons for the pollution problems, and 50 of those companies consented to "third-party audits" by NGOs.[95] Administrative provisions, however, remain a major obstacle to transparency as environmental protection authorities use them as the basis for restricting information disclosure.[96] Authorities refused to grant information in two recent environmental information disclosure cases discussed in the Chinese media. In the first case, the Ministry of Agriculture refused a 2011 request for information about the downsizing of a national nature reserve along the Yangtze River because it involved "procedural information."[97] In the second case, local environmental officials in Hai'an county,

Nantong prefecture, Jiangsu province, denied a 2011 request regarding a waste incinerator, reportedly responding that they had "already approved an environmental impact assessment" for the project. The lawyer who submitted the request on behalf of an environmental group reportedly noted that "this answer was unrelated to the information requested."[98] In May, the lawyer filed an administrative reconsideration request to the environmental protection bureau at the next highest level.[99]

Chinese citizens and experts have expressed concern over the perceived lack of transparency and the potential risks associated with the rapid development of nuclear power projects. The nuclear disaster in Japan in March 2011 appeared to embolden Chinese citizens and experts to speak out about safety concerns.[100] For example, a noted Chinese scientist stated that China is "seriously unprepared, especially on the safety front," for speedy development of nuclear plants.[101] The disaster also prompted Chinese officials to conduct a safety review of currently operating and planned nuclear power plants.[102] In June, a Ministry of Environmental Protection vice minister announced that officials had found all of China's 13 operating nuclear reactors were safe.[103] The Chinese government reportedly will adhere to its current medium- and long-term plans for nuclear power development.[104] Chinese authorities are reportedly considering a new nuclear energy law[105] that one researcher notes could spur transparency in China's nuclear power industry.[106]

PUBLIC PARTICIPATION AND ENVIRONMENTAL OUTCOMES

Environmental protection remains a sector in which central authorities state a need for greater public participation but within the confines of state control. In December 2010, the Ministry of Environmental Protection passed a guiding opinion, which states that China needs to further expand efforts to cultivate and guide environmental social organizations, as well as further strengthen relations and cooperation between the government and social organizations.[107] The opinion requires environmental social organizations that want to engage in cooperative projects with foreign non-governmental entities to report to foreign affairs departments for "examination and approval."[108] In addition, the opinion also stipulates that various levels of environmental departments must "strengthen political thought construction" (*sixiang zhengzhi jianshe*) of environmental social organizations.[109]

This past year, authorities' responsiveness to citizen environmental grievances varied across the country. One case that highlights the influence of environmental groups involves the shuttering and relocation of a polluting chemical plant in Qiugang village, Bengbu municipality, Anhui province.[110] Residents unsuccessfully utilized the court system over a period of years to find relief from pollution associated with nearby chemical plants but then worked with an environmental group to utilize alternative ways to bring pressure on officials to act.[111] Local officials relocated one of the main polluting plants, although the site still requires a large cleanup effort.[112] Another case involves a waste incineration plant in Beijing municipality. A Chinese newspaper reported in February 2011 that authorities in Haidian district, Beijing, cancelled con-

struction of the incinerator reportedly because of its environmental impacts, citizen protests, and its close proximity to "high-end residential complexes."[113] In addition, authorities in Dalian municipality, Liaoning province, responded quickly to the more than 10,000 people who protested a paraxylene (PX) plant in the city.[114] In contrast, in May, in Panyu district, Guangzhou municipality, Guangdong province, 5,000 citizens signed a petition to voice opposition to five incinerators. Authorities, however, counted the petition only as "one opposition vote" because the citizens did not provide their addresses and phone numbers on the petition.[115] [See Access to Justice and Suppression of Citizen Demands for a Cleaner Environment in this section for more examples of less responsive authorities in pollution cases.]

Challenges of Enforcement, Compliance, and Official Corruption

Uneven implementation and enforcement of environmental laws and regulations, along with non-compliance and corruption, remain significant challenges for the development of rule of law in the environmental sector, including in relation to environmental impact assessments. In September 2010, a study done by a Peking University professor reportedly noted that officials face difficulties in enforcing legal sanctions, that environmental criminal law remains weak, and that often a law's overall objectives contradict the articles within the law.[116] In addition, news reports indicated high levels of bribery and corruption among officials in ecological and environmental protection during the first six months of 2010.[117] A 2010 international study found that enforcement of pollution standards varied across time and location in China for a variety of reasons, including the level of support from central authorities, public pressure, the level of commitment of local government officials, enforcement capacity, the characteristics of businesses, and the economic context.[118] In August 2011, the Ministry of Environmental Protection (MEP) announced at least two special programs to "supervise" seven sewage plants across China because they turned off their systems "without good reason" and eight power plants across China for fabricating emissions monitoring data.[119] In June, five non-governmental organizations (NGOs) sent a letter to the MEP noting that the Chinese Academy of Meteorological Sciences (CAMS) had given a "grade A environmental impact assessment" to a waste incineration plant and reportedly had "falsified public feedback." The letter urged officials to reject the environmental impact assessment (EIA), investigate and fine CAMS, and reform the EIA system.[120] The Hebei Provincial Environmental Protection Bureau had previously revoked a different CAMS EIA in May for "fabricated public feedback."[121] One report suggests that of the 68 hydropower projects approved by local authorities in Zhouqu (Drugchu) county, Gannan (Kanlho) Tibetan Autonomous Prefecture, Gansu province, 67 had not undergone an EIA or geological assessment.[122] In August, one Chinese newspaper article outlined several alleged problems with the current EIA system, including low penalties for construction companies that break the law, EIA organizations' lack of integrity, difficulties in getting public information on EIAs, and the symbolic nature of public participation.[123] One Chinese expert notes that "it is more common in China for the public wish to par-

ticipate in environmental impact assessments to be thwarted."[124] An international NGO noted that a Chinese scholar reported that there are times when local government officials will protect polluting businesses.[125] A December 2010 joint Chinese and international report noted that from 2009 to 2010, "[l]ocal environmental protection bureaus often failed to impose any fines or take other actions in response as required by law."[126] For example, in Shaanxi province, local environmental protection bureau personnel on several occasions reportedly agreed to an electric power company's requests for a delay in execution of penalties for commencing regular operations without first gaining environmental approvals.[127]

Climate Change: Rule of Law and Public Participation

China's efforts to address climate change relate to the development of the rule of law in China, the incorporation of public participation in policy processes, and cases of rights infringement. China surpassed the United States to become the world's top emitter of carbon dioxide in 2007[128] and reportedly may become responsible for one-third to one-half of the world's carbon dioxide emissions by 2030.[129] Top officials reportedly consider China to be vulnerable to the impacts of climate change[130] and during this reporting year undertook a variety of actions[131] and laid out plans[132] to address the issue, including engaging in cooperative programs with the United States.[133] Chinese leaders signed the UN Cancun Agreements in December 2010,[134] but as a developing country, China is not bound to reduce greenhouse gases under relevant international climate change agreements.[135] Nevertheless, domestically, Chinese leaders included a carbon dioxide intensity reduction target of 17 percent in the PRC Outline of the 12th Five-Year Plan on National Economic and Social Development.[136] In addition, the National Development and Reform Commission (NDRC) reportedly established a working group to draft a climate change law,[137] for which officials sought public comments between March and September 2011.[138] Despite the call for public input, the lack of transparency hinders public participation in climate change policy processes.[139] While in general, participation in policy processes is minimal,[140] citizens do engage in some activities addressing climate change. For example, 60 NGOs reportedly organized 20 events surrounding the NGO side event at the UN Climate Change Conference in Tianjin municipality and published a position paper on Chinese NGOs' response to climate change, among other projects.[141] In recent years, citizen protests reportedly took place in Shanxi and Liaoning provinces, as well as the Xinjiang Uyghur Autonomous Region, because of the lack of public input and the land requisition practices associated with experimental carbon capture projects to help mitigate carbon dioxide emissions in industrial processes.[142] [For additional cases of policies to promote use of renewable energy sources to address climate change that can be linked to cases of rights infringement, see Hydroelectric Dam and Water Project Construction: Rights and Safety Controversies in this section.]

Data Reliability and Transparency: Climate Change

Chinese leaders have pledged to improve data reliability and transparency related to energy and climate change. Nevertheless, they reportedly face significant challenges, such as obtaining from provinces comprehensive statistics on coal, transportation energy, coal-bed methane, biomass, and clean energy sectors.[143] China is reportedly still developing the institutions and capacity to evaluate energy figures provided by provincial governments, some of which may have incentives to provide false information.[144] Authorities specified in the PRC Outline of the 12th Five-Year Plan on National Economic and Social Development the intention to establish a greenhouse gas emissions statistical accounting system,[145] which could improve data collection if implemented. In October 2010, a high-level NDRC official stated that China would begin greenhouse gas inventory pilot projects in provinces and cities and develop a publicly available greenhouse gas inventory database.[146] Chinese leaders have indicated they would continue to rely on domestic monitoring, reporting, and verification of China's greenhouse gas emissions and reduction data in relation to projects using domestic financing and technology.[147] They reportedly stated their willingness to share this information with the international community[148] and to do their utmost to improve transparency.[149]

III. Development of the Rule of Law

CIVIL SOCIETY

Introduction

During the Commission's 2011 reporting year, the Chinese government continued to tighten control over civil society organizations (CSOs) in part because of concern over "social stability" in the midst of international attention surrounding Nobel Peace Prize winner Liu Xiaobo and the political upheavals in the Middle East. Authorities harassed and, in many cases, detained individuals that officials deemed to be threats to "social stability"; raided the offices and shut down the Web site of at least one organization that conducted activities and projects that officials considered to be politically sensitive; continued to impose controls over the receipt of foreign funding; and held "consultations" with "troublesome" students. Though several localities, including Beijing, have introduced reform experiments aimed at simplifying the legal registration process for some CSOs,[1] something that the southern Chinese city of Shenzhen, a special economic zone, had initiated during the previous reporting year, it is too early to assess whether such reforms will succeed in broadening the space for the development of civil society. Some experts on Chinese civil society, however, have noted that the latest reforms could strengthen government control over which types of CSOs are allowed to operate in the country as part of an official effort to "manage" and "guide" the development of civil society.

Background

As the number of CSOs in China grows, their impact continues to be evident. Official government statistics indicate that the number of registered groups increased from 288,000 in 2004 to approximately 447,000 in the first quarter of 2011.[2] Nevertheless, unofficial estimates for the total number of groups, including unregistered grassroots organizations, range from 2 to 8 million.[3] CSOs in China address a wide array of social issues, such as HIV/AIDS, women's rights, worker rights, and environmental concerns. For example, one CSO that focuses on labor issues has reportedly worked with an enterprise to help prepare migrants to adjust to life as factory workers in urban areas.[4] Some organizations focus primarily on women's rights issues, such as providing practical skills training for migrant women and legal aid to those in need.[5] In October 2010, a few Chinese CSOs jointly organized events to highlight environmental concerns and published a position paper addressing "the civil society response to climate change."[6] In November 2010, four CSOs released a joint statement warning that a new regulation on the management of persons with mental illness in Zhejiang province could lead to serious human rights abuses.[7] In addition, at present, there are reportedly at least 100 CSOs in China dedicated to providing support to people living with HIV/AIDS; some of these organizations distribute educational pamphlets and promote the use of condoms.[8]

Still, many Chinese officials hold conflicting views of civil society organizations (CSOs). While acknowledging that CSOs serve a necessary and helpful function as mediating mechanisms between the government and society, Chinese authorities also look upon many groups with suspicion, fearing that "Western countries have used non-governmental organizations extensively . . . to intervene in the internal affairs of other countries, create turmoil, and even subvert the regimes of the host countries."[9] China, one Chinese scholar warned, "has to be vigilant about [Western intervention]."[10] As such, Chinese authorities allowed many CSOs that focus on providing basic social services to operate freely, and forcibly closed some that tried to form networks or carry out projects that the government considers to be "politically sensitive." A former editor of the China Development Brief, an online newsletter which focuses on Chinese civil society, explained, one never knows "where the line is, and it does shift"—for it is "civil society with Chinese characteristics," where groups are "light, not antagonistic and not pushing the envelope too far."[11]

The Chinese government's actions to harass and tighten control over CSOs operating in China contravene Chinese law and international conventions. China's Constitution states that "citizens of the People's Republic of China enjoy freedom of speech . . . of assembly, of association . . . ."[12] Article 22 of the International Covenant on Civil and Political Rights provides that:

> Everyone shall have the right to freedom of association with others . . . no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety . . . .[13]

Legal Framework and Government Controls

The Chinese government imposes strict registration requirements for civil society organizations (CSOs). Under the 1998 Regulations for Registration and Management of Social Organizations, an individual who wishes to organize a CSO in China must first obtain a sponsorship agreement from a government administration department in a relevant "trade, scientific or other professional area" at the appropriate level of government, at the county level or above, before registering with the Ministry of Civil Affairs (MCA).[14] Groups that wish to operate locally must register with the corresponding local government administrative departments and local MCA units and those that wish to operate nationally must register with national departments and the MCA. In their role as sponsoring agencies, the public administration departments are charged with supervising the CSOs that they register, including "record keeping with respect to establishment, modification, and closure of social organizations," completing annual reviews of the organizations, and "applying disciplinary sanctions to organizations which fail to comply" with MCA regulations.[15]

Such a dual management process has presented problems for various groups, as permission to organize is difficult to obtain from local sponsors who are sometimes reluctant to take on the burdens of supervisory responsibilities.[16] Groups that fail to obtain permis-

sion to organize are not protected under the law, and often face difficulties gaining trust among the general public.[17] Many experts conclude that the cumbersome dual management requirement has had a chilling effect on Chinese civil society.[18] During the 2011 reporting year, the Commission monitored the continued difficulties that CSOs face as they operate without official registration status. Some unregistered CSOs perform their services under dangerous circumstances, occasionally in the aftermath of natural disasters, and volunteers working under these organizations have reportedly been injured or even killed.[19] In these instances, as one Chinese grassroots CSO worker explained, many CSOs working in difficult situations are unable to receive help from local governments since, without registration papers, local officials "cannot identify which groups are genuinely providing compassionate [services] and which groups are using compassionate [services] as a pretext for illicit activities."[20]

In other cases, some CSOs conducting services that the Chinese government considers to be politically sensitive attempt to avoid official government registration requirements by registering as "commercial entities" rather than as CSOs subject to the Chinese government's targeted oversight, even though registering as "commercial entities" means that these groups are subject to different tax schemes than government-registered CSOs.[21] These groups risk becoming targets for harassment, as in the case of the Beijing Aizhixing Institute (Aizhixing), a public health advocacy organization founded by public health researcher Wan Yanhai in 1994, or even closure, as the Open Constitution Initiative, or Gongmeng, experienced in 2009.[22]

In Aizhixing's case, authorities from the domestic security unit of the Beijing Public Security Bureau and the local taxation bureau entered the organization's offices in December 2010 and took with them "three large suitcases full of documents" as part of an inspection into Aizhixing's compliance with tax regulations.[23] Authorities took materials with financial and project information, some dating back to 2002, including funding agreements (with attachments and financial and donor work reports), account books and vouchers, financial and audit reports, documents related to Aizhixing's property and taxes, and bank statements.[24] On March 11, 2011, Beijing officials demanded that Aizhixing remove from its Web site a letter addressed to President Hu Jintao from Chen Bingzhong, a former senior Chinese health official. In the letter, Chen called on the government to reveal information and hold accountable the officials who were reportedly responsible for the blood transfusion scandal that took place in Henan province in the 1990s, in which tens of thousands of people were reportedly infected with HIV.[25] The letter specifically pointed out that two former high-ranking Henan provincial officials, Li Changchun and Li Keqiang, never faced any legal actions, and later received appointments to the highest policymaking institution in China, the Communist Party Political Bureau Standing Committee.[26] In response to the request to remove the letter, Aizhixing asked the Beijing officials to demonstrate the legal basis for their demand. On March 15, 2011, without providing a reason, the Beijing municipal news department notified Aizhixing that Aizhixing's Web site had been shut down.[27]

On April 4, 2011, authorities in Linquan county, Anhui province, physically injured public health advocate Chang Kun, as he presided over an annual meeting of the AIBO Youth Center, an organization that he founded in May 2010 to "provide a place for students to gather and also act as a venue for carrying out health, human rights, policy, and internet freedom education projects," according to Chinese Human Rights Defenders.[28] One of Chang's contacts in the United States recounted that "thugs broke into the room where Chang was speaking, knocked him from the podium and beat him severely."[29] Chang reportedly was unconscious for a few hours after the beating.[30] The same local authorities who injured Chang reportedly visited his organization a few days before the conference and destroyed several signs outside of his office as well as his video camera.[31]

During this reporting year, a number of Chinese media organizations reportedly received a "propaganda directive" from the Communist Party Central Propaganda Department instructing them to avoid using the term "civil society" (*gongmin shehui*).[32] Media outlets that received the notice reportedly included the Southern Metropolitan Daily, Southern Weekend, and the 21st Century Business Herald.[33] Though some Chinese officials hold a generally suspicious view of civil society groups and their potential to challenge the government's authority,[34] the specific reasons, rationale, and geographic reach of such a reported ban remain unclear in this instance, and it is difficult to ascertain the effectiveness of such a ban if propaganda authorities did, indeed, pursue its implementation fully.[35] The China Media Project, an organization based at the University of Hong Kong that analyzes media trends in China, noted in a January 2011 analysis that the term "civil society" continued to appear in various publications after the reported release of the ban, but the People's Daily has apparently made no reference to it since April 2009.[36] Some Chinese publications, according to the China Media Project's analysis, attempted to circumvent the reported ban by using the term "public society" (*gonggong shehui*) instead of "civil society" (*gongmin shehui*).[37]

Funding Difficulties and Proposed Regulatory Changes

During this reporting year, Chinese academics, representatives of NGOs and foundations, and media reports continued to emphasize the need to expand the space for charitable foundations to develop in China.[38] At present, there are 2,243 foundations in China,[39] and they are classified as either "private" (*fei gongmu jijin hui*) or "public" (*gongmu jijin hui*) foundations. "Private" foundations are not permitted to solicit donations through public fundraising activities, and media sources indicate that they continue to face operational hardships.[40] "Private" foundations may become "public" foundations, which are permitted to solicit donations through public fundraising activities, only if they can find government department sponsors and meet other required criteria, including specific levels of operating funds—reportedly 8 million yuan (US$1,236,000) for foundations to operate at the national level and 4 million (US$618,000) at the municipal level.[41] Practically speaking, however, as one China Daily article reported, many foundations find it difficult to find sponsors "willing to take responsibility for them,"

and, for overseas charities operating in China, "99 percent of [them] . . . do not have legal identity because no government department wants to be affiliated with them."[42] The lack of transparency reportedly has also posed problems in the charity sector, as donors have complained that, at times, not enough information is available on how the funds were appropriated.[43]

In part as a response to concerns over the difficulties that foundations face in raising funds and questions over their operational transparency, among others, the Ministry of Civil Affairs (MCA) has reportedly drafted revisions to the 2004 Regulation on the Management of Foundations (Foundations Regulations).[44] No information is available on when these revisions will be issued, but one Chinese media source reported that it would be sometime before the end of 2011.[45] Additional Chinese media reports indicate that the proposed regulations would:

- Abolish the "dual management" system governing foundations and allow private foundations to register directly with local MCA departments;[46]
- Require foundations to submit to audits by the MCA;[47]
- Make clear that both donors and the public share the same right to be able to "inquire" about a foundation's use of donations;[48]
- Forbid foundations from increasing their total investments by more than 10 percent of the foundation's total assets from the end of the previous year (Article 40);[49]
- Require private foundations to derive at least 70 percent of a given year's total donations from the foundation's "primary benefactor" (Article 37);[50] and
- Prohibit foundations from "providing financial aid to unregistered NGOs, cooperating with unregistered NGOs on development programs, and absorbing new members" (Article 47).[51]

Some private foundations and scholars have reportedly expressed concerns about the revisions. In particular, they believe that Article 37 would restrict their ability to develop and tie them down to the primary benefactor, thereby restricting their independence.[52] Others have pointed out that Article 40 would compel the top 100 foundations in China to cut their investments by at least half.[53] In addition, some foundations argue that the restrictions delineated in Article 47 would "cut off the artery of support" for the estimated 1 to 8 million CSOs operating in "gray zones"—many of which depend on foundations for funding.[54]

The Legislative Affairs Office (LAO) of the State Council is also reportedly reviewing a draft of a national charities law.[55] While a complete draft does not appear to be available publicly—thus making it difficult to assess its scope and potential effectiveness—the China Daily has described several elements of the pending law's content.[56] In July 2010, the LAO reportedly released a "structure" of the draft, revealing that the proposed legislation, which reportedly has three main goals, would:[57]

- Adjust the tax deduction and registration systems to give charities a more open and "regular" operating space;[58]

- "Confine the power and responsibility of the government" in order to maintain the "voluntary and civil positions in the charity sector";[59] and
- "Request" that charities are managed in a more "public and transparent way" in order to enhance their credibility."[60]

Director Zhu Weiguo of the LAO revealed that defining the concept of charity is difficult, and that a number of issues must be researched regarding "charity organizations, charity fundraising, charity volunteer services, charity trusts, charity taxation systems, and the credibility and transparency of charities."[61] Zhu also asserted that the primary actors in charities should be civilians and not government officials, and stipulated that the draft law on charities must clearly distinguish the roles of government, industry, and society in philanthropic work.[62]

Limited Reform in Several Localities

During this reporting year, the Commission monitored official statements and media reports indicating that Beijing and Shanghai municipalities have introduced measures to "create a new model of development" for civil society organizations (CSOs) and to ease registration difficulties.[63] The regulatory changes appear to reflect elements in the PRC Outline of the 12th Five-Year Plan on National Economic and Social Development (12th Five-Year Plan).[64] In particular, Chapter 39 of the 12th Five-Year Plan delineates the government's goal to "improve social organization management," and establish a sound social organization management system featuring unified registration[65] and to "give priority to developing economic [organizations], public interest charity [organizations], civilian-run non-enterprise units, and urban and rural community social organizations."[66] One media report stated that, beginning in February 2011, four types of CSOs in Beijing would be allowed to "register directly with the MCA."[67] The four types include groups that carry out commercial, charity, social welfare, and social services activities.[68] The report also mentioned the MCA's goal to establish and improve the registration and management systems, enhance its supervision over the daily activities and management of CSOs, and perfect the CSOs' practices on information disclosure as well as their public commitment.[69]

In addition, Shanghai municipal government officials signed the Cooperative Agreement To Formally Initiate the Building of a National Model Civil Administration (Shanghai-MCA Agreement) in July 2010,[70] an agreement that, according to one scholar on Chinese civil society, may "establish a friendlier environment for registration of CSOs" in Shanghai.[71] The MCA document addressing the changes in Shanghai stated that, as the foreground of China's reform and opening up, the city has a responsibility and the capacity to be the "front guard of civil affairs reform and innovation."[72] As such, the document indicated that the city will "launch a new 'one-stop shop' method of government service" and "construct a system for the government to purchase services from social organizations."[73] Another government document, released by the Shanghai municipal government on July 5, 2011, described eight general areas of cooperation between Shanghai and the MCA as delineated

in the Shanghai-MCA Agreement.[74] The document stated that the Shanghai government would establish a "scientific mechanism" for social assistance; promote "general benefit-type social welfare and charity undertakings"; reform the community management system and service mechanism; create innovative models for the development of CSOs; advance the building of a modern system of social work; enhance the management of social affairs and standard of social services; strengthen modern technology and its standard applications; and refine mechanisms to ensure advances in modern civil administration.[75]

The changes in Beijing and Shanghai appear to mirror developments in the Shenzhen special economic zone, where in July 2009 the Shenzhen government and the MCA signed the Cooperative Agreement on Pushing Forward With Integrated Reforms to Civil Affairs Undertakings (Shenzhen-MCA Agreement). As the Commission detailed in its 2010 annual report, the Shenzhen-MCA Agreement delineates a deepening of reforms concerning the registration and management of social organizations.[76] It calls for Shenzhen to "take the lead in experimenting with some of the MCA's major reform projects and measures," and to "explore establishing a system whereby civil society organizations apply and register directly with the [MCA]."[77] According to one study, of the 81 CSOs registered in Shenzhen from January to September 2010, 42 reportedly registered directly with the MCA.[78]

"Guiding" Civil Society Development

Some experts on Chinese civil society in China and abroad have cautioned that the latest reform efforts, while helpful to many grassroots organizations providing various kinds of social services, could also strengthen government control over which types of CSOs are allowed to operate in the country. An editor of a domestic Chinese magazine that focuses on civil society told a Hong Kong newspaper that "while there will be more social areas available for non-governmental organizations (NGOs) to take part in, these NGOs must also have a better relationship with the government and follow government leadership."[79] Another Chinese expert added that "the NGOs dealing with rights advocacy will certainly face more regulations."[80] Even as reform efforts move forward in different localities in China, a People's Daily article described the new guiding principle as "wide approval, strict control."[81] During a speech addressing the topic of "social management," Zhou Yongkang, a Politburo Standing Committee member and the Secretary of the Communist Party's Central Committee Political and Legal Affairs Commission, stated:

> . . . in fostering comprehensive social organizations, we must work hard to integrate various types of social organizations into a social organization system led by the Party Committee and the government . . . in the management of social organizations, [we must] establish a system of separate development and separate management to promote the healthy and orderly development of social organizations . . . in the management of foreign non-governmental organizations engaged in activities in China, we must es-

tablish a unified management mechanism to ensure legitimate exchanges and cooperation and strengthen management according to the law.[82]

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Introduction

China's political system is dominated by the Communist Party, and Party organizations extend into and influence every sector of society. There is limited participation by non-Party members in political decisions. During the Commission's 2011 reporting year, Chinese authorities intensified Party-building efforts and efforts to strengthen controls over society in the name of improving "comprehensive management of public security" and "safeguarding stability." Leaders launched a widespread crackdown to thwart citizens' attempts to gather for peaceful demonstrations around the country, dubbed "Jasmine" protests by the organizers, which included advocating for democratic reforms. Leaders continued to have little tolerance for outspoken democracy advocates. Authorities continued to voice support for enhanced accountability, "open government affairs," and greater public participation, although implementation of various measures was sporadic. The central government encouraged pilot grassroots-level "democratic management" programs, partially to reduce corruption, improve relations between officials and citizens, promote transparency, and encourage "democratic" public participation. While village elections for "village committees" have spread throughout China, their implementation remains problematic. Corruption remained a serious problem at all levels, and the central government issued the first "white paper" on corruption and reportedly strengthened anticorruption efforts.

China's One-Party State and Political Control

During this reporting year, Communist Party leaders accelerated efforts to reinvigorate the Party's dominance and involvement in all sectors of society. July 1, 2011, marked the 90th anniversary of the founding of the Party, which reportedly had nearly 80.3 million members by the end of 2010 [1] and has established more than 3.79 million committees and branches throughout the country.[2] These organizations exert influence over every sector of society, including villages and urban neighborhoods,[3] as well as most enterprises,[4] public service organizations (including hospitals, schools, and research institutes),[5] government departments, and quasi-governmental and non-governmental organizations.[6] Chinese leaders continued to insist upon the leading role of the Party and the infusion of Party principles in various sectors including "managing talent" (human resources), education, and the media.[7] This reporting year, Party officials focused Party-building efforts on urban residents' committees,[8] law firms, schools,[9] and rural residents.[10]

Increasing Social Controls in the Name of "Safeguarding Social Stability"

Chinese government and Party officials expanded social controls, especially mechanisms to monitor citizens and groups, in the name of strengthening "comprehensive management of public security" [11] and "safeguarding social stability." Authorities also appeared to link social control strategies with service provision, whereby out-

reach to citizens would involve both service provision and "management" tasks.[12] In July 2011, the Information Office of the State Council noted that officials across China had opened 2,842 government affairs service centers at the provincial, autonomous prefectural, and municipal levels, and 25,000 (rural) township and (urban) street service centers.[13] In November 2010, central government and Party officials issued an opinion about strengthening urban Party-affiliated resident committees that noted the growing role for the committees in "safeguarding social stability."[14] In addition, local and sector-specific officials implemented measures expanding controls over society:

- In Beijing, authorities appear to be encouraging volunteers to monitor their fellow citizens; they are expected to play a "leading" role in "comprehensive management" by providing information and reports related to "stability," sometimes for a monetary reward.[15]
- In March 2011, authorities in Shanghai reportedly began to establish Party organizations in some commercial buildings to monitor activities, as a part of implementing local regulations on "comprehensive management."[16] The regulations are also the first to incorporate directives monitoring the Internet into the city's "comprehensive management" system.[17]
- Zhejiang provincial[18] and Shenzhen municipality[19] authorities initiated measures to control the movements of "critical personnel" (*zhongdian renshi*). Zhejiang includes in this category persons involved in "rights defense" activities, petitioners who take their grievances to higher administrative levels, and those suspected of "creating instability."[20]
- Education authorities strengthened the "student security informant" system, which reportedly operates covertly on campuses to safeguard stability, and the "student informant system,"[21] which authorities use to monitor the political expression and behavior of students and teachers.[22] One school bulletin board posting reportedly disclosed that students who celebrated Liu Xiaobo's Nobel Peace Prize award would not be eligible for scholarships.[23] Peking University reportedly banned students from copying sensitive materials including those critical of the Party,[24] and announced plans to arrange consultations for "troublesome students," including students with "radical thoughts" who hold critical views of the university's management or who complained about policy changes.[25]

2011 Crackdown: From Reform Advocates to Flower Vendors

Authorities conducted a largely preventative crackdown amid calls for nonviolent, "Jasmine" protests in various cities in China. Authorities prevented some citizens from exercising their constitutional right[26] to freedom of assembly, association, and speech, as well as to advocate for change including democratic reforms. [For more information on the 2011 crackdown, see Section II—Freedom of Expression and Section II—Criminal Justice.] Beginning in mid-February after the protests in the Middle East and North Africa, weekly calls for peaceful "Jasmine" protests in China to take place each Sunday appeared online, urging citizens to "stroll" around designated areas at designated times, in a gradually increasing number of cities.[27] The original anonymous statement circulated in China, also sent to and posted by an international Web site, Boxun, urged Chinese citizens to demonstrate for democratic reforms and against alleged corruption in China among other issues.[28] On February 19, 2011, a few days after the appearance of the first online call for protests, and amid commemoration of 20 years of "comprehensive management of social order" work launched in 1991,[29] top Chinese officials held a seminar for key provincial and ministry-level leaders. At the meeting, President Hu Jintao outlined eight main tasks for leaders to strengthen "social management."[30] According to the South China Morning Post, government-controlled newspapers including the Beijing Daily, the Jiefang Daily, and the Shanghai Morning Post issued front page articles warning against mass gatherings[31] and emphasizing the need to strengthen "social management" and "safeguard social harmony and stability."[32]

Authorities have reportedly arrested, detained, "disappeared," put under "soft detention," or otherwise harassed over 200 citizens, writers, scholars, and political reform advocates since mid-February.[33] Those arrested included Chen Wei,[34] Ding Mao,[35] and Ran Yunfei.[36] Relevant central or local authorities also reportedly:

- Censored words and phrases related to the unrest in the Middle East and North Africa, and related to the word "Jasmine";[37]
- Declared jasmine flowers to be contraband and instructed at least one flower vendor in Beijing municipality to report on people seeking to purchase the flowers;[38]
- Urged some church followers not to join mass gatherings;[39]
- Detained two students in Chongqing municipality for posting news of the "Jasmine" protest strolls online, prevented some students from leaving certain campuses at specific times, issued notices asking students to stay away from sensitive areas, and warned students not to hold any collective gathering in order to avoid a misunderstanding;[40]
- Presented a strong showing of security personnel and equipment at locations in municipalities designated as "Jasmine" rally sites[41] and used water trucks to flood streets and sidewalks at those sites;[42]
- Closed some subway entrances and businesses near rally sites;[43]
- Assaulted at least 2 foreign journalists, detained more than 12 international reporters in Shanghai and Beijing, and warned journalists in Beijing not to carry out interviews without permission;[44] and

2011 Crackdown: From Reform Advocates to Flower Vendors—Continued

- Disrupted mobile phone services.[45]

Chinese authorities reportedly pressured European missions and interfered in at least 60 activities organized by the U.S. Embassy in Beijing between February and April leading to their cancellation, including "cultural forums, school programs, [and] ambassadorial visits."[46] The Ministry of Education reportedly warned Chinese academics not to cooperate with groups that promote democracy while they are abroad and have stepped up scrutiny of nonprofit groups, especially those that receive funding from the United States or the European Union.[47]

Official Actions Against Democracy Advocates

Authorities continued to detain, arrest, and impose sentences on democracy advocates who exercised their right to freedom of assembly, speech, movement, and association guaranteed in China's Constitution and under international human rights standards. Authorities imposed a 10-year sentence on Liu Xianbin for "inciting subversion of state power" for writing and posting overseas articles that advocated for democratization, criticized Party rule, and supported the development of a "strong opposition organization."[48] In October 2010, officials in Wuhan city, Hubei province, arrested the prolific blogger Li Tie on charges of subversion.[49] As of September 2011, news stories have not provided information regarding his sentence. Authorities in Qianjiang city, Hubei province, also detained, held incommunicado, illegally confined to his home, or denied basic utilities to former local people's congress delegate and elections expert Yao Lifa on at least seven occasions over the past reporting year, sometimes for a few days and other times for months.[50] Amid the appearance of numerous "independent candidates" for local people's congress elections, authorities took Yao into custody on June 20 without charging him, and had not released him as of early August 2011.[51]

Intraparty Democracy and High-Level Debate Regarding Reform

China's political institutions do not comply with the standards defined in Article 25 of the International Covenant on Civil and Political Rights,[52] which China has signed and declared an intention to ratify.[53] Nor do China's political institutions comply with the standards outlined in the Universal Declaration of Human Rights.[54] These standards provide universal rights to freely choose accountable representatives through free and monitored elections, as well as protection for freedom of expression, assembly, and association. In China, however, the Communist Party continues to dominate government and allows only limited independent political participation. Chinese leaders maintain that intraparty democracy should come before democracy in society more widely.[55] The notion of intraparty democracy has been a part of the Communist Party's basic institutional design since 1956.[56]

During the reporting period, official documents and statements continued to include vague support for undefined "democratic"

processes and reforms. At the same time, in September 2011, officials issued a white paper titled "China's Peaceful Development" that states, "China is firm in upholding its core interests which include . . . China's political system established by the Constitution and overall social stability. . . ."[57] This is the first time officials have designated the current political system as a "core interest."[58] A Communist Party communique issued in October 2010 emphasized that "[g]reat impetus should be given to economic system reform, while vigorous yet steady efforts should be made to promote political restructuring."[59] The PRC Outline of the 12th Five-Year Plan on National Economic and Social Development (12th Five-Year Plan) describes plans to "develop democracy and promote socialist political culture development," without providing specifics.[60] Premier Wen Jiabao continued to assert the need for undefined political reforms including in an August 2010 statement declaring that "[w]ithout political reform, China may lose what it has already achieved through economic restructuring and the targets of its modernization drive might not be reached."[61] State press reports, however, criticized calls for rapid democratic reforms in an apparent refutation of some of Wen's remarks.[62] Other officials appeared to criticize ideological pluralism and emphasize the need for China to maintain a "correct political orientation."[63] At the March 2011 National People's Congress (NPC) annual meeting, Wu Bangguo, the Chairman of the NPC Standing Committee, said China would not "copy" western-style political systems.[64] An October 2010 People's Daily editorial reiterated that political development should proceed along a "correct political direction . . . . [P]olitical structural reform is not to weaken, but to strengthen and improve the Party's leadership . . . ."[65]

Local People's Congress Elections and Criticism of "Independent Candidates"

Communist Party members continue to dominate local people's congress elections, but the congresses reportedly are no longer the "rubber stamps" they were in the past. Only township and county congress delegates are elected by the public, so higher level congresses are not elected by ordinary citizens. In May 2009, an international researcher noted that Party members make up approximately 65 percent of township congresses and approximately 70 percent of congresses above this level.[66] In October 2010, the NPC Standing Committee passed revisions to the 1992 Deputies Law of the National People's Congress and Various Levels of Local People's Congresses of the People's Republic of China.[67] According to an official news source, the revisions will help to better protect delegates' rights to information and more clearly define their rights and duties.[68]

Central officials appeared to discourage and prevent "independent candidates" from running in local people's congress elections. While 10 or more citizens may nominate a candidate, sometimes resulting in a large number of "voter-nominated candidates," i.e., "independent candidates," in the early stages of election activities, by the time election day arrives, most such candidates reportedly are winnowed out.[69] Several articles in Party-affiliated newspapers warned of the dangers of including "independent can-

didates" in elections after blogger and writer Li Chengping, from Chengdu city, Sichuan province, gained more than 2.9 million followers on the Internet when he declared his candidacy.[70] Subsequently, more than 100 such candidates reportedly declared their candidacy online.[71] In May 2011, in Xinyu city, Jiangxi province, security personnel from an enterprise reportedly held local "independent candidates" Liu Ping, Wei Zhongping, and Li Sihua to prevent them from campaigning or participating in a district-level election.[72] The three were released shortly after the election took place.[73] Officials also reportedly detained Du Quanbing, who traveled to Xinyu to observe the election proceedings.[74] In late June, news stories reported additional harassment of "independent candidates" and their families.[75] A May article in the Party-affiliated Global Times noted that "independent candidates" could play a positive role, but also asserted that it was not suitable to allow candidates who held opinions different from those of the current political system to run; and that such candidates would bring "even more turbulence, threatening the cohesion of the nation."[76]

Village Elections and "Democratic Management" Projects

TRENDS IN VILLAGE ELECTIONS AND RELATED LEGISLATIVE DEVELOPMENTS

While village elections have spread to all provinces and most villages in China, they reportedly continue to be plagued by official interference, corruption,[77] and, in at least one case, violence.[78] Corruption problems reportedly include such things as election bribery[79] and gift-giving in exchange for votes.[80] One example of official interference occurred in July 2010 in a village in Fangshan, a suburban district in Beijing; officials there reportedly interfered with vote counting, allegedly upon orders of the incumbent village leader, leading to a standoff with villagers.[81] Fangshan officials called in 200 police, who then detained several villagers, some for reportedly "obstructing traffic."[82]

In October 2010, the NPC Standing Committee passed revisions to the PRC Organic Law of the Villagers' Committees,[83] which clarified election and recall procedures.[84] The revisions stipulate that every village must establish a "supervisory committee" or similar organization,[85] which may permanently alter the distribution of power among village-governing organizations, possibly reining in the power of village committees. The "supervisory committees" are intended to promote a more "harmonious society," prevent corruption, and deepen "open village affairs" and "democratic management."[86] The deputy minister of the Ministry of Civil Affairs noted in November 2010 that 85 percent of the country's villages had already established supervisory committees or their equivalent.[87] Some news articles note that villages are now governed by "three committees" (Party, village, and supervisory committees).[88] In general, it appears that the Party committee makes decisions, the village committee implements those decisions, and the supervisory committee oversees the decisions.[89] However, relative authority among the three committees, as well as other village organizations, may vary from village to village. The revisions also appear to provide a stronger legal foundation for the authority of "vil-

lager representative assemblies."[90] Provincial-level authorities in at least three provinces (Guangdong, Hubei, and Qinghai) revised regulations governing village committee and/or urban resident committee elections, which for the first time stipulate the establishment of official Party- and government-sponsored election observer systems.[91] It is unclear whether officials will tolerate non-governmental monitoring activities.

Major trends in grassroots governance highlight the efforts of the Party to strengthen control at the grassroots level and central authorities' efforts to improve the competence of village officials. Higher level authorities continued to encourage the same person to serve as village Party secretary and village committee head, reversing the trend started in the late 1980s to separate Party and government positions.[92] While this development may reduce perceived conflict over power in villages,[93] it strengthens Party control and may also decrease competition for and oversight of authority. This development highlights the importance of the order in which Party and village committee elections take place. Authorities reportedly sought to enhance village-level accountability and improve the competence[94] of local officials in a variety of ways, including increasing salary levels,[95] using college graduates[96] and "extra-payroll" officials,[97] and incorporating Party members "without a post" or "old" Party members as "senators" into village governing processes to promote more "harmonious" relations and to improve decision-making processes.[98] In some localities, by the end of 2010, a greater percentage of elected village and Party leaders reportedly had higher educational and professional skill levels than in the past.[99]

"DIFFICULT VILLAGES" AND "DEMOCRATIC MANAGEMENT" PROJECTS

Likely in response to growing discontent and erosion of Communist Party legitimacy at the grassroots level, central and local authorities continued programs to "transform" so-called "difficult villages" and to implement "democratic management" projects. Programs to rectify "difficult villages"[100] (i.e., villages where tensions between citizens and officials are present, where people's aspirations and demands have not been met, or where there are unresolved economic or social problems, among other problems)[101] reportedly are basically complete.[102] During this reporting year, "democratic management" pilot projects in some localities focused on strengthening the role of the Party at the grassroots level, promoting economic development, and improving participation and transparency while "safeguarding stability."[103] Hebei, Guangdong, Hunan, Shaanxi, and other provinces issued "open village affairs" or similar regulations to accomplish these goals.[104] Some villages also established "villager financial management groups,"[105] "transparent account book systems,"[106] or "Sunshine Village Affairs Projects."[107] The effects of most of these pilot projects remain unclear, and one Chinese researcher believes most to be transitory.[108]

BUILDING A "RULE BY LAW GOVERNMENT," ACCOUNTABILITY, AND OFFICIAL EVALUATION SYSTEM REFORM

The State Council and the National People's Congress (NPC) continued or initiated policy measures to enhance government accountability. At the annual meetings of the NPC and the Chinese People's Political Consultative Conference in March 2011, Wu Bangguo reportedly promised that the NPC would enhance accountability through its work on supervision of the government, especially in the areas of "low-income housing, government budgets, education reform, and strengthening primary-level courts and procura torates."[109] In November 2010, the State Council issued the Opinion Regarding Strengthening Construction of a Government That Rules by Law. The Opinion points out several problems that need to be addressed, including increasing "social contradictions" in some localities and fields, "mass incidents" occurring with some frequency, "corruption in some fields," "unjust law enforcement," and "negligible or arbitrary administration."[110] The Opinion calls for deeper reforms, stronger institutions, enhanced government supervision, restriction of administrative powers, and "a government ruled by law."[111] On June 30, the NPC Standing Committee adopted the PRC Law on Administrative Coercion, which will come into force on January 1, 2012, after a 12-year drafting process. The law is meant to resolve the problems of official infringement of citizens' legal rights and weak enforcement of regulatory instruments by government agencies, according to an official with the NPC Standing Committee Legislative Affairs Commission as reported by the Beijing Review.[112] In July, news reports indicated that the revisions of the PRC Administrative Reconsideration Law had advanced to the legislative planning phase and that it is possible the revisions will expand the scope of administrative reconsideration cases to be accepted in the future.[113] The revised PRC State Compensation Law, which came into effect on December 1, 2010, could, if implemented, provide citizens more opportunities to obtain compensation when government officials violate their rights.[114]

There have been both potentially encouraging and seemingly unconstructive developments in official evaluation system reforms. Authorities plan to revise official professional evaluation standards based on a new system that takes regional economic, geographical, and social differences into account.[115] The new standards could lead to greater accountability because they could reduce incentives for falsifying information given to higher level officials to improve promotion chances. Official responsibility and evaluation systems sometimes provide incentives to suppress citizens who want to take their grievances to higher level authorities.[116] One Chinese editorial pointed out the dangers of incorporating "stability preservation" into cadre evaluation systems, because officials may put "safeguarding stability" above everything else or seek to "control petitions" and, as a result, cover up problems.[117] One document indicates officials in one county can be marked down for collective petitions received at higher levels of government and for the number of "unsafe political incidents that affect national security."[118] In

one case, authorities said they would withhold grain subsidies if citizens made complaints to higher level officials.[119]

Accountability and Corruption

CORRUPTION

Corruption reportedly remains high, and Premier Wen Jiabao recently emphasized that corruption poses a significant danger to Communist Party rule.[120] Corruption also reportedly continues to be one of the top concerns of Chinese citizens.[121] During this reporting year, official discipline inspection and supervision entities reported receiving over 1 million accusations and complaints against officials from citizens between January and December 2010.[122] Authorities reportedly opened 7,349 malfeasance and rights infringement cases perpetrated by 10,227 government officials in 2010; 3,508 of these cases were considered major or serious.[123]

MEASURES TO CURB CORRUPTION AND PROMOTE ACCOUNTABILITY

Chinese authorities took regulatory steps to address corruption,[124] and in December 2010 the State Council issued China's first white paper on corruption titled "China's Efforts To Combat Corruption and Build a Clean Government."[125] Prior to that, on December 8, 2010, top Party and government authorities jointly issued the Provisions on Economic Responsibility Audits for Chief Leading Cadres of the Party and the Government and Executives of State-Owned Enterprises, which seek to strengthen supervision and management of cadres.[126] In addition, on December 15, 2010, authorities issued the Provisions Regarding Implementation of the Responsibility System for Construction of an Honest Party and a Clean Government.[127] In February 2011, the NPC Standing Committee amended the PRC Criminal Law to criminalize the giving of items of value to an official of a foreign government or international organization in order to obtain an improper commercial benefit. The amendment went into effect on May 1, 2011.[128] Authorities issued a new anti-bribery law that went into effect in May and will apply to state-owned enterprises and private companies.[129] In July, top Party and government officials issued the Provisions Regarding Rural Village Grassroots Officials' Honest Performance of Duties (Trial Implementation), which prohibit 41 specific types of behavior of grassroots officials, including "participating in, coddling, or supporting criminal syndicates or evil forces" and "violating stipulations by seizing and taking citizens' money or property, or by penalizing citizens."[130]

Authorities also took limited steps to encourage reporting of corruption and to protect whistleblowers. Protections for whistleblowers, however, are insufficient and authorities have discouraged independent anticorruption Web sites. The Supreme People's Court and provincial courts reportedly established corruption reporting Web sites.[131] Revisions to the PRC Law on Administrative Supervision require authorities to inform a person who files a "real-name" report about the results of the corresponding inquiry. A new section stipulates that officials must keep confidential the information they collect about citizens who provide tips.[132] According to

the Legal Daily, 70 percent or more of the cases of work-related offenses filed with procuratorate offices initially involved a tip from a citizen.[133] According to material from the Supreme People's Procuratorate reported by the Legal Daily, 70 percent of the people who filed tips with procuratorate offices were subject to some form of retribution.[134] In July, court officials in Tengzhou city, Shandong province, rejected an appeal by journalist Qi Chonghuai, known for his official corruption exposés, sending him to prison for eight years on the charge of embezzlement.[135] This follows the four-year sentence he had already completed after being convicted of extortion and blackmail following his posting of stories online about alleged corrupt practices of municipal government officials.[136] While authorities have established official tip sites, some have blocked nongovernmental whistleblower Web sites.[137] In the summer of 2011, new sites based on "confess-a-bribe" Web sites in India began to appear in China.[138] As of mid-June 2011, there were at least eight Chinese independent platforms for reporting bribes, reportedly receiving tens to hundreds of thousands of hits.[139] The sites were unregistered, leaving them vulnerable to closure.[140] Authorities began blocking access to the sites and warning some of the webmasters to close their sites by mid-June.[141] At least two of these sites were targets of cyber attacks.[142]

TRANSPARENCY AND OPEN PARTY AND GOVERNMENT AFFAIRS

Authorities reportedly strengthened policies favoring government information disclosure, although the State Council has implemented transparency commitments inconsistently, and citizens continued to face challenges in accessing information and bringing cases to court. An April 2011 report by the US-China Business Council noted that China has pledged to publicly release drafts of all economic laws and regulations for 30 days.[143] The report found, however, that over a recent 11-month period the State Council had posted no more than half of its rules and regulations for public comment, with only a few being posting for the full 30 days.[144] In contrast, the report found that the National People's Congress had posted drafts of most laws for the full 30 days.[145] At the May 2011 U.S.-China Strategic & Economic Dialogue, China pledged to issue a measure in 2011 requiring that all proposed trade- and economic-related administrative regulations and departmental rules (with certain exceptions) be published on the State Council Legislative Affairs Office Web site for at least 30 days.[146]

In November 2010, the State Council Opinion Regarding Strengthening Construction of a Government That Rules by Law (the Opinion) reiterated that "making government information public is the principle, while a few exceptions are allowed."[147] Authorities reportedly also sought to strengthen information disclosure at the grassroots level.[148] In December 2010, the Supreme People's Court passed a provision that stipulates courts shall accept five types of administrative cases brought by citizens suing government departments for failing to provide information that legally should be open to the public. The provision also stipulates that courts are not authorized to accept cases under four types of vaguely defined conditions,[149] leaving significant leeway for courts not to accept cases. The 12th Five-Year Plan, issued in March 2011, specifies

that China will establish and improve "open information" to advance digitalization of government affairs.[150] In August, just after Chinese citizens flooded the Internet with inquiries regarding the lack of transparency about a high-speed train accident in Wenzhou city, Zhejiang province,[151] central Party and government officials issued the Opinion Regarding Deepening Open Government Affairs and Strengthening Government Services, which includes an item stating that officials should "take great efforts to make transparent information about major sudden incidents and issues of concern to citizens . . . and correctly guide public opinion."[152] [For more information on media coverage of the train incident and "guiding public opinion," see Section II—Freedom of Expression.]

Nevertheless, officials continued to deny open government information requests for reasons that appear to contradict the spirit of the law. One study of open government information annual reports submitted by national, provincial, and some city government organizations conducted by researchers in China reportedly found that officials continue to refuse to grant information disclosure requests because officials claimed the "information is not available," the information would "influence social stability," and the information "involves state secrets."[153]

Voluntary disclosure of government budgetary information remained an area of progress, although challenges remain. The State Council Opinion Regarding Strengthening Construction of a Government That Rules by Law stipulates that officials should more actively make government information public and focus on "financial budgets, allocation of public resources, approval and implementation of major construction projects, and non-profit social causes."[154] In early July 2011, government departments under the State Council began to make public information on expenditures for overseas trips, public relations, and vehicles, otherwise known as the "Three Publics." By late July, 86 of the 98 departments under the State Council had made their expenditures public.[155] Central officials also have required central government departments that have their budgets approved by the National People's Congress to make their annual budgets public. As of the end of May, 88 of the 98 departments reportedly had disclosed their budgets to the public.[156] In July, the State Council Standing Committee reportedly said it was necessary to "vigorously advance" budget transparency, to expand the scope of transparency, and refine disclosed content.[157] According to one survey, the Ministry of Finance expanded the number of items it made public in the national budget.[158] Although central-level ministries, the governments of Shaanxi province and Guangxi Zhuang Autonomous Region, and other areas have opened their 2011 budgets to the public, many citizens reportedly believe that the information provided is incomplete and that the budget category of "other expenses" hides information.[159]

Central Party leaders continued to make policy announcements regarding their intent to expand the transparency of Party affairs, and the Beijing municipal government took policy steps to enhance Party accountability. In October 2010, a top Party organization issued a policy document that outlined the "guiding thought" and basic principles for putting into practice "open Party affairs" at the

lowest administrative levels, as well as the content to be made public.[160] The Beijing municipal government issued the Beijing Municipal Implementation Measure in January 2011, which for the first time includes Party leaders in the "scope of accountability."[161] Authorities announced that 13 central Party departments, 31 provinces, autonomous regions, and municipalities, and nearly half of China's prefectural-level cities have already established Party press spokesperson systems.[162]

Public Input in Decisionmaking, Interest Articulation, and Public Hearings

Citizens and groups in China have little direct access to political decisionmaking processes; however, they are increasingly able to utilize various channels to express opinions regarding proposed policies and regulatory instruments. The 12th Five-Year Plan stipulates that "it is necessary to give full play" to "people's organizations, trade associations, and mass media to express social interests" and that authorities will expand the "degree of public participation" in decisionmaking.[163] The Opinion Regarding Strengthening Construction of a Government That Rules by Law (Opinion), issued in November, stipulates that "before major decisions are made [authorities] should widely solicit and adequately assimilate opinions from all sides."[164] It requires that "public opinion . . . be solicited" with respect to "administrative laws and regulations . . . that have direct influence on rights and obligations of citizens, legal person [sic] or other organizations." In addition, the Opinion stipulates that "what opinions are adopted, and why, should be made public in appropriate formats."[165]

COMMERCIAL RULE OF LAW

Introduction

As a member of the World Trade Organization (WTO), China is bound by commitments outlined in both the WTO agreements and China's accession documents.[1] China must abide by obligations that prohibit it from discriminating among WTO members or from discriminating between foreign and Chinese goods, services, and intellectual property rights. China must adhere to WTO obligations to publish promptly all laws, regulations, judicial decisions, and administrative rulings related to trade in goods, services, trade-related intellectual property rights, or control of foreign exchange. While China has taken many steps to open its economy and reform its legal system since acceding to the WTO in December 2001, it has not fully met its commitments.[2] According to the United States Trade Representative (USTR), "in some areas, it appears that China has yet to fully implement important commitments, and in other areas, significant questions have arisen regarding China's adherence to ongoing WTO obligations, including core WTO principles."[3] For example, China has failed to adhere to the WTO's transparency principle, and this in itself has made it difficult for other WTO members, including the United States, to monitor China's overall WTO compliance.[4] China agreed when it acceded to the WTO to begin negotiations to join the Government Procurement Agreement (GPA) "as soon as possible."[5] It has not yet done so. USTR notes that China is moving slowly toward joining the GPA, while "maintaining and adopting government procurement measures that give domestic preferences."[6]

The USTR has indicated that problems in China's WTO compliance can be traced to China's use of industrial policies and "government intervention intended to promote or protect China's domestic industries and state-owned enterprises."[7] The Chinese government's use of industrial policies to direct economic growth, rather than relying on market-based principles, both hinders development of the rule of law[8] and limits the access of non-Chinese companies, including those from other WTO members, to the Chinese market,[9] thereby violating the core WTO principle of national treatment.[10]

Chinese government departments' use of industrial policies has been accompanied by, and in some cases provides for, the growth of the state sector in the Chinese economy,[11] a trend called "the state advances, the private sector retreats."[12] It is not clear that a large state-owned sector is compatible with rule of law. The state, as the main shareholder, controls the courts, the police, and the legislature, which renders equal treatment before the law and an independent judiciary impossible.[13]

Transparency

In its Protocol of Accession to the WTO, China committed to publish all laws, regulations, or other measures affecting trade (with certain exceptions), to allow a reasonable comment period before implementation, and to establish or designate an official journal for this purpose.[14] USTR notes in its 2010 report on China's WTO compliance that China's implementation of its WTO transparency

obligations has been uneven.[15] In its April 2011 PRC Transparency Tracking report, the US-China Business Council reported that regulatory transparency remains one of the top concerns of the council's member companies.[16] This was raised at the May 2011 meeting of the U.S.-China Strategic and Economic Dialogue (S&ED), and China agreed to issue a measure in 2011 requiring publication in most cases of all proposed measures related to trade and economics on the Web site of the State Council Legislative Affairs Office for a 30-day comment period.[17] At the S&ED, China and the United States broadened discussions of transparency to encompass provision of export credits and arrangements for export financing.[18] China has two official export credit agencies (ECAs), China Eximbank and Sinosure, and the state-owned policy bank, China Development Bank, performs a function similar to that of an ECA.[19] As China is not a member of the Organisation for Economic Co-operation and Development (OECD), China's ECAs are not required to adhere to the standards set out in the OECD Arrangement on Export Credits, which includes provisions for consultation and exchange of information on export credit offers.[20] (Eximbank's Export Seller Credit program typically supports "exports of 'national champion' companies that are oftentimes State Owned Enterprises (SOEs) as well.")[21] At the S&ED, China also committed to "steadily increase its solicitation of public opinions on regulatory documents with a direct influence on the rights and obligations of citizens, legal persons, or other organizations."[22]

State-Owned Enterprises and the Communist Party

China's state-owned sector continues to enjoy preferential treatment, crowding out private companies in certain key sectors.[23] State-owned enterprises (SOEs) enjoy a number of direct and indirect subsidies, some of which violate China's WTO commitments. [For a discussion of the WTO case against China concerning its subsidies in the wind energy industry, see China and the World Trade Organization in this section.] According to an American economist, "SOEs operate within markets but they operate primarily within state-controlled markets. This regulatory protection is the most powerful subsidy many SOEs receive."[24] Further, the government plays a key role in allocating inputs to production, such as land, financing, resources, and corporate management.[25] Through ownership of land[26] and the SOEs, the state held 76 percent of productive wealth in China at the end of 2006.[27] According to a Yale University expert, this is a "[b]arrier to legal development and the rule of law."[28]

SOES AND COMMERCIAL SECRETS/STATE SECRETS

One area in which SOEs may receive extra protection is the application of state secrets rules. Chinese legislation on state secrets is vague as to whether information concerning the SOEs falls under China's rules on commercial secrets[29] or the PRC State Secrets Law.[30] This creates potential risks for individuals and companies competing or contracting with the SOEs or trying to obtain information on sectors controlled by the SOEs.[31] Under Chinese law, a commercial secret can be elevated to a state secret when the in-

formation is not publicly available and if "state interests are involved."[32] Further, the use of such legislation to protect secrets in a way to benefit the SOEs may raise trade issues.[33]

The importance of this lack of clarity was highlighted in the 2010 case of Xue Feng, a U.S. citizen who was charged with violating the State Secrets Law when he helped his U.S.-based employer purchase a commercial database in China. The database was not classified as a state secret at the time of the transaction.[34] In February 2011, a Chinese court upheld Xue's sentence of eight years' imprisonment.[35] The New York Times noted, "Some analysts have viewed Xue's prosecution as a reflection of China's sensitivity to matters regarding natural resources."[36]

SOES AND THE PARTY

As government-owned entities, SOEs are closely linked to the Communist Party. State Council regulations provide for building primary Party organizations in the SOEs pursuant to the Party constitution.[37] Further, the Party is active in management of the SOEs, including through appointment of senior management by the Party's Central Organization Department, which appoints personnel for all important jobs in China.[38] There are also reports of Party organizations in the overseas operations of SOEs.[39] According to one Chinese article, "Any major Party activity happening in the mainland shall be executed simultaneously overseas."[40]

Industrial Policy

Industrial policy continues to play an important role in the Chinese economy, guiding important sectors such as the automotive, software, and "cultural" industries.[41] China's industrial policies encourage the transfer of technology to, and consolidation of, the SOEs, and creation of "domestic champions."[42] In March 2011, the National People's Congress passed the PRC Outline of the 12th Five-Year Plan on National Economic and Social Development (12th Five-Year Plan), which supplements current industrial policies by prioritizing seven "strategic emerging industries" for development over the coming five years. These industries—energy conservation, new generation information technology (IT), biotechnology, high-end equipment manufacturing, new energies, new materials, and new energy vehicles—will enjoy preferential tax and financial policies.[43] Since issuance of the 12th Five-Year Plan, the Ministry of Industry and Information Technology and other government departments have issued sector-specific plans.[44]

To promote the development of the information technology (IT) industry, in January 2011, the State Council issued a circular on encouraging the development of the software and integrated circuit (IC) industries, providing for various incentives to improve the environment for these industries.[45] The circular is a supplement to a document the State Council passed in 2000,[46] which subsequently was revised to settle a WTO dispute the United States brought against China.[47] ICs and software are included as "encouraged investments" in both the 2007 and the draft 2011 Foreign Investment Guidance Catalogue,[48] with an additional entry in the 2011 draft for next-generation Internet.[49]

Intellectual Property Rights

Chinese authorities' enforcement of intellectual property rights (IPR) continues to be poor, notwithstanding government campaigns, crackdowns, and commitments.[50] Poor enforcement is combined with government policies to compel foreign companies to transfer technology to entities in China in exchange for market access. Further, U.S. businesses have continued to express concerns that Chinese authorities are using technical standards[51] and the PRC Antimonopoly Law as tools to acquire foreign technology and other forms of intellectual property.[52]

During the 2011 reporting year, the Chinese government took some actions to improve enforcement of IPR. The State Council launched a six-month campaign starting in October 2010 to combat the manufacture and sale of counterfeit and shoddy goods.[53] In March 2011, the government extended the campaign an additional three months.[54] In December 2010, nine central-level government departments issued a notice on stopping the sale of such goods online.[55] In March 2011, the Chinese search engine Baidu announced plans to address copyright infringement through its Web site.[56] There have been reports of greater IPR protection in certain industries subject to industrial policy, including a campaign to enforce IPR in Shanghai's cultural markets[57] and protection of IPR in software and integrated circuits under the policies for development of the software and integrated circuit industries. [See Industrial Policy in this section.][58] However, infringement of IPR continues to be a major challenge for Chinese consumers[59] and for U.S. companies operating in China.[60]

The Office of the U.S. Trade Representative kept China on the Priority Watch List in its 2011 Special 301 Report because of "ongoing concerns about the prevalence of piracy and counterfeiting in China, and China's implementation of 'indigenous innovation' and other industrial policies that discriminate against or otherwise disadvantage U.S. exports and U.S. investors."[61] During the 2010 meeting of the Joint Commission on Commerce and Trade (JCCT), China agreed to carry out special campaigns on IPR enforcement and to "actively work to advance software legalization," and to address certain other issues in IPR protection.[62] President Hu Jintao made additional commitments on IPR protection during his visit to Washington in January 2011, including an agreement for funding and auditing the use of licensed software by the Chinese government and for promoting the use of licensed software by private companies and state-owned enterprises.[63] In February, according to Chinese press and government reports, the Chinese government agreed that by the end of May 2011, all central government departments would use legitimate software, and local governments would implement the same plan by the end of October.[64]

INDIGENOUS INNOVATION

During this reporting year, foreign investors continued to raise concerns that China's indigenous innovation policy[65] for Chinese domestic development and ownership of technology is a means to force foreign companies to transfer their technology to China and a trade barrier, disadvantaging certain types of companies seeking

to access some of China's markets, particularly China's large government procurement market, including through discriminatory use of technical standards.[66] The U.S. Government raised these concerns at the December 2010 meeting of the JCCT, at which China made commitments concerning IPR and non-discrimination in its indigenous innovation policies.[67] At a meeting in January 2011 between U.S. President Barack Obama and Chinese President Hu Jintao, President Hu agreed that China would eliminate certain discriminatory innovation policies,[68] and at the third meeting of the U.S.-China Strategic and Economic Dialogue in May 2011, China committed to "eliminate all of its government procurement indigenous innovation products catalogues . . . ."[69] The Ministry of Finance announced revocation of three discriminatory measures on government procurement effective July 1, 2011.[70] One commentator noted that the change does not "by its terms extend to sub-central agencies."[71] Several provincial and municipal authorities, however, posted the Ministry of Finance announcement on their Web sites, or posted notices revoking related legislation.[72]

Indigenous innovation has continued to play an important role in China's economic planning. In October 2010, the State Council issued the Decision on Accelerating Cultivation and Development of Strategic Emerging Industries,[73] presaging the strategic industries outlined in the 12th Five-Year Plan. The decision calls for cooperation with foreign companies and research centers, including encouraging them to set up research centers in China.[74] The American Chamber of Commerce in the People's Republic of China considers the decision as "an extension of the indigenous innovation drive and a complement to the 2006 [Medium- and Long-Range Plan for Development of Science and Technology]."[75] Further, Chapter 27 of the 12th Five-Year Plan, titled "Increase Science and Technical Innovation Capabilities," calls for continuation of indigenous innovation.[76] Article 3 of the chapter discusses "surrounding the enhancement of the capabilities of original innovation, integrated innovation, and of absorbing and re-innovating imported technologies . . . ."[77]

China and the World Trade Organization

China is an active member of the World Trade Organization (WTO). In the period since becoming a member in December 2001 through July 2011, China has been a respondent in 21 cases, complainant in 8, and a third-party participant in 78.[78] According to the 2010 U.S. Trade Representative (USTR) Report to Congress on China's WTO Compliance, there were six active disputes against China in 2010.[79]

In September 2010, the United Steelworkers filed a Section 301 petition with USTR concerning China's support for its domestic wind energy industry, citing five areas.[80] In January 2011, the U.S. requested consultations with China at the WTO concerning China's provision of subsidies to Chinese wind turbine manufacturers through a "Special Fund for Industrialization of Wind Power Equipment."[81] This was much narrower than the areas covered in the United Steelworkers' petition. In March, USTR indicated its preference to settle the dispute, and in June, USTR announced that China had ended the challenged subsidies.[82] USTR noted dif-

ficulties uncovering subsidies given China's lack of transparency.[83] China is required to notify the WTO of subsidies on a regular basis, which it has failed to do.[84] Further, while USTR depends on companies to gather the information necessary for a trade case, companies often hesitate to do so, "fearing Chinese officials' reputation for retaliating against joint ventures in the country and potentially denying market access to any company that takes sides against China."[85] [See Investment Regulation—Foreign Investment in China in this section, concerning China's discretionary foreign investment approval procedures and annual inspection requirements.]

In September 2009, the United States imposed tariffs on certain passenger vehicle and truck tires from China in accordance with Article 16 of China's Protocol of Accession, which provides for a transitional product-specific safeguard mechanism to give temporary relief from "market disruption" to a domestic industry caused by a surge in imports from China.[86] Within days, China initiated proceedings at the WTO against the U.S. action, and in December 2010, the WTO panel decided against China.[87] China appealed the panel's decision, and in September 2011 the WTO Appellate Body upheld the panel's decision, once again finding against China.[88] The provision for the transitional product-specific safeguard mechanism will terminate 12 years after the date of China's WTO accession, in December 2013.[89]

In a case concerning market access for certain publications and audiovisual products, including films for theatrical release, audiovisual home entertainment products, sound recordings, and publications, and foreign service providers that distribute publications and certain audiovisual home entertainment products, the WTO Appellate Body decided against China. China had until March 2011 to comply with the WTO decision, but failed to do so.[90] A USTR spokesman stated that the U.S. Government had "communicated its concerns to China, and is working to ensure that China promptly brings its measures into full compliance."[91] In an August 2011 status report to the WTO, China noted that it had "made tremendous efforts" to implement the rulings, listing completed amendments to legislation and a draft amendment to the foreign investment guidance catalogue.[92] [Concerning the amendment to the catalogue, see Investment Regulation—Foreign Investment in China, in this section.] The decision is complicated for China to implement, because it conflicts directly with China's restrictions on media. As one U.S. lawyer in China noted, "China's current policy is to strengthen control over domestic media and further restrict foreign access. Thus the WTO ruling is 180 degrees contrary to very strong current movements in Chinese policy."[93] [See Section II—Freedom of Expression for more information on Chinese government restrictions on media.]

In its report of October 2010, a WTO dispute panel rejected China's claims against the United States in a case China brought in 2008 concerning the United States' imposition of both anti-dumping and countervailing duties on four products from China (circular welded carbon quality steel pipe, certain new pneumatic off-the-road tires, light-walled rectangular pipe and tube, and laminated woven sacks) and certain other issues.[94] China appealed, con-

testing several of the panel's findings, including those concerning the concurrent application of both duties (i.e., "double remedy") and its standard as to when state-owned enterprises are "public bodies" for purposes of determining whether the government is providing subsidies.[95] In March 2011, the Appellate Body reversed in part the panel's decision, including its findings on double remedy, its standard for when SOEs are "public bodies," and certain other issues.[96] The U.S. Trade Representative, Ron Kirk, said that he was "deeply troubled" by the reversal, which, he said, "appears to be a clear case of overreaching by the Appellate Body,"[97] and the United States raised these concerns at the March 2011 meeting of the WTO Dispute Settlement Body.[98]

In July 2011, the WTO decided against China in a case the United States initiated in 2009 concerning China's restraints on the export of various forms of bauxite, coke, fluorspar, magnesium, manganese, silicon carbide, silicon metal, yellow phosphorus, and zinc.[99] The export restraints at issue included "export quotas, export licensing requirements, and minimum export price requirements."[100] The WTO panel rejected China's defense that various restraints were permitted if needed to address a critical shortage, to conserve natural resources, and for environmental protection.[101] China's central news agency, Xinhua, called the ruling "regrettable,"[102] and in August 2011, China notified the WTO of its decision to appeal the ruling.[103]

RARE EARTHS

The WTO case decided in July 2011 on China's export restraints did not cover exports of rare earths, minerals essential in a range of important industries, such as "advanced technology, renewable energy, electronics, and defense."[104] China has a number of measures in place to restrict exports of rare earths, under the rationale that restrictions are necessary for environmental reasons and to protect exhaustible resources.[105] The WTO panel rejected this argument in July's decision in the export restraints case[106] and, according to a spokesperson for the Office of the U.S. Trade Representative (USTR), USTR is "deeply troubled by China's use of market distorting export restrictions on raw materials including rare earths," especially in light of the WTO decision.[107] Within days of the WTO decision, China's Ministry of Commerce announced rare earth export quotas that restore 2011 levels to those of the 2010 quotas, but incorporate a new category, thereby effectively tightening the quota.[108]

A five-year plan for the sector, announced in February 2011, includes "increased state oversight, raising environmental standards, a crackdown on smuggling, the closure of illegal mines and consolidation of rare earth producers."[109] Furthermore, Chinese authorities are instituting greater control by consolidating rare earth assets under state-owned companies.[110]

Currency

The value of the Chinese yuan continues to be of concern to policymakers inside and outside China. Since 2005, China has maintained an exchange rate system under which the value of the yuan

is tied to a basket of currencies.[111] Under this system, China's regulators allow the yuan to float against the U.S. dollar within a narrow band.[112] Chinese authorities control the value of the yuan in part because a revalued yuan would increase the cost of Chinese exports.[113] This arguably raises trade issues. Article XV(4) of the General Agreement on Tariffs and Trade (GATT) provides that WTO members "shall not, by exchange action, frustrate the intent of the provisions of [the GATT], nor, by trade action, the intent of the provisions of the Articles of Agreement of the International Monetary Fund."[114] The Articles of Agreement of the International Monetary Fund (IMF) state that "each member shall . . . avoid manipulating exchange rates or the international monetary system in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage over other members[.]"[115]

One U.S. economist notes several reasons it is in China's interests to revalue the yuan: Revaluation would help China manage its rising inflation rate and help ease an asset bubble in real estate;[116] revaluation would be in keeping with China's goal to shift from reliance on exports to reliance on consumption, as outlined in the 12th Five-Year Plan;[117] and revaluation would benefit China's trading partners.[118] Furthermore, in order to artificially keep the value of the yuan low, China must accumulate large reserves of foreign currency, which leads to market distortions.[119]

Against the backdrop of discussions concerning revaluation, some Chinese government departments have been urging liberalization of the exchange rate mechanism, including allowing wider use of the yuan internationally, or "internationalization."[120] An article in the Communist Party School newspaper, Study Times, in April 2011 called for making the yuan a reserve currency,[121] suggesting five actions: Accelerating China's outbound investments, entering into currency exchange agreements, encouraging the use of yuan in trade, issuing yuan-based bonds, and making better use of finance centers such as Hong Kong.[122] However, as China takes these steps to internationalize the yuan, analysts note the contradiction between internationalizing the yuan and not making it fully convertible.[123] Nonetheless, during this reporting year, Chinese authorities have made several moves on the internationalization of the yuan.[124]

Investment Regulation

FOREIGN INVESTMENT IN CHINA

Foreign investment in China is highly regulated, and the Chinese government uses the approval process to ensure that foreign investment in China is in keeping with government policy. The two government departments with primary responsibility are the National Development and Reform Commission (NDRC), which formulates industrial policy and economic strategy, and the Ministry of Commerce (MOFCOM), which is responsible for approval of foreign investment in China. NDRC and MOFCOM in certain cases delegate authority to their counterparts at lower levels of government.[125] Approval is discretionary on the part of the approving authority. Most foreign investment in China must undergo a government approval process, with larger investments, or investments in

certain sectors, requiring approval at a higher level of government.[126] In February 2011, MOFCOM issued a Circular on Issues in the Administration of Foreign Investment, delegating some approvals to provincial-level departments and eliminating or simplifying other administrative requirements.[127] The Foreign Investment Guidance Catalogue, which is updated periodically, lists industries in which foreign investment is encouraged, restricted, or forbidden, including, in some cases, provisions concerning the structure, shareholding, or management of the investment.[128] (In addition to the foreign investment approval process, enterprises in China must undergo a governmental annual review process to maintain their business licenses.)[129]

In April 2010, the State Council issued opinions that called for revising the catalogue to encourage foreign investment in "high-end manufacturing, 'high-tech' industries, modern services, new energy sources, and energy conservation and environmental protection sectors."[130] The opinions' introduction notes, "Utilizing foreign investment has always been an important part of China's basic state policy of opening up," and underscores the important role of foreign investment in scientific and technological innovation.[131] The State Council issued a draft revision to the current 2007 catalogue in April 2011 which includes provisions adding the strategic industries listed in the 12th Five-Year Plan to the "encouraged" category.[132]

In February 2011, the State Council issued the Circular on Establishing a Security Review System for Acquisitions of Domestic Enterprises by Foreign Investors, with the goal of guiding such acquisitions and protecting national security.[133] The security review applies to transactions involving foreign investors and domestic military industries, or military industry parts, or important enterprises near military facilities; or acquisitions through which foreign investors may acquire a controlling share in other entities relevant to national security, as well as entities providing important agricultural products, energy and natural resources, infrastructure, transportation services, key technologies, and major equipment manufacturers.[134] The security review will evaluate the effects of an acquisition on national security, the national economy, and society, and the research and design capabilities of important domestic technologies relevant to national security.[135] A panel to carry out security reviews will be established under the State Council, with the National Development and Reform Commission (NDRC) and MOFCOM in the lead.[136] Under the review procedure, a foreign investor must file an application with MOFCOM.[137] If MOFCOM finds that the acquisition should be subject to security review, MOFCOM will file a request with the panel.[138] Even if a foreign investor does not file for a review, the relevant Chinese industry association or government department can file for a review.[139] In March 2011, MOFCOM issued provisions, effective from March 5, 2011 to August 31, 2011, which provide procedural rules for a security review.[140]

CHINA'S OUTBOUND INVESTMENT

Like foreign investment into China, China's outbound investment is subject to a government approval process, with approval author-

ity under MOFCOM and the NDRC. MOFCOM measures issued in 2009 set out the approval process for outbound investment,[141] generally requiring approval at higher government levels for larger investments. Relatively larger investments in the energy or mineral sectors can be approved at the provincial level, which expedites these transactions.[142] In addition, certain large investments require the approval of the NDRC.[143] Outbound investments by central-level state-owned enterprises must make a filing with the NDRC.[144]

As China encourages its companies to "go global" under the 12th Five-Year Plan,[145] Chinese government departments are revising regulation of outbound investments. MOFCOM and other departments are preparing draft regulations on outbound investment and foreign labor service cooperation, and there are discussions concerning regulations on foreign contracted projects.[146] In February, the National People's Congress amended the Criminal Law to criminalize the giving of items of value to foreign governments or international organizations for purposes of obtaining improper commercial benefits.[147] The State-Owned Assets Supervision and Administration Commission issued two sets of interim measures on monitoring and supervising financial activities of the central-level state-owned enterprises (SOEs) offshore.[148]

There are a number of avenues for SOEs to obtain financing for outbound investment, including loans by China's state-owned banks, outbound investment funds, and use of yuan. According to a report in People's Daily, the head of the China Nonferrous Metals Industry Association indicated that the government will certify enterprises that meet standards for mine exploration and development, which will be given priority when applying for loans.[149] According to a 2011 report by the Heritage Foundation, most funding for outbound investment has gone into energy and power, and at the end of 2010, there was a "rush of energy acquisition and plant construction deals. Metals draw the second-most investment, followed by finance and real estate."[150] Though there have been allegations of subsidies for overseas investments, a MOFCOM official called the allegations "entirely groundless."[151] [For information on China's liberalization of the yuan in outbound investment, see Currency in this section.]

Antimonopoly Law

In December 2010, two of the three Chinese government departments charged with enforcing the PRC Antimonopoly Law (AML) issued new regulations.[152] The State Administration for Industry and Commerce (SAIC), which is responsible for regulating monopoly agreements and abuse of dominance not involving pricing, issued provisions prohibiting monopoly agreements,[153] provisions on abuse of dominance,[154] and provisions covering abuse of administrative power to restrict competition.[155] The NDRC, which covers monopoly agreements and abuse of dominance involving pricing, issued provisions on monopolies involving pricing[156] and enforcement procedures.[157] While four of these measures address business conduct, the SAIC provisions on abuse of administrative power could, if fully implemented, constrain abuse by local officials and allow freer movement of goods within China, both of which would

benefit Chinese consumers.[158] These regulations all took effect on February 1, 2011.

After issuing the new regulations, but before the effective date, SAIC imposed its first fine for a violation of the AML, in a case concerning a concrete cartel in Jiangsu province.[159] The cartel was organized by a trade association and resulted in concrete producers dividing the market.[160] In another case, Hudong, an online encyclopedia in China, filed a complaint with SAIC against Chinese search engine Baidu, alleging that Baidu abused its dominant position by ranking Hudong's Web site lower on search results. According to a report in China Daily, however, there have been at least three complaints against Baidu that Chinese regulators declined to pursue.[161]

In January 2011, the NDRC announced that the Zhejiang Provincial Price Bureau fined the Zhejiang Fuyang Paper Industry Association for price fixing.[162] According to the announcement, the case was to be used as an example to educate other industry associations.[163] In one of the first administrative monopoly cases, in June 2011 the Guangdong provincial government found that the Heyuan Municipal People's Government violated the AML's provisions on administrative monopoly by restricting the promotion and sale of global positioning systems.[164] The administrative monopoly provisions of the AML forbid conduct by administrative departments to restrict competition or protect local businesses.[165]

The U.S. business community in China has expressed concern that the AML may be used in ways that do not support consumer interests and market efficiency but may be "selectively or discriminatorily enforced to promote industrial policy and other ends."[166] This is of greatest concern in the context of merger reviews, which MOFCOM, the third government department charged with responsibility under the AML, handles. MOFCOM held up approval of an offshore transaction for the sale of Motorola's network assets to Nokia. Antitrust authorities in other jurisdictions, including the United States and European Union, had approved the deal.[167] One management consultant noted that the Chinese government may have been using the approval process as leverage because of controversy over Chinese telecommunications equipment suppliers that were not allowed access to the U.S. market.[168] In June, MOFCOM gave only a conditional approval to the merger of two Russian potash producers in a decision that made clear that MOFCOM would evaluate the effect of the merger on national economic development.[169]

There have been no reports of MOFCOM not approving, or giving conditional approval to, mergers between Chinese companies. The State-Owned Assets Supervision and Administration Commission (SASAC) has encouraged the consolidation of state-owned enterprises (SOEs) in China (a process some industrial policies mandate, such as that for automobiles). For example, SASAC is consolidating China's two largest train manufacturers so that they do not compete with each other, especially in international markets.[170] SASAC is also consolidating the crucial rare earth industry so that there will be three companies with 80 percent of the rare earth market in southern China.[171] Furthermore, the NDRC has formu-

lated a plan to adjust nine major industries in China to improve their efficiency.[172]

Food Safety

During the 2011 reporting year, food safety problems persisted in China, with incidents ranging from exploding watermelons to toxic bean sprouts "soaked in banned additives" and poisonous pepper in Chongqing hotpots.[173] To address reporting of these incidents, the Ministry of Health (MOH) will create a media platform to provide public notifications of food safety issues.[174] In addition, however, MOH also said they will "blacklist" reporters who "mislead the public," according to a Chinese media report.[175] The Chinese government has continued to develop its food safety system, as established under the 2009 PRC Food Safety Law, and the 12th Five-Year Plan on National Economic and Social Development devotes a section to food and drug safety, including the need for a tracing system, risk monitoring, and supervision.[176] In September 2010, the MOH passed the National Food Safety Standards, which took effect in December,[177] and in November, six government departments issued measures on disclosure of food safety information.[178] The central government is investing in improvements to local-level food inspection.[179] The State Council issued a comprehensive document on food safety work for 2011, which addresses cracking down on illegal behavior, improving supervision of food safety, and strengthening education.[180] In June, MOH banned the use of bisphenol-A (BPA) in infants' milk bottles.[181]

ACCESS TO JUSTICE

Introduction

Chinese citizens' ability to seek redress against government actions that violate their legal rights has changed significantly over the past 30 years. More than 200 laws have been enacted,[1] but citizens continue to face significant obstacles to accessing justice. Article 8 of the Universal Declaration of Human Rights states that "[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."[2] Article 2 of the International Covenant on Civil and Political Rights (ICCPR) requires states to ensure that persons whose rights or freedoms are violated "have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."[3]

During the Commission's 2011 reporting period, key policies and regulations relating to access to justice reflected the Communist Party's ongoing concern with maintaining stability. Authorities emphasized the use of mediation over trials in civil cases and promoted mediation as the solution to social unrest. At the same time, authorities sought to enact measures that could curb corruption and lead to greater professionalism within the courts. Authorities' concern with maintaining stability extended to citizen petitioning, an area beset with well-documented human rights violations such as arbitrary detention. During this reporting year, Chinese media exposed a "stability maintenance" organization tasked by some local governments with retrieving petitioners from Beijing, a practice that often led to abuse of petitioners. In addition, petitioner cases involving land disputes continued as a trend as officials sought to develop more rural land.

Against the backdrop of the Nobel Peace Prize being awarded to China's prominent imprisoned intellectual and writer Liu Xiaobo in October 2010, and amidst the online "Jasmine" call for reform domestically, the government enforced measures that further restricted human rights lawyers' advocacy efforts. Officials at various levels of the government continued to take steps to discourage, intimidate, and detain human rights lawyers and defenders who take on issues, cases, and clients that officials deem to be "sensitive." In spite of apparent efforts to train more legal aid representatives, measurable positive effects in citizens' access to justice remain elusive.

Mediation as a Vehicle To Maintaining Social Stability

During the 2011 reporting year, government and party officials continued to use courts as a tool in their efforts to maintain social stability. In particular, the Supreme People's Court encouraged the use of mediation over trials as means to resolve disputes in civil cases.[4] The PRC People's Mediation Law became effective in January 2011,[5] and stresses the need to resolve civil disputes through mediation and to maintain social harmony and stability.[6] It encourages disagreeing parties to reach a voluntary resolution through people's mediation committees.[7] Furthermore, the mediation services are free of charge and legally binding on the parties.[8] To fur-

ther strengthen enforcement efforts, in July 2010, authorities issued a joint opinion involving multiple agencies in an effort to improve enforcement of legally binding decrees.[9] The joint opinion establishes general policy provisions for each agency and allows the courts to coordinate among agencies.[10] Since passage of the PRC People's Mediation Law, authorities have actively promoted it as the "first line of defence [sic]"[11] against mass conflicts. In January 2011, the Supreme People's Court further emphasized the importance of mediation to all basic-level people's courts by stressing the need to uphold the principle of "mediation first, then integrate mediation and adjudication."[12]

Authorities also praised the national model judge for 2010, who resolved more than 3,100 cases in 14 years "all without a single mistake, appeal, or citizen petitioning [against her decisions]."[13] Judge Chen explained that one of her key work principles is to prioritize mediation over litigation, especially in cases involving neighborhood disputes and marital discord.[14]

In spite of the push for mediation, the broader implications of the law remain unclear. While mediation is an effective tool in some types of cases, concerns about mediation center on three main issues: Curtailed access to courts for Chinese citizens, adequate resolution of disputes without coercion, and effective enforcement.[15] A particular concern is the potential use of the PRC People's Mediation Law to pressure and silence human rights activists. For example, in June 2011, public security officials reportedly approached members of the Tiananmen Mothers, a non-governmental organization that seeks public discussion and accountability for people killed during the 1989 Tiananmen protests. The officials reportedly offered to pay compensation to settle individual cases.[16] The terms of the settlement, however, did not include public discussions about the 1989 Tiananmen protests, investigations, or accountability—objectives that the Tiananmen Mothers aim to achieve.[17] To further promote mediating disputes over trial work, the government and the Party reportedly have mandatory mediation quotas, offer financial rewards and career advancements to judges who have high rates of mediation, and punish judges who issue decisions that result in citizen petitioning.[18] This approach can lead some judges to engage in unfair settlement tactics that could "detract from the substantive fairness of the process and undermines the legitimacy of the court system."[19] Survey data also suggests that the enforcement of mediated agreements remains weak.[20]

Efforts To Professionalize the Courts

During this reporting year, the Supreme People's Court sought to professionalize courts by issuing codes of conduct, recusal regulations, and guiding cases. In December 2010, the Supreme People's Court issued two documents concerning judges' conduct: The Model Judicial Behavior Code[21] and the Basic Code of Professional Conduct for Judges.[22] The two documents seek to guide judges in their judicial work and conduct outside of work,[23] set forth five principles of loyalties for judges,[24] and stress allegiance and loyalty to the Party.[25] In early 2011, the Supreme People's Court issued two regulations intended to limit improper influence on the courts. The Trial Implementation of the Provisions Regarding Professional

Avoidance of Trial Judges and Court Leadership When a Spouse or Child Practices as a Lawyer[26] ("Trial Implementation Provisions") requires the court officials and some trial judges to recuse themselves in some professional settings when a spouse or child practices as a lawyer in the jurisdiction they oversee. The Provisions Regarding the Prevention of Interference With Casework by Internal Court Personnel[27] prohibit current and retired court personnel from conducting private meetings with parties, as well as their relatives and legal representatives, whose cases are being adjudicated by the court. The provisions also prohibit current and retired court personnel from forwarding documents, inquiring, or interceding on behalf of the parties.[28] The efficacy of these regulations remains unclear. For example, the Trial Implementation Provisions do not include limitations on the procuratorate, public security personnel, or anyone else who shares a close relationship with the parties or the court.

Authorities also sought to limit the lower courts' ability to request instructions from higher level courts when adjudicating cases. This practice occurs when lower level courts seek to avoid responsibility or are unwilling to decide a case based on the facts and law as presented. The Opinion Concerning the Standardization of Trial Work Between Higher Level and Lower Level Courts,[29] issued in December 2010, is the latest in a series of efforts by the central government to address this practice. Key provisions in the opinion limit the types of cases where instructions can be sought and prohibits "in principle" the court of second instance from remanding a case based on unclear facts and insufficient evidence, when the court of first instance has fully investigated the facts.[30]

The Supreme People's Court issued the long-awaited Regulations Regarding Guiding Cases in November 2010, which could lead to greater uniformity in the handling of cases.[31] The regulations announced that the Supreme People's Court will publish uniform guidelines for some cases that have generated broad societal interest; where the regulation is general; where cases are representative of other cases similarly situated; or where cases are particularly complex, difficult or novel, or otherwise have guiding value.[32] The Supreme People's Court (SPC) reportedly was selecting its first series of guiding cases in May 2011.[33] In addition, according to the director of the SPC research department, the guiding cases will eventually include three series covering public security, the procuratorate, and the courts.[34] One of the key questions that remains unanswered is the degree to which the guiding cases are binding on lower courts.[35]

In September 2010, the Supreme People's Court issued sentencing guidelines on a trial basis that could improve transparency, uniformity, and fairness in sentencing criminal defendants.[36] The key provisions of the guidelines provide baseline sentences for 15 of the most commonly encountered crimes such as traffic offenses, battery, rape, robbery, larceny, fraud, and drug offenses, among others, and establish sentencing factors in aggravation and in mitigation.[37] If implemented at the local level, the guidelines could potentially promote greater transparency and consistency in sentencing by limiting individual discretion of judges.

Corruption Within the Judiciary

Corruption within the judiciary has been a longstanding problem.[38] The extent and scope of corruption are unclear due to a lack of independent data. According to official sources, from January to November 2010, the government "investigated 119,000 graft cases, resulting in 113,000 people being punished, of whom 4,332 were prosecuted . . . ."[39] In addition, a report published by the Supreme People's Court in February 2011 singled out 187 people within the judicial system for improper conduct, ranging from private use of public property to charging inflated fees in 2010.[40] Anecdotal but numerous incidents of corruption reported in the media involved judges extorting money from litigants,[41] engaging in collusion,[42] and accepting bribes.[43]

During this reporting year, key policies continued to reflect the authorities' ongoing efforts to root out corruption within the judiciary,[44] and within the confines of the existing political structure where the courts are subject to the control of the Party.[45] The current approach to combat judicial corruption appears to particularly emphasize the role of state supervision.[46] In October 2010, the Supreme People's Court announced it would gradually undertake tours of inspection of local-level courts where one of the main purposes is to investigate the lower level courts' ability to handle matters diligently and free from corruption.[47] In addition, the authorities continued to promote the policy of "Five Prohibitions" first promulgated in 2009.[48] The "Five Prohibitions" policy proscribes judges from engaging in improper conduct such as accepting gifts, interceding on behalf of another party, divulging work secrets, and engaging in favoritism.[49] The courts have also instituted an online forum where citizens can report on corrupt judges and monitor the progress of whistleblowing tips.[50] The efficacy of the online forum remains unclear.

Administrative Law

Administrative law provides channels for citizens to seek limited remedy when they believe the government has violated their rights. Because Chinese courts do not have the power either to apply constitutional provisions or to strike down laws or regulations that are inconsistent with China's Constitution,[51] administrative laws serve as a tool to allow citizens to express grievances, challenge alleged official wrongdoing, and impose constraints on official misconduct. Overall, Chinese citizens today have more options for redress against government violations than they did 20 years ago, when the field of administrative law first began to develop. In spite of these developments, the administrative law system still faces fundamental institutional challenges. For example, Chinese citizens cannot challenge administrative regulations that violate constitutional or legal rights. Article 12 of the PRC Administrative Procedure Law forbids courts from accepting citizen challenges of administrative rules and regulations that have "general binding force."[52] In addition, the PRC Administrative Reconsideration Law does not allow adjudication of State Council rules or regulations.[53] During this reporting period, the Chinese government continued to promote administrative law reforms that seek to provide greater over-

sight of state agencies and government employees and to protect citizens' interests. In June 2010, the amended PRC Administrative Supervision Law became effective.[54] The key amendments provide some protection for whistleblowers.[55] For example, Article 6 stipulates that administrative agencies shall keep whistleblowers' information confidential, and Articles 46 and 47 provide that individuals [should] be punished or prosecuted for revealing information about whistleblowers or bringing retaliatory charges against reporting parties.[56] In December 2010, the amended PRC State Compensation Law became effective.[57] The amended compensation law expands the scope of the existing law by allowing negligence to go forward as a cause of action against the government under some circumstances.[58] In addition, the amended law eliminates certain procedural loopholes making it easier to establish a valid claim[59] and allows compensation for "psychological injury."[60]

The Commission notes that overall, Chinese citizens remain reluctant to bring cases against government officials using administrative law provisions. According to the Supreme People's Court's work report, the courts handled 135,679 administrative cases, or approximately 1 percent of the 11.7 million cases handled by local courts at various levels.[61] The key reasons include a lack of confidence in the judicial system, historical context, and the belief that the *xinfang* system is a more appropriate channel for citizens' grievances.[62]

Citizen Petitioning (Xinfang)

The petitioning, or *xinfang* (letters and visits), system exists to provide a channel, outside court challenges, for citizens to appeal government, court, and Communist Party decisions and present their grievances. Due to institutional weaknesses in the judiciary and limits on citizens' ability to air grievances, citizens often use petitioning as a means to seek redress for perceived wrongs. Common citizen petitioning cases involve reports of official corruption causing perceived injustice, alleged abuse of power, and unfair land compensation.

China's Constitution and the 2005 PRC National Regulations on Letters and Visits provide that Chinese citizens have the right to petition without retribution. *Xinfang* bureaus are found throughout the Chinese bureaucracy, including offices of the Party, police, government, procuratorates, courts, and people's congresses. Individual petitioning may take the form of one dissatisfied citizen going to multiple *xinfang* bureaus repeatedly over the course of several months or years. Collective or mass petitioning may involve attempts to organize demonstrations, speeches, or marches of people seeking to present their grievances. The capital city, Beijing, where the central government and high-level officials are located, is an especially prominent destination for petitioners from all over China. According to a 2007 research study conducted by the Chinese Academy of Social Sciences, there were "more than 10,000 petitioners that have set up temporary residence" in Beijing.[63] However, only approximately 0.2 percent of the petitioners reportedly achieve resolution through petitioning.[64]

Based on official information from Xinhua in March 2011, the *xinfang* system "ferreted out a total of 2,076,000 cases of varying

kinds of conflicts since April 2010, of which 1,643,000 cases," or 79.1 percent, have been resolved.[65] According to the latest Supreme People's Court's annual report, the number of citizen-petitioning cases in 2010 declined by 22 percent at local levels.[66] The declining figures could mean, however, that the local officials, whose career advancement is often correlated with lower instances of citizen petitioning,[67] are becoming more skilled at preventing petitioners from reaching higher level *xinfang* bureaus.

In spite of Premier Wen Jiabao's show of support for petitioners' problems during a visit to Beijing's top petitioning bureau,[68] Chinese citizens continued to face official reprisals, harassment, and violence. During this reporting year, the central government, and its extensive network of "social stability preservation" organizations under the leadership of the Communist Party Central Committee, continued to assess local government in part based on the number of "abnormal petitions."[69] To cope with the assessment, local governments continued to employ private security companies that sometimes resorted to extralegal measures to prevent petitioners from reaching the central government.[70] In October 2010, Southern Metropolitan Daily exposed a private security company, Anyuanding, under contract by local governments to "retrieve" petitioners who attempted to petition in Beijing, where the central government is located.[71] Anyuanding employed a variety of methods to prevent petitioners from making their grievances heard at the central level. The methods reportedly included coaxing, threats, abduction, detention in "black jails" for extended periods of time, and beatings.[72] Official mistreatment of petitioners was especially harsh during national holidays, meetings held by the Party, and "politically sensitive periods."[73]

Maintaining social stability and containing the petitioning system remained a priority for central and local authorities. In May 2011, the Supreme People's Court issued a series of documents for lower level courts on how to handle petitioning. The documents outlined "four musts and five systems." The four "musts" include: Strengthening the ideology of the masses, finding the problem at the source, building long-term capacity, and focusing on the masses. The five systems focus on risk assessment, notification, reception of petitioners, multi-faceted solutions, and establishing a system of finality in petitioning.[74] Key elements of the documents echoed the push for mediation and social stability observed throughout the court system during this reporting period. [See Mediation as a Vehicle To Maintaining Social Stability in this section.]

During this reporting year, local governments continued to misapply legal regulations to punish petitioners for the sake of maintaining social stability. Public security officers on occasion detained petitioners under Article 23 of the PRC Public Security Administration Punishment Law.[75] The provision proscribes conduct that "disturbs social order." Specifically, Subsection 1 prohibits "disturbing order of organizations, groups, enterprises, institutions, causing interference in their routine operations in work production, operation, medical care, education and research, but not yet causing serious harm."[76] Subsection 2 prohibits "disturbing order in bus stations, ports, wharfs, airports, shopping facilities, parks, exhibition centers, and other public places."[77] The punishment for "disturbing

social order" under Article 23 ranges from warning to 15 days of detention. For example, public security officers from the Beijing Public Security Bureau's Haidian district took petitioner Cai Fuxian into custody for 10 days under Article 23 on October 17, 2010, for distributing leaflets near the meeting place of the fifth plenum of the Communist Party's Central Committee. Cai was seeking redress for the alleged wrongful death of her father, a veteran cadre of the Party, and claimed that a current Central Committee member was involved.[78]

Authorities and rural petitioners who petitioned about demolition of or eviction from their land and residences continued to confront each other, often violently.[79] Under the rubric of land and *hukou* reform, there appeared to be increasing tension between some local governments' plans to develop rural land for urbanization and some rural residents' desire to stay put. According to data made available by the Chinese Academy of Social Sciences in December 2010, petitioning related to land makes up 73 percent of all petitioning cases.[80] Presently, there are approximately 50 million farmers who have lost their farmland due to urban development, a number projected to double in 10 years' time.[81] Against this backdrop, the National People's Congress Standing Committee passed the PRC Administrative Coercion Law on June 30, 2011, to become effective on January 1, 2012.[82] The law aims to establish a framework for regulating coercive measures government authorities can use against citizens.[83] Key chapters in the law define government actions that fall within the scope the law,[84] set out a standardized process by which forcible measures may be imposed against citizens,[85] and allow citizens to sue for damages under certain circumstances.[86]

Citizen petitioning and its abuses reflect two contradictory goals of the system: Stability preservation—embodied by the need for conflicts to remain at the local level—and the central government's use of citizen petitioning as a check on local governments.[87] Furthermore, the existing system partially reflects the limited options available to Chinese citizens seeking redress through the rule of law.

Human Rights Lawyers and Defenders

The Commission observed increasing efforts by Chinese authorities to discourage, intimidate, and physically harm human rights lawyers and defenders who took on "sensitive" causes.[88] Authorities continued to employ a spectrum of harsh measures such as stationing police personnel to monitor the whereabouts of rights defenders,[89] forcing rights defenders to "travel" to remote or unknown locations,[90] inviting them to "drink tea" with security personnel,[91] and imprisoning them.[92] In addition, the Chinese government appears to increasingly target human rights defenders under the color of law. For example, throughout this reporting year, the government denied annual license renewals for human rights lawyers,[93] charged some human rights defenders and activists with crimes such as "disturbing social order,"[94] and prohibited others from leaving the country, citing national security concerns under the PRC Law on the Control of the Exit and Entry of Citizens.[95] [See Section II—Criminal Justice and Section II—Freedom of Resi-

dence and Movement for additional information on human rights lawyers and defenders.]

Legal Aid

Chinese law grants criminal defendants the right to hire an attorney but guarantees pro bono legal defense only if the defendant is a minor, faces a possible death sentence, or is blind, deaf, or mute.[96] In other cases in which defendants cannot afford legal representation, courts may appoint defense counsel or defendants may apply for legal aid, in theory, as early as the investigative stage of their cases.[97]

During the 2011 reporting year, the Commission observed numerous reports of legal aid initiatives aimed at serving disadvantaged regions and improving access to justice for citizens. In early February 2011, the Ministry of Justice announced that legal aid funds nationwide increased to more than 1 billion yuan (US$153 million) in 2010, as the central government and provincial governments allocated more funds to establish legal aid programs in rural localities.[98] In addition, the China Legal Aid Foundation—a government agency established to raise, manage, and allocate funding for the legal aid system—increased legal assistance funding with allocations from the public welfare lottery.[99] The increase in legal aid funding comes as officials report that legal aid organizations across China handled record numbers of cases on behalf of disadvantaged applicants.[100]

According to a February 9, 2011, China Daily article, a senior official with the Ministry of Justice announced that the government would send lawyers to assist disadvantaged groups in 213 destitute counties in central and western China.[101] On February 14, 2011, the China Daily reported that the Beijing Legal Aid Center announced free legal aid consultations and services for families of trafficked children seeking to sue child traffickers, in response to a high-profile government crackdown on child abductions.[102] On February 25, 2011, China Tibet News reported that the Ministry of Finance allocated a special legal aid fund of 700,000 yuan (US$107,200) to assist migrant workers, minors, the elderly, women, and persons with disabilities in the Tibet Autonomous Region.[103] In a March 1, 2011, China Daily article, the Beijing Municipal Bureau of Justice announced its Legal Services in the Community project would place lawyers in all 2,600 communities and 3,900 villages within the Beijing municipality.[104]

Despite the expansion of the legal aid system, China's legal aid structure faces systemic challenges in meeting the demands of its disadvantaged citizens and rural localities. According to a February 2010 article in Zhengyi Net (a Web site under the authority of the Supreme People's Procuratorate), a large number of citizens are in need of legal assistance—including 40 million poor rural residents and 82 million persons with disabilities.[105] The article notes that "the staffs of legal aid agencies in China are far from meeting these needs."[106] In February 2011, China Daily reported that China continues to face an imbalance in legal professionals, as only 5,000 of China's 200,000 lawyers work in the relatively poorer central and western regions.[107] In some of China's underdeveloped regions, courts may have no defense attorneys.[108] Furthermore, even in

areas with a higher proportion of lawyers, citizens are often unable to manage the high costs associated with legal representation. According to one estimate, 80 to 90 percent of criminal defendants in China are unable to hire a lawyer.[109] Despite increases to legal aid funding by the China Legal Aid Foundation, the legal aid system needs substantially more financial support to expand legal aid resources nationwide and to improve training for lawyers handling the challenges of legal aid cases.[110]

PROPERTY

During the Commission's 2011 reporting year, the press, including Chinese media, have reported numerous cases of expropriation and abuses of citizens' land use rights by local governments and property developers, including forced evictions, and related protests by Chinese citizens.[1] These cases reflect a failure of rule of law[2] in the face of a "'great' and 'unrelenting' gap between available land and demand for construction sites," which likely will lead to continued illegal land seizures as the Chinese economy grows.[3] In April 2011, a Ministry of Land and Resources official was paraphrased as warning of "a growing number of illegal land seizures in the future."[4] Currently, land disputes, especially forced evictions, are a major cause of social unrest in China.[5] A March 2011 report by a Chinese research institute found that land confiscation and housing demolition were one of three problems that drew the most attention from Chinese Internet users.[6] To address these problems, in January 2011, the State Council issued new regulations on expropriation of urban land.[7] If fully implemented, these regulations should provide greater protection to urban land use rights holders. Nevertheless, the regulations only apply to confiscations of state-owned land—which generally is urban land—and not to rural land confiscations.

The Chinese government has tried to improve regulation of the real estate market, including reining in prices, boosting the supply of low-income housing, and protecting scarce arable land. In January 2011, the State Council issued a circular on regulating the property market, which included provisions on boosting the housing supply and on holding officials responsible for stabilizing the market.[8] Property prices have been climbing sharply since mid-2009, making housing increasingly unaffordable for many urban dwellers, and the government has set a target of 10 million apartments in 2011 for low-income families.[9] Furthermore, the government has taken a number of measures to control prices, which have risen as much as 50 percent in the 18-month period ending April 2011. For example, Beijing municipality issued rules that impose restrictions on who can buy property.[10] Finally, the government was conducting a pilot project as of April 2011 to establish a nationwide system of land registration, with the stated aim of improving regulation of the market and protecting farmland.[11]

Urban Land and Collectively Owned—or Rural—Land

In China, urban and rural land are regulated differently. Under China's Constitution and system of property law, land is categorized as "urban land," or rural "collectively owned land."[12] Urban land is owned by the state.[13] Urban land cannot be sold, but the state can grant the right to use it for a term of years, upon payment of a land grant premium. The term is 70 years for residential land, 50 years for industrial land, and 40 years for commercial land, including land used for tourism and recreation.[14] While only the state can grant urban land use rights,[15] a grantee can transfer such rights.[16] Collectively owned land is owned by the rural collectives and can be used only for agricultural purposes or for residences or services for farmers.[17] Rural residents can enter

into land use contracts with the collective for a period of 30 years.[18]

As discussed below, holders of urban land use rights enjoy greater protection against expropriation than holders of interests in collectively owned land. Under certain circumstances, collectively owned land use rights can be requisitioned and converted into urban—or state-owned—land, which the local government can then grant.[19] The sales of such land grants provide revenue for local governments.[20] Furthermore, according to at least one U.S. expert, China subsidizes production by its state-owned enterprises in part by providing them with free land.[21] The provision of subsidized land allows the Chinese government to support certain industries or companies, including in clean energy.[22] One official who spoke at a press conference in April 2011 about illegal land seizures stated that the "supply of land will be unrelentingly tighter and the tension it causes will accompany the whole process of China's urbanization, industrialization and modernization."[23] [For a discussion of rural land conversion and *hukou* reform, see Section II—Freedom of Residence and Movement—Freedom of Residence.]

Expropriation of Urban and Rural Land, Compensation, and Abuses

During this reporting year, the Chinese government and Communist Party have taken actions to try to address abuses in property expropriations. For example, the Ministry of Public Security Party Committee in March 2011 issued an opinion on Party work in building clean government and fighting corruption, which included a "zero tolerance" policy toward involvement of public security officers in illegal actions to expropriate land.[24] The Supreme People's Court issued an opinion in February 2011 calling on local courts to handle expropriation cases cautiously.[25] According to a report on a meeting of Chinese legal experts, the National People's Congress (NPC) is considering a draft Immovable Property Expropriation and Relocation Law, and one of the drafters commented China should have a law that creates a uniform system for expropriation of both urban and rural land.[26] Furthermore, the NPC is considering a draft Law on Administrative Coercion which, according to some reports, would address the problem of abuse and violence in expropriations.[27] According to a professor of administrative law at Peking University who was cited in official media, the draft is an attempt "to restrain administrative coercive power on one hand, and to maintain [urban management officers'] ability to undertake social management on the other."[28] Article 11 of the International Covenant on Economic, Social and Cultural Rights, which China has ratified, provides for the right to housing.[29] General Comment 4 to Article 11 provides that "instances of forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances . . . ."[30]

URBAN LAND EXPROPRIATION

The PRC Regulations on Expropriation and Compensation for Housing on State-Owned Land (Urban Expropriation Regulations)

came into effect in January 2011[31] and, if fully implemented, should offer greater protection to urban land rights holders.[32] The PRC Property Law and the PRC Law on Administration of Urban Real Property allow expropriation of urban land in the "public interest," subject to compensation for demolition and resettlement,[33] but neither law defines "public interest." Article 8 of the Urban Expropriation Regulations defines "public interest" in the context of land takings for purposes including, for example, national defense and government infrastructure construction. Unlike previous legislation, the Urban Expropriation Regulations also provide for payment of market value, grant rights holders some procedural protections, such as payment of the purchase price before the owner vacates the property, and include a process for administrative review of the compensation amount if desired.[34]

EXPROPRIATION OF COLLECTIVELY OWNED LAND

Chinese laws and regulations provide rural residents, who live on collectively owned land, a lower level of procedural protection and a lower standard of compensation during expropriations.[35] Though widespread abuse continues in the countryside, there is no legislation covering rights similar to the Urban Expropriation Regulations. According to a survey conducted in mid-2010 by Landesa, a U.S.-based rural development institute, together with a U.S. university and a Chinese university, according to an official media report, "[a]bout 37 percent of the 1,564 villages in 17 provinces and autonomous regions that were covered by the survey have experienced land confiscation since the late 1990s."[36] Of these, farmers in 60 percent of the villages felt compensation was insufficient, and 29 percent of the farmers had no prior notice before their land was taken forcibly.[37] Farmers who try to protect their land may face beating and detention, according to Western media reports.[38]

IV. Xinjiang

Introduction

Human rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR) remained poor during the Commission's 2011 reporting year. Following demonstrations and riots in the region in July 2009, authorities maintained repressive security policies that targeted peaceful dissent, human rights advocacy, and independent expressions of cultural and religious identity, especially among Uyghurs, as threats to the region's stability. Authorities bolstered security in the region in summer 2011 following incidents they described as terrorist attacks and in advance of an expanded trade expo. The government continued to obscure information about people tried in connection to the July 2009 demonstrations and riots, while overseas media reported on cases of people imprisoned for peaceful speech and assembly during that time. Implementation of a series of central government-led development initiatives, first announced at a May 2010 meeting known as the Xinjiang Work Forum, spurred an intensification of longstanding policies—including Mandarin-language schooling, herder resettlement, and urban development projects—that have undermined the rights of Uyghurs and other non-Han groups to maintain their cultures, languages, and livelihoods. Authorities enforced tight controls over religion, especially Islam, and maintained restrictions on religious practice that are harsher than curbs articulated in national regulations. Discriminatory job hiring practices against Uyghurs and other non-Han groups, who comprise roughly 60 percent of the XUAR population, continued in both the government and private sectors. The Chinese government maintained its disregard of international legal protections for refugees, asylum seekers, and migrants, and information on the status of Uyghurs forcibly returned to China in recent years, including multiple cases in 2011, remained limited.

Security Measures

Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) continued to use security measures to bolster political and social controls in the region. At the same time XUAR authorities reiterated the Xinjiang Work Forum's call for "developments by leaps and bounds" and "long-term stability" in the XUAR, high-level officials also continued to emphasize "placing stability above all else" and "striking hard" against the "three forces" of terrorism, separatism, and religious extremism.[1] Authorities continued to apply the term "three forces" to include peaceful dissent, human rights advocacy, and independent expressions of cultural and religious identity, especially among Uyghurs.[2] XUAR Communist Party Secretary Zhang Chunxian emphasized in a December 2010 meeting that stability was the "prerequisite" and "guarantee" for the region's development.[3] In addition, officials at the meeting affirmed, as the region's guiding principle for stability work, central authorities' "correct assessment" that "ethnic separatism" is the main threat to the region's stability.[4] The government and media also reported that terrorist incidents took place in the region in the past year, including incidents in Hoten and Kashgar districts (prefec-

tures) in July.[5] As in the past, authorities provided limited information on the events and continued to enforce restrictions on reporting that hindered efforts to investigate the incidents.[6] The government reported the July incident in Hoten municipality, Hoten district, as a premeditated terrorist attack on a police station.[7] Some people in Hoten contradicted the government's account, and some sources reported that the incident involved authorities suppressing a protest that started at another location.[8]

In line with directives to guard against stated terrorist threats and other stability concerns, the regional government and lower level governments within the XUAR reported implementing a range of security measures. The XUAR Public Security Department launched a 100-day "strike hard" campaign in December 2010 that focused on preventing "serious violent crimes" and "large-scale mass incidents" and called on localities to expand the scope of round-the-clock street patrols.[9] In February, the regional government established a leading group on state security to "mobilize" society to "wage battle against various acts that harm state security and social and political stability."[10] Authorities heightened security following reported terrorist attacks in July and surrounding an inaugural "China-Eurasia Expo" in September.[11] The XUAR Public Security Department launched a two-month "strike hard" anti-terrorism campaign in August, pledging an increased security presence and including among its targets "illegal religious activities," "religious extremism," and "illegal propaganda materials."[12] In the XUAR capital of Urumqi (population approximately 2.6 million),[13] state-controlled media reported in January 2011 that authorities had added almost 17,000 security cameras in the previous year to existing surveillance cameras in the city.[14] Authorities had announced plans in early 2010 to increase the number of 24-hour surveillance cameras in the city to 60,000 by that year's end,[15] and the 17,000-camera addition appeared to exceed this target.[16] After Urumqi authorities strengthened controls over the rental housing market in late 2009—steps they connected to the alleged involvement of Uyghur migrants to the city in the July 2009 demonstrations and riots[17]—authorities launched a three-month campaign in late 2010 to strengthen controls over migrants and housing rentals.[18] In Shuimogou district, Urumqi city, authorities used the campaign to "strike hard" against "illegal religious activities" and other "three forces" crimes.[19] Districts throughout Urumqi reportedly have used a range of technologies and methods to monitor migrants and rental housing, including computerized entry cards in rental housing keyed to data about the user, and sealed-off neighborhoods with security checkpoints for vehicles and pedestrians.[20] XUAR residents reported that authorities have maintained restrictions on passport applications from Uyghurs and members of other non-Han groups since the July 2009 demonstrations and riots.[21]

Uyghurs from the XUAR also faced scrutiny elsewhere in China. As part of a campaign to promote a "peaceful Asian Games" launched in advance of the November 2010 event hosted in Guangdong province, authorities in Zhongshan city, Guangdong, called for continuing work to resolve "contradictions" and disputes in areas where "Xinjiang Uyghurs" "assemble, live, or are active."[22] A December 2010 directive on promoting stability from the

Changde city, Hunan province, ethnic and religious affairs bureau called for "launching investigation and research into the situation for managing Xinjiang Uyghurs."[23]

Ideological Campaigns

Authorities within the XUAR continued to promote ideological and "ethnic unity" campaigns throughout the region and maintained a regional regulation on promoting ethnic unity that entered into force in February 2010. Both the regulation and related campaigns have promoted state-defined notions of ethnic unity and ethnic relations and have sought to quell or punish forms of speech deemed "not beneficial" to government and Party objectives.[24] Authorities continued a "patriotic education" campaign, launched in June 2010, titled "Ardently Loving the Great Motherland, Building a Glorious Homeland." A description from the state-run Xinhua news agency described the campaign as "a fundamental project for promoting Xinjiang's development by leaps and bounds and long-term stability."[25] Authorities reportedly organized 13,300 teams made up of 57,600 staff and held 91,000 lectures for a total of 11 million listeners, thereby "conveying the voice of the Party and government to people at the grassroots level," according to the head of the Xinjiang Academy of Social Sciences.[26] Venues for the campaign included mosques, schools, and individual households.[27]

Xinjiang Work Forum

In the past reporting year, central and XUAR government and Communist Party offices continued to implement a series of initiatives first announced at the May 2010 Xinjiang Work Forum, convened in Beijing by top central government and Party leaders. The inaugural forum set government and Party objectives for the XUAR's economic and political development, intensifying a trend of top-down initiatives that prioritize state economic and political goals over the promotion of regional autonomy and broader protection of XUAR residents' rights.[28] Throughout the year, authorities emphasized the political importance of fulfilling the work forum's aims of "developments by leaps and bounds" and "long-term stability."[29] As authorities renewed "counterpart support" programs that bring personnel and funding to the XUAR from other provincial-level areas, they stressed dispatching "politically steadfast" cadres to serve development projects in the XUAR."[30]

Implementation of the initiatives announced at the May 2010 forum and its immediate aftermath brought an intensification of longstanding policies that have challenged the ability of Uyghurs and other non-Han groups to protect their cultures, languages, and livelihoods. Authorities accelerated implementation of Mandarin-focused "bilingual education," a program that has diminished the use of Uyghur and other non-Mandarin languages in XUAR schools. [See Language Policy and Bilingual Education in this section for more information.] XUAR authorities bolstered steps to resettle farmers and resettle herders away from grasslands, as part of initiatives from the Xinjiang Work Forum and longstanding grasslands policies that have restricted grazing for the stated goal of combating grasslands degradation.[31] The grasslands policies affect

Mongols, Kazakhs, and other groups in the XUAR with cultural ties to pastoral livelihoods. [See Section II—Ethnic Minority Rights for more information on grasslands policies throughout China and its impact on non-Han groups.] An August 2011 report from official media cited animal excrement upsetting tourists and grasslands degradation as impetuses for a grazing ban imposed at a tourist site containing grasslands.[32] August media reports also detailed plans to resettle herders from grasslands areas, including other tourist sites, and shift them to different occupations.[33] The XUAR government reported in November 2010 on already resettling 669,000 farmers and herders and described plans to resettle a total of 106,000 nomadic herding households and 700,000 rural households by 2015.[34]

Following the Xinjiang Work Forum, authorities also accelerated urban development, raising concerns about the resettlement of residents, equitable distribution of resources, and cultural preservation. Projects described as "slum transformations" took place in the past year in localities throughout the XUAR.[35] A report from the state-run Xinhua news agency noted "mostly ethnic Uyghurs" made up the 250,000 residents of Urumqi city's "slum areas," which the report said "are considered the breeding ground for the resentment which underpinned the deadly riots that rocked the city two years ago."[36] In the past year XUAR authorities also detailed plans for developing part of Kashgar municipality and Korgas Port, along with part of Yining (Ghulja) municipality, Ili Kazakh Autonomous Prefecture, as two special economic zones reportedly "modeled on Shenzhen" and for developing Urumqi into a "core city" of western China and an "international trade center,"[37] with reported plans to double or almost double the populations of Urumqi and Kashgar.[38] Authorities expanded a longstanding trade fair in Urumqi into an inaugural "China-Eurasia Expo" held in September, describing it as a "major strategic measure to achieve rapid development and the long-term stability of Xinjiang," with focus on "making Xinjiang a bridgehead in the development of [the] western region."[39] In addition, officials announced plans to construct a railway line between Golmud city, Qinghai province, and Korla city within the period of the 12th Five-Year Plan on National Economic and Social Development (2011–2015).[40] Some Uyghurs and outside observers have expressed concern about the ability of Uyghur communities to maintain their culture amid top-down development projects and questioned whether Uyghurs would enjoy economic benefits on par with Han residents, against a backdrop of prior development projects that have brought disproportionate benefits to Han Chinese.[41] The Kashgar plans come as authorities continue a five-year project to raze and rebuild the city's historic area. [See Preservation of Cultural Heritage in this section for more information.]

Criminal Law and Access to Justice

Authorities in the XUAR continued to stress the role of the justice system in "striking hard" against the "three forces" of terrorism, separatism, and religious extremism. In 2010, the Supreme People's Court issued an opinion on nationwide work to assist the XUAR court system. The opinion called for strengthening "guidance" for trying cases connected to endangering state security, in-

cluding cases involving the "three forces," as well as cases "influencing ethnic unity" and social "harmony and stability."[42] The opinion also called for dispatching "politically steadfast" judges to the XUAR.[43] The Communist Party-controlled Xinjiang Lawyers Association held a training session for non-Han ("ethnic minority") lawyers in December. In addition to providing professional training, the session's stated aim was strengthening "ideological and political construction" and cultivating "politically steadfast" lawyers.[44] Speaking at the event, XUAR Justice Department head Abliz Hoshur noted ethnic minority lawyers' "special role" in dealing with sensitive cases, including those connected to events in July 2009.[45] He called on the lawyers to "fully utilize the weapon of the law" to battle the "three forces."[46]

Following a statement in March 2010 by XUAR government chairperson Nur Bekri that courts had tried 198 people in 97 cases in connection to the July 2009 demonstrations and riots,[47] Chinese government and media reports appeared to provide no additional details on trials connected to the July events. Nur Bekri said in his March 2010 remarks, however, that trials were ongoing.[48] Later, in January 2011, Rozi Ismail, head of the XUAR High People's Court, also made a brief reference to ongoing cases connected to the events,[49] but authorities did not provide specific information on the trials. Overseas media and a non-governmental organization reported on trials that took place in April and July 2010.[50] A lawyer in the XUAR reported to overseas media in fall 2010 that she and other judges and lawyers had been sent to Urumqi, the XUAR capital, from other localities in the XUAR to handle July 2009-related cases and that they were ordered to finish handling the cases by the end of 2010.[51]

The number of trials completed in the XUAR for crimes of endangering state security (ESS)—a category of criminal offenses that authorities in China have used to punish citizen activism and dissent—decreased in 2010 compared to 2009 figures, but remained higher than in years before 2009.[52] Courts in the XUAR completed trials in 376 ESS cases in 2010, a decrease of 61 cases over the previous year.[53] The 2009 figure of 437 was a sharp increase over the 268 ESS cases tried in the region in 2008, as well as cases tried earlier in the decade.[54] Officials did not report the reason for the high number of cases in 2009 and 2010, although Rozi Ismail, President of the XUAR High People's Court, said the 2010 figures included cases connected to "violent terrorist crimes," including crimes reported to have taken place in 2008.[55] Rozi Ismail did not link the ESS cases from 2010 to trials connected to the July 2009 demonstrations and riots. To date, official reports have not clearly specified how many trials connected to the July events involved ESS cases.[56] Unofficial sources have reported on a limited number of trials connected to the July 2009 events that involve ESS charges, including the cases of Gulmira Imin, Gheyret Niyaz, Nijat Azat, Dilshat Perhat, and Nureli.[57] [See Section III—Access to Justice for information on legal aid initiatives in western China.]

Controls Over Free Expression

The XUAR government continued to exert tight controls over free expression. The government maintained regulations passed in the

aftermath of the July 2009 demonstrations and riots that repress free speech,[58] while a series of reports from the past year underscored continuing government repression of people who exercised their right to free expression. Radio Free Asia (RFA) reported in December 2010 that Uyghur journalist and webmaster Memetjan Abdulla received a life sentence in April 2010 in apparent connection to translating an announcement calling on Uyghurs to hold demonstrations in July 2009 and in connection to interviews he gave to foreign journalists.[59] RFA reported in March 2011 on the seven-year sentence of Uyghur webmaster Tursunjan Hezim in July 2010, following his detention in the aftermath of the July 2009 demonstrations and riots.[60] A number of other Uyghur writers, journalists, and Web site workers continued to serve prison sentences in connection to exercising their right to free expression about the demonstrations and riots in July 2009 or otherwise deemed to have a connection to the events. They include Dilshat Perhat, Gheyret Niyaz, Gulmira Imin, Nijat Azat, and Nureli.[61] Kajikhumar (Qazhyghumar) Shabdan, an ethnic Kazakh writer in the XUAR, remained under home confinement until his death in February 2011. Authorities had held him under home confinement following a 15-year prison sentence in 1987 for "espionage," in reported connection to allegations that he belonged to an illegal group with ties to the Kazakh Soviet Socialist Republic and after he wrote a book critical of Chinese government policy toward Turkic groups.[62] Outside the XUAR, Beijing authorities held Beijing-based Uyghur professor and webmaster Ilham Tohti and his family in custody at a resort in southern China for almost a week in December 2010 and placed additional restrictions on their activities and travel at other times.[63]

The XUAR government continued to enforce censorship campaigns in the region, in line with both national campaigns and local directives to "strike hard" against the "three forces" of terrorism, separatism, and religious extremism. The XUAR Press and Publications Bureau said in July 2010 that the bureau would deepen its implementation of censorship work during the last half of 2010 and would focus on "striking hard" against "reactionary propaganda materials" and "illegal" political and religious publications publicized and disseminated by the "three forces."[64] At a meeting in January 2011, an official called for strengthening inspection and prosecution connected to these publications and cited concerns about "western enemy forces" and the "three forces" "importing western values and an ideological trend in 'Xinjiang independence.'"[65] The official also called for strengthening oversight of transportation of published materials, and one locality reported finding "suspicious items" at a transportation inspection point that authorities later determined were "illegal religious publications" consisting of Uyghur- and Arabic-language items.[66] Other localities within the XUAR also reported targeting or confiscating religious and political items.[67] The World Uyghur Congress reported in December 2010 and February 2011 on people detained or charged for possessing religious materials and "illegal" DVDs and CDs with "overseas enemy propaganda."[68]

Freedom of Religion

Authorities in the XUAR continued to target "illegal religious activities" and "religious extremism" as threats to the region's stability, and they maintained curbs over religious activities independent of government control in the region's security campaigns, singling out Islamic practices in a number of cases. Authorities continued to define "illegal religious activities" and "religious extremism" to encompass religious practices, group affiliations, and viewpoints protected under international human rights guarantees for freedom of religion. A December meeting of the XUAR Party Committee Standing Committee called for "resolutely preventing illegal religious activities and striking in accordance with law against religious extremist forces" as part of work in the region to maintain stability.[69] XUAR Communist Party Secretary Zhang Chunxian reiterated the pledge to curb illegal religious activities in August 2011, following attacks the previous month that officials labeled as terrorist.[70] The region's two-month "strike hard" anti-terrorism campaign launched in August included "illegal religious activities" and "religious extremism" among its targets.[71] Regional regulations and directives maintained restrictions on religious practice that are absent in national regulations or harsher than curbs articulated in national documents.[72] Authorities continued to enforce a document of unclear legal status that defines "23 kinds of illegal religious activity," including "letting students pray," conducting certain Islamic practices pertaining to marriage and divorce, holding private religious instruction classes, "distorting religious doctrine," and advocating "Pan-Islamism" and "Pan-Turkism."[73] The region's 2009 regulation on the protection of minors stipulates penalties for people who "lure or force minors to participate in religious activities" and appears to provide the most extensive curbs in China on children's religious activities, while lacking a clear basis in Chinese law.[74]

In line with regionwide directives restricting the scope of religious activity, local authorities in the XUAR reported on enforcing a range of controls over religion. Villages within Hoten district and a limited number of other localities continued to implement and expand a system of "voluntary pledges" to regulate villagers' behavior and to fine villagers for noncompliance, placing special emphasis on the pledges to curb "illegal religious activity."[75] In January 2011, authorities in a township in Chapchal Xibe Autonomous County, Ili Kazakh Autonomous Prefecture, described implementing a system for government religious affairs employees to set the schedule for Friday sermons at the township's mosques and for using "religious information gatherers" of "high political consciousness" to provide information on the sermon delivery and the "ideological trends" of mosque attendees.[76] Authorities in a district in Urumqi described an emergence of "illegal religious sects" that they deemed are "contrary" to the teachings of the Quran and they called on religious personnel to interpret religious doctrine in accordance with "social advancement."[77] Local governments throughout the XUAR continued to place restrictions on the observance of the holiday of Ramadan, barring some people from fasting, ordering restaurants to stay open, and increasing oversight of religious venues.[78] In April, a

court in Shihezi municipality reportedly sentenced Muslim religious leaders Qahar Mensur and Muhemmed Tursun to three years' imprisonment in connection to storing and distributing "illegal religious publications," which Shihezi residents reportedly described as retaliation after Qahar Mensur refused to comply with government demands such as bringing government documents into the mosque where he worked.[79]

Authorities throughout the XUAR also continued campaigns targeting Muslim men who wear beards and women who wear veils or clothing deemed to carry religious connotations, practices authorities connect to "religious extremism" and "backwardness."[80] Under the direction of the Party-controlled women's federation in the XUAR, multiple localities reported continuing a campaign aimed at dissuading women from veiling their hair and faces.[81] Management rules in force for the "information corps" in a residential district in Usu city, Tacheng (Tarbaghatay) district, included requirements to immediately report scenarios such as the presence of "people from outside [the district] abnormally wearing large beards or veiling their faces" along with "residents holding extremist religious thoughts."[82] A township in Aqsu district included veiling and wearing large beards or "bizarre clothes" among targets of a campaign against "illegal" religious activities.[83] Authorities also continued to increase oversight of Muslim women religious specialists known as *büwi*.[84] [See Section II—Freedom of Religion for additional information on religion in China, including cases from the XUAR.]

Language Policy and Bilingual Education

The XUAR government accelerated implementation of "bilingual education," a policy that promotes the use of Mandarin Chinese in school instruction for non-Han students and increasingly has curtailed the opportunity for non-Han groups to choose to receive education in Uyghur and other languages. The policy has conflicted with legal protections for non-Han groups to maintain and use their own languages, as provided in both Chinese and international law,[85] and underscores government failure to maintain the use of Uyghur and other languages as lingua franca within the XUAR in line with the promotion of regional autonomy. Following goals set after the May 2010 Xinjiang Work Forum to universalize "bilingual education" in the region's schools,[86] the XUAR government and Party Committee issued a 10-year education reform plan in January 2011 that provides for "basically universalizing" elementary and secondary school "bilingual education" among non-Han students (designated as "ethnic minorities" by the Chinese government) to reach a coverage rate of 75 percent of such students by 2015 and over 90 percent by 2020.[87] The plan adds that all ethnic minority high school graduates shall "basically have a skilled grasp and use" of spoken and written Mandarin by 2020.[88] The plan also calls for coverage of at least 85 percent of ethnic minority preschoolers by 2012, a target authorities appear to have articulated since 2008.[89] The plan describes the promotion of "bilingual education" of "strategic significance" for goals including "building a new model of socialist ethnic relations" and "promoting cohesion and centripetal force toward the Chinese nation (*zhonghua*

minzu)."[90] The plan also calls for protecting the right to instruction using minority languages and allows for preserving instruction using such languages in the process of implementing "bilingual education."[91] The future role of non-Mandarin languages in XUAR schools and broader society, however, remains uncertain as the plan and accompanying measures bolster overall support for instruction in Mandarin. The implementation of Mandarin-focused "bilingual" programs and accompanying reduction in classes using minority languages reportedly has provoked dissatisfaction among some students, parents, and teachers, and a few localities reportedly reinstated some Uyghur-language instruction in the past year.[92]

XUAR authorities also have accelerated steps to staff "bilingual" classes and address a shortage of "bilingual" teachers. In 2010, the Xinjiang Education Department announced plans to recruit 5,109 elementary and secondary school "bilingual" teachers, reportedly marking the largest scope of recruitment for "specially appointed teachers" as of that date.[93] Authorities announced plans to recruit over 11,500 teachers in 2011, of whom 9,200 would be "bilingual" teachers.[94] Localities within the XUAR also reported increasing "bilingual" training among ethnic minority teachers.[95] Authorities have dismissed or reassigned some Uyghur teachers deemed not to have adequate Mandarin skills—with a minimum of 1,000 elementary school teachers dismissed since 2010, according to one report—and in some cases, authorities detained teachers for protesting "bilingual" policies or dismissals from their teaching posts.[96]

Authorities also reported taking some steps to promote ethnic minority language arts classes within Mandarin-focused schools and to train Mandarin-speaking teachers in minority languages. A pilot project in two prefectural-level areas called for implementing language arts classes in minority languages for ethnic minority students (*minkaohan* students) in longstanding programs that provide schooling solely in Mandarin.[97] A January 2011 plan called for providing 320 class hours of instruction in basic "ethnic minority languages" for teachers at "bilingual" preschools who are native Mandarin speakers.[98]

Population Planning Policies

XUAR authorities continued to expand a system of rewarding non-Han households ("ethnic minority" households) that have been "certified" as having fewer children than the maximum allowed under the region's regulation on population and family planning.[99] This step builds on similar reward systems present throughout China, while intensifying a regional focus on ethnic minority households. The XUAR Party Committee and government reported plans in the past year to expand the existing reward system in 2011 to any XUAR county or city where rural ethnic minorities comprise over 50 percent of the population.[100] Authorities initially implemented the reward system for ethnic minorities in 3 southern XUAR prefectural-level areas in 2007[101] and expanded the reward system in 2009 to an additional 26 "poor and border counties."[102] Local governments reported enforcing the reward system in the past year.[103]

Pledge System To Regulate Village Behavior

Some villages within the XUAR continued to implement and expand a system of "voluntary pledges" to regulate villagers' behavior and to fine villagers for non-compliance, a practice that has no explicit basis in Chinese law and appears to exceed the scope of villages' authority to enforce penalties.[104] Under the pledge system, first implemented in Hoten district in 2006[105] and almost wholly unique to the XUAR,[106] village residents and village officials enter into agreements (*cungui shouyue chengnuoshu*) with villagers' committees to abide by local village "codes of conduct" (*cungui minyue*).[107] Villages throughout China use codes of conduct, which are stipulated under the PRC Organic Law of the Villagers' Committees,[108] to implement population planning requirements, regulate social order, and manage local production, among other tasks.[109] In the XUAR, authorities have used the pledge system to bolster the efficacy of these codes of conduct, placing special emphasis on the pledges and codes of conduct to curb "illegal religious activity."[110] An official described the villagers' participation in the pledge system as voluntary,[111] but a 2007 government and Party directive from one district called for achieving a participation rate of over 98 percent within each village.[112]

Labor

DISCRIMINATION

Hiring practices that discriminate against non-Han groups continued in the Xinjiang Uyghur Autonomous Region (XUAR) in the past year. Some job recruitment announcements from the region continued to reserve positions exclusively for Han Chinese in civil servant posts and private-sector jobs, in contravention of provisions in Chinese law that forbid discrimination.[113] A job announcement for a hospital in Urumqi city, for example, advertised in late 2010 for 28 positions, all of which were reserved for Han.[114] Civil servant recruitment in fall 2010 for county-level discipline inspection and supervision offices reserved 93 of 224 open positions for Han, leaving 93 of the remaining positions unrestricted by ethnicity and reserving 38 for members of non-Han ("ethnic minority") groups.[115] In an apparent shift from previous years, however, 2011 annual recruiting for the Xinjiang Production and Construction Corps (XPCC) left almost all positions unreserved by ethnicity—marking a change from past practice of formally reserving a majority of positions for Han—but the XPCC continued restrictions based on sex.[116]

A XUAR government and Party committee opinion on employment promotion issued in October 2009 called for enterprises registered in the XUAR and enterprises working there to recruit no fewer than 50 percent of workers from among local XUAR residents and to "recruit more ethnic minority workers to the extent possible,"[117] including an unspecified "fixed proportion" of positions for ethnic minority college graduates.[118] The extent to which some enterprises adhered to the opinion's provisions on minority workers in the past year is unclear.[119] In January 2011, several XUAR government and Party offices issued an opinion on sending ethnic mi-

nority university graduates to train in areas engaged in counterpart support relationships with the region. Citing concerns about employment pressures on the region's stability and economic development, the opinion outlines plans to train 22,000 unemployed college graduates from the XUAR in the next two years,[120] after which trainees reportedly may take up set posts within the XUAR or remain in areas elsewhere in China to find work.[121] The opinion states the program's usefulness in "transforming ideas," promoting "good sentiments" among the ethnicities, strengthening a "sense of identification toward the Chinese nation" (*zhonghua minzu*), and promoting "social stability" and "ethnic assimilation" (*minzu ronghe*).[122] The opinion does not address barriers to employment due to job recruiting practices that reserve positions for Han.

LABOR TRANSFERS

Government programs to send rural non-Han men and women to jobs elsewhere in China continued in the past year. As documented by the Commission in recent years, some participants and their family members have reported coercion to participate in the programs, the use of underage workers, and exploitative working conditions.[123] XUAR authorities have described the programs as a way for XUAR workers to gain income, build job skills, and transform participants' "outmoded thinking."[124] A XUAR Department of Agriculture official said in September 2010 that "the state policy of encouraging relatively developed areas to recruit workers from Xinjiang will not change."[125] Another official described "Xinjiang's organizing ethnic minority youth to go [elsewhere in China] to engage in manufacturing and construction activities" as an "inevitable large trend" in professional resources exchange in a market economy.[126] Official media reported in May 2011 that there have been 800,000 instances since 2005 of XUAR laborers going to work in other provinces under government auspices.[127] The ongoing work to export the labor force comes amid a reported shortage of agricultural and factory workers within the XUAR, for which employers have recruited laborers from other provinces and used student labor.[128]

WORK STUDY

Education authorities in the XUAR continued to require students to pick cotton and engage in other forms of labor in "work-study" programs that have exceeded permitted parameters for student labor under Chinese law and international standards for worker rights.[129] Under the programs, schools take students out of class for periods of one to two weeks during the academic year to engage in full-time labor; in some reported cases, students have worked for longer periods and under hazardous conditions.[130] Although the XUAR Education Department issued a circular in 2008 stating that students in junior high and lower grades would no longer pick cotton in the work-study programs,[131] reports from 2010 indicated that some localities continued to use these younger students to meet the shortage of cotton-pickers.[132] Officials stressed the importance of using students to meet labor shortages following demonstrations and riots in the region in July 2009.[133]

Preservation of Cultural Heritage

National and XUAR government officials continued to implement projects that have undermined Uyghurs' ability to protect their cultural heritage. Authorities continued steps to demolish and "reconstruct" the Old City section of Kashgar city and relocate residents. The five-year project, launched in 2009, has drawn opposition from Uyghur residents and other observers for requiring the resettlement of residents and for undermining cultural heritage protection.[134] Official media reported in July 2011 that authorities revived the project in August 2010 after "nearly falling into stagnation" following the July 2009 demonstrations and riots and reported plans to complete restoration of 10,566 homes during the year.[135] A Kashgar official reported in October 2010 that 9,378 houses had been "removed" to date, while 16,557 homes had been built or restored.[136] The Chinese government also continued to politicize the preservation of Uyghur intangible cultural heritage. In November 2010, the UN Educational, Scientific and Cultural Organization (UNESCO) accepted China's nomination to place the *meshrep*, a Uyghur social and artistic gathering, on its List of Intangible Cultural Heritage in Need of Urgent Safeguarding.[137] While the designation obligates China to take measures to promote the practice's sustainability,[138] the Chinese government defined the *meshrep* narrowly to exclude forms of the practice that have incorporated religious elements and social activism.[139] In the mid-1990s, authorities in Yining (Ghulja) municipality, Ili Kazakh Autonomous Prefecture, prohibited *meshrep* gatherings where participants sought to reduce alcohol and drug use and had become active in organizing a boycott of alcohol stores.[140]

Forced Return of Uyghur Asylum Seekers and Migrants

In the past year, information remained limited on the status of Uyghur asylum seekers forcibly returned to China from Cambodia in December 2009, before the UN High Commissioner for Refugees (UNHCR) could make a determination of the asylum seekers' refugee status.[141] Following the forced deportation of the 20 asylum seekers and disappearance of another 2 who escaped forced return, the Chinese government reported in June 2010 that 3 of the 20 people returned to China were suspected of terrorist crimes, and that all 17 who remained in custody were members of a terrorist group[142]—charges that, even if made at the time of extradition, would not have precluded an assessment of the asylum cases by UN officers.[143] The government appeared to provide no additional information on the cases in the past reporting year. According to a March 2011 Radio Free Asia article, the group was held in detention in Kashgar district, and their cases had not gone to trial.[144] One of the asylum seekers who had escaped forced return from Cambodia and was deported from Laos to China in March 2010 reportedly was held in detention in Kashgar with the group, where he reportedly was in poor health and was denied medical care for an arm infection.[145]

In May 2011, Chinese security officials in cooperation with authorities in Kazakhstan forcibly returned Ershidin Israil, a Uyghur man from the XUAR, from Kazakhstan to China.[146] Ershidin Israil

left China in 2009 after Chinese authorities reportedly sought him for providing information to Radio Free Asia about the death of Shohret Tursun, a Uyghur man held in custody after the July 2009 demonstrations and riots in the XUAR.[147] Ershidin Israil received refugee status from the UNHCR in March 2010 and had awaited resettlement to Sweden before authorities in Kazakhstan took him into custody and the UNHCR revoked his refugee status.[148] Upon his return, Chinese authorities reportedly charged him for terrorist acts. A family member and advocates for Ershidin Israil said that the charges and bases for revoking his refugee status were based on false information.[149] In August, authorities in Thailand detained Nur Muhammed, a Uyghur man from the XUAR, on grounds of illegal entry. Thai authorities bypassed a court appearance as provided by Thai law and turned him over to Chinese authorities, who are presumed to have returned him to China.[150] The same month, authorities in Pakistan reportedly forcibly returned five Uyghurs, including two children, to China.[151] Later in August, Malaysian authorities deported 11 Uyghur men from Malaysia to China, following the arrests of a group of 16 Uyghurs earlier in the month.[152]

The forced returns violate the Convention Against Torture, which provides, "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."[153] [See Section II—Criminal Justice for additional information on the use of torture in China.] In addition, the return of Uyghur asylum seekers violates the principle of non-refoulement as stipulated in the 1951 Convention Relating to the Status of Refugees.[154] The forced returns from Cambodia, Laos, Kazakhstan, Pakistan, and Thailand are among several documented cases of forced deportation in recent years, highlighting the ongoing risks of refoulement and torture that Uyghur asylum seekers, refugees, and migrants have faced in neighboring countries under the sway of China's influence and its disregard for international law.[155]

V. Tibet

Introduction

Developments during the Commission's 2011 reporting period show that expanding Chinese government and Communist Party use of legal and policy measures to increase pressure on Tibetan culture—especially religion and language—are resulting in consequences that Tibetans believe threaten the viability of their culture. Declining well-being of Tibetan culture contrasts with increases in economic development and social services such as education in government-provided statistics. Tibetans who peacefully express disapproval of Chinese government policy on Tibetan affairs are at increased risk of punishment as governments expand the use of legal measures to safeguard "social stability" by criminalizing such expression.

Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives

No formal dialogue took place between the Dalai Lama's representatives and Chinese government and Communist Party officials during the Commission's 2011 reporting year. The environment for dialogue deteriorated as the Chinese government pressed forward with implementation of legal measures and policies that many Tibetans—including the Dalai Lama—believe threaten the Tibetan culture, language, religion, heritage, and environment. In his March 10 address to Tibetans,[1] the Dalai Lama expressed disappointment with previous rounds of the dialogue. He noted the "lack of any positive response" to proposals set out in his Middle Way Approach[2] and suggested that the Communist Party United Front Work Department officials who met with the Dalai Lama's envoys may not have accurately or completely informed higher ranking officials about the Tibetan proposals.[3]

In March 2011, the Dalai Lama took steps to end the official role of a Dalai Lama in the India-based organization that is commonly referred to as the Tibetan government-in-exile.[4] The change, he said, would enable him to focus "more effectively" on spiritual matters.[5] He explained in his March 10 address that he had reached a "decision to devolve [his] formal authority to the elected leader"[6] and the next day outlined his decision to end the centuries old Tibetan government structure that positioned the Dalai Lama as the highest-ranking figure in both government and religious affairs.[7] The Dalai Lama's renunciation of an official role in exiled Tibetans' governance has the potential to alter the dialogue's dynamics by eliminating an institutional basis for the Party and government to characterize the Dalai Lama as a "political" figure.[8]

In July 2011, Under Secretary of State for Democracy and Global Affairs Maria Otero reiterated U.S. Administration objectives to "promote a substantive, results-oriented dialogue between the Chinese Government and the Dalai Lama or his representatives" and "to help sustain Tibet's unique religious, linguistic, and cultural heritages."[9] She observed that it is in the Chinese government's interests to resolve problems and that counterproductive policies "will exacerbate already existing tensions that could, in turn, undermine

China's efforts to maintain its current social and economic development."[10]

Religious Freedom for Tibetan Buddhists

During the past year, the Chinese government and Communist Party continued the campaign to discredit the Dalai Lama as a religious leader[11] and expanded government and Party control over Tibetan Buddhism in order to impose what officials describe as the "normal order" of the religion.[12] In April 2011, Zhu Weiqun, Executive Deputy Head of the Party's United Front Work Department[13] (and principal interlocutor for the Dalai Lama's envoys) summed up Party intentions toward the Tibetan Buddhist religion, monasteries, and nunneries during a working group "investigation" he led in the Tibet Autonomous Region (TAR).[14] A Party-run newspaper described his remarks:

> He expressed his hopes that religious personages and believers will always implement the line, principle, and policies of the Party, unswervingly carry out struggle against the Dalai clique, expose the reactionary essence of Dalai, establish a sound and permanent mechanism for the management of monasteries, and ensure that all activities of monasteries will have rules to follow. In addition, their interpretations of religious doctrines and rules must be [in] line with social development and progress and ensure that Tibetan Buddhism will actively adapt itself to socialist society.[15]

OFFICIALS PRESS ATTACK ON DALAI LAMA, SET SIGHTS ON SELECTING NEXT DALAI LAMA

Chinese government and Communist Party officials pressed their campaign to discredit the Dalai Lama as a religious leader. Zhang Qingli, Secretary of the TAR Party Committee, at a March 2011 meeting of TAR delegates to the National People's Congress, accused the Dalai Lama of being "the boss of splittism" and a "double dealer" who, "under the signboard of religion," seeks to "deceive religious believers' simple feelings."[16] Jampa Phuntsog (*Xiangba Pingcuo*), Chairman of the Standing Committee of the TAR People's Congress, said the same month during a visit to the United States that Tibetans "could have developed much better without the Dalai Lama and his followers," and that if the Dalai Lama "is indeed a religious person" he should "not dabble in" political issues.[17] China's official media reported in August that as part of a "major leadership reshuffle" the Party Central Committee transferred Hebei province Deputy Party Secretary Chen Quanguo to the TAR to replace Zhang as Secretary, and posted Zhang to Hebei as Party Secretary.[18]

During the past reporting year, senior officials continued to assert the Chinese government's intention to supervise the selection of the next Dalai Lama and to challenge the current Dalai Lama's views on the matter. Jampa Phuntsog, also Executive Deputy Secretary of the TAR Party Committee,[19] characterized the Dalai Lama's recent remarks as "the biggest obstacle to the normal continuation of Tibetan Buddhism" and objected to the Dalai Lama's

remarks about his own reincarnation.[20] He observed: "The Dalai Lama's attitude on this question is that there is sometimes reincarnation and sometimes no reincarnation, and the living Buddha may return as a man, a woman or a foreigner. Recently he even talked about stopping the reincarnation."[21] The comment refers to remarks attributed to the Dalai Lama as recently as October 2010 stating that his reincarnation would take place "in a free country,"[22] and that he may choose to identify and train his successor before he dies, or Tibetans might elect to discontinue the institution of the Dalai Lama.[23] Pema Choling (*Baima Chilin*), Chairman of the TAR People's Government and Deputy Secretary of the TAR Party Committee, said the Dalai Lama's views on reincarnation are "impossible."[24] In July 2011, the Dalai Lama rejected government and Party intrusion into the matter of Tibetan Buddhist reincarnation as a "disgrace" and stated with respect to his own reincarnation, "[The] final authority is myself and no one else, and obviously not China's Communists."[25]

PREFECTURAL REGULATORY MEASURES TIGHTEN CONTROL ON "TIBETAN BUDDHIST AFFAIRS"

The central government and 9 of the 10 Tibetan autonomous prefectural governments[26] issued or drafted regulatory measures as of August 2011 that increase substantially the state's infringement of freedom of religion in Tibetan Buddhist monasteries and nunneries. The measures increase curbs on protection of "freedom of religious belief"[27] as provided under China's Constitution by imposing greater subordination of "Tibetan Buddhist affairs" to government regulations that enforce Communist Party policy.

In Qinghai province, for example, from July 2009 to September 2010, people's congresses in five of Qinghai's six Tibetan Autonomous Prefectures (TAPs) put into effect regulations on Tibetan Buddhist affairs to fulfill Party objectives.[28] The regulations followed a provincial Party committee determination in May 2008 that Tibetan Buddhist monasteries in the province had "drifted freely beyond the government's management by law and supervision by the public."[29] As a result, the Qinghai government issued an "opinion"[30] proposing that Tibetan Buddhist monasteries and nunneries be required to implement a "new system" based on "Party committee leadership, government responsibility, . . . and management in accordance with the law by religious affairs departments and other concerned departments."[31]

As of April 2011, new regulatory measures on "Tibetan Buddhist affairs" were in effect in a total of seven TAPs located in three provinces:[32] Huangnan (Malho) TAP,[33] Hainan (Tsolho) TAP,[34] Haibei (Tsojang) TAP,[35] Guoluo (Golog) TAP,[36] and Haixi (Tsonub) Mongol and Tibetan AP in Qinghai province;[37] Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture (T&QAP) in Sichuan province;[38] and Diqing (Dechen) TAP in Yunnan province.[39] Prefectural regulations reportedly were in the legislative process in Yushu (Yulshul) TAP, Qinghai,[40] and Ganzi (Kardze) TAP, Sichuan.[41] As of August 2011, the Commission had not observed information on whether Gannan (Kanlho) TAP, Gansu province, was preparing such a regulation. The 10 TAPs make up approximately half the area the Chinese government designates as "Ti-

betan autonomous," and approximately half the Tibetan population of the Tibetan autonomous areas lives in the 10 TAPs.[42] The central government issued national-level regulations effective November 1, 2010,[43] that along with the prefectural-level regulations tighten and expand existing means of government control and monitoring of Tibetan Buddhist institutions.[44]

COMMON FEATURES AMONG NEW TIBETAN BUDDHIST AFFAIRS MEASURES

A summary of the Commission's analysis of the points of similarity among the national regulations[45] and four of the prefectural-level regulations (Huangnan TAP[46] and Hainan TAP[47] in Qinghai, Aba T&QAP[48] in Sichuan, and Diqing TAP[49] in Yunnan) follows.[50]

Prioritizing Tibetan Buddhist obligation to support Chinese government policies. The regulatory measures build on existing government and Communist Party policies mandating that Tibetan Buddhist institutions (like other state-sanctioned religious institutions) must protect Chinese national and ethnic unity and "social stability,"[51] promote patriotism toward China and adherence to socialism,[52] and obey Chinese government laws and regulations.[53]

"Buddhist Associations" (BAs): Greater authority over monastic institutions. BAs—institutional links between Tibetan Buddhist institutions and the Chinese government and Party that facilitate the exercise of government and Party authority over Tibetan Buddhist activity[54]—must, among other duties, approve or revoke the official status of monks and nuns as "religious personnel" in accordance with government requirements;[55] approve quotas on the number of monks or nuns who may reside at a monastery or nunnery;[56] and conduct classes educating Tibetan Buddhist "religious personnel" on patriotism toward China, Chinese laws and regulations (including on religion), and adapting Tibetan Buddhism to socialism.[57]

"Democratic Management Committees" (DMCs): Subject to greater scrutiny, subordination to government authority. The regulatory measures impose closer supervision of each monastery's Democratic Management Committee—a monastic group legally obligated to ensure that monks, nuns, and teachers obey government laws, regulations, and policies.[58] The measures empower three types of agencies to supervise or monitor DMCs: BAs, government religious affairs bureaus (RABs), and village-level "peoples" or "masses" committees.[59] Provisions require DMCs (under BA supervision and in compliance with central government measures issued in 2007[60]) to direct the process of identifying, seating, and educating *trulkus*[61]—teachers whom Tibetan Buddhists believe are reincarnations. For the first time, DMCs must fulfill a central government requirement to apply for, justify, and receive approval for a fixed quota on the number of monks or nuns who may reside at a monastery or nunnery.[62]

"Religious personnel": Subject to more detailed control over religious contact, travel, study. The measures strengthen external supervision of DMCs, Tibetan Buddhist teachers, *trulkus,* monks, and nuns by requiring their submission to administration and guidance by governments at the prefectural, county, and town-

ship levels, and by village-level residents committees.[63] Most of the prefectural measures impose requirements on "religious personnel" who wish to travel to another county or prefecture to study or teach Buddhism.[64] The national measures impose the most difficult requirements: First, "religious personnel" must apply for and receive approval from the prefectural-level BA where they live and from the prefectural-level BA where they hope to study or teach; then each BA granting approval must report the approval to the corresponding prefectural-level RAB.[65]

Township-level governments: Expanded responsibility, authority over monasteries, nunneries. The prefectural regulatory measures expand significantly township-level government authority to implement regulations on Tibetan Buddhist activity at monasteries and nunneries. All five of the regulations for Qinghai TAPs for which text was available online as of August 2011 contained articles empowering township-level governments to monitor and supervise monastic activity.[66] Regulations for four of the Qinghai TAPs state explicitly that township governments have the responsibility to "manage" Tibetan Buddhist affairs within the township area.[67] Enabling township governments to take on greater responsibility for regulating Tibetan Buddhist affairs is important because there are so many township-level governments. As of 2007, there were a total of 998 township-level governments subordinate to 75 county-level governments in the 10 TAPs outside the TAR[68]—an average of 13 township governments under each county government.

Village-level committees: Expanded role as grassroots monitors, supervisors. Most of the prefectural regulatory measures for which text was available online as of August 2011 included a greater monitoring, supervisory, and reporting role for village-level committees than did previous measures.[69] Measures effective in Aba T&QAP, Sichuan, for example, provide village committees a role in reviewing applications from persons who wish to become monks or nuns, and in supervising monks and nuns.[70] The national regulations provide for the first time a legal basis for placing a village committee member on a DMC—and by doing so, empower the village committee member to participate directly in DMC decision-making.[71]

DISTINCTIONS BETWEEN THE PREFECTURAL REGULATORY MEASURES

A summary of some principal areas of distinction between the seven prefectural-level regulatory measures for which text was available online as of August 2011 follows.

Dedicated village-level committees monitor, supervise, report on monastic activity. All five of the Qinghai province TAP regulations include provisions that establish "masses supervision and appraisal committees" (MSACs, *qunzhong jiandu pingyi weiyuanhui*).[72] MSACs are a new development with respect to their specific role in government management of Tibetan Buddhist affairs.[73] Township governments guide selection of MSAC members from among village residents, herders, and monastery staff.[74] Regulations mandate MSACs to fulfill specific duties in supervising, monitoring, and appraising monastic management (especially DMCs), administration (including financial affairs), and Buddhist

teaching.[75] MSACs must submit periodic reports to township- and county-level governments.[76]

Extent of provisions for administrative and criminal punishment. The regulatory measures vary in the extensiveness and specificity of language describing activity that may result in administrative penalties (e.g., expulsion) or criminal punishment (e.g., imprisonment) of "religious personnel."[77] Three prefectural measures (Hainan, Guoluo, Aba) contain more extensive descriptions of punishable activity;[78] three prefectural measures (Haibei, Haixi, Diqing) contain less extensive descriptions of punishable activity;[79] and one prefectural measure (Huangnan) contains language that is mid-range.[80] Information available as of February 2011 in the Commission's Political Prisoner Database demonstrated a positive correlation between the number of Buddhist monks, nuns, teachers, or *trulkus* detained in each TAP on or after March 10, 2008, and the extensiveness of regulatory measures' provisions on punishment.[81]

Provision for potential redress against administrative punishment. Four of the prefectural regulations (Huangnan, Hainan, Guoluo, Diqing) for which text was available online as of August 2011 contain provisions allowing a person punished administratively under the regulations either to seek administrative reconsideration of the punishment or to file a lawsuit against the punishment.[82] Three of the four regulations (Huangnan, Haibei, Guoluo) cite the PRC Administrative Reconsideration Law[83] and PRC Administrative Litigation Law[84] as the legal instruments for undertaking such action.[85] The Hainan, Haixi, and Aba regulatory measures do not mention administrative reconsideration or filing an administrative lawsuit.

Tibetan Cultural Expression: Increasing Pressure, Punishment

Chinese government and Communist Party policies and their implementation increased pressure on and sometimes threatened Tibetan cultural expression during the Commission's 2011 reporting year. Political detentions in 2011 increased compared to 2009 and 2010 but were lower than the high level of 2008.[86] Security and judicial officials used China's legal system to detain and imprison Tibetan writers, artists, intellectuals, and cultural advocates who turned to veiled language to lament the status of Tibetan culture or criticize government policies toward the Tibetan people and culture. The government seeks to prevent such Tibetans from influencing other Tibetans and uses imprisonment to remove them from society. Examples follow of developments this reporting year that involved imprisonment, detention, and a police manhunt. In two separate cases, monks committed self-immolation to protest China's handling of Tibetan issues.

January 2011: Detention after publishing an article.[87] Public security officials reportedly detained monk-writer Tsering Tenzin of Palyul Monastery, located in Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP), in connection with an essay he wrote that was published in 2010 in a collection of articles on "the situation inside Tibet."[88] In February 2010, officials in Hongyuan (Marthang) county,[89] Aba (Ngaba) Tibetan and Qiang Autonomous

Prefecture, detained monk Tsering Dondrub of Rongtha Monastery for assisting with publication.[90]

Winter 2010: Detention for downloading banned songs.[91] During a winter "strike hard" campaign in the Tibet Autonomous Region (TAR), security officials punished Tibetans who had downloaded "prohibited" songs such as "Voice of Unity," "My Lama," and "I Miss the Sun, Moon, and Stars," with 10 to 15 days of detention and a fine. Police allegedly beat some detainees.[92]

December 2010: Imprisonment for writing articles about the 2008 Tibetan protests.[93] The Aba Intermediate People's Court sentenced three contributing editors of a Tibetan-language magazine to imprisonment for "inciting splittism" (PRC Criminal Law, Article 103(2)): Buddha (a pen name) and Jangtse Donkho, four years; and Kalsang Jinpa, three years.[94]

December 2010: Redetention for making video appeal.[95] Public security officials in Xiahe (Sangchu) county, Gannan (Kanlho) TAP, Gansu province, reportedly redetained monk-writer Kalsang Tsultrim of Labrang Tashikhyil Monastery on December 16, 2010.[96] Officials released him on bail the previous October after detaining him in July 2010 for distributing a video CD of him speaking about concern for the Tibetan culture and religion.[97]

December 2010: Detention after publishing articles, organizing conferences.[98] Public security officials in Lhasa city reportedly detained monk-writer Tenpa Lodroe on December 29, 2010, reportedly in connection with a December 20 conference on "the situation in Tibet" arranged in Ganzi TAP, Sichuan province.[99]

September 2010: Arrest warrant issued for singer after CD release.[100] In the second half of September, public security officials in Lhasa city reportedly issued an arrest warrant for singer Pasang Tsering and banned his newly released CD.[101] Officials allegedly suspected the lyrics of praising the Dalai Lama and "inciting ethnic sentiments."[102] As of late September 2010, relatives had lost contact with him.[103]

March 2011: Self-immolation to mark anniversary of 2008 protest.[104] On March 16, 2011, monk Phuntsog of Kirti Monastery, located near the Aba county seat, Aba T&QAP, set himself on fire to protest the fatal shooting on the same date in 2008 of at least 10 Tibetan protesters.[105] As he burned, Phuntsog reportedly shouted slogans calling for the Dalai Lama's long life.[106] Phuntsog died in a hospital the next morning.[107] Officials forced Kirti monks to submit to political education starting March 21;[108] on April 21, People's Armed Police (PAP) removed at least 300 of the monks and took them to other counties to undergo "legal education."[109] PAP and other police allegedly beat severely Tibetans who attempted to block removal of the monks, resulting in serious injuries and the deaths of two elderly Tibetans.[110] On August 29 and 30, 2011, a county-level court in Aba T&QAP sentenced three Kirti monks to 10-, 11-, and 13-year prison terms for Phuntsog's "intentional homicide," claiming that two monks "plotted, instigated and assisted" in the self-immolation and one monk delayed medical treatment.[111] International media and advocacy group reports described the convicted monks' intentions toward Phuntsog in terms of providing rescue, protection, and shelter.[112]

August 2011: Self-immolation to protest Chinese policies. On August 15, monk Tsewang Norbu of Nyitso Monastery, located in the seat of Daofu (Tawu) county, Ganzi TAP, died after setting himself on fire as he shouted slogans calling for Tibetan freedom and the Dalai Lama's return to Tibet.[113]

Education and Economic Development: Government Initiatives, Tibetan Protests

Tibetan students and farmers protested government and Communist Party policies on education, the environment, and rural Tibetans' use of farming and grazing lands during the Commission's 2011 reporting year. Such protests indicate that Tibetans[114] consider the policies a threat to the Tibetan culture, language, and environment, and the viability of farming and herding as a means of livelihood for rural Tibetans—who made up approximately 87 percent of Tibetans in China in 2000.[115]

TIBETAN STUDENTS, TEACHERS PROTEST GOVERNMENT EDUCATION POLICY

Events this past year, detailed below, highlighted the importance Tibetans attribute to the status of Tibetan language, its level of use in the education system,[116] and the threat that government and Party policy pose to the status and use of Tibetan language.[117] Senior Party and government officials issued a series of statements[118] on plans to reduce the status and level of use of Tibetan language during the period from 2010 to 2020.[119] Tibetan student-led protests, principally in Qinghai province,[120] resulted in retired Tibetan cadres and educators submitting a petition (or "letter") to Communist Party and government offices asserting that the Qinghai government was implementing reforms that contravene provisions in China's Constitution and the Regional Ethnic Autonomy Law (REAL).[121]

The speed with which protests spread suggests that Tibetan discontent with education policy may be widespread.[122] Tibetan teachers' and students' views in Qinghai on the role of Tibetan language in education are unlikely to differ significantly from Tibetan views in other Tibetan autonomous areas.[123] A chronology of principal events from October 15 to 29, 2010, follows.

October 15: Teachers sign letter criticizing bilingual education reform. As a "Tibetan Language Course Reforms Training" attended by more than 300 teachers employed at Qinghai province Tibetan-language primary and middle schools concluded,[124] attendees reportedly signed a petition (or "letter") on October 15 calling on Qinghai officials to continue to treat Tibetan language as the "language of instruction" in Tibetan schools.[125] The teachers reportedly were responding to the "Qinghai Province Mid- and Long-Term Plan for Educational Reform and Development (2010–2020)"[126] (the Plan).[127] The petition reasoned that "choice of language of instruction should depend entirely on those being taught."[128]

October 19: Student protests begin. Students at schools in Tongren (Rebgong), the Huangnan (Malho) Tibetan Autonomous Prefecture (TAP) capital,[129] reportedly protested on October 19 in

response to a report that Qinghai Party Secretary Qiang Wei "ordered that the language used in textbooks should be changed to Chinese."[130] Students carried banners demanding expanded use of Tibetan language[131] and circulated a text message claiming the central government had decided to cancel "Tibetan-language centered" education.[132] Qiang had instructed educators in September to increase Chinese-language teaching and "conquer the erroneous thinking that if minority nationality students undergo an education based on the state's common language [Mandarin] and script it will hurt the feelings of the minority nationality masses, or effect the development of the minority nationality culture, or impact social stability."[133] Protests reportedly spread to Beijing and Hainan (Tsolho), Haibei (Tsojang), and Guoluo (Golog) TAPs in Qinghai.[134]

October 22: Qinghai education head defends reform. Director Wang Yubo of the Qinghai Department of Education acknowledged on October 22 that students had "expressed their dissatisfaction" with the "bilingual education reform plan," and attributed the incidents to students' "misunderstanding."[135] He referred to an "outline" of the Plan issued by the provincial government and Party on September 12, and confirmed that among the "main goals" was for instructors to "adhere to mainly teaching with the state's standard spoken and written language [Mandarin]."[136]

October 24: Retired cadres and educators argue that education reforms are illegal. A petition signed on October 24 by "retired Tibetan cadres and veteran education workers" in Qinghai's capital, Xining, analyzed perceived violations of China's Constitution and Regional Ethnic Autonomy Law (REAL),[137] and other laws that resulted in the infringement of ethnic minorities' rights.[138] The educators submitted the letter to central-, provincial-, and prefectural-level Party, legislative, government, and consultative bodies.[139] The petition "proposed" that the Qinghai Province Education Department "immediately stop the enforcement of the illegal provision for using Chinese as the only language for teaching"[140] and cited the Constitution and REAL, Article 20, as the legal basis for non-implementation.[141]

October 25: Officials describe diminished scope for Tibetan language use. At a forum convened on October 25 to "study and implement the spirit" of the Plan,[142] Gao Yunlong, Vice Chairman of the Qinghai People's Government, told government, academic, and other personnel that Mandarin is the appropriate language for use in "public places" and ethnic languages are suitable for "one's home location."[143] He justified the decision to exclude ethnic languages from teaching "scientific" subjects such as "mathematics, physics, and chemistry" and said that exclusion "does no harm to carrying ethnic culture forward."[144]

October 27: Party Secretary ties reforms to "national unity," protests to "plots." Qiang Wei on October 27 linked support of bilingual education reform to protecting "national sovereignty" and promoting "national and ethnic unity."[145] He described "unity of spoken and written language" as "a fundamental and essential condition for a unified country."[146] He warned Qinghai Party members that "domestic and foreign hostile forces will seek to exploit our promotion of bilingual education reform as an opportunity to plot, orchestrate, incite, and provoke disturb-

ances, . . . and to destroy our social situation of unity and stability."[147]

RURAL TIBETANS PROTEST ECONOMIC DEVELOPMENT MAINSTAY: MINING

Rural Tibetans protested during the 2011 reporting year against what they consider to be adverse effects of Chinese government and Communist Party economic development policies—especially mining—that prioritize government objectives above respecting or protecting the Tibetan culture and environment.[148] Officials justify such policies in part by publicizing statistical indicators such as rising GDP[149] and household income.[150] At the same time, government officials emphasized the dependency of the Tibetan Autonomous Region (TAR) on central support: State Ethnic Affairs Commission Minister Yang Jing asserted that the central government provided in the form of subsidies 90 percent of the funds the TAR government spent from 2001 to 2010.[151] Statistics are difficult to locate on central government revenue derived from natural resource extraction in Tibetan autonomous areas—China's Constitution appropriates ownership of natural resources throughout China to the central government.[152] The value of such resources in the TAR may be as high as 600 billion yuan (US$93.8 billion), according to a December 2010 official media report[153]—about double the total 2001 to 2010 subsidies the central government provided to the TAR.[154]

Examples of reported incidents of Tibetan protest against economic development initiatives follow.

November-December 2010: Protest and detentions in Rikaze (Shigatse) prefecture, TAR. On December 18, People's Armed Police (PAP) ended a standoff that began on November 22 when Tibetans began to protest and petition against the start of mining activity near Lingka Monastery in Xietongmen (Shetongmon) county, Rikaze.[155] PAP allegedly beat protesters and detained 17 persons, including the Lingka abbot (Kalsang) and four monks (Jamyang Rigsang, Jamyang Tsering, Rigzin Pema, and Tsewang Dorje).[156]

September-October 2010: Protest and detentions in Naqu (Nagchu) prefecture, TAR. Tibetans in Biru (Driru) county reportedly attempted to block Chinese workers who arrived in August 2010 to begin construction of a dam near a mountain Tibetans regard as sacred.[157] Villagers claimed workers intended to establish mines in the area, asserted that they had the right to protect the local environment, and refused to move.[158] On September 26, the construction team claimed to have received a mining permit agreed to by the TAR Party secretary.[159] Security officials reportedly detained protest leaders Dorje Dragtsal and Palden Choedrag and three other Tibetans, Buphel, Tsegon, and Samten, who presented a petition to Naqu authorities.[160]

August 2010: Protest, shooting, detentions in Ganzi (Kardze) TAP, Sichuan. On August 18 security officials in the seat of Baiyu (Palyul) county, Ganzi Tibetan Autonomous Prefecture (TAP), opened fire on a group of about 100 Tibetans petitioning outside county government offices against a Shanghai-based mining company's expanded gold-mining operations.[161] Vil-

lagers alleged that mining had damaged their farming and grazing lands.[162] Gunfire reportedly killed "at least four" Tibetans and wounded about 30 after a "scuffle" broke out.[163] China's official media reported that police fired warning shots after Tibetans attacked them and a "stray bullet" killed one Tibetan; police detained 35 Tibetans.[164]

May-July 2011: Protest and detentions in Changdu (Chamdo) prefecture, TAR. After Tibetans learned that Chinese laborers had been "deployed" in May 2011 to work at mining locations in Zuogong (Dzogang) county, Changdu, authorities warned residents that protests against mining activity "would be construed as politically motivated," according to a media report's unidentified source.[165] During June and July, security officials allegedly detained approximately 50 Tibetans (15 named) linked to protest activity.[166] Detainees included "village officials" Arsong, Tashi Namgyal, and Jamyang Trinle, who traveled to the TAR capital, Lhasa, to "protest" the mining and detentions, and alleged protest "ringleaders" Tenzin and Tashi.[167]

SETTLING NOMADS, BUILDING RAILWAYS, REPLACING YUSHU

Chinese officials continued to implement policies and announce projects over this past year that some Tibetans believe threaten the Tibetan culture and heritage. Pema Choling (Baima Chilin), Chairman of the TAR People's Government, said on January 10, 2011, that the government had settled or resettled "1.43 million farmers and herdsmen of 275,000 households" into new housing[168]—one of the initiatives of a program the Party refers to as "construction of a new socialist countryside"[169] and that Party General Secretary and President of China Hu Jintao named as a top development priority at the 2010 Fifth Forum on Work in Tibet.[170] Based on a reported total TAR rural population of 2.21 million,[171] the government has completed the compulsory settlement or resettlement of nearly two-thirds of the TAR rural population.[172] The Commission has not observed statistics during the past year on compulsory settlement or resettlement in other Tibetan autonomous areas.

The Chinese government provided updates this past year on construction of the railway network that will crisscross the Tibetan plateau and has the potential to impact profoundly the Tibetan culture and environment.[173]

- **Lhasa-Rikaze (Shigatse) railway.** In February 2011, state-run media reported that the 253-kilometer westward link from Lhasa to Rikaze will be completed by 2015 (the end of the period of the TAR 12th Five-Year Plan on Economic and Social Development).[174] On September 2, China Daily reported the railway will begin operating in 2014 but did not cite the source of the information.[175] The estimated cost of building the railway as of the September 2010 start of construction was 13.3 billion yuan[176] (US$2.1 billion)—approximately 20 percent greater than the 11 billion yuan (US$1.7 billion) estimate reported in April 2009.[177]
- **Lhasa-Linzhi (Nyingtri) railway.** Construction of the eastward link from Lhasa to Linzhi will begin during the period of the TAR 12th Five-Year Plan.[178] The Commission has not observed information about whether the railway will be

built along the north or the south side of the Yarlung Tsangpo (Yalung Zangbo, Brahmaputra) River.[179]

- **Sichuan-Tibet railway and Yunnan-Tibet railway.** The TAR will "conduct a pre-construction planning and study on the Sichuan-Tibet and Yunnan-Tibet railways" during the TAR 12th Five-Year Plan.[180]
- **Ge'ermu (Golmud, Kermo)-Ku'erle (Korla) railway.** Construction of the railway linking Golmud city in Haixi (Tsonub) Mongol and Tibetan Autonomous Prefecture, Qinghai province, with Ku'erle (Korla) city, the capital of Bayingguoleng (Bayingolin) Mongol Autonomous Prefecture in the Xinjiang Uyghur Autonomous Region (XUAR), will begin in 2011 and be complete by 2015.[181] The railway will reduce the journey between Urumqi city, the XUAR capital, and Lhasa city by more than 1,000 kilometers.[182]
- **Chengdu-Ge'ermu railway.** Construction of the railway linking Chengdu city, the Sichuan capital, and Ge'ermu city may start by 2015, the end of the PRC 12th Five-Year Plan on National Economic and Social Development.[183] The route traverses Ruo'ergai (Dzoege) county in Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Yushu (Kyegudo) in Yushu TAP (the site of an April 2010 earthquake[184]), and Guoluo (Golog) TAP, Qinghai.[185] Yushu and Guoluo are the most ethnically Tibetan areas remaining outside the TAR, based on official 2000 census data: Yushu TAP (97.1 percent Tibetan), TAR (92.7 percent Tibetan), and Guoluo TAP (91.6 percent Tibetan).[186]

Tibetans protested in April 2011 against Chinese government plans for rebuilding Yushu (Kyegudo), the capital of Yushu (Yushul) TAP, Qinghai, severely damaged by an April 2010 earthquake, and demanded that authorities "fairly and legitimately" resolve issues involving their residences and use of their land.[187] Media reports between June 2010 and March 2011 revealed government plans to rename Yushu and transform it into an urban area traversed by a railway.[188] Yushu's "temporary" name would be Sanjiangyuan[189] ("three rivers source"), after a nearby nature reserve.[190] The government will redesignate the administrative area as a "city,"[191] indicating that it will become the center of a substantial population and economy with a well-developed infrastructure.[192] In June 2010, the Qinghai government announced the central government would provide most of 32 billion yuan (US$4.68 billion) budgeted to rebuild the area[193]—a sum similar to the 33 billion yuan (then US$4.7 billion) cost of constructing the Qinghai-Tibet railway.[194] In March 2011, the Qinghai government announced that the Chengdu-Ge'ermu railway would pass through Yushu's location.[195]

In January 2011, official media reports described Yushu as "flattened,"[196] but a June 2010 unofficial report noted that officials allegedly were expropriating Tibetan homes and businesses in sound condition so the government could redevelop the area.[197] Tibetans have objected to government plans to move them from spacious homes to smaller apartment- or townhouse-style residences in other locations.[198] On April 2, 2011, approximately 300 Tibetans staged a sit-in protest in Yushu, claiming authorities either sold or expropriated their property without providing "appropriate" com-

pensation.[199] People's Armed Police allegedly "attacked" the protesters, detained about 40 of them, and cleared the area.[200]

Summary Information: Tibetan Political Detention and Imprisonment

POST-MARCH 10, 2008: LACK OF INFORMATION, UNCERTAIN STATUS

During the Commission's 2011 reporting year, the Chinese government's failure to provide details about Tibetans detained, charged, or sentenced for peaceful, protest-related activity during the period since March 10, 2008, has resulted in prolonged uncertainty about the current status of hundreds of cases. As of September 1, 2011, the Commission's Political Prisoner Database (PPD) contained 1,134 records of Tibetan political prisoners detained on or after March 10, 2008—a figure certain to be far from complete. No information is available, however, on the outcome of more than half (623) of the cases. More than half (348) of the 623 unresolved cases are presumed to have resulted in release based on the substantial period of time since detention—three years or more in hundreds of cases.

Among the 1,134 PPD records of Tibetan political detentions reported since March 2008, post-detention information is available for only 307 cases. Included in those 307 cases are 21 Tibetans whom officials ordered to serve reeducation through labor (16 are believed released upon completing their terms), and 197 Tibetans whom courts sentenced to periods of imprisonment ranging from six months to life (79 are believed released upon sentence completion). Of the 197 Tibetan political prisoners sentenced to imprisonment since March 2008, sentencing information is available for 186 prisoners: the average sentence length is five years and three months based on PPD data as of September 1, 2011.[201]

CURRENT TIBETAN POLITICAL DETENTION AND IMPRISONMENT

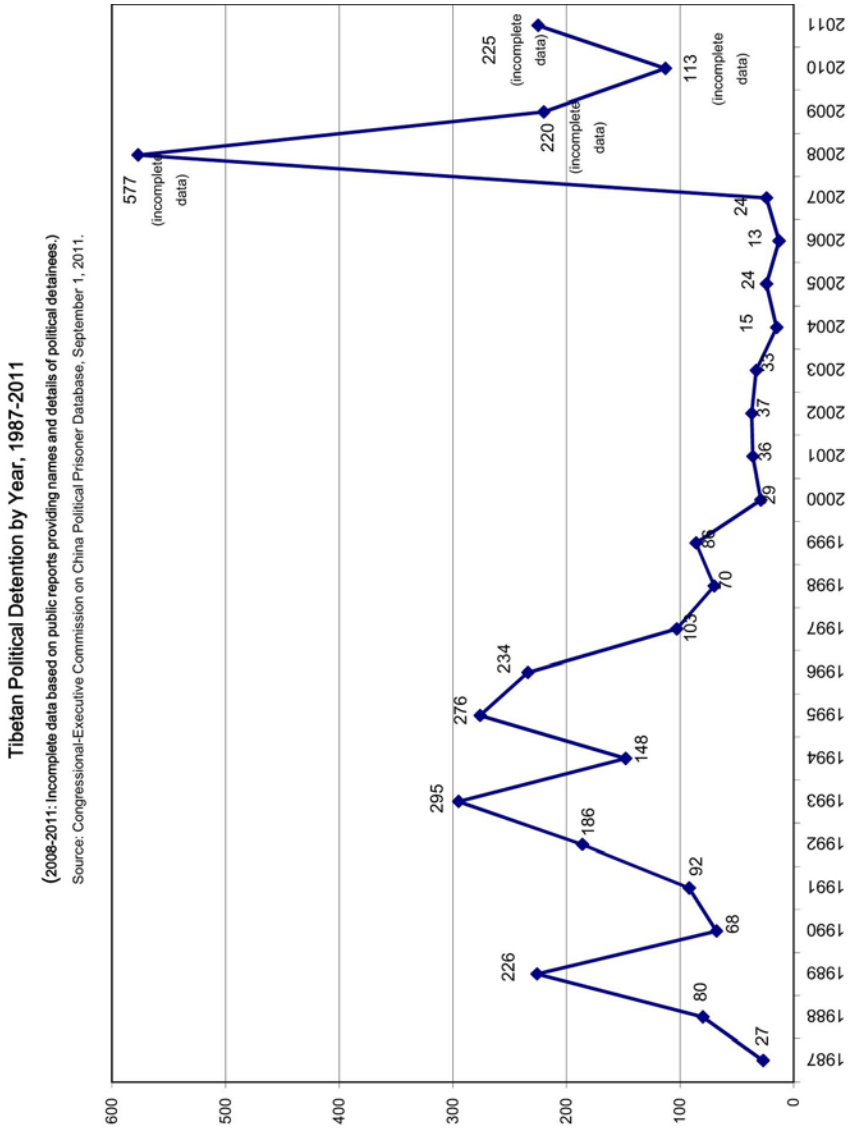
As of September 1, 2011, the PPD contained records of 527 Tibetan political prisoners believed or presumed to be currently detained or imprisoned. Of those 527 records, 483 are records of Tibetans detained on or after March 10, 2008,[202] and 44 are records of Tibetans detained prior to March 10, 2008. PPD information for the period since March 10, 2008, is certain to be far from complete.

Of the 483 Tibetan political prisoners believed or presumed to be currently detained or imprisoned and who were detained on or after March 10, 2008, according to PPD data as of September 1, 2011:

- More than half (264) are believed or presumed to be detained or imprisoned in Sichuan province; the rest are believed or presumed to be detained or imprisoned in the Tibet Autonomous Region (160), Gansu province (23), Qinghai province (34), the Xinjiang Uyghur Autonomous Region (1), and Beijing (1).
- 113 are serving sentences ranging in length from one year and six months to life imprisonment; the average sentence length is seven years and two months.[203] Sixty-two (55 percent) of the 113 prisoners with known sentences are monks, nuns, or Tibetan Buddhist teachers or *trulkus*.

- 240 (50 percent) are Tibetan Buddhist monks, nuns, teachers, or *trulkus*.
- 425 (88 percent) are male, 51 (11 percent) are female, and 7 are of unknown gender.

Sentencing information is available on 27 of the 44 Tibetan political prisoners detained prior to March 10, 2008, and believed to remain imprisoned. Their sentences range in length from five years to life imprisonment; the average sentence length is 14 years and 3 months.[204]



VI. Developments in Hong Kong and Macau

Introduction

The United States supports a stable, autonomous Hong Kong under the "one country, two systems" formula articulated in the Sino-U.K. Joint Declaration and the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.[1] The United States also supports the high degree of autonomy of Macau set forth in the Sino-Portuguese Joint Declaration on the Question of Macao and the Basic Law of the Macao Special Administrative Region of the People's Republic of China.[2] Furthermore, the United States supports the rights of the people of Hong Kong and Macau to enjoy an independent judiciary[3] and an open society in which the freedoms of speech, movement, and assembly are largely respected.[4]

Hong Kong

UNIVERSAL SUFFRAGE IN HONG KONG

During the Commission's 2011 reporting year, the Hong Kong Legislative Council (Legco) passed legislation broadening the electoral base somewhat for the 2012 election of Legco by adding 10 new members to the current 60 members[5] and increasing the membership of the selection committee that chooses the chief executive from 800 to 1,200 members, changes which fell far short of universal suffrage.[6] Of the 10 new Legco members, 5 will be elected by geographical constituencies, and 5 by a newly formed territory-wide District Council constituency.[7] The Hong Kong Basic Law provides, "The ultimate aim is the selection of the chief executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures[;]" and "The ultimate aim is the election of all the members of the Legislative Council by universal suffrage."[8] A December 2007 decision of the National People's Congress Standing Committee (NPCSC) that prohibited the people of Hong Kong from directly electing the chief executive or the Legco in 2012, or making other substantive changes to the electoral system, circumscribed the electoral reforms that Legco could pass concerning the 2012 elections.[9]

In January 2010, five Legco members resigned, forcing a by-election to serve as an informal referendum on the pace of democratization. The by-election was held in May 2010, and the same five persons won back their seats.[10] The mainland government was "hostile" to the by-election,[11] and in June 2011 the Hong Kong government introduced a bill providing that any Legco vacancy henceforth would be filled by the candidate with the next highest number of votes, thereby eliminating by-elections in cases where there are other eligible candidates who received votes in the relevant election.[12] The Hong Kong Bar Association argued that the proposed bill was not in conformity with the Basic Law,[13] and the bill was considered one of the reasons that a large number of protesters joined the annual rally on the anniversary of Hong Kong's reunification with the mainland.[14] In light of controversy surrounding the proposed bill, the government withdrew it in July.[15]

Though the electoral base will broaden somewhat for the 2012 elections, an increased number of political parties may make it unlikely that any party will present a challenge to mainland China's influence in the affairs of Hong Kong. The number of political parties or organizations has increased considerably, from 3 parties shortly after the handover in 1997 to about 14 "political parties, organizations or loose coalitions" in 2011.[16] According to one Democratic Party lawmaker, James To Kun-sun, from the perspective of the Communist Party, this is a positive development, since there is no single dominant political party that can pose a threat to China. He noted, however, that it does present problems for governance.[17] At least one independent Hong Kong paper, Ming Pao, also conjectured that the mainland government is "coordinating" the election strategies of the pro-mainland political parties in Hong Kong.[18]

"ONE COUNTRY, TWO SYSTEMS"

During this reporting year, Hong Kong people continued to express concern over the mainland's role in Hong Kong. Hong Kong-based analyst Frank Ching has expressed concern that Hong Kong's autonomy is under threat.[19] One of the examples Ching cited was the refusal of Hong Kong immigration officials to grant visas to two exiled leaders of the 1989 Tiananmen protests, Wu'er Kaixi and Wang Dan, to attend the funeral of political activist Szeto Wah. Ching wrote in the Hong Kong Journal, though Hong Kong controls its own immigration matters under the Basic Law, "The impression, inescapably, is that the Chinese government withheld its blessings and Hong Kong was left to 'decide' that it would not permit a visit by Wang Dan."[20] During a visit by Chinese Vice Premier Li Keqiang in August, "heavy-handed security" raised concerns in Hong Kong that "its autonomy is being eroded by a mainland government that does not value the territory's more free-wheeling ways."[21]

In June, Wang Guangya, the director of the Hong Kong and Macau Office of the PRC State Council, reportedly told a group of Hong Kong students that they should learn the basic elements of mainland national education,[22] and in July the Hong Kong Education Bureau issued a Moral and National Education Curriculum Guide Consultation Draft.[23] The proposals reportedly were condemned in an editorial in the independent Hong Kong newspaper, Apple Daily,[24] and by the union that represents 90 percent of Hong Kong's teachers.[25]

ACTIVE DISSENT IN HONG KONG

During this reporting year, Hong Kong citizens have continued to express their dissent. In some cases, demonstrations have not been peaceful, such as one in March 2011 over the Hong Kong budget, at which 113 people were arrested, with activists vowing to continue to stage "confrontational" rallies.[26] After a protester assaulted Chief Executive Donald Tsang in March 2011, mainland Chinese officials expressed their disapproval, calling for punishment of the protester.[27] This raised concerns that mainland China was not adhering to the principle of "one country, two systems."[28] Supporters of greater democracy in Hong Kong have criticized

confrontational protests. Richard Tsoi Yiu-cheong, a veteran democracy advocate, told the South China Morning Post that "[i]ncreasingly radical protests may serve the purpose of embarrassing government officials, but they also risk diverting public attention from real policy debates."[29]

FREEDOM OF EXPRESSION

For the most part, the people of Hong Kong appear to continue to enjoy freedom of expression. Hong Kong rose from 48th to 34th over the previous year in the 2010 Press Freedom Index of Reporters Without Borders.[30] (For comparison, the United States, as in the previous year, remained 20th during the same period, and China's ranking dropped from 168 to 171 out of 178 countries.)[31] U.S.-based Freedom House in its 2011 Global Press Freedom Rankings listed Hong Kong as "partly free."[32] According to the U.S. State Department's 2010 Human Rights Report, "reports of media self-censorship continued during the year."[33] The report noted claims that businesses with interests in China owned most media outlets, making them "vulnerable to self-censorship."[34] This is reflected in a 2011 Chinascope report, which divides Hong Kong media into those funded by the Communist Party, and those that have just "recently grown closer to the [Party]."[35] The latter, according to the report, are owned by businesses with close ties to mainland China.[36]

This past year, Hong Kong people expressed support for imprisoned Nobel Laureate Liu Xiaobo. Bishop John Tong of the Catholic Diocese of Hong Kong praised Liu in a speech on Christmas Eve in 2010, for which mainland Chinese-owned newspaper, Ta Kung Pao, carried an article criticizing the bishop.[37] In November 2010, pan-democratic Legco members introduced a motion of support for Liu, calling on the mainland government to release him. The motion was defeated.[38]

JUDICIARY

During the Commission's 2011 reporting year, there were two prominent cases in Hong Kong courts of first instance which appear to be positive signs of an independent judiciary in Hong Kong. In one, the court rejected the Hong Kong government's environmental impact assessment report on the Hong Kong section of a bridge connecting Hong Kong to the mainland.[39] The South China Morning Post in an editorial called the decision "a victory for rule of law."[40] In the other case, the Hong Kong court refused to enforce a mainland arbitration decision as contrary to Hong Kong public policy because the same person had acted both as mediator and arbitrator and there was a risk of bias.[41]

In a groundbreaking June 2011 provisional judgment, Hong Kong's Court of Final Appeal (CFA) found that the mainland's rules on sovereign immunity should be applied to Hong Kong.[42] The case raised issues as to whether the mainland's rules on sovereign immunity apply to Hong Kong, and whether the Hong Kong judiciary could rule on the issue.[43] For the first time, the CFA referred the case to the National People's Congress Standing Committee (NPCSC) for interpretation.[44] The NPCSC issued its interpretation in August, affirming the decisions of the CFA.[45] The

mainland government welcomed the CFA's decision to seek a judicial interpretation, though the CFA's move raised some concerns over Hong Kong's judicial independence.[46] In addition, one commentator, the director of the Centre for Comparative and Public Law at the University of Hong Kong, observed that the decision could lead to Hong Kong providing sanctuary to leaders wanted for international crimes.[47]

Macau

ABILITY OF MACAU CITIZENS TO INFLUENCE THEIR GOVERNMENT

The ability of the people of Macau to influence their government is restricted by Macau's constitutional system, under which the chief executive is selected by a 300-person committee, and only 12 of 29 seats in the Legislative Assembly are filled by direct election.[48] In July 2009, the selection committee chose Fernando Chui Sai On as the chief executive in an uncontested election.[49] In September 2009, voters selected 12 assembly members by direct election, the chief executive appointed 7, and an additional 10 were selected indirectly in uncontested elections, similar to the system of functional constituencies in Hong Kong.[50]

CORRUPTION

Corruption is a serious issue in Macau, which ranked 46th in the 2010 Transparency International Corruption Perception Index, having dropped from 43rd in 2009. The index measures the perceived level of corruption in 178 countries.[51] (By comparison, Hong Kong ranked 13th, the United States ranked 22nd, and mainland China ranked 78th.) One local Macau scholar argues that corruption in Macau has not necessarily worsened. Rather, business people are simply more aware of the problem.[52]

Gambling plays a major role in Macau's economy, with revenue increasing 58 percent in 2010.[53] According to a 2011 Reuters report, gambling is tied to widespread corruption, organized crime, money laundering, and movement of cash from mainland Chinese governments and state-owned companies into Macau.[54] The movement of cash from the mainland to the gambling casinos of Macau is fueled by a "junket" system, which allows mainland "high-rollers" to bypass Chinese rules that limit how much cash an individual can take out of the mainland in a year. An article in the Washington Post cites a 2009 study based on official PRC media reports, which found that "57 percent of Chinese high-stakes gamblers in Macau are either government officials or senior managers in state-run companies, the main beneficiaries of easy credit from state-owned banks. On average, these officials and managers each lost $3.3 million—nearly all of it public money."[55]

MACAU'S ECONOMY

The mainland government has called for changes to the Macau economy. Chinese Premier Wen Jiabao called for Macau to improve regulation and diversify its economy beyond gambling.[56] Further, the PRC Outline of the 12th Five-Year Plan on National Economic and Social Development provides for Macau to develop its tourism and leisure industry and diversify its economy.[57]

NATIONAL SECURITY LAW (ARTICLE 23)

Macau enacted national security legislation in 2009, criminalizing treason, secession, subversion, sedition, theft of state secrets, and association with foreign political organizations that harm state security.[58] As of the end of 2010, there had been no arrests under the legislation, and thus the impact of the law is not clear at this stage.[59]

VII. Endnotes

†Voted to adopt: Representative Smith; Senators Brown, Baucus, Levin, Feinstein, Merkley, Collins, and Risch; Deputy Secretary Harris, Under Secretary Otero, Under Secretary Sánchez, Assistant Secretary Campbell, and Assistant Administrator Biswal.

Notes to Section I—Political Prisoner Database

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

Notes to Section II—Freedom of Expression

[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. 19(3); Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 19, 29. The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression has also used this three-factor test to describe the standard for determining when a restriction is permissible under Article 19, paragraph 3, of the ICCPR. UN Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, 16 May 11, A/HRC/17/27, para. 24.

[2] 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).

[3] In its May 2011 report, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression stated that "any legislation restricting the right to freedom of expression must be applied by a body which is independent of any political, commercial, or other unwarranted influences in a manner that is neither arbitrary nor discriminatory, and with adequate safeguards against abuse, including the possibility of challenge and remedy against its abusive application." UN Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, 16 May 11, A/HRC/17/27, para. 24.

[4] Wu Yu, "'Jasmine Revolution' Circulates Online, Chinese Authorities Take Precautions on All Fronts" [Wangchuan "molihua geming," zhongguo dangju quanxian jiebei], Deutsche Welle, 19 February 11.

[5] "China's 'Jasmine Revolution,' Assembly Sites in Each Major City" [Zhongguo "molihua geming" geda chengshi jihui didian], Boxun, 19 February 11; Wu Yu, "'Jasmine Revolution' Circulates Online, Chinese Authorities Take Precautions on All Fronts" [Wangchuan "molihua geming," zhongguo dangju quanxian jiebei], Deutsche Welle, 19 February 11; Human Rights in China, "Jasmine Organizers Call for Rallies Every Sunday," 22 February 11.

[6] "Latest Directives From the Ministry of Truth, January 2–28, 2011," China Digital Times, 8 February 11; "Latest Directives From the Ministry of Truth, February 17–24, 2011," China Digital Times, 23 February 11. For CECC analysis, see "Authorities Censor Access to Information on Middle East and Chinese 'Jasmine' Protests," Congressional-Executive Commission on China, 22 March 11.

[7] Jeremy Page, "Beijing Blocks Protest Reports," Wall Street Journal, 31 January 11; Edward Wong and David Barboza, "Wary of Egypt Unrest, China Censors Web," New York Times, 31 January 11. See, e.g., "Color Revolutions Will Not Bring About Real Democracy," Global Times, 30 January 11.

[8] Michael Kan, "China Microblogs Block Chinese Word for 'Egypt,'" IDG News, reprinted in PCWorld, 29 January 11; Jeremy Page, "China Co-Opts Social Media To Head Off Unrest," Wall Street Journal, 22 February 11. For CECC analysis, see "Authorities Censor Access to Information on Middle East and Chinese 'Jasmine' Protests," Congressional-Executive Commission on China, 22 March 11.

[9] Chinese Human Rights Defenders, "Escalating Crackdown Following Call for 'Jasmine Revolution' in China," 31 March 11. For CECC analysis, see "Authorities Crack Down on Rights Defenders, Lawyers, Artists, Bloggers," Congressional-Executive Commission on China, 3 May 11.

[10] Ibid.

[11] UN Office of the High Commissioner for Human Rights, "China: UN Expert Body Concerned About Recent Wave of Enforced Disappearances," 8 April 11; Human Rights Watch, "China: Arrests, Disappearances Require International Response," 31 March 11; Amnesty International, "China: New Generation of Internet Activists Targeted," 23 March 11.

[12] Barbara Demick, "China Has Many 'Dirty Words,'" Los Angeles Times, 21 April 10; Loretta Chao and Jason Dean, "China's Censors Thrive in Obscurity," Wall Street Journal, 31 March 10. Zhang Lei, "Publish and Be Deleted," Global Times, 25 February 10.

[13] Andrew Jacobs, "China, Angered by Peace Prize, Blocks Celebration," New York Times, 9 October 10; "PRC Blocks Web, Text Message Reports of Peace Prize for Liu Xiaobo," Agence France-Presse, 8 October 10; Pascale Trouillaud, "China Wages Propaganda War After Nobel," Agence France-Presse, reprinted in Google, 11 October 10.

[14] "New Controls on Text Messages," Radio Free Asia, 6 January 11.

[15] "China, Tibet: The End of TibetCul.com?" Global Voices, 19 March 11; "Graft-Busting Site Blocked," Radio Free Asia, 11 January 11; "China Closes AIDS Website," Radio Free Asia, 16 March 11.

[16] Sky Canaves, "What Are You Allowed To Say on China's Social Networks?" IEEE Spectrum, June 2011.

[17] Reporters Without Borders, "Internet Is Collateral Victim of Crackdown on Inner Mongolia Protests," 31 May 11. For CECC analysis, see "Mongols Protest in Inner Mongolia After Clashes Over Grasslands Use, Mining Operations," Congressional-Executive Commission on China, 1 July 11.

[18] Chinese Human Rights Defenders, "News Flash: Rights Defender Wang Yi About To Be Sent to Reeducation Through Labor" [Kuai xun: weiquan renshi wang yi zheng yao bei song qu laojiao], reprinted in Boxun, 15 November 10; Amnesty International, "Chinese Woman Sentenced to a Year in Labour Camp Over Tweet," 17 November 10. For CECC analysis, see "Henan Authorities Order One-Year Reeducation Through Labor Sentence for Activist's Satirical Tweet," CECC China Human Rights and Rule of Law Update, No. 9, 10 December 10, 3.

[19] Ibid.

[20] "Netizen 'Re-educated' for Online Rant," Radio Free Asia, 6 June 11.

[21] Didi Kirsten Tatlow, "Caught in an 'Authoritarian Moment,'" New York Times, 25 November 10.

[22] Chinese Human Rights Defenders, "A Quiet Crackdown, Yet Likely the Harshest in Recent Years," 25 February 11.

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[36] The Special Rapporteur also noted that such licensing schemes should be distinguished from "registration with a domain name authority for purely technical reasons or rules of general application which apply without distinction to any kind of commercial operation." UN Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, 16 May 11, A/HRC/17/27, para. 28. In China, because the registration system gives the government discretion to reject an application based on content (i.e., whether the Web site operator intends to post "news," and if so, whether it is authorized to do so), it is qualitatively different from registration which all Web site operators must undertake with a domain registrar, and constitutes a de facto licensing scheme. Measures for the Administration of Internet Information Services [Hulianwang xinxi fuwu guanli banfa], issued 20 September 00, effective 25 September 00, art. 4; Registration Administration Measures for Non-Commercial Internet Information Services [Fei jingyingxing hulianwang xinxi fuwu bei'an guanli banfa], issued 28 January 05, effective 20 March 05, art. 5.

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Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mission to China, 10 March 06, paras. 34, 82(s). In a January 2008 report, Chinese Human Rights Defenders studied 41 cases from 2000 to 2007 in which officials used the "inciting subversion" provision of the PRC Criminal Law (Article 105(2)) to punish Chinese citizens for exercising their right to freedom of expression. It found that in such cases "[t]he 'evidence' often consists of no more than the writings of an individual or simply shows that he/she circulated certain articles containing dissenting views, without any effort to show that the expression had any potential or real subversive effect. That is to say, speech in and of itself is interpreted as constituting incitement of subversion. . . ." Chinese Human Rights Defenders, "Inciting Subversion of State Power: A Legal Tool for Prosecuting Free Speech in China," 8 January 08. See, e.g., a Beijing court's December 2009 decision in the Liu Xiaobo case in which the court provided no evidence that Liu advocated violence in his works. Human Rights in China, "Case Update: International Community Speaks Out on Liu Xiaobo Verdict," 30 December 09. For CECC analysis, see "Liu Xiaobo Appeals Sentence; Official Abuses Mar Case From Outset," CECC China Human Rights and Rule of Law Update, No. 2, 5 February 10, 2.

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Notes to Section II—Worker Rights

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[105] Andrew Jacobs and Jonathan Ansfield, "China's Intimidation of Dissidents Said To Persist After Prison," New York Times, 17 February 11.

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[108] CECC, 2007 Annual Report, 10 October 07, 39–41; Dui Hua Foundation, "Reference Materials on China's Criminal Justice System, Vol. 2 (June 2009), iv; CECC, 2008 Annual Report, 31 October 08, 36–37; Chinese Human Rights Defenders, "Re-Education Through Labor Abuses Continue Unabated: Overhaul Long Overdue," 4 February 09, 4.

[109] Bureau of Reeducation Through Labor Administration, "A Brief Description of China's Reeducation Through Labor System" [Zhongguo laodong jiaoyang zhidu jianjie], accessed 14 July 11.

[110] Xiaobing Li, Civil Liberties in China, (Santa Barbara, California: ABC–CLIO, 2010), 118; Human Rights in China, "Reeducation Through Labor: A Summary of Regulatory Issues and Concerns," 1 February 01; Jim Yardley, "Issue in China: Many in Jails Without Trial," New York Times, 9 May 05; Chinese Human Rights Defenders, "Re-Education Through Labor Abuses Continue Unabated: Overhaul Long Overdue," 4 February 09, 3.

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[117] Human Rights in China, "Petitioner Mao Hengfeng Released From Reeducation-Through-Labor in Serious Condition," 28 July 11.

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[123] Human Rights Watch, "An Alleyway in Hell: China's Abusive 'Black Jails,'" 12 November 09.

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the Gulag," Newsweek, 26 June 11; "Veterans Protest Over Welfare," Radio Free Asia, 29 June 11.

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[128] Zhan Caiqiang, "'Study Sessions' Nightmare" ["Xuexi ban" mengyan], Southern Metropolitan Daily, 27 April 11. See also Liu Chang, "Controversy Over 'Black Jails' Continues," Global Times, 4 May 11.

[129] The term "nail household" (*dingzi hu*) is commonly used to refer to tenants who refuse to leave their households despite the demolition of structures around them.

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[131] Zhan Caiqiang, "'Study Sessions' Nightmare" ["Xuexi ban" mengyan], Southern Metropolitan Daily, 27 April 11; Zhang Xuanchen, "Officials Accused of Opening Illegal 'Jail,'" Shanghai Daily, 28 April 11.

[132] An Ying and Yi Fangxing, "Woman Detained in Black Jail After Coming to Beijing To Handle Affairs" [Laijing banshi nu bei guan heijianyu], Beijing News, 2 August 11; Wang Huazhong, "Former Inmate Reveals Existence of 'Black Jail,'" China Daily, 3 August 11.

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[134] Ibid.

[135] Dui Hua Foundation, "Official Fear: Inside a Shuanggui Investigation Facility," 5 July 11.

[136] Li Yanhui, "Chaoyang Deputy Director Allegedly Detained for Bribery," Global Times, 2 June 11; Zhang Lu, "Beijing's Chaoyang District Deputy Mayor Liu Xiquan Investigated," Caijing, 1 June 11.

[137] "Shandong Provincial Government Secretary-General Zhang Wanqing Dismissed, Had Been Detained Under Shuanggui" [Shandong sheng zhengfu mishu zhang zhang wanqing bei ti qing chezhi ci qian bei shuanggui], People's Daily, 26 May 11.

[138] Zhang Yuzhe, "High-Ranking Ministry of Finance Official Detained," Caixin Net, 18 January 11.

[139] "Human Rights and the Rule of Law in China," CECC Hearing, 20 September 06, Testimony of Jerome A. Cohen, Professor of Law, New York University Law School, Co-Director of U.S.-Asia Law Institute.

[140] Dui Hua Foundation, "Official Fear: Inside a Shuanggui Investigation Facility," 5 July 11.

[141] "Human Rights and the Rule of Law in China," CECC Hearing, 20 September 06, Testimony of Jerome A. Cohen, Professor of Law, New York University Law School, Co-Director of U.S.-Asia Law Institute.

[142] CECC, 2010 Annual Report, 10 October 10, 96.

[143] He Weifang, "For the Rule of Law, for the Ideal in Our Hearts—A Letter to Chongqing Colleagues" [Weile fazhi, weile women xinzhongde di na yi fen lixiang—zhi chongqing falu jie de yifeng gongkaixin], China Media Project, 12 April 11.

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[145] Ibid.

[146] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Report on Human Rights Practices—2010 Human Rights Report: China (includes Tibet, Hong Kong, and Macau)," 8 April 11.

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[154] "Milk Activist Told 'Be Quiet or Go Back to Jail,'" South China Morning Post, 8 April 11.

[155] Human Rights in China, "Petitioner Recounts Abuses During RTL; Medical Parole Rescinded," 24 February 11.

[156] Ibid.

[157] "Mao Hengfeng: Amnesty Urgent Action," Guardian, 25 June 11.

[158] "Supreme People's Court Work Report" [Zuigao renmin fayuan gongzuo baogao], Xinhua, reprinted in National People's Congress of the People's Republic of China, 19 March 11.

[159] Supreme People's Court, "2010 Annual Work Report on the People's Courts" [Renminfayuan gongzuo niandu baogao (2010 nian)], 25 May 11. For more information on the death penalty in the 2010 Annual Work Report, see, e.g., Michael Bristow, "China Orders Suspension of Death Sentences," BBC News, 25 May 11; Wang Qiushi, "SPC Requests Uniform Suitable Standards for the Death Penalty; Try Utmost To Not Immediately Implement the Death Penalty" [Zuigao fa yaoqiu tongyi sixing shiyong biaozhun jinliang bu pan sixing liji zhixing], People's Daily, 25 May 11.

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[162] Zhao Lei, "Greater Steps Can Be Taken To Reduce the Death Penalty" [Jianshao sizui, buzi keyi zai da yixie], Southern Weekend, 26 August 10. For more information, see "Chinese Government Considers Reducing Number of Crimes Punishable by Death," Congressional-Executive Commission on China, 23 February 11.

Notes to Section II—Freedom of Religion

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

[2] For protections in international law, see, e.g., the Universal Declaration of Human Rights (UDHR), adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 18; 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. 13(3) (requiring States Parties to "ensure the religious and moral education of . . . children in conformity with [the parents'] own convictions"); 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, art. 14; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81. See General Comment No. 22 to Article 18 of the ICCPR for an official interpretation of freedom of religion as articulated in the ICCPR. UN Human Rights Committee, General Comment No. 22: The Right to Freedom of Thought, Conscience, and Religion (Art. 18), CCPR/C/21/Rev.1/Add.4, 30 July 93, para. 1. China is a party to the ICESCR and the CRC and a signatory to the ICCPR. The Chinese government has committed itself to ratifying, and thus bringing its laws into conformity with, the ICCPR and reaffirmed its commitment on April 13, 2006, in its application for membership in the UN Human Rights Council. China's top leaders have also stated on other occasions that they are preparing for ratification of the ICCPR, including in March 18, 2008, press conference remarks by Chinese Premier Wen Jiabao; in a September 6, 2005, statement by Politburo member and State Councilor Luo Gan at the 22nd World Congress on Law; in statements by Wen Jiabao during his May 2005 Europe tour; and in a January 27, 2004, speech by Chinese President Hu Jintao before the French National Assembly. China affirmed this commitment during the Universal Periodic Review of China's human rights record before the UN Human Rights Council. UN GAOR, Hum Rts. Coun., 11th Sess., Report of the Working Group on the Universal Periodic Review—China, A/HRC/11/25, 3 March 09, para. 114(1). In addition, China's National Human Rights Action Plan affirms the principles in the ICCPR. State Council Information Office, "National Human Rights Action Plan of China (2009–2010)," reprinted in Xinhua, 13 April 09, Introduction. The "White Paper on Progress in China's Human Rights in 2009," issued in 2010, also states that the government is "vigorously creating conditions" for ratifying the ICCPR. State Council Information Office, "White Paper on Progress in China's Human Rights in 2009" [2009 nian zhongguo renquan shiye de jinzhan], reprinted in Xinhua, 26 September 10, sec. VII.

[3] State Council Information Office, "National Human Rights Action Plan of China (2009–2010)," reprinted in Xinhua, 13 April 09, Introduction, sec. II(4).

[4] State Council Information Office, "White Paper on Progress in China's Human Rights in 2009" [2009 nian zhongguo renquan shiye de jinzhan], reprinted in Xinhua, 26 September 10.

[5] State Administration for Religious Affairs, "Main Points of State Administration for Religious Affairs' 2011 Work" [Guojia zongjiao shiwu ju 2011 nian gongzuo yaodian], 24 January 11. See analysis in "State Administration for Religious Affairs Outlines Restrictive Religious Practices for 2011," Congressional-Executive Commission on China, 12 April 11.

[6] Measures on the Management of Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], issued 30 September 10, effective 1 November 10. The measures come as most Tibetan autonomous prefectures in China have drafted or implemented their own legal measures to regulate "Tibetan Buddhist Affairs." See Section V—Tibet for additional information.

[7] State Administration for Religious Affairs, "Our Country To Further Draft and Revise Accompanying Measures to 'Regulations on Religious Affairs'" [Woguo jiang jinyibu zhiding he xiuding "zongjiao shiwu tiaoli" peitao banfa], 10 January 11.

[8] Ibid.

[9] Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05.

[10] For information and analysis on previous legal measures, see CECC, 2008 Annual Report, 31 October 08, 73–75; "New Measures Regulate Financial Affairs of Venues for Religious Activities," CECC China Human Rights and Rule of Law Update, No. 5, 4 June 10, 3; and "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures," Congressional-Executive Commission on China, 10 March 11. The Regulations on Religious Affairs condition protections on religious groups registering as organizations and registering their venues with the government. Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 6, 12–15.

[11] This section pertains to what official sources refer to as "Buddhism in the Han tradition," an inaccurate umbrella term that encompasses all schools of Buddhism in China, aside from the Tibetan tradition. "Buddhism in the Han tradition" (*hanchuan fojiao*) is inaccurate in religious terms. Buddhists divide themselves according to a number of traditions, ritual practices, and schools of thought, but not in purely ethnic terms. It is also worth noting that with the possible exception of the Chan school of Buddhism, there is arguably no true "Han tradition" of Buddhism. All non-Chan schools of Buddhism in China can be clearly traced to Indian sources. In addition, there are Chinese citizens belonging to officially recognized "ethnic minority" groups, such as the Dai, that practice Theravada Buddhism—a branch of Buddhism completely outside of what Chinese officials mean by the "Han tradition" (non-esoteric Mahayana Buddhism as practiced by non-Tibetans).

[12] See, e.g., "Top Leaders Praise the Work of China's 'Patriotic Religious Organizations,'" CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10, 3.

[13] See, e.g., "Jiangsu Provincial Buddhist Association Conference Celebrating the 90th Anniversary of the Founding of the Party and Second Leadership Meeting Convenes" [Jiangsu sheng

foxie qingzhu jian dang 90 zhounian zuotan hui ji di er ci huizhang bangong hui zhaokai], Buddhism Online, 27 June 11; "Jincheng Municipal Buddhist Association, Shanxi, Holds Art Exhibition for the 90th Anniversary of the Founding of the Communist Party" [Shanxi jincheng shi fojiao xiehui juxing jian dang 90 zhounian wenyi huiyan], Buddhism Online, 20 June 11; "Nationwide Religious Communities Hold Conference To Celebrate the 90th Anniversary of the Founding of the Chinese Communist Party" [Quanguo zongjiao jie qingzhu zhongguo gongchan dang chengli 90 zhounian zuotan hui juxing], Buddhism Online, 25 June 11; "Shanxi Provincial Buddhist Association Confirms 2011 Work Points" [Shanxi sheng fojiao xiehui queding 2011 nian gongzuo yaodian], Buddhism Online, 25 January 11; Yi Ming, Buddhist Academy of China, "Welcoming the 90th Anniversary of the Founding of the Chinese Communist Party, Buddhist Academy of China Holds Party Knowledge Conference" [Yingjie zhongguo gongchan dang chengli 90 zhounian, wo yuan juxing dang de zhishi jiangzuo], 20 May 11; "Xingtai City, Hebei, Convenes Religious Words and Harmony Conference" [Hebei xingtai shi zhaokai zongjiao jie hua hexie yantao hui], China Religion, reprinted in Buddhism Online, 31 May 11; Jiangsu Provincial Ethnic and Religious Affairs Bureau, "Second Jiangsu Province Buddhist Temple Abbots (Persons in Charge) Training Session Held" [Di er qi jiangsu sheng fojiao siyuan zhuchi (fuze ren) peixun ban juban], reprinted in Buddhism Online, 15 March 11; "Gaotang Ethnic and Religious Affairs Bureau Firmly Grasps 'Three Educations' To Raise the Quality of Religious Personnel" [Gaotang minzong ju henzhua 'san ge jiaoyu' tisheng zongjiao jiaozhi renyuan suzhi], Buddhism Online, 11 April 11.

[14] "Shanxi Provincial Buddhist Association Confirms 2011 Work Points" [Shanxi sheng fojiao xiehui queding 2011 nian gongzuo yaodian], Buddhism Online, 25 January 11.

[15] State Administration for Religious Affairs (SARA), "Main Points of State Administration for Religious Affairs' 2011 Work" [Guojia zongjiao shiwu ju 2011 nian gongzuo yaodian], 24 January 11. A SARA document summarizing SARA's work in 2010 reported that authorities "supported" Buddhist scripture reading events; it did not use the word "lead." State Administration for Religious Affairs, "Report on the Situation of State Administration for Religious Affairs' 2010 Work" [Guojia zongjiao shiwu ju 2010 nian gongzuo qingkuang baogao], 24 January 11.

[16] See, e.g., "Han Buddhist Scripture Reading Conference Scripture Reading Monk Representatives Touring Event Held in Shaanxi" [Hanchuan fojiao jiangjing jiaoliu hui jiangjing fashi daibiao xunjiang huodong zai shaanxi juxing], Shaanxi Buddhism Net, reprinted in Buddhism Online, 2 April 11; Zhenjiang Municipal Ethnic and Religious Affairs Bureau, "Purity, Harmony—Jiangsu Provincial Buddhist Association Scripture Reading Group Does Scripture Reading Tour in Zhenjiang" [Qingjing hexie—jiangsu sheng fojiao xiehui jiangjing tuan zai zhenjiang xunhui jiangjing], 6 April 11.

[17] See, e.g., Gongan County Ethnic and Religious Affairs Bureau, "Proactively Lead, Manage According to Law" [Jiji yindao, yi fa guanli], 11 May 11; Xu Yun, Suzhou Municipal Local Records Office, "The Situation of I-Kuan Tao in Suzhou" [Yidaoguan zai suzhou de qingkuang], 6 December 10.

[18] The Commission has not observed official definitions of the terms "feudal" or "superstitious" in reference to Buddhist religious practices. For example, the 1993 Measures for the Management of Nationwide Han Buddhist Temples uses the term "superstitious activities" but does not elaborate on the meaning of the term. Buddhist Association of China, Measures for the Management of Han Buddhist Temples Nationwide [Quanguo hanchuan fojiao siyuan guanli banfa], adopted 21 October 93, art. 8. In addition, in at least some cases, authorities have asserted a link between what they deem to be "feudal" or "superstitious" religious activities and what they deem to be "cult" activities. See, e.g., State Administration for Religious Affairs, "The Genesis of and Defense Against Cults" [Xiejiao de chansheng yu fangfan], 28 October 05. Authorities have invoked the term "cult" as a basis for restrictions on the freedom of religion of members of a variety of religious groups in China, including Falun Gong, groups of Protestant origin, and groups of Buddhist and Taoist origin. See, e.g., ChinaAid, "Henan Police Unlawfully Fine, Sentence Believers to Labor Camps," 9 April 10; Ministry of Public Security, "The Situation of Organizations Already Recognized as Cults" [Xianyi rending de xiejiao zuzhi qingkuang], reprinted in Zhengqi Net, 5 February 07; Verna Yu, "Christians Held To Extort Cash, Say Wife, Lawyer," South China Morning Post, 29 June 10; "Members of Henan House Church Ordered To Serve Reeducation Through Labor," CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 3; "National Conferences Highlight Restrictions on Buddhist and Taoist Doctrine," CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 4.

[19] See, e.g., "Exclusive Interview With Buddhist Association of China Head Master Chuanyin: Religious Figures Should Improve Self-Construction" [Zhuanfang zhongfoxie huizhang chuanyin zhanglao: zongjiao jie yao jiaqiang zishen jianshe], Xinhua, reprinted in Buddhism Online, 2 March 11; State Administration for Religious Affairs, "Serve the General Situation and Write Brilliant Works—Review of Religious Work at the Time of the 11th Five-Year Plan" [Fuwu daju xie huazhang—"shi yi wu" shiqi zongjiao gongzuo saomiao], 29 October 10.

[20] "Exclusive Interview With Buddhist Association of China Head Master Chuanyin: Religious Figures Should Improve Self-Construction" [Zhuanfang zhongfoxie huizhang chuanyin zhanglao: zongjiao jie yao jiaqiang zishen jianshe], Xinhua, reprinted in Buddhism Online, 2 March 11.

[21] Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 13–14, 24–25, 44.

[22] See, e.g., State Administration for Religious Affairs, "Summary of the Fifth Five-Year Plan Awareness Promotion Work of the Nationwide Religious Work System" [Quanguo zongjiao gongzuo xitong "wu wu" pufa gongzuo zongjie], 22 March 11. For other examples, see Ding Cai'an, Hunan Provincial Religious Affairs Bureau, "Humble Remarks on the Current Situation of the Management of Folk Beliefs and Methods of Improvement" [Minjian xinyang guanli xianzhuang yu gaijin fangfa de chuyi], 4 January 11; Guang'an Municipal Ethnic and Religious Affairs Bureau, "Guangan, Sichuan, Improves Work of Governing and Inspecting the Indiscriminate Construction of Temples and Excessive Construction of Open-Air Religious Statues" [Sichuan guang'an jiaqiang luan jian miaoyu lan su lutian zongjiao zaoxiang zhili diaoyan

gongzuo], reprinted in Buddhism Online, 7 April 11; Tongan County Party Committee, "Tongan District Convenes Special Work Meeting on Stopping the Indiscriminate Construction of Temples and Open-Air Religious Statues" [Tongan qu zhaokai zhizhi luan jian simiao he lutian zongjiao zaoxiang zhuanxiang gongzuo huiyi], 11 April 11.

[23] See, e.g., "Nanjing City Convenes Meeting for 'Confirming and Putting Religious Personnel on File' Pilot Work" [Nanjing shi "zongjiao jiaozhi renyuan rending ji bei'an" shidian gongzuo huiyi zhaokai], Buddhism Online, 28 August 10; Jiangsu Provincial Ethnic and Religious Affairs Committee, "Putuoshan Buddhist Association Convenes Work Mobilization Meeting for Confirming and Putting on File Qualifications of Religious Personnel" [Putuoshan foxie zhaokai jiaozhi renyuan zige rending bei'an gongzuo dongyuan hui], reprinted in Buddhism Online, 30 November 10; Guangdong Provincial Buddhist Association, "Special Meeting on the Work of Confirming and Verifying the Credentials of Guangdong Provincial Buddhist Religious Personnel Convenes" [Guangdong sheng fojiao jiaozhi renyuan zige rending shenhe gongzuo zhuanxiang huiyi zhaokai], 30 March 11.

[24] Jiangsu Provincial Ethnic and Religious Affairs Committee, "Putuoshan Buddhist Association Convenes Work Mobilization Meeting for Confirming and Putting on File Qualifications of Religious Personnel" [Putuoshan foxie zhaokai jiaozhi renyuan zige rending bei'an gongzuo dongyuan hui], reprinted in Buddhism Online, 30 November 10.

[25] Estimates of the size of China's Catholic community vary widely, and there are large discrepancies between Chinese government estimates and international media estimates. For example, senior Communist Party leader Jia Qinglin has estimated the Catholic population at 4 million, although it is unclear whether or not his estimate applies to both registered and unregistered Catholics. Bao Daozu, "Religion 'Can Promote Harmony,'" China Daily, 4 March 08. International media estimates range from 8 to over 12 million. See, e.g., Ambrose Leung, "Tsang Had Audience With Pope but Cancelled," South China Morning Post, 26 March 10; "Cardinal for China," Wall Street Journal, 16 April 09; James Pomfret, "New Hong Kong Bishop Pressures China on Religious Freedom," Reuters, 17 April 09.

[26] According to the Charter of the Bishops' Conference of the Catholic Church in China (BCCCC), the BCCCC has the authority to approve the ordination of bishops in China. Bishops' Conference of the Catholic Church in China, Charter of the Bishops' Conference of the Catholic Church in China [Zhongguo tianzhujiao zhujiaotuan zhangcheng], adopted 9 July 04, art. 6(2).

[27] See, e.g., "State Administration for Religious Affairs Issues Statement Regarding Vatican's Criticism of National Conference of Chinese Catholic Representatives" [Guojia zongjiao ju jiu fandigang zhize zhongguo tianzhujiao daibiao huiyi fabiao tanhua], Xinhua, 22 December 10.

[28] State Administration for Religious Affairs, "Main Points of State Administration for Religious Affairs' 2011 Work" [Guojia zongjiao shiwu ju 2011 nian gongzuo yaodian], 24 January 11.

[29] See, e.g., "China Appoints New Bishop With Vatican Approval Following Souring of Relations Last Year," Associated Press, 11 April 11; Jian Mei, "New Bishop of Yanzhou Ordained With Holy See Approval," AsiaNews, 20 May 11.

[30] The Chinese government established the Chengde diocese in May 2010, and the Holy See does not recognize it. See, e.g., Zhen Yuan, "Chengde: Illicit Episcopal Ordination, the First in Four Years," AsiaNews, 19 November 10.

[31] Bernardo Cervellera, "The Return of the Cultural Revolution: Chinese Bishops Imprisoned or Hunted Like Criminals," AsiaNews, 6 December 10; W. Zhicheng and Z. Yuan, "Chinese Bishops Deported To Attend Patriotic Assembly," AsiaNews, 7 December 10; Zhen Yuan, "Chengde: Illicit Episcopal Ordination, the First in Four Years," AsiaNews, 19 November 10.

[32] Jian Mei and W. Zhicheng, "Officials Kidnap Bishops of Guangdong To Force Them To Take Part in Illicit Shantou Ordination," AsiaNews, 11 July 11.

[33] Jian Mei, "Eight Bishops in Communion With the Pope Forced To Take Part in Illegitimate Ordination in Shantou," AsiaNews, 14 July 11; "Bishops Attend Unapproved Ordination," Union of Catholic Asian News, 14 July 11.

[34] "'Underground' Xiwanzi Bishop Dies," Union of Catholic Asian News, 10 March 11; "Police Isolate Hebei Village After Death of an Underground Bishop," AsiaNews, 12 March 11.

[35] "Police Isolate Hebei Village After Death of an Underground Bishop," AsiaNews, 12 March 11. Yao Liang, the auxiliary bishop of the same diocese, died in 2009, and authorities implemented restrictions on his funeral. For more information, see CECC, 2010 Annual Report, 10 October 10, 102.

[36] Ambrose Leung, "Catholic Seminarians Mount Rare Protest," South China Morning Post, 3 December 10; "China's Hebei Seminary Strikes, Demands Revocation of Political Appointment" [Zhongguo hebei xiuyuan ba ke yaoqiu chehui zhengzhi renming], CathNews China, 24 November 10; Hebei Seminary, "Provincial Department Leaders Come to Our Seminary To Express Greetings" [Sheng ting lingdao lai wo yuan weiwen], 11 November 10.

[37] Ambrose Leung, "Catholic Seminarians Mount Rare Protest," South China Morning Post, 3 December 10; "China's Hebei Seminary Strikes, Demands Revocation of Political Appointment" [Zhongguo hebei xiuyuan ba ke yaoqiu chehui zhengzhi renming], CathNews China, 24 November 10.

[38] "Shijiazhuang: Hebei Catholic Seminary Board of Directors Convenes Meeting" [Shijiazhuang: hebei tianzhujiao shenzhexue yuan dongshi hui zhaokai huiyi], Faith Press, 14 January 11; Zhen Yuan, "Hebei Seminarians Welcome New Rector," AsiaNews, 15 January 11.

[39] Liu Bainian was previously the vice chairman of the Catholic Patriotic Association (CPA). At the Eighth National Conference of Chinese Catholic Representatives, he was chosen to be honorary chairman of the CPA and Bishops' Conference of the Catholic Church in China. See, e.g., "Exclusive Interview With Catholic Patriotic Association and Bishops' Conference of the Catholic Church in China Honorary Chairman Liu Bainian" [Zhuanfang zhongguo tianzhujiao "yi hui yi tuan" mingyu zhuxi liu bainian], China Religion, 30 March 11.

[40] The charter of the Catholic Patriotic Association lists among its duties: "Under the leadership of the Chinese Communist Party and the People's government, to fervently love socialism

and the motherland; to unite all the country's Catholic clergy and church members; to respect the country's constitution, laws, regulations, and policies; to exhibit Catholicism's own strengths; to contribute strength to comprehensively establishing a prosperous society; to be the light and the salt, the glory of God." Catholic Patriotic Association, Charter of the Chinese Catholic Patriotic Association [Zhongguo tianzhujiao aiguo hui zhangcheng], adopted 9 July 04, art. 6.

[41] The charter of the Bishops' Conference of the Catholic Church in China (BCCCC) does not explicitly formalize the BCCCC's relationship with the government or the Party. It does, however, formalize its relationship with the CPA. Bishops' Conference of the Catholic Church in China, Charter of the Bishops' Conference of the Catholic Church in China [Zhongguo tianzhujiao zhujiaotuan zhangcheng], adopted 9 July 04, art. 1.

[42] "Exclusive Interview With Catholic Patriotic Association and Bishops' Conference of the Catholic Church in China Honorary Chairman Liu Bainian" [Zhuanfang zhongguo tianzhujiao "yi hui yi tuan" mingyu zhuxi liu bainian], China Religion, 30 March 11.

[43] U.S. Commission on International Religious Freedom, "2010 Annual Report," May 2010, 110.

[44] Bernardo Cervellera, "In Hebei, Underground Bishop Joins Chinese Patriotic Catholic Association," AsiaNews, 29 October 09.

[45] "Priests Not Spared in China's Crackdown," Union of Catholic Asian News, 13 April 11; "Three Priests in Hebei Province Detained or Whereabouts Unknown" [Hebei sheng san ming shenfu bei juliu huo xialuo bu ming], CathNews China, 13 April 11.

[46] Ibid.

[47] "Officials Free 'Underground' Priest," Union of Catholic Asian News, 4 August 11.

[48] Jia is also head of the Chinese People's Political Consultative Conference (CPPCC). The CPPCC Web site lists among the functions of the CPPCC "political consultation," "democratic oversight," and "participation in the deliberation and administration of state affairs," and it contains representatives from religious communities. Chinese People's Political Consultative Conference, "The Main Functions of the Chinese People's Political Consultative Conference" [Zhongguo zhengxie de zhuyao zhineng], 29 June 10.

[49] "Jia Qinglin Meets With Representatives From Eighth National Conference of Chinese Catholic Representatives" [Jia qinglin huijian zhongguo tianzhu jiao di ba ci daibiao huiyi daibiao], Xinhua, 9 December 10.

[50] See, e.g., "Chinese Catholics Mull Post-Congress Future," Union of Catholic Asian News, 17 December 10. In a communique from the Press Office of the Holy See, the Holy See alleged that "many Bishops and priests were forced to take part in the [National Conference of Chinese Catholic Representatives]." The full text of the communique is reprinted in "Vatican 'Sorrow' Over China Catholic Congress," Union of Catholic Asian News, 17 December 10.

[51] "Three Days in China's Catholic Congress," Union of Catholic Asian News, 16 December 10.

[52] Keith B. Richburg, "China Defies Vatican on Bishop Conclave," Washington Post, 8 December 10.

[53] Bernardo Cervellera, "The Return of the Cultural Revolution: Chinese Bishops Imprisoned or Hunted Like Criminals," AsiaNews, 6 December 10; W. Zhicheng and Z. Yuan, "Chinese Bishops Deported To Attend Patriotic Assembly," AsiaNews, 7 December 10.

[54] Ibid.

[55] "Bishop Voted Chinese Catholic of 2010," Union of Catholic Asian News, 20 January 11.

[56] Ibid.

[57] The campaign began after the Communist Party designated Falun Gong an illegal "cult organization" in 1999, following a peaceful demonstration held by its practitioners near the Party leadership compound in Beijing.

[58] For more information on the teachings and practices of Falun Gong, see David Ownby, Falun Gong and the Future of China (New York: Oxford University Press, 2008).

[59] Official estimates placed the number of adherents inside China at 30 million prior to the crackdown. Falun Gong sources estimate that there was twice that number. Maria Hsia Chang, Falun Gong: The End of Days (New Haven: Yale University Press, 2004), 2. In April 2009, Han Zhiguang, a Chinese attorney who has defended Falun Gong clients, reported that there remain "huge numbers" of practitioners in China and that the movement is "expanding." Malcolm Moore, "Falun Gong 'Growing' in China Despite 10-Year Ban," Telegraph, 24 April 09.

[60] Based on data in the Commission's Political Prisoner Database as of September 20, 2011.

[61] Ibid.

[62] For more information on the background and activities of the 6–10 Office, see CECC, 2010 Annual Report, 10 October 10, 105; CECC, 2009 Annual Report, 10 October 09, 121–23.

[63] "Transformation through reeducation" can also apply to non-Falun Gong groups that authorities have designated as "cult" organizations. For example, a government document from a town in Weng'an county, Qiannan Buyi and Miao Autonomous Prefecture, Guizhou province, calls on authorities to "transform" followers of the Disciples Sect (Mentuhui), an indigenous Chinese sect that appears on a list of Chinese government and Party-designated "cults" issued by the Ministry of Public Security in 2000. Ministry of Public Security, "The Situation of Organizations Already Recognized as Cults" [Xianyi rending de xiejiao zuzhi qingkuang], reprinted in Zhengqi Net, 5 February 07; Tianwen Town People's Government, "Tianwen Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan," reprinted in Weng'an County People's Government, 5 May 10. For a recent example of the "cult" designation applied to non-Falun Gong practitioners, see ChinaAid, "Henan Police Unlawfully Fine, Sentence Believers to Labor Camps," 9 April 10; Verna Yu, "Christians Held To Extort Cash, Say Wife, Lawyer," South China Morning Post, 29 June 10; ChinaAid, "Christians in Shangqiu, Henan, Including Gao Jianli, Bring Suit Against RTL Committee, Rejected" [Henan shangqiu jidu tu gao jianli deng su laojiao wei bei bohui], 3 August 10; "Members of Henan House Church Ordered To Serve Reeducation Through Labor," CECC Human Rights and Rule of Law Update, No. 8, 9 November 2010, 3.

[64] The China Anti-Cult Association has identified these three kinds of facilities as the "main front" in the effort to "transform" Falun Gong practitioners. Xiang Yang, China Anti-Cult Association, "Prepare Basic Thinking on Transformation-Through-Reeducation Assault and Consolidation Overall Battle" [Dahao jiaoyu zhuanhua gongjian yu gonggu zhengti zhang de jiben sikao], 5 August 10.

[65] The 11 Falun Gong practitioners detained are Xin Xiumin, Ning Shumei, Gao Shuxian, Wang Xiling, Bao Zhenjiang, Luo Lingmei, Zhu Fengqi, Zhang Yulan, Shen Hai, Gao Cun, and Fang Xiuying.

[66] "Twenty-Four Falun Gong Practitioners From Laishui County, Hebei Province, Have Been Taken to CCP Brainwashing Centers" [Hebei laishui xian 24 ming falungong xueyuan bei bangru dangxiao xinao], Clear Wisdom, 24 September 10; "Twenty-Four Falun Gong Practitioners From Laishui County, Hebei Province, Have Been Taken to CCP Brainwashing Centers," Clear Wisdom, 30 September 10. Some sources use the term "brainwashing" to refer to "transformation through reeducation."

[67] "Having Accused Those Responsible for Violating His Daughter, the Father of Hu Miaomiao Is Kidnapped" [Konggao qinhai nu'er de zuifan, hu miaomiao fuqin bei jiechi], Clear Wisdom, 1 March 11; "Mr. Hu Mingliang Arrested After Suing the Labor Camp Where His Daughter Ms. Hu Miaomiao Was Sexually Abused," Clear Wisdom, 4 March 11; "Seeking Justice for His Daughter, Hu Miaomiao's Father Is Illegally Detained" [Wei nu'er tao gongdao, hu miaomiao fuqin bei feifa guanya], Clear Wisdom, 14 March 11.

[68] "Having Suffered Sexual Assault in Reeducation Through Labor Center, Girl Cannot Stand Upright or Walk" [Zao laojiao suo xing cuican, nuhai bu neng zhili xingzou], Clear Wisdom, 4 November 10; Falun Dafa Information Center, "Urgent Appeal: 25-Year-Old Woman Unable To Walk From Sexual Abuse in Hebei Labor Camp," 14 November 10.

[69] Tania Branigan, "Fears Grow After Chinese Human Rights Lawyer Detained," Guardian, 18 February 11; Chinese Human Rights Defenders, "CHRD Condemns Preemptive Strikes Against Protests," 21 February 11.

[70] "Human Rights Lawyers Threatened and Jailed," AsiaNews, 31 December 10; Ye Bing, "Beijing Rights Defense Lawyers Tang Jitian and Liu Wei Faced With Losing Their Licenses" [Weiquan lushi tang jitian liu wei mianlin diaoxiao zhizhao chufa], Voice of America, 14 April 10.

[71] "Concern Over Rights Lawyer," Radio Free Asia, 13 April 11; Verna Yu, "Rights Lawyers Free After Being Held in Crackdown," South China Morning Post, 21 April 11.

[72] General Office of the Ningdu County People's Government, "Ningdu County Sanitation System 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Ningdu xian weisheng xitong 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Ningdu County People's Government, 18 March 10; "Yang Sisong Attends City-Wide Mobilization and Deployment Meeting on Work To Defend Against and Handle Cults and the Transformation-Through-Reeducation Assault and Consolidation Overall Battle" [Yang sisong canjia quanshi fangfan he chuli xiejiao gongzuo ji jiaoyu zhuanhua gongjian yu gonggu zhengti zhang dongyuan bushu dahui], Hefei Daily, reprinted in Hefei Municipal People's Government, 1 April 10; Longbu Town Party Committee, "Longbu Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Longbu zhen 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Anyuan County People's Government, 2 April 10; Jiyuan Municipal Bureau of Industry and Information Technology, "Regarding Launching the 2010–2012 Jiyuan City Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work" [Quansheng laojiao xitong jiaoyu zhuanhua "xin san nian gongjian gonggu zhengti zhang" dongyuan bushu hui zai sheng nu suo zhaokai], reprinted in Jiyuan Municipal People's Government, 6 April 10; Binhu Township Party and Government General Office, "Binhu Township 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Binhu xiang 2010–2012 jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Changji Municipal People's Government, 13 April 10; Chengxi Town Party Committee, "Chengxi Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Plan" [Chengxi zhen 2010 zhi 2012 nian jiaoyu zhuanhua gongjian yu gonggu fang'an], reprinted in Guoyang County People's Government, 13 April 10; General Office of the Ruichang Municipal People's Government, "Hongxia Township 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Hongxia xiang 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Ruichang Municipal People's Government, 26 April 10; Tianwen Town People's Government, "Tianwen Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Tianwen zhen 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Weng'an County People's Government, 5 May 10; Jiangxi Provincial Reeducation Through Labor Administration Bureau, "Provincial Reeducation Through Labor System Mobilization and Deployment Meeting on Transformation-Through-Reeducation 'New Three-Year Assault and Consolidation Overall Battle' Convenes at Provincial Women's Reeducation Through Labor Center" [Quansheng laojiao xitong jiaoyu zhuanhua "xin san nian gongjian gonggu zhengti zhang" dongyuan bushu hui zai sheng nu suo zhaokai], 13 June 10; Gulou District People's Government, "Kaiyuan Community 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Implementation Plan" [Kaiyuan shequ 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo shishi fang'an], 27 June 10; Longnan County Bureau of Industry and Information Technology, "County Industry and Information Bureau Establishing, Synthesizing, and Maintaining Stability Work Summary for the First Half of 2010" [Xian gongxin ju 2010 nian shang ban nian chuangjian, zongzhi, weiwen gongzuo zongjie], reprinted in Longnan County People's Government, 30 June 10; Xiang Yang, China Anti-Cult Association, "Prepare Basic Thinking on Transformation-Through-Reeducation Assault and Consolidation Overall Battle" [Dahao jiaoyu zhuanhua gongjian yu gonggu zhengti zhang de jiben sikao], 5 August 10; China

Anti-Cult Association, "Suxian District, Chenzhou City, Hunan Province, Implements Shingle-Hanging Transformation as Shining Tactic in Three-Year Assault and Consolidation Overall Battle" [Hunan sheng chenzhou shi suxian qu shishi guapai zhuanhua wei san nian gongjian yu gonggu zhengti zhang liang shizhao], 6 August 10; Hepu County Water Bureau, "Hepu County Water Bureau Party Committee's 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Zhonggong hepu xian shuili ju weiyuan hui 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], last visited 23 November 10. For more information on the campaign, 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.

[73] Jiyuan Municipal Bureau of Industry and Information Technology, "Implementation Plan Regarding Launching the 2010–2012 Jiyuan City Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work" [Guanyu kaizhan 2010–2012 nian jiyuan shi jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo shishi fang'an], reprinted in Jiyuan Municipal People's Government, 6 April 10; Binhu Township Party and Government General Office, "Binhu Township 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Binhu xiang 2010–2012 jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Changji Municipal People's Government, 13 April 10; Chengxi Town Party Committee, "Chengxi Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Plan" [Chengxi zhen 2010 zhi 2012 nian jiaoyu zhuanhua gongjian yu gonggu fang'an], reprinted in Guoyang County People's Government, 13 April 10; Hepu County Water Bureau, "Hepu County Water Bureau Party Committee's 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Zhonggong hepu xian shuili ju weiyuan hui 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], last visited 23 November 10.

[74] See, e.g., Chengxi Town Party Committee, "Chengxi Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Plan" [Chengxi zhen 2010 zhi 2012 nian jiaoyu zhuanhua gongjian yu gonggu fang'an], reprinted in Guoyang County People's Government, 13 April 10; General Office of the Ruichang Municipal People's Government, "Hongxia Township 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Hongxia xiang 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Ruichang Municipal People's Government, 26 April 10.

[75] Longnan County Bureau of Industry and Information Technology, "County Industry and Information Bureau Establishing, Synthesizing, and Maintaining Stability Work Summary for the First Half of 2010" [Xian gongxin ju 2010 nian shang ban nian chuangjian, zongzhi, weiwen gongzuo zongjie], reprinted in Longnan County People's Government, 30 June 10; Xiang Yang, China Anti-Cult Association, "Prepare Basic Thinking on Transformation-Through-Reeducation Assault and Consolidation Overall Battle" [Dahao jiaoyu zhuanhua gongjian yu gonggu zhengti zhang de jiben sikao], 5 August 10; Hepu County Water Bureau, "Hepu County Water Bureau Party Committee's 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Zhonggong hepu xian shuili ju weiyuan hui 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], last visited 23 November 10.

[76] Xiang Yang, China Anti-Cult Association, "Prepare Basic Thinking on Transformation-Through-Reeducation Assault and Consolidation Overall Battle" [Dahao jiaoyu zhuanhua gongjian yu gonggu zhengti zhang de jiben sikao], 5 August 10.

[77] General Office of the Ningdu County People's Government, "Ningdu County Sanitation System 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Ningdu xian weisheng xitong 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Ningdu County People's Government, 18 March 10; Longbu Town Party Committee, "Longbu Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Longbu zhen 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an de tongzhi], reprinted in Anyuan County People's Government, 2 April 10; Chengxi Town Party Committee, "Chengxi Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Plan" [Chengxi zhen 2010 zhi 2012 nian jiaoyu zhuanhua gongjian yu gonggu fang'an], reprinted in Guoyang County People's Government, 13 April 10.

[78] Xiang Yang, China Anti-Cult Association, "Prepare Basic Thinking on Transformation-Through-Reeducation Assault and Consolidation Overall Battle" [Dahao jiaoyu zhuanhua gongjian yu gonggu zhengti zhang de jiben sikao], 5 August 10.

[79] Ibid.

[80] Jiyuan Municipal Bureau of Industry and Information Technology, "Implementation Plan Regarding Launching the 2010–2012 Jiyuan City Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work" [Guanyu kaizhan 2010–2012 nian jiyuan shi jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo shishi fang'an], reprinted in Jiyuan Municipal People's Government, 6 April 10.

[81] General Office of the Ruichang Municipal People's Government, "Hongxia Township 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Hongxia xiang 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Ruichang Municipal People's Government, 26 April 10.

[82] Tianwen Town People's Government, "Tianwen Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Tianwen zhen 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Weng'an County People's Government, 5 May 10.

[83] Jiyuan Municipal Bureau of Industry and Information Technology, "Implementation Plan Regarding Launching the 2010–2012 Jiyuan City Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work" [Guanyu kaizhan 2010–2012 nian jiyuan shi jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo shishi fang'an], reprinted in Jiyuan Municipal People's Government, 6 April 10.

[84] General Office of the Ningdu County People's Government, "Ningdu County Sanitation System 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Ningdu xian weisheng xitong 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Ningdu County People's Government, 18 March 10; Longbu Town Party Committee, "Longbu Town 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Longbu zhen 2010–2012 nian jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Anyuan County People's Government, 2 April 10; Binhu Township Party and Government General Office, "Binhu Township 2010–2012 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan" [Binhu xiang 2010–2012 jiaoyu zhuanhua gongjian yu gonggu zhengti zhang gongzuo fang'an], reprinted in Changji Municipal People's Government, 13 April 10.

[85] See, e.g., Panyu District Judicial Bureau, "Donghuan Street Law Promulgation Office Holds 'Oppose Cults, Promote Harmony, Welcome the Asian Games, Prohibit Drugs, Protect Minors' Knowledge Competition" [Donghuan jie pufa ban juxing 'fan xiejiao, cu hexie, ying yayun, jin du, baohu weichengnian ren' zhishi jingsai], 1 November 10; Tianshan District Bureau of Science and Technology, "'Oppose Cults, Promote Harmony, Welcome the Asian Games' Propaganda Education, Propaganda Education Topic Number One: What Is a Cult?" ["Fan xiejiao, cu hexie, ying yayun" xuanchuan jiaoyu xuanchuan jiaoyu zhuanti zhi yi: shenme shi xiejiao?], 28 September 10.

[86] "Guangzhou Lawyer Zhu Yubiao Framed for Using Cult To Undermine Implementation of the Law" [Guangzhou zhu yubiao lushi bei gouxian liyong xiejiao pohuai falu shishi], Canyu, reprinted in Boxun, 10 September 10; "Defense Lawyer for Falun Gong Jailed for Second Offense, Raids Performed in Anticipation of Guangzhou's Asian Games" [Wei falun gong bianhu lushi er jin gong, guangzhou yayun qingchang shangmen soubu], Radio Free Asia, 5 October 10.

[87] PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 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, art. 300.

[88] "Defense Lawyer for Falun Gong Jailed for Second Offense, Raids Performed in Anticipation of Guangzhou's Asian Games" [Wei falun gong bianhu lushi er jin gong, guangzhou yayun qingchang shangmen soubu], Radio Free Asia, 5 October 10.

[89] "Materials Framing [Zhu] Having Been Rejected, Zhu Yubiao Is Still Kidnapped" [Gouxian cailiao bei tuihui, zhu yubiao lushi reng bei jiechi], Clear Wisdom, 7 March 11.

[90] Guangzhou Municipal People's Government, "Proactively Launch Management of the Electromagnetic Environment, Ensure Free Flow and Safety for Information During Asian Games" [Jiji kaizhan dianci huanjing zhili, quebao yayun xinxi changtong he anquan], 10 November 10.

[91] State Administration for Religious Affairs, "Bureau Head Wang Zuo'an Attends Summary Meeting for 10th-Year Anniversary of Islamic Scripture Interpretation Work and Gives Speech" [Wang zuo'an juzhang chuxi yisilanjiao jiejing gongzuo shi zhou nian zongjie dahui bing jianghua], 4 May 11.

[92] State Administration for Religious Affairs, "Main Points of State Administration for Religious Affairs' 2011 Work" [Guojia zongjiao shiwu ju 2011 nian gongzuo yaodian], 24 January 11.

[93] "Our Country To Further Draft and Revise Accompanying Measures to 'Regulations on Religious Affairs'" [Woguo jiang jinyibu zhiding he xiuding "zongjiao shiwu tiaoli" peitao banfa], Xinhua, reprinted in State Administration for Religious Affairs, 10 January 11.

[94] Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 11, 43; Measures Regarding Chinese Muslims Signing Up To Go Abroad on Pilgrimages (Trial Measures) [Zhongguo musilin chuguo chaojin baoming paidui banfa (shixing)], issued 16 June 05; Islamic Association of China, ed., Practical Pilgrimage Handbook for Chinese Muslims [Zhongguo musilin chaojin shiyong shouce], (Ningxia: Ningxia People's Press, 2005).

[95] Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 11.

[96] Islamic Association of China, ed., Practical Pilgrimage Handbook for Chinese Muslims [Zhongguo musilin chaojin shiyong shouce], (Ningxia: Ningxia People's Press, 2005), 106–7, 120–21.

[97] Islamic Association of China, "2010 Training Class for Hajj Leader Personnel and Imams Opens in Lanzhou" [2010 niandu chaojin daidui renyuan, daidui yimamu peixunban zai lanzhou juxing], 10 October 10.

[98] See examples that follow as well as, e.g., Lan Congshan, Shaoyang City Ethnic and Religious Affairs Commission, "Discussion on Problems and Countermeasures in Extant Problems in Managing Religious Affairs in Accordance With Law" [Qianlun yifa guanli zongjiao shiwu zhong cunzai de wenti yu duice], reprinted in Hunan Religious Affairs Bureau, 22 October 10; Tongxin County People's Political Consultative Conference Office, "People's Political Consultative Conference Work Report" [Zhengxie gongzuo baogao], reprinted in Tongxin County People's Government, 6 January 11.

[99] Xiao Hong, Dawukou District People's Government, "Changcheng Neighborhood Committee Office News on Ethnicity and Religion" [Changcheng jiedao banshichu minzu zongjiao xinxi], 19 September 10.

[100] Taojiang County Islamic Association, "Carry Out Activities in Accordance With Laws and Stipulations, Strive To Create Harmonious Model Mosques" [Yifa yigui kaizhan huodong nuli chuangjian hexie mofan qingzhensi], reprinted in Hunan Religious Affairs Bureau, 11 November 10.

[101] Changde City People's Government, "City Ethnic and Religious Affairs Bureau: Create Satisfied Mechanisms, Adhere to Service, Promote Development, Demand Stability" [Shi minzu zongjiao shiwuju: chuang manyi jiguan yi fuwu cu fazhan qiu wending], 22 December 10.

[102] Huangpu District Ethnic and Religious Affairs Bureau, "Ethnic and Religious Affairs Bureau Summary of 2010 Emergency Work and 2011 Work Plan" [Minzongju 2010 nian yingji gongzuo zongjie 2011 nian gongzuo jihua], reprinted in Huangpu District People's Government, 25 November 10.

[103] The 2010 Blue Book of Religions, published by the Chinese Academy of Social Sciences, estimates that there are over 23 million Protestants in China and 55,000 sites of worship, including approximately 24,000 churches and 31,000 "gathering sites" (*juhui dian*). "'Annual Report on China's Religiions (2010),' Report on China's Census of Protestants" ["Zhongguo zongjiao baogao 2010" zhongguo jidu jiao ruhu wenjuan diaocha baogao], in Blue Book of Religions: Annual Report on China's Religions (2010), Institute of World Religions, Chinese Academy of Social Sciences (August 2010), article reprinted in State Administration for Religious Affairs, 18 August 10; Li Guang, "Religion White Paper Announces Over 55,000 Churches" [Zongjiao baipishu gongbu you 55000 yu tangdian], Phoenix Weekly, 15 October 10, 50. Estimates from official Chinese sources often do not include Protestants who worship outside of the state-controlled church, and the 23 million figure likely does not reflect the size of China's unregistered Protestant community. In an interview with the BBC, Wang Zuo'an, director of China's State Administration for Religious Affairs, reportedly told a journalist that at least 20 million Protestants worship in China's state-controlled church. Christopher Landau, "China Invests in Confident Christians," BBC, 23 August 10.

[104] Many of the estimates that fall in the 50–70 million range appear to stem from numbers published by the Pew Research Center. See, e.g., Brian Grim, Pew Research Center, "Religion in China on the Eve of the 2008 Beijing Olympics," 7 May 08; Michael Gerson, "A Founding Document for a New China," Washington Post, 12 May 11; Stephanie Samuel, "Chinese House Churches Petition for Religious Freedom," Christian Post, 9 May 11. Some other sources appear to have arrived at these numbers independently. See, e.g., Rodney Stark et al., "Counting China's Christians," First Things, 1 May 11; Verna Yu, "Test of Faith," South China Morning Post, 8 May 11.

[105] For example, Yu Jianrong of the Rural Development Institute of the Chinese Academy of Social Sciences estimates that there are between 45 and 60 million unregistered Protestants in China. Yu Jianrong, China Institute of Strategy and Management, "Yu Jianrong: Research on the Legalization of China's Protestant House Churches" [Yu jianrong: zhongguo jidu jiao jiating jiaohui hefahua yanjiu], 2010. Based on information collected among Christians in China, a 2010 study by Asia Harvest—an inter-denominational Christian ministry that works in various countries throughout Asia—estimates that there are approximately 103 million Christians in China, although this figure likely includes both Protestants and Catholics. [See Catholicism in this section for more information on the size of China's Catholic community.] Paul Hattaway and Joy Hattaway, Asia Harvest, "Answering the Question: How Many Christians Are in China Today?" Asia Harvest Newsletter, No. 106, October 2010. The South China Morning Post estimates that the number of unregistered Protestants could be as high as 120 million. Nicola Davidson, "Suspension of Disbelief," South China Morning Post, 7 November 10.

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

[107] The term in Chinese is *shenxue sixiang jianshe*. See, e.g., Du Qinglin, "Du Qinglin: Remarks at the Chinese Protestant Three-Self Patriotic Movement's 60th Anniversary Celebration" [Du qinglin: zai zhongguo jidu jiao sanzi aiguo yundong 60 zhounian qingzhu dahui shang de jiang hua], China Religion, 8 November 10; State Administration for Religious Affairs, "Vice Director Jiang Jianyong Attends Amity Foundation's 25th Anniversary and Speaks at the Ceremony To Celebrate the Printing of 80 Million Bibles" [Jiang jiangyong fu juzhang chuxi aide jijinhui chengli ershiwu zhounian qingdian bing zai yinshua shengjing baqianwan ce qingdian yishi shang zhici], 10 November 10; Yang Xuelian, China Christian Council and Three-Self Patriotic Movement, "Hebei Provincial China Christian Council and Three-Self Patriotic Movement Hold 'Harmonious Outlook' Theological Reconstruction Conference" [Hebei sheng jidu jiao liang hui juban "hexie guan" shenxue sixiang jianshe yantaohui], 9 December 10; Qingdao Municipal Three-Self Patriotic Movement and Qingdao Municipal China Christian Council, "Qingdao Municipal Christian Council and Three-Self Patriotic Movement Hold Theological Reconstruction Conference" [Qingdao shi jidu jiao liang hui juxing shenxue sixiang jianshe yantaohui], reprinted in China Christian Council and Three-Self Patriotic Movement, 15 December 10. For more information on theological reconstruction, see CECC, 2009 Annual Report, 10 October 09, 132–35; "Official Protestant Church Politicizes Pastoral Training, 'Reconstructs' Theology," CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10, 2.

[108] The charters of the TSPM and CCC list among each organization's duties: "Under the leadership of the Chinese Communist Party and the People's Government, to unite all the country's Protestants; to fervently love socialism and the motherland; to respect the country's Constitution, laws, regulations, and policies; [and] to proactively participate in the construction of a socialist society with Chinese characteristics." 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 12 January 08, art. 6(1); China Christian Council, Charter of the China Christian Council [Zhongguo jidu jiao xiehui zhangcheng], passed 12 January 08, art. 7(1).

[109] Nicola Davison, "Suspension of Disbelief," South China Morning Post, 7 November 10.

[110] See, e.g., State Administration for Religious Affairs, "Vice Director Jiang Jianyong Attends Amity Foundation's 25th Anniversary and Speaks at the Ceremony To Celebrate the Printing of 80 Million Bibles" [Jiang jianyong fu juzhang chuxi aide jijinhui chengli ershiwu zhounian qingdian bing zai yinshua shengjing baqianwan ce qingdian yishi shang zhici], 10 November 10.

[111] See, e.g., Du Qinglin, "Du Qinglin: Remarks at the Chinese Protestant Three-Self Patriotic Movement's 60th Anniversary Celebration" [Du qinglin: zai zhongguo jidu jiao sanzi aiguo yundong 60 zhounian qingzhu dahui shang de jiang hua], China Religion, 8 November 10. The phrase that Du used is "*jidu jiao jin yi bu yu shehuizhuyi shehui xiang shiying*."

[112] State Administration for Religious Affairs, "Main Points of State Administration for Religious Affairs' 2011 Work" [Guojia zongjiao shiwu ju 2011 nian gongzuo yaodian], 24 January 11. A 2010 article in China Religion, an official SARA publication, that summarizes the content of a meeting to discuss SARA's work in 2010 did not mention this policy, although a January 24, 2011, SARA report states that authorities did make efforts to "guide" unregistered Protestants to worship in state-controlled churches in 2010. "Meeting on National Religious Work Held in Beijing" [Quanguo zongjiao gongzuo huiyi zai jing juxing], China Religion, Issue 1, No. 122, 2010; State Administration for Religious Affairs, "Report on the Situation of the State Administration for Religious Affairs' 2010 Work" [Guojia zongjiao shiwu ju 2010 nian gongzuo qingkuang baogao], 24 January 11.

[113] "House Churches Cannot Politicize Religion," Global Times, 11 April 11; "Editorial: Individual Churches Should Avoid Letting Themselves [Become] Politicized" [Sheping: gebie jiaohui yao bimian rang ziji zhengzhihua], Global Times, 26 April 11.

[114] "English Edition of Global Times Launched," China Daily, 20 April 09.

[115] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 18, 20.

[116] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 18, 21.

[117] See the RRA generally for provisions defining the scope of state control over various internal affairs of religious groups. For detailed analysis of specific articles, see, e.g., "Zhejiang and Other Provincial Governments Issue New Religious Regulations," CECC China Human Rights and Rule of Law Update, June 2006, 9–10.

[118] For other examples, see "Beijing Police Oppress Congregation, Targeted at He Depu" [Zhendui he depu beijing jingfang daya jiaoyou juhui], Radio Free Asia, 31 January 11; ChinaAid, "Anhui and Shandong Oppress House Church and Three-Self Patriotic Movement Church" [Anhui shandong shengdan qijian bipo jiating jiaohui he sanzi jiaohui], 29 December 10; ChinaAid, "Beijing Church Blocked by Police, Christians Taken Away" [Beijing yi jiaohui bei jingcha zuzhi jidu tu bei daizou], 30 January 11; ChinaAid, "More Reports of Christmas Persecutions of House Church Christians," 30 December 10; ChinaAid, "Police Detain Two House Church Pastors; Pastor Bike and Wife Under Informal House Arrest," 23 April 11; "Jiangsu Pastor Placed Under Soft Detention, Money Stolen, Beaten; Head of House Church Forced To Travel" [Jiangsu mushi zao ruanjin qiang qian ji ouda, jiating jiaohui huizhang bei qiangzhi luyou], 10 March 11; "Yancheng Church, Jiangsu, Attacked While Worshiping, Officials Close Off Church" [Jiangsu yancheng jiaohui chongbai zao chongji, guanfang fengsuo jiaotang], Radio Free Asia, 1 February 11; "Government Interferes With Activities of House Church Networks in Late 2010 and 2011," Congressional-Executive Commission on China, 1 July 11.

[119] See, e.g., "Persecution Mounts Against the Church of Shouwang," AsiaNews, 16 May 11; "Beijing Police Disperse House Church Easter Gathering" [Beijing jingfang qusan shouwang jiaohui fuhuojie juhui], BBC, 24 April 11; Alexa Olesen, "Beijing Police Halt Unapproved Church Service," Associated Press, reprinted in Yahoo!, 10 April 11; Beijing Shouwang Church, "Announcement of Beijing Shouwang Church Regarding the May 29 Outdoor Worship Service," reprinted in ChinaAid, 1 June 11; Beijing Shouwang Church, "Beijing Shouwang Church Announcement on May 15th Outdoor Worship Service," reprinted in ChinaAid, 18 May 11; Beijing Shouwang Church, "Beijing Shouwang Church May 22 Outdoor Worship Bulletin" [Beijing shouwang jiaohui 5 yue 22 ri huwai jingbai tongbao], reprinted in ChinaAid, 24 May 11; Beijing Shouwang Church, "Beijing Shouwang Church May 29 Outdoor Worship Bulletin" [Beijing shouwang jiaohui 5 yue 29 ri huwai jingbai tongbao], reprinted in ChinaAid, 30 May 11; ChinaAid, "500 Shouwang Church Christians Under House Arrest in Beijing on Easter Sunday, More Than 30 in Police Custody," 24 April 11; ChinaAid, "At Least 31 Members of Shouwang Church Taken Away This Morning" [Jintian zaochen zhishao 31 ming shouwang jiaohui chengyuan bei zhuazou], 1 May 11; ChinaAid, "Beijing Police Release Nearly All Shouwang Church Detainees, Pastor and Two Others Still in Custody," 11 April 11; ChinaAid, "Latest Update—3: Beijing Shouwang Church May 8, 2011, Outdoor Worship Gathering Continues To Suffer Oppression" [Zuixin dongtai—3: beijing shouwang jiaohui 2011 nian 5 yue 8 ri de huwai juhui jixu zaoshou bipo], 10 May 11; ChinaAid, "Persecution of Shouwang Church Members Continues for Fifth Sunday," 8 May 11; ChinaAid, "Week 6: Police Detain 20 Shouwang Church Members, Put 100 Under House Arrest," 15 May 11; "China Detains Protestant Shouwang Devotees," BBC, 24 April 11; Alexa Olesen, "Underground Beijing Church Members Detained," Associated Press, reprinted in Yahoo!, 17 April 11; "Fears of New Crackdown as 160 Christians Held," South China Morning Post, 11 April 11; Jo Ling Kent, "Church Officials: Chinese Authorities Block Easter Service in Beijing," CNN, 24 April 11; Li Ya, "Under Pressure, Beijing Shouwang Church Faces a Crisis" [Zhong ya zhi xia, beijing shouwang jiaohui mianlin xin weiji], Voice of America, 6 June 11; Louisa Lim, "China Cracks Down on Christians at Outdoor Service," National Public Radio, 11 April 11; Nicola Davidson, "Chinese Christianity Will Not Be Crushed," Guardian, 24 May 11; P. Simpson, "Several Hundred Chinese Protestants Under Home Confinement on Easter, 40 People Detained" [Shu bai zhongguo jidu tu fuhuojie zao ruanjin 40 ren bei ju], Voice of America, 24 April 11; Verna Yu, "Four Leaders Go in Church Split," South China Morning Post, 6 June 11; Verna Yu, "Police Round Up 27 Christians," South China Morning Post, 23 May 11; Verna Yu, "Police Round Up Pastors, Christians for a Second Time," South China Morning Post, 18 April 11; Yan Yan, "Beijing Police Take Away Over 100 Underground Church Believers" [Beijing jingfang daizou 100 duo ming dixia jiaohui xintu], Deutsche Welle, 11 April 11; Wang Zhicheng, "More Arrests, More Persecution for Shouwang Underground Christians," AsiaNews, 9 May 11; Zhang Nan, "Beijing Shouwang Church Members Detained Again" [Beijing shouwang jiaohui chengyuan zai zao kouya], Voice of America, 1 May 11; "Beijing Authorities Harass, Detain, and Restrict the Freedom of Movement of Shouwang Church Members," Congressional-Executive Commission on China, 1 July 11.

[120] Chris Buckley and Sui-Lee Wee, "Beijing Church Faces Eviction in Tense Times," Reuters, 3 April 11.

[121] Beijing Shouwang Church, "An Explanation of the Issue of Worshiping Outside" [Huwai jingbai wenti jieda], 4 April 11; Beijing Shouwang Church, "Beijing Shouwang Church March 2011 Open Letter to Congregation" [Beijing shouwang jiaohui 11 nian 3 yue gao huizhong shu], 27 March 11; Chris Buckley and Sui-Lee Wee, "Beijing Church Faces Eviction in Tense Times," Reuters, 3 April 11; Verna Yu, "Fears of More Pressure on Underground Churches," South China Morning Post, 1 April 11.

[122] "Beijing Police Halt Unapproved Church Service," Associated Press, reprinted in Yahoo!, 10 April 11; ChinaAid, "Beijing Police Release Nearly All Shouwang Church Detainees, Pastor and Two Others Still in Custody," 11 April 11; "Fears of New Crackdown as 160 Christians Held," South China Morning Post, 11 April 11; Louisa Lim, "China Cracks Down on Christians at Outdoor Service," National Public Radio, 11 April 11; Yan Yan, "Beijing Police Take Away Over 100 Underground Church Believers" [Beijing jingfang daizou 100 duo ming dixia jiaohui xintu], Deutsche Welle, 11 April 11.

[123] "36 Detained at Shouwang Church Outdoor Worship" [Shouwang jiaohui huwai jingbai 36 ren bei bu], Radio Free Asia, 25 April 11; Brian Spegele, "Beijing Police Detain Group of Christians," Wall Street Journal, 25 April 11; Jo Ling Kent, "Church Officials: Chinese Authorities Block Easter Service in Beijing," CNN, 24 April 11; Michael Foust, "4th Week: China Arrests 30 Church Members," Baptist Press, 2 May 11; U.S. Commission on International Religious Freedom, "Easter Detentions Show Need for Religious Freedom Priority in U.S.-China Relations," 27 April 11.

[124] Alexa Olesen, "Beijing Police Halt Unapproved Church Service," Associated Press, reprinted in Yahoo!, 10 April 11; Beijing Shouwang Church, "Beijing Shouwang Church April 24 Easter Outdoor Worship Bulletin" [Beijing shouwang jiaohui 4 yue 24 ri fuhuo jie huwai jingbai tongbao], 25 April 11; Liu Jianghe, "Pastor Li Xiaobai of the Beijing Shouwang Church and His Wife Released, Still No Place To Go for Worship" [Shouwang jiaohui li xiaobai mushi shifang, jingbai changsuo yiran wu zhuoluo], China Free Press, 13 April 11.

[125] Beijing Shouwang Church, "Beijing Pastors' Joint Prayer Meeting Prays for Beijing Shouwang Church (4)" [Beijing jiaomu liandao hui wei beijing shouwang jiao hui daidao (4)], reprinted in ChinaAid, 29 April 11.

[126] "49 Detained in Raid on China Underground Church," Associated Press, reprinted in Yahoo!, 11 May 11; ChinaAid, "During the China-U.S. Strategic and Economic Dialogue, Chinese House Church Alliance Bible Study Attacked, 49 Detained" [Zhongmei jingji zhanlue duihua qijian, zhonguo jiating jiaohui lianhe hui de shengjing peixun zao chongji, 49 bei zhuabu], 11 May 11; "Korean Bible Instructor Held Following Raid on Underground Chinese Church Gathering," Associated Press, reprinted in Washington Post, 11 May 11; "Multiple Members of Underground Church in Henan Detained at Once" [Henan duo ming dixia jiaohui chengyuan yidu bei jubu], Deutsche Welle, 11 May 11; "Zhengzhou Public Security Attacks Church, Detains 49, Three Korean Pastors and Two People Pursued and Detained" [Zhengzhou gong'an chongji jiaohui ju 49 ren, hanguo san mushi liang ren zao zhuyi juliu], Radio Free Asia, 11 May 11.

[127] ChinaAid, "Police Detain Two House Church Pastors; Pastor Bike and Wife Under Informal House Arrest," 23 April 11; ChinaAid, "Police Surround a Shandong House Church, Detain Seven," 17 April 11; ChinaAid, "Zaozhuang, Shandong House Church Leader Taken Into Custody" [Shandong zaozhuang jiating jiaohui lingxiu bei zhua], 16 April 11; ChinaAid, "Zaozhuang, Shandong Province, House Church Oppressed (Update), Cangshan County Also Detaining Believers" [Shandong sheng zaozhuang jiating jiaohui zaoshou bipo (gengxin), cangshan xian ye zai zhua xintu], 17 April 11; "Seven Followers in Shandong, Even Car, Are Detained, Shaanxi Police Block Medical Treatment for Pastor After Beating Him" [Shandong jiaotu qi ren lian che zao kouya, shaan jing da mushi hou geng zu jiuzhi], Radio Free Asia, 21 April 11.

[128] "49 Detained in Raid on China Underground Church," Associated Press, reprinted in Yahoo!, 11 May 11; ChinaAid, "During the China-U.S. Strategic and Economic Dialogue, Chinese House Church Alliance Bible Study Attacked, 49 Detained" [Zhongmei jingji zhanlue duihua qijian, zhonguo jiating jiaohui lianhe hui de shengjing peixun zao chongji, 49 bei zhuabu], 11 May 11; "Korean Bible Instructor Held Following Raid on Underground Chinese Church Gathering," Associated Press, reprinted in Washington Post, 11 May 11; "Multiple Members of Underground Church in Henan Detained at Once" [Henan duo ming dixia jiaohui chengyuan yidu bei jubu], Deutsche Welle, 11 May 11; "Zhengzhou Public Security Attacks Church, Detains 49, Three Korean Pastors and Two People Pursued and Detained" [Zhengzhou gong'an chongji jiaohui ju 49 ren, hanguo san jiaoshi liang ren zao zhuyi juliu], Radio Free Asia, 11 May 11.

[129] ChinaAid, "Update: 49 House Church Leaders Released," 11 May 11.

[130] ChinaAid, "All Believers Detained in the May 10 Zhengzhou Church Incident and May 22 Hubei Oppression Incident Released" [5–10 zhengzhou jiao an he 5–22 hubei bipo an bei guanya xintu quanbu huoshi], 26 May 11.

[131] ChinaAid, "Police Detain Two House Church Pastors; Pastor Bike and Wife Under Informal House Arrest," 23 April 11; "Jiangsu Pastor Placed Under Home Confinement, Money Stolen, Beaten; Head of House Church Forced To Travel" [Jiangsu mushi zao ruanjin qiang qian ji ouda, jiating jiaohui huizhang bei qiangzhi luyou], Radio Free Asia, 10 March 11.

[132] ChinaAid, "Christians Persecuted in Henan and Jiangsu," 7 March 11; "Jiangsu Pastor Placed Under Home Confinement, Money Stolen, Beaten; Head of House Church Forced To Travel" [Jiangsu mushi zao ruanjin qiang qian ji ouda, jiating jiaohui huizhang bei qiangzhi luyou], Radio Free Asia, 10 March 11.

[133] ChinaAid, "Persecution of House Churches Continues, Pastor Shi Enhao Criminally Detained" [Bipo jiating jiaohui jixu jinxing, shi enhao mushi zao xingshi juliu], 5 July 11. "Using superstition to undermine the implementation of the law" is similar to the language of Article 300 of the PRC Criminal Law. Article 300 also contains language about "using a cult to undermine the implementation of the law," a charge commonly used against Falun Gong practitioners. PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 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.

[134] "Pastor Sent to Labor Camp," Radio Free Asia, 26 July 11.

[135] ChinaAid, "ChinaAid Pays Attention to the Chinese Representatives to the Lausanne Congress Being Oppressed" [Duihua yuanzhu xiehui guanzhu luosang huiyi zhongguo jiaohui daibiao shoudao daya], 11 October 10; "Underground Churches Banned From Attending Overseas Gospel Conference, Authorities Allege Conference Is Anti-China, Five Taken Into Custody at Beijing Airport" [Dixia jiaohui jin fu haiwai fuyin hui, dangju zhi dahui she fanhua, beijing jichang kou 5 ren], Ming Pao, 11 October 10. For more information, see also "Chinese Authorities Prevent Protestants From Attending International Evangelization Conference," CECC China Human Rights and Rule of Law Update, No. 9, 10 December 10, 2.

[136] State Administration for Religious Affairs, "Main Points of State Administration for Religious Affairs' 2011 Work" [Guojia zongjiao shiwu ju 2011 nian gongzuo yaodian], 24 January 11.

[137] Louisa Lim, "Beijing Blocks Travelers to Christian Conference," National Public Radio, 14 October 10.

[138] "Chinese Authorities Prohibit Many Human Rights Defenders From Leaving Country" [Duo ming weiquan gongmin bei zhongguo dangju jinzhi chujing], Radio Free Asia, 3 August 10; "Travel Bans for Activists," Radio Free Asia, 5 August 10.

[139] Fan is also a former researcher at the Chinese Academy of Social Sciences (CASS). In November 2009, the Party secretary at CASS reportedly told Fan he would not be permitted to continue working at CASS after Fan attempted to provide legal aid to the Linfen-Fushan Church. See, e.g., ChinaAid, "Prominent Chinese Legal Researcher Abruptly Dismissed for 'Political Reasons,'" 3 November 09; CECC, 2010 Annual Report, 10 October 10, 109–110.

[140] ChinaAid, "Beijing Police Zero In on Holy Mountain Institute," 15 December 10; "Chinese Authorities' Suppression of Civil Rights Activists Continues To Increase" [Zhongguo dangju dui weiquan renshi daya buduan shengji], Radio Free Asia, 12 October 10. Fan reportedly has played an important role in promoting legal activism among members of house church congregations throughout China. See, e.g., ChinaAid, "2010 Annual Report," 31 March 11, 3.

[141] "Chinese Authorities' Suppression of Civil Rights Activists Continues To Increase" [Zhongguo dangju dui weiquan renshi daya buduan shengji], Radio Free Asia, 12 October 10.

[142] "Fan Yafeng, a Christian, Is Arrested, He Signed Charter 08," AsiaNews, 26 November 10; ChinaAid, "Detained Human Rights Lawyer Fan Yafeng Returns Home!" 18 December 10; Verna Yu, "Police Take Christian Leader, Family From Home," South China Morning Post, 26 November 11.

[143] ChinaAid, "Decision of the Xinjiang Uyghur Autonomous Region High People's Court: Rejects Christian Alimjan's Request for Reconsideration" [Xinjiang weiwuer zizhi qu gaoji renmin fayuan de caiding shu: bohui jidu tu alimujiang de shensu], 3 March 11.

[144] ChinaAid, "Seminar on Alimujiang's Case and Governance of the Law on Guarding State Secrets," 18 November 10.

[145] Ibid.

[146] Andrew Jacobs, "Chinese Christians Rally Around Underground Church," New York Times, 12 May 11.

[147] Xie Moshan and Li Tianen, "We Are [Doing This] for Faith: A Citizen Petition Letter to the National People's Congress With Respect to the Political Conflict" [Women shi weile xinyang: wei zhengzhi chongtu zhi quanguo renda de gongmin qingyuan shu], reprinted in ChinaAid, 12 May 11.

[148] Ibid.

[149] ChinaAid, "More Reports of Christmas Persecutions of House Church Christians," 30 December 10.

[150] ChinaAid, "Even Government Churches Face Official Persecution: Local Authorities Demolish TSPM Church," 22 November 10.

[151] ChinaAid, "Registered Church in Jiangsu Province Demolished, Christians Beaten," 22 December 08. For more information, see "State-Sanctioned Church in Jiangsu Province Demolished," Congressional-Executive Commission on China, 20 January 11.

[152] The word "Taoism" and its derivatives are also often spelled with a "D" instead of a "T," e.g., "Daoism" or "Daoist."

[153] Chinese Taoist Association, "Basic Rules on First Chinese Taoist College Scripture Study Class Seeking Students" [Zhongguo daojiao xueyuan shou jie jingdian jiangxi ban zhao sheng jianzhang], 23 November 10. The document lists this requirement first, ahead of "upholding the standards of Taoism."

[154] See, e.g., State Administration for Religious Affairs, "Congratulatory Letter to All Taoists in the Country" [Zhi quanguo daojiao jie de hexin], 19 March 11.

[155] Chinese Taoist Association, "Chinese Taoist Association Leadership Meeting Convenes in Beijing" [Zhongguo daojiao xiehui huizhang huiyi zai jing zhaokai], 14 March 11.

[156] Article 4 of the Chinese Taoist Association (CTA) Constitution says that the State Administration for Religious Affairs is the "administrative unit in charge of" the CTA. Constitution of the Chinese Taoist Association [Zhongguo daojiao xiehui zhangcheng], passed 22 June 10, art. 4.

[157] See, e.g., Gongan County Ethnic and Religious Affairs Bureau, "Proactively Lead, Manage According to Law" [Jiji yindao, yi fa guanli], 11 May 11; Xu Yun, Suzhou Municipal Local Records Office, "The Situation of I-Kuan Tao in Suzhou" [Yidaoguan zai suzhou de qingkuang], 6 December 10. The Commission has not observed official definitions of the terms "feudal" or "superstitious" in reference to Taoist religious practices. For example, the 1998 Measures Regarding the Management of Taoist Temples uses the term "feudal, superstitious activities" but does not elaborate on the meaning of the term. Chinese Taoist Association, Measures Regarding the Management of Taoist Temples [Guanyu daojiao gongguan guanli banfa], adopted 24 August 98, effective September 98, arts. 6(6), 7(3). In addition, in at least some cases, authorities have

asserted a link between what they deem to be "feudal" or "superstitious" religious activities and what they deem to be "cult" activities. See, e.g., State Administration for Religious Affairs, "The Genesis of and Defense Against Cults" [Xiejiao de chansheng yu fangfan], 28 October 05. Authorities have invoked the term "cult" as a basis for restrictions on the freedom of religion of members of a variety of religious groups in China, including Falun Gong, groups of Protestant origin, and groups of Buddhist and Taoist origin. See, e.g., ChinaAid, "Henan Police Unlawfully Fine, Sentence Believers to Labor Camps," 9 April 10; Ministry of Public Security, "The Situation of Organizations Currently Recognized as Cults" [Xian yi rending de xiejiao zuzhi qingkuang], reprinted in Zhengqi Net, 5 February 07; Verna Yu, "Christians Held To Extort Cash, Say Wife, Lawyer," South China Morning Post, 29 June 10; "Members of Henan House Church Ordered To Serve Reeducation Through Labor," CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 3; "National Conferences Highlight Restrictions on Buddhist and Taoist Doctrine," CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 4.

[158] Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 13–14, 24–25, 44.

[159] See, e.g., Ding Cai'an, Hunan Provincial Religious Affairs Bureau, "Humble Remarks on the Current Situation of the Management of Folk Beliefs and Methods of Improvement" [Minjian xinyang guanli xianzhuang yu gaijin fangfa de chuyi], 4 January 11; State Administration for Religious Affairs, "Summary of the Fifth Five-Year Plan Awareness Promotion Work of the Nationwide Religious Work System" [Quanguo zongjiao gongzuo xitong "wu wu" pufa gongzuo zongjie], 22 March 11; Tongan County Party Committee, "Tongan District Convenes Special Work Meeting on Stopping the Indiscriminate Construction of Temples and Open-Air Religious Statues" [Tongan qu zhaokai zhizhi luan jian simiao he lutian zongjiao zaoxiang zhuanxiang gongzuo huiyi], 11 April 11.

[160] See, e.g., Chinese Taoist Association, "Luofushan, Guangdong To Hold Taoist Cutlural Festival, Pray for a Prosperous Asian Games in Guangzhou" [Guangdong luofushan jiang juban daojiao wenhua jie, qifu guangzhou yayun], 17 October 10; Chinese Taoist Association, "Three Hundred Volunteers To Serve at 2010 Guangdong Inaugural Taoist Festival" [300 zhiyuanzhe jiang fuwu 2010 guangdong shou jie daojiao wenhua jie], 29 October 10; Chinese Taoist Association, "Guangdong Taoist Cultural Festival Opens on November 2 in Luofushan, Huizhou City" [Guangdong daojiao wenhua jie 11 yue 2 ri zai huizhou shi luofushan kaimu], 2 November 10; State Administration for Religious Affairs, "Vice Director Jiang Jianyong Attends 2010 Guangdong Taoist Festival Opening Ceremony and Religious Assembly for Praying for Fortune for the Asian Games" [Jiang jianyong fu juzhang chuxi 2010 guangdong daojiao wenhua jie kaimushi ji qifu yayun da fahui], 4 November 10.

[161] State Administration for Religious Affairs, "Vice Director Jiang Jianyong Attends 2010 Guangdong Taoist Festival Opening Ceremony and Religious Assembly for Praying for Fortune for the Asian Games" [Jiang jianyong fu juzhang chuxi 2010 guangdong daojiao wenhua jie kaimushi ji qifu yayun da fahui], 4 November 10.

[162] The revision removes a layer of approval and reporting previously required for religious schools to host foreign exchange students, bringing the regulation up to date with a 2004 directive that reduced administrative oversight in a variety of regulatory documents. State Administration for Religious Affairs Decree No. 9 [Guojia zongjiao shiwu ju ling di 9 hao], issued 29 November 10, effective 1 January 11, citing State Council Decision Concerning Third Group of Items for Abolishing and Adjusting Administrative Examination and Approval [Guowuyuan guanyu di san pi quxiao he tiaozheng xingzheng shenpi xiangmu de jueding], issued 19 May 04; Detailed Implementing 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 11 August 00, art. 14.

[163] Detailed Implementing 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 11 August 00, art. 17(2), (5), (7), (8).

[164] The Church of Jesus Christ of Latter-day Saints, "Statement From the First Presidency," 30 August 10; The Church of Jesus Christ of Latter-day Saints, "Church in Talks To 'Regularize' Activities in China," 30 August 10.

[165] See, e.g., Department for External Church Relations of the Russian Orthodox Church, "Talks on Russian-Chinese Relations in Religious Sphere Held in Beijing," 17 November 09; State Administration for Religious Affairs, "Vice-Director Jiang Jianyong Sees Delegation From the Presidential Council for Cooperation With Religious Organization" [Jiang jianyong fujuzhang huijian eluosi zongtong zhishu de zongjiao tuanti hezuo weiyuanhui daibiaotuan yixing], 18 November 09; "Beijing Visit of Moscow Patriarch May Revive Russian Orthodox Church in PRC," South China Morning Post, 7 July 06 (Open Source Center, 7 July 06).

[166] At the provincial level, see Heilongjiang Regulation on the Management of Religious Affairs [Heilongjiang sheng zongjiao shiwu guanli tiaoli], issued 12 June 97, effective 1 July 97, art. 2; Inner Mongolia Autonomous Region Implementing Measures for the Management of Venues for Religious Activity [Nei menggu zizhiqu zongjiao huodong changsuo guanli shishi banfa], issued 23 January 96, art. 2.

Notes to Section II—Ethnic Minority Rights

[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. 27.

[2] See generally Regional Ethnic Autonomy Law (REAL) [Zhonghua renmin gongheguo minzu quyu zizhifa], issued 31 May 84, effective 1 October 84, amended 28 February 01.

[3] Some scholars writing in English choose to leave the term *minzu* untranslated. See, e.g., Gardner Bovingdon, "Autonomy in Xinjiang: Han Nationalist Imperatives and Uyghur Discontent," East-West Center Washington 2004, Policy Studies 11, 49 (endnote 4); Jonathan N. Lipman, Familiar Strangers: A History of Muslims in Northwest China, (Seattle: University of Washington Press, 1997), xx–xxv. This section uses "ethnic minorities" both to refer to the status of such groups as defined in international human rights instruments and in reference to PRC categorizations of *shaoshu minzu.* While recognizing the problems associated with rendering the term *minzu* into English, this paper follows the PRC government's and media's current use of "ethnicity" when referring to *minzu* in English-language publications and in the official name of the State Ethnic Affairs Commission (*guojia minzu shiwu weiyuanhui*).

[4] See, e.g., State Ethnic Affairs Commission, "Ethnic Policies, Laws, and Regulations Continuously Gain New Developments" [Minzu zhengce fagui gongzuo buduan qude xin fazhan], 28 December 10; State Ethnic Affairs Commission, "Do Well in Summing Up, Persisting in, and Developing the 90 Years of Successful Experiences of Our Party's Ethnic Work" [Zongjie hao, jianchi hao, fazhan hao women dang minzu gongzuo 90 nian de chenggong jingyan], Seeking Truth, 16 June 11.

[5] State Ethnic Affairs Commission, "Do Well in Summing Up, Persisting in, and Developing the 90 Years of Successful Experiences of Our Party's Ethnic Work" [Zongjie hao, jianchi hao, fazhan hao women dang minzu gongzuo 90 nian de chenggong jingyan], Seeking Truth, 16 June 11.

[6] State Ethnic Affairs Commission, "Twelfth Five-Year Plan (2011–2015) on the Construction of a System of Ethnic Legal Institutions" [Minzu fazhi tixi jianshe shi er wu guihua (2011–2015 nian)], 11 August 11.

[7] Ibid., item 2(5).

[8] State Council Information Office, "National Human Rights Action Plan of China (2009–2010)," reprinted in Xinhua, 13 April 09, III(1).

[9] For reviews of developments in the area of ethnic minority rights during periods that the National Human Rights Action Plan was applicable, see, e.g., Yu Xiaojie, "Uphold a People-Centered Approach and Revel in the Light of Human Rights—Roundup at the Midpoint of the 'National Human Rights Action Plan (2009–2010),'" Xinhua, 4 December 09 (Open Source Center, 13 December 09); State Council Information Office, "White Paper on Progress in China's Human Rights in 2009" [2009 nian zhongguo renquan shiye de jinzhan], reprinted in Xinhua, 26 September 10, sec. V; State Council Information Office, "Assessment Report on the National Human Rights Action Plan of China (2009–2010)," Xinhua, 14 July 11, IV(1); Human Rights Watch, "Promises Unfulfilled: An Assessment of China's National Human Rights Action Plan," January 2011, 47–50.

[10] For more information on development projects in past years, see, e.g., CECC, 2009 Annual Report, 10 October 09, 263–64, 282–88; CECC, 2010 Annual Report, 10 October 10, 207–208, 222–24.

[11] See, e.g., "Published Excerpts of Main Points of 'Central Committee of the Communist Party and State Council Opinions on Deepening Implementation of the Great Western Development Strategy'" ["Zhonggong zhongyang guowuyuan guanyu shenru shishi xibu da kaifa zhanlue de ruogan yijian" yaodian zhaideng], Zhongwei Daily, reprinted in Zhongwei People's Government, 23 August 10; "Chinese Leaders Call for More Efforts To Develop West," Xinhua, 6 July 10; "China's Western Region Development Plan a Dual Strategy," Xinhua, 8 July 10.

[12] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 18, sec. 5.

[13] For information on grasslands policy in earlier years, see, e.g., CECC, 2009 Annual Report, 10 October 09, 148–149, 194. See this section for information on the impact of these policies on minority groups that practice pastoralism.

[14] "State Council Researches and Deploys Policies and Measures To Promote Sound and Fast Development of Pastoral Areas" [Guowuyuan yanjiu bushu cujin muqu you hao you kuai fazhan de zhengce cuoshi], Xinhua, 6 April 11.

[15] State Council Opinions on Promoting Sound and Fast Development of Pastoral Areas [Guowuyuan guanyu cujin muqu you hao you kuai fazhan de ruogan yijian], issued 1 June 11. For additional information, see also "National Conference on Work Regarding Pastoral Areas Is Convened in Hulunbuir" [Quanguo muqu gongzuo huiyi zai hulunbei'er zhaokai], Inner Mongolia Daily, reprinted in Inner Mongolia News Net, 13 August 11.

[16] State Council Opinions on Promoting Sound and Fast Development of Pastoral Areas [Guowuyuan guanyu cujin muqu you hao you kuai fazhan de ruogan yijian], issued 1 June 11, items 6, 7, 11, 19, 21.

[17] Gregory Veeck and Charles Emerson, "Develop the West Assessed: Economic and Environmental Change in Inner Mongolia Autonomous Region, People's Republic of China 2000–2005," Asian Geographer, Vol. 25, Nos. 1 and 2 (2006), 61 (based on information on page 13 of prepublication article on file with the Commission); China's Ethnic Regional Autonomy Law: Does It Protect Minority Rights? Staff Roundtable of the Congressional-Executive Commission on China, 11 April 05, Testimony of Christopher P. Atwood, Associate Professor, Department of Central Eurasian Studies, Indiana University; Dee Mack Williams, Beyond Great Walls (Stanford: Stanford University Press, 2002), 40–60; Qiu Lin, "Scholars Urge Improving Grassland Policies," Xinhua, 31 July 09.

[18] See generally Human Rights Watch, "'No One Has the Liberty to Refuse': Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region," June 2007; Human Rights in China, "China: Minority Exclusion, Marginalization and Rising Tensions," 2007, 14; Henry Sanderson, "Traditions Fade as China Settles Nomads in Towns," Associated Press, reprinted in Seattle Times, 4 October 09.

[19] See information that follows and, e.g., Southern Mongolian Human Rights Information Center, "Herders Take to the Streets, Four Arrested," 23 May 11; Andrew Jacobs, "Anger Over Protesters' Deaths Leads to Intensified Demonstrations by Mongolians," New York Times, 30 May 11; "Clampdown in Inner Mongolia," Radio Free Asia, 27 May 11; Inner Mongolia Autonomous Region Public Security Department, "Public Security Department Holds News Conference, Shares Information on Situations Regarding Xilingol '5.11' and '5.15' Incidents and Public Security Organs Cracking the Cases" [Gonganting juxing xinwen fabuhui tongbao xilingguolei meng "5.11," "5.15" anjian qingkuang he gongan jiguan zhenpo qingkuang], 29 May 11. See analysis in "Mongols Protest in Inner Mongolia After Clashes Over Grasslands Use, Mining Operations," Congressional-Executive Commission on China, 1 July 11.

[20] See, e.g., Southern Mongolian Human Rights Information Center, "Protests Spread in Southern Mongolia, Thousands More Take to the Streets," 26 May 11; Andrew Jacobs, "Anger Over Protesters' Deaths Leads to Intensified Demonstrations by Mongolians," New York Times, 30 May 11.

[21] See, e.g., Southern Mongolian Human Rights Information Center, "Many Detained, Some Fled After Protests in Southern Mongolia," 17 June 11; "Clampdown in Inner Mongolia," Radio Free Asia, 27 May 11.

[22] See, e.g., Southern Mongolian Human Rights Information Center, "Many Detained, Some Fled After Protests in Southern Mongolia," 17 June 11; Christopher Bodeen, "China's Response to Latest Unrest Follows Pattern," Associated Press, reprinted in ABC News, 1 June 11.

[23] See, e.g., "China Says Foreigners Stir Inner Mongolia Unrest," BBC, 31 May 11; Dan Martin, "China Clamps Down on Inner Mongolia To Quash Demos," Agence France-Presse, reprinted in Yahoo!, 30 May 11; "Putting Mongolian Protests Into Context," Global Times, 31 May 11. See additional information in "Mongols Protest in Inner Mongolia After Clashes Over Grasslands Use, Mining Operations," Congressional-Executive Commission on China, 1 July 11.

[24] "Driver Sentenced to Death for Killing Mongol Herder," Xinhua, reprinted in China Internet Information Center, 8 June 11; "Forklift Driver Sentenced to Death Over Murder," Xinhua, reprinted in China Internet Information Center, 21 June 11.

[25] Southern Mongolian Human Rights Information Center, "New Round of Herders' Protest Erupts in Southern (Inner) Mongolia," 29 June 11; Southern Mongolian Human Rights Information Center, "Fresh Protest by Mongolian Herders, Dozens Hospitalized," 23 July 11.

[26] See, e.g., Southern Mongolian Human Rights Information Center, "Hada Is Still Held in a Secret Prison, Wife and Son Formally Arrested," 5 May 11; Amnesty International, "China: Fear of Disappearance of Activist and Family: Hada," 7 January 11; Southern Mongolian Human Rights Information Center, "Detention of Mongolian Dissident Hada and Family Reaches New Level of Human Rights Violation," 27 December 10; Southern Mongolian Human Rights Information Center, "Official Met with Relative, but Dissident's Whereabouts Undisclosed," 14 December 10; Southern Mongolian Human Rights Information Center, "Release Date Passed and Ethnic Mongolian Political Prisoner's Status Unclear While Wife and Son Remain Under Detention," 11 December 10.

[27] See the Commission's Political Prisoner Database for additional information.

[28] Southern Mongolian Human Rights Information Center, "Hada Is Still Held in a Secret Prison, Wife and Son Formally Arrested," 5 May 11.

[29] Southern Mongolian Human Rights Information Center, "Mongolian Dissident Writer Huuchinhuu Gone Missing," 8 February 11; Southern Mongolian Human Rights Information Center, "Hada's Wife and Son Detained as Scheduled Release Approaches," 4 December 10; Southern Mongolian Human Rights Information Center, "Southern Mongolian Dissident Detained and Put under House Arrest," 16 November 10.

[30] Southern Mongolian Human Rights Information Center, "Deported United Nations Refugee Applicant Batzangaa Tried in China," 17 January 11; Southern Mongolian Human Rights Information Center, "Batzangaa, a UN Refugee Status Applicant, Sentenced to 3-Year Jail Term in China," 30 January 11.

[31] Southern Mongolian Human Rights Information Center, "Principal of Mongol-Tibetan Medical School Arrested in Mongolia by Chinese Police," 19 October 09; Southern Mongolian Human Rights Information Center, "Interview With Batzangaa: Striking Details on How Mongolia and China Cooperate to Deport a Southern (Inner) Mongolian Exile Back to China," 30 January 11.

[32] Ibid.

[33] "Inner Mongolia Writer Unaga Secretly Detained for Publishing New Book" [Neimeng zuojia wunaga ni chuban xinshu zao mimi daibu], Radio Free Asia, 19 January 11; "Mongol Writer Unaga Secretly Arrested in Inner Mongolia" [Mongghul yazghuchisi unaga ichki mongghulda mexpiy tutuldi], Radio Free Asia, 18 January 11; Southern Mongolian Human Rights Information Center, "Southern Mongolian Dissident Writer, Author of 'Forefront of Independence' Arrested and Detained," 23 January 11.

[34] James Anaya, Special Rapporteur on the Rights of Indigenous People, "Cases Examined by the Special Rapporteur (June 2009–July 2010)," A/HRC/15/37/Add.1, 15 September 10.

Notes to Section II—Population Planning

[1] The population planning policy was first launched in 1979, canonized as a "fundamental state policy" in 1982, and codified as national law in 2002. As of 2007, 19 of China's 31 provincial-level jurisdictions—accounting for 53.6 percent of China's population—allow rural dwellers to have a second child if their first child is a girl. Gu Baochang et al, "China's Local and National Fertility Policies at the End of the Twentieth Century," 33 Population and Development Review 133, 138 (2007). Other exceptions to the one-child rule vary by provincial-level jurisdiction, and include some exceptions for ethnic minorities. See "The Origin of China's Current Birth Policy" [Zhongguo xianxing shengyu zhengce youlai], China Net, 18 April 08; Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 6. According to Chinese Human Rights Defenders, "In 1984, the Central Committee issued a document outlining its 'current family planning policy,' which stated that rural residents with one daughter could have a second child, while ethnic minorities could have between two and four children. Since then, even more exceptions to the original 'one-child' rule have been added by local governments. These exceptions are numerous, detailed and differ across the country. For example, the Shandong Provincial Population and Family Planning Regulations lists 14 circumstances in which couples are permitted to have more than one child."

[2] This number is based on Commission analysis of population planning measures. These jurisdictions include Tianjin, Zhejiang, Guangdong, Shandong, Fujian, Hebei, Hubei, Chongqing, Shaanxi, Heilongjiang, Shanxi, Xinjiang, Henan, Qinghai, Jiangxi, Sichuan, Guangxi, Anhui, Gansu, Yunnan, and Guizhou. For two specific examples, see "Revised 'Guangdong Province Population and Family Planning Regulations' Published" [Xiuding hou de "guangdong sheng renkou yu jihua shengyu tiaoli" gongbu], Guangzhou Beiyun District Zhongloutian Public Information Net, 29 June 09; "Jiangxi Province Population and Family Planning Regulations" [Jiangxi sheng renkou yu jihua shengyu tiaoli], Jiangxi News Net, 11 April 09; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Report on Human Rights Practices—2008, China (includes Tibet, Hong Kong, and Macau)," 25 February 09, 6. The Beijing Municipal Population and Family Planning Commission clearly draws the link between the term "remedial measures" and abortion: "early term abortion refers to the use of surgery or pharmaceutics to terminate a pregnancy before the 12th week of gestation, it is a remedial measure taken after the failure of contraception." See Beijing Municipal Population and Family Planning Commission, "Early Term Abortion" [Zaoqi rengong liuchan], 10 April 09.

[3] Beijing Declaration and Platform for Action (1995), para. 17. The Beijing declaration states, "The 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." Cairo International Conference on Population and Development, para. 7.2. The Cairo International Conference on Population and Development states, "Reproductive health . . . implies . . . that people are able to 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 . . . ." On the concept of "illegal pregnancy" and its use in practice, see Elina Hemminki et al., "Illegal Births and Legal Abortions—The Case of China," Reproductive Health, Vol. 2, No. 5 (2005).

[4] PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], adopted 29 December 01, effective 1 September 02, art. 18. According to Article 18, "The State maintains its current policy for reproduction, encouraging late marriage and childbearing 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." Implementing regulations in different provinces vary on the ages at which couples may give birth and the number of children they are permitted to have. See Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 6–7.

[5] Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 18–19. See, e.g., Pan Lihua, Qingdao Municipal Population and Family Planning Commission, "Shinan District: Spare No Efforts in Completing Population Planning, Welcome Inspection Work" [Shinanqu: quanli yifu zuohao jisheng ying jian gongzuo], 16 November 10; Zhu Xiulin, Xiushui County Government, "[Xiushui] County Plans To Deploy 2011 New Year Spring Family Planning Service Activities" [Wo xian anpai bushu 2011 nian yuandan chunjie qijian jihua shengyu fuwu huodong], 15 January 11; Wu Yapeng, Songyang County Government, "Fengping Town Strengthens Family Planning Work" [Fengping xiang jiaqiang jisheng gongzuo lidu], 5 May 11; Taihe County Open Government Information Platform, "Chengjiang Township Launches Population Planning Concentrated Fortification Campaign" [Chengjiang zhen kaizhan jihua shengyu jizhong gongjian huodong], 14 April 11.

[6] Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by General Assembly resolution 34/180 of 18 December 79, entry into force 2 September 81, China signed 17 July 80, ratified 4 November 80, arts. 2–3, 16(1)(e).

[7] Convention on the Rights of the Child, 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, China signed 29 August 90, ratified 2 March 92, arts. 2–4, 6, 26.

[8] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200 A (XXI) of 16 December 66, entry into force 3 January 76, China signed 27 October 97, ratified 27 March 01, art. 10(3).

[9] PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], enacted 29 December 01, effective 1 September 02, art. 4.

[10] Ibid., art. 39.

[11] See, for example, Maonan District Population and Family Planning Bureau, "Leaders Pay Attention, Responsibilities Fulfilled, Real Action Taken, Maonan District Spring Family Plan-

ning Concentrated Services Campaign [Achieves] Outstanding Results" [Lingdao zhongshi, zeren luoshi, zhenzhua shigan, maonanqu chunji jisheng jizhong fuwu huodong chengxiao xianzhu], 13 May 11; Chenzhou City People's Government, "(Shijiao Town) Early Planning, Early Activities To Soundly Launch Spring Family Planning Centralized Services Campaign" [(Shijia xiang) zao mouhua, zao xingdong zhashi kaizhan chunji jisheng jizhong fuwu huodong], 21 February 11; Yangchun City People's Government, "Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start" [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

[12] Yangchun City People's Government, "Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start" [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

[13] "Nail households" is used in this context to refer to families who resist government population planning efforts.

[14] "Flight households" is used in this context to refer to families who have left their homes to evade official reprisal for noncompliance with population planning policies.

[15] Yangchun City People's Government, "Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start" [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

[16] Pan Lihua, Qingdao Municipal Population and Family Planning Commission, "Shinan District: Spare No Efforts in Completing Population Planning, Welcome Inspection Work" [Shinanqu: quanli yifu zuohao jisheng ying jian gongzuo], 16 November 10.

[17] Population and Family Planning Commission of Huoqiu County, "[Huoqiu] County Convenes County-wide Second Quarter Family Planning Focused Services Work Meeting" [Woxian zhaokai quanxian di'er jidu jihua shengyu jizhong fuwu gongzuohui], 25 January 11; Mingguang City Open Government Information Net, "Longshan Community Spares No Efforts in Carrying Out Family Planning Special Clean-Up Work" [Longshan shequ quanli yifu zuohao jihua shengyu zhuanxiang qingli gongzuo], 1 April 11.

[18] Shandan County Population and Family Planning Commission, "Weiqi Town 2011 Population and Family Planning Work Plan" [Weiqi zhen 2011 nian renkou he jihua shengyu gongzuo anpai], 28 February 11; Population and Family Planning Commission of Gansu, "Shenchuan Town Proposes Four Measures and Launches Spring Family Planning Superior Services Activity" [Shenchuan xiang sicuo bingju kaizhan chunji jihua shengyu youzhi fuwu huodong], 28 March 11.

[19] Su Xianchao, Yangchun City People's Government, "Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start" [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

[20] Tang Zhenghai and Gong Ren, "Luxi Spares No Efforts in Contending To Become the Province-wide Model County in Population and Family Planning Work" [Luxi quanli yifu zheng chuang quansheng renkou jisheng gongzuo mofan xian], Unity Newspaper, reprinted in Xiangxi Tujia Autonomous Prefecture Official Web site, 21 March 11.

[21] People's Government of Tengxian Guangxi, "Pingfu Town Proposes Many Measures and Launches Spring Family Planning Superior Services Activities" [Pingfu xiang duo cuo bingju kaizhan chunji jihua shengyu youzhi fuwu huodong], 12 April 11.

[22] Population and Family Planning Commission of Gong'an County, "Maojiagang Town 2011 Annual First-Half-of-the-Year Population and Family Planning Work Situation" [Maojianggang zhen 2011 niandu shangbannian renkou he jihua shengyu gongzuo qingkuang], 25 May 11.

[23] Fengcheng City People's Government, "Hutang Town Population and Family Planning Action Month-Long Exercise Achieves Three Clear Results" [Hutang xiang jihua shengyu xingdong yue huodong qude sange mingxian chengxiao], 2 June 11.

[24] For one such example in which the two examinations and four procedures are clearly enumerated, see Population and Family Planning Commission of Gong'an County, "Maojiagang Town 2011 Annual First-Half-of-the-Year Population and Family Planning Work Situation" [Maojianggang zhen 2011 niandu shangbannian renkou he jihua shengyu gongzuo qingkuang], 25 May 11. Some government reports refer to "three examinations," instead of two. The third examination in these references is an examination for the presence of a gynecological disease or illness. Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 10.

[25] The original source, Caixin, reported that the abductions happened between 2000 and 2005. The New York Times reported that the abductions occurred between 1999 and 2006. Shangguan Jiaoming, "In Hunan, Family Planning Turns to Plunder," Caixin Net, 10 May 11; Sharon LaFraniere, "Chinese Officials Seized and Sold Babies, Parents Say," New York Times, 4 August 11.

[26] Shangguan Jiaoming, "In Hunan, Family Planning Turns to Plunder," Caixin Net, 10 May 11; Sharon LaFraniere, "Chinese Officials Seized and Sold Babies, Parents Say," New York Times, 4 August 11; Zhao Hejuan, "Hunan Officials Launch Inquiry Over Sale of Children," Caixin Net, 16 May 11.

[27] Shangguan Jiaoming, "In Hunan, Family Planning Turns to Plunder," Caixin Net, 10 May 11; Sharon LaFraniere, "Chinese Officials Seized and Sold Babies, Parents Say," New York Times, 4 August 11.

[28] Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 12.

[29] "Anhui Young Married Woman Undergoes Forced Sterilization, Lawsuit Rejected by Courts" [Anhui shaofu bei qiangzhi jueyu, xiang fayuan ti qisu zaoju], Radio Free Asia, 17 November 10.

[30] "Zhaotong, Yunnan Villagers Accused of Exceeding Birth Limits, Town Officials Destroy New House and Accuse Entire Family" [Yunnan zhaotong cunmin bei zhi chaosheng, zao xiangguan daohui xinfang zhulian quanjia], Radio Free Asia, 29 October 10.

[31] Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 12. For another example of violence during family planning implementation in Shandong, see Chinese Human Rights Defenders, "Another Bloody Family Planning Case Erupts in Chen Guangcheng's Hometown Linyi, 22 Year Old Youth Cruelly Killed" [Chen guangcheng laojia linyi zai bao jisheng xue'an, 22 sui qingnian canzao shahai], 27 March 11. According to this report, in March 2011, local family planning officials and hired personnel entered the home of Xu Shuaishuai in order to take away his sister for an unnamed birth control surgery. In an argument that ensued between his father and the personnel, Xu came to his father's defense and reportedly was fatally stabbed by one of the personnel.

[32] "Xiamen Woman Eight Months Pregnant Forced To Abort, Also Kidnapped and Beaten" [Xiamen huaiyun bageyue funu bei qiangzhi yinchan, bing ceng canzao bangjia ji ouda], Radio Free Asia, 13 October 10. See also Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 10.

[33] "Henan Villager Beaten to Death for Exceeding Birth Limit, Thousand People Carry Coffin and Protest at Town Government" [Henan cunmin yin chaosheng bei dasi, qianren tai guancai zhenzhengfu kangyi], Radio Free Asia, 19 November 10.

[34] Chinese Human Rights Defenders, "Hangzhou Woman Forcibly Subjected to Birth Control Surgery in Guizhou Province" [Hangzhou nuzi zai guizhou bei qiangxing zuo jieyu shoushu], 22 May 11. For an additional case of coercive implementation in Guizhou, see Chinese Human Rights Defenders, "Another Violent Family Planning Incident Outside of Guiyang" [Guiyang chengjiao zaici fasheng baoli jihua shengyu shijian], 30 May 11.

[35] Chinese Human Rights Defenders, "Xinyu Village, Jiangxi Woman Undergoes Forced Tubal Ligation for Exposing Illegal Land Requisition" [Jiangxi xinyu cunfu yin jielu weigui zhengdi bei qiangzhi jieza], 19 June 11.

[36] PRC Measures for Collection of Social Compensation Fees [Shehui fuyang fei zhengshou guanli banfa], issued 2 August 02, effective 1 September 02, arts. 3, 7.

[37] See, e.g., Pan Lihua, Qingdao Municipal Population and Family Planning Commission, "Shinan District: Spare No Efforts in Completing Population Planning, Welcome Inspection Work" [Shinanqu: quanli yifu zuohao jisheng ying jian gongzuo], 16 November 10; Zhu Xiulin, Xiushui County Government, "[Xiushui] County Plans To Deploy 2011 New Year Spring Festival Family Planning Service Activities" [Wo xian anpai bushu 2011 nian yuandan chunjie qijian jihua shengyu fuwu huodong], 15 January 11; Wu Yapeng, Songyang County People's Government, "Fengping Town Strengthens Family Planning Work" [Fengping xiang jiaqiang jisheng gongzuo lidu], 5 May 11; Taihe County Open Government Information Platform, "Chengjiang Township Launches Population Planning Campaign Focused on Storming the Fortifications" [Chengjiang zhen kaizhan jihua shengyu jizhong gongjian huodong], 24 December 10.

[38] Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 18.

[39] Bureau of Democracy, Human Rights and Labor, U.S. Department of State, "Country Reports on Human Rights Practices—2010, China (includes Tibet, Hong Kong, and Macau)," 8 April 11, 54. For more information on the role of courts in family planning implementation, see Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 27.

[40] PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], adopted 29 December 01, effective 1 September 02, art. 39. According to Article 39, officials are to be punished either criminally or administratively for the following acts: "(1) infringing on a citizen's personal rights, property rights or other legitimate rights and interests; (2) abusing his power, neglecting his duty or engaging in malpractices for personal gain; (3) demanding or accepting bribes; (4) withholding, reducing, misappropriating or embezzling funds for family planning or social maintenance fees; or (5) making false or deceptive statistic data on population or family planning, or fabricating, tampering with, or refusing to provide such data."

[41] See, e.g., Pingdu Government Affairs Net, "Are Village Officials Relieved From Their Post if They Violate Population Planning Policies During Their Term of Office?" [Cunguan renqinei weifan jihua shengyu falu fagui zhongzhi zhiwu ma?], 16 February 11; "Hunan Officials Launch Inquiry Over Sale of Children," Caixin Net, 16 May 11; Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 19–23. See also CECC, 2008 Annual Report, 31 October 08, 97.

[42] Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 13, 26. According to the report, "The management of the hukou system is the domain of the Ministry of Public Security and it refuses to issue hukous to children without birth permits, children of unmarried parents, and children whose parents for some reason have not completed the required procedures. Without a hukou, a child cannot apply for an ID card and thus does not have a legal identity, is not a citizen and consequently is deprived of the rights accorded to other Chinese citizens." Zhang Hui, "City Cuts Fines on Second Child," Global Times, 23 August 10. According to one expert quoted in this report, "Children born outside State scrutiny will enjoy equal rights as the first child only after the family pays the fine and registers them."

[43] Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 15–16.

[44] Yan Hao and Li Yanan, "Urban Hukou, or Rural Land? Migrant Workers Face Dilemma," Xinhua, 10 March 10; Tao Ran, "Where There's a Will, There's a Way To Reform," China Daily, 22 March 10.

[45] See, e.g., Jishan County People's Government, "Jishan County Population and Family Planning Report Reward System and Report Telephone Number" [Jishan xian renkou yu jihua shengyu youjiang jubao zhidu he jubao dianhua], 27 April 11; Tai'an City People's Government, "Family Planning Report Reward Measures" [Jihua shengyu youjiang jubao banfa], 20 November 04; Chengguan Town People's Government, "Fengtai County Chengguan Town Family Planning Report Reward Implementation Program" [Fengtai xian chengguan zhen jihua shengyu

youjiang jubao shishi fang'an], 17 March 11; Yulong Neighborhood Web site, "Family Planning Report Reward System" [Jihua shengyu youjiang jubao zhidu], 12 June 11. See also Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 15–16.

[46] Yulong Neighborhood Web site, "Family Planning Report Reward System" [Jihua shengyu youjiang jubao zhidu], 12 June 11.

[47] Li Haixi, Population and Family Planning Commission of Qingyang, "Effectiveness of Maojing Township Family Planning Concentrated Remediation Activities Significant" [Maojing xiang jihua shengyu jizhong zhengzhi huodong chengxiao xianzhu], 28 March 11.

[48] Ibid.

[49] Yangchun City People's Government, "Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start" [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

[50] "Zuoquan County Sucheng Township Launches 'Two Superiors' Family Planning Activities for Migrant Worker Population" [Zuoquan xian sucheng xiang kaizhan liudong renkou jihua shengyu 'shuang you' huodong], China Net Focus on Shanxi, 4 April 11.

[51] "The Six Rights and Six Obligations of the Migrant Population" [Liudong renkou de liuxiang quanli he liuxiang yiwu], China Population Report, reprinted in Tangshan City People's Government, 23 November 10.

[52] Qidong City People's Government, "Circular Regarding Soundly Completing 2011 Springtime Population and Family Planning Services Management Work for Migrant Populations" [Guanyu zhashi zuohao 2011 nian chunjie qijian liudong renkou jihua shengyu fuwu guanli gongzuo de tongzhi], 19 January 11.

[53] Fengyang Neighborhood Web site, "Fengyang Street Actively Launches Migrant Population Investigation, Cleanup and Services Management Work" [Fengyang jie jiji kaizhan liudong renkou qingcha qingli he fuwu guanli gongzuo], 10 March 11.

[54] Dongying City People's Government, "Circular Regarding Completing Migrant Population Family Planning Management Services Work During the Spring Festival" [Guanyu zuohao chunjie qijian liudong renkou jihua shengyu guanli fuwu gongzuo de tongzhi], 25 January 11.

[55] Shaoxing City Yuecheng District People's Government, "Jishan Street Launches Spring Festival Migrant Population Services Promotion Event" [Jishan jiedao kaizhan chunjie qijian liudong renkou xuanchuan fuwu huodong], 26 January 11.

[56] Feng Wang and Cai Yong, The Brookings Institution, "China's One Child Policy at 30," 24 September 10.

[57] The Commission observed an increase in reports from domestic academic observers as well as state-controlled media outlets discussing family planning policy reform in late 2010 and surrounding the 2011 annual meetings of the National People's Congress and Chinese People's Political Consultative Conference. Several reports highlighted debate among officials and experts. See, for example, Zuo Xuejin, "Time To Drop the One-Child Policy," Chinadialogue, 15 September 10; "Guangdong Province Population and Family Planning Committee Director Zhang Feng: There Is Hope for Two Child Policy in 2033" [Guangdong sheng jishengwei zhuren zhang feng: 2033 nian you wang fangkai sheng er tai], Sina, 24 September 10; "China May Expand Two-Child Policy to Urban Areas," People's Daily, 7 March 11; Jeremy Page, "On Beijing Topic List: One-Child Policy's Future," Wall Street Journal, 9 March 11; "Li Yining Discusses Adjusting Family Planning Policy: Relaxation Is Not Unrestricted" [Li yining tan tiaozheng jihua shengyu zhengce: fangkai bushi wu xianzhi], People's Daily, reprinted in Phoenix Net, 10 March 11; "Delegates Debate Easing of China's One-Child Policy," Xinhua, 12 March 11; Mu Guangzong, "Debate: Family Planning," China Daily, 21 March 11; Josh Noble, "End of the One-Child Policy Coming?" Financial Times, 8 March 11.

[58] "Two-Child Policy May Be Tried in Some Areas, Difficult To Implement Nationwide in the Short-Term" [Fangkai sheng ertai zhengce keneng shidian duanqi nanyi quanmian shishi], Xinhua, 12 October 10. See also Mimi Lau, "Get Ready for an Easing of the One-Child Policy in 2033," South China Morning Post, 26 September 10.

[59] Central People's Government of the People's Republic of China, "Shanghai Municipality Population and Family Planning Commission: Urban Residents Who Meet One of 12 Criteria May Have a Second Child" [Shanghai shi renkou jisheng wei: shimin fu 12 zhong tiaojian zhiyi ke sheng ertai], 28 July 09.

[60] Beijing Municipal Commission of Population and Family Planning, "Beijing Municipal Commission of Population and Family Planning Publishes Circular on the Provisions on Examination and Approval for the Birth of a Second Child" [Beijing shi renkou he jihua shengyu weiyuanhui yinfa "guanyu shenpi shengyu di'er ge zinu de guiding" de tongzhi], reprinted in Beijing Language and Culture University, 14 April 04.

[61] Tianjin Beichen District Commission on Population and Family Planning, "Tianjin Municipality Current Policy on Giving Birth to a Second Child" [Tianjin shi xianxing shengyu ertai zhengce], 15 July 10.

[62] "China Census Shows Population Aging Rapidly," Associated Press, reprinted in USA Today, 28 April 11; "Population Census Data Shows That It Is Appropriate To Do a Pragmatic Readjustment of Population Policy" [Renkou pucha shuju xianshi dui renkou zhengce yi zuo wushi tiaozheng], Study Times, reprinted in Hexun, 17 May 11; "Challenges and Countermeasures," Beijing Review, 26 May 11.

[63] "President Hu Pledges To Keep China's Birth Rate Low To Ensure Economic Growth," Associated Press, reprinted in Washington Post, 27 April 11. In a March 5 work report, Premier Wen Jiabao stated, "We will adhere to the basic state policy on family planning and progressively improve it." Wen Jiabao, "Full Text: Report on the Work of the Government," Xinhua, 15 March 11.

[64] "Total Population, CBR, CDR, NIR and TFR in China (1949–2000)," China Daily, 20 August 10.

[65] U.S. Central Intelligence Agency, "The World Factbook," accessed 14 June 11. While China's National Bureau of Statistics estimated China's fertility rate at 1.8 in 2007, in May 2011 a

group of Chinese academics publicly refuted the number, stating that it had been "grossly overestimated." These academics estimate that China's total fertility rate more accurately stands anywhere from 1.63 to below 1.5. See "China's Total Fertility Rate Grossly Overestimated: Academic," Caijing, 17 May 11.

[66] "China's Aging Population Big Challenge to Pension System: Minister," Xinhua, 8 March 11; "Vast 'Empty Nests,' Disabled Aging Population Challenging China's Social Network," Xinhua, 2 March 11. Of particular concern are China's pension and healthcare systems. For more information on China's limited capacity to support its aging population, see Nicholas Eberstadt, Swiss Re Center for Global Dialogue, "The Demographic Risks to China's Long-Term Economic Outlook," 24 January 11, 7.

[67] "National Labor Shortage Looms on Horizon," Global Times, 3 May 11; Jui-te Shih and Staff Reporter, "Labor Shortages Spread to More Regions, Industries in China," Want China Times, 17 June 11; Jianmin Li, Jamestown Foundation, "China's Looming Labor Supply Challenge?" 8 April 11; Nicholas Eberstadt, Swiss Re Center for Global Dialogue, "The Demographic Risks to China's Long-Term Economic Outlook," 24 January 11, 3.

[68] PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], adopted 29 December 01, effective 1 September 02, art. 22. According to Article 22, "Discrimination against, maltreatment, and abandonment of baby girls are prohibited." 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 jinzhi fei yixue xuyao de tai'er xingbie jianding he xuanze xingbie de rengong zhongzhi renshen de guiding], issued 29 November 02, effective 1 January 03. For discussion of these regulations, see "China Bans Sex-Selection Abortion," Xinhua, reprinted in China Net, 22 March 03.

[69] According to United Nations Population Division statistics, China's sex ratio at birth (SRB) in 2010 was the highest in the world at 120 males per females born. The next highest was Azerbaijan at 117, followed by Armenia at 115, Federated States of Micronesia at 111, and the Republic of Korea at 110. Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, "World Population Prospects: The 2010 Revision," 31 August 11. According to one demographer's analysis, "ordinary human populations regularly and predictably report [SRBs of] 103 to 105." Nicholas Eberstadt, Swiss Re Center for Global Dialogue, "The Demographic Risks to China's Long-Term Economic Outlook," 24 January 11, 7. For recent statistics regarding sex-selective abortion in China see, Wei Xing Zhu, Li Lu, and Therese Hesketh, "China's Excess Males, Sex Selective Abortion and One Child Policy: Analysis of Data From 2005 National Intercensus Survey," British Medical Journal, 9 April 09, 4–5. For one observer's analysis of these statistics, see "A Study of Sex-Selective Abortion," China YouRen blog, 13 May 10.

[70] "China Faces Increasing Gender Ratio," Xinhua, reprinted in China Daily, 9 August 11.

[71] See Valerie M. Hudson and Andrea M. den Boer, Bare Branches: Security Implications of Asia's Surplus Male Population (Cambridge: MIT Press, 2004).

[72] See "China Gender Gap Fuelling Human Trafficking: Report," Agence France-Presse, reprinted in China Post, 22 September 10. See also, World Health Organization, Office of the High Commissioner for Human Rights, United Nations Population Fund, United Nations Children's Fund, and United Nations Entity for Gender Equality and the Empowerment of Women, "Preventing Gender-Biased Sex Selection," 14 June 11, 5; Susan W. Tiefenbrun and Christie J. Edwards, "Gendercide and the Cultural Context of Sex Trafficking in China," 32 Fordham International Law Journal 731, 752 (2009); Therese Hesketh et al., "The Effect of China's One-Child Policy After 25 Years," New England Journal of Medicine, Volume 353, No. 11 (2005), 1173; Nicholas Eberstadt, "A Global War Against Baby Girls: Sex-Selective Abortion Becomes a Worldwide Practice," Handbook of Gender Medicine, reprinted in All Girls Allowed, 1 May 11. According to this report, "Some economists have hypothesized that mass feticide, in making women scarce, will only increase their 'value'—but in settings where the legal and personal rights of the individual are not secure and inviolable, the 'rising value of women' can have perverse and unexpected consequences, including increased demand for prostitution and an upsurge in the kidnapping and trafficking of women (as is now reportedly being witnessed in some women-scarce areas in Asia)[.]"

[73] PRC State Council, PRC Outline for the Development of Women [Zhongguo funu fazhan gangyao], issued 30 July 11; PRC State Council, PRC Outline for the Development of Children [Zhongguo ertong fazhan gangyao], issued 30 July 11.

[74] ChinaAid, "Detained Blind Activist Chen Guangcheng's Wife Reveals Details of Torture," 17 June 11; Chinese Human Rights Defenders, "Activist Chen Guangcheng Released After Serving Full Sentence," 9 September 10.

[75] ChinaAid, "Urgent! Chen and Wife Beaten Severely, Chinese Citizens Appeal to America," 10 February 11.

[76] ChinaAid, "Detained Blind Activist Chen Guangcheng's Wife Reveals Details of Torture," 17 June 11. See also, "Chen Guangcheng, Wife Reportedly Beaten After Release of Video Detailing Official Abuse," Congressional-Executive Commission on China, 11 March 11.

[77] ChinaAid, "Exclusive Video Shows Ill Treatment & Illegal Detention of Blind Activist Chen Guangcheng," 9 February 11.

[78] ChinaAid, "Detained Blind Activist Chen Guangcheng's Wife Reveals Details of Torture," 17 June 11.

[79] Foreign Correspondents' Club of China, "Warning: Reporting on Chen Guangcheng," 17 February 11; ChinaAid, "Government Retaliation Continues, Foreign Journalists Mistreated in Wake of Smuggled Video by Blind Activist Chen Guangcheng," 15 February 11.

[80] Human Rights in China, "Lawyers Beaten, Detained After Meeting Regarding Chen Guangcheng," 16 February 11. See also, "Chen Guangcheng, Wife Reportedly Beaten After Release of Video Detailing Official Abuse," Congressional-Executive Commission on China, 11 March 11.

[81] Philip P. Pan, "Who Controls the Family?" Washington Post, 27 August 05; Hannah Beech, "Enemies of the State?" Time, 12 September 05; Michael Sheridan, "China Shamed by Forced Abortions," Times of London, 18 September 05. See also, "Population Planning Official Confirms Abuses in Linyi City, Shandong Province," Congressional-Executive Commission on China, 3 October 05.

[82] "Blind Mob Organizer Sentenced to Imprisonment," Xinhua, reprinted in China Daily, 25 August 06. In April 2008, Chen filed a lawsuit alleging that Linyi officials had "trumped up charges" against him in retaliation for his efforts to expose their misdeeds. Chen also wrote a detailed letter to the Chief Justice of the Supreme People's Court and the Procurator-General of the Supreme People's Procuratorate to protest his imprisonment and petition for release. Li Jinsong, Chinese Human Rights Defenders, "Chen Guangcheng Sues Li Qun, Liu Jie, and Other Officials for Trumped Up Charges and Retaliation" [Chen guangcheng konggao li qun liu jie deng shexian fanyou baofu xianhai zui zhi, gongmin bao'an konggao han], 5 April 08. See also "Authorities Sentence Chen Guangcheng After Taking His Defense Team Into Custody," Congressional-Executive Commission on China, 1 November 06.

[83] "Authorities Sentence Chen Guangcheng After Taking His Defense Team Into Custody," Congressional-Executive Commission on China, 1 November 06; "Chen Guangcheng Remains in Prison Following Flawed Retrial," Congressional-Executive Commission on China, 8 December 06; Chinese Human Rights Defenders, "CRD Protests Ill-Treatment of Chen Guangcheng in Prison," 21 June 07.

[84] ChinaAid, "Detained Blind Activist Chen Guangcheng's Wife Reveals Details of Torture," 16 June 11; Chi-chi Zhang, "Activist: Child of Chinese Lawyer Denied Education," Associated Press, reprinted in Google, 5 September 11. According to He Peirong, a human rights advocate quoted in the Associated Press report, "I was told by local officials . . . that the girl has a right to an education and they would give us an answer by Sept. 1 as to whether she will go to school. . . . Now that school has started, it is obvious she has not been able to attend."

Notes to Section II—Freedom of Residence and Movement

[1] PRC Regulations on Household Registration [Zhonghua renmin gongheguo hukou dengji tiaoli], issued and effective 9 January 58.

[2] Kam Wing Chan and Will Buckingham, "Is China Abolishing the Hukou System?" China Quarterly, Vol. 195 (2008), 582, 587.

[3] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 2, 13(1); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 2(1), 12(1), 12(3), 26.

[4] Ke Xuedong, "Sixty Thousand Migrant Workers Settle in Guangdong" [Yu 6 wan yue wailaigong jifen ruhu], Guangzhou Daily, 17 November 10.

[5] Jiang Yuefei et al., "11.4 Million Migrant Workers in Guangzhou Will Enjoy Low-Threshold Health Insurance" [Guangzhou 1140 wan nongmingong jiang xiangshou dimenkan yibao], Guangzhou Daily, 21 January 08.

[6] Chengdu Municipal Party Committee and Chengdu Municipal People's Government, Opinion Regarding the Unification of Chengdu Urban and Rural Hukou To Achieve Freedom of Movement [Quanyu chengdu chengxiang tongyi huji shixian ziyou qianxi yijian], issued 9 November 10, art. 1.

[7] Shen Weihuang, "Cautious Steps to Land Reform," Global Times, 16 February 11.

[8] Zhang Tingting et al., "Municipal Party Committee and Municipal Government Announce Opinion Regarding the Unification of Hukou by 2012" [Shiwei shizhengfu chutai yijian 2012 nian tongyi chengxiang huji], Chengdu Daily, reprinted in Chengdu Municipal People's Government, 17 November 10.

[9] Xie Liangbing, "Turn Freedom of Movement Into a Real Possibility: Central Government Investigates Chengdu Hukou Reform" [Dang ziyou qianxi chengwei keneng: buwei diaoyan chengdu hugai], Economic Observer, 3 December 10.

[10] Gillian Wong, "Chinese Farmers Moved Into Apartments in Land Grab," Associated Press, 8 March 11; Sherry Tao Kong, "China's Migrant Problem: The Need for Hukou Reform," East Asia Forum, 29 January 10.

[11] Gillian Wong, "Chinese Farmers Moved Into Apartments in Land Grab," Associated Press, 8 March 11.

[12] Ibid.; Wang Junxiu and Zhang Lei, "Government Cannot Only Think About Taking Land From the Rural Residents" [Zhengfu buneng zhixiangzhe na nongminde tudi], China Youth Daily, 13 January 11; Mitch Moxley, "China's City Workers Prefer Rural Roots," Asia Times, 1 December 10; Rob Schmitz, "A Land Grab in the Chinese Countryside," Market Place, 13 December 10.

[13] Gillian Wong, "Chinese Farmers Moved Into Apartments in Land Grab," Associated Press, 8 March 11.

[14] Rob Schmitz, "A Land Grab in the Chinese Countryside," Market Place, 13 December 10. In one instance, the city scheduled one resident's house for demolition and offered her an apartment in the city, if the resident paid the equivalent of US$15,000, an amount far beyond her means. When she traveled to Beijing to appeal her case, authorities detained her for 26 days after her return.

[15] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 13; 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, art. 12.

[16] PRC Law on the Control of the Exit and Entry of Citizens [Zhonghua renmin gongheguo gongmin chujing rujing guanli fa], issued 22 November 85, effective 1 February 86.

[17] Peter Simpson, "China Bans Rights Lawyers From Travel China [sic]," Voice of America, 9 November 10; Dan Martin, "Nobel Winner's Lawyer Says Barred From Leaving China," Agence France-Presse, reprinted in France 24, 9 November 10.

[18] Cara Anna, "China Blocks Famous Artist, Economist From Flights," Associated Press, 3 December 10.

[19] Ibid.; Chinese Human Rights Defenders, "Prominent Artist and Activist Ai Weiwei Prevented From Leaving Country En Route to South Korea," 2 December 10.

[20] Cara Anna, "Lawyers: China Blocked US Visit, Citing 'Security,'" Associated Press, 30 October 10.

[21] ChinaAid, "China Blocks Well-Known Religion Scholar From Leaving Country To Attend Conference," 20 November 10.

[22] "Anger Over Nobel Exit Ban," Radio Free Asia, 2 December 10.

[23] "Sichuan Advocate Liao Yiwu Again Barred From Leaving the Country" [Sichuan yiyi renshi liao yiwu zaici bei jinzhi chuguo], Radio Free Asia, 7 April 11.

[24] Philip Gourevitch, "Liao Yiwu: Grounded in China," New Yorker, 30 March 11.

[25] Keith Bradsher, "China Bars Prominent Writer From Overseas Travel," New York Times, 9 May 11.

[26] Philip Gourevitch, "Liao Yiwu's Persistent Voice," New Yorker, 2 March 10.

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

[29] "Tang Jitian Sent Home to House Arrest, Suspected To Encounter Disaster, What's the Crime in a Happy Reunion?" [Tang jitian qian xiang ruanjin yi ceng zao nue, weixiao juhui he zui xu hui bei zhua], Radio Free Asia, 17 March 11; Minnie Chan, "Security Even Tighter After 'Jasmine' Call," South China Morning Post, 2 March 11; "Human Rights Defenders Assail Xu Shuiliang, Beijing, for Vilifying Liu Xiaobo," Boxun, 9 November 10.

[30] Chinese Human Rights Defenders, "China Human Rights Briefing Weekly December 8–13, 2010," 15 December 10; Chinese Human Rights Defenders, "As Nobel Peace Prize Award Ceremony Nears, Chinese Government Increases Surveillance, Restrictions on Dissidents," 8 December 10.

[31] "Mainland Student in Hong Kong Asked To 'Drink Tea' by Mainland Liaison Office After Participating in Rights Defense Activities" [Zai gang neidisheng weiquan zhong lianban "qing yincha"], Sina, 1 June 11; "Caijing Magazine Journalist Zhang Jialong Missing After Being Asked To 'Have Tea,' May Be Related to Ai Weiwei Case" [Caijing zazhi jizhe zhang jialong bei "hecha" shizong huo yu ai weiwei an you guan], Radio France Internationale, 2 May 11; "The Chinese Government Charges Three Internet Dissidents With the Crime of 'Incitement To Subvert State Authority'" [Zhongguo zhengfu dui sanming wanluo yiyirenshi kong yi 'shandong dianfu guojia zhengquan' zuiming], Radio Free Asia, 3 April 11.

[32] John Yang, "The Silencing of China's Human Rights Lawyers," Epoch Times, 2 May 11; Gillian Wong, "China Cracks Down, Many Activists Missing," Associated Press, 21 March 11.

[33] "China Charges Two Amid 'Jasmine' Crackdown," Agence France-Presse, 29 March 11; Andrew Jacobs, "Chinese Democracy Advocate Is Sentenced to 10 Years," New York Times, 25 March 11.

[34] Chinese Human Rights Defenders, "Escalating Crackdown Following Call for Jasmine Revolution in China," 31 March 11.

[35] Human Rights in China, "Dozens Put Under House Arrest as Chinese Authorities Intensify Crackdown Following Nobel Peace Prize Announcement," 28 October 10; Chris Buckley, "China Dissidents Under Lockdown as Nobel Tensions Linger," Reuters, 29 October 10.

[36] Chinese Human Rights Defenders, "Beijing Activists Li Fangping, Li Zhiying Placed Under Soft Detention" [Beijing weiquan renshi li fangping, li zhiying zao ruanjin], 26 October 10.

[37] Human Rights in China, "Clampdown on Individuals Following Nobel Announcement," 12 October 10.

[38] Tania Branigan, "Chinese Activists Praise Liu Xiaobo's Nobel Prize Despite Crackdown," 12 January 11.

[39] Human Rights in China, "Dozens Put Under House Arrest as Chinese Authorities Intensify Crackdown Following Nobel Peace Prize Announcement," 28 October 10.

[40] ChinaAid, "A Video Shows Blind Christian Activist Perseveres Under House Arrest," 9 February 11; Rachel Beitarie, "Guilty by Association," Foreign Policy, 19 May 11; "Activist Lawyer Beaten Over Leaked Video," Associated Press, 1 February 11.

[41] Christopher Bodeen, "Wife of Chinese Nobel Prize Winner Still Under House Arrest, Brother Denied Prison Visit," Canadian Press, 19 October 10; "US Urges China To Let Nobel Winner's Wife Move Freely," Reuters, 12 October 10; Human Rights in China, "Dozens Put Under House Arrest as Chinese Authorities Intensify Crackdown Following Nobel Peace Prize Announcement," 28 October 10; Rachel Beitarie, "Gulty by Assocation," Foreign Policy, 17 May 11.

[42] Southern Mongolia Human Rights Information Center, "Hada Is Still Held in a Secret Prison, Wife and Son Formally Arrested," 5 May 11.

Notes to Section II—Status of Women

[1] The PRC Law on the Protection of Women's Rights and Interests and the PRC Electoral Law of the National People's Congress and Local People's Congresses stipulate that an "appropriate number" of female deputies should serve at all levels of people's congresses. PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 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], enacted 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10, art. 6.

[2] PRC State Council, PRC Outline for the Development of Women [Zhongguo funu fazhan gangyao], issued 30 July 11; PRC State Council, PRC Outline for the Development of Children [Zhongguo ertong fazhan gangyao], issued 30 July 11.

[3] 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. China signed the convention on 17 July 80 and ratified it on 4 November 80.

[4] State Councilor Liu Yandong is reportedly the only woman who holds a position in the Politburo. Jen-Kai Liu, "The Main National Leadership of the PRC," China Data Supplement, Journal of Current Chinese Affairs, Vol. 19, No. 3 (2011), 3; "Liu Yandong," China Vitae, accessed 13 April 11.

[5] Jen-Kai Liu, "The Main National Leadership of the PRC," China Data Supplement, Journal of Current Chinese Affairs, Vol. 19, No. 3 (2011), 3; Michael Forsythe and Yidi Zhao, "Women Knowing China Men Rule Prove Mao's Half the Sky Remains Unfulfilled," Bloomberg News, 23 June 11.

[6] "Number of Deputies to All Previous National People's Congresses" [Lijie quanguo renmin daibiao dahui daibiao renshu], China Statistical Yearbook 2010, 26 September 10, Table 22–1.

[7] Ibid.

[8] The target of 30 percent female representation in leadership positions by 1995 was set by the UN Commission on the Status of Women at its 34th session in 1990. "Target: 30 Percent of Leadership Positions to Women by 1995—United Nations Commission on the Status of Women," United Nations Publications, reprinted in Bnet, June 1990.

[9] "87.1 Pct of China's Provincial Regions Have Female Vice Governors," Xinhua, 9 August 11.

[10] PRC State Council, PRC Outline for the Development of Women [Zhongguo funu fazhan gangyao], issued 30 July 11; PRC State Council, PRC Outline for the Development of Children [Zhongguo ertong fazhan gangyao], issued 30 July 11; He Dan and Cang Wei, "Women Seek Larger Role," China Daily, 10 August 11.

[11] According to All-China Women's Federation Deputy Chair Hong Tianhui, cited in a November 2010 People's Daily report, women hold approximately 3 percent of village committee director positions. "Official: China's Sex Ratio Lacks Proportion," People's Daily, 17 November 10. For statistics on village representation from the 2010 reporting year, see "Chen Zhili: All-China Women's Federation Actively Promotes Female Political Participation" [Chen zhili biaoshi fulian jiang jiji tuidong funu canzheng yizheng], China Radio International, 6 March 10.

[12] Women's Watch-China, "Annual Report 2008," 23 October 09, 19. According to this report, "Women's participation in grassroots decision-making bodies is comparatively low. They have a disadvantaged position in political affairs. Moreover, as women had been kept away from the decision-making power of the village, they had low awareness of or enthusiasm for getting involved in village self-governance and safeguarding their rights and interests. Consequently, they were not able to unite themselves into a powerful interest group and to fight for their own rights and interests. As a result, they could not challenge the powerful and dominant male decision-making groups."

[13] PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhi fa], enacted 4 November 98, art. 9.

[14] PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhi fa], enacted 4 November 98, amended 28 October 10, art. 6.

[15] Ibid., art. 25.

[16] Wang Lei, Women's Watch-China, "A Perspective on the Amendment of the Organic Law of the Villagers' Committees Concerning the Protection of Women's Rights," 15 March 10.

[17] Women's Watch-China, "Women's Organizations Discuss Draft of Revised Organic Law of the Villagers' Committees, Each Anticipate Increased Level of Village Female Political Participation" [Funu jie tan cunmin weiyuanhui zuzhi fa xiuding cao'an-yiyi qidai nongcun funu canzheng shuiping jinyibu tigao], 2 February 10.

[18] Women's Watch-China, "Annual Report 2008," 23 October 09, 19–20, 27.

[19] Women's Watch-China, "20 Percent of Rural-to-Urban Female Migrant Workers Lose Land" [20% jincheng wugong nongcun nuxing shiqu tudi], 12 February 11; Women's Watch-China, "The E-Newsletter 69 of WW-China," 16 June 11, 4–8. For information on one city's revision of village rules and regulations to safeguard women's rights and interests, see "Revision of Village Regulations Is a Starting Point Opportunity for Village Women's Rights Defense" [Cungui minyue xiuding shi jihui cun tun funu weiquan you zhuashou], Heilongjiang Daily, 4 November 10.

[20] 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 covenant on 27 October 97 and ratified it on 27 March 01. See also PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], enacted 30 August 07, effective 1 January 08, art. 3.

[21] PRC Labor Law [Zhonghua renmin gongheguo laodong fa], enacted 5 July 94, effective 1 January 95, amended 10 October 01, arts. 12, 13. PRC Law on the Protection of Women's Rights

and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05, arts. 22–27; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], enacted 30 August 07, effective 1 January 08, art. 3.

[22] Women's Watch-China, "The E-Newsletter 54 of WW-China," February 2010, 10.

[23] "19 Percent of Women Face Discrimination Based on Appearance When Seeking Jobs, 44 Percent of Women Have Faced Discrimination Based on Childbearing Status" [19% nuxing qiuzhi cunzai rongmao qishi, 44% nuxing zao hunyun qishi], Xi'an Evening News, 13 January 11.

[24] "Analysis of October Results From the '2011 University Graduate Follow-Up Survey Monthly Report,'" MyCOS HR Digital Information Co., Ltd., 2011; Women's Watch-China, "Income Gap Is Large Between Male and Female University Students" [Nannu daxuesheng shouru chaju da], 3 March 11.

[25] Center for Work-Life Policy, "New Study Finds the Solution to China's Talent Crunch Is in the Hidden Talent Pool of Educated Chinese Women," 22 March 11.

[26] Currently, retirement ages for male and female government and Party officials are 60 and 55, respectively, while retirement ages for male and female workers in general are 60 and 50, respectively. "China's Compulsory Retirement Age for Males and Females Challenged for Violating Constitution" [Woguo nannu tuixiu nianling guiding beitiqing weixian shencha], China Law Education, 16 March 06. For information on the current debate about raising the retirement age, see "Retirement Age Will Be Pushed Back: Minister," China Daily, reprinted in Sina, 22 March 10.

[27] PRC State Council Information Office, "China's Human Resources Situation" [Zhongguo de renli ziyuan zhuangkuang], reprinted in PRC Central Government Web Portal, 10 September 10. For discussion following this white paper on retirement age, see, e.g., Kit Gillet, "White Paper on Retirement Age Prompts Fresh Debate," South China Morning Post, 22 September 10.

[28] Shanghai Municipal Bureau of Human Resources and Social Security, Municipal Bureau of Human Resources and Social Security Trial Opinion Regarding [Shanghai's] Enterprise Talent Pool of All Kinds and Flexible Deferment of the Pension Application Process [Shi renli ziyuan shehui baozhang ju guanyu benshi qiye gelei rencai rouxing yanchi banli shenling jiben yanglaojin shouxu de shixing yijian], issued 6 September 10, effective 1 October 10; Huang Anqi, "Relevant Person in Charge at Shanghai Municipal Bureau of Human Resources and Social Security Analyzes Shanghai's 'Trial Opinions' To Defer Application for Pension" [Shanghai shi renli ziyuan he shehui baozhang ju youguan fuzeren jiedu shanghai yanchi shenling yanglaojin "shixing yijian"], Xinhua, 5 October 10; Duan Yan, "Age-Old Problem Looms for Families," China Daily, 14 October 10.

[29] PRC Social Insurance Law [Zhonghua renmin gongheguo shehui baoxian fa], enacted 28 October 10, effective 1 July 11. For examples of reports discussing the possibility of and need for raising the retirement age, see Chen Xin, "Experts Warn Pension Fund Under Pressure," China Daily, 30 October 10.

[30] Li Dong et al., "Respect Women's Choice" [Zunzhong nuxing ziji xuanze], Guangzhou Daily, 8 March 11; Zhao Yinan, "Women's Retirement May Be Delayed," China Daily, 1 March 11; Wang Chunxia, All-China Women's Federation, "Gender Equal Retirement Age Imminent but Gradual," 15 March 11.

[31] National Bureau of Statistics, "Report on the Main Data From the 2010 Sixth National Population Census (No. 1)" [2010 nian diliuci quanguo renkou pucha zhuyao shuju gongbao (di 1 hao)], 28 April 11; National Bureau of Statistics, "Report on the Main Data From the 2010 Sixth National Population Census (No. 2)" [2010 nian diliuci quanguo renkou pucha zhuyao shuju gongbao (di 2 hao)], 29 April 11; Feng Han, "Flexible Retirement System Under Discussion in China," Global Times, 25 May 11.

[32] Gao Zhuyuan, "Same Retirement Age for All," China Daily, 24 March 11. According to one observer cited in this report, the earlier compulsory retirement age for women is "outdated, causes huge financial loss to women and blocks their career path."

[33] "China's Compulsory Retirement Age for Males and Females Challenged for Violating Constitution" [Woguo nannu tuixiu nianling guiding bei tiqing weixian shencha], China Law Education, 16 March 06; CECC, 2009 Annual Report, 10 October 09, 170.

[34] All-China Women's Federation, "Shenzhen First To Enforce Rules on Gender Equality," 1 June 11.

[35] For a brief analysis of highlights in the draft regulations, see Women's Watch-China, "Preparing To Draft Gender Equality Promotion Regulations, Shenzhen Leads the Way" [Yunniang zhiding xingbie pingdeng cujin tiaoli, shenzhen xianxing], 3 March 11. See also CECC, 2010 Annual Report, 10 October 10, 131–132.

[36] All-China Women's Federation, "Shenzhen First To Enforce Rules on Gender Equality," 1 June 11; "'Gender Equality Promotion Regulations' on Shenzhen's Legislative Agenda This Year" ["Xingbie pingdeng cujin tiaoli" lieru shenzhen jinnian lifa xiangmu], China Women's News, reprinted in All-China Women's Federation, 22 March 11.

[37] PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05, art. 46; PRC Marriage Law [Zhonghua renmin gongheguo hunyin fa], enacted 10 September 80, effective 1 January 81, amended 28 April 01, art. 3.

[38] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], enacted 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. 234, 236, 260.

[39] Cheng Yingqi, "Call for Legislation To Curb Domestic Violence," China Daily, 26 November 10.

[40] PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05,

art. 46; PRC Marriage Law [Zhonghua renmin gongheguo hunyin fa], enacted 10 September 80, effective 1 January 81, amended 28 April 01, art. 3. For Chinese experts' discussion of the shortcomings of current national-level legislation, see "All-China Women's Federation Strongly Promotes Anti-Domestic Violence Law" [Quanguo fulian litui fan jiating baoli fa], People's Representative News, 31 December 09; Women's Watch-China, "Proposal for Law on Prevention and Curbing of Domestic Violence Comes Out" [Yufang he zhizhi jiating baoli fa jianyi gao chulu], 28 November 09; He Ping, "China Scholars Call for Attention on 'Anti-Domestic Violence Legislation'" [Zhongguo xuezhe huyu guanzhu "fan jiating baoli" lifa], Radio Free Asia, 13 January 10. See also "All-China Women's Federation Proposes, Highlights Need for Draft Anti-Domestic Violence Legislation," Congressional-Executive Commission on China, 2 February 10.

[41] "All-China Women's Federation Vice-Chair: Anti-Domestic Violence Should Be Entered Into Legislative Agenda" [Quanguo fulian fu zhuxi: fan jiating baoli ying lieru lifa], Jinghua Times, reprinted in Huanqiu Net, 8 March 11; Cheng Yingqi, "Call for Legislation To Curb Domestic Violence," China Daily, 26 November 10.

[42] Chen Bin, "Draft of First Anti-Domestic Violence Law Reportedly Already Complete" [Jucheng shoubu fan jiating baoli fa cao'an yi qicao wancheng], Legal Weekly, reprinted in Sina, 18 March 11; "Draft of 'Anti-Domestic Violence Law' Complete" ["Fan jiating baoli fa" cao'an qicao wancheng], Xinhua, 20 March 11.

[43] "Draft of 'Anti-Domestic Violence Law' Complete" ["Fan jiating baoli fa" cao'an qicao wancheng], Xinhua, 20 March 11.

[44] Guangdong Bonthe Business Investigation Co., "Female University Graduate Survey" [Nu daxuesheng diaocha], 21 April 11.

[45] Women's Watch-China, "Survey Report on Sexual Harassment in the Workplace" [Zhichang xing saorao diaocha baogao], 16 May 11, 3.

[46] 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 2 September 81, art. 11. China signed the convention on 17 July 80 and ratified it on 4 November 80.

[47] Women's Watch-China, "Annual Report 2008," 23 October 09, 30; PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05, arts. 40, 58.

[48] Ibid.

[49] Tang Yu, "Sexual Harassment in the Workplace, What Difficulties Exist in Defending One's Rights" [Zhichang xing saorao weiquan heqi nan], China Worker Net, 7 January 11; Women's Watch-China, "Survey Report on Sexual Harassment in the Workplace" [Zhichang xing saorao diaocha baogao], 16 May 11, 5.

[50] Tang Yu, "Sexual Harassment in the Workplace, What Difficulties Exist in Defending One's Rights" [Zhichang xing saorao weiquan heqi nan], China Worker Net, 7 January 11; Gao Zhuyuan, "The Evil of Sexual Harassment," China Daily, 2 June 11.

[51] Maple Women's Psychological Counseling Center Beijing, "Law on Prevention of Sexual Harassment in the Workplace Submitted to the National People's Congress (Draft Proposal)" [Xiang quanguo renda tijiao "gongzuo changsuo xing saorao fangzhifa" (jianyi gao) yi an], 17 March 09; CECC, 2010 Annual Report, 10 October 10, 133.

[52] Maple Women's Psychological Counseling Center Beijing, "Law on Prevention of Sexual Harassment in the Workplace Submitted to the National People's Congress (Draft Proposal)" [Xiang quanguo renda tijiao "gongzuo changsuo xing saorao fangzhifa" (jianyi gao) yi an], 17 March 09.

[53] See, e.g., Therese Hesketh, Li Lu, and Zhu Wei Xing, "The Consequences of Son Preference and Sex-Selective Abortion in China and Other Asian Countries," Canadian Medical Journal, 14 March 11, 1–2; Mikhail Lipatov, Shuzhuo Li, and Marcus W. Feldman, "Economics, Cultural Transmission, and the Dynamics of the Sex Ratio at Birth in China," Proceedings of the National Academy of Sciences of the United States of America, Vol. 105, No. 49 (2008), 19171. According to this study, "The root of the [sex ratio] problem lies in a 2,500-year-old culture of son preference." See also Chu Junhong, "Prenatal Sex Determination and Sex-Selective Abortion in Rural Central China," Population and Development Review, Vol. 27, No. 2 (2001), 260; Joseph Chamie, "The Global Abortion Bind: A Woman's Right To Choose Gives Way to Sex-Selection Abortions and Dangerous Gender Imbalances," Yale Global, 29 May 08.

[54] State Commission for Population and Family Planning, Ministry of Health, State Food and Drug Administration, PRC Regulations Regarding the Prohibition of Non-Medically Necessary Gender Determination Examinations and Sex-Selective Termination of Pregnancy [Guanyu jinzhi fei yixue xuyao de tai'er xingbie jianding he xuanze xingbie de rengong zhongzhi renshen de guiding], issued 29 November 02, effective 1 January 03. For a discussion of these regulations, see "China Bans Sex-Selection Abortion," Xinhua, reprinted in China Net, 22 March 03.

[55] Mikhail Lipatov et al., "Economics, Cultural Transmission, and the Dynamics of the Sex Ratio at Birth in China," Proceedings of the National Academy of Sciences of the United States of America, Vol. 105, No. 49 (2008), 19171. According to this study, "The root of the [sex ratio] problem lies in a 2,500-year-old culture of son preference."

[56] Wei Xing Zhu et al., "China's Excess Males, Sex Selective Abortion and One Child Policy: Analysis of Data From 2005 National Intercensus Survey," British Medical Journal, 9 April 09, 4–5.

[57] Chinese Academy of Social Sciences, "Difficulty Finding a Wife in 10 Years: 1 Out of Every 5 Men To Be a Bare Branch" [10 nian zhihou quqi nan, 5 ge nanren zhong jiuyou 1 ge guanggun], 27 January 10. According to the January 2010 Chinese Academy of Social Sciences study, by 2020, the number of Chinese males of marriageable age may exceed the number of Chinese females of marriageable age by 30 to 40 million.

[58] PRC State Council, PRC Outline for the Development of Women [Zhongguo funu fazhan gangyao], issued 30 July 11; PRC State Council, PRC Outline for the Development of Children [Zhongguo ertong fazhan gangyao], issued 30 July 11.

[59] "China Gender Gap Fuelling Human Trafficking: Report," Agence France-Presse, reprinted in China Post, 22 September 10. See also World Health Organization, Office of the High Commissioner for Human Rights, United Nations Population Fund, United Nations Children's Fund, and United Nations Entity for Gender Equality and the Empowerment of Women, "Preventing Gender-Biased Sex Selection," 14 June 11, 5; Susan W. Tiefenbrun and Christie J. Edwards, "Gendercide and the Cultural Context of Sex Trafficking in China," Fordham International Law Journal, Vol. 32, No. 3 (2009), 752; Therese Hesketh et al., "The Effect of China's One-Child Policy After 25 Years," New England Journal of Medicine, Vol. 353, No. 11 (2005), 1173; Nicholas Eberstadt, "A Global War Against Baby Girls: Sex-Selective Abortion Becomes A Worldwide Practice," Handbook of Gender Medicine, reprinted in All Girls Allowed, 1 May 11. According to Eberstadt's report, "Some economists have hypothesized that mass feticide, in making women scarce, will only increase their 'value'—but in settings where the legal and personal rights of the individual are not secure and inviolable, the 'rising value of women' can have perverse and unexpected consequences, including increased demand for prostitution and an upsurge in the kidnapping and trafficking of women (as is now reportedly being witnessed in some women-scarce areas in Asia)[.]"

Notes to Section II—Human Trafficking

[1] The specific phrase used to describe the concept of trafficking in Chinese government documents, including the National Plan of Action on Combating Trafficking in Women and Children (2008–2012), as well as related regulations, circulars, and opinions, is *guaimai funu ertong,* which literally means "the abduction and sale of women and children." See, for example, State Council General Office, "Circular on the State Council General Office's Issuance of China's National Plan of Action on Combating Trafficking in Women and Children (2008–2012)" [Guowuyuan bangongting guanyu yinfa zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian) de tongzhi], 13 December 07; See also Ministry of Public Security, "Qinghai Province Implementing Rules and Regulations for the Plan of Action on Combating Trafficking in Women and Children (2008–2012)" [Qinghai sheng fandui guaimai funu ertong xingdong jihua shishi xize (2008–2012 nian)], 22 December 09; Ministry of Public Security, Zhuzhou Municipal People's Government, "Zhuzhou Municipal People's Government Office Circular Regarding the Issuance of Zhuzhou Municipality's Action Plan on Combating Trafficking in Women and Children" [Zhuzhou shi renmin zhengfu bangongshi guanyu yinfa zhuzhou shi fandui guaimai funu ertong xingdong jihua de tongzhi], 31 December 09; Bazhong Municipal People's Government, "Opinion of Bazhong Municipal People's Government Office Regarding the Implementation of the China National Action Plan on Combating Trafficking in Women and Children (2008–2012)" [Bazhong shi renmin zhengfu bangongshi guanyu guanche guowuyuan "zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian)" de shishi yijian], 30 September 09.

[2] "China's Top Legislature Ends Bimonthly Session, Adopts Tort Law," Xinhua, 26 December 09; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, adopted 15 November 00, entered into force 25 December 03. This protocol is commonly referred to as the Palermo Protocol because it was adopted in Palermo, Italy, in 2000.

[3] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, effective 1 October 97, amended 14 March 97, 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.

[4] Ibid., art. 358.

[5] See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2011—China," 27 June 11, 122.

[6] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (Palermo Protocol), adopted 15 November 00, entered into force 25 December 03, art. 3(a). Article 3(a) of the Palermo Protocol states: "'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

[7] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2011—China," 27 June 11, 122. According to this report, "Male victims of trafficking and victims of forced labor—either male or female—did not receive regular protection services, but some were sent to hospitals for treatment of their medical needs and at least two victims received legal aid to gain financial compensation." CECC, 2009 Annual Report, 10 October 09, 175.

[8] CECC, 2009 Annual Report, 10 October 09, 175; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2011—China," 27 June 11, 124. According to this report, "The Ministry of Public Security issued orders to police departments to treat all women arrested for prostitution as victims of trafficking. It was not clear during the reporting period to what extent local police units complied with the order."

[9] United Nations Office on Drugs and Crime, "Human Trafficking FAQs," last visited 28 June 11.

[10] Ibid.

[11] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2011—China," 27 June 11, 122.

[12] Ibid., 124. Human Rights Watch, "World Report 2011—North Korea," 24 January 11.

[13] "Supreme People's Court Procuratorate Requests In-Depth Investigation of the Abduction and Sale of Children and Corruption" [Zuigaojian yaoqiu shenjiu she guaimai ertong duzhi fubai], China Net, reprinted in China Daily, 4 June 11; Zhang Yan and He Dan, "Trafficking of Chinese Women on the Rise," China Daily, 24 January 11. An official cited in this article reported that insufficient finances and manpower restrict police capacity to fight trafficking. For specific examples of official corruption reported during the Commission's 2011 reporting year, see "Official Detained in 'Slavery' Scandal," Shanghai Daily, reprinted in China Information Center, 23 December 10; "Ringleaders in Anhui Ordered To Surrender," South China Morning Post, 10 February 11.

[14] CECC, 2008 Annual Report, 31 October 08, 118. As documented and defined internationally, major forms of human trafficking include forced labor, bonded labor, involuntary domestic servitude, child soldiers, forced prostitution, children exploited for commercial sex, child sex tourism, and debt bondage and involuntary servitude among migrant laborers. Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2008—Major Forms of Trafficking in Persons," 4 June 08, 19–25.

[15] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2011—China," 27 June 11, 121.

[16] Zhang Yan and He Dan, "Trafficking of Chinese Women on the Rise," China Daily, 24 January 11; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2011—China," 27 June 11, 121. See also, for example, Mandy Zuo, "Gang Busted for Trafficking Women to Congo," South China Morning Post, 4 December 10; U.S. Department of Justice, "California Woman Sentenced to More Than Three Years in Prison for Human Trafficking Charges," 17 November 10.

[17] See, e.g., Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2011—China," 27 June 11, 121. See also, for example, "Women Tricked, Trafficked Into China," Radio Free Asia, 4 March 11; Palaung Women's Organization, "Stolen Lives: Human Trafficking From Palaung Areas of Burma to China," 9 June 11.

[18] See, e.g., "Mentally Disabled Individuals Sold by Orphanage as 'Indentured Laborers,' Ate From the Same Bowls as Dogs" [Zhizhangzhe bei shouyangsuo maiwei "baoshengong" yu gou tong shi yiguo mian], China Economic Net, reprinted in QQ News, 13 December 10; Zhang Xuanchen, "Former Homeless Shelter Official Detained on Human Trafficking Allegations," Shanghai Daily, 22 December 10; Du Guangli, "Mentally Disabled Workers in Shaanxi Illicit Brick Kiln Face Aid Puzzle" [Shanxi hei zhuanyao zhizhang gong mianlin jiuzhu miju], Phoenix Net, 28 January 11.

[19] See, e.g., Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2011—China," 27 June 11, 123. According to this report, "[T]he Chinese government did not release statistics related to forced labor of men."

[20] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime, adopted 15 November 00, entered into force 25 December 03, art. 3.

[21] Zhang Yan and He Dan, "Trafficking of Chinese Women on the Rise," China Daily, 24 January 11.

[22] Chinese Academy of Social Sciences, "Difficulty Finding a Wife in 10 Years: 1 Out of Every 5 Men To Be a Bare Branch" [10 nian zhihou quqi nan, 5 ge nanren zhong jiuyou 1 ge guanggun], 27 January 10. According to the January 2010 Chinese Academy of Social Sciences study, by 2020, the number of Chinese males of marriageable age may exceed the number of Chinese females of marriageable age by 30 to 40 million.

[23] Mikhail Lipatov et al., "Economics, Cultural Transmission, and the Dynamics of the Sex Ratio at Birth in China," Proceedings of the National Academy of Sciences of the United States of America, Vol. 105, No. 49 (December 2008), 19171. According to this study, "The root of the [sex ratio] problem lies in a 2,500-year-old culture of son preference." Wei Xing Zhu et al., "China's Excess Males, Sex Selective Abortion and One Child Policy: Analysis of Data From 2005 National Intercensus Survey," British Medical Journal, 9 April 09, 4–5.

[24] Kathleen E. McLaughlin, "Borderland: Sex Trafficking on the China-Myanmar Border," Global Post, 26 October 10; "China's Gender Imbalance," World Press, 11 January 11; "China Gender Gap Fuelling Human Trafficking: Report," Agence France-Presse, reprinted in China Post, 22 September 10; Elizabeth Lee, "Rights Activists Say China's Gender Ratio Contributes to Human Trafficking," Voice of America, 24 January 11; "Police Rescue Hundreds of Women, Children Kidnapped in SW China," People's Daily, 22 December 10.

[25] "Chinese Women Taught To Avoid People-Traffickers," Xinhua, reprinted in China Daily, 8 March 10.

[26] Kathleen E. McLaughlin, "Borderland: Sex Trafficking on the China-Myanmar Border," Global Post, 26 October 10; "Women Tricked, Trafficked Into China," Radio Free Asia, 4 March 11.

[27] Zhang Xuanchen, "Former Homeless Shelter Official Detained on Human Trafficking Allegations," Shanghai Daily, 22 December 10.

[28] "Sweatshop Allegedly Abuses Mentally Ill," Global Times, 14 December 10. "Mentally Disabled Individuals Sold by Orphanage as Indentured Laborers" [Zhizhangzhe bei shouyangsuo maiwei "baoshengong" yu gou tong shi yiguo mian], China Economic Net, 13 December 10.

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[37] Dai Lian et al., "Touch of Insanity Sullies Mental Health Care," Caixin, 22 July 11.

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[39] "State Council Legislative Affairs Office Publishes 'Mental Health Law (Draft)' Full Text," China News Net, reprinted in NetEase, 10 June 11; Li Qiumeng, "Public Comment [Period] on Mental Health Law Ends, Raises Concerns Over Misuse" [Jingshen weisheng fa zheng yijian jieshu yinfa lanyong danyou], Jinghua Times, reprinted in QQ News, 11 July 11; Li Zezhao, "Let the Light of the Judiciary Look After the Spirits in the Dim Corners" [Rang sifa zhi guang guanzhao you'an jiaoluo li de linghun], ChinaRights2 Blog, 10 July 11.

[40] Li Qiumeng, "Public Comment [Period] on Mental Health Law Ends, Raises Concerns Over Misuse" [Jingshen weisheng fa zheng yijian jieshu yinfa lanyong danyou], Jinghua Times, reprinted in QQ News, 11 July 11;

[41] Li Zezhao, "Let the Light of the Judiciary Look After the Spirits in the Dim Corners" [Rang sifa zhi guang guanzhao you'an jiaoluo li de linghun], ChinaRights2 Blog, 10 July 11.

[42] See, e.g., Dai Lian et al., "Touch of Insanity Sullies Mental Health Care," Caixin, 22 July 11; "Xinhua Review: What's Behind the Frequent Cases of 'Being Mentally-Illed'" [Xinhua zongheng: "bei jingshenbing" shijian pinfa beihou], Xinhua, 12 June 11; Chen Yong and Zhu Changjun, "Lao He Is Sick: A Side Note on 'Being Mentally-Illed'" [Lao he bing le: "bei jingshenbing" pangzhu], Economic Observer, reprinted in Phoenix Net, 22 July 11; Yang Jianshun et al., "Need a Combination of Law and Relief To Put a Stop to 'Being Misdiagnosed as Mentally Ill'" [Dujue "bei jingshenbing" xu falu yu jiuji jiehe], Legal Daily, 13 June 11.

[43] "Chen Zhu: Mental Health Law Expected To Come Out Within the Year" [Chen zhu: jingshen weisheng fa niannei youwang chutai], Number One Caijing Daily, reprinted in QQ News, 11 March 11.

[44] "State Council Legislative Affairs Office Publishes 'Mental Health Law (Draft)' Full Text," China News Net, reprinted in NetEase, 10 June 11, art. 3; Yang Jianshun et al., "Need a Combination of Law and Relief To Put a Stop to 'Being Misdiagnosed as Mentally Ill'" [Dujue "bei jingshenbing" xu falu yu jiuji jiehe], Legal Daily, 13 June 11.

[45] "State Council Legislative Affairs Office Publishes 'Mental Health Law (Draft)' Full Text," China News Net, reprinted in NetEase, 10 June 11, art. 4.

[46] Ibid., art. 22.

[47] Ibid., art. 4.

[48] Ibid., art. 26.

[49] Ibid., art. 27.

[50] Aizhixing, "Letter of Recommendations Addressed to the State Council Legislative Affairs Office Regarding the Draft Mental Health Law" [Jiu "jingshen weisheng fa (cao'an)" zhi

guowuyuan fazhi bangongshi de jianyi xin], reprinted in China Rights Google group, 24 June 11.

[51] "State Council Legislative Affairs Office Publishes 'Mental Health Law (Draft)' Full Text," China News Net, reprinted in NetEase, 10 June 11, arts. 12, 63; Aizhixing, "Letter of Recommendations Addressed to the State Council Legislative Affairs Office Regarding the Draft Mental Health Law" [Jiu "jingshen weisheng fa (cao'an)" zhi guowuyuan fazhi bangongshi de jianyi xin], reprinted in China Rights Google group, 24 June 11, arts. 12, 63.

[52] Aizhixing, "Letter of Recommendations Addressed to the State Council Legislative Affairs Office Regarding the Draft Mental Health Law" [Jiu "jingshen weisheng fa (cao'an)" zhi guowuyuan fazhi bangongshi de jianyi xin], reprinted in China Rights Google group, 24 June 11, question 5.

[53] Ibid., question 6.

[54] Ibid., question 4.

Notes to Section II—The Environment

[1] Wu Jingjing, "Vigorously Explore New Paths for Environmental Protection in China—Interview With Ministry of Environmental Protection Minister Zhou Shengxian" [Jiji tansuo zhongguo huanjing baohu xin daolu-huanjing baohubu buzhang zhou shengxian fangtan], Xinhua, 25 December 10. Zhou describes regulatory and institutional improvements and notes that carbon oxygen demand dropped 9.66 percent and sulfur dioxide emissions dropped 13.4 percent between 2006 and 2009. He also notes that pollution problems remain severe. Ian Johnson, "China Faces 'Very Grave' Environmental Situation, Officials Say," New York Times, 3 June 11.

[2] Guangdong Municipal Environmental Protection Science Research Institute, "Five Years of Economic Development in China Gives Rise to Environmental Pollution Costs Nearing One Trillion Yuan" [Woguo 5 nian jingji fazhan zaocheng de huanjing wuran chengben jin wanyi], reprinted in Greenlaw, 14 January 11. The original report title is: "*Zhongguo Huanjing Jingji Hesuan Yanjiu Baogao*" and it asserts that economic losses due to pollution and ecological damage total nearly a trillion yuan (US$157 million) for the five-year period.

[3] Gong Jing, "Cadmium Rice Killing Machine" [Gemi shaji], New Century, reprinted in Caixin Net, 14 February 11.

[4] Yu Dawei, "Yunnan Circulates Notice Chromium Dregs Reason for Pearl River Pollution, for the Moment, Water Quality Has Not Appeared Abnormal" [Yunnan tongbao gezha wuran yuanyin zhujiang shuizhi zhan weijian yichang], Caixin Net, 15 August 11; Meng Si, Chinadialogue, "On Yunnan's Chromium Trail," 30 August 11.

[5] Meng Si, Chinadialogue, "On Yunnan's Chromium Trail," 30 August 11; "Experts To Probe Toxic Dumping," South China Morning Post, 15 August 11.

[6] Zhang Yanling, "Scholar Urges Third Party Institution Investigate Yunnan Chromium Pollution" [Xuezhe huyu disanfang jigou diaocha yunnan gezha wuran], Caixin, 16 August 11; An Baijie, "Watchdog Suspected Over Toxic Waste," China Daily, 25 August 11; Meng Si, Chinadialogue, "On Yunnan's Chromium Trail," 30 August 11. Yunnan officials reportedly did not inform downstream provinces of the problem in a timely manner.

[7] Fiona Tam, "Yunnan Plant Dumped Toxins for 20 Years," South China Morning Post, 17 August 11.

[8] Zhou Wenting, "Huge Stockpile of Toxic Waste in 12 Provinces," China Daily, 31 August 11.

[9] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 3(5). Authorities plan to reduce carbon oxygen demand (COD) and sulfur dioxide by 8 percent by 2015, as well as reduce by 10 percent the amounts of two new pollutants, ammonia nitrogen and nitrogen oxide.

[10] "Scholar Calls the Content of the Environmental Protection Law Out of Touch With Reality" [Xuezhe cheng "huanjing baohu fa" neirong yu xianshi tuojie], Radio Free Asia, 16 June 10; Ministry of Environmental Protection, "Circular Letter Regarding Soliciting Comments on Environmental Protection Standard (Environmental Impact Assessment Technical Guidelines Public Participation) (Draft for Comment)" [Guanyu zhengqiu guojia huanjing baohu biaozhun "huanjing yingxiang pingjia jishu daoze gongzhong canyu" (zhengqiu yijiangao) yijian de han], 30 January 11; State Council Standing Committee, Hazardous Chemicals Safety Management Regulations, issued 26 January 02, amended 16 February 11; Yang Zhanghuai, "Hubei Dazhi Formally Establishes 'Environmental Police'" [Hubei dazhi zujian "huanbao jingcha"], Southern Metropolis Weekend, 13 May 11; "Legal Aid in Environmental Pollution Cases Just in Time" [Falu yuanzhu huanjing wuran an zhengdang qishi], Beijing News, 8 October 10. According to the above Beijing News article, Beijing included air pollution cases among the cases eligible for legal aid in the city. "China Will Write Legislation Regarding Genetically Modified Organisms Safety, Ministry of Environmental Protection To Draft Bill" [Zhongguo jiang dui zhuan jiyin shengwu anquan lifa huanbaobu qicao fa'an], People's Daily, 7 January 11; National People's Congress Standing Committee, PRC Water and Soil Conservation Law [Zhonghua renmin gonghe guo shuitu baochifa], issued 29 June 91, amended 25 December 10; "Our Suggestions for Air Pollution Law Revision" [Wo wei daqifa xiuding jianyan], China Environment News, 9 December 10; Meng Si, Chinadialogue, "Seeking Damages," 21 July 11.

[11] "Ministry of Environmental Protection: Rural Pollution Emissions Account for Half of the Country's Pollution" [Huanbaobu: nongcun wuran paifang yi zhan zhongguo "banbi jiangshan"], China Youth Daily, 3 June 11. According to the above China Youth Daily article, environmental protection Vice Minister Li Ganjie stated that environmental pollution in rural areas is serious. Liu Yu, Ministry of Environmental Protection, "Zhou Shengxian Chairs Opening of the Ministry of Environmental Protection Standing Committee Meeting" [Zhou shengxian zhuchi zhaokai huanjing baohubu changwu huiyi], 31 December 10; Ian Johnson, "China Faces 'Very Grave' Environmental Situation, Officials Say," New York Times, 03 June 11.

[12] "Ministry of Environmental Protection: Rural Pollution Emissions Account for Half of the Country's Pollution" [Huanbaobu: nongcun wuran paifang yi zhan zhongguo "banbi jiangshan"], China Youth Daily, 3 June 11.

[13] Liu Yu, Ministry of Environmental Protection, "Zhou Shengxian Chairs Opening of the Ministry of Environmental Protection Standing Committee Meeting" [Zhou shengxian zhuchi zhaokai huanjing baohubu changwu huiyi], 31 December 10. In conjunction with the basic policy approach, authorities plan to strengthen planning leadership, expand financial investment, strengthen the evaluation of targets, spread technology, and promote "coordinated action."

[14] "Ministry of Environmental Protection: Rural Pollution Emissions Account for Half of the Country's Pollution" [Huanbaobu: nongcun wuran paifang yi zhan zhongguo "banbi jiangshan"], China Youth Daily, 3 June 11. According to the above China Youth Daily article, at a press conference, environmental protection Vice Minister Li Ganjie noted the steps in the strategy to tackle rural pollution. The first step is to design environmental protection plans; the second step is to pass livestock and poultry waste and soil pollution prevention legislation; the third step

is to organize environmental monitoring, enforcement, and education activities in villages and establish environmental teams to extend supervision coverage to villages; the fourth step includes using "rewards to promote control" demonstration projects and official environmental comprehensive control target responsibility system assessments; the fifth step concentrates on making advances in drinking water safety, trash management, and soil protection, as well as preventing and controlling livestock, poultry, and farm pollution. National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11. The plan also notes efforts will be made to protect drinking water, control fertilizer and pesticide pollution, speed up the handling of solid waste management, and strictly prohibit urban and industrial pollution from spreading to rural areas, among other goals.

[15] Liu Yu, Ministry of Environmental Protection, "Zhou Shengxian Chairs Opening of the Ministry of Environmental Protection Standing Committee Meeting" [Zhou shengxian zhuchi zhaokai huanjing baohubu changwu huiyi], 31 December 10.

[16] Elaine Kurtenbach, "Arrests and Closures in Lead Poison Crackdown," Shanghai Daily, 31 May 11; "Ministry Allocates Fund To Inspect Environmental Emergencies," Xinhua, 13 June 11. In 2010, 14 major pollution cases involving heavy metals occurred and there had already been 7 cases in 2011 as of the end of May.

[17] "Ministry Allocates Fund To Inspect Environmental Emergencies," Xinhua, 13 June 11.

[18] "China Intensifies Regulation on Battery Industries After Lead Poisoning Case," Xinhua, 19 May 11.

[19] Mimi Lau, "Crackdown on Cities With Major Lead Pollution," South China Morning Post, 20 May 11.

[20] "Chinese Environment Minister Warns of Project Approval Suspension Amid Crackdown on Heavy Metal Pollution," Xinhua, 1 June 11.

[21] "China Shuts Down 583 Plants in Lead Battery Plant Overhaul," Xinhua, 2 August 11.

[22] "Heyuan Conflict Erupts, Villager Says Police Beat Someone to Death" [Heyuan bao chongtu, cunmin cheng jingcha dasi ren], Bingbao, reprinted in Sina, 20 June 11.

[23] "Dalian PX Project Triggers Concerns, Thousands of Citizens Gather in Protest" [Dalian PX xiangmu yinqi danyou shuwan minzong shi zhizheng jihui kangyi], Radio Free Asia, 14 August 11.

[24] Christina Larson, "The New Epicenter of China's Discontent," Foreign Policy, 23 August 11.

[25] Meng Si, Chinadialogue, "PX Factory in Typhoon," 11 August 11.

[26] "Dalian PX Project Stopped and Will Be Moved" [Dalian PX xiangmu tingchan daiban], Southern Metropolis Daily, 15 August 11.

[27] "Dalian's People—and Power," Wall Street Journal, 15 August 11.

[28] "Dalian Incident Shows More Adaptable Government," Global Times, 15 August 11.

[29] "Highlights of Work Report of Supreme People's Court," Xinhua, reprinted in China Daily, 11 March 11.

[30] Wang Jin, Chinadialogue, "China's Green Laws Are Useless," 23 September 10. A survey of 12,000 judicial employees revealed that 50 percent of them believed environmental lawsuits were regularly being refused by courts.

[31] Alex Wang, Chinadialogue, "Green Litigation in China Today," 18 July 11.

[32] Ibid.

[33] Ibid.

[34] Ibid.

[35] Meng Si, Chinadialogue, "Seeking Damages," 21 July 11.

[36] Alex Wang, Chinadialogue, "Green Litigation in China Today," 18 July 11.

[37] Ibid. The author counts 39 environmental courts, which is an increase from a handful of courts noted in the CECC 2009 Annual Report. CECC, 2009 Annual Report, 10 October 10, 191, 195. CECC staff interviews found that other estimates of the number of environmental courts run from 50 to 100.

[38] "Kunming's First Environmental Public Interest Case Announces Judgment, 4 Million in Compensation" [Kunming shouli huanjing gongyi susong anjian xuanpan peichang 400 wan], Jinghua News, reprinted in NetEase, 30 January 11.

[39] CECC, 2010 Annual Report, 10 October 10, 156. Also see Alex Wang, Chinadialogue, "Green Litigation in China Today," 18 July 11.

[40] Wang Jin, Chinadialogue, "China's Green Laws Are Useless," 23 September 10.

[41] Ibid.

[42] Human Rights Watch, "'My Children Have Been Poisoned': A Public Health Crisis in Four Chinese Provinces," 15 June 11, 25–31.

[43] For more information about one of the cases in Hunan (Wugang city), see Michael Wines, "Lead Sickens 1,300 Children in China," New York Times, 20 August 09; "Lead Poisoning in Children in Hunan Triggers Protests by Parents and Raises Questions About Governmental Accountability," CECC China Human Rights and Rule of Law Update, No. 1, 8 January 10, 2. For more information about the Shaanxi (Fengxiang county) lead poisoning case, see Tu Chonghang, "Shaanxi Lead Poisoning Incident From Start to Finish" [Shaanxi fengxiang qian zhongdu shijianshiwei], Beijing News, reprinted in China Law Information Net, 21 August 09; "Lead Poisoning Incident in Shaanxi Leads to Protests, Rights Infringements Reported," CECC China Human Rights and Rule of Law Update, No. 6, 9 December 09, 8.

[44] Human Rights Watch, "'My Children Have Been Poisoned': A Public Health Crisis in Four Chinese Provinces," 15 June 11. Police in Shaanxi detained citizens demonstrating in front of a lead-processing facility and police in Hunan reportedly arrested seven people seeking assistance with their sick children.

[45] Ibid. Authorities in Shaanxi forced a journalist who tried to report on the lead poisoning cases to leave the area.

[46] "Six Environmental Protection Villagers Detained for Petitioning on Behalf of Over One Thousand Villagers in Pingnan, Fujian Province," [Fujian pingnan liuwei huanbao cunmin wei yuqian cunmin shangfang bei juliu], Radio Free Asia, 25 October 10.

[47] "Pingnan County, Fujian Province: Nearly 100 Villagers Kneel in Supplication for Detained Villagers' Release" [Fujian pingnan jin bai cunmin guiqiu shifang bei bu cunmin], Radio Free Asia, 10 May 10.

[48] "Six Environmental Protection Villagers Detained for Petitioning on Behalf of Over One Thousand Villagers in Pingnan, Fujian Province" [Fujian pingnan liuwei huanbao cunmin wei yuqian cunmin shangfang bei juliu], Radio Free Asia, 25 October 10.

[49] Ibid.; "Pingnan County, Fujian Province: Nearly 100 Villagers Kneel in Supplication for Detained Villagers' Release" [Fujian pingnan jin bai cunmin guiqiu shifang bei bu cunmin], Radio Free Asia, 10 May 10.

[50] "Pingnan County, Fujian Province: Nearly 100 Villagers Kneel in Supplication for Detained Villagers' Release" [Fujian pingnan jin bai cunmin guiqiu shifang bei bu cunmin], Radio Free Asia, 10 May 10.

[51] Voice of Tibet, "Tibetans in Tibet Beaten and Detained by Authorities for Opposing Mine" [Jingnei zangren yin fandui kaikuang zao zhonggong duda he jubu], reprinted in Boxun, 11 February 11 (protests and petitioning began on November 22; beatings and detention on December 18); "15 Tibetans Put Behind Bars Over Anti-mining Protests in Shigatse," Phayul, 14 February 11. See the Commission's Political Prisoner Database for more information on the cases.

[52] "Tibetan Dam Protesters Detained," Radio Free Asia, 7 October 10. See the Commission's Political Prisoner Database for more information on the cases. "Villagers Block Work on Dam," Radio Free Asia, 30 September 10 (the mountain's name is Lhachen Naglha Dzamba). According to the news report, workers claimed "their permit to mine in the area had been approved by the Communist Party secretary of the TAR." The TAR government would issue such a permit, but a TAR Party official may have signified agreement.

[53] Kalsang Rinchen, "Police Firing Kills 3, Injures 30 Tibetans in Palyul County," Phayul, 24 August 10; "Police Fire on Mine Protesters," Radio Free Asia, 26 August 10; Phurbu Thinley, "China Says Only One Tibetan Shot Dead in Palyul Mine Protest," Phayul, 1 September 10; "Tibetan Accidentally Shot Dead in Dispute With Police," Xinhua, reprinted in China Internet Information Center, 30 August 10.

[54] "Tibetan Mine Protesters Detained," Radio Free Asia, 5 August 11.

[55] Ibid.

[56] "Wuxi Huangtutang Trash Incinerator Mass Incident, More Than 10,000 Gather" [Wuxi huangtutang laji ranxiao qunti shijian yiwan duo ren juji], Boxun, 9 April 11.

[57] "Wuxi Police and Citizens Tangle in Protest Against Operation of Incinerator" [Kangyi fenhualu touchan wuxi jingmin hunzhan], Mingpao, reprinted in Sina, 29 May 11; Feng Yongfeng, "Jiangsu, Wuxi 'Grandfather Gallery' Morphs Into 'Waste Incinerator'" [Jiangsu, wuxi "huangtutang" bianshen "laji fenshaochang"], Wohua Media Net, reprinted in QQ News, 31 May 11. The village secretary reportedly convinced 77 percent of the villagers in the area to sign over their land to build a "Grandfather Gallery," but then proceeded to build an incinerator instead.

[58] "Wuxi Police and Citizens Tangle in Protest Against Operation of Incinerator" [Kangyi fenhualu touchan wuxi jingmin hunzhan], Mingpao, reprinted in Sina, 29 May 11.

[59] "Chinese Mongolians Protest Again, Herders Beaten: Rights Group," Reuters, 30 June 11; "Herders in China's Inner Mongolia Protest Over Lead Mine in Latest Unrest, Some Reported Hurt," Washington Post, 30 June 11; Southern Mongolian Human Rights Information Center, "New Round of Herders' Protest Erupts in Southern (Inner) Mongolia," 29 June 11; Southern Mongolian Human Rights Information Center, "Fresh Protest by Mongolian Herders, Dozens Hospitalized," 23 July 11.

[60] "Herders in China's Inner Mongolia Protest Over Lead Mine in Latest Unrest, Some Reported Hurt," Washington Post, 30 June 11.

[61] "Chinese Mongolians Protest Again, Herders Beaten: Rights Group," Reuters, 30 June 11.

[62] Ibid.; Southern Mongolian Human Rights Information Center, "New Round of Herders' Protest Erupts in Southern (Inner) Mongolia," 29 June 11; Southern Mongolian Human Rights Information Center, "Fresh Protest by Mongolian Herders, Dozens Hospitalized," 23 July 11.

[63] "Herders in China's Inner Mongolia Protest Over Lead Mine in Latest Unrest, Some Reported Hurt," Washington Post, 30 June 11.

[64] Ibid.

[65] See, e.g., Southern Mongolian Human Rights Information Center, "Protests Spread in Southern Mongolia, Thousands More Take to the Streets," 26 May 11; Andrew Jacobs, "Anger Over Protesters' Deaths Leads to Intensified Demonstrations by Mongolians," New York Times, 30 May 11.

[66] Wenran Jiang and Zining Liu, Jamestown Foundation, "Energy Security in China's 12th Five-Year Plan," China Brief, Vol. 11, No. 11, 17 June 11; National Human Rights Action Plan and China National Development and Reform Commission, "Medium and Long-Term Development Plan for Renewable Energy in China (Abbreviated Version)," China Net, September 2007, secs. 3.2, 4, 4.1. See the following articles for examples of reasons given by Chinese officials as to why dams are built, which include increasing reliance on renewable energy, flood control, transportation, establishing a reliable reservoir of water for irrigation or drinking, stimulating economic development, and generating local government revenues. "Massive Chinese Hydro Project Moves Ahead," Breakbulk Online, 27 January 11; Fu Wen and Teddy Ng, "Experts Cast Doubt Over Benefits of Hydropower," Global Times, 24 November 11; "China Daily: China Pledges Water Will Still Flow," China Daily, 19 November 11; S. Anuradha, International Rivers Network, "China's Sinohydro Says Hydropower Growth Likely To Fall in Asia on Growing Resistance," 11 November 10; Christina Larson, "Where the River Ends," Foreign Policy, 2 June 11; "Lessons To Be Learned," China Daily, 8 August 11.

[67] Xu Donghuan, "Ecologists Dread New Dam Boom," Global Times, 10 February 11.

[68] "Is Hydropower Exploitation of the Nu River in China a Must?" Guardian blog, 10 February 11; Jonathan Watts, "China's Big Hydro Wins Permission for 21.3GW Dam in World Heritage Site," Guardian, 1 February 11; "National Energy Bureau Responsible Person Declares for First Time: Nujiang Will Be Developed" [Guojia nengyuanju fuzeren shouci biaotai: nujiang yiding hui kaifa], China National Radio, reprinted in People's Daily, 31 January 11; Fu Wen and Teddy Ng, "Experts Cast Doubt Over Benefits of Hydropower," Global Times, 24 November 10.

[69] Xu Donghuan, "Ecologists Dread New Dam Boom," Global Times, 10 February 11. According to the Global Times report, a Beijing-based river expert stated that "[t]hese sub-standard small hydroelectric stations can trigger landslides and are a great threat to the local ecological system." Authorities have dammed 60 tributaries to the Nu River, with 42 projects completed and 88 slated to be completed. A top official noted that a number of national studies show the Nu River valley in Yunnan province is subject to geological and seismological disasters, and she prepared a proposal calling on the central government to "pay attention to the special and complex geological and seismological conditions in the Nu River valley and take caution in making decisions about hydraulic power development there." Li Xing and Wang Huazhong, "Earthquake Casts Doubt on Hydropower," China Daily, 12 March 11; "Lessons To Be Learned," China Daily, 8 August 11.

[70] "Wen Jiabao Opens State Council Meeting, Discusses and Passes 'Three Gorges Follow-Up Work Plan'" [Wen jiabao kai guowuyuan hui taolun tongguo "sanxia houxu gongzuo guihua" deng], Xinhua, 18 May 11. These problems include the "stability" and livelihood of resettled populations and the prevention of geological disasters. Leaders also acknowledged that the dam had affected the "transportation in the middle and lower reaches of the Yangtze River, irrigation, and the supply of water," among other problems.

[71] Ibid. The plans include the "Three Gorges Follow-Up Work Plan" and the "Yangtze Middle and Lower Reaches Watershed Water Pollution Prevention and Control Plan." According to Xinhua, the Three Gorges Follow-Up Work Plan's objectives include bringing the standard of living of those relocated because of the dam up to a level equal to that of residents in Hubei province and Chongqing municipality.

[72] Dai Qing, Probe International, "On the Completion of the Three Gorges Project," 22 January 11. Some estimates are higher because they include people who the government said were resettled for "urbanization" or "employment" programs. Dai Qing reports the official number of people relocated to make way for the Three Gorges dam to be 1.4 million. Probe International estimates that 3.7 million people have been relocated and Dai Qing estimates the number is higher at 4 million.

[73] These reports have uncovered forced evictions, below-standard compensation, suppression of advocates, and government corruption during resettlement processes, as well as documented the threat of severe hardships that may be faced by relocated citizens, including homelessness, unemployment, conflicts between resettled citizens and existing populations, and poverty among resettled migrants. See, e.g., Peter H. Gleick, "Three Gorges Dam Project, Yangtze River, China," in Water Brief 3, The World's Water 2008–2009 (Oakland, CA: Pacific Institute, 2009), 145–46; Jim Yardley, "Chinese Dam Projects Criticized for Their Human Costs, Choking on Growth, Part IV," New York Times, 19 November 07. For information on activist Xie Fulin, see CECC, 2006 Annual Report, 20 September 06, 103; "Three Gorges Resettlement Activist Paralyzed After Assault," CECC China Human Rights and Rule of Law Update, July 2006, 10–11; Stacy Mosher, Human Rights in China, "The Case of Fu Xiancai," China Rights Forum, No. 3, 2006, 48–51. See the Commission's Political Prisoner Database for more information on Fu Xiancai.

[74] International Rivers, "Resettlement in Action," 25 August 10.

[75] Choi Chi-yu, "2,000 Battle Police in Yunnan," South China Morning Post, 31 March 11.

[76] Rachel Beitarie, "Burst of New Dams in Southwest China Produces Power and Public Ire," Circle of Blue, 22 March 11.

[77] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 8(2).

[78] International Rivers, "Resettlement in Action," 25 August 10, 1; "More Resettled for S-N Water Diversion Project," Xinhua, reprinted in China Daily, 20 September 10.

[79] International Rivers, "Resettlement in Action," 25 August 10, 8.

[80] "Migrants Hold Large Protest at Median Line of South-to-North Water Diversion Project, Vice Governor Assumes Command, Moves Armed Police To Disperse With Force" [Nanshui beidiao zhongxian yimin da kangyi fushengzhang zuozhen tiao wujing qiang qusan], Radio Free Asia, 26 November 10; Carla Freeman, China Environment Forum, Woodrow Wilson International Center for Scholars, "Quenching the Dragon's Thirst, the South-North Water Transfer Project—Old Plumbing for New China?" last visited 9 February 11, 6.

[81] Jamil Anderlini, "China: A Blast From the Past," Financial Times, 14 December 09.

[82] Chris Buckley, "China To Move Tens of Thousands for Huge Water Scheme," Reuters, 29 June 10. According to Reuters, some farmers relocated for the Danjiangkou Dam have complained they are being relocated to less arable land and have sparse job prospects. The dam's reservoir will provide water for the diversion project. Carla Freeman, China Environment Forum, Woodrow Wilson International Center for Scholars, "Quenching the Dragon's Thirst, the South-North Water Transfer Project—Old Plumbing for New China?" last visited 9 February 11, 6. In 2009, villagers near the Danjiangkou Dam construction site "verbally attacked village officials and threatened resistance over plans to resettle them elsewhere in central China." Wang Dazhong, Nanyang City Party Committee, Mass Work Department, and Nanyang City Petition Bureau, "Several Points To Ponder in Addressing South-to-North Water Diversion Central Route Project Danjiangkou Reservoir Migrant Petitions" [Dui nanshui beidiao zhongxian gongcheng danjiangkou kuqu yimin xinfang de jidian sikao], 13 October 10; Michael Bristow, "China Villagers Moved To Quench the Urban Thirst," BBC, 3 March 10. The above report pro-

vides some information about the nature of citizen complaints related to the Danjiangkou Dam relocation project.

[83] "Officials Lure Villagers, Force Them To Accept Place To Settle, Threaten Petitioners" [Ganbu youdao cunmin qiangzhi jieshou anzhidian konghe shangfang zhe], China Journalist Survey Net, reprinted in Bangkaow.com, 3 September 10.

[84] Wang Dazhong, Nanyang City Party Committee, Mass Work Department, and Nanyang City Petition Bureau, "Several Points To Ponder in Addressing South-to-North Water Diversion Central Route Project Danjiangkou Reservoir Migrant Petitions" [Dui nanshui beidiao zhongxian gongcheng danjiangkou kuqu yimin xinfang de jidian sikao], 13 October 10; Michael Bristow, "China Villagers Moved To Quench the Urban Thirst," BBC, 3 March 10.

[85] Xu Chao, "The Relationship Between Huai River Basin Pollution and Cancer Basically Established" [Huaihe liuyu wuran yu aizheng guanxi jiben zhengshi], Caijing, 27 December 10.

[86] Ministry of Environmental Protection, "Ministry of Environmental Protection Open Government Information Work 2010 Annual Report" [Huanjing baohubu zhengfu xinxi gongkai gongzuo 2010 niandu baogao], 14 March 11.

[87] Ibid.

[88] Ibid.

[89] Article 19 and Center for Legal Assistance to Pollution Victims, "Access to Environmental Information in China: Evaluation of Local Compliance," December 2010.

[90] Ibid.

[91] Natural Resources Defense Council and Institute of Public & Environmental Affairs, "Environmental Open Information: Between Advance & Retreat—The 2009–2010 Pollution Information Transparency Index (PITI) Second Annual Assessment of Environmental Transparency in 113 Chinese Cities," 28 December 10, 3. According to the study's results, out of 100 possible points, the average score of the cities examined increased from 31 points in 2008 to 36 points in 2009–2010 (p. 3).

[92] Ibid.

[93] Natural Resources Defense Council and Institute of Public & Environmental Affairs, "Environmental Open Information: Between Advance & Retreat—The 2009–2010 Pollution Information Transparency Index (PITI) Second Annual Assessment of Environmental Transparency in 113 Chinese Cities," 28 December 10, 4.

[94] Ma Jun, Chinadialogue, "Advancing Energy Conservation and Reducing Pollution With Environmental Open Information" [Yi huanjing xinxi gongkai cujin jieneng jianpai], 13 December 10.

[95] Ibid.

[96] For example, one online response to an open environmental information request on the Anhui Government Open Government Information Net Web site listed a provision and its appendix as the basis for not releasing some of the information requested. Anhui Province People's Government Open Government Information Net, "Description of Needed Information Contents, Yangtze River, Anchuang Section, Wuwei Section and Chaohu Lake Region Related Water Quality Raw Data from 2007–2010" [Suo xu xinxi de neirong miaoshu, changjiang anqing duan, wuwei duan he chaohu huqu zi 2007–2010 de xiangguan shuizhi yuanshi shuju], 20 October 10. According to the response posted on the Anhui Province government Web site, the response to the environmental information request cites provisions that environmental protection authorities apparently issued in 2004, i.e., "Provisions on the Scope of State Secrets in Environmental Protection Work" (Provisions). Based on the response to the open environmental information request cited above, the Provisions appear to have an appendix that stipulates environmental protection work secrets, i.e., the "Environmental Protection Work State Secrets Catalog" [Huanjing baohu gongzuo guoji mimi mulu]. Based on a review of the Catalog of National Environmental Departmental Normative Documents Remaining in Force cited below, the Provisions were in force as of September 2010, but Commission staff could not locate a copy of them on the Internet. Hubei Environmental Protection Portal, "Appendix: Catalog of National Environmental Departmental Normative Documents Remaining in Force" [Fujian: jixu youxiao de guojia huanbao bumen guifanxing wenjian mulu], 30 September 10.

[97] Xi Jianrong, "Environmental Protection Organization Seeks Investigation Into Legality of 'Procedural Information'" [Huanbao zuzhi tiqing "guochengxing xinxi" hefaxing shencha], Legal Daily, 25 March 11; Zhang Ke, "Environmental NGO Petitions State Council To Question Whether Fish Reserve Restructuring Serves Power Station" [Huanbao zuzhi shangshu guowuyuan zhiyi yulei baohuqu wei dianzhan tiaozheng], Number One Caijing Daily, reprinted in China Transparency, 8 June 11. For more complete information about the case, see Xi Jianrong, "NGO Requests Publication of Information on Nature Reserve Restructuring" [Minjian zuzhi jiu ziran baohuqu tiaozheng shenqing xinxi gongkai], Legal Daily, 20 January 11; Ministry of Environmental Protection, "Ministry of Environmental Protection: Announcement on Applications for Promotion and Restructuring of National Level Nature Reserves" [Huanjing baohubu gonggao: dui shenqing jinsheng he tiaozheng de guojia ji ziranbaohuqu jinxing gong shi], 4 January 11; Xi Jianrong, "Scholars Request Hearing on National Level Nature Reserve Restructuring" [Xuezhe qingqiu jiu changjiang shangyou guojia ji ziranbaohuqu tiaozheng tingzheng], Legal Daily, 1 March 11; Beijing Impact Law Firm, "Upper Yangtze National Level Rare Fish Nature Reserve To Be Downsized" [Changjiang shangyou zhenxi teyou yulei guojia ji ziranbaohuqu mianji bei suojian], 24 March 11.

[98] Han Lewu, "Application for Publication of Environmental Information on Waste Incineration Plant Rejected, Environmental NGO Seeks Administrative Review" [Shenqing gongkai laji fenshaochang huanjing xinxi beiju huanbao zuzhi tiqi xingzheng fuyi], Legal Daily, 8 June 11. According to the Legal Daily article, the Darwin Nature Knowledge Society submitted open government information requests to the Hai'an County Environmental Protection Bureau among other environmental departments asking for the environmental impact assessment reports for a waste incineration power plant and related waste management projects, as well as requesting information about the power plant's emissions data. Xi Jianrong, "Environmental Organization

Requests Environmental Impact Assessment of Beijing Sujiatuo Incineration Plant" [Huanbao zuzhi shenqing gongkai beijing sujiatuo fenshaochang huanping xinxi], Legal Daily, reprinted in China Transparency, 16 June 11.

[99] Han Lewu, "Application for Publication of Environmental Information on Waste Incineration Plant Rejected, Environmental Protection NGO Seeks Administrative Review" [Shenqing gongkai laji fenshaochang huanjing xinxi beiju huanbao zuzhi tiqi xingzheng fuyi], Legal Daily, 8 June 11.

[100] Malcolm Moore, "Leading Physicist Calls China's Nuclear Programme 'Rash and Unsafe,'" Telegraph, 1 June 11; "Minister Recommends China Have Independent Nuclear Safety Regulator in Wake of Japan Crisis," Associated Press, 3 June 11. Other Chinese experts and top international nuclear authorities also expressed the need to increase oversight of nuclear power plants. Keith Bradsher, "Nuclear Power Expansion in China Stirs Concerns," New York Times, 15 December 09. An International Atomic Energy Agency official noted there was some concern that China might not have enough nuclear inspectors with sufficient training to manage the rapid growth of nuclear power. Choi Chi-yuk, "Nuclear Threat From Mountain of Spent Fuel," South China Morning Post, 1 April 11. One Chinese nuclear engineer was quoted as saying ". . . previously produced waste has yet to be properly dealt with, . . ." "It will pose a tremendous safety threat to the public as a result of the piling up of more and more nuclear fuel, year after year."

[101] Malcolm Moore, "Leading Physicist Calls China's Nuclear Programme 'Rash and Unsafe,'" Telegraph, 1 June 11.

[102] Liu Yiyu, "New Nuclear Power Plants 'Set To Be Approved,'" China Daily, 22 April 11. Chinese authorities reportedly suspended approvals for new nuclear power projects and inspected plants in operation and under construction.

[103] Brian Spegele, "Beijing Says Its Reactors Are Safe," Wall Street Journal, 16 June 11.

[104] Liu Yiyu, "New Nuclear Power Plants 'Set To Be Approved,'" China Daily, 22 April 11; "China Says Its Nuclear Reactors Passed Inspections," Associated Press, reprinted in New York Times, 15 June 11. China reportedly plans to have more than 100 plants in operation by 2020.

[105] Wang Huazhong, "Japan Nuclear Crisis Prompts 'Urgent' Drafting of New Law," China Daily, 26 April 11. China currently does not have an overarching nuclear energy law and two previous attempts to pass one in 1984 and 2008 were not successful. The law would reportedly include stipulations related to uranium mining, nuclear material management, nuclear power plant operation, nuclear waste, emergency management, and compensation.

[106] Ibid.

[107] Ministry of Environmental Protection, Guiding Opinion on Cultivating and Guiding Orderly Development of Environmental Non-Governmental Organizations [Peiyu yindao huanbao shehui zuzhi youxu fazhan de zhidao yijian], issued 10 December 10, arts. 2, 10.

[108] Ibid., art. 10.

[109] Ibid. This may indicate efforts to strengthen Party control over environmental groups.

[110] Alex Wang, "The Warriors of Qiugang—A New Documentary on the Struggle To Save China's Environment," Natural Resources Defense Council Switchboard Blog, 11 January 11 (has a link to the video).

[111] Ibid.

[112] Ibid.

[113] Wang Qingchu, "Pollution Fear Cancels Beijing Power Plant Plan," Shanghai Daily, 10 February 11.

[114] "Dalian PX Project Stopped and Will Be Moved" [Dalian PX xiangmu tingchan daiban], Xinhua, reprinted in Southern Metropolis Daily, 15 August 11; "Dalian PX Project Triggers Concerns, Thousands of Citizens Gather in Protest" [Dalian PX xiangmu yinqi danyou shuwan minzong shi zhizheng jihui kangyi], Radio Free Asia, 14 August 11.

[115] Tao Dapin, "5,000 People Press Thumbprints To Oppose Panyu Waste Incinerator, Only Counted as One Opposition Vote?" [5 qian ren an shouyin fandui panyu laji fenshaochang zhi suan yizhang fanduipiao?], Asia News, 24 May 11.

[116] Wang Jin, Chinadialogue, "China's Green Laws Are Useless," 23 September 10. For example, the government of Guzhen county, Anhui province, removed six local environmental protection officials, including the head of the local environmental protection bureau (EPB), because local government officials claimed the EPB's strict enforcement actions hurt efforts to attract business investment. Anhui province requires environmental authorities to obtain governmental approval prior to conducting a check.

[117] Zhao Yang, "Ecology, Environmental Protection, Land Requisition, and Demolition, High Levels of Corruption" [Shengtai huanbao zhengdi chaiqian fubai gaofa], Legal Daily, 12 August 10.

[118] Benjamin Van Rooij and Carlos Wing-Hung Lo, "Fragile Convergence: Understanding Variation in the Enforcement of China's Industrial Pollution Law," Law & Policy, Vol. 32, No. 1 (2010), 16–17.

[119] "China Launches Special Supervision in 15 Companies for Pollution Control Violations," Xinhua, 29 August 11.

[120] Chinadialogue, "NGOs Challenge Environment Authorities," 21 June 11.

[121] Ibid.

[122] "Lessons To Be Learned," China Daily, 8 August 11.

[123] "The Fabricated Environmental Impact Assessment System" [Bei jiakong de huanping zhidu], China Reform Net, reprinted in Caixin, 1 August 11. For one review of the role of public participation in environmental EIA processes and beyond since 2004, see Zhang Jingjing, Chinadialogue, "The Plight of the Public (1)," 19 July 11.

[124] Zhang Jingjing, Chinadialogue, "The Plight of the Public (2)," 19 July 11. Zhang notes that while the 2006 measure "Temporary Method for Public Participation in Environmental Impact Assessments" provides for public participation, there is no legal recourse for infringement of that right.

[125] Wang Jin, "China's Green Laws Are Useless," China Dialogue, 23 September 10. For example, the government of Guzhen county, Anhui province, removed six local environmental protection officials, including the head of the local environmental protection bureau (EPB), because local government officials claimed the EPB's strict enforcement actions hurt efforts to attract business investment. Anhui province requires environmental authorities to obtain governmental approval prior to conducting a check.

[126] Natural Resources Defense Council and Institute of Public & Environmental Affairs, "Environmental Open Information: Between Advance & Retreat—The 2009–2010 Pollution Information Transparency Index (PITI) Second Annual Assessment of Environmental Transparency in 113 Chinese Cities," 28 December 10, 4.

[127] Qie Jianrong, "Delay in Administering Penalty for Illegalities Raises Doubts Among Experts" [Weifa chufa huanqi zhixing yin zhuanjia zhiyi], Legal Daily, 13 December 10. The power plant authorities claimed that stopping power generation and paying a fine would adversely affect regional power supply.

[128] John Vidal and David Adam, "China Overtakes U.S. as World's Largest CO2 Emitter," Guardian, 19 June 07; Jane A. Leggett, Jeffrey Logan, and Anna Mackey, Congressional Research Service, "China's Greenhouse Gas Emissions and Mitigation Policies," 10 September 08; Todd White and Jeremy Van Loon, "China Exports Made It World's Largest Greenhouse-Gas Factory," Bloomberg News, 25 February 09.

[129] Bruce Gilley, "Authoritarian Environmentalism and China's Response to Climate Change," Environmental Politics (forthcoming 2012), draft version online, 22 April 11, 6–8.

[130] State Council Information Office, "White Paper: China's Policies and Actions on Climate Change," 29 October 08. According to the white paper, authorities state they take "economic development as the core objective"; and they have also stated that they place emphasis on energy conservation policies, strive to mitigate greenhouse gas emissions, and prioritize policies to adapt to climate change. Renmin University, "China Human Development Report 2009/10, China and a Sustainable Future: Towards a Low Carbon Economy and Society," commissioned by the United Nations Development Programme, April 2010; Joint Global Change Research Institute and Battelle Memorial Institute, Pacific Northwest Division, "China: Impact of Climate Change to 2030—A Commissioned Research Report," prepared for the National Intelligence Council, April 2009. The above paper lists several specific impacts, states China has lower resilience (adaptive capacity) to climate change than some other counties, and argues climate change will exacerbate existing social and resource stresses. United Nations Framework Convention on Climate Change, "Climate Change: Impacts, Vulnerabilities and Adaptation in Developing Countries," 2007; Germanwatch, "Global Climate Risk Index 2011, Who Suffers Most From Extreme Weather Events/Weather-Related Loss Events in 2009 and 1990 to 2009," 16 December 10. This research ranked China 35th compared with other countries for the occurrence of extreme weather events in 2009.

[131] Barbara Finamore, "Taking Action To Meet Its Climate Pledge—China Enacts National Energy Efficiency DSM Regulations To Dramatically Scale Up Investment in Energy Efficiency," Natural Resources Defense Council Switchboard Blog, 29 November 10; "China To Set Up Funds for Development of Green Energy Counties," Xinhua, 28 April 11; "National Development and Reform Commission Issues 'China's Policies and Actions for Addressing Climate Change—2010 Annual Report'" [Fagaiwei gongbu "zhongguo yingdui qihou bianhua zhengce yu xingdong—2010 niandu baogao"], China Government Net, reprinted in Xinhua, 23 November 10.

[132] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 21. Chinese leaders plan to speed up research and development of low carbon technologies, to develop a greenhouse gas statistical accounting system, to gradually establish an emission trading market, and to promote "low carbon demonstration projects," among other plans.

[133] Joanna Lewis, "The State of U.S.-China Relations on Climate Change: Examining the Bilateral and Multilateral Relationship," China Environment Series, No. 11, 2010/2011, 7–39 (especially pp. 26–34).

[134] "Cancun Climate Conference Passes Resolution on Response to Climate Change" [Kankun qihou dahui tongguo yingdui qihou bianhua jueyi], Caixin Net, 11 December 10.

[135] Because China signed and ratified the United Nations Framework Convention on Climate Change Kyoto Protocol as a "developing" country and is not on the list of Annex B countries with binding emission reduction targets, China currently has no formal obligation under the Protocol to reduce its greenhouse gas emissions. For China's ratification information, see United Nations Framework Convention on Climate Change, "Kyoto Protocol Status of Ratification," 10 July 06. For listings of countries on Annexes A and B of the Kyoto Protocol, see United Nations Framework Convention on Climate Change, Kyoto Protocol, art. 3, Annexes A and B. See also Letter from Su Wei, Director-General, Department of Climate Change, National Development and Reform Commission of China, to Mr. Yvo de Boer, Executive Secretary, UNFCCC Secretariat [Letter Regarding Autonomous Domestic Mitigation Actions], reprinted in ChinaFAQs, 28 January 10. Internationally, top officials emphasize the voluntary nature of the country's efforts to lower carbon dioxide emissions per unit of GDP (carbon intensity) by 40–45 percent by 2020 compared to 2005 levels. The Chinese government has not agreed to carbon emission caps, only voluntary carbon intensity reductions.

[136] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 3. According to the 12th Five-Year Plan, China also pledged to increase the forest coverage rate to 21.66 percent and its forest stock volume by 600 million cubic meters. Chapter 10(1) of the 12th Five-Year Plan indicates that officials also included "energy conservation and environment" and "new energy" among a list of at least seven priority "strategic new and developing industries." Xie

Zhenhua, "China's Challenges Limit Control of Emissions (Authority Forum)" [Zhongguo tiaozhan kongzhi paifang jixian (quanwei luntan)], People's Daily, 6 January 10.

[137] "China Drafting Special Law on Climate Change," Xinhua, reprinted in China Daily, 27 April 11. "China Will Consider Climate Change Legislation at an Appropriate Time" [Zhongguo jiang zai shidang shiji kaolu qihou bianhua lifa], Caixin Net, 9 December 10.

[138] Wang Qian, "People Invited To Share Their Climate Change Ideas," China Daily, 22 March 11.

[139] Renmin University, "China Human Development Report 2009/10, China and a Sustainable Future: Towards a Low Carbon Economy and Society," Commissioned by the United Nations Development Programme, April 2010, 86. "Where public participation does exist, it is often on inequitable terms or does not provide adequate opportunity for public inputs. Little information on procedures and timing for public participation is available."

[140] Bruce Gilley, "Authoritarian Environmentalism and China's Response to Climate Change," Environmental Politics (forthcoming 2012), draft version online, 22 April 11, 6–8.

[141] Meng Si, Chinadialogue, "Turning Point in Tianjin," 25 October 10.

[142] Bruce Gilley, "Authoritarian Environmentalism and China's Response to Climate Change," Environmental Politics (forthcoming 2012), draft version online, 22 April 11, 14.

[143] Barbara Finamore, "Transparency of Climate Change Actions: Sitting Down With Minister Xie," National Resources Defense Council Switchboard Blog, 20 October 10. Finamore paraphrases remarks by Teng Fei of Tsinghua University, who outlined some of the difficulties in obtaining statistics relevant to evaluating energy usage and carbon dioxide emissions.

[144] Ibid.

[145] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 21(1).

[146] Barbara Finamore, "China's Domestic Climate Commitments Reach a Global Audience in Tianjin," Natural Resources Defense Council Switchboard Blog, 7 October 10.

[147] "China Does Not Oppose MRV, Should Find a Good Reason for Transferring Responsibility" [Zhongguo bu fandui MRV, zhuanyi zeren yao zhaohao liyou], China Net, 12 October 10.

[148] Ibid. Su Wei, Director-General, Office of National Leading Group on Climate Change, stated the Chinese government was "not opposed to monitoring, reporting, and verification" in projects using international financing and technology and that China would make the results of its domestic MRV known to the international community and "can accept international discussions, consultations, dialogue, and clarifications."

[149] Barbara Finamore, "China's Domestic Climate Commitments Reach a Global Audience in Tianjin," Natural Resources Defense Council Switchboard Blog, 7 October 10. Vice Chair of the National Development and Reform Commission Xie Zhenhua reportedly said that China would do its utmost to "increase the transparency of its actions in terms of tackling climate change and integrating our measure into global efforts."

Notes to Section III—Civil Society

[1] Civil society organizations in China include a range of groups, such as national mass organizations that Party authorities create and fund, smaller citizen associations registered under national regulations, and loose networks of unregistered grassroots organizations. The Chinese organizational forms that most nearly correspond to the Western concept of a non-governmental organization are social organizations (SOs) [shehui tuanti], non-governmental and non-commercial enterprises (NGNCEs) [minban feiqiye danwei], and foundations [jijinhui]. For the purposes of this section of the CECC Annual Report, the term "CSO" refers to these three types of organizations. SOs are voluntary organizations; they include academic, professional, or trade organizations, as well as voluntary associations of individuals with a common interest. NGNCEs are non-governmental service providers, including schools, hospitals, sports organizations, or employment service organizations. Foundations are non-profit and non-governmental organizations managed through the use of funds voluntarily donated by foreign and domestic social organizations. Foundations often promote the development of scientific research, culture, education, social welfare, and social services. The State Council issued the current national regulations governing SOs and NGNCEs in 1998, and those regulating foundations in 2004. For more information, see CECC Topic Paper: Chinese Civil Society Organizations, 12 August 05.

[2] Ministry of Civil Affairs, Civil Affairs Quarterly Statistics Report (First Quarter, 2011) [Minzheng shiye tongji jibao (2011 nian 1 jidu)], 28 April 11; CECC, Topic Paper: Chinese Civil Society Organizations, 12 August 05. The quarterly report breaks down the 447,243 figure as follows: 246,000 SOs, 199,000 NGNCEs, and 2,243 foundations. See also CECC, 2006 Annual Report, 20 September 06, 120.

[3] Gao Bingzhong and Yuan Ruijun, eds., Blue Book on Civil Society Development in China [Zhongguo gongmin shehui fazhan lanpishu] (Beijing: Peking University Press, 2008), 18; CECC, 2009 Annual Report, 10 October 09, 204.

[4] Rahul Jacob and Lydia Guo, "Far from Home and Lonely," Financial Times, 31 May 11.

[5] See, e.g., Women's Watch-China and Rural Women.

[6] Meng Si, "Turning Point in Tianjin," Chinadialogue, 25 October 10.

[7] "Four NGOs Call on Zhejiang To Cancel New Regulations on Management of the Mentally Ill" [Si minjian jigou yu zhejiang quxiao chuzhi jingshen bingren xin gui], Radio Free Asia, 30 November 10.

[8] "NGOs Important in Fighting Spread of AIDS," Xinhua, 30 October 10.

[9] Keith B. Richburg, "China's Crackdown on Non-Profit Groups Prompts New Fears Among Activists," Washington Post, 11 May 10; Chen Xiangyang, "The Current State and Challenges of Non-Governmental Organizations in China" [Fei zhengfu zuzhi zai zhongguo de xianzhuang ji tiaozhan], China Economic Times, 26 May 05.

[10] Chen Xiangyang, "The Current State and Challenges of Non-Governmental Organizations in China" [Fei zhengfu zuzhi zai zhongguo de xianzhang ji tiaojian], China Economic Times, 26 May 05.

[11] Keith B. Richburg, "China's Crackdown on Nonprofit Groups Prompts New Fears Among Activists," Washington Post, 11 May 10.

[12] PRC Constitution, adopted 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 35.

[13] 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.

[14] Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, art. 6; Yu Fangqiang, "Challenges for NGOs in China," Asia Catalyst, 2 June 09.

[15] Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, art. 27.

[16] Wang Di, "Numerous Domestic Public Interest Organizations Cannot Register, Making Compassionate Activities Illegal" [Woguo zhongduo gongyi zuzhi wufa zhuce zhi aixin huodong bu hefa], China Youth Daily, reprinted in East Day, 14 December 10; Human Rights Watch, "Restrictions on AIDS Activists in China," 14 June 05, sec. VI, 42–49.

[17] Wang Di, "Numerous Domestic Public Interest Organizations Cannot Register, Making Compassionate Activities Illegal" [Woguo zhongduo gongyi zuzhi wufa zhuce zhi aixin huodong bu hefa], China Youth Daily, reprinted in East Day, 14 December 10; Yu Fangqiang, "Challenges for NGOs in China," Asia Catalyst, 2 June 09.

[18] Russell Leigh Moses, "Shut-Out, Shut-Down, Shut-Up," Wall Street Journal, 10 August 10.

[19] Wang Di, "Numerous Domestic Public Interest Organizations Cannot Register, Making Compassionate Activities Illegal" [Woguo zhongduo gongyi zuzhi wufa zhuce zhi aixin huodong bu hefa], China Youth Daily, 14 December 10.

[20] Ibid.

[21] Asia Catalyst, "Restrictions on AIDS NGOs in Asia," 1 December 09, 10.

[22] CECC, 2010 Annual Report, 10 October 10, 161–62.

[23] "Public Security and Tax Officials Forcibly Removed Documents From Beijing-Based Aizhixing" [Beijing aizhixing ziliao zao gongan ji shuiwu guanyuan qiangzhi dai li], Radio Free Asia, 22 December 10.

[24] Ibid.

[25] Chen Bingzhong, Aizhixing. "An Open Letter to General Secretary of the Chinese Communist Party and President Hu Jintao" [Zhi zhonggong zhongyang zong shuji guojia zhuxi hu jintao de gongkaixin], reprinted in Boxun, 28 November 10.

[26] Ibid.

[27] "China Closes AIDS Website," Radio Free Asia, 16 March 11.

[28] Chinese Human Rights Defenders, "Officials Disrupt Annual Meeting of Anhui Province Youth Center Run by AIDS Activist," China Human Rights Briefing March 31–April 5, 2011, 5 April 11.

[29] Kate Krauss, "China's Brutal Repression," Washington Post, 27 April 11; "Beijing Yirenping Center Strongly Condemns and Reports to the Public Security Bureau the Violent Acts Against Chang Kun" [Beijing yirenping zhongxin qianglie qianze dui chang kun de baoli qinhai xingwei bing xiang gongan bumen jubao], China AIDS Group, reprinted in Blogspot, 5 April 11.

[30] "Beijing Yirenping Center Strongly Condemns the Violent Behavior Infringing on the Rights of Chang Kun and Reports Incident to Public Security Agencies" [Beijing yirenping zhongxin qianglie qianze dui chang kun de baoli qinhai xingwei bing xiang gongan bumen jubao], China AIDS Group, reprinted in Blogspot, 5 April 11.

[31] Chinese Human Rights Defenders, "Freedom of Assembly: Officials Disrupt Annual Meeting of Anhui Province Youth Center Run by AIDS Activist," China Human Rights Briefing March 31–April 5, 2011, 5 April 11; "Beijing Yirenping Center Strongly Condemns and Reports to the Public Security Bureau the Violent Acts Against Chang Kun" [Beijing yirenping zhongxin qianglie qianze dui chang kun de baoli qinhai xingwei bing xiang gongan bumen jubao], China AIDS Group, reprinted in Blogspot, 5 April 11.

[32] David Bandurski, "China Bans 'Civil Society,'" China Media Project, 11 January 11.

[33] "The Central Propaganda Department Prohibits the Media from Mentioning 'Civil Society'" [Zhongxuanbu jinzhi meiti tiji "gongmin shehui"], Canyu, reprinted in China Digital Times, 4 January 11.

[34] "Advocating for 'Civil Society' Touches Communist Party's Nerves, Wang Yang Admonishes Others 'Not To Talk Politics'" [Chang "gongmin shehui" chudong zhonggong shenjing, wang yang hen pi "bu jiang zhengzhi"], Apple Daily, reprinted in Boxun, 15 December 2010; Borje Ljunggren, "China's Growing Online Civil Society May Pose the Biggest Challenge to the Party's Hold on Power," South China Morning Post, 15 February 11; Zhang Yuchen, "NGOs Nest in Never-Never Land," Global Times, 20 August 09; "Chinese NGO Space is Still Narrow" [Zhongguo NGO kongjian rengran xiaxiao], Radio Free Asia, 6 October 10.

[35] Wu Yu, "Chinese Authorities Pass Down an Order to the Media, Blocking 'Civil Society'" [Zhongguo dangju xiada meiti jinling, pingbi 'gongmin shehui'], Deutsche Welle Chinese, 6 January 11.

[36] David Bandurski, "China Bans 'Civil Society'," China Media Project, 11 January 11.

[37] "The Central Propaganda Department Prohibits the Media from Mentioning 'Civil Society'" [Zhongxuanbu jinzhi meiti tiji 'gongmin shehui'], Canyu, reprinted in China Digital Times, 4 January 11; David Bandurski, "China Bans 'Civil Society'," China Media Project, 11 January 11.

[38] See, e.g., Yuan Qi, "In the Coming Five Years, the Government Will Give Civil Society Charities More Room To Develop" [Weilai wunian guojia yao gei minjian cishan geng da de fazhan kongjian], China Radio International, reprinted in Sina, 2 March 11; Wu Chen, "A New Approach for Philanthropy in China?" Xinhua, 6 February 11; Zheng Li, "China Enters 'Big Public Interest Era'; Fraud and Other Ills Impact Charitable Donations" [Zhongguo taru "dagongyi shidai" zha juan deng yingxiang cishan shiye fazhan], Workers Daily, 28 March 11; Li Mengkun, "Three Questions on Donations in China" [Zhongguo juanzeng sanwen], Southern Weekend, 30 September 10.

[39] Ministry of Civil Affairs, "Civil Affairs Quarterly Statistics Report" (First Quarter, 2011) [Minzheng shiye tongji jibao (2011 nian 1 jidu)], 28 April 11.

[40] See, e.g., Jing Wei, "Legal Constraints Hurt Charities," China Daily, 11 October 10; Liang Chen, "Grey Charity," Global Times, 29 September 10; "The Dilemmas Facing One Foundation," China Policy Institute, School of Contemporary Chinese Studies, University of Nottingham, 30 September 10.

[41] Lian Mo, "China's Charities Among the Needy," China Daily, 3 November 10.

[42] Ibid.

[43] Zheng Li, "China Enters 'Big Public Interest Era'; Fraud and Other Ills Impact Charitable Donations" [Zhongguo taru "dagongyi shidai" zha juan deng yingxiang cishan shiye fazhan], Workers Daily, 28 March 11.

[44] Zuo Lin and Zhu Yuchen, "New Management Regulations May Be Announced This Year" [Jijin hui xin jinguzhou: xin guanli tiaoli huo jiang niannei banbu], Caijing, reprinted in Sina, 15 March 11.

[45] Ibid.

[46] Ibid.

[47] Ibid.

[48] Ibid.

[49] Ibid.

[50] Ding Jun, "Regulations on the Management of Foundations Face Revision, Restrictions on Investment and Donations Incite Controversy" [Jijin hui guanli tiaoli mianlin xiugai touzi he juanzeng shouxian yin zhengyi], 21st Century Business Herald, 24 February 11.

[51] Wang Yingnan, "Ministry of Civil Affairs Revised Supervisory Regulations, Unapproved Grassroots NGOs May Not Be Able To Receive Funding From Foundations" [Minzhengbu xiuding guanli tiaoli wei huopi caogen NGO huo wuyuan jijinhui zizhu], Beijing Times, 28 March 11. See also Zuo Lin and Zhu Yuchen, "New Management Regulations May Be Announced This Year" [Jijin hui xin jinguzhou: xin guanli tiaoli huo jiang niannei banbu], Caijing, reprinted in Sina, 15 March 11.

[52] Zuo Lin and Zhu Yuchen, "New Management Regulations May Be Announced This Year" [Jijin hui xin jinguzhou: xin guanli tiaoli huo jiang niannei banbu], Caijing, reprinted in Sina, 15 March 11; Wang Yingnan, "Ministry of Civil Affairs Revised Supervisory Regulations, Unapproved Grassroots NGOs May Not Be Able To Receive Funding From Foundations" [Minzhengbu xiuding guanli tiaoli wei huopi caogen NGO huo wuyuan jijinhui zizhu], Beijing Times, 28 March 11.

[53] Ibid.

[54] Ibid.

[55] Lian Mo, "Beijing Looks at Laws on Philanthropy," China Daily, 3 November 10.

[56] Ibid.
[57] Ibid.
[58] Ibid.
[59] Ibid.
[60] Ibid.
[61] Chen Qiao, "Chen Guangbiao Responds to Failure of Charities: I Take the Initiative To Request Not To Participate and Select By Vote" [Cheng guangbiao huiying luobang cishan bang: wo zhudong yaoqiu bu canyu pingxuan], Qianhong Evening Post, reprinted in Xinhua, 28 April 11.
[62] Ibid.
[63] Changde City, Hunan Province, Department of Civil Affairs, "Civil Affairs Ministry and Shanghai City Signed Cooperative Agreement to Formally Initiate the Building of a National Model Modern Civil Administration" [Minzhengbu yu shanghai shi qianshu hezuo xieyi zhengshi qidong guojia xiandai minzheng shifan qu jianshe], 5 July 10; Tong Shuquan, "Four Major Types of Social Organizations Registration About To Be Completely Open" [Si dalei shehui zuzhi dengji shenpi jiang quanbu fangkai], Beijing Daily, 26 February 11.
[64] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 39 (1)(2).
[65] Ibid., chap. 39 (1).
[66] Ibid.
[67] Tong Shuquan, "Four Major Types of Social Organizations Registration About To Be Completely Open" [Si dalei shehui zuzhi dengji shenpi jiang quanbu fangkai], Beijing Daily, 26 February 11.
[68] Ibid.
[69] Ibid.
[70] Changde City, Hunan Province, Department of Civil Affairs, "Civil Affairs Ministry and Shanghai City Signed Cooperative Agreement to Formally Initiate the Building of a National Model Modern Civil Administration" [Minzhengbu yu shanghai shi qianshu hezuo xieyi zhengshi qidong guojia xiandai minzheng shifan qu jianshe], 5 July 10.
[71] Karla W. Simon, "The Regulation of Civil Society Organizations in China," International Journal of Civil Society Law, Vol. 9, No. 1 (2011), 11.
[72] Changde City, Hunan Province, Department of Civil Affairs, "Civil Affairs Ministry and Shanghai City Signed Cooperative Agreement to Formally Initiate the Building of a National Model Modern Civil Administration" [Minzhengbu yu shanghai shi qianshu hezuo xieyi zhengshi qidong guojia xiandai minzheng shifan qu jianshe], 5 July 10.
[73] Ibid.
[74] People's Government of Shanghai, "Civil Affairs Ministry and Shanghai City Signed Cooperative Agreement to Formally Initiate a National Model to Demonstrate the Building of Modern Civil Administration" [Minzheng bu yu shanghai shi qianshu hezuo xieyi zhengshi qidong guojia xiandai minzheng shifan qu jianshe], 5 July 10.
[75] Ibid.
[76] CECC, 2010 Annual Report, 10 October 10, 163–64.
[77] Ibid.
[78] Karla W. Simon, "The Regulation of Civil Society Organizations in China," International Journal of Civil Society Law, Vol. 9, No. 1 (2011), 9.
[79] Ng Tze-wei, "Will Stronger Social Governance Give NGOs More Leeway?" South China Morning Post, 10 March 11.
[80] Ibid.
[81] "Beijing Develops New Management of NGOs: The Threshold Is Lowered While Supervision Is More Strict" [Beijing chuangxin shehui zuzhi guanli: menkan geng di le jianguan geng yan le], People's Daily, 1 March 11.
[82] "Zhou Yongkang: Adapt to the New Conditions of Socio-Economic Development, Strengthen and Renew Social Management" [Zhou yongkang: shiying jingji shehui fazhan xin xingshi jiaqiang he chuangxin shehui guanli], Xinhua, 20 February 11.

Notes to Section III—Institutions of Democratic Governance

[1] "Central Organization Department: By the End of 2010, the Chinese Communist Party Reached 80.269 Million Members" [Zhongzubu: jiezhi 2010 niandi zhonggang dangyuan zongshu 80.269 wan ming], China News, 24 June 11.

[2] "At the End of 2009 Total Number of Party Members Reaches 77,995,000 Nationally" [Jiezhi 2009 niandi quanguo dangyuan zongshu da 7799.5 wan ming], Chinese Communist Party News Net, 28 June 10.

[3] Ibid. There are 6,629 urban street Communist Party organizations, 34,224 town organizations, 80,000 residential committees, and 598,000 village committees.

[4] Ibid. Over 99 percent of the various types of eligible enterprises have Party organizations.

[5] Ibid. Of the country's 570,000 public service organizations, 471,000 have Party organizations.

[6] Ibid. The numbers here include eligible 13,000 "social organizations" (shehui tuanti), of which 12,000 have Party organizations, and 16,000 eligible "nonprofit enterprises" (minban feiqiye), of which 15,000 have Party organizations.

[7] National People's Congress, Outline of the Economic and Social Development 12th Five-Year Plan of the People's Republic of China" [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], issued 14 March 11. In relation to assigning government posts, authorities must "uphold the principle of the Party managing talent" (chap. 29 (3)); in relation to the education system, authorities will "comprehensively implement the Party's educational principles. . . ." (chap. 28). "Remarks at 11th China Journalists' Day and Presentation of Awards and Report Meeting" [Zai di shiyi jie zhongguo jizhe jieji banjiang baogaohui shang de jianghua], People's Daily, 9 November 11. With regards to the media, "Party principles should be taken as basic principles in news propaganda work." "Liu Binjie: Political System Reform Must Insist on the Correct Orientation" [Liu binjie: zhengzhi tizhi gaige bixu jianchi zhengque fangxiang], China Press and Publications Daily, 17 November 10. In addition, "the Party is in charge of the media, which cannot change."

[8] Central Committee of the Communist Party General Office and State Council General Office, "Opinion Regarding Strengthening and Improving Development of Urban Residence Committees" [Guanyu jiaqiang he gaijin chengshi shechu jumin weiyuanhui jianshe de yijian], issued 9 November 10.

[9] "China's Justice Minister Calls for Better Party Building in Law Firms," Xinhua, 23 November 10.

[10] "CPC Seeks Closer Ties With China's Grassroots To Consolidate Ruling Status," Xinhua, 6 June 11. This reporting year, Party officials took measures to "consolidate [the Party's] ruling status" in a campaign aimed at rural residents. For instance, the Ganzhou municipal government, Jiangxi province, sent 20,000 Party members to 3,751 villages at the end of 2010.

[11] Central Committee of the Communist Party and State Council, Decision Concerning Strengthening Comprehensive Management of Social Order, issued 19 February 91; "Authorities Crack Down on Rights Defenders, Lawyers, Artists, Bloggers," Congressional-Executive Commission on China, 3 May 11.

[12] "Social Management Innovations Take People's Livelihood as the Main Line, 35 Pilot Project Communities Nationally Give Impetus for Innovation" [Shehui guanli chuangxin yi minsheng wei zhuxian quanguo 35 ge shidian diqu fali chuangxin], Legal Daily, reprinted in People's Daily, 13 June 11. Outreach activities allow officials to monitor and gauge if citizens are a threat to "stability," while simultaneously taking care of social welfare issues. "Focus on Social Management's Difficult Problems, Really Resolving Contradictions Requires Putting People First" [Jujiao shehui guanli nanti yiren weiben caineng zhenzheng huajie maodun], Xinhua, 19 February 11. In an economic development zone in Hefei city, Anhui province, 119 responsible personnel would "learn about the affairs of 100 households" in the city's 21 communities, engaging in "face-to-face" service provision and coordinating social management work. In Dongcheng district, Beijing, "network management" personnel work to set up a database with information on "people, land, property, matters, and sentiments."

[13] "Assessment Report on the National Human Rights Action Plan of China (2009–2010)" [Guojia renquan xingdong jihua (2009–2010 nian) pinggu baogao], Xinhua, 14 July 11, sec. 3(5).

[14] Opinion Regarding Strengthening and Improving Development of Urban Residence Committees [Guanyu jiaqiang he gaijin chengshi shechu jumin weiyuanhui jianshe de yijian], issued 9 November 10. The preface of this Opinion emphasized the "more prominent [resident committee] function of safeguarding social stability, the increasing importance of community residence committees to take on social management tasks, and the more urgent service demands of community resident committees by citizens."

[15] "Beijing Addresses New Challenges in Social Management, Makes Innovations in Comprehensive Management Work Mechanisms" [Beijing yingdui shehui guanli xin tiaozhan chuangxin zongzhi gongzuo xin tizhi], Xinhua, 18 June 10.

[16] "Building Comprehensive Management and Internet Management Included for First Time" [Luoyu zongzhi wangluo guanli bei shouci naru], Liberation Daily, 2 March 11.

[17] Ibid.

[18] "Zhejiang Police's Internal Document: Controlling the Movements of Critical Persons," China Digital Times, 2 March 10.

[19] "Shenzhen Evicts More Than 80,000 'Security High-Risk Personnel,' Including People With Mental Illnesses" [Shenzhen qingchu 8 wanyu "zhi'an gaowei renyuan" baokuo jingshenbingren], Chongqing Evening News, reprinted in Phoenix Net, 12 April 11; "Shenzhen Plans Comprehensive Investigation of 'High-Risk Personnel' To Create a Stable Situation" [Shenzhen jihua quanmian paicha "gaowei renyuan" zhizao wending jumian], Radio Free Asia, 20 November 10. The Shenzhen municipal Party Committee and the municipal government passed measures, called "Certain Opinions Regarding Strengthening Social Management Structures, Public Security, and Solid Prevention and Control Systems," which stipulate the establishment of an "intelligence information network," a "basic prevention network," a "surveillance and control net-

work," and an "Internet management and control network," among others, in order to maintain "stability."

[20] "Zhejiang Police's Internal Document: Controlling the Movements of Critical Persons," China Digital Times, 2 March 10.

[21] "China: Student Informant System To Expand, Limiting School Autonomy, Free Expression," CIA Directorate of Intelligence (Open Source Works), 23 November 10. The "student informant system" reportedly is more open, includes one student informant in each class to monitor teachers' and students' political attitudes, and employs denunciation techniques.

[22] Ibid. Education officials reportedly started to strengthen the student informant system in 2005, which then reportedly was extended to lower-tier universities and middle and high schools in some parts of the country. Public debate about the "student informant centers" reportedly focuses on the risk of propagating a "culture of denunciation," of deterring freedom of speech, and potentially harming the development of gifted students.

[23] Ibid.

[24] Huang Shaojie, "PKU Copy Rooms Censor Materials," Global Times, 19 January 11.

[25] He Dan, "Peking University's Plan Stirs Questions," China Daily, 26 March 11.

[26] PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 35.

[27] Gillian Wong, "AP Exclusive: Internet-Savvy Network of 20 Is Behind Protest Calls That Have Rattled China," Associated Press, reprinted in Yahoo!, 6 April 11; "Red Armbands Go Into Battle While Authorities Monitor Those Passing by, Communications Are Monitored as Personnel Assemble in the Capital" [Hongxiuzhang shangzhen jianshi lu ren tongxun jianting renyuan ju jingcheng], Radio Free Asia, 25 February 11; "Organizer of Chinese Jasmine Rallies Extends an Open Letter to the Whole Nation" [Zhongguo molihua jihui zuzhizhe zhi quanguo renmin gongkaixin], Boxun, 21 February 11.

[28] "Organizer of Chinese Jasmine Rallies Extends an Open Letter to the Whole Nation" [Zhongguo molihua jihui zuzhizhe zhi quanguo renmin gongkaixin], Boxun, 21 February 11. The statement appeared to say that the organizers were willing to give the Communist Party time to resolve problems, but that if it could not eliminate corruption and accept citizen "supervision," then it should "retreat from the stage of history." The statement said, "We do not support violent revolution; we persist in non-violent non-cooperation." Further, the statement indicated that the organizers did not care if China had a one-, two-, or three-party system, but that government officials must accept citizen "supervision," and that China must have judicial independence.

[29] "Peaceful Road With Chinese Characteristics Out of 20 Years of Comprehensive Management" [Zongzhi 20 nian zouchu yitiao zhongguo tese pingan zhilu], Legal Daily, 1 March 11. 2011 marks the 20th anniversary of the establishment of the Central Committee on Comprehensive Management of Social Order that was put in place in 1991, as well as the two official decisions that were issued in 1991 that contain the "guiding principles" related to "social order," "maintaining social stability," and ensuring "lasting stability and durable peace."

[30] "Hu Jintao: Firmly Raise the Standard for Scientification of Social Management" [Hu jintao: zhazha shishi tigao shehui guanli kexuehua shuiping], Xinhua, 19 February 11.

[31] Ren Siwen, "Be Conscious of Upholding Social Harmony and Stability" [Zijue weihu shehui hexie wending], Beijing Daily, 5 March 11; Ren Siwen, "Upholding Stability Begins With Each Individual" [Weihu wending cong mei geren zuoqi], Beijing Daily, 6 March 11; "Police Out in Force Again To Stop 'Jasmine' Rallies Flowering," South China Morning Post, 7 March 11.

[32] Li Liyan, "People's Editorial: Why the Communist Party Central Committee Attaches Great Importance To Strengthening of and Innovation in Social Management" [Renmin shiping: zhongyang weihe gaodu zhongshi jiaqiang he chuangxin shehui guanli], People's Daily, 23 February 11; Ren Siwen, "Be Conscious of Upholding Social Harmony and Stability" [Zijue weihu shehui hexie wending], Beijing Daily, 5 March 11; "Chinese Official Press Attack 'Jasmine' Gatherings" [Zhongguo guanmei pingji "molihua" jihui huodong], Radio Free Asia, 5 March 11.

[33] Chinese Human Rights Defenders, "Escalating Crackdown Following Call for 'Jasmine Revolution' in China," 31 March 11. According to Chinese Human Rights Defenders, "The Chinese government has criminally detained a total of 26 individuals, disappeared more than 30, and put more than 200 under soft detention." For Commission analysis, see "Authorities Crack Down on Rights Defenders, Lawyers, Artists, Bloggers," Congressional-Executive Commission on China, 3 May 11.

[34] Chinese Human Rights Defenders, "Suining City Public Security Bureau Notice of Criminal Detention to Chen Wei" [Suiningshi gonganju dui chen wei de xingshi juliu tongzhishu], reprinted in Boxun, 22 February 11; Democratic China, "Chen Wei: Me and the '92 Democracy Movement'" [Chen wei: wo yu jiuer minzhu yundong], 11 September 10.

[35] Chinese Human Rights Defenders, "Escalating Crackdown Following Call for 'Jasmine Revolution' in China," 31 March 11; Chinese Human Rights Defenders, "A Quiet Crackdown, Yet Likely the Harshest in Recent Years," 25 February 11."

[36] Human Rights in China, "Independent Intellectual Ran Yunfei Arrested on "Inciting Subversion of State Power" Charge" [Zheming duli zhishi fenzi ran yunfei bei yi shexian 'shandongzui' daibu], 28 March 11; Chinese Human Rights Defenders, "A Quiet Crackdown, Yet Likely the Harshest in Recent Years," 25 February 11; "Ran Yunfei Detained for the Crime of Subversion, All Circles Are Shocked and Decry [Detention]" [Ran yunfei bei yi dianfu zuiming xingju, gejie zhenjing qianze], Radio Free Asia, 24 February 11.

[37] Jeremy Page, "Beijing Blocks Protest Reports," Wall Street Journal, 31 January 11; Edward Wong and David Barboza, "Wary of Egypt Unrest, China Censors Web," New York Times, 31 January 11. For Commission analysis, see "Authorities Censor Access to Information on Middle East and Chinese 'Jasmine' Protests," Congressional-Executive Commission on China, 22 March 11.

[38] Andrew Jacobs and Jonathan Ansfield, "A Revolution's Namesake Is Contraband in China," New York Times, 10 May 11.

[39] "Chinese Church Leaders Urge Followers Not To Join Street Gatherings," Xinhua, 4 March 11 (Open Source Center, 4 March 11).

[40] "Jasmine Open for Third Time, Beijing Subway Closed, Hong Kong Residents Expressing Support Taken Into Custody" [Molihua kai sandu beijing ditie beifeng gangmin shengyuan beizhua], Epoch Times, 7 March 11; "Universities Targeted in 'Jasmine' Crackdown," Radio Free Asia, 7 March 11. Chinese Government Takes Strict Precautions for Fourth Jasmine Exercise, Plainclothes Police Outnumber Pedestrians" [Zhongguo zhengfu yanfang disi bo molihua huodong, jingcha bianyi chaoguo sanbuzhe renshu], Radio Free Asia, 13 March 11; "Two Chongqing Students Detained for Transmitting News of 'Jasmine Revolution'" [Chongqing liang xuesheng yin shangwang zhuanfa "molihua geming" xinxi beiju], Radio Free Asia, 2 March 11; "Beijing High School Students Admonished: Do Not Organize Collective Activities" [Beijing gaoxiao quanjie xuesheng: jinqi wu zuzhi jiti huodong], Radio Free Asia, 2 March 11.

[41] "Police Out in Force Again To Stop 'Jasmine' Rallies Flowering," South China Morning Post, 7 March 11; Ian Johnson, "Call for Protests in China Draws More Police Than Protesters," New York Times, 27 February 11; Malcolm Moore, "Heavy-Handed Reaction to China's 'Jasmine' Protests," Telegraph, 27 February 11.

[42] Ian Johnson, "Call for Protests in China Draws More Police Than Protesters," New York Times, 27 February 11; Malcolm Moore, "Heavy-Handed Reaction to China's 'Jasmine' Protests," Telegraph, 27 February 11.

[43] "Jasmine Open for Third Time, Beijing Subway Closed, Hong Kong Residents Expressing Support Taken Into Custody" [Molihua kai sandu beijing ditie beifeng gangmin shengyuan beizhua], Epoch Times, 7 March 11; Malcolm Moore, "Heavy-Handed Reaction to China's 'Jasmine' Protests," Telegraph, 27 February 11.

[44] Ian Johnson, "Call for Protests in China Draws More Police Than Protesters," New York Times, 27 February 11; Malcolm Moore, "Heavy-Handed Reaction to China's 'Jasmine' Protests," Telegraph, 27 February 11; "Police Out in Force Again To Stop 'Jasmine' Rallies Flowering," South China Morning Post, 7 March 11.

[45] Frank Ching, "Don't Look for Jasmine Revolution or Tea in China," Yale Global Online, 7 March 11.

[46] Edward Wong and Jonathan Ansfield, "Beijing Blames Foreigners For Its Fears of Unrest," New York Times, 8 May 11.

[47] Ibid.

[48] Chinese Human Rights Defenders, "Liu Xianbin Case Trial Oral Judgment Announcement of 10 Years, Family and Lawyers Cannot Visit" [Liu xianbin an fating koutou pan shi nian xingqi, jiaren lushi wufa huijian], 25 March 11; Human Rights in China, "Activist Sentenced to Ten Years for Inciting Subversion; Essays Cited as Evidence," 25 March 11; Chinese Human Rights Defenders, "Liu Xianbin Already Formally Indicted" [Liu xianbin yijing bei zhengshi qisu], 17 November 10; Chinese Human Rights Defenders, "Sichuan Activist Liu Xianbin's Criminal Sentencing Document" [Sichuan yiyi renshi liu xianbin xingshi panjueshu], 17 May 11. See the Commission's Political Prisoner Database for more information about Liu Xianbin's case.

[49] Chinese Human Rights Defenders, "Wuhan Rights Defender Li Tie Arrested on Suspicion of 'Subverting State Power' Crime" [Wuhan weiquan renshi litie bei yi shexian "dianfu guojia zhengquan zui" daibu], 17 November 10.

[50] Chinese Human Rights Defenders, "After Being Missing for 12 Days, Elections Expert Yao Lifa Free" [Xuanju zhuanjia yao lifa shizong 12 tianhou huode ziyou], 30 October 10. This instance was reportedly related to authorities' perception that Yao was trying to organize a celebration of Liu Xiaobo's Nobel Peace Prize. Chinese Human Rights Defenders, "Special Alert: Elections Expert Yao Lifa Once Again Kidnapped, Taken Away" [Tebie guanzhu: xuanju zhuanjia yao lifa zaici bei bangjia dao waidi], reprinted in Boxun, 19 November 10. This instance was reportedly to impede his investigation of a case in which a petitioner was allegedly killed by an official. Chinese Human Rights Defenders, "Elections Expert Yao Lifa Abused and Beaten During Soft Detention Period" [Xuanju zhuanjia yao lifa bei ruanjin qijian shoudao ruma ouda], 13 December 10. This instance was reportedly to stop him from meeting Qin Yongmin, a democracy advocate. Human Rights in China, "Rights Lawyer Missing More Than 48 Hours; Former Local People's Congress Deputy Detained Seven Days," 18 February 11. This instance was reportedly to prevent him from training independent candidates for local elections. "Police Question Foreigners in Seventh Jasmine Wave, Ai Weiwei and Assistant Prevented from Leaving the Country and Summoned by the Police" [Di qibo molihua jingfang pancha waijiren ai weiwei ji zhushou bei jin chujing ji chuanhuan], Radio Free Asia, 3 April 11. This instance reportedly was related to the "Jasmine Revolution" rallies. Chinese Human Rights Defenders, "As June 4th Approaches, Strict Control and Suppression Intensifies (Continuation)" [Liusi jiangling, quanguo yankong daya shengji (xu)], 3 June 11. In February, authorities placed Yao under 24-hour observation, which intensified as the anniversary of the violent suppression of the 1989 Tiananmen protests approached in early June. "Elections Expert Yao Lifa's Movements Restricted After Receiving a Call From the US Embassy" [Xuanju zhuanjia yao lifa jie meiguo shiguan dianhua hou bei xianzhi renshen ziyou], 12 June 11; "Scholar Held Amid Election Bid," Radio Free Asia, 21 June 11. Yao Lifa disappeared again after receiving calls from the U.S. Embassy and a reporter. Chinese Human Rights Defenders, "Yao Lifa Missing for Twenty Days, Home Searched Twice in One Day" [Yao lifa shizong 20 tian shi, jiazhong yitian nei bei chachao liangci], 7 July 11; Chinese Human Rights Defenders, "China Human Rights Briefing August 3–9, 2011," 9 August 11.

[51] Chinese Human Rights Defenders, "China Human Rights Briefing August 3–9, 2011," 9 August 11; "Scholar Held Amid Election Bid," Radio Free Asia, 21 June 11.

[52] 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 Human Rights Committee, 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, 7 December 96. Under General Comment 25 to the ICCPR, this language requires that: "Where citi-

zens 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" (Item 7); "The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions . . . [p]arty membership should not be a condition of eligibility to vote, nor a ground of disqualification" (Item 10); "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected . . ." (Item 12); "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties . . ." (Item 17); 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 . . . ." (Item 20).

[53] 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. China has signed, but has not yet ratified, the ICCPR. In the 2009–2010 National Human Rights Action Plan issued by the Chinese government in April 2009, officials stated that the ICCPR was one of the "fundamental principles" on which the plan was framed, and that the government "will continue legislative, judicial and administrative reforms to make domestic laws better linked with this Covenant, and prepare the ground for approval of the ICCPR." State Council Information Office, National Human Rights Action Plan of China (2009–2010), reprinted in Xinhua, 13 April 09, Introduction, sec. V(1).

[54] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A(III) of 10 December 48, art. 21. "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives . . . . The will of the people shall be the basis of the authority of government, this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

[55] "How To Look at New Trends in Rural Grassroots Elections" [Ruhe kandai nongcun jiceng xuanju de xin chaoshi], Beijing Daily, reprinted in Seeking Truth, 27 September 10; Xu Dongmei, Research on Chinese Communist Party Intra-Party Democracy [Zhongguo gongchandang dangnei minzhu yanjiu], (Beijing: Party Construction Reading Materials Press, 2004), 7.

[56] Deng Xiaoping, "Report on the Revision of the Constitution of the Communist Party of China," People's Daily, 16 September 56. According to Deng, "The measures taken for the development of inner-Party democracy are not meant to weaken necessary centralization in the Party, but to supply it with a powerful and vigorous base." Constitution of the Communist Party of China, as amended 21 October 07. According to the Party Constitution, "Democratic centralism is a combination of centralism on the basis of democracy and democracy under centralized guidance. It is the fundamental organizational principle of the Party and is also the mass line applied in the Party's political activities. The Party must fully expand intra-Party democracy, safeguard the democratic rights of its members, and give play to the initiative and creativity of Party organizations at all levels as well as its members." Xu Dongmei, Research on Chinese Communist Party Intra-Party Democracy [Zhongguo gongchandang dangnei minzhu yanjiu], (Beijing: Party Construction Reading Materials Press, 2004), 3. Development of inner-Party democracy was all but abandoned during the Cultural Revolution (1966 to 1976), but was revived after 1978 when the concept of "collective leadership" once again became a guiding principle of the Party.

[57] State Council Information Office, White Paper on China's Peaceful Development (English), reprinted in Xinhua (Open Source Center, 6 September 11), issued 6 September 11, sec. III; State Council Information Office, White Paper on China's Peaceful Development (Chinese), reprinted in China Net, 6 September 11, sec. III. A subsequent article in Xinhua notes Chinese authorities' resolve to never permit "external forces to interfere in China's internal affairs." "China Will Never Allow External Interference, Says White Paper," Xinhua, 6 September 11. See also "Editorial: Political System Included in China's 'Core Interests'" [Shelun: zhengzhi zhidu jinru zhongguo "kexin liyichuan"], Global Times, 7 September 11.

[58] "Editorial: Political System Included in China's 'Core Interests'" [Shelun: zhengzhi zhidu jinru zhongguo "kexin liyichuan"], Global Times, 7 September 11.

[59] Full Text of Communique of the Fifth Plenum of the 17th CPC Central Committee, reprinted in Xinhua, 18 October 10.

[60] National People's Congress, Outline of the Economic and Social Development 12th Five-Year Plan of the People's Republic of China [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], issued 14 March 11, chap. 54. It states that China will "strengthen democratic systems, enrich democratic forms, broaden democratic channels, implement democratic elections according to law; promote democratic policies, democratic management, and democratic supervision; protect people's right to know, right to participate, and right to supervise."

[61] An Baijie, "Premier Wen Calls for Major Political Reform," Global Times, 23 August 10. Premier Wen Jiabao reportedly made a statement in August 2010 declaring that "[w]ithout the political reform, China may lose what it has already achieved through economic restructuring and the targets of its modernization drive might not be reached."

[62] Gary Huang, "Editorial Aims To Silence Calls for Political Reform: Western-Style Democracy Rejected," South China Morning Post, 28 October 10.

[63] Shi Jiangtao, "Beijing Slams Door on Political Reform," South China Morning Post, 11 March 11; "'Zheng Qingyuan' Says Political Reform Is To 'Strengthen' Party Leadership," People's Daily, 26 October 10 (Open Source Center, 26 October 10).

[64] Wang Yuting, "Wu Bangguo: Do Not Apply Mechanically Certain Western Legal Systems" [Wu bangguo: bu taoyong xifang moxie guojia falu tixi], Eastday, 10 March 11; "China Vows

No Western-Style Political Reforms," Associated Press, reprinted in Washington Post, 9 March 11. He also stated China would not carry out formal privatization.

[65] "Zheng Qingyuan' Says Political Reform Is To 'Strengthen' Party Leadership," People's Daily, 26 October 10 (Open Source Center, 26 October 10).

[66] What "Democracy" Means in China After Thirty Years of Reform, Staff Roundtable of the Congressional-Executive Commission on China, 22 May 09, Testimony of Melanie Manion, Professor of Public Affairs and Political Science, University of Wisconsin-Madison.

[67] National People's Congress, "Delegates' Law Revision (Draft) Articles and Draft Explanation" [Daibiaofa xiuzheng'an (cao'an) tiaowen ji cao'an shuoming], 28 August 10; Standing Committee of the National People's Congress, Decisions Regarding Revising Delegates Law of the National People's Congress and Various Levels of Local People's Congresses of the People's Republic of China, issued 28 October 10.

[68] Ibid.

[69] What "Democracy" Means in China After Thirty Years of Reform, Staff Roundtable of the Congressional-Executive Commission on China, 22 May 09, Testimony of Melanie Manion, Professor of Public Affairs and Political Science, University of Wisconsin-Madison. According to Manion, one development is that, despite official voter turnout figures of 90 percent, survey evidence indicates that "very high proportions of ordinary Chinese know little or nothing about local congress candidates on election day, didn't vote in the most recent congress election, and can recall nothing their congress representative have done in the past term."

[70] "New Faces Should Go Back to Reality," Global Times, 31 May 11; "Editorial: Independent Candidates Should Revert From Micro Blogs Back to Reality," Global Times, 30 May 11; Zhu Shanshan, "Grass-roots Candidates Rally Online," Global Times, 30 May 11.

[71] Peter Foster, "Chinese Activists Harness Twitter To Campaign in Elections," Telegraph, 19 June 11.

[72] Chinese Human Rights Defenders, "Jiangxi Independent Candidate Liu Ping Released After Four-Day Illegal Detention" [Jiangxi duli houxuanren liu ping bei feifa guanya 4 tian hou houshi], 17 May 11; Chinese Human Rights Defenders, "Jiangxi Independent Candidate Liu Ping and Others Lose Contact With Outside World" [Jiangxi duli houxuanren liu ping dengren yu waijie shiqu lianxi], 12 May 11; "The True Story of a Local Female Independent Election Candidate in Xinyu, China," China Elections Blog, 20 May 11. Police told Liu, who reportedly had over 30,000 followers on her microblog, that she was not qualified to run because she traveled to Beijing to petition about a land issue and because some of her nominators were not eligible. Prior to this, police officials reportedly interrupted Liu's public speeches, accused her of being in league with "hostile foreign political forces," and confiscated fliers and numerous items from her home. Chinese Human Rights Defenders, "Jiangxi Independent Candidate Liu Ping Released After Four-Day Illegal Detention" [Jiangxi duli houxuanren liu ping bei feifa guanya 4 tian hou houshi], 17 May 1. Officials called her in for questioning for "disrupting public order."

[73] Chinese Human Rights Defenders, "Xinyu City, Jiangxi, Independent Candidates Wei Zhongping and Others Regain Their Freedom," 20 May 11.

[74] Chinese Human Rights Defenders, "Chinese Civic Elections Monitor Du Quanbing Kidnapped by Police" [Zhongguo minjian xuanju guanchayuan du quanbin bei jingfang bangjia], 30 April 11.

[75] "Independent Poll Candidates Harassed," South China Morning Post, 23 June 11. Authorities warned Li Sihua, of Jiangxi province, that he may face charges of "sabotaging elections," accusing him of falsifying signatures on his nomination form. Xie Runliang, of Jiangsu province, pulled out of a local election in May one day after police called him in for a "chat." A "mysterious department" allegedly pressured a company to withhold a tennis sponsorship for the son of candidate Li Chengpeng.

[76] "New Faces Should Go Back to Reality," Global Times, 31 May 11; "Editorial: Independent Candidates Should Revert From Micro Blogs Back to Reality," Global Times, 30 May 11.

[77] Lin Wei and Chen Anyu, "Longhua District in Haikou Effectively Bans Anomalies Involved in Village-Level Election Canvassing" [Longhuachu cunji huanjie shunli tuijin], 23 July 10; Chen Anning and Bai Bin, "Treating and Sending Gifts To Win Village Cadre Election" [Wei jingxuan cun ganbu qingke songli], Hainan Daily, 12 August 10. This article discusses election canvassing bribery in one district.

[78] "Party Committee Twists Guangdong Village Committee Elections, New Shandong Village Chief Stabbed 20 Times" [Guangdong cunwei huanjie dangwei caopan shandong cunzhang xin shangren bei kan 20 dao], Radio Free Asia, 18 April 11.

[79] Chen Anning and Bai Bin, "Treating and Sending Gifts To Win Village Cadre Election" [Wei jingxuan cun ganbu qingke songli], Hainan Daily, 12 August 10; "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang Jiang Li jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[80] Chen Anning and Bai Bin, "Treating and Sending Gifts To Win Village Cadre Election" [Wei jingxuan cun ganbu qingke songli], Hainan Daily, 12 August 10; Zhao Lei, "Bribery Being Bred in Grassroots Elections," China Daily, 22 July 10.

[81] Yan Faming, Chinese Human Rights Defenders, "Fangshan Village Election Ballot Box Snatched 8 Villagers Detained" [Fangshan cunmin xuanju quan piaoxiang bei qiang 8 cunmin bei zhua], reprinted in Boxun, 17 August 10; Paul Mooney, "Village Seethes Over 'Stolen' Election," South China Morning Post, reprinted in Web site of Paul Mooney, 29 August 10.

[82] Yan Faming, Chinese Human Rights Defenders, "Fangshan Village Election Ballot Box Snatched 8 Villagers Detained" [Fangshan cunmin xuanju quan piaoxiang bei qiang 8 cunmin bei zhua], reprinted in Boxun, 17 August 10. Those detained include Qiu Lina, Zhao Yun, Ma Zhizheng, Zhao Zhenghai, and Zhao Daqing. Paul Mooney, "Village Seethes Over 'Stolen' Election," South China Morning Post, reprinted in Web site of Paul Mooney, 29 August 10. "Four More Detained in the Beijing Suburban Village Raoyuefu Election Scandal, 13 Arrested Including the Election Committee Director" [Jingjiao raoyuefu xuanjumen zai zhua siren xuanweihui

zhuren deng shisanren beizhua], Civil Rights and Livelihood, 24 August 10. Officials later detained four other villagers including Liu Jinfu, a former village leader and director of the village election commission, on charges not specified in news reports.

[83] PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued 4 November 98, amended and effective 28 October 10.

[84] "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang Jiangli jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[85] PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued 4 November 98, amended and effective 28 October 10, art. 32.

[86] "Closely Watching the 'Executive Power' of 7,000,000 Government Officials" [Dingjin 700 wan cunguan de "xingzhengquan"], Xinhua, 7 December 10. For example, in Henan province, supervisory-related organizations reportedly are mechanisms to supervise the exercise of official power, prevent corruption, and according to one official, have "become a buffer safeguarding social stability in rural areas." Li Bo, "Yijun County Sets Up Villager Supervisory Committees in Every Village" [Yijun sheli cunmin jiandu weiyuanhui cujin nongcun hexie], Shaanxi Daily, 12 August 10. One village in Shaanxi province reported that after the village established the supervisory committee, petitioning cases decreased by 40 percent. "Guo Yongping at Guanzhongwu City First District Open Village Affairs, Democratic Management, and Democratic Supervision Work Symposium Requires Deepening Open Village Affairs and Democracy for Tangible Advances in Managing 'Difficult Villages'" [Guo yongping zai guanzhongwushi yiqu cunwu gongkai minzhu guanli minzhu jiandu gongzuo zuotanhuishang yaoqiu shenhua cunwu gongkai he minzhu queshi tuijin "nandiancun" zhili], Shaanxi Daily, 27 July 10.

[87] "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang Jiangli jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[88] "Panlong District: 'Three Types of Committees' Jointly Oversee Management of Community Affairs" [Panlongqu: "sanwei" xieshou guifan shequ shiwu guanli], Yunnan Daily, 5 July 10.

[89] Qian Qilu, "To Hammer Out a Base, Promote Grassroots Democratic Political Construction in Village Pastoral Areas" [Hanshi jichu tuijin nongcun muqu jiceng minzhu zhengzhi jianshe], Inner Mongolia Daily, 13 August 10. According to this news story, the "villager party branch is to exercise the power of conducting the decision-making process, the villager representative conference is to exercise the power to vote to approve the decision, the villager committee is to exercise the power to execute the decision, and the villager supervisory committee is to exercise the power of supervising the implementation of the decision." "Promote Innovations in the Construction of Village Grassroots Party Organization—Briefing on Construction of Village Grassroots Organizations' 'Three-Three System' High-Level Forum" [Tuaijin nongcun jiceng dang zuzhi jianshe tizhi chuangxin—"nongcun jiceng zuzhi jianshe 'sansanzhi' gaozeng luntan" suyao], People's Daily, 20 October 10. In another village, the Party branch reportedly "organizes a meeting to discuss major village issues" and the villager representative assembly "makes decisions happen," while the "supervisory committee" "directs."

[90] The 2010 revision contains an entire section on the "villager representative assemblies," while the 1998 version only mentions the body once. PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued 4 November 98, amended and effective 28 October 10, sec. 4. PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued and effective 4 November 98, art. 21.

[91] "Qinghai Province Establishes Village (Resident) Committee Election Observer System" [Wosheng jianli cun (ju) min weiyuanhui xuanju guanchayuan zhidu], Qinghai News Net, 1 February 11. According to this article, provincial, autonomous prefecture, and county election leading agencies chose Party members, people's congress, and people's political consultative conference delegates, experts, scholars, and retired Party and government cadres, among others, with "definite political qualities and knowledge of village/residents committee self-governance and law" to observe elections. Guangdong Province People's Congress Standing Committee, Guangdong Province Village Committee Election Measure [Guangdong sheng cunmin weiyuanhui xuanju banfa], issued 1 December 10. Hubei Province People's Congress Standing Committee, Hubei Province Village Committee Election Measures [Hubei sheng cunmin weiyuanhui xuanju banfa], issued 26 May 11.

[92] Wang Zhiyong and Sun Chunyan, "Promote the Healthy Development of Democracy" [Cujin minzhu zhengzhi jiankang fazhan], Jilin Daily, 17 March 10; "For the 306 Villages of Xiji County 'Two Committee' Elections, the Overall Quality of the Candidates Improves" [Xiji 306 ge cun "liangwei" shunli huanjie dangxuanzhe zhengti suzhi tigao], Ningxia Daily, summarized in Open Source Center, 22 December 10; Zhang Zhongbao, "Village-Level Organization Elections Complete, All Achieved 'One Shoulder To Carry' [Responsibilities of] Secretary and Leader, Five Village Committees in Qiongshan Held Successful 'Open Direct Nomination' [Elections]" [Wancheng cunji zuzhi huanjie xuanju, quanmian shixian shuji, zhuren "yijantiao" qiongshan 5 cunweihui "gongkai zhixuan" chenggong], Hainan Daily, 26 September 10; Ji Chuanpai, "Researching the 'Two Committees' Village Elections and the Work of Party Leaders" [Yanjiu cun "liangwei" huanjie xuanju he dangzheng lingdao ganbu wenze gongzuo], Beijing Daily, 9 December 10; Wu Zongyi and Han Xijiang, "Grassroots Democracy Will Become Deeper if Citizens Have More Rights To Speak" [Jiceng minzhu jiangxiang zongshen tuijin minzhong you gengduo huayuquan], Dazhong Net, 6 December 10. See the Commission's 2006 Annual Report for more information regarding the trend of recentralizing Party and government authority, which appears to be based on a September 2004 Party "Decision on Strengthening the Party's Ruling Capacity." CECC, 2006 Annual Report, 20 September 06, Section III—Institutions of Democratic Governance and Legislative Reform, 124–31.

[93] Zhang Zhongbao, "Village-Level Organization Elections Complete, All Achieved 'One Shoulder To Carry' [Responsibilities of] Secretary and Leader, Five Village Committees in Qiongshan Held Successful 'Open Direct Nomination' [Elections]" [Wancheng cunji zuzhi huanjie xuanju,

quanmian shixian shuji, zhuren "yijantiao" qiongshan 5 cunweihui "gongkai zhixuan" chenggong], Hainan Daily, 26 September 10.

[94] Huang Yong et al., "Rudong County Accepts Applications From Whole County for Positions of Village Party Branch Secretaries" [Rudong mianxiang quanxian gongkai xuanbo cun zhishu], China Jiangsu Net, 17 July 10. In Rudong county, Nantong municipality, Jiangsu province, to improve the professional skill level of leaders, county authorities allowed almost 20 percent (40 out of 235) of the county's villages to choose their Party branch secretaries from among candidates anywhere in the county, not just in the village where the election was being held.

[95] "Dafang's Open Nomination System for Cadres Increases the Village's Vigor" [Dafang gongkai xuanba cunji ganbu zeng huoli], Guizhou Daily, 28 December 10. One county in Guizhou province raised salaries for village heads and deputy heads to attract candidates with better qualifications.

[96] Zhang Xinyu, "Gongliu Village Establishes Innovative Organization Combining 'Three Officials in One System'" [Gongliu chuangxin "sanguan yiti" cunji zuzhi jianshe], Yunnan Daily, 4 May 10; Lian Xiaofang, "Research To Intensify the Work of Open and Democratic Supervision of Village Affairs" [Yanjiu shenhua cunwu gongkai he minzhu guanli deng gongzuo], Ningxia Daily, 30 December 10. To reduce the reported "dishonest ethos" among officials in so-called "difficult villages," Ningxia Hui Autonomous Region officials plan to use "skilled and moral university students" as village officials and appoint officials from outside the borders of villages.

[97] Zhang Xinyu, "Gongliu Village Establishes Innovative Organization Combining 'Three Officials in One System'" [Gongliu chuangxin "sanguan yiti" cunji zuzhi jianshe], Yunnan Daily, 4 May 10. One county in the Xinjiang Uyghur Autonomous Region combined using local village officials, college-graduate officials, and "extra-payroll" officials in local organizations to resolve problems of governance.

[98] Mao Guanghui, "Party Members First Discuss Major Issues in the Village" [Cunli dashi dangyuan xianyi], Zhejiang Daily, 18 March 10. Party officials described in this article developed a "Party-Member Preliminary Consultation System" for Party members without a post. Guo Limin, "Yutai Creates Village-Level Affairs Scientific Policy Making Platform" [Yutai dazao cunji shiwu kexue jueci pingtai], Dazhong Daily, 6 August 10. According to this article, authorities reportedly established a "senator" affiliate system. The village Party committees in all 392 villages reportedly appointed "senators" from among "old" Party and government cadres and businessmen or workers who now work outside the village. These "senators" reportedly not only make suggestions, help with work, and even provide financing for a variety of projects, they also have assisted in smoothing out interactions between Hui and Han citizens, improved "harmonious relations," and resolved hundreds of disputes.

[99] "For the 306 Villages of Xiji County 'Two Committee' Elections, the Overall Quality of the Candidates Improves" [Xiji 306 ge cun "liangwei" shunli huanjie dangxuanzhe zhengti suzhi tigao], Ningxia Daily, summarized in Open Source Center, 22 December 10; Zhang Xuefei, "In Choosing Well the "Lead Goose" Villagers Go Straight to the Lead" [Xuanhao "lingtouya" cunmin you bentou], Yunnan Daily, 2 September 10; Zhang Xinyu, "Gongliu Village Establishes Innovative Organization Combining 'Three Officials in One System'" [Gongliu chuangxin "sanguan yiti" cunji zuzhi jianshe], Yunnan Daily, 4 May 10.

[100] Yang Yueqing, "Provincial Conference on Deepening Open Village Affairs and Democratic Management Opens" [Quansheng shenhu cunwu gongkai he minzhu guanli gongzuo xianchang hui zhaokai], Shaanxi Daily, 2 November 10. Shaanxi province reportedly had 314 "difficult villages" and 2,900 "weak villages." One hundred and fifty-six villages now reportedly meet "management standards."

[101] The list in the text contains representative types of "difficult villages" as defined by authorities in a variety of locations. The sources below provide more details regarding the types of "difficult villages" found in a variety of locations. Lian Xiaofang, "Research To Intensify the Work of Open and Democratic Supervision of Village Affairs" [Yanjiu shenhua cunwu gongkai he minzhu guanli deng gongzuo], Ningxia Daily, 30 December 10. In the Ningxia Hui Autonomous Region, "difficult villages" include those villages with "relatively backward economic development," where "citizen aspirations and demands have not met with a response" and where "contradictions have accumulated and citizens' complaints are relatively large." Hui Ji, Zhejiang Normal University Village Research Center, "Research Report on Guizhou Province Open Government Affairs and Democratic Management 'Difficult Villages' Governance Work" [Dui guizhousheng cunwu gongkai he minzhu guanli "nandiancun" zhili gongzuo de diaoyan baogao], 11 December 09. In Guizhou province, the category included villages that have not had successful village elections, had long-term problems with tensions between villagers and leaders, had longstanding issues with citizens taking grievances to higher authorities, or had problems with transparency of village affairs, among others. He Linping, "Huizhou 'Four-Democracy Working Method' To Realize 'Villager Management' of Village Affairs" [Huizhou "si minzhu gongzuofa" shixian cunli de shiqing "cunmin'guan"], People's Daily, 4 August 10. In a village in Guangdong province, the relationship between officials and villagers became "complicated," and there was a high number of citizen complaints because "a few village cadres had the final say over everything" and "villagers had no knowledge of the things they should know about, much less have the right to participate." The village was known as one where there were lots of complaints to higher levels, one that was "ruled by men," and one that was poor and underdeveloped.

[102] See, e.g., Jiang Qiu, "Perfecting the Systems of Open Village Affairs and Democratic Management To Promote Social Harmony and Stability in Rural Areas" [Wanshan cunwu gongkai minzhu guanli zhidu, cujin nongcun shehui hexie wending], Guangxi Daily, 27 January 11; Ministry of Civil Affairs, 2010 National Civil Affairs Work Report (Summary of Contents) [2010 nian quanguo minzheng gongzuo baogao (neirong tiyao)], reprinted in Hebei Province Department of Civil Affairs, 28 December 10. Following are some news articles illustrating the various programs to resolve problems in villages. Lian Xiaofang, "Research To Intensify the Work of Open and Democratic Supervision of Village Affairs" [Yanjiu shenhua cunwu gongkai he minzhu guanli deng gongzuo], Ningxia Daily, 30 December 10; Zhang Xuefei et al., "Carry Out Duties

as Promised, Let Real Achievements Speak, Malang County Introduces 'Four Double' Commitment System to Break Bottlenecks in Supervision of Village Cadres" [An chengnuo luzhi yong shiji shuohua - malongxian tuixing "si shuang" mubiao chengnuozhi pojie cunganbu jianguan nan pingtou], Yunnan Daily, 22 July 10; He Linping, "Huizhou 'Four-Democracy Working Method' To Realize 'Villager Management' of Village Affairs" [Huizhou "si minzhu gongzuofa" shixian cunli de shiqing "cunmin guan"], People's Daily, 4 August 10.

[103] Zhou Qianjin, "Prevent the Minority From Calling the Shots in Village Affairs" [Cunli de shi fangzhi xiaoshuren shuole suan], Sichuan Daily, 18 March 10; "Li Yuanchao: It Is Necessary To Develop and Perfect Party Leadership Over Mechanisms of Village-Level Autonomy" [Li Yuanchao: yao fazhan he wanshan dang lingdao de cunji minzhu zizhi jizhi], Chinese Communist Party Information Net, 27 August 2009; "Liaoning Provincial Departments Strengthen Construction of Village Grassroots Organizations" [Liaoning sheng bushu jiaqiang nongcun jiceng zuzhi jianshe], Dongbei News Net, 15 October 10.

[104] "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang jiang li jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[105] He Xuefeng, "'Villagers Managing Expenditures, Financial Affairs Are Square" [Kaizhi cunmin dangjia caiwu yiben qingzhang], Anhui Daily, 9 August 10; "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang jiang li jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[106] Yu Qin, "Villagers Need To Show Respect for 'Transparent Account Books'" ["Luozhang," xu cunmin maizhang], Zhejiang Daily, 25 March 10.

[107] Xu Jian, "Village Affairs, Under the Sunshine Moving Towards Transparency" [Cunwu, zai yangguangxia zouxiang touming], Anhui Daily News, 1 September 10.

[108] The World and China Institute, Chinese Democratization Index 2.0 [Zhongguo Minzhuhua Zhibiao Yanjiu Baogao 2009], (Beijing: The World and China Institute, 2011), 26.

[109] "China's Top Legislature To Step Up Oversight Work Through Special Inquires," Xinhua, 10 March 11.

[110] State Council, Opinion Regarding Strengthening Construction of a Government That Rules by Law [Guanyu jiaqiang fazhi zhengfu jianshe de yijian], 8 November 10, sec. 1(1).

[111] Ibid.

[112] "Reining in Coercive Power," Beijing Review, 4 August 11. PRC Law on Administrative Coercion [Zhonghua renmin gongheguo xingzheng qiangzhi fa], issued 30 June 11, effective 1 January 12.

[113] "Six Highlights of the Draft Amendments to the Administrative Reconsideration Law" [Xingzheng fuyifa xiuding ni shixian mingaoguan an liu da tupo], Legal Education Net, 20 July 11; "State Council Legislative Affairs Office: Appropriately Expand the Scope of Acceptance of Administrative Reconsideration Cases" [Guowuyuan fazhiban: shidu kuoda xingzheng fuyi shouan fanwei], Legal Education Net, 17 July 11.

[114] PRC State Compensation Law [Zhonghua renmin gongheguo guojia peichangfa], issued 12 May 94, amended 29 April 10, effective 1 December 10, arts. 7, 35; "New Compensation Law Brings More Fairness," Global Times, 2 December 10.

[115] Zhang Xiangdong and Zheng Yi, "NDRC To Revise System for Evaluating Performance of Local Officials," Economic Observer, 28 March 11. The National Development and Reform Commission reportedly plans to divide regions into four categories to take differences into consideration: "areas optimal for development," "areas for key development," "areas where development is restricted," and areas where "development is prohibited."

[116] Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," Stanford Journal of International Law, Vol. 42 (2006), 154–55.

[117] Pan Hongqi, "Need To Avoid Negative Effects of Including Stability Preservation in Officials' Performance Evaluations" [Yi "weiwen" kaohe guanyuan zhengji xu bimian fumian xiaoying], Beijing Youth Daily, 16 October 10. The author of this article argues that it would be better to evaluate the "process" of stability preservation rather than evaluating just the results of stability preservation.

[118] Ningyuan County People's Government, Detailed Rules and Regulations for Assessing Comprehensive Order and Stability Maintenance Marks in Villages and Towns [Du xiangzhen zongzhi weiwen kaohe pingfen xize], last visited 25 May 11 (estimated date 2009). For more information about the incentives for local officials to suppress petitioners, see Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," Stanford Journal of International Law, Vol. 42 (2006), 154.

[119] "The Most Idiotic Villager Rules Ever": Petitioners Must Get Permission To Take Their Complaints to Higher Levels, Offenders Grain Rations Deducted" ["Shishang zuiniu cunmin shouze": shangfang xu jing xuke weizhe kou kouliang qian], Worker's Daily, reprinted in Xinhua, 9 December 10. In Xiaobanqiao village, Jiaojiang district, Taizhou city, Zhejiang province, local officials reportedly issued "villager behavioral guidelines" (cunmin shouze) that included the following rule: "Anyone who visits an administration office at a higher level to lodge complaints without a justifiable reason and without the permission of his respective village Party branch and villager committee is liable to be punished by having his grain subsidies withheld for a period ranging from one to 10 years." Worker's Daily reported that the villagers said a "grain subsidy" is a form of cash compensation paid to villagers on a regular basis by officials for rent or lease payments for land used by businesses. Worker's Daily reported that "legal experts" advised village cadres that the "guidelines" were in violation of state laws, but did not specify which laws.

[120] "Wen Jiabao: The Party's Largest Danger Is Corruption" [Wen jiabao: zhizheng dang de zuida weixian shi fubai], China Review News, 27 August 10.

[121] "Graft Remains Top Public Concern Prior to Annual Parliamentary Session: Survey," Xinhua, 24 February 11.

[122] "2010 Discipline Inspection and Supervision Agencies Case Investigation and Management Work Situation Press Conference" [Zhongjiwei jianchabu zhaokai 2010 nian chaban anjian gongzuo qingkuang xinwen tongqihui], Xinhua, 6 January 11.

[123] "Supreme People's Procuratorate Work Report March 11, 2011, at the 4th Plenum of the 11th National People's Congress" [Zuigao renmin jianchayuan gongzuo baogao, 2011 nian sanyue shiyi ri zai di shiyi jie quanguo renmin daibiao dahui di xici huiyishang], People's Daily, 20 March 11.

[124] See "Anti-Corruption Policies and Laws," People's Daily, 18 August 11, for a list of recent anti-corruption regulatory instruments.

[125] State Council Information Office, "White Paper on China's Efforts To Combat Corruption and Build a Clean Government," reprinted in PRC Central People's Government, 29 December 10.

[126] Central Committee of the Communist Party of China General Office, State Council General Office, Provisions on Economic Responsibility Audits for Chief Leading Cadres of the Party and the Government and Executives of State-Owned Enterprises [Dangzheng zhuyao lingdao ganbu he guoyouqiye lingdaoren yuan jingji zeren shenji guiding], issued 08 December 10.

[127] Party Central Committee and State Council, Provisions on Implementation of the Responsibility System for Construction of an Honest Party and a Clean Government [Guanyu shixing dangfeng lianzheng jianshe zerenzhi de guiding], issued 15 December 10.

[128] National People's Congress, "PRC Criminal Law Amendment (8)" [Zhonghua renmin gongheguo xingfa xiuzhengan (8)], 25 February 11, art. 164; "China Amends Criminal Law To Cover Foreign Bribery, Bribery of Non-PRC Government Officials Criminalized," E-Alert from Covington & Burling LLP, 1 March 11.

[129] "China Is Promoting Anti-Bribery Law, but Enforcement Details Are Sparse," China Trade Extra, 9 August 11.

[130] "Central Discipline Inspection: '41 Prohibitions' Standardize Township, Village-Level Grassroots Cadre Behavior," Xinhua, 15 July 11. Provisions on Rural Village Grassroots Officials' Honest Performance of Duties (Trial Implementation) [Nongcun jiceng ganbu lianjie luxing zhize ruogan guiding (shixing)], issued 14 July 11, arts. 8(1), 1(5).

[131] "Tip-Off Websites Launched To Curb Corruption," Xinhua, reprinted in China Daily, 9 February 11.

[132] Decision of the Standing Committee of the National People's Congress Regarding the Changes to the Law of the People's Republic of China on Administrative Supervision" [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai "zhonghua renmin gongheguo xingzheng jianchafa" de jueding], issued 25 June 10, arts. 3, 6.

[133] Zhao Yang, "Supreme People's Procuratorate: More Than 70 Percent of the Cases of Work-Related Offenses Originate From Citizen Reports" [Zuigaojian: qicheng yishang zhiwu fanzui anjian yuanyu qunzhong jubao], Legal Daily, 21 June 10.

[134] Du Meng, "70 Percent of Whistleblowers Subject to Retribution Trend Toward Concealed Methods, Difficult To Establish Scope" [70% jubaozhe zaoyu daji baofu shouduan riqu yingbi nanyu jieding], Legal Daily, 17 June 10.

[135] Human Rights in China, "Anti-Corruption Journalist Who Served 4 Year Sentence To Serve Eight More Years" [Fuxing 4 nian de fanfu jizhe bei caiding zai fuxing 8 nian], 28 July 11.

[136] Ibid.

[137] "Graft-Busting Site Blocked," Radio Free Asia, 11 January 11.

[138] Chris Buckley, "China Confess-a-Kickback Web Sites Draw Inspiration From India," Reuters, 13 June 11.

[139] "China's Illegal Anti-Corruption Websites Face Closure," China Times News Group, 18 June 11; "Anonymous Websites To Report Bribery Prove Wildly Popular in China Until the Censors Arrive," Associated Press, reprinted in Washington Post, 22 June 11.

[140] "China's Illegal Anti-Corruption Websites Face Closure," China Times News Group, 18 June 11.

[141] "Anonymous Websites To Report Bribery Prove Wildly Popular in China Until the Censors Arrive," Associated Press, reprinted in Washington Post, 22 June 11.

[142] "Internet Users Set Up Site To Report Bribery," South China Morning Post, 14 June 11. An administrator of the site "woxinghuiliao" said that hackers had attacked the Web site.

[143] US-China Business Council, "PRC Transparency Tracking," updated April 2011, 1.

[144] Ibid.

[145] Ibid.

[146] U.S. Department of Treasury, "Third Meeting of the U.S.-China Strategic & Economic Dialogue Joint U.S.-China Economic Track Fact Sheet," 10 May 11.

[147] State Council, Opinion Regarding Strengthening Construction of a Government That Rules by Law [Guanyu jiaqiang fazhi zhengfu jianshe de yijian], issued 8 November 10, chap. 17.

[148] Central Committee of the Chinese Communist Party General Office, Opinion Regarding Implementation of Open Party Affairs by Grassroots-Level Party Organizations [Guanyu dang de jiceng zuzhi shixing dangwu gongkai de yijian], issued 8 October 10; Xu Jian, "Village Affairs, Under the Sunshine Moving Towards Transparency" [Cunwu, zai yangguangxia zouxiang touming], Anhui Daily News, 1 September 10; "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang jiang li jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[149] Supreme People's Court, Provisions Regarding Several Issues in Trying Open Government Information Administrative Cases, issued 13 December 10, arts. 1–2. The provisions clarify which government organization can be sued under certain circumstances if more than one is involved in an open government information case (art. 4). It also stipulates that the defendant in a case must explain why the information request was denied (art. 5). In cases involving state secrets, commercial secrets, or personal privacy issues, the court shall determine if the informa-

tion falls within the scope of information that should be disclosed (art. 8). It also stipulates situations under which the court will make a determination regarding the reasons given by the defendant for not providing the information requested (art. 12). Zhao Yinan, "Chinese Gain Right To Sue Govt for Public Records," China Daily, 16 August 11.

[150] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11.

[151] Sharon LaFraniere, "Media Blackout in China After Wreck," New York Times, 31 July 11.

[152] Central Committee of the Chinese Communist Party General Office, State Council General Office, Opinion Regarding Deepening Open Government Affairs and Strengthening Government Services [Guanyu shenhua zhengwu gongkai jiaqiang zhengwu fuwu de yijian], issued 2 August 11, item 7. See also "Analysis of the 'Opinion Regarding Deepening Open Government Affairs and Strengthening Government Services'" [Jiedu "guanyu shenhua zhengwu gongkai jiaqiang zhengwu fuwu de yijian"], Xinhua, reprinted in PRC Central People's Government, 3 August 11; David Bandurski, China Media Project, "The CCP Pushes for Openness, Again," 3 August 11. In addition, the Opinion urges officials to "make innovations in information disclosure methods," "to move ahead with openness in administrative decision-making," "to move forward with open and transparent operation of administrative authority," "to expand openness in administrative examination and approval processes," "to deepen implementation of Open Government Information Regulations," "to make an effort to deepen open government affairs at the grassroots level," and "to strengthen openness of administrative agency internal affairs."

[153] Peking University, Center for Public Participation Studies and Support, "Some of the Open Government Information Annual Reports Are Just a Formality" [Bufen zhengfu xinxi gongkai nianbao zou xingshi], 20 May 11; Beijing University Center for Public Participation Studies and Support, "Summary of the 2009 Annual Report on China's Administrative Transparency," translated by the China Law Center, Yale Law School, 28 September 10. The 2009 annual report assesses the administrative transparency of 43 agencies of the State Council, 30 provinces, and 97 administrative units based on five indicators: information disclosure on request, disclosure on own initiative, institution building, system building, and supervision and remedy. The report determined that, on average, provinces received higher scores than the prefectures or cities. Further, the south-central China region scored the highest on average, suggesting that the level of economic development is not "strictly proportional" to the level of information disclosure.

[154] State Council, Opinion Regarding Strengthening Construction of a Government That Rules by Law [Guanyu jiaqiang fazhi zhengfu jianshe de yijian], issued 8 November 10, chap. 17. It specifically stipulates some of the categories within a budget that should be made transparent.

[155] "Reluctant Transparency," Economic Observer, 26 July 11.

[156] Chen Yannan, "Finance Ministry: 88 Central Government Departments Have Already Published 2011 Departmental Budgets" [Caizhengbu: yiyou 88 jia zhongyang bumen gongkai 2011 nian bumen yusuan], Administrative Transparency Watch Net, 24 May 11.

[157] "News on Three Public Expenses Made Public, a Good Beginning Needs a Good End" [Sangong xiaofei xinxi gongkai hao de kaitou hai xuyao yige hao jieguo], Huasheng Online, 14 June 11; The "three public expenses" are expenses for cars and transportation, travel overseas, and public relations. "Premier Wen Jiabao Convenes State Council Standing Committee Meeting" [Wen jiabao zhuchi zhaokai guowuyuan changwu huiyi], Xinhua, 6 July 11. The Standing Committee especially called for the release of more detailed information related to the "three public expenses" and other matters of concern to citizens.

[158] "Central Authorities' Budget Is Made Open to the Public for the First Time" [Zhongyang bumen yusuan shouci xiang shehui gongkai], Southern Weekend, 1 March 11; Chen Yannan, "Finance Ministry: 88 Central Government Departments Have Already Published 2011 Departmental Budgets" [Caizhengbu: yiyou 88 jia zhongyang bumen gongkai 2011 nian bumen yusuan], Administrative Transparency Watch Net, 24 May 11.

[159] "Governmental Financial Budgets: How Far Till Open and Transparent" [Zhengfu caizheng yusuan: li gongkai touming haiyou duoyuan], Zhengzhou Evening News, reprinted in Xinhua, 12 April 11.

[160] Central Committee of the Chinese Communist Party General Office, Opinion Regarding Implementation of Open Party Affairs by Grassroots-Level Party Organizations [Guanyu dang de jiceng zuzhi shixing dangwu gongkai de yijian], issued 8 October 10.

[161] Zhou Xian, "New Beijing Measures Hold Party Leaders Accountable," Beijing Daily, 22 March 11.

[162] "Chinese Communist Party Comprehensively Promotes Open Party Affairs, Welcomes the 90th Birthday of Party Establishment" [Zhonggong quanmian tuijin dangwu gongkai yingjie jiandang 90 huadan], China News Service, reprinted in Democracy and Law Times, 30 December 10; "Nationally 31 Provinces, Municipalities, Autonomous Regions, Party Committees, Organizations, and Departments Establish New Spokesperson Systems" [Quanguo 31 ge sheng qu shi dangwei zuzhi bumen jianli xinwen fayanren zhidu], Xinhua, 30 June 10.

[163] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11.

[164] State Council, Opinion Regarding Strengthening Construction of a Government That Rules by Law [Guanyu jiaqiang fazhi zhengfu jianshe de yijian], issued 8 November 10, chap. 4. Authorities plan to improve the public hearing process for major policy decisions, to expand the scope of hearings, and to standardize hearing procedures. The Opinion stipulates that hearing participants should have wide-ranging representativeness, and their opinions should be used as important references in making decisions.

[165] Ibid.

Notes to Section III—Commercial Rule of Law

[1] A complete and up-to-date compilation of information on China's participation in the World Trade Organization (WTO), including principal accession documents (Working Party Report, Protocol of Accession, General Counsel decision), schedules, trade policy reviews, and dispute case documents can be found on the WTO Web site.

[2] Office of the U.S. Trade Representative, "2010 Report to Congress on China's WTO Compliance," December 2010, 2.

[3] Ibid.

[4] Office of the U.S. Trade Representative, "China Ends Wind Power Equipment Subsidies Challenged by the United States in WTO Dispute," 7 June 11. The World Trade Organization (WTO) Glossary defines transparency as the "[d]egree to which trade policies and practices, and the process by which they are established, are open and transparent. For a discussion of the principles of the WTO, including transparency, see World Trade Organization, "What Is the World Trade Organization," on the WTO Web site.

[5] World Trade Organization, Report of the Working Party on the Accession of China WT/ACC/CHN/49, 1 October 01, paras. 337–41.

[6] Office of the U.S. Trade Representative, "2010 Report to Congress on China's WTO Compliance," December 2010, 63. For a discussion of the process of China's accession to the Government Procurement Agreement, and of China's government procurement regime, see p. 63–67 of the report.

[7] Office of the U.S. Trade Representative, "2010 Report to Congress on China's WTO Compliance," December 2010, 2.

[8] Chen Zhiwu, Presentation on "Difficulty in Finding Compatibility Between State Ownership and Constitutionalism" [Guoyouzhi yu xianzheng fazhi nanyi jianrong], China University of Politics and Law, 22 May 09, reprinted in the Chenzhiwu blog, on Sohu, 5 June 09. For discussions of industrial policies in China, see Alexandra Harney, "Where's the Chinese Toyota?" Foreign Policy, 8 December 09; China's Industrial Policy and Its Impact on U.S. Companies, Workers, and the American Economy, Hearing of the U.S.-China Economic and Security Review Commission, 24 March 09, Testimony of Alan Wm. Wolff, Partner, Dewey & LeBoeuf, Washington, DC.

[9] American Chamber of Commerce in the People's Republic of China, "DC Outreach 2011: Market Access Challenges," 28 April 11.

[10] World Trade Organization, "Understanding the WTO: Principles of the Trade System," last visited 15 July 11. See also World Trade Organization, "Glossary," last visited 12 September 11, which defines "national treatment" as follows: "The principle of giving others the same treatment as one's own nationals. GATT Article 3 requires that imports be treated no less favorably than the same or similar domestically-produced goods once they have passed customs. GATS Article 17 and TRIPS Article 3 also deal with national treatment for services and intellectual property protection."

[11] Office of the U.S. Trade Representative, "2010 Report to Congress on China's WTO Compliance," December 2010, 7.

[12] The term in Chinese is *guo jin min tui.* See "Wen Jiabao: Currently, the Problem of the So-Called 'the State Advances, the Private [Sector] Retreats' Does Not Exist in China" [Wen jiabao: muqian zhongguo bu cunzai suowei "guo jin min tui" wenti], China News Service, 14 March 11, which reports on Wen Jiabao refuting the belief that the state-owned sector is growing and squeezing out the private sector in China. See also Wang Xiaotian, "New Regulations To Encourage Private Sector," China Daily, 15 March 11.

[13] For more information, see Chen Zhiwu, Presentation on "Difficulty in Finding Compatibility Between State Ownership and Constitutionalism" [Guoyou zhi yu xianzheng fazhi nanyi jianrong], China University of Politics and Law, 22 May 09, reprinted in the Chenzhiwu blog, on Sohu, 5 June 09.

[14] World Trade Organization, Protocol on the Accession of the People's Republic of China, WT/L/432, 10 November 01, Part I, 2(C).

[15] Office of the U.S. Trade Representative, "2010 Report to Congress on China's WTO Compliance," December 2010, 8–9, 58–59.

[16] US-China Business Council, "PRC Transparency Tracking," updated April 2011, 1.

[17] U.S. Department of Treasury, "The 2011 U.S.-China Strategic and Economic Dialogue U.S. Fact Sheet—Economic Track," 10 May 11.

[18] Ibid.

[19] Export-Import Bank of the United States, "Report to the U.S. Congress on Export Credit Competition and The Export-Import Bank of the United States," June 2011, 108.

[20] OECD, Trade and Agriculture Directorate, Arrangement on Export Credits, last visited on 27 September 11. According to p. 108 of the Export-Import Bank of the United States' June 2011 "Report to the U.S. Congress on Export Credit Competition and The Export-Import Bank of the United States": "as China is not a member of any part of the OECD, none of China's ECAs are under any obligation to follow the OECD Arrangement on Export Credits, which sets the guidelines for official export credits." For a discussion of the operations of China's ECAs, see p. 108–13 of the report.

[21] Export-Import Bank of the United States, "Report to the U.S. Congress on Export Credit Competition and The Export-Import Bank of the United States," June 2011, 109.

[22] U.S. Department of Treasury, "Third Meeting of the U.S.-China Strategic & Economic Dialogue Joint U.S.-China Economic Track Fact Sheet," 10 May 11.

[23] Office of the U.S. Trade Representative, "2010 Report to Congress On China's WTO Compliance," December 10, 59–60.

[24] Chinese State-Owned Enterprises and U.S.-China Bilateral Investment, Hearing of the U.S.-China Economic and Security Review Commission, 30 March 11, Testimony of Derek Scissors, Research Fellow, Heritage Foundation.

[25] Ibid.

[26] Article 10 of the PRC Constitution provides that land in the cities is owned by the state, and land in the rural and suburban areas is owned by the collectives, except for those portions which belong to the state. PRC Constitution, adopted 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 10.

[27] Zhiwu Chen, Presentation on "Economic Consequences of State Capitalism," Brookings Institution, 1 March 11.

[28] Ibid.

[29] State-Owned Assets Supervision and Administration Commission, Provisional Regulations on Protection of Commercial Secrets of Central-Level State-Owned Enterprises [Zhongyang qiye shangye mimi baohu zanxing guiding], issued and effective 26 April 10.

[30] PRC Law on the Protection of State Secrets [Zhonghua renmin gongheguo baoshou guojia mimi fa], issued 5 September 88, revised 29 April 10, effective 1 October 10.

[31] For a discussion on state secrets and commercial secrets, see Baker & McKenzie, "Client Alert: Latest Developments on China's State Secrets and Trade Secrets Regime," August 2010. For additional information on China's commercial secrets regulations, see "SASAC Issues New Commercial Secrets Regulations," CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 2. For information on state secrets legislation, see "National People's Congress Standing Committee Issues Revised State Secrets Law," CECC China Human Rights and Rule of Law Update, No. 5, 4 June 10, 2.

[32] Baker & McKenzie, "Client Alert: Latest Developments on China's State Secrets and Trade Secrets Regime," August 2010; "SASAC Issues New Commercial Secrets Regulations," CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 2. Article 11 of the Interim Provisions on the Protection of Commercial Secrets of Central Enterprises provides that commercial secrets should be changed to state secrets when the scope of state secrets has been adjusted. State-Owned Assets Supervision and Administration Commission, Interim Provisions on the Protection of Commercial Secrets of Central Enterprises, issued and effective 26 April 10, art. 11.

[33] Sigrid Ursula Jernudd, "China, State Secrets, and the Case of Xue Feng: the Implication for International Trade," Chicago Journal of International Law, Vol. 12, No. 1 (2011), 309–39.

[34] "Beijing Court Sentences American Geologist to Eight Years for State Secrets," CECC China Human Rights and Rule of Law Update, No. 7, 19 August 10, 2.

[35] Andrew Jacobs, "China Upholds Conviction of American Geologist," New York Times, 18 February 11. See also "Beijing Court Upholds Eight-Year Sentence for American Geologist Xue Feng," Congressional-Executive Commission on China, 23 February 11.

[36] Andrew Jacobs, "China Upholds Conviction of American Geologist," New York Times, 18 February 11. According to Article 9 of the PRC Constitution, mineral resources and other natural resources are owned by the state. PRC Constitution, issued and effective 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 9.

[37] State Council, Interim Regulations on Supervision and Management of State-Owned Assets of Enterprises, issued and effective 27 May 03, art. 43.

[38] A 2007 study by Chinascope found that the SOEs are held by a three-tier ownership structure, with the Communist Party appointing senior management at each tier. "Piercing the Corporate Veil," Chinascope, 29 December 07. For information on the role of the Communist Party Central Organization Department in appointing management of China's state-owned enterprises, see Richard McGregor, "The Party Organiser," Financial Times, 30 September 09. According to McGregor, an equivalent imaginary department in the United States "would oversee the appointments of U.S. state governors and their deputies; the mayors of big cities; heads of federal regulatory agencies; the chief executives of General Electric, ExxonMobil, Walmart and 50-odd of the remaining largest companies; justices on the Supreme Court; the editors of The New York Times, The Wall Street Journal and The Washington Post, the bosses of the television networks and cable stations, the presidents of Yale and Harvard and other big universities and the heads of think-tanks such as the Brookings Institution and the Heritage Foundation." The role of the Party in decisionmaking in the state-owned enterprises was delineated in the Chinese Communist Party Central Committee General Office and State Council General Office Opinions Concerning Promoting Further Implementation of the "Three Major One Large" Decisionmaking System in the State-Owned Enterprises [Guanyu jinyibu tuijin guoyou qiye guancheluoshi "sanchong yi da" juece zhidu de yijian], 15 July 10. The opinions provide procedures that must be followed in making important decisions, important appointments, and usage of large amounts of government funds.

[39] For examples, see "China Civil Engineering Corporation's Practice and Exploring Party Building Overseas" [Zhongtu jituan haiwai dangjian de shijian yu tansuo], Fujian Net, 28 December 10; "Study Times: Overseas Expansion of the Party," Study Times, summarized by Chinascope, 27 December 10; "Research Group for the (Group) Company's Party Building Efforts in Overseas Programs" [Jituan gongsi haiwai gongcheng xiangmu dang jian gongzuo diaoyanzu dao gongsi diaoyan], CR17BG [China Railway 17 Group] No. 3 Engineering Co., Ltd. [Zhong tie shiqi ju jituan di san gongcheng youxian gongsi], 13 May 11. Commission staff have found references to a Party document entitled "Leading Opinion on Strengthening Work on Party Building in Overseas Organizations [Guanyu jiaqiang haiwai jigou dangjian gongzuo de zhidao yijian], but have not found the original document. See, e.g., "China Water Resources Construction Group: Forging a 'Go Outward' Hydroelectric Power Leading Enterprise" [Zhongguo shuidian: dazao "zou chuqu" de shuidian ling jun qiye], People's Daily, reprinted in Ministry of Commerce, Outward Investment and Economic Cooperation, 22 October 09.

[40] "Shandong International Economic and Technical Cooperation Company: Strengthening the Work of Party-Building in Projects Overseas" [Zhongguo shandong guoji jingji jishu hezuo gongsi jiaqiang haiwai xiangmu dangjian gongzuo], State-Owned Assets Supervision and Administration Commission, 29 September 10.

[41] State Council, Relevant Policies for Further Encouraging Development of the Software Industry and Integrated Circuit Industry [Jinyibu guli ruanjian chanye he jicheng dianlu chanye

fazhan ruogan zhengce de tongzhi], issued 28 January 11; National Development and Reform Commission, Automotive Industry Development Policy [Qiche chanye fazhan zhengce], issued 21 May 04, revised 15 August 09, effective 1 September 09. "Cultural industry" covers a range of sectors, from filmmaking to printing. For the range of covered sectors, see Central People's Government, "Plan To Invigorate the Cultural Industry" [Wenhua chanye zhenxing guihua], issued 26 September 09, art. 3, para. 1.

[42] See, e.g., National Development and Reform Commission, Automotive Industry Development Policy [Qiche chanye fazhan zhengce], issued 21 May 04, revised 15 August 09, effective 1 September 09, art. 7. Article 7 states in part, "The principle of combining imported technology and independent research and development shall be pursued. [The industry] shall follow and study advanced international technologies, actively engage in international cooperation, and develop appropriate and advanced technologies that shall be eligible for intellectual property rights. Products using imported technologies shall be competitive internationally and meet the compulsive requirements of international automotive technical standards." Article 4 provides in part for the formation by 2010 of a few large auto manufacturers, which would rank among the top 500 companies. See also American Chamber of Commerce in the People's Republic of China, Business in China 2011 White Paper, (2011), 64; Under Secretary Robert D. Hormats, U.S. Department of State, Remarks at Amcham-China's Annual DC Dialogue, Washington, DC, 3 May 11.

[43] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 10, secs. 1, 3.

[44] See, e.g., "MIIT Drafts 12th Five-Year Plan for New Chemical Materials" [Gongxin bu zhiding huagong xin cailiao "shier wu" guihua], Caijing, 22 April 11; "12th Five-Year Plan for Civil Aviation Development Released," Shanghai Securities News, 12 April 11.

[45] State Council, Relevant Policies for Further Encouraging Development of the Software Industry and Integrated Circuit Industry [Jinyibu guli ruanjian chanye he jicheng dianlu chanye fazhan ruogan zhengce de tongzhi], issued 28 January 11. For a discussion of the policies and their background, see DLA Piper, "China Offers New Incentives To Further Boost Software and Semiconductor Industries," International Tax Newsletter, 22 March 11.

[46] State Council, Relevant Policies for Further Encouraging Development of the Software Industry and Integrated Circuit Industry [Jinyibu guli ruanjian chanye he jichengdianlu chanye fazhan ruogan zhengce], issued 28 January 11, preamble.

[47] See CECC, 2004 Annual Report, 5 October 04, 86; World Trade Organization, DS309, China-Value-Added Tax on Integrated Circuits, Notification of Mutually Agreed Solution, Doc. No. 05–4494, 6 October 05.

[48] National Development and Reform Commission and Ministry of Commerce, Foreign Investment Industry Guidance Catalogue (Revised 2007) [Waishang touzi chanye zhidao mulu (2007 nian xiuding)], issued 31 October 07, effective 1 December 07, Catalogue of Industries in Which Foreign Investment Is Encouraged, arts. 3(21)(vi) and 3(21)(xiv); State Council Legislative Affairs Office, Circular Concerning Publicly Soliciting Opinions on Foreign Investment Industry Guidance Catalogue (Revised Draft for Comments)" [Guanyu "waishang touzi chanye zhidao mulu (xiuding zhengqiu yijian gao)" gongkai zhengqiu yijian de tongzhi], 1 April 11, Catalogue of Industries in Which Foreign Investment Is Encouraged, arts. 3(21)(iv), 3(21)(xi).

[49] State Council Legislative Affairs Office, Circular Concerning Publicly Soliciting Opinions on "Foreign Investment Industry Guidance Catalogue (Revised Draft for Comments)" [Guanyu "waishang touzi chanye zhidao mulu (xiuding zhengqiu yijian gao)" gongkai zhengqiu yijian de tongzhi], issued 1 April 11, Catalogue of Industries in Which Foreign Investment Is Encouraged, art. 3(21)(xxviii).

[50] American Chamber of Commerce in the People's Republic of China, American Business in China 2011 White Paper, (2011), 72–82.

[51] See, e.g., Chapter 27 of the 12th Five-Year Plan, which states in Article 4 that, "There will be encouragement for the adoption and promotion of technological standards with indigenous innovation intellectual property right." National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wu nian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 27.

[52] On intellectual property (IP) issues in standards setting, and on IP issues in the Antimonopoly Law, see American Chamber of Commerce in the People's Republic of China, American Business in China 2011 White Paper, (2011), 86–88, and 48–50, respectively.

[53] State Council General Office Circular Concerning the Program for Special Campaign on Combating Intellectual Property Rights Infringement and Manufacture and Sales of Counterfeiting and Shoddy Commodities [Guowuyuan bangongting guanyu daji qinfan zhishi chanquan he zhishou jiamaoweilie shangpin zhuanxiang xingdong fang'an de tongzhi], issued 27 October 10; "China Cracks Down on Online Copyright Infringements and Counterfeits," People's Daily, 7 April 11.

[54] State Council General Office Circular Concerning Adjusting the Ending Date of the Special Campaign on Combating Intellectual Property Rights Infringement and Manufacture and Sales of Counterfeit and Shoddy Commodities [Guowuyuan bangongting guanyu tiaozheng daji qinfan zhishi chanquan he zhishou jiamaoweilie shangpin zhuanxiang xingdong jieshu shijian de tongzhi], issued 10 March 11.

[55] Ministry of Commerce, "Nine Government Departments Together Attack Illegal Acts of Intellectual Property Rights Infringement and Shoddy Goods Online" [Jiu bumen lianshou daji wangluo gouwu lingyu qinfan zhishi chanquan he jiamaoweilie shangpin weifa fanzui xingwei], 31 December 10.

[56] "Baidu To Introduce Anti-Piracy Technology for Books Product," Reuters, 24 March 11. See also Office of the U.S. Trade Representative, "2011 Special 301 Report," April 2011, 20–21. Concerning Baidu and copyright infringement, see "Baidu Accused Over Copyright Infringement,"

CNTV, reprinted in China Internet Information Center, 28 March 11; "Shame on Baidu," Han Han Digest, 25 March 11.

[57] Intellectual Property Protection in China, "Shanghai Focused on Combating Intellectual Property Infringement in Cultural Markets," 18 March 11. For information on China's support of its cultural industry in general, see CECC, 2010 Annual Report, 10 October 10, 179–80.

[58] Intellectual Property Protection in China, "The State Council To Encourage the Development of Software Industry and Stress IPR Protection," 15 February 11.

[59] State Council, General Office Circular Concerning the Program for Special Campaign on Combating Intellectual Property Rights Infringement and Manufacture and Sales of Counterfeiting and Shoddy Commodities [Guowuyuan bangongting guanyu daji qinfan zhishi chanquan he zhishou jiamaoweilie shangping zhuanxiang xingdong fang'an de tongzhi], issued 27 October 10; "New Rules To Fight Online Pirates," China Daily, reprinted in Intellectual Property Protection in China, 17 March 11.

[60] American Chamber of Commerce in the People's Republic of China, American Business in China 2011 White Paper, (2011), 5. The white paper reports that in the 2011 Amcham-China Business Climate Survey, infringement of intellectual property rights was reported as one of the top five business challenges by 24 percent of respondents.

[61] Office of the U.S. Trade Representative, "USTR Releases Annual Special 301 Report on Intellectual Property Rights," May 2011. For a detailed discussion of intellectual property enforcement campaigns and of legislative developments in China, see Office of the U.S. Trade Representative, "2011 Special 301 Report," April 2011, 19–23.

[62] "Key Excerpt From Vice Premier Wang Qishan's Dec. 15 Statement at Conclusion of 21st JCCT," China Trade Extra, 15 December 10. For additional details, see Ministry of Commerce, "21st JCCT Successfully Held in Washington" [Di ershiyi jie zhong mei shang mao lian wei hui zai meiguo huashengdun chenggong juxing], 16 December 10; U.S. Department of Commerce, "21st U.S.-China Joint Commission on Commerce and Trade Fact Sheet," 20 December 10.

[63] Office of the Press Secretary, White House, "Fact Sheet: U.S.-China Economic Issues," 19 January 11.

[64] "Central-Level Departments Already Spent 1.3 Billion Yuan To Buy Genuine Software" [Zhongyang guojia jiguan yi huafei yue 13 yi yuan yongyu goumai zhengban ruanjian], Global Times, 22 February 11; "Govt Ban on Illegal Software Gains Pace," China Daily, reprinted in Intellectual Property Protection in China, 18 January 11. For a discussion of a pilot program on software legalization, see the China Daily article.

[65] For a discussion of China's indigenous innovation policy, see CECC, 2010 Annual Report, 10 October 10, 182–83.

[66] American Chamber of Commerce in the People's Republic of China, American Business in China 2011 White Paper, (2011), 64–70. See also chapter 27, article 4 of the 12th Five-Year Plan, which provides, "There will be encouragement for the adoption and promotion of technological standards with indigenous innovation intellectual property right." National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11. In his January 2011 visit to the United States, President Hu Jintao committed that China would not "link its innovation policies to the provision of government procurement preferences." Office of the U.S. Trade Representative, "2011 Special 301 Report," April 2011, 24.

[67] U.S. Department of Commerce, "21st U.S.-China Joint Commission on Commerce and Trade Fact Sheet," 15 December 10.

[68] Office of the Press Secretary, White House, "Fact Sheet: U.S.-China Economic Issues," 19 January 11.

[69] U.S. Department of Treasury, "Third Meeting of the U.S.-China Strategic & Economic Dialogue Joint U.S.-China Economic Track Fact Sheet," 10 May 11.

[70] Ministry of Finance, Circular on Ceasing Implementation of Three Documents, Including "Measures on Handling the Budget for Government Procurement of Indigenous Innovation Products" [Guanyu tingzhi zhixing "zizhu chuangxin chanpin zhengfu caigou yusuan guanli banfa" deng san ge wenjian de tongzhi], announced 23 June 11, effective 1 July 11. For a discussion of the three documents, see "China Announces Revocation of Three Measures Favoring the Procurement of 'Indigenous Innovation' Products," Mayer Brown Legal Update, 6 July 11.

[71] Stanley Lubman, "Changes to China's 'Indigenous Innovation' Policy: Don't Get Too Excited," Wall Street Journal, 22 July 11.

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[181] Ministry of Health, Ministry of Industry and Information Technology, Ministry of Commerce, State Administration for Industry and Commerce, General Administration of Quality Supervision and Quarantine, State Food and Drug Administration, Announcement of Six Agencies Including the Ministry of Health Concerning Banning the Use of Bisphenol A in Infant Milk Bottles [Weishengbu deng 6 bumen guanyu jinzhi shuangfen A yongyu ying you'er naiping de gonggao], issued 23 May 11, effective for manufacturing 1 June 11, effective for import and sale 1 September 11. See also "Ministry of Health Issues Draft Ban on the Use of BPA in Infant Food Containers (Update)" Congressional-Executive Commission on China, 24 May 11, updated 9 June 11.

Notes to Section III—Access to Justice

[1] "By the End of 2010, Our Country Will Have Drawn Up 236 Active Laws and Over 690 Administrative Regulations" [Dao 2010 niandi, woguo yi zhiding xianxing youxiao falu 236 jian, xingzheng fagui 690 duojian], Xinhua, reprinted in China Daily, 10 March 10.

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

[3] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 2.

[4] "Chinese Chief Justice Stresses Priority of Mediation Over Court," Xinhua, 30 May 11; "China Issues Guidelines for Resolving Social Conflicts," Xinhua, 4 May 11.

[5] PRC People's Mediation Law [Zhonghua renmin gongheguo renmin tiaojie fa], issued 28 August 10, effective 1 January 11; Supreme People's Court, Several Provisions Regarding Judicial Affirmation Procedures for People's Mediation Agreements [Zuigao renmin fayuan guanyu renmin tiaojie xieyi sifa queren chengxude ruogan guiding], issued 23 March 11; "New People's Mediation Law Takes Effect," Congressional-Executive Commission on China, 10 February 11.

[6] PRC People's Mediation Law [Zhonghua renmin gongheguo renmin tiaojie fa], issued 28 August 10, effective 1 January 11, art. 1.

[7] Ibid., arts. 1, 7–12.

[8] Ibid., arts. 4, 33.

[9] Opinion on Questions Regarding Establishing and Improving Enforcement [of Judicial Decisions) by Multiple Organizations [Guanyu jianli he wanshan zhixing liandong jizhi ruogan wentide yijian], issued 7 July 10.

[10] Ibid. For example, Chapter 8 calls on the Ministry of Civil Affairs to give special consideration to those seeking enforcement who are in dire conditions.

[11] Zhu Zhe and Lan Tian, "Mediation Draft Law Could Ease Tension," China Daily, 23 June 10. According to the article, Minister of Justice Wu Aiying told the National People's Congress Standing Committee that the "mediation should be the fire line of defence to maintain social stability and promote harmony."

[12] Several Opinions Regarding Further Strengthening the Basic People's Courts Under New Circumstances [Guanyu xinxingshi xia jinyibu jiaqiang renmin fayuan jiceng jichu jianshede ruogan yijian], issued 28 January 11, secs. 13, 14.

[13] Zhu Xudong, "Basic-Level Court Judge Chen Yanping's Work Method Is Worth Spreading Throughout the Country" [Jiceng faguan chen yanping gongzuofa zai quanguo huo tuiguang], News of the Communist Party of China, 23 February 11; Carl F. Minzner, "China's Turn Against the Law," Washington University in St. Louis Legal Studies Research Paper, No. 11–03–01 (2011), 24.

[14] Ma Shoumin, "Prioritizing Mediation Promotes Societal Harmony and Stability" [Tiaojie youxian licu shehui hexie wending], People's Court Daily, 15 March 11.

[15] Carl F. Minzner, "China's Turn Against the Law," Washington University in St. Louis Legal Studies Research Paper, No. 11–03–01 (2011); Stanley Lubman, "Civil Litigation Being Quietly 'Harmonized,'" Wall Street Journal, 31 May 11; Willy Lam, "Beijing Tightens Control Over Courts," Asia Times, 25 June 11.

[16] "Open Letter From the Tiananmen Mothers," reprinted in Human Rights in China, 30 May 11; Willy Lam, "Beijing Tightens Control Over Courts," Asia Times, 25 June 11.

[17] Ibid.

[18] Carl F. Minzner, "China's Turn Against the Law," Washington University in St. Louis Legal Studies Research Paper, No. 11–03–01 (2011), 31–37.

[19] Ibid., 38–39.

[20] Li Gang, "Court Supervised 'Mediation' Is Easy, Enforcement Is Hard" [Fayuan "tiaojie" rongyi zhixing nan], Beijing Youth Daily, 7 July 10. According to this article, based on data released by a court in Beijing, agreements in nearly half of the disputes settled through mediation are not honored by the parties, contributing to what the paper characterized as the "strange phenomenon" of too much mediation and too little enforcement. "We Ought To Pay Attention to Both Mediation and Enforcement" [Tiaojielu yu tiaojie zidong luxinglu yingdang bingzhong], People's Court Daily, reprinted in Legal Daily, 14 April 11; Carl F. Minzner, "China's Turn Against the Law," Washington University in St. Louis Legal Studies Research Paper, No. 11–03–01 (2011), 42–43. Minzner postulates that as courts began to aggressively pressure parties to settle, parties increasingly had second thoughts after settlement, further eroding voluntary enforcement rates for mediated agreements.

[21] Supreme People's Court, Model Judicial Behavior Code [Faguan xingwei guifan], issued 6 December 11.

[22] Supreme People's Court, Basic Code of Professional Conduct for Judges [Zhonghua renmin gongheguo faguan zhiye daode jiben zhunze], issued 6 December 11.

[23] Supreme People's Court, Model Judicial Behavior Code [Faguan xingwei guifan], issued 6 December 11, arts. 81, 82, 83-activities outside of work; 84-interaction with media; 85-interpersonal conflict with others; 89-overseas travel.

[24] Supreme People's Court, Basic Code of Professional Conduct for Judges [Zhonghua renmin gongheguo faguan zhiye daode jiben zhunze], issued 6 December 11. The five principles are: Guaranteeing loyalty to the administration of justice, ensuring judicial fairness, ensuring judicial honesty, striving to achieve justice for the people, and defending the image of the judiciary.

[25] Supreme People's Court, Model Judicial Behavior Code [Faguan xingwei guifan], issued 6 December 11, art. 1. Specifically, Article 1 requires judges to be loyal to the Party and contains new language on "maintaining the same line of thought and action as the Party's Central Committee," and "to not go against the core policies of the Party and the country, in words and deeds"; Supreme People's Court, Basic Code of Professional Conduct for Judges [Zhonghua renmin gongheguo faguan zhiye daode jiben zhunze], issued 6 December 11, arts. 4–7. Specifically, these articles contain new references requiring "loyalty to the Party, loyalty to country,

and loyalty to the people in order to build and defend a socialist system with Chinese characteristics," "abide by political discipline, guard the country's secrets and trial work secrets, and not engage in activities that are detrimental to the country's interests and judicial authority, and not speak or publish speeches that are detrimental to the country's interests and judicial authority."

[26] Supreme People's Court, Trial Implementation of Provisions Regarding Professional Avoidance of Trial Judges and Court Leadership When a Spouse or Child Practices as a Lawyer [Guanyu dui peiou zinu congshi lushi zhiyede fayuan lingdao ganbu he shenpan zhixing gangwei faguan shixing renzhi huibi de guiding (shixing)], issued 10 February 11.

[27] Supreme People's Court, Provisions Regarding the Prevention of Interference With Casework by Internal Court Personnel [Guanyu zai shenpan gongzuozhong fangzhi fayuan neibu renyuan ganrao banande ruogan guiding], 15 February 11.

[28] Ibid., arts. 1–5.

[29] Supreme People's Court, Opinion Concerning the Standardization of Trial Work Between Higher Level and Lower Level Courts [Guanyu guifan shangxiaji renmin fayuan shenpan yewu guanxide ruogan yijian], issued 28 December 10. For a summary of the Opinion, also see "Recent Developments in Judicial Reform," Congressional-Executive Commission on China, 31 March 11.

[30] Supreme People's Court, Opinion Concerning the Standardization of Trial Work Between Higher Level and Lower Level Courts [Guanyu guifan shangxiaji renmin fayuan shenpan yewu guanxide ruogan yijian], issued 28 December 10, art. 6.

[31] Supreme People's Court, Regulations Regarding Guiding Cases [Zuigao renmin fayuan guanyu anli zhidao gongzuode guiding], issued 26 November 10.

[32] Ibid., arts. 1, 2.

[33] "Supreme People's Court Steadily Pushes Forward Guiding Cases With Chinese Characteristics" [Zuigaofa wenbu tuijin zhongguo tese anli zhidao zhidu], Legal Daily, 17 May 11.

[34] An Jie, "Hu Yunteng Explains the Regulations Regarding Guiding Cases" [Hu yunteng jiedu guanyu anli zhidao gongzuode guiding], Dongfang Fayan, 11 January 11.

[35] Ibid. In the same article, the director of the research department of the Supreme People's Court suggests that the lower courts should abide by the guiding cases when adjudicating cases that are similarly situated. If the judge does not follow the guiding cases, he should articulate a compelling reason.

[36] Supreme People's Court, Guiding Opinion on Sentencing in Peoples' Courts (Trial Version) [Renmin fayuan liangxing zhidao yijian (shixing)], issued 13 September 10, effective 1 October 10.

[37] Ibid., chap. 4.

[38] See, e.g., Randall Peerenboom, China's Long March Toward Rule of Law (Cambridge, Cambridge University Press, 2002), 295–98. Peerenboom discusses corruption in the context of judges' technical competence and judicial independence. See also Ling Li, "The 'Production of Corruption' in China's Courts," U.S.-Asia Law Institute Working Paper Series, 5 July 2011. Li postulates that corruption within the judiciary is a systemic problem.

[39] "Corrupt Chinese Judges To Face Harsh Punishments: SPC Vice President," Xinhua, reprinted in China Human Rights, 29 December 10. Details about graft cases are not known.

[40] "Making Fundamental Improvements, Guaranteeing a Fair and Just Judiciary" [Zhuazhu genben qianghua cuoshi, baozhang gongzheng lianjie sifa], People's Court Daily, reprinted in Legal Daily, 28 February 11. The article is a summary of Supreme People's Court's anti-corruption efforts in 2010.

[41] Mimi Lau, "Bribing Judges Is Almost a Sure Thing," South China Morning Post, 21 May 11.

[42] Chen Xianfeng and Wang Kailei, "Following the Trail of a Corrupt Court in Guangdong Province, Nine Judges Conspired With Others for Profit" [Guangdong zhanjiang fayuan fubai wo'an zhuizong: jiuming faguan yuren hemou huoli], Communist Party of China News, 2 May 11.

[43] Shao Ming, "Foshan Intermediate People's Court Responds to Judges Accepting Bribes, 'Sentences to Three, Postpones for Four'" [Foshan zhongyuan huiying faguan shouhui "pansan huansi"], Southern Metropolis Daily, 17 June 11.

[44] Supreme People's Court, "Work Report of the Supreme People's Court" [Zuigao renmin fayuan gongzuo baogao], reprinted in People's Daily, 20 March 11, subsection 5; Supreme People's Court, "Wang shengjun: The Work of the People's Courts Still Has Five Problem Areas" [Wang shengjun: renmin fayuan gongzuozhong haicunzai wuge fangmiande wenti he kunnan], 11 March 11.

[45] Ling Li, "The 'Production of Corruption' in China's Courts," U.S.-Asia Law Institute Working Paper Series, 5 July 2011, 36. Li argues reform efforts "have seldom touched upon the decision-making mechanism, through which corruption in the judiciary has become institutionalized."

[46] State Council Information Office, "China's Efforts To Combat Corruption and Build a Clean Government," 29 December 10.

[47] "Strengthen Internal Supervision of the Courts, SPC Promotes Judicial Inspection Tour" [Jiaqiang fayuan neibu jiandu, zuigao fayuan quanmian tuixing sifa xuncha zhidu], People's Court Daily, reprinted in Xinhua, 21 October 10. The other goals include implementing Party ideology, shaping ideas regarding a clean government, and resolving conflicts.

[48] Supreme People's Court, Provisions Regarding the "Five Prohibitions" [Guanyu wuge yanjinde guiding], issued 8 January 09.

[49] Ibid.

[50] "Tip-Off Websites Launched To Root Out Corruption in China's Legal System," Xinhua, 9 February 11.

[51] PRC Constitution, adopted 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, arts. 62, 67,128.

[52] PRC Administrative Procedure Law [Zhonghua renmin gongheguo xingzheng susong fa], issued 4 April 89, effective 1 October 90, art. 12. The law is also known as the Administrative Litigation Law.

[53] National People's Congress, Explanation Regarding the Administrative Reconsideration Law [Zhonghua renmin gongheguo xingzheng fuyi fa shiyi], 18 October 00.

[54] PRC Administrative Supervision Law [Zhonghua renmin gongheguo xingzheng jiancha fa], issued 9 May 97, amended 25 June 10.

[55] Ibid., arts. 6, 46, 47.

[56] Ibid.

[57] PRC State Compensation Law [Zhonghua renmin gongheguo guojia peichang fa], issued 12 May 94, amended 29 April 10, effective 1 December 10.

[58] Ibid., art. 2. Article 2 states, "If a state organization or a member of its personnel, when exercising functions and powers in violation of the law, infringes upon the lawful rights and interests of a citizen., and causes damages-the aggrieved person shall have the right to recover damages from the state in accordance with the law." For a further discussion about the implication of the amended State Compensation Law, including negligence, see Stanley Lubman, "A Step Forward: New Law Expands Government Liability," Wall Street Journal, 13 January 11.

[59] PRC State Compensation Law [Zhonghua renmin gongheguo guojia peichang fa], issued 12 May 94, amended 29 April 10, effective 1 December 10, art. 35. For a further discussion about the implication of the amended State Compensation Law, including efforts to eliminate procedural loopholes, see Stanley Lubman, "A Step Forward: New Law Expands Government Liability," Wall Street Journal, 13 January 11.

[60] PRC State Compensation Law [Zhonghua renmin gongheguo guojia peichang fa], issued 12 May 94, amended 29 April 10, effective 1 December 10, arts. 9–12. For a further discussion about the implication of the amended State Compensation Law, including the inclusion of psychological injuries, see Stanley Lubman, "A Step Forward: New Law Expands Government Liability," Wall Street Journal, 13 January 11.

[61] "Highlights of Work Report of Supreme People's Court," Xinhua, 11 March 11.

[62] See Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," Stanford Journal of International Law, No. 42 (2006), 118–20.

[63] Zhang Han, "Pressuring Petitioners," Global Times, 27 October 10.

[64] Ibid.

[65] "Our Country's Petition System Is Full of Innovation and Shows Good Results, Achieving a Positive Outcome" [Woguo xinfang xitong chuangxian zhengyou huodong yijing qude jieduanxing chengguo], Xinhua, reprinted in Legal Daily, 29 March 11.

[66] Supreme People's Court, "Annual Work Report (2010)" [Renmin fayuan gongzuo niandu baogao (2010)], May 2011, 33.

[67] Human Rights Watch, "An Alleyway in Hell," November 2009, 3, 7–19; Xu Kai and Li Wei'ao, "The Machinery of Maintaining Social Stability" [Weiwen jiqi], Caijing, 6 June 11.

[68] Tania Branigan, "Wen Jiabao Visits China's Central Complaints Department," Guardian, 26 January 11.

[69] Xu Kai and Li Wei'ao, "The Machinery of Maintaining Social Stability" [Weiwen jiqi], Caijing, 6 June 11.

[70] Ibid.; Long Zhi, "Anyuanding: Investigation Into Beijing 'Black Jail' Retrievers (Part I)" [Anyuanding: beijing jiefang "hei jianyu" diaocha (shang pian)], Southern Metropolitan Daily, 24 September 10; See also Zhan Han, "Pressuring Petitioners," Global Times, 27 October 10; Liu Chang, "Controversy Over 'Black Jails' Continues," Global Times, 4 May 11; "Woman Detained in a Black Jail After Coming to Beijing To Handle Affairs" [Laijing banshi nu beiguan heijianyu], Beijing News, 2 August 11.

[71] Long Zhi, "Anyuanding: Investigation Into Beijing 'Black Jail' Retrievers (Part I)" [Anyuanding: beijing jiefang "hei jianyu" diaocha], Southern Metropolitan Daily, 24 September 10. See also Zhan Han, "Pressuring Petitioners," Global Times, 27 October 10.

[72] Zhan Han, "Pressuring Petitioners," Global Times, 27 October 10.

[73] Ibid.; Xu Kai and Li Wei'ao, "The Machinery of Maintaining Social Stability" [Weiwen jiqi], Caijing, 6 June 11.

[74] "Supreme People's Court Issues the Following Documents Regarding Petitioning Work" [Zuigao renmin fayuan jiushe su xinfang gongzuo xiafa xilie wenjian], People's Court Daily, 16 May 11.

[75] PRC Public Security Administration Punishment Law [Zhonghua renmin gongheguo zhi'an guanli chufa fa], issued 5 September 86, amended 12 May 94, 28 August 05, effective 1 March 06, art. 23.

[76] Ibid.

[77] Ibid.

[78] "Female Petitioner Cai Fuxian From Guizhou Is Detained for Leafletting and Later Released" [Guizhou lupanshui nufangmin cai fuxian sa chuandan bei zhuahou shifang], Boxun, 29 October 10.

[79] "Land Disputes Worst Problem in Rural Areas," Agence France-Presse, 16 December 10; Choi Chi-yu, "2,000 Battle Police in Yunna," South China Morning Post, 31 March 11; "Six Hundred Policemen in Fuzhou Used Tear Gas To Force Expropriation of Property, Violent Conflict Results in Many Villagers Beaten and Detained" [Fuzhou liubai jingshi cuileidan qiangzhengdibao chongtu duowei cunmin beida beizhua], Radio Free Asia, 8 April 11; "Petitioners Attacked and Beaten," Radio Free Asia, 22 March 11; Alice Yan, "Demolition Violence Stirs Fury on the Mainland," South China Morning Post, 6 November 10; "Police Detain Land Protesters," Radio Free Asia, 20 October 10.

[80] Zhang Huailei, "The Urgency of Building a Social Benefit Net for Farmers Who Have Lost Land" [Wei shidi nongmin jianli shehui baozhang tixide jinpoxing], Social Sciences in China Press, Vol. 148, 16 December 10.

[81] Ibid.

[82] PRC Administrative Coercion Law [Zhonghua renmin gonghe guo xingzheng qiangzhi fa], enacted 30 June 11, effective 1 January 12.
[83] Ibid., especially chaps. 2–4.
[84] Ibid., chap. 2.
[85] Ibid., chaps. 3, 4.
[86] Ibid., art. 8.
[87] Xu Kai and Li Wei'ao, "The Machinery of Maintaining Social Stability" [Weiwen jiqi], Caijing, 6 June 11.
[88] Edward Wong, "Human Rights Advocates Vanish as China Intensifies Crackdown," New York Times, 11 March 11; Chinese Human Rights Defenders, "A Quiet Crackdown, Yet Likely the Harshest in Recent Years," 25 February 11; Human Rights in China, "Heavy Charges for Chinese Activists; HRIC Urges Support From International Community," 25 February 11; Andrew Quinn, "U.S. Urges China To Halt Detention of Activists," Reuters, 8 March 11.
[89] See, e.g., Minnie Chan, "Security Even Tighter After 'Jasmine' Call," South China Morning Post, 2 March 11; Chinese Human Rights Defenders, "Individuals Affected by the Crackdown Following Call for 'Jasmine Revolution,'" 30 May 11; Human Rights in China, "Dozens Put Under House Arrest as Chinese Authorities Intensify Crackdown Following Nobel Peace Prize Announcement," 28 October 10; Chris Buckley, "China Dissidents Under Lockdown as Nobel Tensions Linger," Reuters, 29 October 10; Chinese Human Rights Defenders, "Beijing Activists Li Fangping, Li Zhiying Placed Under Soft Detention" [Beijing weiquan renshi li fangping, li zhiying zao ruanjin], 26 October 10.
[90] See, e.g., Chinese Human Rights Defenders, "China Human Rights Briefing Weekly December 8–13, 2010" 15 December 10; Gillian Wong, "China Cracks Down, Many Activists Missing," Associated Press, 21 March 11.
[91] See, e.g., "Mainland Student in Hong Kong Asked To 'Drink Tea' by Mainland Liaison Office After Participating in Rights Defense Activities" [Zai gang neidisheng weiquan zhong lianban "qing yincha"], Sina, 1 June 11; Chinese Human Rights Defenders, "China Human Rights Briefing Weekly December 8–13, 2010" 15 December 10; "Caijing Magazine Journalist Zhang Jialong Missing After Being Asked to 'Have Tea,' May Be Related to Ai Weiwei Case" [Caijing zazhi jizhe zhang jialong bei "hecha" shizong huo yu ai weiwei an you guan], Radio France Internationale, 2 May 11; "The Chinese Government Charges Three Internet Dissidents With the Crime of 'Incitement To Subvert State Authority'" [Zhongguo zhengfu dui sanming wanluo yiyirenshi kong yi 'biandong dianfu guojia zhengquan' zuiming], Radio Free Asia, 3 April 11.
[92] See, e.g., Andrew Jacobs, "Chinese Democracy Advocate Is Sentenced to 10 Years," New York Times, 25 March 11.
[93] "Lawyers' Licenses Withheld," Radio Free Asia, 18 July 10; "Authorities Deny Human Rights Lawyers Professional License Renewals," Congressional-Executive Commission on China, 10 December 10.
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[96] PRC Criminal Procedure Law, enacted 1 July 79, amended 17 March 96, effective 1 January 97, arts. 33, 34.
[97] Provisions on Criminal Litigation [Guanyu xinggshi susong falu yuanzhu gongzuode guiding], issued 28 September 05, effective 1 December 05, art. 4.
[98] "China's Legal Aid Funds Surge in 2010," Xinhua, 2 February 11; Cui Qingxin, "China Surpasses One Billion Yuan in Legal Aid Support Last Year" [Qunian woguo falu yuanzhu jingfei zonge chaoguo 10 yi], Xinhua, 3 February 11.
[99] Ibid.
[100] Cui Qingxin, "Last Year, More Than 70 Million Legal Aid Cases Handled; 40 Percent on Behalf of Migrant Workers" [Qunian gongban 70 duo wanjian falu yuanzhu anjian jin sicheng wei nongmingong banli], Xinhua, 4 February 11.
[101] Zhang Yan and Wang Yan, "213 Counties Will Receive Free Legal Aid," China Daily, 9 February 11.
[102] Li Jiabao, "Parents of Child Beggars Offered Legal Aid," China Daily, 14 February 11.
[103] "700,000 Yuan Earmarked for Tibet's Legal Aid," China Tibet News, reprinted in China Daily, 25 February 11.
[104] Liu Yujie, "China Daily: Communities Get Free Legal Aid," China Daily, 1 March 11.
[105] Cao Hongbing, "Requirements and Ideas for Improving Legal Aid" [Wanshan woguo falu yuanzhu de biyaoxing he silu], People's Daily, 12 February 10.
[106] Ibid.
[107] Zhang Yan and Wang Yan, "213 Counties Will Receive Free Legal Aid," China Daily, 9 February 11.
[108] Yuan Yuan, "Aiding in Defense," Beijing Review, 6 February 11.
[109] Ibid.
[110] Ibid.

Notes to Section III—Property

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[3] Wang Huazhong, "Illegal Land Grabs a Growing Problem," China Daily, 20 April 11. For information on land rights and social stability, see He Qinglian, Human Rights in China, "The Relationship Between Chinese Peasants' Right to Subsistence and China's Social Stability," 1 April 09, and He Qinglian, Human Rights in China, "Why Have China's Peasants Become the Major Force in Social Resistance," 4 June 09.

[4] Wang Huazhong, "Illegal Land Grabs a Growing Problem," China Daily, 20 April 11.

[5] For general information, see Zhu Keliang and Roy Prosterman, Cato Institute, Center for Global Liberty & Prosperity, Development Policy Analysis, "Securing Land Use Rights for Chinese Farmers: A Leap Forward for Stability and Growth," 15 October 07, No. 3; China Urgent Action Working Group, "Papering Over the Cracks: Reform of the Forced Eviction Regime in China," 29 March 10, 6.

[6] "Report Issued on Index of Public Sentiment on the Chinese Internet: Demolitions, Anti-Corruption Followed to a Great Extent" [Zhonghua wangluo yuqing zhishu baogao fabu: chaiqian, fanfu guanzhu du gao], Xinhua, 24 March 11.

[7] State Council Standing Committee, Regulations on Expropriation and Compensation for Housing on State-Owned Land [Guoyou tudishang fangwu zhengshou yu buchang tiaoli], issued and effective 19 January 11.

[8] "State Council General Office Circular Concerning Problems in Advancing Regulation and Control of the Property Market" [Guowuyuan bangongting guanyu jinyibu zuohao fangdichan shichang tiaokong gongzuo youguan wenti de tongzhi], 26 January 11, arts. 1, 5; "Wen Jiabao Directs State Council Standing Committee Meeting Researches and Deploys Eight Measures To Strengthen Regulation and Control of the Housing Market" [Wen jiabao zhuchi guowuyuan changwuhui yanjiu bushu 8 xiang cuoshi qianghua fangdichan shichang tiaokong], People's Daily, 27 January 11.

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[11] Zhao Yinan, "Land ID System To Identify Misuse," China Daily, 18 April 11; "1.8 Billion Mu of Farmland Faces Severe Challenge" [Zhongguo 18 yi mu gengdi hong xian mianlin yanjun tiaozhan], China Review News, summarized by Chinascope, 25 February 11. According to a China Review News article, as summarized by Chinascope, "The Agricultural and Rural Affairs Committee of the National People's Congress revealed that the total amount of farmland in China is approaching the 'red line' of 1.8 billion Chinese acres, which is considered the minimum required acreage to sustain China's population."

[12] PRC Constitution, issued December 4, 1982, amended 12 April 88, 29 March 93, 15 March 99, and 14 March 04, art. 10.

[13] PRC Property Law [Zhonghua renmin gonghe guo wuquan fa], issued 16 March 07, effective 1 October 07, art. 47; PRC Constitution, issued December 4, 1982, amended 12 April 88, 29 March 93, 15 March 99, and 14 March 04, art. 10.

[14] PRC Granting and Assigning Leaseholds in State-Owned Urban Land Tentative Regulations [Zhonghua renmin gonghe guo chengzhen guoyou tudi shiyongquan churang he zhuanrang zanxing tiaoli], issued and effective 19 May 90, art. 12.

[15] Ibid., art. 11. According to Article 11, the government land administrative departments at the municipal or county level can enter into contracts granting leaseholds to land users.

[16] Ibid., chap. III.

[17] Steve Dickinson, "China Real Estate Laws, Part I," China Law Blog, 1 May 07.

[18] PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, and 14 March 04, art. 10; PRC Property Law [Zhonghua renmin gonghe quo wuquan fa], issued 16 March 07, effective 1 October 07, arts. 61–64; PRC Law on Land Contract in Rural Areas [Zhonghua renmin gongheguo nongcun tudi chengbao fa], issued 29 August 02, effective 1 March 03, arts. 5, 12, 20; Steve Dickinson, "China Real Estate Laws, Part I," China Law Blog, 1 May 07.

[19] PRC Administration of Urban Real Property Law [Zhonghua renmin gongheguo chengshi fangdichan guanli fa], issued 5 July 94, effective 1 January 95, amended 30 August 07, art 9.

[20] See, e.g., Michael Vines and Jonathan Ansfield, "Trampled in a Land Rush, Chinese Resist," New York Times, 26 May 10.

[21] William Ide, "Analysts: US-China Debate Over Currency Misses Larger Issues," Voice of America, 15 April 10; Derek Scissors, The Heritage Foundation, "10 China Myths for the New Decade," Backgrounder 2366, 28 January 10.

[22] Keith Bradsher, "Government Aid Puts China Ahead in Clean Energy," New York Times, 8 September 10.

[23] Wang Huazhong, "Illegal Land Grabs a Growing Problem," China Daily, 20 April 11.

[24] Ministry of Public Security Party Committee, 2011 Public Security Organs Opinion on Party Work-style, Construction of Honest and Clean Government, and Anti-Corruption Work [2011 nian gongan jiguan dangfeng lianzheng jianshe he fan fubai gongzuo yijian], 3 March 11. See also "Ministry of Public Security Strictly Prohibits Public Security People's Police From Participating in Land Requisition, Demolition, and Other Non-Police-Related Activities" [Gonganbu yanjin gongan minjing canyu zhengdi chaiqian deng fei jingwu huodong], Radio Free Asia, 3 March 11.

[25] Supreme People's Court, Opinions Concerning Further Strengthening the Basic Development of the Lower People's Courts Under New Circumstances [Guanyu xin xingshi xia jinyibu jiaqiang renmin fayuan jiceng jichu jianshe de ruogan yijian], issued 28 January 11, art. II(6). See also "Supreme People's Court Requests Local Courts To Handle Expropriation Cases Cautiously" [Zuigao fayuan yaoqiu jiceng fayuan shenshen chuli zheng di chaiqian an], Beijing News, reprinted in Xinhua, 16 February 11.

[26] "Legislation on Immovable Property Expropriation Included on Agenda of the National People's Congress" [Budongchan zhengshou lifa quanguo renda yi lie zhengshi yi'an], People's Daily, National People's Congress News, 28 March 11.

[27] "China's Draft Law To Stop Administrative Power Abuse Under Fourth Review," Xinhua, reprinted in National People's Congress, 21 April 11; Zhao Yinna, "Door About To Close on Forced Home Demolitions," China Daily, 21 April 11.

[28] Zhao Yinna, "Door About To Close on Forced Home Demolitions," China Daily, 21 April 11.

[29] 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. 11(1).

[30] United Nations High Commissioner for Human Rights, Committee on Economic, Social and Cultural Rights, General Comments, Comment 4 to Article 11, paragraph 18: The right to adequate housing (art. 11(1) of the Covenant) (Sixth session 1991), para. 18.

[31] State Council, Regulations on Expropriation and Compensation for Housing on State-Owned Land [Guoyou tudishang fangwu zhengshou yu buchang tiaoli], issued and effective 21 January 11.

[32] Ibid.; "Will Law Reforms Reduce Forced Home Demolitions?" Wall Street Journal, 29 January 11; "Explanation of Expropriation and Compensation for Houses: Standards for Demolition and Safeguarding Personal Rights" [Fanwu zhengshou yu buchang tiaoli jiedu: guifan chaiqian baozhang siquan], People's Daily, 24 January 11. For background information see China Urgent Action Working Group, "Papering over the Cracks: Reform of the Forced Eviction Regime in China," 29 March 10, 14–19.

[33] PRC Property Law [Zhonghua renmin gonghe guo wuquan fa], issued 16 March 07, effective 1 October 07, art. 42; PRC Administration of Urban Real Property Law [Zhonghua renmin gongheguo chengshi fangdichan guanli fa], passed 5 July 94, effective 1 January 95, amended 30 August 07, art. 19.

[34] PRC Property Law [Zhonghua renmin gonghe guo wuquan fa], issued 16 March 07, effective 1 October 07, art. 42. This law provides that the holder of expropriated urban land is entitled to compensation for demolition and relocation. PRC Administration of Urban Real Property Law [Zhonghua renmin gongheguo chengshi fangdichan guanli fa], passed 5 July 94, effective 1 January 95, amended 30 August 07, art. 20. This law provides for compensation which is appropriate to the length of time the holder used the land and the state of its development. State Council, Regulations on Expropriation and Compensation for Housing on State-Owned Land [Guoyou tudishang fangwu zhengshou yu buchang tiaoli], issued and effective 21 January 11, arts. 19, 26, and 27.

[35] PRC Property Law [Zhonghua renmin gonghe guo wuquan fa], issued 16 March 07, effective 1 October 07, art 42. This law provides for payment of land compensation fees, resettlement subsidies, and compensation for attachments to the land and young crops in the event of expropriation, and includes general language on safeguarding the residents' lawful rights and interests. For a report on expropriations see Chinese Urgent Action Working Group, "Papering Over the Cracks: Reform of the Forced Eviction Regime in China," 29 March 10.

[36] "Land Seizures Threaten To Disrupt Countryside Calm," China Daily, 2 March 11.

[37] Ibid.

[38] See, e.g., Radio Free Asia, "Skirmish Over Farmland, 12 April 11; Radio Free Asia, "Guilin Forced Expropriation for 'Reserve Land,' Farmers Protecting Their Land Beaten" [Guilin qiangzheng tudi zuo "chubei" nongmin hu tian zao ouda], 21 April 11; Radio Free Asia, "Anhui 'Development' Is Forced Expropriation and Unending Violent Protest, Land Official Disappears After Charges of Corruption" [Anhui "fazhan" wei ming qiangzheng bao chai buduan tudi guanyuan zishou jubao "wo tan" hou shizong], 15 April 11; Radio Free Asia, "600 Fuzhou Policemen Use Tear Gas To Forcibly Expropriate Property, Resulting in Violent Conflict, Many Villagers Beaten and Detained" [Fuzhou liubai jing shi cuileidan qiangzheng di bao chongtu duo wei cunmin beida beizhua], 8 April 11.

Notes to Section IV—Xinjiang

[1] See, e.g., Cheng Lixin and Sui Yunyan, "Persist in the Normalization of Work To Safeguard Stability, Guarantee the Stability of Overall Society" [Jianchi weiwen gongzuo changtaihua quebao shehui daju wending], Xinjiang Daily, 25 December 10; "Autonomous Region Chair Nur Bekri Issues 2011 New Year's Speech, Grab Opportunities, Try Hard and Fight to the Fullest, Wholeheartedly Drive Ahead With Xinjiang's Development by Leaps and Bounds and Long-Term Stability" [Zizhiqu zhuxi nu'er baikeli fabiao 2011 nian xinnian zhici qiangzhua jiyu fenli pinbo quanli tuijin xinjiang kuayueshi fazhan he changzhijiu'an], Xinjiang Daily, 1 January 11; "Government Work Report" [Zhengfu gongzuo baogao], Xinjiang Daily, 20 January 11; Cao Huijuan et al., "Fu Qiang: Strengthen Sense of Responsibility, Urgency, and Mission in Work To Safeguard Stability" [Fu qiang: zengqiang weiwen gongzuo zerengan jinpogan shiminggan], Xinjiang Peace Net, 13 December 10.

[2] See examples that follow within this section, as well as, e.g., CECC, 2010 Annual Report, 10 October 10, 200–13.

[3] Cheng Lixin and Sui Yunyan, "Persist in the Normalization of Work To Safeguard Stability, Guarantee the Stability of Overall Society" [Jianchi weiwen gongzuo changtaihua quebao shehui daju wending], Xinjiang Daily, 25 December 10.

[4] Ibid.

[5] See, e.g., Kashgar Municipal People's Government, "Kashgar Municipal People's Government Announcement" [Kashi shi renmin zhengfu gonggao], 1 August 11; Kashgar Municipal People's Government, "Our Municipality Resolutely Deals With Violent Terrorism Case" [Wo shi guodan chuzhi yiqi baoli kongbu anjian], 1 August 11; "Chinese State Councilor Vows To Crack Down on Terrorists," Xinhua, 4 August 11; "Fourteen Gangsters Shot Dead in Terrorist Acts of Violence in Hotan, Xinjiang," China News Service, 20 July 11 (Open Source Center, 20 July 11); "3 Cases of Serious Violent Terrorist Crimes From Kashgar Are Concluded" [Kashi sanqi yanzhong baoli kongbu fanzui anjian shenjie], Xinjiang Daily, reprinted in Xinhua, 23 March 11; Kashgar District People's Government, "Resolutely Uphold the Dignity of the Law" [Jianjue weihu falu zunyan], 23 March 11. In some cases, the incidents appear to have been described as terrorist crimes months after they were initially reported. See, e.g., Sui Yunyan, "Hami Armed Murder Case Cracked" [Hami shi chiqiang sharen an gaopo], Xinjiang Daily, 3 December 10 (reporting on September 29 and November 3 murder cases as ordinary crimes); Aksu District Administration News Office, "Explosives Attack Occurs in Aksu City, Xinjiang" [Xinjiang akesu shi fasheng yiqi baozha xiji an], reprinted in Aksu District People's Government, 19 August 10 (describing August 19 attack as ordinary crime); "Judgment Made Public in Three Cases of Terrorist Crime" [Gongkai xuanpan sanqi baoli kongbu fanzui anjian], Xinjiang Daily, 23 February 11 (state-controlled media reporting of crimes in Aksu and Hami as terrorist); "Severely Punishing Terrorist Crimes Shows Respect for Law" [Yancheng baoli kongbu fanzui zhangxian falu zunyan], Xinjiang Daily, 23 February 11 (editorial in state-controlled media describing crimes as terrorist).

[6] Based on CECC assessment of the reports. See, e.g., Kashgar Municipal People's Government, "Kashgar Municipal People's Government Announcement" [Kashi shi renmin zhengfu gonggao], 1 August 11; Kashgar Municipal People's Government, "Our Municipality Resolutely Deals With Violent Terrorism Case" [Wo shi guodan chuzhi yiqi baoli kongbu anjian], 1 August 11; "Chinese State Councilor Vows To Crack Down on Terrorists," Xinhua, 4 August 11; "Fourteen Gangsters Shot Dead in Terrorist Acts of Violence in Hotan, Xinjiang," China News Service, 20 July 11 (Open Source Center, 20 July 11); "3 Cases of Serious Violent Terrorist Crimes From Kashgar Are Concluded" [Kashi sanqi yanzhong baoli kongbu fanzui anjian shenjie], Xinjiang Daily, reprinted in Xinhua, 23 March 11; Kashgar District People's Government, "Resolutely Uphold the Dignity of the Law" [Jianjue weihu falu zunyan], 23 March 11. In some cases, the incidents appear to have been described as terrorist crimes months after they were initially reported. See, e.g., Sui Yunyan, "Hami Armed Murder Case Cracked" [Hami shi chiqiang sharen an gaopo], Xinjiang Daily 3 December 10 (reporting on September 29 and November 3 murder cases as ordinary crimes); Aksu District Administration News Office, "Explosives Attack Occurs in Aksu City, Xinjiang" [Xinjiang akesu shi fasheng yiqi baozha xiji an], reprinted in Aksu District People's Government, 19 August 10 (describing August 19 attack as ordinary crime); "Judgment Made Public in Three Cases of Terrorist Crime" [Gongkai xuanpan sanqi baoli kongbu fanzui anjian], Xinjiang Daily, 23 February 11 (state-controlled media reporting of crimes in Aksu and Hami as terrorist); "Severely Punishing Terrorist Crimes Shows Respect for Law" [Yancheng baoli kongbu fanzui zhangxian falu zunyan], Xinjiang Daily, 23 February 11 (editorial in state-controlled media describing crimes as terrorist). For background information on Chinese government reporting on terrorist cases, see "Uighurs Face Extreme Security Measures; Official Statements on Terrorism Conflict," CECC China Human Rights and Rule of Law Update, May 2006, 12. For information on restrictions on free press, see Section II—Freedom of Expression.

[7] "Fourteen Gangsters Shot Dead in Terrorist Acts of Violence in Hotan, Xinjiang," China News Service, 20 July 11 (Open Source Center, 20 July 11).

[8] See, e.g., "Clashes in Silk Road Town," Radio Free Asia, 18 July 11; World Uyghur Congress, "World Uyghur Congress (WUC) Troubled by Witness Accounts on Hotan Incident," 19 July 11.

[9] Sui Yunyan and Zhang Min, "Autonomous Region Public Security Organs Launch Special 100-Day Operation for Taking Strict Precautions Against and Striking Hard Against Serious Violent Crimes" [Zizhiqu gongan jiguan kaizhan bairi yanfang yanda yanzhong baoli fanzui zhuanxiang xingdong], Xinjiang Daily, 24 December 10.

[10] Cheng Lixin, "Autonomous Region Leading Group on State Security Work Is Established" [Zizhiqu guojia anquan gongzuo lingdao xiaozu chengli], Xinjiang Daily, 1 March 11.

[11] See, e.g., Chen Zehua, "Our Region Launches Special Operation To 'Strike Hard Against Violent Terrorist Crimes'" [Wo qu kaizhan "yanli daji baoli kongbu fanzui" zhuanxiang xingdong], Xinjiang Legal Daily, reprinted in Xinjiang Peace Net, 15 August 11; Ji Jun, Aksu

Municipal People's Government, "District Convenes Meeting on Upholding Stability, Huang Sanping Makes Important Speech" [Diqu zhaokai wei wen gongzuo huiyi huang sanping zuo zhongyao jianghua], 25 July 11; "Security Tightened as Urumqi Gears Up for China-Eurasia Expo," Xinhua, 30 August 11; "Tensions Amid Xinjiang Clampdown," Radio Free Asia, 19 August 11.

[12] Chen Zehua, "Our Region Launches Special Operation To 'Strike Hard Against Violent Terrorist Crimes'" [Wo qu kaizhan "yanli daji baoli kongbu fanzui" zhuanxiang xingdong], Xinjiang Legal Daily, reprinted in Xinjiang Peace Net, 15 August 11.

[13] Yang Yuanyuan and Zhang Xuemin, "Total Population of Urumqi Surmounts 2.6 Million, Birthrate Maintains Low Growth" [Wulumuqi zongrenkou tupo 260 wan chushenglu baochi di zengzhang], Tianshan Net, 2 November 10.

[14] "Surveilance [sic] Cameras To Keep Northwest China's Riot-Rocked City Under Watch," Xinhua, reprinted in Global Times, 26 January 11.

[15] "At End of This Year Video Cameras in Urumqi Proper To Reach 60,000" [Jinnianmo wulumuqi chengqu shipin shexiang tou jiang dadao 6 wan zhi], China News Service, 15 January 10.

[16] The city had 46,953 cameras by November 2009 and added "nearly 17,000" in 2010. "At End of This Year Video Cameras in Urumqi Proper To Reach 60,000" [Jinnianmo wulumuqi chengqu shipin shexiang tou jiang dadao 6 wan zhi], China News Service, 15 January 10; "Surveilance [sic] Cameras To Keep Northwest China's Riot-Rocked City Under Watch," Xinhua, reprinted in Global Times, 26 January 11.

[17] CECC, 2010 Annual Report, 10 October 10, 210.

[18] Ge Youjun and Tan Yanbin, "Urumqi Launches 100-Day Rectification Campaign for Floating Population and Room Rentals" [Wu shi kaizhan liudong renkou he chuzu fangwu bairi zhuanxiang zhengzhi], Xinjiang Peace Net, 2 December 10. See also Yi Changchun, "Shuimogou District Launches 100-Day Special Rectification Work Mobilization Meeting" [Shuiqu zhaokai bairi zhuanxiang zhengzhi gongzuo dongyuan dahui], Xinjiang Peace Net, 16 December 10; Zhao Yuhong, "North Jiefang Road Residential Area Organizes and Launches 100-Day Special Rectification Work Meeting" [Jiefang bei lu jiedao zuzhi zhaokai bairi zhuanxiang zhengzhi gongzuohui], Xinjiang Peace Net, 17 December 10.

[19] Yi Changchun, "Shuimogou District Launches 100-Day Special Rectification Work Mobilization Meeting" [Shuiqu zhaokai bairi zhuanxiang zhengzhi gongzuo dongyuan dahui], Xinjiang Peace Net, 16 December 10.

[20] "One Good Plan After the Other for Management of Urumqi Floating Population" [Wulumuqi shi liudong renkou guanli haozhao lianlian], Tianshan Net, 23 May 11.

[21] "'No Passports' for Uyghurs," Radio Free Asia, 10 September 10; "Uyghurs Targeted Amidst Reform Call," Radio Free Asia, 28 February 11.

[22] Zhongshan City Judicial Bureau, "Zhongshan City Judicial Bureau Launches People's Mediation Activity for '100-Day Campaign for Peaceful Asian Games'" [Zhongshan shi sifaju kaizhan renmin tiaojie "pingan yayun bairi dahuizhan" huodong], 31 August 10.

[23] Changde City People's Government, "City Ethnic and Religious Affairs Bureau: Create Satisfaction Mechanisms, Use Service To Promote Development and Seek Stability" [Shi minzu zongjiao shiwuju: chuang manyi jiguan yi fuwu cu fazhan qiu wending], 22 December 10. For an example from elsewhere in Hunan province, see Yongxing County United Front Work Department, "Yongxing County Uses Strengthening Functions and Stimulating United Front Work To Magnify New Bright Spots" [Yongxing xian yi qianghua zhineng jifa tongzhan gongzuo tuxian xin liangdian], Chenzhou City United Front News Net, 15 December 10.

[24] See generally Xinjiang Uyghur Autonomous Region Regulation on Ethnic Unity Education [Xinjiang weiwu'er zizhiqu minzu tuanjie jiaoyu tiaoli], effective 1 February 10. For detailed analysis of the regulation and broader "ethnic unity" campaigns in the region, see "'Xinjiang Ethnic Unity' Regulation Imposes Party Policy, Restricts Free Expression," CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10, 2; CECC, 2010 Annual Report, 10 October 10, 201–2.

[25] "Summary of Educational Activities on Theme of 'Ardently Loving the Great Motherland, Building a Glorious Homeland'" [Re'ai weida zuguo jianshe meihao jiayuan zhuti jiaoyu huodong zongshu], Xinhua, 23 March 11.

[26] Ibid.

[27] Ibid.

[28] For more information on the forum, see CECC, 2010 Annual Report, 10 October 10, 207–8, and "Central Leaders Hold Forum on Xinjiang, Stress Development and Stability as Dual Goals," CECC China Human Rights and Rule of Law Update, No. 6, 12 July 10, 3. For comprehensive reporting on the forum from Chinese media, see, e.g., Zou Shengwen and Gu Ruizhen, "The CPC Central Committee and State Council Hold Xinjiang Work Conference; Hu Jintao, Wen Jiabao Give Important Speeches; Zhou Yongkang Gives a Summing-Up Speech; Wu Bangguo, Jia Qinglin, Li Changchun, Xi Jinping, Li Keqiang, and He Guoqiang Attend the Conference," Xinhua, 20 May 10 (Open Source Center, 23 May 10). For information on past development efforts, see, e.g., CECC, 2009 Annual Report, 10 October 09, 263–64.

[29] See, e.g., "Grasp Key Points, Grasp the Breakthrough Point, Comprehensively Implement the Spirit of the Central Work Forum on Xinjiang" [Zhuazhu guanjian dian zhuahao tupokou quanmian luoshi zhongyang xinjiang gongzuo zuotanhui jingshen], People's Daily, 26 September 10; Cheng Lixin, "Go a Step Further To Emancipate the Mind and Maintain and Expand the First Stages of a Good Situation" [Jinyibu jiefang sixiang baochi he kuoda chubu xingcheng de hao xingshi], Xinjiang Daily, 10 October 10; "Government Work Report" [Zhengfu gongzuo baogao], Xinjiang Daily, 20 January 11.

[30] See, e.g., "National Conference for Aid-Xinjiang Work Opens, Li Keqiang and Zhou Yongkang Give Speeches" [Quanguo duikou zhiyuan xinjiang gongzuohui zhaokai li keqiang zhou yongkang jianghua], Xinhua, 30 March 10; Supreme People's Court Guiding Opinion Concerning Aiding Xinjiang Court Work [Zuigao renmin fayuan guanyu duikou zhiyuan xinjiang

fayuan gongzuo de zhidao yijian], undated (estimated date October 2010), item 3(5). For more information on counterpart support, see "Central Leaders Hold Forum on Xinjiang, Stress Development and Stability as Dual Goals," CECC China Human Rights and Rule of Law Update, No. 6, 12 July 10, 3.

[31] See Section II—Ethnic Minority Rights in this report and CECC, 2010 Annual Report, 10 October 10, 207–8, for more information on grasslands policy and on initiatives announced at the forums.

[32] "Scenic Area of Tianshan Heavenly Lake, Xinjiang, Continues 'Grazing Ban,' Will Enlarge Strength in Future" [Xinjiang tianshan tianchi jingqu chixu "jinmu" weilai jiang jiada lidu], Xinhua, reprinted in Sohu, 2 August 11.

[33] Ibid.; Shao Wei, "Herders Face Five Year Ban on Grazing," China Daily, 1 August 2011.

[34] "Xinjiang Wealthy Folks Affordable Housing Project Makes Smooth Progress, 670,000 Farmers and Herders Move Into New Homes" [Xinjiang fumin anju gongcheng jinzhan shunli 67 wan nongmumin ruzhu xinfang], Xinhua, 8 November 10. For information on earlier reported plans to resettle herders, see Cui Jia, "New Measures To Boost Xinjiang Livelihoods," China Daily, 28 May 10.

[35] See, e.g., Yang Yonghua, "Bortala Slum Transformation Embodies Putting People at the Center" [Bole shi penghuqu gaizao tixian yiren weiben], China Xinjiang, 8 November 10; Zhao Guangping, "Fukang City Slum District Transformation Enables Residents' Dreams of Peaceful Life" [Fukang shi penghuqu gaizao yuanle jumin anju meng], Tianshan Net, 13 December 10; Tao Tao, Chen Zhe, "Entering the Slum Districts: Urumqi Slum Transformation, Sunshine To Benefit the People" [Zoujin penghuqu: wulumuqi shi penghu gaizao yangguang huimin], Xinjiang News Net, 5 February 11.

[36] "Urumqi's Sweeping Slum Makeover Gathers Steam," Xinhua, 16 May 11.

[37] For detailed information on the special economic zones (SEZs), including background on initial planning in 2009 to create the SEZs and their formation in mid-2010, see Wang Rengui et al., "Xinjiang 'Special Economic Zones' Unveiled," Liaowang, 30 May 11–05 Jun 11 (Open Source Center, 27 July 11). See also "Xinjiang To Set Up Two Special Economic Zones in 2011," People's Daily, 14 February 11; "China Aims To Build Xinjiang's Capital Into Int'l Trade Center," Xinhua, 30 March 11.

[38] "China Aims To Build Xinjiang's Capital Into Int'l Trade Center," Xinhua, 30 March 11; "Xinjiang To Set Up Two Special Economic Zones in 2011," People's Daily, 14 February 11 (describing plans to increase Kashgar's population to 1 million); Kashgar Municipal People's Government, "Brief Introduction to Kashgar Municipality" [Kashi shi jianjie], 9 November 10 (describing current population as 600,000, including a floating population of 150,000).

[39] "China-Eurasia Expo," China-Eurasia Expo Web site, last visited 26 August 11.

[40] "New Railway To Cut Short Trip Between Capital Cities of Tibet, Xinjiang," Xinhua, 6 March 11.

[41] See, e.g., "Development Could Widen Ethnic Divide," Radio Free Asia, 31 March 11; "Plan To Build 'Guangzhou New City' in Kashgar Gives People Deep Grief" [Qeshqerde "guangju yéngi shehri" ning qurulush pilani kishini chongqur qayghugha salidu], Radio Free Asia, 18 April 11; "Has the Economic Development Region in Korla Only Been Open to Han?" [Korlidiki iqtisadiy tereqqiyat rayoni peqet xitaylarghila échiwétilgenmu?], Radio Free Asia, 19 April 11. For additional information on past development projects, see CECC, 2009 Annual Report, 10 October 09, 263–64.

[42] Supreme People's Court Guiding Opinion Concerning Aiding Xinjiang Court Work [Zuigao renmin fayuan guanyu duikou zhiyuan xinjiang fayuan gongzuo de zhidao yijian], undated (estimated date October 2010), item 4(8).

[43] Ibid., item 3(5).

[44] Xinjiang Lawyers Association, "2010 Regionwide Ethnic Minority Lawyers' Training Class Begins Soon, Publicity Underway During Organization and Preparatory Work" [2010 nian quanqu shaoshu minzu lushi peixunban kaike zaiji zuzhi zhunbei gongzuo jinluo migu], 1 December 10. For more information on the training, see "Xinjiang's First Large-Scale Training Class for Ethnic Minority Lawyers Stresses Meeting Political Goals," Congressional-Executive Commission on China, 19 January 11.

[45] Xinjiang Lawyers Association, "2010 Regionwide Training Class for Ethnic Minority Lawyers Opens in Urumqi, Justice Department Head Abliz Hoshur Attends Opening Ceremony and Makes Important Speech" [2010 nian quanqu shaoshu minzu lushi peixunban zai wu kaike sifating tingchang abulizi wushou'er chuxi kaike yishi bing zuo zhongyao jianghua], 5 December 10.

[46] Ibid.

[47] "Xinjiang Official Stresses Fighting Separatism, Says 198 Sentenced for Deadly Riot," Xinhua, 7 March 10; "198 People in 97 Cases Already Tried and Sentenced in Urumqi '7–5' Incident" [Wulumuqi "7–5" shijian yi shenli xuanpan 97 an 198 ren], Xinhua, 7 March 10. See analysis in "198 People in Xinjiang Reportedly Sentenced in Trials Marked by Lack of Transparency," CECC China Human Rights and Rule of Law Update, No. 4, 21 April 10, 2.

[48] "Xinjiang Official Stresses Fighting Separatism, Says 198 Sentenced for Deadly Riot," Xinhua, 7 March 10.

[49] Han Xiaoyi, "Xinjiang Last Year Completed Trials in 376 Cases of Crimes of Endangering State Security" [Xinjiang qunian shenjie weihai guojia anquan fanzui anjian 376 jian], People's Daily, 16 January 11.

[50] "Uyghur Journalist Handed Life Term," Radio Free Asia, 21 December 10; "Uyghur Student Sentenced to Death," Radio Free Asia, 30 December 10; "Uyghur Historian Given 7 Years," Radio Free Asia, 6 March 11; Uyghur Human Rights Project, "A City Ruled by Fear and Silence: Urumchi, Two Years On," 5 July 11, 8.

[51] "China Handling July 5 Cases in Urgent Manner Within Court System" [Xitay, sot mehkimisi saheside 5-iyul délolirini jiddiy bir terep qilmaqta], Radio Free Asia, 22 September 10.

[52] Han Xiaoyi, "Xinjiang Last Year Completed Trials in 376 Cases of Endangering State Security Crimes" [Xinjiang qunian shenjie weihai guojia anquan fanzui anjian 376 jian], People's Daily, 16 January 11. For analysis and comparison with figures from previous years, see information that follows within text as well as "Number of State Security Cases Tried in Xinjiang Decreases in 2010; Number of Longer Prison Sentences Increases," Congressional-Executive Commission on China, 3 February 11.

[53] Han Xiaoyi, "Xinjiang Last Year Completed Trials in 376 Cases of Endangering State Security Crimes" [Xinjiang qunian shenjie weihai guojia anquan fanzui anjian 376 jian], People's Daily, 16 January 11; Cao Zhiheng and Wang Dalin, "Xinjiang Completed Trials Last Year in 437 Cases of Endangering State Security" [Xinjiang qunian shenjie weihai guojia anquan fanzui anjian 437 qi], Xinhua, 15 January 10.

[54] In 2008, courts completed 268 cases of endangering state security. "Xinjiang Courts in Total Complete Investigation of 268 Endangering State Security Cases" [Xinjiang fayuan gong shenjie weihai guojia anquan fanzui anjian 268 qi], Xinhua, 10 January 09. Between 2003 and 2007, the XUAR court system had accepted an average of roughly 150 ESS cases per year. The figure refers to cases accepted (shouli) rather than trials completed (shenjie), but suggests a lower number of completed ESS trials before 2008 and subsequent years. Tian Yu, "Work Regarding Courts Nationwide Assisting Xinjiang Courts Is Launched" [Quanguo fayuan duikou zhiyuan xinjiang fayuan gongzuo qidong], Xinhua, 14 August 07. See also analysis in "State Security Cases From Xinjiang Appear To Surge in 2008," CECC China Human Rights and Rule of Law Update, No. 1, 2009, 3.

[55] Han Xiaoyi, "Xinjiang Last Year Completed Trials in 376 Cases of Endangering State Security Crimes" [Xinjiang qunian shenjie weihai guojia anquan fanzui anjian 376 jian], People's Daily, 16 January 11.

[56] See further analysis in "Number of State Security Cases Tried in Xinjiang Decreases in 2010; Number of Longer Prison Sentences Increases," Congressional-Executive Commission on China, 3 February 11.

[57] See CECC, 2010 Annual Report, 10 October 10, 206–7, and the Commission's Political Prisoner Database, records 2009–00448, 2009–00449, 2010–00106, 2010–00238, and 2010–00253, for more information on these cases.

[58] For information on the regulations, see CECC, 2010 Annual Report, 10 October 10, 205, citing Xinjiang Uyghur Autonomous Region Informatization Promotion Regulation [Xinjiang weiwu'er zizhiqu xinxihua cujin tiaoli], issued 25 September 09, effective 1 December 09, art. 40; Xinjiang Uyghur Autonomous Region Regulation on Ethnic Unity Education [Xinjiang weiwu'er zizhiqu minzu tuanjie jiaoyu tiaoli], issued 29 December 09, effective 1 February 10; Xinjiang Uyghur Autonomous Region Regulation on the Comprehensive Management of Social Order [Xinjiang weiwu'er zizhiqu shehui zhi'an zonghe zhili tiaoli], issued 21 January 94, amended 11 December 97, revised 29 December 09, effective 1 February 10, art. 25.

[59] "Uyghur Journalist Handed Life Term," Radio Free Asia, 21 December 10; "Translator and Reporter Muhemmetjan Abdulla Known To Have Been Sentenced to Life in Prison" [Terjiman we muxbir muhemmetjan abdullaning muddetsiz qamaqqa höküm qilinghanliqi melum bolmaqta], Radio Free Asia, 20 December 10.

[60] "Uyghur Historian Given 7 Years," Radio Free Asia, 6 March 11; World Uyghur Congress, "World Uyghur Congress Condemns 15-Year Sentence Handed Down to Uyghur Journalist and Web site Editor Gheyret Niyaz," 24 July 10.

[61] See CECC, 2010 Annual Report, 10 October 10, 206–7, and the Commission's Political Prisoner Database, records 2009–00448, 2009–00449, 2010–00106, 2010–00238, and 2010–00253, for more information on these cases.

[62] "Dissident Kazakh Writer Dies in Western China," Radio Free Europe/Radio Liberty, 15 February 11; See also the Commission's Political Prisoner Database, record 2011–00173, on Kajikhumar Shabdan (citing Dui Hua Foundation information based on official Chinese sources).

[63] "Travel Ban Extends to Family," Radio Free Asia, 10 February 11; "Uyghur Scholar, Family Held," Radio Free Asia, 15 December 10.

[64] Xinjiang Press and Publication Bureau, "Raising 'Eight Points of Work' for Making Focused Efforts in Latter Half of Year" [Tichu xiabannian zhongdian zhuahao "ba xiang gongzuo"], 5 July 10.

[65] Shi Qiaomei et al., "Our Region Convenes 'Sweep Away Pornography and Strike Down Illegal Publications' Work Video Teleconference" [Wo qu zhaokai "saohuang dafei" gongzuo dianshi dianhuahui], Xinjiang Daily, 15 January 11.

[66] Yang Chen, Xinjiang Uyghur Autonomous Region Transportation Department, "'Turfan Transportation Management Bureau' Tracks Down 87 Illegal Religious Publications" ["Tulufan yunguanju" chahuo 87 ben feifa zongjiao chubanwu], 22 February 11; Shi Qiaomei et al., "Our Region Convenes 'Sweep Away Pornography and Strike Down Illegal Publications' Work Video Teleconference" [Wo qu zhaokai "saohuang dafei" gongzuo dianshi dianhuahui], Xinjiang Daily, 15 January 11.

[67] See, e.g., "Urumqi Announces '10 Big Sweep Away Pornography, Strike Down Illegal Publications Cases'" [Wulumuqi gongbu 2010 nian "saohuang dafei shida anjian"], Tianshan Net, 10 February 11; "Directly Administered Areas in Ili Prefecture Stress Strengthening 'Sweep Away Pornography, Strike Down Illegal Publications' and Cultural Market Supervision Work During 'New Year' and 'Chinese New Year' Period" [Yili zhouzhi zhuzhong jiaqiang "yuandan" "chunjie" qijian "saohuang dafei" he wenhua shichang jianguan gongzuo], Xinjiang Culture Net, 11 February 11; Bortala Mongol Autonomous Prefecture People's Government, "Bortala Prefecture Enlarges Strength of Inspections, Ensures 'Big Sweep Away Pornography, Strike Down Illegal Publications' Work Gets Down to the Substance" [Bo zhou jiada jiancha lidu quebao "saohuang dafei" gongzuo luo dao shichu], 17 February 11; Fuyun County People's Government, "Turaxun Township, Fuyun County, Vigorously Launches Activity To Investigate Illegal Religious Publications" [Fuyun xian tu'erhong xiang dali kaizhan qingcha feifa zongjiao chubanwu huodong], reprinted in E'erqisi Net, 14 January 11. See analysis of these items in "Xinjiang Authorities Tar-

get Religious and Political Publications in Censorship Campaigns," Congressional-Executive Commission on China, 31 March 11.

[68] "Crackdown Launched in Xinjiang," Radio Free Asia, 3 December 10; "Uyghurs Targeted Amidst Reform Call," Radio Free Asia, 28 February 11.

[69] Cheng Lixin, "Autonomous Regional Party Committee Standing Committee (Enlarged) Meeting Stresses Raising Recognition, Synthesizing Measures and Policies, and Ensuring Stability" [Zizhiqu dangwei changwei (kuoda) huiyi qiangdiao tigao renshi zonghe shice quebao wending], Xinjiang Daily, 8 December 10.

[70] "Zhang Chunxian: Use '5 Resolutes' To Propel Development and Stability" [Zhang chunxian: yi "wuge jiandingbuyi" tuijin fazhan he wending], Tianshan Net, 7 August 11.

[71] Chen Zehua, "Our Region Launches Special Operation To 'Strike Hard Against Violent Terrorist Crimes'" [Wo qu kaizhan "yanli daji baoli kongbu fanzui" zhuanxiang xingdong], Xinjiang Legal Daily, reprinted in Xinjiang Peace Net, 15 August 11.

[72] See examples that follow, as well as analysis in "Authorities in Xinjiang Use Pledge System To Exert Control Over Village Life," CECC China Human Rights and Rule of Law Update, No. 9, 10 December 10, 3.

[73] Autonomous Region Definitions Concerning 23 Kinds of Illegal Religious Activity [Zizhiqu guanyu 23 zhong feifa zongjiao huodong de jieding] (undated, reprinted in, e.g., Chinggil County People's Government, 25 February 08), Nos. 3, 4, 5, 20. For mention of the document from the past year, see, e.g., Yengisar Ethnic and Religious Affairs Bureau, "Penetrate the Countryside for Grand Propaganda and Explanations, Ethnic Unity Enters People's Hearts, Yengisar County Ethnic and Religious Affairs Bureau Launches 'Grand Propagandizing and Explanation' Activity" [Shenru xiangcun da xuanjiang minzu tuanjie jin minxin, yingjisha xian minzongju kaizhan "da xuanjiang" huodong], reprinted in Yengisar County People's Government, 21 March 11; Qaramay Dushanzi District Number 1 Middle School, "2011 Plan for Launching 'Year of Studying Law' Activity" [2011 nian kaizhan "xuefa nian" huodong jihua], 11 March 11.

[74] See Xinjiang Uyghur Autonomous Region Regulation on the Protection of Minors [Xinjiang weiwu'er zizhiqu weichengnianren baohu tiaoli], issued 25 September 09, effective 1 December 09, arts. 34, 53, and analysis in "New Regulation in Xinjiang Appears To Expand Controls Over Children's Religious Freedom (Includes Update)," CECC China Human Rights and Rule of Law Update, No. 1, 8 January 10, 2 and "Draft Regulation in Xinjiang Could Strengthen Legal Prohibitions Over Children's Freedom of Religion," CECC China Human Rights and Rule of Law Update, No. 4, 2009, 3.

[75] See Village Pledge System in this section for more information and "Authorities in Xinjiang Use Pledge System To Exert Control Over Village Life," CECC China Human Rights and Rule of Law Update, No. 9, 10 December 10, 3.

[76] Qiongbola Township People's Government, "Qiongbola Township Blazes Trails in Model for Religious Management, Drives Ahead With New Ideas in Social Management" [Qiongbola xiang chuangxin zongjiao guanli moshi, tuijin shehui guanli chuangxin], reprinted in Qapqal Xibe Autonomous County People's Government, 7 January 11.

[77] Toutunhe District People's Political Consultative Office, "Inspection Report Concerning Toutunhe District's Religious Personnel's Lifestyle Situation and Conditions for Playing a Positive Role in Strengthening Ethnic Unity and Safeguarding Stability" [Guanyu dui toutunhe qu zongjiao renshi zai jiaqiang minzu tuanjie, weihu wending fangmian fahui zuoyong qingkuang ji shenghuo zhuangkuang de shicha baogao], reprinted in Toutunhe District People's Government, 2 September 10.

[78] See, e.g., Jiashi County People's Government, "Jiashi County Launches Food Hygiene and Safety Education and Training Work During the 'Two Holidays' Period" [Jiashi xian kaizhan "liang jie" qijian shipin weisheng anquan jiaoyu peixun gongzuo], 28 July 11; Bortala Mongol Autonomous Prefecture People's Government, "Bortala Municipality Takes Four Measures To Soundly Launch Work on Management of Religious Affairs" [Bole shi si cuo bingju zhashi kaizhan zongjiao shiwu guanli gongzuo], 20 July 11; Ruoqiang County People's Government, "Washsheri Township Convenes Forum Regarding Stability Work During Ramadan" [Washixia xiang zhaokai guanyu zhaiyue qijian weiwen gongzuo zuotanhui], 29 July 11; Qiemo County People's Government, "Tatirang Township Adopts Forum Method To Do Good Job of Religion Work" [Tatirang xiang caiqu zuotanhui fangshi zuohao zongjiao gongzuo], 5 August 11; "Situation All-Around Tense in Uyghur Area During Ramadan Period" [Ramzan mezgilide uyghur éli weziyiti omumyülü jiddiyleshken], Radio Free Asia, 28 July 11. For additional information on controls over Ramadan in recent years, see, e.g., "Authorities Continue To Restrict Ramadan Observance in Xinjiang," CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 3, and "Religious Repression in Xinjiang Continues During Ramadan," CECC China Human Rights and Rule of Law Update, January 2008, 3.

[79] "Father and Son Religious Personages Detained on Suspicion in Shihezi Are Given 3-Year Sentences" [Shixenzide guman bilen tutqun qilinghan dada-bala diniy zatlargha 3 yilliqtin qamaq jazasi bérilgen], Radio Free Asia, 22 April 11.

[80] For information on earlier campaigns, see "Xinjiang Authorities Target Beards, Veils in Campaigns To Tighten Control Over Religion," CECC China Human Rights and Rule of Law Update, No. 8, 9 November 10, 4–5, and "Xinjiang Authorities Tighten Controls Over Muslim Women," CECC China Human Rights and Rule of Law Update, No. 5, 4 June 10, 2.

[81] See, e.g., All-China Women's Federation, "10 Measures From the Xinjiang Uyghur Autonomous Region Women's Federation Let Women of All Ethnicities All Reap Benefits" [Xinjiang zizhiqu fulian shi xiang jucuo rang gezu funu pu shouhui], 7 March 11; Hoten District Women's Federation, "Hoten District Women's Federation 2011 Work Arrangements" [Hetian diqu fulian 2011 nian gongzuo anpai], reprinted in Hoten District People's Government, 27 January 11; Luntai County Women's Federation, "Implementation Plan for Luntai County Women's Federation System's Launching of 'Creating Advancement, Striving for Excellence' Activities" [Guanyu zai luntai xian fulian xitong zhong kaizhan chuangxian zhengyou huodong de shishi fang'an], reprinted in Luntai County People's Government, 7 September 10; Turpan Municipality Leading

Group Office for Creating Advancement, Striving for Excellence Activities, "Implementation Plan for Turpan City Women's Federation System and Women of All Ethnicities' Deeply Launching of Creating Advancement, Striving for Excellence Activities" [Guanyu zai tulufan shi fulian xitong he gezu funu zhong shenru kaizhan chuangxian zhengyou huodong de shishi fang'an], Turpan Party Construction Net, 6 January 11.

[82] Hongqiao Residential District Office, "Hongqiao Residential District Work System Two" [Hongqiao jiedao gongzuo zhidu er], reprinted in Usu Municipal People's Government, 18 September 10.

[83] Paixianbaibazha Township People's Government, "Implementation Plan for Paixianbaibazha Township's Launching of Special Rectification Operation To Attack Illegal Religious Activities" [Paixianbaibazhaxiang kaizhan daji feifa zongjiao huodong zhuanxiang zhengzhi xingdong shishi fang'an], reprinted in Xinhe County People's Government, 27 November 10.

[84] Bortala Mongol Autonomous Prefecture Women's Federation, "Circular Concerning Printing and Distributing the 'Autonomous Prefecture 2011 Women's Federation Propaganda Work Points'" [Guanyu yinfa "zizhizhou fulian 2011 nian xuanchuan gongzuo yaodian" de tongzhi], 30 March 11; Bortala Mongol Autonomous Prefecture Women's Federation, "Circular Concerning Printing and Distributing the 'Autonomous Prefecture 2011 Women's Federation Propaganda Work Points'" [Guanyu yinfa "zizhizhou fulian 2011 nian xuanchuan gongzuo yaodian" de tong zhi], 2 February 11; Paixianbaibazha Township People's Government, "Implementation Plan for Paixianbaibazha Township's Launching of Special Rectification Operation To Attack Illegal Religious Activities" [Paixianbaibazhaxiang kaizhan daji feifa zongjiao huodong zhuanxiang zhengzhi xingdong shishi fang'an], reprinted in Xinhe County People's Government, 27 November 10. For more information on oversight in recent years, see "Xinjiang Authorities Train, Seek To Regulate Muslim Women Religious Figures," CECC China Human Rights and Rule of Law Update, No. 4, 2009, 2, and "Xinjiang Authorities Tighten Controls Over Muslim Women," CECC China Human Rights and Rule of Law Update, No. 5, 4 June 10, 2.

[85] In Chinese law, see, e.g., PRC Constitution, arts. 4, 121, and Regional Ethnic Autonomy Law (REAL), issued 31 May 84, effective 1 October 84, amended 28 February 01, arts. 10, 21, 37. 2005 Implementing Provisions for the REAL affirm the freedom to use and develop minority languages, but also place emphasis on the use of Mandarin by promoting "bilingual" education and bilingual teaching staff. State Council Provisions on Implementing the PRC Regional Ethnic Autonomy Law [Guowuyuan shishi "zhonghua renmin gongheguo minzu quyu zizhifa" ruogan guiding], issued 19 May 05, effective 31 May 05, art. 22. In international law, see, e.g., 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. 26, 27.

[86] For more information on goals set following the forum, see CECC, 2010 Annual Report, 10 October 10, 208.

[87] "Xinjiang Uyghur Autonomous Region Mid- to Long-Term Education Reform and Development Plan (2010–2020)" [Xinjiang weiwu'er zizhiqu zhongchangqi jiaoyu gaige he fazhan guihua gangyao (2010–2020 nian)], issued 21 January 11, item 14; Jing Bo, "Xinjiang Promulgates 'Outline of Education Plan'" [Xinjiang gongbu "jiaoyu guihua gangyao"], Tianshan Net, 22 January 11 (noting date of issue of the reform plan). For more information, see analysis in "Xinjiang Authorities Accelerate Promotion of Mandarin-Focused Bilingual Education," Congressional-Executive Commission on China, 10 May 11.

[88] Ibid.

[89] "Xinjiang Uyghur Autonomous Region Mid- to Long-Term Education Reform and Development Plan (2010–2020)" [Xinjiang weiwu'er zizhiqu zhongchangqi jiaoyu gaige he fazhan guihua gangyao (2010–2020 nian)], issued 21 January 11, item 14; CECC, 2008 Annual Report, 31 October 08, 178–79.

[90] "Xinjiang Uyghur Autonomous Region Mid- to Long-Term Education Reform and Development Plan (2010–2020)" [Xinjiang weiwu'er zizhiqu zhongchangqi jiaoyu gaige he fazhan guihua gangyao (2010–2020 nian)], issued 21 January 11, item 8.

[91] Ibid., item 15.

[92] "Uyghur-Language Classes Preserved at Middle School in Dadamtu Township, Ghulja" [Ghulja dadamtu yéziliq ottura mektipide uyghur tilidiki siniplar saqlinip qaldi], Radio Free Asia, 1 December 10. For additional information on dissatisfaction over bilingual education in recent years, see Uyghur Human Rights Project, "Uyghur Language Under Attack: The Myth of 'Bilingual' Education in the People's Republic of China," 24 July 07.

[93] Jing Bo, "Xinjiang Publicly Recruits 5109 Elementary and Secondary School Bilingual Teachers" [Xinjiang gongkai zhaopin 5109 ming zhongxiaoxue shuangyu jiaoshi], Tianshan Net, 10 October 10. For more information, see analysis in "Xinjiang Authorities Accelerate Promotion of Mandarin-Focused Bilingual Education," Congressional-Executive Commission on China, 10 May 11.

[94] Li Min, "Xinjiang Publicly Recruits Over 10,000 Elementary and Secondary School Teachers" [Xinjiang 2011 nian mianxiang shehui zhaopin 1 wan yu ming zhongxiaoxue jiaoshi], Tianshan Net, 30 May 11; "Xinjiang To Recruit 9,200 Bilingual Teachers," Xinhua, 31 May 11.

[95] See, e.g., Fan Yingli and Aynur, "Zhejiang Aid to Xinjiang Will Train Over 5000 Ethnic Minority 'Bilingual' Teachers Within 5 Years" [Zhejiang yuanjiang wunian nei jiang peixun 5000 yu ming shaoshu minzu "shuangyu" jiaoshi], Xinhua, reprinted in Tianshan Net, 16 November 10; Xinjiang Education Department, "The Four Provinces and Municipalities of Beijing, Tianjin, Shanghai, and Jiangsu Hold Cooperation Meeting in Nanjing on Work for Training Backbone Ethnic Minority Bilingual Teachers" [Jing jin hu su si shengshi zai nanjing zhaokai xinjiang shaoshu minzu shuangyu gugan jiaoshi peixun gongzuo xiezuo hui], 9 December 10.

[96] "Laid Off Profs Reject Deal," Radio Free Asia, 27 September 11; "Teachers Fired Over Mandarin Ability," Radio Free Asia, 23 September 11; "Two Female Teachers in Qaghliq Spent 35 Days in Prison for Petitioning to Higher Levels" [Qaghiliqta ikki neper ayal oqutquchi yuqirigha erz qilghanliqi üchün 35 kün qamaqta yatqan], Radio Free Asia, 4 April 11. See also "Cuts Expected for Uyghur Teachers," Radio Free Asia, 16 November 10; "Uyghur Teachers in Toqsun

Again Under Harsh Pressure" [Toqsundiki uyghur oqutquchilar yenimu qattiq bésim astida], Radio Free Asia, 9 December 10.

[97] Xinjiang Education Department, Circular Concerning Completing Pilot Work To Offer Ethnic Minority Language Arts Classes in Compulsory Education-Level Schools Teaching in Mandarin [Guanyu zuohao hanyu shouke yiwu jiaoyu jieduan xuexiao kaishe minzu yuwen kecheng shidian gongzuo de tongzhi], issued 30 August 10.

[98] Xinjiang Education Department, Guiding Opinion on Autonomous Region's Work To Strengthen Training in Minority Languages for Newly Hired Preschool Teachers Who Are Native Mandarin Speakers [Zizhiqu xinpin muyu wei hanyu de xueqian shuangyu jiaoshi min yuyan qianghua peixun gongzuo zhidao yijian], issued 30 August 10.

[99] See CECC, 2010 Annual Report, 10 October 10, 209–10, for information on reward programs in earlier years.

[100] "Rural Special Award System in 3 Southern Xinjiang Districts and Prefecture Is Again Enlarged" [Xinjiang nanjiang san dizhou nongcun teshu jiangli zhengce zaidu kuomian], Tianshan Net, 17 March 11.

[101] Zepu County Population and Family Planning Committee, "Rural Family Planning Household Special Award System for 3 Xinjiang Districts and Prefecture" [Nanjiang san dizhou nongcun jihua shengyu jiating teshu jiangli zhidu], reprinted in Zepu Net, 4 September 08.

[102] "National Population and Family Planning Commission Starts Series of Operations To Support Xinjiang" [Guojia renkou jishengwei qidong zhiyuan xinjiang xilie xingdong], China Population News, reprinted in National Population and Family Planning Commission, 3 November 09. For additional analysis, see "Authorities Begin New Incentive Initiative To Continue Population Control in Xinjiang," CECC China Human Rights and Rule of Law Update, No. 1, 8 January 10, 2.

[103] See, e.g., Li Yanmin, "3.21 Million From State Goes to 2252 Ethnic Minority Households in Xinjiang's Altay" [Guojia 321 wan huiji xinjiang aletai 2252 hu shaoshu minzu jiating], Xinhua, 19 November 10; Zhang Yanhong and Wang Yizhi, "Nileke County Townships and Towns Launch Family Planning Special Awards-Granting Ceremony" [Nileke xian xiangzhen fafang jihua shengyu jiating teshu jiangjin fafang yishi], Xinjiang News Net, 1 December 10; "Seman Towsnhip, Kashgar, Convenes [Meeting] for Farmers and Herders To Receive Family Planning 'Certificates of Honor'" [Kashi shi seman xiang zhaokai nongmumin lingqu jihua shengyu "guangrongzheng"], Kashgar Today, 8 April 11.

[104] For a broad overview and analysis of the program, see "Authorities in Xinjiang Use Pledge System To Exert Control Over Village Life," CECC China Human Rights and Rule of Law Update, No. 9, 10 December 10, 3.

[105] "Seek Realistic Results, Blaze Trails, Form Great Achievements, and Cure and Exhibit New Look" [Qiushi chuangxin jie shuoguo puzhi bingju zhan xinmao], Fazhi Xinjiang, 25 August 10.

[106] See analysis in "Authorities in Xinjiang Use Pledge System To Exert Control Over Village Life," CECC China Human Rights and Rule of Law Update, No. 9, 10 December 10, 3.

[107] For general information, see, e.g., "Seek Realistic Results, Blaze Trails, Form Great Achievements, and Cure and Exhibit New Look" [Qiushi chuangxin jie shuoguo puzhi bingju zhan xinmao], Fazhi Xinjiang, 25 August 10; Du Jianxi, "Take Implementing 'Village Rules' as the Handhold, Promote Firm Progress for Work To Have 'Rule of Law' Enter the Countryside" [Yi luoshi "cungui minyue" wei "zhuashou" tuidong "fazhi jin xiangcun" gongzuo zhashi jinzhan], Fazhi Xinjiang, 6 April 08. For analysis see "Authorities in Xinjiang Use Pledge System To Exert Control Over Village Life," CECC China Human Rights and Rule of Law Update; No. 9, 10 December 10, 3.

[108] PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued and effective 4 November 98, amended 28 October 10, art. 27.

[109] See, e.g., analysis in "Authorities in Xinjiang Use Pledge System To Exert Control Over Village Life," CECC China Human Rights and Rule of Law Update, No. 9, 10 December 10, 3.

[110] See Du Jianxi, "Take Implementing 'Village Rules' as the Handhold, Promote Firm Progress for Work To Have 'Rule of Law' Enter the Countryside" [Yi luoshi "cungui minyue" wei "zhuashou" tuidong "fazhi jin xiangcun" gongzuo zhashi jinzhan], Fazhi Xinjiang, 6 April 08. For analysis see "Authorities in Xinjiang Use Pledge System To Exert Control Over Village Life," CECC China Human Rights and Rule of Law Update, No. 9, 10 December 10, 3.

[111] "Promises To Respect the Rules in Hoten District, Xinjiang: Villagers Manage Themselves (1)" [Xinjiang hetian diqu shouyue chengnuo: cunmin ziji guan ziji (1)], Legal Daily, reprinted in China Finance Net, 8 April 08.

[112] Hoten District Leading Group on Governing District in Accordance to Law et al., Opinion Concerning Implementation of Promotion of Village "Codes of Conduct" in Rural Areas in 2007, To Govern Villages in Accordance With Law" [Guanyu 2007 nian zai nongcun tuixing "cungui minyue" yifa zhicun de shishi yijian], 22 January 07, Item 1(1).

[113] See, e.g., PRC Constitution, art. 4; PRC Regional Ethnic Autonomy Law [Zhonghua renmin gongheguo minzu quyu zizhifa], issued 31 May 84, effective 1 October 84, amended 28 February 01, art. 9; PRC Labor Law [Zhonghua renmin gongheguo laodongfa], issued 5 July 94, effective 1 January 95, art. 12; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujinfa], issued 30 August 07, effective 1 January 08, art. 28. See also legal analysis in "Governments in Xinjiang Continue To Sponsor, Sanction Job Recruitment That Discriminates Against Ethnic Minorities," CECC China Human Rights and Rule of Law Update, No. 2, 11 March 09, 3.

[114] "Xinjiang Uyghur Autonomous Region Occupational Disease Hospital Recruiting Information" [Xinjiang wewu'er zizhiqu zhiyebing yiyuan zhaopin xinxi], reprinted in Graduate School of Lanzhou University, 26 November 10. See also "Job Discrimination Against Ethnic Minorities Continues in Xinjiang," Congressional-Executive Commission on China, 31 March 11.

[115] "List of Civil Servant and Staff Positions for 2010 Xinjiang Uyghur Autonomous Region Public Recruiting Through Exam for County-Level Discipline Inspection and Supervision Or-

gans" [2010 nian xinjiang weiwu'er zizhiqu mianxiang shehui gongkai kaolu xianji jijian jiancha jiguan gongwuyuan, gongzuo renyuan zhiweibiao], reprinted in Xinjiang Human Resources Testing Center, 16 September 10.

[116] Bingtuan Personnel Bureau, "Summary of Posts for 2011 Xinjiang Production and Construction Corps Public Recruiting of Functionaries" [2011 xinjiang shengchan jianshe bingtuan mianxiang shehui zhaolu gongwuyuan zhiwei huizongbiao], reprinted in Bingtuan Personnel Testing Authority, 6 August 11. For information on hiring in previous years, see Congressional-Executive Commission on China, 2010 Annual Report, 10 October 10, 211; Congressional-Executive Commission on China, 2009 Annual Report, 10 October 09, 264; Congressional-Executive Commission on China, 2007 Annual Report, 10 October 07, 107.

[117] Autonomous Region Party Committee and Autonomous Region People's Government Opinion Concerning Employment Promotion Work [Zizhiqu dangwei, zizhiqu renmin zhengfu guanyu cujin jiuye gongzuo de yijian], issued 11 September 09, art. 2(2).

[118] Ibid., art. 1(5).

[119] Congressional-Executive Commission on China searches for information did not find specific reports from the past year on localities taking steps to adhere to the opinion and promote the hiring of ethnic minorities.

[120] Opinion of Five Departments Including Autonomous Region Organization Department Concerning Organizing and Implementing "Plan for Ethnic Minority Standard College Graduates To Go to Aid-Xinjiang Provinces and Municipalities for Training" [Zizhiqu dangwei zuzhibu deng wu bumen guanyu zuzhi shishi "shaoshu minzu putong gaoxiao biyesheng fu duikou yuanjiang shengshi peiyang jihua" de yijian], 9 January 11, items 1, 2. See analysis in "Job Discrimination Against Ethnic Minorities Continues in Xinjiang," Congressional-Executive Commission on China, 31 March 11.

[121] Opinion of Five Departments Including Autonomous Region Organization Department Concerning Organizing and Implementing "Plan for Ethnic Minority Standard College Graduates To Go to Aid-Xinjiang Provinces and Municipalities for Training" [Zizhiqu dangwei zuzhibu deng wu bumen guanyu zuzhi shishi "shaoshu minzu putong gaoxiao biyesheng fu duikou yuanjiang shengshi peiyang jihua" de yijian], 9 January 11, item 5(2) (referring to trainees taking up set posts); He Jun and Mao Yong, "Xinjiang Starts 'Plan for Ethnic Minority Standard College Graduates To Go to Aid-Xinjiang Provinces and Municipalities for Training'" [Xinjiang qidong "shaoshu minzu putong gaoxiao biyesheng fu duikou yuanjiang shengshi peiyang jihua"], Xinhua, 25 March 11.

[122] Opinion of Five Departments Including Autonomous Region Organization Department Concerning Organizing and Implementing "Plan for Ethnic Minority Standard College Graduates To Go to Aid-Xinjiang Provinces and Municipalities for Training" [Zizhiqu dangwei zuzhibu deng wu bumen guanyu zuzhi shishi "shaoshu minzu putong gaoxiao biyesheng fu duikou yuanjiang shengshi peiyang jihua" de yijian], 9 January 11, item 1.

[123] CECC, 2008 Annual Report, 31 October 08, 179; CECC, 2009 Annual Report, 10 October 09, 264–66; CECC 2010 Annual Report, 10 October 10, 211–12.

[124] See, e.g., "Nuer Bekri Refutes the Allegation That Women of Uyghur Ethnic Group 'Are Forced To Work in the Interior of the Country,'" Xinhua, 18 July 09 (Open Source Center, 20 July 09); Zhang Jie, "Fifth: Realm for Labor Export Is Broad" [Zhi wu: laowu shuchu tiandi kuan], Xinjiang Daily, 21 September 10; Kashgar District People's Government, "Earned Income in Jiashi From 7 Years of Labor Export Exceeds 1 Billion" [Jiashi 7 nian laowu shuchu chuangshou chao 10 yi], 13 May 11; Mao Yong and Zhao Chunhui, "Isolated Xinjiang Ethnic Minority Rural Workers March Toward Openness" [Xinjiang shaoshu minzu nongmingong cong fengbi maixiang kaifang], Xinhua, reprinted in China Ethnicities News, 25 January 10.

[125] Zhang Jie, "Fifth: Realm for Labor Export Is Broad" [Zhi wu: laowu shuchu tiandi kuan], Xinjiang Daily, 21 September 10.

[126] Ibid.

[127] "Strive To Stand on One's Feet, Establish Good Image for People From Xinjiang-Third Sidelight in Autonomous Region Party and Government Representatives Delegation Visit to Aid-Xinjiang Provinces and Municipalities" [Ziqiang zili shuli xinjiangren lianghao xingxiang zizhiqu dangzheng daibiaotuan zoufang duikou yuanjiang shengshi ceji san], Xinjiang TV, reprinted in Xinhua, 4 May 11.

[128] See, e.g., "Xinjiang Lacks Workers, Provinces [Elsewhere in China] With Large Labor Export Suffer Hardships" [Xinjiang quegong neidi laowu shuchu da sheng fannan], Yaxin, reprinted in Sina, 18 February 11; "Will Students in Nine Years of Compulsory Education Still Pick Cotton?" [Jiunian yiwu jiaoyu xuesheng hai zai shi mianhua ma?], reprinted in Xinhe County People's Government, 18 September 10; "Second Agricultural Division 19th Regiment's Legal Office Strengthens Legal and Safety Education During Period Students Pick Cotton" [Nong er shi ershijiu tuan sifasuo jiaqiang xuesheng shi mian qijian fazhi anquan jiaoyu], Xinjiang Agricultural Information Portal, 4 October 10.

[129] The International Labor Organization's Convention 138, which China has ratified, sets the minimum age for child labor at 15, with limited exceptions. Although the Convention excludes work done as part of general, vocational, or technical education, such work must be an "integral part" of a course of study or training course. Article 15 of China's Labor Law forbids the employment of minors under 16. Within this legal framework prohibiting child labor, Article 13 of the Provisions on Prohibiting the Use of Child Labor and Article 58 of the Education Law together allow for "education practice labor" and work-study programs for children under the age of 16, but such programs must not harm children's health or safety or adversely affect their normal studies. A nationwide regulation on work-study programs for elementary and secondary school students outlines the general terms of such programs, which it says are meant to cultivate morals, contribute to production outputs, and improve conditions for schools. ILO Convention (No. 138) Concerning Minimum Age for Admission to Employment, 26 June 73, arts. 2, 6; PRC Labor Law [Zhonghua renmin heguo laodongfa], issued 5 July 94, effective 1 January 95, art. 15; Provisions on Prohibiting the Use of Child Labor [Jinzhi shiyong tonggong guiding], issued 1 Octo-

ber 02, effective 1 December 02, art. 13; PRC Education Law [Zhonghua renmin gongheguo jiaoyufa], issued 18 March 95, effective 1 September 95, art. 58. Also see generally Regulation Regarding Temporary Work on Work-Study Labor for Secondary and Elementary Schools [Quanguo zhongxiaoxue qingongjianxue zanxing gongzuo tiaoli], issued and effective 20 February 83, arts. 1, 3.

[130] See Opinion on Strengthening the Management of Secondary and Elementary School Students' Work-Study Service Activities [Guanyu jiaqiang zhongxiaoxue qingongjianxue laowu huodong guanli de yijian], issued 8 May 06, art. 3, and "Xinjiang Government Continues Controversial 'Work-Study' Program," CECC China Human Rights and Rule of Law Update, November 2006, 11.

[131] He Ping, "Starting This Fall, Xinjiang Students Attending Compulsory Education Will Not Pick Cotton Again" [Jin qiu qi xinjiang jiu nian yiwu jiaoyu xuesheng buzai shi mianhua], Tianshan Net, 19 September 08. See also analysis in "Xinjiang Work-Study Programs Continue; Cotton-Picking Activities Limited," CECC China Human Rights and Rule of Law Update, December 2008, 4.

[132] See, e.g., "Will Students in Nine Years of Compulsory Education Still Pick Cotton?" [Jiunian yiwu jiaoyu xuesheng hai zai shi mianhua ma?], reprinted in Xinhe County People's Government, 18 September 10; and "Second Agricultural Division 19th Regiment's Legal Office Strengthens Legal and Safety Education During Period Students Pick Cotton" [Nong er shi ershijiu tuan sifasuo jiaqiang xuesheng shi mian qijian fazhi anquan jiaoyu], Xinjiang Agricultural Information Portal, 4 October 10, cited in "Underage Students Continue To Pick Cotton in Xinjiang Work-Study Program," CECC China Human Rights and Rule of Law Update, No. 9, 10 December 10, 4.

[133] Ibid.

[134] For general background on the project, see "Demolition of Kashgar's Old City Draws Concerns Over Cultural Heritage Protection, Population Resettlement," CECC China Human Rights and Rule of Law Update, No. 3, 2009, 2.

[135] Pan Ying, "Old City Transformation Project in Kashgar, Xinjiang, Steadily Moves Ahead, City Culture Is Inherited" [Xinjiang kashi laocheng gaizao xiangmu pingwen tuijin chengshi wenhua deyi chuancheng], Xinhua, 9 July 11.

[136] Cai Muyuan, "Restoring Old Kashgar for a Safer Future," China Daily, 26 October 10.

[137] Ben Ochieng and Wang Yanan, "Interview: Inscribed Chinese Intangible Elements Have Viability: UNESCO Official," Xinhua, 17 November 10; United Nations Educational, Scientific and Cultural Organization, "Intangible Heritage Lists," last visited 20 June 11.

[138] United Nations Educational, Scientific and Cultural Organization, "Songs, Dances and Traditional Know-How From 29 Countries Proposed for Inscription on UNESCO Lists of Intangible Heritage," 11 September 10.

[139] See information on the Chinese government description of the meshrep in Rachel Harris, UN Educational, Scientific, and Cultural Organization, "Report on the Examination of Nomination Files No. 00304 for Inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding in 2010," November 2010, and Cultural Department of Xinjiang Uyghur Autonomous Region, "Clarification to the Report on the Examination of Nomination Files No. 00304 for Inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding in 2010," last visited 20 June 11. See also analysis in "Draft of Intangible Cultural Heritage Law Limits Research Activities; Xinjiang Case Study Shows Politicization of Heritage (Updated)," Congressional-Executive Commission on China, 16 February 11.

[140] Jay Dautcher, "Public Health and Social Pathologies in Xinjiang," in Xinjiang: China's Muslim Borderland, ed. S. Frederick Starr (Armonk, NY: M.E. Sharpe, 2004), 285–86.

[141] For more information on the cases, see CECC, 2010 Annual Report, 10 October 10, 212–13.

[142] Zhou Yingfeng and Cui Qingxin, "Our Country Busts Major Terrorist Group Case, Details on Public Security Bureau Announcement" [Woguo pohuo zhongda kongbu zuzhi an gong'anbu gongbu xiangqing], Xinhua, 24 June 10.

[143] United Nations High Commissioner for Refugees, "The Exclusion Clauses: Guidelines on Their Application," December 1996, II(i)(10). See also Monette Zard, "Exclusion, Terrorism and the Refugee Convention," Forced Migration Review, June 2002.

[144] "Uyghur Prisoner Denied Medical Care," Radio Free Asia, 8 March 11.

[145] Ibid.; "Laos Deports Seven Uyghurs," Radio Free Asia, 15 December 10; "Health Status of Prisoner Memtili Rozi, Returned From Cambodia, Worries Family" [Kambodzhadin qayturulghan tutqun memtili rozining salametlik ehwali ailisidikilerni jiddiy endishige salmaqta], Radio Free Asia, 13 December 10.

[146] "Kazakhstan Deports Uyghur Teacher," Radio Free Asia, 2 June 11; Uyghur American Association, "The World Must Demand Accountability for Deported Uyghur Refugee Ershidin Israel," 8 June 11.

[147] "Uyghur in Chinese Custody?" Radio Free Asia, 31 May 11; Amnesty International, "Document-China: Forcibly Returned Asylum Seeker at Risk," 16 June 11.

[148] "Fabricated Evidence Used in Deportation," Radio Free Asia, 15 June 11; "Kazakhstan Deports Uyghur Teacher," Radio Free Asia, 2 June 11; "Uyghur in Chinese Custody?" Radio Free Asia, 31 May 11.

[149] "Fabricated Evidence Used in Deportation," Radio Free Asia, 15 June 11.

[150] Human Rights Watch, "China/Thailand: Account for Uighur Man Turned Over to Chinese Officials," 10 August 11; "Uyghur Held in Thailand," Radio Free Asia, 8 August 08.

[151] "Pakistan Deports Uyghurs," Radio Free Asia, 10 August 11.

[152] See, e.g., Sean Yoong, "5 Uighur Chinese Held in Malaysia Risk Deportation," Associated Press, reprinted in Google, 22 August 11; "Malaysia Deports Uyghurs," Radio Free Asia, 23 August 11.

[153] UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly resolution 39/46 of 10 December 84, art. 3(1).

[154] UN Convention Relating to the Status of Refugees, adopted by the UN General Assembly resolution 429(V) of 14 December 50, art. 33(1). For a UNHCR statement noting that the principle of refoulement applies to asylum seekers as well as refugees and stating that the return of the Uyghur asylum seekers from Cambodia violates this principle, see "UN Refugee Agency Deplores Forced Return of Uighur Asylum-Seekers From Cambodia," UN News Centre, 21 December 09.

[155] For more information, see CECC, 2008 Annual Report, 31 October 08, 176–77; CECC, 2009 Annual Report, 10 October 09, 261–62; CECC, 2010 Annual Report, 10 October 10, 212–13.

Notes to Section V—Tibet

[1] The Dalai Lama has made a statement on the anniversary of the March 10, 1959, Lhasa uprising every year that he has lived in exile, beginning in 1960. The statements for the years 1961 to 2011 are available on the Web site of His Holiness the Dalai Lama.

[2] Office of His Holiness the Dalai Lama, "Statement of His Holiness the Dalai Lama on the 52nd Anniversary of the Tibetan National Uprising Day," 10 March 11. For information about the Middle Way Approach, see Office of His Holiness the Dalai Lama, "His Holiness's Middle Way Approach for Resolving the Issue of Tibet," last visited 3 June 08.

[3] Office of His Holiness the Dalai Lama, "Statement of His Holiness the Dalai Lama on the 52nd Anniversary of the Tibetan National Uprising Day," 10 March 11.

[4] Office of His Holiness the Dalai Lama, "Message of His Holiness the Dalai Lama to the Fourteenth Assembly of the Tibetan People's Deputies," 11 March 11. (The U.S. Government does not recognize the "Central Tibetan Administration" (Tibetan "government-in-exile") as a government. See, e.g., "Report on Tibet Negotiations, March 2009–February 2010," reprinted in International Campaign for Tibet, last visited 21 March 11. The copy posted on the ICT Web site does not include the name of the issuing authority. The Report is mandated by Sections 611 (Tibetan Policy Act of 2002) and 613(b) of the Foreign Relations Authorization Act, 2003, which direct the President to submit such a report annually to Congress. The Department of State customarily prepares the report. The report states, "Since the U.S. Government does not recognize Tibet as an independent state, the United States does not conduct official diplomatic relations with the Tibetan 'government-in-exile' in Dharamsala, India.")

[5] Phurbu Thinley, "Dalai Lama Asks Tibetans To Embrace Democratic Change, Rejects Parliament's Resolution," Phayul, 19 March 11. The Dalai Lama reportedly said, "If [relinquishing political power] happens, like the first, second, third and fourth Dalai Lamas I can concentrate more effectively on [the] spiritual role."

[6] Office of His Holiness the Dalai Lama, "Statement of His Holiness the Dalai Lama on the 52nd Anniversary of the Tibetan National Uprising Day," 10 March 11.

[7] Office of His Holiness the Dalai Lama, "Message of His Holiness the Dalai Lama to the Fourteenth Assembly of the Tibetan People's Deputies," 11 March 11. The Dalai Lama stated in his prepared remarks, "Since the Fifth Dalai Lama's founding of the Ganden Phodrang [Gaden Phodrang] Government of Tibet in 1642, successive Dalai Lamas have been both the spiritual and temporal leaders of Tibet. . . . The essence of a democratic system is, in short, the assumption of political responsibility by elected leaders for the popular good. In order for our process of democratization to be complete, the time has come for me to devolve my formal authority to such an elected leadership." Phurbu Thinley, "Dalai Lama Asks Tibetans To Embrace Democratic Change, Rejects Parliament's Resolution," Phayul, 19 March 11. According to the article, the Dalai Lama said, "So as the 14th Dalai Lama of Tibet, I take pride and freedom to voluntarily relinquish the political power wielded by the institution of the Dalai Lama (Gaden Phodrang)."

[8] "Press Conference on Central Govt's Contacts With Dalai Lama (Text)," China Daily, 11 February 10. According to the interview transcript, United Front Work Department Deputy Head Zhu Weiqun said, "[The Dalai Lama] is not a religious figure; instead he is the head of a separatist political group, who leads a government-in-exile with an illegal constitution, a constitution which describes that the 14th Dalai Lama is the supreme head both politically and relationally of this political group."

[9] The Dalai Lama: What He Means for Tibetans Today, Roundtable of the Congressional-Executive Commission on China, 13 July 11, Written Statement Submitted by Maria Otero, Under Secretary of State for Democracy and Global Affairs, U.S. Department of State, and Member, Congressional-Executive Commission on China.

[10] Ibid.

[11] "Zhang Qingli: Overall Situation in Tibet Stable," Xinhua, 7 March 11 (translated in Open Source Center, 12 March 11); "Qiangba Puncog [Xiangba Pingcuo]: The Dalai Lama Should Apply Himself to the Study of Buddhism and Stand Aloof From Worldly Affairs," China News Agency, 16 March 11 (translated in Open Source Center, 16 March 11).

[12] See, e.g., "Government Work Report-Delivered by Tibet Autonomous Regional Chairman Baima Chilin at the Fourth Session of the Ninth Autonomous Regional People's Congress on 10 January 2011" [2011 nian 1 yue 10 ri zai zizhiqu dijiu jie renmin daibiao dahui disi ci huiyi shang zizhiqu zhuxi baima chilin], Tibet Daily, 9 February 11 (translated in Open Source Center, 25 February 11). Chairman of the TAR Government Pema Choling (Baima Chilin) urged the TAR People's Congress to "speed up the establishment of a long-standing mechanism on monastery management, to protect the normal order of religion." Huang Zhiwu, "Zhu Weiqun Leads a Working Group To Conduct an Investigation in Our Region" [Zhu weiqun lu gongzuozu zai wo qu diaoyan], Tibet Daily, 7 April 11 (translated in Open Source Center, 11 April 11). According to the report, Zhu Weiqun, Executive Deputy Head of the Communist Party's United Front Work Department, said that it is "necessary to extensively and thoroughly conduct legal publicity and education as well as management and safeguard the normal order of religious activities."

[13] China Directory 2010, ed. Radiopress (Kawasaki: RP Printing, 2009), 17.

[14] Huang Zhiwu, "Zhu Weiqun Leads a Working Group To Conduct an Investigation in Our Region" [Zhu weiqun lu gongzuozu zai wo qu diaoyan], Tibet Daily, 7 April 11 (translated in Open Source Center, 11 April 11).

[15] Ibid.

[16] "Zhang Qingli: Overall Situation in Tibet Stable," Xinhua, 7 March 11 (translated in Open Source Center, 12 March 11).

[17] "Qiangba Puncog [Xiangba Pingcuo]: The Dalai Lama Should Apply Himself to the Study of Buddhism and Stand Aloof From Worldly Affairs," China News Agency, 16 March 11 (translated in Open Source Center, 16 March 11).

[18] Zhao Yinan, "Govt Leadership Changes Continue," China Daily, 30 August 11 (includes chart titled "Major Leadership Reshuffle: Eleven Officials Have Changed Positions in Recent Weeks"); "Chen Quanguo Becomes New Party Chief of Tibet," Xinhua, 25 August 11, reprinted in China Daily; "Chen Quanguo, New Secretary of the Tibet Autonomous Region Party Committee, Says He Will Take Root in Tibet and Dedicate His Wisdom and Efforts," China News Agency, 25 August 11 (translated in Open Source Center, 28 August 11).

[19] "[Tibetan Autonomous] Region Party Committee Holds Special Report Meeting on Maintaining the Advanced Nature of Party Members, Emphasizes Insisting on Unwaveringly Grasping Development, Taking a Clear-Cut Stand on Grasping Stability, and Working Hard To Establish a Harmonious Tibet" [Qu dangwei juxing baochi gongchan dang yuan xianjinxing zhuanti baogao hui qiangdiao jianding buyi de zhua fazhan, qizhi xianming de zhua wending, nuli jianshe hexie xizang], Tibet Daily, 7 April 05 (translated in Open Source Center, 12 May 05); "Qiangba Puncog [Xiangba Pingcuo]," China Vitae, last visited 12 April 11 (Executive Deputy Secretary of TAR Party Committee since 2003).

[20] "Qiangba Puncog [Xiangba Pingcuo]: The Dalai Lama Should Apply Himself to the Study of Buddhism and Stand Aloof From Worldly Affairs," China News Agency, 16 March 11 (translated in Open Source Center, 16 March 11).

[21] Ibid.

[22] Amitabh Pal, "The Dalai Lama Interview," Progressive, January 2006. The Dalai Lama said, "If the Tibetan people want another reincarnation, then logically while we're outside, the successor should be someone who can carry out this task, which has not yet been accomplished by the previous Dalai Lama. That means that he must come in a free country."

[23] Evan Osnos, "The Next Incarnation," New Yorker, 4 October 10. "[The Dalai Lama] has taken to musing aloud that he might be reincarnated as a woman, or that Tibetans might vote on whether the institution of the Dalai Lama should continue at all. Or, he says, he might select his own reincarnation while he is still alive . . . which would give him the chance to train a successor . . . . Only one thing is certain, he says: his successor will be found outside Tibet."

[24] Sui-Lee Wee and Ben Blanchard, "China Says Dalai Lama Has To Reincarnate," Reuters, 7 March 11.

[25] Ravi Nessman, "Dalai Lama Calls Chinese Insistence on Picking His Religious Successor 'a Disgrace,'" Associated Press, 1 July 11, reprinted in Yahoo!.

[26] There are a total of 10 prefectural-level areas of ethnic Tibetan autonomy located in a total of four provinces in China: Qinghai province (Haibei [Tsojang] Tibetan Autonomous Prefecture (TAP), Hainan [Tsolho] TAP, Haixi [Tsonub] Mongol and Tibetan AP, Huangnan [Malho] TAP, Guoluo [Golog] TAP, and Yushu [Yulshul] TAP); Gansu province (Gannan [Kanlho] TAP); Sichuan province (Ganzi [Kardze] TAP and Aba [Ngaba] Tibetan and Qiang AP); and Yunnan province (Diqing [Dechen] TAP). For additional information on the Tibetan autonomous prefectures, see CECC, Special Topic Paper: Tibet 2008–2009, 22 October 09, 22–24.

[27] PRC Constitution, adopted 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36 ("Citizens of the People's Republic of China enjoy freedom of religious belief. . . .").

[28] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10.

[29] Ma Yong, "New Changes at Qinghai's Tibetan Buddhist Temples," Outlook Weekly, 29 November 10 (translated in Open Source Center, 11 December 10).

[30] Ibid. In or after May 2008 (the report does not provide a date), "[t]he province therefore drew up and distributed 'Opinions on Guiding the Strengthening and Improving of the Social Management of Temples in Accordance With the Law."

[31] Ibid.

[32] Based on Commission monitoring, as of August 2011, the first regulatory measures known to take effect were in Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, reported and effective on July 24, 2009; the most recent regulatory measures known to take effect were in Guoluo (Golog) TAP, Qinghai province, effective September 30, 2010, and posted publicly on November 19, 2010. Aba Tibetan and Qiang Autonomous Prefecture Circular on Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zhou renmin zhengfu guanyu yinfa aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa de tongzhi], Find Law Net, 24 July 09; "Qinghai Province 'Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations' Approved" [Qinghai sheng "guoluo zangzu zizhizhou zangchuan fojiao shiwi tiaoli" huo pi], China Tibet News, 19 November 10.

[33] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09.

[34] Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09.

[35] Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10.

[36] Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10.

[37] Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10.

[38] Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09. All of the regulatory measures listed are "regulations" (tiaoli) except for the Aba "measures" (banfa).

[39] Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09.

[40] "Qinghai People's Congress Standing Committee 2010 Legislation Program" [Qinghai sheng renda changweihui 2010 nian lifa jihua], 14 December 09, reprinted in Qinghai Province People's Congress Standing Committee, 3 March 10. According to the legislation plan, the Yushu Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Yushu zangzu zizhizhou zangchuan fojiao shiwi tiaoli] had been reported for approval.

[41] Sichuan Province People's Congress Standing Committee 2011 Legislation Plan [Sichuan sheng renda changweihui 2011 nian lifa jihua], 21 February 11, reprinted in Sichuan Province People's Congress Standing Committee, 31 March 11. According to the legislation plan, the Ganzi Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Ganzi zangzu zizhizhou zangchuan fojiao shiwi tiaoli] had been reported for approval.

[42] The area of the Tibet Autonomous Region (TAR) (approximately 1.2 million square kilometers), the 10 TAPs (approximately 1.02 million square kilometers), and 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. 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. Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics et al., Tabulation on Nationalities of 2000 Population Census of China (Beijing: Ethnic Publishing House, 2003), Tables 10–1, 10–4; Steven Marshall and Susette Cooke, Tibet Outside the TAR: Control, Exploitation and Assimilation: Development With Chinese Characteristics (Washington, DC: Self-published CD–ROM, 1997), Table 7, citing multiple Chinese sources. Table 7 provides the following information. Tibet Autonomous Region (1.2 million square kilometers, or 463,320 square miles). Qinghai province: Haibei [Tsojang] TAP (52,000 square kilometers, or 20,077 square miles); Hainan [Tsolho] TAP (41,634 square kilometers, or 16,075 square miles); Haixi [Tsonub] Mongol and Tibetan AP (325,787 square kilometers, or 125,786 square miles); Huangnan [Malho] TAP (17,901 square kilometers, or 6,912 square miles; Guoluo [Golog] TAP (78,444 square kilometers, or 30,287 square miles); and Yushu [Yulshul] 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 Web site of the U.S. Geological Survey: 1 square kilometer = 0.3861 square miles. For more information on the Tibetan autonomous areas of China, see CECC, Special Topic Paper: Tibet 2008–2009, 22 October 09, 22–24.

[43] State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10.

[44] For detailed information on the regulations and the articles under which various controls are imposed, see "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures," Congressional-Executive Commission on China, 10 March 11.

[45] State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10.

[46] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09.

[47] Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09.

[48] Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09.

[49] Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09.

[50] For more detailed information on provisions of the regulatory measures, see "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures," Congressional-Executive Commission on China, 10 March 11, Table 2 titled Tibetan Buddhist Affairs Regulatory Measures: Selected Areas of Requirement, Prohibition, Control.

[51] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, art. 4; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 4, 20(1); Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 4, 16(2); Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 3, 8; Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, art. 3.

[52] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, arts. 4, 10; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 4, 20(1); Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, art. 16(1) (no reference to socialism); Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, art. 17; Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, art. 3 (no reference to socialism).

[53] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, arts. 4, 10(1); Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 4, 11(1); Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 4, 11(1); Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 17, 21; Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, art. 3.

[54] "Deepen the Struggle Against Separatist Activities and Make Further Efforts To Do Our Religious Work Well," Tibet Daily, 15 February 96 (translated in Open Source Center, 15 February 96). The article states, "The Buddhist association organizations formed in accordance with the constitution of the Buddhist Association of China are mass religious organizations composed of patriotic religious people which serve as a bridge and tie between the government and the broad masses of religious believers." Tibet Autonomous Region Temporary Measures on the Management of Religious Affairs [Xizangzizhiqu zongjiao shiwu guanli zanxing banfa], issued 9 December 91, effective 20 December 91, art. 15. The measures state, "The Buddhist Association is a . . . bridge for the Party and government to unite and educate personages from religious circles and the believing masses. Its effectiveness shall be vigorously brought into play under the administrative leadership of the government's religious affairs department."

[55] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, art. 16; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 26–27; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 26–27; Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 19–20.

[56] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, art. 16; Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, art. 10; Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, art. 10.

[57] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, art. 4; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 11(1); Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, art. 11(1); Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 16, 17 (responsibility over DMC).

[58] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective

1 November 10, arts. 8, 10, 11; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 10, 19–20; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 12–16; Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 16–18; Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, arts. 7–9.

[59] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, arts. 35–36 (implied); Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 7, 10(3), 20(7), 22; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 6–8, 10(4), 18; Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 4, 16, 18 (no mention of village committee supervision of DMC); Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, arts. 5, 7.

[60] State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofo zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07. For more information on the measures, see CECC, 2007 Annual Report, Section IV—Tibet: Special Focus for 2007, 196–197; "New Legal Measures Assert Unprecedented Control Over Tibetan Buddhist Reincarnation," Congressional-Executive Commission on China, 22 August 07.

[61] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, art. 20; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 10(4); Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, art. 7(6); Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, art. 26; Diqing Tibetan Autonomous Prefecture Regulations on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, art. 18.

[62] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, arts. 15–17; Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, art. 10; Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, art. 10.

[63] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, arts. 9, 16–18, 21, 22, 25, 28–30, 33, 35, 40, 42; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 7; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 3, 8; Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 4, 6; Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, arts. 5–6.

[64] See, e.g., State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, arts. 22, 28–29; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 31; Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, art. 23; Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, art. 14.

[65] State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, arts. 22, 28–29. For more information on monastic travel requirements under previous regulatory measures, see Tibet Autonomous Region Implementing Measures for the "Regulations on Religious Affairs" (Trial Measures) [Xizang zizhiqu shishi "zongjiao shiwu tiaoli" banfa

(shixing)], issued 19 September 06, effective 1 January 07, arts. 41, 43; Tibet Autonomous Region Temporary Measures on the Management of Religious Affairs, issued by the Standing Committee of the Tibet Autonomous Region People's Government on December 9, 1991, art. 9; CECC, 2007 Annual Report, 10 October 10, 194–195.

[66] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 7(2), 22(1–3), 23(6), 37; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 8(1), 9, 13, 19, 21(3), 24(1,3); Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, arts. 11(1), 12, 26, 39, 43, 45(3); Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10, arts. 6, 7, 12(3), 15, 16, 18–19, 31; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10, arts. 8, 9, 13(2), 15, 17(2), 22, 25.

[67] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 7(2); Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, art. 8(1); Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, art. 11(1); Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10, art. 8.

[68] The statement is based on information obtained on the Web site of Harry's World Atlas in January 2011 and represented as current in early 2007.

[69] Five of the seven measures for which text was available online as of August 2011 provide for a greater role for village committees than the TAR Implementing Measures for the Regulations on Religious Affairs issued in September 2006; two prefectural measures (Diqing and Haixi) contain language similar to the TAR measures. See, e.g., Tibet Autonomous Region Implementing Measures for the "Regulations on Religious Affairs" (Trial Measures) [Xizang zizhiqu shishi "zongjiao shiwu tiaoli" banfa (shixing)], issued 19 September 06, effective 1 January 07, art. 7; State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, arts. 8, 11(2–3), 36; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 19, 22–23; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 19–21; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, arts. 12, 43–45; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10, arts. 18, 31; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10, art. 9; Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 20, 21(2); Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, art. 5(2).

[70] Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 20, 21(2).

[71] State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10, art. 8,

[72] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 22–23; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 18–21; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, arts. 11(3), 35, 42(9), 43–45; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10, arts. 7(5), 17–19; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10, art. 17.

[73] CECC Staff Analysis.

[74] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 22; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09,

issued and effective 31 July 09, art. 19; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, art. 43; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10, art. 18; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10, art. 17.

[75] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 23; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, art. 20–21; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, arts. 44–45; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10, arts. 17, 19 (do not list specific responsibilities); Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10, art. 17 (does not list specific responsibilities).

[76] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 23(6); Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, art. 21(3); Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, art. 44(5); Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10, art. 19; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10, art. 17 (does not detail reporting requirements).

[77] Commission Staff Analysis. For more detailed information on provisions that provide criminal or administrative punishment in the prefectural regulatory measures, see "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures," Congressional-Executive Commission on China, 10 March 11, Table 2 titled Tibetan Buddhist Affairs Regulatory Measures: Selected Areas of Requirement, Prohibition, Control. According to the table, "DMC members, teachers, trulkus, monks and nuns may face administrative or criminal punishment for activity characterized as . . . ."

[78] Commission Staff Analysis. See Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, issued and effective 31 July 09, arts. 39–45; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10, arts. 45–50; Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa], issued and effective 24 July 09, arts. 34–41.

[79] Commission Staff Analysis. See Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, arts. 46–50; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, issued and effective 3 June 10, art. 27 (no chapter on "legal liability" (falu zeren)); Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, arts. 24–26, 28 (no chapter on "legal liability" (falu zeren)).

[80] Commission Staff Analysis. See Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, arts. 43–47.

[81] The Commission's Political Prisoner Database (PPD) data on Tibetan political detention and imprisonment during the period beginning on March 10, 2008, is certain to be far from complete. "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures," Congressional-Executive Commission on China, 10 March 11, Table 3. Based on PPD information as of February 11, 2011, the following numbers of Tibetan Buddhist monks, nuns, and teachers were detained on or after March 10, 2008, in prefectures with more extensive descriptions of punishable offenses—Hainan TAP (12), Guoluo TAP (18), and Aba T&QAP (57); in a prefecture with mid-range extensiveness of descriptions of punishable offenses—Huangnan TAP (3); and in prefectures with less extensive descriptions of punishable offenses—Haibei TAP (0), Haixi M&TAP (0), and Diqing TAP (0).

[82] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 48; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, art. 51; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10, art. 51; Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries

[Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli], passed 14 April 09, approved 30 July 09, issued and effective 1 September 09, art. 27.

[83] PRC Administrative Reconsideration Law [Zhonghua renmin gonghe guo xingzheng fuyi fa], issued 29 April 99, effective 1 October 99.

[84] PRC Administrative Litigation Law [Zhonghua renmin gonghe guo xingzheng sufa fa], issued 4 April 89, effective 1 October 90.

[85] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, issued and effective 24 September 09, art. 48; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, issued and effective 22 March 10, art. 51; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, issued and effective 30 September 10, art. 51.

[86] As of September 1, 2011, the Commission's Political Prisoner Database (PPD) contained 576 records of political or religious detention of Tibetans in 2008; 220 records in 2009; 113 records in 2010; and 225 records in 2011. PPD information on Tibetan political detentions in and after March 2008 is certain to be far from complete. The increase in 2011 is due mainly to the coerced removal of monks from Kirti Monastery in April 2011 for de facto detention at undisclosed sites for "legal education." For additional information on the Kirti detentions, see "After Monk's Suicide: Coerced Removal and 'Education' for Monks; Possible Murder Charges," Congressional-Executive Commission on China, 17 August 11.

[87] Kalsang Rinchen, "4 Tibetans Arrested Over 2 Books in Ngaba, Author Escapes," Phayul, 6 March 11.

[88] Ibid.

[89] Hongyuan county is also known by the Tibetan names Kakhog, Khyungchu, and Mewa.

[90] Kalsang Rinchen, "4 Tibetans Arrested Over 2 Books in Ngaba, Author Escapes," Phayul, 6 March 11; Cornelius Lundsgaard and Pema Tso, "China Arrests Four Tibetans Including Two Writers Over 2 Books," Tibet Post, 19 March 11.

[91] "Police Crack Down on Banned Songs," Radio Free Asia, 25 February 11.

[92] Ibid. The RFA report did not identify the location(s) in the TAR where the detentions took place or identify any of the Tibetans detained.

[93] "Tibetan Writers Sentenced," Radio Free Asia, 31 December 10.

[94] International Campaign for Tibet, "Three More Tibetan Writers Sentenced to Prison," 21 January 11; "Tibetan Writers Sentenced," Radio Free Asia, 31 December 10; International Campaign for Tibet, "Three Tibetan Writers on Trial Await Verdict," 5 November 10; "Tibetan Writers Tried as 'Splittists,'" Radio Free Asia, 5 November 10.

[95] "Tibetan Author of Banned Video Released, Slapped Conditions," Phayul, 18 October 10 (released on October 15, 2010, on conditions described in a manner that indicates bail following detention on July 27, 2010); Tibetan Centre for Human Rights and Democracy, "Takmig Arrested Again," 4 February 11 (redetention on December 16, 2010).

[96] Tibetan Centre for Human Rights and Democracy, "Takmig Arrested Again," 4 February 11 (redetention on December 16, 2010).

[97] "Tibetan Author of Banned Video Released, Slapped Conditions," Phayul, 18 October 10 (release October 15, 2010, on conditions described in a manner that indicate bail following detention on July 27, 2010); Tibetan Centre for Human Rights and Democracy, "One More Tibetan Intellectual Arrested" 22 August 10 (2,500 VCDs); International Campaign for Tibet, "Tibetan Monk Makes Video Appeal for Return of Dalai Lama and End to Repression in Tibet," 28 August 09 (translation of VCD statement).

[98] Kalsang Rinchen, "Tibetan Monk Writer From Palbar Arrested in Lhasa," Phayul, 11 January 11 (refers to events as "debates"); Y.C. Dhardhowa, "China Detains a Tibetan Writer in Lhasa, Capital of Tibet," Tibet Post, 11 January 11 (refers to events as "conferences").

[99] Kalsang Rinchen, "Tibetan Monk Writer From Palbar Arrested in Lhasa," Phayul, 11 January 11.

[100] "A Lhasa Singer's Newly Published CD Accused of Political Problems, Arrest Warrant Issued" [Yi lasa geshou chuban xin guangdie beikong she zheng zao tongji], Boxun, 24 September 10. The Boxun report cites a Voice of Tibet broadcast (likely the same date or one day earlier) that describes the police activity, including the issue of the arrest warrant (jubu ling) and banning of the CD as taking place "in recent days."

[101] Ibid.

[102] Ibid.

[103] Ibid.

[104] Kalsang Rinchen, "Ngaba Monk Immolates Self To Mark 3 Years Since Bloody Crackdown," Phayul, 16 March 11.

[105] International Campaign for Tibet, "Monk Immolates Himself; Major Protests at Tibetan Monastery Violently Suppressed," 16 March 11; Kalsang Rinchen, "Ngaba Monk Immolates Self To Mark 3 Years Since Bloody Crackdown," Phayul, 16 March 11; "After Monk's Suicide: Coerced Removal and 'Education' for Monks; Possible Murder Charges," Congressional-Executive Commission on China, 17 August 11.

[106] International Campaign for Tibet, "Chinese Authorities Confirm Death of Monk After Self-Immolation; Military Crackdown at Kirti," 17 March 11.

[107] Ibid.; "Protest Monk Dies," Radio Free Asia, 17 March 11; Kalsang Rinchen, "Monk Who Set Ablaze Self Dead, 7 Kirti Monks Released, Several Still Held," 17 March 11.

[108] "Monks Face New Restrictions," Radio Free Asia, 22 March 11 ("On [March 21] . . . a program of political reeducation called 'Patriotic Religion' was launched . . ."); Kalsang Rinchen, "3 Youth Among Arrested as China Goes on Arrest Drive in Ngaba County," Phayul, 24 March 11 ("the patriotic reeducation campaign at Ngaba Kirti monastery that started on Monday [March 21] is underway . . ."); International Campaign for Tibet, "Protests, Tensions Escalate in Ngaba Following Self-Immolation of Monk: Kirti Monastery Under Lockdown," 11 April 11

("a rigorous 'patriotic education' campaign is being enforced"); "After Monk's Suicide: Coerced Removal and 'Education' for Monks; Possible Murder Charges," Congressional-Executive Commission on China, 17 August 11.

[109] "Kirti Monks Forcibly Removed," Radio Free Asia, 22 April 11 ("Local Tibetans . . . heard that the detained monks were then taken to [Wenchuan (Lunggu), Mao (Maowun), and Li (Tashiling) counties in Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture]"); Kalsang Rinchen, "2 Beaten to Death in Ngaba, 300 Kirti Monks Arrested," Phayul, 22 April 11; International Campaign for Tibet, "Two Elderly Tibetans Killed as Hundreds of Monks Detained From Kirti; Crackdown Deepens," 22 April 11; "After Monk's Suicide: Coerced Removal and 'Education' for Monks; Possible Murder Charges," Congressional-Executive Commission on China, 17 August 11.

[110] International Campaign for Tibet, "Two Elderly Tibetans Killed as Hundreds of Monks Detained From Kirti; Crackdown Deepens," 22 April 11 ("[people] had their arms and legs broken"; "The two people who died . . . were Dongko (male) . . . aged 60, and 65-year old Sherkyi (female)."); "Kirti Monks Forcibly Removed," Radio Free Asia, 22 April 11 ("Chinese armed police then attacked the crowd, beating some and gagging others . . .; A 60-year-old man named Donkho . . . and a 65-year-old woman named Sherkyi . . . were killed, and others suffered broken arms and legs in the attack."); International Campaign for Tibet, "Ngaba Students Protest Crackdown, Authorities Respond; New Information on Deaths of Tibetans Who Tried To Protect Monks," 9 May 11; "After Monk's Suicide: Coerced Removal and 'Education' for Monks; Possible Murder Charges," Congressional-Executive Commission on China, 17 August 11.

[111] "1st Ld-Writethru: Tibetan Monk Jailed 11 Years For Murder in Self-Immolation Case," Xinhua, 29 August 11, reprinted in China Daily. According to the report, on August 29, 2011, the Ma'erkang [Barkham] County People's Court sentenced Kirti monk "Drongdru" to 11 years' imprisonment "because he hid the injured monk and prevented emergency treatment." "Two Tibetan Monks Sentenced in Murder Case," Xinhua, 31 August 11, reprinted in China Daily. According to the report, on August 30, 2011, the Ma'erkang [Barkham] County People's Court sentenced Kirti monks "Tsering Tenzin" and "Tenchum" to 13 years' and 10 years' imprisonment respectively. PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 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, art. 232: "Whoever intentionally commits homicide shall be sentenced to death, life imprisonment or fixed-term imprisonment of not less than 10 years; if the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years."

[112] "Tibet Protest March Attacked," Radio Free Asia, 16 March 11. According to an RFA source, "Chinese police and security people present in the area immediately came to the scene and kicked and beat him as they extinguished the flames. Local Tibetans and Kirti monks came to his rescue and took Phuntsog back to the monastery." "Ngaba Monk Immolates Self To Mark 3 Years Since Bloody Crackdown," Phayul, 16 March 11. According to the report, "As the police were trying to take him away in a waiting police van scores of Tibetans rushed to the scene and protected Phuntsok." International Campaign for Tibet, "Protests, Tensions Escalate in Ngaba Following Self-Immolation of Monk: Kirti Monastery Under Lockdown," 11 April 11. According to the ICT report, "At that point, Kirti monks intervened and sheltered him at the monastery before ensuring he received medical treatment at hospital, ..."

[113] Free Tibet Campaign, "Monk Dies After Setting Himself on Fire in Protest in Tibet," 15 August 11 ("Nyitso Monastery"); "Tibetan Monk Sets Himself Ablaze," Radio Free Asia, 15 August 11 ("Nyatso Monastery"); "Monk Sets Himself on Fire in SW China," Xinhua, 15 August 11, reprinted in China Internet Information Center.

[114] Accurate, comprehensive, and independently verified information on the views of Tibetans living in China is not available.

[115] Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics et al., Tabulation on Nationalities of 2000 Population Census of China (Beijing: Ethnic Publishing House, 2003). Based on 2000 census data, 87.2 percent of Tibetans were classified as "rural" population: Table 1–2 shows the total Tibetan population in 2000 as 5,416,021; Table 1–2a shows the "city" population of Tibetans in 2000 as 221,355; Table 1–2b shows the "town" population of Tibetans in 2000 as 473,467; Table 1–2c shows the "rural" population of Tibetans in 2000 as 4,721,199. Based on information in Table 1–5, the percentage of rural Tibetans could be even higher: Of the total 5,416,021 Tibetan population, 5,373,339 Tibetans were classified as either "agricultural" (4,792,676) or "non-agricultural" (580,663). Based on those figures, the 4,792,676 Tibetans classified as "agricultural" made up 88.5 percent of the 5,416,021 total Tibetan population.

[116] For previous Commission reporting addressing the issues of Tibetan literacy and the status of the Tibetan language, see, e.g., CECC, 2007 Annual Report, 10 October 07, 202; CECC, 2005 Annual Report, 11 October 05, 108–9; Teaching and Learning Tibetan: The Role of the Tibetan Language in Tibet's Future, Staff Roundtable of the Congressional-Executive Commission on China, 7 April 03, Testimony of Nicolas Tournadre, Associate Professor of Linguistics, University of Paris 8, Paris; Testimony of David Germano, Professor of Tibetan and Buddhist Studies, University of Virginia; Testimony of Losang Rabgey, Commonwealth Scholar and Ph.D. Candidate, School of Oriental and African Studies, University of London.

[117] China's Constitution and the PRC Regional Ethnic Autonomy Law provide nominal protection for the use of minority languages. See, e.g., PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, arts. 4, 121; PRC Regional Ethnic Autonomy Law (REAL) [Zhonghua renmin gongheguo minzu quyu zizhifa], issued 31 May 84, effective 1 October 84, amended and effective 28 February 01, arts. 10, 21, 37. The State Council Provisions on Implementing the PRC Regional Ethnic Autonomy Law affirm the freedom to use and develop minority languages, but also place emphasis on the use of Mandarin by promoting "bilingual" education and bilingual teaching staff. State Council Provisions on Implementing the PRC Regional Ethnic Autonomy Law [Guowuyuan shishi "zhonghua renmin

gongheguo minzu quyu zizhifa" ruogan guiding], issued 19 May 05, effective 31 May 05, art. 22.

[118] "It Is in the Fundamental Interests of the Tibetan People in Our Province To Strengthen and Reform 'Bilingual' Education," Qinghai Daily, 29 October 10 (translated in Open Source Center, 3 November 10); "NW China Province Clarifies Purpose of Bilingual Education Reform," Xinhua, 23 October 10; Xue Jun, "Provincial Party Committee Convenes Telephone and Video-conference of Leading Cadres Province Wide, Qiang Wei Delivers Important Speech" [Sheng wei zhaokai quansheng lingdao ganbu dianshi dianhua huiyi qiangwei zuo zhongyao jianghua], Qinghai Daily, 28 October 10 (translated in Open Source Center, 1 November 10); Zhi Zhenpu, "Qinghai Province Party Secretary Qiang Wei: Make 'Bi-lingual' Education a Livelihood Project" [Qinghai sheng wei shuji qiang wei: ba "shuang yu" jiaoyu zuowei minsheng gongcheng], People's Daily, 30 September 10, reprinted in Phoenix Net.

[119] "Leading Cadres Convene Forum To Study and Implement the Spirit of the Province-Wide Conference on Education" [Lingdao ganbu xuexi guanche quansheng jiaoyu dahui jingshen zuotanhui zhaokai], Qinghai Daily, 27 October 10 (translated in Open Source Center, 8 November 10) (ethnic languages are for use in "one's home location" and in "courses of study to carry ethnic culture forward"; Chinese language is for use in "public places"; non-ethnic languages (e.g., Chinese, English) are for "scientific learning such as mathematics, physics, and chemistry"); "Qinghai Provincial Department of Education Leader Explains 'Qinghai Province Mid- and Long-Term Plan for Educational Reform and Development (2010–2020)'" [Qinghai sheng jiaoyu ting fuzeren jiedu "qinghai sheng zhong changqi jiaoyu gaige he fazhan guihua gangyao (2010–2020)"], Qinghai News Agency, 22 October 10 (translated in Open Source Center, 6 November 10) (the role of Chinese language: "adhere to mainly teaching with the state's standard spoken and written language [Mandarin]"; role of ethnic language is not identified: "learn spoken and written ethnic languages").

[120] "Students Protest Language Change," Radio Free Asia, 19 October 10 (October 19 protest in Tongren (Rebgong), capital of Huangnan (Malho) TAP, involved students from six secondary- and tertiary-level schools; estimates ranged from 1,000 to 7,000 students); "Tibet Students Protests Spread," Radio Free Asia, 20 October 10 (October 20 protests included "more than 2,000" middle school students in Zeku (Tsekhog), Huangnan TAP, and a total of about 6,000 secondary- and tertiary-level students in Gonghe (Chabcha), capital of Hainan (Tsolho) TAP); Barbara Demick, "Tibetan Student Protests Reach Beijing," Los Angeles Times, 23 October 10 (200 to 300 students protested on October 22 at the Central University for Minorities in Beijing); "Language Protests Spread to Beijing," Radio Free Asia, 22 October 10 ("some 400" Tibetan students protested on October 22 at the National Minorities University in Beijing); "20 Tibetan Students Detained, Protests Over Language Continue in Tibet," Phayul, 25 October 10 ("thousands" of students reportedly protested on Sunday, October 24, in the seat of Jianza (Chentsa) county, Huangnan TAP; the report also mentions student protest in the days prior to the report in Guide (Trika) county, Hainan TAP, and in Guoluo (Golog) TAP, Qinghai province).

[121] "Opinions on Mid- and Long-Term Reform of the Use of Bilingual Tibetan-Chinese Language in Qinghai Province" [Guanyu qinghai sheng zang han shuangyu zhong changqi gaige wenti de yijian], Sohu blog, 24 October 10 (translated in Open Source Center, 7 November 10). "The Qinghai Education Department and [Director] Wang Yubo openly restricted the freedom of study, use, and development of ethnic minority languages in schools, which totally violates the Constitution, the [REAL], . . . the Education Law, and the Law for the State's Commonly Used Language." See also PRC Regional Ethnic Autonomy Law [Zhonghua renmin gonghe guo minzu quyu zizhi fa], issued 31 May 84, effective 1 October 84, amended and effective 28 February 01.

[122] CECC Staff Analysis. Official reports acknowledged the protests but did not allege planning or organization. Participation of large numbers of students across a wide area in the protests without planning or organization would depend on widespread student predisposition to join protests. Such predisposition would depend on a significant level of dissatisfaction.

[123] CECC Staff Analysis. Based on the relative consistency of government and Party policy on Tibetan education as well as on the relative consistency of the Tibetan people's wish to maintain their language and culture, teachers' and students' views in Qinghai province are likely to be similar to such views in the Tibet Autonomous Region and Gansu, Sichuan, and Yunnan provinces.

[124] In Qinghai province, Tibetan-language primary and middle schools are located in five Tibetan autonomous prefectures (Haibei (Tsojang), Hainan (Tsolho), Huangnan (Malho), Guoluo (Golog), and Yushu (Yulshul)), and in one Mongol and Tibetan autonomous prefecture (Haixi (Tsonub)).

[125] International Campaign for Tibet, "Tibetan Teachers Write Petition in Support of Tibetan Language; Fears for Students After Detentions," 26 October 10. According to the article, the training took place in Tongren (Rebgong), the capital of Huangnan (Malho) Tibetan Autonomous Prefecture.

[126] See Jia Xiaoyun, "Qinghai Provincial Department of Education Leader Explains 'Qinghai Province Mid- and Long-Term Plan for Educational Reform and Development (2010–2020)'" [Qinghai sheng jiaoyu ting fuzeren jiedu "Qinghai sheng zhong changqi jiaoyu gaige he fazhan guihua gangyao (2010–2020)"], Qinghai News Agency, 22 October 10 (translated in Open Source Center, 6 November 10).

[127] International Campaign for Tibet, "Tibetan Teachers Write Petition in Support of Tibetan Language; Fears for Students After Detentions," 26 October 10.

[128] Ibid.

[129] "Students Protest Language Change," Radio Free Asia, 19 October 10 (the six schools in Tongren were the First Nationalities Middle School, the Tongren County Yifu Nationalities Middle School, the Tongren District Residential School, the Tongren Modern Medicine College, the Huangnan National Teacher Training Institute, and the Huangnan Nationalities Middle School); Free Tibet Campaign, "Students Protest for Language Rights," 22 October 10.

[130] "Students Protest Language Change," Radio Free Asia, 19 October 10.

[131] Ibid.

[132] Free Tibet Campaign, "Students Protest for Language Rights," 22 October 10. The article provided a translation of the apparently Chinese-language text message: "Yesterday, the Ministry of Education decided that, Tibetan language centered education system should be canceled [in] all the schools in Tibetan areas. The Tibetan language above primary school is set as an optional subject. Tibetan students are protesting for their mother-tongue in the Tibetan areas in Qinghai and others. For the sake of saving the Tibetan mother-tongue, please pass the message to each other."

[133] Zhi Zhenpu, "Qinghai Province Party Secretary Qiang Wei: Make 'Bi-lingual' Education a Livelihood Project" [Qinghai sheng wei shuji qiang wei: ba "shuang yu" jiaoyu zuowei minsheng gongcheng], People's Daily, 30 September 10, reprinted in Phoenix Net.

[134] "Tibet Student Protests Spread," Radio Free Asia, 20 October 10 (October 20 protests included "more than 2,000" middle school students in Zeku (Tsekhog), Huangnan TAP; a total of about 6,000 secondary- and tertiary-level students in Gonghe (Chabcha), capital of Hainan (Tsolho) TAP); Barbara Demick, "Tibetan Student Protests Reach Beijing," Los Angeles Times, 23 October 10 (200 to 300 students protested at Beijing's Central University for Minorities); "Language Protests Spread to Beijing," Radio Free Asia, 22 October 10 ("some 400" Tibetan students protested at the Beijing National Minorities University); "20 Tibetan Students Detained, Protests Over Language Continue in Tibet," Phayul, 25 October 10 ("thousands" of students reportedly protested on Sunday, October 24, in the seat of Jianza (Chentsa) county, Huangnan TAP; the report also mentions student protest in the days prior to the report in Guide (Trika) county, Hainan TAP, and in Guoluo (Golog) TAP, Qinghai province); "Opinions on Mid- and Long-Term Reform of the Use of Bilingual Tibetan-Chinese Language in Qinghai Province" [Guanyu qinghai sheng zang han shuangyu zhong changqi gaige wenti de yijian], Sohu blog, 24 October 10 (translated in Open Source Center, 7 November 10) ("demonstrations staged by the primary and secondary schools of the four autonomous prefectures of Huangnan, Hainan, Guoluo, and Haibei since 19 October").

[135] "NW China Province Clarifies Purpose of Bilingual Education Reform," Xinhua, 22 October 10.

[136] "Qinghai Provincial Department of Education Leader Explains 'Qinghai Province Mid- and Long-Term Plan for Educational Reform and Development (2010–2020)'" [Qinghai sheng jiaoyu ting fuzeren jiedu "Qinghai sheng zhong changqi jiaoyu gaige he fazhan guihua gangyao (2010–2020)"], Qinghai News Agency, 22 October 10 (translated in Open Source Center, 6 November 10).

[137] PRC Regional Ethnic Autonomy Law [Zhonghua renmin gonghe guo minzu quyu zizhi fa], issued 31 May 84, effective 1 October 84, amended and effective 28 February 01.

[138] "Opinions on Mid- and Long-Term Reform of the Use of Bilingual Tibetan-Chinese Language in Qinghai Province" [Guanyu qinghai sheng zang han shuangyu zhong changqi gaige wenti de yijian], Sohu blog, 24 October 10 (translated in Open Source Center, 7 November 10). The letter raised issues including: "[Director Wang Yubo of the Qinghai Province Department of Education] bypassed the setting up of the Chinese language course and also altered the meaning of 'the right to receive education in their own ethnic minority language' proposed in the Outline for National Education Plan"; "The Qinghai Education Department and Wang Yubo openly restricted the freedom of study, use, and development of ethnic minority languages in schools, which totally violates the Constitution, the [REAL], the Education Law, and the Law for the State's Commonly Used Language"; "[Furthermore, since the [REAL] is still in effect in the PRC, the change in use of language in the schools practicing regional autonomy made by an administrative department without authorization constitutes a deliberate challenge and infringement of the state's basic laws and a serious contempt for the authority of state laws"; and, "Unless the National People's Congress [NPC] adopts any amendment to the [REAL], an administrative department, which is actually a provincial level administrative organ, has no right whatsoever to go beyond the principles of the basic law and make a decision in violation of the law."

[139] Ibid. The letter states that the authors "submitted" it to national-, provincial-, and prefectural-level Communist Party, legislative, government, and consultative entities including the following: Communist Party United Front Work Department (UFWD), National People's Congress Religious Committee, State Ethnic Affairs Commission, Ministry of Education, Chinese People's Political Consultative Conference (CPPCC) Ethnic Affairs Committee, Qinghai Communist Party Standing Committee, Qinghai People's Congress, Qinghai People's Government, Qinghai CPPCC, Qinghai UFWD, Qinghai Religious Affairs Department, and Party committees, people's governments, people's congresses, CPPCCs, and education departments in each of Qinghai's six autonomous prefectures.

[140] Ibid. The letter stated, "Under the current situation and conditions, a government functional department, without approval of a higher level state organ, has gone so far as to make a decision and reform in violation of the Constitution and law. We would like to appeal."

[141] PRC Regional Ethnic Autonomy Law [Zhonghua renmin gonghe guo minzu quyu zizhi fa], issued 31 May 84, effective 1 October 84, amended and effective 28 February 01, art. 20: "If a resolution, decision, order, or instruction of a state agency at a higher level does not suit the actual conditions in an ethnic autonomous area, an autonomous agency of the area may report for the approval of that higher level state agency to either implement it with certain alterations or cease implementing it altogether. That higher level state agency must give its decision within sixty days of receiving the report." For information on implementation of the PRC Regional Ethnic Autonomy Law, see, e.g., CECC, Special Topic Paper: Tibet 2008–2009, 22 October 09, 25–28; CECC, 2007 Annual Report, Section IV—Tibet: Special Focus for 2007, 10 October 07, 187–91; CECC, 2005 Annual Report, Section III—Monitoring Compliance With Human Rights—Special Focus for 2005: China's Minorities and Government Implementation of the Regional Ethnic Autonomy Law, 11 October 05, 13–23.

[142] "Leading Cadres Convene Forum To Study and Implement the Spirit of the Province-Wide Conference on Education" [Lingdao ganbu xuexi guanche quansheng jiaoyu dahui jingshen zuotanhui zhaokai], Qinghai Daily, 27 October 10 (translated in Open Source Center, 8 November 10). The article listed Qinghai province institutional participants: "Education Department, Ethnic and Religious Affairs Commission, Civil Affairs Department, Agriculture and Animal Husbandry Department, Poverty Eradication Bureau, Cultural Federation, Academy of Social Sciences, Science Association, Red Cross, and Qinghai University for Nationalities." For information on a similar conference on October 23, 2010, see "The Party and the Government Will Never Force Any Student To Abandon Their Mother Tongue" [Dang he zhengfu juebu hui qiangpo renhe xuesheng fangqi muyu], Qinghai News Agency, 25 October 10 (translated in Open Source Center, 6 November 10).

[143] "Leading Cadres Convene Forum To Study and Implement the Spirit of the Province-Wide Conference on Education" [Lingdao ganbu xuexi guanche quansheng jiaoyu dahui jingshen zuotanhui zhaokai], Qinghai Daily, 27 October 10 (translated in Open Source Center, 8 November 10). According to Gao, "The realm of language learning is to be able to speak the common language of one's home location, to be able to speak the national language in public places, and to be able to speak an international language on international occasions."

[144] Ibid.

[145] Xue Jun, "Provincial Party Committee Convenes Telephone and Videoconference of Leading Cadres Province Wide, Qiang Wei Delivers Important Speech" [Sheng wei zhaokai quansheng lingdao ganbu dianshi dianhua huiyi qiangwei zuo zhongyao jianghua], Qinghai Daily, 28 October 10 (translated in Open Source Center, 1 November 10).

[146] Ibid.

[147] Ibid. The videoconference was convened by the Qinghai Communist Party Committee and included "leading cadres throughout the province."

[148] Dan Zengshe, "Government Work Report—Delivered by Tibet Autonomous Regional Chairman Baima Chilin at the Fourth Session of the Ninth Autonomous Regional People's Congress on 10 January 2011" [2011 nian 1 yue 10 ri zai zizhiqu dijiu jie renmin daibiao dahui disi ci huiyi shang zizhiqu zhuxi baima chilin], Tibet Daily, 9 February 11 (translated in Open Source Center, 25 February 11). The report emphasizes adherence to policy as the basis for success: "In face of constant disruptions and sabotages by the Dalai clique, all kinds of frequent natural disasters, retrenchment of the macroeconomic environment, and other challenges, under the leadership of the party Central Committee and the State Council, the people of various ethnic groups across the autonomous region have united as strongly as a fortress, overcome difficulties, and accumulated valuable experience in expanding demand, promoting growth, creating welfare for the masses, and maintaining stability."

[149] Hu Yongqi and Dachiog, "Tibet's Achievements Celebrated," China Daily, 28 March 11. According to the report, the Tibet Autonomous Region increased an average of 12.4 percent per year from 2005 to 2010.

[150] Dan Zengshe, "Government Work Report—Delivered by Tibet Autonomous Regional Chairman Baima Chilin at the Fourth Session of the Ninth Autonomous Regional People's Congress on 10 January 2011" [2011 nian 1 yue 10 ri zai zizhiqu dijiu jie renmin daibiao dahui disi ci huiyi shang zizhiqu zhuxi baima chilin], Tibet Daily, 9 February 11 (translated in Open Source Center, 25 February 11). "The farmers and herdsmen'[s] per capita net income has remained at a two-digit increase for eight consecutive years and topped 4,000 yuan in 2010, to stand at 4,138.7 yuan, up by 99.2 percent over 2005. The city and town residents' per capita disposable income has reached 14,980 yuan, an increase of 78.1 percent over 2005."

[151] Zhao Yinan, "Minister Prepares To Solve Ethnic Challenges," China Daily, 18 November 10. "From 2001 to 2010, the central government allocated more than 310 billion yuan (US$46.7 billion) to the Tibet autonomous region, ... Of every 100 yuan the Tibet regional government spends, 90 yuan comes from the central government."

[152] PRC Constitution, adopted 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 9. "Mineral resources, waters, forests, mountains, grassland, unreclaimed land, beaches and other natural resources are owned by the state, that is, by the whole people, with the exception of the forests, mountains, grassland, unreclaimed land and beaches that are owned by collectives in accordance with the law."

[153] "Tibet Autonomous Region Reserves Most Chromium and Cuprum in China," China Tibet Information Center, reprinted in China Tibet Online, 6 December 10.

[154] Ibid.; Zhao Yinan, "Minister Prepares To Solve Ethnic Challenges," China Daily, 18 November 10 ("[from] 2001 to 2010, the central government allocated more than 310 billion yuan (US$46.7 billion) to the Tibet autonomous region").

[155] Reports did not provide information about the type of mining. "Tibetans in Tibet Beaten and Arrested by Authorities for Opposing Mine" [Jingnei zangren yin fandui kaikuang zao zhonggong duda he jubu], Voice of Tibet, 11 February 11, reprinted in Boxun, 11 February 11 (protests and petitioning began on November 22; beatings and detention on December 18); "15 Tibetans Put Behind Bars Over Anti-mining Protests in Shigatse," Phayul, 14 February 11.

[156] "Tibetans in Tibet Beaten and Arrested by Authorities for Opposing Mine" [Jingnei zangren yin fandui kaikuang zao zhonggong duda he jubu], Voice of Tibet, reprinted in Boxun, 11 February 11 (protests and petitioning began on November 22; beatings and detention on December 18); "15 Tibetans Put Behind Bars Over Anti-mining Protests in Shigatse," Phayul, 14 February 11. See the Commission's Political Prisoner Database for more information on the cases.

[157] "Villagers Block Work on Dam," Radio Free Asia, 30 September 10 (the mountain's name is Lhachen Naglha Dzamba); "Tibetan Dam Protesters Detained," Radio Free Asia, 7 October 10 (the mountain is "a traditional site of worship and offerings").

[158] "Villagers Block Work on Dam," Radio Free Asia, 30 September 10.

[159] Ibid. According to the report, workers claimed "their permit to mine in the area had been approved by the Communist Party secretary of the TAR." The TAR government would issue such a permit, but a TAR Party official may have signified agreement.

[160] "Tibetan Dam Protesters Detained," Radio Free Asia, 7 October 10. See the Commission's Political Prisoner Database for more information on the cases.

[161] Kalsang Rinchen, "Police Firing Kills 3, Injures 30 Tibetans in Palyul County," Phayul, 24 August 10 ("100 Tibetans from the village had camped outside the government headquarters waiting for a response from the authorities to their plea."); "Police Fire on Mine Protesters," Radio Free Asia, 26 August 10.

[162] "Police Fire on Mine Protesters," Radio Free Asia, 26 August 10 ("gold mining operations by the Chinese-owned Kartin Company had led to an overcrowded population, severely degraded the fertility of their farmland, and adversely affected the local grassland habitat").

[163] Kalsang Rinchen, "Police Firing Kills 3, Injures 30 Tibetans in Palyul County," Phayul, 24 August 10 ("[three] Tibetans have been killed and 30 others severely wounded"); Phurbu Thinley, "China Says Only One Tibetan Shot Dead in Palyul Mine Protest," Phayul, 1 September 10 ("Subsequent reports by overseas Tibetan news services said at least four Tibetans were killed, . . .").

[164] "Tibetan Accidentally Shot Dead in Dispute With Police," Xinhua, 30 August 10, reprinted in China Internet Information Center.

[165] "Tibetan Mine Protesters Detained," Radio Free Asia, 5 August 11.

[166] Ibid. The Radio Free Asia report named three persons (the "village officials") detained on July 2, nine persons detained on July 6 and 7, one person detained on July 14, and two persons (the alleged protest "ringleaders") detained "around July 20."

[167] Ibid.

[168] Dan Zengshe, "Government Work Report—Delivered by Tibet Autonomous Regional Chairman Baima Chilin at the Fourth Session of the Ninth Autonomous Regional People's Congress on 10 January 2011" [2011 nian 1 yue 10 ri zai zizhiqu dijiu jie renmin daibiao dahui disi ci huiyi shang zizhiqu zhuxi baima chilin], Tibet Daily, 9 February 11 (translated in Open Source Center, 25 February 11). "Around 1.43 million farmers and herdsmen of 275,000 households whose housing conditions were comparatively bad have moved into safe and affordable homes."

[169] Laba Cier and Gama Douji, "Secretary Zhang Qingli of the Tibet Autonomous Regional CPC Committee Says That It Is Necessary To Adhere to the Scientific Development Concept and Maintain a Leapfrog Development" [Xizang zizhiqu dangwei shuji zhang qingli: jianchi kexue fazhan guan baochi kuayueshi fazhan], Xinhua, 6 January 11 (translated in Open Source Center, 9 January 11).

[170] "The CPC Central Committee and the State Council Hold the Fifth Tibet Work Forum; Hu Jintao and Wen Jiabao Deliver Important Speeches," Xinhua, 22 January 10 (translated in Open Source Center, 25 January 10).

[171] "Rural Pension System Extended to 2 Mln Tibetan Farmers, Herdsmen," Xinhua, 10 January 11. "[The Tibet Autonomous Region] has a rural population of 2.21 million, of whom more than 235,000 are aged 60 or over." (The January 2011 report likely refers to a 2010 statistic.)

[172] Based on official Chinese media reports, the government has settled or resettled into new housing 1.43 million "farmers and herdsmen" among the Tibet Autonomous Region's 2.21 million rural population. Dan Zengshe, "Government Work Report—Delivered by Tibet Autonomous Regional Chairman Baima Chilin at the Fourth Session of the Ninth Autonomous Regional People's Congress on 10 January 2011" [2011 nian 1 yue 10 ri zai zizhiqu dijiu jie renmin daibiao dahui disi ci huiyi shang zizhiqu zhuxi baima chilin], Tibet Daily, 9 February 11 (translated in Open Source Center, 25 February 11) ("Around 1.43 million farmers and herdsmen . . . moved into safe and affordable homes."); "Rural Pension System Extended to 2 Mln Tibetan Farmers, Herdsmen," Xinhua, 10 January 11 ("[The Tibet Autonomous Region] has a rural population of 2.21 million."). For information on the compulsory nature of the program, see Human Rights Watch, "'No One Has the Liberty To Refuse'—Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region," 11 June 07.

[173] For more information on the network of railways the Chinese government plans to build on the Tibetan plateau, see CECC, Special Topic Paper: Tibet 2008–2009, 22 October 09, 46–53; CECC, 2009 Annual Report, 10 October 10, 285–86. For information on the completion of the Qinghai-Tibet railway in July 2006 and passenger traffic during the first year of operation, see CECC, 2006 Annual Report, 20 September 06, 166–68; CECC, 2007 Annual Report, 10 October 07, 203–4.

[174] Dan Zengshe, "Government Work Report—Delivered by Tibet Autonomous Regional Chairman Baima Chilin at the Fourth Session of the Ninth Autonomous Regional People's Congress on 10 January 2011" [2011 nian 1 yue 10 ri zai zizhiqu dijiu jie renmin daibiao dahui disi ci huiyi shang zizhiqu zhuxi baima chilin], Tibet Daily, 9 February 11 (translated in Open Source Center, 25 February 11); "Lhasa-Xigaze Railway To Be Completed by 2015," Xinhua, 16 February 11.

[175] "Tibet's New Railway To Open in 2014," China Daily, 2 September 11.

[176] "Lhasa-Xigaze Railway To Be Completed by 2015," Xinhua, 16 February 11.

[177] "Tibet Starts Building 5th Civil Airport," Xinhua, 29 April 09.

[178] Dan Zengshe, "Government Work Report—Delivered by Tibet Autonomous Regional Chairman Baima Chilin at the Fourth Session of the Ninth Autonomous Regional People's Congress on 10 January 2011" [2011 nian 1 yue 10 ri zai zizhiqu dijiu jie renmin daibiao dahui disi ci huiyi shang zizhiqu zhuxi baima chilin], Tibet Daily, 9 February 11 (translated in Open Source Center, 25 February 11); "Lhasa-Xigaze Railway To Be Completed by 2015," Xinhua, 16 February 11.

[179] CECC Staff Analysis. The decision on whether to route the railway along the northern or southern bank of the river has economic and security implications. Most of the forestry and mineral resources, as well as most of the population, are on the north side of the river, but a section of the China-India border that China disputes is on the south side of the river.

[180] Dan Zengshe, "Government Work Report—Delivered by Tibet Autonomous Regional Chairman Baima Chilin at the Fourth Session of the Ninth Autonomous Regional People's Congress on 10 January 2011" [2011 nian 1 yue 10 ri zai zizhiqu dijiu jie renmin daibiao dahui disi ci huiyi shang zizhiqu zhuxi baima chilin], Tibet Daily, 9 February 11 (translated in Open Source Center, 25 February 11). For more information on the Sichuan-Tibet railway between Chengdu city and Lhasa, see CECC, Special Topic Paper: Tibet 2008–2009, 22 October 09, 49–53.

[181] "New Railway To Cut Short Trip Between Capital Cities of Tibet, Xinjiang," Xinhua, 6 March 11. (China Daily reported in August 2008 that the line would be constructed. Xin Dingding, "Qinghai-Tibet Railway To Get Six New Lines," China Daily, 17 August 08.)

[182] "New Railway To Cut Short Trip Between Capital Cities of Tibet, Xinjiang," Xinhua, 6 March 11.

[183] Zhou Zhou and Ma Yong, "During the 12th Five-Year Plan a Strategic Rail Network To Be Built Through Tibet, Xinjiang" [Shier wu qijian jiang jiancheng guantong xizang xinjiang zhanlue tielu wang], Xinhua, 6 March 11, reprinted in People's Daily, 7 March 11. According to the report, Luo Yulin, Vice Chairman of the Qinghai government, "hopes that work will start on the Golmud to Chengdu line during the period of the 12th Five-Year Plan."

[184] International Campaign for Tibet, "Chinese Authorities Rename and Rebuild Quake-Struck Tibetan Area; Tibetans Excluded From Planning," 25 January 11; "China To Rebuild Quake-Levelled County Into Tourist City," Xinhua, 18 January 11.

[185] Zhou Zhou and Ma Yong, "During the 12th Five-Year Plan a Strategic Rail Network To Be Built Through Tibet, Xinjiang" [Shier wu qijian jiang jiancheng guantong xizang xinjiang zhanlue tielu wang], Xinhua, 6 March 11, reprinted in People's Daily, 7 March 11.

[186] Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics et al., Tabulation on Nationalities of 2000 Population Census of China (Beijing: Ethnic Publishing House, 2003), Table 10–4. According to the table: Of Yushu TAP's 262,661 total population, 255,167 were Tibetan; of the TAR's 2,616,329 total population, 2,427,168 were Tibetan; of Guoluo TAP's 137,940 total population, 126,395 were Tibetan.

[187] International Campaign for Tibet, "Reconstruction of Earthquake-Hit Area Excludes Tibetan Participation, Ignores Local Concerns: One Year on From Earthquake," 15 April 11. According to the report, on April 1 to 3, 2011, several hundred Tibetan protesters in the damaged city displayed banners with messages such as, "Fairly and legitimately resolve this issue," "Our land belongs to us," "Help for the Yushu disaster area should put ordinary people's benefits first," and "Reasonably plan the land of our lives."

[188] "China To Rebuild Quake-Levelled County Into Tourist City," Xinhua, 18 January 11 (renamed and designated a "city"); Zhou Zhou and Ma Yong, "During the 12th Five-Year Plan a Strategic Rail Network To Be Built Through Tibet, Xinjiang" [Shier wu qijian jiang jiancheng guantong xizang xinjiang zhanlue tielu wang], Xinhua, 6 March 11, reprinted in People's Daily, 7 March 11 (railway "will pass through Jiegu [Kyegudo] town in Yushu prefecture.").

[189] "China To Rebuild Quake-Levelled County Into Tourist City," Xinhua, 18 January 11.

[190] Emily T. Yeh, "Green Governmentality and Pastoralism in Western China: 'Converting Pastures to Grasslands,'" Nomadic Peoples, Vol. 9, No. 1 (2005), 23. According to the paper: "Officially the largest nature reserve in China (at 31.8 million ha), it was established in 2000 to protect the sources of the Yangtze, Yellow and Lancangjiang (Mekong) Rivers. As such, the reserve covers most of Golog, Yushu and Haixi prefectures, which constitute about 44 percent of the total land area of the province."

[191] "China To Rebuild Quake-Levelled County Into Tourist City," Xinhua, 18 January 11. Luo Huining, Chairman of the Qinghai People's Government, announced the change.

[192] Ibid. According to the Chairman of the Qinghai People's Government, "We will strive to build [Kyegudo] into a commerce and logistics center and a tourist city featuring ethnic traditional Tibetan culture and ecological preservation."

[193] "China Plans 32 Billion Yuan on Qinghai Quake Reconstruction," Xinhua, 13 June 10. "The money would mainly came [sic] from the central budget, supplemented by funds from the Qinghai government, donations and corporate funding, according to a circular published on the government's website."

[194] Cao Deshung, "Tibet Rail Construction Completed," China Daily, 15 October 05.

[195] Zhou Zhou and Ma Yong, "During the 12th Five-Year Plan a Strategic Rail Network To Be Built Through Tibet, Xinjiang" [Shier wu qijian jiang jiancheng guantong xizang xinjiang zhanlue tielu wang], Xinhua, 6 March 11, reprinted in People's Daily, 7 March 11.

[196] "China To Rebuild Quake-Levelled County Into Tourist City," Xinhua, 18 January 11. "The entire town of [Kyegudo], the seat of Yushu prefectural government, was flattened, leaving more than 100,000 residents homeless."

[197] "Tibetans Protest Over Land," Radio Free Asia, 3 June 10. "Some properties claimed by the authorities suffered no damage in the April earthquake, ... [His] family . . . complained that the 'local government selected the best sites for the construction of government offices, schools, and public parks.'"

[198] International Campaign for Tibet, "The Kyegu Earthquake: Six Months On," 18 October 10 ("main concern of Tibetans is over losing their land and being moved into the government-built permanent housing, which will be in apartment or townhouse-type complexes"); "Tensions Rise in Quake Town," Radio Free Asia, 17 June 10 ("the government has allocated 80 square meters (860 square feet) of living space per household . . . the people to be displaced are also unhappy with the location . . . . It's definitely much farther away than the place we were in before the earthquake struck.").

[199] "Tibetans Protest Land Grab," Radio Free Asia, 5 April 11. According to an RFA source, Tibetan property owners had been "assured of compensation, but so far they have not been compensated appropriately."

[200] Ibid.

[201] For the purpose of calculating average sentences, the Commission's Political Prisoner Database provides 20 years as a nominal length of a life sentence. Official Chinese information about the actual average time served by prisoners sentenced to life imprisonment is not available.

[202] In addition to the 483 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 September 1, 2011, an additional 651 Tibetan political prisoners detained or imprisoned on or after March 10, 2008, who are known or presumed to have been released, or who reportedly escaped or died.

[203] For the purpose of calculating average sentences, the Commission's Political Prisoner Database provides 20 years as a nominal length of a life sentence. Official Chinese information about the actual average time served by prisoners sentenced to life imprisonment is not available.

[204] Ibid.

Notes to Section VI—Developments in Hong Kong and Macau

[1] U.S.-Hong Kong Policy Act of 1992, Public Law No. 102–383, enacted 5 October 92; Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, enacted by the National People's Congress 4 April 90, effective 1 July 97; Joint Declaration of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, adopted 19 December 84.

[2] U.S.-Macau Policy Act of 2000, Public Law No. 106–570, enacted 27 December 2000; Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, adopted 13 April 87, art. 2; Basic Law of the Macau Special Administrative Region of the People's Republic of China, enacted by the National People's Congress 31 March 93, effective 20 December 99, art. 2.

[3] Basic Law of the Macao Special Administrative Region of the People's Republic of China, enacted by the National People's Congress 31 March 93, effective 20 December 99, art. 83; Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, enacted by the National People's Congress 4 April 90, effective 1 July 97, art. 85.

[4] Basic Law of the Macao Special Administrative Region of the People's Republic of China, enacted by the National People's Congress 31 March 93, effective 20 December 99, arts. 27, 33, 34; Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, enacted by the National People's Congress 4 April 90, effective 1 July 97, arts. 27, 31, 32.

[5] Hong Kong Legislative Council, Legislative Council (Amendment) Bill 2010, introduced 10 December 10, passed 5 March 11; Hong Kong Legislative Council, Legislative Council (Amendment) Ordinance 2011, issued 11 March 11. The legislation adds 10 seats to the Legislative Council, 5 of which to be returned by existing geographical constituencies and 5 from a new District Council functional constituency.

[6] Hong Kong Legislative Council, Chief Executive (Amendment) Bill 2010, introduced 10 December 10, passed 3 March 11, and Chief Executive Election (Amendment) Ordinance 2011, issued 11 March 11. The bill amends the Chief Executive Bill by increasing the number of members of the election committee to 1,200.

[7] Hong Kong Legislative Council, Legislative Council (Amendment) Bill 2010, introduced 10 December 10, passed 5 March 11; Hong Kong Legislative Council, Legislative Council (Amendment) Ordinance 2011, issued 11 March 11.

[8] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, enacted by the National People's Congress 4 April 90, effective 1 July 97, chap. IV, art. 45 (selection of the chief executive), art. 68 (selection of Legislative Council); chap. 1, art. 2 ("high degree of autonomy").

[9] Standing Committee of the National People's Congress, 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, issued 29 December 07.

[10] Anne-Marie Evans, "Hong Kong Activists Win Back Seats in By-Election," BBC, 17 May 10.

[11] Keith Bradsher, "Hong Kong Voting Light," New York Times, 16 May 10.

[12] Hong Kong Legislative Council, Legislative Council (Amendment) Bill 2011, introduced 3 June 11.

[13] Hong Kong Bar Association's Submission on the Proposed Replacement Arrangement in the Legislative Council (Amendment) Bill 2011, Press Release, 17 June 11; Hong Kong Bar Association's Further Press Release on the Government's Proposals Regarding Replacement Arrangements in the Event of a Vacancy, Press Release, 21 June 11. For the response of the Hong Kong Government Constitutional and Mainland Affairs Bureau, see LC Paper No. CB(2)2214/10–11(01), June 2011. See also, Lai Ying-kit, "Pan-Democrats Stage Walk-Out at Legco," South China Morning Post, 22 June 11.

[14] "Thousands March in Hong Kong," Radio Free Asia, 1 July 11; "Tens of Thousands Vent Anger at Hong Kong Rally Over Wealth Gap, Gov't Policies," Washington Post, 1 July 11.

[15] Gary Cheung and Tanna Chong, "By-Election Bid Put on Hold in Latest U-Turn," South China Morning Post, 5 July 11.

[16] Fanny W.Y. Fung and Lo Wei, "Voters Spoilt for Choice on Crowded Campaign Trail," South China Morning Post, 29 March 11.

[17] Ibid.

[18] "State Council Official 'Coordinates' HK Election Strategy," Ming Pao, 23 February 11 (summarized in Open Source Center).

[19] See, e.g., Frank Ching, "Hong Kong's Autonomy Slips Away," Hong Kong Journal, April 2011.

[20] Ibid.

[21] Kelvin Chan, "Hong Kong Worries About China's Tightening Grip," Associated Press, 1 September 11.

[22] "Beijing Wants Socialist Patriotism Taught to Hong Kong Students," AsiaNews, 14 June 11.

[23] Government of the Hong Kong Special Administration Region Education Bureau, Moral and National Education Curriculum Guide (Primary 1 to Secondary 6) Consultation Draft, issued 29 July 11.

[24] Xiao He, "What Is Behind Li Yi's Vicious Attack on 'Patriotism'" [Li yi e du gongji "aiguo zhuyi" suowei heshi], Wen Wei Po, 20 July 11.

[25] "HK Teachers Lash Out at China Patriotism Lessons," Agence France-Presse, reprinted in Google, 10 August 11.

[26] Phyllis Tsang and Simpson Cheung, "Budget Activists Vow To Maintain Protests in City," South China Morning Post, 8 March 2011.

[27] Phyllis Tsang and Peter So, "Beijing Wants Punishment After Attack on Tsang," South China Morning Post, 3 March 11.
[28] Ibid.
[29] Gary Cheung and Tanna Chong, "Radicals Will Harm Cause in Long Run, Says Veteran Activist," South China Morning Post, 13 April 11.
[30] Reporters Without Borders, Press Freedom Index 2010.
[31] Ibid.
[32] Freedom House, Freedom of the Press 2011, Global Press Freedom Rankings, 2011.
[33] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Report on Human Rights Practices—2010, China (includes Tibet, Hong Kong, and Macau)," 8 April 11, 106.
[34] Ibid.
[35] "He Qinglian: The Political Face of Several Hong Kong Media Owners," Chinascope, last visited 14 September 11.
[36] Ibid.
[37] "Summary: TKP Blasts Bishop John Tong for Praising Liu Xiaobo," Ta Kung Bao, 28 December 10 (summarized in Open Source Center).
[38] "Legco Rejects Call for Release of Nobel Laureate," South China Morning Post, 3 November 10.
[39] Maggie Ng and Cheung Chi-fai, "Court Backs Tung Chung Woman's Challenge to Infrastructure Project," South China Morning Post, 19 April 11; Cheung Chi-fai, "MTR Pulls Report on Impact Around Rail Link," South China Morning Post, 29 April 11.
[40] "Judgment on Bridge a Victory for Rule of Law," South China Morning Post, 21 April 11.
[41] SNR Denton, "Enforcement of Mainland Chinese Arbitration Award Refused on Public Policy Grounds in Hong Kong Amid Warnings on the Dangers of Arb-Med," 9 May 11.
[42] "Filling the State Immunity Lacuna in Hong Kong: The Congo Case," Jones Day, July 2011; Democratic Republic of the Congo v FG Hemisphere Associates LLC (FACV Nos., 5, 6, and 7 of 2010).
[43] PRC National People's Congress, "Explanation Concerning the National People's Congress Standing Committee (Draft) Interpretation of Article 13 (1) and Article 19 of the 'Basic Law of the Hong Kong Special Administrative Region'" [Guanyu "quanguo renmin daibiao dahui changwuweiyuanhui guanyu 'zhonghua remnin gongheguo xianggang tebie xingzhengqu jibenfa' di shisan tiao di yi kuan he di shijiu tiao de jieshi (cao an)" de shuoming], reprinted in Xinhua, 24 August 11; Hogan Lovells, "International Arbitration Newslash: Beijing Hands Down Its Decision on Sovereign Immunity," 26 August 11.
[44] "Filling the State Immunity Lacuna in Hong Kong: The Congo Case," Jones Day, July 2011; Hogan Lovells, "International Arbitration Newslash: Beijing Hands Down Its Decision on Sovereign Immunity," 26 August 11. See also "National People's Congress Standing Committee Group Considers Draft Interpretation of Article 13 (1) and Article 19 of the Hong Kong Basic Law" [Quanguo renda changweihui fenzu shenyi guanyu xianggang jibenfa di shisan tiao di yi kuan he di shijui tiao de jieshi cao'an], People's Daily, reprinted in National People's Congress, 25 August 11; "China's Legislature Reviews Draft Interpretation of Articles of HK's Constitution," Xinhua, reprinted in National People's Congress, 25 August 11.
[45] PRC National People's Congress Standing Committee Legislative Working Group, "Explanation Concerning the National People's Congress Standing Committee Interpretation (Draft) of Article 13 (1) and Article 19 of the 'Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China'" [Guanyu "quanguo renmin daibiao dahui changwuwei yuanhui guanyu 'zhonghua renmin gongheguo xianggang tebie xingzhengqu jibenfa' di shi san tiao di yi kuan he di shijiu tiao de jieshi (cao'an)" de shuoming], reprinted in Xinhua, 26 August 11; Constance Johnson, "China/Hong Kong: Congo Assets Case Tests Sovereign Immunity," Library of Congress, 1 September 11.
[46] Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Hong Lei's Remarks on FG Hemisphere Associates LLC's Lawsuit Against the Democratic Republic of Congo in HK," 8 June 11; Chris Ip, "Highest Court Seeks Ruling From Beijing," South China Morning Post, 9 June 11.
[47] Simon Young, "HK's State Immunity Law Open to Abuse," South China Morning Post, 2 August 11.
[48] Basic Law of the Macao Special Administrative Region of the People's Republic of China, enacted by the National People's Congress 31 March 93, effective 20 December 99, Annexes I, II.
[49] Jonathan Cheng, "Macau Picks Chief in Time of Transition," Wall Street Journal, 27 July 09; Chia-Peck Wong, "China's Hu Says Macau Should Diversify Its Economy (Update 1)," Bloomberg, 20 December 09.
[50] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Report on Human Rights Practices—2010, China (includes Tibet, Hong Kong, and Macau)," 8 April 11, 139.
[51] Transparency International, Corruption Perceptions Index 2009, 2010.
[52] Natalie Leung and Alexandra Lages, "Corruption Not Necessarily 'Getting Worse,'" Macau Daily Times, 28 October 10.
[53] "Macau Gaming Revenue Soars 58pc to Record US$23.5b," Reuters, reprinted in South China Morning Post, 3 January 11.
[54] Matt Isaacs, "Special Report: The Macau Connection," Reuters, 11 March 11.
[55] Andrew Higgins, "Macau's Casinos Rake in Cash From Chinese Who See Gambling as an Investment," Washington Post, 13 February 11.
[56] "Wen Jiabao Hopes for Macau SAR To Promote Moderate Economic Pluralism" [Wen jiabao xiwang aomen tequ cujin jingji shidu duoyuan fazhan], People's Daily, 14 November 10; "Macau Gaming Revenue Soars 58pc to Record US$23.5b," Reuters, reprinted in South China Morning Post, 3 January 11. For more information on official economic policy toward Macau's gaming

industry, see also National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 57(2).

[57] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 57.

[58] Macau Special Administrative Region Law No. 2/2009, Law on Safeguarding National Security, passed 25 February 09, effective 2 March 09, art. 1 (treason), art. 2 (secession), art. 3 (subversion), art. 4 (sedition), art. 5 (theft of state secrets), art. 6 (association with foreign political organizations that harm state security). See also PRC Central People's Government, "Macau SAR Formally Issues National Security Law, Effective March 3," 2 March 09; Fanny W.Y. Fung and Gary Cheung, "Macau Security Law Praised at Handover Event," South China Morning Post, 5 December 09. For detailed information on the law and its passage, see CECC, 2009 Annual Report, 10 October 09, 302–304.

[59] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Report on Human Rights Practices—2010, China (includes Tibet, Hong Kong, and Macau)," 8 April 11, 135.