AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2019

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

NOVEMBER 18, 2019

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

Available via the World Wide Web: https://www.cecc.gov

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2019

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

NOVEMBER 18, 2019

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

Available via the World Wide Web: https://www.cecc.gov

U.S. GOVERNMENT PUBLISHING OFFICE

36–743 PDF WASHINGTON : 2019

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

LEGISLATIVE BRANCH COMMISSIONERS

House	*Senate*
JAMES P. MCGOVERN, Massachusetts, *Chair*	MARCO RUBIO, Florida, *Co-chair*
MARCY KAPTUR, Ohio	JAMES LANKFORD, Oklahoma
THOMAS SUOZZI, New York	TOM COTTON, Arkansas
TOM MALINOWSKI, New Jersey	STEVE DAINES, Montana
BEN MCADAMS, Utah	TODD YOUNG, Indiana
CHRISTOPHER SMITH, New Jersey	DIANNE FEINSTEIN, California
BRIAN MAST, Florida	JEFF MERKLEY, Oregon
VICKY HARTZLER, Missouri	GARY PETERS, Michigan
	ANGUS KING, Maine

EXECUTIVE BRANCH COMMISSIONERS

Department of State, To Be Appointed
Department of Labor, To Be Appointed
Department of Commerce, To Be Appointed
At-Large, To Be Appointed
At-Large, To Be Appointed

JONATHAN STIVERS, *Staff Director*
PETER MATTIS, *Deputy Staff Director*

CONTENTS

	Page
I. Executive Summary	1
Statement From the Chairs	1
Overview	3
Key Findings	7
Political Prisoner Cases of Concern	20
General Recommendations to Congress and the Administration	27
Political Prisoner Database	33
II. Human Rights	37
Freedom of Expression	37
Findings and Recommendations	37
China's Compliance with International Standards on Freedom of Expression	39
30 Years after Tiananmen	39
Press Freedom and Tiananmen	41
Freedom of the Press	41
Internet and Social Media	45
Curtailment of Academic Freedom in China	47
Worker Rights	58
Findings and Recommendations	58
Trade Unions and Collective Bargaining	61
Heightened Suppression of Labor Rights Advocacy	61
Jasic Incident	62
Civil Society Organizations	62
Worker Strikes and Protests	64
996.ICU Campaign and Excessive Overtime	65
Social Insurance	65
Employment Relationships	66
Work Safety and Industrial Accidents	67
Occupational Health	68
Criminal Justice	77
Findings and Recommendations	77
Introduction	80
Use of Criminal Law to Punish Rights Advocates	80
Arbitrary Detention	81
Chinese Authorities' Retaliatory Use of Criminal Law against Canadian Citizens	83
Ongoing Challenges in Implementation of the Criminal Procedure Law	84
Torture and Abuse in Custody	86
Medical Care in Custody	86
Wrongful Conviction	87
Policing	87
Death Penalty	88
Organ Harvesting	89
Freedom of Religion	101
Findings and Recommendations	101
International and Chinese Law on Religious Freedom	104
Policies and Regulations Pertaining to Religious Freedom	104
Buddhism (Non-Tibetan) and Taoism	106
Christianity—Catholicism	107
Christianity—Protestantism	107
Falun Gong	109
Islam	109
Other Religious Communities	110

Page

II. Human Rights—Continued
Ethnic Minority Rights 116
Findings and Recommendations 116
Introduction 118
Party and State "Sinicization" of Ethnic Minorities 118
Policies Affecting Hui Islamic Communities 118
Grassland Protests in Inner Mongolia 119
Detention of Mongol Writers 120
Population Control 123
Findings and Recommendations 123
International Standards and China's Coercive Population Policies 125
Coercive Implementation and Punishment for Noncompliance 125
Report of Forced Sterilization in Mass Internment Camps in the Xinjiang Uyghur Autonomous Region 127
The Universal Two-Child Policy 127
Demographic and Humanitarian Consequences of Population Control Policies 128
Special Topic: Migrant Neighborhoods a Target of Anti-Crime and Vice Campaign 138
Findings and Recommendations 138
Introduction 140
Urban Village Eviction, Demolition, and Surveillance under the Anti-Crime and Vice Campaign: Yuhuazhai in Xi'an 141
Vulnerability of Internal Migrants and Household Registration Policies 142
Status of Women 148
Findings and Recommendations 148
Discrimination in Employment 150
Domestic and Gender-Based Violence 152
Public Participation 152
Human Trafficking 157
Findings and Recommendations 157
Defining Human Trafficking 159
Trends and Developments 159
Forced Labor in the Xinjiang Uyghur Autonomous Region 162
Risk Factors 162
Anti-Trafficking Efforts 163
Hong Kong 164
North Korean Refugees in China 174
Findings and Recommendations 174
Introduction 176
Border Conditions and Repatriation of Refugees 176
Crackdown on Foreign Missionaries 177
Trafficking of North Korean Women 178
Children of North Korean and Chinese Parents 178
Public Health 182
Findings and Recommendations 182
Legislative and Policy Developments 183
Food Safety 183
Drug Safety 183
Ongoing Misuse of the PRC Mental Health Law 185
The Environment 189
Findings and Recommendations 189
Introduction and Environmental Governance 191
Environmental Enforcement and Persistence of Severe Pollution 191
Public Interest Litigation and Criminal Enforcement 192
Suppression of Environmental Protests and Advocates 192
Media Reporting on Environmental Incidents and Corruption 194
Assessing the Chinese Government's Commitment to Combat Climate Change 195
Wildlife Trade and Traditional Chinese Medicine 196
Business and Human Rights 202
Findings and Recommendations 202
Introduction 205
Corporate Involvement in Possible Crimes Against Humanity in the Xinjiang Uyghur Autonomous Region 205
Clothing Made With Forced Labor Imported Into United States 207

Page

II. Human Rights—Continued
Commercial Firms' Role in Government Data Collection and Surveillance Across China ... 209
Role of Commercial Firms in Government Censorship ... 211
III. Development of the Rule of Law ... 219
Civil Society ... 219
Findings and Recommendations ... 219
Introduction ... 222
Universal Periodic Review ... 222
Government Suppression of Civil Society ... 223
Foreign NGOs' Activities in China ... 224
Arbitrary Detention of Canadian Citizen Michael Kovrig in China ... 225
Overall Regulatory Environment for Domestic NGOs ... 226
Suppression of the LGBTQ Community ... 226
Institutions of Democratic Governance ... 234
Findings and Recommendations ... 234
Governance in China's One-Party System ... 236
Communist Party Centralized and Expanded Control ... 236
Communist Party Formalized Control Over Personnel Management in Government ... 237
Use of Technology to Control Citizens ... 238
Citizen Participation ... 239
Accountability ... 240
Possible Political Motivations Behind Detaining Interpol President ... 242
Access to Justice ... 250
Findings and Recommendations ... 250
Communist Party's Control Over the Judicial Process ... 252
Judicial Interference and Party-Led Investigation ... 252
Persecution of Human Rights Lawyers ... 254
Citizen Petitioning ... 255
Legal Aid ... 256
Other Developments in the Judicial System ... 256
IV. Xinjiang ... 263
Findings and Recommendations ... 263
Intensified Repression in Mass Internment System ... 266
Documentation of Mass Internment Camps ... 270
Forced Labor in Mass Internment Camps ... 272
Transfer of Camp Detainees to Facilities Outside of the Xinjiang Uyghur Autonomous Region ... 273
Detentions of Leading Turkic Cultural and Intellectual Figures ... 273
Detentions of Kazakhs and Kyrgyz; Documentation in Kazakhstan and Kyrgyzstan of XUAR Mass Internment Camps ... 274
Forcible Displacement of the Children of Camp Detainees ... 275
Intrusive Homestay Programs ... 275
Repressive Surveillance Technology and Security Measures ... 276
Freedom of Religion ... 276
V. Tibet ... 288
Findings and Recommendations ... 288
Introduction ... 291
Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives ... 291
Government and Party Policy ... 291
Religious Freedom for Tibetan Buddhists ... 293
Self-Immolation ... 295
Status of Tibetan Culture and Language ... 296
Freedom of Expression ... 296
Freedom of Movement ... 297
Economy, Environment, and Development Concerns ... 298
VI. Developments in Hong Kong and Macau ... 306
Findings and Recommendations ... 306
Introduction: Hong Kong's Autonomy ... 309
Erosion of Political Autonomy in Hong Kong ... 309
National Anthem Bill ... 310
2019 Anti-Extradition Bill and Pro-Democracy Demonstrations ... 311

Page

VI. Developments in Hong Kong and Macau—Continued
Government Prosecution in Hong Kong Courts 313
Fundamental Freedoms 314
Macau 315

I. Executive Summary

STATEMENT FROM THE CHAIRS

The Congressional-Executive Commission on China (Commission) was established by the U.S.-China Relations Act of 2000 (Public Law No. 106–286) as China prepared to enter the World Trade Organization. The Commission is mandated to monitor human rights and the development of the rule of law in China, and to submit an annual report to the President and Congress. The Commission is also mandated to maintain a database of political prisoners in China—individuals who have been detained or imprisoned by the Chinese government for exercising their internationally recognized civil and political rights, as well as rights protected by China's Constitution and other domestic laws.

The Commission's 2019 Annual Report covers the period from August 2018 to August 2019. The comprehensive findings and recommendations in this report focus on the Chinese government's compliance with or violation of internationally recognized human rights, including the right to free expression, peaceful assembly, religious belief and practice, as well as any progress or regression on the development of the rule of law. As discussed in the subsequent chapters of this report, the human rights and rule of law conditions in China have continued to worsen this past year.

A part of the Commission's mandate is the inclusion of recommendations for legislative and executive action. In addition to the recommendations contained in this report, the Commission drafted, edited, and provided support for numerous legislative initiatives over the last year, including those related to human rights in the Xinjiang Uyghur Autonomous Region, Hong Kong's autonomy and rule of law, Tibet policy and human rights, the 30th anniversary of the 1989 Tiananmen protests, and the use of advanced technology to facilitate human rights abuses in China.

Over the past year, the Commission held congressional hearings on "Hong Kong's Future in the Balance: Eroding Autonomy and Challenges to Human Rights," "Tiananmen at 30: Examining the Evolution of Repression in China," and "The Communist Party's Crackdown on Religion in China." The Commission also held a town hall event in New York City with the New York and New Jersey Tibetan communities. The Commission regularly conducts congressional briefings and meetings with non-governmental organizations, academics, legal professionals, and human rights advocates. The Commission's Political Prisoner Database is an important tool for documenting political prisoners in China and providing publicly accessible information on individual cases for U.S. Government officials, advocates, academics, journalists, and the public.

Executive Summary

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

Sincerely,

Representative James P. McGovern
Chair

Senator Marco Rubio
Co-Chair

OVERVIEW

It has been three decades since China's People's Liberation Army was ordered to forcefully end the peaceful protests for political reform in Tiananmen Square and throughout China. The violent suppression of the 1989 Tiananmen protests was a key turning point in history as the Chinese government and Communist Party suspended experiments in openness and reform and strengthened a hardline approach to prevent the growth of independent civil society and reinforce their control over the people of China.

Since the Tiananmen crackdown, the Chinese government and Party have expanded a costly and elaborate authoritarian system designed to intimidate, censor, and even imprison Chinese citizens for exercising their fundamental human rights, including freedom of expression, peaceful assembly, and freedom of religion. Authorities targeted and imprisoned citizens calling for democratic reform—including Nobel Peace Prize laureate Liu Xiaobo, who took part in the Tiananmen protests and co-authored Charter 08, a political treatise that called for constitutional government and respect for human rights. In the years since Tiananmen, Liu Xiaobo spent a total of almost 16 years in detention and died in state custody in 2017.

After Xi Jinping became Chinese Communist Party General Secretary in 2012, and President in 2013, the space for human rights advocacy and political reform narrowed further as the Chinese government and Party exerted a tighter grip over governance, law enforcement, and the judiciary. Under President Xi's tenure, authorities launched a nationwide crackdown on the legal community and rights defenders; curtailed civil society, academia, and religious life; led an anticorruption campaign that helped remove political opposition inside the Party; and eliminated term limits on the presidency, signaling Xi's intention to remain in power indefinitely.

During its 2019 reporting year, the Congressional-Executive Commission on China (Commission) found that the human rights situation has worsened and the rule of law continued to deteriorate, as the Chinese government and Party increasingly used regulations and laws to assert social and political control. The Chinese government continued its crackdown on "citizen journalists" who report on human rights violations, with mainstream Chinese journalists calling conditions in China an "era of total censorship." The abuse of criminal law and police power to target rights advocates, religious believers, and ethnic minority groups also continued unabated, and reporting on such abuses became increasingly restricted.

Further, the Chinese government has become more efficient in the use of advanced technology and information to control and suppress the people of China. Nowhere is this more of a concern than in the Xinjiang Uyghur Autonomous Region (XUAR), where the Commission believes Chinese authorities may be committing crimes against humanity against the Uyghur people and other Turkic Muslims. Over the past year, Chinese authorities have expanded a system of extrajudicial mass internment camps in the XUAR. Although the true number of detainees has not been publicly reported, experts estimate one million or more Uyghurs,

Kazakhs, Kyrgyz, Hui, and others currently are or have been detained and subjected to abuse and forced labor in mass internment camps.

Outside the camps, the Chinese government and Party have created a pervasive and high-tech surveillance system in the XUAR that some observers have called an "open-air prison." The system integrates facial recognition cameras and real-time monitoring of cell phones into an Orwellian policing platform that observes every aspect of life in the XUAR and allows Chinese officials to tighten their control of Uyghurs and other Turkic Muslims in the region. This surveillance system is implemented—often with the assistance of domestic and international businesses—using security personnel and surveillance technology that helps Chinese officials repress Uyghurs and others in the XUAR.

As the world commemorated the 30th anniversary of the Tiananmen Square Massacre in 2019, China's leaders not only refused to provide a full, public, and independent accounting of events, but also continued to prohibit any public mourning by the families of the victims and censored discussion of the events of 1989 in mainland China. Hundreds of thousands of people joined together in Victoria Park in Hong Kong to participate in a candlelight vigil on the Tiananmen anniversary.

In Hong Kong, millions of people took to the streets to protest the Hong Kong government's introduction of a bill to amend the city's extradition law, revisions that would put anyone in Hong Kong—including U.S. citizens—at risk of extradition to mainland China, where lack of due process and custodial abuses have been well documented. The protest on June 16, 2019, which organizers estimated had over two million participants, was spurred by the unwillingness of the Hong Kong government to formally withdraw the extradition bill. As protests continued throughout the summer, Hong Kong police used rubber bullets, tear gas, pepper spray, and water cannons against peaceful protesters. Although consideration of the extradition law amendments was suspended, protesters continued to call for the bill to be withdrawn and for accountability for the excessive use of force by the Hong Kong police and criminal gangs—who were suspected of working with police—against protesters.

The 2019 Hong Kong protests are a manifestation of an unprecedented grassroots movement revealing deep discontent with the erosion of Hong Kong's autonomy. Under the "one country, two systems" framework based on the 1984 Sino-British Joint Declaration and established by Hong Kong's Basic Law, the Chinese government agreed to allow Hong Kong a "high degree of autonomy" with the "ultimate aim" of electing its Chief Executive and Legislative Council members by universal suffrage. Yet instead of making progress toward universal suffrage, Hong Kong authorities have prosecuted and sentenced pro-democracy leaders, disqualified and removed pro-democracy legislators from office, and introduced a new national anthem bill that would restrict free expression. In addition, mainland Chinese authorities continued to arbitrarily detain Hong Kong bookseller Gui Minhai, who was first abducted in 2015. Anson Chan, the former Hong Kong Chief Secretary and Legislative Council member, recently offered this insight: "If only Beijing

would understand what makes Hong Kong tick, what are the values we hold dear, then they can use that energy to benefit both China and Hong Kong. Instead, they have this mentality of control."

In Tibet, the 60th anniversary of the Dalai Lama's escape into exile passed without any progress toward a genuine dialogue between the Chinese government and the Dalai Lama or his representatives. This past year, Chinese authorities continued to systematically repress the peaceful exercise of internationally recognized human rights and intensify their restrictions on the religious and cultural life of Tibetans. Access to the Tibet Autonomous Region (TAR) remained tightly controlled, with international journalists reporting that it was more difficult to visit the TAR than North Korea. In a white paper issued in March 2019, the Chinese government restated the claim that it has the sole authority to select the next reincarnation of the Dalai Lama, in violation of the religious freedom of the Tibetan Buddhist community.

Chinese authorities continued to aggressively target unregistered Christian churches this past year as part of the implementation of new regulations on religious affairs. In a troubling development, congregations with hundreds of worshipers were officially banned, including Zion Church and Shouwang Church in Beijing municipality; Rongguili Church in Guangzhou municipality, Guangdong province; and the Early Rain Covenant Church in Chengdu municipality, Sichuan province. Sources also reported Protestant church closures in Guizhou, Henan, Anhui, and Zhejiang provinces.

The Chinese government and Communist Party seek to legitimize their political model internationally while preventing liberal and universal values from gaining a foothold inside China. The Party's United Front Work Department and Central Propaganda Department are increasingly active beyond China's borders, working to influence public perceptions about the Chinese government and neutralize perceived threats to the Party's ideological and policy agenda. These efforts focus heavily on shaping the mediums through which ideas about China, what it means to be Chinese, and Chinese government activities are understood. The practical effect of these activities is the exportation of the Party's authoritarian values. On the ground, this takes multiple forms, such as interfering in multilateral institutions; threatening and intimidating critics of the Chinese government; imposing censorship mechanisms on foreign publishers and social media companies; influencing academic institutions and critical analysis of China's past history and present policies; and compelling American companies to conform to the Party's narratives and to convey those narratives to U.S. policymakers. Chinese government-led investment and development projects abroad, such as the Belt and Road Initiative, bring with them a robust non-democratic political agenda. Just as at home, the Chinese government tries to integrate economic development and political control to leverage the market without endangering the Party's authoritarian values.

The people of China continued to actively organize and advocate for their rights, despite the Chinese government's deepening repression. In the labor sector, non-governmental organizations and citizen journalists documented numerous worker strikes and other

labor actions over the past year, despite an expanded crackdown on labor advocates and citizen journalists throughout the country. At Jasic Technology in Shenzhen municipality, Guangdong province, workers who attempted to set up a trade union were taken into custody in a crackdown starting in July 2018. Authorities also detained supporters of the Jasic workers, including university students, labor rights advocates, and citizen journalists, many of whom remained in detention as of August 2019. Earlier this year, Chinese internet technology workers launched a campaign against exploitative work hours—referred to as "996," a 9 a.m. to 9 p.m. schedule for six days a week common in many Chinese companies. Such long hours violate China's labor laws.

Women in China continued to face severe discrimination in hiring, wages, and promotions along with gender bias and sexual harassment in the workplace. Public pressure from advocacy campaigns, including a #MeToo-inspired movement, led Chinese officials to initiate policies to address sexual harassment and gender discrimination in employment. Nonetheless, inadequate enforcement and discriminatory laws persist.

Rising authoritarianism in China is one of the most important challenges of the 21st century. In the coming decades, global challenges will require a constructive Chinese role that respects and elevates the voices of over 1.3 billion people in China instead of suppressing them. U.S. foreign policy must prioritize the promotion of universal human rights and the rule of law in China, not only to respect and protect the basic dignity of the people of China, but to better promote security and prosperity for all of humanity.

KEY FINDINGS

FREEDOM OF EXPRESSION

- The Chinese government and Communist Party continued to restrict freedom of expression and freedom of the press in contravention of international human rights standards.
- At the UN Human Rights Council's third Universal Periodic Review (UPR) of China's compliance with international human rights norms, non-governmental organizations (NGOs) reported that the Chinese government and Communist Party violated freedom of expression and freedom of the press. NGO stakeholders raised concerns about Chinese government influence over the UPR process.
- Conditions for journalism in China continued to deteriorate. Some professional Chinese journalists described current conditions for journalism as an "era of total censorship." In addition, the government's ongoing crackdown on "citizen journalists" who have founded or are associated with websites that document human rights violations continued, as seen in the detention of individuals focused on labor conditions, such as **Wei Zhili, Yang Zhengjun,** and **Ke Chengbing.** Foreign journalists faced multiple challenges from the government, including surveillance, harassment, and obstruction.
- The government and Party continued to link internet security to national security. This past year, authorities detained and prosecuted individuals who criticized government officials and policies online. Authorities also censored or distorted a range of news and information that the government deemed "politically sensitive," including the 30th anniversary of Tiananmen, rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR), the protests in Hong Kong against proposed extradition legislation, and trade issues.
- Declining academic freedom in China linked to Party General Secretary and President Xi Jinping's reassertion of ideological control over universities was illustrated by reports of the internment of hundreds of predominantly Uyghur scholars in mass internment camps in the XUAR; the detentions of university students who advocated for labor rights; and the dismissal, suspension, and other forms of discipline imposed on faculty who criticized the government and Party.

WORKER RIGHTS

- China's laws and practices continue to contravene international worker rights standards, including the right to create or join independent trade unions. The All-China Federation of Trade Unions, an organization under the direction of the Chinese Communist Party, remains the only trade union organization permitted under Chinese law.
- The Chinese government did not publicly report on the number of worker strikes and protests, and NGOs and citizen journalists continued to face difficulties in obtaining comprehensive information on worker actions. The Hong Kong-based NGO China Labour Bulletin documented 1,702 strikes and

other labor actions in 2018, up from 1,257 strikes and other labor actions in 2017. In March 2019, Chinese internet technology workers launched a campaign against "996"—a 9 a.m. to 9 p.m. schedule for six days a week common in many Chinese technology companies. The campaign began with a project on the Microsoft-owned software development platform Github that identified how the schedule violates provisions in Chinese labor laws. The project received over 200,000 stars indicating popular support.

PERCENTAGE OF WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR

Year	Manufacturing	Construction	Transportation	Services	Other	Total Number Reported
2018	15.5% (263)	44.8% (763)	15.9% (270)	13.3% (227)	10.6% (180)	1,702
2017	19.7% (267)	38.1% (518)	8.6% (117)	15.2% (207)	10.8% (148)	1,257

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

- During the 2019 reporting year, Chinese authorities restricted the ability of civil society organizations to work on labor issues, and authorities expanded a crackdown on labor advocates across China. As of August 2019, authorities continued to detain over 50 workers and labor advocates, including **Fu Changguo, Zhang Zhiyu** (more widely known as Zhang Zhiru), and **Wu Guijun.**
- Chinese authorities and university officials monitored, harassed, and detained students and recent graduates who advocated on behalf of workers. Authorities detained approximately 50 supporters of workers who attempted to organize an independent union at Jasic Technology in Shenzhen municipality, Guangdong province, including Peking University graduate **Yue Xin.** In October 2018, Cornell University's School of Industrial and Labor Relations suspended two student exchange programs with Renmin University due to "gross violations of academic freedom" in China. As of May 2019, Chinese authorities had detained 21 members of the Marxist Society at Peking University, including **Qiu Zhanxuan** and **Zhang Shengye.**
- Government data showed a continued decline in workplace deaths this past year, although Chinese workers and labor organizations expressed concern about inadequate safety equipment and training. In March 2019, a chemical explosion killed 78 people in Jiangsu province, the largest industrial accident in China since 2015.

CRIMINAL JUSTICE

- Chinese government and Communist Party officials continued to abuse criminal law and police power to "maintain stability" (*weiwen*) with the goal of perpetuating one-party rule. The Chinese government used the criminal law to target rights advocates, religious believers, and ethnic minority groups.

• The government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders. Amnesty International estimated that China carried out more executions than any other country. The death penalty disproportionately targeted ethnic and religious minorities, such as Muslim Uyghurs, for their religious beliefs.
• Authorities continued to use various forms of arbitrary detention to deprive individuals of their liberty this past year, contravening international human rights standards.
• Authorities held rights advocates, lawyers, petitioners, and others in prolonged pretrial detention, including under "residential surveillance at a designated location," a form of incommunicado detention that can last up to six months, restricts access to counsel, and places detainees at risk of abuse by authorities.

Freedom of Religion

• Scholars and international rights groups have described religious persecution in China over the last year to be of an intensity not seen since the Cultural Revolution. Chinese Communist Party General Secretary and President Xi Jinping has doubled down on the "sinicization" of religion—a campaign that aims to bring religion in China under closer official control and into conformity with officially sanctioned interpretations of Chinese culture. Authorities have expanded the "sinicization" campaign to target not only religions perceived as "foreign," such as Islam and Christianity, but also Han Buddhism, Taoism, and folk religious beliefs.
• Violations of the religious freedom of Hui Muslim believers continued to intensify, with plans to apply "anti-terrorism" measures currently used in the Xinjiang Uyghur Autonomous Region (XUAR) in the Ningxia Hui Autonomous Region (Ningxia)—a region with a high concentration of Hui Muslim believers. A five-year plan to "sinicize" Islam in China was passed in January 2019. Meanwhile, ongoing policies included measures requiring Islamic religious leaders and lay believers to demonstrate their political reliability.
• Chinese authorities continued to subject Protestant Christian believers in China belonging to both official and house churches to increased surveillance, harassment, and control. The Commission observed reports this past year of official bans of large unregistered churches, including Zion Church and Shouwang Church in Beijing municipality; Rongguili Church in Guangzhou municipality, Guangdong province; and Early Rain Covenant Church in Chengdu municipality, Sichuan province. After the PRC Ministry of Foreign Affairs signed an agreement with the Holy See in September 2018 paving the way for unifying the state-sanctioned and underground Catholic communities, local Chinese authorities subjected Catholic believers in China to increasing persecution by demolishing churches, removing crosses, and continuing to detain underground clergy.
• As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment, with 931 practitioners reportedly sentenced for criminal "cult" of-

fenses in 2018. Human rights organizations and Falun Gong practitioners documented coercive and violent practices against practitioners during custody, including physical violence, forced drug administration, and other forms of torture.
• Bans on religious belief proliferated at the local level for students and various professionals. Party disciplinary regulations were revised to impose harsher punishment on members for manifestations of religious belief.

Ethnic Minority Rights

• Authorities carried out the physical destruction and alteration of Hui Muslim spaces and structures, continuing a recent trend away from relative toleration of Hui Muslim communities. These changes narrowed the space for Hui Muslim believers to assert an ethnic and religious identity distinct from that of the dominant Han Chinese population.
• Mongol herders in the Inner Mongolia Autonomous Region demonstrated and petitioned the government over the loss of traditional grazing lands. As in past reporting years, authorities detained some of the Mongol herders who peacefully protested.

Population Control

• Central government authorities rejected calls to end birth restrictions, despite population experts and National People's Congress delegates voicing demographic, economic, and human rights concerns over the Chinese government's population control policies. The Commission continued to observe reports of Chinese authorities threatening or imposing punishments on families for illegal pregnancies and births, using methods including heavy fines, job termination, and abortion.
• The Chinese government's restrictive family planning policies have exacerbated China's aging society and sex ratio imbalance. Human trafficking for forced marriage and commercial sexual exploitation continue to be challenges that have worsened under the decades-long population control policies implemented by the Chinese government.

Special Topic: Migrant Neighborhoods a Target of Anti-Crime and Vice Campaign

• An anti-crime campaign launched by central authorities in 2018 was used to target marginalized groups in China. Called the "Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice," the stated aims of the three-year campaign include guaranteeing China's lasting political stability and further consolidating the foundation of Communist Party rule.
• The Commission observed reports of local governments invoking this anti-crime campaign in order to target petitioners (individuals and groups who seek redress from the government), religious believers, village election candidates, and lawyers. Some local governments have also increased monitoring of internal migrant neighborhoods in the name of the anti-crime campaign.

STATUS OF WOMEN

- Women in China face severe discrimination throughout their careers, from job recruitment and hiring to wages and promotions. Gender bias and sexual harassment in the workplace are major factors contributing to the employment gender gap, as well as national laws mandating parental leave and other entitlements for women but not men.
- Despite official repression, independent public advocacy for women's rights continue to influence public discourse and policy. Following significant public pressure via advocacy campaigns led by grassroots activists, Chinese officials initiated policies to address gender discrimination in employment. Nonetheless, inadequate enforcement and discriminatory laws persist.
- Thirty percent of women have experienced some form of domestic violence, yet as of December 2018—nearly three years after the passage of the PRC Anti-Domestic Violence Law in March 2016—Chinese courts had issued only a total of 3,718 protection orders.

HUMAN TRAFFICKING

- Chinese authorities subjected Uyghur Muslims and other ethnic minorities in the XUAR to forced labor in the production of food, textiles, and other goods.
- Women and girls from countries including Burma (Myanmar), Cambodia, Indonesia, Laos, Mongolia, North Korea, Pakistan, and Vietnam were trafficked into China for forced marriage and sexual exploitation; and individuals from Burma, Mongolia, Nepal, and North Korea were trafficked to China for the purpose of forced labor. Chinese nationals were trafficked outside of China to other parts of the world, including the United States.
- The government of the Democratic People's Republic of Korea (DPRK) reportedly continued to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor, in possible violation of UN sanctions.
- Hong Kong remained a destination for the trafficking of migrant domestic workers from Indonesia and the Philippines who face exploitative working conditions.

NORTH KOREAN REFUGEES IN CHINA

- The Chinese government continued to detain North Korean refugees in China and repatriate them to the DPRK, where they face severe punishment, including torture, imprisonment, forced labor, and even execution. The repatriation of North Korean refugees violates China's obligations under international human rights and refugee law and may amount to "aiding and abetting crimes against humanity." This past year, Chinese and North Korean authorities reportedly imposed stricter border controls to deter North Korean refugees from escaping the DPRK.

• The majority of North Korean refugees leaving the DPRK are women. The Chinese government's refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China. Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to their lack of legal resident status in China, which constitute violations of the PRC Nationality Law and the Convention on the Rights of the Child.

PUBLIC HEALTH

• Food safety and vaccine safety scandals have continued to flare up in the past year, despite the Chinese government's attempts in the past decade to improve quality control. Analysts point to a lack of accountability, weak regulatory capacity and enforcement of laws, corruption, and government procurement systems that favor low-cost goods. The National People's Congress passed a new vaccine management law in June 2019 aimed at strengthening vaccine supervision, penalizing producers of substandard or fake vaccines, and introducing compensation for victims of faulty vaccines.
• Despite strong regulations aimed at improving food and vaccine safety and punishment for companies and individuals found guilty of criminal acts, authorities also continued to detain citizens for speaking out and organizing protests, including victims and parents of children who received tainted vaccines.
• Chinese authorities reportedly continued to forcibly commit individuals to psychiatric facilities, including government critics and those with grievances against government officials and legal processes, even though the PRC Mental Health Law prohibits such abuses.

THE ENVIRONMENT

• Environmental pollution remained a major challenge in China due to authorities' top-down approach to environmental challenges, transparency shortcomings, and the suppression and detention of environmental advocates. The Chinese government's vision of environmental governance was articulated in the National Development and Reform Commission's work report for 2018, which states, "the government leads, enterprises are the main actors, and social organizations and the public participate." The role for the public in environmental protection, however, remained limited.
• In 2018, carbon dioxide emissions in China continued to increase, as Chinese state-owned banks funded international coal-fired power projects. While the Chinese government continued to report progress in environmental protection, a March 2019 ranking of air pollution in over 3,000 cities around the world, indicated that 57 of the 100 most polluted cities in 2018 (based on fine particulate concentrations) were in China.

Business and Human Rights

- Chinese domestic businesses and international businesses are increasingly at risk of complicity in the egregious human rights violations committed by the Chinese Communist Party and government. For example, in the XUAR, experts have documented the rapid expansion of a network of mass internment camps in which authorities have arbitrarily detained over a million individuals from predominantly Muslim ethnic minority groups. The company **Hangzhou Hikvision Digital Technology** has supplied surveillance systems to the camps as part of a public-private partnership with XUAR authorities.
- The Commission observed numerous reports this past year of forced labor in the XUAR. One investigation found that materials from firms using forced labor in the XUAR had entered the supply chains of major international clothing companies including **Adidas, H&M, Nike,** and **Patagonia.**
- Chinese security authorities continued to work with domestic companies to expand the reach and analytical power of government surveillance systems across China. Chinese technology firms **SenseTime, Megvii, CloudWalk, Yitu,** and **Tiandy** all reportedly sold technology to Chinese authorities for use in surveillance systems. The government uses this technology to surveil rights advocates and others the government views as threats.

Civil Society

- In the past few years, the Chinese government has harshly repressed human rights lawyers, women's rights advocates, labor rights defenders, citizen journalists, and petitioners. In conjunction with the continued implementation of legislative and regulatory reforms passed in 2016 and the increased role and purview of the Party over all aspects of Chinese society, the space non-governmental organizations (NGOs) had in which to carry out human rights advocacy activities continued to shrink.
- The Chinese government highlighted overseas NGOs as threats to China's "political security," without defining the term. The Chinese government invoked this vague term to crack down on organizations working in human rights and rule-of-law advocacy.
- Chinese government efforts to suppress labor advocacy—labeling such advocacy as driven by foreign interests—made it increasingly difficult for workers in China to organize grassroots efforts and advocate for their rights. Chinese authorities carried out a large-scale nationwide crackdown on labor rights advocates that began in July 2018 when workers at the Jasic Technology factory in Shenzhen municipality, Guangdong province, attempted to organize a labor union and received widespread national support from university students and internet users. Authorities portrayed the labor protests as orchestrated by a "foreign-funded" NGO, and harassed, physically assaulted, detained, and prosecuted labor advocates and supporters.

• The Chinese government continued to suppress the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China. LGBTQ individuals faced a multitude of challenges, including a lack of legal protections. The Chinese government cracked down on organizations and rights defenders active on LGBTQ issues. Nevertheless, LGBTQ advocates supported online campaigns highlighting workplace discrimination and sexual harassment, and censorship. The Chinese government has not followed multiple recommendations from UN bodies regarding LGBTQ protections.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

• China's one-party authoritarian political system remains out of compliance with international human rights standards because authorities deprived citizens of the right to meaningfully participate in the electoral process and in public affairs in general.
• As General Secretary Xi Jinping continued to promote rule-based governance, the Chinese Communist Party passed a series of rules to formalize the manner and extent of the Party's control over the government and society. These rules reinforced the all-encompassing authority of the Party and centralized personal leadership of Xi Jinping. One set of rules formalized the Party's longstanding control over the judiciary, the procuratorate, public security agencies, national security agencies, and judicial administration agencies.
• Central authorities also issued rules to regulate personnel management in the government by requiring civil servants to receive political indoctrination and by imposing political considerations as criteria for career advancement. In one instance, the Party Central Committee issued an opinion prohibiting officials from expressing views inconsistent with or "improperly discussing" the Party's policy even outside of work hours.
• Citizens' opportunities to participate in limited local elections diminished this past year. Chinese authorities reduced the frequency of elections for grassroots-level committees—from once every three years to once every five years—in order to synchronize with the terms of the corresponding Party offices, thereby "complementing the Party's complete leadership."
• On the international stage, China categorically denied responsibility for human rights violations despite evidence of human rights abuses. It further rejected recommendations to cease the practice of arbitrary detention and rejected calls to release political prisoners.

ACCESS TO JUSTICE

• Chinese authorities continued to influence the judiciary, control the legal profession, and persecute human rights lawyers in violation of the International Covenant on Civil and Political Rights.
• Official media's promotion of the Party's absolute leadership over the judiciary had a negative impact on the overall judicial process. The Supreme People's Court planned to amend past

judicial interpretations to conform to the approved political ideology and not issue any new judicial interpretations unless the topic is specified by the Party. With respect to the legal profession, the Minister of Justice urged lawyers to "unify their thoughts" and to accept the Party's complete leadership over their work.

- Authorities continued to view legal representation provided by human rights lawyers as a threat to the Party's political security, as they continued to criminally prosecute them on charges such as "subversion of state power." Authorities also restricted the speech and movement of human rights lawyers, and in some cases stripped them of their law licenses.

XINJIANG

- In the past year, authorities in the XUAR expanded a system of extrajudicial mass internment camps, arbitrarily detaining one million or more Uyghurs, Kazakhs, Kyrgyz, Hui, and others. Security personnel at the camps subjected detainees to torture, including forced ingestion of drugs; punishment for behavior deemed religious; forced labor; overcrowding; deprivation of food; and political indoctrination. Authorities transferred some detainees from mass internment camps in the XUAR to detention facilities in other parts of China, due to factors including overcrowding in camps within the XUAR and authorities' desire to conceal information on camp detainees. Some detainees reportedly died in camps due to poor conditions, medical neglect, or other reasons.
- Scholars and rights groups provided strong arguments, based on available evidence, showing that the "crimes against humanity" framework may apply to the case of mass internment camps in the XUAR. Article 7 of the Rome Statute of the International Criminal Court provides a list of 11 acts, any one of which may constitute "crimes against humanity" "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."

Acts listed in Article 7 of the Rome Statute	**Possible application to the treatment of Turkic Muslims in the XUAR**
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;	Arbitrary, prolonged detention of Uyghurs, Kazakhs, Kyrgyz, Hui, and others in mass internment camps in the XUAR since around April 2017;
(f) Torture;	Security personnel in mass internment camps in the XUAR subjected detainees to widespread torture, including through the use of electric shocks and shackling people in painful positions;

Acts listed in Article 7 of the Rome Statute	Possible application to the treatment of Turkic Muslims in the XUAR
(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in Paragraph 3 [Article 7(3) of the Rome Statute], or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph [Article 7 of the Rome Statute] or any crime within the jurisdiction of the Court;	Security personnel have detained a million or more Uyghurs, Kazakhs, Kyrgyz, and Hui; enforced harsh, widespread restrictions on peaceful Islamic practices of XUAR residents; and subjected Turkic and Muslim XUAR residents to intense surveillance, checkpoints, intimidation, and involuntary biometric data collection.
(i) Enforced disappearance of persons.	Hundreds of intellectuals forcibly disappeared by authorities in the XUAR are among the million or more Uyghurs, Kazakhs, Kyrgyz, and Hui detained in mass internment camps.

- Mass internment camp detainees reportedly included permanent residents of the United States and Australia. American officials stated in March 2019 that Chinese authorities may have detained several American residents in mass internment camps. As of April 2019, authorities had reportedly detained more than a dozen Australian residents. In addition, at least five Australian children reportedly were unable to leave the XUAR due to restrictions on the freedom of movement of their parents in the XUAR.
- Authorities reportedly placed the children of mass internment camp detainees in the XUAR in orphanages, welfare centers, and boarding schools, often despite the willingness of other relatives to care for the children, raising concerns of forcible assimilation.
- XUAR government authorities continued to use surveillance technology and other measures to tighten state control over ethnic minority groups in the region, and to identify individuals to detain in mass internment camps. A Human Rights Watch report documented authorities' continued use of a centralized system known as the "Integrated Joint Operations Platform" (IJOP) to compile and analyze information collected through mass surveillance mechanisms in the XUAR and detect "abnormal" behaviors, targeting individuals for detention in camps or other types of restriction on movement.

TIBET

- The Chinese government and Communist Party significantly tightened restrictions on access to the Tibet Autonomous Region (TAR) and other Tibetan areas in China for international journalists, non-governmental organizations (NGOs), foreign officials, scholars, and members of the Tibetan diaspora. Chinese authorities require all foreign visitors to the TAR to apply for a special permit. Tourists must be accompanied by government-designated tour guides, and are only allowed to see controlled sites. International journalists have stated that the isolation of the TAR is worse than that of North Korea, allowing the Chinese government to conceal human rights abuses and environmentally damaging large-scale activities, such as damming rivers and mining, and to promote the claim that Tibetans benefit from and support the Party and its actions.
- The government and Party intensified security and surveillance in the TAR and other Tibetan autonomous areas, using increasingly advanced technology, and continued an "anti-crime and vice campaign" to crack down on Tibetans suspected of organizing or participating in activities that authorities deem to be threatening to government control or "social stability."
- Authorities continued to restrict the religious freedom of Tibetan Buddhists under the "sinicization" campaign, which aims to bring religion in China under closer official control and into conformity with officially sanctioned interpretations of Chinese culture. Actions taken included mandatory political education for religious leaders, large-scale evictions from influential monasteries, banning religious activities for youth, and replacing images of the Tibetan Buddhists' spiritual leader, the Dalai Lama, with past and current Party leaders Mao Zedong and Xi Jinping.
- The Chinese government continued to pursue large-scale infrastructure and investment projects in the TAR and other Tibetan areas, including hydropower dams, mines, and the resettlement of Tibetan nomads, with no apparent representative input from the Tibetan population, independent environmental NGOs, or rights groups. These activities violate the social, economic, and cultural rights of Tibetans, such as their rights to housing and livelihood, and raised concerns among environmental scientists and advocates about their regional and global impact.
- The Panchen Lama, **Gedun Choekyi Nyima,** whom the Dalai Lama recognized in May 1995, reached his 30th birthday on April 25, 2019, while remaining incommunicado in government custody at an unknown location. Moreover, in violation of the religious freedom of Tibetan Buddhists, the Party continued to promote public appearances by its chosen Panchen Lama, Gyaltsen Norbu, including his first trip abroad to Thailand, and to a sacred Buddhist site, adding to speculation that Chinese officials will eventually attempt to use him in efforts to select the next Dalai Lama.

DEVELOPMENTS IN HONG KONG AND MACAU

- The Commission observed a further erosion of Hong Kong's autonomy and fundamental freedoms under the "one country, two systems" framework. The Hong Kong government sought to advance changes to the territory's extradition law to allow the surrender of individuals to mainland China and to empower the Chief Executive to make decisions on fugitive arrangements on a case-by-case basis without a vetting process in the Legislative Council (LegCo). If passed, the bill would expose local and foreign citizens transiting, visiting, or residing in Hong Kong to the risk of being extradited to China.
- A series of mass protests against the extradition bill on the scale of tens of thousands to two million took place in Hong Kong beginning in March 2019, garnering widespread international attention and concern. Protests continued throughout the summer, despite the Hong Kong government's decision to suspend—but not withdraw—consideration of the extradition bill. Protesters demanded that the government formally withdraw the extradition bill, create an independent commission to investigate reports of the excessive use of force by police during the protests, retract the characterization of the June 12 demonstrations as a "riot," drop all charges against arrested anti-extradition bill protesters, and pursue democratic reforms to allow for universal suffrage in Hong Kong's elections.
- Over the past year, the Hong Kong government continued to reject the candidacy of LegCo and local election nominees such as **Lau Siu-lai** and **Eddie Chu Hoi-dick** based on their political beliefs and associations, violating Article 21 of the Hong Kong Bill of Rights Ordinance, which guarantees the right to "vote and be elected at genuine periodic elections."
- The Hong Kong government continued to pursue criminal charges against leaders and participants of public demonstrations, including the 2014 pro-democracy protests ("Umbrella Movement"). In April 2019, a Hong Kong court found nine leaders of the Umbrella Movement guilty of charges related to "public nuisance" and sentenced **Benny Tai Yiu-ting** and **Chan Kin-man** to 16 months in prison and **Raphael Wong** and **Shiu Ka-chun** to 8 months in prison.
- The Hong Kong government limited the freedoms of expression, association, and assembly by banning the pro-independence Hong Kong National Party (HKNP) and rejecting the visa renewal request of Financial Times Asia editor **Victor Mallet** who hosted an event featuring **Andy Chan,** founder of the HKNP, months earlier. An event featuring dissident artist **Badiucao** was canceled over "safety concerns" after authorities from the Chinese government reportedly issued threats against the artist.
- Chinese government influence over the territory, and Hong Kong officials' willingness to conform to the interests of the Chinese government, continued a trend of decreased autonomy observed over the past several years. This trend has implications for both the protection of the rights and freedoms of the people of Hong Kong and for the future of U.S. policy towards

Hong Kong, which is based on the territory's continuing autonomy.

- The Commission did not observe progress in Macau toward universal suffrage in the 2019 Chief Executive (CE) election. Former Macau Legislative Assembly president Ho Iat Seng won the uncontested election on August 25, 2019, because he was the only candidate able to garner enough nominations in the 400-member CE Election Committee.

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

The Commission adopted this report by a vote of 17 to 0.†

†Voted to adopt: Representatives McGovern, Kaptur, Suozzi, Malinowsky, McAdams, Smith, Mast, and Hartzler; Senators Rubio, Lankford, Cotton, Daines, Young, Feinstein, Merkley, Peters, and King.

POLITICAL PRISONER CASES OF CONCERN

Members of Congress and the Administration are encouraged to consult the Commission's Political Prisoner Database (PPD) for credible and up-to-date information on individual prisoners or groups of prisoners. The Cases of Concern in the Commission's 2019 Annual Report highlight a small number of individuals whom Chinese authorities have detained or sentenced for peacefully exercising their internationally recognized human rights. Members of Congress and the Administration are encouraged to advocate for these individuals in meetings with Chinese government and Communist Party officials. For more information on these cases and other cases raised in the Annual Report, see the Commission's Political Prisoner Database.

Name PPD Record No.	Case Summary (as of August 2019)
Abdughappar Abdurusul 2018-00645	**Date of Detention:** July 2018 **Place of Detention:** Unknown, but taken into custody while in Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, Xinjiang Uyghur Autonomous Region (XUAR) **Charge:** Unknown **Status:** Sentenced to death **Context:** A 42-year-old businessman and philanthropist living in Ghulja, Abdughappar Abdurusul may have been detained for taking the Hajj pilgrimage independently, rather than through a Chinese government-organized group. His brother reported that officials sentenced Abdurusul to death in a mass trial without legal counsel and seized his family's assets. **Additional Information:** Authorities also reportedly detained his wife, Merhaba Hajim, in April 2018, and held her in a mass internment camp. She reportedly died in detention. In 2017, authorities detained their eldest son Abuzer, then 18, after he returned to China from studying in Turkey. Authorities also detained Abdurusul's younger brother Abduqadir Abdurusul and his wife (name not reported) in or around July 2018. Details on their detentions were unavailable.
Rahile Dawut 2018-00552	**Date of Detention:** December 2017 **Place of Detention:** Unknown, possibly held in a mass internment camp in the XUAR **Charge:** Unknown **Status:** Disappeared **Context:** Uyghur ethnographer Rahile Dawut disappeared and is believed to be held in a mass internment camp. Friends and other observers suggested authorities may have detained her due to her efforts to preserve Uyghur culture and heritage, or her foreign connections. She formerly taught at Xinjiang University and is well regarded for her scholarly research on traditional Uyghur culture. **Additional Information:** At least one of Dawut's graduate students also reportedly disappeared.

Name PPD Record No.	Case Summary (as of August 2019)
Tashpolat Teyip 2019-00064	**Date of Detention:** March 2017 **Place of Detention:** Unknown location in the XUAR **Charge:** Possibly related to separatism **Status:** Sentenced to death with 2-year reprieve **Context:** Xinjiang University president Tashpolat Teyip disappeared in Beijing municipality as he prepared to fly to Germany to attend a conference. A Uyghur geographer who received international acclaim for his environmental research, authorities accused Teyip of being a "separatist," together with 5 other Uyghur intellectuals. Authorities reportedly cracked down on Teyip for being "two-faced," a term Chinese officials use to refer to ethnic minority cadres who pretend to support the Chinese Communist Party. A student of Teyip said his custom of beginning public statements with a Uyghur greeting may have prompted authorities to target him.
Sanubar Tursun 2019-00071	**Date of Detention:** Late 2018 **Place of Detention:** Unknown, possibly held in a mass internment camp in the XUAR **Charge:** Unknown **Status:** Unknown **Context:** Renowned Uyghur singer Sanubar Tursun disappeared inside China in late 2018. In November 2018, concerts she had been scheduled to perform in France in February 2019 were canceled, after her international contacts could no longer reach her. Authorities may have sentenced Tursun to 5 years in prison, but sources were unable to confirm this.
Bonkho Kyi 2012-00261	**Date of Detention:** November 2015 **Place of Detention:** A prison in Wenchuan (Lunggu) county, Aba (Ngaba) Tibetan & Qiang Autonomous Prefecture (T&QAP), Sichuan province **Charge:** Unknown **Status:** Sentenced to 7 years **Context:** Between October and December 2015, public security officials in Aba (Ngaba) county, Aba T&QAP, detained at least 8 Tibetans accused of involvement in organizing observances of the Dalai Lama's 80th birthday, including Bonkho Kyi, who had helped organize a public picnic to celebrate the birthday. **Additional Information:** Other Tibetans in Aba county detained for commemorating the Dalai Lama's 80th birthday included Argya Gya (Akyakya), Tsultrim (Tsulte), and Tsultrim, all of whom remained in detention.

Executive Summary

Name PPD Record No.	Case Summary (as of August 2019)
Tashi Wangchug (also spelled Wangchuk) 2016-00077	**Date of Detention:** January 27, 2016 **Place of Detention:** Dongchuan Prison, Qinghai province **Charge:** Inciting separatism **Status:** Sentenced to 5 years **Context:** Tibetan language rights advocate and entrepreneur Tashi Wangchug (also spelled Wangchuk) shared information online calling on the Qinghai provincial government to improve bilingual education and hire more bilingual civil servants. Authorities used as evidence in Tashi Wangchug's trial a short New York Times documentary that featured his attempts to file a lawsuit over the lack of sufficient Tibetan-language education.
Bian Lichao 2015-00171	**Date of Detention:** February 25, 2012 **Place of Detention:** Shijiazhuang Prison, Hebei province **Charge:** Unknown **Status:** Sentenced to 12 years **Context:** Public security officials detained middle school teacher and Falun Gong practitioner Bian Lichao, allegedly because he made DVDs and other materials to promote the Falun Gong-connected Shen Yun performance arts group. **Additional Information:** In 2014, authorities also detained Bian's wife, daughter, and another relative in connection with Bian's daughter's attempts to visit him in prison.
Gao Zhisheng 2005-00291	**Date of Detention:** August 2017 **Place of Detention:** Beijing municipality (unconfirmed). Authorities disappeared Gao while holding him at his family's home in Jia county, Yulin municipality, Shaanxi province. **Charge:** Unknown (if any) **Status:** Disappeared **Context:** The reason for Gao's current detention is unknown. Since August 2006, authorities have held Gao—a former lawyer whose license was suspended in 2005—under various forms of detention, reportedly for representing farmers in land expropriation cases and for writing open letters condemning persecution of Falun Gong practitioners and Christians. Authorities reportedly tortured Gao during detention.

Name PPD Record No.	Case Summary (as of August 2019)
Huang Qi 2004-04053	**Date of Detention:** November 28, 2016 **Place of Detention:** Mianyang PSB Detention Center, Sichuan province **Charges:** Illegally providing state secrets to foreign entities, intentionally leaking state secrets **Status:** Sentenced to 12 years **Context:** Huang Qi is a citizen journalist and founder of the website 64 Tianwang, which reported on petitioners and other human rights issues in China. Huang previously served prison sentences for posting articles online about the 1989 Tiananmen protests and Falun Gong, and for aiding the parents of children who died in the 2008 earthquake in Sichuan. **Additional Information:** Authorities have refused requests for medical parole despite Huang's life-threatening kidney disease. Authorities have also detained Huang's 85-year-old mother, Pu Wenqing, in confinement at home and at a hospital since December 2018.
Jiang Wei 2018-00366	**Date of Detention:** November 9, 2015 **Place of Detention:** Liaoning Women's Prison, Liaoning province **Charge:** Unknown **Status:** Sentenced to 12 years **Context:** Jiang is a Falun Gong practitioner who has been detained multiple times for her beliefs. Previously, authorities ordered Jiang to serve 3 years at a reeducation-through-labor camp in 1999, subjecting her to electric shocks and other physical abuse. In 2004, authorities sentenced Jiang to 8 years in prison, and later committed her to a psychiatric hospital. **Additional Information:** Jiang has reportedly endured maltreatment while in prison, including abusive language, beatings, and 15 days of solitary confinement. While in solitary, she was kept in a cell too small to stand in. She was also forced to eat and defecate in the cell, which was infested with flies and mosquitoes.
Li Yuhan 2017-00361	**Date of Detention:** October 9, 2017 **Place of Detention:** Shenyang No. 1 PSB Detention Center, Liaoning province **Charges:** Picking quarrels and provoking trouble, fraud **Status:** Pretrial detention **Context:** A lawyer, Li previously represented rights lawyer Wang Yu, whom authorities detained in a crackdown on human rights legal professionals that began in mid-2015. **Additional Information:** Li suffers from various health conditions, including heart disease, hypertension, and hyperthyroidism. Staff at the detention center reportedly instructed other inmates to urinate on her food, denied her hot water for showers, denied her medical treatment, and threatened to beat her to death. In March 2018, Li went on a hunger strike to protest the mistreatment, which prompted detention center officials to force-feed her.

Executive Summary

Name PPD Record No.	Case Summary (as of August 2019)
Qin Yongmin 2004-02138	**Date of Detention:** January 9, 2015 **Place of Detention:** Guanghua Prison, Hubei province **Charge:** Subversion of state power **Status:** Sentenced to 13 years **Context:** A longstanding democracy advocate, Qin Yongmin previously served 8 years in prison for his participation in the Democracy Wall movement and 12 years in prison for his role in co-founding the China Democracy Party. He also co-founded the NGO China Human Rights Watch (also known as "Rose Group"). A 2018 court decision noted the 2012 publication in Hong Kong of Qin's writings on peaceful democratic transition. **Additional Information:** Authorities detained Qin's wife, Zhao Suli, around the same time as Qin. After more than 3 years of "enforced disappearance," Zhao returned to her Wuhan home around February 2018. Authorities continued to restrict Zhao's activities after her release.
Wang Yi 2018-00615	**Date of Detention:** December 9, 2018 **Place of Detention:** Chengdu PSB Detention Center, Sichuan province **Charges:** Inciting subversion of state power, illegal business activity **Status:** Pretrial detention **Context:** Authorities detained Early Rain Covenant Church pastor and founder Wang Yi one day before officially banning the unregistered Protestant church located in Chengdu municipality, Sichuan. Wang's detention took place amid a broad crackdown on unregistered churches in China. **Additional Information:** In addition to Wang, authorities detained at least 100 Early Rain members beginning in December 2018. Authorities continued to surveil many of the members even after releasing them, including Wang's wife, Jiang Rong. Church members reported that while in detention they were force-fed unknown medication and were coerced to confess or to falsely accuse Wang and other church leaders of wrongdoing.

Name PPD Record No.	Case Summary (as of August 2019)
Yue Xin 2018-00665	**Date of Detention:** August 24, 2018 **Place of Detention:** Unknown **Charge:** Unknown **Status:** Disappeared **Context:** Beginning in July 2018, authorities took into custody over 60 individuals connected to factory workers' attempts to form a labor union at Jasic Technology (Jasic) in Shenzhen municipality, Guangdong province. On August 19, Peking University graduate Yue Xin published an open letter calling on central authorities to permit the workers to unionize. On August 24, police detained Yue Xin and about 50 individuals who had gathered in Shenzhen to show support for the detained Jasic workers. **Additional Information:** Authorities continued to hold at least 32 individuals in detention in connection with the Jasic protests as of December 7, 2018. In January 2019, Yue Xin and other student supporters of Jasic workers appeared in a video giving what appeared to be forced confessions.
Zhang Haitao 2015-00343	**Date of Detention:** June 26, 2015 **Place of Detention:** Shaya Prison, XUAR **Charges:** Inciting subversion of state power; stealing, spying, purchasing, and illegally providing state secrets and intelligence for overseas entities **Status:** Sentenced to 19 years, upheld on appeal **Context:** In June 2015, authorities in Urumqi municipality, XUAR, reportedly launched a "clean-up of individuals active on the internet" campaign as part of a "stability maintenance" effort in the region, detaining Zhang in connection to his online criticism of the government's ethnic minority policies.
Zhang Zhiyu (more widely known as Zhang Zhiru) 2019-00117	**Date of Detention:** January 20, 2019 **Place of Detention:** Detention center in Bao'an district, Shenzhen municipality, Guangdong province **Charge:** Gathering a crowd to disturb social order **Status:** Formally arrested, awaiting trial **Context:** Zhang Zhiyu (more widely known as Zhang Zhiru) was one of five labor advocates whom authorities detained in January 2019. These detentions appear to be part of an ongoing crackdown on grassroots labor advocacy. Zhang is the director of the Chunfeng Labour Dispute Service Center, which he founded in 2007, and has been involved in many landmark labor disputes.

In addition, members of Congress and the Administration are encouraged to advocate for the increasing number of individuals prosecuted and imprisoned in connection with their promotion of democracy or human rights in Hong Kong. For more information on the following case and related cases, see Section VI—Developments in Hong Kong and Macau in this report.

Name	Case Summary (as of August 2019)
Chan Kin-man	**Date of Detention:** Began serving sentence April 24, 2019 **Place of Detention:** Pik Uk Prison, Sai Kung, New Territories, Hong Kong **Charges:** Conspiracy to commit public nuisance, incitement to commit public nuisance, incitement to incite public nuisance **Status:** Sentenced to 1 year and 4 months, appeal filed **Context:** Professor Chan Kin-man of the Chinese University of Hong Kong, Professor Benny Tai of the University of Hong Kong, and Reverend Chu Yiu-ming initiated the peaceful "Occupy Central with Love and Peace Campaign" in 2013, demanding universal suffrage for the 2017 Chief Executive (CE) election and 2020 Legislative Council elections. In response to the National People's Congress Standing Committee August 2014 decision that the CE would not be elected by universal suffrage in 2017, Chan and others mobilized supporters to protest the decision in what is now known as the "Umbrella Movement," during which protesters occupied the Central district in Hong Kong for 79 days, demanding electoral reform and universal suffrage. **Additional information:** Hong Kong authorities pursued charges related to public nuisance against 9 pro-democracy advocates for their activities in the Umbrella Movement. In 2019, a Hong Kong court found them guilty on April 9, and on April 24, sentenced Chan Kin-man and Benny Tai to 1 year and 4 months in prison, and Chu Yiu-ming to 1 year and 4 months, suspended for 2 years. On August 15, 2019, Tai was released on bail pending appeal.

General Recommendations to Congress and the Administration

As the Chinese government and Communist Party continue to erode the rule of law in China and the human rights of the Chinese people, the U.S. Government should develop coordinated policies that reflect that pressing for greater transparency, reciprocity, and adherence to universal standards is necessary to advance American interests and the interests of Chinese citizens eager for peace, rights protections, the rule of law, and genuine political reform. A shared commitment to universal human rights and the rule of law—and willingness to act in their defense—is the foundation for the cooperative alliances, security partnerships, and multilateral consultative mechanisms underpinning U.S. power since the end of World War II. The Commission makes the following recommendations for consideration by Congress and the Administration:

- **Develop a Whole-of-Government Approach to Human Rights in China.** In order to ensure that the U.S. Government can strategically address a more authoritarian China, the President should issue a policy directive to develop a comprehensive strategy embedding human rights, the rule of law, and democratic governance into the critical mission strategies of all U.S. Government entities interacting with the Chinese government. This strategy should include expanding efforts within the U.S. Government to counter disinformation, coercive political influence operations, and censorship efforts, particularly those targeting diaspora communities. As the Administration develops this strategy, attention should be paid to messaging and programs that address the rights violations that affect the largest number of Chinese citizens, particularly workers, families, religious believers, ethnic minority groups, internet users, women, and rural residents; avoid fostering an atmosphere of unfair suspicion of Chinese-Americans who are often targets of coercive political influence operations; and inform Chinese nationals of their civil rights while living, studying, or working in the United States.
- **Address Abuses in the Xinjiang Uyghur Autonomous Region (XUAR).** The Administration should aggregate policy responses within the U.S. Government to address gross human rights violations in the XUAR, including by:
  - Using Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) sanctions to hold accountable Chinese business entities and officials complicit in the mass internment and surveillance of Uyghurs and other Turkic Muslim minorities and to encourage like-minded allies to issue their own sanctions.
  - Controlling sales of new and emerging technologies, including facial recognition systems, machine learning, and biometric and artificial intelligence technologies, by placing the XUAR government and security agencies on the U.S. Department of Commerce's "Entity List."
  - Requesting an open debate or, at the very least, an Arria-formula briefing at the UN Security Council on the XUAR, and initiating or signing on to joint statements on the XUAR at the UN Human Rights Council.

- Creating guidelines for counterterrorism and law enforcement cooperation with China and other countries in the Shanghai Cooperation Organization to ensure that the U.S. Government does not condone or assist in Chinese authorities' crackdown on domestic political dissent or restrictions on internationally recognized human rights.
- Working with Congress to pass legislation that provides information and new authorities, including export controls and limitations on U.S. Government procurement from China, that will allow a more robust approach to the Chinese government's atrocities in the XUAR, including through passage of the Uyghur Human Rights Policy Act of 2019 (S. 178/H.R. 649).

• **Hold Chinese Government Officials Accountable for Abuses.** In addition to the list-based sanctions of the Global Magnitsky Act, the Administration should strategically use the mechanisms available in the International Religious Freedom Act of 1998 (Public Law No. 105–292), the Victims of Trafficking and Violence Protection Act of 2000 (Public Law No. 106–386), the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law No. 114–122), and the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act of 2000 (Public Law No. 106–113—Appendix G) to levy financial sanctions against or deny U.S.-entry visas to Chinese officials complicit in human rights violations including severe religious freedom restrictions and human trafficking.

• **Update the "Tiananmen Sanctions."** Congress should strengthen existing sanctions prohibiting the sale of "crime control and detection" equipment (Public Law No. 101–246 902(a)(4)) to the Chinese government to include related services and training, as well as add language identifying and controlling the technology needed for mass surveillance, the creation of predictive policing platforms, and the gathering of sensitive electronic or biometric information.

• **Condition Access to U.S. Capital Markets.** The Administration should identify and list Chinese companies and entities with a presence in U.S. capital markets that have provided material support or technical capabilities to facilitate human rights abuses in China—including in the XUAR—and strengthen disclosure requirements at the Securities and Exchange Commission to alert American investors about the presence of such Chinese entities in U.S. capital markets.

• **Address the Erosion of Hong Kong's Autonomy.** The Congress should pass the Hong Kong Human Rights and Democracy Act of 2019 (S. 1838 / H.R. 3289), which requires an annual certification of Hong Kong's autonomy to spur regular discussions on how to maintain Hong Kong's special trade and economic status under U.S. law. The bill also provides tools to hold accountable Hong Kong and Chinese government officials who suppress freedom of expression and assembly or undermine the rule of law.

• **Update the Tibetan Policy Act.** The Congress should update the Tibetan Policy Act of 2002 (Public Law No. 107–228) to clarify in U.S. policy that the reincarnation of the Dalai Lama is an exclusively religious matter that should be made solely by the Tibetan Buddhist faith community. The legislation should make clear that

Chinese officials who interfere in the process of recognizing a successor or reincarnation of the Dalai Lama will be subject to targeted financial, economic, and visa-related sanctions like those in the Global Magnitsky Act. The Administration should heed the guidance from Congress on the implementation of the Reciprocal Access to Tibet Act of 2018 (Public Law No. 115–330) and use the sanctions available in the act against Chinese officials responsible for denying Americans access to Tibetan regions.

- **Voice Support for Human Rights in China.** Members of Congress and Administration officials, especially the President, should regularly meet with Chinese civil society and human rights defenders, Hong Kong civil society, the Dalai Lama and other Tibetans in exile including the Central Tibetan Administration, members of the Uyghur diaspora, and other human rights advocates and non-governmental organizations. It is also essential that the President of the United States express support for human rights and democracy in China.
- **Address Digital Authoritarianism.** Because the growth of digital authoritarianism is one of the most urgent national security and human rights challenges associated with the Chinese government's foreign policy, the Administration and the Congress should work together to:
  - Lead a global effort with allies and partners to develop a set of principles for Artificial Intelligence (AI) development and usage to ensure the protection of human rights, including the right to privacy.
  - Launch a digital infrastructure initiative that makes information and communication technology development a priority for U.S. foreign assistance programs, including through implementation of the BUILD Act of 2018 (Public Law No. 115–254).
- **Counter Internet Censorship.** The Administration should develop a comprehensive interagency action plan to promote internet freedom through the funding and wide distribution of effective technologies that provide the greatest possible access to the internet within China and globally. The plan could include actively opposing the Chinese government's efforts to establish a new international norm of "internet sovereignty," expanding digital security training for civil society advocates, and transparently employing congressionally mandated funding to circumvent China's "Great Firewall." In addition, the Administration should develop talking points for U.S. Government officials—including those engaged in trade negotiations—that consistently link freedoms of press, speech, and association to U.S. and Chinese interests, noting how censorship prevents the free flow of information on issues of public concern, including public health and environmental crises, food safety problems, and corruption.
- **Promote Transparency in University and Think Tank Funding.** As part of any amendment to the U.S. Higher Education Act of 1965 (Public Law No. 89–329), Congress should require U.S. colleges and universities to publicly report all foreign gifts, contracts, and in-kind contributions that exceed $10,000 per year from a single foreign government, institution, or group of institutions. U.S. think tanks and other non-governmental organizations should

be required to publicly disclose all foreign grants and gifts as part of their tax filings to maintain non-profit status.

- **Counter Foreign Malign Influence.** The Administration should provide to Congress a strategy to address the strategic challenge posed by the Chinese government's intensified use of disinformation, propaganda, economic intimidation, and political influence operations to weaken commitments to universal human rights and promote the Chinese Communist Party's political-economic model globally. The Administration should develop an action plan to counter the Chinese government's "sharp power" efforts globally, monitoring and controlling foreign influence operations and providing information about the Chinese ministries, entities, and individuals engaged in foreign influence operations and their connections with entities of the Chinese Communist Party or government. The Congress should pass the "Countering the Chinese Government and Communist Party's Political Influence Operations Act" (S. 480/H.R. 1811) that, among other priorities, clarifies that U.S. Government policy and statements should clearly differentiate between the Chinese people and culture and the Chinese government and Communist Party, ensuring that central Chinese government and Party political influence operations do not lead to the targeting of Chinese-Americans or the Chinese diaspora.
- **Expand the Mandate of the Foreign Agents Registration Act (FARA).** The Administration and the Congress should work together to expand the mandate of the Foreign Agents Registration Act of 1938 (FARA) (Act June 8, 1938, ch. 327, sec. 14) to bring oversight and transparency to issue areas beyond foreign representation and address the challenges the United States faces today, which include incidents of Chinese Students and Scholars Associations working with Chinese embassies and consulates in the United States, Confucius Institutes and Classrooms at U.S. universities and high schools, and American companies accepting funding from Chinese sources to acquire technologies prohibited by U.S. export controls.
- **Develop a Non-Governmental Code of Conduct.** The Administration should work with U.S. non-governmental organizations and academic institutions to formulate a code of conduct for interacting with Chinese government-affiliated entities to assist them in navigating the challenges of working effectively in China and to counter influence operations that are manipulative, coercive, or corrupting of democratic institutions and help protect human rights and academic freedom.
- **Prioritize Reciprocity.** The Administration, as part of ongoing trade discussions, should seek a rules-of-the-road agreement that will correct longstanding diplomatic, investment, media, and cultural and academic exchange imbalances in U.S.-China relations and provide to Congress a strategy for pursuing reciprocity more generally in U.S.-China relations, particularly to ensure that U.S.-based media outlets and non-governmental organizations have the same freedom to operate, publish, and broadcast afforded to a growing number of Chinese government-sponsored and funded think tanks, academic institutions, and media entities in the United States.

• **Expand Global Alliances to Advance Human Rights.** International responses to human rights have the greatest impact when the U.S. Government exercises effective diplomatic leadership with our allies and partners. The Administration should send to Congress a multilateral human rights diplomacy strategy on China, to coordinate responses when the Chinese government uses multilateral institutions to undermine human rights norms and closes off discussion of its failures to uphold its international obligations. The Administration should also consider as part of such strategy:

  ○ Creating a public mechanism for coordinating human rights diplomacy and technical assistance programs with like-minded allies that includes the meaningful participation of experts and non-governmental organizations from all participating countries.

  ○ Expanding funding for capacity-building initiatives for rights and rule-of-law advocates in settings outside China, given growing restrictions on the funding of civil society organizations inside China.

  ○ Forming a multinational human rights dialogue where the U.S. Government invites countries without human rights dialogues with China (or those whose human rights dialogues have been canceled by the Chinese government) to participate in or observe formal discussions with the Chinese government.

  ○ Coordinating public statements, diplomatic demarches, and public diplomatic efforts to condemn detentions of political and religious prisoners and other serious human rights abuses in China, and creatively communicating these efforts to the Chinese people.

• **Prioritize an End to Torture and Arbitrary Detention Through Diplomatic Engagement.** The Administration should prioritize an end to torture in detention and all forms of arbitrary detention in China and raise these issues in all bilateral discussions and in multilateral institutions of which the U.S. and China are members. The Administration should create public diplomacy campaigns and support media efforts to raise global awareness about the detention of political and religious prisoners in "black jails," psychiatric institutions, compulsory drug detoxification centers, police and state security detention centers, and mass internment camps in the XUAR. In addition, the Administration should consider funding non-governmental projects that assist individuals with submissions to the UN Working Group on Arbitrary Detention, in order to provide actionable information to the UN High Commissioner for Human Rights and UN system of Special Procedures, and to accumulate evidence on Chinese officials complicit in the torture and arbitrary detention of political and religious prisoners.

• **Take Meaningful Action to Address Human Trafficking.** To respond to China's "Tier 3" designation for failing to meet minimum standards for addressing human trafficking, the Administration should use all the tools available in the Victims of Trafficking and Violence Protection Act of 2000 (Public Law No. 106–386) and the Girls Count Act of 2015 (Public Law No. 114–24), including individual sanctions for officials and entities complicit in human traf-

ficking. In addition, the Administration should send Congress a strategy to address forced labor in the XUAR, including by publicly identifying Chinese businesses profiting from such labor, assisting corporations to identify forced labor goods from the XUAR in global supply chains, and expanding the use of the "reasonable suspicion" standard found in the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) (Public Law No. 114–125) to stop goods made with forced labor from entering the United States.

- **Protect North Korean Refugees.** The Administration should employ the tools available in the North Korean Human Rights Act of 2004 (Public Law No. 108–333) and the North Korea Sanctions and Policy Enhancement Act (Public Law No. 114–122) to expand efforts to channel uncensored news and information into North Korea and to North Korean asylum seekers in China, including through defector communities, and to impose secondary sanctions on Chinese corporations, individuals, or banks that profit from North Korean forced labor and those assisting the North Korean government in avoiding international sanctions. The Special Representative for North Korea at the Department of State should provide Congress with a strategy to protect North Korean refugees in China, implement the recommendations of the Commission of Inquiry on Human Rights in North Korea, and close existing prison labor camps and other forms of arbitrary detention in North Korea and in China where refugees are detained.
- **Advocate for Specific Political Prisoners.** Members of Congress and Administration officials at the highest levels should raise specific prisoner cases in meetings with Chinese government officials. Experience demonstrates that consistently and prominently raising individual prisoner cases—and the larger human rights issues they represent—can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. The Administration should consider creating a Special Advisor for Religious and Political Prisoners to coordinate interagency resources on behalf of political and religious prisoners in China and globally. Members of Congress are encouraged to "adopt" individual prisoners and advocate on their behalf through the Tom Lantos Human Rights Commission's "Defending Freedoms Project."

POLITICAL PRISONER DATABASE

Recommendations

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

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

A POWERFUL RESOURCE FOR ADVOCACY

The Commission's 2019 Annual Report provides information about Chinese political and religious prisoners [1] in the context of specific human rights and rule-of-law abuses. Many of the abuses result from the Chinese Communist Party and government's application of policies and laws. The Commission relies on the Political Prisoner Database (PPD), a publicly available online database maintained by the Commission, for its research, including the preparation of the Annual Report, and routinely uses the database as a resource to prepare summaries of information about and support advocacy for political and religious prisoners for Members of Congress and Administration officials. The Commission invites the public to read about issue-specific Chinese political imprisonment in sections of this Annual Report, and to access and make use of the PPD at *https://ppdcecc.gov*. (Information about the PPD is also available at *https://www.cecc.gov/resources/political-prisoner-database*.)

The PPD received approximately 306,974 online requests for prisoner information during the 12-month period ending July 31, 2019—a change of approximately negative 38.96 percent compared with the 502,900 requests reported in the Commission's 2018 Annual Report for the 12-month period ending July 31, 2018.[2] During the 12-month period ending in July 2019, the United States remained the country of origin for the largest share of requests for information, with approximately 27.2 percent of such requests. China was in the second position, with approximately 20.5 percent of such requests, followed by Ukraine (3.9 percent), India (2.9 percent), the United Kingdom (2.6 percent), Hong Kong (2.3 percent), Brazil (1.9 percent), Canada (1.8 percent), the Russian Federation (1.7 percent), France (1.6 percent), and the Republic of Korea (1.4 percent).

Internet Protocol addresses that do not provide information about the name of the registrant or the type of domain were the source of the largest share of online requests for information during the Commission's 2019 reporting year, accounting for approximately 52.6 percent of the 306,974 requests for information in the 12-month period ending in July 2019. The approximate number of requests from other sources are as follows: Domains ending in .com were second, with 18.9 percent of requests for PPD information. Domains ending in .net were third, with 8.8 percent of online requests for information, followed by U.S. Government domains (.gov) with 1.7, then by domains for Brazil (.br) with 1.6 percent, India (.in) with 1.3, Germany (.de) with 1.0, Italy (.it) with 0.9, China (.cn) with 0.9, the European Union (.eu) with 0.7, and Mexico (.mx) with 0.7. Domains for Turkey (.tr), France (.fr), and the Russian Federation (.ru) accounted for 0.6 percent of requests each.

POLITICAL PRISONERS

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

As of September 1, 2019, the PPD contained information on 9,933 cases of political or religious imprisonment in China. Of those, 1,587 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 8,346 are cases of prisoners who are known or believed to have been released, who were executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that there are considerably more than 1,587 cases of current political and religious imprisonment in China. Commission staff work on an ongoing basis to add cases of political and religious imprisonment to the PPD.

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

MORE POWERFUL DATABASE TECHNOLOGY

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

In 2015, the Commission enhanced the functionality of the PPD to empower the Commission, the U.S. Congress and Administration, other governments, NGOs, and individuals to strengthen reporting on political and religious imprisonment in China and advocacy undertaken on behalf of Chinese political prisoners. The upgrade allowed the PPD full text search and the basic search both to provide an option to return records that either include or do not include an image of the prisoner. In addition, the 2015 enhancement allowed PPD record short summaries to accommodate more text as well as greater capacity to link to external websites.

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

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

Notes to Section I—Executive Summary

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

[2] CECC, *2018 Annual Report,* October 10, 2018, 22.

II. Human Rights

Freedom of Expression

Findings

- At the UN Human Rights Council's third Universal Periodic Review (UPR) of China's compliance with international human rights norms, non-governmental organizations (NGOs) reported that the Chinese government and Communist Party violated freedom of expression and freedom of the press. The Office of the UN High Commissioner for Human Rights apparently removed information submitted by at least seven non-governmental groups, among which were NGOs that advocate for the rights of Tibetans, Uyghurs, and Hong Kong people, from an official summary of UPR submissions. That information from some of the missing submissions was inserted in a supplement prior to the November 2018 session did little to dispel stakeholder concerns about Chinese government influence during the UPR.
- Conditions for journalism in China continued to deteriorate. Some professional Chinese journalists described current conditions for journalism as an "era of total censorship." In addition, the government's ongoing crackdown continued against "citizen journalists" who have founded or are associated with websites that document human rights violations, as seen in the detention of individuals focused on labor conditions, such as Wei Zhili, Yang Zhengjun, and Ke Chengbing. Foreign journalists faced multiple challenges from the government, including surveillance; harassment of Chinese nationals who work as news assistants; limits on the length of work visas or visa denial; and obstruction in the coverage of developments in the Xinjiang Uyghur Autonomous Region (XUAR) and other ethnic minority or border areas.
- The government and Party continued to link internet security to national security. This past year, authorities detained and prosecuted individuals who criticized government officials and policies online, and censored or distorted a range of news and information that the government deemed "politically sensitive," including the 30th anniversary of the 1989 Tiananmen protests, the protests in Hong Kong against proposed extradition legislation, and trade issues.
- Declining academic freedom in China linked to Party General Secretary and President Xi Jinping's reassertion of ideological control over universities was illustrated by reports of the internment of hundreds of predominantly Uyghur scholars in mass internment camps in the XUAR; the detention of university students who advocated for labor rights; and the dismissal, suspension, and other forms of discipline imposed on faculty who criticized the government and Party.

Recommendations

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

Freedom of Expression

- Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists; the denial, threat of denial, or delay of visas for foreign journalists; and the censoring or blocking of foreign media websites. Consistently link press freedoms to U.S. interests, noting how censorship and restrictions on journalists and media websites prevent the free flow of information on issues of public concern, including public health and environmental crises, food safety problems, and corruption, and act as trade barriers for foreign media and companies attempting to access the Chinese market. Raise these issues with Chinese officials during bilateral dialogues. Assess the extent to which China's treatment of foreign journalists contravenes its World Trade Organization commitments and other obligations.
- Sustain, and where appropriate expand, programs that develop and widely distribute technologies that will assist Chinese human rights advocates and civil society organizations in circumventing internet restrictions, in order to access and share content protected under international human rights standards. Continue to maintain internet freedom programs for China at the U.S. Department of State and the Broadcasting Board of Governors to provide digital security training and capacity-building efforts for bloggers, journalists, civil society organizations, and human rights and internet freedom advocates in China.
- Raise with Chinese officials, during all appropriate bilateral discussions, the cost to U.S.-China relations and to the Chinese public's confidence in government institutions that is incurred when the Chinese government restricts political debate, advocacy for democracy or human rights, and other forms of peaceful political expression. Emphasize that such restrictions violate international standards for free expression, particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights. Emphasize that such restrictions erode confidence in media and government institutions.
- Urge Chinese officials to end unlawful detention and official harassment of Chinese rights advocates, lawyers, and journalists subject to reprisal for exercising their right to freedom of expression. Call on officials to release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as **Liu Feiyue, Huang Qi, Sun Lin, Zhang Haitao, Tashi Wangchug, Chai Xiaoming, Wei Zhili, Ke Chengbing, Yang Zhengjun, Lu Guang, Yang Hengjun,** and other political prisoners mentioned in this report and documented in the Commission's Political Prisoner Database.

Freedom of Expression

China's Compliance with International Standards on Freedom of Expression

During the Commission's 2019 reporting year, the Chinese government and Communist Party continued to restrict expression in contravention of international human rights standards,[1] including Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 19 of the Universal Declaration of Human Rights.[2] According to the ICCPR—which China signed in 1998[3] but has not ratified[4]—and as reiterated in 2011 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, countries may impose certain restrictions or limitations on freedom of expression, if such restrictions are provided by law and are necessary for the purpose of respecting the "rights or reputations of others" or protecting national security, public order, public health, or morals.[5] An October 2009 UN Human Rights Council resolution specified that restrictions on the "discussion of government policies and political debate," "peaceful demonstrations or political activities, including for peace or democracy," and "expression of opinion and dissent" are inconsistent with Article 19(3) of the ICCPR.[6] The UN Human Rights Committee also cautioned that restrictions on freedom of expression noted in Article 19(3) should be interpreted narrowly so that the restrictions "may not put in jeopardy the right itself."[7]

At the UN Human Rights Council's (HRC) third Universal Periodic Review (UPR) of China's compliance with international human rights norms this past year,[8] international non-governmental organizations (NGOs) reported multiple violations of freedom of expression and press freedom in China in written submissions[9] available in the months prior to China's November 2018 opening session and in oral comments at the March 2019 session to consider the HRC's report.[10] NGO stakeholders also raised concerns about efforts by the Chinese government to silence criticism of its record during the UPR.[11] In one publicly reported incident, the Office of the UN High Commissioner for Human Rights (OHCHR) removed information submitted by at least seven groups, among which were NGOs that advocate for the rights of Tibetans, Uyghurs, and Hong Kong people,[12] from an initial official summary of stakeholder submissions in September 2018,[13] replacing that summary with a revised version in October 2018.[14] That information from some but not all of the missing submissions was inserted in a corrigendum issued a few days before the November session[15] did little to dispel stakeholder concerns about Chinese government influence.[16] A coalition of 40 NGOs subsequently called on HRC States Parties to adopt a resolution to "express collective concern about worsening rights abuse in China and the government's failure to follow through on its obligations and commitments."[17]

30 Years after Tiananmen

International coverage of the 30th anniversary of the protests for political reform and democratic change in Tiananmen Square, Beijing municipality, and hundreds of other locations in China in the

spring of 1989,[18] provided new accounts, images,[19] and analysis of the Chinese Communist Party and government's violent suppression of those demonstrations on June 3 and 4, 1989 ("June Fourth" or "Tiananmen"). Among the highlights were a former military journalist's account of opposition among some military leaders to the use of force to quell the protests;[20] a collection of secret documents from a meeting of senior Party leaders from June 19 to 21, 1989;[21] and essays by younger Chinese describing how they learned about June Fourth despite ongoing government censorship.[22] An academic analysis linked Party General Secretary and President Xi Jinping's aggressive policies of ideological conformity and information control, Party discipline, and centralization of his own power to the political legacy of June Fourth.[23]

China's Defense Minister Wei Fenghe spoke publicly about Tiananmen in early June 2019, reiterating the official position that the government's crackdown in 1989 was "correct."[24] Wei's use of "political turmoil" (*zhengzhi dongluan*) in these comments reflected a revival of hardline official rhetoric on Tiananmen, a "regression" from the comparatively mild expressions commonly used in official statements such as "political turbulence" (*zhengzhi fengbo*) and the "turn from spring to summer" (*chunxia zhi jiao*).[25] Likewise, the July 2019 obituary for senior leader Li Peng in the state-run media outlet Xinhua reiterated the harsher language: Xinhua commended Li—the premier who declared martial law in Beijing in May 1989[26]—for his staunch support of the "resolute measures to halt the turmoil [*dongluan*] and quell the counterrevolutionary rebellion [*fan'geming baoluan*]."[27]

The government's tight control of information about the use of violence against protesters as well as the crackdown on protesters has left much unknown about Tiananmen, particularly the total number of dead and wounded. The Tiananmen Mothers[28]—a group in China composed of parents and family members of persons killed on or around June 4—wrote in March 2019 to the National People's Congress, again appealing to the government for truth, accountability, and a reckoning over the victims.[29] Through years of effort, the Tiananmen Mothers have confirmed the deaths of 202 persons, but overall estimates range from the hundreds to the thousands.[30] Referring to persons detained in connection to June Fourth, John Kamm, the executive director of the U.S.-based Dui Hua Foundation, which maintains an extensive database of political prisoners in China,[31] estimated some 15,000 detentions in a 2009 speech, noting, "Whatever the number is, it is staggeringly high."[32]

Press Freedom and Tiananmen

During the spring 1989 protests, freedom of expression was a key demand among the student demonstrators,[33] a demand also taken up by Chinese journalists who petitioned the government for dialogue on press freedom.[34] Despite a hardline editorial in the Party mouthpiece People's Daily on April 26, 1989, which condemned the student protests as "counterrevolutionary" and "turmoil,"[35] some official media outlets reported on the demonstrations with a "new openness" and accuracy in May 1989,[36] including front-page coverage of the protests across the country on May 6, 1989.[37] Former People's Daily journalist Liu Binyan[38] reported in 1992 that a "'dark age' once more descended over the mass media" after the military crackdown, with increased ideological control over news content.[39] Progress also ended in the efforts to pass national press legislation in spite of robust developments and drafting in the late 1980s.[40]

Freedom of the Press

China fell one place lower in Reporters Without Borders' 2019 press freedom index from its rank in 2018 (176th to 177th), making it the fourth worst country in the world for press freedom.[41] Some professional Chinese journalists described current conditions for journalism as an "era of total censorship."[42] A leading investigative journalist who left the field in 2019[43] emphasized his disenchantment with the practice of journalism in China.[44] Freedom of the press is guaranteed in China's Constitution,[45] yet regulations on news media, some related to the broad restrictions on internet content in the PRC National Security Law and PRC Cybersecurity Law, leave journalists vulnerable to criminal prosecution.[46] The Chinese government's repression of Uyghur and other ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR) since 2017 has resulted in a significant increase in detained journalists[47] as well as editorial staff from at least one leading newspaper and a publishing house.[48] The November 2018 detention of photojournalist and U.S. resident **Lu Guang** in the XUAR, while he was reportedly in Urumqi municipality to give a photography workshop,[49] and the January 2019 detention of Australian national and political commentator **Yang Hengjun,** while at the Guangdong international airport en route to Shanghai municipality,[50] heightened concerns about freedom of speech and the press, and for the safety of individuals traveling to China for personal or professional activity.[51]

PARTY CONTROL OF THE MEDIA

In January 2019, Party General Secretary Xi Jinping and members of the Standing Committee of the Party Central Committee Political Bureau visited People's Daily, the Party's flagship newspaper, to publicize efforts by the news media to keep up with emerging technologies of the digital era.[52] These efforts—officially referred to as "media convergence" (*meiti ronghe*)—envisage a fusion of news media and digital technologies,[53] whereby "Party newspapers, periodicals, broadcast stations, websites 'and other

mainstream media must catch up with the times, bravely utilizing new technologies, new mechanisms and new modes, accelerating the pace of convergence and achieving more expansive and optimized propaganda results.'"[54] High-level promotion of "media convergence" this past year occurred in tandem with government entities responsible for news media moving under the Central Propaganda Department's operations, part of a sweeping reorganization of Party and government institutions in March 2018 that has reinforced Party power more broadly.[55]

Media serving "as government mouthpieces instead of as independent bodies operating in the public interest" are a major challenge to free expression, according to international experts.[56] The Chinese Communist Party historically designated the Chinese news media as its "mouthpiece,"[57] providing the Party's version of the news and shaping public opinion.[58] Official control included prohibitions on independent reporting or use of foreign media reports, and restricting coverage to "authoritative" content, typically from the state media agency Xinhua and People's Daily.[59] China Digital Times, a U.S.-based web portal that translates leaked censorship directives from the Central Propaganda Department and other government entities,[60] highlighted directives from the reporting year that restricted coverage of the China-U.S. trade war and of high-ranking Chinese leaders, among other issues authorities deemed "politically sensitive."[61] In a related development, People's Daily monetized its expertise in identifying "politically sensitive" content by marketing the services of its in-house censors[62] and in formally training and certifying censors.[63]

Wielding state media to positively portray the Party and government[64] as well as to criticize developments that authorities consider to be security threats[65] continues to be a manifestation of the Party-defined "mouthpiece" role of the news media. This past year, official coverage of Uyghurs and other predominantly Muslim groups in the Xinjiang Uyghur Autonomous Region, at least one million of whom have been detained in mass internment camps for "political reeducation," reportedly portrayed the region as "happy and stable."[66] Chinese state media also reportedly manipulated information about the summer 2019 protests in Hong Kong, rather than objectively reporting on protester grievances about the eroding rule of law.[67] State media, moreover, provided negative coverage of the Hong Kong protests in its international outlets, such as CGTN and China Daily, to generate a counter-narrative to international media outlets' coverage.[68]

CRIMINAL DETENTION AND PROSECUTION OF CITIZEN JOURNALISTS

This past year, the Committee to Protect Journalists (CPJ) ranked China in second place, after Turkey, for having the highest number of detained journalists in the world,[69] a large number of whom can be classified as "citizen journalists."[70] Citizen journalists in China cover issues such as the treatment of ethnic minority groups, labor protests, and rights defense activities,[71] topics that the government and Party restrict in official news outlets.[72] Bitter Winter, an online magazine managed in Italy which reports on religious freedom and human rights in China,[73] described its contributors from China as amateurs, noting that "only in a few cases [do]

our reporters have professional training in journalism . . .." [74] CPJ identified 47 journalists in detention as of December 2018,[75] and Reporters Without Borders counted 111 detained journalists as of April 2019.[76] Government control of court data, media censorship of cases, obstruction by local law enforcement, and official harassment of lawyers representing journalists contribute to the challenge in assessing the total number of detentions.[77]

The ongoing crackdown on citizen journalists who have founded or are associated with websites that document human rights violations continued this past year, particularly in the detention of individuals focused on labor conditions and religious freedom. Authorities detained staff from two websites that monitor worker rights' protections, including **Shang Kai** in August 2018,[78] **Yang Zhengjun** in January 2019,[79] and **Chai Xiaoming,**[80] **Wei Zhili,** and **Ke Chengbing** in March 2019.[81] Shang and Chai were former editors at Red Reference, a self-described "leftist" website that expressed support for worker efforts in 2018 to organize a union at the Jasic Technology factory in Shenzhen municipality, Guangdong province.[82] Yang, Wei, and Ke worked at the website iLabour (*Xin Shengdai*), highlighting inadequate labor conditions and occupational health hazards such as pneumoconiosis.[83] [For further information on the Jasic crackdown and occupational health hazards in China, see Section II—Worker Rights.] Between August and December 2018, authorities also reportedly detained 45 Chinese contributors to Bitter Winter.[84]

Trials and sentencing proceeded against several citizen journalists detained in 2016 [85] and 2017 [86] whom authorities prosecuted on the charges "inciting subversion of state power," "picking quarrels and provoking trouble," and "illegally procuring state secrets for overseas entities." [87] According to the UN Working Group on Arbitrary Detention, the incitement and state secrets charges are "vague and broad," thus restricting the freedoms of expression and association that are protected by international human rights instruments.[88] The Dui Hua Foundation noted similar concerns about the lack of transparency in the charge "illegally procuring state secrets for overseas entities," and its misuse to prosecute journalists, among others.[89] Some citizen journalists are vulnerable to abuse and maltreatment in detention.[90]

Citizen journalist cases of concern from this past year included the following:

- **Liu Feiyue, Civil Rights & Livelihood Watch (CRLW).** In January 2019, the Suizhou Municipal Intermediate People's Court in Hubei province sentenced Liu to five years' imprisonment and three years' deprivation of political rights for "inciting subversion of state power." [91] Liu's indictment specified CRLW's reporting on human rights violations, its annual report on rights defense and forced psychiatric commitment, and its calls on authorities to release political prisoners.[92]
- **Sun Lin, freelance writer.** In January 2019, the Nanjing Municipal Intermediate People's Court in Jiangsu province sentenced Sun to four years' imprisonment for "inciting subversion of state power" in connection to Sun's social media posts that authorities apparently deemed "politically sensitive." [93] Authorities previously sentenced Sun, a former journalist for

Nanjing media outlets, to four years' imprisonment in June 2008, in connection to work he published on an overseas website.[94]

• **Huang Qi, 64 Tianwang.**[95] On July 29, 2019, the Mianyang Municipal Intermediate People's Court in Sichuan province found Huang guilty of "illegally providing state secrets to overseas entities" and "intentionally leaking state secrets," sentencing him to serve 12 years' imprisonment.[96] In an editorial following the sentence, the Washington Post noted, "in actuality, his only offense was speaking out against government wrongdoing."[97] Authorities also continuously harassed and extralegally detained Huang's 85-year-old mother, **Pu Wenqing,**[98] as she sought to raise attention to reports that detention center authorities have denied Huang adequate medical care, tortured him, and refused her applications for his medical parole.[99]

WORSENING WORKING CONDITIONS FOR FOREIGN JOURNALISTS

Official Chinese efforts to control coverage of China in international news media reportedly intensified this past year, increasing the difficulties for foreign journalists in China. The Foreign Correspondents' Club of China (FCCC) annual survey of working conditions in China described a marked deterioration in 2018.[100] The FCCC documented the Chinese government's "escalation of human and digital" surveillance of foreign journalists;[101] harassment of Chinese nationals who worked as news assistants;[102] threats against and harassment of sources;[103] limits on the length of work visas or denial of work visa renewal altogether to retaliate against unfavorable coverage by specific journalists or their news outlets;[104] and interference in the coverage of developments in the Xinjiang Uyghur Autonomous Region (XUAR) and other ethnic minority or border areas of China.[105] The Chinese government also continued to block access in China to major international news outlets,[106] such as the New York Times,[107] and additional international news and online information sites were censored by authorities around the Tiananmen anniversary, including the Intercept, the Guardian,[108] and Wikipedia.[109]

Incidents this past year of official control of foreign journalists included the following:

• **Visa non-renewal or threat of withholding a visa.** In August 2018, Chinese authorities refused to renew the work visa of Megha Rajagopalan,[110] a BuzzFeed reporter who described developments in the XUAR as "dystopian."[111] In addition, authorities did not issue a journalist visa to Bethany Allen-Ebrahimian, who submitted an application in late 2018 to join Agence France-Presse in China.[112] The Committee to Protect Journalists called it "an act of retribution for her past reporting on the Chinese government's efforts to spread political power abroad and is a shameful attempt to prevent critical coverage of China . . .."[113] In another incident, Voice of America reported in March 2019 that a Chinese embassy official in Russia threatened to place a journalist from Russia's Sputnik News on a visa "blacklist" in connection to the journalist's alleged "negative" coverage of the Chinese economy.[114] [For in-

formation on the Hong Kong government's visa denial to Victor Mallet, Asia editor of the Financial Times, see Section VI—Developments in Hong Kong and Macau.]

- **Interference in the XUAR.** FCCC also reported instances of official harassment, surveillance, and intimidation while foreign reporters were on assignment in the XUAR in 2018.[115] In April 2019, a New York Times correspondent recounted both high-tech (digital) and low-tech (human) surveillance of him and a colleague while on assignment in the XUAR.[116] [For further information on official harassment of foreign journalists in the XUAR, see Section IV—Xinjiang.]
- **Lack of access in the Tibet Autonomous Region (TAR).** Five respondents to the FCCC's annual working conditions survey unsuccessfully applied to the Chinese government for a special permit to visit the TAR in 2018.[117] In a March 2019 position paper, the FCCC emphasized that the Chinese government's restrictions on access to the TAR and Tibetan areas in Qinghai, Gansu, Sichuan, and Yunnan provinces has limited the amount of "accurate information" on the "lives of ethnic Tibetans living in China."[118]

Internet and Social Media

During the 2019 reporting year, senior officials reiterated the Party's aim to further secure Party control of digital space and technologies. In September 2018, the newly appointed head of the Cyberspace Administration of China, Zhuang Rongwen, urged Party and government to marshal "netizens" (*wangmin*) as a "force" (*liliang*) in Party control.[119] As mentioned earlier in this section, in January 2019, Party General Secretary and President Xi Jinping called for even greater uniformity on digital platforms through deeper "convergence" with the Party's ideological priorities.[120] A key premise underlying this aim is "internet sovereignty," a notion the Chinese government and Party have linked to national security concerns such that each country may manage the internet within its own borders.[121] Internet sovereignty, however, implies that internet and social media use in any individual country is not subject to international standards on freedom of expression, information, and association as they pertain to the internet and social media.[122]

Content control remained a focus in the growing body of internet and social media regulations and censorship technologies.[123] [For information on the role of internet service providers in censorship, data privacy concerns, and surveillance, see Section III—Business and Human Rights.] These regulatory and technological developments, in combination with provisions in the PRC Criminal Law that punish certain political and other speech,[124] severely curtailed freedom of speech online,[125] and included the detention and potential criminal prosecution of individuals engaged in speech[126] and other forms of online expression authorities deem to be "politically sensitive."[127] The Cyberspace Administration of China issued provisions for internet service providers in November 2018,[128] that one expert claimed will "increase the requirements for self-inspection for services with 'public opinion properties' or 'social mobilization capacity.'"[129] Some experts have found that Chinese government

censorship is less motivated by preventing dissemination of sensitive content than by a fear that online speech has the potential to stimulate collective organizing.[130] Other analysis, nevertheless, questioned this interpretation, finding instead that government criticism remains a central target of official censorship within the complex operation of state repression in China.[131] Indeed, as Human Rights Watch researcher Yaqiu Wang observed, the nationwide Twitter crackdown this past year appeared "absent any protests or other social events organized via Twitter as a trigger, . . . signal[ing] a new level of suppression of free speech . . .." [132]

- **Tiananmen anniversary.**[133] Official efforts to suppress mention of Tiananmen online were demonstrated by the government's "simultaneous social media crackdowns" to stem access to information and communication [134] and blocking online access to international media.[135] At least one commentator speculated that the Cybersecurity Association of China's six-month campaign (January to June 2019) to "clean up online ecology" [136] was linked to the 30th anniversary.[137] According to research conducted by the University of Toronto's Citizen Lab and the University of Hong Kong's Weiboscope, June Fourth is the most censored topic on the Chinese internet.[138] During ten years of research, Citizen Lab collected a list of 3,237 Tiananmen-related keywords that apparently trigger censorship in China.[139] Weiboscope identified 1,256 Tiananmen-related posts censored between 2012 and 2018, among which are images of a single lit candle and the annual Tiananmen vigil held in Hong Kong.[140]
- **Twitter crackdown.** Reports began to emerge in November 2018 that Chinese authorities were several months into a coordinated, nationwide effort to silence Twitter users in China.[141] These Twitter users included not only government critics and advocates for greater rights protection but also individuals who apparently were not politically active on- or offline.[142] Public security officials harassed and intimidated targeted individuals, employing interrogation, usually at a police station; administrative or criminal detention; coercion to compel a promise to no longer use Twitter; and deletion of entire Twitter archives.[143] Prior to the 30th anniversary of Tiananmen, the social media company Twitter reportedly suspended the accounts of at least 100 Twitter users, including political commentators and nationalists,[144] which it later claimed was part of routine maintenance and not in response to Chinese authorities.[145]
- **Criminal prosecution—"June Fourth liquor" case.** In April 2019, the Chengdu Municipal Intermediate People's Court in Sichuan province tried and sentenced four men involved in the "June Fourth liquor" case.[146] Authorities accused them of posting photos online of the self-made labels they placed on bottles of hard liquor in 2016, which memorialized June Fourth by using a product name homophonous with the date "89/6/4," an image modeled on the well-known "Tank Man" photo, and promotional language that said "Never forget, Never give up." [147]

Curtailment of Academic Freedom in China

Domestic and international experts have linked the widespread deterioration of academic freedom in China to Party General Secretary and President Xi Jinping's reassertion of ideological control over universities since he assumed the senior-most Party and government leadership positions in 2012 and 2013, respectively.[148] Around politically sensitive anniversaries this past year, such as the 100th anniversary of the 1919 May Fourth Movement and the 30th anniversary of the 1989 Tiananmen protests, authorities also increased pressure at Chinese universities,[149] such that some Chinese scholars reportedly have asserted that the "current [academic] environment is the most restrictive in their lifetimes."[150] Reports this past year demonstrated a broad range of official repression, including the following:

- Detention or disappearance of 435 prominent Uyghur scholars in mass internment camps by authorities in the Xinjiang Uyghur Autonomous Region (XUAR) as part of the government and Party's massive crackdown on Uyghur and other ethnic minority groups in the XUAR since 2017, according to a Uyghur rights advocacy organization.[151] Authorities also have detained scholars from other ethnic minority groups in the XUAR;[152]
- Interrogation, forced videotaped confessions, and in some cases detention of 20 student labor rights advocates and participants of on-campus "leftist" study groups by authorities,[153] including Peking University students Qiu Zhanxuan[154] and Yue Xin;[155]
- Intensified promotion of ideological and "patriotic" education in the classroom;[156]
- Book bans,[157] such as leading law scholar Zhang Qianfan's textbook on constitutional law;[158]
- A leadership change at Peking University that apparently emphasized Party and public security credentials over academic qualifications;[159]
- Discipline, suspension, and dismissal of professors who publicly aired critical assessments of the government or Party,[160] notably Tsinghua University law professor Xu Zhangrun;[161]
- Widespread use of surveillance cameras in classrooms to monitor discussion as well as the encouragement of students to report professors or classmates with dissenting views;[162]
- Pressure on domestic academic experts who have been contacted by foreign journalists or scholars for interviews and commentary either to refuse such requests or restrict the "candor" of their comments;[163] and
- Prevention of Chinese academics and others from participating in academic exchange and travel,[164] such as rights lawyer Chen Jiangang's April 2019 travel to the United States to begin a Humphrey Fellowship.[165]

The government and Party's restrictions on academic and intellectual freedom in China also compounded concerns in the United States about international scholarly exchange with China. A report from leading China specialists highlighted the lack of reciprocity and accountability in academic exchange as a factor for the report's

policy guidance that recommended a shift away from engagement in U.S.-China relations to the more cautious "constructive vigilance."[166] In October 2018, Cornell University emphasized violations of academic freedom when it suspended two exchange programs with Renmin University (Renda) in Beijing municipality following reports that Renda officials had harassed students advocating for worker rights.[167] The Commission also observed reports of alleged Chinese government harassment taking place outside mainland China involving two foreign specialists (one incident in Hong Kong and multiple incidents in New Zealand) whose work has been critical of the Chinese leadership.[168] The Chinese government also denied a visa to one American expert to attend a conference in Beijing.[169] While known cases of outright visa denial to foreign scholars whose research or publications are deemed by Chinese authorities to be "politically sensitive" remain limited,[170] the threat of visa denial is a longstanding concern of foreign scholars.[171] Foreign scholars also have pointed to difficulties accessing archives and libraries,[172] the culling of digital archives and Chinese government censorship demands on foreign academic publishers,[173] and limitations on conducting field work in China.[174] Accurate data on the frequency and substance of such incidents, nevertheless, are difficult to obtain.[175]

Notes to Section II—Freedom of Expression

[1] Civil Rights & Livelihood Watch, "Gongmin yanlun ziyou de xianfa quanli burong jianta" [Constitutional right to citizens' freedom of speech not easily trampled upon], October 3, 2018.

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

[3] United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 15, 2019. China signed the convention on October 5, 1998.

[4] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, recommendations 28.5, 28.6; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review China, Addendum, Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State under Review, A/HRC/40/6.Add.1, February 15, 2019, para. 2 (28.5, 28.6). The Chinese government did not accept recommendations to ratify the International Covenant on Civil and Political Rights proposed by several countries during the UN Human Rights Council's third Universal Periodic Review of China's compliance with international human rights norms, noting that it was "making preparations for ratification, but the specific date of ratification depends on whether relevant conditions in China are in place."

[5] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19(3); UN Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, A/HRC/17/27, May 16, 2011, para. 24.

[6] Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, adopted by UN Human Rights Council resolution 12/16, A/HRC/RES/12/16, October 12, 2009, para. 5(p)(i).

[7] UN Human Rights Committee, General Comment No. 34, Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, September 12, 2011, para. 21.

[8] UN Human Rights Council, Universal Periodic Review—China, Third Cycle, accessed July 10, 2019.

[9] See, e.g., Chinese Human Rights Defenders et al., "Collection of Civil Society Reports Submitted to the United Nations for 3rd Universal Periodic Review of People's Republic of China," October 2018, paras. 18–28; International Service for Human Rights and Committee to Protect Journalists, "The Situation of Human Rights Defenders in China: UPR Briefing Paper," March 2018; PEN International, Independent Chinese PEN Centre, PEN America, and PEN Tibet, "Joint Submission for the UPR of the People's Republic of China," 2018, paras. 3, 4, 8, 9, 12, 18; Human Rights in China, "Stakeholder Submission by Human Rights in China," March 2018, paras. 1, 15.

[10] "China, UPR Report Consideration—38th Meeting, 40th Regular Session Human Rights Council," [Webcast], UN Web TV, March 15, 2019, 38:43, International Service for Human Rights (Joint Statement), Ms. Sarah Brooks; 43:50, Helsinki Foundation for Human Rights, Mr. Kai Mueller; 49:11, Human Rights Watch, Mr. John Fisher; Human Rights Watch, "UN: Unprecedented Joint Call for China to End Xinjiang Abuses," July 10, 2019.

[11] International Campaign for Tibet, "China's Response to UN Rights Review Blatantly Ignores Its Persecution of Tibetans," March 14, 2019; Massimo Introvigne, "Universal Periodic Review of China: A Disappointing Document," *Bitter Winter,* March 15, 2019; Human Rights Watch, "UN: China Responds to Rights Review with Threats," April 1, 2019; Kris Cheng, "'Political Censorship': United Nations Removes Submissions from Int'l Civil Groups at China's Human Rights Review," *Hong Kong Free Press,* November 6, 2018; Andréa Worden, "China Deals Another Blow to the International Human Rights Framework at Its UN Universal Periodic Review," *China Change,* November 25, 2018.

[12] Su Xinqi and Joyce Ng, "Demosisto Report Detailing Human Rights Concerns in Hong Kong Removed from UN Review Hearing, Joshua Wong Claims," *South China Morning Post,* November 7, 2018; "Joint Press Statement: China UPR," reprinted in Human Rights Watch, November 5, 2018. The signatories to the statement were the Hong Kong rights advocacy group Demosistō Human Rights Watch; International Service for Human Rights; Nonviolent Radical Party, Transnational and Transparty; Southern Mongolian Human Rights Information Center; Tibetan Centre for Human Rights and Democracy; Unrepresented Nations and Peoples Organization; Uyghur Human Rights Project; and World Uyghur Congress. Kris Cheng, "'Political Censorship': United Nations Removes Submissions from Int'l Civil Groups at China's Human Rights Review," *Hong Kong Free Press,* November 6, 2018; Andréa Worden, "China Deals Another Blow to the International Human Rights Framework at its UN Universal Periodic Review," *China Change,* November 25, 2018.

[13] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3, September 3, 2018.

[14] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3*, September 3, 2018 (October 10, 2018 version).

[15] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, Corrigendum, A/HRC/WG.6/31/CHN/Corr.1*, November 5, 2018.

[16] Andréa Worden, "China Deals Another Blow to the International Human Rights Framework at Its UN Universal Periodic Review," *China Change,* November 25, 2018; International Campaign for Tibet, "China's Response to UN Rights Review Blatantly Ignores Its Persecution of

Tibetans," March 14, 2019; Human Rights Watch, "UN: China Responds to Rights Review with Threats," April 1, 2019; Kris Cheng, "'Political Censorship': United Nations Removes Submissions from Int'l Civil Groups at China's Human Rights Review," *Hong Kong Free Press,* November 6, 2018.

[17] International Service for Human Rights, "HRC40—High Time for a Resolution Calling for Access, Accountability in China," January 30, 2019.

[18] Elizabeth M. Lynch, "Introducing #Tiananmen30—Eyewitnesses to History," *China Law & Policy* (blog), May 28, 2019; Elizabeth M. Lynch, "Frank Upham—Our Man in Wuhan," *China Law & Policy* (blog), May 29, 2019; Elizabeth M. Lynch, "Andréa Worden—The Cries of Changsha," *China Law & Policy* (blog), June 3, 2019; Eva Xiao and Elizabeth Law, "The 'Other' Tiananmen—30 Years Ago, Protests Engulfed China," *Agence France-Presse,* reprinted in *Yahoo! News,* May 31, 2019.

[19] Jennifer Creery, "Video: 30 Years On, Canadian Journalist Shares Newly Restored Footage of China's Tiananmen Massacre Horror," *Hong Kong Free Press,* May 30, 2019.

[20] Chris Buckley, "30 Years after Tiananmen, a Chinese Military Insider Warns: Never Forget," *New York Times,* May 28, 2019.

[21] Andrew J. Nathan, "The New Tiananmen Papers," *Foreign Affairs,* May 30, 2019; Chris Buckley, "New Documents Show Power Games behind China's Tiananmen Crackdown," *New York Times,* May 30, 2019.

[22] Yangyang Cheng, "Four Is Forbidden," *ChinaFile,* Asia Society, May 30, 2019; Gerry Shih and Anna Fifield, "What Does Tiananmen Mean for Chinese Too Young to Remember It?," *Washington Post,* June 1, 2019; "How I Learned about Tiananmen," *ChinaFile,* Asia Society, June 3, 2019. See also Louisa Lim, "After Tiananmen, China Conquers History Itself," *New York Times,* June 2, 2019.

[23] Glenn Tiffert, "30 Years after Tiananmen: Memory in the Era of Xi Jinping," *Journal of Democracy* 30, no. 2 (April 2019): 39. See also Orville Schell, "Tiananmen: The Crackdown That Defined Modern China," *Wall Street Journal,* May 31, 2019.

[24] Lee Chyen Yee, "Chinese Defense Minister Says Tiananmen Crackdown Was Justified," *Reuters,* June 1, 2019; "Wei Fenghe cheng Liusi Tiananmen zhenya shi zhengque de" [Wei Fenghe says the June 4th Tiananmen crackdown was correct], *Voice of America,* June 2, 2019. See also "China Military Says Shouldn't Say Tiananmen Protests Were 'Suppressed,'" *Reuters,* May 30, 2019.

[25] "Xianggang yulun: Zhongguo Fangzhang de Liusi yanlun xianshi guanfang lichang 'daotui'" [Public opinion in Hong Kong: China's Defense Minister's statement about June 4th shows that the official position has "regressed"], *Voice of America,* June 3, 2019; "Zhuanfang: Zhongguo guanmei heyi chongti 'pinxi fan'geming baoluan'" [Interview: Why has official Chinese media again raised "quell the counter-revolutionary rebellion"], *Deutsche Welle,* December 18, 2018. See also Qian Gang, "Reading Xi's Reform Anniversary Speech," *China Media Project,* December 18, 2018.

[26] Erik Eckholm and Chris Buckley, "Li Peng, Chinese Leader Derided for Role in Tiananmen Crackdown, Dies at 90," *New York Times,* July 23, 2019.

[27] "Zhonggong Zhongyang Quanguo Renda Weiyuanhui Guowuyuan Quanguo Zhengxie fugao Li Peng tongzhi shishi" [Party Central Committee, NPC Standing Committee, State Council, and CPPCC report Comrade Li Peng passed away], *Xinhua,* July 23, 2019.

[28] Elizabeth M. Lynch, "Teng Biao—His Tiananmen Awakening," *China Law & Policy* (blog), June 2, 2019.

[29] Tiananmen Mothers, "Mourning Our Families and Compatriots Killed in the June Fourth Massacre: A Letter to China's Leaders," translated and reprinted in Human Rights in China, March 15, 2019.

[30] Ludovic Ehret and Eva Xiao, "'Unimaginable': 30 Years On, Families of Tiananmen Dead Demand Truth," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* June 2, 2019; Verna Yu, "Tiananmen Square Anniversary: What Sparked the Protests in China in 1989?," *Guardian,* May 30, 2019.

[31] Dui Hua Foundation, "Last Known Tiananmen Prisoner to Be Released in October," May 2, 2016.

[32] John Kamm, Dui Hua Foundation, "How Tiananmen Changed China," Remarks to the Commonwealth Club of California, June 3, 2009.

[33] Wang Dan, "30 Years after Tiananmen: The Meaning of June 4th," *Journal of Democracy* 30, no. 2 (April 2019): 31–32; Verna Yu, "Tiananmen Square Anniversary: What Sparked the Protests in China in 1989?," *Guardian,* May 30, 2019.

[34] Sheryl WuDunn and Special to the *New York Times,* "1,000 Chinese Journalists Call for Greater Freedom of Press," *New York Times,* May 10, 1989. Journalists from state media called for dialogue with senior leaders on freedom of the press and permission to provide more accurate coverage of the protests in a petition reportedly signed by approximately 1,000 journalists.

[35] Chris Buckley, "People's Daily Editorial Fanned Flames of 1989 Protest," *Sinosphere* (blog), *New York Times,* April 25, 2014. For a translated excerpt from the April 26, 1989, *People's Daily* editorial, see Geremie R. Barmé, "Rumour—A Pipe Blown by Surmises, Jealousies, Conjectures," *China Heritage,* Wairarapa Academy for New Sinology, June 7, 2019.

[36] Liu Binyan, "In Beijing's Newsrooms," *Nieman Reports,* Nieman Foundation for Journalism at Harvard University (Spring 1992), reprinted August 28, 2014; Orville Schell, "Tiananmen: The Crackdown That Defined Modern China," *Wall Street Journal,* May 31, 2019; Elizabeth M. Lynch, "Andréa Worden—The Cries of Changsha," *China Law & Policy* (blog), June 3, 2019. See also *The Tiananmen Papers,* eds. Andrew J. Nathan and Perry Link (New York: PublicAffairs, 2002), 92. The Tiananmen Papers included a translation of an official document from Shanghai municipality that noted many Shanghai newspapers at the time had praised former Party General Secretary Hu Yaobang in their coverage of his death.

[37] Sheryl WuDunn and Special to the *New York Times,* "China Newspapers Try New Openness," *New York Times,* May 6, 1989.

[38] *The Tiananmen Papers,* eds. Andrew J. Nathan and Perry Link (New York: PublicAffairs, 2002), 14; John Gittings, "Liu Binyan," *Guardian,* December 7, 2005.
[39] Liu Binyan, "In Beijing's Newsrooms," *Nieman Reports,* Nieman Foundation for Journalism at Harvard University (Spring 1992), reprinted August 28, 2014.
[40] "Zhongguo jizhe jie: Xinwen zui cha de shidai" [Chinese journalists' day: Worst of times for news media], *Radio Free Asia,* November 8, 2018; Wu Wei, "Fangsong xinwen guankong, tuijin xinwen lifa" [Release control of news media, promote press legislation], *New York Times,* October 13, 2014; Sun Xupei, "Sun Xupei: Sanshi nian xinwen lifa licheng he sikao" [Sun Xupei: Thirty years on the history of and reflections on press legislation], *China Reform Net (Zhongguo Gaige Wang)*, February 14, 2012.
[41] Reporters Without Borders, *World Press Freedom Index 2019,* accessed June 11, 2019.
[42] Jiang Yannan, "Quanmian shencha shidai: Zhongguo meiti ren zheng zai jingli shenme?" [An era of total censorship: What are Chinese journalists experiencing nowadays?], *Initium,* September 9, 2018. For an English translation of this article, see "Journalists in a 'Total Censorship Era,'" *China Digital Times,* October 8, 2018. "Zhongguo diaocha baodao: guoqu 'shi' hengbianye wailai yi pian miming" [Investigative journalism in China: a past strewn with "corpses," a future vast and hazy], *Radio Free Asia,* May 2, 2019.
[43] Jiang Ziwen and Yue Huairang, "'Zang'ao jizhe', Zhongqingbao shendu diaochabu zhuren Liu Wanyong gaobie meiti" ["Tibetan mastiff journalist" China Youth Daily investigative journalism department head Liu Wanyong says farewell to journalism], *The Paper,* April 25, 2019; David Bandurski, "Liu Wanyong Bids Journalism Farewell," *China Media Project,* May 6, 2019.
[44] Jane Perlez, "For China's Leading Investigative Reporter, Enough Is Enough," *New York Times,* June 7, 2019; David Bandurski, "Liu Wanyong Bids Journalism Farewell," *China Media Project,* May 6, 2019.
[45] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 35.
[46] PEN International, Independent Chinese PEN Centre, PEN America, and PEN Tibet, "Joint Submission for the UPR of the People's Republic of China," accessed May 15, 2019, paras. 3, 4, 8, 9, 12, 18; Jiang Yannan, "Quanmian shencha shidai: Zhongguo meiti ren zheng zai jingli shenme?" [An era of total censorship: What are Chinese journalists experiencing nowadays?], *Initium,* September 9, 2018.
[47] Reporters Without Borders, "China: 58 Uyghur Journalists Detained," June 3, 2019; Elana Beiser, Committee to Protect Journalists (CPJ), "Hundreds of Journalists Jailed Globally Becomes the New Normal," December 13, 2018; Committee to Protect Journalists, "47 Journalists Imprisoned in China in 2018," accessed May 7, 2019. CPJ identified 23 ethnic Uyghurs in its list of 47 detained or imprisoned journalists. Marco Respinti, "The Fate of Bitter Winter's 45 Arrested Reporters," *Bitter Winter,* February 7, 2019. Of the 45 detained contributors from *Bitter Winter,* at least 22 reportedly were detained in the Xinjiang Uyghur Autonomous Region.
[48] Uyghur Human Rights Project, "Update—Detained and Disappeared: Intellectuals under Assault in the Uyghur Homeland," May 21, 2019; "Veteran Editor of Uyghur Publishing House among 14 Staff Members Held over 'Problematic Books,'" *Radio Free Asia,* November 26, 2018; "Xinjiang Authorities Detain Prominent Uyghur Journalist in Political 'Re-Education Camp,'" *Radio Free Asia,* October 18, 2018. For more information, see the Commission's Political Prisoner Database records 2019-00194 on Ablajan Seyit and 2019-00195 on Memetjan Abliz Boriyar.
[49] Committee to Protect Journalists, "China Detains Award-Winning Photographer in Xinjiang," November 28, 2018; Rights Defense Network, "Lu Mei sheyingshi Lu Guang bei zhengshi zao Xinjiang Kashi jingfang zhengshi daibu" [U.S.-based photographer Lu Guang confirmed to have been formally arrested by Kashgar, Xinjiang, police], December 13, 2018; Robert Y. Pledge, "A Photographer Goes Missing in China," *New York Times,* December 8, 2018. For more information on Lu Guang, see the Commission's Political Prisoner Database record 2018-00601.
[50] Damien Cave and Chris Buckley, "Chinese-Australian Writer Yang Hengjun Detained in China," *New York Times,* January 23, 2019; Gerry Shih, "China Confirms Detention of Australian Writer Yang Hengjun on Suspicion of Endangering National Security," *Washington Post,* January 24, 2019; Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on January 24, 2019," January 24, 2019; David Bandurski, "This Is Yang Hengjun," *China Media Project,* March 30, 2011.
[51] William Yang, "Chinese Photographer Lu Guang's Detention Raises Alarm," *Deutsche Welle,* May 2, 2019; PEN America, "Disappearance of Australian Author Yang Hengjun Terrifying Sign of China's Repression of Writers," January 23, 2019.
[52] "Xi Jinping: Tuidong meiti ronghe xiang zongshen fazhan gonggu quan Dang quanguo renmin gongtong sixiang jichu" [Xi Jinping: Promote deeper development of media convergence, consolidate the entire Party and people's common ideological foundation], *Xinhua,* January 25, 2019; David Bandurski, "PSC Converges for Media Convergence," *China Media Project,* January 29, 2019.
[53] Central Commission for Discipline Inspection, "Guanyu meiti ronghe fazhan, Xi Jinping Zongshuji zheyang shuo" [These are General Secretary Xi Jinping's sayings about the development of media convergence], January 25, 2019.
[54] David Bandurski, "PSC Converges for Media Convergence," *China Media Project,* January 29, 2019.
[55] "Zhonggong jiaqiang guankong 'bi ganzi' chuanmei jianguanju chengli" [Central Committee strengthens control over the "writing stick," news broadcast regulatory department established], *Duowei,* April 10, 2019. See also CECC, *2018 Annual Report,* October 10, 2018, 66–67, 227–28.
[56] UN Human Rights Council, Tenth Anniversary Joint Declaration: Ten Key Challenges to Freedom of Expression in the Next Decade, Addendum to Report of the Special Rapporteur on the Promotion and Protection of the Rights to Freedom of Opinion and Expression, A/HRC/14/23/Add.2, March 25, 2010, para. 1(a). See also UN Special Rapporteur on Freedom of Opinion and Expression, Organization for Security and Co-operation in Europe Representative on Free-

dom of the Media, Organization of American States Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information, Joint Declaration on Media Independence and Diversity in the Digital Age, May 2, 2018.

[57] "Dangmei xing Dang yu zhengzhijia banbao Xi Jinping xinwen sixiang chulu" [Party media is surnamed Party and politicians run newspapers, Xi Jinping's news thought released], *Duowei,* June 14, 2018; David Bandurski, "Mirror, Mirror on the Wall," *China Media Project,* February 22, 2016; Anne-Marie Brady, *Marketing Dictatorship: Propaganda and Thought Work in Contemporary China* (Lanham, MD: Rowman & Littlefield, 2008), 46; Zhu Jidong, "Lun xin shidai jianchi zhengzhijia banbao de zhongyaoxing" [In the new era, adhering to the importance of politicians running the newspapers], *Journalism Lover (Xinwen Aihaozhe),* December 7, 2018, reprinted in *People's Daily,* December 10, 2018.

[58] David Bandurski, "PSC Converges for Media Convergence," *China Media Project,* January 29, 2019; Xiao Qiang, "As Hong Kong Demonstrations Continue, China Is Controlling What the Mainland Hears," interview with Ailsa Chang, *All Things Considered, NPR,* August 14, 2019; WeChatscope, University of Hong Kong, "Censored on WeChat: As Tensions in China-US Trade Conflict Rose, so Did WeChat Censorship," *Global Voices,* February 18, 2019.

[59] "Minireview: 2018 in Censorship (Oct–Dec)," *China Digital Times,* February 5, 2019.

[60] "Directives from the Ministry of Truth," *China Digital Times,* accessed August 15, 2019.

[61] "Minitrue: No News on U.S. Trade Dispute," *China Digital Times,* May 9, 2019; "Minitrue: No Hyping Xi-Trump Meeting at G20," *China Digital Times,* December 2, 2018; "Minireview: 2018 in Censorship (Oct–Dec)," *China Digital Times,* February 5, 2019.

[62] Xie Yu, "People's Daily Website Becomes Top Stock Pick as It Ratchets Up Censorship to New Level, Fuelling Revenue Expectations," *South China Morning Post,* March 12, 2019.

[63] Zhang Jinwen and Feng Sichao, "Renminwang fafang shou pi hulianwang neirong fengkongshi zhengshu" [People's Daily Online issues first group of certificates for online content risk control specialists], *People's Daily,* July 24, 2019.

[64] Louisa Lim and Julia Bergin, "Inside China's Audacious Global Propaganda Campaign," *Guardian,* December 7, 2018; Javier C. Hernández, "'We're Almost Extinct': China's Investigative Journalists Are Silenced under Xi," *New York Times,* July 12, 2019.

[65] Javier C. Hernández, "'We're Almost Extinct': China's Investigative Journalists Are Silenced under Xi," *New York Times,* July 12, 2019.

[66] Anna Fifield, "China Celebrates 'Very Happy Lives' in Xinjiang, after Detaining 1 Million Uighurs," *Washington Post,* July 30, 2019.

[67] Emily Feng and Amy Cheng, "China State Media Present Their Own Version of Hong Kong Protests," *NPR,* August 14, 2019; Lily Kuo, "Beijing's New Weapon to Muffle Hong Kong Protests: Fake News," *Guardian,* August 11, 2019.

[68] Emily Feng and Amy Cheng, "China State Media Present Their Own Version of Hong Kong Protests," *NPR,* August 14, 2019; Simone McCarthy, "Hong Kong Protests Put Chinese State Media's Drive to Win over an International Audience to the Test," *South China Morning Post,* August 16, 2019.

[69] Elana Beiser, Committee to Protect Journalists, "Hundreds of Journalists Jailed Globally Becomes the New Normal," December 13, 2018; Committee to Protect Journalists, "47 Journalists Imprisoned in China in 2018," accessed May 7, 2019.

[70] Ian Johnson, "'My Responsibility to History': An Interview with Zhang Shihe," *NYRB Daily* (blog), *New York Review of Books,* January 30, 2019; Eva Pils, *Human Rights in China* (Medford, MA: Polity Press, 2018), 88–89. Journalist Ian Johnson writes that "citizen journalists" are "a breed of self-taught activists who used the newly emerging digital technologies to record interviews and post them online, thus bypassing—for about a decade starting in the early 2000s—traditional forms of censorship." Scholar Eva Pils also points to the changes in communication technologies that gave rise to citizen journalism.

[71] Iris Hsu, "How Many Journalists Are Jailed in China? Censorship Means We Don't Know," *CPJ Blog* (blog), Committee to Protect Journalists, March 12, 2019.

[72] Lin Yijiang, "Dozens of Bitter Winter Reporters Arrested," *Bitter Winter,* December 27, 2018; Chinese Human Rights Defenders, "China: Release Liu Feiyue and Decriminalize Human Rights Activism," January 29, 2019; Catherine Lai, "How China's Multi-Pronged Crackdown on Dissent Took Aim at Citizen Journalists and Rights Defence Websites," *Hong Kong Free Press,* February 16, 2018.

[73] Lin Yijiang, "Dozens of Bitter Winter Reporters Arrested," *Bitter Winter,* December 27, 2018; Marco Respinti, "The Fate of Bitter Winter's 45 Arrested Reporters," *Bitter Winter,* February 7, 2019.

[74] Marco Respinti, "The Fate of Bitter Winter's 45 Arrested Reporters," *Bitter Winter,* February 7, 2019.

[75] Elana Beiser, Committee to Protect Journalists, "Hundreds of Journalists Jailed Globally Becomes the New Normal," December 13, 2018; Committee to Protect Journalists, "47 Journalists Imprisoned in China in 2018," accessed May 7, 2019.

[76] Reporters Without Borders, "China: 58 Uyghur Journalists Detained," June 3, 2019.

[77] Iris Hsu, "How Many Journalists Are Jailed in China? Censorship Means We Don't Know," *CPJ Blog* (blog), Committee to Protect Journalists, March 12, 2019.

[78] "Hongse Cankao bianji bu Beijing bangongshi bei chachao, gongzuo renyuan bei xingju" [Red Reference's editorial department in Beijing subjected to search, staff criminally detained], *Red Reference,* August 12, 2018. For more information on Shang Kai, see the Commission's Political Prisoner Database record 2019-00010.

[79] Rights Defense Network, "Jiya yi ge duo yue hou Guangdong zi meiti 'Xin Shengdai' bianji Wei Zhili, Ke Chengbing you zao zhiding jusuo jianshi juzhu Yang Zhengjun de qingkuang bu ming" [After more than one month of detention, "New Generation" editors Wei Zhili and Ke Chengbing placed under residential surveillance at a designated location, Yang Zhengjun's con-

ditions are unclear], April 23, 2019. For more information on Yang Zhengjun, see the Commission's Political Prisoner Database record 2019-00129.

[80] Hong Kong Confederation of Trade Unions, "Former Online Media Editor Arrested for 'Inciting Subversion of State Power,'" accessed June 15, 2019; "Zhongguo zuoyi wangzhan bianji bei yi 'dianfu zui' juliu" [Editor of Chinese leftist website detained for "subversion of state power"], *Radio Free Asia,* March 25, 2019. For more information on Chai Xiaoming, see the Commission's Political Prisoner Database record 2019-00126.

[81] "Beijing Ramps Up Crackdown on Labour Activists," *Financial Times,* March 28, 2019. For more information, see the Commission's Political Prisoner Database records 2019-00127 on Wei Zhili and 2019-00128 on Ke Chengbing.

[82] Hong Kong Confederation of Trade Unions, "Former Online Media Editor Arrested for 'Inciting Subversion of State Power,'" March 21, 2019; "Zhongguo zuoyi wangzhan bianji bei yi 'dianfu zui' juliu" [Editor of Chinese leftist website detained for "subversion of state power"], *Radio Free Asia,* March 25, 2019; "Hongse Cankao bianji bu Beijing bangongshi bei chachao, gongzuo renyuan bei xingju" [Red Reference's editorial department in Beijing subjected to search, staff criminally detained], *Red Reference,* August 12, 2018.

[83] Rights Defense Network, "Shenzhen jingfang zaici kua shi zhuabu, Xin Shengdai bianji Wei Zhili (Xiao Wei) bei bu, Ke Chengbing (Lao Mu) shilian" [Shenzhen police again cross city lines for detentions, New Generation editors Wei Zhili (Xiao Wei) detained, Ke Chengbing (Lao Mu) is disappeared], March 20, 2019; "Chinese Labor Activist Repeatedly Interrogated in Detention," *Radio Free Asia,* April 9, 2019.

[84] Lin Yijiang, "Dozens of Bitter Winter Reporters Arrested," *Bitter Winter,* December 27, 2018; Marco Respinti, "The Fate of Bitter Winter's 45 Arrested Reporters," *Bitter Winter,* February 7, 2019.

[85] Authorities prosecuted the cases of Huang Qi and Liu Feiyue this past year, both of which are described in detail later in this sub-section. The Commission also continued to monitor the cases of several 64 Tianwang "volunteers" detained in 2016. Authorities formally prosecuted some of them and held others in some form of detention during the 2019 reporting year. For more information on those cases, see the Commission's Political Prisoner Database records 2013-00063 on Chen Tianmao, 2016-00464 on Yang Xiuqiong, 2016-00105 on Li Zhaoxiu, and 2018-00314 on Jiang Chengfen.

[86] "Zhen Jianghua xingju 37 tian qiman wei huoshi duo wei weiquan renshi yin Shijiu Da bei weiwen" [Zhen Jianghua not released 37 days after criminal detention, many rights defenders subjected to stability maintenance measures due to 19th Party Congress], *Canyu Net,* October 9, 2017; Chinese Human Rights Defenders, "Chinese Government Puts Human Rights Defenders on Trial during Holiday Season to Hide Rights Abuses," January 8, 2019; Human Rights Watch, "China: Free Anti-Censorship Activist," April 2, 2018; Rights Defense Network, "Guangdong renquan hanweizhe, NGO renshi Zhen Jianghua huoxing 2 nian" [Guangdong human rights defender and NGO worker Zhen Jianghua sentenced to 2 years in prison], December 29, 2018. Zhen is scheduled for release on September 1, 2019. For more information on Zhen Jianghua, see the Commission's Political Prisoner Database record 2017-00360. "Minsheng Guancha bianji Ding Lingjie bei jing daizou jiashu wei shou tongzhi" [Civil Rights & Livelihood Watch editor Ding Lingjie taken away by police, family has not received [detention] notice], *Radio Free Asia,* September 25, 2017; Civil Rights & Livelihood Watch, "Li Xuehui, Ding Lingjie he Li Hui deng duo ren bei yi xunxin zishi zui panxing" [Li Xuehui, Ding Lingjie and Li Hui, among others, sentenced for picking quarrels and provoking trouble], December 28, 2018; Chinese Human Rights Defenders, "Ding Lingjie," accessed May 2, 2019; Rights Defense Network, "Weiquan renshi Ding Lingjie nushi xingman chuyu" [Rights defender Ms. Ding Lingjie completed sentence and is released from prison], May 21, 2019. Authorities reportedly released Ding on May 21, 2019. For more information on Ding Lingjie, see the Commission's Political Prisoner Database record 2017-00328.

[87] Lin Yijiang, "Dozens of Bitter Winter Reporters Arrested," *Bitter Winter,* December 27, 2018; Marco Respinti, "The Fate of Bitter Winter's 45 Arrested Reporters," *Bitter Winter,* February 7, 2019.

[88] UN Human Rights Council, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-first session, April 17–26, 2018, A/HRC/WGAD/2018/22, June 27, 2018, paras. 52–54.

[89] Dui Hua Foundation, "The Arbitrary Classification of State Secrets," *Dui Hua Human Rights Journal,* August 16, 2018.

[90] "China's Jailed Citizen Journalists at Risk of Torture, Death: Press Freedom Group," *Radio Free Asia,* December 19, 2018.

[91] Chinese Human Rights Defenders (CHRD), "China: Release Liu Feiyue and Decriminalize Human Rights Activism," January 29, 2019. According to CHRD, the court also fined Liu approximately US$150,000, an amount purportedly equivalent to the overseas funding Liu allegedly received to finance the website. For more information on Liu Feiyue, see the Commission's Political Prisoner Database record 2016-00460.

[92] Civil Rights & Livelihood Watch, "'Liu Feiyue an' jin kaiting shengyuanzhe zao kouya" ["Liu Feiyue's case" goes to trial today, supporters taken into custody], August 7, 2018.

[93] Chinese Human Rights Defenders, "Chinese Government Puts Human Rights Defenders on Trial during Holiday Season to Hide Rights Abuses," January 8, 2019; "China to Try Outspoken Nanjing Journalist for 'Subversive' Social Media Posts," *Radio Free Asia,* February 8, 2018. For more information on Sun Lin, see the Commission's Political Prisoner Database record 2008-00617.

[94] Reporters Without Borders, "Boxun Journalist in Nanjing Gets Four Years in Prison," June 30, 2008.

[95] Dui Hua Foundation, "The Arbitrary Classification of State Secrets," *Dui Hua Human Rights Journal,* August 16, 2018.

[96] Mianyang Municipal Intermediate People's Court, "Huang Qi guyi xielou guojia mimi, wei jingwai feifa tigong guojia mimi an yishen gongkai xuanpan" [First instance [trial] publicly announced sentence of Huang Qi for intentionally leaking state secrets and illegally providing state secrets abroad], July 29, 2019. The court sentenced Huang to 3 years' imprisonment on the charge of "intentionally leaking state secrets" and to 11 years' imprisonment on the charge of "illegally providing state secrets to overseas entities"; it ordered him to serve 12 years of the combined 14-year sentence. In addition, the court sentenced him to four years' deprivation of political rights and a fine of 200,000 yuan (US$28,000). For more information on Huang Qi, see the Commission's Political Prisoner Database record 2004-04053.

[97] "A Chinese Dissident Jailed for Critical Thought Deserves the World's Help," editorial, *Washington Post,* July 31, 2019.

[98] Lily Kuo, "'The Last Time I Saw Granny Pu': 85-Year-Old Mother of Chinese Dissident Seized by Police," *Guardian,* December 20, 2018; Rights Defense Network, "Zao ruanjin de Huang Qi muqin Pu Wenqing yao jian Zhongyang xunshizu, dianhua bei pingbi cheng konghao" [Huang Qi's mother Pu Wenqing, currently held in soft detention, asks to see Central investigation team, but phone call filtered into empty number], July 9, 2019. For more information on Pu Wenqing, see the Commission's Political Prisoner Database record 2018-00619.

[99] "Jailed Chinese Activist's Life in 'Immediate' Danger: Rights Groups," *Agence France-Presse,* reprinted in *Straits Times,* November 5, 2018; Yaxue Cao, "85-Year-Old Mother Fights for the Release of Her Son, Renowned Human Rights Defender," *China Change,* October 15, 2018; Human Rights in China, "Mother of Detained Rights Activist Huang Qi Fears Reprisal, Calls for International Attention," November 19, 2018.

[100] Foreign Correspondents' Club of China, *Under Watch: Reporting in China's Surveillance State,* January 2019, 1.

[101] Ibid., 1–2.

[102] Foreign Correspondents' Club of China, *Under Watch: Reporting in China's Surveillance State,* January 2019, 7–8. See also Owen Guo, "Reflections of a Chinese Reporter in Foreign Media," *SupChina,* August 21, 2018.

[103] Foreign Correspondents' Club of China, *Under Watch: Reporting in China's Surveillance State,* January 2019, 8.

[104] Ibid., 11–12.

[105] Foreign Correspondents' Club of China, *Under Watch: Reporting in China's Surveillance State,* January 2019, 5–7; Foreign Correspondents' Club of China (FCCC), "Foreign Journalist Access to Tibet," FCCC Position Paper, March 2019, 1.

[106] *Chinese Influence and American Interests: Promoting Constructive Vigilance,* Report of the Working Group on Chinese Influence Activities in the United States (Stanford, CA: Hoover Institution Press, 2018), 5, 93.

[107] Gerry Shih, "China Adds Washington Post, Guardian to 'Great Firewall' Blacklist," *Washington Post,* June 8, 2019.

[108] Ryan Gallagher, "China Bans The Intercept and Other News Sites in 'Censorship Black Friday,'" *Intercept,* June 7, 2019; "Western News Sites Blocked as Chill on Chinese Media Continues," *China Digital Times,* June 7, 2019.

[109] Josh Horwitz, "Online Encyclopedia Wikipedia Blocked in China Ahead of Tiananmen Anniversary," *Reuters,* May 15, 2019.

[110] Austin Ramzy and Edward Wong, "China Forces Out Buzzfeed Journalist," *New York Times,* August 23, 2018.

[111] Megha Rajagopalan, "This Is What a 21st-Century Police State Really Looks Like," *BuzzFeed News,* October 17, 2017.

[112] Megha Rajagopalan, "An American Reporter Was Denied a Visa to China. She Said It's Because She Criticized the Communist Party.," *BuzzFeed News,* June 19, 2019.

[113] Committee to Protect Journalists, "China Refuses Visa Application for Critical American Journalist," June 19, 2019.

[114] "Weixie ba jizhe liuru hei mingdan E'meiti zhize Zhongguo ganshe xinwen ziyou" [For threatening to put journalist on blacklist, Russian media accuses China of meddling in freedom of the press], *Voice of America,* March 5, 2019.

[115] Foreign Correspondents' Club of China, *Under Watch: Reporting in China's Surveillance State,* January 2019, 14–15.

[116] Paul Mozur, "Being Tracked while Reporting in China, Where 'There Are No Whys,'" *New York Times,* April 16, 2019.

[117] Foreign Correspondents' Club of China (FCCC), "Foreign Journalist Access to Tibet," FCCC Position Paper, March 2019, 1, 4. The FCCC urged foreign governments to pressure the Chinese government to approve individual reporting trips to the TAR by the end of 2019, rather than offering only highly restricted government-arranged group media access, and to push for the removal of prior approval requirements in 2021, one year in advance of the 2022 Winter Olympics in Beijing municipality.

[118] Ibid., 1.

[119] Zhuang Rongwen, "Kexue renshi wangluo chuanbo guilu nuli tigao yong wang zhi wang shuiping" [Scientifically understanding the natural laws of online communication, striving to boost the level of internet use and network governance], *Qiushi Journal,* September 16, 2018; Rogier Creemers, Paul Triolo, and Graham Webster, "Translation: China's New Top Internet Official Lays Out Agenda for Party Control Online," *DigiChina* (blog), New America, September 24, 2018. See also Nectar Gan, "Cyberspace Controls Set to Strengthen under China's New Internet Boss," *South China Morning Post,* September 20, 2018.

[120] "Xi Jinping: Tuidong meiti ronghe xiang zongshen fazhan gonggu quan Dang quanguo renmin gongtong sixiang jichu" [Xi Jinping: Promote deeper development of media convergence, consolidate the entire Party and people's common ideological foundation], *Xinhua,* January 25, 2019; David Bandurski, "PSC Converges for Media Convergence," *China Media Project,* January 29, 2019.

[121] Marina Svensson, "Human Rights and the Internet in China: New Frontiers and Challenges" in *Handbook of Human Rights in China,* eds. Sarah Biddulph and Joshua Rosenzweig (Northhampton, MA: Edward Elgar, 2019), 637.
[122] Ibid., 644, 646.
[123] Mingli Shi, "What China's 2018 Internet Governance Tells Us about What's Next," *DigiChina* (blog), New America, January 28, 2019; Adrian Shahbaz, Freedom House, "China," in *Freedom on the Net 2018: The Rise of Digital Authoritarianism,* October 2018.
[124] Eva Pils, "Human Rights and the Political System" in *Handbook of Human Rights in China,* eds. Sarah Biddulph and Joshua Rosenzweig (Northhampton, MA: Edward Elgar, 2019), 43n24.
[125] See, e.g., Manya Koetse, "Chinese Blogger Addresses Weibo's 'Elephant in the Room,'" *What's on Weibo* (blog), June 10, 2019.
[126] See, e.g., "Blogger Tried for 'Defaming' Chinese Leaders Past and Present," *Radio Free Asia,* January 31, 2019. For more information on this case, see the Commission's Political Prisoner Database record 2016-00380 on Liu Yanli.
[127] See, e.g., "'Spiritually Japanese' Artist Held in China's Anhui over Pig-Head Cartoons," *Radio Free Asia,* August 1, 2019. For more information on this case, see the Commission's Political Prisoner Database record 2019-00303 on Zhang Dongning.
[128] Cyberspace Administration of China, *Ju You Yanlun Shuxing Huo Shehui Dongyuan Nengli de Hulian Wang Xinxi Fuwu Anquan Pinggu Guiding* [Provisions for the Security Assessment of Internet Information Services Having Public Opinion Properties or Social Mobilization Capacity], effective November 30, 2018, art. 17. For an English translation of these provisions, see Rogier Creemers, "New Rules Target Public Opinion and Mobilization Online in China (Translation)," *DigiChina* (blog), New America, November 21, 2018.
[129] Rogier Creemers, "New Rules Target Public Opinion and Mobilization Online in China (Translation)," *DigiChina* (blog), New America, November 21, 2018.
[130] Jessica Baron, "Cyber-Sovereignty and China's Great Firewall: An Interview with James Griffiths," *Forbes,* April 8, 2019; Gary King, Jennifer Pan, and Margaret E. Roberts, "How Censorship in China Allows Government Criticism but Silences Collective Expression," *American Political Science Review* 107, no. 2 (May 2013).
[131] Blake Miller, "Delegated Dictatorship: Examining the State and Market Forces behind Information Control in China," (PhD diss., University of Michigan, 2018), chap. IV.
[132] Yaqiu Wang, Human Rights Watch, "China's Social Media Crackdown Targets Twitter," November 21, 2018.
[133] Renee Xia, Chinese Human Rights Defenders, "30-Year Censorship and No Accountability for Tiananmen: Here Lies the Hope," June 4, 2019.
[134] Threat Lab, Electronic Frontier Foundation, "30 Years Since Tiananmen Square: The State of Chinese Censorship and Digital Surveillance," June 4, 2019.
[135] Charlotte Gao, "Ahead of Tiananmen Incident Anniversary, China Launches a New Round of Internet Crackdown," *The Diplomat,* January 4, 2019; "Western News Sites Blocked in China," *China Digital Times,* June 7, 2019.
[136] David Bandurski, "WeChat Exposes," *China Media Project,* January 5, 2019.
[137] Charlotte Gao, "Ahead of Tiananmen Incident Anniversary, China Launches a New Round of Internet Crackdown," *The Diplomat,* January 4, 2019.
[138] Citizen Lab and Weiboscope, "China's Censored Histories: Commemorating the 30th Anniversary of the Tiananmen Square Massacre," *Global Voices,* April 17, 2019.
[139] Citizen Lab and Weiboscope, "China's Censored Histories: Commemorating the 30th Anniversary of the Tiananmen Square Massacre," *Global Voices,* April 17, 2019. See also Li Yuan, "Learning China's Forbidden History So They Can Censor It," *New York Times,* January 2, 2019.
[140] Holmes Chan, "Archive Reveals Scale of China's Tiananmen Massacre Blackout as Netizens Fight to Evade Censors," *Hong Kong Free Press,* April 16, 2019. See also Li Yuan, "Learning China's Forbidden History So They Can Censor It," *New York Times,* January 2, 2019.
[141] Eva Xiao, "Stealth Crackdown: Chinese Censorship Extends to Twitter as Activists' Accounts Disappear," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* November 18, 2018; Yaqiu Wang, Human Rights Watch, "China's Social Media Crackdown Targets Twitter," November 21, 2018; Yaxue Cao, "China Steps Up Nationwide Crackdown to Silence Twitter Users—The Unmediated Story," *China Change,* December 5, 2018.
[142] Gerry Shih, "Chinese Censors Go Old School to Clamp Down on Twitter: A Knock on the Door," *Washington Post,* January 4, 2019. See also Christian Shepherd and Yuan Yang, "Chinese Authorities Step Up Crackdown on Twitter Users," *Financial Times,* April 15, 2019.
[143] Yaqiu Wang, Human Rights Watch, "China's Social Media Crackdown Targets Twitter," November 21, 2018; Yaxue Cao, "China Steps Up Nationwide Crackdown to Silence Twitter Users—The Unmediated Story," *China Change,* December 5, 2018.
[144] Paul Mozur, "Twitter Takes Down Accounts of China Dissidents Ahead of Tiananmen Anniversary," *New York Times,* June 1, 2019.
[145] Paul Mozur, "Twitter Takes Down Accounts of China Dissidents Ahead of Tiananmen Anniversary," *New York Times,* June 1, 2019; Ellen Cranley, "Twitter Apologized for Suspending Accounts of Chinese Government Critics Ahead of Tiananmen Square Anniversary," *Business Insider,* June 2, 2019.
[146] Chinese Human Rights Defenders, "June 4th Wine Bottle Case," May 30, 2018, accessed May 18, 2019; "China Hands Suspended Jail Term to Man Who Sold Tiananmen Massacre Liquor," *Radio Free Asia,* April 1, 2019 (Fu Hailu was given a three-year sentence, suspended for five years); Rights Defense Network, "'Chengdu Liusi Jiu'an' zui xin tongbao: Luo Fuyu dangting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing" [Latest bulletin on "Chengdu June 4th liquor case": Luo Fuyu sentenced in court to 3 years, suspended for 4 years], April 3, 2019; Rights Defense Network, "'Chengdu Liusi Jiu'an' zui xin tongbao: Zhang Junyong

dangting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing" [Latest bulletin on "Chengdu June 4th liquor case": Zhang Junyong sentenced in court to 3 years, suspended for 4 years], April 2, 2019; Rights Defense Network, "'Chengdu Liusi Jiu'an' zui xin tongbao: Chen Bing jujue renzui dangting bei panjue youqi tuxing 3 nian 6 ge yue ci an daoci chen'ai luoding" [Latest bulletin on "Chengdu June 4th liquor case": Chen Bing refuses to admit guilt, sentenced in court to 3 years and 6 months in prison, the dust has now settled in this case], April 4, 2019; "Court in China's Sichuan Jails Fourth Man over Tiananmen Massacre Liquor," *Radio Free Asia,* April 4, 2019. For more information on the June Fourth liquor bottle cases, see the Commission's Political Prisoner Database records 2016-00240 on Fu Hailu, 2016-00241 on Chen Bing, 2016-00242 on Luo Fuyu, and 2016-00243 on Zhang Junyong.

[147] Rowena Xiaoqing He, "Never Forget. Never Give Up: The Tiananmen Movement, 30 Years Later," *Globe and Mail,* April 22, 2019; Chinese Human Rights Defenders, "June 4th Wine Bottle Case," May 30, 2018, accessed May 18, 2019; Didi Kirsten Tatlow, "A High-Proof Tribute to Tiananmen's Victims Finds a Way Back to China," *New York Times,* May 30, 2017.

[148] Glenn Tiffert, "30 Years after Tiananmen: Memory in the Era of Xi Jinping," *Journal of Democracy* 30, no. 2 (April 2019): 42.

[149] On May 4, 1919, students protested in Beijing municipality against the provisions in the Treaty of Versailles that ceded disputed territory to Japan. See Dan Xing Huang, "The Chinese Enlightenment at 100," *Foreign Affairs,* May 3, 2019; Chris Buckley and Amy Qin, "Why Does a Student Protest Held a Century Ago Still Matter in China?," *New York Times,* May 3, 2019. On the role of university students during the 100 Flowers Movement in 1957, see Yidi Wu, "Blooming, Contending, and Staying Silent: Student Activism and Campus Politics in China, 1957" (PhD diss., UC Irvine, 2017).

[150] Glenn Tiffert, "30 Years after Tiananmen: Memory in the Era of Xi Jinping," *Journal of Democracy* 30, no. 2 (April 2019): 42.

[151] Uyghur Human Rights Project, "Update—Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland," May 21, 2019; "Uyghur Scholar Arrested Over Politically Sensitive Book," *Radio Free Asia,* December 10, 2018 (Gheyret Abdurahman, Xinjiang Academy of Social Sciences); Chris Buckley and Austin Ramzy, "Star Scholar Disappears as Crackdown Engulfs Western China," *New York Times,* August 10, 2018 (Rahile Dawut, Xinjiang University); "Xinjiang University President Purged under 'Two-Faced' Officials Campaign," *Radio Free Asia,* February 10, 2018 (Tashpolat Teyip, Xinjiang University).

[152] "Xinjiang Authorities Arrest Leading Kyrgyz Historian for 'Undecided' Crime," *Radio Free Asia,* November 30, 2018 (Askar Yunus, Xinjiang Academy of Social Sciences).

[153] Eli Friedman, "It's Time to Get Loud about Academic Freedom in China," *Foreign Policy,* November 13, 2018; Yuan Yang, "China Student Speaks of Harassment over Protests," *Financial Times,* November 4, 2018; Javier C. Hernández, "China Using Taped Confessions to Intimidate Young Communists, Students Say," *New York Times,* January 21, 2019; Manfred Elfstrom, "China's Recent Crackdown on Labour Activists May Have Little to Do with Their Own Actions," *South China Morning Post,* February 7, 2019.

[154] Gerry Shih, "'If I Disappear': Chinese Students Make Farewell Messages amid Crackdowns over Labor Activism," *Washington Post,* May 25, 2019; Christian Shepherd and Ben Blanchard, "Leading Chinese Marxist Student Taken Away by Police on Mao's Birthday," *Reuters,* December 26, 2018.

[155] Guo Rui and Mimi Lau, "Fears for Young Marxist Activist Missing after Police Raid in China," *South China Morning Post,* October 12, 2018; Hong Kong Confederation of Trade Unions, "Who Are the Student [sic] Who 'Go to Shenzhen'? Yue Xin, from Beijing to Shenzhen," accessed May 31, 2019.

[156] Glenn Tiffert, "30 Years after Tiananmen: Memory in the Era of Xi Jinping," *Journal of Democracy* 30, no. 2 (April 2019): 42; Sarah Cook, "The Chinese Communist Party's Latest Propaganda Target: Young Minds," *The Diplomat,* April 26, 2019.

[157] "Beijing duli shudian bei yaoqiu xiajia yi xilie jingnei chuban wu" [Independent bookstore in Beijing ordered to take a series of mainland publications off shelves], *Voice of America,* June 14, 2018; Amy Hawkins and Jeffrey Wasserstrom, "Why *1984* Isn't Banned in China," *Atlantic,* January 13, 2019.

[158] Christian Shepherd, "Disappearing Textbook Highlights Debate in China over Academic Freedom," *Reuters,* February 1, 2019; "Zhang Qianfan on Academic Censorship," *China Digital Times,* February 8, 2019.

[159] Yojana Sharma, "Beijing Signals Tighter Control over Dissenting Scholars," *University World News,* November 1, 2018; "China Replaces Head of Peking University with Communist Party Chief," *Radio Free Asia,* October 25, 2018.

[160] Civil Rights & Livelihood Watch, "Gongmin yanlun ziyou de xianfa quanli burong jianta" [Constitutional right to citizens' freedom of speech not easily trampled upon], October 3, 2018; "Duo ming gaoxiao jiaoshi yin 'yanlun budang' shoudao chuli" [Many university teachers disciplined because their "speech was inappropriate"], Yingying shoufa (WeChat account), reprinted in *China Digital Times,* February 7, 2019; "Shandong xuezhe Liu Shuqing fabiao gongquanli wenzhang zao xiaofang chufen" [Shandong scholar Li Shuqing disciplined for publishing essay on public power], *Radio Free Asia,* May 7, 2019; "Ketang lun zheng zao xuesheng jubao fu jiaoshou bei che jiaoshi zige" [Reported on by student for discussing politics in class, associate professor's teaching credentials withdrawn], *Radio Free Asia,* March 29, 2019; Taisu Zhang et al., "What Does the Punishment of a Prominent Scholar Mean for Intellectual Freedom in China?," *ChinaFile,* Asia Society, March 28, 2019; Chris Buckley, "A Chinese Law Professor Criticized Xi. Now He's Been Suspended.," *New York Times,* March 26, 2019; Guo Yuhua, "Na you xuezhe bu biaoda?" [When do scholars not have something to say?], *Financial Times,* March 26, 2019. For an English translation of Guo Yuhua's essay, see Geremie R. Barmé, "J'accuse, Tsinghua University," *China Heritage* (blog), Wairarapa Academy for New Sinology, March 29, 2019.

[161] Chris Buckley, "A Chinese Law Professor Criticized Xi. Now He's Been Suspended.," *New York Times,* March 26, 2019; Guo Yuhua, "Na you xuezhe bu biaoda?" [When do scholars not have something to say?], *Financial Times,* March 26, 2019. For an English translation of Guo Yuhua's essay, see Geremie R. Barmé, "J'accuse, Tsinghua University," *China Heritage* (blog), Wairarapa Academy for New Sinology, March 29, 2019.

[162] "Ketang lun zheng zao xuesheng jubao fu jiaoshou bei che jiaoshi zige" [Reported on by student for discussing politics in class, associate professor's teaching credentials withdrawn], *Radio Free Asia,* March 29, 2019; Sarah Cook, "The Chinese Communist Party's Latest Propaganda Target: Young Minds," *The Diplomat,* April 26, 2019.

[163] *Chinese Influence & American Interests: Promoting Constructive Vigilance,* Report of the Working Group on Chinese Influence Activities in the United States (Stanford, CA: Hoover Institution Press, 2018), 59; Foreign Correspondents' Club of China, *Under Watch: Reporting in China's Surveillance State,* January 2019, 10.

[164] Elizabeth M. Lynch, "The Despair behind May 4: Are We Seeing It Again Today?," *China Law and Policy* (blog), May 2, 2019; Ai Xiaoming, "I Travel the Earth in Sound—Marking the 10th Year of Being Barred from Leaving China," *China Change,* March 29, 2019; Ian Johnson, "The People in Retreat: An Interview with Ai Xiaoming," *NYRB Daily* (blog), *New York Review of Books,* September 8, 2016.

[165] Chen Jian'gang, "A Statement by Lawyer Chen Jiangang, Blocked Today from Leaving China to Take Part in the Humphrey Fellowship Program," *China Change,* April 1, 2019; "China Bars Human Rights Lawyer from US State Dept. Program," *Associated Press,* April 3, 2019. Chen had been accepted into a U.S. State Department-supported program. Authorities prevented him from leaving the Beijing Capital International Airport.

[166] *Chinese Influence & American Interests: Promoting Constructive Vigilance,* Report of the Working Group on Chinese Influence Activities in the United States (Stanford, CA: Hoover Institution Press, 2018), xi, 40, 47, 48–49; Tao Zhang, "Chinese Influence and the Western Academy: Time for a Concerted Response," *Asia Dialogue,* University of Nottingham Asia Research Institute, April 2, 2019; Ellen Nakashima, "China Specialists Who Long Supported Engagement Are Now Warning of Beijing's Efforts to Influence American Society," *Washington Post,* November 28, 2018. See also Anastasya Lloyd-Damnjanovic, "A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education," Wilson Center, September 6, 2018.

[167] Eli Friedman, "It's Time to Get Loud about Academic Freedom in China," *Foreign Policy,* November 13, 2019; Yuan Yang, "China Student Speaks of Harassment over Protests," *Financial Times,* November 4, 2018.

[168] Holmes Chan, "Visiting Australian Academic Kevin Carrico Tailed and Accused of Separatism by Pro-Beijing Newspaper," *Hong Kong Free Press,* December 18, 2018; Peter Hartcher, "No Longer Safe: Researcher Harassed by China in Her Own Country," *Sydney Morning Herald,* January 29, 2019.

[169] Edward Wong and Chris Buckley, "U.S. Scholar Who Advises Trump Says China Blocked His Visa Application," *New York Times,* April 17, 2019.

[170] "Mei dui Hua xuezhe shoujin qianzheng Zhongguo you jin le naxie Meiguo xuezhe?" [U.S. tightens visas for Chinese scholars, which U.S. scholars does China prohibit?], *Radio Free Asia,* April 16, 2019. Radio Free Asia's examples are Richard Fisher, Andrew Nathan, Xia Ming, and Perry Link. Anastasya Lloyd-Damnjanovic, "A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education," Wilson Center, September 6, 2018. The Wilson Center report examples included the "Xinjiang 13," a group of 13 scholars allegedly placed on a blacklist following the publication of a book of critical essays about conditions in the Xinjiang Uyghur Autonomous Region. Sheena Chestnut Greitens and Rory Truex, "Repressive Experience among China Scholars: New Evidence from Survey Data," Social Science Research Network, August 1, 2018, accessed May 15, 2019: 1, 6–7.

[171] Anastasya Lloyd-Damnjanovic, "A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education," Wilson Center, September 6, 2018, 43, 64.

[172] Sheena Chestnut Greitens and Rory Truex, "Repressive Experience among China Scholars: New Evidence from Survey Data," Social Science Research Network, August 1, 2018, accessed May 15, 2019: 7–9, 13; Glenn Tiffert, "30 Years After Tiananmen: Memory in the Era of Xi Jinping," *Journal of Democracy* 30, no. 2 (April 2019): 44.

[173] Glenn Tiffert, "30 Years after Tiananmen: Memory in the Era of Xi Jinping," *Journal of Democracy* 30, no. 2 (April 2019): 45; Nicholas Loubere and Ivan Franceschini, "How the Chinese Censors Highlight Fundamental Flaws in Academic Publishing," *Chinoiresie,* October 16, 2018.

[174] Sheena Chestnut Greitens and Rory Truex, "Repressive Experience among China Scholars: New Evidence from Survey Data," Social Science Research Network, August 1, 2018, accessed May 15, 2019: 1, 16, 17.

[175] Ibid., 13.

WORKER RIGHTS

Findings

- During the Commission's 2019 reporting year, Chinese authorities severely restricted the ability of civil society organizations to work on labor issues, expanding a crackdown on labor advocates across China. As of August 2019, over 50 workers and labor advocates were under some form of detention in connection with the crackdown.
- The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law, and workers are not permitted to establish independent unions. In November 2018, Chinese authorities detained two local-level ACFTU officials, Zou Liping and Li Ao, who attempted to assist workers at a Jasic Technology factory in Shenzhen municipality, Guangdong province, in setting up an ACFTU union.
- The Chinese government did not publicly report the number of worker strikes and protests, and non-governmental organizations (NGOs) and citizen journalists continued to face difficulties in obtaining comprehensive information on worker actions. The Hong Kong-based NGO China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 1,702 strikes and other worker actions in 2018, up from 1,257 incidents in 2017. In 2018, almost half (44.8 percent) of the worker actions documented by CLB were in the construction sector, although significant incidents were documented by workers at a recycling company, food delivery workers, and factory workers in the manufacturing sector.
- In March 2019, Chinese internet technology workers launched a campaign against exploitative work hours—referred to as "996," a 9 a.m. to 9 p.m. schedule for six days a week common in many technology companies. The campaign, described by an American tech worker advocate as "the largest demonstration of collective action the tech world has ever seen," posted a list of companies, including Huawei and Alibaba, that reportedly require their employees to follow the 996 schedule. Jack Ma, the founder of Alibaba called the 996 schedule "a blessing," and some Chinese companies blocked access to the software development platform Github, a Microsoft subsidiary, where tech workers first posted the campaign.
- During this reporting year, international media documented the use of forced labor associated with mass internment camps in the Xinjiang Uyghur Autonomous Region (XUAR). Based on personal accounts, analysis of satellite imagery, and official documents, the New York Times documented a number of new factories in or nearby the camps, and the Associated Press tracked shipments from one of these factories to a U.S.-based company Badger Sportswear.
- In March 2019, following a chemical explosion that killed 78 people in Jiangsu province, the largest industrial accident in China since a 2015 industrial explosion in Tianjin municipality killed 173 people, the UN special rapporteur on human rights

and toxics stated that, "China's repeated promises on chemical safety must be followed by meaningful action and lasting measures if it is to meet its human rights obligations."

- In 2019, Chinese authorities detained three citizen journalists from the iLabour (*Xin Shengdai*) website—Yang Zhengjun, Ke Chengbing, and Wei Zhili—as well as NGO worker Li Dajun, all of whom had advocated on behalf of pneumoconiosis victims.

Recommendations

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

- Press the Chinese government to immediately release labor advocates and journalists who are in prison or detention for the exercise of their lawful rights and to stop censoring economic and labor reporting. Specifically, consider raising the following cases:
  - Detained NGO staff and labor advocates, including **Fu Changguo** and **Zhang Zhiyu** (more widely known as Zhang Zhiru);
  - Citizen journalists and NGO workers who had advocated on behalf of pneumoconiosis victims, including **Yang Zhengjun, Ke Chengbing, Wei Zhili,** and **Li Dajun;**
  - Detained factory worker advocates from Jasic Technology in Shenzhen municipality, Guangdong province, including **Mi Jiuping** and **Liu Penghua;**
  - Detained university students and recent graduates, including **Yue Xin** and **Qiu Zhanxuan;** and
  - Detained local-level ACFTU officials **Zou Liping** and **Li Ao** who supported grassroots worker organizing efforts.
- Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining, and allow workers to organize and establish independent labor unions. Raise concern in all appropriate trade negotiations and bilateral and multilateral dialogues about the Chinese Communist Party's role in collective bargaining and elections of trade union representatives, emphasizing that in a market economy, wage rates should be determined by free bargaining between labor and management.
- Call on the Chinese government to permit academic freedom on university campuses in China, and stop the harassment, surveillance, and detention of students who support worker rights.
- Call on the Chinese government to end the use of forced labor associated with the mass internment camps in the XUAR.
- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as freedom of expression, collective bargaining, employment discrimination, and occupational health and safety. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations defending the rights of workers.

Worker Rights

- When appropriate, integrate meaningful civil society participation into bilateral and multilateral dialogues, meetings, and exchanges. Invite international unions and labor NGOs as well as domestic civil society groups from all participating countries to observe relevant government-to-government dialogues.
- Encourage compliance with fundamental International Labour Organization (ILO) conventions. Request that the ILO increase its work monitoring core labor standards in China, including freedom of association and the right to organize.

WORKER RIGHTS

Trade Unions and Collective Bargaining

The Chinese government and Communist Party's laws and practices continue to contravene international worker rights standards, including the right to create or join independent trade unions.[1] The Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.[2] The ACFTU's submission to the November 2018 session of the UN Human Rights Council's Universal Periodic Review (UPR) of the Chinese government's human rights record claimed that it had 303 million members,[3] including 140 million migrant workers.[4] Based on a National Bureau of Statistics of China survey,[5] however, the Hong Kong-based non-governmental organization (NGO) China Labour Bulletin concluded that around 80 percent of the migrant members of the ACFTU were not aware of their membership.[6] In 2018, 288.36 million out of 775.86 million employed Chinese were migrant workers,[7] individuals with rural household registration but who work and reside in urban areas without access to most government benefits.[8] Scholars and international observers noted that the ACFTU typically prioritized Party interests over the interests of workers and did not effectively represent workers.[9] In November 2018, at the 17th National Congress of the ACFTU, held once every five years, Wang Dongming, the ACFTU Chairman and a Vice Chairman of the National People's Congress Standing Committee, emphasized that the ACFTU should be loyal to the Party.[10] At the enterprise level, union representatives often side with management interests.[11] Provisions in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law provide a legal framework for negotiating collective contracts,[12] but these laws designate the Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers.[13] Restrictions on workers' rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO),[14] Universal Declaration of Human Rights,[15] International Covenant on Civil and Political Rights,[16] and the International Covenant on Economic, Social and Cultural Rights.[17] As a member of the ILO, China is obligated to respect workers' right to collective bargaining.[18]

Heightened Suppression of Labor Rights Advocacy

The Hong Kong Confederation of Trade Unions, which participated in an October 2018 pre-session to the UPR, summarized that labor rights in China have "deteriorated significantly in recent years" and that authorities have increased efforts to "quell labor [unrest] by coercive means."[19] During the Commission's 2019 reporting year, Chinese authorities expanded a nationwide crackdown on labor advocates, following authorities' detention of workers and their supporters at a Jasic Technology factory in Shenzhen municipality, Guangdong province, beginning in July 2018.[20] According to the China Labor Crackdown Concern Group, an organization made up of concerned individuals in mainland China and abroad, as of August 2019, over 50 of the 130 labor advocates de-

tained since July 2018 remain missing or in custody,[21] and beginning in January 2019, "[s]ocial work organizations and labour rights activists at large have become targets."[22]

Jasic Incident

In July 2018, factory workers Mi Jiuping and Liu Penghua obtained signatures from 89 of approximately 1,000 employees at Jasic Technology, a company in Shenzhen municipality, Guangdong province, that manufactures industrial equipment, in support of organizing a union.[23] Local-level ACFTU officials had initially supported worker efforts to organize a union,[24] but later that month, Guangdong authorities in Guangdong province detained around 30 people including Mi and Liu.[25] The Jasic incident was distinct from the thousands of other worker actions in 2018,[26] because self-described Maoist and Marxist university students and recent graduates organized in support of the workers.[27] In August 2018, authorities detained about 50 of the student and recent graduate supporters, including Peking University graduate and outspoken women's rights advocate **Yue Xin,** who had traveled to Guangdong.[28] Police and university officials also monitored and harassed individuals involved in labor advocacy on college campuses.[29] In October, Cornell University's School of Industrial and Labor Relations suspended two student exchange programs with Renmin University in Beijing municipality due to "gross violations of academic freedom"[30] after university officials—reportedly at the direction of the Communist Party—harassed, threatened, and surveilled student supporters of the Jasic workers.[31] In November, authorities detained at least 12 additional supporters of the Jasic workers' labor advocacy,[32] and two local-level ACFTU officials, **Zou Liping** and **Li Ao,** who had assisted the workers' attempts to establish a union.[33] As of May 2019, Chinese authorities had detained 21 members of the Marxist society at Peking University, including the group's leader **Qiu Zhanxuan.**[34] In May, the labor scholars who edit *Made in China Journal,* a publication supported in part by the Australian National University, wrote that there is a ". . . serious moral and political issue for those Western universities that collaborate with academic institutions . . . that blatantly and unapologetically collude with Chinese authorities to suppress student activists."[35] [For more information on academic freedom in China, see Section II—Freedom of Expression.]

Civil Society Organizations

This past year, Chinese authorities severely restricted the ability of civil society organizations to work on labor issues and expanded a crackdown on labor advocates across China.[36] Labor NGOs have been active in China since the mid-1990s,[37] and had even advised workers on collective bargaining and other rights advocacy beginning around 2002.[38] Following an earlier crackdown on labor advocates that began in 2015,[39] Chinese labor NGOs have been less active, and the work of some labor NGOs has become more service-oriented.[40] In 2019, Chinese authorities continued to crack down on labor advocates, including **Wu Guijun, He Yuancheng,** and **Song Jiahui.**[41] Between August 2018 and July 2019, authorities de-

tained 22 individuals working with 10 different labor NGOs or social service centers,[42] including from the following organizations:

- **Dagongzhe Migrant Workers Center (*Dagongzhe Zhongxin*).** In August 2018, authorities in Shenzhen municipality, Guangdong province, detained Dagongzhe staff **Fu Changguo** and **Huang Qingnan** on suspicion of aiding Jasic workers with foreign financial support.[43]
- **Red Reference (*Hongse Cankao*).** In August 2018, authorities in Beijing municipality searched the office of this leftist website and detained staff member **Shang Kai.**[44] In March 2019, authorities in Nanjing municipality, Jiangsu province, placed former editor **Chai Xiaoming** under "residential surveillance in a designated location" on suspicion of "subversion of state power."[45]
- **Qingying Dreamworks (*Qingying Meng Gongchang*).** In November 2018, Shenzhen authorities detained seven individuals associated with Qingying Dreamworks, a non-profit center providing workers' services in a neighborhood with many migrant workers: co-founders **Wang Xiangyi** and **He Pengchao;** staff members **Jian Xiaowei, Kang Yanyan, Hou Changshan, Wang Xiaomei;** and supporter **He Xiumei.**[46] As of June 2019, these individuals were still missing.[47]
- **Chunfeng Labor Dispute Center (*Chunfeng Laodong Zhengyi Fuwu Bu*).** In January 2019, Shenzhen authorities detained founder **Zhang Zhiyu** (more widely known as Zhang Zhiru) and former staff **Jian Hui** from Chunfeng Labor Dispute Center, which provided legal assistance to workers.[48] Authorities held Zhang on suspicion of "disturbing public order."[49] In 2014, Party-run Global Times described Zhang as "one of China's top defenders of labor rights."[50]
- **iLabour (*Xin Shengdai*).** In January 2019, authorities in Guangzhou municipality, Guangdong, detained **Yang Zhengjun,**[51] the editor-in-chief of the labor advocacy website iLabour (*Xin Shengdai*), and in March, authorities in Guangzhou detained two other editors, **Ke Chengbing**[52] and **Wei Zhili.**[53] The iLabour website reported on worker rights issues in China, including the health hazard pneumoconiosis.[54] Authorities held the editors on suspicion of "picking quarrels and provoking trouble."[55]

In May 2019, during three separate raids,[56] Chinese authorities detained social workers from the following organizations that assisted migrant workers:

- **Hope Community (*Lengquan Xiwang Shequ*).** Beijing authorities detained **Li Dajun,** director of Hope Community.[57]
- **Qinghu Social Learning Center (*Qinghu Shequ Xuetang*).** Shenzhen authorities detained center director **Li Changjiang.**[58]
- **Guangdong Mumian Social Work Service Center (*Guangdong Mumian Shehui Fuwu Gongzuo Zhongxin*).** Guangzhou authorities detained Tsinghua University post-doctoral researcher and Mumian volunteer **Liang Zicun.**[59]

Domestic labor advocates' connections to foreign groups and funding were reportedly of particular concern to authorities. In

January 2019, for example, Party-run Global Times reported that Dagongzhe Migrant Workers Center was "fully funded by overseas NGOs," and "instigating [labor] incidents and coercing some workers into taking radical actions."[60] Also in January, Chinese authorities forced some student labor advocates to watch videotaped confessions of other students in which they may have been forced to admit to, among other things, "working with foreign forces to hurt China's international image."[61] [For more information on civil society in China, see Section II—Civil Society.]

Worker Strikes and Protests

The Chinese government did not publicly report on the number of worker strikes and protests, and NGOs that work on labor issues continued to face difficulties in obtaining comprehensive information on worker actions.[62] **Lu Yuyu,** a citizen journalist who posted data about social unrest—including labor protests—on social media platforms, continued to serve a four-year sentence in Yunnan province.[63] China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media,[64] documented 1,702 strikes and other labor actions in 2018, up from 1,257 strikes and other labor actions in 2017.[65] The majority of the labor actions documented by CLB were small in scale: in 2018, 1,524 incidents (89.5 percent) involved fewer than 100 people, and 163 (9.6 percent) involved over 1,000 people, including 13 with over 10,000 people (0.8 percent).[66] In 2018, police were involved in 267 of the total incidents (15.7 percent), although police were involved in over half (7 out of 13 protests) of the incidents involving over 1,000 people.[67] During this reporting year, wage arrears in China were a problem due in part to the continued refusal of employers to give workers contracts,[68] and in 2018, 1,342 strikes and other labor actions (78.7 percent) involved wage arrears.[69]

PERCENTAGE OF WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR[70]

Year	Manufacturing	Construction	Transportation	Services	Other	Total Number Reported
2018	15.5% (263)	44.8% (763)	15.9% (270)	13.3% (227)	10.6% (180)	1,703
2017	19.7% (267)	38.1% (518)	8.6% (117)	15.2% (207)	10.8% (148)	1,257

Source: China Labour Bulletin. Note that the percentages indicate the percentage of total worker actions documented that year. CLB changed their methodology beginning in 2017.

Chinese law does not protect workers' right to strike,[71] contravening the International Covenant on Economic, Social and Cultural Rights, which China has signed and ratified.[72]

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

- **Temporary Workers.** In November 2018, reports indicated that hundreds to thousands of temporary workers protested outside of a Biel Crystal factory, a major supplier for Apple and Samsung, in Huizhou municipality, Guangdong province, after the factory reportedly laid off 8,000 people due to poor sales of Apple's iPhone.[73]

• **Independent Contractors.** In February 2019, food delivery drivers for online food delivery companies Meituan and Ele.me went on strike in four cities after the companies significantly reduced delivery rates for drivers.[74]
• **Wage Arrears and Bankruptcy.** In April 2019, over 1,000 workers at Little Yellow Dog Environmental Protection, a recycling company, protested in at least four cities after the company announced that it would not be able to pay workers.[75] According to CLB, the local labor bureau in Dongguang municipality, Guangdong, did not support an arbitration request filed by the workers.[76]

996.ICU Campaign and Excessive Overtime

In March 2019, Chinese internet technology workers launched a campaign against exploitative working hours, protesting "996"—a 9 a.m. to 9 p.m. schedule for six days a week common in many technology companies.[77] Chinese labor laws generally require that work schedules not exceed 8 hours per day or 44 hours per week,[78] with overtime limited to 3 hours per day and 36 hours per month.[79] The campaign began as a project on the software development platform *Github,*[80] a subsidiary of Microsoft; the campaign identified labor law provisions that the schedule violates.[81] The campaign posted a list of companies, including Huawei and Alibaba, that reportedly require their workers to adhere to the 996 schedule.[82] According to an American tech worker advocate, the campaign was "the largest demonstration of collective action the tech world has ever seen,"[83] as the project received over 200,000 "stars" indicating support.[84] Jack Ma, the founder of Alibaba, called the 996 schedule "a blessing,"[85] and some Chinese companies blocked access to Github.[86] In April, two Chinese programmers released an "anti-996" license for open source software that requires any individual or company using the licensed software to comply with all applicable labor laws and international labor standards.[87]

Social Insurance

The majority of workers in China continued to lack social insurance coverage. According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, health insurance, work-related injury insurance, unemployment insurance, and maternity insurance.[88] Under the law, employers and workers are required to contribute to basic pension, health, and unemployment insurance; in addition, employers are required to contribute to work-related injury and maternity insurance on behalf of workers.[89] According to the National Bureau of Statistics of China (NBS), in 2018, the number of people covered by work-related injury insurance coverage increased by 11.45 million to a total of 238.68 million for a coverage rate of 30.8 percent.[90] Similarly, NBS reported that work-related injury insurance coverage increased for migrant workers by 2.78 million people to 80.85 million, for a coverage rate of 28.0 percent.[91] Unemployment and maternity insurance coverage rates increased slightly to 25.3 percent and 26.3 percent, respectively for all workers.[92] In July 2018, the central government established a central adjustment

fund to shift some pension funds from wealthier provinces to provinces with more retirees.[93] The Ministry of Finance reported that in 2019, central authorities planned to collect and redistribute a total of 484.5 billion yuan (US$72 billion),[94] with Guangdong province expected to provide a net contribution of 47.4 billion yuan and Beijing municipality a net contribution of 26.3 billion yuan, while Liaoning and Heilongjiang provinces are expected to receive net distributions of 21.6 billion yuan and 18.4 billion yuan, respectively.[95]

Employment Relationships

This past year, several categories of workers were unable to benefit fully from protections provided under Chinese law. The PRC Labor Law and PRC Labor Contract Law only apply to workers who have an "employment relationship" (*laodong guanxi*) with their employers.[96]

DISPATCH LABOR AND CONTRACT LABOR

The Commission continued to observe reports of dispatch labor (*laowu paiqian*) and contract worker (*waibao*) abuses during this reporting year, in violation of domestic laws and regulations.[97] Firms, including state-owned enterprises, have long used dispatch labor—workers hired through subcontracting agencies—to cut costs,[98] and some firms have replaced dispatch labor with contract labor to further reduce costs.[99] For example, in September and October 2018, former dispatch workers at the Sino-German automobile joint venture FAW–Volkswagen in Changchun municipality, Jilin province, protested after management ended its reliance on dispatch workers, but then made employees choose to either become formal employees at lower pay or accept more tenuous employment as contract workers.[100] In January 2019, the state-backed media outlet Sixth Tone reported on contract workers who were employed at a Protek factory in Shanghai municipality—a site that assembled Apple iPhones.[101] Employees there protested after learning that they would not be paid promised bonuses.[102] The PRC Labor Contract Law stipulates that dispatch workers shall be paid the same as full-time workers doing similar work, and may only perform work on a temporary, auxiliary, or substitute basis.[103]

INTERN LABOR

During this reporting year, reports continued to emerge of labor abuses involving vocational school students working at school-arranged "internships." In October 2018, the Hong Kong-based NGO Students and Scholars Against Corporate Misbehavior released a report on the widespread use of 16- to 19-year-old student interns in Chongqing municipality who were forced to work 12-hour shifts on production lines as part of compulsory internships.[104] In November 2018, the Financial Times reported that hundreds of students in Beijing municipality and Kunshan city, Shandong province, were required to complete mandatory internships during which they had to work up to 18 hours a day at below minimum wage sorting and packing goods for the Chinese e-commerce company JD.com.[105] In August 2019, China Labor Watch published a report on labor viola-

tions at Hengyang Foxconn in Hunan province, which included required overtime for interns at a facility that manufactures products for Amazon.[106] Regulations prohibit interns from working overtime and require internships to be relevant to students' plans of study.[107]

FORCED LABOR

This past year, international media reported on the use of forced labor associated with mass internment camps in the Xinjiang Uyghur Autonomous Region (XUAR). In December 2018, based on personal accounts, analysis of satellite imagery, and official documents, the New York Times documented a number of new factories in or nearby the camps,[108] and the Associated Press tracked shipments from one of these factories to a U.S.-based company **Badger Sportswear.**[109] In March 2019, the State Council Information Office issued a white paper acknowledging that certain products were being made in the camps.[110] In May 2019, a Wall Street Journal report found that the supply chains for a number of additional international companies may involve forced labor in the XUAR, including **Adidas, Kraft Heinz, Coca-Cola,** and **Gap.**[111] [For more information on forced labor in the Xinjiang Uyghur Autonomous Region, see Section II—Human Trafficking, and Business and Human Rights; and Section IV—Xinjiang.]

WORKERS ABOVE THE RETIREMENT AGE

Chinese workers above the legal retirement age continued to lack certain legal protections afforded to other workers under Chinese law, as the number of elderly workers increased.[112] According to the PRC Labor Contract Law and the law's implementing regulations, once workers reach retirement age or receive pensions, their labor contracts are terminated by operation of law.[113] The inability of workers over the retirement age to establish a formal employment relationship with their employers leaves them without the protections provided for in Chinese labor laws in cases of work-related injury, unpaid overtime, or other labor issues.[114] [For more information on China's aging population, see Section II—Population Control.]

Work Safety and Industrial Accidents

During this reporting year, government data showed a continued decline in workplace deaths, although Chinese workers and labor organizations expressed concerns about inadequate safety equipment and training. According to the National Bureau of Statistics of China (NBS), a total of 34,046 people died in workplace accidents in 2018,[115] compared to 37,852 deaths in 2017.[116] According to one labor expert, however, the actual number of deaths "may be much higher, because incidents involving few deaths often go unreported."[117] In 2018, there were 333 officially reported coal mining deaths, a major decrease from recent years, although according to China Labour Bulletin, "the decline in accident and death rates . . . has far more to do with mine closures and the falling demand for coal . . . than the introduction of any new safety measures."[118]

Management of Chinese companies and factories often did not provide adequate safety equipment or required safety training. In April 2019, for example, a migrant construction worker in Qingdao municipality, Shandong province, claimed that he was fired after he filmed and posted a video online that showed the low quality of safety helmets that the company had allegedly provided to workers.[119] In response to the video, which received over two million views, the Ministry of Emergency Management (MEM) posted a message on Weibo, China's Twitter-like microblogging platform, which said that the realization of safe production relies on workers having safe helmets, and that [MEM] should pay more attention to safety measures in practice rather than what the companies say about those measures.[120] In a December 2018 report entitled, "A Nightmare for Workers: Appalling Conditions in Toy Factories Persist," New York City-based China Labor Watch (CLW) detailed conditions in four factories that make toys for **Hasbro, Disney,** and **Mattel,** brands that are sold in **Walmart, Costco,** and **Target,**[121] including inadequate pre-job safety training and inadequate safety equipment.[122] In March 2019, CLW published a report on Dongguan Dongwon Electronics, a factory in Dongguan municipality, Guangdong province, that manufactures Samsung mobile phone chargers, which described, among other violations of Chinese law, a lack of pre-job safety training.[123]

The Chinese government's ineffective enforcement of work safety regulations may also have contributed to a significant industrial accident.[124] On March 22, 2019, an explosion at Jiangsu Tianjiayi Chemical plant in Yancheng city, Jiangsu province, killed 78 people, injured 640, destroyed 16 nearby factories, and forced the evacuation of almost 3,000 people.[125] This explosion was the largest industrial accident since a 2015 explosion in Tianjin municipality killed 173 people.[126] Between 2016 and 2018, Chinese authorities had issued 5 administrative fines against the chemical plant,[127] and in February 2018, the State Administration of Work Safety had identified 13 production-related hazards at the facility.[128] Following the explosion, the UN special rapporteur on human rights and toxics declared that, "China's repeated promises on chemical safety must be followed by meaningful action and lasting measures if it is to meet its human rights obligations."[129] [For more information on the Jiangsu Tianjiayi Chemical plant explosion, see Section II—The Environment and Climate Change.]

Occupational Health

The Chinese government reported a decrease in the number of cases of occupational disease. In May 2019, the National Health Commission reported that there were 23,497 cases of occupational disease reported in 2018,[130] compared to 26,756 cases in 2017[131] and 31,789 cases in 2016.[132] Of the occupational disease cases in 2018, 19,468 were work-related cases of the lung disease pneumoconiosis.[133] In January 2019, however, National Health Commission research acknowledged that the documented number of pneumoconiosis cases was only "the tip of the iceberg."[134]

This past year, protesters from Hunan province who demanded compensation demonstrated the difficulties that pneumoconiosis victims face in obtaining the official recognition required to obtain

workers' compensation.[135] In November 2018, approximately 200 retired migrant construction workers from Hunan traveled to Shenzhen municipality, Guangdong, continuing a long-term campaign to seek compensation for pneumoconiosis, which they asserted was caused by their earlier work in Guangdong.[136] After Shenzhen police used pepper spray on the retired workers on November 7, authorities agreed to provide limited compensation to the workers, most of whom had never signed labor contracts.[137] In 2019, Chinese authorities detained three citizen journalists from the iLabour (*Xin Shengdai*) website, **Yang Zhengjun, Ke Chengbing,** and **Wei Zhili,**[138] as well as NGO worker **Li Dajun,** all of whom had advocated on behalf of pneumoconiosis victims.[139]

Notes to Section II—Worker Rights

[1] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 23(4); International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 15, 2019. China has signed but not ratified the ICCPR. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2018—China (Includes Tibet, Hong Kong and Macau)," March 13, 2019, sec. 7.

[2] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 9–11; International Labour Organization, Interim Report—Report No 387, Case No 3184 (China), February 15, 2016, October 2018, 238–39; Elaine Hui and Eli Friedman, "The Communist Party vs. China's Labor Laws," *Jacobin,* October 2, 2018; Aaron Halegua et al., "Forty Years On, Is China Still Reforming?," *ChinaFile,* Asia Society, November 9, 2018. See also Christopher Balding and Donald C. Clarke, "Who Owns Huawei?," *Social Science Research Network,* April 17, 2019, 9–10.

[3] All-China Federation of Trade Unions, "Submission to United Nations Periodical Review of China," March 2018.

[4] All-China Federation of Trade Unions, "Submission to United Nations Universal Periodical Review of China—On Migrant Workers," March 2018; All-China Federation of Trade Unions, "Nongmin gong ruhui renshu cong 1 yi zengjia dao 1.4 yi" [The number of migrant workers who join a union has increased from 100 million to 140 million], April 16, 2018.

[5] National Bureau of Statistics of China, "2018 nongmingong jiance diaocha baogao" [Migrant workers monitoring and survey report], April 29, 2019.

[6] China Labour Bulletin, "Migrant Workers and Their Children," May 2019; National Bureau of Statistics of China, "2018 nongmingong jiance diaocha baogao" [Migrant workers monitoring and survey report], April 29, 2019.

[7] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2018 National Economic and Social Development," February 28, 2019.

[8] China Labour Bulletin, "Migrant Workers and Their Children," May 2019; Cai Yiwen, "China's Aging Migrant Workers Are Facing a Return to Poverty," *Sixth Tone,* November 28, 2018.

[9] Christopher Balding and Donald C. Clarke, "Who Owns Huawei?," *Social Science Research Network,* April 17, 2019, 9–10; Freedom House, "China," in *Freedom in the World 2019,* February 2019, sec. E3; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2018—China (Includes Tibet, Hong Kong and Macau)," March 13, 2019, sec. 7. See also Elaine Hui and Eli Friedman, "The Communist Party vs. China's Labor Laws," *Jacobin,* October 10, 2018.

[10] "Wang Dongming zai Zhongguo Gonghui Shiqi Da baogao zhong zhichu yi Xi Jinping Xin Shidai Zhongguo Tese Shehui Zhuyi Sixiang wei zhidao" [Wang Dongming's report at the 17th National Congress of the ACFTU points out that Xi Jinping's Thought on Socialism with Chinese Characteristics for a New Era is the guide], October 23, 2018; "The Chinese Trade Union Holds Its National Congress," *Briefs, Made in China Journal,* October 26, 2018.

[11] Hong Kong Confederation of Trade Unions, "Absurdity of China's Trade Union Law and ACFTU Revealed in Jasic Labour Dispute," December 27, 2018; Hong Kong Confederation of Trade Unions, "Years of Missing Social Security Contribution in Hong Kong-Owned Factory: ACFTU Ignored Workers' Call for Help," December 27, 2018.

[12] *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, arts. 16–35; *Zhonghua Renmin Gongheguo Laodong Hetong Fa* [PRC Labor Contract Law], passed June 29, 2007, effective January 1, 2008, amended July 1, 2013, arts. 51–56; *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 6, 20. See also China Labour Bulletin, "The State of Labour Relations in China, 2018," January 9, 2019.

[13] *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, art. 33. Article 33 of the PRC Labor Law notes that "In an enterprise that has not yet set up a trade union, such contracts shall be signed by and between representatives recommended by workers and the enterprise." *Zhonghua Renmin Gongheguo Laodong Hetong Fa* [PRC Labor Contract Law], passed June 29, 2007, effective January 1, 2008, amended July 1, 2013, arts. 6, 51, 56; *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 6, 20; Ivan Franceschini and Kevin Lin, "Labour NGOs in China: From Legal Mobilisation to Collective Struggle (and Back?)," *China Perspectives,* no. 1 (2019): 77. See also China Labour Bulletin, "The Road Ahead for China's Trade Unions," November 8, 2018.

[14] International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right To Organise, July 4, 1950, arts. 2, 3, 5. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, September 14, 2016, paras. 3, 16–17, 54, 57.

[15] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 23(4).

[16] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 15, 2019. China has signed but not ratified the ICCPR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, September 14, 2016, para. 55.

[17] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8.1; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed May 15, 2019. China has signed and ratified the ICESCR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, September 14, 2016, para. 55.

[18] International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work and Its Follow-Up, June 18, 1998, art. 2(a). Article 2 of the ILO Declaration on Fundamental Principles and Rights at Work states that "all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining . . .." International Labour Organization, "China," NORMLEX Information System on International Labour Standards, accessed May 15, 2019. China became a member of the ILO in 1919, and post-1949, the People's Republic of China began participating in the ILO in 1983. China Labour Bulletin, "China and the ILO: Formalistic Cooperation Masks Rejection of Key Labor Rights," reprinted in Human Rights in China, January 20, 2001.

[19] Hong Kong Confederation of Trade Unions (HKCTU), "HKCTU's Representative Speaking at the UPR Pre-Session: Bring Labour Rights Issues in China to International Scrutiny," October 31, 2018.

[20] China Labour Bulletin, "CLB Calls for the Release of All Jasic Workers and Supporters," November 1, 2018; Chinese Human Rights Defenders, "Submission to UN on Fu Changguo, Li Zhan, Liu Penghua, Mi Jiuping and Yu Juncong—March 13, 2019," April 1, 2019; China Labour Bulletin, "Why the Jasic Dispute Matters: This Year and in the Years to Come," December 12, 2018.

[21] China Labour Crackdown Concern Group (@labour—china), "Since July 2018, over 130 labor activists have been detained, or disappeared by the authorities. Over 50 of these activists are still missing or in custody . . .," Twitter, August 7, 2019, 2:25 a.m.; China Labor Crackdown Concern Group, "One Year, One Hundred Arrested, What You Need to Know about China's Labor Crackdown," July 27, 2019; China Labor Crackdown Concern Group, "About Us," accessed August 19, 2019. See also CIVICUS, "China: 'Crackdown on Jasic Labour Struggle Seeks to Eliminate Unrest during Economic Downturn,'" March 26, 2019; "Chinese Labour Crackdown: Missing, Detained, Arrested," *Financial Times,* March 29, 2019.

[22] China Labor Crackdown Concern Group, "One Year, One Hundred Arrested, What You Need to Know about China's Labor Crackdown," July 27, 2019.

[23] Chinese Human Rights Defenders, "Submission to UN on Fu Changguo, Li Zhan, Liu Penghua, Mi Jiuping and Yu Juncong—March 13, 2019," April 1, 2019; Shannon Lee, "Preliminary Thoughts on the Shenzhen Jasic Events," *Shannon Lee's China Blog,* September 17, 2018; HZ, "Jasic Detainee #1: The Story of Worker-Poet Mi Jiuping," *Labor Notes,* November 5, 2018; Awei, "Jasic Detainee #2: Li Zhan: Standing with Workers through Thick and Thin," *Labor Notes,* November 17, 2018; Xiao Hui, "Jasic Detainee #3: The Story of Yu Juncong: Always Standing against Injustice," *Labor Notes,* November 19, 2018; HZ, "Jasic Detainee #4: Liu Penghua: We Need a Union, Not Just Rights Defense," *Labor Notes,* November 26, 2018. See also Chinese Human Rights Defenders (CHRD), *"Defending Rights in a 'No Rights Zone' Annual Report on the Situation of Human Rights Defenders in China (2018),"* February 2019, 3, 19. For more information, see the Commission's Political Prisoner Database records 2018-00622 on Liu Penghua, 2018-00627 on Yu Juncong, 2018-00628 on Mi Jiuping, and 2018-00629 on Li Zhan.

[24] China Labour Bulletin, "Jasic Crackdown Extends to Trade Union Officials and Lawyers," December 4, 2018; International Labour Organization, Interim Report—Report No 389, June 2019, para. 226.

[25] Human Rights in China, "30 Shenzhen Workers and Supporters Detained for Demanding to Form Labor Union," July 30, 2018; Shannon Lee, "Preliminary Thoughts on the Shenzhen Jasic Events," *Shannon Lee's China Blog,* September 17, 2018. For more information on the individuals detained in July 2018, see the following records in the Commission's Political Prisoner Database: 2018-00622 on Liu Penghua, 2018-00627 on Yu Juncong, 2018-00628 on Mi Jiuping, 2018-00629 on Li Zhan, 2018-00630 on Zhang Zeying, 2018-00632 on Huang Lanfeng, 2018-00633 on Wu Shuang, 2018-00634 on Hu Zhi, 2018-00635 on Yu Junchuan, 2018-00636 on Kuang Hengshu, 2018-00637 on He Qiong, 2018-00638 on Song Yao, 2018-00639 on Zhang Yu, 2018-00640 on Zhang Baoyan, 2018-00641 on Chen Zhongge, 2018-00642 on Yu Kailong, 2018-00646 on Chen Yeling, 2018-00647 on Tang Xiangwei, 2018-00649 on Lan Zhiwei, 2018-00652 on Qiao Zhiqiang, 2018-00653 on Chen Zhongge, 2018-00654 on Hu Kaiqiao, 2018-00655 on Shang Yangxue, 2018-00656 on Li Li, 2018-00657 on Yu Weiye, 2018-00658 on Zhang Yong, 2018-00659 on Mo Juezhan, 2018-00660 on Xiong Zhi, 2018-00661 on Ye Yanfei, 2018-00662 on Huang Wenyi, and 2018-00663 on He Xuanhua.

[26] China Labour Bulletin, "Why the Jasic Dispute Matters: This Year and in the Years to Come," December 24, 2018.

[27] Au Loong Yu, "The Jasic Mobilisation: A High Tide for the Chinese Labour Movement?," editorial, *Made in China Journal 3,* no. 4 (2018):12–16; Shannon Lee, "Preliminary Thoughts on the Shenzhen Jasic Events," *Shannon Lee's China Blog,* September 17, 2018.

[28] "Detained Activist Yue Xin on the Jasic Workers," *China Digital Times,* August 24, 2018; Lily Kuo, "50 Student Activists Missing in China after Police Raid," *Guardian,* August 24, 2018; Shannon Lee, "Preliminary Thoughts on the Shenzhen Jasic Events," *Shannon Lee's China Blog,* September 17, 2018. For more information on the individuals detained in August 2018, see the following records in the Commission's Political Prisoner Database: 2018-00664 on Shen Mengyu, 2018-00665 on Yue Xin, 2018-00667 on Gu Jiayue, 2019-00001 on Zhan Zhenzhen, 2019-00003 on Yang Shaoqiang, 2019-00006 on Xu Zhongliang, 2019-00008 on Hu Pingping, 2019-00009 on

Wu Haiyu, 2019-00010 on Shang Kai, 2019-00011 on Fu Changguo, and 2019-00016 on Huang Qingnan.

[29] "Beida xianshi 1984 ban, ni zhidao duoshao?" [Peking University is now a real version of 1984, how much do you know?], Telegra.ph (blog), May 1, 2019; "Orwell in the Chinese Classroom," *Made in China Journal,* May 27, 2019. Xin Guang Pingmin Fazhan Xiehui, "Jiankong, guli, wumie . . . . . wo xiang ba Renda Xin Guang de zaoyu jiang gei ni ting" [Surveilled, isolated, slandered . . . . . I want to tell you about the treatment Xin Guang received], Jasic Workers Student Support Group (blog), *GitHub,* December 4, 2018; "Translation: Harassment of Workers' Rights Group," *China Digital Times,* December 21, 2018; Gerry Shih, "'If I Disappear': Chinese Students Make Farewell Messages amid Crackdowns over Labor Activism," *Washington Post,* May 25, 2019; Eddie Park, "The Red Runners of Peking University," *SupChina,* November 15, 2018.

[30] Elizabeth Redden, "Cutting Ties: Cornell Ends a Partnership with Renmin University of China, Citing Academic Freedom Concerns," *Inside Higher Ed,* October 29, 2018.

[31] Eli Friedman, "It's Time to Get Loud about Academic Freedom in China," Foreign Policy, November 13, 2018. See also Xin Guang Pingmin Fazhan Xiehui, "Jiankong, guli, wumie . . . . . wo xiang ba Renda Xin Guang de zaoyu jiang gei ni ting" [Surveilled, isolated, slandered . . . . . I want to tell you about the treatment Xin Guang received], Jasic Workers Student Support Group (blog), *GitHub,* December 4, 2018; "Translation: Harassment of Workers' Rights Group," *China Digital Times,* December 21, 2018.

[32] Sue-Lin Wong, "Labor Activists Missing in China after Suspected Coordinated Raids," *Reuters,* November 12, 2018. For more information on the individuals detained in November 2018, see the following records in the Commission's Political Prisoner Database: 2019-00019 on Zhang Shengye, 2019-00020 on Sun Min, 2019-00022 on Zong Yang, 2019-00023 on Liang Xiaogang, 2019-00027 on Zheng Yiran, 2019-00028 on Lu Daxing, 2019-00029 on Li Xiaoxian, 2019-00030 on He Pengchao, 2019-00034 on Wang Xiangyi, 2019-00035 on Jian Xiaowei, 2019-00036 on Kang Yanyan, 2019-00037 on Hou Changshan, 2019-00038 on Wang Xiaomei, 2019-00045 on He Xiumei, 2019-00046 on Zou Liping, 2019-00047 on Li Ao, 2019-00048 on Wu Jiawei, and 2019-00049 on Zheng Shiyou.

[33] China Labour Bulletin, "Jasic Crackdown Extends to Trade Union Officials and Lawyers," December 4, 2018; Christian Shepherd, "Two Chinese Trade Union Officials Arrested after Helping Workers: Source," *Reuters,* November 30, 2018; "Police Detain Rights Lawyer Linked to Labor Movement in China's Guangdong," *Radio Free Asia,* November 30, 2018.

[34] Gerry Shih, "'If I Disappear': Chinese Students Make Farewell Messages amid Crackdowns over Labor Activism," *Washington Post,* May 25, 2019. See also Eddie Park, "'Deers' vs. 'Horses': Old and New Marxist Groups Wage Ideological Battle at Peking University," *SupChina,* January 9, 2019.

[35] "Orwell in the Chinese Classroom," *Made in China Journal,* May 27, 2019.

[36] Kevin Lin, "State Repression in the Jasic Aftermath: From Punishment to Preemption," *Made in China Journal* 4, no. 1 (2019): 16–19. See also Manfred Elfstrom, "Two Steps Forward, One Step Back: China's State Reactions to Labor Unrest," *China Quarterly,* no. 237 (March 2019): 6.

[37] Ivan Franceschini and Kevin Lin, "A 'Pessoptimistic' View of Chinese Labour NGOs," *Made in China Journal 3,* no. 2 (2018): 56–60.

[38] Jude Howell and Tim Pringle, "Shades of Authoritarianism and State-Labour Relations in China," *British Journal of Industrial Relations* 57, no. 2 (June 2019): 234–35.

[39] Ivan Franceschini and Kevin Lin, "Labour NGOs in China: From Legal Mobilisation to Collective Struggle (and Back?)," *China Perspectives,* no. 1 (2019): 75.

[40] Ivan Franceschini and Kevin Lin, "Labour NGOs in China: From Legal Mobilisation to Collective Struggle (and Back?)," *China Perspectives,* no. 1 (2019): 82; Kevin Lin, "State Repression in the Jasic Aftermath: From Punishment to Preemption," *Made in China Journal* 4, no. 1 (2019): 16–19.

[41] China Labour Bulletin, "Well-Known Labour Activists Detained by Shenzhen Police," January 22, 2019; Manfred Elfstrom, "China's Recent Crackdown on Labour Activists May Have Little to Do with Their Own Actions," *South China Morning Post,* February 7, 2019. For more information on government suppression of labor advocates in the 2018 reporting year, see CECC, *2018 Annual Report,* October 10, 2018, 86–87.

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

[43] Worker Empowerment, "Joint Statement: Release Fu Changguo Now!" September 13, 2018; Chinese Human Rights Defenders, "Submission to UN on Fu Changguo, Li Zhan, Liu Penghua, Mi Jiuping and Yu Juncong—March 13, 2019," April 1, 2019. For more information, see the Commission's Political Prisoner Database records 2019-00011 on Fu Changguo and 2019-00016 on Huang Qingnan.

[44] Red Reference, "Hongse cankao bianji bu Beijing bangongshi bei chachao, gongzuo renyuan bei xingju" [Red Reference's editorial department in Beijing subjected to search, staff criminally detained," *Jasic Workers Support Group,* August 26, 2018; "Zhongguo zuoyi wangzhan bianji bei yi 'dianfu zui' juliu" [Editor of Chinese leftist website detained for "subversion of state power"], *Radio Free Asia,* March 25, 2019. For more information on Shang Kai, see the Commission's Political Prisoner Database record 2019-00010.

[45] "Zhongguo zuoyi wangzhan bianji bei yi 'dianfu zui' juliu" [Editor of Chinese leftist website detained for "subversion of state power"], *Radio Free Asia,* March 25, 2019. For more information on Chai Xiaoming, see the Commission's Political Prisoner Database record 2019-00126.

[46] Human Rights in China, "HRIC Urges International Attention on 32 Jasic Workers and Supporters Detained, Disappeared," December 7, 2018; "Shenzhen shi Pingshan qu kaichuang

fuwu qing gong xin moshi zhuli wugong qingnian chuanye, dajian yuanmeng pingtai" [Pingshan district, Shenzhen municipality, creating a new mode of serving young workers, helping young people start a business, building a dream platform], *Global Times,* September 14, 2017. For more information, see the Commission's Political Prisoner Database records 2019-00030 on He Pengchao, 2019-00034 on Wang Xiangyi, 2019-00035 on Jian Xiaowei, 2019-00036 on Kang Yanyan, 2019-00037 on Hou Changshan, 2019-00038 on Wang Xiaomei, and 2019-00045 on He Xiumei.

[47] International Labour Office, International Labour Organization, 389th Report of the Committee on Freedom of Association, GB.336/INS/4/1, June 22, 2019, 68–69.

[48] China Labour Bulletin, "Well-Known Labour Activists Detained by Shenzhen Police," January 22, 2019. See also "Shenzhen Chunfeng Laodong Zhengyi Fuwu Bu zhuren Zhang Zhiru bei chuanhuan hou huoshi" [Zhang Zhiru, director of the Shenzhen Chunfeng Labor Dispute Service Center, released after summons," *Radio Free Asia,* April 25, 2014. For more information on Zhang Zhiyu, see the Commission's Political Prisoner Database record 2019-00117.

[49] Keegan Elmer, "At Least Five Labour Rights Activists Arrested across China," *South China Morning Post,* January 22, 2019.

[50] Li Qian, "How Zhang Zhiru Became One of China's Top Defenders of Labor Rights," *Global Times,* September 19, 2014.

[51] "Calls Grow for Release of Chinese Website Editors Who Advised Migrant Workers," *Radio Free Asia,* March 28, 2019. For more information on Yang Zhengjun, see the Commission's Political Prisoner Database record 2019-00129.

[52] China Labour Bulletin, "Gone for 100 Days: Three Labour Activists 'Disappeared' in China," June 27, 2019; "Calls Grow for Release of Chinese Website Editors Who Advised Migrant Workers," *Radio Free Asia,* March 28, 2019. For more information on Ke Chengbing, see the Commission's Political Prisoner Database record 2019-00128.

[53] China Labour Bulletin, "Gone for 100 Days: Three Labour Activists 'Disappeared' in China," June 27, 2019; "Calls Grow for Release of Chinese Website Editors Who Advised Migrant Workers," *Radio Free Asia,* March 28, 2019. For more information on Wei Zhili, see the Commission's Political Prisoner Database record 2019-00127.

[54] China Labour Bulletin, "Gone for 100 Days: Three Labour Activists 'Disappeared' in China," June 27, 2019; Committee to Protect Journalists, "Labor Rights Website Editor Wei Zhili Arrested in China; Another Is Missing," March 21, 2019.

[55] China Labour Bulletin, "Gone for 100 Days: Three Labour Activists 'Disappeared' in China," June 27, 2019.

[56] Keegan Elmer and Guo Rui, "Three More People Detained as China Continues to Crack Down on Labour Groups," *South China Morning Post,* May 12, 2019; Chinese Human Rights Defenders, "China Must Release Detained Labor Rights Advocates," July 25, 2019. According to the South China Morning Post and Chinese Human Rights Defenders, the three raids appeared to be coordinated.

[57] Keegan Elmer and Guo Rui, "Three More People Detained as China Continues to Crack Down on Labour Groups," *South China Morning Post,* May 12, 2019; Hongshui zhi tao (@hongshuizhitao), "Canyu jiuzhu chenfei gongren de Beijing shegong Li Dajun shilian, qi qi bei zhua" [Beijing social worker who participated in helping workers with pneumoconiosis Li Dajun lost contact, wife also detained], Weibo post, May 8, 2019, 9:40 p.m., reprinted in *Youth Spark,* May 8, 2019; "Fei zhengfu zuzhi nijing qiu cun Beijing laogong zuzhi fuze ren yi bei kou" [Nongovernmental organizations face adversity, Beijing labor organization founder may have been taken into custody], *Radio Free Asia,* May 9, 2019.

[58] Chinese Human Rights Defenders, "China Must Release Detained Labor Rights Advocates," July 25, 2019; Keegan Elmer and Guo Rui, "Three More People Detained as China Continues to Crack Down on Labour Groups," *South China Morning Post,* May 12, 2019.

[59] Guangdong Mumian Social Work Service Center, "Mumian jianjie" [Mumian introduction], accessed August 19, 2019; Chinese Human Rights Defenders, "China Must Release Detained Labor Rights Advocates," July 25, 2019.

[60] Yu Jincui, "Rational Solution Needs to Be Explored to Sort Out Capital-Labor Relations," *Global Times,* January 1, 2019.

[61] Javier C. Hernández, "China Using Taped Confessions to Intimidate Young Communists, Students Say," *New York Times,* January 21, 2019.

[62] Hong Kong Confederation of Trade Unions, "Investigative Report on Labour Rights Conditions of Hong Kong Enterprises and Hong Kong Listed Enterprises in Mainland China 2017–2018," October 2018, 2; Freedom House, "China," in *Freedom in the World 2019,* February 2019, sec. E3.

[63] Human Rights Watch, "Liu Feiyue Convicted of 'Inciting Subversion' for Monitoring Violations," January 29, 2019. For more information on Lu Yuyu, see the Commission's Political Prisoner Database record 2016-00177.

[64] China Labour Bulletin changed their methodology beginning in 2017. China Labour Bulletin, "Strike Map Applies New Fixed Sampling Method in 2017," February 17, 2017. For information on China Labour Bulletin's methodology through the end of 2016, see China Labour Bulletin, "An Introduction to China Labour Bulletin's Strike Map," March 29, 2016.

[65] China Labour Bulletin, "CLB Strike Map," accessed April 26, 2019; China Labour Bulletin, "Economic Recovery Means More Bad Jobs for China's Workers," January 18, 2018.

[66] China Labour Bulletin, "CLB Strike Map," accessed May 15, 2019. Two incidents recorded in 2018 had an unknown number of participants.

[67] Ibid.

[68] China Labour Bulletin, "A Decade On, China's Labour Contract Law Has Failed to Deliver," December 28, 2018; National Bureau of Statistics of China, "2016 nian nongmingong jiance diaocha baogao" [2016 report on monitoring and survey of migrant workers], April 28, 2017. In 2016, 35.1 percent of migrant workers had contracts, down from 42.8 percent in 2009. National Bureau of Statistics of China, "Nongmingong jiance diaocha baogao" [Migrant workers moni-

toring and survey report], April 29, 2019. The Chinese government did not report the percentage of migrant workers who were working under a contract in 2018.
[69] China Labour Bulletin, "CLB Strike Map," accessed May 15, 2019.
[70] Ibid.
[71] Feng Xiang, "Solidarity Under a Song: What Strikes in China Tell Us," *American Affairs Journal* 3, no. 1 (2019); China Labour Bulletin, "Labour Relations FAQ," accessed May 15, 2019.
[72] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8(1)(d); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed July 14, 2019. China has signed and ratified the ICESCR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, September 14, 2016, paras. 54, 56–57.
[73] "Chinese Smartphone Screen Maker Hit by Workers' Protests," *Financial Times,* November 16, 2018; Peggy Sito and Li Tao, "China-Based Supplier of Apple Screens Biel Denies It Has Laid Off Thousands of Workers," *South China Morning Post,* November 16, 2018; "Pingguo shouji gongying shang Guangdong caiyuan wan ren" [Apple mobile phone supplier in Guangdong lays off [nearly] ten thousand], *Radio Free Asia,* November 16, 2018; Dui Hua Foundation, "Mass Incidents Monitor," accessed May 15, 2019.
[74] China Labour Bulletin, "Food Delivery Drivers Strike in Protest at Post-New Year Pay Cuts," February 28, 2019.
[75] China Labour Bulletin, "Workers at Recycling Start-Up Stage Protests over Wage Arrears," April 23, 2019; Zhang Qing, "Xiao Huang Gou qiongtu 'qizu baoming' zhengtuo buliao tuan dai 'wang' [Little Yellow Dog in straitened circumstances "abandons life," [but] can't get rid of the "net" of group lending], *Sina,* April 29, 2019. The four cities were Dongguan municipality, Guangdong province; Shanghai municipality; Chongqing municipality; and, Xi'an municipality, Shaanxi province.
[76] China Labour Bulletin, "Workers at Recycling Start-Up Stage Protests over Wage Arrears," April 23, 2019.
[77] "996.ICU," reprinted in *Github,* accessed May 19, 2019; "GitHub Protest over Chinese Tech Companies' '996' Culture Goes Viral," *Radii China,* March 29, 2019; Yuan Yang, "China and the Anti-996 Campaign," *Financial Times,* May 8, 2019.
[78] *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, art. 36; Xin Zhiping, "Xin Zhiping: fendou ying tichang, 996 dang tuichang" [Xin Zhiping: struggle should be supported, 996 should be stopped], *Xinhua,* April 15, 2019. According to Xin, the "996" schedule "clearly" violates Chinese labor law.
[79] *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, art. 41.
[80] Emily Feng, "GitHub Has Become a Haven for China's Censored Internet Users," *Morning Edition, NPR,* April 10, 2019.
[81] "996.ICU," reprinted in *Github,* accessed May 19, 2019; "GitHub Protest over Chinese Tech Companies' '996' Culture Goes Viral," *Radii China,* March 29, 2019; *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, arts. 16, 41.
[82] "996 (Huo qita weifa jiaban zhidu) gongsi mingdan" [996 (and other illegal overtime systems) company list], 996.ICU, *Github,* accessed June 13, 2019; Rita Liao, "China's Startup Ecosystem Is Hitting Back at Demanding Working Hours," *TechCrunch,* April 12, 2019.
[83] JS Chen, "Tech Workers Are Workers, Too," *Jacobin,* May 6, 2019.
[84] "Overseas Tech Workers Warn of 'Race to Bottom' in China Overtime Row," *Radio Free Asia,* April 25, 2019; Klint Fliney, "How Github Is Helping Overworked Chinese Programmers," *Wired,* April 26, 2019.
[85] Bryce Covert, "The Richest Man in China Is Wrong, 12–Hour Days Are No 'Blessing,'" *New York Times,* April 21, 2019; Lin Qiqing and Raymond Zhong, "'996' Is China's Version of Hustle Culture. Tech Workers Are Sick of It.," *New York Times,* April 29, 2019.
[86] "Tech Employees' Work Schedule Protest Censored," *China Digital Times,* April 5, 2019.
[87] Klint Fliney, "How Github Is Helping Overworked Chinese Programmers," *Wired,* April 26, 2019; "'Anti 996' License Version 1.0 (Draft)", 996.ICU, *Github,* April 17, 2019.
[88] *Zhonghua Renmin Gongheguo Shehui Baoxian Fa* [PRC Social Insurance Law], passed October 28, 2010, effective July 1, 2011, art. 2. For information on workers' low levels of social insurance coverage in previous reporting years, see CECC, *2018 Annual Report,* October 10, 2018, 90; CECC, *2017 Annual Report,* October 5, 2017, 90; CECC, *2016 Annual Report,* October 6, 2016, 81–82; CECC, *2015 Annual Report,* October 8, 2015, 87–88.
[89] *Zhonghua Renmin Gongheguo Shehui Baoxian Fa* [PRC Social Insurance Law], passed October 28, 2010, effective July 11, 2011, arts. 10, 23, 33, 44, 53. See also China Labour Bulletin, "China's Social Security System," March 2019.
[90] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2018 National Economic and Social Development," February 28, 2019; National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2017 National Economic and Social Development," February 28, 2018.
[91] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2018 National Economic and Social Development," February 28, 2019; National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2017 National Economic and Social Development," February 28, 2018.
[92] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2018 National Economic and Social Development," February 28, 2019.
[93] State Council, "Guowuyuan guanyu jianli qiye zhigong jiben ganglao baoxian jijin zhongyang tiaoji zhidi de tongzhi" [State Council circular on the establishment of a central ad-

justment fund for basic pensions], June 13, 2018; State Council, "Pension Funds for Enterprise Employees to be Centrally Coordinated," June 13, 2018.
[94] Ministry of Finance, "2019 nian zhongyang tiaoji jijin shouru (shangjiao) qingkuang biao" [2019 pension central adjustment fund (paid) situation table], accessed June 13, 2019; Cheng Siwei and Liu Jiefei, "Rich Provinces Cough Up Pension Funds to Help Struggling Peers," *Caixin,* April 10, 2019.
[95] Ministry of Finance, "2019 nian zhongyang tiaoji jijin jiao bo cha'e qingkuang biao" [2019 pension central adjustment fund collection difference situation table], accessed June 13, 2019; Cheng Siwei and Liu Jiefei, "Rich Provinces Cough Up Pension Funds to Help Struggling Peers," *Caixin,* April 10, 2019.
[96] *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, art. 2; *Zhonghua Renmin Gongheguo Laodong Hetong Fa* [PRC Labor Contract Law], passed June 29, 2007, effective January 1, 2008, amended December 28, 2012, art. 2.
[97] Jenny Chan, "Challenges of Dispatch Work in China," *AsiaGlobal Online,* March 21, 2019; China Labour Bulletin, "Volkswagen Workers in Changchun Continue Their Fight for Equal Pay," November 10, 2018; Qian Zhecheng and Fan Liya, "Shady Agents Persist at Major Apple Product Factory," *Sixth Tone,* January 21, 2019.
[98] Jenny Chan, "Challenges of Dispatch Work in China," *AsiaGlobal Online,* March 21, 2019. For information on contract or dispatch labor from previous reporting years, see CECC, *2018 Annual Report,* October 10, 2018, 90–91; CECC, *2017 Annual Report,* October 5, 2017, 90–91; CECC, *2016 Annual Report,* October 6, 2016, 86.
[99] China Labour Bulletin, "Volkswagen Workers in Changchun Continue Their Fight for Equal Pay," November 10, 2018; Zhang Lu, "The Struggles of Temporary Agency Workers in Xi's China," *Made in China Journal* 3, no. 2 (2018): 46–49; "Support Changchun FAW–Volkswagen Dispatch Workers' Struggle for Equal Pay for Equal Work," *Globalization Monitor,* May 22, 2019.
[100] China Labour Bulletin, "Volkswagen Workers in Changchun Continue Their Fight for Equal Pay," November 10, 2018; "Support Changchun FAW–Volkswagen Dispatch Workers' Struggle for Equal Pay for Equal Work," *Globalization Monitor,* May 22, 2019; Zhang Lu, "The Struggles of Temporary Agency Workers in Xi's China," *Made in China Journal* 3, no. 2 (2018): 46–49;
[101] Qian Zhecheng and Fan Liya, "Shady Agents Persist at Major Apple Product Factory," *Sixth Tone,* January 21, 2019.
[102] Ibid.
[103] *Zhonghua Renmin Gongheguo Laodong Hetong Fa* [PRC Labor Contract Law], passed June 29, 2007, effective January 1, 2008, amended December 28, 2012, arts. 63, 66.
[104] Students and Scholars Against Corporate Misbehavior, "Apple Watch Series 4: Still Failed to Protect Teenage Student Workers," October 2018, 3.
[105] Tom Hancock, Yuan Yang, and Nian Liu, "Illegal Student Labour Fuels JD.com 'Singles Day' Sale," *Financial Times,* November 20, 2018.
[106] China Labor Watch, "Amazon Recruits Illegally: Interns Forced to Work Overtime," August 8, 2019, 3; Gethin Chamberlain, "Schoolchildren in China Work Overnight to Produce Amazon Alexa Devices," *Guardian,* August 8, 2019.
[107] Ministry of Education and Ministry of Finance, *Zhongdeng Zhiye Xuexiao Xuesheng Shixi Guanli Banfa,* [Measures on Managing Secondary Vocational School Student Internships], issued and effective June 26, 2007, art. 5.
[108] Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018.
[109] Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018. Badger Sportswear is a part of Founder Sport Group which is owned by CCMP Capital Advisors LP. "About Us," Badger Sport, accessed September 6, 2019; Iris Dorbian, "CCMP to Buy Uniforms Maker Badger Sportswear," The PE Hub Network, August 23, 2016.
[110] State Council Information Office, "The Fight against Terrorism and Extremism and Human Rights Protection in Xinjiang," March 2019, 22; "Forced Labor Risk in Xinjiang, China," *Fair Labor Standards Association,* April 2019, 1–2.
[111] Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *Wall Street Journal,* May 16, 2019.
[112] National Bureau of Statistics of China, "Nongmingong jiance diaocha baogao" [Migrant workers monitoring and survey report], April 29, 2019; Cai Yiwen, "China's Aging Migrant Workers Are Facing a Return to Poverty," *Sixth Tone,* November 28, 2018.
[113] State Council, *Zhonghua Renmin Gongheguo Laodong Hetong Fa* Shishi Tiaoli [PRC Labor Contract Law Implementing Regulations], issued and effective September 18, 2008, art. 21; *Zhonghua Renmin Gongheguo Laodong Hetong Fa* [PRC Labor Contract Law, passed June 29, 2007, effective January 1, 2008, amended July 13, 2012, art. 44(2). The PRC Labor Contract Law provides that if a worker receives a pension, his or her labor contract terminates (*zhongzhi*), but the implementing regulations require that contracts be terminated for all workers upon reaching the legal retirement age.
[114] China Labour Bulletin, "Tracking the Ever-Present Danger for Workers on the Streets of China," December 20, 2018; Hanming Fang and Jin Feng, "The Chinese Pension System," *Shanghaitech SEM Working Paper,* September 1, 2018, 14.
[115] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2018 National Economic and Social Development," February 28, 2019.
[116] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2017 National Economic and Social Development," February 28, 2018, sec. XII.
[117] Gerry Shih, "After China's Deadly Chemical Disaster, a Shattered Region Weighs Costs of the Rush to 'Get Rich,'" *Washington Post,* March 31, 2019.

[118] China Labour Bulletin, "Deaths from Coal Mine Accidents in China Fall to New Low of 333 in 2018," January 24, 2019.
[119] "Yixian gongren anquan mao duibi shiyan shipin yinfa taolun, yingji guanlibu huiying" [First line workers safety helmet comparison test results in debate, Ministry of Environmental Management responds], *Observer,* March 17, 2019; Jiayun Feng, "Construction Worker Loses Job after Exposing Low-Quality Helmets," *SupChina,* April 22, 2019; Linda Lew, "Chinese Worker Smashes Hard Hat in Viral Video, Raises Safety Concerns," *South China Morning Post,* April 16, 2019.
[120] "Yixian gongren anquan mao duibi shiyan shipin yinfa taolun, yingji guanlibu huiying" [First line workers safety helmet comparison test results in debate, Ministry of Environmental Management responds], *Observer,* March 17, 2019; Jiayun Feng, "Construction Worker Loses Job after Exposing Low-Quality Helmets," *SupChina,* April 22, 2019; Linda Lew, "Chinese Worker Smashes Hard Hat in Viral Video, Raises Safety Concerns," *South China Morning Post,* April 16, 2019.
[121] China Labor Watch, "A Nightmare for Workers: Appalling Conditions in Toy Factories Persist," December 6, 2018, 1.
[122] Ibid, 3.
[123] China Labor Watch, "An Investigative Report on Dongguan Dongwon," March 11, 2019, 3, 4, 10.
[124] "China Chemical Blast: Blast outside Zhangjiakou Plant Kills 22," *BBC,* November 28, 2018. See also Linda Lew, "Explosions and Landslides—The Worst Industrial Accidents in China since 2014," *South China Morning Post,* March 22, 2019.
[125] China Labour Bulletin, "At Least 78 Dead, Hundreds Injured in Massive Chemical Plant Explosion," March 25, 2019; Liu Kang, Ling Junhui, and Chen Rufa, "Yi shengming de mingyi Jiangsu Xiangshui '321' teda baozha shigu qi riji" [In the name of life—Xiangshui, Jiangsu "3.21" massive explosion tragedy 7th-day memorial], *Xinhua,* March 27, 2019; Zhao Jing, Wei Shumin, Liang Yingfei, and Yang Rui, "Xiangshui huagong yuan baozha zhuizong: gongren cheng baozha yi yin tianranqi qihou [Xiangshui chemical park explosion: workers suspect [it was] caused by natural gas leak], *Caixin,* March 22, 2019; Liu Jia, "Yanchang baozha shigu beihou: Nijiaxiang Jituan de hong yu hei" [Behind the scenes of the Yanchang explosion story: Nijiaxiang Group's red and black], *Southern Weekend,* reprinted in *China Digital Times,* March 22, 2019.
[126] Linda Lew, "Explosions and Landslides—The Worst Industrial Accidents in China since 2014," *South China Morning Post,* March 22, 2019; William Zheng, "Death Toll from China Chemical Plant Blast Rises to 79," *South China Morning Post,* March 25, 2019.
[127] Yu Han, "The Yancheng Blast Shows the Importance of Media Oversight," *Sixth Tone,* March 22, 2019; Austin Ramzy and Javier C. Hernández, "Explosion at Chemical Plant Kills 64; Employees Detained," *New York Times,* March 22, 2019.
[128] Yu Han, "The Yancheng Blast Shows the Importance of Media Oversight," *Sixth Tone,* March 22, 2019.
[129] UN Office of the High Commission for Human Rights, "China Must Fulfil Repeated Pledges on Chemical Safety: Expert," March 29, 2019.
[130] Planning Development and Information Technology Division, National Health Commission, "2018 nian woguo weisheng jiankang shiye fazhan tongji gongbao" [Report on development statistics of the health and wellness industry in 2018], May 22, 2019.
[131] National Institute of Occupational Health and Poison Control and Chinese Center for Disease Control and Prevention, "2017 nian zhiye bing baogao qingkuang" [Report on the situation of occupational diseases in 2017], June 19, 2018.
[132] National Health and Family Planning Commission, "2015-2016 nian quanguo zhiye bing baogao qingkuang" [2015-2016 report on the situation of occupational diseases nationwide], December 28, 2017, 1, 3–4.
[133] Planning Development and Information Technology Division, National Health Commission, "2018 nian woguo weisheng jiankang shiye fazhan tongji gongbao" [Report on development statistics of the health and wellness industry in 2018], May 22, 2019.
[134] Zhang Lei, "Zhiye bing fangzhi meiyou wancheng shi" [Occupational disease prevention unfinished], *Jiankang bao* [Health News], January 3, 2019.
[135] "Winter Is Coming: China 2018-2019 (Wildcat)," *Chuang,* June 7, 2019. In 2016, reportedly fewer than 10 percent of pneumoconiosis victims had an employment contract.
[136] China Labour Bulletin, "Shenzhen Commits to Compensate Protesting Pneumoconiosis Workers," November 14, 2018.
[137] China Labour Bulletin, "Shenzhen Police Use Pepper Spray on Protesting Pneumoconiosis Workers," November 9, 2018; China Labour Bulletin, "Shenzhen Commits to Compensate Protesting Pneumoconiosis Workers," November 14, 2018.
[138] Hong Kong Confederation of Trade Unions, "Hundreds of Hunan Workers Petitioned to Support the Criminally Detained 'iLabour' Editors!," April 15, 2019; Committee to Protect Journalists, "Labor Rights Website Editor Wei Zhili Arrested in China; Another Is Missing," March 21, 2019. For more information on the three citizen journalists' cases, see the Commission's Political Prisoner Database records 2019-00127 on Wei Zhili, 2019-00128 on Ke Chengbing, and 2019-00129 on Yang Zhengjun.
[139] Hongshui zhi tao (@hongshuizhitao), "Canyu jiuzhu chenfei gongren de Beijing shegong Li Dajun shi lian, qi qi bei zhua" [Beijing social worker who participated in helping workers with pneumoconiosis Li Dajun lost contact, wife also detained], Weibo post, May 8, 2019, 9:40 p.m., reprinted in *Youth Spark*.

CRIMINAL JUSTICE

Findings

- During the Commission's 2019 reporting year, Chinese government and Communist Party officials continued to abuse criminal law and police power to punish government critics and to "maintain stability" (*weiwen*) with the goal of perpetuating one-party rule. The Chinese government in many cases violated the freedoms of Chinese citizens protected under PRC laws and international human rights standards, and used criminal law to target rights advocates, religious believers, and ethnic minority groups.
- Authorities continued to use various forms of arbitrary detention—such as extralegal "black jails" and forced psychiatric commitment of individuals without mental illness—to deprive individuals of their liberty, contravening international human rights standards. Authorities also continued to use administrative detention that circumvented judicial oversight and protections for detainees' rights under the PRC Criminal Procedure Law (CPL).
- Authorities continued to detain individuals under broad provisions in the PRC Criminal Law—such as crimes of "endangering state security," "picking quarrels and provoking trouble," and "organizing and using a cult organization to undermine implementation of the law"—to suppress rights advocacy and other activities protected under international human rights standards.
- Authorities held rights advocates, lawyers, petitioners, and others in prolonged pretrial detention, including under "residential surveillance at a designated location" (RSDL), a form of incommunicado detention that can last up to six months, restricts access to counsel, and places detainees at risk of abuse by authorities.
- In one case with numerous human rights violations, Falun Gong practitioner **Sun Qian** said that she was tortured while in custody, subjected to arbitrary and prolonged pretrial detention, and prevented from obtaining proper legal counsel. In other cases, officials denied detainees access to counsel, such as human rights lawyer **Wang Quanzhang** who was prevented from seeing lawyers appointed by his wife.
- In December 2018, Chinese authorities separately detained Canadian citizens **Michael Spavor** and **Michael Kovrig** for allegedly "endangering state security." In the same month, during a retrial, the Dalian Intermediate People's Court sentenced to death Canadian **Robert Schellenberg** for drug smuggling. Observers believed these actions within the criminal justice system were likely Chinese authorities' attempt to exert pressure on the Canadian government for the arrest of Meng Wanzhou, the chief financial executive of the Chinese technology company Huawei, whom Canadian authorities detained in December 2018 based on an extradition request made by the U.S. Department of Justice.
- Authorities continued to torture and otherwise abuse detainees:

- Authorities denied requests to release human rights website 64 Tianwang founder **Huang Qi** for medical reasons. In October 2018, authorities reportedly purposely manipulated readings of Huang's high blood pressure and rejected attempts by detention center officials to allow additional treatment due to "political" reasons.
- Authorities reportedly required Taiwanese college employee and non-governmental organization (NGO) volunteer **Lee Ming-cheh** to work more than 10 hours a day without a day of rest and served him and other prisoners spoiled food. After Lee's wife Lee Jingyu made public statements concerning her prison visit, authorities revoked her right to visit her husband.

• Authorities continued to develop technology-based means to help public security officials track persons of interest—based in part on large-scale, sometimes involuntary collection of personal data—raising concerns over Chinese citizens' privacy and the potential for public security officials' capacity to use this technology to crack down on rights advocates and other targeted persons. The manner in which authorities collected personal data, including biometric data, appeared to violate privacy protections in international human rights instruments.
• While the Chinese government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders, Amnesty International estimated that China carried out more executions than any other country. China continued to classify statistics on its use of the death penalty as a state secret, and the Commission did not observe official reports on overall death penalty numbers. A French NGO reported that the death penalty disproportionately targeted ethnic and religious minorities, such as Uyghur Muslims, for their religious beliefs.

Recommendations

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

- Publicly advocate for political prisoners and other targets of government oppression whom officials have deprived of liberty on unsubstantiated criminal charges and for apparent political or religious reasons. Refer to the Commission's Political Prisoner Database for details on individual cases.
- Include discussion of rights protections for rights advocates and other targets of government repression in a wide range of bilateral and multilateral discussions with Chinese officials. Stress to the Chinese government the importance of procedural compliance and effective legal representation in criminal cases in relation to the goal of rule-based governance.
- Urge Chinese officials to end all forms of arbitrary detention, as well as forms of extrajudicial detention, that are imposed without meeting the standards for a fair trial as set forth in the International Covenant on Civil and Political Rights and other international human rights instruments. These include detentions in "black jails," psychiatric institu-

tions, compulsory drug detoxification centers, and the detention of over a million Uyghurs, Kazakhs, and other individuals from ethnic minority groups in mass internment camps in the Xinjiang Uyghur Autonomous Region.

○ Consult with Chinese officials regarding progress toward adopting the recommendations made in February 2016 by the UN Committee against Torture in relation to China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, such as the call to repeal the provisions in Chinese law allowing for "residential surveillance at a designated location." Further, encourage Chinese officials to extend invitations to all UN special rapporteurs who have requested to visit China.

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

○ Stress to the Chinese government the need for greater transparency on the number and circumstances of executions and urge Chinese officials to further limit the crimes for which the death penalty is applicable. Urge the Chinese government to ban explicitly in national legislation the harvesting of organs from executed prisoners.

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

○ Call on the Chinese government to publicly commit to a specific timetable for ratification of the International Covenant on Civil and Political Rights, which the Chinese government signed in 1998 but has not yet ratified.

CRIMINAL JUSTICE

Introduction

During the Commission's 2019 reporting year, Chinese government and Communist Party officials continued to use criminal law and police power to punish their critics and to "maintain stability" (*weiwen*) with the goal of perpetuating one-party rule. In doing so, the Chinese government violated the freedoms and rights of Chinese citizens protected under PRC laws and international human rights standards [1] and targeted rights advocates, religious believers, and ethnic minority groups in particular.

Use of Criminal Law to Punish Rights Advocates

This past year, authorities continued [2] to detain individuals under provisions in the PRC Criminal Law (CL) to suppress rights advocacy and other activities protected under international human rights standards.[3] Selected examples follow:

CRIMES OF ENDANGERING STATE SECURITY

The Chinese government continued to prosecute individuals under "endangering state security" charges for peacefully exercising their rights.[4] CL Articles 102 to 112—listing offenses including "subversion of state power," [5] "separatism," and "espionage"—are collectively referred to as crimes of "endangering state security," [6] some of which carry multi-year sentences or the death penalty.[7]

- In December 2018, the Zhuhai Municipal Intermediate People's Court in Guangdong province sentenced **Zhen Jianghua** [8] to two years in prison for "inciting subversion of state power." [9] Authorities detained Zhen in September 2017,[10] and officially charged him in March 2018.[11] Zhen is the executive director of Human Rights Campaign in China (HRCIC), which reports on cases involving rights advocacy and provides aid for people who are involved in or who have reported on advocacy cases.[12]
- Beginning on December 9, 2018, public security officials in Chengdu municipality, Sichuan province, took into custody over 100 leaders and members of the Early Rain Covenant Church, an unregistered Protestant house church in Chengdu municipality, Sichuan province.[13] Authorities criminally detained Early Rain founder and pastor **Wang Yi** [14] and placed Wang's wife **Jiang Rong** [15] under "residential surveillance at a designated location," both on suspicion of "inciting subversion of state power." [16] [For more information on the crackdown on Early Rain, see Section II—Freedom of Religion.]
- Additional cases in which authorities detained rights advocates on "subversion" grounds include human rights lawyer **Wang Quanzhang,**[17] Civil Rights and Livelihood Watch founder **Liu Feiyue,**[18] and Tiananmen Square protest leader **Zhou Yongjun.**[19]

PICKING QUARRELS AND PROVOKING TROUBLE

Authorities used the charge of "picking quarrels and provoking trouble"[20] under Article 293 of the PRC Criminal Law to punish petitioners and rights advocates.[21] One Chinese legal scholar described the criminal charge as being "so broadly defined and ambiguously worded that prosecutors can apply it to almost any activity they deem undesirable, even if it may not otherwise meet the standards of criminality."[22]

- In April 2019, the Chengdu Municipal Intermediate People's Court in Chengdu, Sichuan province, tried **Zhang Junyong,**[23] **Fu Hailu,**[24] and **Luo Fuyu**[25] and sentenced them to three years in prison, suspended for four to five years,[26] and **Chen Bing**[27] to three years and six months in prison, all for "picking quarrels and provoking trouble."[28] Authorities first detained the four in May 2016 on suspicion of "inciting subversion of state power" after Fu posted images online of satirical liquor bottles meant to commemorate the violent suppression of the June 4, 1989 Tiananmen pro-democracy protests.[29]
- In May 2019, the Gulou District People's Court in Xuzhou municipality, Jiangsu province, sentenced **Zhang Kun**[30] to two years and six months in prison for "picking quarrels and provoking trouble."[31] The arrest and sentencing was connected to Zhang posting a video in which he revealed that prison authorities at Pengcheng Prison in Yunlong district, Xuzhou, had subjected him to torture and abuse while he was imprisoned there between 2015 and 2016 for the same charge.[32]

ORGANIZING AND USING A CULT TO UNDERMINE IMPLEMENTATION OF THE LAW

Authorities continued to charge members of religious communities and spiritual movements with "organizing and using a cult organization to undermine implementation of the law" under CL Article 300.[33] For example, in January 2019, Qingshan District People's Court in Baotou municipality, Inner Mongolia Autonomous Region, sentenced Falun Gong practitioners **Wang Ying**[34] and **Wang Hongling**[35] to two years in prison and one year and six months in prison, respectively.[36] Authorities detained the two in connection to Falun Gong materials they distributed in Batou.[37] [For more information on official Chinese persecution of Falun Gong, see Section II—Freedom of Religion.]

OTHER CRIMINAL LAW PROVISIONS

Authorities accused rights advocates and others of other criminal offenses, including "gathering a crowd to disturb social order,"[38] "obstructing official business,"[39] and "illegal business activity"[40] on account of activities protected under international human rights standards.[41]

Arbitrary Detention

Authorities continued to use various forms of arbitrary detention[42] that deprive individuals of their liberty, contravening international human rights standards.[43] During China's November 2018

UN Human Rights Council Universal Periodic Review (UPR) of the Chinese government's human rights record, non-governmental organizations and member states called for the Chinese government to end its use of arbitrary detention, including in mass internment camps used to arbitrarily detain Uyghur Muslims and other ethnic minority groups in the Xinjiang Uyghur Autonomous Region.[44] [For more information on arbitrary detention in China's mass internment camps, see Section IV—Xinjiang.] During the UPR, China rejected calls to end various forms of arbitrary detention.[45]

Descriptions of selected forms of arbitrary detention follow:

BLACK JAILS

Authorities continued to hold individuals in "black jails," extralegal detention sites that operate outside of the PRC's judicial and administrative detention systems.[46] For example, authorities or individuals presumably acting on their behalf held rights advocates in "black jails" as a part of "stability maintenance" efforts leading up to the Shanghai International Import Expo in November 2018,[47] and the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2019.[48]

PSYCHIATRIC FACILITIES

Authorities continued to forcibly commit individuals without mental illness to psychiatric facilities—a practice known as "*bei jingshenbing*"—to punish rights advocates, despite protections in the PRC Mental Health Law (MHL)[49] and related regulations.[50] [For more information, see Section II—Public Health.] For example, from August to October 2018, authorities forcibly committed **Lu Qianrong**[51] to a psychiatric facility in Changzhou municipality, Jiangsu province, reportedly due to Lu's posting "unfavorably against the country" on social media.[52] Authorities reportedly forced Lu to take daily antipsychotic medication while in detention.[53]

ADMINISTRATIVE DETENTION

Authorities continued to use administrative forms of detention, which allow officials to detain individuals without judicial oversight or protections for their rights under the PRC Criminal Procedure Law (CPL). For example, police have ordered human rights defenders to serve up to 20 days of administrative detention without any judicial process.[54] In addition, authorities continued to operate compulsory drug detoxification centers[55] where they can hold detainees for up to two years.[56]

This past year, Chinese authorities, human rights advocates, and legal scholars continued to call for the abolition of "custody and education" (*shourong jiaoyu*),[57] in which public security officials can detain sex workers and their clients for six months to two years without judicial oversight.[58] Chinese legal experts have questioned the legality of such "extrajudicial prisons without any due process."[59]

Chinese Authorities' Retaliatory Use of Criminal Law against Canadian Citizens

On December 10, 2018, Chinese authorities separately detained Canadian citizens **Michael Spavor** and **Michael Kovrig** on suspicion of "endangering state security."[60] Reports suggest that authorities held Spavor and Kovrig under "residential surveillance at a designated location" (RSDL),[61] a coercive measure under the CPL that allows security authorities to hold a criminal suspect in de facto incommunicado detention for up to six months.[62] Reports further indicate that authorities held them in conditions that some experts have said may amount to torture.[63] In May 2019, the Chinese Ministry of Foreign Affairs said that authorities had formally arrested both Spavor and Kovrig for crimes of "endangering state security."[64]

In another case involving a Canadian citizen, the Dalian Municipal Intermediate People's Court in Liaoning province changed **Robert Schellenberg**'s sentence for drug smuggling from a 15-year imprisonment to a death sentence in January 2019,[65] in spite of a provision in the PRC Criminal Procedure Law generally prohibiting the trial court from imposing a harsher sentence in a retrial.[66] The court cited "new evidence" for the change in Schellenberg's original November 2018 judgment of 15 years.[67] Moreover, Chinese lawyers and international observers noted irregularities in Schellenberg's case, namely, the court of second instance having remanded the case without being requested to do so by the procuratorate, as well as the expediency with which the court of first instance concluded the case on remand (16 days), compared to the first round of proceedings (two years).[68]

Observers suggested that the detentions of Spavor and Kovrig as well as the death sentence of Schellenberg, were likely Chinese authorities' attempt to exert pressure on the Canadian government[69] for the arrest of the chief financial officer of the Chinese technology company Huawei,[70] Meng Wanzhou,[71] whom Canadian authorities detained based on an extradition request made by the U.S. Department of Justice.[72]

"RETENTION IN CUSTODY" (LIUZHI) UNDER THE PRC SUPERVISION LAW

The PRC Supervision Law (Supervision Law),[73] authorizes the National Supervisory Commission (NSC) to investigate suspected official misconduct[74] using methods including "retention in custody" (*liuzhi*),[75] an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation.[76] "Retention in custody" contravenes rights guaranteed by international legal standards, as it denies the "minimum guarantees" of those charged as a criminal including access to counsel, and to be tried while present.[77]

In early October 2018, authorities placed then President of the International Criminal Police Organization (Interpol), Meng Hongwei, under *liuzhi* while he was on a trip to China.[78] NSC officials transferred Meng's case to the Supreme People's Procuratorate, which approved his arrest on April 23, 2019.[79] In June 2019, while on trial in the Tianjin No. 1 Intermediate People's Court, Meng pled guilty to taking bribes.[80] One Chinese commentator noted that the NSC's detention of the president of an organization such as Interpol highlights a "new normal" of Chinese au-

thorities arresting Party officials in anti-corruption cases despite their positions in prominent international organizations.[81]

Ongoing Challenges in the Implementation of the Criminal Procedure Law

This past year, the National People's Congress Standing Committee passed legislation that could adversely affect the rights of prisoners and detainees. In addition, the Commission continued to observe reports of authorities violating the rights of detainees, despite protections in the PRC Criminal Procedure Law (CPL)[82] and international human rights standards.[83]

LEGISLATIVE DEVELOPMENTS

In October 2018, the National People's Congress Standing Committee passed an amendment to the CPL.[84] In cases of corruption, state security, and terrorism,[85] the amendment allows courts to try defendants in absentia, which violates international fair trial standards.[86] Rights groups warned that Chinese authorities might use this amendment to threaten and punish human rights defenders outside of China through abuse of international arrest warrants.[87]

The CPL amendment also provides for lenient and expedited sentencing, both of which require the defendant to "voluntarily" confess his or her crime, despite ongoing concerns about the reliance on coerced confessions in China's criminal justice system.[88] "Lenient sentencing" is allowed if the defendant admits to a crime, does not dispute the facts of the case, and willingly accepts punishment.[89] Additionally, the amendment provides for expedited sentencing in cases under the jurisdiction of basic-level people's courts of a defendant who faces a maximum three-year sentence, has confessed, accepted punishment, and who agrees to the use of an expedited process.[90]

COERCED CONFESSIONS

Authorities continued to coerce detainees to confess guilt to crimes, in violation of the CPL,[91] and in some cases forced detainees to recite apparently scripted remarks in court or on camera while in pretrial custody.[92]

For example, in or around January 2019, authorities reportedly forced more than 20 university students involved in labor advocacy to watch video confessions of four young labor rights advocates—**Yue Xin,**[93] **Shen Mengyu,**[94] **Gu Jiayue,**[95] and **Zheng Yongming**[96]—whom authorities detained in August 2018 after they had helped organize protests in support of workers' attempts to organize a union at Jasic Technology in Shenzhen municipality, Guangdong province.[97] The students reported that the videos appeared coerced,[98] and that authorities showed the video confessions in order to deter students from further activism.[99] [For more information on the Jasic student protests advocating labor rights, see Section II—Worker Rights. For information on the televised confession of former Supreme People's Court Judge Wang Linqing, see Section III—Access to Justice.]

PROLONGED PRETRIAL DETENTION

Authorities in some cases held suspects in pretrial detention beyond limits allowed in the CPL[100] and international human rights standards.[101] Observers indicate that detainees held in prolonged pretrial detention are at an increased risk of torture.[102]

- For example, in February 2017, authorities in Beijing municipality detained Falun Gong practitioner **Sun Qian** for "organizing and using a cult to undermine implementation of the law."[103] During her trial in September 2018, Sun said that she was tortured while in custody,[104] and lawyers have noted that in addition to arbitrary and prolonged pretrial detention, authorities have prevented her from obtaining legal counsel by harassing and intimidating 11 different lawyers she had hired to represent her.[105]
- This past year, Chinese courts tried and sentenced individuals after prolonged periods of pretrial detention, including human rights lawyer **Wang Quanzhang**[106] (pretrial detention of almost three years and six months),[107] four men in the "June Fourth liquor" case (almost three years of pretrial detention for each),[108] and founder of rights website 64 Tianwang **Huang Qi**[109] (held for two years and eight months before receiving a sentence).[110]

ACCESS TO COUNSEL

Authorities continued to deny some criminal suspects meetings with their lawyers and to prevent others from hiring their preferred attorneys, particularly in cases involving rights advocates. Chinese law grants suspects and defendants the right to hire[111] and meet with defense counsel,[112] but it restricts meetings in cases of "endangering state security," such as terrorism, or significant bribes,[113] as well as for those held in "residential surveillance at a designated location" (RSDL),[114] contravening international standards.[115]

For example, in January 2019, the Tianjin No. 2 Intermediate People's Court sentenced human rights lawyer **Wang Quanzhang** to four years and six months in prison for "inciting subversion of state power," a crime of "endangering state security."[116] Authorities prevented lawyers appointed by Wang's wife, **Li Wenzu,** from representing Wang in court,[117] and Wang dismissed his state-appointed lawyer during the trial.[118] Wang is well known for taking on cases of Falun Gong practitioners, petitioners, and others deemed "politically sensitive" by authorities, and had been in custody since the July 2015 crackdown on human rights lawyers.[119] Several international observers expressed concern over Wang's deprivation of counsel and continued detention.[120] [For more information on access to counsel and the harassment and prosecution of rights lawyers, see Section III—Access to Justice.]

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Authorities continued to place some criminal suspects in "residential surveillance at a designated location" (RSDL),[121] a form of incommunicado detention that can last up to six months,[122] re-

stricts access to counsel,[123] and places detainees at risk of abuse by authorities.[124]

For example, in January 2019, authorities detained former Chinese official and Australian citizen **Yang Hengjun** [125] when he arrived in China from New York.[126] Authorities placed Yang in RSDL on suspicion of "endangering national security." [127] Authorities did not inform the Australian embassy within three days of Yang's detention in violation of the China-Australian consular agreement.[128] In August 2019, Chinese authorities notified Australian diplomats that Yang had been formally arrested on suspicion of committing espionage.[129] Yang has written articles critical of the Chinese government.[130]

Torture and Abuse in Custody

Authorities continued to torture and abuse detainees,[131] violating international standards.[132] Examples include the following:

- On February 28, 2019, rights lawyer **Jiang Tianyong** completed his two-year prison term for "inciting subversion of state power." [133] Upon his release, Jiang told his wife that authorities had deprived him of sunlight and ordered him to sit on a marble block for prolonged periods, injuring his spine and causing him to no longer be able to sit up straight.[134] Jiang's wife also said that Jiang suffered from depression and significant memory loss.[135]
- In December 2018, **Lee Jingyu,** wife of Taiwanese college employee and non-governmental organization (NGO) volunteer **Lee Ming-cheh,**[136] reported that authorities in Chishan Prison in Nanzui township, Yuanjiang city, Yiyang municipality, Hunan province, required her husband to work more than 10 hours a day without a day of rest, and served him and other prisoners rotten food.[137] Under such treatment, Lee has reportedly lost significant weight.[138] After she made public statements concerning her prison visit, authorities revoked Lee Jingyu's right to visit her husband for three months.[139] In 2017, authorities sentenced Lee Ming-cheh to five years' imprisonment for "subversion of state power." [140]

Medical Care in Custody

Authorities continued to deny or fail to provide adequate medical care to some detainees, which violates international human rights standards [141] and may amount to torture.[142]

- Human rights website 64 Tianwang founder **Huang Qi,** whom authorities detained in 2016,[143] suffers from "high blood pressure, heart disease, [a] chronic kidney condition, and hydrocephalus." [144] The Mianyang Municipality Public Security Bureau (PSB) in Sichuan province has denied requests to release Huang on "bail on medical grounds." [145] In October 2018, Huang reportedly told his lawyer that authorities in Sichuan manipulated readings of his high blood pressure and the Mianyang PSB rejected attempts by detention center officials to allow additional treatment due to "political" reasons.[146] In January 2019, the Mianyang Municipal Intermediate People's Court tried Huang on charges of "illegally providing state se-

crets to foreign entities" and "intentionally leaking state secrets."[147] During the trial, Huang dismissed his lawyer out of concern for his lawyer's safety.[148] In July 2019, the court sentenced Huang to 12 years in prison.[149]

- In July 2019, legal advocate **Ji Sizun**[150] died in a hospital less than three months after completing a term of four years and six months in prison, which authorities reportedly imposed in connection to his support of the 2014 Hong Kong pro-democracy protests ("Umbrella Movement").[151] Despite having completed his sentence in April, Ji remained in the custody of authorities in Fujian province, who placed him in a local hospital and restricted family visits.[152] Ji suffered a paralyzing stroke in prison, intestinal cancer, and other illnesses, but authorities reportedly denied him adequate medical treatment and denied applications for medical parole.[153] Ji died after his condition worsened due to internal bleeding.[154] Within hours of Ji's death, police officers reportedly coerced Ji's family to consent to immediate cremation.[155]

Wrongful Conviction

Although authorities highlighted efforts to correct past wrongful convictions and to prevent future ones,[156] some Chinese legal experts expressed concern about continued abusive practices that facilitated wrongful convictions, such as illegal collection of evidence and coerced confessions.[157] The Dui Hua Foundation noted how authorities' use of unreliable jailhouse informants could lead to wrongful convictions.[158]

The Commission observed reports of wrongful convictions overturned this year:

- In November 2018, the Jilin Province High People's Court found **Jin Zhehong**—who had already served 23 years in prison—not guilty because "the evidence was insufficient and the facts were not clear" in the murder of a 20-year old woman.[159] One of Jin's lawyers said his client had "repeatedly accused the investigators of using torture to extract confessions out of him."[160]
- In January 2019, the Liaoyuan Municipal Intermediate People's Court in Jilin province ordered 4.6 million-yuan (approximately US$670,000) compensation for **Liu Zhonglin** after he served 25 years in prison.[161] During his 1994 trial for murder, Liu did not have a lawyer present, and has maintained that police tortured him to obtain a confession.[162]

Policing

This past year, authorities continued to develop technology-based means to help public security officials track persons of interest.[163] These developments are based in part on large-scale, sometimes involuntary collection of personal data—raising concerns about privacy and public security officials' capacity to crack down on rights advocates and other targeted persons.[164] Collection of personal information, including biometric data, may violate privacy protections in international human rights instruments,[165] and the Commission did not observe efforts by authorities to bring the collection or use

of such information in line with international standards.[166] Examples of technology used to track and collect data on individuals included [167] smart glasses,[168] artificial intelligence,[169] facial recognition,[170] and drones.[171] Authorities increasingly used technology that can scan facial features as well as vehicle license plates [172] for comparison against a centralized database linked with other personal information.[173] At times the technology was used in conjunction with the social credit system.[174] [For more information on the social credit system, see Section II—Business and Human Rights.] Reports indicated that authorities use such technology to publicly shame individual lawbreakers.[175] While such technology could aid criminal investigations, observers have noted the risk involved in authorities using the technology against human rights advocates.[176] Reports indicated that U.S. and Chinese firms aided Chinese police in developing their surveillance technology.[177] [For more information on the involvement of U.S. companies in the Chinese government's development and procurement of surveillance technology, see Section II—Business and Human Rights. For information on public security and counterterrorism policy implementation in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

In addition, in February 2019, new provisions from the Ministry of Public Security took effect [178] with the stated purpose of "protecting the law enforcement authority of the police." [179] The provisions address concerns for police officers' safety when their interaction with citizens becomes violent by permitting the Ministry of Public Security to punish "actors who violate the law enforcement authority of the police," [180] as well as reducing the liability of individual police for damage caused in the line of duty.[181] A Chinese legal expert asserted that under the new regulations, the increase in police authority comes at the expense of citizens' rights.[182]

Death Penalty

Following the November 2018 session of the UN Human Rights Council's Universal Periodic Review of the Chinese government's human rights record, the Chinese government rejected all recommendations calling for reform of its use of the death penalty,[183] and continued [184] to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders.[185] Amnesty International, however, estimated that authorities "execute[d] and sentence[d] to death thousands of people," more than any other country,[186] and officials voiced support for the continued use of the death penalty.[187] The Chinese government classifies statistics on its use of the death penalty as a "state secret," [188] and the Commission did not observe official reports on overall death penalty numbers.

According to a French NGO, authorities disproportionately sentenced religious minorities, including Uyghurs of the Xinjiang Uyghur Autonomous Region, to the death penalty for their religious beliefs.[189] For example, in a case reported by Radio Free Asia in November 2018, authorities sentenced to death prominent Uyghur businessman and philanthropist, **Abdughappar Abdurusul,** reportedly for taking a trip to Saudi Arabia for the Hajj pilgrimage.[190] [For more information on the crackdown on

Uyghurs in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

Organ Harvesting

Between July and August 2019, two scientific journals retracted at least 13 transplant studies by authors in China published between 2008 and 2014.[191] The studies were retracted after a bioethicist and her colleagues raised concerns that organs in certain studies may have been sourced from executed prisoners in China.[192]

Notes to Section II—Criminal Justice

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

[2] See, e.g., CECC, *2018 Annual Report,* October 10, 2018, 103–04; CECC, *2017 Annual Report,* October 5, 2017, 103–04; CECC, *2016 Annual Report,* October 6, 2016, 101–02; CECC, *2015 Annual Report,* October 8, 2015, 104–05.

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

[4] For examples, see the Commission's Political Prisoner Database records 2014-00343 on Shi Genyuan, 2019-00126 on Chai Xiaoming, 2004-02398 on Luan Ning, 2014-00387 on Yu Wensheng, and 2019-00041 on Halmurat Ghopur.

[5] Chinese Human Rights Defenders, "'Inciting Subversion of State Power': A Legal Tool for Prosecuting Free Speech in China," January 8, 2008; Joshua Rosenzweig, "What's the Difference between Subversion and Inciting Subversion?," *Siweiluozi's Blog* (blog), January 19, 2012; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 105.

[6] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, arts. 102–13; *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 73. In addition to the severe criminal penalties, endangering state security offenses permit authorities to use "residential surveillance at a designated location," which in practice could "amount to incommunicado detention . . . putting detainees at a high risk of torture or ill-treatment."

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

[8] For more information on Zhen Jianghua, see the Commission's Political Prisoner Database record 2017-00360.

[9] Rights Defense Network, "Guangdong renquan hanwei zhe, NGO renshi Zhen Jianghua huoxing 2 nian" [Guangdong rights defender and NGO worker Zhen Jianghua sentenced to 2 years in prison], December 29, 2018.

[10] Human Rights Campaign in China, "Zhen Jianghua jiaren shoudao xingshi juliu tongzhi shu zuiming shexian shandong dianfu guojia zhengquan" [Zhen Jianghua's family received criminal detention notice, suspected of inciting subversion of state power], September 7, 2017.

[11] Wen Yuqing, "Zhen Jianghua jian ju qiman ji zhuan pibu" [Zhen Jianghua's arrest approved immediately after expiration of residential surveillance], *Radio Free Asia,* March 30, 2018.

[12] Rights Defense Network, "Guangdong renquan hanwei zhe, NGO renshi Zhen Jianghua huoxing 2 nian" [Guangdong rights defender and NGO worker Zhen Jianghua sentenced to 2 years in prison], December 29, 2018.

[13] Independent Chinese PEN Center (ICPC), "Guanyu huiyuan Wang Yi Mushi deng bei juya de kangyi shengming" [Statement protesting against the detention of [ICPC] member and Pastor Wang Yi], December 13, 2018; Mimi Lau, "Christian Pastor Wang Yi Faces Subversion Charges in China after Raid on Church," *South China Morning Post,* December 13, 2018.

[14] For more information on Wang Yi, see the Commission's Political Prisoner Database record 2018-00615.

[15] For more information on Jiang Rong, see the Commission's Political Prisoner Database record 2018-00643.

[16] Rights Defense Network, "Sichuan Chengdu Qiuyu Jiao an qingkuang tongbao: 8 ren zao xingju, 1 ren zhidingjusuojianshijuzhu, 3 ren bei qiangpo shizong (2018 nian 12 yue 13 ri)" [Sichuan Chengdu Early Rain Church situation bulletin: 8 people detained, 1 person put in residential surveillance at a designated location, 3 people forcibly disappeared (December 13, 2018)], December 13, 2018; Rights Defense Network, "Sichuan Chengdu '12.9' Qiuyu Jiao an qingkuang tongbao: 11 ren zao xingju, 1 ren zhiding jusuo jianshi juzhu, 6 ren bei qiangpo shizong, 1 ren bei xingzheng juliu, gong 19 ren (2018 nian 12 yue 19 ri)" [Situation bulletin on "December 9" case of Early Rain Church in Chengdu, Sichuan: 11 criminally detained, 1 in residential Surveillance at a designated location, 6 forcibly disappeared, 1 administratively detained, for a total of 19 persons (December 19, 2018)], December 19, 2018; Chinese Human Rights Defenders, "Submission to UN on Wang Yi and Jiang Rong—February 2019," February 20, 2019.

[17] For more information on Wang Quanzhang, see the Commission's Political Prisoner Database record 2015-00278.

[18] For more information on Liu Feiyue, see the Commission's Political Prisoner Database record 2016-00460.

[19] "Tiananmen Square Protest Leader Charged with Subversion in China's Guangxi," *Radio Free Asia,* December 21, 2018. For more information on Zhou Yongjun, see the Commission's Political Prisoner Database record 2009-00228.

[20] Luo Xiang, "Pocket Monsters: How 'Pocket Crimes' Warp China's Legal System," *Sixth Tone,* January 7, 2019.

[21] For examples of petitioners charged with "picking quarrels and provoking trouble," see Rights Defense Network, "Shanghai 'Jinbohui' yi jieshu 10 tian reng you 13 wei weiquan renshi zai laoli shounan" [Shanghai Import Expo has been over for 10 days, 13 rights advocates still suffering detention], November 20, 2018. For more information, see the Commission's Political Prisoner Database records 2018-00571 on Bao Naigang, 2019-00063 on Zeng Hao, and 2019-00252 on Guo Hongying. For rights advocates targeted by authorities on the charge of "picking quarrels and provoking trouble," see Chinese Human Rights Defenders, *Defending Rights in a "No Rights Zone": Annual Report on the Situation of Human Rights Defenders in China (2018),* February 2019; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 293. See also Dui Hua Foundation, "Complaints with Retribution: China's Muffling of Gaoyangzhuang," *Dui Hua Human Rights Journal,* May 8, 2019.

[22] Luo Xiang, "Pocket Monsters: How 'Pocket Crimes' Warp China's Legal System," *Sixth Tone,* January 7, 2019.

[23] For more information on Zhang Junyong, see the Commission's Political Prisoner Database record 2016-00243.

[24] For more information on Fu Hailu, see the Commission's Political Prisoner Database record 2016-00240.

[25] For more information on Luo Fuyu, see the Commission's Political Prisoner Database record 2016-00242.

[26] Rights Defense Network, "'Chengdu Liusi jiu an' zuixin tongbao: Zhang Junyong dang ting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing" [Latest on the "Chengdu June 4th liquor case": Zhang Junyong sentenced to 3 years' imprisonment, suspended for 4 years], April 2, 2019; Rights Defense Network, "'Chengdu Liusi jiu an' zuixin tongbao: Luo Fuyu dang ting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing" [Latest on the "Chengdu June Fourth Liquor Case": Luo Fuyu sentenced to 3 years' imprisonment, suspended for 4 years], April 3, 2019; Rights Defense Network, "'Chengdu Liusi jiu an' zuixin tongbao: Fu Hailu dang ting bei panjue youqi tuxing 3 nian, huanqi 5 nian zhixing" [Latest on the 'Chengdu June 4th liquor case': Fu Hailu sentenced to 3 years' imprisonment, suspended for 5 years], April 1, 2019. The Chengdu Intermediate People's Court sentenced Zhang to 3 years' imprisonment, suspended for 4 years; Fu Hailu to 3 years' imprisonment, suspended for 5 years; and Luo Fuyu to 3 years' imprisonment, suspended for 4 years.

[27] For more information on Chen Bing, see the Commission's Political Prisoner Database record 2016-00241.

[28] Rights Defense Network, "'Chengdu Liusi jiu an' zuixin tongbao: Chen Bing jujue renzui dang ting bei panjue youqi tuxing 3 nian 6 ge yue ci an daoci chen'ai luoding" [Latest on the "Chengdu June 4th liquor case": Chen Bing refuses to admit guilt, sentenced to 3 years and 6 months' imprisonment, the dust has now settled in this case], April 4, 2019; Rights Defense Network, "'Chengdu Liusi jiu an' zuixin tongbao: Zhang Junyong dang ting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing" [Latest on the "Chengdu June 4th liquor case": Zhang Junyong sentenced to 3 years' imprisonment, suspended for 4 years], April 2, 2019; "Four Chinese Activists Sentenced over Liquor Labels," *Agence France-Presse,* reprinted in *France24,* April 4, 2019.

[29] Rights Defense Network, "'Chengdu Liusi jiu an' zuixin tongbao: Chen Bing jujue renzui dangting bei panjue youqi tuxing 3 nian 6 ge yue ci an daoci chen'ai luoding" [Latest on the "Chengdu June 4th liquor case": Chen Bing refuses to admit guilt, sentenced to 3 years and 6 months' imprisonment, the dust has now settled in this case], April 4, 2019; Mimi Lau, "Tiananmen Square 'Tank Man Liquor Label' Protester Sentenced to 3½ years in Prison," *South China Morning Post,* April 4, 2019; "Four Chinese Activists Sentenced over Liquor Labels," *Agence France-Presse,* reprinted in *France24,* April 4, 2019.

[30] For more information on Zhang Kun, see the Commission's Political Prisoner Database record 2014-00110.

[31] Rights Defense Network, "Zhang Kun beikong xunxinzishi an 5 yue 5 ri zai Xuzhou Gulouqu fayuan xuanpan Zhang Kun huoxing 2 nian 6 ge yue" [Gulou District Court in Xuzhou announced decision in Zhang Kun's case of being accused of picking quarrels and provoking trouble on May 5, Zhang Kun sentenced to 2 years, 6 months], May 7, 2019.

[32] Rights Defense Network, "Jiangsu Xuzhou renquan hanweizhe Zhang Kun an jiang yu 2018 nian 12 yue 28 ri zai Xuzhou shi Gulou qu fayuan kaiting" [Case of Xuzhou, Jiangsu, rights defender Zhang Kun will go to trial on December 28, 2018, at the Gulou District Court in Xuzhou municipality], December 20, 2018; Human Rights Campaign in China, "Xuzhou gongmin Zhang Kun shexian xunxinzishi an bei jianchayuan di er ci tuihui zhencha" [Xuzhou citizen Zhang Kun's case of suspected picking quarrels and provoking trouble sent back for investigation for a second time by procuratorate], December 28, 2017.

[33] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 300. For more information on the use of Article 300, see Dui Hua Foundation, "NGO Submission for the Universal Periodic Review of the People's Republic of China," March 2018, paras. 14–15. See also UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, November 6, 2018, item 28.192; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, Addendum, A/HRC/40/6/Add.1, February 15, 2019, item 28.192. In response to a Universal Periodic Review recommendation from the Democratic People's Republic of Korea to "continue to fight against cult organizations to safeguard the people's welfare," China replied, "Accepted." For the Commission's past reporting on the issue, see,

e.g., CECC, *2018 Annual Report,* October 10, 2018, 104; CECC, *2017 Annual Report,* October 5, 2017, 133; CECC, *2014 Annual Report,* October 9, 2014, 97–98; CECC, *2013 Annual Report,* October 10, 2013, 93–94; CECC, *2012 Annual Report,* October 10, 2012, 85.

[34] For more information on Wang Ying, see the Commission's Political Prisoner Database record 2019-00070.

[35] For more information on Wang Hongling, see the Commission's Political Prisoner Database record 2019-00084.

[36] "Er ling yi ba nian ba yue yi ri dalu zonghe xiaoxi" [August 1, 2018, comprehensive news report from mainland China], *Clear Wisdom,* August 1, 2019; "Neimenggu Baotou shi Wang Ying, Wang Hongling zao wupan" [Wang Ying and Wang Hongling of Baotou municipality, Inner Mongolia, falsely accused], *Clear Wisdom,* February 6, 2019.

[37] "Er ling yi ba nian ba yue yi ri dalu zonghe xiaoxi" [August 1, 2018, comprehensive news report from mainland China], *Clear Wisdom,* August 1, 2019.

[38] New Citizens' Movement, "Shenzhen Zhang Zhiru deng shu ming laogong weiquan renshi bei zhuabu" [In Shenzhen, Zhang Zhiru and several other labor advocates detained], *New Citizens' Movement* (blog), March 1, 2019. For more information, see the Commission's Political Prisoner Database records 2019-00117 on Zhang Zhiyu and 2013-00316 on Wu Guijun.

[39] Civil Rights & Livelihood Watch, "Lushi shenqing huijian Liu Fuxiang deng ren zao ju" [Lawyer's application to see Liu Fuxiang and others is denied], January 4, 2019.

[40] "Hubei: Wuhan '8.03' feifa jingying an 8 ren ru xing jingying e gaoda 1000 yu wan" [Hubei: in Wuhan "8.03" illegal business activity case 8 people sentenced, business [made] over 10 million yuan], National Office for the Fight against Pornography and Illegal Publications, June 18, 2019; Yang Rui and Ren Qiuyu, "Novelist Known for Gay Content Sentenced for 'Illegal Publishing,'" *Caixin,* May 21, 2019.

[41] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 9(1).

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

[43] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 9(1). China has signed and stated its intent to ratify the ICCPR. United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed April 1, 2019. China signed the ICCPR on October 5, 1998. Countries recommended that China ratify the ICCPR, but China rejected this, saying "China is making preparations for ratification, but the specific date of ratification depends on whether relevant conditions in China are in place." UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, February 15, 2019, items 28.5, 28.6, 28.10; Permanent Mission of the People's Republic of China to the UN, "Aide Memoire," reprinted in United Nations, April 13, 2006; State Council, European Council, Prime Minister's Office of Sweden, and European Commission, "Joint Statement of the 12th China-EU Summit," reprinted in Ministry of Foreign Affairs, November 30, 2009. Upon presenting its candidacy for the 2013 UN Human Rights Council elections, China reportedly promised to "further protect civil and political rights," although it did not specifically state intent to ratify the ICCPR. UN General Assembly, Note Verbale Dated June 5, 2013 from the Permanent Mission of China to the United Nations Addressed to the President of the General Assembly, June 6, 2013, A/68/90. The UN Working Group on Arbitrary Detention classifies detention as "arbitrary" when there is no legal basis for the deprivation of liberty, when detention results from the exercise of certain fundamental rights, when non-observance of international fair trial norms is particularly serious, when displaced persons are placed in prolonged administrative custody without the possibility of resolution, or when it is a violation of international law on the grounds of discrimination. UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session (19–28 April 2017), A/HRC/WGAD/2017/5, July 28, 2017.

[44] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, 28.35 (Switzerland), 28.175 (Australia), 28.177 (United States of America), 28.178 (Belgium), 28.180 (Germany), 28.181 (Iceland), 28.191 (Czechia); Chinese Human Rights Defenders and Rights Defense Network, "Joint Civil Society Submission for Universal Periodic Review (Third Cycle) Country: People's Republic of China," March 16, 2018; Human Rights Watch, "Submission to the Universal Periodic Review of China," March 2019.

[45] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/40/6/Add.1, February 15, 2019, paras. 28.35, 28.175, 28.177, 28.178, 28.180, 28.181. For the original recommendations, see UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, November 6, 2018, 28.35 (Switzerland), 28.175 (Australia), 28.177 (United States of America), 28.178 (Belgium), 28.180 (Germany), 28.181 (Iceland).

[46] Harry Wu and Cole Goodrich, "A Jail by Any Other Name: Labor Camp Abolition in the Context of Arbitrary Detention in China," *Human Rights Brief* 21, no. 1 (Winter 2014), 3–4;

Teng Biao, "Xing xing se se de Zhongguo heijianyu" [Teng Biao: All sorts of black jails], *Radio Free Asia,* reprinted in Human Rights in China, March 19, 2019; Amnesty International, "China: Submission to the United Nations Committee against Torture 56th Session, November 9–December 9, 2015," October 2015, 16; Chinese Human Rights Defenders, "'We Can Beat You to Death with Impunity': Secret Detention and Abuse of Women in China's 'Black Jails,'" October 2014, 6. See also "Guo Gai, Wang Jianfen: Wuxi hei jianyu shimo: yingjiu he kuxing yanshi" [Guo Gai and Wang Jianfen: Details of black jails in Wuxi: Rescue and torture reenactment], *Charter 08* (blog), December 23, 2015.

[47] Rights Defense Network, "'Zhongguo Guoji Jinkou Bolanhui' Shanghai kaimu zhong Shanghai weiquan renshi bei xing ju, guan heijianyu, qiangpo shizong" ["China International Import Expo" opened in Shanghai, Shanghai rights advocates were arrested, placed in black jails, and forcibly disappeared], November 5, 2018; "Jinkou Bolanhui kaimu Shanghai zhongduo weiquan renshi zai 'weiwen'" [As Import Expo opens, numerous Shanghai rights defenders encounter "stability maintenance"], *Radio Free Asia,* November 5, 2018.

[48] Rights Defense Network, "Zhonggong kai Lianghui Shanghai weiquan renshi zao xingshi juliu, guan heijianyu, qiangpo shizong qingkuang tongbao (xuji)" [Status report on Shanghai rights defenders being criminally detained, held in black jails, forcibly disappeared during CCP's Two Sessions (continued)], March 9, 2019; Rights Defense Network, "Beijing 'Lianghui' linjin, dangju dasi bangjia weiquan renshi he fangmin qingkuang tongbao" [With the "Two Sessions" approaching, authorities wantonly kidnap rights defenders and petitioners, a status report], February 28, 2019. See also Lily Kuo, "'Two Sessions': Beijing Locked Down for China's Greatest Political Spectacle," *Guardian,* March 4, 2019.

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

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

[51] For more information on Lu Qianrong, see the Commission's Political Prisoner Database record 2018-00614.

[52] Civil Rights & Livelihood Watch, "Anhui Lu Qianrong bei guan jingshenbingyuan 65 tian" [Anhui's Lu Qianrong forcibly committed to psychiatric hospital for 65 days], October 24, 2018.

[53] Rights Defense Network, "Lu Qianrong bei wang shang quanmian jin yan shengming" [Lu Qianrong's declaration concerning his being completely banned from online speech], January 11, 2019.

[54] *Zhonghua Renmin Gongheguo Zhi'an Guanli Chufa Fa* [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, arts. 10, 16. See also the following records in the Commission's Political Prisoner Database: 2018-00448 on Hu Changjie and 2018-00457 on Zou Wanli.

[55] See, e.g., Yang Bo and Wang Mingrun, "Guangzhou Ribao jizhe fang'ai ri zoujin Nanfeng Qiangzhi Geli Jiedusuo duihua HIV huanzhe" [Guangzhou Daily reporter visits Nanfeng Compulsory Drug detoxification Center to speak with people with HIV on AIDS prevention day], *Guangzhou Daily,* December 1, 2018; "Qiangzhi geli jiedu" [Compulsory drug detoxification], Jiayuguan Education Information Web, March 6, 2019; Liang Dahong, "Guizhou Tongzi xian Qiangzhi Geli Jiedusuo—20 nian anquan wushigu!" [Tongzi county, Guizhou, Compulsory Detoxification Center—20 years all without any incidents], *Spreading Culture Network,* October 31, 2018. See also State Council, *Jiedu Tiaoli* [Regulations on Drug Detoxification], issued and effective June 22, 2011, art. 4; Ministry of Public Security, *Gong'an Jiguan Qiangzhi Geli Jiedusuo Guanli Banfa* [Measures on the Management of Public Security Agency Compulsory Isolation and Drug Detoxification Centers], issued and effective September 19, 2011, arts. 1–2.

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

[57] Emile Dirks, "Partial Victory for China's Detainees," *East Asia Forum,* February 12, 2019; Isabelle Li and Shan Yuxiao, "China Signals End of Controversial Sex Work Detention Program," *Caixin,* December 29, 2018; Li Qiaochu, "Quanguo Renda Changweiyuanhui Fagongwei: jianyi feizhi shourong jiaoyu zhidu" [NPC Legislative Affairs Commission: Proposes repeal of "custody and education" system], *People's Daily,* December 26, 2018.

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

[59] Human Rights Watch, "China: Abolish Arbitrary Detention for Sex Workers," March 7, 2019; "Rights Group Calls on China's Parliament to End Sex Worker 'Re-education,'" *Radio Free Asia,* March 6, 2019. One human rights scholar called for the end of the system because it primarily targets women and is prone to abuse.

[60] Nathan VanderKlippe, Robert Fife, Steven Chase, and Les Pereaux, "Canadians and Chinese Justice: A Who's Who of the Political Feud So Far," *Globe and Mail,* January 15, 2019, accessed July 3, 2019.

[61] Michael Caster, "China Thinks It Can Arbitrarily Detain Anyone. It Is Time for Change," *Guardian,* January 3, 2019; Safeguard Defenders, "The Use of Solitary Confinement in RSDL as a Method of Torture," *RSDL Monitor* (blog), April 11, 2019.

[62] Nathan VanderKlippe, "Two Canadians Detained in China for Four Months Prevented from Going Outside, Official Says," *Globe and Mail,* April 10, 2019; Safeguard Defenders, "The Use of Solitary Confinement in RSDL as a Method of Torture," *RSDL Monitor* (blog), April 11, 2019.

[63] Nathan VanderKlippe, "Two Canadians Detained in China for Four Months Prevented from Going Outside, Official Says," *Globe and Mail,* April 10, 2019; Safeguard Defenders, "The use

of solitary confinement in RSDL as a method of torture," *RSDL Monitor* (blog), April 11, 2019. Spavor and Kovrig were held in (separate) isolation rooms with lights on for 24 hours, were barred from going outside, and were subjected to 6- to 8-hour interrogations.

[64] Ministry of Foreign Affairs, "2019 nian 5 yue 16 ri Waijiaobu fayanren Lu Kang zhuchi lixing jizhehui" [May 16, 2019, Ministry of Foreign Affairs spokesperson Lu Kang holds a regular press conference], May 16, 2019; Liu Zhen, "China Charges Canadians Michael Kovrig and Michael Spavor with Spying," *South China Morning Post,* May 16, 2019; "China Formally Arrests Canadians Kovrig, Spavor in Case Linked to Huawei," *Associated Press,* reprinted in *Vancouver Sun,* June 11, 2019; "Jia'nada ji renyuan Kang Mingkai shexian fanzui an qude zhongyao jinzhan" [Canadian national Michael Kovrig's criminal case makes significant progress], *China Peace Net,* reprinted in *Liupanshui Chang'an Net,* March 5, 2019; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 111.

[65] Abhishek G Bhaya, "Canadian 'Drug Smuggler' Faces Stricter Sentence as Chinese Court Orders Retrial," *CGTN,* December 30, 2019; Eva Dou and Paul Vieira, "Chinese Court Sentences Canadian National to Death for Drug Crimes in Retrial," *Wall Street Journal,* January 14, 2019.

[66] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 237.

[67] Abhishek G Bhaya, "Canadian 'Drug Smuggler' Faces Stricter Sentence as Chinese Court Orders Retrial," *CGTN,* December 30, 2019; Eva Dou and Paul Vieira, "Chinese Court Sentences Canadian National to Death for Drug Crimes in Retrial," *Wall Street Journal,* January 14, 2019.

[68] "The Schellenberg Affair: Chinese Lawyers and Law Professors Opposing Court's Handling of Robert Schellenberg's Case," *China Change,* January 16, 2019; Ye Bing, "Mo Shaoping lushi: Xielunboge an chengxu budang dangting xuanpan sixing qiansuoweijian" [Lawyer Mo Shaoping: Schellenberg's Case procedures were improper, pronouncing a death sentence in court is unprecedented], *Voice of America,* January 16, 2019; Donald Clarke, "China's Death Threat Diplomacy," *China Collection* (blog), January 14, 2019; Amnesty International, "China Must Revoke Death Sentence against Canadian Citizen for Drug Crimes," January 15, 2019; Tom Blackwell, "Rapid Verdict and Death Sentence to Canadian Was 'Very Abnormal' in Chinese System, Says His Beijing Defence Lawyer," *National Post,* January 17, 2019; Eva Dou and Paul Vieira, "Chinese Court Sentences Canadian National to Death for Drug Crimes in Retrial," *Wall Street Journal,* January 14, 2019. See also *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 237.

[69] Eva Dou and Paul Vieira, "Chinese Court Sentences Canadian National to Death for Drug Crimes in Retrial," *Wall Street Journal,* January 14, 2019; Donald Clarke, "China's Hostage Diplomacy," *Lawfare* (blog), January 11, 2019; Donald Clarke, "China's Death Threat Diplomacy," *China Collection* (blog), January 14, 2019; "Canadian Man Accused of Spying in China Gets Visit by Consular Officials," *CBC,* March 25, 2019.

[70] Julia Horowitz, "Huawei CFO Meng Wanzhou Arrested in Canada, Faces Extradition to United States," *CNN,* April 6, 2019; Nathan VanderKlippe, Robert Fife, Steven Chase, and Les Pereaux, "Canadians and Chinese Justice: A Who's Who of the Political Feud So Far," *Globe and Mail,* April 10, 2019.

[71] Christopher Balding and Donald C. Clarke, "Who Owns Huawei?," Social Science Research Network, April 17, 2019; Raymond Zhong, "Who Owns Huawei? The Company Tried to Explain. It Got Complicated," *New York Times,* April 25, 2019. Huawei may be a state-owned enterprise, according to experts.

[72] Julia Horowitz, "Huawei CFO Meng Wanzhou Arrested in Canada, Faces Extradition to United States," *CNN,* April 6, 2019; Nathan VanderKlippe, Robert Fife, Steven Chase, and Les Pereaux, "Canadians and Chinese Justice: A Who's Who of the Political Feud So Far," *Globe and Mail,* April 10, 2019. Authorities released Meng on bail and ordered her to remain in Canada pending final judgment on her extradition to the United States.

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

[74] Ibid., art. 3.

[75] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018, art. 22; CECC, *2018 Annual Report,* October 10, 2018, 103. The 2018 CECC Annual Report used the term "confinement" as the translation of the term *liuzhi.*

[76] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14; Amnesty International, "China: Draft Criminal Procedure Law Amendments Would Mean Further Deprivation of Right to Fair Trial before Court," ASA 17/8545/2018, June 7, 2018; Maya Wang, "Where Is China's Interpol Chief?," *Made in China Journal* 4, no. 1 (January–March 2019): 20–25.

[77] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948.

[78] Chris Buckley and Aurelien Breeden, "Head of Interpol Disappears, and Eyes Turn toward China," *New York Times,* October 5, 2018; Lily Kuo, "Former Interpol Chief 'Held in China under New Form of Custody,'" *Guardian,* February 11, 2019; Eva Dou, "Interpol's Chinese Ex-President Is in Hands of Beijing's Powerful Antigraft Agency," *Wall Street Journal,* October 8, 2018.

[79] Yu Ziru, "Zuigao Renmin Jianchayuan yifa dui Meng Hongwei jueding daibu" [Supreme People's Procuratorate decides to arrest Meng Hongwei according to law], *Xinhua,* April 24, 2019; "China Formally Arrests Interpol's Former Chief for Corruption," *Press Trust of India,* reprinted in *Business Standard,* April 24, 2019. See also *Zhonghua Renmin Gongheguo Xingshi*

Susong Fa [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 170.

[80] Vanessa Romo, "Former Interpol President Pleads Guilty to Bribery in Chinese Court," *NPR,* June 20, 2019; "Gong'anbu fu buzhang Meng Hongwei shouhui an yi shen kaiting" [First instance hearing in bribery case of former Vice Minister of Public Security Meng Hongwei begins], *People's Daily,* June 20, 2019.

[81] Chris Buckley and Aurelien Breeden, "Head of Interpol Disappears, and Eyes Turn toward China," *New York Times,* October 5, 2018.

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

[83] See, e.g., Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principles 6, 21, 24.

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

[85] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 291–97; Mini vandePol et al., "China's Revised Criminal Procedure Law Expands Powers for Corruption Trials," *Global Compliance News,* Baker McKenzie, January 15, 2019; Laney Zhang, "China: Criminal Procedure Law Amended to Allow Criminal Trials In Absentia in Corruption Cases," *Global Legal Monitor,* Library of Congress, January 10, 2019.

[86] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(3)(d). See also Amnesty International, "China: Draft Criminal Procedure Law Amendments Would Mean Further Deprivation of Right to Fair Trial before Court," ASA 17/8545/2018, June 7, 2018.

[87] Chinese Human Rights Defenders, *Defending Rights in a "No Rights Zone": Annual Report on the Situation of Human Rights Defenders in China (2018),* February 2019; "China's Parliament Expands Use of In Absentia Trials Targeting 'Absconders,'" *Radio Free Asia,* October 30, 2018. See also Amnesty International, "China: Draft Criminal Procedure Law Amendments Would Mean Further Deprivation of Right to Fair Trial before Court," ASA 17/8545/2018, June 7, 2018.

[88] UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 20; Zhiyuan Guo, "Torture and Exclusion of Evidence in China," *China Perspectives,* no. 1 (2019): 45–46; *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 15; Mini vandePol et al., "China's Revised Criminal Procedure Law Expands Powers for Corruption Trials," *Global Compliance News,* Baker McKenzie, January 15, 2019.

[89] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 15; Mini vandePol et al., "China's Revised Criminal Procedure Law Expands Powers for Corruption Trials," *Global Compliance News,* Baker McKenzie, January 15, 2019.

[90] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 222; Mini vandePol et al., "China's Revised Criminal Procedure Law Expands Powers for Corruption Trials," *Global Compliance News,* Baker McKenzie, January 15, 2019.

[91] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 52, 56; Zhai Yanmin, "Forced Confessions and Trial by Media: The Testimony of Rights Defender Zhai Yanmin," *Hong Kong Free Press,* December 9, 2018.

[92] Zhai Yanmin, "Forced Confessions and Trial by Media: The Testimony of Rights Defender Zhai Yanmin," *Hong Kong Free Press,* December 9, 2018; Safeguard Defenders, "Scripted and Staged: Behind the Scenes of China's Forced TV Confessions," April 2018, 4–5.

[93] For more information on Yue Xin, see the Commission's Political Prisoner Database record 2018-00665.

[94] For more information on Shen Mengyu, see the Commission's Political Prisoner Database record 2018-00664.

[95] For more information on Gu Jiayue, see the Commission's Political Prisoner Database record 2018-00667.

[96] For more information on Zheng Yongming, see the Commission's Political Prisoner Database record 2018-00053.

[97] Javier C. Hernández, "China Using Taped Confessions to Intimidate Young Communists, Students Say," *New York Times,* January 21, 2019; Jasic Workers Support Group, "'Renzui shipin' xijie gongbu" ["Confession video" details made public], January 21, 2019; Christian Shepherd, "At a Top Chinese University, Activist 'Confessions' Strike Fear into Students," *Reuters,* January 21, 2019.

[98] Jasic Workers Supporters Group, "Yi ping 'renzui shipin': yanji zhuolie wuneng, kexiao zi dao ziyan" [A review of the "confession video": acting clumsy and incompetent, laughable that it was self-directed], January 21, 2019; Christian Shepherd, "At a Top Chinese University, Activist 'Confessions' Strike Fear into Students," *Reuters,* January 21, 2019.

[99] Javier C. Hernández, "China Using Taped Confessions to Intimidate Young Communists, Students Say," *New York Times,* January 21, 2019; Jasic Workers Support Group, "'Renzui shipin' xijie gongbu" ["Confession video" details made public], January 21, 2019; Christian Shepherd, "At a Top Chinese University, Activist 'Confessions' Strike Fear into Students," *Reuters,* January 21, 2019.

[100] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 156–59.
[101] See, e.g., International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 9(3)–(4), 14(3)(c).
[102] Amnesty International, "China," in *Amnesty International Report 2017/18: The State of the World's Human Rights,* POL 10/6700/2018, 2018, 125–27; "Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk," *Open Society Justice Initiative,* Open Society Foundations, Ludwig Boltzmann Institute, and University of Bristol, June 2011; Penal Reform International and Association for the Prevention of Torture, "Pre-Trial Detention: Addressing Risk Factors to Prevent Torture and Ill-Treatment," 2013.
[103] Nathan VanderKlippe, "Family Fears Canadian Falun Gong Practitioner Tortured for Confession," *Globe and Mail,* November 16, 2018.
[104] Nathan VanderKlippe, "'I Did Nothing Illegal': Canadian Falun Gong Practitioner Denies Wrongdoing in Single-Day Trial," *Globe and Mail,* September 12, 2018.
[105] Limin Zhou, "Court Procedure for Canadian Citizen Detained in China a 'Show Trial,' Says Sister," *Epoch Times,* September 12, 2018; Nathan VanderKlippe, "Eleven Lawyers and Counting: Pressure from China Frustrates Defence for Arrested Canadian Falun Gong Practitioner," *Globe and Mail,* May 9, 2018; Nathan VanderKlippe, "'I Did Nothing Illegal': Canadian Falun Gong Practitioner Denies Wrongdoing in Single-Day Trial," *Globe and Mail,* September 12, 2018.
[106] For more information on Wang Quanzhang, see the Commission's Political Prisoner Database record 2015-00278.
[107] Rights Defense Network, "709 an tongbao: Wang Quanzhang lushi bei yi dianfu guojia zhengquan zui qisu" [July 9 case bulletin: lawyer Wang Quanzhang indicted for subversion of state power], February 15, 2017; Rights Defense Network, "Wang Quanzhang dianfu guojia zhengquan an yi shen gongkai xuanpan" [Wang Quanzhang publicly sentenced in first instance trial for subversion of state power], January 28, 2019.
[108] Rights Defense Network, "'Chengdu Liusi jiu an' zui xin tongbao: Zhang Junyong dang ting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing" [Latest on the "Chengdu June 4th liquor case": Zhang Junyong sentenced to 3 years' imprisonment, suspended for 4 years], April 2, 2019. For more information, see the Commission's Political Prisoner Database records 2016-00241 on Chen Bing, 2016-00240 on Fu Hailu, 2016-00242 on Luo Fuyu, and 2016-00243 on Zhang Junyong.
[109] For more information on Huang Qi, see the Commission's Political Prisoner Database record 2004-04053.
[110] Rights Defense Network, "Dalu NGO 'Liusi Tianwang' fuzeren Huang Qi yi bei dangju zhixing daibu" [Head of mainland NGO '64 Tianwang' Huang Qi arrested by authorities], December 20, 2016; Chinese Human Rights Defenders, "China: Release Huang Qi, Respect Right to Fair Trial," January 14, 2019; Mianyang Intermediate People's Court, "Huang Qi guyi xielou guojia mimi, wei jingwai feifa tigong guojia mimi an yishen gongkai xuanpan" [First instance [trial] publicly announced sentence of Huang Qi for intentionally leaking state secrets and illegally providing state secrets abroad], July 29, 2019.
[111] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 39.
[112] Ibid.
[113] Ibid.
[114] Ibid.
[115] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(3)(b), (3)(d).
[116] Tianjin No. 2 Intermediate People's Court, "Wang Quanzhang dianfu guojia zhengquan an yi shen gongkai xuanpan" [Wang Quanzhang publicly sentenced in first instance trial for subversion of state power], January 28, 2019. See also Chinese Human Rights Defenders, "'Inciting Subversion of State Power': A Legal Tool for Prosecuting Free Speech in China," January 8, 2008; Joshua Rosenzweig, "What's the Difference between Subversion and Inciting Subversion?," *Siweiluozi's Blog* (blog), January 19, 2012.
[117] UN Human Rights Council, Working Group on Arbitrary Detention, Opinion no. 62/2018 concerning Wang Quanzhang, Jiang Tianyong, and Li Yuhan (China), A/HRC/WGAD/2018/62, October 12, 2018, para. 67.
[118] Christian Shepherd, "China Jailing of Rights Lawyer a 'Mockery' of Law, Says Rights Group," *Reuters,* January 27, 2019.
[119] Rights Defense Network, "709 Wang Quanzhang lushi suowei dianfu guojia zhengquan anjin xuanpan huoxing 4 nian 6 ge yue" [709 lawyer Wang Quanzhang's so-called inciting subversion of state power case is announced, receives a sentence of 4 years and 6 months], April 10, 2019; Human Rights Watch, "China: Protect Lawyers from Beatings and Harassment," June 25, 2015.
[120] Alvin Lum, "China Faces Barrage of Criticism over Jailing of Human Rights Lawyer Wang Quanzhang," *South China Morning Post,* February 7, 2019; Press Statement, U.S. Department of State, "Sentencing of Wang Quanzhang," January 30, 2019.
[121] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.
[122] Ibid., art. 79.
[123] Ibid., arts. 39, 77(2).
[124] See, e.g., UN Human Rights Council, "Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special

Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the right to privacy; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment," OL CHN 15/2018, August 24, 2018; Safeguard Defenders, "The Use of Solitary Confinement in RSDL as a Method of Torture," April 11, 2019; Michael Caster, "China Thinks It Can Arbitrarily Detain Anyone. It Is Time for Change," *Guardian,* January 3, 2019. See also Benedict Rogers, "China's 'Residential Surveillance at a Designated Location'—A Licence to Disappear, Hold and Torture Dissenters," *Hong Kong Free Press,* February 4, 2018.

[125] For more information on Yang Hengjun, see the Commission's Political Prisoner Database record 2019-00083.

[126] Michael Smith, "Lawyer for Detained Writer in China to Seek Release on Health Grounds," *Australian Financial Review,* March 17, 2019.

[127] Amnesty International, "China Secret Detention Places Writer at Risk of Torture," January 24, 2019.

[128] Jerome A. Cohen, "Chinese Detention of Australian Blogger Yang Hengjun," *Jerry's Blog* (blog), January 25, 2019. See also Michael McGowan and Lily Kuo, "Yang Hengjun: Australia 'Deeply Disappointed' at Criminal Detention of Writer in China," *Guardian,* July 19, 2019.

[129] Zhang Hui, "Waijiaobu zhengshi: Aoji renyuan Yang Jun shexian jiandie zui bei pibu" [Ministry of Foreign Affairs confirms: Arrest of Australian Yang Jun on suspicion of espionage approved], *Global Times,* August 27, 2019; "'We Are Just Ordinary People': Wife of Australian Jailed in China Shocked over Espionage Charges," *Australian Broadcasting Corporation,* August 27, 2019; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 110.

[130] Amnesty International, "China: Secret Detention Places Writer at Risk of Torture," January 24, 2019; Michael Smith, "Lawyer for Detained Writer in China to Seek Release on Health Grounds," *Australian Financial Review,* March 17, 2019.

[131] Rights Defense Network, "Shanghai weiquan renshi Ding Deyuan yuzhong zao canbao de nuedai ouda" [Shanghai rights defender Ding Deyuan experiences mistreatment and beatings in prison], October 20, 2018; "Hubei Yingcheng Xiong Jiwei, Li Guoping bei kao laohu deng 20 yu xiaoshi" [Xiong Jiwei and Li Guoping of Yingcheng, Hubei, tied to tiger chair for over 20 hours], *Clear Wisdom,* November 13, 2017; Chinese Human Rights Defenders, "Li Yuhan (Li Yuhan)," accessed June 25, 2019; Elizabeth Li, "Woman Dies 3 Months after Prison Release: Years of Torture Damaged Her Body," *Epoch Times,* February 6, 2019; CECC, *2018 Annual Report,* October 10, 2018, 107; CECC, *2017 Annual Report,* October 5, 2017, 107–08.

[132] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987; Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977, principles 31, 32; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principle 6.

[133] For more information on Jiang Tianyong, see the Commission's Political Prisoner Database record 2011-00179.

[134] "Jiang Tianyong jiankang kanyou qizi xiwang ta dao Meiguo kanbing" [Jiang Tianyong's health a worry, wife hopes he can come to U.S. for medical treatment], *Radio Free Asia,* March 8, 2019.

[135] Ibid.

[136] For more information on Lee Ming-cheh, see the Commission's Political Prisoner Database record 2017-00248. See also CECC, *2018 Annual Report,* October 10, 2018, 105.

[137] Ryan Drillsma, "HR Activists: Lee Ming-che Subject to 'Inhumane Treatment' by China," *Taiwan News,* December 25, 2018; Racqueal Legerwood, Human Rights Watch, "Taiwanese Activist at Risk in Chinese Prison," March 18, 2019; Amnesty International, "Urgent Action Update: Prisoner of Conscience Ill-Treated in Prison (China: UA 71.17)," February 13, 2019; International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, art. 13; International Labour Organization, "Ratifications of CO29—Forced Labour Convention, 1930 (No. 29)," accessed May 16, 2019. China has not ratified the ILO's Forced Labour Convention of 1930. See also International Labour Organization, "Q&As on Business and Forced Labour," accessed July 11, 2019.

[138] Ryan Drillsma, "HR Activists: Lee Ming-che Subject to 'Inhumane Treatment' by China," *Taiwan News,* December 25, 2018. Under such treatment, Lee has reportedly lost 30 kilograms (66 pounds). Racqueal Legerwood, Human Rights Watch, "Taiwanese Activist at Risk in Chinese Prison," March 18, 2019; Amnesty International, "Urgent Action Update: Prisoner of Conscience Ill-Treated in Prison (China: UA 71.17)," February 13, 2019.

[139] Hunan Province Chishan Prison, "Notice to Lee Chingyu from Chishan Prison," January 22, 2019, reprinted in Human Rights Watch; Racqueal Legerwood, Human Rights Watch, "Taiwanese Activist at Risk in Chinese Prison," March 18, 2019.

[140] Mimi Lau, "Rights Activist Lee Ming-Cheh First Taiwanese to Be Jailed for Subversion on Mainland China," *South China Morning Post,* November 28, 2017.

[141] Standard Minimum Rules for the Treatment of Prisoners, adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977, arts. 22–26; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principle 24.

[142] UN Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez, A/HRC/22/53, February 1, 2013, paras. 17–22; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 1.

[143] Rights Defense Network, "Dalu NGO 'Liusi Tianwang' fuzeren Huang Qi yi bei dangju zhixing daibu" [Head of mainland NGO "64 Tianwang" Huang Qi arrested by authorities], December 20, 2016. For more information on Huang Qi, see the Commission's Political Prisoner Database record 2004-04053.

[144] UN Office of the High Commissioner for Human Rights, "China: UN Human Rights Experts Gravely Concerned about Huang Qi's Health," December 20, 2018. See also Chinese Human Rights Defenders, "Huang Qi," December 19, 2016.

[145] Chinese Human Rights Defenders, "Huang Qi," December 19, 2016; Rights Defense Network, "'Liusi Tianwang' fuzeren Huang Qi shenqing qubao houshen zao ju" [Head of '64 Tianwang' Huang Qi's appeal for bail is denied], February 3, 2017.

[146] Chinese Human Rights Defenders, "Huang Qi," December 19, 2016.

[147] Chinese Human Rights Defenders, "China: Release Huang Qi, Respect Right to Fair Trial," January 14, 2019.

[148] Human Rights in China, "Trial Suspended as Sichuan Activist Huang Qi Reportedly Dismissed His Lawyer," January 16, 2019.

[149] Mianyang Intermediate People's Court, "Huang Qi guyi xielou guojia mimi, wei jingwai feifa tigong guojia mimi an yishen gongkai xuanpan" [First instance [trial] publicly announces sentence of Huang Qi for intentionally leaking state secrets and illegally providing state secrets abroad], July 29, 2019.

[150] For more information on Ji Sizun, see the Commission's Political Prisoner Database record 2008-00627. See also Chinese Human Rights Defenders, "Ji Sizun," accessed August 14, 2019.

[151] Rights Defense Network, "Ehao: Fujian zhuming renquan hanweizhe Ji Sizun Xiansheng zao Zhongguo dangju pohai zhi si chuyu jin 2 yue 14 tian" [News of passing: well-known human rights defender Mr. Ji Sizun is persecuted to death by Chinese authorities only 2 months and 14 days after leaving prison], July 10, 2019; Lily Kuo, "Death of 'Barefoot Lawyer' Puts Focus on China's Treatment of Political Prisoners," *Guardian,* July 15, 2019; Rights Defense Network, "Fujian renquan lushi Ji Sizun jin huoxing 4 nian 6 ge yue" [Fujian human rights lawyer Ji Sizun sentenced to four years and six months], April 18, 2019; Chinese Human Rights Defenders, "Ji Sizun," accessed August 14, 2019; Yaqiu Wang, Human Rights Watch, "Another Chinese Activist Leaves Prison Gravely Ill," May 20, 2019.

[152] Chinese Human Rights Defenders, "Ji Sizun," accessed August 14, 2019; Yaqiu Wang, Human Rights Watch, "Another Chinese Activist Leaves Prison Gravely Ill," May 20, 2019.

[153] Chinese Human Rights Defenders, "Ji Sizun," accessed August 14, 2019; Yaqiu Wang, Human Rights Watch, "Another Chinese Activist Leaves Prison Gravely Ill," May 20, 2019.

[154] Rights Defense Network, "Ehao: Fujian zhuming renquan hanweizhe Ji Sizun Xiansheng zao Zhongguo dangju pohai zhi si chuyu jin 2 yue 14 tian" [News of passing: well-known human rights defender Mr. Ji Sizun is persecuted to death by Chinese authorities only 2 months and 14 days after leaving prison], July 10, 2019; Lily Kuo, "Death of 'Barefoot Lawyer' Puts Focus on China's Treatment of Political Prisoners," *Guardian,* July 15, 2019.

[155] Chinese Human Rights Defenders, "Ji Sizun," accessed August 14, 2019.

[156] See, e.g., "Zhou Qiang: 2018 nian jiuzheng zhongda yuan cuo'an 10 jian xuangao 819 ren wuzui" [Zhou Qiang: 2018 sees 10 major wrongful conviction cases corrected, 819 people declared not guilty], *People's Daily,* March 12, 2019; Grenville Cross, "How a People's Jury System Is Helping Chinese Courts to Open Up as Part of Vital Judicial Reforms," *South China Morning Post,* November 21, 2018; "Chinese Man Compensated for Wrongful Conviction," *Xinhua,* January 7, 2019; "Procuratorates to Engage More in Crime Investigation to Cut Wrongful Convictions," *Xinhua,* February 21, 2019.

[157] Zhiyuan Guo, "Torture and Exclusion of Evidence in China," *China Perspectives,* no. 1 (2019). See also Eva Pils, *Human Rights in China* (Medford, MA: Polity Press, 2018), 64–69.

[158] Dui Hua Foundation, "Jailhouse Informants and Wrongful Convictions," *Dui Hua Human Rights Journal,* February 7, 2019.

[159] Laurie Chen and William Zheng, "Chinese Man Cleared over 1995 Murder after Spending 23 Years in Jail," *South China Morning Post,* December 1, 2018; Jin Zhehong, "Man Freed after 23 Years, Name Cleared," *China Daily,* November 30, 2018.

[160] Laurie Chen and William Zheng, "Chinese Man Cleared over 1995 Murder after Spending 23 Years in Jail," *South China Morning Post,* December 1, 2018.

[161] "Liu Zhonglin an: mengyuan guanya 25 nian huo Zhongguo guojia peichang 460 wan" [Liu Zhonglin's case: wrongfully jailed for 25 years, receives compensation of 4.6 million from the Chinese government], *BBC,* January 7, 2019; "Chinese Man Compensated for Wrongful Conviction," *Xinhua,* January 7, 2019; "Chart of the Day: Compensation for Wrongful Convictions," *Caixin,* January 10, 2019.

[162] Wang Lianzhang, "Man Exonerated after Longest-Ever Wrongfully Served Term," *Sixth Tone,* April 20, 2019; "Liu Zhonglin an: mengyuan guanya 25 nian huo Zhongguo guojia peichang 460 wan" [Liu Zhonglin's case: wrongfully jailed for 25 years, receives compensation of 4.6 million from the Chinese government], *BBC,* January 7, 2019; "Chinese Man Compensated for Wrongful Conviction," *Xinhua,* January 7, 2019. See also, CECC, *2018 Annual Report,* October 10, 2018, 108.

[163] Liang Chenyu, "Five Ways China Used Facial Recognition in 2018," *Sixth Tone,* December 28, 2019; Stephen Chen, "China to Build Giant Facial Recognition Database to Identify Any Citizen within Seconds," *South China Morning Post,* September 24, 2018; Sui-Lee Wee, "China Uses DNA to Track Its People, with the Help of American Expertise," *New York Times,* February 21, 2019.

[164] Liang Chenyu, "Five Ways China Used Facial Recognition in 2018," *Sixth Tone,* December 28, 2019; Stephen Chen, "China to Build Giant Facial Recognition Database to Identify Any Citizen within Seconds," *South China Morning Post,* September 24, 2018; Sui-Lee Wee, "China Uses DNA to Track Its People, with the Help of American Expertise," *New York Times,* February 21, 2019.

[165] UN Human Rights Council, The Right to Privacy in the Digital Age, Report of the United Nations High Commissioner for Human Rights, A/HRC/39/29, August 3, 2018, paras. 5–11, 17, 23; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 12; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 17. See also UN Office of Counter-Terrorism and Counter-Terrorism Committee Executive Directorate, UN Security Council, United Nations Compendium of Recommended Practices for the Responsible Use and Sharing of Biometrics in Counter-terrorism, accessed August 15, 2019, 30–53.

[166] For additional discussion about privacy concerns in this context, see, e.g., Human Rights Watch, "China: Voice Biometric Collection Threatens Privacy," October 22, 2017; Human Rights Watch, "China: Police 'Big Data' Systems Violate Privacy, Target Dissent," November 19, 2017; Paul Mozur, "Internet Users in China Expect to Be Tracked. Now, They Want Privacy.," *New York Times,* January 4, 2018.

[167] Paul Mozur, "Inside China's Dystopian Dreams: A.I., Shame and Lots of Cameras," *New York Times,* July 8, 2018.

[168] Liang Chenyu, "Five Ways China Used Facial Recognition in 2018," *Sixth Tone,* December 28, 2019; "China's First 5G Police Station Unveiled in Shenzhen," *Global Times,* April 29, 2019.

[169] Tom Simonite, "This US Firm Wants to Help Build China's Surveillance State," *Wired,* November 14, 2018; Charles Parton, "Social Credit Is Just One Part of China's New State Control," *Spectator,* November 17, 2018.

[170] Liang Chenyu, "Five Ways China Used Facial Recognition in 2018," *Sixth Tone,* December 28, 2019; Stephen Chen, "China to Build Giant Facial Recognition Database to Identify Any Citizen within Seconds," *South China Morning Post,* September 24, 2018; Li Tao, "Facial Recognition Snares China's Air Con Queen Dong Mingzhu for Jaywalking, but It's Not What It Seems," *South China Morning Post,* November 23, 2018.

[171] "China's First 5G Police Station Unveiled in Shenzhen," *Global Times,* April 29, 2019; Tenzin Dharpo, "China Deploys 'Hunter-Killer' Drones in High Altitude Border Regions of Tibet, Xinjiang," *Phayul,* December 7, 2018.

[172] Xue Keyue, "Lhasa Uses Facial Recognition, Big Data Analysis in New Taxis," *Global Times,* March 5, 2019; Erika Kinetz, "In China, Your Car Could Be Talking to the Government," *Associated Press,* November 29, 2018.

[173] Li Tao, "China Tests Facial Recognition at Border Crossing of Hong Kong-Zhuhai-Macau Bridge," *South China Morning Post,* October 24, 2018; "China Rolls Out Facial Recognition Scans on Guangzhou Subway," *Radio Free Asia,* October 29, 2018; Alfred Ng, "Chinese Facial Recognition Company Left Database of People's Locations Exposed," CNet, February 13, 2019. See also Paul Mozur, "Inside China's Dystopian Dreams: A.I., Shame and Lots of Cameras," *New York Times,* July 8, 2018.

[174] See, e.g.,"2018 nian shixin heimingdan niandu fenxi baogao fabu" [2018 annual credit blacklist report published], Credit China (CreditChina.gov.cn), February 19, 2019; Robyn Dixon, "China's New Surveillance Program Aims to Cut Crime. Some Fear It'll Do Much More," *Los Angeles Times,* October 27, 2018. See also He Huifeng, "China's Social Credit System Shows Its Teeth Banning Millions from Taking Flights, Trains," *South China Morning Post,* February 2, 2019.

[175] Laurence Dodds, "Chinese Businesswoman Accused of Jaywalking after AI Camera Spots Her Face on an Advert," *Telegraph,* November 25, 2018; Robyn Dixon, "China's New Surveillance Program Aims to Cut Crime. Some Fear It'll Do Much More," *Los Angeles Times,* October 27, 2018. See also Paul Mozur, "Inside China's Dystopian Dreams: A.I., Shame and Lots of Cameras," *New York Times,* July 8, 2018.

[176] Sarah Cook, "'Social Credit' Scoring: How China's Communist Party Is Incentivizing Repression," *Hong Kong Free Press,* February 27, 2018.

[177] Tom Simonite, "This US Firm Wants to Help Build China's Surveillance State," *Wired,* November 14, 2018; Emily Feng, "Chinese Surveillance Group Faces Crippling US Ban," *Financial Times,* November 18, 2018; Charles Rollet, "Evidence of Hikvision's Involvement with Xinjiang IJOP and Re-Education Camps," *IVPM,* October 2, 2018; Sophie Richardson, Human Rights Watch, "Thermo Fisher's Necessary, but Insufficient, Step in China," February 22, 2019.

[178] Ministry of Public Security, *Gong'an Jiguan Weihu Minjing Zhifa Quanwei Gongzuo Guiding* [Provisions on Safeguarding the Law Enforcement Authority of Police Officers by Public Security Agencies], passed December 7, 2018, effective February 1, 2019.

[179] Du Xiao, "Duo cuo bing ju weihu minjing zhifa quanwei" [Using multiple measures simultaneously to safeguard authority of people's police to enforce the law], *Legal Daily,* February 2, 2019; Zhang Yu and Zhu Ziyang, "Gong'anbu zhiding chutai *'Gong'an Jiguan Weihu Minjing Zhifa Quanwei Gongzuo Guiding'* " [Ministry of Public Security formulates and launches "Provisions on Safeguarding the Law Enforcement Authority of Police Officers by Public Security Agencies"], *People's Daily,* December 29, 2018.

[180] Ministry of Public Security, *Gong'an Jiguan Weihu Minjing Zhifa Quanwei Gongzuo Guiding* [Provisions on Safeguarding the Law Enforcement Authority of Police Officers by Public Security Agencies], passed December 7, 2018, effective February 1, 2019, arts. 8, 9.

[181] Ministry of Public Security, *Gong'an Jiguan Weihu Minjing Zhifa Quanwei Gongzuo Guiding* [Provisions on Safeguarding the Law Enforcement Authority of Police Officers by Public Security Agencies], passed December 7, 2018, effective February 1, 2019, art. 16. See also Charlotte Gao, "China Vows to Protect The Authority of Police," *The Diplomat,* September 11, 2018.

[182] "Gong'anbu ni xin gui 'weihu jingcha quanwei'" [Ministry of Public Security drafts new regulations "to protect police authority"], *Radio Free Asia,* September 10, 2018.
[183] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, paras. 28.2, 28.158–28.169; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/40/6/Add.1, February 15, 2019, paras. 28.2, 28.158–28.169.
[184] CECC, *2018 Annual Report,* October 10, 2018, 109.
[185] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], *Xinhua,* March 12, 2019, sec. 2. See also *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 48.
[186] Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2018,* ACT 50/9870/2019, April 2019, 21.
[187] Christian Shepherd, "Chinese Judges Make Rare Defense of Death Penalty amid Western Criticism," *Reuters,* December 21, 2018; Cao Yin, "Hard Line Taken on Acts against Children," *China Daily,* November 29, 2018; All-China Women's Federation, "Quanguo Renda daibiao Zhang Baoyan: guaimai funu ertong fanzui ying 'lingrongren'" [NPC deputy Zhang Baoyan: The crime of trafficking women and children should receive "zero tolerance"], March 4, 2019.
[188] Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2018,* ACT 50/9870/2019, April 2019, 21. See also Dui Hua Foundation, "How Transparency in Death Penalty Cases Can Reduce Wrongful Convictions," *Dui Hua Human Rights Journal,* August 22, 2017.
[189] Martin Banks, "Governments Use Death Penalty to Crackdown on Religious Minorities," *New Europe,* March 1, 2019. See also Amnesty International, "China's Deadly Secrets," ASA 17/5849/2017, April 2017, 7; Chinese Human Rights Defenders, "Criminal Arrests in Xinjiang Account for 21% of China's Total in 2017," July 25, 2018.
[190] "Xinjiang Authorities Sentence Uyghur Philanthropist to Death for Unsanctioned Hajj," *Radio Free Asia,* November 21, 2018. For more information on Abdughappar Abdurusul, see the Commission's Political Prisoner Database record 2018-00645.
[191] J.R. Chapman, P. Stock, and M. Haberal, "Organs from Executed People Are Not a Source of Scientific Discovery," editorial, *Transplantation* 103, no. 8 (August 2019): 1534; "Retraction: Salvage Liver Transplantation for Recurrent Hepatocellular Carcinoma after Liver Resection: Retrospective Study of the Milan and Hangzhou Criteria," *PLOS ONE* 14, no. 7 (July 23, 2019); "Retraction: De Novo Cancers Following Liver Transplantation: A Single Center Experience in China," *PLOS ONE* 14, no. 7 (July 23, 2019); "Retraction: A Scoring Model Based on Neutrophil to Lymphocyte Ratio Predicts Recurrence of HBV-Associated Hepatocellular Carcinoma after Liver Transplantation," *PLOS ONE* 14, no. 7 (July 23, 2019); "Retraction: Downgrading MELD Improves the Outcomes after Liver Transplantation in Patients with Acute-on-chronic Hepatitis B Liver Failure," *PLOS ONE* 14, no. 7 (July 25, 2019); "Retraction: Genetic Polymorphism of Interferon Regulatory Factor 5 (IRF5) Correlates with Allograft Acute Rejection of Liver Transplantation," *PLOS ONE* 14, no. 7 (July 31, 2019); "Retraction: Symptom Experienced Three Years after Liver Transplantation under Immunosuppression in Adults," *PLOS ONE* 14, no. 8 (August 1, 2019). See also Ivan Oransky, "Journals Retract More Than a Dozen Studies from China That May Have Used Executed Prisoners' Organs," *Retraction Watch* (blog), August 14, 2019.
[192] Ivan Oransky, "Journals Retract More Than a Dozen Studies from China That May Have Used Executed Prisoners' Organs," *Retraction Watch* (blog), August 14, 2019; Melissa Davey, "Call for Retraction of 400 Scientific Papers amid Fears Organs Came from Chinese Prisoners," *Guardian,* February 5, 2019; Wendy Rogers et al., "Compliance with Ethical Standards in the Reporting of Donor Sources and Ethics Review in Peer-Reviewed Publications Involving Organ Transplantation in China: A Scoping Review," *BMJ Open* 9, no. 2 (February 2019).

FREEDOM OF RELIGION

Findings

• Observers have described religious persecution in China over the last year to be of an intensity not seen since the Cultural Revolution. The Chinese government under President and Communist Party General Secretary Xi Jinping has doubled down on the "sinicization" of religion—a campaign that aims to bring religion in China under closer official control and in line with officially sanctioned interpretations of Chinese culture. Authorities have expanded the "sinicization" campaign to target not only religions perceived as "foreign," such as Islam and Christianity, but also Chinese Buddhism, Taoism, and folk religious beliefs.
• Party disciplinary regulations were revised to impose harsher punishments on Party members for manifestations of religious belief.
• In sharp contrast to their past treatment of Buddhist and Taoist communities, local officials directly targeted local Buddhist and Taoist sites of worship throughout China. Local officials in the provinces of Liaoning, Shanxi, Hubei, and Hebei ordered the destruction of Buddhist statues. In past decades, government and Party officials had rarely targeted Chinese Buddhist and Taoist communities with direct suppression—both were considered to be relatively compliant with Party and government leadership and compatible with the official promotion of traditional Chinese culture.
• In September 2018, the Chinese Ministry of Foreign Affairs signed an agreement with the Holy See, paving the way for the unification of state-sanctioned and underground Catholic communities. Subsequently, local Chinese authorities subjected Catholic believers in China to increased persecution by demolishing churches, removing crosses, and continuing to detain underground clergy. The Party-led Catholic national religious organizations also published a plan to "sinicize" Catholicism in China.
• As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment, with at least 931 practitioners sentenced for criminal "cult" offenses in 2018. Human rights organizations and Falun Gong practitioners documented coercive and violent practices against practitioners in custody, including physical violence, forced drug administration, sleep deprivation, and other forms of torture.
• Violations of the religious freedom of Hui Muslim believers continued to intensify, with plans to apply "anti-terrorism" measures currently used in the Xinjiang Uyghur Autonomous Region (XUAR) in the Ningxia Hui Autonomous Region (Ningxia)—a region with a high concentration of Hui Muslim believers. A five-year plan to "sinicize" Islam in China was passed in January 2019. Meanwhile, ongoing policies included measures requiring Islamic religious leaders and lay believers to demonstrate their political reliability.
• Religious communities outside of the five religions that are the main objects of official regulation continued to exist in

China, but the religious practices of communities that previously received tacit recognition and support were subject to repression over the last year.

Recommendations

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

- Call on the Chinese government to guarantee to all citizens freedom of religion in accordance with its international human rights obligations. Stress to Chinese authorities that freedom of religion includes the right to freely adopt beliefs and practice religious activities without government interference.
- Stress to the Chinese government that the right to freedom of religion includes, but is not limited to: the right of Buddhists and Taoists to carry out activities in temples and to select monastic teachers independent of state control; the right of Catholics to be led by clergy who are selected and who conduct their ministry according to the standard called for by Catholic religious beliefs; the right of Falun Gong practitioners to freely practice Falun Gong inside China; the right of Muslims to freely preach, undertake overseas pilgrimage, select and train religious leaders, and wear clothing with religious significance; the right of Protestants to exercise their faith free from state controls over doctrine and worship, and free from harassment, detention, and other abuses for public and private manifestations of their faith, including the display of crosses; and the right of members of other religious communities to be free from state control and harassment.
- Call for the release of Chinese citizens confined, detained, or imprisoned for peacefully pursuing their religious beliefs, as well as people confined, detained, or imprisoned in connection to their association with those people. The Administration should use existing laws to hold accountable Chinese government officials and others complicit in severe religious freedom restrictions, including by using the sanctions available in the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) and the International Religious Freedom Act of 1998 (Public Law No. 105–292). Ensure that conditions related to religious freedom are taken into account when negotiating any trade agreement as mandated by the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law No. 114–26).
- Call on the Chinese government to fully implement accepted recommendations from its October 2013 session of the UN Human Rights Council's Universal Periodic Review, including taking necessary measures to ensure that rights to freedom of religion, religious culture, and expression are fully observed and protected; cooperating with the UN human rights system, specifically UN special procedures and mandate holders; facilitating visits to China for UN High Commissioners; taking steps to ensure that lawyers working to advance religious rights can practice their profession freely, and promptly investigating allegations of violence and intimidation impeding their

work; and considering possible revisions to legislation and administrative rules to provide better protection of freedom of religion.

○ Call on the Chinese government to abolish Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law," and Article 27 of the PRC Public Security Administration Punishment Law, which provides for detention or fines for organizing or inciting others to engage in "cult" activities and for using "cults" or the "guise of religion" to disturb social order or to harm others' health.

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

FREEDOM OF RELIGION

International and Chinese Law on Religious Freedom

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

Under international law, freedom of religion or belief encompasses both the right to form, hold, and change convictions, beliefs, and religion—which cannot be restricted—and the right to outwardly manifest those beliefs—which can be limited for certain, specific justifications.[1] These principles are codified in various international instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).[2] China has signed[3] and stated its intent to ratify[4] the ICCPR, which obligates China to refrain in good faith from acts that would defeat the treaty's purpose.[5]

Article 36 of China's Constitution guarantees citizens "freedom of religious belief" and protection for "normal religious activities."[6] With essential terms such as "normal" undefined, it is unclear whether China's Constitution protects the same range of belief and outward manifestation that is recognized under international law.[7] Nevertheless, China's Constitution and other legal provisions[8] join the ICCPR in prohibiting discrimination based on religion[9] and loosely parallel the ICCPR's prohibition on coercion[10] by forbidding state agencies, social organizations, and individuals from compelling citizens to believe or not believe in any religion.[11]

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

Policies and Regulations Pertaining to Religious Freedom

• **Top Chinese officials continued to emphasize the importance of the national-level campaign to "sinicize" religion.** Members of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo)—China's top policymaking body—continued to highlight the need to "sinicize" religion in China at national-level political gatherings.[14] Politburo Standing Committee member Wang Yang promoted the campaign among lower level officials through local visits[15] and in meetings with state-affiliated religious organizations.[16] Party General Secretary Xi Jinping announced "the need to uphold the sinicization of religion in order to actively guide religions to adapt to socialist society" in 2015,[17] and the subsequent "sinicization" campaign aims to bring religion in China under closer official control and in line with officially sanctioned interpretations of Chinese culture.[18] In the years following, officials have escalated the repression of reli-

gious practice, which one scholar of Chinese politics has characterized as being the worst since the Cultural Revolution.[19]

• **The "sinicization" campaign characterizes control over religious groups as connected to national security and foreign affairs.** The repression of religion is happening alongside a general crackdown on popular culture[20] as the Party responds to the increased complexity of society and the growth of new groups in the period of economic reform and opening.[21] Religious believers are among the social groups of which Chinese officials are the most wary.[22] This is in part because the fast growth and the level of organization within certain religious communities represents the potential for competing with the Party and government monopoly on collective organization.[23] Party and government officials accuse some of these religious communities of being used by foreign forces to "infiltrate" Chinese society,[24] targeting Christian, Muslim, and Tibetan Buddhist groups in particular as retaining undue foreign influence.[25] Official pronouncements also identified "extremism" as a particular problem that officials should address within Islam.[26] Meanwhile, Party and government policy promoted the Chinese Buddhist community to project an image of China as a country supporting Buddhism while fostering connections with majority-Buddhist countries.[27]

• **Administration of religious affairs and implementation of the revised Regulations on Religious Affairs.** Local government bureaus continued to be responsible for managing religious affairs.[28] These religious affairs agencies have effective authority over the state-sanctioned "patriotic" religious associations that act as liaisons between the government and practitioners of the five "main" religions in China,[29] while the Party's United Front Work Department vets the association leaders.[30] Public security bureaus are generally responsible for enforcement of laws against religious activity that authorities deem illegal.[31] Following President and Party General Secretary Xi Jinping's exhortations to focus on religious work,[32] the regulatory framework for religion imposed increased restrictions on religious freedom through revisions to the Regulations on Religious Affairs that took effect on February 1, 2018.[33] The revisions include prohibitions on groups, schools, and venues engaging in or hosting religious activities unless they have been officially designated as religious (Article 41) and on clergy acting as religious professionals without official certification (Article 36).[34] The revisions also established legal responsibilities and penalties for violations of the regulations, including fining those who "provide the conditions" for unauthorized religious activities (Article 71).[35]

• **Other laws and Party policies also continued to restrict citizens' freedom to hold religious beliefs and practice religion.** Article 300 of the PRC Criminal Law criminalizes "organizing and using a cult to undermine implementation of the law,"[36] and the PRC National Security Law prohibits "the use of religion to conduct illegal criminal activities that threaten state security."[37] The latter also contains mandates to "maintain the order of normal religious activities,"

"oppose the interference of foreign influence into domestic religious affairs," and "suppress cult organizations."[38]

• **Revised Party disciplinary regulations impose harsher punishments on Party members for manifestations of religious belief.** New disciplinary measures for Party members that increased the penalty for involvement in religious activities in violation of Party policies from a warning for a "minor offense" to dismissal took effect on October 1, 2018.[39] One international law expert has noted that because Party membership to a large degree determines the extent to which citizens may participate in public life, the ban on religious belief for Party members constitutes discrimination against religious believers and a violation of freedom of religious belief.[40]

Buddhism (Non-Tibetan) and Taoism

In sharp contrast to the past treatment of Buddhist and Taoist communities, the Commission observed numerous reports of local officials ordering the destruction of Buddhist statues throughout China, including in the provinces of Liaoning, Shanxi, Hubei, and Hebei.[41] Officials in Dalian municipality, Liaoning province, ordered Buddhist iconography taken down and replaced with the Chinese national flag.[42] In September 2018, the Party secretary of Hebei province threatened county-level officials with dismissal if a large bronze Guanyin bodhisattva statue in their jurisdiction was not demolished.[43] In November 2017 the State Administration for Religious Affairs and 11 other central Party and government departments issued a joint opinion targeted at combating commercialization in Buddhism and Taoism that prohibited the construction of large outdoor statues so as to avoid negative effects on "the healthy development of [the two religions'] dissemination."[44] One human rights expert has noted that when a state distinguishes between proper and improper conduct in order to uphold religious standards or to enhance the legitimacy of particular religions over others, it violates the state neutrality necessary to maintain the free exercise of religious freedom.[45]

A large number of Chinese citizens engage in Buddhist and Taoist practices, with estimates of around 244 million Buddhists as of 2010,[46] and 173 million citizens engaging in some Taoist practices as of 2007.[47] [For information on Tibetan Buddhism, see Section V—Tibet.] Both communities have been subjected to extensive regulation and control by officials: government authorities connected with local religious affairs bureaus are involved with the administration of officially sanctioned temples; all candidates for the clergy must obtain the approval of the local patriotic association and religious affairs bureau for ordination;[48] and Buddhist ordinations themselves are restricted by the state-run patriotic associations.[49]

In past decades, government and Party officials rarely targeted Chinese Buddhist and Taoist communities with direct suppression—both were considered to be relatively compliant with Party and government leadership and compatible with the official promotion of traditional Chinese culture.[50] At the outset of the implementation of "sinicization" policies in Buddhist and Taoist contexts, Chinese officials had sought to bolster the idea of these two religions as indigenous religions embodying Chinese culture and val-

ues so that they might serve as a bulwark against "infiltration" of other values via religions perceived as foreign.[51] Officials also sought to leverage the Buddhist and Taoist communities to foster closer diplomatic ties with other countries with significant Buddhist or Taoist communities—an aim that has persisted within this reporting year to include overtures toward majority-Buddhist countries.[52]

Christianity—Catholicism

The number of Catholics in China is estimated to be around 10.5 million,[53] and they have historically been divided between "official" congregations led by state-sanctioned bishops and "underground" congregations whose bishops are not recognized by the Chinese government.[54] Official statistics reported in 2018 that 6 million Catholics were part of officially sanctioned congregations[55] with bishops selected by Party-led religious organizations and ordained by other official bishops—a process described by the Chinese government as "self-selection and self-ordination."[56] Underground Catholic believers have historically avoided the ministry of official bishops because of the belief that legitimate ecclesiastical authority can be conferred only by the Pope's mandate,[57] and also an objection to official bishops' affiliation with the Party-led body for Catholic leadership in China, the Catholic Patriotic Association (CPA).[58] Underground clergy are frequently subjected to detention and other government pressure to compel them to join the CPA.[59]

The Holy See and the Chinese government announced a provisional agreement on the appointment of bishops on September 22, 2018.[60] A representative for the Holy See stated that its aim was for Chinese Catholic believers to have bishops recognized by both the Holy See and Chinese authorities,[61] while observers noted that the Chinese government was likely seeking to increase its control over the underground community.[62] Although the terms of the agreement were not made public, a source familiar with the negotiations stated that the agreement gave the Chinese government the authority to nominate bishops, which the Pope would retain the right to veto.[63] The Holy See also recognized seven formerly excommunicated official bishops as part of the deal,[64] having already asked two underground bishops to give up their positions to make way for two of these state-sanctioned bishops;[65] the Chinese government made no commitments toward recognizing the more than 30 underground bishops.[66]

Observers and Catholic believers expressed concern that the agreement did not provide sufficient support for the Chinese Catholic community,[67] with one scholar pointing out that the authorities' persecution of both underground and official Catholic communities has actually intensified over the last year under the "sinicization" campaign.[68] In spring 2019, authorities detained three underground priests of Xuanhua diocese in Hebei province.[69]

Christianity—Protestantism

During the 2019 reporting year, Chinese officials further[70] escalated the repression of Protestant Christian belief. While official repression has historically focused on unregistered church commu-

nities (commonly referred to as "house churches"), believers worshiping at state-sanctioned churches have also become targets of state restrictions under President Xi Jinping.[71] The number of Chinese Protestants is estimated to number around 60 to 80 million.[72] Instances of official persecution recorded by U.S.-based organization advocating for religious freedom, ChinaAid Association (ChinaAid), increased from 1,265 in 2017 to more than 10,000 in 2018.[73]

Much of the increased repression targeted house church communities. Several major house churches with hundreds to thousands of members were forcibly closed: Zion Church and Shouwang Church, among the largest unregistered churches in Beijing municipality, were banned in September 2018 and March 2019, respectively;[74] Rongguili Church, an important church in southern China, Guangzhou municipality, Guangdong province, was forced to suspend activities in December 2018;[75] and Early Rain Covenant Church (Early Rain) in Chengdu municipality, Sichuan province, was declared an "illegal social organization" in December 2018.[76] Beginning December 9, authorities also detained more than 100 Early Rain church members for several days, including Early Rain pastor Wang Qi,[77] who, along with three other church members, remained in criminal detention as of August 2019.[78]

Local authorities also banned or shut down activities at numerous other house churches across China,[79] with a campaign in Henan province reportedly aiming to close more than two-thirds of all churches within the province.[80] Local authorities in different areas also pressured unregistered churches to disband with repeated raids and harassment,[81] heavy administrative penalties,[82] termination of electricity and water supplies,[83] and compelling landlords to evict churches from meeting spaces.[84] Authorities also subjected individual members of house church communities to detention: ChinaAid recorded more than 5,000 detentions in 2018, more than 1,000 of which were of church leaders.[85] Members were also subject to other rights abuses—for example, various people connected to Early Rain, including lawyers defending the detained, reported ongoing detentions[86] and disappearances,[87] denying detainees access to lawyers,[88] and various forms of harassment, including physical assault, eviction, cutting off utilities, death threats, and surveillance.[89] Authorities also tried to compel at least one member to sign a statement renouncing the church.[90]

Officials in different localities violated believers' freedom of religion by eliminating their options to join unregistered churches, shutting down state-sanctioned churches, and increasing control over remaining churches. In some cases, unregistered house churches were pressured into joining the state-sponsored Three-Self Patriotic Movement (TSPM)—a national religious organization responsible for maintaining political relations between the Protestant community and Party and government leadership.[91] In some areas, officials refused to let churches register and demanded instead that individual believers join already-established TSPM churches.[92] In Henan, even TSPM churches were ordered closed by officials, with most of the 10,000 churches shut down in Henan in 2018 being state-sponsored.[93] For many of the remaining TSPM churches in Henan and in other areas such as Beijing municipality,

government officials implemented measures subjecting congregations to increased control, for example, by requiring the installation of surveillance equipment inside church buildings.[94]

In many areas, local authorities required both TSPM and house churches to demonstrate political loyalty to the Chinese Communist Party and Chinese government, for example, by requiring changes to church services to include singing the national anthem and speeches by government officials, as well as demanding that churches hang national flags, portraits of President Xi, and posters listing "socialist core values," while also ordering the removal of Christian symbols such as crosses and signs with Christian messages.[95] In parts of Henan province, the prohibition on Christian symbols was extended to the homes of believers.[96]

Falun Gong

As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment.[97] Due to government suppression, it is difficult to determine the number of Falun Gong practitioners in China.[98] Chinese authorities commonly prosecute Falun Gong practitioners under Article 300 of the PRC Criminal Law;[99] the Falun Gong-affiliated website Clear Wisdom reported that at least 931 practitioners were sentenced under Article 300 in 2018, with the greatest number sentenced in the northern provinces of Liaoning, Shandong, Hebei, and Heilongjiang.[100] In November 2018, two lawyers had their licenses to practice temporarily suspended by the Ministry of Justice in Changsha municipality, Hunan province, for arguments made in defense of Falun Gong practitioners against Article 300 charges.[101] International human rights non-governmental organization Dui Hua Foundation characterized the penalties as part of an incipient pattern of official punishment of attorneys representing politically sensitive clients that will likely discourage other criminal defense lawyers from pursuing "perfectly legal and effective defense strategies."[102] Clear Wisdom, an organization that reports on the Falun Gong community, documented coercive and violent practices against practitioners during custody, including physical violence,[103] forced drug administration,[104] sleep deprivation,[105] and other forms of torture.[106] In February 2019, Clear Wisdom reported 69 confirmed deaths of Falun Gong practitioners in 2018 due to abuse by officials.[107]

Islam

Violations of the religious freedom of the 10.5 million[108] Hui Muslim believers continued to intensify, with observers raising alarm at an announcement in November 2018 that authorities in the Ningxia Hui Autonomous Region (Ningxia) had signed an "anti-terrorism" cooperation agreement with counterparts in the Xinjiang Uyghur Autonomous Region (XUAR).[109] The agreement would apply "anti-terrorism" measures currently used in the XUAR to Ningxia—a region with a high concentration of Hui Muslim believers.[110] Ningxia authorities announced in March 2019 that they would launch "thorough inspections" of religious venues and carried out "innovative" religious management measures, such as rais-

ing national flags in mosques and organizing religious leaders to study the Chinese Constitution, socialist core values, and traditional classical Chinese culture.[111] Local officials in Weishan Yi and Hui Autonomous County, Dali Bai Autonomous Prefecture, Yunnan province, reportedly accused Hui Muslim believers of engaging in "illegal religious activities" and forcibly evicted the local Muslim community from three mosques in December 2018 before a planned demolition.[112] [For more information on Uyghur Muslim believers, see Section IV—Xinjiang; for more information on Muslim believers of other ethnic minority backgrounds, see Section II—Ethnic Minority Rights.]

A five-year plan to "sinicize" Islam in China was passed in January 2019.[113] Meanwhile, ongoing policies included measures requiring Islamic religious leaders and lay believers to demonstrate their "political reliability"—for example, to be officially certified, imams and other religious personnel must be educated at one of 10 state-sanctioned Islamic schools or otherwise obtain equivalent education,[114] and be vetted by the local religious affairs bureau and the China Islamic Association.[115] After certification, religious leaders are required to continue attending political training sessions.[116] All Chinese Muslims seeking to carry out the Hajj pilgrimage must fulfill requirements for "political reliability," including taking "patriotic education" classes, obtaining the approval of their local religious affairs bureau, and participating only through tours arranged by the China Islamic Assocation.[117]

Other Religious Communities

Religious communities outside of the five religions that are the main objects of official regulation[118] continued to exist in China, but the religious practice of communities that previously received tacit recognition and support were subject to repression over the last year. For example, although folk religion was acknowledged in a 2018 white paper issued by the State Council Information Office,[119] authorities in Jiangsu province launched a wide-scale campaign from February through March 2019 to demolish over 5,900 temples of *tudigong,* a god from traditional Chinese folk religion.[120] Authorities also destroyed religious iconography and filled in the *mikveh* (a bath used for religious ceremonies) in a synagogue in Kaifeng municipality, Henan province, and subjected the Jewish community of less than 1,000 to other increased restrictions, including the cancelation of plans for foreign support for the local Jewish community.[121]

Notes to Section II—Freedom of Religion

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

[2] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18. Article 18 of the ICCPR upholds a person's right to "have or adopt a religion or belief" and the freedom to manifest that religion or belief "in worship, observance, practice and teaching." Article 18 also prohibits coercion that impairs an individual's freedom to freely hold or adopt a religion or belief. See also Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by UN General Assembly resolution 36/55 of November 25, 1981.

[3] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed June 29, 2019. China has signed but not ratified the ICCPR.

[4] State Council Information Office, "Guojia Renquan Xingdong Jihua (2016–2020 nian)" [National Human Rights Action Plan of China (2016–2020)], September 29, 2016, sec. 5. The Chinese government stated its intent to ratify the ICCPR in its 2016–2020 National Human Rights Action Plan.

[5] United Nations Conference on the Law of Treaties, Vienna Convention on the Law of Treaties, adopted May 23, 1969, entry into force January 27, 1980, arts. 18, 26.

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

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

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

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

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

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

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

[13] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18; UN Human Rights Committee, General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), CCPR/C/21/Rev.1/Add.4, July 30, 1993, para. 8.

[14] State Council, "Li Keqiang zuo de zhengfu gongzuo baogao" [Government work report delivered by Li Keqiang], March 5, 2019; John Dotson, "Propaganda Themes at the CPPCC Stress the 'Sinicization' of Religion," *China Brief,* Jamestown Foundation, April 9, 2019, 1–4.

[15] "Wang Yang: quanmian tigao zongjiao gongzuo shuiping, qieshi weihu zongjiao lingyu hexie wending" [Wang Yang: raise level of religious work across the board, earnestly safeguard harmony and stability in the religious sphere], *Xinhua,* April 17, 2019; "Wang Yang: quanmian guanche Dang de zongjiao gongzuo fangzhen jianchi woguo zongjiao zhongguohua fangxiang" [Wang Yang: thoroughly implement the Party's religious work policy, adhere firmly to sinicization of religion in China], *Xinhua,* February 6, 2018; "Wang Yang: shenru zashi zuohao minzu zongjiao he tuopin gongjian gongzuo" [Wang Yang: thoroughly and practically accomplish ethnic and religious work, and poverty alleviation], *Xinhua,* October 17, 2018.

[16] "Wang Yang: quanmian guanche Dang de zongjiao gongzuo fangzhen jianchi woguo zongjiao zhongguohua fangxiang" [Wang Yang: thoroughly implement the Party's religious work policy, adhere firmly to sinicization of religion in China], *Xinhua,* February 6, 2018.

[17] "Jiang woguo zongjiao zhongguohua chixu tuixiang shenru—Quanguo Zhengxie 'Xin Shidai Jianchi Woguo Zongjiao Zhongguohua Fangxiang De Shijian Lujing' Jie Bie Zhuti Xieshang Zuotan Hui zongshu" [Continue to deepen the sinicization of religion in China—a summary of the National Symposium on the Theme of the CPPCC's "New Era of Adhering to the Practical Path of Our Nation's Religious Sinicization"], *People's Political and Legal News,* reprinted in National Committee of the Chinese People's Political Consultative Conference, January 7, 2019.

[18] John Dotson, "Propaganda Themes at the CPPCC Stress the 'Sinicization' of Religion," *China Brief,* Jamestown Foundation, April 9, 2019, 4.

[19] Willy Wo-Lap Lam, "Vatican Agreement Latest Front in Xi's Widening Religious Clampdown," *China Brief,* Jamestown Foundation, October 10, 2018, 4–5.

[20] John Dotson, "'Dramas Must Feature Goodness': The CCP Launches Renewed Efforts to Control Themes in Popular Culture," *China Brief,* Jamestown Foundation, March 5, 2019, 1–5.

[21] Gerry Groot, "The Rise and Rise of the United Front Work Department under Xi," *China Brief,* Jamestown Foundation, April 24, 2018, 14.

[22] Ian Johnson, "How the Top-Heavy Catholic Church Is Losing the Ground Game in China," *America,* September 18, 2017; Eleanor Albert, Council on Foreign Relations, "Religion in China," October 11, 2018.

[23] See, e.g., Cyrille Pluyette, "En Chine, le Pouvoir Renforce son Contrôle sur les Religions," *Le Figaro,* updated December 12, 2017, translated in Marc Alves, "In China's Crackdown on Re-

ligions, Buddhism Gets a Pass," *Worldcrunch,* February 5, 2018; André Laliberté, "Buddhist Revival under State Watch," *Journal of Current Chinese Affairs* (2011): 111–12.

[24] Theory Study Center Group of the Party Organization for the State Administration for Religious Affairs, "Dang de Shiba Da yilai zongjiao gongzuo lilun he shijian chuangxin" [Innovations in religious work theory and practice since the 18th Party Congress], *Seeking Truth,* September 15, 2017; State Administration for Religious Affairs, "Guojia Zongjiao Shiwu Ju 2018 nian gongzuo yaodian" [State Administration for Religious Affairs 2018 work objectives], February 14, 2018.

[25] John Dotson, "Propaganda Themes at the CPPCC Stress the 'Sinicization' of Religion," *China Brief,* Jamestown Foundation, April 9, 2019, 4.

[26] State Administration for Religious Affairs, "Guojia Zongjiao Shiwu Ju 2018 nian gongzuo yaodian" [State Administration for Religious Affairs 2018 work objectives], February 14, 2018; "Yang Faming weiyuan: jianchi woguo Yisilan jiao zhongguohua fangxiang" [CPPCC member Yang Faming: maintain China's sinicization of Islam], *Xinhua,* March 10, 2018.

[27] Sudha Ramachandran, "Rivalries and Relics: Examining China's Buddhist Public Diplomacy," *China Brief,* Jamestown Foundation, March 5, 2019; Angad Singh, "China Is Using 'Buddhist Diplomacy' in Its Quest to Dominate Global Trade," *Vice News,* March 21, 2019.

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

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

[30] Ibid., 154.

[31] Jessica Batke, "PRC Religious Policy: Serving the Gods of the CCP," *China Leadership Monitor,* Hoover Institution, Stanford University, 52 (Winter 2017), February 14, 2017, 3; Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 330.

[32] CECC, *2016 Annual Report,* October 6, 2016, 122.

[33] "Li Keqiang qianshu Guowuyuan ling gongbu xiuding hou de 'Zongjiao Shiwu Tiaoli'" [Li Keqiang signs State Council order issuing revised "Regulations on Religious Affairs], *Xinhua,* September 7, 2017.

[34] State Council, *Zongjiao Shiwu Tiaoli* [Regulation on Religious Affairs], issued November 30, 2004, amended June 14, 2017, effective February 1, 2018, arts. 36, 41.

[35] Ibid., art. 71.

[36] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 300.

[37] *Zhonghua Renmin Gongheguo Guojia Anquan Fa* [PRC National Security Law], passed and effective July 1, 2015, art. 27.

[38] Ibid.

[39] "Chinese Communist Party Targets Members with Religious Beliefs," *Union of Catholic Asian News,* September 13, 2018; *Zhongguo Gongchandang Jilu Chufen Tiaoli* [Chinese Communist Party Regulations on Disciplinary Action], effective October 1, 2018, arts. 61–64.

[40] Carolyn M. Evans, "Chinese Law and the International Protection of Religious Freedom," University of Melbourne Faculty of Law Public Law and Legal Theory Research Paper No. 36 (2002), 20.

[41] Wang Anyang, "Buddhist Statues Disappearing throughout China," *Bitter Winter,* February 20, 2019; Shen Xinran, "CCP 'Exterminating Buddha' by Destroying Large Statues," *Bitter Winter,* March 17, 2019; Shen Xinran, "World's Largest Cliff-Carved Guanyin Statue Demolished," *Bitter Winter,* March 1, 2019. See also Yang Xiangwen, "Factories of Buddhist Statues Demolished in Hebei," *Bitter Winter,* April 2, 2019.

[42] Wang Anyang, "Buddhist Statues Disappearing throughout China," *Bitter Winter,* February 20, 2019.

[43] Shen Xinran, "CCP 'Exterminating Buddha' by Destroying Large Statues," *Bitter Winter,* March 17, 2019.

[44] State Administration for Religious Affairs, et al., "Guojia Zongjiao Shiwu Ju deng 12 bumen lianhe fa wen zhili Fojiao Daojiao shangyehua wenti" [State Administration for Religious Affairs among 12 departments to jointly issue document to manage problem of commercialization of Buddhism and Taoism], November 23, 2017.

[45] Paul M. Taylor, *Freedom of Religion: UN and European Human Rights Law and Practice* (New York: Cambridge University Press, 2005), 69.

[46] Pew Research Center, "Pew-Templeton Global Religious Futures Project—China," accessed June 10, 2019. See also Zhe Ji, "Chinese Buddhism as a Social Force: Reality and Potential of Thirty Years of Revival," *Chinese Sociological Review* 45, no. 2 (Winter 2012–2013): 10–12. Quantitative assessments for the total number of Buddhists are difficult to determine because Buddhist religious identity does not need to be formalized within a particular institution and may overlap with other religious practices.

[47] Katharina Wenzel-Teuber, "2015 Statistical Update on Religions and Churches in the People's Republic of China," *China Heute,* no. 1 (2016), translated in *Religions & Christianity in Today's China* 6, no. 2 (2016): 25.

[48] State Administration for Religious Affairs, *Quanguo Hanchuan Fojiao Siyuan Guanli Banfa* [National Measures for Regulating Chinese Buddhist Temples and Monasteries], issued October

21, 1993, arts. 1, 3; Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping," February 2017, 32–33. See also Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 332–33.

[49] State Administration for Religious Affairs, *Quanguo Hanchuan Fojiao Siyuan Chuanshou San Tan Da Jie Guanli Banfa* [National Measures for Administering the Initiation Regarding the Three Pure Precepts in Chinese Buddhist Temples], issued September 22, 2011, amended September 20, 2016.

[50] Cyrille Pluyette, "En Chine, le Pouvoir Renforce son Contrôle sur les Religions," *Le Figaro,* updated December 12, 2017, translated in Marc Alves, "In China's Crackdown on Religions, Buddhism Gets a Pass," *Worldcrunch,* February 5, 2018; Eleanor Albert, Council on Foreign Relations, "Religion in China," October 11, 2018.

[51] "China's Holy Sites List on the Stockmarket," *Economist,* April 26, 2018; "Party vs Profit in Tug of War over Chinese Buddhism," *China Digital Times,* April 27, 2018.

[52] Sudha Ramachandran, "Rivalries and Relics: Examining China's Buddhist Public Diplomacy," *China Brief,* Jamestown Foundation, March 5, 2019.

[53] Ian Johnson, "How the Top-Heavy Catholic Church Is Losing the Ground Game in China," *America,* September 18, 2017; Anthony Lam Sui-ky, "The Decline of China's Catholic Population and Its Impact on the Church," *AsiaNews,* August 23, 2016.

[54] Jason Horowitz and Ian Johnson, "China and Vatican Reach Deal on Appointment of Bishops," *New York Times,* September 22, 2018.

[55] State Council Information Office, "China's Policies and Practices on Protecting Freedom of Religious Belief," April 3, 2018.

[56] State Administration for Religious Affairs, "Guojia Zongjiao Shiwu Ju 2018 nian gongzuo yaodian" [State Administration for Religious Affairs 2018 work objectives], February 14, 2018; Li Zhao, "Zhongguo jiang jinian 'duli' jiaohui de 'zixuan zisheng' zhujiao liushi zhounian" [China commemorates "self-selection, self-ordination" of bishops for 60 years in the "independent" church], *AsiaNews,* February 10, 2018; China Catholic Patriotic Association and Bishops' Conference of the Catholic Church, *Zhujiao Tuan Guanyu Xuan Sheng Zhujiao De Guiding,* [Provisions for Selecting and Ordaining Bishops], issued and effective April 8, 2013.

[57] Rachel Xiaohong Zhu, "The Division of the Roman Catholic Church in Mainland China: History and Challenges," *Religions* 8, no. 3 (March 2017): 1, 3, 6–7.

[58] Eva Dou, "For China's Catholics, State-Controlled Church Is 'Like a Tree with No Roots,'" *Wall Street Journal,* February 14, 2018; Rachel Xiaohong Zhu, "The Division of the Roman Catholic Church in Mainland China: History and Challenges," *Religions* 8, no. 3 (March 2017): 7; Ilaria Maria Sala and Isabella Steger, "Some Catholics Are Deeply Disturbed That the Vatican Is Cozying Up to China's Repressive Regime," *Quartz,* August 25, 2016.

[59] CECC, *2018 Annual Report,* October 10, 2018, 125–26; Eva Dou, "For China's Catholics, State Controlled Church Is 'Like a Tree with No Roots,'" *Wall Street Journal,* February 14, 2018; "Msgr. Peter Shao Zhumin of Wenzhou Freed after 7 Months," *AsiaNews,* April 1, 2018.

[60] "Communiqué Concerning the Signing of a Provisional Agreement between the Holy See and the People's Republic of China on the Appointment of Bishops," *Vatican News,* September 22, 2018; Ministry of Foreign Affairs, "Zhongguo tong Fandigang jiu youguan wenti qianshu linshixing xieyi" [China and the Vatican sign provisional agreement regarding related questions], September 22, 2018.

[61] "Greg Burke: Holy See/China Agreement Has Pastoral Objective," *Vatican News,* September 22, 2018.

[62] Paul P. Mariani, "The Extremely High Stakes of the China-Vatican Deal," *America,* December 7, 2018; Ian Johnson, "With Vatican Talks and Bulldozers, China Aims to Control Christianity," *New York Times,* September 24, 2018.

[63] Jason Horowitz and Ian Johnson, "China and Vatican Reach Deal on Appointment of Bishops," *New York Times,* September 22, 2018.

[64] Paul P. Mariani, "The Extremely High Stakes of the China-Vatican Deal," *America,* December 7, 2018.

[65] Jason Horowitz and Ian Johnson, "China and Vatican Reach Deal on Appointment of Bishops," *New York Times,* September 22, 2018.

[66] Ibid.

[67] Joseph Zen Ze-Kiun, "The Pope Doesn't Understand China," *New York Times,* October 24, 2018; Ian Johnson, "With Vatican Talks and Bulldozers, China Aims to Control Christianity," *New York Times,* September 24, 2018; Willy Wo-Lap Lam, "Vatican Agreement Latest Front in Xi's Widening Religious Clampdown," *China Brief,* Jamestown Foundation, October 10, 2018.

[68] Willy Wo-Lap Lam, "Vatican Agreement Latest Front in Xi's Widening Religious Clampdown," *China Brief,* Jamestown Foundation, October 10, 2018.

[69] Mimi Lau, "Vatican Officials on Goodwill Mission to China to Build on Bishops Deal with Beijing after Detention of Underground Catholic Priest," *South China Morning Post,* April 17, 2019.

[70] ChinaAid Association, "2018 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2019, 57–59.

[71] Eleanor Albert, Council on Foreign Relations, "Christianity in China,"October 11, 2018.

[72] Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping," February 2017, 9.

[73] ChinaAid Association, "2018 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2019, 58.

[74] Christian Shepherd, "China Outlaws Large Underground Protestant Church in Beijing," *Reuters,* September 9, 2018; Javier C. Hernández, "As China Cracks Down on Churches, Christians Declare 'We Will Not Forfeit Our Faith,'" *New York Times,* December 25, 2018; "Beijing shi zhengfu zhengshi qudi Shouwang Jiaohui" [Beijing government formally bans Shouwang Church], *Radio Free Asia,* March 26, 2019.

[75] Mimi Lau, "China Shuts Leading Underground Christian Church, Third This Winter," *South China Morning Post,* December 16, 2018.
[76] ChinaAid Association, "2018 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2019, 36.
[77] "Group Says Dozens Detained in Raid on Chinese Church," *Associated Press,* December 10, 2018; ChinaAid Association, "Updated: 100 Church Attendees in Custody," December 10, 2018; Human Rights Watch, "China: Repression of Christian Church Intensifies," December 13, 2018.
[78] Rights Defense Network, "'12–9' Chengdu Qiuyu Shengyue Jiao an Li Yingqiang qubao huoshi, bei xingju de 28 ren zhong reng you 3 ren zao jiya (2019 nian 8 yue 8 ri)" [8/18/2019: Li Yingqiang of "December 9" Chengdu Early Rain Covenant Church case released; 3 of 28 people criminally detained still in detention], August 18, 2019.
[79] "Zhongguo duodi quanmian gudi jiating jiaohui" [Complete bans on house churches in multiple locations across China], *Radio Free Asia,* October 29, 2018; ChinaAid Association, "2018 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2019, 34–37.
[80] "Crackdown on Christian Churches Intensifies in China," *Voice of America,* September 7, 2018.
[81] ChinaAid Association, "Chinese Officials Continue Sunday Raids on Local Churches, Early Rain Covenant Church Congregants Still Not Free despite Bail," June 28, 2019; ChinaAid Association, "2018 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2019, 45.
[82] ChinaAid Association, "2018 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2019, 46.
[83] Ibid., 45.
[84] Ibid., 45.
[85] Ibid., 58.
[86] ChinaAid Association, "More Than 30 Early Rain Covenant Church Members Taken into Custody," January 11, 2019; ChinaAid Association, "Updated: Spouses of Arrested House Church Members Taken into Custody," February 15, 2019.
[87] ChinaAid Association, "Early Rain Covenant Church Members Vanish," March 19, 2019.
[88] ChinaAid Association, "Government Denies Imprisoned Members of Sichuan Church Meetings with Lawyers," February 5, 2019; ChinaAid Association, "Imprisoned Pastor Denied Communication with Lawyer," February 23, 2019; ChinaAid Association, "Early Rain Covenant Church Pastor and Deacon Continue to Face Significant Legal Challenges," August 26, 2019; Rights Defense Network, "Chengdu Qiuyu Jiao an zhi Wang Yi Mushi an jinzhan tongbao" [Bulletin of developments in the case of Pastor Wang Yi of Chengdu's Early Rain Church], August 1, 2019.
[89] ChinaAid Association, "Officials Continue Abuse of Early Rain Covenant Church Members," January 4, 2019; ChinaAid Association, "'I Will Kill You Sooner or Later,' Official Threatens Family of Imprisoned Christians," February 20, 2019; ChinaAid Association, "Wife, Children of Imprisoned Church Elder Evicted," February 22, 2019; ChinaAid Association, "Officer Beats Elderly Mother of Imprisoned Pastor," February 24, 2019; ChinaAid Association, "Authorities Beat Christian Couple," March 4, 2019; ChinaAid Association, "Chengdu Authorities Force Christians from Homes," March 7, 2019; ChinaAid Association, "Non-Christian Seized by Police for Helping Early Rain Covenant Church Members," April 11, 2019; ChinaAid Association, "Authorities Continue Crackdown on Early Rain Covenant Church," April 18, 2019; Rights Defense Network, "Qiuyu Shengyue Jiaohui jianbao (2019.5.30)" [Briefing on the Early Rain Covenant Church (5/30/2019)], May 30, 2019; ChinaAid Association, "Authorities Continue to Harass Early Rain Covenant Church," June 16, 2019; Michelle Yun, "Christian Family Details Crackdown on Church in China," *Associated Press,* July 8, 2019.
[90] "Early Rain Church Members Attend First Service after China Crackdown," *Associated Press,* July 8, 2019.
[91] ChinaAid Association, "2018 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2019, 27; Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China,* (Chicago: University of Chicago Press, 2011), 330.
[92] ChinaAid Association, "2018 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2019, 36.
[93] Nina Shea and Bob Fu, "Inside China's War on Christians," *Wall Street Journal,* May 30, 2018.
[94] ChinaAid Association, "2018 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2019, 25.
[95] Ibid., 20, 26, 40, 80.
[96] Ibid., 26.
[97] For information on suppression of Falun Gong practitioners from previous years, see, e.g., CECC, *2016 Annual Report,* October 6, 2016, 125–27; CECC, *2015 Annual Report,* October 8, 2015, 123–25. See also "Communist Party Calls for Increased Efforts to 'Transform' Falun Gong Practitioners as Part of Three-Year Campaign," Congressional-Executive Commission on China, March 22, 2011.
[98] Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping," February 2017, 113.
[99] Dui Hua Foundation, "NGO Submission for the Universal Periodic Review of the People's Republic of China," March 2018, para. 14.
[100] "931 Falun Gong Practitioners Sentenced for Their Faith in 2018," *Clear Wisdom,* January 13, 2019.
[101] Dui Hua Foundation, "Administrative Penalties against Lawyers: Another Strike against Professional Autonomy and Religious Freedom," *Dui Hua Human Rights Journal,* January 10, 2019.

[102] Ibid.
[103] "Liaoning Man Immobilized on a Wood Board in Spread-Eagle Position for Weeks before and after His Two-Year Prison Sentence," *Clear Wisdom,* July 23, 2019.
[104] "After Being Drugged in Detention, Woman in Her Late 70s Still Suffering from Lingering Effects Six Months after Release," *Clear Wisdom,* May 8, 2019.
[105] "Falun Gong Practitioners Deprived of Sleep for Weeks in Hebei Provincial Women's Prison," *Clear Wisdom,* April 11, 2019.
[106] "Liaoning Man Immobilized on a Wood Board in Spread-Eagle Position for Weeks before and after His Two-Year Prison Sentence," *Clear Wisdom,* July 23, 2019.
[107] "69 Falun Gong Practitioners Confirmed to Have Died in 2018 as a Result of Arrests and Torture," *Clear Wisdom,* February 14, 2019.
[108] Alice Y. Su, "The Separation Between Mosque and State," *ChinaFile,* Asia Society, October 21, 2016; Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping," February 2017, 68–69. See also Ian Johnson, "Shariah with Chinese Characteristics: A Scholar Looks at the Muslim Hui," *New York Times,* September 6, 2016. Experts on Chinese religion have noted that most statistics on Muslim believers in China make broad assumptions about religious identity based on ethnicity—for example, presuming that all people of Hui ethnicity are Muslim believers, and that no people of Han, Tibetan, or other ethnicities are Muslim.
[109] "China's Ningxia to 'Learn From' Xinjiang's Anti-Terror Campaign," *Radio Free Asia,* December 3, 2018; Sophia Yan, "Fears China's Internment Camps Could Spread as Area Home to Muslim Minority Signs 'Anti-Terror' Deal," *Telegraph,* November 29, 2018.
[110] "China's Ningxia to 'Learn From' Xinjiang's Anti-Terror Campaign," *Radio Free Asia,* December 3, 2018; Sophia Yan, "Fears China's Internment Camps Could Spread as Area Home to Muslim Minority Signs 'Anti-Terror' Deal," *Telegraph,* November 29, 2018.
[111] Cao Siqi, "Ningxia Sets Up Democratic System to Select Imams for Mosques," *Global Times,* March 6, 2019.
[112] "Dozens Detained as Muslims Resist Mosque Closures in China's Yunnan," *Radio Free Asia,* December 31, 2018.
[113] "Beijing Outlines 5–Year Plan to Make Islam 'Chinese in character,'" *ummid.com News Network,* January 6, 2019; "China Explores Effective Governance of Religion in Secular World," *Global Times,* January 6, 2019.
[114] State Council Information Office, "China's Policies and Practices on Protecting Freedom of Religious Belief," April 4, 2018.
[115] China Islamic Association, *Yisilan Jiao Jiaozhi Renyuan Zige Rending Banfa* [Measures for Confirming the Credentials of Islamic Professional Religious Personnel], issued and effective August 7, 2006, art. 3; Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping," February 2017, 76.
[116] Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping," February 2017, 76.
[117] Li Ruohan, "Chinese Muslims Say They Feel a Stronger Sense of National Identity During Pilgrimage to Mecca," *Global Times,* August 2, 2018.
[118] State Council Information Office, "China's Policies and Practices on Protecting Freedom of Religious Belief," April 4, 2018. The central government has referred to the five religions as China's "major religions," stating that the religions citizens "mainly" follow are Buddhism, Taoism, Islam, Catholicism, and Protestantism. See, e.g., Henan Province People's Congress Standing Committee, *Henan Sheng Zongjiao Shiwu Tiaoli* [Henan Province Regulations on Religious Affairs], issued July 30, 2005, effective January 1, 2006, art. 2; Shaanxi Province People's Congress Standing Committee, *Shaanxi Sheng Zongjiao Shiwu Tiaoli* [Shaanxi Province Regulations on Religious Affairs], issued September 23, 2000, amended July 30, 2008, effective October 1, 2008, art. 2. Some local regulations on religious affairs define "religion" to mean only these five religions.
[119] State Council Information Office, "China's Policies and Practices on Protecting Freedom of Religious Belief," April 4, 2018.
[120] ChinaAid Association, "Jiangsu Authorities Demolish 5,911 Temples," April 23, 2019.
[121] "Kaifeng Jews Persecuted along with Other Religions," *AsiaNews,* February 16, 2019.

ETHNIC MINORITY RIGHTS

Findings

- During the Commission's 2019 reporting year, the Chinese Communist Party's United Front Work Department continued to promote ethnic affairs work at all levels of Party and state governance that emphasized the importance of "sinicizing" ethnic and religious minorities. Officials emphasized the need to "sinicize" the country's religions, including Islam. Official "sinicization" efforts contributed to the increasing marginalization of ethnic minorities and their cultures and languages.
- Reports indicate that official efforts to repress Islamic practices in the Xinjiang Uyghur Autonomous Region (XUAR) have spread beyond the XUAR to Hui communities living in other locations. Developments suggest officials may be starting to carry out religious repression in areas outside of the XUAR that are modeled on restrictions already implemented within the XUAR. In November 2018, official media reported that Zhang Yunsheng, Communist Party official of the Ningxia Hui Autonomous Region, had signed a counterterrorism agreement with XUAR officials during a trip to the XUAR to learn about its efforts to fight terrorism, maintain "social stability," and manage religious affairs.
- During the reporting year, authorities carried out the physical destruction and alteration of Hui Muslim spaces and structures, continuing a recent trend away from relative toleration of Hui Muslim faith communities. Officials demolished a mosque in a Hui community in Gansu province, raided and closed several mosques in Hui areas in Yunnan province, closed an Arabic-language school serving Hui students in Gansu, and carried out changes such as removing Arabic signage in Hui areas. These changes narrowed the space for Hui Muslim believers to assert an ethnic and religious identity distinct from that of the dominant Han Chinese population.
- Mongol herders in the Inner Mongolia Autonomous Region (IMAR) protested and petitioned the government over the loss of traditional grazing lands. As in past reporting years, authorities detained some of the Mongol herders who peacefully protested.

Recommendations

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

- Urge Chinese authorities to adopt a comprehensive anti-discrimination law that includes a definition of racial discrimination in full conformity with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); to amend Chinese domestic laws to expressly define and criminalize all forms of racial discrimination in full conformity with Article 1 of ICERD; and to expressly prohibit both direct and indirect racial discrimination in all fields of public life, including law enforcement and other government powers.

○ Urge Chinese authorities to establish independent national human rights institutions in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles).
○ Urge Chinese authorities to formulate and establish comprehensive statistics, surveys, and administrative records on acts of racial discrimination and related administrative and civil complaints, investigations, procedures, and sanctions.
○ Urge Chinese authorities to allow Hui and other predominantly Muslim ethnic minority populations to freely engage in Islamic religious rituals, as a matter of their right to religious freedom, and in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as China's Constitution, which prohibits discrimination based on religion.
○ Call on the Chinese government to allow Mongol herders to exercise their fundamental rights of freedom of expression, association, and peaceful assembly, as well as the right to be free from arbitrary detention. Convey to Chinese officials the importance of consulting with ethnic minority communities regarding the impact of proposed development on their traditional grazing lands.
○ Raise the cases of Mongol political prisoners, including detained Mongol historian Lhamjab Borjigin and detained Mongol writers O. Sechenbaatar and Tsogjil, in public forums and meetings with Chinese officials, and call for their immediate release from detention.

ETHNIC MINORITY RIGHTS

Introduction

During the Commission's 2019 reporting year, Chinese Communist Party and government authorities promoted policies and regulations restricting rights guaranteed to ethnic minority groups under Chinese and international law. The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of these "nationalities," in addition to a system of regional autonomy in designated areas.[1] Article 27 of the International Covenant on Civil and Political Rights, which China has signed and declared its intention to ratify, contains safeguards for the rights of "ethnic, religious or linguistic minorities" within a state.[2] In practice, however, Chinese authorities reportedly implemented policies that marginalized the cultures and languages of ethnic minority populations.[3] International human rights organizations submitted reports in advance of the November 2018 session of the UN Human Rights Council's Universal Periodic Review that criticized China's controls on ethnic minorities' religious freedom and cultural identity.[4] [For additional information on ethnic minority rights, see Section IV—Xinjiang and Section V—Tibet.]

Party and State "Sinicization" of Ethnic Minorities

During this reporting year, the Chinese Communist Party's United Front Work Department (UFWD) continued to promote ethnic affairs work at all levels of Party and state governance that emphasized the importance of "sinicizing" ethnic and religious minorities.[5] The UFWD promoted an approach to ethnic affairs that stressed ethnic unity;[6] the "five identifications" (*wu ge rentong*) (referring to identification with the Chinese nation, the Chinese people, Chinese culture, the Chinese Communist Party, and "socialism with Chinese characteristics");[7] the primacy of Mandarin Chinese;[8] a resistance to foreign culture;[9] and the use of both material assistance and propaganda efforts to manage "ethnic problems."[10] At the March 2019 meetings of the Chinese People's Political Consultative Conference in Beijing municipality, officials emphasized the need to "uphold the Party's leadership over religious work [and] persist in advancing the sinicization of our country's religions."[11] During the March 2019 National People's Congress (NPC), Premier Li Keqiang delivered the annual government work report, telling NPC delegates that they must "uphold the sinicization of religion in China."[12]

Policies Affecting Hui Islamic Communities

Officials implemented policies and restrictions in Hui communities in ways that represented intensified efforts to promote the "sinicization" of ethnic and religious minorities. In the past, Chinese officials have allowed Hui Muslims to practice religion more freely than Uyghur or other Turkic Muslims, but in recent years have placed more limits on Hui Muslim traditions.[13] International observers have reported that official efforts to repress Islamic practices in the Xinjiang Uyghur Autonomous Region (XUAR) appear to have spread beyond the XUAR to Hui communities living in other

locations.[14] In November 2018, official media reported that Zhang Yunsheng, Communist Party official of the Ningxia Hui Autonomous Region, had signed a counterterrorism agreement with XUAR officials during a trip to the XUAR to learn about its efforts to fight terrorism, maintain "social stability," and manage religious affairs.[15] A researcher for the NGO Human Rights Watch expressed concern the agreement signaled that officials would carry out religious repression in areas outside of the XUAR modeled on restrictions already implemented within the XUAR.[16]

During this reporting year, authorities carried out the physical destruction and alteration of Hui Muslim spaces and structures. Officials demolished a mosque in a Hui community in Gansu province,[17] raided and closed several mosques in Hui areas in Yunnan province,[18] and closed an Arabic-language school serving Hui students in Gansu.[19] Officials in provinces with significant Hui populations promoted "anti-halal" and "sinicization" efforts during the year, requiring the removal of Arabic signage on buildings and crescent domes on mosques, and also discontinued halal food standards, in order to stop the spread of Islamic influences officials deemed "foreign."[20] In July, Reuters reported that officials in Beijing municipality had ordered some local restaurants and stores to remove words and symbols with Islamic significance from their signage, including the word "halal" written in Arabic.[21] [For more information on freedom of religion for Muslims in China, see Section II—Freedom of Religion.]

Grassland Protests in Inner Mongolia

During this reporting year, authorities detained Mongol herders who protested or petitioned the government over the loss of traditional grazing lands. As in past reporting years,[22] authorities detained some of the Mongol herders who peacefully protested.[23]

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

- In **April 2019,** authorities administratively detained three Mongol herders who had traveled to Hohhot municipality, Inner Mongolia Autonomous Region (IMAR), to petition authorities over access to grazing lands.[24] Authorities escorted herders **Haaserdun, Tegshibayla,** and **Oobuuren** back to their hometown in Zaruud Banner, Tongliao municipality, IMAR, and ordered them to serve eight days' administrative detention for "picking quarrels and provoking trouble."[25]
- On **April 22, 2019,** more than 100 Mongol herders in Urad (Wulate) Middle Banner, Bayannur (Bayannao'er) municipality, IMAR, protested in front of local government offices to demand a meeting with IMAR chairwoman Bu Xiaolin, who was visiting the area.[26] Authorities detained around a dozen herders, including **Bai Xiurong** and **Altanbagan,** each of whom security personnel ordered to serve 14 days' administrative detention for unknown charges.[27] On the evening of April 22 and the early morning of April 23, some of the herders protested in front of a local government building to call for the release of Bai, Altanbagan, and other herders still detained.[28]

Detention of Mongol Writers

Authorities in the IMAR tried a Mongol historian on charges related to a book he wrote and detained two Mongol writers who had advocated on behalf of herders' rights:

- **Lhamjab Borjigin.** On April 4, 2019, the Xilingol (Xilinguole) League Intermediate People's Court in Xilinhot city, Xilingol League, tried 75-year-old Mongol historian Lhamjab Borjigin on the charges of "ethnic separatism," "sabotaging national unity," and "illegal publication and illegal distribution."[29] A Xilinhot official previously linked the first two charges to a book Borjigin self-published in 2006 about Mongols' experiences during the Cultural Revolution.[30]
- **O. Sechenbaatar.** On April 12, 2019, security personnel in Heshigten (Keshenketeng) Banner, Chifeng municipality, detained 68-year-old Mongol writer O. Sechenbaatar on suspicion of "obstructing official business," after he participated in a nearby protest involving more than 200 herders over government plans to restrict local herders' access to traditional grazing lands.[31] Sechenbaatar has authored numerous books and other materials on Mongolian culture, and he has hosted group discussions about Mongol herders' concerns on the messaging service WeChat.[32] On April 16, 2019, more than 100 herders protested in front of a government building in Heshigten to call for O. Sechenbaatar's release from detention.[33]
- **Tsogjil.** On April 16, 2019, security personnel in Hohhot took into custody 40-year-old Mongol writer Tsogjil, and authorities subsequently took him back to his hometown in Heshigten Banner, and detained him on April 17 on the charge of "picking quarrels and provoking trouble."[34] According to a U.S.-based Mongol rights organization, prior to his detention, Tsogjil had advocated for Mongols' language and cultural rights, as well as their access to natural resources, including by hosting WeChat discussion groups.[35] Tsogjil had traveled to Hohhot to submit a complaint to regional government officials regarding Mongol herders' rights.[36]

Notes to Section II—Ethnic Minority Rights

[1] *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa,* [PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001. For protections related to languages, religious beliefs, and customs, see Articles 10, 11, 21, 36, 37, 47, 49, and 53.

[2] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 27.

[3] See, e.g., Rustem Shir, "China's Effort to Silence the Sound of Uyghur," *The Diplomat,* May 16, 2019; Sang Jieja, "Why Is China So Terrified of Tibetan Language Classes?," *La Croix International,* March 4, 2019; Southern Mongolian Human Rights Information Center, "SMHRIC Statement at UN Forum on Minority Issues 11th Session and Chinese Delegate's Response," November 29, 2018.

[4] See, e.g., Amnesty International, "China: Human Rights Violations in the Name of 'National Security': Amnesty International Submission for the UN Universal Periodic Review, 31st Session of the UPR Working Group, November 2018," March 1, 2018, 7, 11–12; Society for Threatened Peoples, "Third Cycle, Thirty-First Session of the UPR, UPR Submission on China," accessed June 11, 2019, 2–3; Human Rights Watch, "Submission to the Universal Periodic Review of China," March 29, 2018.

[5] Gerry Groot, "The Rise and Rise of the United Front Work Department under Xi," *China Brief,* Jamestown Foundation 18, no. 7, April 24, 2018; "Zhonggong zhongyang yinfa 'shenhua Dang he guojia jigou gaige fang'an'" [CCP Central Committee issues "plan for deepening reform of Party and state government agencies' reform agenda"], *Xinhua,* March 21, 2018; CECC, *2018 Annual Report,* October 10, 2018, 137. At the March 2018 meetings of the National People's Congress and the Chinese People's Political Consultative Conference in Beijing municipality (Two Sessions), the UFWD assumed control of the government departments overseeing ethnic affairs (the State Ethnic Affairs Commission) and religion (the State Administration for Religious Affairs).

[6] Shen Guiping, "Jiang qingchu Zhonghua wenhua, zhulao Zhonghua minzu gongtong ti yishi—'Shehui Zhuyi Xueyuan Gongzuo Tiaoli' xuexi tihui" [Clearly explain Chinese culture, forge a unified Chinese consciousness – "Socialism Institute Work Regulations" learning experience], *China Ethnicity News,* February 1, 2019.

[7] Tao Wenzhao, "Zai gongtong fanrong fazhan zhong zhulao Zhonghua minzu gongtong ti yishi" [Forging Chinese collective consciousness while collectively prospering in development], *Guangming Daily,* January 5, 2018.

[8] Hao Shiyuan, "Zhulao Zhonghua minzu gongtong ti yishi bixu tuiguang guojia tongyong yuyan wenzi" [To forge Chinese collective consciousness the national common language and characters must be promoted], *People's Daily,* October 31, 2018; Shen Guiping, "Jiang qingchu Zhonghua wenhua, zhulao Zhonghua minzu gongtong ti yishi—'Shehui Zhuyi Xueyuan Gongzuo Tiaoli' xuexi tihui" [Clearly explain Chinese culture, forge a unified Chinese consciousness – "Socialism Institute Work Regulations" learning experience], *China Ethnicity News,* February 1, 2019.

[9] Shen Guiping, "Jiang qingchu Zhonghua wenhua, zhulao Zhonghua minzu gongtong ti yishi—'Shehui Zhuyi Xueyuan Gongzuo Tiaoli' xuexi tihui" [Clearly explain Chinese culture, forge a unified Chinese consciousness – "Socialism Institute Work Regulations" learning experience], *China Ethnicity News,* February 1, 2019.

[10] State Ethnic Affairs Commission, "Guojia minwei zhaokai quanguo minzu xuanchuan gongzuo huiyi Guo Weiping chuxi bing jianghua" [SEAC holds national ethnic propaganda work meeting, Guo Weiping attends and delivers a speech], March 27, 2019.

[11] "You Quan: Jianchi Dang dui zongjiao gongzuo de lingdao, chixu tuijin woguo zongjiao Zhongguohua" [You Quan: uphold the Party's leadership over religious work, persist in advancing the Sinicization of our country's religions] *Xinhua,* March 20, 2019. See also John Dotson, "Propaganda Themes at the CPPCC Stress the 'Sinicization' of Religion," *China Brief,* Jamestown Foundation, April 9, 2019, 2.

[12] State Council, "Zhengfu gongzuo baogao" [Government work report], reprinted in *Xinhua,* March 16, 2019; Nectar Gan, "Beijing Plans to Continue Tightening Grip on Christianity and Islam as China Pushes Ahead with the 'Sinicisation of Religion,'" *South China Morning Post,* March 6, 2019.

[13] See, e.g., Mimi Lau, "Chinese Arabic School to Close as Areas with Muslim Populations Are Urged to Study the Xinjiang Way," *South China Morning Post,* December 9, 2018; Sam McNeil, "Hui Poet Fears for His People as China 'Sinicizes' Religion," *Associated Press,* December 28, 2018.

[14] Ian Johnson, "How the State Is Co-Opting Religion in China," *Foreign Affairs,* January 7, 2019; Chun Han Wong, "China Applies Xinjiang's Policing Lessons to Other Muslim Areas," *Wall Street Journal,* December 23, 2018; Nectar Gan, "Chinese Hui Mosque Protest Ends after Authorities Promise to Consult Community," *South China Morning Post,* August 15, 2018; "China's Ningxia to 'Learn From' Xinjiang's Anti-Terror Campaign," *Radio Free Asia,* December 3, 2018. Hui Muslims also live in the XUAR, but reports from the past reporting year have focused on increased repression of Hui communities outside of the XUAR. See, e.g., Joanne Smith Finley, "'Now We Don't Talk Anymore,'" *ChinaFile,* Asia Society, December 28, 2018.

[15] Ji Yuqiao, "Ningxia Learns From Xinjiang How to Fight Terrorism," *Global Times,* November 27, 2018; Deng Zhihua, "Ningxia dangwei zhengfa wei deng bumen fu Xinjiang kaocha duijie fankong weiwen gongzuo" [Ningxia political-legal committee department travels to Xinjiang to inspect counterterrorism and stability maintenance work], *Ningxia Daily,* November 27, 2018. See also "China's Ningxia to 'Learn From' Xinjiang's Anti-Terror Campaign," *Radio Free Asia,* December 3, 2018; Sophia Yan, "Fears China's Internment Camps Could Spread as Area Home to Muslim Minority Signs 'Anti-Terror' Deal," *Telegraph,* November 29, 2018.

[16] Sophia Yan, "Fears China's Internment Camps Could Spread as Area Home to Muslim Minority Signs 'Anti-Terror' Deal," *Telegraph,* November 29, 2018. See also David R. Stroup, "The Xinjiang Model of Ethnic Politics and the Daily Practice of Ethnicity," *China at the Crossroads* (blog), December 19, 2018.

[17] "Gansu Linxia yi qingzhensi zao qiangchai duo ren bei ju" [A mosque in Linxia, Gansu, is demolished, many people are detained], *Radio Free Asia,* April 12, 2019; William Yang, "Zhongguo xu tui Yisilan Hanhua Gansu qingzhensi zao 'mieding'" [China continues Hanification of Islam, Gansu mosque "extinguished"], *Deutsche Welle,* April 12, 2019; Bai Shengyi, "Gansu yi qingzhensi gang jiancheng jiu zao qiangchai Musilin laoren tang de tongku" [Mosque in Gansu demolished just after being built, elderly Muslims lie on the ground and weep], *Bitter Winter,* April 12, 2019.

[18] Liwei Wu, "Love Allah, Love China," *Foreign Policy,* March 25, 2019; Meng Yihua, "Three Hui Mosques Raided in China's Yunnan Province," *Muslim News,* January 25, 2019.

[19] Zhao Yusha, "Gansu Shuts Down Arabic School over Regulations," *Global Times,* December 4, 2018; Mimi Lau, "Chinese Arabic School to Close as Areas with Muslim Populations Are Urged to Study the Xinjiang Way," *South China Morning Post,* December 9, 2018; Chun Han Wong, "China Applies Xinjiang's Policing Lessons to Other Muslim Areas," *Wall Street Journal,* December 23, 2018.

[20] James Palmer, "China's Muslims Brace for Attacks," *Foreign Policy,* January 5, 2019; Liu Caiyu, "Gansu Removes 4 Halal-Linked Standards to Curb Religious Extremism," *Global Times,* December 17, 2018; "China: 'Arabic-Sounding' River Renamed to Curb Islamic Influence," *Al Jazeera,* October 2, 2018; Liwei Wu, "Love Allah, Love China," Foreign Policy, March 25, 2019. See also Liu Caiyu, "Islamic Communities Urged to Uphold Sinicization, Improve Political Stance," *Global Times,* January 6, 2019; Nectar Gan, "Beijing Plans to Continue Tightening Grip on Christianity and Islam as China Pushes Ahead with the 'Sinicisation of Religion,'" *South China Morning Post,* March 6, 2019; Sam McNeil, "Hui Poet Fears for His People as China 'Sinicizes' Religion," *Associated Press,* December 28, 2018.

[21] Huizhong Wu, "Sign of the Times: China's Capital Orders Arabic, Muslim Symbols Taken Down," *Reuters,* July 31, 2019.

[22] See, e.g., CECC, *2018 Annual Report,* October 10, 2018, 139; CECC, *2017 Annual Report,* October 5 2017, 148–49.

[23] See, e.g., "Chinese Police Hold Another Ethnic Mongolian Writer over Protest," *Radio Free Asia,* April 16, 2019; Southern Mongolian Human Rights Information Center, "Two More WeChat Group Administrators Detained," April 26, 2019.

[24] "Chinese Police Hold Another Ethnic Mongolian Writer over Protest," *Radio Free Asia,* April 16, 2019; "Nei menggu duo wei mumin shangfang bei juliu Neimeng xuexiao jinggao bu de wangyi lingdao ren" [Many herder petitioners detained in Inner Mongolia, Inner Mongolian school warned against discussing leaders], Radio Free Asia, April 8, 2019.

[25] "Chinese Police Hold Another Ethnic Mongolian Writer over Protest," *Radio Free Asia,* April 16, 2019; "Nei menggu duo wei mumin shangfang bei juliu Neimeng xuexiao jinggao bu de wangyi lingdao ren" [Many herder petitioners detained in Inner Mongolia, Inner Mongolian school warned against discussing leaders], *Radio Free Asia,* April 8, 2019.

[26] Southern Mongolian Human Rights Information Center, "Two More WeChat Group Administrators Detained," April 26, 2019; "Two More Ethnic Mongolians Jailed in China, WeChat Groups Deleted," *Radio Free Asia,* April 26, 2019.

[27] Southern Mongolian Human Rights Information Center, "Two More WeChat Group Administrators Detained," April 26, 2019; "Two More Ethnic Mongolians Jailed in China, WeChat Groups Deleted," *Radio Free Asia,* April 26, 2019.

[28] Southern Mongolian Human Rights Information Center, "Two More WeChat Group Administrators Detained," April 26, 2019; "Two More Ethnic Mongolians Jailed in China, WeChat Groups Deleted," *Radio Free Asia,* April 26, 2019.

[29] Southern Mongolian Human Rights Information Center, "Writer Tried behind Closed Doors as 'National Separatist,' Pending Sentence," April 11, 2019; "China Tries Ethnic Mongolian Historian for Genocide Book, in Secret," *Radio Free Asia,* April 12, 2019. For more information on Lhamjab Borjigin, see the Commission's Political Prisoner Database record 2019–00105.

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

[31] Southern Mongolian Human Rights Information Center, "Writer Placed under Criminal Detention for Defending Herders' Rights," April 16, 2019; "Chinese Police Hold Another Ethnic Mongolian Writer over Protest," *Radio Free Asia,* April 16, 2019.

[32] Southern Mongolian Human Rights Information Center, "Writer Placed under Criminal Detention for Defending Herders' Rights," April 16, 2019; "Chinese Police Hold Another Ethnic Mongolian Writer over Protest," *Radio Free Asia,* April 16, 2019.

[33] Southern Mongolian Human Rights Information Center, "Writer Placed under Criminal Detention for Defending Herders' Rights," April 16, 2019.

[34] Southern Mongolian Human Rights Information Center, "Activist Placed under Criminal Detention for 'Picking Quarrels and Provoking Troubles,'" April 19, 2019; "Third Ethnic Mongolian Writer Held in China's Inner Mongolia," *Radio Free Asia,* April 22, 2019.

[35] Southern Mongolian Human Rights Information Center, "Activist Placed under Criminal Detention for 'Picking Quarrels and Provoking Troubles,'" April 19, 2019; "Third Ethnic Mongolian Writer Held in China's Inner Mongolia," *Radio Free Asia,* April 22, 2019.

[36] Southern Mongolian Human Rights Information Center, "Activist Placed under Criminal Detention for 'Picking Quarrels and Provoking Troubles,'" April 19, 2019; "Third Ethnic Mongolian Writer Held in China's Inner Mongolia," *Radio Free Asia,* April 22, 2019.

POPULATION CONTROL

Findings

- To address demographic concerns and spur population growth, the Chinese Communist Party and government relaxed the family planning policy in 2016 to allow all married couples to have two children. The "universal two-child policy," however, remained a birth limit policy, and the Commission continued to observe reports of official coercion committed against women and their families during this reporting year. Chinese authorities threatened or imposed punishments on families for illegal pregnancies and births, using methods including heavy fines, job termination, and abortion.
- Chinese authorities implemented the "universal two-child policy" for a fourth consecutive year in 2019, and the latest government statistics showed that the policy's effect was limited. The National Bureau of Statistics of China data showed that the total number of births in 2018—reportedly the lowest since 1961—dropped by 2 million in comparison to the 2017 figure. This decline is much larger than what some population experts had predicted. In 2018, China's fertility rate remained around 1.6 births per woman, below the replacement rate of 2.1 births per woman necessary to maintain a stable population. The birth rate was 10.94 per 1,000 persons, reportedly the lowest since 1949 when the People's Republic of China was founded. The working-age population continued its seventh consecutive decline by 4.7 million, while the elderly population increased by 8.59 million. China's overall sex ratio in 2018 was 104.64 males to 100 females, and there were approximately 31.64 million more males than females in China.
- This reporting year, central government authorities rejected calls to end birth restrictions, despite population experts and National People's Congress delegates voicing demographic, economic, and human rights concerns over China's population control policies. Experts urged the Chinese government to implement policies, including financial incentives and other forms of assistance, to encourage couples to have children. If not adequately addressed, China's decades-long birth limit policies and resultant demographic challenges could weaken China's economy and political stability.
- The Chinese government's restrictive family planning policies have exacerbated China's sex ratio imbalance, which reportedly has fueled the demand for foreign women and resulted in human trafficking for forced marriage and commercial sexual exploitation.
- Four decades of China's population control policies combined with a traditional preference for sons may have encouraged a black market for illegal adoptions. This past year, the Commission observed a new trend in which pregnant foreign women sold their newborn children in China for illegal adoption.
- One former mass internment camp detainee in the Xinjiang Uyghur Autonomous Region (XUAR) alleged that authorities sterilized her without her knowledge while she was in detention. Two former detainees reported that camp authorities

forced female detainees to take unknown medications and injected them with unknown substances, after which the women ceased menstruating.

Recommendations

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

- Highlight the looming demographic challenges currently facing China in bilateral meetings with Chinese government officials—including a rapidly aging population, shrinking workforce, and sex ratio imbalance; and emphasize that these demographic trends could harm China's economy if not addressed in a timely manner by ending as soon as possible all birth restrictions imposed on families.
- Use authorities provided in the Foreign Relations Authorization Act of 2000 (Public Law No. 106–113) and the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) to deny entry into the United States and impose sanctions against Chinese officials who have been directly involved in the formulation, implementation, or enforcement of China's coercive family planning policies, including those who have forced men and women to undergo sterilizations and abortions.
- Call on China's central and local governments to vigorously enforce provisions of Chinese law that provide for punishment of officials and other individuals who engage in these abuses.
- Publicly link, with supporting evidence, the sex ratio imbalance exacerbated by China's population control policies with regional humanitarian and security concerns—human trafficking, crime, increased internal and external migration, and other possible serious social, economic, and political problems—and discuss and address these issues in bilateral and multilateral dialogues.
- Call on officials in the XUAR to address allegations of the forced sterilization of mass internment camp detainees; and call on officials to respond to accounts that authorities subjected female camp detainees to the forced injection of unknown substances and forced ingestion of unknown medication that disrupted their menstrual cycles.

Population Control

International Standards and China's Coercive Population Policies

During the Commission's 2019 reporting year, Chinese authorities continued to implement coercive population control policies that violate international standards. Starting in 2016, the Chinese Communist Party and government relaxed birth restrictions and implemented the "universal two-child policy." [1] The "universal two-child policy," however, continued to impose birth limits as the PRC Population and Family Planning Law and provincial-level regulations restrict married couples to having two children.[2] Exceptions allowing for additional children exist for couples who meet certain criteria, which vary by province, including some exceptions for ethnic minorities,[3] remarried couples, and couples who have children with disabilities.[4] Despite population experts and National People's Congress delegates voicing their concerns over China's population policy on demographic and human rights grounds, central government authorities rejected calls to end birth limits during this reporting year.[5] Local-level officials reportedly continued to enforce compliance with family planning policies using methods including heavy fines,[6] job termination,[7] and coerced abortion.[8]

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

Coercive Implementation and Punishment for Noncompliance

During the Commission's 2019 reporting year, the Commission continued to observe reports of coercive enforcement of family planning policies. The PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the "legitimate rights and interests" of citizens while implementing family planning policies.[13] Some provincial-level population planning regulations, however, continued to explicitly instruct officials to carry out abortions—often referred to as "remedial measures" (*bujiu cuoshi*)—for unsanctioned pregnancies.[14] Some local government authorities emphasized in official reports the need to prevent and control illegal pregnancies and births, and instructed family planning officials to carry out the invasive "three inspections" (intrauterine device (IUD), pregnancy, and health inspections) and "four procedures" (IUD insertion, first trimester abortion, mid- to late-term abortion, and sterilization).[15] For example, a government report from Dalu township, Qionghai city, Hainan province, stated that local authorities carried out in total 264 "four procedures" operations in 2018.[16] The same report also touted that local authorities had a success rate of 83 percent in detecting pregnancies with-

in the first six months of the gestation period and reached 100.5 percent of their family planning work targets.[17]

Chinese authorities also continued to use various methods of punishment to enforce citizens' compliance with family planning policies. In accordance with national-level legal provisions,[18] local provisions and governments have directed officials to punish noncompliance through heavy fines, termed "social compensation fees" (*shehui fuyang fei*), which are often much greater than the average annual income in localities across China.[19] In addition to fines, officials imposed or threatened other punishments for family planning violations that included job termination[20] and abortion.[21] The PRC Population and Family Planning Law prohibits, and provides punishments for, infringement by officials on citizens' personal, property, and other rights while implementing family planning policies.[22]

CASES OF COERCION

In March 2019, authorities in Yuncheng district, Yunfu municipality, Guangdong province, reportedly dismissed a female public school teacher, surnamed Xie, from her job for giving birth to a third child in violation of China's two-child policy.[23] Earlier in December 2018, authorities also dismissed Xie's husband from his job, reportedly leaving the family in a dire financial situation.[24] Xie became pregnant in June 2018, and local authorities from various government agencies pressured her—a total of 14 times—to terminate her pregnancy or face losing her job.[25] Xie refused and gave birth to her third child in January 2019.[26] She argued that authorities' administrative actions were illegal and violated several provincial and national laws and regulations.[27] As of June 2019, the Commission had not observed any update on the case.

According to Chinese and international reports, shortly before the lunar new year in January 2019, local authorities in Chengwu county, Heze municipality, Shandong province, froze the financial accounts and work pay of a couple surnamed Wang, because they had failed to pay "social compensation fees" in the amount of 64,626 yuan (approximately US$9,500).[28] The couple, however, had approximately 23,000 yuan (approximately US$3,300) in their accounts, with the remaining balance still due.[29] Authorities had fined the couple for the January 2017 birth of their third child, which violated national law and local family planning regulations.[30] The Wangs were reportedly in a dire financial situation as a result of the account freeze.[31]

Report of Forced Sterilization in Mass Internment Camps in the Xinjiang Uyghur Autonomous Region (XUAR)

Mihrigul Tursun. According to international media, authorities in the XUAR forcibly sterilized ethnic Uyghur Mihrigul Tursun without her knowledge while she was detained in a mass internment camp in the XUAR. Authorities detained Tursun three times in mass internment camps and other facilities, for a total of 10 months.[32] Tursun said authorities at a mass internment camp where she was held forced her and other detainees to swallow unknown pills and drink "some kind of white liquid," and injected them with unknown substances.[33] According to Tursun, the white liquid halted menstruation in some detainees and caused severe bleeding in others.[34] Following her release from custody[35] and arrival in the United States, doctors confirmed that she had been sterilized.[36] Gulbahar Jelilova, an ethnic Uyghur woman detained in a mass internment camp in the XUAR, also said that doctors repeatedly injected female detainees with an unknown substance that stopped their menstruation.[37]

The Universal Two-Child Policy

To address demographic challenges facing China, the Party and government implemented the "universal two-child policy" in 2016 to boost population growth,[38] but government statistics showed that the policy's effect was limited. In 2016, the former National Health and Family Planning Commission had predicted that the universal two-child policy would result in population growth,[39] with an estimated total of 17.5 to 21 million children born per year during the 13th Five-Year Plan period (2016–2020).[40] According to a January 2019 National Bureau of Statistics of China (NBS) report, however, the number of total births in 2018 was 15.23 million—reportedly the lowest since 1961[41]—showing a decline of 2 million births in comparison to the 2017 figure of 17.23 million.[42] This decline is much larger than the range of 300,000 to 800,000 annual drop that some population experts predicted.[43] Yi Fuxian, a prominent U.S.-based demographic expert, disagreed with the official NBS report and suggested that the total births in 2018 may have been as low as 10.3 million.[44]

Some experts argued that the universal two-child policy did have a short-term effect of encouraging births and stabilizing the birth rate.[45] This effect was evidenced by the one-time increase of 1.31 million births in 2016, and in the first few years of the "universal two-child policy," over 50 percent of new births reportedly were second children.[46] Experts noted, however, that these phenomena were likely caused by a temporary "pile-up effect," as many women nearing the end of their childbearing age rushed to give birth to a second child after the two-child policy became effective in 2016.[47] As this "pile-up effect" is unsustainable, experts predicted that beginning in 2018, the annual newborn population would rapidly decline further.[48] Some experts attributed the decline in births to the shrinking number of women of childbearing age[49] and the reluctance on the part of many married couples to have children owing to concerns such as the high cost of rearing a child,[50] the lack of

adequate child care and education options,[51] and the potential disruption to career development.[52]

As the "universal two-child policy" failed to boost population growth for a second consecutive year, population experts and National People's Congress (NPC) delegates, citing demographic and economic challenges, as well as human rights concerns, called on the Chinese government to end all birth restrictions imposed on Chinese families. Experts noted that China's decades-long birth limit policies and resultant demographic challenges, which include a rapidly aging population and a shrinking workforce, could weaken China's economy and political stability.[53] Falling fertility in the past two years shows that the existing universal two-child policy may not adequately mitigate China's demographic challenges, causing experts and NPC delegates to call on Chinese authorities to abolish all birth restrictions.[54] Experts also warned that even if all birth restrictions are removed, it may not stop the trend of a falling birth rate and population decline, especially if it is not supplemented by policies that encourage births.[55] Experts urged the Chinese government to provide financial incentives, such as tax breaks, subsidies, and other forms of assistance to encourage couples to have more children.[56]

In addition to demographic concerns, some experts also emphasized that Chinese government authorities should respect and protect citizens' human rights and not intrude on their private reproductive lives.[57] In an August 2018 China Daily interview, Zhang Juwei, Director of the Institute of Population and Labor Economics at the Chinese Academy of Social Sciences, said that it is "inappropriate" to control population size for the sake of "boosting economic and social development . . . because reproductive rights are the fundamental rights of families."[58]

This past year, central government authorities rejected calls to end all birth restrictions imposed on Chinese families. In a written statement posted in January 2019, the National Health Commission (NHC) rejected an NPC recommendation of abolishing the birth limit policy, stating that "it is not appropriate to immediately and completely remove the 'family planning [policy],'" as it is still a law and policy mandated in China's Constitution.[59] In a separate response to the NPC, the NHC reiterated that Chinese family planning authorities will continue to impose "social compensation fees" on couples who violate the two-child policy.[60]

Demographic and Humanitarian Consequences of Population Control Policies

Four decades of population control policies have exacerbated China's demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. Affected in recent decades by government restrictions on the number of births per couple, China's total fertility rate has dropped from approximately 3 births per woman in the late 1970s[61] to an estimated 1.6 births per woman in 2018, below the replacement rate of 2.1 births per woman necessary to maintain a stable population.[62] Some reports suggested that the fertility rate in 2018 may have been as low as 1.02 births per woman.[63] In addition, the National Bureau of Statistics of China (NBS) reported that China's birth rate in

2018 was 10.94 per 1,000 persons in the population, reportedly the lowest since the founding of the People's Republic of China in 1949.[64]

China's low fertility rate and birth rate have contributed to a rapidly aging population and a shrinking workforce. According to the NBS, from 2017 to 2018, China's working-age population (persons between the ages of 16 and 59) declined by 4.7 million to 897.29 million, continuing a downward trend for a seventh consecutive year.[65] During the same period, the elderly population (persons aged 60 or older) increased by 8.59 million in 2018 to 249.49 million, or 17.9 percent of the total population.[66] According to the State Council National Population Development Plan (2016–2030), China's working-age population is expected to decline rapidly from 2021 to 2030, while the elderly population will increase markedly during the same period and is predicted to reach a quarter of the population by 2030.[67] By 2050, the elderly population is expected to account for approximately one-third of China's total population,[68] while the working-age population is expected to decrease by 200 million.[69] These demographic trends reportedly may burden China's healthcare, social services, and pension systems,[70] and could bring adverse effects to China's economy.[71]

The Chinese government's restrictive family planning policies have also exacerbated China's sex ratio imbalance, which reportedly fueled the demand for foreign women and contributed to human trafficking. Although Chinese authorities continued to implement a ban on "non-medically necessary sex determination and sex-selective abortion," [72] some people reportedly continued the practice in keeping with a traditional cultural preference for sons.[73] According to a January 2019 NBS report, China's overall sex ratio in 2018 was 104.64 males to 100 females, and there were approximately 31.64 million more males than females in China (713.51 million males to 681.87 million females).[74] The NBS reported that the sex ratio at birth (SRB) in 2015 was 113.51 males to 100 females,[75] but it did not provide statistics on the SRB since 2016 when the universal two-child policy was implemented.[76] Demographic experts have long expressed concerns that the sex ratio imbalance in China could lead to an increase in crime,[77] trafficking of women,[78] and social instability.[79] This past year, international media reports continued to suggest a link between China's sex ratio imbalance and the trafficking of foreign women—from countries including Burma (Myanmar), Cambodia, Indonesia, Laos, Pakistan, and Vietnam—into China for forced marriage or commercial sexual exploitation.[80] [For more information on cross-border trafficking, see Section II—Human Trafficking.]

Decades of birth limits under China's population control policies combined with a traditional preference for sons may also have encouraged a black market for illegal adoptions.[81] This reporting year, the Commission observed a new trend in which foreign women sold their newborn children in China for illegal adoption.[82] According to Vietnamese news media reports, Vietnamese authorities detained and investigated individuals suspected of moving pregnant women across the border into China to sell newborn children.[83] In the Vietnamese province of Nghe An alone, there were at least 27 pregnant women who had traveled to China to sell their

newborns in 2018.[84] [For inconsistencies in the definition of "human trafficking" between Chinese law and international standards, see Section II—Human Trafficking.]

Notes to Section II—Population Control

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

[2] *Zhonghua Renmin Gongheguo Renkou Yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, art. 18. Article 18 of the Population and Family Planning Law provides that "the state advocates two children per married couple." For provincial population regulations that require couples be married to have children and limit them to bearing two children, see, e.g., Fujian Province People's Congress Standing Committee, *Fujian Sheng Renkou Yu Jihua Shengyu Tiaoli* [Fujian Province Population and Family Planning Regulations], issued April 29, 1988, amended November 24, 2017, arts. 8, 12; Guangxi Zhuang Autonomous Region People's Congress Standing Committee, *Guangxi Zhuangzu Zizhiqu Renkou He Jihua Shengyu Tiaoli* [Guangxi Zhuang Autonomous Region Population and Family Planning Regulations], issued March 23, 2012, effective June 1, 2012, amended January 15, 2016, art. 13.

[3] See, e.g., Fujian Province People's Congress Standing Committee, *Fujian Sheng Renkou Yu Jihua Shengyu Tiaoli* [Fujian Province Population and Family Planning Regulations], issued April 29, 1988, amended November 24, 2017, art. 9(4)–(5); Heilongjiang Province People's Congress Standing Committee, *Heilongjiang Sheng Renkou Yu Jihua Shengyu Tiaoli* [Heilongjiang Province Population and Family Planning Regulations], issued October 18, 2002, effective January 1, 2003, amended April 21, 2016, art. 13.

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

[5] National Health Commission, "Dui Shisan Jie Renda Yici Huiyi di 1949 hao jianyi de dafu" [Reply to 13th NPC First Session's suggestion no. 1949], January 8, 2019; "Zhongguo shengyu lu quanqiu dao shu quanmian kaifang reng yaoyao wuqi (xia)" [China's fertility rate lowest in the world, is the end of family planning policy still distant? (part 2)], *Radio Free Asia,* January 25, 2019; Christopher Bodeen, "China's Leaders Want More Babies, but Local Officials Resist," *Associated Press,* February 19, 2019.

[6] See, e.g., Michelle Wong, "China's Two-Child Policy Under Fire as Parents' Bank Account Frozen for Having Third Child," *South China Morning Post,* February 14, 2019; Luo Fa, "Zhongguo yan'ge shixing er tai zhengce Shandong fufu sheng san tai zao fa" [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], *Deutsche Welle,* February 18, 2019.

[7] See, e.g., Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019. See also Xie Zhengling, "Huai di san hai bei citui" [Fired for bearing a third child], *Worker Online, Southern Daily,* January 10, 2019.

[8] See, e.g., Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019. See also Xie Zhengling, "Huai di san hai bei citui" [Fired for bearing a third child], *Worker Online, Southern Daily,* January 10, 2019.

[9] Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on September 15, 1995, and endorsed by UN General Assembly resolution 50/203 on December 22, 1995, Annex I, paras. 9, 17. The Beijing Declaration states that governments which participated in the Fourth World Conference on Women reaffirmed their commitment to "[e]nsure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms" (Annex I, para. 9) and "[t]he explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment" (Annex I, para. 17). Programme of Action adopted by the Cairo International Conference on Population and Development on September 13, 1994, paras. 7.2, 8.25. Paragraph 7.2 states, "Reproductive health therefore implies that people . . . have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice . . .." Paragraph 8.25 states, "In no case should abortion be promoted as a method of family planning." For coercive controls imposed on Chinese women and their families, see, e.g., Sha Heshang de Weibo (@Shaheshangdeweibo01), "Guangdong Yufun shi nuzi sheng san tai, fuqi shuangshuang bei kaichu" [A woman in Yunfu municipality, Guangdong, gave birth to three children, husband and wife both dismissed from jobs], Weibo post, March 26, 2019; Michelle Wong, "China's Two-Child Policy Under Fire as Parents' Bank Account Frozen for Having Third Child," *South China Morning Post,* February 14, 2019.

[10] United Nations, Report of the Fourth World Conference on Women, A/CONF.177/20/Rev.1, September 15, 1995, chap. II, para. 3; chap. VI, para. 12. China was one of the participating

States at the Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. United Nations Population Information Network, Report of the International Conference on Population and Development (ICPD), A/CONF.171/13, October 18, 1994, 271. China was one of the participating States at the ICPD, which reached a general agreement on the Programme of Action.

[11] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 1; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 51. In 2016, the UN Committee against Torture noted its concern regarding "reports of coerced sterilization and forced abortions, and . . . the lack of information on the number of investigations into such allegations . . . [and] the lack of information regarding redress provided to victims of past violations." For acts of coercion committed in the implementation of population planning policies, see, e.g., Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019. See also Xie Zhengling, "Huai di san hai bei citui" [Fired for bearing a third child], *Worker Online, Southern Daily,* January 10, 2019; Luo Fa, "Zhongguo yan'ge shixing er tai zhengce Shandong fufu sheng san tai zao fa" [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], *Deutsche Welle,* February 18, 2019.

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

[13] *Zhonghua Renmin Gongheguo Renkou Yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, arts. 4, 39.

[14] He Yafu, "Cha dian bei duotai de Deng Chao he Zhao Ruirui" [Deng Chao and Zhao Ruirui who were almost aborted], *CNPOP,* February 9, 2014. For examples of provincial-level population planning regulations instructing officials to carry out abortions, see Jiangxi Province People's Congress Standing Committee, *Jiangxi Sheng Renkou Yu Jihua Shengyu Tiaoli* [Jiangxi Province Population and Family Planning Regulations], issued June 16, 1990, amended and effective May 31, 2018, art. 15; Hubei Province People's Congress Standing Committee, *Hubei Sheng Renkou Yu Jihua Shengyu Tiaoli* [Hubei Province Population and Family Planning Regulations], issued December 1, 2002, amended and effective January 13, 2016, art. 12.

[15] See, e.g., "Chen Zhongyi zai Xide xian ducha tuo pin gong jian shi qiangdiao: jia kuai anquan zhufang jianshe zhua hao tuchu wenti zhenggai qianfang baiji quebao wancheng niandu jian pin renwu" [Chen Zhongyi inspects [work] on poverty allievation in Xide county and emphasizes: accelerate construction of safe housing, focus on rectification of problems, use all means necessary to ensure completion of annual poverty alleviation tasks], *Liangshan Daily,* reprinted in Liangshan Yi Autonomous Prefecture Poverty and Immigration Bureau, November 16, 2018; Ju'nan County People's Government, "Laopo Zhen Jisheng Ban gongzuo zhize" [Laopo Township Family Planning Office job responsibilities], November 27, 2018; Dalu Township People's Government, "Dalu zhen 2018 niandu zhengfu gongzuo baogao" [Dalu township 2018 government work report], reprinted in Qionghai Municipal People's Government, January 23, 2019. See also Ma Jian, Women's Rights in China, "Nongcun jihua shengyu zhong de 'san cha' qingkuang diaocha" [Investigation into the "three inspections" of rural family planning], reprinted in *Boxun,* April 15, 2009; Yu Han, "Jihua shengyu qiangzhi jiezha renliu hai ku le Zhongguo ren" [Chinese people suffer from family planning [policy's] forced sterilizations and abortions], *Tencent,* June 15, 2012.

[16] Dalu Township People's Government, "Dalu zhen 2018 niandu zhengfu gongzuo baogao" [Dalu township 2018 government work report], reprinted in Qionghai Municipal People's Government, January 23, 2019.

[17] Ibid.

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

[19] For a list of provincial-level provisions that mandate collection of "social compensation fees," see "2018 nian shehui fuyang fei zhengshou biaozhun yu zui xin guiding" [2018 social compensation fee collection standards and newest provisions], *Shebao Chaxun Wang,* January 15, 2018. For an example of a local government that collected or demanded collection of "social compensation fees" during this reporting year, see, e.g., Luo Fa, "Zhongguo yan'ge shixing er tai zhengce Shandong fufu sheng san tai zao fa" [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], *Deutsche Welle,* February 18, 2019. "Social compensation fees" are also known as "social maintenance fees."

[20] See, e.g., Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019. See also Xie Zhengling, "Huai di san hai bei citui" [Fired for bearing a third child], *Worker Online, Southern Daily,* January 10, 2019.

[21] See, e.g., Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019. See also Xie Zhengling, "Huai di san hai bei citui" [Fired for bearing a third child], *Worker Online, Southern Daily,* January 10, 2019.

[22] *Zhonghua Renmin Gongheguo Renkou Yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, arts. 4, 39(1)–(2). Article 4 of the PRC Population and Family Planning Law states that officials "shall perform their family planning work duties strictly in accordance with the law, and enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens." Article 39 states that an official is subject to criminal or administrative punishment if he "infringe[s] on a citizen's personal rights, property rights, or other legitimate rights and interests" or "abuse[s] his power, neglect[s] his duty, or engage[s] in malpractice for personal gain" in the implementation of family planning policies.

[23] Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019. See also Xie Zhengling, "Huai di san hai bei citui" [Fired for bearing a third child], *Worker Online, Southern Daily,* January 10, 2019.

[24] Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019. See also Xie Zhengling, "Huai di san hai bei citui" [Fired for bearing a third child], *Worker Online, Southern Daily,* January 10, 2019.

[25] Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019. See also Xie Zhengling, "Huai di san hai bei citui" [Fired for bearing a third child], *Worker Online, Southern Daily,* January 10, 2019.

[26] Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019.

[27] Ibid.

[28] "Shandong cunmin sheng san hai wei jiao shehui fuyang fei Weixin lingqian bei dongjie, cun ganbu: ta jia jingji tiaojian bing bu hao" [Shandong villager had three children but did not pay social compensation fees, WeChat cash account frozen, village official said his family's financial situation not good], *Jiemian,* reprinted in *Guancha Net,* February 13, 2019; Luo Fa, "Zhongguo yan'ge shixing er tai zhengce Shandong fufu sheng san tai zao fa" [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], *Deutsche Welle,* February 18, 2019; Michelle Wong, "China's Two-Child Policy Under Fire as Parents' Bank Account Frozen for Having Third Child," *South China Morning Post,* February 14, 2019; Christopher Bodeen, "China's Leaders Want More Babies, but Local Officials Resist," *Associated Press,* February 19, 2019.

[29] Christopher Bodeen, "China's Leaders Want More Babies, but Local Officials Resist," *Associated Press,* February 19, 2019; "Shandong cunmin sheng san hai wei jiao shehui fuyang fei Weixin lingqian bei dongjie, cun ganbu: ta jia jingji tiaojian bing bu hao" [Shandong villager had three children but did not pay social compensation fees, WeChat cash account frozen, village official said his family's financial situation not good], *Jiemian,* reprinted in *Guancha Net,* February 13, 2019; Luo Fa, "Zhongguo yan'ge shixing er tai zhengce Shandong fufu sheng san tai zao fa" [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], *Deutsche Welle,* February 18, 2019; Michelle Wong, "China's Two-Child Policy Under Fire as Parents' Bank Account Frozen for Having Third Child," *South China Morning Post,* February 14, 2019.

[30] "Shandong cunmin sheng san hai wei jiao shehui fuyang fei Weixin lingqian bei dongjie, cun ganbu: ta jia jingji tiaojian bing bu hao" [Shandong villager had three children but did not pay social compensation fees, WeChat cash account frozen, village official said his family's financial situation not good], *Jiemian,* reprinted in *Guancha Net,* February 13, 2019; Luo Fa, "Zhongguo yan'ge shixing er tai zhengce Shandong fufu sheng san tai zao fa" [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], *Deutsche Welle,* February 18, 2019; Michelle Wong, "China's Two-Child Policy Under Fire as Parents' Bank Account Frozen for Having Third Child," *South China Morning Post,* February 14, 2019; Christopher Bodeen, "China's Leaders Want More Babies, but Local Officials Resist," *Associated Press,* February 19, 2019.

[31] "Shandong cunmin sheng san hai wei jiao shehui fuyang fei Weixin lingqian bei dongjie, cun ganbu: ta jia jingji tiaojian bing bu hao" [Shandong villager had three children but did not pay social compensation fees, WeChat cash account frozen, village official said his family's financial situation not good], *Jiemian,* reprinted in *Guancha Net,* February 13, 2019; Luo Fa, "Zhongguo yan'ge shixing er tai zhengce Shandong fufu sheng san tai zao fa" [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], *Deutsche Welle,* February 18, 2019; Michelle Wong, "China's Two-Child Policy Under Fire as Parents' Bank Account Frozen for Having Third Child," *South China Morning Post,* February 14, 2019; Christopher Bodeen, "China's Leaders Want More Babies, but Local Officials Resist," *Associated Press,* February 19, 2019.

[32] *The Communist Party's Crackdown on Religion in China, Hearing of the Congressional-Executive Commission on China,* 115th Cong. (2018) (testimony of Mihrigul Tursun, Uyghur Muslim detained in Chinese mass internment camp), 1–2, 5; Shosuke Kato and Kenji Kawase, "Xinjiang: What China Shows World vs. What Former Detainee Describes," *Nikkei Asian Review,* August 10, 2019.

[33] *The Communist Party's Crackdown on Religion in China, Hearing of the Congressional-Executive Commission on China,* 115th Cong. (2018) (testimony of Mihrigul Tursun, Uyghur Muslim detained in Chinese mass internment camp), 4, 5, 7; Shosuke Kato and Kenji Kawase, "Xinjiang: What China Shows World vs. What Former Detainee Describes," *Nikkei Asian Review,* August 10, 2019.

[34] *The Communist Party's Crackdown on Religion in China, Hearing of the Congressional-Executive Commission on China,* 115th Cong. (2018) (testimony of Mihrigul Tursun, Uyghur Muslim detained in Chinese mass internment camp), 4.
[35] Ibid., 5.
[36] Shosuke Kato and Kenji Kawase, "Xinjiang: What China Shows World vs. What Former Detainee Describes," *Nikkei Asian Review,* August 10, 2019; Shannon Molloy, "China's Sickening Acts on Female Prisoners at 'Re-Education' Camps," news.com.au, August 13, 2019.
[37] Shannon Molloy, "China's Sickening Acts on Female Prisoners at 'Re-Education' Camps," news.com.au, August 13, 2019. For more information on Gulbahar Jelilova, see the Commission's Political Prisoner Database record 2019-00032.
[38] Noelle Mateer and Tang Ziyi, "'Singles Tax' Furor Highlights Sensitivity over Pressure to Have More Children," *Caixin,* November 5, 2018; "China to Encourage Childbirth in 2019," *Xinhua,* December 22, 2018; "China's Demographic Danger Grows as Births Fall Far Below Forecast," *Wall Street Journal,* February 9, 2019.
[39] National Health and Family Planning Commission, "Li Bin zhuren deng jiu 'shishi quanmian lianghai zhengce' da jizhe wen wenzi shilu" [Text record of director Li Bin and others answering journalists' questions regarding "implementation of the universal two-child policy"], March 8, 2016.
[40] National Health and Family Planning Commission, "Zhidaosi fuzeren jiu 2015 nian chusheng renkou shu da Jiankang Bao, Zhongguo Renkou Bao jizhe wen" [Department of Community Family Planning official answers questions from Health News and China Population Daily journalists regarding the number of births in 2015], January 20, 2016.
[41] "China's Demographic Danger Grows as Births Fall Far Below Forecast," *Wall Street Journal,* February 9, 2019; "China Sees Fewest Births in 2018 since Mao's Great Famine," *Bloomberg,* January 21, 2019; Hu Chao and Meng Leilei, "Is China Facing a Looming Population Crisis?," *CGTN,* February 7, 2019.
[42] National Bureau of Statistics of China, "2018 nian jingji yunxing baochi zai heli qujian fazhan de zhuyao yuqi mubiao jiao hao wancheng" [The economy moved within reasonable range in 2018, main expected development targets were reached], January 21, 2019; National Bureau of Statistics of China, "Li Xiru: renkou zongliang pingwen zengzhang chengzhenhua shuiping wenbu tigao" [Li Xiru: total population increases steadily, urbanization level improves steadily], January 23, 2019. For the total number of births in 2017, see National Bureau of Statistics of China, "2017 nian jingji yunxing wenzhong xianghao, hao yu yuqi" [The economy was stable in 2017, exceeding expectations], January 18, 2018.
[43] Ma Danmeng and Han Wei, "Couples Not Delivering on Beijing's Push for Two Babies," *Caixin,* January 19, 2018; Liang Jianzhang and Huang Wenzheng, "Chusheng renkou xuebeng wei yao haizi jianshui he butie" [Birth population avalanche: cut taxes and provide subsidies to encourage having more children], *Caixin,* January 18, 2018; "China's Declining Birth Rate Requires Policy Change," *Xinhua,* January 25, 2018.
[44] "Zhongguo shengyu lu quanqiu dao shu quanmian kaifang reng yaoyao wuqi? (xia)" [China's fertility rate lowest in the world, is the end of family planning policy still distant? (Part 2)], *Radio Free Asia,* January 25, 2019.
[45] Shannon Tiezzi, "China's Number of Births Just Keeps Dropping," *The Diplomat,* November 1, 2018; Liang Jianzhang and Huang Wenzhang, "Opinion: China's Demographic Crisis Is a Reality," *Caixin,* January 25, 2019; Asa Butcher, "Birth Rate Drops in China for Third Consecutive Year since Child Policy Change," *GB Times,* January 4, 2019; Cao Siqi, "China Births Dip in 2018," *Global Times,* January 1, 2019.
[46] Shannon Tiezzi, "China's Number of Births Just Keeps Dropping," *The Diplomat,* November 1, 2018; Liang Jianzhang and Huang Wenzhang, "Opinion: China's Demographic Crisis Is a Reality," *Caixin,* January 25, 2019; Asa Butcher, "Birth Rate Drops in China for Third Consecutive Year since Child Policy Change," *GB Times,* January 4, 2019; Cao Siqi, "China Births Dip in 2018," *Global Times,* January 1, 2019; CECC, *2017 Annual Report,* October 5, 2017, 154.
[47] Liang Jianzhang and Huang Wenzhang, "Opinion: China's Demographic Crisis Is a Reality," *Caixin,* January 25, 2019; Shannon Tiezzi, "China's Number of Births Just Keeps Dropping," *The Diplomat,* November 1, 2018; "Zhongguo weilai ji nian xin sheng renkou yuji chixu xiajiang" [China's newborn population expected to continue declining in the next few years], *Voice of America,* November 1, 2018.
[48] Liang Jianzhang and Huang Wenzhang, "Opinion: China's Demographic Crisis Is a Reality," *Caixin,* January 25, 2019; Cao Siqi, "China Births Dip in 2018," *Global Times,* January 1, 2019; Shannon Tiezzi, "China's Number of Births Just Keeps Dropping," *The Diplomat,* November 1, 2018.
[49] Shannon Tiezzi, "China's Number of Births Just Keeps Dropping," *The Diplomat,* November 1, 2018; Asa Butcher, "Birth Rate Drops in China for Third Consecutive Year since Child Policy Change," *GB Times,* January 4, 2019; Hu Chao and Meng Leilei, "Is China Facing a Looming Population Crisis?," *CGTN,* February 7, 2019.
[50] Hu Chao and Meng Leilei, "Is China Facing a Looming Population Crisis?," *CGTN,* February 7, 2019; Wang Xiaodong, "Birthrate's Continued Fall Triggers Search for Ways to Grow Families," *China Daily,* March 18, 2019; Marcus Roberts, "The Bifurcation of Chinese Family Planning Policy," *Mercator Net,* February 26, 2019.
[51] Wang Xiaodong, "Birthrate's Continued Fall Triggers Search for Ways to Grow Families," *China Daily,* March 18, 2019; "China Facing Shortage of Child Care Services," *Xinhua,* April 3, 2019; "China to Encourage Childbirth in 2019," *Xinhua,* December 22, 2018.
[52] Wang Xiaodong, "Birthrate's Continued Fall Triggers Search for Ways to Grow Families," *China Daily,* March 18, 2019; Echo Huang, "China in 2018 Saw Its Fewest Births in More than Half a Century," *Quartz,* January 21, 2019; "Family Support, Career Prospects Top Concerns for Having Second Child: Newspaper," *Xinhua,* January 23, 2019.
[53] "China's Demographic Danger Grows as Births Fall Far Below Forecast," *Wall Street Journal,* February 9, 2019; "China Sees Fewest Births in 2018 since Mao's Great Famine,"

Bloomberg, January 21, 2019; Zhou Minxi, "Young, Middle Class and Childless: Behind China's Declining Birth Rates," *CGTN,* January 30, 2019; Tom Clifford, "China Faces Economic Headwinds from Shrinking Population," *International Policy Digest,* March 27, 2019.

[54] Steven Lee Myers and Claire Fu, "A Flurry of Ideas to Reverse China's Declining Birthrate, but Will Beijing Listen?," *New York Times,* March 13, 2019; Teng Jing Xuan, "Will a Boom in Lucky 'Pig' Babies Reverse China's Fertility Slump?," *Caixin,* December 20, 2018; Asa Butcher, "Birth Rate Drops in China for Third Consecutive Year since Child Policy Change," *GB Times,* January 4, 2019.

[55] Liang Jianzhang and Huang Wenzhang, "Opinion: China's Demographic Crisis Is a Reality," *Caixin,* January 25, 2019; Steven Lee Myers and Claire Fu, "A Flurry of Ideas to Reverse China's Declining Birthrate, but Will Beijing Listen?," *New York Times,* March 13, 2019; Marcus Roberts, "The Bifurcation of Chinese Family Planning Policy," *Mercator Net,* February 26, 2019.

[56] Shannon Tiezzi, "China's Number of Births Just Keeps Dropping," *The Diplomat,* November 1, 2018; Liang Jianzhang and Huang Wenzhang, "Opinion: China's Demographic Crisis Is a Reality," *Caixin,* January 25, 2019; Shi Yu, "People-First Policy for Healthy Growth," *China Daily,* August 22, 2018.

[57] "Zhongguo shengyu lu quanqiu dao shu quanmian kaifang reng yaoyao wuqi (xia)" [China's fertility rate lowest in the world, is the end of family planning policy still distant? (part 2)], *Radio Free Asia,* January 25, 2019; Christopher Bodeen, "China's Leaders Want More Babies, but Local Officials Resist," *Associated Press,* February 19, 2019; Shi Yu, "People-First Policy for Healthy Growth," *China Daily,* August 22, 2018.

[58] Shi Yu, "People-First Policy for Healthy Growth," *China Daily,* August 22, 2018.

[59] National Health Commission, "Dui Shisan Jie Renda Yici Huiyi di 1949 hao jianyi de dafu" [Reply to 13th NPC First Session's suggestion no. 1949], January 8, 2019.

[60] National Health Commission, "Dui Shisan Jie Renda Yici Huiyi di 1948 hao jianyi de dafu" [Reply to 13th NPC First Session's suggestion no. 1948], January 8, 2019.

[61] World Bank, "Fertility Rate, Total (Births Per Woman): China," accessed April 3, 2019.

[62] Central Intelligence Agency, "World Factbook: China," accessed May 15, 2019; Charlie Campbell, "China Is Preparing to End Draconian Family Planning Measures. but That Won't Solve Its Demographic Crisis," *Time,* August 28, 2018.

[63] Marcus Roberts, "The Bifurcation of Chinese Family Planning Policy," *Mercator Net,* February 26, 2019; Christopher Bodeen, "China's Leaders Want More Babies, but Local Officials Resist," *Associated Press,* February 19, 2019.

[64] National Bureau of Statistics of China, "2018 nian jingji yunxing baochi zai heli qujian fazhan de zhuyao yuqi mubiao jiao hao wancheng" [The economy moved within reasonable range in 2018, main expected development targets were reached], January 21, 2019; Tom Clifford, "China Faces Economic Headwinds from Shrinking Population," *International Policy Digest,* March 27, 2019; Stella Qiu, Yawen Chen, and Ryan Woo, "Modern China's Birth Rate Falls to Lowest Ever," *Reuters,* January 21, 2019; Central Intelligence Agency, "World Factbook: China," accessed May 15, 2019. According to the Central Intelligence Agency, the birth rate is defined as "the average annual number of births during a year per 1,000 persons in the population . . .. The birth rate is usually the dominant factor in determining the rate of population growth."

[65] National Bureau of Statistics of China, "2018 nian jingji yunxing baochi zai heli qujian fazhan de zhuyao yuqi mubiao jiao hao wancheng" [The economy moved within reasonable range in 2018, main expected development targets were reached], January 21, 2019; National Bureau of Statistics of China, "Li Xiru: renkou zongliang pingwen zengzhang chengzhenhua shuiping wenbu tigao" [Li Xiru: total population increases steadily, urbanization level improves steadily], January 23, 2019; National Bureau of Statistics of China, "2017 nian jingji yunxing wenzhong xianghao, hao yu yuqi" [The economy was stable in 2017, exceeding expectations], January 18, 2018; "Jisheng weiji baofa Zhongguo 10 nian hou 2 ren gongzuo yang 1 ren" [Family planning crisis, in China 10 years from now, the work of 2 people will support 1 person], *21st Century Business Herald,* reprinted in *Boxun,* January 29, 2019.

[66] National Bureau of Statistics of China, "2018 nian jingji yunxing baochi zai heli qujian fazhan de zhuyao yuqi mubiao jiao hao wancheng" [The economy moved within reasonable range in 2018, main expected development targets were reached], January 21, 2019; National Bureau of Statistics of China, "Li Xiru: renkou zongliang pingwen zengzhang chengzhen hua shuiping wenbu tigao" [Li Xiru: total population increases steadily, urbanization level improves steadily], January 23, 2019; National Bureau of Statistics of China, "2017 nian jingji yunxing wenzhong xianghao, hao yu yuqi" [The economy was stable in 2017, exceeding expectations], January 18, 2018.

[67] State Council, "Guojia Renkou Fazhan Guihua (2016–2030 Nian)" [National Population Development Plan (2016–2030)], issued December 30, 2016.

[68] Chen Jian, "Baogao yuce, 2050 nian Zhongguo laonian xiaofei shichang jiang da 60 wanyi yuan" [Report predicts, China's elderly consumer market will reach 60 trillion yuan by 2050], *China News Service,* October 21, 2018; Zhu Yueying, "Fazhan zhihui yanglao yingdui laolinghua" [Develop smart [ways] to care for the elderly to address aging], *People's Daily,* December 6, 2018.

[69] "'Renkou yu Laodong Lupishu: Zhongguo Renkou yu Laodong Wenti Baogao No. 19' fabuhui zhaokai" ["Population and Labor Green Paper: China's Population and Labor Issues Report No. 19" conference held], *Social Sciences Academic Press,* January 3, 2019; Tang Ziyi, "Chart of the Day: China's Shrinking Workforce," *Caixin,* January 29, 2019.

[70] "Jisheng weiji baofa Zhongguo 10 nian hou 2 ren gongzuo yang 1 ren" [Family planning crisis, in China 10 years from now, the work of 2 people will support 1 person], *21st Century Business Herald,* reprinted in *Boxun,* January 29, 2019; Wang Feng and Yong Cai, "China Isn't Having Enough Babies," *New York Times,* February 19, 2019; David Stanway, "China Lawmakers Urge Freeing Up Family Planning as Birth Rates Plunge," *Reuters,* March 12, 2019; Frank Tang, "China's State Pension Fund to Run Dry by 2035 as Workforce Shrinks Due to Effects of One-Child Policy, Says Study," *South China Morning Post,* May 3, 2019.

[71] "'Renkou yu Laodong Lupishu: Zhongguo Renkou yu Laodong Wenti Baogao No. 19' fabuhui zhaokai" ["Population and Labor Green Paper: China's Population and Labor Issues Report No. 19" conference held], *Social Sciences Academic Press,* January 3, 2019; Zhou Minxi, "Young, Middle Class and Childless: Behind China's Declining Birth Rates," *CGTN,* January 30, 2019; "China's Demographic Danger Grows as Births Fall Far Below Forecast," *Wall Street Journal,* February 9, 2019.

[72] For national laws and regulations prohibiting the practices of non-medically necessary gender determination testing and sex-selective abortion, see *Zhonghua Renmin Gongheguo Renkou Yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, art. 35; National Health and Family Planning Commission et al., *Jinzhi Fei Yixue Xuyao De Tai'er Xingbie Jianding He Xuanze Xingbie Rengong Zhongzhi Renshen De Guiding* [Provisions on Prohibiting Non-Medically Necessary Sex Determination and Sex-Selective Abortion], issued March 28, 2016, effective May 1, 2016. For provincial regulations that ban non-medically necessary sex determination and sex-selective abortion, see, e.g., Jiangxi Province People's Congress Standing Committee, *Jiangxi Sheng Renkou Yu Jihua Shengyu Tiaoli* [Jiangxi Province Population and Family Planning Regulations], issued June 16, 1990, amended and effective May 31, 2018, arts. 12–14; Hubei Province People's Congress Standing Committee, *Hubei Sheng Renkou Yu Jihua Shengyu Tiaoli* [Hubei Province Population and Family Planning Regulations], issued December 1, 2002, amended and effective January 13, 2016, art. 31.

[73] See, e.g., Linda Lew, "Chinese Blood Mule, 12, Caught Trying to Smuggle 142 Samples into Hong Kong for Sex Testing," *South China Morning Post,* March 28, 2019; "Feifa tai'er xingbie jianding cheng heishe! Chouxue ji dao jingwai jiance bian zhi nan nu" [A black market for illegal fetal sex determination! Blood sample sent overseas to determine sex], *Shanghai Observer,* October 26, 2018.

[74] National Bureau of Statistics of China, "2018 nian jingji yunxing baochi zai heli qujian fazhan de zhuyao yuqi mubiao jiao hao wancheng" [The economy moved within reasonable range in 2018, main expected development targets were reached], January 21, 2019.

[75] National Bureau of Statistics of China, "2015 nian guomin jingji yunxing wenzhong youjin, wenzhong youhao" [National economy moved in the direction of steady progress in 2015], January 19, 2016.

[76] National Bureau of Statistics of China, "2016 nian guomin jingji shixian 'Shisan Wu' lianghao kaiju" [National economy achieved a good start for the "13th Five-Year Plan" period in 2016], January 20, 2017; National Bureau of Statistics of China, "2017 nian jingji yunxing wenzhong xianghao, hao yu yuqi" [The economy was stable in 2017, exceeding expectations], January 18, 2018; National Bureau of Statistics of China, "2018 nian jingji yunxing baochi zai heli qujian fazhan de zhuyao yuqi mubiao jiao hao wancheng" [The economy moved within reasonable range in 2018, main expected development targets were reached], January 21, 2019; *Zhonghua Renmin Gongheguo Renkou Yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, art. 18. On December 27, 2015, the 12th National People's Congress Standing Committee amended the Population and Family Planning Law, which became effective on January 1, 2016, allowing all married couples to have two children.

[77] Liu Yanju, "Daling sheng nu bushi shenme wenti, nongcun sheng nan caishi zhenzheng de weiji" [Older leftover women are not a problem, rural leftover men are the real crisis], *Beijing News,* January 23, 2019; Wusheng County Communist Party Committee Party School, "Pinkun diqu daling nan qingnian hunpei kunnan wenti de diaocha yu sikao —— yi Wusheng xian Liemian zhen weili" [Research and reflection on the problem of older men with marriage difficulties in poor rural areas: Wusheng county's Liemian township as an example], December 6, 2018; Dandan Zhang, Lisa Cameron, and Xin Meng, "Has China's One Child Policy Increased Crime?," *Oxford University Press* (blog), March 25, 2019; Andrea den Boer and Valerie M. Hudson, "The Security Risks of China's Abnormal Demographics," *Monkey Cage* (blog), *Washington Post,* April 30, 2014.

[78] Liu Yanju, "Daling sheng nu bushi shenme wenti, nongcun sheng nan caishi zhenzheng de weiji" [Older leftover women are not a problem, rural leftover men are the real crisis], *Beijing News,* January 23, 2019; Andrea den Boer and Valerie M. Hudson, "The Security Risks of China's Abnormal Demographics," *Monkey Cage* (blog), *Washington Post,* April 30, 2014; Peng Xunwen, "3000 wan 'shengnan' gen shui jiehun" [Who will marry the 30 million "surplus men?"], *People's Daily,* February 13, 2017.

[79] Wusheng County Communist Party Committee Party School, "Pinkun diqu daling nan qingnian hunpei kunnan wenti de diaocha yu sikao —— yi Wensheng xian Liemian zhen weili" [Research and reflection on the problem of older men with marriage difficulties in poor rural areas: Wusheng county's Liemian township as an example], December 6, 2018; Andrea den Boer and Valerie M. Hudson, "The Security Risks of China's Abnormal Demographics," *Monkey Cage* (blog), *Washington Post,* April 30, 2014; Peng Xunwen, "3000 wan 'shengnan' gen shui jiehun" [Who will marry the 30 million "surplus men?"], *People's Daily,* February 13, 2017.

[80] See, e.g., "How China's Massive Gender Imbalance Drives Surge in Southeast Asian Women Sold into Marriage," *Agence France-Presse,* reprinted in *South China Morning Post,* December 11, 2018; Rina Chandran, "New Roads, Old War Fan Sale of Southeast Asian Brides in China," *Reuters,* December 7, 2018; Anna Maria Romero, "How China's One-Child Policy Has Resulted in Millions of Single Men, Plus South East Asian Women Sold into Marriage," *The Independent,* December 13, 2018; Sidharth Shekhar, "Chinese Men Using CPEC to Lure Pakistani Women for Trafficking to China as 'Brides,'" *Times Now News,* April 20, 2019.

[81] See, e.g., Nguyen Hai, "Another Vietnamese Woman Investigated in Sale of Newborns to China," *VnExpress,* February 16, 2019; Nguyen Hai, "Vietnam Probes Sale of Newborns to China," *VnExpress,* January 28, 2019; Frank Hossack, "China's Child Trafficking Problem Its Unwanted Children," *Nanjinger,* August 19, 2018.

[82] Nguyen Hai, "Another Vietnamese Woman Investigated in Sale of Newborns to China," *VnExpress,* February 16, 2019; Nguyen Hai, "Vietnam Probes Sale of Newborns to China," *VnExpress,* January 28, 2019.
[83] Nguyen Hai, "Another Vietnamese Woman Investigated in Sale of Newborns to China," *VnExpress,* February 16, 2019; Nguyen Hai, "Vietnam Probes Sale of Newborns to China," *VnExpress,* January 28, 2019.
[84] Nguyen Hai, "Another Vietnamese Woman Investigated in Sale of Newborns to China," *VnExpress,* February 16, 2019; Nguyen Hai, "Vietnam Probes Sale of Newborns to China," *VnExpress,* January 28, 2019.

SPECIAL TOPIC: MIGRANT NEIGHBORHOODS A TARGET OF ANTI-CRIME AND VICE CAMPAIGN

Findings

- An anti-crime campaign launched by central authorities in 2018 is being used to target marginalized groups in China. Called the "Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice," the stated aims of the three-year campaign include guaranteeing China's lasting political stability and consolidating the foundation of the Chinese Communist Party's authoritative power.
- The Commission observed reports of local governments invoking this anti-crime campaign to target groups of people including petitioners (individuals who seek redress from the government), religious believers, village election candidates, lawyers, and internal migrants.
- Municipal governments carried out large-scale evictions and demolitions of internal migrant neighborhoods in the name of the anti-crime campaign. These localities appear to be using the campaign to achieve the goals of a central government plan to "renovate" urban villages across China by 2020. Urban villages are municipal neighborhoods that are categorized as rural under China's household registration (*hukou*) system. Registered residents of these urban villages often rent to internal migrants, who have *hukou* from other localities and face discrimination in housing, education, and the provision of government services.
- In addition to evictions and demolitions of internal migrant neighborhoods, local governments have also invoked the anti-crime campaign to justify increasing monitoring and surveillance of internal migrant neighborhoods. For example, in Xi'an municipality, public security officers investigated over 800 internal migrant communities and over 400 urban villages under the local "2019 Thunder Strike and Iron Fist Anti-Crime and Vice Operation."

Recommendations

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

- Call on Chinese authorities to end forced evictions, demolitions, and heightened surveillance of internal migrant communities across China, and to follow both international and Chinese law in providing adequate notice, compensation, and assistance to residents when public safety requires demolishing dangerous structures.
- Encourage the Chinese government to expand both the rights of migrant workers in China, and the space for civil society organizations that provide social services and legal assistance to internal migrants. Note that improving the rights of internal migrants and expanding their access to social services would likely lower the chances of spontaneous, large-scale protests, while large-scale forced evictions, demolitions, and surveillance could increase the likelihood of such protests.

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

Special Topic: Migrant Neighborhoods a Target of Anti-Crime and Vice Campaign

Introduction

This past year, the Commission observed reports of local authorities in jurisdictions across China targeting internal migrants, petitioners, religious groups, and others with increased monitoring and other forms of repression. In many cases, local authorities tied these actions to a central-level Chinese Communist Party and government campaign called the "Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice" (*Saohei Chu'e Zhuanxiang Douzheng,* or the "anti-crime and vice campaign"). This section will examine the origins and broad application of this campaign, with a special focus on how lower-level Party and government officials used the campaign to justify increased monitoring of internal migrants and large-scale evictions and demolitions of migrant neighborhoods.

On January 23, 2018, the Communist Party Central Committee and the State Council announced the commencement of a three-year national anti-crime and vice campaign in the form of a centrally issued circular. Authorities did not make the circular publicly available, but the central government news agency Xinhua provided a summary of the circular.[1] According to that summary, the four stated aims of the campaign are:

- guaranteeing the people's contentment in life and work,
- social stability and orderliness,
- China's lasting political stability,[2] and
- further consolidating the foundation of Communist Party rule.[3]

A Chinese academic observed that the campaign is intended to bring greater legitimacy to the Party's governance by increasing central Party and government officials' control over local government, which is often otherwise dominated by "grass-roots leaders" of villages and enterprises.[4] A Party official announced that by the end of March 2019, authorities had prosecuted 79,018 people as part of the campaign.[5]

According to state-run media outlet Xinhua, the Party has directed the campaign to focus on "key areas, key industries, and key sectors with prominent problems of crime and vice," [6] and the Ministry of Public Security emphasized that the campaign must include the "modernization of social management at the grassroots level to eradicate the breeding grounds of crime and vice" (*chanchu hei'e shili zisheng turang*).[7] This broad mandate has provided local authorities with large discretion to target various types of groups and conduct, leading international media [8] as well as the Central Commission for Discipline and Inspection to openly criticize the broad application of the campaign at the local level.[9]

Local authorities across China have invoked the campaign to restrict the freedoms of a wide range of marginalized groups. For example, a number of local governments have specifically named petitioners—individuals with grievances seeking redress from the government—as targets of the campaign.[10] Some local governments reportedly increased monitoring and suppression of religious groups

in the name of the anti-crime and vice campaign, with officials asking residents to report on members of religious groups that are not officially registered.[11] Authorities excluded 51,000 individuals from running in village elections as part of the anti-crime and vice campaign, claiming some of these individuals had suspected ties to organized crime or "did not meet criteria" such as "excellent political quality."[12] Authorities have also used the campaign to suppress ethnic minority groups in the Xinjiang Uyghur Autonomous Region and the Tibet Autonomous Region.[13] [For more information on how government officials have used this campaign against religious believers, ethnic minority groups, petitioners, and other groups, see Section II—Freedom of Religion, Section IV—Xinjiang, and Section V—Tibet.]

Also as part of the campaign, some local governments increased monitoring of "urban villages" (*chengzhong cun*) that are often areas with large populations of internal migrants.[14] Local municipal governments have sought to demolish these urban villages, sometimes referred to as "slums" (*penghu qu*) by government sources, as part of a national plan to "renovate" (*gaizao*) all urban villages by 2020.[15] Some local government documents specifically point to urban villages and neighborhoods with large numbers of migrant workers as areas with "crime and vice forces" (*hei e shili*).[16] One example of increased monitoring of migrant communities this past year as part of the anti-crime and vice campaign is Xi'an's "2019 Thunder Strike and Iron Fist Anti-Crime and Vice Operation" (*lei ting tie wan saohei chu'e xingdong*) that involved public security officers investigating over 800 internal migrant communities and over 400 urban villages.[17]

Urban Village Eviction, Demolition, and Surveillance under the Anti-Crime and Vice Campaign: Yuhuazhai in Xi'an

In October 2018, local officials of the Xi'an Hi-Tech Industries Development Zone (Xi'an Hi-Tech Zone), Xi'an municipality, Shaanxi province, initiated an eviction and demolition campaign followed by a large-scale inspection and registration of remaining businesses and residents as part of local implementation of the national "anti-crime and vice campaign" in February 2019.[18] The campaign targeted Yuhuazhai village in Yanta district, Xi'an, itself a collection of eight urban villages[19] with a local official reporting more than 100,000 internal migrant residents compared with 9,000 residents with local residence permits—leading to numerous rights abuses and several deaths.[20] The campaign was led by the Xi'an Hi-Tech Zone Management Committee and largely state-owned education technology company China Hi-Tech Group,[21] acting jointly with over 20 government agencies to "thoroughly renovate, evict, and demolish" residences and local enterprises within the village.[22] China Business News reporters observed that in October 2018, the Xi'an Hi-Tech Zone Management Committee reportedly held a competition among ten districts and townships over the acquisition of more than 33 square kilometers of land, scoring them on categories including whole-village demolition, barrier removal, and pollution reduction.[23]

Urban Village Eviction, Demolition, and Surveillance under the Anti-Crime and Vice Campaign: Yuhuazhai in Xi'an—Continued

Local officials reportedly hired several thousand people—some allegedly members of criminal syndicates—to harass and assault residents,[24] resulting in at least one death,[25] as well as to demolish commercial establishments in October.[26] Officials gave businesses and residents notice on the same day of the demolition, thereby depriving them of the opportunity to seek judicial or administrative review and denying entrance to those without residence permits so that many were unable to recover their personal property.[27] In November, residents reportedly protested continued demolitions and faced violence from people in local security uniforms.[28] Demolition campaigns reportedly were also planned for 116 villages in and around Xi'an, with 62 scheduled to begin within 2019.[29]

Vulnerability of Internal Migrants and Household Registration Policies

Chinese authorities have a history of carrying out forced evictions[30] that affect migrant workers in particular. International rights organizations documented widespread forced evictions prior to the 2008 Beijing Olympics and Expo 2010 in Shanghai municipality.[31] In late 2017 and early 2018, in response to two fatal fires in migrant neighborhoods,[32] authorities in Beijing municipality and the surrounding areas launched a campaign of large-scale forced evictions and demolitions in migrant neighborhoods across the region.[33] Residents reportedly were given days or hours to leave.[34]

Chinese migrant workers continued to be marginalized because of their residency status under the household registration (*hukou*) system. The *hukou* system, established in 1958,[35] classified Chinese citizens as being urban or rural and effectively tied them to a locality.[36] According to the National Bureau of Statistics of China, in 2018, 286 million people in China did not live in their *hukou* location.[37] Yet provision of certain government services, such as education, remains tied to one's *hukou* location, which is, in general, inherited from one's parents.[38] The *hukou* system reportedly also exacerbates these migrants' vulnerability to exploitation in China's workforce.[39] [For more information on forced labor, see Section II—Human Trafficking.]

In 2014, the government began to reform the *hukou* system to gradually eliminate the urban-rural distinction and allow some migrants to obtain *hukou* in smaller cities.[40] In April 2019, the National Development and Reform Commission required cities with populations of 1 to 3 million to eliminate all restrictions on obtaining *hukou,* yet restrictions remained in cities with populations above 3 million, such as Xi'an and Beijing,[41] and the government continues to use the *hukou* system to restrict internal migration.[42]

In 2014, the UN Committee on Economic, Social and Cultural Rights urged China "to ensure that any relocation necessary for city renewal is carried out after prior consultation with the affected individuals . . .."[43] In 2018, the UN Committee on the Elimination of Racial Discrimination was concerned by reports that changes to the *hukou* system "have not made substantial positive changes for many rural migrants, including ethnic minorities."[44]

Anti-Crime and Vice Campaign

Actions taken by Chinese government officials enforcing the eviction campaign throughout China contravene both international standards [45] and Chinese law.[46] Restrictions on movement and discrimination arising from the *hukou* system contravene international human rights standards guaranteeing freedom of residence.[47]

Notes to Section II—Special Topic: Migrant Neighborhoods a Target of Anti-Crime and Vice Campaign

[1] "Zhonggong Zhongyang, Guowuyuan fachu 'Guanyu Zhankai Saohei Chu'e Zhuanxiang Douzheng De Tongzhi'" [Party Central Committee and State Council issue "Circular Regarding the Launch of the Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice"], *Xinhua,* January 24, 2018.

[2] These three concepts originally appeared in Xi Jinping's inaugural address to the study session of the Communist Party Central Committee Political Bureau at the 18th Party Congress's in 2012. Xi Jinping, "Jinjin weirao jianchi he fazhan Zhongguo tese shehui zhuyi xuexi xuanchuan guanche Dang de Shiba Da jingshen" [Focus on upholding and developing socialism with Chinese characteristics; study, disseminate, and implement the spirit of the 18th Party Congress], November 17, 2012, reprinted in *People's Daily,* November 19, 2012; "Zhonggong Zhongyang, Guowuyuan fachu 'Guanyu Zhankai Saohei Chu'e Zhuanxiang Douzheng De Tongzhi'" [Party Central Committee and State Council issue "Circular Regarding the Launch of the Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice"], *Xinhua,* January 24, 2018.

[3] "Zhonggong Zhongyang, Guowuyuan fachu 'Guanyu Zhankai Saohei Chu'e Zhuanxiang Douzheng De Tongzhi'" [Party Central Committee and State Council issue "Circular Regarding the Launch of the Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice"], *Xinhua,* January 24, 2018.

[4] Guo Rui, "China's War on Organised Crime, Corrupt Officials Sees 79,000 People Detained," *South China Morning Post,* April 14, 2019.

[5] "Saohei ban: jiezhi sanyue di quanguo qisu shehei she'e fanzui an 14226 jian" [Crime and vice office: number of suspected crime and vice cases prosecuted nationwide reaches 14,226 by end of March], *Xinhua,* April 9, 2019.

[6] "Zhonggong Zhongyang, Guowuyuan fachu 'Guanyu Zhankai Saohei Chu'e Zhuanxiang Douzheng De Tongzhi'" [Party Central Committee and State Council issue "Circular Regarding the Launch of the Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice"], *Xinhua,* January 24, 2018.

[7] "Tigao zhengzhi zhanwei zhongshen tuijin saohei chu'e gongjianzhan" [Raise the status of political thought in deepening and promoting the tough battle to eliminate crime and evil], *People's Public Security Daily,* reprinted in Ministry of Public Security, October 17, 2018.

[8] "Zhongguo san nian saohei chu'e ying 'zhongkao': baolu de wenti yu qianjing" [China's three-year [campaign to] eliminate crime and vice meets "midterm test": exposed problems and future possibilities], *BBC,* April 10, 2019; "China Is Waging a Nationwide Campaign against Gang Crime," *Economist,* February 28, 2019.

[9] Zhang Yan, "Saohei chu'e bixu jingzhun shibie jingzhun daji" [Eliminate crime and vice campaign requires precise distinctions and precise attacks], *China Discipline and Inspection Daily,* April 17, 2019.

[10] See, e.g., "Yongzhou shi saohei chu'e zhuanxiang douzheng dudao zu gonggao" [Yongzhou Municipal Specialized Struggle to Eliminate Crime and Vice Supervisory Group public announcement], Yongzhou Municipal People's Government, April 12, 2019; Rights Defense Network, "Hei shehui dingyi zao dianfu, Hubei Qianjiang Zhouji Nongchang duli houxuanren Peng Feng shoudao difang saohei wenjian" [Definition of organized crime radically changed, Zhouji farm, Qianjiang, Hubei independent candidate Peng Feng receives local anti-crime document], August 15, 2018; Rights Defense Network, "Neimenggu E'erduosi Hangjin Qi zhengfu ba shangfang gaozhuang wangshang fatie deng xingwei dou lieru saohei chu'e de fanchou" [In Ordos, Inner Mongolia, Hanggin Banner government lists petitioning, online posting as categories in scope of eliminate crime and vice campaign], March 19, 2018.

[11] Feng Gang, "'Saohei chu'e' xingdong maotou zhizhi zongjiao xintu" ["Anti-crime and vice" campaign spearhead aimed at religious believers], *Bitter Winter,* November 16, 2018; Gu Qi, "'Saohei' shize zhenya xinyang" ["Anti-crime" in reality suppresses religious faith], *Bitter Winter,* February 18, 2019.

[12] Xiong Feng, "Rang renmin qunzhong daizhe manman de anquan gan juesheng quanmian xiaokang—quanguo saohei chu'e zhuanxiang douzheng kaiju zhi nian zongshu" [Let the masses carry a sense of safety while achieving comprehensive moderate prosperity—national eliminate crime and vice campaign year summary], *Xinhua,* December 27, 2018; Zhang Yang, "Saohei chu'e wuzhuo shouhu tian lang qi qing" [Eliminate the filth of crime and vice, protect clear skies and fresh air], *People's Daily,* Feburary 26, 2019.

[13] "'Sao hei chu'e' ru jiang shaoshu minzu bei 'hei'?" ["Anti-Crime and Vice" comes to Xinjiang, have ethnic minorities become "criminalized"?], *Radio Free Asia,* April 16, 2019; "China Is Waging a Nationwide Campaign against Gang Crime," *Economist,* February 28, 2019. See also "Hei shili goujie Dalai Lama Xizang saohei mingque qingli mubiao" [Organized crime forces collude with the Dalai Lama, Tibet makes clear its goal of cleansing], *Duowei,* February 10, 2018.

[14] Ma Li, "Why China's Migrants Can't Just Leave Poverty Behind," *Sixth Tone,* September 1, 2018; "Saohei chu'e zhuanxiang douzheng youguan wenti" [Questions regarding the specialized struggle to sweep away organized crime and eliminate vice], Yong'an Municipal People's Government, November 16, 2018; "Saohei chu'e zhexie shi yao zhidao!" [Things you need to know about the anti-crime and vice campaign!], Guizhou Finance Bureau, March 15, 2019.

[15] Tom Hancock, "Chinese Slum Demolitions Reveal Government Debt Strains," *Financial Times,* April 22, 2019; He Huifeng, "China's Mass Urbanisation Projects Mean the End for Guangzhou's 800-Year-Old Urban Villages," *South China Morning Post,* April 16, 2019; State Council, "Guojia Xinxing Chengzhenhua Guihua (2014–2020 nian)" [National Plan for New Model of Urbanization (2014–2020)], March 16, 2014, table 5.

[16] "Zhi quan qu guangda renmin qunzhong guanyu saohei chu'e zhuanxiang douzheng de gongkai xin" [Open letter to the people of the district regarding the specialized struggle to sweep away organized crime and eliminate vice], Guangfeng District People's Government, March 4,

2019; "Saohei chu'e zhexie shi yao zhidao!" [Things you need to know about the anti-crime and evil campaign!], Guizhou Finance Bureau, March 15, 2019; Wang Ruolin, "Woshi hangye lingyu zhengzhi qude jieduanxing chengxiao" [Shenzhen business management achieving results in phases], *Shenzhen News,* April 9, 2019; "Saohei chu'e zhuanxiang douzheng youguan wenti" [Questions regarding the specialized struggle to sweep away organized crime and eliminate vice], Yong'an Municipal People's Government, November 16, 2018.

[17] "Quanmian tuijin '2019 leiting tie wan saohei chu'e xingdong' woshi gong'an jiguan 'tie chui xingdong' quanmian zhili she huang she du" [Full-scale promotion of "2019 Thunderclap Iron Fist Anti-Crime and Vice Operation" Xi'an public security agencies' "Iron Hammer Operation" comprehensively managed suspected obscenity and gambling], *Xi'an Evening Post,* reprinted in Xi'an People's Government, March 28, 2019.

[18] Xie Tao, "Xi'an Gaoxin jingfang zuzhi kazhan Yuhuazhai da guimo qingcha xingdong" [Police in Gaoxin, Xi'an, organize large-scale inspection operation in Yuhuazhai], *China Business News,* February 22, 2019.

[19] "Gaobie chengzhong cun bainian Yuhua yin 'xinsheng'" [Bidding farewell to 100-year-old urban village Yuhua and ushering in "new era"], *Development Zone Report,* October 26, 2018; Real Estate Elder Sister S (dichanSjie), "Zaijian le, Yuhuazhai!" [Goodbye, Yuhuazhai!], Zhihu, October 17, 2018.

[20] Li Jing, Zhao Bin, and Zhang Pengkang, "Yuhuazhai yuedi chaiqian? gongye yuanqu kaichai, cunzi cengcai hai wei qidong" [Yuhuazhai to be demolished at the end of the month? industrial park district begins demolition, village demolition yet to begin], *China Business News,* October 22, 2018. See also Li Yunfeng, "Xi'an Yuhuazhai tuijin zhengcun chaiqian, bainian chengzhong cun jiu mao huan xin yan" [Yuhuazhai, Xi'an, advances with demolition of entire village, hundred-year-old urban village gets a facelift], *Phoenix New Media,* December 4, 2018; Xiong Bin and Chen Jie, "Xi'an Yuhuazhai cunmin kangyi qiangsu zao zhenya" [Villagers in Yuhuazhai, Xi'an, protesting forced demolition are oppressed], *New Tang Dynasty Television,* December 6, 2018.

[21] Real Estate Elder Sister S (dichanSjie), "Zaijian le, Yuhuazhai!" [Goodbye, Yuhuazhai!], Zhihu, October 17, 2018; Wang Feng, "Zhuanxing zhiye jiaoyu: Zhongguo Gaoke Jituan chengli quanqiu jiaoyu fazhan yanjiu yuan" [Transforming professional education: China Hi-Tech Group Co. establishes global education development research center], *21st Century Economic Report,* April 28, 2017.

[22] Li Yunfeng, "Xi'an Yuhuazhai tuijin zhengcun chaiqian, bainian chengzhong cun jiu mao huan xin yan" [Yuhuazhai, Xi'an, advances with demolition of entire village, hundred-year-old urban village gets a facelift], *Phoenix New Media,* December 4, 2018.

[23] Li Jing, Zhao Bin, and Zhang Pengkang, "Yuhuazhai yuedi chaiqian? gongye yuanqu kaichai, cunzi cengcai hai wei qidong" [Yuhuazhai to be demolished at the end of the month? industrial park District begins demolition, village demolition yet to begin], *China Business News,* October 22, 2018.

[24] "Xi'an yu qian cunmin kangyi qiangchai zao zhenya" [Xi'an represses more than a thousand villagers protesting forced demolitions], *Radio Free Asia,* December 5, 2018.

[25] Xiong Bin and Chen Jie, "Xi'an Yuhuazhai cunmin kangyi qiangsu zao zhenya" [Villagers in Yuhuazhai, Xi'an, protesting forced demolition are oppressed], *New Tang Dynasty Television,* December 6, 2018.

[26] Ibid.

[27] "Feifa chaiqian yan de minxin yifa zhiguo zhongyu minsheng" [How can illegal demolition gain the people's support, when rule of law is prioritized over people's livelihood], *China Guangdong Web,* November 12, 2018.

[28] "Feifa chaiqian yan de min xin yifa zhiguo zhongyu minsheng" [How can illegal demolition gain the people's support, when rule of law is prioritized over people's livelihood], *China Guangdong Web,* November 12, 2018; "Xi'an yu qian cunmin kangyi qiangchai zao zhenya" [Xi'an represses more than a thousand villagers protesting forced demolitions], *Radio Free Asia,* December 5, 2018.

[29] Real Estate Elder Sister S (dichanSjie), "Zaijian le, Yuhuazhai!" [Goodbye, Yuhuazhai!], Zhihu, October 17, 2018.

[30] See, e.g., Amnesty International, "Standing Their Ground: Thousands Face Violent Eviction in China," ASA 17/001/201, October 2012, 11–23; Human Rights Watch, "Demolished: Forced Evictions and the Tenants' Rights Movement in China," March 25, 2004, 6–11.

[31] Amnesty International, "Standing Their Ground: Thousands Face Violent Eviction in China," ASA 17/001/201, October 2012, 11–12, 31–32; Centre on Housing Rights and Evictions, "One World, Whose Dream? Housing Rights Violations and the Beijing Olympic Games," July 2008, 7–8; UN Watch, "38 Rights Groups Urge U.N. to Investigate Shanghai Expo Eviction of 18,000 Families," July 22, 2010.

[32] "Beijing Daxing huozai yu'nanzhe mingdan gongbu jingfang xingju 18 ren" [List of victims of fire in Daxing, Beijing, made public, police criminally detain 18], *People's Daily,* November 20, 2017; Guo Chao, "Quanshi kaizhan anquan yinhuan da paicha da qingli da zhengzhi" [City-wide launch of major inspections, major sweeps, and major rectifications of safety risks], *Beijing News,* November 20, 2017; Jiang Chenglong and Cui Jia, "Beijing Continues Its Safety Crackdown in Wake of Fire," *China Daily,* November 27, 2017; Zheping Huang, "What You Need to Know about Beijing's Crackdown on Its 'Low-End Population,'" *Quartz,* November 27, 2017; "Beijing Shibalidian xiang huozai hou 'diduan renkou' zai zao baoli quzhu gongmin lianshu duncu Cai Qi cizhi" [After fire in Beijing's Shibalidian township, more violent evictions of the 'low-end population,' citizens jointly sign letter urging Cai Qi to resign], *Radio Free Asia,* December 14, 2017.

[33] Beijing Municipality Administration of Work Safety Committee, *Beijing Shi Anquan Shengchan Weiyuanhui Guanyu Kaizhan Anquan Yinhuan Da Paicha Da Qingli Da Zhengzhi Zhuanxiang Xingdong De Tongzhi* [Circular on Launch of Special Campaign of Major Investigations, Major Cleanup, and Major Rectification of Safety Risks], issued November 19, 2017, sec.

4; Matt Rivers and Serenitie Wang, "Beijing Forces Migrant Workers from Their Homes in 'Savage' Demolitions," *CNN,* December 9, 2017; "Sensitive Word of the Week: Low-End Population," *China Digital Times,* November 30, 2017; "Beijing Shibalidian xiang huozai hou 'diduan renkou' zai zao baoli quzhu gongmin lianshu duncu Cai Qi cizhi" [After fire in Beijing's Shibalidian township, more violent evictions of the 'low-end population,' citizens jointly sign letter urging Cai Qi to resign], *Radio Free Asia,* December 14, 2017; "Chinese Artist Who Filmed Beijing's Mass Evictions Now Faces Eviction Himself," *Radio Free Asia,* January 1, 2018. See also Shen Fan and Li Rongde, "Beijing's Migrant Eviction Frenzy Spills Over to Hebei," *Caixin,* December 27, 2017; "Beijing 'diduan' xingdong manyan Hebei Sanhe baoli qugan wailai renkou" [Beijing 'low-end' campaign spreads, migrants violently driven out of Sanhe, Hebei], *Radio Free Asia,* December 30, 2017.

[34] Shen Fan and Li Rongde, "Beijing's Migrant Eviction Frenzy Spills Over to Hebei," *Caixin Global,* December 27, 2017; Emily Wang and Yi-Ling Liu, "Beijing Evictions of Migrant Workers Stir Widespread Anger," *Associated Press,* November 29, 2017; Jun Mai, "'They Came Banging and Kicking': Beijing Airport Workers Swept Up in Fire Safety Crackdown," *South China Morning Post,* November 29, 2017. For more information on past forced evictions, see CECC, *2018 Annual Report,* October 10, 2018, Section II—Special Topic: Forced Evictions in Beijing Municipality.

[35] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Hukou Dengji Tiaoli* [PRC Regulations on Household Registration], issued and effective January 9, 1958.

[36] See, e.g., Hongbin Li et al., "Human Capital and China's Future Growth," *Journal of Economic Perspectives* 31, no. 1 (Winter 2017): 28; Yang Song, "Hukou-Based Labour Market Discrimination and Ownership Structure in Urban China," *Urban Studies* 53, no. 8 (2016): 1658; Spencer Sheehan, "China's Hukou Reforms and the Urbanization Challenge," *The Diplomat,* February 22, 2017. For more information on China's *hukou* system, see CECC, *2017 Annual Report,* October 5, 2017, 169–70.

[37] National Bureau of Statistics of China, "2018 nian jingji yunxing baochi zai heli qujian fazhan de zhuyao yuqi mubiao jiaohao wancheng" [The economy moved within a reasonable range in 2018, main expected development targets are accomplished well], January 21, 2019.

[38] See, e.g., Hongbin Li et al., "Human Capital and China's Future Growth," *Journal of Economic Perspectives* 31, no. 1 (Winter 2017): 28; Yang Song, "Hukou-Based Labour Market Discrimination and Ownership Structure in Urban China," *Urban Studies* 53, no. 8 (2016): 1658; China Labour Bulletin, "Migrant Workers and Their Children," accessed July 26, 2019; Eli Friedman, *Insurgency Trap: Labor Politics in Postsocialist China* (Ithaca: Cornell University Press, 2014), 14.

[39] Ma Li, "Why China's Migrants Can't Just Leave Poverty Behind," *Sixth Tone,* September 1, 2018; China Labour Bulletin, "Migrant Workers and Their Children," accessed July 26, 2019.

[40] State Council, *Guowuyuan Guanyu Jinyibu Tuijin Huji Zhidu Gaige De Yijian* [Opinion on Further Carrying Out Household Registration System Reform], issued July 30, 2014, paras. 4–9; "China to Help 100m Settle in Cities," *Xinhua,* reprinted in *China Daily,* July 30, 2014; State Council General Office, "Tuidong 1 yi fei huji renkou zai chengshi luohu fang'an" [Plan promoting city hukou registration for 100 million individuals without household registration], issued October 11, 2019, paras. 4–6; "Beijing to Scrap Urban-Rural Residency Distinction," *China Digital Times,* September 21, 2016.

[41] Cheng Siwei and Timmy Shen, "Residency Restrictions to Be Scrapped in Many of China's Cities," *Caixin,* April 8, 2019; National Development and Reform Commission, "2019 nian xinxing chengzhenhua jianshe zhongdian renwu" [Key tasks of new urbanization construction in 2019], April 8, 2019; "Hukou Difficulty Index," *MacroPolo,* Paulson Institute, accessed May 15, 2019. See also "About On the Road," *MacroPolo,* Paulson Institute, accessed July 26, 2019.

[42] State Council, *Guowuyuan Guanyu Jinyibu Tuijin Huji Zhidu Gaige De Yijian* [Opinion on Further Carrying Out Household Registration System Reform], issued July 30, 2014, paras. 6–7. See also "About On the Road," *MacroPolo,* Paulson Institute, accessed July 26, 2019.

[43] UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 40th Meeting, May 23, 2014, E/C.12/CHN/CO/2, June 13, 2014, para. 30.

[44] UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the Second Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 2675th Meeting, August 28, 2018, CERD/C/CHN/CO/14-17, September 19, 2018, paras. 34–35.

[45] UN Committee on Economic, Social and Cultural Rights, CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant), E/1992/23, December 13, 1991, paras. 8(a), 18. Note that this finding is reaffirmed in UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The Right to Adequate Housing (Art. 11.1): Forced Evictions, E/1998/2, 20 May 20, 1997, para. 1; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 11(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed February 13, 2019. China has signed and ratified the ICESCR. See also UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The Right to Adequate Housing (Art. 11.1): Forced Evictions, E/1998/2, May 20, 1997, paras. 15–16.

[46] *Zhonghua Renmin Gongheguo Xingzheng Qiangzhi Fa* [PRC Administrative Enforcement Law], passed June 30, 2011, effective January 1, 2012, arts. 43–44. For analyses of the legality of the evictions in Beijing under Chinese law, see "Jiang Ping, He Weifang deng xuezhe lushi dui Beijing shi zhengfu qugan wailai jumin de xingdong ji qi yiju de xingzheng wenjian xiang Quanguo Rendahui Changweihui tiqing hexianxing shencha de quanwen" [Full text of request from Jiang Ping, He Weifang, and other scholars and lawyers to the National People's Congress Standing Committee for a review of the constitutionality of the Beijing government's campaign

to expel nonresidents and relevant administrative documents], December 19, 2017, reprinted in Rights Defense Network, December 24, 2017; Wang Liuyi, "Beijing shi "dongji qingli xingdong" de hefaxing fenxi" [Analyzing the legality of Beijing's "winter cleanup campaign"], WeChat post, reprinted in *China Digital Times,* November 28, 2017.

[47] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 2(1), 12(1), 12(3), 26; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 2, 13(1); UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 40th Meeting (23 May 2014), E/C.12/CHN/CO/2, June 13, 2014, para. 15; UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, March 28, 2017, paras. 27–28. See also Chinese Human Rights Defenders, "From Forced Evictions of Migrant Workers to Abused Children: Violations of Social & Economic Rights in China Refute the 'China Development Model,'" December 7, 2017.

STATUS OF WOMEN

Findings

- Women in China face severe discrimination throughout their careers, from job recruitment and hiring to wages and promotions. Such disparities have increased over the current period of economic reform that began in 1978, accelerating during the 2000s with the intensification of market liberalization. Gender biases and sexual harassment in the workplace are major factors contributing to the employment gender gap, as well as national laws mandating parental leave and other entitlements for women and not men. These laws enforce the role of women as caregivers and have led employers to avoid hiring women without children in order to avoid the cost of these legal entitlements.
- Following widely publicized grassroots campaigns highlighting challenges faced by women in the workplace, Chinese officials initiated policies to address gender discrimination in employment, including creating a cause of action for disputes over employment discrimination and sexual harassment and a series of policies aimed primarily at punishing employers for discriminatory job recruitment practices. Nonetheless, inadequate enforcement and discriminatory laws persist; local bureaus responsible for enforcement seldom take punitive action in response to complaints, and some laws themselves continue to discriminate against women by barring them from performing certain jobs.
- Thirty percent of women have experienced some form of domestic violence, yet nearly three years after the passage of the PRC Anti-Domestic Violence Law in March 2016, Chinese courts had only issued a total of 3,718 protective orders by December 2018. News media and expert analysis noted that cultural norms that do not recognize domestic violence as a crime contributed to the low number of reported incidents, with family members and police commonly discouraging victims from going forward with requesting protective orders or divorce.
- Despite official repression, independent public advocacy for women's rights continues to influence public discourse and policy. Public advocacy in recent years has highlighted gender inequities in recruitment and sexual harassment, while news media and civil society actors have noted a connection to the issues publicly addressed by national officials this year as a sign that independent advocacy is having an impact even as it has been severely suppressed.
- Chinese officials continued censoring online discussion of topics related to feminism and harassing and threatening individual citizens engaging in advocacy. These restrictions were a continuation of the official repression of women's rights advocacy beginning in 2015.

Recommendations

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

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

STATUS OF WOMEN

Discrimination in Employment

Although international human rights standards prohibit discrimination on the basis of gender,[1] women in China continued to face serious obstacles to equal treatment in employment.

- **Women in China face severe discrimination throughout their careers, from job recruitment and hiring to wages and promotions.** Surveys have found that recruitment listings frequently indicate a preference or requirement for men,[2] with 35 percent of civil servant job listings for 2019 containing gender specifications despite national laws prohibiting gender discrimination in hiring.[3] Women continued to be represented in the top leadership of only 20.1 percent of Chinese firms and political institutions while earning on average 64.3 percent of what men earned, according to the World Economic Forum's 2018 Global Gender Gap Report.[4] An International Labour Organization (ILO) study conducted in 2015 noted that such disparities have increased over the current period of economic reform that began in 1978,[5] accelerating during the 2000s with the intensification of market liberalization.[6] A survey by Chinese online recruiter Boss Zhipin Major found that three major reasons for the gender disparity in workplace advancement were the comparatively greater share of domestic obligations shouldered by women, their lack of outside connections and social support, and underdeveloped management skills.[7]
- **National laws mandating parental leave and other entitlements for women and not men are a major reason for discriminatory hiring and dismissal.** Male employees are not legally entitled to parental leave, but employers are required to grant female employees 98 days of parental leave by the Law on the Protection of Women's Rights and Interests in addition to other parental benefits required only for women, such as allowances and termination restrictions.[8] One scholar notes that these laws enforce the role of women as caregivers and have led employers to avoid hiring women without children in order to avoid the cost of these legal entitlements.[9] One expert reported that women perceive such discrimination against them to have increased since the implementation of the "universal two-child policy" in January 2016, which generally allows couples to have two children, somewhat loosening the restrictions under the former "one-child policy."[10] [For more information on the "universal two-child policy," see Section II—Population Control.]
- **The national parental leave policy is also a major factor in pregnancy discrimination.** Gender inequality in parental leave has led to a rise in the number of labor disputes filed by female employees against their employers for dismissing them or treating them negatively as a result of reporting their pregnancies.[11] Some employers require female employees to submit applications to have children or assign them to a "queue," dismissing or otherwise pressuring those who

have children out of turn.[12] Such negative treatment is prohibited by national laws,[13] but employers also retaliated against those who attempted to vindicate their legal rights. For example, in December 2018, an employer in Changchun municipality, Jilin province, assigned one employee to work alone at a site without toilet facilities after she obtained a judgment declaring that her employer should continue her employment contract when she sued over pressure to leave her position upon reporting that she was pregnant.[14]

• **Gender biases and sexual harassment in the workplace also contribute to the employment gender gap.** Legal entitlements associated with reproduction and parenthood do not fully explain the gender gap in employment: A 2018 study by Renmin University in Beijing municipality found that employers were actually less likely to hire women for important positions if they already had two children—and thus were ineligible for parental benefits.[15] A 2015 ILO study attributed most of the wage differential to discrimination,[16] and Chinese officials have also acknowledged the negative effect of gender discrimination on female workforce participation.[17] A 2018 study found discriminatory and sexualized views of women were common in job recruitment advertisements, reflecting assumptions that women are less qualified for work requiring strength, intelligence, or mental fitness [18] and that employers may use the physical attractiveness of female employees as a condition of employment or as an inducement for recruiting male employees.[19] Such assumptions continue to affect women's well-being and careers once they are in the workplace: A 2018 survey of social media posts and interactions of female civil servants found consistent accounts of sexualized and demeaning behavior from supervisors that included requiring female civil servants to provide companionship in settings (e.g., restaurants, karaoke bars) where they would be sexually harassed.[20]

• **After a year of social media campaigns highlighting sexual harassment cases garnering significant public attention,[21] national-level officials announced policies to address sexual harassment and gender discrimination in employment.** The Supreme People's Court issued a circular in December 2018 amending the Rules for Civil Causes of Action to allow disputes over sexual harassment and employment discrimination.[22] This was followed in February 2019 by a joint circular outlining measures to promote gender equality in employment, citing the need to increase women's participation in the economy.[23] The measures primarily targeted gender discrimination in job recruitment, outlining plans to develop procedures for notification and mediation and to investigate and penalize employers and recruitment agencies that fail to comply.[24] The circular also included legal assistance for those bringing claims of gender-based employment discrimination, job counseling and training for women, and development of support for childcare.[25] In March 2019, Premier Li Keqiang also announced support for addressing gender discrimination in employment in his government work report.[26] Assessments

from rights advocates were mixed, from critiquing the policy announcements for "lack[ing] detailed measures" to seeing them as signs that "gender discrimination is something that the government can and is willing to manage."[27]

- **Local-level officials also took actions related to gender discrimination.** For example, officials in Dezhou municipality, Shandong province, established a reporting hotline,[28] and Beijing municipality officials published anti-sexual harassment advertisements on all subway lines.[29]
- **Discriminatory laws and inadequate enforcement persist.** International observers[30] reported that gender-based employment discrimination in China has not been checked by prohibitions against gender discrimination in existing laws[31] or by China's international commitments.[32] Chinese laws do not give a clear definition of gender discrimination,[33] leading to the refusal of courts and arbitration committees to accept such cases.[34] In addition, some laws themselves continue to discriminate against women by barring them from performing certain jobs—in some cases based on whether they are menstruating, pregnant, or breastfeeding.[35]

Domestic and Gender-Based Violence

Domestic violence continued to affect large numbers of women in China. Based on a large-scale study published by the People's Daily in November 2018, 30 percent of married women in China have experienced some form of domestic violence.[36] Nearly three years after the passage of the PRC Anti-Domestic Violence Law[37] in March 2016,[38] Chinese courts had issued a total of 3,718 protection orders by December 2018, approving 63 percent out of a total of 5,860 applications.[39] News media identified cultural norms that do not recognize domestic violence as a crime as contributing to the low numbers of reported incidents, with family members and police commonly discouraging victims from going forward with requesting protective orders or divorce—women who do report do so only after experiencing an average of 35 incidents.[40] As of August 2019, Yunnan province is the only province to have implemented measures in accordance with the 2016 law, which includes a mandatory reporting provision that makes government bodies responsible for gathering evidence related to domestic violence.[41]

Public Participation

- **Low levels of women's representation in political leadership persisted.** Although Chinese domestic law contains pronouncements stressing the importance of women's political participation,[42] the proportion of female representatives continued to fall short of the 30 percent target recommended by the UN Commission on the Status of Women.[43] The Chinese government is obligated under its international commitments to ensure gender equality in political participation.[44]
- **Blacklisting advocacy organizations and activists working on gender equality issues.** On January 8, 2019, the Guangzhou Municipal Department of Civil Affairs in Guangdong province issued a list of suspected "illegal social or-

ganizations" that included the Guangzhou Gender and Sexuality Education Center (*Guangzhou Xingbie Jiaoyu Zhongxin*), which worked on both gender and LGBTQ issues, primarily focusing on combating sexual harassment and violence.[45] Founded by prominent women's rights advocate Wei Tingting,[46] the organization had encountered censorship restrictions for a campaign raising funds to conduct a survey on the prevalence of sexual harassment and assault on Chinese college campuses, which it nonetheless conducted and published in April 2018.[47] The organization announced on the social media platform WeChat in December 2018 that it would temporarily cease operations.[48] This followed a wave of crackdowns on independent women's rights advocacy in previous years that shut down leading voices such as the social media accounts of prominent independent media outlet Feminist Voices in March 2018[49] and the Beijing Zhongze Women's Legal Counseling and Service Center in January 2016.[50]

• **Heavy censorship of content and symbols related to feminist issues.** As activists moved much of their advocacy online in the face of growing pressure,[51] different social media campaigns in support of victims of sexual assault engaged millions before themselves being censored.[52] According to Hong Kong University researchers, reports of sexual misconduct were "one of the most heavily censored topics on WeChat in 2018."[53] A wide range of WeChat public accounts that had circulated a petition in support of a survivor of an alleged sexual assault were shut down in April 2019.[54]

• **Despite official repression, independent public advocacy for women's rights continued to influence public discourse and policy.** Public advocacy in recent years has highlighted gender inequities in recruitment[55] and sexual harassment.[56] In addition, news media and civil society actors have noted a connection to the issues publicly addressed by national officials this year as a sign that independent advocacy is having an impact even as it has been severely suppressed.[57]

Notes to Section II—Status of Women

[1] Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, art. 11; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed May 13, 2019. China signed the convention on July 17, 1980, and ratified it on November 4, 1980.

[2] Human Rights Watch, "Only Men Need Apply: Gender Discrimination in Job Advertisements in China," April 2018, 16; FreeChineseFeminists (@FeministChina), "Taifeng, a young woman, visited abt 20 job fairs . . .," Twitter, February 16, 2019, 5:05 a.m.

[3] Wang Ziye, "Sheng er wei nu, shu zai xingbie: 2019 nian guojia gongwuyuan zhaolu xingbie qishi diaocha baogao" [To be born a woman is to have already lost: report on gender discrimination in 2019 national civil service recruitment listings], reprinted in *China Digital Times,* January 26, 2019; *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, arts. 12–13; *Zhonghua Renmin Gongheguo Funu Quanyi Baozhang Fa* [PRC Law on the Protection of Women's Rights and Interests], passed April 3, 1992, amended August 28, 2005, effective December 1, 2005, arts. 12, 21, 25; Ministry of Human Resources and Social Security, *Jiuye Fuwu Yu Jiuye Guanli Guiding* [Provisions on Employment Services and Employment Management], issued November 5, 2007, amended December 23, 2014, effective February 1, 2015, arts. 20, 58(2); *Zhonghua Renmin Gongheguo Jiuye Cujin Fa* [PRC Employment Promotion Law], passed August 30, 2007, effective January 1, 2008, art. 27. See also Human Rights Watch, "China: Female Civil Servants Face Discrimination, Harassment," November 8, 2018.

[4] World Economic Forum, "The Global Gender Gap Report 2018," December 17, 2018, 63–4.

[5] Sukti Dasgupta, Makiko Matsumoto, and Cuntao Xia, International Labour Organization Regional Office for Asia and the Pacific, "Women in the Labour Market in China," ILO Asia-Pacific Working Paper Series, May 2015, 2.

[6] Ibid., 8.

[7] Boss Zhipin, "BOSS zhipin: 2019 Zhongguo zhichang xingbie chayi baogao" [Boss Zhipin: 2019 report on gender differences in China's job market], March 12, 2019.

[8] *Zhonghua Renmin Gongheguo Funu Quanyi Baozhang Fa* [PRC Law on the Protection of Women's Rights and Interests], passed April 3, 1992, amended August 28, 2005, effective December 1, 2005, art. 27. See also Dezan Shira & Associates, "Expecting in China: Employee Maternity Leave and Allowances," China Briefing, April 6, 2017; Dezan Shira & Associates, "Paternity Leave in China: Regional Policies and Differences," China Briefing, October 27, 2015.

[9] Yun Zhou, "The Dual Demands: Gender Equity and Fertility Intentions after the One-Child Policy," *Journal of Contemporary China* 28, no. 117 (November 5, 2018): 11, 14–16.

[10] Yun Zhou, "The Dual Demands: Gender Equity and Fertility Intentions after the One-Child Policy," *Journal of Contemporary China* 28, no. 117 (November 5, 2018): 15. See also Noelle Mateer, Charlotte Tang, and Teng Jing Xuan, "Lining Up to Get Pregnant: The Unintended Victims of the Two-Child Rule," *Caixin Global,* December 29, 2018.

[11] "28 sui nu yuangong shiyongqi faxian huaiyun zao citui, lushi: yongren danwei shexian weifa" [28-year-old female worker dismissed after discovering pregnancy during hiring trial period, lawyer: employer suspected of violating law], *Bandao Morning News,* reprinted in *The Paper,* April 19, 2019; Yanan Wang and Shanshan Wang, "China's new policy against gender bias meets fans, sceptics," *Associated Press,* February 22, 2019.

[12] Yun Zhou, "The Dual Demands: Gender Equity and Fertility Intentions after the One-Child Policy," *Journal of Contemporary China* 28, no. 117 (November 5, 2018): 11; Shi Youxing, "'Chadui' huaiyun bei citui, nengfou huopei?" [Compensation for dismissal for "cutting colleagues in line" to get pregnant?], *Procuratorial Daily,* October 24, 2018; Chen Yuqian, "Huaiyun nu yuangong zao citui; zhichang qishi weifa, yulun qishi hanxin" [Pregnant female employee dismissed; employment discrimination is illegal, yet popular opinion is indifferent], *The Paper,* April 19, 2019; Noelle Mateer, Charlotte Tang, and Teng Jing Xuan, "Lining Up to Get Pregnant: The Unintended Victims of the Two-Child Rule," *Caixin Global,* December 29, 2018.

[13] *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, arts. 12–29(3); *Zhonghua Renmin Gongheguo Funu Quanyi Baozhang Fa* [PRC Law on the Protection of Women's Rights and Interests], passed April 3, 1992, amended August 28, 2005, effective December 1, 2005, art. 27; "28 sui nu yuangong shiyongqi faxian huaiyun zao citui, lushi: yongren danwei shexian weifa" [28-year-old female worker dismissed after discovering pregnancy during hiring trial period, lawyer: employer suspected of violating law], *The Paper,* April 19, 2019.

[14] Chen Yuqian, "Huaiyun nu yuangong zao citui; zhichang qishi weifa, yulun qishi hanxin" [Pregnant female employee dismissed; employment discrimination is illegal, yet popular opinion is indifferent], *The Paper,* April 19, 2019.

[15] Dorcas Wong, Dezan Shira & Associates, "China Bans Questions on Marital, Childbearing Status during Hiring," China Briefing, March 7, 2019.

[16] Sukti Dasgupta, Makiko Matsumoto, and Cuntao Xia, International Labour Organization Regional Office for Asia and the Pacific, "Women in the Labour Market in China," ILO Asia-Pacific Working Paper Series, May 2015, 18–19. See also World Economic Forum, "The Global Gender Gap Report 2017," November 2, 2017, 120–21.

[17] Ministry of Human Resources and Social Security et al., *Renli Ziyuan Shehui Baozhang Bu, Jiaoyu Bu, Deng Jiu Bumen Guanyu Jin Yibu Guifan Zhaopin Xingwei Cujin Funu Jiuye De Tongzhi* [Circular Regarding Furthering the Regulation of Recruitment Activity to Increase Female Employment], issued February 21, 2019.

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

[19] Ibid., 30, 33.

[20] Human Rights Watch, "China: Female Civil Servants Face Discrimination, Harassment," November 8, 2018.
[21] Simina Mistreanu, "China's #MeToo Activists Have Transformed a Generation," *Foreign Policy,* January 10, 2019.
[22] Supreme People's Court, *Zuigao Renmin Fayuan Guanyu Zengjia Minshi Anjian Anyou De Tongzhi* [Circular Regarding the Addition of Civil Causes of Action], issued December 12, 2018, effective January 1, 2019.
[23] Ministry of Human Resources and Social Security et al., *Renli Ziyuan Shehui Baozhang Bu, Jiaoyu Bu, Deng Jiu Bumen Guanyu Jinyibu Guifan Zhaopin Xingwei Cujin Funu Jiuye De Tongzhi* [Circular Regarding Furthering the Regulation of Recruitment Activity to Increase Female Employment], issued February 21, 2019.
[24] Ibid.
[25] Ibid.
[26] State Council, "Zhengfu gongzuo baogao" [Government work report], reprinted in *Xinhua,* March 16, 2019.
[27] Li You, "China Imposes Hefty Fines for Sexist Hiring Practices," *Sixth Tone,* February 22, 2019; Amy Qin, "Stop Asking Women about Childbearing Status, China Tells Employers," *New York Times,* February 21, 2019.
[28] FreeChineseFeminists (@FeministChina), "Dezhou, Shandong's new regulation for gender equality in recruitment . . .," Twitter, January 28, 2019, 7:59 p.m.
[29] Laurie Chen, "'Speak Up to Prevent Sexual Harassment': Chinese Feminists Hail Beijing Subway Ads as Sign of Progress," *South China Morning Post,* September 18, 2018.
[30] China Labour Bulletin, "Workplace Discrimination," accessed April 29, 2019; Human Rights Watch, "China: Female Civil Servants Face Discrimination, Harassment," November 8, 2018.
[31] *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed 5 July 94, effective 1 January 95, amended December 29, 2018, arts. 12–13. Gender-based discrimination against employees or applicants for employment is prohibited in most circumstances under Articles 12 and 13 of the PRC Labor Law. See also Ministry of Human Resources and Social Security, *Jiuye Fuwu Yu Jiuye Guanli Guiding* [Provisions on Employment Services and Employment Management], issued November 5, 2007, amended December 23, 2014, effective February 1, 2015, arts. 20, 58(2); *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 48.
[32] Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, art. 11.1; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed July 15, 2019. China signed the convention on July 17, 1980, and ratified it on November 4, 1980. International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 7; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed July 15, 2019. China signed the ICESCR on October 27, 1997, and ratified it on March 27, 2001.
[33] Human Rights Watch, "Only Men Need Apply: Gender Discrimination in Job Advertisements in China," April 2018, 3–4.
[34] China Labour Bulletin, "Workplace Discrimination," accessed April 29, 2019; Human Rights Watch, "Only Men Need Apply: Gender Discrimination in Job Advertisements in China," April 2018, 3–4.
[35] *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, arts. 59–61, 63; State Council, *Nu Zhigong Laodong Baohu Tebie Guiding* [Special Provisions for the Protection of Female Employees' Labor], issued and effective April 28, 2012, Appendix, para. 1 (labor restrictions for all women), para. 2 (labor restrictions during menstruation), para. 3 (labor restrictions during pregnancy), para. 4 (labor restrictions while breastfeeding).
[36] Renmin Ribao (@renminribao), "Jintian, zhuanfa weibo: xiang baoli . . ." [Today, from Weibo: violence . . .], Weibo post, November 25, 2018, 4:15 p.m.
[37] *Zhonghua Renmin Gongheguo Fan Jiating Baoli Fa* [PRC Anti-Domestic Violence Law], passed December 27, 2015, effective March 1, 2016, chap. 4.
[38] Fu Danni et al., "Fan Jiabao Fa shishi liang zhou nian, renshen anquan baohu ling shishi xiaoli reng dai jiaqiang" [Two years under Anti-Domestic Violence Law, effectiveness of protection orders awaits reinforcement], *The Paper,* March 1, 2018. See also CECC, *2016 Annual Report,* October 6, 2016, 180.
[39] Zhang Qing and Feng Yuan, "Jiyu dui 560 fen caidingshu de fenxi, 'Zhonghua Renmin Gongheguo Fan Jiating Baoli Fa' shishi san zhounian jiance baogao" [Report monitoring three years of "PRC Anti-Domestic Violence Law" implementation: Analysis of 560 judgments], China Development Brief, March 8, 2019.
[40] Hannah Feldshuh, "Domestic Violence in China and the Limitations of Law," *SupChina,* October 10, 2018; Renmin Ribao (@renminribao), "Jintian, zhuanfa weibo: xiang baoli . . ." [Today, from Weibo: violence . . .], Weibo post, November 25, 2018, 4:15 p.m.
[41] Xia Fanghai, "Xiang jiabao shuo bu! Yunnan chutai jiating baoli qiangzhi baogao zhidu shishi banfa" ["Say no to domestic violence! Yunnan releases enforcing measures for compulsory reporting mechanism for domestic violence], Yunnan Net, January 3, 2019.
[42] *Zhonghua Renmin Gongheguo Funu Quanyi Baozhang Fa* [PRC Law on the Protection of Women's Rights and Interests], passed April 3, 1992, amended August 28, 2005, effective December 1, 2005, art. 11; *Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui He Difang Geji Renmin Daibiao Dahui Xuanju Fa* [PRC Electoral Law of the National People's Congress and Local People's Congresses], passed July 1, 1979, amended August 29, 2015, art. 6. Both of these laws stipulate that an "appropriate number" of female deputies should serve at all levels of people's congresses.

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

[44] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, arts. 7, 24. Under Article 7(b) of CEDAW, China, as a State Party, is obligated to "ensure to women, on equal terms with men," the right "[t]o participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government . . .." United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed July 15, 2019. China signed the convention on July 17, 1980, and ratified it on November 4, 1980, thereby committing to undertake the legal rights and obligations contained in these articles.

[45] Guangzhou Municipal Civil Affairs Department, "Guangzhou Shi Minzheng Ju gongbu shexian feifa shehui zuzhi mingdan (di liu pi)" [Guangzhou Municipal Civil Affairs Department issues list of suspected illegal social organizations (sixth batch)], January 8, 2019; Grace Tsoi, "Chinese Anti-Sexual Violence Center Shuts Down," *Inkstone,* December 7, 2018; Jiayun Feng, "Guangzhou Gender and Sexuality Education Center Shuts Down," *SupChina,* December 6, 2018.

[46] Wei Tingting is one of the Feminist Five rights advocates detained in March 2015 for organizing an anti-sexual harassment campaign. For more information on Wei Tingting, see Lü Pin, "Four Years On: The Whereabouts of the 'Feminist Five' and the Sustainability of Feminist Activism in China," *China Change,* March 11, 2019; CECC, *2015 Annual Report,* October 8, 2015, 173. See also the Commission's Political Prisoner Database record 2015-00114.

[47] Erweima Hen Nan Fuzhi (@GSEC123), "Gong hao ting geng shuoming" [Account closure and explanation], WeChat, December 6, 2018; Jiayun Feng, "Guangzhou Gender and Sexuality Education Center Shuts Down," *SupChina,* December 6, 2018.

[48] Erweima Hen Nan Fuzhi (@GSEC123), "Gong hao ting geng shuoming" [Account closure and explanation], WeChat post, December 6, 2018; Jiayun Feng, "Guangzhou Gender and Sexuality Education Center Shuts Down," *SupChina,* December 6, 2018.

[49] Jiayun Feng, "Chinese Social Media Censors Feminist Voices," *SupChina,* March 9, 2018.

[50] Didi Kirsten Tatlow, "China Is Said to Force Closing of Women's Legal Aid Center," *New York Times,* January 29, 2016.

[51] Siodhbhra Parkin and Jiayun Feng, "'The Government Is Powerful, but It Can't Shut Us Down': Lü Pin on China's #MeToo Movement," *SupChina,* July 12, 2019.

[52] Simina Mistreanu, "China's #MeToo Activists Have Transformed a Generation," *Foreign Policy,* January 10, 2019; Viola Zhou, "Chinese Social Media Site Blocks Petition Backing Woman Accusing Tech Billionaire of Rape," *Inkstone,* May 1, 2019.

[53] King-wa Fu, "Censored on WeChat: #MeToo in China," *Global Voices,* March 25, 2019.

[54] Simina Mistreanu, "China's #MeToo Activists Have Transformed a Generation," *Foreign Policy,* January 10, 2019.

[55] CECC, *2017 Annual Report,* October 5, 2017, 178–179; CECC, *2018 Annual Report,* October 8, 2018, 171–72.

[56] CECC, *2018 Annual Report,* October 8, 2018, 170.

[57] Amy Qin, "Stop Asking Women About Childbearing Status, China Tells Employers," *New York Times,* February 21, 2019; Yanan Wang and Shanshan Wang, "China's New Policy against Gender Bias Meets Fans, sceptics," *Associated Press,* February 22, 2019.

Findings

- In its 2019 Trafficking in Persons Report, the U.S. State Department listed China as Tier III, which is a designation for governments who "do not fully meet the minimum standards [under the Trafficking Victims Protection Act] and are not making significant efforts to do so."
- Chinese anti-trafficking law remains inconsistent with international standards in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), to which China is a State Party. Whereas the Palermo Protocol encompasses the exploitation of any individual, Chinese law addresses the selling of women and children, making it difficult to assess the scale of human trafficking in China as defined by international standards.
- Women and girls from countries including Burma (Myanmar), Cambodia, Indonesia, Laos, North Korea, Pakistan, and Vietnam were trafficked into China for forced marriage and sexual exploitation. The demand for such trafficking is due in part to the sex ratio imbalance in China, a result of decades of government-imposed birth limits and a traditional preference for sons, as well as a lack of economic opportunity in countries of origin.
- Chinese nationals were trafficked from China to other parts of the world, including the United States. Chinese sex workers were found working in illicit massage parlors across the United States. Because of their coercive nature, some of these cases may constitute human trafficking.
- Continued restrictions on movement imposed by the *hukou* system contributed to the risks that internal migrant workers face in human trafficking.
- The Chinese government continued to subject individuals to forced labor during pretrial detention and in administrative detention.
- Chinese authorities subjected Uyghur Muslim and other ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR) to forced labor in the production of food, textiles, and other goods. German scholar Adrian Zenz argues that cases of forced labor in the XUAR are part of a large-scale government-subsidized forced labor scheme. Supply chains of major companies including Adidas AG, C&A Campbell Soup, Esquel Group, Hennes & Mauritz AB, Kraft Heinz Co., Coca-Cola Co., and Gap Inc. may include products made by such forced labor.
- The government of the Democratic People's Republic of Korea (DPRK) reportedly continued to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor and in possible violation of UN sanctions.
- Hong Kong remained a destination for the trafficking of migrant domestic workers from Indonesia and the Philippines who face exploitative working conditions. The Hong Kong government's refusal to acknowledge the severity of the human

trafficking problem has resulted in weak policy responses in addressing the issue.

Recommendations

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

- Request the Department of Labor to use the latest reporting to update their 2019 "List of Goods Produced by Child Labor or Forced Labor" for China required by the Trafficking Victims Protection Reauthorization Act of 2005, paying particular attention to including products produced in or made with materials from the XUAR, and removing products that may no longer be made with forced labor.
- Support the passage of the Uyghur Human Rights Policy Act (H.R. 649/S. 178, 116th Cong., 1st Sess.) to respond to Chinese treatment of Uyghur Muslims, such as subjecting Uyghurs to forced labor and other human rights violations in mass internment camps.
- Support U.S. Government efforts to improve human trafficking data collection. Work with regional governments, multilateral institutions, and non-governmental organizations (NGOs) to improve the quality and accuracy of data and to monitor the effectiveness of anti-trafficking measures. Urge the Chinese government to collect and share relevant law enforcement data related to human trafficking. Incorporate language into bilateral and multilateral economic agreements requiring member countries to improve data collection on human trafficking and to take concrete steps toward eliminating human trafficking within their borders.
- Discuss with Chinese officials in appropriate bilateral and multilateral meetings the importance of protecting worker rights as a means of combating human trafficking for the purpose of forced labor. Stress that when workers are able to organize and advocate for their rights, they are less vulnerable to all forms of exploitation, including forced labor.
- Engage in regional cooperation to combat human trafficking through multilateral agreements and forums such as the Coordinated Mekong Ministerial Initiative Against Trafficking, Asia-Pacific Economic Cooperation, and the East Asia Summit. Such regional cooperation should address migration and the flow of refugees, poverty, sex ratio imbalances, and other risk factors that contribute to human trafficking.
- Pursue cooperation on anti-trafficking efforts through the U.S.-China Joint Liaison Group on Law Enforcement Cooperation. Support the work of the U.S. State Department's International Law Enforcement Academy Program in Bangkok, Thailand, to build regional law enforcement capacity.
- Facilitate international exchanges among civil society groups and industry associations to raise awareness of best practices to identify and combat human trafficking in supply chains. Support NGOs working on anti-trafficking research, education, prevention, and victims' services throughout Asia.

HUMAN TRAFFICKING

Defining Human Trafficking

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

- the action of recruiting, transporting, harboring, or receiving persons;
- the means of coercion, deception, or control;[5] and
- "the purpose of exploitation," including sexual exploitation or forced labor.[6]

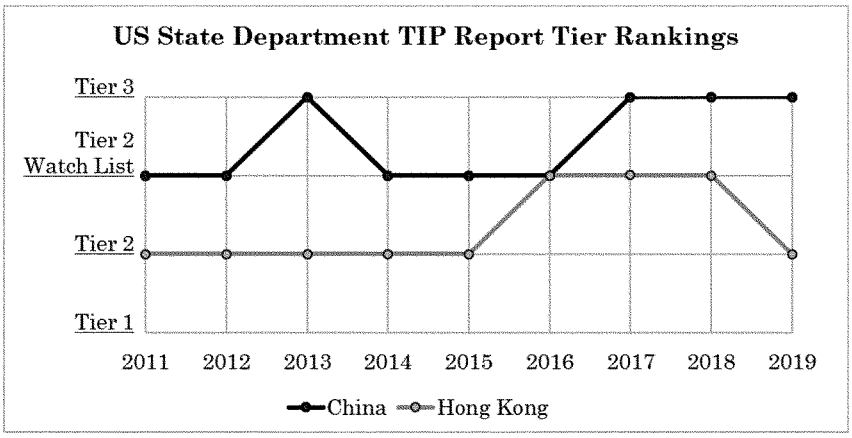
In contrast, Chinese law focuses on the act of selling a woman or child,[7] rather than the purpose of exploitation.[8] The definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking in the Palermo Protocol,[9] including certain types of non-physical coercion;[10] offenses against male victims;[11] and forced labor,[12] though forced labor is illegal under a separate provision of the law.[13] As defined by the Palermo Protocol, human trafficking can but does not always involve crossing international borders,[14] such as in the examples of Chinese government-sponsored forced labor described in this section. In addition, the Chinese legal definition of trafficking includes the purchase or abduction of children for subsequent sale without specifying the purpose of these actions.[15] Under the Palermo Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation.[16]

Human trafficking experts note a dearth of reliable statistics on the scale of human trafficking in Asia in general;[17] in China, inconsistencies between domestic law and international standards further contribute to the difficulty of assessing the scale of human trafficking.[18]

Trends and Developments

In 2019, the U.S. State Department listed China as Tier III, a designation for governments who "do not fully meet the minimum standards [Under the Trafficking Victims Protection Act] and are not making significant efforts to do so."[19]

Human Trafficking



CROSS-BORDER TRAFFICKING

China remains[20] a destination country for human trafficking, particularly of women and children from Southeast Asia,[21] and a source country for trafficking to the **United States, Europe,** and **Latin America.**[22] This past year, the Commission observed regional and international news media reports of the trafficking of women and girls to China for forced marriage and sexual exploitation from **Burma** (Myanmar),[23] **Cambodia,**[24] **Indonesia,**[25] **North Korea,**[26] **Pakistan,**[27] and **Vietnam;**[28] and the trafficking of individuals to China from **Burma, Nepal,** and **North Korea** for the purpose of forced labor.[29]

The commission further observed multiple reports of Chinese nationals working in the U.S. sex industry[30] through illicit massage parlors.[31] The managers of these illicit massage parlors in some cases subjected women to poor living conditions and restricted their freedom of movement.[32] The coercive nature of these cases may constitute human trafficking.[33]

In addition, in March 2019, a federal jury in New York found Dan Zhong, a former Chinese diplomat to the United States and former head of a U.S. affiliate of **China Rilin Construction Group,** guilty of forced labor charges.[34] Prosecutors alleged that Dan Zhong and his former employer, Wang Landong, also a former Chinese diplomat, forced Chinese construction workers to work on construction for diplomatic and commercial projects.[35] The security deposits that the workers gave the former diplomats to secure employment in the United States for higher wages would be forfeited if the workers escaped.[36]

DOMESTIC TRAFFICKING

According to UN Action for Cooperation against Trafficking in Persons (UN-ACT) and the U.S. Department of State, men, women, and children were trafficked within China's borders for forced labor, forced begging, and sexual exploitation.[37] During this reporting year, the Commission observed cases of trafficking for the purpose of forced labor, including one case in Hunan province where traffickers abducted at least 10 men—many with physical or intel-

lectual disabilities—from several provinces, and held them for years, forcing them to do various physically demanding work and beating them for disobeying.[38] Moreover, many of China's workers in construction and other industries reportedly worked in conditions that may constitute forced labor, facing frequent non-payment of wages.[39] [For more information on the problem of wage arrears, see Section II—Worker Rights.]

GOVERNMENT-SPONSORED FORCED LABOR

This past year, the Chinese government continued[40] to subject individuals to forced labor during pretrial detention and in administrative detention centers. The International Labour Organization's (ILO) definition of forced labor makes an exception for labor performed "as a consequence of a conviction in a court of law . . .,"[41] but the Commission observed reports this past year of individuals in China performing forced labor in detention before trial.[42] The Financial Times published an investigative report in August 2018 indicating that garlic peeled by unconvicted Chinese detainees awaiting trial entered the United States.[43] This is in violation of U.S. law.[44] Moreover, Chinese authorities continued[45] to require suspected drug users to perform labor after detaining them in compulsory drug detoxification centers, a form of administrative detention that bypasses the judicial process.[46] As the Chinese government does not convict compulsory detoxification detainees in court, the requirement to perform labor constitutes human trafficking under the Palermo Protocol[47] for the purpose of forced labor as defined by the ILO.[48] Compulsory drug detoxification centers are similar to the reeducation through labor (RTL) system,[49] under which detainees were subjected to forced labor[50] without judicial process.[51] After abolishing RTL in 2013,[52] authorities reportedly converted most RTL facilities to compulsory drug detoxification centers.[53]

Authorities continued[54] to detain sex workers accused of prostitution for up to two years without judicial process and require them to perform labor in a form of administrative detention known as "custody and education" (*shourong jiaoyu*).[55] In March 2019, one member of the Chinese People's Political Consultative Conference renewed his call to abolish the practice of "custody and education,"[56] and a U.S.-based human rights expert observed that while the intention of "custody and education" may be to educate those detained, in reality "the system puts people into forced labor."[57]

Forced Labor in the Xinjiang Uyghur Autonomous Region

This past year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) expanded a system of extrajudicial mass internment camps.[58] German scholar Adrian Zenz estimated that "up to 1.5 million ethnic minorities . . . are or have been interned."[59] Satellite imagery, personal testimonies, and official documents indicate that the XUAR authorities required current and former detainees of these mass internment camps to perform forced labor in factories inside or near the camps.[60] International media reported that the XUAR authorities have forced detainees to work in food, textile, and other manufacturing jobs,[61] and in some cases in government subsidized factories after authorities release them from the camps.[62] Some observers have compared work in mass internment camps to previous forced labor practices including the now abolished reeducation through labor (RTL) system.[63] [For more information on mass internment camps, see Section IV—Xinjiang.]

In mid-December 2018, international media reported that Badger Sportswear,[64] an American sportswear company, received shipments from **Hetian Taida Apparel Co. Ltd.** that included clothing made by forced labor.[65] Soon after the reports were released, Badger Sportswear ended its relationship with Hetian Taida.[66] Hetian Taida, based in the XUAR, had a cluster of 10 workshops within a mass internment camp.[67] Its workshops were featured in a 15-minute government broadcasted video report that highlighted "a vocational skills education and training center" in Hotan (Hetian) city, Hotan prefecture, XUAR.[68] The chairman of Hetian Taida, Wu Hongbo, confirmed that the company had a factory inside the camp, saying that Hetian Taida provided employment to trainees who were deemed unproblematic by the government as part of their "contribution to eradicating poverty."[69]

In May 2019, the Wall Street Journal linked supply chains of Adidas AG, C&A Campbell Soup, Esquel Group,[70] Hennes & Mauritz AB, Kraft Heinz Co., Coca-Cola Co., and Gap Inc. to forced labor in the XUAR.[71] Additionally, according to a July 2019 report by ABC Australia, many Australian companies source cotton from the XUAR.[72] German scholar Adrian Zenz argued that forced labor in the XUAR is part of a large government-subsidized forced labor scheme that affects current and former detainees of mass internment camps in the XUAR as well as individuals not held in the camps.[73] Zenz warned that "[s]oon, many or most products made in China that rely at least in part on low-skilled, labor-intensive manufacturing, could contain elements of involuntary ethnic minority labor from Xinjiang."[74]

Risk Factors

This past year, Chinese workers migrating within China were at risk of human trafficking, and government restrictions on freedom of residence and movement and worker rights exacerbated this risk. Although the central government promoted *hukou* system reforms to move millions of rural Chinese to cities, the *hukou* system continued to disadvantage and marginalize internal migrants.[75] Migrant workers have limited access to housing and government benefits due to the lack of official status in their new places of residence,[76] and they are more likely to work in informal employment

sectors.[77] The *hukou* system reportedly exacerbates these migrants' vulnerability to trafficking for the purpose of forced labor.[78] [For more information on the marginalization of internal migrants in China, see Section II—Special Topic: Migrant Neighborhoods a Target of Anti-Crime and Vice Campaign.]

The Chinese government also limited workers' freedom of association by not permitting the formation of independent unions.[79] A September 2016 UN report noted that the failure to enforce workers' fundamental right to freedom of association "directly contributes" to human trafficking.[80] Observers have noted that informal labor contracting practices in China increase the vulnerability to human trafficking of Chinese workers involved in Chinese infrastructure projects at home and abroad, including China's Belt and Road Initiative.[81] [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]

Decades of government-imposed birth limits combined with a traditional preference for sons have led to a sex ratio imbalance in China.[82] In rural areas, this imbalance is more pronounced as many women have migrated to cities for work.[83] The sex ratio imbalance has created a demand for marriageable women that may contribute to human trafficking for forced marriage.[84] [For more information on China's population policies, see Section II—Population Control.]

In addition to domestic human trafficking, individuals from other Asian countries are at risk for human trafficking in China.[85] A lack of economic opportunity in developing countries in Asia, especially among ethnic minority communities,[86] contributes to human trafficking from that region.[87] Women and girls in these countries are particularly at risk of trafficking for the purpose of forced marriage.[88] The Chinese government continued to treat refugees from the **Democratic People's Republic of Korea** (DPRK) as illegal economic migrants and maintained a policy of repatriating undocumented North Koreans,[89] leaving the refugees, who are predominantly women, vulnerable to trafficking for forced marriage[90] and sexual exploitation.[91] [For more information, see Section II—North Korean Refugees in China.]

While reports from March 2019 indicated that many workers from the DPRK had been repatriated due to the Chinese government's enforcement of UN sanctions,[92] the DPRK government reportedly continued[93] to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor.[94] The DPRK government reportedly withheld approximately 67 percent of the workers' earnings.[95]

Anti-Trafficking Efforts

During the Commission's 2019 reporting year, government figures indicated a decline in the number of criminal human trafficking cases opened by public security officials. According to the 2018 China Law Yearbook, public security officials opened 6,668 criminal cases involving the trafficking of women and children in 2017.[96] This was 6 percent fewer cases than the 7,121 cases opened in 2016.[97] The National Bureau of Statistics of China further reported that in 2017, authorities uncovered 546 cases of child trafficking,[98] down from 618 cases in 2016.[99] All figures likely include

cases of illegal adoption,[100] while excluding other cases such as offenses against male victims[101] and forced labor.[102] In June 2019, the Ministry of Public Security reported it rescued over one thousand trafficking victims from July to December 2018 in coordination with five Southeast Asian countries.[103]

Hong Kong

Hong Kong remained a destination for human trafficking,[104] with migrant domestic workers (MDWs) particularly at risk of exploitation for forced labor. The Hong Kong Census and Statistics Department's 2018 annual digest reported that in 2017, there were over 360,000 MDWs working for households in Hong Kong, the majority (approximately 97 percent) of whom came from the **Philippines** and **Indonesia.**[105] Non-governmental organizations (NGOs), advocates, and MDWs themselves reported that MDWs continued to face exploitative working conditions, including inadequate living conditions, little time off, unpaid wages, and in some cases physical and emotional abuse.[106] Two regulations—one requiring MDWs to live with their employers (live-in rule)[107] and another requiring them to leave Hong Kong within two weeks of contract termination[108]—contribute to MDWs' risk of exploitation for forced labor.[109]

The definition of human trafficking in Hong Kong's Crimes Ordinance covers only the cross-border movement of persons "for the purpose of prostitution" and not other forms of trafficking such as forced labor or trafficking that occurs within Hong Kong.[110] A 2018 Court of Appeal ruled in favor of the Hong Kong government when the government appealed a 2016 ruling, saying the Hong Kong government is not "[obligated under the Hong Kong Bill of Rights] to enact specific legislation to combat forced labour."[111] In March 2019 Matthew Cheung, Chief Secretary for Administration of the Hong Kong government, listed various measures Hong Kong was taking to combat trafficking and said it is "unfair and groundless for some critics to accuse the government of lacking the determination in tackling people trafficking simply because there is no composite law here."[112] But critics said there was no one single law against trafficking and existing laws do not cover all forms of trafficking present in Hong Kong.[113] While China acceded to the Palermo Protocol in 2010, the central government has not extended the Protocol to apply to Hong Kong.[114]

Notes to Section II—Human Trafficking

[1] United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, accessed May 17, 2019; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—China," June 2019, 526. See also CECC, *2018 Annual Report,* October 10, 2018, 178; CECC, *2017 Annual Report,* October 5, 2017, 186; CECC, *2016 Annual Report,* October 6, 2016, 186; CECC, *2015 Annual Report,* October 8, 2015, 184. In previous years, the Commission has used the acronym "UN TIP Protocol" for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime.

[2] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 5.1. See also UN Human Rights Council, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Maria Grazia Giammarinaro, A/HRC/35/37, March 28, 2017, para. 14.

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

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). Topics that need to be addressed in domestic human trafficking legislation to bring Chinese law into compliance with the Palermo Protocol include the addition of non-physical forms of coercion into the legal definition of trafficking, the trafficking of men, and providing the "purpose of exploitation." For an examination of the ways in which Chinese laws are inconsistent with the Palermo Protocol, see Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 148–77.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). Note that for children younger than 18 years old, the means described in Article 3(a) are not required for an action to constitute human trafficking.

[6] UN Office on Drugs and Crime, "What Is Human Trafficking?," accessed April 27, 2019; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). For information on how international standards regarding forced labor fit into the framework of the Palermo Protocol, see International Labour Office, International Labour Organization, "Human Trafficking and Forced Labour Exploitation: Guidelines for Legislation and Law Enforcement," 2005, 7–15; International Labour Organization, "Questions and Answers on Forced Labour," June 1, 2012. The International Labour Organization lists "withholding of wages" as an indicator of forced labor. See also Peter Bengsten, "Hidden in Plain Sight: Forced Labour Constructing China," *openDemocracy,* Februrary 16, 2018.

[7] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240. The PRC Criminal Law defines trafficking as "swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim]."

[8] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159. See also UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, November 6, 2018, para. 28.173; Report of the Working Group on the Universal Periodic Review—China (Addendum), A/HRC/40/6/Add.1, February 15, 2019, para. 2(28.173). In response to a recommendation from Ukraine at China's Universal Periodic Review requesting that China "[e]laborate comprehensive anti-trafficking legislation that provides for the criminalization of all forms of trafficking," the Chinese government stated that the recommendation was "[a]ccepted and already implemented."

[9] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 151, 166; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also UN Office on Drugs and Crime, "What Is Human Trafficking?," accessed April 27, 2019.

[10] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a).

[11] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 160, 166;

Zhonghua Renmin Gongheguo Xing Fa [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). The PRC Criminal Law defines trafficking as "swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim]." See also "Sifa da shuju zhuanti baogao zhi she guai fanzui" [Judicial big data special report on crimes involving trafficking], Supreme People's Court Information Center and Judicial Cases Research Institute, December 22, 2016, 11.

[12] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a).

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

[14] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a); Anti-Slavery International, "What Is Human Trafficking?" accessed May 6, 2019; Human Rights Watch, "Smuggling and Trafficking Human Beings," July 7, 2015; Rebekah Kates Lemke, "7 Things You May Not Know About Human Trafficking, and 3 Ways to Help," Catholic Relief Services, March 19, 2019. For an example of human trafficking report that lists government sponsored forced labor in China as part of human trafficking, see Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—China," June 2019, 3, 140–44.

[15] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2019, 141; Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 166–67, 170–71; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). The PRC Criminal Law defines trafficking as "swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim]." In contrast, the purpose of exploitation is a key element of the Palermo Protocol definition of human trafficking. For reports from the Commission's 2019 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale, see, e.g., Chen Yikai and You Tianyi, "9 ming ertong bei guai an liang renfan bei pan sixing" [In the case of 9 trafficked children, two traffickers sentenced to death], *Beijing News,* December 29, 2018; Wuzhou Procuratorate (@wuzhoujiancha), "Wuzhou shi jiancha jiguan pizhun daibu yidui shexian fanmai ziji duo ming haizi de fuqi" [Wuzhou municipal procuratorate approved the arrest of a married couple suspected of selling several of their own children], Weibo post, March 11, 2019, 18:55:53; "Baby-Selling Couple Arrested for Trafficking," *Sixth Tone,* March 12, 2019.

[16] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c). The purpose of exploitation is one of the required elements of a trafficking case under Article 3 of the Palermo Protocol. See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (*Travaux Préparatoires*) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, A/55/383/Add.1, November 3, 2000, para. 66; Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 171.

[17] See, e.g., W. Courtland Robinson and Casey Branchini, Johns Hopkins Bloomberg School of Public Health, and the Kachin Women's Association Thailand, "Estimating Trafficking of Myanmar Women for Forced Marriage and Childbearing in China," December 2018, ix; Matt Blomberg and Kong Meta, "Wedlocked: Tangled Webs Trap Cambodian 'Brides' in China," *Thomson Reuters Foundation,* March 11, 2019; Jenny Vaughan and Tran Thi Minh Ha, "Mothers of the Missing: Anguished Search for Vietnam's Kidnapped Brides," *Agence France-Presse,* December 12, 2012.

[18] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—China," June 2019; Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 166, 177.

[19] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2019, 37, 48. See also Trafficking Victims Protection Act of 2000, 22 U.S.C. 7102. For U.S. State Department Tier Rankings from 2011 through 2019, see Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons

Report," June 2019, 35–37, 141, 227; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2018, 139, 215.

[20] For information on cross-border trafficking to and from China in previous reporting years, see CECC, *2018 Annual Report,* October 10, 2018, 178–79; CECC, *2017 Annual Report,* October 5, 2017, 186; CECC, *2016 Annual Report,* October 6, 2016, 186; CECC, *2015 Annual Report,* October 8, 2015, 184.

[21] See, e.g., Heather Barr, Human Rights Watch, "Give Us a Baby and We'll Let You Go," March 21, 2019; Anna Maria Romero, "How China's One-Child Policy Has Resulted in Millions of Single Men, Plus South East Asian Women Sold into Marriage," *Independent,* December 13, 2018; Jenny Vaughan and Tran Thi Minh Ha, "Mother of the Missing: Anguished Search for Vietnam's Kidnapped Brides," *Agence France-Presse,* December 12, 2012.

[22] Aamna Mohdin, "Trafficked Chinese Woman: 'The Lorry Door Opened and We Ran,'" *Guardian,* December 12, 2018; Gustavo Arias Retana, "Human Trafficking from China Sounds Alarm in Latin America," *Diálogo,* November 15, 2018; Nicholas Kulish, Frances Robles, and Patricia Mazzei, "Behind Illicit Massage Parlors Lie a Vast Crime Network and Modern Indentured Servitude," *New York Times,* March 2, 2019.

[23] Heather Barr, Human Rights Watch, "Give Us a Baby and We'll Let You Go," March 21, 2019; W. Courtland Robinson and Casey Branchini, John's Hopkins Bloomberg School of Public Health, and the Kachin Women's Association Thailand, "Estimating Trafficking of Myanmar Women for Forced Marriage and Childbearing in China," December 2018; Htike Nanda Win, "Myanmar Women in China Use WeChat to Escape Forced Marriages," *Myanmar Now,* February 14, 2019.

[24] Matt Blomberg and Kong Meta, "Wedlocked: Tangled Webs Trap Cambodian 'Brides' in China," *Thomson Reuters Foundation,* March 11, 2019; Matt Blomberg, "Family Ties Thwart Cambodia's Efforts to Tackle Bride Trafficking in China," *Reuters,* February 20, 2019; Pav Suy, "Woman Charged for Trafficking Girl to China," *Khmer Times,* September 19, 2018.

[25] Resty Woro Yuniar, "Beaten & Abused: An Indonesian Bride Trafficked to China," *Inkstone,* June 25, 2019; Anna Maria Romero, "How China's One-Child Policy Has Resulted in Millions of Single Men, Plus South East Asian Women Sold into Marriage," *Independent,* December 13, 2018.

[26] Choe Sang-Hun, "Children of North Korean Mothers Find More Hardship in the South," *New York Times,* November 25, 2018; Crossing Borders, "North Korean Orphans," accessed April 19, 2019; "Bei mai dao Zhongguo . . . Beihan xinniang cheng shengzi gongju songhui Beihan zao yuzu qiangbao" [North Korean brides sold to China become childbearing tools, may be raped by prison guards upon repatriation to North Korea], *Liberty Times Net,* February 19, 2019; Yoon Hee-soon, Korea Future Initiative, "Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China," May 20, 2019.

[27] Adnan Aamir, "Chinese Illegal Marriage Operators Exploit Young Pakistani Women," *Nikkei Asian Review,* April 18, 2019; "FIA Continues Crackdown Against Chinese Nationals Involved in Human Trafficking," *Geo News,* May 9, 2019; Irfan Yar, "Why and How Pakistani Christian Girls Are Smuggled to China," *The Diplomat,* May 24, 2019; Salman Masood and Amy Qin, "She Thought She'd Married a Rich Chinese Farmer. She Hadn't.," *New York Times,* May 27, 2019.

[28] Hai Binh, "Vietnamese Woman Jailed Five Years for Trafficking Daughter-in-Law to China," *VN Express,* September 28, 2019; "Bringing Back the Vietnamese Women Sold into Sexual Slavery and Forced Marriages in China," *Agence France-Presse,* reprinted in *South China Morning Post,* December 13, 2018; "Women Charged with Selling Teenage Girls to China," *Asia Times,* March 12, 2019.

[29] "More Than 40 Human Trafficking Cases Reported in First Two Months," *Mizzima,* March 18, 2019; "Myanmar Workers Return Home After Fleeing Miserable Conditions at Chinese Sugarcane Plantation," *Radio Free Asia,* January 23, 2019; "China: 44 Nepali Women Tricked into Underpaid Overwork in Liaoning Province," *MyRepublica,* reprinted in Business and Human Rights Resource Centre, July 2, 2019; Lee Jeong-ho, "North Korean Workers and Imports Continue Cross Border into China Despite UN Sanctions," *South China Morning Post,* October 27, 2018; "North Korea Still Dispatching Workers to China Despite UN Sanctions," *Radio Free Asia,* March 21, 2019; Jason Arterburn, C4ADS, "Dispatched: Mapping Overseas Forced Labor in North Korea's Proliferation Finance System," August 2, 2018, 70–90.

[30] The Polaris Project, a non-governmental organization based in Washington, D.C., found that in the United States, "[t]he vast majority of women reported to have been trafficked in [illicit massage businesses] are from China, with a relatively high number coming from the [sic] Fujian province." Polaris Project, "Massage Parlor Trafficking," accessed April 27, 2019; Nicholas Kulish, Frances Robles, and Patricia Mazzei, "Behind Illicit Massage Parlors Lie a Vast Crime Network and Modern Indentured Servitude," *New York Times,* March 2, 2019; Mary Helen Moore, "How Vero Beach Police Landed the Only Human Trafficking Charge in Recent Florida Busts," *TC Palm, USA Today,* February 26, 2019.

[31] Patricia Mazzei, "'The Monsters Are the Men': Inside a Thriving Sex Trafficking Trade in Florida," *New York Times,* February 23, 2019; Mary Helen Moore, "How Vero Beach Police Landed the Only Human Trafficking Charge in Recent Florida Busts," *TC Palm, USA Today,* February 26, 2019; Sean Ross, "AG Steve Marshall Shuts Down Alleged 'Human Traffickers' Masquerading as Massage Parlors in North Alabama," *Yellowhammer News,* April 24, 2019; Sara Jean Green, "Major Prostitution Bust: Seattle Police Raid 11 Massage Parlors, Freeing 26 Women," *Seattle Times,* March 8, 2019. See also Nicholas Kulish, Frances Robles, and Patricia Mazzei, "Behind Illicit Massage Parlors Lie a Vast Crime Network and Modern Indentured Servitude," *New York Times,* March 2, 2019.

[32] Patricia Mazzei, "'The Monsters Are the Men': Inside a Thriving Sex Trafficking Trade in Florida," *New York Times,* February 23, 2019; Sean Ross, "AG Steve Marshall Shuts Down Alleged 'Human Traffickers' Masquerading as Massage Parlors in North Alabama," *Yellowhammer News,* April 24, 2019. See also Polaris Project, "Human Trafficking in Illicit Massage Busi-

nesses," 2018, 19, 27–34; Mary Helen Moore, "How Vero Beach Police Landed the Only Human Trafficking Charge in Recent Florida Busts," *TC Palm, USA Today,* February 26, 2019.

[33] As countries that have ratified the Palermo Protocol, both the United States and China have an obligation to prevent and combat trafficking in persons. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), 9; United Nations Treaty Collection, Chapter XVIII, Penal Matters, 12.a., Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, accessed July 22, 2019. See also Nicholas Kulish, Frances Robles, and Patricia Mazzei, "Behind Illicit Massage Parlors Lie a Vast Crime Network and Modern Indentured Servitude," *New York Times,* March 2, 2019; Polaris Project, "Human Trafficking in Illicit Massage Businesses," 2018, 27–34.

[34] Brendan Pierson, "Ex-Chinese Construction Exec Found Guilty in U.S. of Forced Labor Charges," *Reuters,* March 22, 2019; Stewart Bishop, "Ex-Chinese Diplomat Convicted of Forced Labor Scheme," *Law360,* March 22, 2019.

[35] Stewart Bishop, "Ex-Chinese Diplomat Convicted of Forced Labor Scheme," *Law360,* March 22, 2019; Brendan Pierson, "Ex-Chinese Construction Executive Faces U.S. Trial for Forced Labor," *Reuters,* March 5, 2019; Brendan Pierson, "Ex-Chinese Construction Exec Found Guilty in U.S. of Forced Labor Charges," *Reuters,* March 22, 2019. See also "Former Chinese Diplomat Faces US Trial for Forced Labor," *Epoch Times,* March 6, 2019.

[36] Stewart Bishop, "Ex-Chinese Diplomat Convicted of Forced Labor Scheme," *Law360,* March 22, 2019.

[37] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—China," June 2019; UN Action for Cooperation against Trafficking in Persons (UN-ACT), "China," accessed May 16, 2019.

[38] Fan Liya, "Hunan Family Abducted Disabled People for Slave Labor," *Sixth Tone,* January 21, 2019; Tan Jun, "Hunan Baojing jingfang po qiangpo laodong an: jiejiu shi ren, zhu shisan 17 nian fuzi tuanju" [Police from Baojing, Hunan, crack forced labor case: 10 people rescued, helped reunite father and son who had been separated for 17 years], *The Paper,* January 19, 2019. In another case, authorities sentenced traffickers to prison terms between one and six years for subjecting 52 men from various provinces to forced labor. Zhu Yuanxiang, "52 ming nanzi shizong ji: bei qiangpo laodong xianzhi renshen ziyou, youde changda liu nian" [Recollection of 52 missing men: forced to perform labor and personal freedoms restricted, some as long as six years], *The Paper,* January 19, 2019; Frank Tang, "'Not a Single Day of Rest': Victims Reveal Details of Modern Slavery Case in China," *South China Morning Post,* January 19, 2019.

[39] Peter Bengsten, "Hidden in Plain Sight: Forced Labour Constructing China," *openDemocracy,* February 16, 2018; China Labour Bulletin, "Understanding and Resolving the Fundamental Problems in China's Construction Industry," March 18, 2019. See also International Labour Organization, "Questions and Answers on Forced Labour," June 1, 2012. The International Labour Organization lists "withholding of wages" as an indicator of forced labor.

[40] For information from previous years on forced labor in pretrial and administrative detention, see CECC, *2018 Annual Report,* October 10, 2018, 179; CECC, *2017 Annual Report,* October 5, 2017, 187; CECC, *2016 Annual Report,* October 6, 2016, 187; CECC, *2015 Annual Report,* October 8, 2015, 186.

[41] International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, art. 2.1, 2.2(c); International Labour Organization, "Ratifications of CO29—Forced Labour Convention, 1930 (No. 29)," accessed May 16, 2019. Article 2.1 defines forced or compulsory labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." China has not ratified this convention.

[42] Civil Rights & Livelihood Watch, "Yang Qian yu zhong chixu aida qi an fahui chongshen" [Yang Qian continues to be beaten in prison, his case is returned for retrial], January 7, 2019; Yuan Yang, "Supply Chains: The Dirty Secret of China's Prisons," *Financial Times,* August 30, 2018. See also *Zhonghua Renmin Gongheguo Kanshousuo Tiaoli* [PRC Public Security Bureau Detention Center Regulations], issued and effective March 17, 1990, arts. 2, 33–34.

[43] Yuan Yang, "Supply Chains: The Dirty Secret of China's Prisons," *Financial Times,* August 30, 2018.

[44] Tariff Act of 1930, 19 U.S.C. 1307; Yuan Yang, "Supply Chains: The Dirty Secret of China's Prisons," *Financial Times,* August 30, 2018. See also U.S. Customs and Border Protection, "CBP Issues Detention Order on Tuna Harvested by Forced Labor Aboard the Tunago No. 61," February 6, 2019.

[45] For information on compulsory drug detoxification centers from previous reporting years, see CECC, *2018 Annual Report,* October 10, 2018, 179; CECC, *2017 Annual Report,* October 5, 2017, 187; CECC, *2016 Annual Report,* October 6, 2016, 187; CECC, *2015 Annual Report,* October 8, 2015, 186.

[46] Yang Bo and Wang Mingrun, "Guangzhou Ribao jizhe fang ai ri zou jin Nanfeng Qiangzhi Geli Jiedusuo duihua HIV huanzhe" [Guangzhou Daily reporter visited Nanfeng Forced Quarantine Drug Rehabilitation Center to speak with people with HIV on AIDS prevention day], *Guangzhou Daily,* December 1, 2018; Wenzhou Municipal Justice Bureau, "Shi Huanglong Qiangzhi Geli Jiedusuo zai quan sheng shuaixian tuixing '4+2+1' jiedu jiaozhi guanli moshi" [Huanlong Compulsory Quarantine Drug Rehabilitation Center in Wenzhou Municipality first in the province to implement "4+2+1" drug rehabilitation and correction management model], Feburary 27, 2019. For relevant legal provisions, see *Zhonghua Renmin Gongheguo Jindu Fa* [PRC Narcotics Law], passed December 29, 2007, effective June 1, 2008, arts. 38, 41, 43, 47; State Council, *Jiedu Tiaoli* [Drug Detoxification Regulations], issued and effective June 22, 2011; Ministry of Justice, *Sifa Xingzheng Jiguan Qiangzhi Geli Jiedu Gongzuo Guiding* [Judicial and Administrative Bureaus Compulsory Drug Detoxification Work Regulations], issued

March 22, 2013, effective June 1, 2013, art. 43. See also Human Rights Watch, "'Where Darkness Knows No Limits': Incarceration, Ill-Treatment, and Forced Labor as Drug Rehabilitation in China," January 2010, 27–31.

[47] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). Compulsory drug detoxification center detainee labor can be viewed as constituting trafficking under Article 3(a) of the Palermo Protocol, as authorities engage in the "harbouring" and "receipt of persons, by means of the threat or use of force . . . for the purpose of exploitation." According to Article 3(a), exploitation includes "forced labour." See also Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—China," June 2019.

[48] International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, art. 2. See also Patrick Tibke, International Drug Policy Consortium, "Drug Dependence Treatment in China: A Policy Analysis," February 2017, 8; Human Rights Watch, "'Where Darkness Knows No Limits': Incarceration, Ill-Treatment, and Forced Labor as Drug Rehabilitation in China," January 2010, 27–31.

[49] Amnesty International, "'Changing the Soup but Not the Medicine?': Abolishing Re-Education Through Labour in China," December 2013, 9.

[50] Amnesty International, "'Changing the Soup but Not the Medicine?': Abolishing Re-Education Through Labour in China," December 2013, 17–18; Human Rights Watch, "China: Fully Abolish Re-Education Through Labor," January 8, 2013; State Council, *Guanyu Laodong Jiaoyang Wenti de Jueding* [Decision on the Issue of Reeducation Through Labor], issued August 3, 1957, item 2.

[51] Amnesty International, "'Changing the Soup but Not the Medicine?': Abolishing Re-Education Through Labour in China," December 2013, 5; Human Rights Watch, "China: Fully Abolish Re-Education Through Labor," January 8, 2013; State Council, *Guanyu Laodong Jiaoyang Wenti de Jueding* [Decision on the Issue of Reeducation Through Labor], issued August 3, 1957, item 3; State Council, *Guanyu Laodong Jiaoyang de Buchong Guiding* [Supplementary Provisions on Reeducation Through Labor], issued and effective November 29, 1979, items 1–2.

[52] National People's Congress Standing Committee, *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Guanyu Feizhi Youguan Laodong Jiaoyang Falu Guiding De Jueding* [Decision on Abolishing Legal Provisions Regarding Reeducation Through Labor], issued and effective December 28, 2013.

[53] Sun Ying, "Sifabu: quanguo jue da duoshu yuan laojiao changsuo zhuan wei qiangzhi geli jiedu changsuo" [Ministry of Justice: vast majority of nation's former reeducation through labor centers turned into compulsory drug detoxification centers], *China National Radio,* November 5, 2014.

[54] CECC, *2018 Annual Report,* October 10, 2018, 179; CECC, *2017 Annual Report,* October 5, 2017, 187–88.

[55] Emile Dirks, "Partial Victory for China's Detainees," *East Asia Forum,* February 12, 2019; Isabelle Li and Shan Yuxiao, "China Signals End of Controversial Sex Work Detention Program," *Caixin,* December 29, 2019; Yue Hongbin and Cao Kun, "Quanguo Renda Changweihui Fagongwei: jianyi feizhi shourong jiaoyu zhidu" [NPC Legislative Affairs Commission: Proposes repeal of "custody and education" system], National People's Congress, December 26, 2018. For relevant legal provisions, see State Council, *Maiyin Piaochang Renyuan Shourong Jiaoyu Banfa* [Measures on Custody and Education of Prostitutes], issued September 4, 1993, amended January 8, 2011, arts. 2, 6, 13. See also Asia Catalyst, "'Custody and Education': Arbitrary Detention for Female Sex Workers in China," December 2013, 8, 25–27.

[56] Meng Yaxu, "Weihe si ci 'maotou' dui zhun shourong jiaoyu? Quanguo zhengxie weiyuan huiying" [Why critique custody and education four times? CPPCC member's response], *Beijing Youth Daily,* December 26, 2018; See also Isabelle Li and Shan Yuxiao, "China Signals End of Controversial Sex Work Detention Program," *Caixin,* December 29, 2019; Lin Ping, "Rights Group Calls on China's Parliament to End Sex Worker 'Reeducation,'" *Radio Free Asia,* March 6, 2019; Human Rights Watch, "China: Abolish Arbitrary Detention for Sex Workers," March 4, 2019.

[57] Lin Ping, "Rights Group Calls on China's Parliament to End Sex Worker 'Reeducation,'" *Radio Free Asia,* March 6, 2019; Human Rights Watch, "China: Abolish Arbitrary Detention for Sex Workers," March 4, 2019.

[58] Rob Taylor, "China Supersizes Internment Camps in Xinjiang Despite International Criticism," *Wall Street Journal,* November 1, 2018; Fergus Ryan, Danielle Cave, and Nathan Ruser, "Mapping Xinjiang's 'Re-education' Camps," International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018.

[59] Stephanie Nebehay, "1.5 Million Muslims Could Be Detained in China's Xinjiang: Academic," *Reuters,* March 13, 2019; Nick Cumming-Bruce, "U.S. Steps Up Criticism of China for Detentions in Xinjiang," *New York Times,* March 13, 2019. See also UN Office of the High Commissioner for Human Rights, "Committee on the Elimination of Racial Discrimination Reviews the Report of China," August 13, 2018.

[60] Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018; Emily Feng, "Forced Labour Being Used in China's 'Reeducation' Camps," *Financial Times,* December 15, 2018; Li Zaili, "Uyghur Women Forced to Labor in Camp," *Bitter Winter,* September 28, 2018; Li Zaili, "Handicraft Production Base Converted into a Camp (Video)," *Bitter Winter,* September 21, 2018; "Businesses in China's Xinjiang Use Forced Labor Linked to Camp System," *Radio Free Asia,* January 1, 2019; "Xinjiang Yining qiangbi Musilin dang lianjia laogong" [Yining, Xinjiang, forces Muslims to labor for cheap], *Radio Free Asia,* December 31, 2018.

[61] Emily Feng, "Forced Labour Being Used in China's 'Reeducation' Camps," *Financial Times,* December 15, 2018; Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced

to Factory in China's Internment Camps," *Associated Press,* December 19, 2018; China Countering Evil Cults, "Uncovering Xinjiang's 'Reeducation Camps' (High Definition Video)" [Video File], YouTube, October 16, 2018.

[62] Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018; Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018; "Businesses in China's Xinjiang Use Forced Labor Linked to Camp System," *Radio Free Asia,* January 1, 2019.

[63] Emily Feng, "Forced Labour Being Used in China's 'Reeducation' Camps," *Financial Times,* December 15, 2018; Sarah Cook, "The Learning Curve: How Communist Party Officials Are Applying Lessons from Prior 'Transformation' Campaigns to Repression in Xinjiang," *China Brief,* Jamestown Foundation, February 1, 2019.

[64] Badger Sportswear is a part of Founder Sport Group which is owned by CCMP Capital Advisors LP. "About Us," Badger Sport, accessed September 6, 2019; Iris Dorbian, "CCMP to Buy Uniforms Maker Badger Sportswear," The PE Hub Network, August 23, 2016.

[65] Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018; Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018. For more information on Badger Sportswear and its relationship with its Chinese supplier, Bada Sport and its Hetian Taida facility, see Worker Rights Consortium, "Factory Assessment Hetian Taida Apparel Co., Ltd. (China): Findings, Recommendations, and Status," June 24, 2019. See also Emily Feng, " Forced Labour Being Used in China's 'Reeducation' Camps," *Financial Times,* December 15, 2018.

[66] Badger Sport (@badger_sport), "Update: Wrap Investigation Concludes No Use of Forced Labor at Western China Facility," Twitter, December 22, 2018, 7:18 p.m.

[67] Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018.

[68] Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018; China Countering Evil Cults, "Uncovering Xinjiang's 'Reeducation Camps' (High Definition Video)" [Video File], YouTube, October 16, 2018, 7:14–7:25; Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018.

[69] Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018.

[70] Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *The Wall Street Journal,* May 16, 2019. According to a Wall Street Journal report of May 16, 2019, "Hong Kong-based Esquel Group—the world's largest contract shirt maker, which says its customers include Calvin Klein, Tommy Hilfiger, Nike Inc. and Patagonia Inc.—set up three spinning mills in Xinjiang to be close to the region's cotton fields. Esquel CEO John Cheh said that in 2017 officials began offering the company Uighurs from southern Xinjiang as workers."

[71] Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *Wall Street Journal,* May 16, 2019. See also Fair Labor Association, "Forced Labor Risk in Xinjiang, China," April 2019.

[72] Sophie McNeill, Jeanavive McGregor, Meredith Griffiths, Michael Walsh, Echo Hui, and Bang Xiao, "Cotton On and Target Investigate Suppliers after Forced Labour of Uyghurs Exposed in China's Xinjiang," *Four Corners, ABC News* (Australia), July 16, 2019.

[73] Adrian Zenz, "Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang," SocArXiv, July 14, 2019.

[74] Adrian Zenz, "Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang," SocArXiv, July 14, 2019, 2. See also Fair Labor Association, "Forced Labor Risk in Xinjiang, China," April 2019.

[75] National Development and Reform Commission, "2019 nian xinxing chengzhenhua jianshe zhongdian renwu" [Key tasks of new urbanization construction in 2019], March 27, 2019; Cheng Siwei and Timmy Shen, "Residency Restrictions to Be Scrapped in Many of China's Cities," *Caixin,* April 8, 2019. See also Paulson Institute, MacroPolo, "Hukou Difficulty Index," accessed May 15, 2019.

[76] China Labour Bulletin, "Migrant Workers and Their Children," accessed May 8, 2019; Ma Li, "Why China's Migrants Can't Just Leave Poverty Behind," *Sixth Tone,* September 1, 2018. See also Hongbin Li, Prashant Loyalka, Scott Rozelle, and Binzhen Wu, "Human Capital and China's Future Growth," *Journal of Economic Perspectives* 31, no. 1 (Winter 2017), 28; "Chinese Cities Should Stop Expelling Chinese Migrants," *Economist,* November 30, 2017.

[77] China Labour Bulletin, "Migrant Workers and Their Children," accessed May 8, 2019; Ma Li, "Why China's Migrants Can't Just Leave Poverty Behind," *Sixth Tone,* September 1, 2018.

[78] China Labour Bulletin, "Migrant Workers and Their Children," accessed May 8, 2019; Ma Li, "Why China's Migrants Can't Just Leave Poverty Behind," *Sixth Tone,* September 1, 2018.

[79] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended and effective October 27, 2001, arts. 9–11; China Labour Bulletin, "Labour Relations in China: Some Frequently Asked Questions," July 2018. For relevant international standards regarding the right to freely form and join independent unions, see International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right to Organise, July 4, 1950, arts. 2, 3, 5; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 23(4); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 22.1; International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8.1.

[80] UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, September 14, 2016, paras. 2, 4, 11, 74.
[81] Emily Feng, "China's Globetrotting Labourers Face Dangers and Debt," *Financial Times,* January 15, 2019; Emily Feng, "China's Global Construction Boom Puts Spotlight on Questionable Labor Practices," *NPR,* March 30, 2019; Aaron Halegua and Jerome A. Cohen, "The Forgotten Victims of China's Belt and Road Initiative," *Washington Post,* April 23, 2019.
[82] Amanda Erickson, "The 'Bride Price' in China Keeps Rising. Some Villages Want to Put a Cap on It.," *Washington Post,* September 23, 2018; Heather Barr, Human Rights Watch, "You Should Be Worrying About the Woman Shortage," December 4, 2019.
[83] Amanda Erickson, "The 'Bride Price' in China Keeps Rising. Some Villages Want to Put a Cap on It.," *Washington Post,* September 23, 2018.
[84] Amanda Erickson, "The 'Bride Price' in China Keeps Rising. Some Villages Want to Put a Cap on It.," *Washington Post,* September 23, 2018; Heather Barr, Human Rights Watch, "You Should Be Worrying about the Woman Shortage," December 4, 2018.
[85] See W. Courtland Robinson and Casey Branchini, John's Hopkins Bloomberg School of Public Health and the Kachin Women's Association Thailand, "Estimating Trafficking of Myanmar Women for Forced Marriage and Childbearing in China," December 2018; Matt Blomberg, "Family Ties Thwart Cambodia's Efforts to Tackle Bride Trafficking in China," *Reuters,* February 20, 2019; Yoon Hee-soon, Korea Future Initiative, "Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China," May 20, 2019, 12.
[86] Jenny Vaughan and Tran Thi Minh Ha, "Mother of the Missing: Anguished Search for Vietnam's Kidnapped Brides," *Agence France-Presse,* December 12, 2012; Emma Graham-Harrison, "Kachin Women From Myanmar 'Raped Until They Get Pregnant' in China," *Guardian,* March 21, 2019; Heather Barr, Human Rights Watch, "Give Us a Baby and We'll Let You Go: Trafficking of Kachin 'Brides' from Myanmar to China," March 2019, 2–4.
[87] Ming Ye, "Through Her Lens: Cong Yan Chronicles China's Cambodian Brides," *Sixth Tone,* February 8, 2019; Heather Barr, Human Rights Watch, "Give Us a Baby and We'll Let You Go: Trafficking of Kachin 'Brides' from Myanmar to China," March 2019, 4; W. Courtland Robinson and Casey Branchini, John's Hopkins Bloomberg School of Public Health and the Kachin Women's Association Thailand, "Estimating Trafficking of Myanmar Women for Forced Marriage and Childbearing in China," December 2018, 54–55; Irfan Yar, "Why and How Pakistani Christian Girls Are Smuggled to China," *The Diplomat,* May 24, 2019.
[88] Ming Ye, "Through Her Lens: Cong Yan Chronicles China's Cambodian Brides," *Sixth Tone,* February 8, 2019; Heather Barr, Human Rights Watch, "Give Us a Baby and We'll Let You Go: Trafficking of Kachin 'Brides' from Myanmar to China," March 2019; "Bringing Back the Vietnamese Women Sold into Sexual Slavery and Forced Marriages in China," *Agence France-Presse,* reprinted in *South China Morning Post,* December 13, 2018; W. Courtland Robinson, and Casey Branchini, John's Hopkins Bloomberg School of Public Health and the Kachin Women's Association Thailand, "Estimating Trafficking of Myanmar Women for Forced Marriage and Childbearing in China," December 2018.
[89] Human Rights Watch, "North Korea," in *World Report 2019: Events of 2018,* 2019; Choe Sang-Hun, "Children of North Korean Mothers Find More Hardship in the South," *New York Times,* November 25, 2018; Crossing Borders, "North Korean Orphans," accessed April 19, 2019. See also Tim A. Peters, "Reaching Underground Believers and Guiding Others in Flight: Silent Partners Assist North Koreans Under Caesar's Sword," *HKNK Insider,* September 24, 2018; Lin Taylor, "Through Lunar New Year Feast, North Korean Defectors Draw Attention to Their Plight," *Reuters,* February 8, 2019; UN Office of the High Commissioner for Human Rights, "Committee on the Elimination of Racial Discrimination Reviews the Report of China," August 13, 2018. The UN Committee on the Elimination of Racial Discrimination expressed concern that "China continued to deny refugee status to asylum-seekers from the Democratic People's Republic of Korea and it also continued to forcibly return them to their country of origin, regardless of a serious threat of persecution and human rights violations."
[90] Choe Sang-Hun, "Children of North Korean Mothers Find More Hardship in the South," *New York Times,* November 25, 2018; Crossing Borders, "North Korean Orphans," accessed April 19, 2019.
[91] Robert R. King, "Attention on DPRK and China Policies That Result in Sex Trafficking," *Peninsula* (blog), Korea Economic Institute, January 23, 2019; Su-Min Hwang, "The North Korean Women Who Had to Escape Twice," *BBC,* January 18, 2019; Julian Ryall, "Returned North Korean Defectors Paraded to Lecture on Miseries of Capitalism They Saw in China," *Telegraph,* December 29, 2018.
[92] Michelle Nichols, "Russia, China Sent Home More Than Half of North Korean Workers in 2018—UN Reports," *Reuters,* March 29, 2019; Richard Roth and Ben Westcott, "China and Russia Claim Thousands of North Korean Workers Sent Home," *CNN,* March 26, 2019.
[93] For information on North Korean workers in China from previous reporting years, see CECC, *2018 Annual Report,* October 10, 2018, 180; CECC, *2017 Annual Report,* October 5, 2017, 188; CECC, *2016 Annual Report,* October 6, 2016, 186–87.
[94] Lee Jeong-ho, "North Korean Workers and Imports Continue to Cross into China," *South China Morning Post,* October 27, 2018; "North Korea Still Dispatching Workers to China Despite UN Sanctions," *Radio Free Asia,* March 21, 2019. See also Jason Arterburn, C4ADS, "Dispatched: Mapping Overseas Forced Labor in North Korea's Proliferation Finance System," 2018.
[95] Lee Jeong-ho, "North Korean Workers and Imports Continue to Cross into China," *South China Morning Post,* October 27, 2018. See also Jason Arterburn, C4ADS, "Dispatched: Mapping Overseas Forced Labor in North Korea's Proliferation Finance System," 2018.
[96] *2018 Zhongguo falu nianjian* [2018 China law yearbook] (Beijing: China Law Yearbook Press, 2018), 1191, table 1.
[97] *2017 Zhongguo falu nianjian* [2017 China law yearbook] (Beijing: China Law Yearbook Press, 2017), 1168, table 1.

[98] National Bureau of Statistics of China, "2017 nian 'Zhongguo ertong fazhan gangyao (2011–2020 nian)' tongji jiance baogao" [2017 "Chinese children's development summary (2011–2020)" statistical monitoring report], October 2018, sec. 1(5)2.

[99] National Bureau of Statistics of China, "2016 nian 'Zhongguo ertong fazhan gangyao (2011–2020 nian)' tongji jiance baogao" [2016 "Chinese children's development summary (2011–2020)" statistical monitoring report], October 27, 2017, sec. 1(5)2.

[100] The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling [the victim]." The illegal sale of children for adoption thus can be considered trafficking under Chinese law. In contrast, under the Palermo Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation. *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, amended and effective November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (*Travaux Préparatoires*) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, A/55/383/Add.1, November 3, 2000, para. 66; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—China," June 2019; Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016), 166–67, 170–71.

[101] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, amended and effective November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 160, 166–70.

[102] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, amended and effective November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159, 170, 175.

[103] Dake Kang, "Chinese Police Raids Rescue 1,100 Trafficked Women," *Associated Press,* June 21, 2019; Zhang Hui, "Chinese, Southeast Asian Police Rescue Abducted Women," *Global Times,* June 21, 2019.

[104] For information on human trafficking in Hong Kong from previous reporting years, see CECC, *2018 Annual Report,* October 10, 2018, 181–82; CECC, *2017 Annual Report,* October 5, 2017, 189–90; CECC, *2016 Annual Report,* October 6, 2016, 189–90; CECC, *2015 Annual Report,* October 8, 2015, 187–88.

[105] Census and Statistics Department, Hong Kong Special Administrative Region, "Xianggang tongji niankan" [Hong Kong annual digest of statistics], October 2018, 44, table 2.12. The Hong Kong government refers to migrant domestic workers as "foreign domestic helpers." For general information on migrant domestic workers, see International Labour Organization, "Who Are Domestic Workers?," accessed April 24, 2019; International Labour Organization, "Migrant Domestic Workers," accessed April 24, 2019.

[106] Mary Ann Benitez, "Hong Kong Public Helps Bethune House Secure Enough Funding to Keep Two Refuges for Distressed Helpers Open until End of Year," *South China Morning Post,* October 28, 2018; Raquel Carvalho, "Migrant Domestic Workers Prop Up Hong Kong's Economy, so Why Are They Excluded?," *South China Morning Post,* March 12, 2019; Alan Wong, "Inkstone Index: Hong Kong's Foreign Domestic Workers Photo: Dickson Lee," *Inkstone,* March 4, 2019; Raquel Carvalho, "Filipino Domestic Worker in Hong Kong Fired after Employer Found Out She Has Cervical Cancer," *South China Morning Post,* March 5, 2019; Communications and Public Relations Office, Chinese University of Hong Kong, "Migrants Rights Denied in Hong Kong," February 13, 2019.

[107] Immigration Department, Hong Kong Special Administrative Region Government, "Cong waiguo shoupin lai gang jiating yonggong qianzheng/yanchang douliu qixian shenqing biao" [Visa/extension of stay application form for domestic helper from abroad], accessed April 25, 2019, 6(ii); Immigration Department, Hong Kong Special Administrative Region Government, "Employment Contract for a Domestic Helper Recruited from Outside Hong Kong," accessed April 25, 2019, item 3. Immigration Department, Hong Kong Special Administrative Region Government, "Foreign Domestic Helpers," accessed April 25, 2019, question 33. See also Karen Cheung, "Hong Kong Domestic Worker Loses Legal Bid to Overturn Compulsory Live-In Rule," *Hong Kong Free Press,* February 14, 2018.

[108] Immigration Department, Hong Kong Special Administrative Region Government, "Cong waiguo shoupin lai gang jiating yonggong qianzheng/yanchang douliu qixian shenqing biao" [Visa/extension of stay application form for domestic helper from abroad], accessed April 25, 2019, 6(vi); Immigration Department, Hong Kong Special Administrative Region Government, "Conditions of Employment for Foreign Domestic Helpers: A General Guide to the Helper," accessed April 25, 2019, item 3; Immigration Department, Hong Kong Special Administrative Region Government, "Foreign Domestic Helpers," accessed April 25, 2019, question 33.

[109] Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong et al., "Joint Submission of NGOs for the Universal Periodic Review (3rd Cycle) Hong Kong Special Administrative Region (HKSAR) China," March 2018, paras. 45–46, 48, 50; Mary Ann Benitez,

"Carrie Lam Urged to End 'Institutional Slavery' in Hong Kong by Acting on Promise of Support for City's Foreign Domestic Workers," *South China Morning Post,* October 12, 2019.

[110] *Crimes Ordinance (Cap. 200)* sec. 129(1). See also Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong et al., "Joint Submission of NGOs for the Universal Periodic Review (3rd Cycle) Hong Kong Special Administrative Region (HKSAR) China," March 2018, para. 49.

[111] Department of Justice, Hong Kong Special Administrative Region Government, "Summary of Judicial Decision: ZN ('the Applicant') v Secretary for Justice, Director of Immigration, Commissioner of Police and Commissioner for Labour (Collectively as 'the Respondents') CACV 14/17; [2018] HKCA 473," August 2, 2018, para. 8. For the full court ruling, see In the High Court of the Hong Kong Special Administrative Region Court of Appeal, Civil Appeal No. 14 of 2017, (On Appeal From Hcal 15/2015) Between ZN and Secretary for Justice, Director of Immigration, Commissioner of Police, Commissioner for Labour, Judgement.

[112] "Hong Kong Determined to Fight People Trafficking and Protect Helpers," *South China Morning Post,* March 9, 2019.

[113] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—Hong Kong," June 2019; Elise Mak, "Human Trafficking in Hong Kong," *Harbour Times,* April 25, 2019.

[114] China made the following declaration regarding the application of the Palermo Protocol to Hong Kong: "Unless otherwise notified by the Government, the Protocol shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China." See United Nations Treaty Collection, Chapter XVIII, Penal Matters, 12.a. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, accessed May 17, 2019. See also UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, adopted by the Committee at its 59th Session (October 20–November 7, 2014), CEDAW/C/CHN/CO/7-8, November 14, 2014, para. 56.

North Korean Refugees in China

Findings

- During the Commission's 2019 reporting year, the Chinese government continued to detain North Korean refugees in China and repatriate them to the Democratic People's Republic of Korea (DPRK), where they face severe punishments, including torture, imprisonment, forced labor, and even execution. The repatriation of North Korean refugees violates China's obligations under international human rights and refugee law and may amount to "aiding and abetting crimes against humanity."
- The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries. This past year, Chinese and North Korean authorities reportedly imposed stricter border controls to deter North Korean refugees from escaping the DPRK. The South Korean government reported that about 1,137 North Korean refugees escaped to South Korea in 2018, compared to the peak of 2,914 refugees in 2009.
- South Korean missionaries and organizations have played a crucial role in assisting and facilitating the movement of North Korean refugees in China. Chinese authorities' crackdown on and expulsions of South Korean missionaries in recent years have undermined refugee rescue work carried out by the missionaries.
- The majority of North Korean refugees leaving the DPRK are women. The Chinese government's refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China. The UK-based Korea Future Initiative estimated that about 60 percent of all female North Korean refugees in China are trafficked for the purpose of sexual exploitation.
- Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to their lack of legal resident status in China, which constitutes violations of China's PRC Nationality Law and the Convention on the Rights of the Child.

Recommendations

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

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

ugees; and allow North Korean refugees safe passage to another country, including to the Republic of Korea.
○ Consider using the suite of sanctions that are available, where appropriate, against Chinese government agencies and individuals involved in the repatriation of North Korean refugees; and press for increased international monitoring of and accountability for the Chinese government's treatment of refugees.
○ Urge Chinese authorities to recognize the legal status of North Korean women who marry or have children with Chinese citizens, and ensure that all such children are granted resident status and access to education and other public services in accordance with Chinese law and international standards.
○ Appoint and confirm the U.S. Special Envoy on North Korean Human Rights Issues, and encourage the Special Envoy to work with South Korean counterparts to coordinate efforts related to humanitarian assistance and human rights promotion for North Korean refugees in China, in accordance with the North Korean Human Rights Reauthorization Act (Public Law No. 115–198).

North Korean Refugees in China

Introduction

During the Commission's 2019 reporting year, the Chinese government's policy to detain North Korean refugees and repatriate them to the Democratic People's Republic of Korea (DPRK) remained in place, despite substantial evidence that repatriated persons face torture, imprisonment, forced labor, execution, and other inhuman treatment.[1] The North Korean government's imprisonment and torture of repatriated North Koreans render North Koreans in China refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK.[2] The Chinese government, however, regards North Korean refugees in China as illegal economic migrants[3] and maintains a policy of forcible repatriation based on a 1998 border protocol with the DPRK.[4] China's repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded.[5] China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating persons if there are "substantial grounds for believing that [they] would be in danger of being subjected to torture."[6]

Border Conditions and Repatriation of Refugees

The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries,[7] and heightened security measures along the China-North Korea border may have contributed to a trend of significant decline in the number of North Korean refugees that reach South Korea.[8] This past year, Chinese and North Korean authorities reportedly imposed stricter border controls to deter North Korean refugees from escaping the DPRK.[9] Chinese authorities also appear to be conducting regular raids on safe houses and detaining higher numbers of North Korean refugees than in the past.[10] Reuters reported in June 2019 that Chinese authorities detained "at least 30" North Koreans in China since mid-April.[11] A rights advocate, however, separately estimated 20 to 30 detentions and as many as 7 raids every month.[12] The South Korean Ministry of Unification reported that about 1,137 North Korean refugees reached South Korea in 2018, compared to the peak of 2,914 refugees in 2009.[13]

Throughout the 2019 reporting year, Chinese authorities reportedly detained and repatriated North Korean refugees to the DPRK. Representative cases included the following:

- **November 2018.** Chinese authorities reportedly detained two North Korean refugees in Dandong municipality, Liaoning province, and repatriated them to the DPRK.[14] In a separate incident, Chinese authorities detained another North Korean refugee at an unknown location near the China-North Korea border and later repatriated the refugee.[15]
- According to a **December 2018** Daily NK report, Chinese authorities repatriated an elderly North Korean refugee after he had been involved in a traffic accident at an unknown loca-

tion in China.[16] The refugee reportedly died a week after his repatriation to the DPRK, due to a lack of medical treatment.[17]

- **February 2019.** China's Ministry of State Security officials reportedly detained a North Korean refugee family of three in Shenyang municipality, Liaoning.[18] The Daily NK warned that if repatriated, the family could face severe punishment, because they escaped North Korea during "a very politically sensitive time."[19]
- **April 2019.** According to South Korean media reports, in early April, Vietnamese authorities reportedly detained three North Korean refugees near the China-Vietnam border and later transferred them to Chinese authorities.[20] In late April, Chinese authorities detained a group of seven North Korean refugees—including a minor and her uncle—at an unknown location in Shenyang, causing concerns that they too may be repatriated.[21]
- **May 2019.** The Daily NK reported the detentions of 14 North Korean defectors in China: on May 15, two detentions in Shenyang; on May 21, four detentions (including two teenagers) in Nanning municipality, Guangxi Zhuang Autonomous Region, two more detentions in Shenyang, and two detentions in Tonghua municipality, Jilin province; and on May 25, four more detentions in Shenyang.[22]
- **July 2019.** Radio Free Asia cited South Korean sources who claimed that Chinese authorities detained 60 North Koreans and had already begun repatriating some of them to the DPRK.[23]

As of August 2019, the Commission had not observed any new developments in these cases.

In 2014, the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea stated that China's forcible repatriation of North Korean refugees may amount to "aiding and abetting crimes against humanity."[24] During this reporting year, UN officials again voiced their concerns and urged Chinese authorities on a number of occasions to stop the repatriation of North Korean refugees.[25]

Crackdown on Foreign Missionaries

During this reporting year, the Commission continued to observe reports of Chinese authorities cracking down on organizations and individuals, particularly South Korean Christian missionaries and churches, that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.[26] As documented in the Commission's 2017 and 2018 annual reports, in recent years Chinese authorities expelled at least several hundred South Korean missionaries, many of whom assisted North Korean refugees in fleeing to South Korea and other countries.[27] One international advocacy group stated that the recent wave of expulsions of foreign missionaries is one of the largest since 1954, a development that has undermined refugee rescue work carried out by the missionaries.[28]

Trafficking of North Korean Women

North Korean women who enter China illegally remain particularly vulnerable to human trafficking. The demand for North Korean women has been linked to a sex ratio imbalance in China exacerbated by the Chinese government's population planning policies.[29] Sources indicate that the majority of North Korean refugees leaving the DPRK are women,[30] many of whom are trafficked by force or deception from the DPRK into or within China for the purposes of forced marriage and commercial sexual exploitation.[31]

The Chinese government's refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China.[32] According to a May 2019 report published by U.K.-based Korea Future Initiative, an estimated 60 percent of all female North Korean refugees in China are trafficked for the purpose of sexual exploitation.[33] Roughly 50 percent of those trafficked women "are forced into prostitution" and 15 percent are "pressed into cybersex."[34] This past year, international news media reported several cases of traffickers confining North Korean women and girls at unknown locations in China and forcing them to work in "cybersex dens."[35] China is obligated to take measures to safeguard trafficking victims and suppress all forms of trafficking of women under the Convention on the Elimination of All Forms of Discrimination against Women and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.[36] [For more information on the sex ratio imbalance and the trafficking of women in China, see Section II—Population Control and Section II—Human Trafficking.]

Children of North Korean and Chinese Parents

Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to their lack of legal resident status in China. According to some estimates, the population of children born in China to North Korean women ranges between 20,000 and 30,000.[37] The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.[38] Chinese authorities reportedly continue to largely deprive these children of their rights to birth registration and nationality.[39] Without proof of resident status, these children are unable to access education and other public services.[40] The denial of nationality rights and access to education for these children contravenes China's obligations under the Convention on the Rights of the Child.[41]

Notes to Section II—North Korean Refugees in China

[1] Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019; Human Rights Watch, "North Korea," in *World Report 2019: Events of 2018,* 2019, 437–442; William Gallo, "S. Korea Works for Safety of 7 Defectors Held in China," *Voice of America,* May 3, 2019.

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

[3] Lin Taylor, "Through Lunar New Year Feast, North Korean Defectors Draw Attention to Their Plight," *Reuters,* February 8, 2019; Tim A. Peters, Committee for Human Rights in North Korea, "Reaching Underground Believers & Guiding Others in Flight: Silent Partners Assist North Koreans under Caesar's Sword," September 24, 2018; Colin Zwirko, "South Korea 'Mobilizing All' Diplomatic Resources to Help Defectors Held in China," *NK News,* May 3, 2019.

[4] Democratic People's Republic of Korea Ministry of State Security and People's Republic of China Ministry of Public Security, *Zhonghua Renmin Gongheguo Gonganbu Chaoxian Minzhu Zhuyi Renmin Gongheguo Guojiabaoweibu Guanyu Zai Bianjing Diqu Weihu Guojia Anquan He Shehui Zhixu De Gongzuo Zhong Xianghu Hezuo De Yidingshu* [Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas], signed July 8, 1998, effective August 28, 1998, arts. 4, 9. The protocol commits each side to treat as illegal those border crossers who do not have proper visa certificates, except in cases of "calamity or unavoidable factors."

[5] Convention Relating to the Status of Refugees, adopted by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons on July 28, 1951, entry into force April 22, 1954, arts. 1(A)(2), 33(1). Article 1 of the 1951 Convention, as amended by the 1967 Protocol, defines a refugee as someone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . .." Article 33 of the 1951 Convention mandates that, "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Convention Relating to the Status of Refugees, accessed May 10, 2019. China acceded to the Convention Relating to the Status of Refugees on September 24, 1982. Protocol Relating to the Status of Refugees, adopted by UN General Assembly resolution A/RES/2198 of December 16, 1966, entry into force October 4, 1967; United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Protocol Relating to the Status of Refugees, accessed May 10, 2019. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982. See also Human Rights Watch, "North Korea" in *World Report 2019: Events of 2018,* 2019; Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019.

[6] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 3. Article 3 states that, "No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed May 10, 2019. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 46. See also Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019.

[7] Ann Babe, "When the Dream Dies: Female North Korean Defectors Suffer Prejudice in the Competitive, Self-Absorbed South," *South China Morning Post,* October 18, 2018; Lee Jeong-ho, "Treat North Korean Refugees as 'Humanitarian Issue,' Former US Prisoner Kenneth Bae Urges China," *South China Morning Post,* April 18, 2019.

[8] See, e.g., "Number of N. Korean Defectors to S. Korea Falls under Kim Jong-un: Data," *Yonhap News Agency,* September 30, 2018; Jung Da-min, "Why Number of North Korean Defectors Keep Decreasing," *Korea Times,* October 22, 2018; Shim Kyu-Seok and Sarah Kim, "3 Defectors Nabbed by Vietnam and Sent Back," *Korea JoongAng Daily,* April 5, 2019.

[9] Jung Da-min, "Why Number of North Korean Defectors Keep Decreasing," *Korea Times,* October 22, 2018; "Number of N. Korean Defectors to S. Korea Falls under Kim Jong-un: Data," *Yonhap News Agency,* September 30, 2018; Human Rights Watch, "North Korea" in *World Report 2019: Events of 2018,* 2019; Jo Hyon, "Video Surveillance Network Expanded on China-North Korea Border," *Daily NK,* December 28, 2018.

[10] Josh Smith and Joyce Lee, "Chinese Raids Hit North Korean Defectors' 'Underground Railroad,'" *Reuters,* June 16, 2019; Helen Regan and Jake Kwon, "China Is Cracking Down on Safe Houses Used by North Korean Defectors, Activists Say," *CNN,* June 20, 2019.

[11] Josh Smith and Joyce Lee, "Chinese Raids Hit North Korean Defectors' 'Underground Railroad,'" *Reuters,* June 16, 2019.

[12] Helen Regan and Jake Kwon, "China Is Cracking Down on Safe Houses Used by North Korean Defectors, Activists Say," *CNN,* June 20, 2019.

[13] Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed May 10, 2019; "Activists Urge China to Not Repatriate N. Korean Defectors," *Voice of America,* April 30, 2019.

[14] Kim Song Il, "North Korean Defectors in China Repatriated," *Daily NK,* November 28, 2018.

[15] Ibid.

[16] Kim Yoo Jin, "Elderly Man Dies After Defection Attempt and Repatriation to North Korea," *Daily NK,* December 14, 2018.
[17] Ibid.
[18] Kim Yoo Jin, "North Korean Authorities Surprised by Defections During Politically Sensitive Period," *Daily NK,* March 6, 2019.
[19] Ibid.
[20] "It's Urgent, Too," editorial, *Korea Herald,* April 7, 2019; Shim Kyu-Seok and Sarah Kim, "3 Defectors Nabbed by Vietnam and Sent Back," *Korea JoongAng Daily,* April 5, 2019; Kim Myong-song and Roh Suk-jo, "Foreign Ministry 'Ignored N.Korean Defectors' Pleas for Help,'" *Chosun Ilbo,* April 5, 2019.
[21] Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019; "Seven Detained North Korean Defectors in China Face Repatriation," *Radio Free Asia,* April 29, 2019; "Rally Held at Chinese Embassy in Seoul for Seven North Korean Defectors Detained in Shenyang," *Radio Free Asia,* April 30, 2019.
[22] Jang Seul Gi, "Arrests of North Korean Defectors in China Continue," *Daily NK,* June 18, 2019.
[23] "China Detains 60 North Korean Defectors, Sends Some Back," *Radio Free Asia,* August 7, 2019.
[24] UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, A/HRC/25/63, February 7, 2014, Annex II, 28. See also "Seven Detained North Korean Defectors in China Face Repatriation," *Radio Free Asia,* April 29, 2019; Jung-Hoon Lee and Joe Phillips, "Drawing the Line: Combating Atrocities in North Korea," *Washington Quarterly* 39, no. 2 (2016): 62.
[25] "UN Rapporteur Urges China Not to Send N. Korean Defectors Back to Regime," *Arirang,* May 17, 2019; "UN Committee Voices Concern over China's Continued Deportation of N. Korean," *KBS World Radio,* September 6, 2018; Lee Chi-dong, "U.N. Refugee Chief Asks S. Koreans to Be More Hospitable to Asylum Seekers," *Yonhap News Agency,* October 24, 2018.
[26] Tim A. Peters, Committee for Human Rights in North Korea, "Reaching Underground Believers & Guiding Others in Flight: Silent Partners Assist North Koreans under Caesar's Sword," September 24, 2018; Ha Yoon Ah, "Many Churches Assisting North Korean Defectors in China Close, Missionaries Say," *Daily NK,* February 8, 2019; International Christian Concern, "Expulsion of Foreign Missionaries in China Has Greatly Increased," February 13, 2019.
[27] CECC, *2018 Annual Report,* October 10, 2018, 192; CECC, *2017 Annual Report,* October 5, 2017, 199.
[28] International Christian Concern, "Expulsion of Foreign Missionaries in China Has Greatly Increased," February 13, 2019; Ha Yoon Ah, "Many Churches Assisting North Korean Defectors in China Close, Missionaries Say," *Daily NK,* February 8, 2019.
[29] See, e.g., Joshua Berlinger, "Report Claims Thousands of North Korean Women Sold into Sex Slavery in China," *CNN,* May 21, 2019; "Bei mai dao Zhongguo . . . Beihan xinniang cheng sheng zi gongju song hui Beihan zao yuzu qiangbao" [North Korean brides sold to China became childbearing tools, may be raped by prison guards upon repatriation to North Korea], *Liberty Times,* February 19, 2019. See also Robbie Gramer et al., "With Human Trafficking Report, Tillerson Rebukes China on Human Rights," *Foreign Policy,* June 27, 2017.
[30] Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed June 3, 2019. South Korean Ministry of Unification data show that as of June 2019, 85 percent (969) of the total number of North Korean refugees (1,137) who entered South Korea in 2018 were female; and 72 percent (23,606) of all North Korean refugees (32,706) who have entered South Korea since 1998 were female. Su-Min Hwang, "The North Korean Women Who Had to Escape Twice," *BBC,* January 18, 2019; Robert R. King, "Attention on DPRK and China Policies That Result in Sex Trafficking," *Peninsula* (blog), Korea Economic Institute, January 23, 2019.
[31] Robert R. King, "Attention on DPRK and China Policies That Result in Sex Trafficking," *Peninsula* (blog), Korea Economic Institute, January 23, 2019; Su-Min Hwang, "The North Korean Women Who Had to Escape Twice," *BBC,* January 18, 2019; Julian Ryall, "Returned North Korean Defectors Paraded to Lecture on Miseries of Capitalism They Saw in China," *Telegraph,* December 29, 2018.
[32] Su-Min Hwang, "The North Korean Women Who Had to Escape Twice," *BBC,* January 18, 2019; Choe Sang-Hun, "Children of North Korean Mothers Find More Hardship in the South," *New York Times,* November 25, 2018.
[33] Yoon Hee-soon, Korea Future Initiative, "Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China," May 20, 2019.
[34] Ibid.
[35] Joshua Berlinger, "Report Claims Thousands of North Korean Women Sold into Sex Slavery in China," *CNN,* May 21, 2019; Emma Batha, "North Korean Women Tell of Slavery and Gang Rape in Chinese Cybersex Dens," *Reuters,* May 20, 2019; Jung Da-min, "Young North Korean Defectors Fall Prey to Human Trafficking," *Korea Times,* January 22, 2019.
[36] Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, art. 6; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed May 10, 2019. China signed the Convention on July 17, 1980, and ratified it on November 4, 1980. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, arts. 6–9; United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, accessed May 10, 2019. China acceded to the Protocol on February 8, 2010.

[37] Crossing Borders, "North Korean Orphans," accessed May 30, 2019; Kim Kwang-tae, "Journey to Freedom by N. Korean Victims of Human Trafficking," *Yonhap News Agency,* December 22, 2017; Rachel Judah, "On Kim Jong-un's Birthday, Remember the 30,000 Stateless Children He Has Deprived of Recognition," *Independent,* January 7, 2018.

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

[39] See, e.g., Cara McGoogan, "We Were Sex Trafficked from North Korea and Sold to Men at Bridal 'Markets,'" *Telegraph,* May 22, 2019; "Bei mai dao Zhongguo . . . Beihan xinniang cheng sheng zi gongju song hui Beihan zao yuzu qiangbao" [North Korean brides sold to China became childbearing tools, may be raped by prison guards upon repatriation to North Korea], *Liberty Times,* February 19, 2019.

[40] See, e.g., Cara McGoogan, "We Were Sex Trafficked from North Korea and Sold to Men at Bridal 'Markets,'" *Telegraph,* May 22, 2019; "Bei mai dao Zhongguo . . . Beihan xinniang cheng sheng zi gongju song hui Beihan xao yuzu qiangbao" [North Korean brides sold to China became childbearing tools, may be raped by prison guards upon repatriation to North Korea], *Liberty Times,* February 19, 2019.

[41] Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, arts. 2, 7, 28(1)(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also provide all children with access to education without discrimination on the basis of nationality.

PUBLIC HEALTH

Findings

- Food safety and vaccine safety scandals have continued to emerge this past year, despite the Chinese government's attempts in the past decade to improve quality control. Analysts point to a lack of accountability, weak regulatory capacity and enforcement of laws, corruption, and government procurement systems that favor low-cost goods. The National People's Congress passed a new vaccine law in June 2019 aimed at strengthening vaccine supervision, penalizing producers of substandard or fake vaccines, and introducing compensation for victims of faulty vaccines.
- Despite strong regulations aimed at improving food and vaccine safety and punishments for companies and individuals found guilty of criminal acts, authorities also continued to detain citizens for speaking out and organizing protests in response to food and vaccine scandals.
- Chinese authorities reportedly continued to forcibly commit individuals to psychiatric facilities, including government critics and those with grievances against government officials and legal processes, even though the PRC Mental Health Law prohibits forcible commitment as a form of punishment.

Recommendations

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

- Continue to support technical assistance and exchange programs in public health. Require that U.S.-China cooperative programs include the participation of U.S. and Chinese non-governmental organizations and a focus on human rights.
- Urge Chinese officials—including officials in the National Health Commission—to focus on effective implementation of laws and regulations that prohibit health-based discrimination in employment and education. Where appropriate, share the United States' ongoing experience promoting the rights of persons with disabilities in education and employment, through non-governmental advocacy and services, as well as legal and regulatory means.
- Urge the Chinese government to establish panels of legal, medical, social work, and security professionals from within and outside the government to monitor and report on implementation of the PRC Mental Health Law (MHL) and initiatives under the National Mental Health Work Plan (2015–2020) to ensure that local implementation consistently meets standards of care and rights protection stipulated in the MHL, the PRC Law on the Protection of the Rights of Persons with Disabilities, and international standards.

PUBLIC HEALTH

Legislative and Policy Developments

In October 2018, the National People's Congress Standing Committee released a second draft of healthcare legislation aimed at protecting healthcare workers from the ongoing problem of "commotions at hospitals" (*yi'nao*).[1] The draft legislation establishes that actions such as disturbing order at healthcare institutions, threatening or endangering the personal safety of staff, and illegally gaining favors will be investigated as crimes.[2] In February 2019, the Chinese Communist Party General Office and State Council General Office issued the "Provisions on the Food Safety Responsibility System for Local Party and Government Leading Cadres," which, if implemented, could strengthen food safety accountability for local officials.[3] In June 2019, the National People's Congress passed the PRC Vaccine Management Law set to take effect in December 2019.[4]

Food Safety

Although the Chinese government has committed itself to protect citizens' right to safe food,[5] and it continues to take steps aimed at improving food safety,[6] food safety scandals nevertheless continued to occur.[7] Authorities suppressed protests by victims and their parents,[8] violating freedoms of expression, assembly, and demonstration.[9]

The Commission observed reports of the following instances of such suppression during its 2019 reporting year:

- In September 2018, after expired, worm-infested food was served to children at three kindergartens, authorities detained two individuals in **Wuhu municipality, Anhui province,** who were believed to be responsible.[10] The incident reportedly affected 765 children.[11]
- According to international and domestic reports, in March 2019 public security authorities in **Chengdu municipality, Sichuan province,** used pepper spray to control parents who protested against unsanitary food served at a private high school and detained at least 12 of them.[12] At least 77 students received medical attention after ingesting the food, including 3 who were hospitalized.[13]

Drug Safety

Vaccine scandals continued this reporting year,[14] sparking protests by parents of sickened children.[15] In the aftermath of a major vaccine scandal uncovered in 2018 involving Changsheng Biotechnology Company in Changchun municipality, Jilin province,[16] public health expert Yanzhong Huang noted that the case had exposed "systematic safety risks across China's entire vaccine industry."[17] Huang further said that ongoing scandals stem from "a host of issues confronting China today: corruption, moral decline, loopholes in internal corporate controls, weak regulatory capacity, and a lack of accountability."[18]

The Office of the UN High Commissioner on Human Rights and the World Health Organization, in a jointly issued fact sheet, noted

that the right to quality healthcare includes "scientifically approved and unexpired drugs."[19] Following the 2018 vaccine scandal involving Changsheng Biotechnology Company,[20] in June 2019 the National People's Congress Standing Committee passed the PRC Vaccine Management Law, aimed at strengthening supervision, penalizing producers and distributors of substandard or fake vaccines, and introducing compensation for victims of faulty vaccines.[21]

During this past year, the Chinese government took the following actions against companies and individuals deemed responsible for vaccine safety violations:

- In **October 2018,** the National Medical Products Administration imposed a record total penalty of 9.1 billion yuan (approximately US$1.3 billion) on Changsheng Biotechnology Company, which it found responsible for producing faulty vaccines that were administered to hundreds of thousands of people, along with other illegal actions, and detained 18 people.[22] In November 2018, the Shanghai and Shenzhen stock exchanges issued new measures providing for the mandatory delisting of companies suspected of "illegal behavior in the areas of national security, public security, environmental security, work safety, and public health."[23] In January 2019, the state media outlet Xinhua reported that Changsheng Biotechnology announced that it had received its delisting notice from the Shenzhen Stock Exchange.[24]
- In **January 2019,** authorities in Jinhu county, Jiangsu province, reportedly fired 3 health officials and "held 33 persons responsible" after at least 145 children were administered expired polio vaccines.[25]
- In **January 2019,** authorities in Shijiazhuang municipality, Hebei province, criminally detained a nurse suspected of administering incorrect vaccines to 29 children for financial gain, and removed 2 district heads of the Shijiazhuang disease control center.[26]
- In **April 2019,** authorities in Hainan province fined and revoked the license of privately-owned Bo'ao Yinfeng Healthcare International Hospital, for reportedly administering fake HPV vaccines to at least 38 patients, one of whom reportedly was pregnant.[27]

The Commission observed that Chinese authorities violated the rights to free speech and free assembly of individuals who protested against unsafe vaccines and sought compensation, including the following:[28]

- In February 2019, authorities in Beijing municipality detained **He Fangmei,** whose daughter was paralyzed in March 2018 by a series of tainted vaccines,[29] after He Fangmei organized other aggrieved parents to protest before the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference (Two Sessions).[30] In April 2019, authorities charged her with "picking quarrels and provoking trouble," and held her at the Xinxiang Public Security Bureau Detention Center in Xinxiang municipality, Henan province.[31] He's case was sent to court in August 2019.[32]

- On or around September 2, 2018, authorities in Beijing detained **Tan Hua,** in connection to her public advocacy for compensation for victims of tainted vaccines in August 2018, and reportedly transferred her to the custody of authorities in Shanghai municipality.[33]

Ongoing Misuse of the PRC Mental Health Law

Authorities continued to use forcible psychiatric commitment (*bei jingshenbing*), in violation of the PRC Mental Health Law, to punish or arbitrarily detain individuals who expressed political dissent or grievances against the government.[34] Two experts in Chinese law commented that the law's definition of "mental disorder" is too vague, and a "lack of due process in such important decision-making jeopardizes millions of people's basic right to freedom from arbitrary detention." [35]

Examples of misuse of the law this past year include the following:

- On July 16, 2018, officials in Zhuzhou municipality, Hunan province, forcibly committed **Dong Yaoqiong,** a 29-year-old woman who live-streamed a video of herself criticizing Communist Party General Secretary Xi Jinping and the Chinese Communist Party, to a psychiatric hospital.[36] According to Radio Free Asia, authorities detained her father in August 2018,[37] and barred a rights lawyer from visiting her.[38] The Commission has not observed updates on the status of Dong Yaoqiong during this reporting year.[39]
- In March 2019, authorities in Shanghai municipality forcibly committed **Yan Fenlan** to a psychiatric institution after she had traveled to Beijing during the Two Sessions to petition for compensation for her demolished home.[40] She was first forcibly committed to a psychiatric institution in 2008 after she petitioned authorities in Beijing and Shanghai regarding land confiscation.[41]

Notes to Section II—Public Health

[1] National People's Congress, *Zhonghua Renmin Gongheguo Jiben Yiliao Weisheng yu Jiankang Cujin Fa (Cao'an) (Er Ci Shenyi Gao)* [PRC Basic Healthcare and Health Promotion Law (Draft) (Second Deliberation Draft)], NPC Observer, accessed July 24, 2019, arts. 43, 47, 107; Tian Xiaohang, "Woguo ni lifa baohu yiliao weisheng renyuan renshen anquan" [China drafts legislation to protect healthcare workers' personal safety], *Xinhua,* October 22, 2018. Public reports about these "commotions" typically describe incidents of violence against hospital personnel, sometimes resulting in fatalities, by aggrieved patients or their extended family. For more information on *yi'nao,* see CECC, *2016 Annual Report,* October 6, 2016, 203.

[2] National People's Congress, *Zhonghua Renmin Gongheguo Jiben Yiliao Weisheng yu Jiankang Cujin Fa (Cao'an) (Er Ci Shenyi Gao)* [PRC Basic Healthcare and Health Promotion Law (Draft) (Second Deliberation Draft)], NPC Observer, accessed July 24, 2019, arts. 43, 47, 107; Tian Xiaohang, "Woguo ni lifa baohu yiliao weisheng renyuan renshen anquan" [China drafts legislation to protect healthcare workers' personal safety], *Xinhua,* October 22, 2018.

[3] Chinese Communist Party General Office and State Council General Office, *Difang Dang Zheng Lingdao Ganbu Shipin Anquan Zerenzhi Guiding* [Provisions on the Food Safety Responsibility System for Local Party and Government Leading Cadres], effective February 5, 2019; Wang Xiaodong, "Leading Local Officials to Be Accountable for Food Safety," *China Daily,* February 26, 2019; "China Launches Nationwide Inspection on Food Safety at Schools," *Xinhua,* March 4, 2019; "State Council Passes Draft Rules on Implementing Food Safety Law," *Xinhua,* March 27, 2019; Tingmin Koe, "China Unveils the First Set of Food Safety Tasks for Local Government," *FoodNavigator-Asia,* March 5, 2019.

[4] *Zhonghua Renmin Gongheguo Yimiao Guanli Fa* [PRC Vaccine Management Law], passed June 29, 2019, effective December 1, 2019.

[5] World Health Organization, "Human Rights and Health," December 29, 2017; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 25(1). See also Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, art. 24.2(c); International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976.

[6] Chinese Communist Party General Office and State Council General Office, *Difang Dang Zheng Lingdao Ganbu Shipin Anquan Zerenzhi Guiding* [Provisions on the Food Safety Responsibility System for Local Party and Government Leading Cadres], effective February 5, 2019.

[7] Phoebe Zhang, "Chinese Kindergartens 'Served Rotten, Worm-Infested Food' to Children, Two People Detained," *South China Morning Post*, September 27, 2018; Echo Xie, "Chinese School Principal Sacked over Claims Mouldy Food Found in Canteen," *South China Morning Post,* March 17, 2019; Alice Yan, "Shanghai School Food Scare Triggers City Wide Kitchen Health Check," *South China Morning Post,* October 23, 2018.

[8] See, e.g., Mandy Zuo, "Police Try to Quell Chinese Parents' Protest over 'Mouldy' School Food," *South China Morning Post,* March 14, 2019; Gerry Shih, "Chinese Police Say They Used 'Minimum' Pepper Spray to Disperse Fuming Parents in Food Safety Scandal," *Washington Post,* March 14, 2019.

[9] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 15, 2019. China has signed but not ratified the ICCPR. Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 19, 20; *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

[10] Phoebe Zhang, "Chinese Kindergartens 'Served Rotten, Worm-Infested Food' to Children, Two People Detained," *South China Morning Post,* September 27, 2018.

[11] Ibid.

[12] Mandy Zuo, "Police Try to Quell Chinese Parents' Protest over 'Mouldy' School Food," *South China Morning Post,* March 14, 2019; Gerry Shih, "Chinese Police Say They Used 'Minimum' Pepper Spray to Disperse Fuming Parents in Food Safety Scandal," *Washington Post,* March 14, 2019; "Chengdu Qi Zhong Shiyan Xuexiao famei shipin shijian zhong duo ren zao juliu," [Many detained in Chengdu No. 7 Experimental Middle School moldy food incident], *Australian Broadcasting Corporation,* March 18, 2019.

[13] Ye Hanyong, Li Like, and Liu Hai, "Chengdu gongbu Chengdu Qi Zhong Shiyan Xuexiao shipin anquan wenti diaocha zuixin jinzhan" [Chengdu announces latest progress in investigation of Chengdu No. 7 Experimental Middle School food safety problem], *Xinhua,* March 17, 2019.

[14] "29 Children Receive Wrong Vaccine in North China City," *Global Times,* February 4, 2019; Joyce Huang, "Use of Expired Vaccine Sparks Public Scare in China," *Voice of America,* January 16, 2019; Sui-Lee Wee and Elsie Chen, "China Investigates Latest Vaccine Scandal After Violent Protests," *New York Times,* January 14, 2019; Yanzhong Huang, "China's Vaccine Scandals Must Trigger Deeper Health Care Reforms," *Nikkei Asian Review,* August 15, 2018.

[15] Sui-Lee Wee and Elsie Chen, "China Investigates Latest Vaccine Scandal After Violent Protests," *New York Times,* January 14, 2019; "Chinese Official Appears to Be Beaten in Protest over Vaccine Scandal" [Video file], *South China Morning Post,* January 11, 2019.

[16] Sui-Lee Wee, "China Imposes Record Fine on Vaccine Maker over Safety Scandal," *New York Times,* October 17, 2018. In 2018, China's National Medical Products Administration imposed a record penalty on Changchun Changsheng Biotechnology Company for the fabrication of data pertaining to a rabies vaccine the company produced. Authorities further accused the company of producing substandard vaccines for diptheria, tetanus, and whooping cough.

[17] Yanzhong Huang, "China's Vaccine Scandals Must Trigger Deeper Health Care Reforms," *Nikkei Asian Review,* August 15, 2018. See also Yoel Kornreich, "Vaccine Scandals in China: Why Do They Keep Happening Over and Over Again?" Asia Pacific Foundation of Canada, December 21, 2018.

[18] Yanzhong Huang, "China's Vaccine Scandals Must Trigger Deeper Health Care Reforms," *Nikkei Asian Review,* August 15, 2018.

[19] UN Office of the High Commissioner for Human Rights and World Health Organization, Right to Health (Human Rights Fact Sheet no. 31), June 2008, 4. See also World Health Organization, Human Rights and Health, December 29, 2017.

[20] Kinling Lo, "Changsheng Bio-Tech, the Vaccine Maker behind China's Latest Public Health Scare," *South China Morning Post,* July 25, 2018.

[21] *Zhonghua Renmin Gongheguo Yimiao Guanli Fa* [PRC Vaccine Management Law], passed June 29, 2019, effective December 1, 2019, arts. 1, 72, 93, 96; Wang Xiaodong, "Law on Vaccine Supervision Includes Tough Penalties for Producing Fakes," *China Daily,* July 1, 2019; "China Adopts Tough Law to Ensure Vaccine Safety," *Xinhua,* June 29, 2019.

[22] Zhao Wenjun, "Yao Jian Bumen yifa congyan dui Changchun Changsheng Gongsi weifa weigui shengchan kuangquanbing yimiao zuochu xingzheng chufa" [National Medical Products Administration severely punishes Changchun Changsheng Company for illegal production of rabies vaccine], *Xinhua,* October 16, 2018; Sui-Lee Wee, "China Imposes Record Fine on Vaccine Maker Over Safety Scandal," *New York Times,* April 29, 2019; Eric Ng, "Troubled Chinese Vaccine Maker Changsheng Faces Delisting for Endangering Public Security under Revised Rules," *South China Morning Post,* November 19, 2018; China Securities Regulatory Commission, "Zhongguo Zhengjianhui xingzheng chufa jueding shu (Changsheng Shengwu Keji Gufen Youxian Gongsi, Gao Junfang, Zhang Jing deng 18 ming zeren renyuan)" [China Securities Regulatory Commission Administrative Punishment Decision (Changsheng Biotechnology Company, Gao Junfang, Zhang Jing among 18 responsible individuals)], December 6, 2018. The monetary penalties against Changsheng included confiscation of illegal gains of 1.9 billion yuan (approximately US$276 million) and a fine of 7.2 billion yuan (approximately US$1.05 billion).

[23] "Zhongguo fabu shangshi gongsi zhongda weifa qiangzhi tui shi xin gui, Changsheng Shengwu tui shi jizhi qidong" [China announces new rules for compulsory delisting of companies for serious violations of law, delisting of Changsheng Biotech begins], *Reuters,* November 18, 2018; Wang Quanhao, "Tui shi xin gui luodi, zhongda weifa tui shi gongsi zai shang shi xu jian ge 5 nian" [New rules on delisting set down, companies delisted for serious violations of law must wait 5 years to relist], *Xinhua,* November 19, 2018.

[24] Liu Hui, "Ding le! Changsheng Shengwu queding bei shishi zhongda weifa qiangzhi tuishi" [Decided! Changsheng Biotech confirmed for compulsory delisting for serious violations of law], *Xinhua,* January 15, 2019; Yin Peng, "Shenjiaosuo qidong dui Changsheng Shengwu zhongda weifa qiangzhi tuishi jizhi" [Shenzhen Stock Exchange begins compulsory delisting process against Changsheng Biotech for serious violation of law], *Xinhua,* November 17, 2018.

[25] Tang Tao and Yang Guang, "Jinhu xian guoqi jihui yimiao shijian 17 ren yi bei chuli" [17 people punished in Jinhu county expired polio vaccine incident], *CCTV,* January 11, 2019; Cang Wei, "3 Health Officials Fired Over Use of Expired Polio Vaccines," *China Daily,* January 10, 2019; "Jiangsu Jinhu xian guoqi yimiao shijian 33 zerenren yi bei wenze: 2 ren yisong sifa jiguan" [33 responsible persons held accountable in Jinhu county, Jiangsu, expired vaccine incident: 2 persons handed over to judicial authorities], *People's Daily,* February 24, 2019; Nectar Gan, "Over 100 Babies and Toddlers Given Expired Polio Vaccines in China, Months after Last Crisis," *South China Morning Post,* January 9, 2019.

[26] Zhou Yichuan, "Wulian Yimiao touhuan shijian houxu: jiezhong renyuan shexian fanzui, yi xingshi juliu" [Pentavalent vaccine switch incident follow-up: vaccinating staff detained on suspicion of crime], *Sohu,* February 12, 2019; "29 Children Receive Wrong Vaccine in North China City," *Global Times,* February 4, 2019.

[27] Zhang Qianyi, "Hainan tongbao Bo'ao Yinfeng Kangyang Guoji Yiyuan shexian shiyong jia yimiao" [Hainan announces Bo'ao Yinfeng Kangyang International Hospital suspected of using fake vaccines], *China News,* April 29, 2019; Zhuang Pinghui, "Private Hospital in China Closed Down after Dozens of Patients Given Fake HPV Vaccines," *South China Morning Post,* April 28, 2019; "China Fines a Hospital for Administering Potentially Fake Vaccines," *Bloomberg,* April 29, 2019.

[28] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 15, 2019. China has signed but not ratified the ICCPR. Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 19, 20. See also *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

[29] Civil Rights & Livelihood Watch, "Yimiao shouhai jiazhang He Fangmei fufu bei jin ban huzhao" [He Fangmei and her husband, parents of vaccine victim, prevented from getting passports], September 14, 2018. He Fangmei's daughter was sickened by a series of vaccines, including hepatitis A; measles, mumps, and rubella; and diptheria, tetanus, and pertussis.

[30] "China Holds Vaccine Parent-Turned-Activist Detained at Beijing Protest," *Radio Free Asia,* March 26, 2019; "Wenti weijie: yimiao huan'er jiazhang zai du jin Jing qingyuan" [Problem unsolved: parents of child vaccine victims again petition in Beijing], *Radio Free Asia,* April 29, 2019.

[31] "Chinese Vaccine Activist Formally Arrested, Will Likely Face Jail Over Campaign," *Radio Free Asia,* May 2, 2019; "China Holds Vaccine Parent-Turned-Activist Detained at Beijing Protest," *Radio Free Asia,* March 26, 2019.

[32] Rights Defense Network, "'Yimiao Baobao zhi Jia' weiquan tuanti faqi ren He Fangmei (Shisan Mei) an jianchayuan shencha qisu qiman, yi zhuan dao fayuan" ["Tainted-Vaccine Ba-

bies' Home" rights organization founder He Fangmei (Sister Thirteen) case sent to court upon expiration of procuratorial indictment review period], August 6, 2019.

[33] New Citizens' Movement, "Yimiao shouhaizhe Lianghui zao weiwen Tan Hua bei qiangpo shizong jin liangbai tian" [Vaccine victims face stability maintenance during Two Sessions, Tan Hua forcibly disappeared nearly 200 days], March 4, 2019; Rights Defense Network, "Kuangquan yimiao shouhaizhe, Shanghai weiquan renshi Tan Hua bei qiangpo shizong jin yi 57 tian muqin ye zao qiangpo shizong 40 tian" [Rabies vaccine victim and Shanghai rights defender Tan Hua forcibly disappeared for 57 days as of today, her mother also forcibly disappeared for 40 days], October 28, 2018. For more information on Tan Hua, see the Commission's Political Prisoner Database record [forthcoming].

[34] *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, arts. 27, 30, 75(5), 78(1). Provisions in the PRC Mental Health Law prohibit forcible commitment of individuals who do not have mental illness or who do not exhibit clinically determined "dangerousness" to themselves or others.

[35] Jerome A. Cohen and Chi Yin, "It's Too Easy to Wind Up in a Chinese Psychiatric Hospital, and Far Too Hard to Get Out," *ChinaFile,* Asia Society, August 23, 2018.

[36] "Pomo nuhai Dong Yaoqiong bei song Zhuzhou jingshenbing yuan Zhongguo ge di ji che Xi huaxiang" [Girl who splashed ink, Dong Yaoqiong, sent to Zhuzhou psychiatric hospital, Xi's image quickly removed from many sites in China], *Voice of America,* July 23, 2018; "Woman Who Splashed Xi Jinping Poster Sent to Psychiatric Hospital," *Radio Free Asia,* July 23, 2018.

[37] "Chinese Police Detain Father of Ink-Splash Woman Held in Mental Hospital," *Radio Free Asia,* August 1, 2018. For more information on Dong Yaoqiong, see the Commission's Political Prisoner Database record 2018-00343.

[38] "Chinese Police Detain Father of Ink-Splash Woman Held in Mental Hospital," *Radio Free Asia,* August 1, 2018; "Chinese Police Block Lawyer Hired for Ink-Splash Woman in Mental Hospital," *Radio Free Asia,* July 31, 2018.

[39] Tracey Shelton and Bang Xiao, "China 'Disappeared' Several High-Profile People in 2018 and Some of Them Are Still Missing," *Australian Broadcasting Corporation,* June 6, 2019.

[40] Civil Rights & Livelihood Watch, "Lianghui weiwen jinxing shi xilie baodao zhi liu" [Maintaining social stability during the Two Sessions: sixth report in series], March 14, 2019; "Cong yisheng dao fangmin, Lianghui jian Shanghai Yan Fenlan bei jingshenbing" [From doctor to petitioner, Shanghai [resident] Yan Fenlan forcibly committed to psychiatric facility during Two Sessions], *Epoch Times,* March 20, 2019.

[41] Civil Rights & Livelihood Watch, "Lianghui weiwen jinxing shi xilie baodao zhi liu" [Maintaining social stability during the Two Sessions: sixth report in series], March 14, 2019. For more information on Yan Fenlan, see the Commission's Political Prisoner Database record 2008-00619.

THE ENVIRONMENT

Findings

- During the Commission's 2019 reporting year, top Chinese Communist Party and government leaders continued to highlight the importance of protecting the environment, yet environmental pollution remained a major challenge. The government's vision of top-down environmental governance was demonstrated by the National Development and Reform Commission's work report for 2018 which stated, "the government leads, enterprises are the main actors, and social organizations and the public participate." In addition, the government severely limited the role of the public in environmental protection.
- In March 2019, Minister of Ecology and Environment Li Ganjie reported that "some local governments were not containing pollution until clean-up deadlines approached or national inspection teams arrived." Li noted that these local governments imposed blanket production bans on businesses regardless of their environmental performance, thereby damaging the credibility of the government and the rights of law-abiding enterprises. In 2018, Chinese authorities approved the arrest of 15,095 people for environmental crimes, an increase of over 50 percent from 2017.
- The government continued to report progress in environmental protection, although a March 2019 ranking of air pollution in over 3,000 cities around the world, compiled by IQAir in collaboration with Greenpeace East Asia, indicated that 57 of the 100 most polluted cities in 2018 (based on fine particulate concentrations) were in China. Although some non-governmental organizations have standing as plaintiffs in certain public interest lawsuits, most public interest litigation continued to be brought by the government.
- During this reporting year, Chinese and international media reported on incidents in which officials lied about environmental problems, failed to take meaningful action despite repeated environmental violations, or were involved in environmental corruption, resulting in some cases of disciplinary action against local officials. In March 2019, an explosion at Jiangsu Tianjiayi Chemical plant—a facility that had been penalized six different times in the previous two years for environmental and safety violations—killed 78 people, injured over 600, and forced the evacuation of almost 3,000. Authorities responded by closing down all chemical facilities in the area.
- Chinese citizens continued to raise concerns about health issues related to the environment through street-level protests and other forms of public advocacy. Chinese authorities detained Lu Guang, an American permanent resident and photojournalist who is known for his photographs documenting environmental degradation and coal mining, while he was in the Xinjiang Uyghur Autonomous Region in November 2018.
- In 2018, carbon dioxide emissions in China continued to increase, as Chinese government-backed financial institutions funded international coal-fired power projects, raising inter-

national concerns about air pollution and increasing carbon dioxide emissions.

- The government promoted the use of traditional Chinese medicine in countries participating in the Belt and Road Initiative, raising international concerns about wildlife trafficking and the sale of products made from tigers and rhinos.

Recommendations

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

- Call on the Chinese government to cease harassment of environmental advocates and follow international standards on freedom of speech, association, and assembly, including those contained in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and China's Constitution.
- In meetings with Chinese officials, raise the detentions of photojournalist Lu Guang; Tibetan village head Karma; founder Xue Renyi and worker Pan Bin of Chongqing municipality-based Green Leaf Action; environmental advocates Chen Wuquan, Chen Weiliang, Chen Zhenming, Chen Huansen, Chen Chunlin, Chen Shuai, and Chen Longqun; and the Mongolian herders O. Sechenbaatar and Tsojgil.
- Support efforts by Chinese and U.S. groups working to use satellite analysis and remote sensing to monitor environmental problems in China, and also expand awareness of citizens' environmental rights in China and the protection of those rights.
- Encourage Chinese leaders to strengthen the rule of law and transparency in the environmental and climate sectors. Raise questions with Chinese officials about the manipulation of environmental data and censorship of environmental news reporting, as well as the detention of the former head of the National Energy Administration, Nur Bekri.

THE ENVIRONMENT

Introduction and Environmental Governance

During the Commission's 2019 reporting year, top Chinese Communist Party and government leaders continued to highlight the importance of protecting the environment, yet environmental pollution remained a major challenge in China due to authorities' top-down approach to environmental problems, transparency shortcomings, and the suppression and detention of environmental advocates. The central government was focused on addressing local level officials' shortcomings in protecting the environment.[1] Central authorities heavily controlled media and permitted space for reporting only to the extent consistent with central government policies,[2] such as pushing local officials to enforce its environmental policies.[3] This reporting year, carbon dioxide emissions in China continued to increase,[4] as Chinese government-backed financial institutions funded international coal-fired power projects, raising international concerns about air pollution and increasing carbon dioxide emissions.[5]

The Chinese government's vision of top-down environmental governance was demonstrated by the National Development and Reform Commission's work report for 2018 which stated, "the government leads, enterprises are the main actors, and social organizations and the public participate."[6] In the recently enacted PRC Soil Pollution Prevention and Control Law,[7] for example, the term "public participation" refers only to the requirement that the public must follow official policies.[8] The law lacks any provision for public supervision, as noted by Greenpeace East Asia and Nanjing University Ecology department, who concluded that although "the new law does take an important step towards openness . . ., [p]ublic supervision still has no place in the regulatory system."[9] In December 2018, the UN special procedure mandate holders issued a statement on climate change calling on State Parties to "ensure full and effective participation, access to information and transparency . . . in the public spaces where actors from civil society can gather and exercise their rights to freedom of expression and opinion, association and peaceful assembly."[10]

Not only did Chinese authorities fail to promote meaningful public participation, they actively suppressed those who monitor environmental issues. Chinese authorities detained Lu Guang—an American permanent resident and photojournalist[11] who is known for his photographs documenting environmental degradation and coal mining[12]—while he was in the Xinjiang Uyghur Autonomous Region (XUAR) in November 2018.[13] According to the Committee to Protect Journalists, "Lu's detention is a high-profile illustration of the cruel and arbitrary way that China detains journalists and other civilians in [the XUAR]."[14]

Environmental Enforcement and Persistence of Severe Pollution

During this reporting year, severe pollution persisted in China, and Chinese authorities criticized some local officials for failing to enforce environmental regulations. In March 2019, Minister of Ecology and Environment Li Ganjie reported that "some local gov-

ernments were not containing pollution until clean-up deadlines approached or national inspection teams arrived." [15] Li noted that these local governments imposed blanket production bans on businesses regardless of their environmental performance, thereby damaging the credibility of the government and the rights of law-abiding enterprises.[16] In constrast, other local governments "might have loosened supervision on air pollution and carbon emissions" due to the current economic downturn, according to a China-based adviser to an international environmental non-governmental organization.[17] While the government continued to report progress in environmental protection,[18] a March 2019 ranking of air pollution in over 3,000 cities around the world, compiled by IQAir in collaboration with Greenpeace East Asia,[19] indicated that 57 of the 100 most polluted cities in 2018 (based on fine particulate concentration) were in China.[20] According to a Hong Kong-based professor, "air pollution [has much] to do with burning of fossil fuel . . .; so by addressing the air pollution sources, you actually can address these CO2 emissions." [21]

Public Interest Litigation and Criminal Enforcement

During the 2019 reporting year, the Chinese government played a dominant role in public interest environmental litigation, and criminal environmental enforcement significantly increased. In 2018, Chinese courts accepted 1,737 public interest environmental lawsuits filed by procuratorates, compared to 65 that were filed by non-governmental organizations (NGOs).[22] Although some NGOs have standing as plaintiffs in certain public interest lawsuits, most public interest litigation continued to be brought by the government.[23] In a significant development, in a public interest case brought by the NGOs China Biodiversity Conservation and Green Development Fund and Friends of Nature in December 2018, the Jiangsu High People's Court rejected claims that three chemical companies pay for soil remediation near a school.[24] The court, however, held that the NGOs were not responsible for court fees assessed by the lower court—an issue that had been a significant concern to Chinese NGOs.[25] In 2018, Chinese authorities increased criminal enforcement, as authorities indicted 42,195 people and approved the arrest of 15,095 people for environmental crimes, a 51.5 percent increase in arrests from 2017.[26]

Suppression of Environmental Protests and Advocates

Chinese citizens continued to raise concerns about health issues related to the environment through street-level protests and other forms of public advocacy at the risk of being persecuted, such as by imprisonment. China's Constitution [27] provides for freedom of speech, assembly, association, and demonstration, as do the International Covenant on Civil and Political Rights,[28] the Universal Declaration of Human Rights,[29] and the UN Human Rights Council Framework on Human Rights and the Environment.[30] The following cases not only illustrate common types of environmental complaints raised by Chinese citizens but also reveal the ongoing lack of protection for citizens' rights when they raise environmental concerns:

• **Hazardous Waste Processing in Guangdong province.** In October 2018, thousands of residents in Shunde district, Foshan municipality, Guangdong, protested government plans to build an industrial waste processing facility near local drinking water sources and fish farms.[31] Residents reported that the government had not provided adequate public consultation on the project, had criticized residents who joined the protests for disturbing social order, and had deleted thousands of social media posts about the planned project.[32]
• **Environmental group in Chongqing municipality.** In December 2018, authorities at a closed trial sentenced Pan Bin, a member of Green Leaf Action, to four years in prison for "picking quarrels and provoking trouble."[33] In May 2018, authorities had detained Xue Renyi, the founder of Green Leaf Action, and, as of May 2019, he remained in detention.[34] Green Leaf Action advocates for environmental protection, and in 2016, police had warned Xue that the group was being "controlled" by "foreign forces."[35]
• **Land Reclamation in Guangdong.** In January 2019, the Zhanjiang Economic and Technological Development Zone People's Court in Guangdong sentenced environmental advocates Chen Wuquan (a disbarred rights lawyer), Chen Weiliang, Chen Zhenming, Chen Huansen, Chen Chunlin, Chen Shuai, and Chen Longqun to prison terms ranging from one to five years in prison for "picking quarrels and provoking trouble."[36] Beginning in October 2017, these individuals and other villagers from Diaoluo village, Donghai Island, Zhanjiang, protested a land reclamation project that they claimed was illegal and had destroyed the natural environment.[37] In February 2019, the Council of Bars and Law Societies of Europe, an organization that represents over one million lawyers in 45 European countries, criticized the detention and sentencing of Chen Wuquan as being "solely motivated by his activity as a lawyer" and expressed concern about possible violations of the UN Basic Principles on the Role of Lawyers.[38]
• **Mining in the Tibet Autonomous Region (TAR).** Radio Free Asia reported that in March 2019, Chinese authorities had forcibly relocated a group of approximately 12 families in Gonjo (Gongjue) county, Qamdo (Changdu) municipality, TAR, from their rural homes to a newly built urban area.[39] Authorities reportedly moved the families for mining-related development, and the villagers were only the most recent group of Tibetans from nine villages affected.[40] In another mining case, in January 2019, the Central Tibetan Administration, a political entity based in Dharamsala, India, reported that due to a "total clampdown on phones and other communications," they were unable to ascertain the current status of villagers and village head Karma, in Driru (Biru) county, Nagchu (Naqu) prefecture,[41] whom authorities detained in 2018 after they protested mining on a sacred mountain.[42]
• **Environmental Degradation in the Inner Mongolia Autonomous Region (IMAR).** In April 2019, over 200 residents in Heshigten (Keshenketeng) Banner, Chifeng municipality, IMAR, protested in front of a government office after authori-

ties imposed a grazing ban on local herding communities.[43] Heshigten police criminally detained 68-year-old herder O. Sechenbaatar on suspicion of "obstructing official business."[44] Also that month, more than 100 herders in Urad Middle Banner in Bayanur (Bayannao'er) municipality, gathered to request a meeting with the IMAR Party Secretary about environmental degradation and inadequate compensation to local residents who had been removed from their grazing lands.[45] Also in April, Hohhot (Huhehaote) municipality authorities criminally detained Heshigten resident Tsogjil, in connection to WeChat discussion groups with 2,500 members which he hosted that encouraged people to join a protest in Heshigten.[46] [For further information on the suppression of herders protesting environmental pollution in the Inner Mongolia Autonomous Region, see Section II—Ethnic Minority Rights.]

- **Waste Incineration in Hubei Province.** In June and July 2019, as many as ten thousand residents of Xinzhou district, Wuhan municipality, protested against a planned waste incineration plant.[47] Chinese authorities reportedly censored reporting on the protests, blocked cell phone signals, and in some instances, used violence against protestors.[48]

Media Reporting on Environmental Incidents and Corruption

During this reporting year, Chinese and international media reported on incidents in which officials lied about environmental problems, failed to take meaningful action despite repeated environmental violations, or were involved in environmental corruption, resulting in some cases of disciplinary action against local officials. Despite considerable censorship of the media in China,[49] the Commission observed some notable media reports on environmental incidents:

- In **November 2018,** a chemical spill in Quanzhou municipality, Fujian province, resulted in the hospitalization of 52 nearby residents, although at first authorities instructed Chinese media not to report on the leak.[50] Domestic media later reported that local officials initially lied about the cause and size of the spill—authorities later stated that it was 10 times larger than first reported,[51] prompting the state-run newspaper China Daily to call for the Quanzhou government to explain its shortcomings.[52] A female journalist from Caixin, a news outlet known for more market-driven reporting, revealed that local police harassed her while she was reporting on the spill, including forcing their way into her hotel room late one night to demand her press credentials and following her around as she was gathering news.[53] A South China Morning Post editorial criticized the "clumsy cover-up" and said that "[t]he habit of cover-ups that put officials' political interests first seems to die hard."[54] Authorities disciplined two police officers involved in the harassment of the journalist[55] and three local officials involved in the alleged coverup efforts.[56]
- In **March 2019,** an explosion at Jiangsu Tianjiayi Chemical plant in Yancheng municipality, Jiangsu province, killed 78 people, injured over 600, and forced the evacuation of almost

3,000.[57] Between 2016 and 2018, authorities had administratively penalized the chemical plant over five times, including an 18-month suspended sentence for the company chairman for environmental violations.[58] The Institute of Public and Environmental Affairs (IPE), an environmental non-governmental organization based in Beijing municipality, had reportedly documented environmental violations at 300 of 367 facilities at the industrial park.[59] After the explosion, authorities announced plans to shut down all industrial chemical facilities in the industrial park.[60] Ma Jun, IPE's director, nevertheless, told the Party-affiliated media outlet Global Times that "the complete shutdown that resulted is not the best solution since the park has an important role in the chemical industry."[61]

- In **April 2019,** state-run media reported on corruption at the environmental protection bureau in Suining municipality, Sichuan province.[62] A total of 32 officials at the bureau were reported to have accepted bribes related to environmental matters, including from companies under environmental inspection.[63]

Assessing the Chinese Government's Commitment to Combat Climate Change

During the 2019 reporting year, carbon dioxide emissions in China continued to increase, even as Chinese officials continued to call for "green development." Based on an analysis of Chinese government data,[64] carbon dioxide emissions in China increased by approximately three percent in 2018.[65] Coal consumption was reportedly responsible for more than 70 percent of energy-related carbon dioxide emissions.[66] According to analysts, however, official reports on coal consumption and economic growth made it difficult to determine China's carbon intensity—an essential metric used to assess China's international commitment to combating climate change.[67] In April 2016, the Chinese government signed the Paris Agreement,[68] and its commitment under the agreement, known as its nationally determined contribution (NDC), included "lower[ing] carbon dioxide emissions per unit of GDP by 60 percent to 65 percent from the 2005 level," "achiev[ing] the peaking of carbon dioxide emissions around 2030 and making best efforts to peak early," and "increas[ing] the share of non-fossil fuels in primary energy consumption to around 20 percent."[69] According to Climate Action Tracker, which produces independent science research by a consortium of research institutes, China's NDC is "highly insufficient."[70] In October 2018, the United Nations' Intergovernmental Panel on Climate Change special report found that to limit global warming to 1.5 degrees Celsius by 2050, global coal use would need to be "reduced to close to 0%."[71] China has the largest concentration of glaciers outside of the polar regions, supplying water to 1.8 billion people, and the glaciers are at risk due to global warming.[72] From June 25 to 29, 2019, in Lhasa municipality, TAR, the Chinese government recorded five consecutive days with an average daily temperature at or above 71.6 degrees Farenheit (22 degrees Celsius), meeting the Chinese government's definition for the beginning of summer for the first time in Lhasa since authorities began measuring in 1955.[73]

International environmental groups and scientists were skeptical about the Chinese government's reported plans to suspend new coal-fired power plants in China and reduce methane emissions from coal mines—major sources of greenhouse gases—in light of a Chinese industry policy group's recommendation that the government permit many new coal-fired power plants. Although central authorities had reportedly suspended a number of new coal-fired power plants in 2017, 2018 analysis of satellite imagery by an environmental group found that many of the suspended projects had resumed construction.[74] In March 2019, the China Electricity Council, an industry association, recommended that China increase its coal-fired power capacity to 1,300 gigawatts,[75] an increase of 290 gigawatts of new coal-fired power capacity—more than the entire coal-fired power capacity of the United States.[76] In January 2019, research published in Nature Communications found that although the Chinese government had set "ambitious benchmarks" for limiting methane production, based on satellite imagery, they found that "[the methane] regulations have had 'no discernible impact' on the continued increase in Chinese methane emissions."[77]

This past year, as top Chinese officials proclaimed the importance of green development, international concern increased regarding Chinese government funding for coal-fired power plants in countries participating in the Belt and Road Initiative (BRI). In March 2019, at the BRI Forum in Beijing, Chinese Communist Party General Secretary Xi Jinping said, "We need to pursue open, green and clean cooperation."[78] Following the forum, attendees issued a joint communiqué highlighting that "communication among . . . think tanks, academia, media, civil societies . . ." would be welcomed.[79] In 2019, reports that Chinese government-backed financial institutions provided funding to build coal-fired power plants abroad also raised international concerns.[80] According to an analysis by a group of international researchers, Chinese financial institutions and corporations have offered funding to more than one-quarter of coal-fired power plants under construction outside of China.[81] An international journalist believes that these Chinese-funded power plants will "make it more difficult" for some countries to meet their Paris Agreement commitments.[82] In July 2019, the UN special envoy for the 2019 Climate Summit stated that "[w]e would also like China to encourage green investment throughout the Belt and Road Initiative and not build coal-fired power plants."[83]

Wildlife Trade and Traditional Chinese Medicine

During this reporting year, the government continued to promote the worldwide use of traditional Chinese medicine leading to international concern about Chinese authorities' commitment to fighting wildlife trafficking. According to a Hong Kong-based foundation, "[o]ne of the most alarming characteristics of wildlife trafficking is the growing use of threatened species in traditional medicines."[84] By 2020, the government plans to set up 50 traditional Chinese medicine model centers outside China.[85] In October 2018, the State Council issued a circular that would permit the use of tiger and rhinoceros bones for traditional Chinese medicine.[86] The Chinese government had prohibited trade in tiger bones and rhino horns

since 1993, when then-U.S. President Bill Clinton threatened to sanction the Chinese government for undermining the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).[87] CITES generally prohibits all international trade in tigers, rhinos, and their derivative parts,[88] and the CITES standing committee has identified 36 facilities that keep tigers in China, the existence of which "may be of concern."[89] The UN Environment Programme subsequently described any changes to the ban on the trade of tiger and rhino parts as an "extremely alarming development" pointing out that such trade "falsely indicates that these products have medical value."[90] Following international criticism, in November 2018, the Chinese government announced that implementation of the circular "has been postponed after study."[91] According to an international wildlife organization employee, "[t]he lack of clarity does not help the wildlife enforcement authorities to do their job."[92] The General Administration of China Customs (China Customs) reportedly cooperated with international non-governmental organizations (NGOs) to combat wildlife trafficking through educational outreach and identification of illicit shipments.[93] In April 2019, China Customs suggested that "further cooperation" with NGOs include ongoing publicization of the "positive outcomes" of the Chinese government's efforts to implement a ban on the ivory trade.[94]

Notes to Section II—The Environment

[1] Ministry of Ecology and Environment, "Quanwen shilu: Shengtai Huanjingbu buzhang Li Ganjie jiu 'Dahao Wuran Fangzhi Gongjianzhan' da jizhe wen" [Complete transcript: Ministry of Ecology and Environment Minister Li Ganjie "Fully Engaging the War on Pollution" answers to journalists' questions], March 11, 2019; Li Jing, "China's 'Iron Fist' against Pollution Is Softening," *China Dialogue,* March 14, 2019.

[2] Freedom House, "China," in *Freedom in the World 2019,* February 2019, D1; Zhou Chen, "Police Barged into My Room While I Was Covering the Fujian Chemical Spill," *Caixin,* November 20, 2018.

[3] Cai Fei, "Quanzhou Officials Need to Come Clean about Chemical Leak," *China Daily,* November 22, 2018; Kang Jia and Zhou Shiling, "6 ci xingzheng chufa beihou de baozha huagong chang" [Explosion at a chemical plant that had been administratively fined 6 times], *Beijing News,* March 23, 2019; Cao Xiao, "Bei 'wuran' de huanbao ju: Sichuan Suining huanbaoju 32 ren jiti shouhui yi ge ju de lingdao jihu quan jun fumo" ["Polluted" environmental protection bureau: 32 people from Suining, Sichuan environmental protection bureau collectively accepted bribes, bureau leadership almost completely annihilated], *The Cover,* April 17, 2019. See also Wu Changhua, "How Is the Digital Age Redefining China's Environmental Governance?," *CGTN,* March 4, 2019.

[4] Lauri Myllyvirta, "China's CO2 Emissions Surged in 2018 Despite Clean Energy Gains," *Unearthed,* Greenpeace, February 28, 2019; Jan Ivar Korsbakken and Robbie Andrew, "Guest Post: China's CO2 Emissions Grew Slower Than Expected in 2018," *CarbonBrief,* March 5, 2019. See also National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2018 National Economic and Social Development," February 28, 2019, Table 3.

[5] Christine Shearer, Melissa Brown, and Tim Buckley, "China at a Crossroads: Continued Support for Coal Power Erodes Country's Clean Energy Leadership," Institute for Energy Economics and Financial Analysis, January 2019, 4; Isabel Hilton, "How China's Big Overseas Initiative Threatens Global Climate Progress," *Yale Environment 360,* Yale School of Forestry & Environmental Studies, January 3, 2019; Michael Lelyveld, "China's Belt and Road Initiative Blackened by Coal," *Radio Free Asia,* January 31, 2019.

[6] National Development and Reform Commission, "Report on the Implementation of the 2018 Plan for National Economic and Social Development and on the 2019 Draft Plan for National Economic and Social Development," March 5, 2019, 41. See also Dan Guttman, Oran Young, and Yijia Jing, et al., "Environmental Governance in China: Interactions Between the State and 'Nonstate Actors,'" *Journal of Environmental Management* 220 (August 15, 2018): 128; Elizabeth Economy, *The Third Revolution: Xi Jinping and the New Chinese State* (New York: Oxford University Press, 2018), 176. Economy describes the "contradiction in the Xi government's approach to civic engagement in environmental protection: the government welcomes public participation but only in support of government policy and as long as it doesn't challenge existing policy or appear to challenge the government's legitimacy." She also notes that "[p]articularly threatening in this regard are individuals who command large followings and speak out on issues in ways that move beyond a narrow technical complaint to address broader values."

[7] *Zhonghua Renmin Gongheguo Turang Wuran Fangzhi Fa* [PRC Soil Pollution Prevention and Control Law], passed August 31, 2018, effective January 1, 2019.

[8] Ibid., arts. 3, 10, 21, 58, 66, 76.

[9] Greenpeace East Asia and Nanjing University Ecology Department, "Redeveloping the Polluted Land Under China's Cities: Problems and Solutions," April 17, 2019. See also Greenpeace East Asia and Nanjing University Ecology Department, "Zhongguo chengshi wuran dikuai kaifa liyong zhong de wenti yu duice" [Redeveloping the polluted land under China's cities: problems and solutions], April 2019, 2.

[10] UN Office of the High Commissioner for Human Rights, "Joint Statement of the United Nations Special Procedures Mandate Holders on the Occasion of the 24th Conference of the Parties to the UNFCC," December 6, 2018.

[11] Robert Y. Pledge, "A Photographer Goes Missing in China," *New York Times,* December 8, 2018. For more information on Lu Guang, see the Commission's Political Prisoner Database record 2018-00601.

[12] Nina Strochlic, "Missing Chinese Photographer Known for Capturing Environmental Threats," *National Geographic,* January 24, 2019.

[13] Robert Y. Pledge, "A Photographer Goes Missing in China," *New York Times,* December 8, 2018.

[14] Committee to Protect Journalists, "China Detains Award-Winning Photographer in Xinjiang," November 28, 2018.

[15] Li Jing, "China's 'Iron Fist' against Pollution Is Softening," *China Dialogue,* March 14, 2019; Ministry of Ecology and Environment, "Quanwen shilu: Shengtai Huanjingbu buzhang Li Ganjie jiu 'Dahao Wuran Fangzhi Gongjianzhan' da jizhe wen" [Complete transcript: Ministry of Ecology and Environment Minister Li Ganjie "Fully Engaging the War on Pollution" answers to journalists' questions], March 11, 2019.

[16] Ministry of Ecology and Environment, "Quanwen shilu: Shengtai Huanjingbu buzhang Li Ganjie jiu 'Dahao Wuran Fangzhi Gongjianzhan' da jizhe wen" [Complete transcript: Ministry of Ecology and Environment Minister Li Ganjie "Fully Engaging the War on Pollution" answers to journalists' questions], March 11, 2019; Li Jing, "China's 'Iron Fist' against Pollution Is Softening," *China Dialogue,* March 14, 2019. See also Jack Kamensky and Owen Haacke, "Environmental Compliance for US Companies in China," US-China Business Council, March 2019, 6–7.

[17] Brady Dennis and Chris Mooney, "'We Are in Trouble.' Global Carbon Emissions Reached a Record High in 2018," *Washington Post,* December 5, 2018.

[18] Ministry of Ecology and Environment, "2018 Zhongguo shengtai huanjing zhuangkuang gongbao" [2018 report on the state of the ecology and environment in China], May 22, 2019, 6.
[19] AirVisual, IQAir, "2018 World Air Quality Report: Region & City PM2.5 Ranking," March 5, 2019, 4; Greenpeace International, "Latest Air Pollution Data Ranks World's Cities Worst to Best," March 5, 2019.
[20] AirVisual, IQAir, "World's Most Polluted Cities 2018 (PM 2.5)," accessed May 1, 2019.
[21] Jocelyn Timperley, "The Carbon Brief Interview: Prof Qi Ye," *Carbon Brief,* January 22, 2019.
[22] Luo Sha, "2018 nian quanguo fayuan shenjie jiancha jiguan huanjing gongyi susong anjian 1252 jian" [2018 Chinese courts concluded 1,252 public interest cases brought by procuratorates], *Xinhua,* March 2, 2019.
[23] Wanlin Wang and Dimitri de Boer, "China's Prosecutors Are Litigating Government Agencies for Being Soft on Pollution," *China Dialogue,* February 22, 2019. According to Wang and de Boer, NGOs are not allowed to "target environmental violations by government departments."
[24] Cang Wei, "Polluting Companies Ordered to Apologize to Public," *China Daily,* December 28, 2018.
[25] China Development Brief, "The Top Ten Stories of the Year in Chinese Civil Society," January 18, 2019.
[26] Chinese Communist Party Central Political and Legal Affairs Commission, "Qunian jiancha jiguan pibu pohuai shengtai huanjing fanzui 15095 ren" [Last year, procuratorates approved the arrest of 15,095 people for ecological environment crimes], February 19, 2019; "China's Environmental Crime Arrests Soar in 2018," *Reuters,* reprinted in *South China Morning Post,* February 14, 2019.
[27] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 35.
[28] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21, 22; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 29, 2019. China has signed but not ratified the ICCPR.
[29] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 19, 20.
[30] UN Human Rights Council, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H. Knox, A/HRC/37/59, Annex, Framework Principles on Human Rights and the Environment, January 24, 2018, paras. 12–14.
[31] "Thousands Protest Industrial Waste Processing Plant Plan in China's Guangdong," *Radio Free Asia,* October 24, 2018.
[32] "Guangdong Shunde wan ren kangyi jian wei feiwu zhongxin" [Ten thousand people in Shunde, Guangdong, protest establishment of hazardous waste center], *Radio Free Asia,* October 24, 2018; "Shunde jumin haozhao jin wan zai shiwei dapi jingche jinzhu" [Shunde residents call for another demonstration tonight, a large number of police vehicles stationed there], *Boxun,* October 25, 2018.
[33] "Chongqing 'Lu Ye Xingdong' chengyuan Pan Bin bei mimi panxing" [Chongqing "Green Leaf Action" member Pan Bin sentenced in secret], *Radio Free Asia,* January 8, 2019.
[34] Chinese Human Rights Defenders, "Xue Renyi," May 31, 2019; Dui Hua Foundation, "From Hu to Xi: China's Grip on Environmental Activism Part II: Environmental Activism From Above and Below," *Dui Hua Human Rights Journal,* July 24, 2019.
[35] Dui Hua Foundation, "From Hu to Xi: China's Grip on Environmental Activism Part II: Environmental Activism From Above and Below," *Dui Hua Human Rights Journal,* July 24, 2019.
[36] Rights Defense Network, "Xiezhu jiaxiang cunmin weiquan baowei jiaxiang haitan de Guangdong renquan lushi Chen Wuquan bei panxing 5 nian" [Chen Wuquan, Guangdong rights lawyer who assisted hometown villagers defending rights and protecting local coast, sentenced to 5 years], January 18, 2019. For more information, see the Commission's Political Prisoner Database records 2018-00136 on Chen Wuquan, 2018-00137 on Chen Shuai, 2018-00138 on Chen Longqun, 2018-00139 on Chen Zhenming, 2018-00140 on Chen Chunlin, 2018-00141 on Chen Weiliang, and 2019-00044 on Chen Huansen.
[37] "Hu hai zao daya Zhanjiang weiquan lushi Chen Wuquan ji duo wei cunmin bei zhua" [Suppressed for protecting the sea, Zhanjiang rights defense lawyer Chen Wuquan and several villagers detained], *Radio Free Asia,* February 10, 2018; Human Rights Campaign in China, "Yin shouhu jiaxiang haitan qian weiquan lushi Chen Wuquan zao Zhanjiang dangju yi shexian xunxin zishi zui xingshi julu" [Zhanjiang authorities criminally detained former rights defense lawyer Chen Wuquan on suspicion of picking quarrels and provoking trouble for protecting hometown beach], February 11, 2018.
[38] Letter from José de Freitas, President, Council of Bars and Law Societies of Europe, to Xi Jinping, President of the People's Republic of China, February 14, 2019. See also Basic Principles on the Role of Lawyers, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, August 27 to September 7, 1990, principles 16, 17.
[39] "Tibetan Villagers Forced from Their Homes in Gonjo County," *Radio Free Asia,* April 4, 2019.
[40] "Tibetan Villagers Forced from Their Homes in Chamdo's Gonjo County," *Radio Free Asia,* October 1, 2018.
[41] Central Tibetan Administration, "Tibetans Sentenced in Central Tibet in 2018 for 'Inciting Separatism,'" January 19, 2019. For more information on Karma, see the Commission's Political Prisoner Database record 2018-00132.

[42] Tibetan Centre for Human Rights and Democracy, "China Detains 30 Tibetans and Disappears Village Leader for Opposing Mining at Sacred Mountain," May 14, 2018.
[43] "Chinese Police Hold Another Ethnic Mongolian Writer over Protest," *Radio Free Asia,* April 16, 2019.
[44] "Two More Ethnic Mongolians Jailed in China, WeChat Groups Deleted," *Radio Free Asia,* April 26, 2019.
[45] "Third Ethnic Mongolian Writer Held in China's Inner Mongolia," *Radio Free Asia,* April 23, 2019.
[46] Ibid.
[47] "Thousands Protest Waste Incinerator Plans in China's Wuhan," *Radio Free Asia,* July 4, 2019; "Wuhan Protests: Incinerator Sparks Mass Unrest," *China Blog, BBC News,* July 8, 2019.
[48] "Thousands Protest Waste Incinerator Plans in China's Wuhan," *Radio Free Asia,* July 4, 2019; "Thousands in Wuhan Protest against Waste Incineration," *China Digital Times,* July 5, 2019; Dui Hua Foundation, "From Hu to Xi: China's Grip on Environmental Activism Part I: Mass Protests and the Threat to Activists," *Dui Hua Human Rights Journal,* July 17, 2019; Keith Bradsher, "Protests over Incinerator Rattle Officials in Chinese City," *New York Times,* July 5, 2019.
[49] Freedom House, "China," in *Freedom in the World 2019,* February 2019, sec. D1; Zhou Chen, "Police Barged into My Room While I Was Covering the Fujian Chemical Spill," *Caixin,* November 20, 2018. See also Will Ford, "How One Activist Used a Little Shaming and a Lot of Patience to Clean Up Chinese Factories," *Mother Jones,* April 23, 2019.
[50] Alice Shen, "Lies and Fears: How a Chemical Leak in China Spilled Out of Control," *South China Morning Post,* November 15, 2018.
[51] Fan Liya, "Chemical Spill Cover-Up Erodes Trust in Local Government," *Sixth Tone,* November 26, 2018.
[52] Cai Fei, "Quanzhou Officials Need to Come Clean about Chemical Leak," *China Daily,* November 22, 2018.
[53] Zhou Chen, "Police Barged into My Room While I Was Covering the Fujian Chemical Spill," *Caixin,* November 20, 2018; Zhou Chen, "Quanzhou jiudian jinghun ji" [Horror story at Quanzhou hotel], *Caixin,* reprinted in Sina, November 19, 2018; "Journalist Harassed While Covering Chemical Spill," *China Digital Times,* November 26, 2018.
[54] "Clumsy Cover-Up of Toxic Spill Has Again Damaged Public Trust," editorial, *South China Morning Post,* November 17, 2018.
[55] Cao Yin, "Two Police Officers Disciplined after Searching Reporter's Hotel Room," *China Daily,* November 20, 2018.
[56] Hu Meidong and Cao Yin, "Hiding Facts of Chemical Leak 'Terrible,'" *China Daily,* November 26, 2018.
[57] William Zheng, "Death Toll from Chemical Plant Blast Rises to 78," *South China Morning Post,* March 25, 2019.
[58] Yu Han, "The Yancheng Blast Shows the Importance of Media Oversight," *Sixth Tone,* March 22, 2019; Gerry Shih, "After China's Deadly Chemical Disaster, A Shattered Region Weighs Cost of the Rush to 'Get Rich,'" *Washington Post,* March 31, 2019.
[59] Zhang Han, "Chemical Factories to Be Shut Down After Deadly Explosion in Xiangshui," *Global Times,* April 7, 2019.
[60] Ibid.
[61] Ibid.
[62] Cao Xiao, "Bei wuran de Huanbaoju: Sichuan Suining Huanbaoju 32 ren jiti shouhui yige ju de lingdao jihu quan jun fumo" [Environmental Protection Bureau that was "polluted": 32 people from Sichuan Suining Environmental Protection Bureau collectively accepted bribes, the leadership of the bureau is almost completely annihilated], *The Cover,* April 17, 2019; Olivia Li, "Chinese Authorities Sack an Entire Environmental Protection Bureau for Corruption Misdeeds," *Epoch Times,* April 20, 2019.
[63] Cao Xiao, "Bei wuran de Huanbaoju: Sichuan Suining Huanbaoju 32 ren jiti shouhui yige ju de lingdao jihu quan jun fumo" [Environmental Protection Bureau that was "polluted": 32 people from Sichuan Suining Environmental Protection Bureau collectively accepted bribes, the leadership of the bureau is almost completely annihilated], *The Cover,* April 17, 2019;Olivia Li, "Chinese Authorities Sack an Entire Environmental Protection Bureau for Corruption Misdeeds," *Epoch Times,* April 20, 2019.
[64] National Bureau of Statistics of China, "2018 nian guomin jingji he shehui fazhan tongji gongbao" [Statistical communique of the People's Republic of China on the 2018 national economic and social development]," February 28, 2019.
[65] Lauri Myllyvirta, Greenpeace, "China's CO2 Emissions Surged in 2018 Despite Clean Energy Gains," *Unearthed* (blog), February 28, 2019.
[66] Jan Ivar Korsbakken, Robbie Andrew, and Glen Peters, "Guest Post: China's CO2 Emissions Grew Slower Than Expected in 2018," *Carbon Brief,* March 5, 2019.
[67] Michael Lelyveld, "China's Energy Efficiency Claims Questioned," *Radio Free Asia,* February 11, 2019.
[68] "China Signs Paris Agreement on Climate Change," *Xinhua,* April 23, 2016. UN Framework Convention on Climate Change, Adoption of the Paris Agreement, FCCC/CP/2015/L.9/Rev.1, December 12, 2015.
[69] "Country Summary: China," Climate Action Tracker, accessed May 1, 2019; "About," Climate Action Tracker, accessed July 14, 2019; National Development and Reform Commission, "Qinghua yingdui qihou bianhua xingdong— Zhongguo guojia zizhu gongxian" [Enhanced actions on climate change: China's intended nationally determined contributions], June 30, 2015, 4.
[70] "Country Summary: China," Climate Action Tracker, accessed May 1, 2019.
[71] Intergovernmental Panel on Climate Change, "Summary for Policymakers," in *Global Warming of 1.5°C* (Geneva: World Meteorological Organization, 2018), 15; Intergovernmental

Panel on Climate Change, "The Intergovernmental Panel on Climate Change," accessed July 14, 2019.
[72] Greenpeace East Asia, "Greenpeace Survey Reveals Impact of Climate Change on Glaciers in China," November 20, 2018; Liang Chenyu, "Govt Reports Details Alarming Effects of Climate Change in China," *Sixth Tone,* April 4, 2019.
[73] Palden Nyima and Da Qiong, "Lhasa Records Its First Summer, as Experts Blame Global Warming," *China Daily,* July 6, 2019.
[74] Christine Shearer et al., Global Energy Monitor, Sierra Club, and Greenpeace, "Boom and Bust 2019: Tracking the Global Coal Plant Pipeline," March 2019, 9.
[75] China Electricity Council, "Dianli 'shisanwu' guihua zhongqi pinggu ji youhua" [Mid-term evaluation and optimization of power during "13th five-year plan], *China Power Enterprise Management,* reprinted in *BJX Power T&D,* March 18, 2019. 1.3 billion kilowatts is equal to 1,300 gigawatts.
[76] Christine Shearer et al., Global Energy Monitor, Sierra Club, and Greenpeace, "Boom and Bust 2019: Tracking the Global Coal Plant Pipeline," March 2019, 9.
[77] Scott M. Miller, et al., "China's Coal Mine Methane Regulations Have Not Curbed Growing Emissions," *Nature Communications,* 10, no. 303 (January 29, 2019), 1, 2.
[78] Embassy of the People's Republic of China, "The Complete Text of President Xi Jinping's Speech at the Belt and Road Forum for International Cooperation 2019," reprinted in China-Pakistan Economic Corridor, April 26, 2019. The full name of this forum was the "Second Belt and Road Forum for International Cooperation."
[79] "Joint Communiqué of the Leaders' Roundtable of the 2nd Belt and Road Forum for International Cooperation," April 27, 2019.
[80] Christine Shearer, Melissa Brown, Tim Buckley, Institute for Energy Economics and Financial Analysis, "China at a Crossroads: Continued Support for Coal Power Erodes Country's Clean Energy Leadership," January 2019, 4; Isabel Hilton, "How China's Big Overseas Initiative Threatens Global Climate Progress," *Yale Environment 360,* Yale School of Forestry & Environmental Studies, January 3, 2019; Michael Lelyveld, "China's Belt and Road Initiative Blackened By Coal," *Radio Free Asia,* January 31, 2019.
[81] Christine Shearer, Melissa Brown, Tim Buckley, Institute for Energy Economics and Financial Analysis, "China at a Crossroads: Continued Support for Coal Power Erodes Country's Clean Energy Leadership," January 2019, 4.
[82] Isabel Hilton, "How China's Big Overseas Initiative Threatens Global Climate Progress," *Yale Environment 360,* Yale School of Forestry & Environmental Studies, January 3, 2019.
[83] "China Can Inspire the World to Tackle the Climate Crisis: UN Envoy," *CGTN,* July 25, 2019.
[84] Farah Master, "As China Pushes Traditional Medicine Globally, Illegal Wildlife Trade Flourishes," *Reuters,* March 28, 2019; ADM Capital Foundation, "Contact Us," accessed July 14, 2019.
[85] Zhuang Pinghui, "Traditional Chinese Medicine Closes In On US$50 Billion Market With Long-Awaited Nod From WHO," *South China Morning Post,* September 29, 2018.
[86] State Council, *Guowuyuan Guanyu Yange Guanzhi Xiniu he Hu ji Qi Zhipin Jingying Liyong Huodong de Tongzhi* [State Council Notice on the Strict Control of the Trade and Use of Rhinoceroses and Tigers and Their Products], issued October 29, 2018; State Council, "China to Control Trade in Rhino and Tiger Products," October 29, 2018.
[87] Rachel Nuwer, "The Key to Stopping the Illegal Wildlife Trade: China," *New York Times,* November 19, 2018.
[88] CITES Secretariat, "Statement Concerning a Circular Issued by China's State Council on the Use of Rhinoceroses and Tigers and Their Products," accessed July 14, 2019.
[89] Convention on International Trade in Endangered Species of Wild Fauna and Flora, Seventieth Meeting of the Standing Committee, October 1–5, 2018, 4.
[90] United Nations Environment Programme, "Official Statement on the Reversal of the Ban on Trade in Rhino and Tiger Parts by China," November 7, 2018.
[91] "Full Transcript: State Council Executive Deputy Secretary-General Ding Xuedong Answers Media Questions," *Xinhua,* reprinted in *China Internet Information Center,* November 12, 2018.
[92] Peter Yeung, "How China's WeChat Became a Grim Heart of Illegal Animal Trading," *Wired,* March 11, 2019; Born Free, "About Us," accessed July 14, 2019. See also Farah Master and Joyce Zhou, "Profit-Hungry Tiger Breeders Behind Push To Lift China's Trading Ban," *Reuters,* January 7, 2019.
[93] WildAid, "China Spearheads Campaign to End Illegal Wildlife Trade," May 6, 2019.
[94] Ibid.

Findings

- As the Chinese Communist Party and government engage in increasingly egregious human rights violations, domestic and international businesses are increasingly at risk of complicity in abuses committed by the Chinese government. Of particular concern are: reports that companies are involved in the government's suppression of ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), including through the use of forced labor; companies' complicity in government surveillance of individuals throughout China; and companies engaging in censorship on behalf of Chinese authorities.
- In the XUAR, the actions of the Party and government may constitute crimes against humanity according to scholars and rights groups, and companies that work in the region are at great risk of complicity in those crimes. Experts have documented the rapid expansion of a network of mass internment camps in which authorities have arbitrarily detained over a million individuals from predominantly Muslim ethnic minority groups. Commercial entities have been directly involved in the construction of these camps and supplied them with a wide range of goods and services. The company **Hangzhou Hikvision Digital Technology,** in particular, has supplied surveillance systems to the camps as part of a public-private partnership with XUAR authorities. U.S.-based firms such as **Intel, Ambarella,** and **Nvidia** reportedly continue to supply Hikvision with critical components. According to a March 2019 report, the **California State Teachers' Retirement System** and the **New York State Teachers' Retirement System** both continued to own Hikvision stock.
- The Commission observed numerous reports this past year of forced labor associated with government repression of ethnic minority groups in the XUAR. In some cases, detainees performed forced labor within the camps. In other cases, detainees were "released" in order to perform forced labor. In still other cases, XUAR authorities reportedly assigned individuals from ethnic minority groups to forced labor directly, without first sending them to the camps. A Wall Street Journal investigation found that materials from firms using forced labor in the XUAR had entered the supply chains of major international clothing companies including **Adidas, H&M, Nike,** and **Patagonia.**
- Chinese security authorities continued to work with domestic companies to expand the reach and analytical power of government surveillance systems. Chinese technology firms **ZTE, Hikvision, iFlytek, Huawei Technologies, SenseTime, Megvii, CloudWalk, Yitu,** and **Tiandy** all reportedly sold technology to Chinese authorities for use in surveillance systems. This surveillance is used to target rights advocates and others whom the government views as a threat. For example, police in at least 16 provinces and regions were reportedly using artificial intelligence (AI) to track the movement of Uyghurs, an ethnic minority group.

- Companies in China collect large amounts of data on Chinese citizens and are required under Chinese law to make this data available to authorities. In the wake of rising domestic concerns over data collection and misuse, the government has already begun to revise recent regulations governing consumer data collection. While the government has punished companies over the collection of consumer data in some instances, the government has simultaneously expanded its own data collection powers.
- Chinese government restrictions on freedom of expression increased this past year, and companies—particularly tech companies—were both targets and enablers of Chinese government censorship. For example, **Tencent's WeChat**—a ubiquitous social media app in China—regularly filters and censors content and turns over user information to authorities. In 2018, media reports revealed that **Google** was developing a censored version of its search engine in an attempt to re-enter the Chinese market. Following employee protests and media attention, Google's Vice President for Government Affairs and Public Policy informed the Congress in July 2019 that Google had "terminated" the search engine project.

Recommendations

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

- Take the necessary steps to prohibit the export of U.S. goods and services to Chinese entities—including government agencies and companies—that have been directly involved in building and supplying the system of internment camps in the Xinjiang Uyghur Autonomous Region (XUAR). Specifically, the video surveillance company **Hangzhou Hikvision Digital Technology,** which has supplied the camps with surveillance equipment and is complicit in state surveillance of ethnic minorities more generally, should be placed on the Entity List of the Bureau of Industry and Security (BIS) within the U.S. Department of Commerce.
- Impose Global Magnitsky sanctions on both Chinese government officials carrying out severe human rights abuses in the XUAR as well as the companies directly complicit in those abuses. U.S. Customs and Border Protection should examine the import of goods made in the XUAR—or containing materials made in the XUAR—and determine whether such imports violate Section 1307 of the Tariff Act of 1930 (19 U.S.C. 1307).
- The Department of Labor should update its list of goods produced with child labor or forced labor to reflect the recent reports of forced labor in the XUAR.
- Hold public hearings and private meetings with companies from their districts to raise awareness of the risks of complicity in human rights abuses that U.S. companies working in China may face, including complicity in possible crimes against humanity in the XUAR; the possibility of goods made with forced labor entering supply chains; and the use of AI technology and

surveillance equipment to monitor human rights advocates, religious believers, and ethnic minorities.

○ Encourage companies in their districts to engage in appropriate due diligence with regard to potential complicity in human rights abuses. For additional resources on best practices, companies may consult the UN Guiding Principles on Business and Human Rights, the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, and the OECD Due Diligence Guidance for Responsible Business Conduct.

BUSINESS AND HUMAN RIGHTS

Introduction

During the Commission's 2019 reporting year, the Chinese Communist Party and government engaged in increasingly egregious human rights violations, as detailed by international human rights organizations and in the other sections of this report.[1] In this environment, domestic and international businesses are directly complicit in or at risk of complicity in human rights abuses committed by the Chinese government, including the severe repression of minority groups in the Xinjiang Uyghur Autonomous Region (XUAR), government surveillance of citizens without adequate privacy protections, and government censorship. Technology companies, in particular, play a major role in government surveillance and censorship, and Human Rights Watch warned companies operating in China that "the authorities might deploy [their] technology to commit serious abuses."[2] Although the Chinese government requires companies to comply with domestic laws and regulations that infringe on internationally recognized rights such as the right to privacy and freedom of expression, the UN Guiding Principles on Business and Human Rights state that businesses have a responsibility to respect human rights and should seek to avoid "contributing to adverse human rights impacts . . .."[3] Whereas the preceding sections of this report examine in detail Chinese government violations of human rights and relevant international human rights standards, this section focuses on the risk domestic and international companies face of complicity in these human rights violations.

Corporate Involvement in Possible Crimes Against Humanity in the XUAR

The actions of the Chinese Communist Party and government in the XUAR may constitute crimes against humanity[4] according to scholars and rights groups.[5] This past year, experts documented the expansion of a network of mass internment camps in which authorities have arbitrarily detained over a million individuals from predominantly Muslim ethnic minority groups.[6] Outside the camps, members of ethnic minority groups in the XUAR face extreme levels of surveillance, restrictions on freedom of movement, and forced political indoctrination.[7] Companies that work in the XUAR are at great risk of complicity in the human rights abuses being committed in the region.[8] [For more information on human rights violations in the XUAR, including a discussion of possible crimes against humanity committed by Chinese authorities, see Section IV—Xinjiang.]

COMPANIES USING FORCED LABOR IN THE XUAR

The Commission observed numerous reports this past year of forced labor associated with government repression of ethnic minority groups in the XUAR. In some cases, detainees performed forced labor in factories within internment camps.[9] In other cases, authorities released individuals from the camps to perform forced labor in factories elsewhere in the XUAR.[10] In still other cases,

XUAR authorities reportedly assigned individuals from ethnic minority groups to forced labor directly, without first sending them to the camps.[11] Radio Free Asia (RFA) reported in January 2019 that authorities had also sent Uyghurs and Kazakhs from the XUAR to other provinces in China for forced labor.[12] Comments from the president of the China National Textile and Apparel Council in March 2018 suggested that textile manufacturers, in particular, were working with XUAR authorities to exploit detainee labor.[13] More recent reports found that authorities used tax exemptions and subsidies to encourage Chinese garment manufacturers to move production to the XUAR.[14] German scholar Adrian Zenz warned that "[s]oon, many or most products made in China that rely at least in part on low-skilled, labor-intensive manufacturing, could contain elements of involuntary ethnic minority labor from Xinjiang."[15] [For more information on forced labor in the XUAR and elsewhere in China, see Section II—Human Trafficking.]

Products reportedly produced with forced labor by current and former camp detainees included:

- textiles, such as yarn, clothing, gloves, bedding, and carpet;[16]
- electronics, including cell phones and computer hardware and software;[17]
- food products, including noodles and cakes;[18]
- shoes;[19]
- tea;[20] and
- handicrafts.[21]

Companies that used forced labor in the XUAR this past year included:

- Hetian Taida Apparel,[22] a supplier of the U.S. company Badger Sportswear;[23]
- Yili Zhou Wan Garment Manufacturing Company;[24]
- Zhihui Haipai Internet of Things Technology Company;[25]
- Urumqi Shengshi Hua'er Culture Technology Limited Company;[26]
- Litai Textiles;[27]
- Huafu Fashion Company, whose yarn reportedly entered the supply chains for H&M, Esprit, and Adidas;[28]
- Esquel Group, headquartered in Hong Kong, which reportedly supplied clothing to Calvin Klein, Tommy Hilfiger, Nike, and Patagonia;[29] and
- Cofco Tunhe Company, which supplied tomato paste to Kraft Heinz and Campbell Soup, and sugar to Coca-Cola.[30]

Clothing Made With Forced Labor Imported Into United States

In January 2019, U.S. company **Badger Sportswear**[31] (Badger) stopped importing clothing from **Hetian Taida Apparel** (Hetian Taida), following media reports that the clothing was made with forced labor by internment camp detainees.[32] The Associated Press (AP) tracked shipments from Hetian Taida workshops located within an internment camp to Badger, and the U.S.-based Worker Rights Consortium independently confirmed that the Hetian Taida factory supplying Badger was located inside a camp.[33] The chairman of Hetian Taida confirmed to the AP that his workforce included "trainees" from the camp.[34] Badger said it relied on the U.S.-based social compliance nonprofit **Worldwide Responsible Accredited Production** (WRAP) to certify that its suppliers met certain standards.[35] Following media reports, WRAP conducted its own investigation, concluding that "this facility is not engaged in the use of forced labor."[36] WRAP later admitted to the AP, however, that it had not visited the facility in question, but rather a separate Hetian Taida workshop located elsewhere.[37]

SURVEILLANCE STATE IN THE XUAR

Outside the network of extrajudicial internment camps, ethnic minority groups in the XUAR faced near-constant government surveillance in their daily lives,[38] in violation of the internationally recognized right to privacy.[39] Numerous companies—both Chinese and international—have facilitated what Human Rights Watch describes as "Orwellian surveillance" in the XUAR.[40]

- In October 2018, the video surveillance research firm IPVM provided evidence that the video surveillance company **Hangzhou Hikvision Digital Technology** was directly involved in the construction, operation, and ongoing maintenance of the Integrated Joint Operations Platform (IJOP) in the XUAR.[41] Human Rights Watch has described the IJOP as a "predictive policing" system that aggregates and analyzes large amounts of individuals' data, flagging "those it deems potentially threatening."[42] In addition to tracking them, authorities may arbitrarily detain individuals flagged by the IJOP in the internment camps or other detention facilities.[43] Hikvision also reportedly contracted with local XUAR authorities to build surveillance systems to install in mosques in some localities in the XUAR as part of a public-private partnership.[44]
- Despite Hikvision's involvement in both the XUAR's network of extrajudicial camps and the IJOP, foreign suppliers such as **Intel, Ambarella,** and **Nvidia** reportedly sold computer processing chips and graphics chips to Hikvision, and the U.S. data storage company **Seagate** provided the company with "custom storage solutions" for its surveillance systems, according to a November 2018 Financial Times report.[45] Foreign Policy further reported in March 2019 that the U.S.-based company **Amax,** which provides advanced computing technology, had formed a partnership with Hikvision.[46] Hikvision is listed on the Shenzhen stock exchange and is 41.88 percent owned by two subsidiaries of the Chinese state-owned enterprise **China Electronics Technology Corporation** (CETC).[47] CETC is

also involved in managing government surveillance systems in the XUAR, including the IJOP.[48]

- Hikvision was one of the Chinese companies that index provider **MSCI** included in its emerging markets index, which means that funds investing in the index are investing in Hikvision.[49] MSCI announced plans in February 2019 to quadruple the weight of mainland Chinese shares in the index.[50] According to a March 2019 Financial Times article, the **California State Teachers' Retirement System** and the **New York State Teachers' Retirement System** both owned stock in Hikvision.[51] In addition, U.S. public relations firms **Burson-Marsteller**[52] and **Mercury Public Affairs** are registered with the U.S. Department of Justice as foreign agents working on behalf of Hikvision in the U.S.[53]
- In February 2019, a cybersecurity researcher discovered that the Chinese firm **SenseNets** had left a database tracking over 2.5 million people in the XUAR exposed online.[54] The database tracked individuals' GPS coordinates—seemingly in real time—and also contained government identification numbers, dates of birth, photos, home addresses, and employers.[55] According to experts, the information in this database suggested that authorities in the XUAR were working with SenseNets to monitor residents.[56]
- Bloomberg and the Financial Times reported that **SenseTime** had set up a "smart policing" joint venture in the XUAR with Urumqi-based **Leon Technology** (Leon) called **Xinjiang SenseTime Leon Technology.**[57] According to Leon's website and the company's page on a job-listing website, among Leon's main customers were XUAR government agencies, including the XUAR public security bureau.[58] In March 2019, SenseTime sold its stake in the joint venture with Leon, possibly to avoid negative publicity in preparation for its planned initial public offering (IPO).[59] According to Bloomberg, with investors such as **Qualcomm, Fidelity International,** and **Alibaba,** SenseTime was "the world's most valuable AI startup."[60] A May 2019 BuzzFeed News investigation found that private equity firms **IDG Capital** and **Silver Lake** both owned shares in SenseTime.[61] Those firms' clients reportedly included 14 public pension funds.[62]
- Reports emerged this past year that XUAR authorities purchased a video management system from **Infinova,** a U.S.-based company that is listed on the Shenzhen stock exchange, for use in urban surveillance systems in the XUAR.[63] According to IPVM, XUAR authorities have purchased the company's surveillance technology in the past.[64]
- In April 2019, the Wall Street Journal reported that U.S. firms, including **Boeing** and **Carlyle Group,** had "indirectly facilitated" the Chinese government's use of American-made satellites to aid in communications during protests and strife in the XUAR in 2009.[65] The Hong Kong-based intermediary that sold the satellite bandwidth to Chinese authorities, **AsiaSat,** "declined to comment directly" when asked if police in the XUAR continued to use the satellites.[66]

OTHER COMMERCIAL CONNECTIONS TO XUAR AUTHORITIES

The Commission observed additional instances of connections between companies and XUAR authorities that raised human rights concerns. For example, the U.S.-based firm **Thermo Fisher Scientific** sold DNA analysis equipment to XUAR authorities until February 2019, ending sales following criticism from Human Rights Watch (HRW) and members of the U.S. Congress.[67] According to the New York Times, procurement documents showed that Chinese authorities intended for some of Thermo Fisher's equipment to be used by XUAR police.[68] A 2017 HRW article highlighted Thermo Fisher's sales of DNA sequencers to XUAR police, with HRW's China Director calling the mass, involuntary collection of DNA from Uyghurs in the region "a gross violation of international human rights norms."[69] In addition, in January 2019, the Hong Kong-based security services company **Frontier Services Group** (FSG) announced on its website that it had signed an agreement with local XUAR officials to build a training facility in Kashgar prefecture, XUAR.[70] The announcement, since removed, noted that the agreement was part of a "strategic cooperation framework agreement" (*zhanlue xiezuo kuangjia xieyi*) between the state-owned company **CITIC Group,** which owns controlling shares in FSG, and the Xinjiang Production and Construction Corps, a Han-Chinese led paramilitary institution that operates across the XUAR.[71] FSG's American co-founder, Erik Prince, who remains a minority shareholder and deputy chairman of the board, claimed "no knowledge" of the company's plans to build a training center in the XUAR.[72]

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

EVOLVING REGULATORY REGIME

Chinese law allows the government to collect personal data from companies without adequate protections for the internationally recognized right to privacy.[73] For example, the PRC Cybersecurity Law requires companies to store user data inside mainland China[74] and to provide technical support to authorities conducting criminal investigations or "protecting state security,"[75] without specifying what such technical support entails.[76] The PRC National Intelligence Law similarly requires entities operating in China—including companies—to provide support and assistance to authorities engaged in "intelligence work" without defining what the government considers "intelligence work."[77]

In September 2018, the Ministry of Public Security issued implementing provisions that further detailed the government's authority under the Cybersecurity Law.[78] The new provisions allow police to inspect data centers, internet service providers, and others, providing for both on-site and remote inspections and allowing police to copy "relevant information" from the companies they inspect.[79] Experts note that companies typically must comply with government demands to provide information.[80] Chapter 4 of the implementing regulations stipulates potential criminal penalties for failure to comply.[81]

In the wake of rising domestic concerns over data collection and misuse, the government has already begun to revise recent regulations governing consumer data collection.[82] Observers noted that while the government has punished companies over the collection of consumer data in some instances, the government has simultaneously expanded its own data collection powers—in some cases leading to conflicting guidance for businesses over whether and when to retain user data.[83]

SOCIAL CREDIT SYSTEM

The Chinese government continued to work with Chinese companies to develop and implement a social credit system that aimed to aggregate and monitor the data that the government and companies collect. Legal scholars and observers warned that the system could increase the government's capacity for social control and potentially violate the internationally recognized rights to privacy, due process, and freedom of expression.[84] In 2014, the State Council released an outline for the creation of a national social credit system by 2020 to measure and improve the credibility of government agencies, organizations, and individuals.[85] All Chinese individuals and organizations must now have a unique social credit code, including multinational companies operating in China.[86] Private companies such as **Ant Financial** also offer private credit scoring services that collect large amounts of customer data.[87] While these services are separate from the government system, the government has the authority to access the companies' data.[88] In the case of Ant Financial's **Sesame Credit,** the company is reportedly providing information directly to the entity that oversees the government's social credit system.[89]

CONTINUED EXPANSION OF SURVEILLANCE NETWORKS

Chinese security authorities continued to work with domestic companies to expand the reach and analytical power of government surveillance systems. In February 2019, the Chinese Communist Party Central Committee called for the expansion of the rural surveillance system dubbed "Sharp Eyes."[90] According to the Nikkei Asian Review, numerous Chinese firms have supplied equipment and services to the government for the Sharp Eyes project, including **Hikvision, ZTE, iFlytek, Inspur, Huawei Technologies,** and **Alibaba Group Holding.**[91] In addition to the Sharp Eyes surveillance project, Chinese technology firms **SenseTime, Megvii,** and **Tiandy** all reportedly sold technology to Chinese authorities for use in other surveillance systems.[92] For example, SenseTime sold artificial intelligence (AI) technology to police in China in the form of SenseTotem and SenseFace surveillance systems.[93] In April 2019, the New York Times revealed that police departments in at least 16 provinces and regions were using AI to track the movement of Uyghurs, an ethnic minority group.[94] Chinese companies **CloudWalk, Megvii, Yitu,** and **SenseTime** assisted authorities in this surveillance.[95] The head of China equity strategy for Credit Suisse noted that for many Chinese AI firms, their "biggest business" was government surveillance projects.[96] As one human rights advocate noted, while the Chinese government claims these surveillance projects target criminals, "police treat those that exercise

basic civil liberties like peaceful assembly or freedom of association as criminals."[97]

U.S. firms have also assisted in the development of Chinese government surveillance systems. According to a November 2018 Wall Street Journal report, the U.S. chipmaker **Nvidia** has sold chips to SenseTime.[98] Nvidia has also sold chips to **Hikvision,** one of the Chinese firms that has been integral to the construction of government surveillance systems.[99] The U.S. consulting firm **McKinsey & Company** reportedly assisted local governments in China to implement "smart cities" surveillance systems.[100] In the words of one expert, these "smart cities" projects are "about political control."[101]

Role of Commercial Firms in Government Censorship

Chinese government restrictions on freedom of expression increased this past year, and companies—particularly tech companies—were both targets and enablers of Chinese government censorship. The international non-governmental organization Freedom House called the Chinese government "the worst abuser of internet freedom in 2018,"[102] and Human Rights Watch reported that the government continued to censor "politically sensitive information" online.[103] The PRC Cybersecurity Law requires companies to monitor content their customers create or share, censor content that violates laws and regulations, and report such content to authorities.[104] New regulations,[105] censorship campaigns,[106] and increasing restrictions on the use of virtual private networks (VPNs)[107] this past year have further circumscribed online expression. In 2018, regulators reportedly shut down over 6,000 websites.[108] From January 3 to 21, 2019, the Cyberspace Administration of China shut down 733 websites and 9,382 mobile apps, and deleted over 7 million pieces of online information.[109] [For more information on censorship in China, see Section II—Freedom of Expression.]

Faced with the possibility of lost revenue and other forms of punishment, both domestic and international companies engaged in self-censorship. For example, **Tencent's WeChat**—a ubiquitous social media app in China—regularly filters and censors content and turns over user information to authorities.[110] In 2018, online news outlet The Intercept revealed that **Google** was developing a censored version of its search engine, called "Project Dragonfly," in an attempt to re-enter the Chinese market.[111] Work on the project appeared to end in late 2018 following employee protests and media attention.[112] Google's Vice President for Government Affairs and Public Policy told the Senate Judiciary Committee in July 2019 that Google had "terminated" Project Dragonfly.[113]

Not only do companies engage in self-censorship, censorship itself can be a lucrative business in China. The online version of the Party-run newspaper People's Daily, **People.cn,** contracts with companies such as the news aggregator **Jinri Toutiao** to censor content that contravenes government censorship directives.[114] Revenue from People.cn's censorship services reportedly rose 166 percent in 2018.[115] Another censorship service, **Rainbow Shield,** owned by the company **Beyondsoft,** employs over 4,000 people in multiple cities to review online content.[116] In Chengdu municipality, Sichuan province, 160 Beyondsoft employees reportedly monitor a single news-aggregating app for politically sensitive con-

tent.[117] [For more information on censorship in China, see Section II—Freedom of Expression.]

Notes to Section II—Business and Human Rights

[1] Freedom House, "China," in *Freedom in the World 2019,* February 2019; Human Rights Watch, "China," in *World Report 2019: Events of 2018,* 2019, 135–36.

[2] Sophie Richardson, Human Rights Watch, "Thermo Fisher's Necessary, but Insufficient, Step in China," February 22, 2019.

[3] UN Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, HR/PUB/11/04, June 16, 2011, principle 13.

[4] Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2002, art. 7.

[5] Kate Cronin-Furman, "China Has Chosen Cultural Genocide in Xinjiang—For Now," *Foreign Policy,* September 19, 2018; Kate Cronin-Furman, "About Me," Personal Website of Kate Cronin-Furman, accessed April 18, 2019; Uyghur Human Rights Project, "Universal Children's Day 2018: China Must Reunite Uyghur Children and Parents. Forcible Placement of Children of Living Parents in State-Run Facilities Constitutes a Crime against Humanity," November 19, 2018; Gene A. Bunin, "Detainees Are Trickling Out of Xinjiang's Camps," *Foreign Policy,* January 18, 2019; Michael Caster, "At Davos, the Message of 'Globalization 4.0' Must Include a Rebuke of China's Ethnic Cleansing in Xinjiang," *Hong Kong Free Press,* January 21, 2019; Global Centre for the Responsibility to Protect, "The Persecution of the Uighurs and Potential Crimes against Humanity in China," April 2019.

[6] See, e.g., Stephanie Nebehay, "1.5 Million Muslims Could Be Detained in China's Xinjiang: Academic," *Reuters,* March 13, 2019; Adrian Zenz, "Xinjiang's Re-Education and Securitization Campaign: Evidence from Domestic Security Budgets," *China Brief,* Jamestown Foundation, November 5, 2018; Fergus Ryan, Danielle Cave, and Nathan Ruser, "Mapping Xinjiang's 'Re-Education' Camps," International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018; Human Rights Watch, "China," in *World Report 2019: Events of 2018,* 2019, 142. For information from the previous reporting year, see CECC, *2018 Annual Report,* October 10, 2018, 273–83.

[7] Human Rights Watch, "China," in *World Report 2019: Events of 2018,* 2019, 142; Amnesty International et al., "Joint Statement Calling for Xinjiang Resolution at the United Nations Human Rights Council," February 13, 2019.

[8] See, e.g., Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *Wall Street Journal,* May 16, 2019; Human Rights Watch, "China's Algorithms of Repression," May 1, 2019.

[9] Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018; Emily Feng, "Forced Labour Being Used in China's 'Re-Education' Camps," *Financial Times,* December 15, 2018; Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018.

[10] Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018; Emily Feng, "Forced Labour Being Used in China's 'Re-Education' Camps," *Financial Times,* December 15, 2018; Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018.

[11] Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *Wall Street Journal,* May 16, 2019; Adrian Zenz, "Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang," SocArXiv, July 12, 2019, 1–4; Sophie McNeill et al., "Cotton On and Target Investigate Suppliers after Forced Labour of Uyghurs Exposed in China's Xinjiang," *Australian Broadcasting Corporation,* July 16, 2019. For the definition of forced labor, see International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, art. 2.1; International Labour Organization, "Ratifications of CO29–Forced Labour Convention, 1930 (No. 29)," accessed August 28, 2019. Article 2.1 defines forced or compulsory labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." China has not ratified this convention.

[12] "Neidi gu Xinjiang Hasakeren yaoqiu xue Hanyu ru Dang" [Inland China employs Kazakhs from Xinjiang, asks them to learn Chinese and join the Party], *Radio Free Asia,* January 22, 2019.

[13] Sun Ruizhe, China National Textile and Apparel Council, "Sun Ruizhe fenxiang shi da hangye fazhan redian" [Sun Ruizhe shares ten major industry developments], reprinted in China Cotton Textile Association, March 4, 2018; Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018.

[14] Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *Wall Street Journal,* May 16, 2019; Adrian Zenz, "Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang," SocArXiv, July 12, 2019, 8–10.

[15] Adrian Zenz, "Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang," SocArXiv, July 12, 2019, 2.

[16] See, e.g., Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *Wall Street Journal,* May 16, 2019; Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018; Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019.

[17] Li Zaili, "Camps for Uyghurs, 'Schools' or Jails? Exclusive Report, Photos, and Footage from Bitter Winter," *Bitter Winter,* November 12, 2018; Emily Feng, "Forced Labour Being Used in China's 'Re-Education' Camps," *Financial Times,* December 15, 2018; "Neidi gu Xinjiang

Hasakeren yaoqiu xue Hanyu ru Dang" [Inland China employs Kazakhs from Xinjiang, asks them to learn Chinese and join the Party], *Radio Free Asia,* January 22, 2019.

[18] Li Zaili, "Uyghur Women Forced to Labor in Camp," *Bitter Winter,* September 28, 2018; Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018.

[19] Emily Feng, "Forced Labour Being Used in China's 'Re-Education' Camps," *Financial Times,* December 15, 2018.

[20] Ibid.

[21] Li Zaili, "Uyghur Women Forced to Labor in Camp," *Bitter Winter,* September 28, 2018.

[22] Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018.

[23] Badger Sportswear is a part of Founder Sport Group which is owned by CCMP Capital Advisors LP. "About Us," Badger Sport, accessed September 6, 2019; Iris Dorbian, "CCMP to Buy Uniforms Maker Badger Sportswear," The PE Hub Network, August 23, 2016.

[24] "Businesses in China's Xinjiang Use Forced Labor Linked to Camp System," *Radio Free Asia,* January 1, 2019; Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019; "Yili Zhuo Wan Garment Manufacturing Co., Ltd.," Alibaba.com, accessed April 9, 2019.

[25] "Neidi gu Xinjiang Hasakeren yaoqiu xue Hanyu ru Dang" [Inland China employs Kazakhs from Xinjiang, asks them to learn Chinese and join the Party], *Radio Free Asia,* January 22, 2019.

[26] Sophie McNeill et al., "Cotton On and Target Investigate Suppliers after Forced Labour of Uyghurs Exposed in China's Xinjiang," *Australian Broadcasting Corporation,* July 16, 2019.

[27] Ibid.

[28] Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *Wall Street Journal,* May 16, 2019.

[29] Ibid.

[30] Ibid.

[31] Badger Sportswear is a part of Founder Sport Group which is owned by CCMP Capital Advisors LP. "About Us," Badger Sport, accessed September 6, 2019; Iris Dorbian, "CCMP to Buy Uniforms Maker Badger Sportswear," The PE Hub Network, August 23, 2016.

[32] "Sourcing Update," Founder Sport Group (previously Badger Sport), accessed April 10, 2019; Martha Mendoza and Yanan Wang, "US Apparel Firm Cuts Off Chinese Factory in Internment Camp," *Associated Press,* January 10, 2019.

[33] Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018; Martha Mendoza and Yanan Wang, "US Apparel Firm Cuts Off Chinese Factory in Internment Camp," *Associated Press,* January 10, 2019.

[34] Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018.

[35] Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018.

[36] Arthur Friedman, "WRAP Says Chinese Factory Accused of Using Forced Labor Is Compliant," *Sourcing Journal,* December 24, 2018.

[37] Martha Mendoza and Yanan Wang, "US Apparel Firm Cuts Off Chinese Factory in Internment Camp," *Associated Press,* January 10, 2019.

[38] See, e.g., "An Internment Camp for 10 Million Uyghurs: Meduza Visits China's Dystopian Police State," *Meduza,* October 1, 2018; Sophie Richardson, Human Rights Watch, "Thermo Fisher's Necessary, but Insufficient, Step in China," February 22, 2019.

[39] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 12; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 17; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 29, 2019. China has signed but not ratified the ICCPR. See also UN Human Rights Council, Report of the Special Rapporteur on the Right to Privacy, Joseph Cannataci, A/HRC/37/62, October 25, 2018, para. 4; UN General Assembly, Resolution Adopted by UN General Assembly on December 18, 2013: 68/167. The Right to Privacy in the Digital Age, A/RES/68/167, January 21, 2014.

[40] Sophie Richardson, Human Rights Watch, "Thermo Fisher's Necessary, but Insufficient, Step in China," February 22, 2019.

[41] Charles Rollet, "Evidence of Hikvision's Involvement with Xinjiang IJOP and Re-Education Camps," IPVM, October 2, 2018. For a discussion of the IJOP in the previous reporting year, see CECC, *2018 Annual Report,* October 10, 2018, 108–09, 278–80.

[42] Human Rights Watch, "China: Big Data Fuels Crackdown in Minority Region," February 26, 2018. See also Darren Byler, "Ghost World," *Logic,* accessed April 5, 2019.

[43] Human Rights Watch, "China's Algorithms of Repression," May 1, 2019; Darren Byler, "Ghost World," *Logic,* accessed April 5, 2019; Human Rights Watch, "China: Big Data Fuels Crackdown in Minority Region," February 26, 2018.

[44] Charles Rollet, "Evidence of Hikvision's Involvement with Xinjiang IJOP and Re-Education Camps," IPVM, October 2, 2018; Isaac Stone Fish, "Why Are U.S. Companies Working for a Chinese Firm That's Implicated in Ethnic Cleansing?," editorial, *Washington Post,* September 21, 2018.

[45] Emily Feng, "Chinese Surveillance Group Faces Crippling US Ban," *Financial Times,* November 18, 2018.

[46] Lindsay Gorman and Matt Schrader, "U.S. Firms Are Helping Build China's Orwellian State," *Foreign Policy,* March 29, 2019.

[47] "Hikvision Global," About, Hikvision, accessed April 8, 2019; Chris Buckley and Paul Mozur, "How China Uses High-Tech Surveillance to Subdue Minorities," *New York Times,* May 22, 2019.
[48] Chris Buckley and Paul Mozur, "How China Uses High-Tech Surveillance to Subdue Minorities," *New York Times,* May 22, 2019; Human Rights Watch, "China's Algorithms of Repression," May 1, 2019.
[49] James Kynge and Demetri Sevastopulo, "US Pressure Building on Investors in China Surveillance Group," *Financial Times,* March 29, 2019; Rodrigo Campos and Samuel Shen, "MSCI to Quadruple Weighting of China A-Shares in Its Global Benchmarks," *Reuters,* February 28, 2019.
[50] James Kynge and Demetri Sevastopulo, "US Pressure Building on Investors in China Surveillance Group," *Financial Times,* March 29, 2019; Rodrigo Campos and Samuel Shen, "MSCI to Quadruple Weighting of China A-Shares in Its Global Benchmarks," *Reuters,* February 28, 2019.
[51] James Kynge and Demetri Sevastopulo, "US Pressure Building on Investors in China Surveillance Group," *Financial Times,* March 29, 2019.
[52] "WPP Announces the Merger of Burson-Marsteller and Cohn & Wolfe," WPP, February 27, 2018; "Our Companies," WPP, accessed April 8, 2019. Although the Foreign Agents Registration Act database on the U.S. Department of Justice website uses the name Burson-Marsteller, LLC, in February 2018, the firm merged with Cohn & Wolfe to form BCW (Burson Cohn & Wolfe), which itself is a subsidiary company of the communications services holding company WPP.
[53] "Active Foreign Principals by Country or Location as of 04/08/2019," Active Foreign Principals by Country or Location, Quick Search, U.S. Department of Justice, accessed April 8, 2019. See also Isaac Stone Fish, "Why Are U.S. Companies Working for a Chinese Firm That's Implicated in Ethnic Cleansing?," editorial, *Washington Post,* September 21, 2018.
[54] Cate Cadell and Philip Wen, "China Surveillance Firm Tracking Millions in Xinjiang: Researcher," *Reuters,* February 17, 2019; Yanan Wang and Dake Kang, "Exposed Chinese Database Shows Depth of Surveillance State," *Associated Press,* February 19, 2019; Caitlin Cimpanu, "Chinese Company Leaves Muslim-Tracking Facial Recognition Database Exposed Online," ZDNet, February 14, 2019.
[55] Cate Cadell and Philip Wen, "China Surveillance Firm Tracking Millions in Xinjiang: Researcher," *Reuters,* February 17, 2019; Yanan Wang and Dake Kang, "Exposed Chinese Database Shows Depth of Surveillance State," *Associated Press,* February 19, 2019; Caitlin Cimpanu, "Chinese Company Leaves Muslim-Tracking Facial Recognition Database Exposed Online," ZDNet, February 14, 2019.
[56] Lindsay Gorman and Matt Schrader, "U.S. Firms Are Helping Build China's Orwellian State," *Foreign Policy,* March 29, 2019; Caitlin Cimpanu, "Chinese Company Leaves Muslim-Tracking Facial Recognition Database Exposed Online," ZDNet, February 14, 2019. The Chinese firms NetPosa Technologies and SenseTime set up SenseNets in 2015, though SenseTime sold its stake in the company in July 2018. Li Tao, "SenseNets: The Facial Recognition Company That Supplies China's Skynet Surveillance System," *South China Morning Post,* April 12, 2019. For additional reporting on the relationship between SenseTime and suppliers Nvidia and Qualcomm, see Ryan Mac, Rosalind Adams, and Megha Rajagopalan, "US Universities and Retirees Are Funding the Technology behind China's Surveillance State," *BuzzFeed News,* June 5, 2019.
[57] David Ramli and Mark Bergen, "This Company Is Helping Build China's Panopticon. It Won't Stop There," *Bloomberg,* November 19, 2018; Christian Shepherd, "China's SenseTime Sells Out of Xinjiang Security Joint Venture," *Financial Times,* April 15, 2019; "Shouye" [Homepage], Li'ang Jishu [Leon Technology], accessed April 16, 2019.
[58] "Li'ang Jishu pai ren canjia de 'Xinjiang Weiwu'erzu Zizhiqu Tianshan Wang xin jihua xinxihua youxiu guanli rencai peixun ban' yuanman jieshu" [Perfect ending to "Xinjiang Uyghur Autonomous Region Tianshan internet information planning [and] informatization excellent managers personnel training class" that Leon Technology staff attended], Li'ang Jishu [Leon Technology], accessed April 16, 2019; "Li'ang Jishu Gufen Youxian Gongsi" [Leon Technology Company Limited], Xinjiang Rencai Wang [Xinjiang Human Resources Net], accessed April 16, 2019.
[59] Christian Shepherd, "China's SenseTime Sells Out of Xinjiang Security Joint Venture," *Financial Times,* April 15, 2019.
[60] David Ramli and Mark Bergen, "This Company Is Helping Build China's Panopticon. It Won't Stop There," *Bloomberg,* November 19, 2018.
[61] Ryan Mac, Rosalind Adams, and Megha Rajagopalan, "US Universities and Retirees Are Funding the Technology Behind China's Surveillance State," *BuzzFeed News,* May 30, 2019.
[62] Ibid.
[63] Charles Rollet, "Infinova's Xinjiang Business Examined," IPVM, December 7, 2018; Ryan Mac, Rosalind Adams, and Megha Rajagopalan, "US Universities and Retirees Are Funding the Technology Behind China's Surveillance State," *BuzzFeed News,* May 30, 2019.
[64] Charles Rollet, "Infinova's Xinjiang Business Examined," IPVM, December 7, 2018.
[65] Brian Spegele and Kate O'Keeffe, "China Exploits Fleet of U.S. Satellites to Strengthen Police and Military Power," *Wall Street Journal,* April 23, 2019. For more information on the protests and strife in the Xinjiang Uyghur Autonomous Region in 2009, see CECC, *2009 Annual Report,* October 10, 2009, 249–53.
[66] Brian Spegele and Kate O'Keeffe, "China Exploits Fleet of U.S. Satellites to Strengthen Police and Military Power," *Wall Street Journal,* April 23, 2019.
[67] Natasha Khan, "American Firm, Citing Ethics Code, Won't Sell Genetic Sequencers in Xinjiang," *Wall Street Journal,* February 20, 2019; Sui-Lee Wee, "China Uses DNA to Track Its People, With the Help of American Expertise," *New York Times,* February 21, 2019; Human Rights Watch, "China: Minority Region Collects DNA from Millions," December 13, 2017.

[68] Sui-Lee Wee, "China Uses DNA to Track Its People, With the Help of American Expertise," *New York Times,* February 21, 2019.
[69] Human Rights Watch, "China: Minority Region Collects DNA from Millions," December 13, 2017.
[70] "Xianfeng Jituan Xinjiang Kashi peixun zhongxin qianyue yishi zai Jing juxing" [Signing ceremony for Frontier Services Group Training Center in Kashgar, Xinjiang, held in Beijing], Frontier Services Group, January 22, 2019; "Erik Prince Company to Build Training Centre in China's Xinjiang," *Reuters,* January 31, 2019. The Commission did not observe reports regarding what kind of training facility would be built.
[71] "Xianfeng Jituan Xinjiang Kashi peixun zhongxin qianyue yishi zai Jing juxing" [Signing ceremony for Frontier Services Group Training Center in Kashgar, Xinjiang, held in Beijing], Frontier Services Group, January 22, 2019; "Erik Prince Company to Build Training Centre in China's Xinjiang," *Reuters,* January 31, 2019. For more information on the Xinjiang Production and Construction Corps, see Uyghur Human Rights Project, "The Bingtuan: China's Paramilitary Colonizing Force in East Turkestan," April 26, 2018.
[72] Anna Fifield, "Blackwater Founder Erik Prince's New Company Is Building Training Center in Xinjiang," *Washington Post,* February 1, 2019.
[73] Human Rights Watch, "China," in *World Report 2019: Events of 2018,* 2019, 136; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 12; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 17; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 29, 2019. China has signed but not ratified the ICCPR. See also UN Human Rights Council, Report of the Special Rapporteur on the Right to Privacy, Joseph Cannataci, A/HRC/37/62, Advance Unedited Version, February 28, 2018, para. 4; UN General Assembly, Resolution Adopted by UN General Assembly on December 18, 2013: 68/167. The Right to Privacy in the Digital Age, A/RES/68/167, January 21, 2014.
[74] *Zhonghua Renmin Gongheguo Wangluo Anquan Fa* [PRC Cybersecurity Law], passed November 7, 2016, effective June 1, 2017, art. 37.
[75] For more information on the Chinese government's use of "state security" charges to target rights advocates, see, e.g., Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2018 Human Rights Report: China (Includes Tibet, Hong Kong and Macau)," March 13, 2019; Human Rights Watch, "China: State Security, Terrorism Convictions Double," March 16, 2016; CECC, *2017 Annual Report,* October 5, 2017, 103–4.
[76] *Zhonghua Renmin Gongheguo Wangluo Anquan Fa* [PRC Cybersecurity Law], passed November 7, 2016, effective June 1, 2017, art. 28; Donald C. Clarke, "The Zhong Lun Declaration on the Obligations of Huawei and Other Chinese Companies under Chinese Law," available at Social Science Research Network, March 28, 2019, 9–11; Amnesty International, "When Profits Threaten Privacy—5 Things You Need to Know about Apple in China," 27 February 18.
[77] *Zhonghua Renmin Gongheguo Guojia Qingbao Fa* [PRC National Intelligence Law], passed June 27, 2017, effective June 28, 2017, arts. 7, 14; Donald C. Clarke, "The Zhong Lun Declaration on the Obligations of Huawei and Other Chinese Companies under Chinese Law," available at Social Science Research Network, March 28, 2019, 9–11; Murray Scot Tanner, "Beijing's New National Intelligence Law: From Defense to Offense," *Lawfare* (blog), July 20, 2017.
[78] Ministry of Public Security, *Gong'an Jiguan Hulianwang Anquan Jiandu Jiancha Guiding* [Provisions on Internet Security Supervision and Inspection by Public Security Organizations], issued September 5, 2018, effective November 1, 2018.
[79] Ministry of Public Security, *Gong'an Jiguan Hulianwang Anquan Jiandu Jiancha Guiding* [Provisions on Internet Security Supervision and Inspection by Public Security Organizations], issued September 5, 2018, effective November 1, 2018, arts. 9, 15–16. See also Laney Zhang, "China: New Regulations on Police Cybersecurity Supervision and Inspection Powers Issued," *Global Legal Monitor* (blog), Library of Congress, November 13, 2018; "China's New Cybersecurity Measures Allow State Police to Remotely Access Company Systems," Insikt Group, February 8, 2019.
[80] Donald C. Clarke, "The Zhong Lun Declaration on the Obligations of Huawei and Other Chinese Companies under Chinese Law," available at Social Science Research Network, March 28, 2019, 3–4; Claudia Biancotti, Peterson Institute for International Economics, "The Growing Popularity of Chinese Social Media Outside China Poses New Risks in the West," January 11, 2019; Perrin Grauer, "Beijing's Denial of Huawei Control Bucks Expert Analysis," *Star Vancouver,* February 18, 2019.
[81] Ministry of Public Security, *Gong'an Jiguan Hulianwang Anquan Jiandu Jiancha Guiding* [Provisions on Internet Security Supervision and Inspection by Public Security Organizations], issued September 15, 2018, effective November 1, 2018, chap. 4.
[82] Yuan Yang, "China's Data Privacy Outcry Fuels Case for Tighter Rules," *Financial Times,* October 2, 2018; Samm Sacks and Lorand Laskai, "China's Privacy Conundrum," *Slate,* February 7, 2019; Samm Sacks et al., "Public Security Ministry Aligns with Chinese Data Protection Regime in Draft Rules," *DigiChina* (blog), New America, December 3, 2018.
[83] Samm Sacks and Lorand Laskai, "China's Privacy Conundrum," *Slate,* February 7, 2019. See also Claudia Biancotti, Peterson Institute for International Economics, "The Growing Popularity of Chinese Social Media Outside China Poses New Risks in the West," January 11, 2019.
[84] Jeremy Daum, "Social Credit Overview Podcast," *China Law Translate* (blog), October 31, 2018; Adrian Shahbaz, Freedom House, *Freedom on the Net 2018: The Rise of Digital Authoritarianism,* October 2018; Yu-Jie Chen, Ching-Fu Lin, and Han-Wei Liu, "'Rule of Trust': The Power and Perils of China's Social Credit Megaproject," *Columbia Journal of Asian Law,* 32, no. 1 (2018), reprinted in Social Science Research Network, December 20, 2019, 3, 32–3.
[85] State Council, "Shehui Xinyong Tixi Jianshe Guihua Gangyao (2014–2020 nian)" [Social Credit System Construction Program Outline (2014–2020)], June 14, 2014. For an unofficial

English translation, see "Planning Outline for the Construction of a Social Credit System (2014–2020)," translated in *China Copyright and Media* (blog), April 25, 2015. For more information on the social credit system, see, e.g., Jeremy Daum, "China Through a Glass, Darkly," *China Law Translate* (blog), December 24, 2017; Mareike Ohlberg et al., Mercator Institute for China Studies, "Central Planning, Local Experiments: The Complex Implementation of China's Social Credit System," *MERICS China Monitor,* December 12, 2017; Rogier Creemers, "China's Social Credit System: An Evolving Practice of Control," available at Social Science Research Network, May 9, 2018.

[86] Kirsty Needham, "China's All-Seeing Social Credit System Stops Actresses and Academics," *Sydney Morning Herald,* March 6, 2019; Samantha Hoffman, "Social Credit: Technology-Enhanced Authoritarian Control with Global Consequences," Australian Strategic Policy Institute, June 28, 2018.

[87] Yuan Yang, "Does China's Bet on Big Data for Credit Scoring Work?," *Financial Times,* December 20, 2018; Adrian Shahbaz, Freedom House, *Freedom on the Net 2018: The Rise of Digital Authoritarianism,* October 2018.

[88] Yuan Yang, "Does China's Bet on Big Data for Credit Scoring Work?," *Financial Times,* December 20, 2018; Adrian Shahbaz, Freedom House, *Freedom on the Net 2018: The Rise of Digital Authoritarianism,* October 2018.

[89] Yuan Yang, "Does China's Bet on Big Data for Credit Scoring Work?," *Financial Times,* December 20, 2018.

[90] CCP Central Committee and State Council, *Guanyu Jianchi Nongye Nongcun Youxian Fazhan Zuo Hao "San Nong" Gongzuo de Ruogan Yijian* [Various Opinions on Supporting and Prioritizing Agriculture and Village Development and Effectively Doing "3 Rurals" Work], issued February 19, 2019, sec. 6(3).

[91] Lauly Li, Coco Liu, and Cheng Ting-Fang, "China's 'Sharp Eyes' Offer Chance to Take Surveillance Industry Global," *Nikkei Asian Review,* June 5, 2019.

[92] David Ramli and Mark Bergen, "This Company Is Helping Build China's Panopticon. It Won't Stop There," *Bloomberg,* November 19, 2018; Blake Schmidt and Venus Feng, "China's Powerful Surveillance State Has Created at Least Four Billionaires," *Bloomberg,* February 21, 2019.

[93] David Ramli and Mark Bergen, "This Company Is Helping Build China's Panopticon. It Won't Stop There," *Bloomberg,* November 19, 2018.

[94] Paul Mozur, "One Month, 500,000 Face Scans: How China Is Using A.I. to Profile a Minority," *New York Times,* April 14, 2019.

[95] Ibid.

[96] Huileng Tan, "The Business of Government Surveillance in China Could Boost Some Tech Firms: Credit Suisse," *CNBC,* March 26, 2019.

[97] Robyn Dixon, "China's New Surveillance Program Aims to Cut Crime. Some Fear It'll Do Much More," *Los Angeles Times,* October 27, 2018.

[98] Dan Strumpf and Wenxin Fan, "A Silicon Valley Tech Leader Walks a High Wire between the U.S. and China," *Wall Street Journal,* November 19, 2018.

[99] Dan Strumpf and Wenxin Fan, "A Silicon Valley Tech Leader Walks a High Wire Between the U.S. and China," *Wall Street Journal,* November 19, 2018; Iris Deng, "Here's What You Need to Know about Hikvision, the Camera Maker Behind China's Mass Surveillance System," *South China Morning Post,* February 7, 2019; Lauly Li, Coco Liu, and Cheng Ting-Fang, "China's 'Sharp Eyes' Offer Chance to Take Surveillance Industry Global," *Nikkei Asian Review,* June 5, 2019.

[100] Walt Bogdanich and Michael Forsythe, "How McKinsey Has Helped Raise the Stature of Authoritarian Governments," *New York Times,* December 15, 2018.

[101] Ibid.

[102] Adrian Shahbaz, Freedom House, *Freedom on the Net 2018: The Rise of Digital Authoritarianism,* October 2018, 1.

[103] Human Rights Watch, "China," in *World Report 2019: Events of 2018,* 2019, 138–39.

[104] *Zhonghua Renmin Gongheguo Wangluo Anquan Fa* [PRC Cybersecurity Law], passed November 7, 2016, effective June 1, 2017, art. 47. See also Amnesty International, *China 2017/2018,* accessed April 26, 2019.

[105] Freedom House, "China Media Bulletin: 2018 Key Trends, Beijing's Global Influence, Tech Firm Backlash (No. 131)," December 13, 2018. For recent regulations restricting freedom of speech online, see, e.g., Cyberspace Administration of China and Ministry of Public Security, *Juyou Yulun Shuxing Huo Shehui Dongyuan Nengli De Hulianwang Xinxi Fuwu Anquan Pinggu Guiding* [Provisions for the Security Assessment of Internet Information Services Having Public Opinion Attributes or Social Mobilization Capacity], issued November 15, 2018, effective November 30, 2018.

[106] Phoebe Zhang, "China's Cyber Police Take Aim at 'Negative Information' in New Internet Crackdown," *South China Morning Post,* January 4, 2019; "China Deletes 7 Million Pieces of Online Information, Thousands of Apps," *Reuters,* January 23, 2019.

[107] Josh Horwitz, "China Steps Up VPN Blocks Ahead of Major Trade, Internet Shows," *Reuters,* October 30, 2018; James Griffiths, "China Is Exporting the Great Firewall as Internet Freedom Declines around the World," *CNN,* November 2, 2018; Yuan Yang, "China Turns Up Heat on Individual Users of Foreign Websites," *Financial Times,* January 7, 2019.

[108] Li Yuan, "No Earrings, Tattoos or Cleavage: Inside China's War on Fun," *New York Times,* March 27, 2019.

[109] Shi Jingnan and Bai Ying, "Wangluo shengtai zhili zhuanxiang xingdong yi qingli youhai xinxi 709.7 wan yu tiao" [Internet ecology governance special action already cleaned up 70.97 million pieces of information], *Xinhua,* January 23, 2019.

[110] "Censored on WeChat: A Year of Content Removals on China's Most Powerful Social Media Platform," Wechatscope, University of Hong Kong, reprinted in *Global Voices,* February 11,

2019; Sarah Cook, "Worried About Huawei? Take a Closer Look at Tencent," *The Diplomat,* March 26, 2019.

[111] Ryan Gallagher and Lee Fang, "Google Suppresses Memo Revealing Plans to Closely Track Search Users in China," *The Intercept,* September 21, 2018. The Chinese government banned Google in 2010 after the company refused to continue censoring search results. See, e.g., Kaveh Waddell, "Why Google Quit China—and Why It's Heading Back," *Atlantic,* January 19, 2016.

[112] Ryan Gallagher, "Google's Secret China Project 'Effectively Ended' After Internal Confrontation," *The Intercept,* December 17, 2018; Ryan Gallagher, "Google Employees Uncover Ongoing Work on Censored China Search," *The Intercept,* March 4, 2019.

[113] *Google and Censorship Through Search Engines, Hearing of the Subcommittee on the Constitution, Committee on the Judiciary, U.S. Senate,* 116th Cong. (2019) (testimony of Karan Bhatia, Vice President for Government Affairs and Public Policy, Google, Inc.). Note that discussion of Project Dragonfly can be found at 1:14:38 in the hearing video on the Judiciary Committee's website.

[114] Lusha Zhang and Ryan Woo, "Censorship Pays: China's State Newspaper Expands Lucrative Online Scrubbing Business," *Reuters,* March 28, 2019.

[115] Ibid.

[116] Li Yuan, "Learning China's Forbidden History, So They Can Censor It," *New York Times,* January 2, 2019.

[117] Ibid.

III. Development of the Rule of Law

CIVIL SOCIETY

Findings

- In the past few years, the Chinese government has harshly repressed human rights lawyers, women's rights advocates, labor rights defenders, citizen journalists, and petitioners. Some previously tolerated "gray areas" of civil society experienced what experts describe as a "chilling effect." In conjunction with the continued implementation of legislative and regulatory reforms passed in 2016 and the increased role and purview of the Chinese Communist Party over all aspects of Chinese society, the space which non-governmental organizations (NGOs) had to carry out human rights advocacy activities continued to shrink.
- The Chinese government's efforts to promote its vision for "human rights with Chinese characteristics" at the November 2018 session of the UN Human Rights Council's (UNHRC) Universal Periodic Review undermined principles in the international human rights framework. A September 2018 Brookings Institution report examining China's activities at the UNHRC from 2016 to 2018 concluded that the Chinese government opposed international standards of legitimate civil society activity and association and is in favor of limiting the power and freedom of civil society organizations. As Chinese government influence in international organizations continues to grow, support from democratic states is critical to upholding civil society's role as independent human rights and rule of law watchdogs.
- Chinese government efforts to suppress labor advocacy and to label such efforts as driven by foreign interests make it increasingly difficult for workers in China to organize grassroots efforts and advocate for their rights. Chinese authorities carried out a large-scale nationwide crackdown on labor rights advocates that began in July 2018 when workers at a Jasic Technology factory in Shenzhen municipality, Guangdong province, attempted to organize a labor union and received widespread national support from university students and internet users. Authorities portrayed the labor protests as orchestrated by a "foreign-funded" NGO, and detained, forcibly disappeared, harassed, and physically assaulted labor advocates and their supporters.
- In the fall of 2018, Chinese authorities carried out a broad crackdown on unregistered Protestant churches ("house churches"), including Zion Church (banned in September 2018) and Shouwang Church (banned in March 2019) in Beijing municipality; Rongguili Church in Guangzhou municipality, Guangdong province (banned in December 2018); and Early Rain Covenant Church in Chengdu municipality, Sichuan province (banned in December 2018). The government's efforts to ban major unregistered churches this past year is part of the intensification of national policy against religious groups throughout China.

- In the face of pressure and censorship from the government against the growing #MeToo movement in China, women's rights advocates continued to carry out their advocacy on social media, negotiate with officials, and offer support to survivors of sexual harassment. Women's rights advocates use online networks and forums to organize advocacy, offer support, and create a network among supporters. Despite the government's efforts to shut down social media platforms of gender-based advocacy, advocates continue to establish new networks and seek ways to offer support to those who need it.
- In addition to implementing the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, the Chinese government highlighted overseas NGOs that threatened China's "political security" and urged citizens to report violations of the law. The Chinese government has intensified efforts to root out illegal overseas NGOs by using the internet and mobilizing Chinese citizens. The lack of a definition for what is considered threatening to China's "political security" gives the Chinese government unlimited latitude to crack down on organizations working on human rights and rule of law advocacy.
- Chinese central- and provincial-level authorities continued to implement the national campaign launched in 2018 to clamp down on domestic "illegal social organizations" that do not possess proper government registration or that perform activities outside the scope of those for which they have registered, targeting those that "threaten state security and social stability." In September 2018, the Ministry of Civil Affairs released an action plan to monitor the online activities of groups and mobilize public reporting of illegal activities online in order to crack down on illegal organizations. Internet surveillance and the use of big data, combined with citizen reporting, narrows the space of operation for organizations that have not obtained official approval, including those focused on human rights advocacy in China.
- The Chinese government continued to suppress the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China. LGBTQ individuals faced a multitude of challenges, including a lack of legal protections. The Chinese government cracked down on organizations and rights defenders active on LGBTQ issues. Nevertheless, LGBTQ advocates supported online campaigns highlighting workplace discrimination and sexual harassment, and censorship. The Chinese government has not followed multiple recommendations from UN bodies regarding LGBTQ protections.

Recommendations

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

- Urge the Chinese government to revise or repeal the PRC Law on the Management of Overseas NGOs' Activities in Mainland China and revise the PRC Charity Law to reflect the principles of the International Covenant on Civil and Political

Rights, especially with regard to the rights to freedom of association, assembly, and expression.

- Urge the Chinese government to refrain from using legal provisions or government policy to crack down on civil society advocates and organizations working on human rights.
- Call on the Chinese government to cease harassment and arbitrary detention of civil society advocates and NGOs and provide adequate procedural due process to those individuals subject to criminal investigation and trial.
- Call on the Chinese government to stop censoring and shutting down social media accounts and internet-based platforms of civil society organizations working on rights advocacy.
- Oppose efforts by the Chinese government at the UN Human Rights Council to undermine universal human rights standards and urge Chinese officials to adopt policies that encourage civil society organizations in China to uphold universal norms and become independent from the government.
- Integrate civil society issues into bilateral discussions and agreements with Chinese officials to promote reciprocity in the approach and implementation of civil society exchanges between the United States and China.
- Continue to fund, monitor, and evaluate foreign assistance programs in China that support democracy promotion, rule of law, and human rights advocacy.
- Take measures to facilitate the participation of Chinese civil society advocates in relevant international conferences and forums and support international training to build their leadership capacity in non-profit management, public policy advocacy, and media relations.

CIVIL SOCIETY

Introduction

Since Chinese President and Communist Party General Secretary Xi Jinping came into power in late 2012, the space for civil society in China has become more regulated and restricted.[1] Under Xi's rule, moreover, the crackdown on civil society has intensified over the past few years as the government targeted different sectors of civil society that advocate for human rights and the rule of law.[2] In the past few years, the Chinese government has harshly repressed human rights lawyers, women's rights advocates, labor rights defenders, citizen journalists, and petitioners for peacefully exercising their rights.[3] Some previously tolerated "gray areas" of civil society experienced what experts describe as a "chilling effect."[4] In conjunction with the continued implementation of legislative and regulatory reforms passed in 2016[5] and the increased role and purview of the Party over all aspects of Chinese society,[6] the space in which non-governmental organizations (NGOs) had to carry out human rights advocacy activities continued to shrink.[7]

The number of Chinese NGOs is difficult to determine, in part because of the complex regulatory framework, the existence of unregistered NGOs and informal associations, the pace of growth of the non-governmental and non-profit sector, and the range of different types of such organizations.[8] According to the Ministry of Civil Affairs, at the end of 2018, China had 816,027 registered "social organizations" (*shehui zuzhi*)—the official term for NGOs[9]—that consisted of 443,000 non-governmental, non-commercial organizations (*minban feiqiye danwei*), also called social service organizations (*shehui fuwu jigou*); 7,027 foundations (*jijinhui*); and 366,000 social associations (*shehui tuanti*).[10] Many social associations, however, are government-organized non-governmental organizations (GONGOs) and therefore have close ties to the government.[11] Many NGOs, with few or no ties to the government, remain unregistered or are registered as business entities due to restrictions and barriers to registration imposed by the government.[12]

Universal Periodic Review

At the November 2018 session of the UN Human Rights Council's (UNHRC) Universal Periodic Review (UPR) of the Chinese government's human rights record, the Chinese government continued to promote its vision for "human rights with Chinese characteristics."[13] A September 2018 Brookings Institution report outlined China's activities at the UNHRC from 2016 to 2018 and concluded that the Chinese government opposed international definitions of civil society and is in favor of limiting the power and freedom of civil society organizations.[14] The Brookings report urged support from democratic states to "protect [Chinese] civil society's vital role as independent watchdogs for upholding universal norms."[15] During the 2018 UPR, Estonia recommended that China enable civil society to "freely engage with international human rights mechanisms without fear of intimidation and reprisals," while Greece recommended that China "ensure a safe environment for journalists

and other civil society actors to carry out their work."[16] In January 2019, 40 international NGOs sent a joint appeal urging the UNHRC to issue a resolution addressing human rights violations in China, particularly in light of the large-scale arbitrary detention of Uyghurs and other predominantly Muslim ethnic groups in the Xinjiang Uyghur Autonomous Region.[17] [For more information on the mass detention of Uyghurs and other Turkic Muslims, see Section IV—Xinjiang.]

Government Suppression of Civil Society

This past year, government authorities continued to suppress Chinese human rights advocates and unregistered organizations.[18] These instances included the following:

- **Labor rights advocates:** Beginning in July 2018, Chinese authorities carried out a large-scale nationwide crackdown on labor advocates after workers at a Jasic Technology factory in Shenzhen municipality, Guangdong province, began protests and attempted to organize a labor union.[19] After the workers at Jasic received support from Chinese university students and internet users,[20] Chinese state-run media outlet Xinhua portrayed the labor protests as orchestrated by a "foreign funded" NGO.[21] By February 2019, authorities had detained or forcibly disappeared over 50 people, including workers, labor advocates, Marxists, students, and graduates from different universities.[22] In addition to detaining, prosecuting, harassing, and physically assaulting members of the student-led Jasic Workers' Solidarity Group, formed in support of the Jasic workers, Chinese authorities also prevented the group from meeting together.[23] [For more information on worker rights in China, see Section II—Worker Rights.]
- **Unregistered Christian churches:** Chinese authorities carried out a broad crackdown on unregistered Protestant churches ("house churches"), as part of an intensification of government pressure on religious groups that previously had gathered without much government interference,[24] including Zion Church (banned in September 2018) and Shouwang Church (banned in March 2019) in Beijing municipality;[25] Rongguili Church in Guangzhou municipality, Guangdong province (banned in December 2018);[26] and Early Rain Covenant Church in Chengdu municipality, Sichuan province (banned in December 2018).[27] Beginning on December 9, 2018, public security officials in Chengdu took into custody or detained over 100 leaders and members of the Early Rain Covenant Church—including its pastor Wang Yi and his wife Jiang Rong on the charge of "inciting subversion of state power."[28] [For more information on religious persecution in China, see Section II—Freedom of Religion.]

Registration for Religious Groups: The Chinese government requires religious groups to register based on provisions in the Regulations on Religious Affairs (RRA).[29] Under President Xi Jinping, Chinese authorities have intensified efforts to force house churches to obtain official registration.[30] Citing the RRA, Chinese authorities required house churches across China to submit registration forms and to provide personal information on church members.[31] In January 2019, the State Administration for Religious Affairs and the Ministry of Civil Affairs issued a joint notice on the registration of religious venues that specifies requirements for religious groups seeking authorization to receive donations to not only obtain approval by the local government religious affairs bureau before applying for official registration with the local government civil affairs bureau, but also to provide information on finances from an authorized accounting firm as well as the social credit numbers of group leaders.[32] [For more information on the social credit system, see Section II—Business and Human Rights.]

- **Women's rights advocacy:** Despite pressure and censorship from the government against the growing #MeToo movement in China, women's rights advocates continued to "use social media, negotiate with the authorities, and offer support to survivors [of sexual harassment]."[33] In December 2018, the Guangzhou Gender and Sexuality Education Center closed after some staff reportedly received threats from Chinese authorities.[34] A January 2019 Foreign Policy report highlighted that NGOs were the first in responding to the needs of victims of sexual harassment since the #MeToo movement emerged in 2018, particularly in adopting comprehensive anti-sexual harassment measures and fielding sexual harassment-related inquiries.[35] For example, a grassroots network consisting of hundreds of volunteers that connects victims to activists, lawyers, and psychologists is reportedly underway.[36] [For more information on gender-based advocacy in China, see Section II—Status of Women.]

Foreign NGOs' Activities in China

This past year, the government continued to carry out the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China (Overseas NGOs' Activities Law) which took effect in January 2017.[37] By August 2019, 496 international NGOs (INGOs) had successfully registered representative offices and INGOs had filed 2,065 temporary activity permits in China, according to official data posted to the Ministry of Public Security's Overseas Non-Governmental Organizations Services Platform.[38] In 2018, the number of representative offices registered per month by INGOs began to decline and level off at fewer than ten per month.[39] In contrast, the number of temporary activities filed by INGOs increased in the second half of 2018, peaking in November 2018 with 124, and dropped to 34 in February 2019 before leveling off to around 65 per month beginning in May 2019.[40] Asia Society's China NGO Project surmised that the increase in temporary activity filings in 2018 can be attributed to the greater overall familiarity of government officials, groups, and local Chinese

partner units with the filing process.[41] INGOs with representative offices work most commonly in the sectors of trade, international relations, education, youth, health, and poverty alleviation; with the exception of trade, INGOs with temporary activities work predominantly in the same sectors.[42]

In addition to implementing the Overseas NGOs' Activities Law, the government and Party singled out overseas NGOs that allegedly threatened China's "political security" and urged citizens to report violations of the Overseas NGOs' Activities Law. The *People's Daily,* a Party-run media outlet, detailed in an April 2019 article how two foreign NGOs—Chinese Urgent Action Working Group (CUAWG), run by formerly detained Swedish citizen Peter Dahlin, and South Korean missionary group InterCP—"endangered political security" in China.[43] The article accused CUAWG of accepting large sums of money from foreign organizations and called the staff of CUAWG "informants planted in China by Western anti-China forces."[44] In March 2019, the Guangzhou Municipal Bureau of Ethnic and Religious Affairs in Guangdong issued an official measure to encourage citizens to report illegal religious activity, offering cash rewards of 3,000 to 10,000 yuan (US$436 to US$1,455) to Chinese citizens who provide assistance in reporting or tracking down illegal overseas religious organizations and staff.[45] In another instance, in January 2019, the Public Security Bureau in Qidong city, Nantong municipality, Jiangsu province, published a WeChat post, which was reposted by the Ministry of Public Security, instructing citizens on how to recognize and report illegal foreign NGO activities to public security authorities.[46]

Arbitrary Detention of Canadian Citizen Michael Kovrig in China

On December 10, 2018, authorities from the Ministry of State Security in Beijing municipality detained Canadian citizen and employee of the non-governmental organization International Crisis Group (ICG) Michael Kovrig on suspicion of "endangering state security."[47] Kovrig's detention took place days after Canadian authorities arrested Meng Wanzhou, the chief financial officer of the Chinese company Huawei, in Vancouver[48] at the request of U.S. officials who sought to extradite Meng on charges that include violation of sanctions on Iran.[49] During a press conference on December 12, a Ministry of Foreign Affairs spokesperson said that Kovrig may have been detained under the Overseas NGOs' Activities Law, saying the ICG "has not legally registered or submitted documents for the record" in China.[50] An assessment by Asia Society's ChinaFile said that the Chinese government's reference to the Overseas NGOs' Activities Law after detaining Kovrig may suggest that the law could "easily be used for political ends and is not a safe or reliable mechanism" for foreign NGOs working in China.[51] A Reuters report said that Kovrig's detention was "sending chills" through foreign NGO workers in China.[52] [For more information on Michael Kovrig's case, see Section II—Criminal Justice.]

Overall Regulatory Environment for Domestic NGOs

This past year, Chinese central- and provincial-level authorities continued to implement the national campaign launched in 2018 to clamp down on "illegal social organizations" that do not possess proper government registration or that perform activities outside the scope of those for which they have registered,[53] targeting those that "threaten state security and social stability."[54] In 2018, the Ministry of Civil Affairs (MCA) and the Ministry of Public Security investigated 5,845 organizations and "exposed" more than 300 suspected "illegal organizations."[55] Under the direction of the central government,[56] provincial- and local-level governments took action to curb illegal organizations in their administrative jurisdictions.[57] In September 2018, the MCA released an action plan to monitor the online activities of groups and mobilize public reporting of illegal activities online in order to crack down on illegal organizations.[58] In May 2019, state-run media outlet Xinhua reported that the MCA and "telecom authorities" shut down the websites and social media accounts of nine illegal organizations.[59]

Two years after the release of draft revisions to the three major regulations for civil society organizations,[60] the MCA released a new draft regulation for public comment in August 2018, combining the three regulations that form the core of the regulatory system for domestic social service organizations, foundations, and social associations into a single regulatory document.[61] As of August 2019, however, there were no further updates on the status of the combined draft regulation.

Suppression of the LGBTQ Community

The Chinese government continued to suppress the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China. LGBTQ individuals faced a multitude of challenges, including a lack of legal protections. The Chinese government cracked down on organizations and rights defenders active on LGBTQ issues. Nevertheless, LGBTQ advocates supported online campaigns highlighting workplace discrimination and sexual harassment, and censorship. The Chinese government has not followed multiple recommendations from UN bodies regarding LGBTQ protections.

Civil Society

• **Continuing Crackdown on Civil Society Undermines LGBTQ Advocacy.** Chinese officials continued censoring online discussion of topics related to LGBTQ issues and shut down organizations engaging in advocacy.[62] These restrictions were a continuation of an official crackdown on advocacy that began in 2015.[63]

Suppression of the LGBTQ Community—Continued

• **Blacklisting advocacy organizations and activists.** On January 8, 2019, the Guangzhou Municipal Department of Civil Affairs in Guangdong province issued a list of suspected "illegal social organizations," naming two organizations that work on gender and sexuality issues.[64] One organization, a student group called the Guangzhou University Rainbow Group (*Guangzhou Gaoxiao Caihong Xiaozu*), reportedly organized discussions about sexuality at their university.[65] The other organization, the Guangzhou Gender and Sexuality Education Center (*Guangzhou Xingbie Jiaoyu Zhongxin*), worked on both gender and LGBTQ issues, primarily focusing on combating sexual harassment and violence.[66] Founded by Wei Tingting,[67] the organization conducted and published a survey in April 2018 on the prevalence of sexual harassment and assault on Chinese college campuses.[68] The group succeeded despite encountering censorship restrictions for the group's campaign to raise funds for the survey.[69] The organization announced on the social media platform WeChat in December 2018 that it would temporarily cease operations.[70] The field program coordinator for an international LGBTQ rights organization called the inclusion of these organizations on the list of suspected illegal organizations "a setback for LGBT rights in China."[71] In another example of the shrinking space for LGBTQ advocacy, on January 11, 2019, authorities in Shenzhen municipality, Guangdong, administratively detained for three days Cheung Kam Hung, the founder of a Hong Kong-based organization promoting LGBTQ rights in mainland China,[72] accusing him of violating the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China.[73] Cheung told Hong Kong media that he planned to close his organization in 2019, as he could no longer operate in mainland China due to the law.[74]

• **Barriers to individual advocacy of LGBTQ protections from discrimination have been heightened by the ongoing government crackdown on rights lawyers and advocacy organizations.** LGBTQ individuals rarely petition for formal redress from discrimination,[75] in part because they lack legal protection under Chinese law.[76] Nevertheless, the State Department reported the NGOs had some success advocating for LGBTQ rights "through specific anti-discrimination cases."[77]

• **Independent public advocacy for LGBTQ rights continued to find space despite official repression.** Organizations focusing on LGBTQ issues continued to operate this past year,[78] and in an example of individual LGBTQ advocacy, two men organized an art project in multiple cities in China, driving trucks with slogans on the side that criticized the continued use of conversion therapy in China.[79]

LGBTQ Community Lacks Clear Legal Protection from Domestic Violence

A Chinese official indicated in 2015 that the PRC Anti-Domestic Violence Law would likely not cover those in same-sex relationships.[80] According to the U.S. Department of State, "the law does not safeguard same-sex couples."[81] As of August 2019, the Commission did not observe any other national statistics regarding violence against LGBTQ individuals in the reporting year.

Suppression of the LGBTQ Community—Continued

Censorship of LGBTQ Content

Chinese authorities censored LGBTQ content on television, film, and online, and in some cases prevented public forms of LGBTQ expression.[82] In October 2018, authorities in Wuhu municipality, Anhui province, sentenced an author to ten years and six months' imprisonment on pornography charges for writing a novel depicting gay sex.[83] In April 2019, Chinese social media platforms variously banned a hashtag for lesbian issues and the use of rainbow flag emojis in display names.[84] In response to significant online criticism, the microblogging platform Weibo restored the hashtag.[85]

UN Recommendations to the Chinese Government on LGBTQ Issues

- **The Chinese government has not followed a UN Committee against Torture recommendation made specifically to China to ban its particular practice of conversion therapy and other "forced, involuntary or otherwise coercive or abusive treatments."** Conversion therapy, as practiced in Chinese medical facilities, does not meet the medical standard of "free and informed consent," according to Human Rights Watch. Moreover, such therapy often includes forced medication, the involuntary or coercive application of electric shocks, arbitrary confinement, as well as aversion therapy.[86] One nongovernmental organization (NGO) focusing on LGBTQ issues documented 169 alleged cases of forced conversion therapy in China between 2016 and 2017.[87] In 2016, the UN Committee against Torture called on the Chinese government to "prohibit the practice of so-called 'conversion therapy,' and other forced, involuntary or otherwise coercive or abusive treatments" as practiced in Chinese medical facilities.[88]
- **The Chinese government accepted and supported recommendations related to LGBTQ rights from UN member states that participated in the Universal Periodic Review.** In March 2019, the Chinese government accepted recommendations made by Argentina, Chile, France, Mexico, the Netherlands, and Sweden during the November 2018 session of the Universal Periodic Review of the Chinese government's human rights record to "[p]rohibit all forms of discrimination and violence against lesbian, gay, bisexual, transgender, and intersex persons," and to "adopt measures, including public policies or laws, which ensure the enjoyment of the right of every person not to be discriminated against in any way, including their sexual orientation, religion or ethnic origin."[89] Although in 2016 over 30 delegates to the National People's Congress[90] proposed passage of draft anti-discrimination legislation that would prohibit discrimination on the basis of gender, sexual identity, and sexual orientation, the Commission had not observed further action toward passage of the law as of August 2019.[91]

Notes to Section III—Civil Society

[1] Shawn Shieh, "Remaking China's Civil Society in the Xi Jinping Era," *ChinaFile,* Asia Society, August 2, 2018.

[2] Chinese Human Rights Defenders, *Defending Rights in a 'No Rights Zone': Annual Report on the Situation of Human Rights Defenders in China (2018),* February 2019, 4.

[3] Chinese Human Rights Defenders, *Defending Rights in a 'No Rights Zone': Annual Report on the Situation of Human Rights Defenders in China (2018),* February 2019, 9; Shawn Shieh, "Remaking China's Civil Society in the Xi Jinping Era," *ChinaFile,* Asia Society, August 2, 2018.

[4] Timothy Hildebrandt, *Social Organizations and the Authoritarian State in China* (Cambridge: Cambridge University Press, 2013), 58. Hildebrandt explains use of the term "chilling effect" in the context of civil society as the internalization of the "fear of a negative state response" to the point that civil society "actors do not contemplate taking actions that might put them[sic] in jeopardy." See, e.g., Freedom House, "China," in *Freedom on the Net 2015,* October 2015; Mimi Lau, "Mother of Detained Labour Activist Takes on State Media—And Forced into Hardest Decision of Her Life," *South China Morning Post,* May 1, 2016; Verna Yu, "Charity Workers in China Say NGOs Being 'Pulled Out by the Roots,'" *South China Morning Post,* June 12, 2017; Orville Schell, "Crackdown in China: Worse and Worse," New York Review of Books, April 21, 2016; Chinese Human Rights Defenders, "China: Repeal Overseas NGO Law & Protect Freedom of Association," April 28, 2016; Chinese Human Rights Defenders, *Repression and Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),* February 26, 2018, 24–26; Chinese Human Rights Defenders, *Defending Rights in a 'No Rights Zone': Annual Report on the Situation of Human Rights Defenders in China (2018),* February 2019, 9.

[5] *Zhonghua Renmin Gongheguo Jingwai Feizhengfu Zuzhi Jingnei Huodong Guanli Fa* [PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China], passed April 28, 2016, effective January 1, 2017; *Zhonghua Renmin Gongheguo Cishan Fa* [PRC Charity Law], passed March 16, 2016, effective September 1, 2016. See also Ministry of Civil Affairs, *Shehui Tuanti Dengji Guanli Tiaoli (Xiuding Cao'an Zhengqiu Yijian Gao)* [Regulations on the Registration and Management of Social Organizations (Revised Draft for Solicitation of Comments)], August 1, 2016; Ministry of Civil Affairs, *Minban Feiqiye Danwei Dengji Guanli Zanxing Tiaoli (Xiuding Cao'an Zhengqiu Yijian Gao)* [Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises (Revised Draft for Public Comment)], May 26, 2016; Ministry of Civil Affairs, *Jijinhui Guanli Tiaoli (Xiuding Cao'an Zhengqiu Yijian Gao)* [Regulations on the Management of Foundations (Revised Draft for Solicitation of Comments)], May 26, 2016; Ministry of Civil Affairs, *Shehui Zuzhi Dengji Guanli Tiaoli (Cao'an Zhengqiu Yijian Gao)* [Regulations on the Registration and Management of Social Organizations (Draft for Solicitation of Comments)], August 3, 2018; International Center for Not-for-Profit Law, "Civic Freedom Monitor: China," updated March 6, 2019, accessed June 11, 2019.

[6] Nectar Gan, "Xi Jinping Targets Grass Roots in Push to Extend Communist Party Control," *South China Morning Post,* November 29, 2018; Chinese Communist Party Central Committee, *Zhongguo Gongchandang Zhibu Gongzuo Tiaoli (Shixing)* [Regulations on Chinese Communist Party Branch Operations (Provisional)], effective October 28, 2018, arts. 5, 9. See also Chinese Communist Party Central Committee, *Zhongggong Zhongyang Guanyu Shenhua Dang He Guojia Jigou Gaige de Jueding* [Decision on Deepening Reform of Party and Government Agencies], March 4, 2018; "Zhonggong Zhongyang yinfa 'Shenhua Dang he Guojia Jigou Gaige Fang'an'" [Chinese Communist Party Central Committee issues "Plan for Deepening Reform of Party and Government Agencies"], *Xinhua,* March 21, 2018. In March 2018, the National People's Congress and the Chinese People's Political Consultative Conference unveiled reforms of Party and government structures as part of the trend to elevate the role of the Party over government and society. See, e.g., Michael Martina, "Exclusive: In China, the Party's Push for Influence Inside Foreign Firms Stirs Fears," *Reuters,* August 24, 2017; Choi Chi-yuk and Eva Li, "Lawyers in Chinese Megacity the New Front in Communist Party's Push for Greater Control," *South China Morning Post,* May 18, 2017.

[7] Chinese Human Rights Defenders, *Repression and Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),* February 26, 2018, 2; Chinese Human Rights Defenders, *Defending Rights in a 'No Rights Zone': Annual Report on the Situation of Human Rights Defenders in China (2018),* February 2019, 12; *Rule By Fear: 30 Years After Tiananmen Square, Hearing of the U.S. Senate Committee on Foreign Relations,* 116th Cong. (2019) (testimony of Sophie Richardson, China Director, Human Rights Watch).

[8] International Center for Not-for-Profit Law, "Civic Freedom Monitor: China," updated March 6, 2019, accessed June 11, 2019; Patti Chu and Olivia Yutong Wang, AVPN, "Philanthropy in China," November 2018, 11–13.

[9] Karla W. Simon and Holly Snape, "China's Social Organisations After the Charity Law," *Made in China Journal* 2, no. 1 (January–March 2017): 26–27.

[10] Ministry of Civil Affairs, *Minzheng tongji jibao (2018 nian 4 jidu)* [Quarterly report on civil affairs statistics (4th quarter of 2018)], January 30, 2019, sec. 8(1).

[11] Shawn Shieh, "Mapping the Dynamics of Civil Society: A Model Analysis of Trends in the NGO Sector," in *NGO Governance and Management in China,* eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 48; International Center for Not-for-Profit Law, "Civic Freedom Monitor: China," updated March 6, 2019, accessed June 11, 2019.

[12] International Center for Not-for-Profit Law, "Civic Freedom Monitor: China," updated March 6, 2019, accessed June 11, 2019; Shawn Shieh, "Mapping the Dynamics of Civil Society: A Model Analysis of Trends in the NGO Sector," in *NGO Governance and Management in China,* eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 52–53. See also Isabel Hilton et al., "The Future of NGOs in China: A ChinaFile Conversation," *ChinaFile,* Asia Society, May 14, 2015.

[13] Andréa Worden, "China Deals Another Blow to International Human Rights Framework at Its UN Universal Periodic Review," *China Change,* November 25, 2018. See also Human Rights Watch, "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms," September 5, 2017.
[14] Ted Piccone, "China's Long Game on Human Rights at the United Nations," *Foreign Policy,* Brookings Institution, September 2018, 8, 11.
[15] Ibid., 1.
[16] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, items 28.206 (Greece), 28.339 (Estonia).
[17] Asian Forum for Human Rights and Development (FORUM–ASIA) et al., "International Civil Society Calls for China Human Rights Resolution Ahead of UN Meeting," reprinted in *RSDL Monitor* (blog), January 30, 2019. Among the 40 NGO signatories to the public appeal were China Labour Bulletin, Christian Solidarity Worldwide, Human Rights in China, International Campaign for Tibet, Safeguard Defenders, and Uyghur Human Rights Project.
[18] See, e.g., Chinese Human Rights Defenders, *Defending Rights in a 'No Rights Zone': Annual Report on the Situation of Human Rights Defenders in China (2018),* February 2019, 12–14.
[19] Sue-Lin Wong and Christian Shepherd, "China's Student Activists Cast Rare Light on Brewing Labor Unrest," *Reuters,* August 15, 2018; Hong Kong Confederation of Trade Unions, "Free the Detained Labour Activists. Let Them Go Home for New Year.," accessed June 11, 2019; China Labour Bulletin, "Call to End the Suppression of Labour Activists in China," March 26, 2019.
[20] Chinese Human Rights Defenders, "China Human Rights Briefing: Vaccination Victims, Shenzhen Labor Strike, Churches Shut Down," September 20, 2018.
[21] "Shenzhen Jiashi Gongsi gongren 'weiquan' shijian de beihou" [The back story of Shenzhen Jasic Company workers' 'rights defense' incident], *Xinhua,* August 24, 2018.
[22] Javier C. Hernández, "China's Leaders Confront an Unlikely Foe: Ardent Young Communists," *New York Times,* September 28, 2018; Chinese Human Rights Defenders, "China Human Rights Briefing: Vaccination Victims, Shenzhen Labor Strike, Churches Shut Down," September 20, 2018; Ellen David Friedman, "Video: Chinese Students and Labor Activists on Battling the Crackdown at Jasic," Labor Notes, February 22, 2019; "Chinese Labour Crackdown: Missing, Detained, Arrested," *Financial Times,* March 29, 2019.
[23] CIVICUS, "China: Crackdown on Jasic Labour Struggle Seeks to Eliminate Unrest During Economic Downturn," March 26, 2019; "Marxist Students Detained, Manhandled by Security Guards at Peking University," *Radio Free Asia,* December 28, 2018.
[24] Lily Kuo, "In China, They're Closing Churches, Jailing Pastors—And Even Rewriting Scripture," *Guardian,* January 13, 2019. See also ChinaAid Association, "Government Forces House Churches to Submit Registration Forms," May 26, 2018.
[25] "China's Pre-Christmas Church Crackdown Raises Alarm," *BBC,* December 18, 2018; "Chinese Authorities Shut Down the Shouwang Protestant Church in Beijing," *AsiaNews.it,* March 27, 2019; Kate Shellnutt, "China Shuts Down Another Big Beijing Church," *Christianity Today,* March 27, 2019.
[26] "China's Pre-Christmas Church Crackdown Raises Alarm," *BBC,* December 18, 2018.
[27] Rights Defense Network, "Sichuan Chengdu Qiuyu Jiao an zao xingshi juliu, qiangpo shizong qingkuang tongbao: 4 ren zao xingju, 4 ren bei qiangpo shizong" [Sichuan Chengdu Early Rain Church [members] criminally detained, forced disappearance situation report: 4 people criminally detained, 4 people forcibly disappeared], December 12, 2018.
[28] "Zhongguo Chengdu jiating jiaohui bairen bei bu, fei guanfang jiaohui zai shou daya" [100 people detained from China's Chengdu house church, non-official church suffers repression again], *BBC,* December 12, 2018; Ian Johnson, "Pastor Charged with 'Inciting Subversion' as China Cracks Down on Churches," *New York Times,* December 13, 2018; Qiao Zhi, ChinaAid Association, "Yu sanshi ming Qiuyu fuyin ban xuesheng canting xuexi zao guanya" [More than 30 Early Rain gospel class students detained at restaurant gathering], January 7, 2019.
[29] State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], passed June 14, 2017, effective February 1, 2018, art. 22.
[30] Viola Zhou, "China's Underground Churches Head for Cover as Crackdown Closes In," *South China Morning Post,* September 10, 2017; ChinaAid, "Government Forces House Churches to Submit Registration Forms," May 26, 2018.
[31] ChinaAid, "Government Forces House Churches to Submit Registration Forms," May 26, 2018. See also Lily Kuo, "In China, They're Closing Churches, Jailing Pastors – and Even Rewriting Scripture," *Guardian,* January 13, 2019; State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], passed June 14, 2017, effective February 1, 2018, art. 22.
[32] Ministry of Civil Affairs and State Administration of Religious Affairs,"Guojia Zongjiao Shiwu Ju, Minzhengbu Guanyu Zongjiao Huodong Changsuo Banli Faren Dengji Shixiang de Tongzhi" [State Administration of Religious Affairs and Ministry of Civil Affairs Circular Regarding the Application Items for Legal Persons Registering Religious Venues], issued January 5, 2019, published January 25, 2019, effective April 1, 2019, arts. 3(6), 4.
[33] Simina Mistreanu, "China's #MeToo Activists Have Transformed a Generation," *Foreign Policy,* January 10, 2019.
[34] Guangzhou Gender and Sexuality Center, "Gonghao tinggeng shuoming" [Explanation for the closing of [our] public account], December 6, 2018; Zoe Low, "China Gender and Sexuality Centre Shuts Down as Censorship Chill Spreads," *South China Morning Post,* December 7, 2018.
[35] Simina Mistreanu, "China's #MeToo Activists Have Transformed a Generation," *Foreign Policy,* January 10, 2019.
[36] Ibid.
[37] *Zhonghua Renmin Gongheguo Jingwai Feizhengfu Zuzhi Jingnei Huodong Guanli Fa* [PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China], passed April 28, 2016, effective January 1, 2017. See also CECC, *2016 Annual Report,*

October 6, 2016, 226–27; CECC, *2017 Annual Report,* October 5, 2017, 225–26; CECC, *2018 Annual Report,* October 10, 2018, 216–17.

[38] Overseas Non-Governmental Organizations Service Platform, Ministry of Public Security, "Xinxi gongkai—Xinxi gongshi" [Open information—Public information], accessed August 30, 2019.

[39] Jessica Batke, "Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities," *ChinaFile,* Asia Society, July 31, 2019.

[40] Ibid.

[41] Jessica Batke, "Two Years of the Foreign NGO Law: How Did 2018's Registrations and Filings Stack Up Against 2017's?," *ChinaFile,* Asia Society, January 3, 2019.

[42] Jessica Batke, "Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities," *ChinaFile,* Asia Society, July 31, 2019; Jessica Batke, "Two Years of the Foreign NGO Law: How Did 2018's Registrations and Filings Stack Up Against 2017's?," *ChinaFile,* Asia Society, January 3, 2019.

[43] "Guojia anquan jiguan gongbu san qi weihai zhengzhi anquan anjian" [State security agencies announce three cases of endangering political security], *People's Daily,* April 19, 2019.

[44] "Guojia anquan jiguan gongbu san qi weihai zhengzhi anquan anjian" [State security agencies announce three cases of endangering political security], *People's Daily,* April 19, 2019. See also "People's Daily Details Cases of Foreign NGOs 'Endangering Political Security,'" *ChinaFile,* Asia Society, April 19, 2019.

[45] Guangzhou Municipal Department of Ethnic and Religious Affairs, *Guangzhou Shi Qunzhong Jubao Feifa Zongjiao Huodong Jiangli Banfa* [Guangzhou Measures on Rewarding Public Reporting on Illegal Religious Activity], March 20, 2019; "Guangzhou Encourages Citizens to Report Illegal Religious Activities, Including Foreign NGO Law Violations," *ChinaFile,* Asia Society, April 18, 2019.

[46] "Public Security Infographic: Make Sure Foreign NGOs Have Filed!," *ChinaFile,* Asia Society, February 13, 2019.

[47] He Qiang, "Jianada gongmin Kang Mingkai yin shexian weihai Zhongguo guojia anquan bei yifa shencha" [Canadian Citizen Michael Kovrig investigated according to law under suspicion of endangering state security], *Beijing News,* December 12, 2018; International Crisis Group, "Michael Kovrig: Senior Adviser, North East Asia," accessed July 10, 2019.

[48] Julia Horowitz, "Huawei CFO Meng Wanzhou Arrested in Canada, Faces Extradition to United States," *CNN,* December 6, 2018.

[49] U.S. Department of Justice, "Chinese Telecommunications Conglomerate Huawei and Huawei CFO Wanzhou Meng Charged with Financial Fraud," January 28, 2019; "Meng Wanzhou: Huawei Chief Executive Can Be Extradited, Canada Says," *BBC,* March 2, 2019.

[50] Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Lu Kang's Regular Press Conference on December 12, 2018," December 12, 2018.

[51] Jessica Batke, "Foreign NGO Employee Detained in Beijing," *ChinaFile,* Asia Society, December 12, 2018.

[52] Christian Shepherd, "Think-Tank Employee Detention Unnerves Foreign NGOs in China" *Reuters,* December 12, 2018.

[53] "Minzhengbu Shehui Zuzhi Guanli Ju fuzeren jiu zhili feifa shehui zuzhi da ben bao jizhe wen" [Person responsible for Ministry of Civil Affairs Social Organizations Management Bureau answers questions from reporters about governance of illegal social organizations], *China Society News,* February 9, 2018.

[54] Ibid.

[55] Luo Zhengguang, "Woguo shehui zuzhi dengji shuliang yi chaoguo 80 wan jia" [The number of social organizations registered in China has exceeded 800,000], *Xinhua,* January 3, 2019; Wang Yong, "Woguo shehui zuzhi yi da 81 wan ge" [Domestic social organizations already at 810,000], *China Philanthropy Times,* January 8, 2019.

[56] "Ministry Bans 2 Illegal Social Organizations," *Xinhua,* January 23, 2019.

[57] See, e.g., Shaanxi Province Ministry of Civil Affairs, "Ankang shi zhashi tuijin daji zhengzhi feifa zuzhi zhuanxiang xingdong" [Ankang municipality makes solid progress in the special operation of cracking down and rectifying illegal social organizations], October 12, 2018; Anhui Province Bureau of the Management of Social Organizations, "Anhui: sheng minzhengting chixu daji zhengzhi feifa shehui zuzhi, gongbu 2019 nian di san pi shexian feifa shehui zuzhi mingdan, jiaqiang shehui zhili" [Anhui: provincial government continues to crack down on and rectify illegal social organizations, announces the list of 2019's third batch of suspected illegal organizations, strengthens social governance], reprinted in China Social Organizations Public Service Platform, April 16, 2019.

[58] Ministry of Civil Affairs, "'Hulianwang + Shehui Zuzhi (Shehui Gongzuo, Zhiyuan Fuwu)' Xingdong Fang'an (2018–2020)" ["Internet and Social Organizations (Social Work, Volunteer Service)" Action Plan (2018–2020)"], issued September 3, 2018, published September 11, 2018, secs. 2(1), 6(5); Han Bingzhi, "Liyong da shuju jiada daji lidu rang feifa shehui zuzhi wusuo dunxing" [Using big data to increase striking force, leave illegal social organizations with no place to operate], *Economic Daily,* September 21, 2018.

[59] "China Shuts Down Illegal Social Organizations' Websites," *Xinhua,* May 7, 2019.

[60] Ministry of Civil Affairs, *Minban Feiqiye Danwei Dengji Guanli Zanxing Tiaoli (Xiuding Cao'an Zhengqiu Yijian Gao)* [Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises (Revised Draft for Solicitation of Comments)], May 26, 2016; Ministry of Civil Affairs, *Jijinhui Guanli Tiaoli (Xiuding Cao'an Zhengqiu Yijian Gao)* [Regulations on the Management of Foundations (Revised Draft for Solicitation of Comments)], May 26, 2016; Ministry of Civil Affairs, *Shehui Tuanti Dengji Guanli Tiaoli (Xiuding Cao'an Zhengqiu Yijian Gao)* [Regulations on the Registration and Management of Social Organizations (Revised Draft for Solicitation of Comments)], August 1, 2016. See also CECC, *2016 Annual Report,* October 6, 2016, 228.

[61] Ministry of Civil Affairs, *Shehui Zuzhi Dengji Guanli Tiaoli (Cao'an Zhengqiu Yijian Gao)* [Regulations on the Registration and Management of Social Organizations (Draft for Solicitation of Comments)], August 3, 2018, arts. 2, 83; Xie Xiaoxia, "Guanyu '*Shehui Zuzhi Dengji Guanli Tiaoli (Cao'an Zhengqiu Yijian Gao)*' de sikao yu jianyi" [Reflections and suggestions regarding the "Regulations on the Registration and Management of Social Organizations (Draft for Solicitation of Comments)"], NGOCN, August 6, 2018.

[62] Christian Shepherd, "China LGBT Community Fears Crackdown after Weibo Content Vanishes," *Financial Times,* April 15, 2019; Laurie Chen, "Small Victory for China's Online Lesbian Community as Censored Forum Is Restored, but Another Remains Blocked," *South China Morning Post,* April 17, 2019; Lü Pin (@pinerpiner), "After Weibo banned the 'super topic' (similar with tag) of 'les(bian)' with … ," Twitter, April 14, 2019, 8:19 p.m.; Guangzhou Municipal Civil Affairs Department, "Guangzhou Shi Minzheng Ju gongbu shexian feifa shehui zuzhi mingdan (di liu pi)" [Guangzhou Municipal Civil Affairs Department issues list of suspected illegal social organizations (sixth batch)], January 8, 2019; OutRight Action International, "Activism Crackdown in China," January 14, 2019.

[63] See, e.g., Rebecca E. Karl et al., "Dark Days for Women in China?" *ChinaFile,* Asia Society, March 18, 2015; Maya Wang, "China's Chilling Message to Women," *CNN,* April 7, 2015; Chinese Human Rights Defenders, "5 Women's & LGBT Rights Activists Detained in Escalating Clampdown on NGOs (3/6–12/15)," March 12, 2015. See also CECC, *2015 Annual Report,* October 8, 2015, 172–73; CECC, *2016 Annual Report,* October 6, 2016, 178–79; CECC, *2017 Annual Report,* October 5, 2017, 176–78.

[64] Guangzhou Municipal Civil Affairs Department, "Guangzhou Shi Minzheng Ju gongbu shexian feifa shehui zuzhi mingdan (di liu pi)" [Guangzhou Municipal Civil Affairs Department issues list of suspected illegal social organizations (sixth batch)], January 8, 2019; OutRight Action International, "Activism Crackdown in China," January 14, 2019.

[65] Guangzhou Municipal Civil Affairs Department, "Guangzhou Shi Minzheng Ju gongbu shexian feifa shehui zuzhi mingdan (di liu pi)" [Guangzhou Municipal Civil Affairs Department issues list of suspected illegal social organizations (sixth batch)], January 8, 2019; OutRight Action International, "Activism Crackdown in China," January 14, 2019.

[66] Grace Tsoi, "Chinese Anti-Sexual Violence Center Shuts Down," *Inkstone,* December 7, 2018; Jiayun Feng, "Guangzhou Gender and Sexuality Education Center Shuts Down," *SupChina,* December 6, 2018.

[67] Wei Tingting is one of the Feminist Five rights advocates detained in March 2015 for organizing an anti-sexual harassment campaign. For more information on Wei Tingting, see Lü Pin, "Four Years On: The Whereabouts of the 'Feminist Five' and the Sustainability of Feminist Activism in China" *China Change,* March 11, 2019; CECC, *2015 Annual Report,* October 8, 2015, 173. See also the Commission's Political Prisoner Database record 2015-00114.

[68] Erweima Hen Nan Fuzhi (@GSEC123), "Gong hao ting geng shuoming" [Account closure and explanation], WeChat, December 6, 2018; Jiayun Feng, "Guangzhou Gender and Sexuality Education Center Shuts Down," *SupChina,* December 6, 2018.

[69] Erweima Hen Nan Fuzhi (@GSEC123), "Gong hao ting geng shuoming" [Account closure and explanation], WeChat, December 6, 2018; Jiayun Feng, "Guangzhou Gender and Sexuality Education Center Shuts Down," *SupChina,* December 6, 2018.

[70] Erweima Hen Nan Fuzhi (@GSEC123), "Gong hao ting geng shuoming" [Account closure and explanation], WeChat post, December 6, 2018; Jiayun Feng, "Guangzhou Gender and Sexuality Education Center Shuts Down," *SupChina,* December 6, 2018.

[71] OutRight Action International, "Activism Crackdown in China," January 14, 2019.

[72] Cheung Kam Hung Kenneth, "My Road of Rainbow China," Facebook post, January 31, 2013.

[73] Lao Xianliang, "Beishang tuiguang aizibing pingquan gangren Zhang Jinxiong Shenzhen bei xingzheng juliu san ri jin rujing 5 nian" [Hong Kong resident Cheung Kam Hung promoted rights of (people with) AIDS in (mainland China), administratively detained in Shenzhen for three days, forbidden from entering for five years], *HK01,* January 19, 2019; "First Case of an Administrative Detention Linked to the Foreign NGO Law?," *ChinaFile,* Asia Society, January 22, 2019.

[74] Lao Xianliang, "Beishang tuiguang aizibing pingquan gangren Zhang Jinxiong Shenzhen bei xingzheng juliu san ri jin rujing 5 nian" [Hong Kong Resident Cheung Kam Hung promoted rights of (people with) AIDS in (mainland China), administratively detained in Shenzhen for 3 days, forbidden from entering for 5 years], *HK01,* January 19, 2019; "First Case of an Administrative Detention Linked to the Foreign NGO Law?," *ChinaFile,* Asia Society, January 22, 2019.

[75] China Labour Bulletin, "Workplace Discrimination," China Labor Bulletin, accessed September 9, 2019.

[76] Human Rights Watch, "China," in *World Report 2019: Events of 2018,* 2019, 145; He Jingjing, "Jiuye qishi jishi xiu" [When does employment discrimination rest], *Huashang Bao,* reprinted in *Ifeng,* March 22, 2016; *Fan Jiuye Qishi Fa (Zhuanjia Jianyi Gao)* [Anti-Discrimination in Employment Law (Expert Recommendations Draft)], reprinted in Chinese Human Rights Defenders, accessed May 13, 2019, art. 3(1, 11); Jiao Hongyan, [Fan jiuye qishi fa zhuanjia yijian gao: jianyi chengli guojia jihui pingdeng weiyuanhui] "Anti-Discrimination in Employment Law Expert Recommendations Draft: Recommend Creation of National Equal Opportunity Commission." *Legal Daily,* April 2, 2009. Rainbow China, "Discrimination Based on Sexual Orientation & Gender Identity," in Chinese Human Rights Defenders, *"Collection of Civil Society Reports Submitted to the United Nations for 3rd Universal Periodic Review of the People's Republic of China, ed. Chinese Human Rights Defenders,"* October 2018, sec. 3.2., para. 1.

[77] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2018—China (Includes Tibet, Hong Kong, and Macau)," March 13, 2019, sec. 6. For an example of an antidiscrimination case from this reporting year, see Viola Zhou, "Gay Chinese Teacher Gets Compensation, but No Recognition of Equal Rights," *Inkstone,* November 26, 2018; Christian Shepherd, "China School Sued by Fired Gay Teacher

in Potential Landmark Case," *Reuters,* September 28, 2018; Phoebe Zhang, "Chinese Gay Teacher Files for Unfair Dismissal after Being Outed by Parent of Former Pupil," *South China Morning Post,* September 29, 2018; Zhou Shiling, "Qingdao yi you'er jiaoshi zicheng yin tongxinglian bei jiegu qisu you'eryuan huo shouli" [Qingdao Kindergarten Teacher Claims Dismissed for Being Gay, Lawsuit against School Accepted] *Beijing News,* January 15, 2019.

[78] Bao Hongwei and He Xiaopei, "Queer History, Culture, and Activism in China: A Conversation with He Xiaopei," *Made in China Journal* 4, no. 1 (January–March 2019): 96–105; "China's Gay-Rights Advocates Have a Bit More Freedom than Others," *Economist,* November 24, 2018.

[79] Emily Feng, "Artists Use Trucks to Highlight Plight of China's Gay Community," *Financial Times,* January 25, 2019; Kelly Wang, "'Three Billboards' Campaign Targets Gay Conversion Therapy in China," *Agence France-Presse,* reprinted in *Yahoo! News,* January 16, 2019.

[80] "Zhongguo shoubu Fan Jia Bao Fa mianshi tongjuren deng canzhao zhixing" [China's first Anti-Domestic Violence Law appears, applies to cohabitation], *Beijing Times,* reprinted in *Xinhua,* December 28, 2015; Rainbow China, "Submission to Universal Periodic Review of China (3rd Cycle) on Discrimination Based on Sexual Orientation and Gender Identity in China," March 15, 2018, para. 3.

[81] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2018—China (Includes Tibet, Hong Kong, and Macau)," March 13, 2019, sec. 6.

[82] Christian Shepherd, "China LGBT Community Fears Crackdown after Weibo Content Vanishes," *Financial Times,* April 15, 2019; Dune Lawrence and David Ramli, "A Chinese Dating App for Gay Men Is Helping Them Have Kids, Too," *Bloomberg,* March 21, 2019; Brendon Hong, "It Can Be Dangerous to Wave a Rainbow LGBT Flag in China," *Daily Beast,* November 6, 2018; Eduardo Baptista, "Six LGBT Moments Cut from 'Bohemian Rhapsody' in China," *CNN,* March 25, 2019.

[83] "Zhuanxie nannan xing'ai xiaoshuo zuozhe bei pan shi nian" [Author who wrote erotic novel about gay men sentenced to ten years], *Radio Free Asia,* November 19, 2018; Javier C. Hernández and Albee Zhang, "Writer of Erotic Novels in China Is Jailed for Producing Gay Pornography," *New York Times,* November 19, 2018; PEN America, "Ten Years' Imprisonment for Chinese Novelist Writing Gay Sex Scenes an Outrageous Violation of the Freedom to Write," November 20, 2018.

[84] Christian Shepherd, "China LGBT Community Fears Crackdown after Weibo Content Vanishes," *Financial Times,* April 15, 2019; Laurie Chen, "Small Victory for China's Online Lesbian Community as Censored Forum Is Restored, but Another Remains Blocked," *South China Morning Post,* April 17, 2019; Lü Pin (@pinerpiner), "After Weibo banned the 'super topic' (similar with tag) of 'les(bian)' with . . .," Twitter, April 14, 2019, 8:19 p.m.

[85] Laurie Chen, "'I Am Les': Chinese Social Media Giant Reverses Ban on Lesbian Content amid Uproar," *Inkstone,* April 16, 2019.

[86] Human Rights Watch, "'Have You Considered Your Parents' Happiness?' Conversion Therapy against LGBT People in China," November 15, 2017.

[87] Rainbow China, "Submission to Universal Periodic Review of China (3rd Cycle) on Discrimination Based on Sexual Orientation and Gender Identity in China," March 15, 2018, para. 5.

[88] UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 56(a).

[89] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, Advance Unedited Version, December 26, 2018, paras. 28.83, 28.86–28.90; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, Addendum, Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State under Review, A/HRC/40/6/Add.1, Advance Version, February 15, 2019, paras. 28.83, 28.86–28.90; Michael Taylor, "China Urged to Take Action on LGBT+ Rights after Backing U.N. Changes," *Reuters,* March 7, 2019.

[90] The 4th Meeting of the 12th Session of the National People's Congress met in March 2016. There were 2,890 representatives present out of a total of 2,943 representatives. "Lianghui shouquan fabu: Shi'er Jie Quanguo Renda Si Ci Huiyi zai Jing kaimu" [Two Sessions Authorized Release: Fourth Meeting of the Twelfth Session of the NPC Convenes in Beijing], Xinhua, March 5, 2016.

[91] He Jingjing, "Jiuye qishi jishi xiu" [When does employment discrimination rest], Chinese Business View, reprinted in Ifeng, March 22, 2016; Fan Jiuye Qishi Fa (Zhuanjia Jianyi Gao) [Anti-Discrimination in Employment Law (Expert Recommendations Draft)], reprinted in Chinese Human Rights Defenders, accessed May 13, 2019, art. 3(1, 11); Jiao Hongyan, "Fan Jiuye Qishi Fa Zhuanjia Yijian Gao: jianyi chengli guojia jihui pingdeng weiyuanhui" [Anti-Discrimination in Employment Law Expert Recommendations Draft: Recommend creation of national equal opportunity commission," Legal Daily, April 2, 2009.

Findings

• China's one-party authoritarian political system remains out of compliance with international human rights standards because authorities deprived citizens of the right to meaningfully participate in the electoral process and in public affairs in general.
• As Chinese Communist Party General Secretary Xi Jinping continued to promote rule-based governance, the Party passed a series of rules to formalize the manner and extent of the Party's control over the government and society. These rules reinforced the all-encompassing authority of the Party and centralized personal leadership of Xi Jinping. One set of rules formalized the Party's longstanding control over "political-legal" work covering the judiciary, the procuratorate, public security agencies, national security agencies, and judicial administration agencies. The rules focused on protecting the Party's political security and preserving its absolute control.
• Central authorities also issued rules to regulate personnel management in the government by requiring civil servants to receive political indoctrination and by imposing political considerations as criteria for career advancement. In one instance, the Party Central Committee issued an opinion prohibiting officials from expressing views inconsistent with the Party's policy or "improperly discussing" central Party policy even outside of work hours.
• While the Chinese government used technology to facilitate citizens' access to public services, it continued to employ a combination of "big data, artificial intelligence, recognition technology and other police techniques" to impose social and political control. Data collection became more centralized and coordinated, as an increasing number of province-level jurisdictions have established "Big Data Bureaus." In particular, authorities in the Xinjiang Uyghur Autonomous Region used apps to track and target Uyghurs and Turkic Muslims for investigation, which often would result in the detention of the targeted individuals for non-criminal conduct.
• Citizens' opportunities to participate in limited local elections diminished this past year. Chinese authorities reduced the frequency of elections for grassroots-level committees—from once every three years to once every five years—in order to synchronize with the terms of the corresponding Party offices, thereby "complementing the Party's complete leadership."
• On the international stage, China categorically denied accountability for human rights violations despite evidence of human rights abuse. It further rejected recommendations to cease the practice of arbitrary detention and rejected calls to release political prisoners. Domestically, the Party and the government continued to carry out an anticorruption campaign, resulting in the discipline or criminal prosecution of some officials on corruption-related charges. Outside of the anti-corruption campaign, some courts awarded compensation to victims who were tortured by government officials, but reporting indi-

cated that officials sometimes failed to hold perpetrators accountable.

Recommendations

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

- Support U.S. research programs that document and analyze the governing institutions and ideological campaigns of the Chinese Communist Party, as well as its influence over companies, government agencies, legislative and judicial bodies, and non-governmental organizations (NGOs).
- Employ a "whole-of-government" approach to encourage Chinese authorities to ratify the International Covenant on Civil and Political Rights and release individuals detained or imprisoned for exercising their rights to freedom of speech, association, and assembly. These individuals include those mentioned in this report and in the Commission's Political Prisoner Database, such as **Huang Qi, Liu Feiyue,** and **Qin Yongmin.**
- Support joint U.S.-China cooperative programs to develop independent village committee and people's congress election monitoring systems. Encourage central and local Party and government leaders to implement free and fair elections across China. Continue to fund, monitor, and evaluate the effectiveness of democracy promotion and rule of law programs in China.
- Support organizations working in China that seek to work with local governments and NGOs to improve transparency, especially with regard to efforts to expand and improve China's open government information initiatives. Urge Party officials to further increase the transparency of Party affairs.
- Call on the Chinese government to improve procedures through which citizens may hold their officials accountable outside of the internal Party-led anticorruption campaign. Urge Party and government officials to establish and improve public participation in government affairs. Encourage top-level officials to reform governing institutions to promote an authentic multi-party system with protections for freedom of speech, association, and assembly.

Institutions of Democratic Governance

Governance in China's One-Party System

China's one-party authoritarian political system remains out of compliance with the standards defined in the Universal Declaration of Human Rights (UDHR)[1] and the International Covenant on Civil and Political Rights (ICCPR),[2] which China has signed and declared an intention to ratify.[3] These standards require that citizens be allowed to freely choose their representatives[4] and to hold their officials accountable through fair and impartial elections regardless of political party membership.[5] During the 2019 reporting year, the Commission observed reports of authorities depriving citizens of the right to meaningfully participate in the electoral process and in public affairs in general.

The Chinese Communist Party further curtailed the limited space for democratic participation as it moved to further formalize and tighten its control over government and social institutions.[6] Echoing language used at the 19th National Congress of the Chinese Communist Party in 2017,[7] official media continued to emphasize complete dominance of the Party,[8] which in turn remained subject to the personal leadership of President and Party General Secretary Xi Jinping.[9]

Communist Party Centralized and Expanded Control

The Chinese Communist Party Central Committee asserted the Party's control in the Opinion on Strengthening Party Political Building, issued in January 2019.[10] The opinion demanded absolute loyalty from leading cadres and emphasized the importance of protecting the Party's leadership with Xi Jinping as the core leader and of adhering to "Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era,"[11] which is a political ideology incorporated into China's Constitution in 2018.[12]

Beyond reaffirming the Party's authority in the opinion, the Central Committee issued substantive rules that had the effect of centralizing and expanding the Party's control. The Regulations on the Chinese Communist Party's Political-Legal Work, for example, institutionalized the Party's longstanding de facto control over "political-legal work" (*zhengfa gongzuo*)[13] which covers the judiciary, the procuratorate, public security agencies, national security agencies, and judicial administration agencies.[14] The regulations invoked the authority of both the Party Constitution as well as China's Constitution,[15] and it was the first time that the Party described its political-legal functions by way of Party rules.[16] The regulations repeatedly emphasized the Party's absolute control and tasked political-legal committees with devising strategies to ensure political security and social stability.[17] A U.S.-based scholar and former rights lawyer in China observed that the Party used the regulations as a way to assert the Party's control and to forestall attempts to promote division of political power or judicial independence.[18]

The Regulations on Requesting Instructions and Making Reports on Important Issues, effective in January 2019, established a command structure with Xi Jinping at the core, requiring local Party entities to obtain approval or guidance from a higher-ranking Party

entity for ten categories of "important matters," such as those necessitating policy changes.[19] Also, the provisional Regulations on Chinese Communist Party Branch Operations, effective in October 2018, expanded the Party's reach in society[20] by requiring the establishment of Party branches or joint Party branches in rural cooperatives and commercial organizations to promote Party policies.[21] These provisional regulations were promulgated after the Party amended its Constitution in 2017 in part to delineate the nature and functions of Party branches, which previously were not governed by written rules.[22]

Communist Party Formalized Control Over Personnel Management in Government

Central Party authorities further strengthened the Party's control over civil servants and Party-government leadership positions. In November 2018, the Chinese Communist Party Central Committee issued a plan requiring personnel in leadership positions to be trained at facilities[23] such as the new Central Party School (Chinese Academy of Governance), a Party entity established in March 2018 to take over the function of training government officials.[24] The plan covers seven categories of personnel, including Party-government leaders, civil servants, and leaders of enterprises and public institutions.[25] A minimum of 70 percent of the training at Party schools must center on "Xi Jinping Thought."[26]

In December 2018, the National People's Congress Standing Committee revised the PRC Civil Servant Law to require every civil servant to support and obey the Party's leadership,[27] an addition to the existing provisions for compliance with the constitution and the law.[28] The Standing Committee also added political considerations as criteria for training, examination, appointment, and supervision of civil servants.[29] Under the revised law, civil servants are prohibited from disseminating speech harmful to the Party's reputation, "damaging ethnic relations," or "joining activities that divide ethnic groups."[30] Previously, authorities prosecuted citizens on the charge of "inciting ethnic hatred" for peacefully expressing views on the government's ethnic policies.[31] Furthermore, the Opinion on Strengthening and Improving Party Building in Central Authority and Government Agencies, issued in March 2019, prohibited officials from expressing views inconsistent with the Party's policy or "improperly discussing" central Party policy (*wangyi zhongyang*) even outside of work hours.[32] According to one scholar's analysis, the political assessment requirement under the revised PRC Civil Servant Law may negatively impact non-governmental organization (NGO) operations in China, as officials try to demonstrate political loyalty by interacting with NGOs in ways that are consistent with the Party's policy of limiting the scope of public interest activities.[33]

In March 2019, the Party issued Regulations on Selection and Appointment of Party and Government Leading Cadres[34] to "steadfastly prioritize political standards."[35] The regulations require that all cadres holding leadership positions in the government or the Party must "resolutely safeguard General Secretary Xi Jinping's core leadership and uphold the centralized and unified leadership

of the Central Committee."[36] The new regulations supersede the 2014 version, which lacks specific reference to Xi Jinping.[37]

Some observers claimed that centralization and tightening of control has stalled democratic progress and political reform[38] and could result in the implementation of policies that are insensitive to local conditions.[39] A Germany-based scholar estimated that "the number of provincial experiments"—such as initiatives for building free markets and allowing private land ownership—"fell from 500 in 2010 to about 70 in 2016."[40] According to some Chinese officials, emphasis on loyalty and "political performance" had led civil servants to become increasingly reluctant to act independently and had caused many to leave their jobs.[41]

Use of Technology to Control Citizens

While the Chinese government used technology to facilitate citizens' access to public services,[42] it continued to employ a combination of "big data, artificial intelligence, recognition technology and other police techniques" to impose social and political control.[43]

SURVEILLANCE TECHNOLOGY

The Chinese government demonstrated its technological capacity[44] to implement advanced surveillance systems. For example, authorities installed facial recognition systems at sites with a high volume of human traffic, such as at an airport in Shanghai municipality,[45] four subway stations in Guangzhou municipality, Guangdong province,[46] and the border crossing of the Hong Kong-Zhuhai-Macau Bridge.[47] Despite having the potential to speed up the security screening process,[48] the technology has raised privacy concerns.[49]

Examples of surveillance systems implemented during this reporting year, including those that emerged from the Xinjiang Uyghur Autonomous Region (XUAR), demonstrate that the Chinese government has a policy of using technology for repression.[50] One official who worked in a mass internment camp in the XUAR said that authorities could constantly monitor each room through a system of surveillance cameras, which they used to control detainees' activities including bathroom usage.[51] In another example, authorities required members of a government-sanctioned Christian church in the XUAR to verify their identity and go through a facial recognition system, which effectively prevented some of them from participating in the church service due to the time involved in being processed.[52] In May 2019, non-governmental organization (NGO) Human Rights Watch released a report in which it documented Chinese authorities' use of apps as part of the "Integrated Joint Operations Platforms" to track and target Uyghurs and other Turkic Muslims for investigation, which often resulted in the detention of the targeted individuals for non-criminal conduct.[53] [For more information on surveillance practices in the XUAR, see Section II—Business and Human Rights and Section IV—Xinjiang.]

PROVINCES CREATED BIG DATA ADMINISTRATION BUREAUS

Authorities' efforts to collect information became more coordinated and centralized this past year. Following the restructuring of

central government agencies in March 2018,[54] local governments also underwent reorganization,[55] with a number of them creating new provincial- and prefectural-level bureaus designed to manage big data,[56] adding to the existing 21 similar agencies.[57] These bureaus, seen as instrumental to building smart cities,[58] are tasked with coordinating data collection and sharing among different government agencies to improve transparency and the capacity of governance.[59] While big data bureaus have the potential to improve citizens' access to government services,[60] observers noted the lack of adequate privacy protection and expressed concerns that these bureaus can serve as the Chinese government's instrument of surveillance.[61]

In one example, a plan issued by a local government in Henan province indicated that the provincial government was gathering, auditing, and entering information of religious followers into a database, according to an online magazine focusing on religious freedom in China.[62] The database—called the "Henan Province Religious Affairs Management and Service Platform"—began operation in May 2018,[63] and the data-gathering efforts may be part of the ideological "rectification measures" issued by the Henan Provincial Party Committee around September 2018.[64] Some religious practitioners expressed concern that databases like this one would facilitate "the Chinese Communist government to carry out further monitoring, restriction, or even crack down" on religious followers.[65]

In August 2018, China Digital Times reposted an online article by an anonymous source claiming to be an experienced public security official who disclosed the manner in which authorities categorized individuals using information collected through big data systems.[66] Targeted people included Uyghurs in the XUAR, Tibetans returning from abroad, Falun Gong practitioners, veterans, NGO workers, and foreign journalists.[67] The source also provided photographs of computer screens suggesting that public security officials not only collect biographical information, but they also track travel and internet usage history and have the ability to link records of a person's neighbors, relatives, and people traveling on the same airplane.[68] The original article has since become unavailable.

Citizen Participation

SUPPRESSION OF POLITICALLY SENSITIVE ACTIVITIES

While the official Party news outlet People's Daily continued to operate a message board through which local officials may respond to citizens' complaints and suggestions on issues concerning personal matters and local policies, political content posted on the board was subject to censorship.[69] Beyond the officially maintained platform, authorities criminally detained people who engaged in speech or advocacy work that had broader social and political implications: In one example, authorities in Shenzhen municipality, Guangdong province, detained Wei Zhili in March 2019 on suspicion of "picking quarrels and provoking trouble" in connection to his online advocacy for factory workers who contracted pneumoconiosis due to the lack of occupational safety measures.[70] In an-

other example, authorities in Xinxiang municipality, Henan province, arrested He Fangmei in April 2019 on suspicion of "picking quarrels and provoking trouble" because she protested and organized a support group for parents with children who were rendered disabled or paralyzed after receiving substandard vaccines.[71] [For more information on Chinese authorities' use of the criminal justice system and extralegal measures to suppress rights activities, see Section II—Criminal Justice.]

ELECTIONS

The Commission did not observe progress in expanding the scope of direct elections, which Chinese law limits to people's congresses of local jurisdictions[72] and grassroots-level committees.[73] In December 2018, the National People's Congress Standing Committee amended two sets of laws to decrease the frequency of grassroots-level elections from once every three years to once every five years, affecting elections for village committees in rural areas and residents committees in urban areas.[74] The new five-year term of office for these committees synchronized with the term of Party committees at the corresponding levels specified in a Party opinion issued earlier in July 2018.[75] According to an official news article, the longer term would be beneficial to implementing policy plans and improving stability,[76] and Minister of Civil Affairs Huang Shuxian said the change would complement the Party's complete leadership.[77]

Rights Defense Network, a human rights monitoring group, documented instances in which officials suppressed meaningful participation in or speech regarding elections this past year,[78] demonstrating that China's political institutions do not meet the standards for elections outlined in the Universal Declaration of Human Rights[79] and the International Covenant on Civil and Political Rights.[80] For example, in September 2018, officials in Qianshan county, Anqing municipality, Anhui province, disqualified two candidates who, in a preselection, were leading or in close contest with another two candidates selected by the township Party committee.[81] The township leaders also reportedly hired a known gang member to physically assault individuals who opposed the selected candidates.[82]

Accountability

CHINA DENIED COMMITTING HUMAN RIGHTS VIOLATIONS

In international forums, China categorically denied that it had committed human rights violations. As Xi Jinping's political ideology continued to guide China's human rights practices,[83] the spokesperson of China's Ministry of Foreign Affairs in August 2018 dismissed as baseless[84] reports of Uyghurs and other Muslim minorities being held in incommunicado detention, as noted in the concluding observations of the UN Committee on the Elimination of Racial Discrimination.[85]

After the Universal Periodic Review held in November 2018, China likewise asserted that "[t]here is no such problem as arbitrary detention," in response to multiple calls by UN members for China to cease all forms of arbitrary detention, including mass in-

ternment camps in the XUAR.[86] China also rejected recommendations to cease the persecution of human rights defenders and lawyers,[87] claiming that requests to release those detained "in accordance with law is an interference in China's judicial sovereignty."[88]

ANTICORRUPTION CAMPAIGN

Domestically, Chinese authorities continued to carry out the anticorruption campaign,[89] which began in 2012 with the stated goals of restoring Party discipline and punishing official corruption and is viewed as Xi Jinping's signature initiative.[90] According to some observers, the campaign may not be effective in combating corruption because it does not strengthen institutional supervision such as by the press, civil society, and other political parties.[91]

The National Supervisory Commission (NSC)—an anticorruption body created in March 2018 with authority to detain people without judicial oversight[92]—has demonstrated thus far that its operations were subordinate only to the Chinese Communist Party. Director Yang Xiaodu of the NSC said in February 2019 that the commission was supervised by the Party Central Committee and therefore would not release a report separate from the one issued by the Central Commission for Discipline Inspection (CCDI), a Party entity.[93] In January, the CCDI issued its work report internally and addressed it to CCDI's own standing committee at a plenary meeting.[94] The NSC did not submit a separate work report to the National People's Congress (NPC) in March 2019 during the annual meetings, although the law subjects supervisory commissions to the oversight of the corresponding people's congresses.[95]

Furthermore, while the NSC hired its first cohort of "special supervisors" in December 2018 with the stated purpose of improving supervision by the public,[96] these supervisors are required to submit themselves to the Party's leadership, and their duties do not go beyond making suggestions and promoting the Party's policies.[97]

Possible Political Motivations Behind Detaining Interpol President

Among those detained as part of the anticorruption campaign was Meng Hongwei,[98] who was Vice Minister of Public Security when he was elected in November 2016 to lead the International Criminal Police Organization (Interpol), the international police agency headquartered in Lyon, France.[99] Meng disappeared upon arriving in China on a trip from France in October 2018, according to his wife.[100] In March 2019, the Central Commission for Discipline Inspection (CCDI) and the National Supervisory Commission (NSC) expelled Meng from the Party and stripped him of his official position for a number of alleged wrongdoings, including abusing his power, not adhering to Party rules, and receiving bribes; the article did not detail any specific act, however.[101] In addition, the article reported that Meng lacked "Party spirit" and refused to carry out orders from the Party's Central Committee.[102] Meng's wife maintained that the detention was politically motivated, adding that Meng "was well-known in China for his reformist views and had in March 2017 tendered his resignation to the Central Committee of the Communist Party of China."[103] Sources told the Wall Street Journal that Meng, in his capacity as the head of the international police agency, did not fully carry out Chinese central authorities' instructions to issue "red notices," which would help them target dissidents outside of China.[104]

CASES OUTSIDE THE ANTICORRUPTION CAMPAIGN

In some examples, Chinese authorities displayed a willingness to hold officials accountable outside the anticorruption campaign in cases involving official malfeasance:

- In October 2018, the Tianjin Municipal No. 1 Intermediate Court sentenced nine former procuratorate officials from Yanbian Korean Autonomous Prefecture, Jilin province, to terms of imprisonment ranging from 1 year and 3 months to 13 years on charges including "intentional assault," "extorting confession by torture," and "dereliction of duty," after they tortured and caused the death of a Hong Kong businessman during an interrogation that lasted over four days.[105]
- In November 2018, the public security bureau in Quanzhou municipality, Fujian province, issued an apology and suspended one officer for harassing a female journalist who was reporting on a biochemical leakage incident in that locality.[106] The article reporting the event characterized the government's response as rare, however.[107]

In contrast, other examples showed a lack of commitment to hold officials accountable:

- In November 2018, the Shandong Province People's Government appointed Ma Yuenan as the director of the provincial Big Data Bureau,[108] one month after she was reprimanded for failing to prevent the distribution of substandard vaccines in Shandong.[109] The appointment reportedly violated a Party rule that prohibits the promotion or appointment of a Party member to an important post within six months of a reprimand.[110]

• In January 2019, the Liaoyuan Municipal Intermediate People's Court in Jilin province awarded compensation to an individual who served over 25 years in prison for a homicide conviction based on confessions reportedly extracted through torture.[111] Yet neither the court that awarded him compensation nor the court that reversed his conviction found that torture took place, and sources did not indicate that authorities had held the perpetrators accountable.[112]

Notes to Section III—Institutions of Democratic Governance

[1] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A(III) of December 10, 1948.

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

[3] United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed June 7, 2019; State Council Information Office, "Guojia Renquan Xingdong Jihua (2016–2020 nian)" [National Human Rights Action Plan of China (2016–2020)], September 29, 2016, sec. 5.

[4] Universal Declaration of Human Rights (UDHR), adopted and proclaimed by UN General Assembly resolution 217A(III) of December 10, 1948, art. 21. According to Article 21 of the UDHR, "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."

[5] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 25.

[6] See, e.g., Chinese Communist Party Central Committee, *Zhongguo Gongchandang Zhengfa Gongzuo Tiaoli* [Regulations on the Chinese Communist Party Political-Legal Work], effective January 13, 2019; Christian Shepherd, "China's Peking University Tightens Party Control, Curbs Activism," *Reuters,* November 14, 2018.

[7] "Xi Jinping: juesheng quanmian jiancheng xiaokang shehui duoqu xin shidai Zhongguo tese shehui zhuyi weida shengli" [Xi Jinping: secure a decisive victory in building a moderately prosperous society in all respects and strive for the great success of socialism with Chinese characteristics for a new era"], October 18, 2017, *Xinhua,* October 27, 2017, sec. 3.

[8] See, e.g., Han Qingxiang, "Bixu jianchi dang dui yiqie gongzuo de lingdao" [Party leadership over every type of work must be steadfastly maintained], *Qiushi* (Seeking Truth), December 22, 2018; "Renmin Ribao pinglunyuan: tigao dang lingdao jingji gongzuo nengli he shuiping—liu lun guanche luoshi zhongyang jingji gongzuo huiyi jingshen" [People's Daily commentator: Improve ability and standard of Party leadership in economy—six points on thoroughly actualizing spirit of central committee meeting concerning economy], *People's Daily,* December 27, 2018.

[9] Chang'an Street Book Club, "'Dangjian zhixue' Liu Hanjun: mingque lingdao hexin shi dang zixin yu jianding de biaozhi" ["Study of Party building and governance" Liu Hanjun: clearly identifying core leadership is symbol of Party's confidence and determination], *The Paper,* October 25, 2018; Guan Ling, "Chunqiu bi: Xi hexin yi chao Jiang hexin" [Comparing history: Xi's core has surpassed Jiang's core], *Duowei,* February 28, 2019.

[10] Chinese Communist Party Central Committee, *Zhonggong Zhongyang Guanyu Jiaqiang Dang de Zhengzhi Jianshe Yijian* [Opinion on Strengthening the Party's Political Building], January 31, 2019.

[11] Chinese Communist Party Central Committee, *Zhonggong Zhongyang Guanyu Jiaqiang Dang De Zhengzhi Jianshe Yijian* [Opinion on Strengthening the Party's Political Building], January 31, 2019, secs. 1, 6(18). The components of "Xi Jinping Thought" include Xi's speeches and writings generated after 2012, when Xi became the Party Secretary. See Tao Wenzhao and Lin Jianhua, "Weihe xue xue shenme zenme xue" [The why, what, and how of studying], *Beijing Daily,* June 24, 2019; *Xi Jinping guanyu qingshaonian he Gongqingtuan gongzuo lunshu zhaibian* [Excerpts from Xi Jinping's speeches regarding youth and the Communist Youth League], Collected Works for the Study of Xi (Beijing: Central Publishing House, 2017), *People's Daily,* accessed May 14, 2019.

[12] Central Commission for Discipline Inspection, "Yitu dudong: 'Zhongguo Gongchandang Zhangcheng'" xiugai duibi yilanbiao" [Understanding through one picture: Table illustrating changes to the "Constitution of the Chinese Communist Party"] October 31, 2017. "Xi Jinping Thought" is an ideology that aims at "building a moderately prosperous society, deepening reform, governing [the] nation by law, and tightening Party discipline." John Garrick and Yan Chang Bennett, "'Xi Jinping Thought,'" *China Perspectives,* no. 2018/1–2 (June 1, 2018): 99, citing "Renmin Ribao shouci quanwei dingyi Xi Jinping 'Sige Quanmian'" [People's Daily first-ever authoritative definition of Xi Jinping's "Four Comprehensives"], *People's Daily,* February 24, 2015.

[13] "Xi Jinping zhuchi zhongyang zhengzhiju huiyi shenyi 'Zhongguo Gongchandang Zhengfa Gongzuo Tiaoli'" [Xi Jinping presides over meeting of the Political Bureau of the Central Committee, reviews the Regulations on the Chinese Communist Party's Political-Legal Work], *Xinhua,* December 27, 2018.

[14] Chinese Communist Party Central Committee, *Zhonggong Gongchandang Zhengfa Gongzuo Tiaoli* [Regulations on the Chinese Communist Party Political-Legal Work], effective January 13, 2019, art. 3.

[15] Ibid, art. 1.

[16] Zhou Bin, "Dang qi yinling xin shidai zhengfa shiye puxie xin pianzhang" [Party's banner leading political-legal work in new age, writes new chapters], *Legal Daily,* January 30, 2019.

[17] Chinese Communist Party Central Committee, *Zhonggong Gongchandang Zhengfa Gongzuo Tiaoli* [Regulations on the Chinese Communist Party Political-Legal Work], effective January 13, 2019, arts. 1, 5, 6(1), 7, 12(1), 15(1), 18.

[18] Teng Biao, "Xi Jinping de fan falu zhanzheng" [Xi Jinping's war against law], *Radio Free Asia,* February 4, 2019.

[19] Chinese Communist Party Central Committee, *Zhongguo Gongchandang Zhongda Shixiang Qingshi Baogao Tiaoli* [Regulations on Requesting Instructions and Making Reports on Important Issues], effective January 31, 2019, art. 13.

[20] Nectar Gan, "Xi Jinping Targets Grass Roots in Push to Extend Communist Party Control," *South China Morning Post,* November 29, 2018.

[21] Chinese Communist Party Central Committee, *Zhongguo Gongchandang Zhibu Gongzuo Tiaoli (Shixing)* [Regulations on Chinese Communist Party Branch Operations (Provisional)], effective October 28, 2018, arts. 5, 9.

[22] Cao Ying and Han Jiahui, "Dang zhang xiugai le naxie? Zhuanjia bang ni quan zhongdian" [What is amended in the Party Constitution? Experts give you the highlights], *Xinhua,* October 31, 2017; "Quanmian tigao xin shidai dangzhibu jian she zhiliang—Zhongyang Zuzhibu fuzeren jiu yinfa 'Zhongguo Gongchandang Zhibu Gongzuo Tiaoli (Shixing)' da jizhe wen" [Comprehensively improve Party-building quality in new era—head of Central Committee's Organization Department answers reporters' questions about "Regulations on Chinese Communist Party Branch Operations (Provisional)"], *Xinhua,* November 26, 2018.

[23] Chinese Communist Party Central Committee, "2018–2022 nian quanguo ganbu jiaoyu peixun guihua" [2018–2022 education and training plan for cadres nationwide], reprinted in *Xinhua,* November 1, 2018, sec. 4.

[24] "Zhonggong zhongyang yinfa 'Shenhua Dang He Guojia Jigou Gaige Fang'an'" [Chinese Communist Party Central Committee issues 'Plan for Deepening Reform of Party and Government Agencies'], *Xinhua,* March 21, 2018, secs. 1(6), (7); "Zhongzu buzhang chen xi jian guojia xingzheng xueyuan yuanzhang tuo zhen ren renmin ribao zongbianji" [Head of Central Committee's Organization Department Chen Xi to head Chinese Academy of Governance, Tuo Zhen becomes chief editor of People's Daily], *Radio Free Asia,* April 4, 2018.

[25] Chinese Communist Party Central Committee, "2018–2022 nian quanguo ganbu jiaoyu peixun guihua" [2018–2022 education and training plan for cadres nationwide], reprinted in *Xinhua,* November 1, 2018, secs. 1(3), 4(1)–(7).

[26] Ibid., sec. 1(3)3.

[27] *Zhonghua Renmin Gongheguo Gongwuyuan Fa* [PRC Civil Servant Law], passed April 27, 2005, amended September 1, 2017, revised December 29, 2018, effective June 1, 2019, arts. 13(3), 14(1).

[28] *Zhonghua Renmin Gongheguo Gongwuyuan Fa* [PRC Civil Servant Law], passed April 27, 2005, effective January 1, 2006, amended September 1, 2017, arts. 11, 12.

[29] *Zhonghua Renmin Gongheguo Gongwuyuan Fa* [PRC Civil Servant Law], passed April 27, 2005, amended September 1, 2017, revised December 29, 2018, effective June 1, 2019, arts. 7, 13, 35, 57, 67.

[30] Ibid., art. 59(1), (3).

[31] See, e.g., "Qizi tanjian cai dezhi: Xinjiang qian faguan Huang Yunmin bei pan shi nian" [Wife learns during prison visit: former Xinjiang judge Huang Yunmin sentenced to 10 years], *Radio Free Asia,* November 16, 2018; Jane Perlez, "Chinese Rights Lawyer, Pu Zhiqiang, Is Given Suspended Prison Sentence," *New York Times,* December 21, 2015.

[32] Chinese Communist Party Central Committee, "Guanyu Jiaqiang he Gaijin Zhongyang Guojia Jiguan Dang de Jianshe Yijian" [Opinion on Strengthening and Improving Party Building in Central Party and Government Agencies], issued March 2019, art. 4.

[33] Holly Snape, "Re-Writing the Rules," *ChinaFile,* Asia Society, August 1, 2019.

[34] Chinese Communist Party Central Committee, *Dang Zheng Lingdao Ganbu Xuanba Renyong Gongzuo Tiaoli* [Regulations on the Selection and Appointment of Leading Party and Government Cadres], effective March 3, 2019. These regulations replace the 2014 version. Chinese Communist Party Central Committee, *Dang Zheng Lingdao Ganbu Xuanba Renyong Gongzuo Tiaoli* [Regulations on the Selection and Appointment of Leading Party and Government Cadres], issued and effective, January 15, 2014.

[35] Chinese Communist Party Central Committee, *Dang Zheng Lingdao Ganbu Xuanba Renyong Gongzuo Tiaoli* [Regulations on the Selection and Appointment of Leading Party and Government Cadres], effective March 3, 2019.

[36] Ibid., art. 7(1).

[37] Chinese Communist Party Central Committee, *Dang Zheng Lingdao Ganbu Xuanba Renyong Gongzuo Tiaoli* [Regulations on the Selection and Appointment of Leading Party and Government Cadres], issued and effective, January 15, 2014.

[38] Perry Link, "Opinion: No Sign of Political Reform in China Since 'Charter 08,'" *Deutsche Welle,* December 10, 2018; Zheng Yefu, "Zheng Yefu: Zhenggai nanchan zhiyin" [Zheng Yefu: Cause of difficulties in having political reform], *NewCenturyNet* (blog), January 3, 2019.

[39] Jonathan Tepperman, "China's Great Leap Backward," *Foreign Policy,* October 15, 2018.

[40] Ibid.

[41] "Disillusioned Bureaucrats Are Fleeing China's Ministries," *Bloomberg,* March 11, 2019.

[42] See, e.g., Cyberspace Administration of China, "Hulianwang + zhengwu fuwu: chuangzao xin moshi, rang zhengwu fuwu geng zhihui" [Internet + government services: creating a new model and making government services smarter], Office of the Central Cyberspace Affairs Commission, February 14, 2019; Sha Xueliang, "Beijing jian wangshang zhengfu fuwu zongmenhu niandi qian jiucheng shixiang ke wangshang ban" [Beijing builds centralized website for online government services, 90 percent of matters can be handled online by end of year], *Beijing News,* November 6, 2018.

[43] Charles Parton, "Social Credit Is Just One Part of China's New State Control," *Spectator,* November 17, 2018. See also Human Rights Watch, "China's Algorithms of Repression," May 1, 2019; Freedom House, *Freedom on the Net 2018: The Rise of Digital Authoritarianism,* October 2018.

[44] Ministry of Industry and Information Technology, "Chujin xin yidai rengong zhineng chanye fazhan sannian xingdong jihua (2018–2020 nian)" [Three-year plan to promote a new generation of artificial intelligence (2018–2020)], December 14, 2017. In December 2017, the Ministry of Industry and Information Technology issued a three-year plan to enhance the academic and business communities' capacity to develop artificial intelligence technologies, including biometric identification technology such as facial and sound recognition.

[45] Erika Kinetz, "Shanghai Airport Automates Check-In with Facial Recognition," *South China Morning Post,* October 16, 2018.

[46] Phoebe Zhang, "Is Nowhere Private? Chinese Subway Users Upset by Plans to Install Facial Recognition Systems," *South China Morning Post,* October 25, 2018.
[47] Li Tao, "China Tests Facial Recognition at Border Crossing of Hong Kong-Zhuhai-Macau Bridge," *South China Morning Post,* October 24, 2018.
[48] Phoebe Zhang, "Is Nowhere Private? Chinese Subway Users Upset by Plans to Install Facial Recognition Systems," *South China Morning Post,* October 25, 2018.
[49] Karen Chiu, "Smart ID Cards and Facial Recognition: How China Spreads Surveillance Tech around the World," *Abacus News,* November 15, 2018; Liang Chenyu, "Five Ways China Used Facial Recognition in 2018," *Sixth Tone,* December 18, 2018.
[50] Remi Castets, "What's Really Happening to Uighurs in Xinjiang?" *Nation,* March 19, 2019; Darren Byler and Timothy Grose, "China's Surveillance Laboratory," *Dissent,* October 31, 2018.
[51] "Part II: Interview: 'We Can Observe the Toilet with Cameras as Well,'" *Radio Free Asia,* October 17, 2018.
[52] Li Zaili, "Facial Recognition Checks to Enter a Church," *Bitter Winter,* October 15, 2018.
[53] Human Rights Watch, "China's Algorithms of Repression," May 1, 2019.
[54] Chinese Communist Party Central Committee, *Zhongggong Zhongyang Guanyu Shenhua Dang He Guojia Jigou Gaige De Jueding* [Decision on Deepening Reform of Party and Government Agencies], *Xinhua,* March 4, 2018; "Zhonggong zhongyang yinfa 'shenhua dang he guojia jigou gaige fang'an'" [Chinese Communist Party Central Committee issues "Plan for Deepening Reform of Party and Government Agencies"], *Xinhua,* March 21, 2018; State Council, *Guowuyuan Jigou Gaige Fang'an* [Institutional Reform Plan], March 17, 2018; "Shisan jie Quanguo Renda yi ci huiyi pizhun Guowuyuan Jigou Gaige Fang'an" [State Council Structural Reform Proposal passed at first session of the 13th National People's Congress], *Xinhua,* March 17, 2018.
[55] Wang Hongru, "31 shengfen jigou gaige fang'an huo pi: duo shengfen shiye danwei jianyuan, buzai chengdan xingzheng zhineng" [Reform plan for 31 provincial-level agencies approved: many provincial public institutions to reduce staff members and will no longer perform administrative functions], *China Economic Weekly,* December 17, 2018.
[56] "Gongxinbu: jiakuai tuidong dashuju he shiti jingji shendu ronghe" [Ministry of Industry and Information Technology: accelerate promotion of deep fusion of big data and economy], *China Central Television,* January 29, 2019; "Zui quan! woguo dashuju guanliju jiben qingkuang yilan" [Most comprehensive! Overview of basic status of our nation's big data administration agencies], EChina.gov, December 14, 2018.
[57] Cheng Shuwen, "Zhengfu she 'shouxi shuju guan' cheng xin chaoliu" [Government installs "chief data officer," becomes a new trend], *Southern Metropolitan Daily,* September 2, 2017.
[58] Guo Quanzhong, "Difang weihe fenfen sheli dashuju guanliju" [Why do localities create big data administration one after another], *Beijing News,* October 19, 2018; Li Deren, Cao Jianjun, and Yao Yuan, "Big Data in Smart City," *China Science,* August 26, 2015. Smart cities use a network of sensors to collect information, which is then stored, and analyzed in a cloud computing platform. The processed information is then used to automate certain functions around the city.
[59] "Dujia: Zhejiang de zhejia xinshe zhongyao jigou yong jinjun caifang daole!" [Exclusive: This newly established important agency in Zhejiang, Yong Jinjun's interview is here!] *Zhejiang Daily,* January 14, 2019, reprinted in Sina News; "'Dashuju guanliju' yu shuju dailai de shidai biange (shendu jiedu)" ["Big data administratve departments" and the epochal reforms that data bring (in-depth explanation)], *Dahe Daily,* November 12, 2018.
[60] Li Xiaopeng, "Shen guancha, jigou gaige: 'dashuju fazhan guanliju' ruhe huimin?" [Close observation, organizational reform: how do "big data development administrative departments" benefit citizens?] *The Paper,* October 25, 2018.
[61] Human Rights Watch, "China's Algorithms of Repression," May 1, 2019; "Gongmin luntan—Liao Tianqi: Beijing liyong dashuju quanmian jiankong shehui ye dui xifang goucheng weixie" [Citizen forum—Liao Tianqi: Beijing's use of big data to surveil entire society also poses a threat to the West], *Radio France Internationale,* February 18, 2019.
[62] Jiang Tao, "Henan mimi jianli zongjiao renyuan shujuku: chaoxi fenlei shishi jiankong" [Henan secretly builds database of religious followers: extremely detailed categorization, real time surveillance], *Bitter Winter,* May 2, 2019.
[63] Li Dian, "Henan sheng Zongjiao Shiwu Guanli Fuwu Pingtai shangxian" [Henan Province Religious Affairs Management and Service Platform goes online], *Henan Daily,* May 23, 2018.
[64] Feng Yun, Chen Xiao Ping, and Wang Luyang, "Datong yishi xingtai gongzuo zerenzhi luoshi 'zuihou yi gongli'" [Smooth out "the last mile" in implementing the responsibility system for ideological work], *Henan Daily,* September 11, 2018.
[65] Jiang Tao, "Henan mimi jianli zongjiao renyuan shujuku: chaoxi fenlei shishi jiankong" [Henan secretly builds database of religious followers: extremely detailed categorization, real time surveillance], *Bitter Winter,* May 2, 2019.
[66] "Pincong, zhuanlan wenzhang: da qingbao yiwei zhe shenme?" [Pincong, column: What does big data mean?] *China Digital Times,* August 27, 2018.
[67] Ibid.
[68] Ibid.
[69] Neil Thomas, "How Beijing Embraces Public Opinion to Govern and Control," *Macro Polo,* Paulson Institute, May 7, 2019.
[70] Amnesty International, "Labour Activist Detained without Lawyer," March 27, 2019; Rights Defense Network, "Lushi chenggong huijian Wei Zhili guonei faqi 'mianju nanhai' huodong shengyuan Wei Zhili, Ke Chengbing, Yang Zhengjun deng sanwei laoquan weihuzhe" [Lawyer successfully met with Wei Zhili, "masked boy" activity initiated in China to show support for three labor rights defenders Wei Zhili, Ke Chengbing, and Yang Zhengjun], April 9, 2019. For more information on Wei Zhili, see the Commission's Political Prisoner Database record 2019-00127.

[71] "Henan yimiao shouhaizhe jiazhang He Fangmei zao 'xunzizui' pibu" [Henan vaccine victim parent He Fangmei arrested for "picking quarrels and provoking trouble"], *Radio Free Asia,* May 1 2019; Rights Defense Network, "'Yimiao Baobao zhi Jia' weiquan tuanti faqiren He Fangmei (Shisan Mei) zao Henan Xinxiang Huixian jingfang xingshi juliu" [Initiator of rights defense group "Vaccinated Baby's Home" He Fangmei (Sister Thirteen) criminally detained by police in Huixian, Xinxiang, Henan], March 21, 2019; "Li Xin qizi He Fangmei zujian 'Yimiao Baobao zhi Jia' liangwei gongmin yin 'yimiao' bei hecha juliu" [Li Xin's wife He Fangmei organized "Vaccinated Baby's Home," two citizens summoned to have tea and detained because of the "vaccine [group]"], *Canyu Net,* August 6, 2018. For more information on He Fangmei, see the Commission's Political Prisoner Database record 2019-00185.

[72] *Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui He Difang Geji Renmin Daibiao Dahui Xuanju Fa* [PRC Electoral Law of the National People's Congress and Local People's Congresses], passed July 1, 1979, effective January 1, 1980, amended August 29, 2015, art. 2.

[73] *Zhonghua Renmin Gongheguo Cunmin Weiyuanhui Zuzhi Fa* [PRC Organic Law of Village Committees], passed November 4, 1998, effective January 1, 1980, amended December 29, 2018. *Zhonghua Renmin Gongheguo Chengshi Jumin Weiyuanhui Zuzhi Fa* [PRC Organic Law of Urban Residents Committees], passed December 26, 1989, effective January 1, 1990, amended December 29, 2018.

[74] National People's Congress Standing Committee, *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Guanyu Xiugai "Zhonghua Renmin Gongheguo Cunmin Weiyuanhui Zuzhi Fa" Zhonghua Renmin Gongheguo Chengshi Jumin Weiyuanhui" Zuzhi Fa De Jueding* [Decision of the National People's Congress Standing Committee on Revising the on "PRC Organic Law of Village Committees" and "PRC Organic Law of Urban Residents Committees"], passed and effective, December 29, 2018; *Zhonghua Renmin Gongheguo Cunmin Weiyuanhui Zuzhi Fa* [PRC Organic Law of Village Committees], passed November 4, 1998, amended December 29, 2018, art. 11(2). *Zhonghua Renmin Gongheguo Chengshi Jumin Weiyuanhui Fa* [PRC Organic Law of Urban Residents Committees], passed December 26, 1989, effective January 1, 1990, amended December 29, 2018, art. 8(1). See also earlier versions of these laws: *Zhonghua Renmin Gongheguo Cunmin Weiyuanhui Zuzhi Fa* [PRC Organic Law of Village Committees], passed November 4, 1998, amended October 28, 2010, art. 11; *Zhonghua Renmin Gongheguo Chengshi Jumin Weiyuanhui Zuzhi Fa* [PRC Organic Law of Urban Residents Committees], passed December 26, 1989, effective January 1, 1990, art. 8.

[75] Chinese Communist Party Central Committee General Office, *Guanyu Dang De Jiceng Zuzhi Renqi De Yijian* [Opinion on Terms of Party Grassroots-Level Organizations], issued and effective July 12, 2018.

[76] "Cun (ju) min weiyuanhui renqi ni you 3 nian gaiwei 5 nian" [Village (residents) committee terms proposed to be changed from 3 years to 5 years], *CCTV,* December 24, 2018.

[77] "Xiang dangzhibu kanqi Zhongguo cunweihui renqi zi 3 nian yan wei 5 nian" [Acting in unison with Party branches, term for village committees in China extended from 3 years to 5 years], *Central News Agency,* December 23, 2018.

[78] See, e.g., Rights Defense Network, "Anhui sheng Anqing shi Qianshan xian Yujing zhen ganbu yong heishehui dashou qiangpo cunmin xuanju guanban cun ganbu" [Cadre in Yujin township, Qianshan county, Anqing municipality, Anhui province, uses gangster fighter to force villagers to elect village officials], September 14, 2018; Rights Defense Network, "Shanghai weiquanrenshi Yao Huamei jielu Shanghai Pudong Xin qu Huinan zhen Sidun cunmin xuanju weiyuanhui zhuren Zhu Weiming weifan Xuanju Fa xunsi wubi" [Shanghai rights defender Yao Huamei exposes violation of election laws and fraud by Zhu Weiming, director of village election committee in Sidun, Huinan township, Pudong New district, Shanghai], September 29, 2018; Rights Defense Network, "Zhongguo xuanju guancha (2019) zhi yi: Beijing shi Lugouqiao xiang Zhengchangzhuang cun timing houxuanren huichang yanjin xuanmin paizhao he luxiang" [China election monitor (2019) part one: voters prohibited from taking photographs and recording video at place of election candidates nomination in Zhengchangzhuang village, Lugouqiao township, Beijing municipality], February 26, 2019.

[79] Universal Declaration of Human Rights (UDHR), adopted and proclaimed by UN General Assembly resolution 217A (III) on December 10, 1948, art. 21. According to Article 21 of the UDHR, "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."

[80] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 25.

[81] Rights Defense Network, "Anhui sheng Anqing shi Qianshan xian Yujing zhen ganbu yong heishehui dashou qiangpo cunmin xuanju guanban cun ganbu" [Cadre in Yujin township, Qianshan county, Anqing municipality, Anhui province, uses gangster fighter to force villagers to elect village officials], September 14, 2018.

[82] Ibid.

[83] UN Human Rights Council, National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21—China, A/HRC/WG.6/31/CHN/1, August 20, 2018, para. 4.

[84] Ministry of Foreign Affairs, "2018 nian 8 yue 31 ri Waijiaobu fayanren Hua Chunying zhuchi lixing jizhehui" [Ministry of Foreign Affairs spokesperson Hua Chunying holds regular press conference on August 31, 2018], August 31, 2018.

[85] UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the Combined Fourteenth to Seventeenth Periodic Reports of China (Including Hong Kong, China and Macao, China), adopted by the Committee at its 2672nd, 2673rd, 2674th and 2675th meetings (August 24, 27, 28, 2018), CERD/C/CHN/CO/14–17, August 30, 2018, para. 40(a).

[86] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, paras. 28.175, 28.177, 28.180; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China (Addendum), A/HRC/40/6/Add.1, February 15, 2019, para. 2(28.175–28.180).
[87] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, paras. 28.213, 28.333, 28.336.
[88] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China (Addendum), A/HRC/40/6/Add.1, February 15, 2019, para. 2(28.213, 28.333, 28.336).
[89] See, e.g., Jiang Jie, "Kaiqi dang he guojia fanfubai gongzuo xin pianzhang" [Opening a new chapter of Party and government anticorruption work], *People's Daily,* March 1, 2019.
[90] Gerry Shih, "In China, Investigations and Purges Become the New Normal," *Washington Post,* October 28, 2018; Ling Li, "Politics of Anticorruption in China: Paradigm Change of the Party's Disciplinary Regime 2012–2017," *Journal of Contemporary China,* no. 115 (2019).
[91] See, e.g., "Gongmin luntan—Pan Yongzhong: Xi Jinping fadong da guimo fanfu dadao le liwei lixin de mudi" [Citizen forum—Pan Yongzhong: Xi Jinping initiated massive anticorruption campaign, achieves goal of establishing power and credibility], *Radio France Internationale,* September 14, 2018; Thomas Heberer, "Decoding the Chinese Puzzle: Rapid Economic Growth and Social Development Despite a High Level of Corruption," Working Papers on East Asian Studies, no. 124/2019, Institute of East Asian Studies (Duisburg: University of Duisburg-Essen, 2019), 21.
[92] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed March 20, 2018, art. 22.
[93] Central Commission for Discipline Inspection and National Supervisory Commission, "Zhongyang Jiwei Guojia Jianwei zhaokai zuotanhui tingqu teyue jianchayuan yijian jianyi" [Central Commission for Discipline Inspection and National Supervisory Commission convene forum to listen to suggestions of special supervisors], September 27, 2018.
[94] "Zhongshi luxing Dangzhang he Xianfa fuyu de zhize nuli shixian xin shidai jijian jiancha gongzuo gao zhiliang fazhan—zai Zhongguo Gongchandang dishijiu jie Zhongyang Jilu Jiancha Weiyuanhui disan ci quanti huiyi shang gongzuo baogao (2019 nian 1 yue 11 ri) Zhao Leji" [Faithfully fulfilling duties granted by the Party Constitution and the Constitution, diligently realizing high quality developments in discipline, inspection, and supervisory work in the new age—work report presented at the 3rd plenary session of the 19th Central Commission of Discipline and Inspection (January 11, 2019) Zhao Leji], *Xinhua,* February 20, 2019.
[95] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed March 20, 2018, art. 53.
[96] National Supervisory Commission, "Guojia Jiancha Weiyuanhui guanyu pinqing diyi jie teyue jianchayuan de jueding" [Decision on hiring the first class of special supervisors], December 17, 2018.
[97] National Supervisory Commission, *Guojia Jiancha Weiyuanhui Teyue Jianchayuan Gongzuo Banfa* [Measures on Special Supervisors], issued and effective August 24, 2018, arts. 1, 3, 9.
[98] Yang Yalan, "Jieri 'dahu' bu shouruan Gong'anbu fubuzhang Meng Hongwei jieshou diaocha" ["Snaring tigers" relentlessly during the holiday, Vice Minister of Public Security Meng Hongwei investigated], *People's Daily,* October 8, 2018.
[99] He Chunzhong, "Meng Hongwei dangxuan Guoji Xingjing Zuzhi zhuxi" [Meng Hongwei elected president of Interpol], *China Youth Daily,* November 11, 2016.
[100] Edward Wong and Alissa J. Rubin, "Interpol Chief Meng Hongwei Quits and Is Detained by China," *New York Times,* October 7, 2018.
[101] "Gong'anbu yuan fubuzhang Meng Hongwei yanzhong weiji weifa bei kaichu dangji he gongzhi" [Former Vice Minister of Public Security Meng Hongwei expelled from Party and stripped of official position for serious violations of Party rules and law], *Xinhua,* March 27, 2019.
[102] Ibid.
[103] Emmanuel Jarry and John Irish, "Wife of Missing Ex-Interpol Chief Says Arrest in China Politically Motivated," *Reuters,* March 28, 2019; Central Commission for Discipline Inspection and National Supervisory Commission, "Gong'anbu fubuzhang Meng Hongwei shexian weifa jieshou Guojia Jianwei jiancha diaocha" [Vice Minister of Public Security Meng Hongwei supervised and investigated by NSC on suspicion of unlawful conduct], October 7, 2018; "Gong'anbu yuan fubuzhang Meng Hongwei yanzhong weiji weifa bei kaichu dangji he gongzhi" [Former Vice Minister of Public Security Meng Hongwei expelled from Party and stripped of official position for serious violations of Party rules and law], *Xinhua,* March 27, 2019; *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed March 20, 2018, art. 15. Although the Xinhua article said that Meng was expelled from the Party, Meng's wife claimed that Meng already had withdrawn his Party membership two years earlier. Of note is the fact that the initial official announcement stated that Meng was being investigated by the National Supervisory Commission, which has jurisdiction over non-Party members.
[104] Drew Hinshaw and Bradley Hope, "China Installed Its Top Cop to Steer Interpol. Then He Disappeared.," *Wall Street Journal,* April 26, 2019.
[105] Guo Rui and Choi Chi-yuk, "China Jails Former Prosecutors over Tortured Hong Kong Businessman Stephen Lau's Death in Custody," *South China Morning Post,* October 25, 2018.
[106] "Caifang tanjiu shigu nu jizhe bei shenye chafang 'zhuapiao' gong'anju hanyou daoqian ren zhifa budang" [Reporting on the Tanjiu incident, female reporter had room inspected at night for 'prostitution,' public security bureau apologizes in rare move, admits inappropriate law enforcement], *Standnews,* November 20, 2018; "Quanzhou shi gong'anju fa tongbao Quangang qu gong'an zhifa bei wenze" [Quanzhou municipal public security issues bulletin, law enforcement officer in Quangang district held accountable], *Caixin Net,* November 21, 2018.

[107] "Quanzhou shi gong'anju fa tongbao Quangang qu gong'an zhifa bei wenze" [Quanzhou municipal public security issues bulletin, law enforcement officer in Quangang district held accountable], *Caixin Net,* November 21, 2018.

[108] Shandong Province People's Government, "Shandong Sheng Renmin Zhengfu guanyu renming Ma Yuenan deng gongzuo renyuan zhiwu de tongzhi" [Circular on appointing Ma Yuenan and other staff members to certain positions], November 1, 2018.

[109] Yan Xiangling, "Shandong sheng dui buhege yimiao wenti sheji danwei ji xiangguan renyuan yuyi wenze" [Shandong province holds work units and related personnel accountable over substandard vaccine issue], *Xinhua,* September 30, 2018.

[110] "Zhongguo xin she dashuju ju juzhang jing you shou chufen guanyuan" [Directors of China's new big data bureaus surprisingly include disciplined officials], *Radio Free Asia,* November 6, 2018; Organization Department, Central Committee, Chinese Communist Party, *Guanyu Zuzhi Renshi Bumen dui Lingdao Ganbu Jinxing Tixing, Hanxun he Jiemian de Shishi Xize* [Implementing Details on Reminders, Written Inquiries, and Reprimands Issued to Leading Cadres from the Organization [Department's] Human Resources Departments], issued and effective June 30, 2015, art. 19.

[111] "Liu Zhonglin an: mengyuan guanya 25 nian huo Zhongguo guojia peichang 460 wan" [Liu Zhonglin case: Unjustly detained for 25 years, receives compensation of 4.6 million from Chinese government], *BBC,* January 7, 2019.

[112] "Liu Zhonglin an: mengyuan guanya 25 nian huo Zhongguo guojia peichang 460 wan" [Liu Zhonglin case: Unjustly detained for 25 years, receives compensation of 4.6 million from Chinese government], *BBC,* January 7, 2019; Wang Jingshuo, "Jilin Liu Zhonglin huo 460 wan yuan guojia peichang" [Liu Zhonglin from Jilin receives 460 yuan of state compensation], *China Youth Daily,* January 8, 2019.

ACCESS TO JUSTICE

Findings

- Under the International Covenant on Civil and Political Rights (ICCPR), all persons are entitled to equal treatment in the course of seeking enforceable legal remedies within the legal system for violations of their rights. During the 2019 reporting year, the Commission observed examples in which Chinese authorities violated the right to equal treament by influencing the judiciary, controlling the legal profession, and persecuting human rights lawyers, all of which are inconsistent with the relevant ICCPR provisions.
- The Chinese Communist Party issued regulations to formalize its control over the judiciary through political-legal work committees, which are Party entities. In January 2019, the Central Political-Legal Committee led an investigation into a case involving allegations that Supreme People's Court President Zhou Qiang interfered with the adjudication of a case. The investigation's conclusion was based on a possibly coerced confession and did not address Zhou's involvement.
- The Party's absolute leadership over the judiciary, as promoted by official media, had a negative impact on the overall judicial process. The Supreme People's Court planned to amend past judicial interpretations to conform to approved political ideology and announced that it would not issue any new judicial interpretations unless the topic was specified by the Party. With respect to the legal profession, the Minister of Justice urged lawyers to "unify their thoughts" and to accept the Party's complete leadership over their work.
- Authorities continued to criminally prosecute human rights lawyers on charges such as "subversion of state power," viewing legal representation provided by them as a threat to the Party's political security. Authorities also restricted the speech and movement of human rights lawyers, and in some cases stripped them of their law licenses.
- Citizens continued to use the petitioning system as a channel to express their grievances, but the system's opacity made the effectiveness of their efforts difficult to determine. Some local governments answered calls from central authorities to improve data-sharing capability with anticorruption agencies to better monitor conduct of local officials, suggesting a new focus for the petitioning system.
- The Ministry of Justice announced changes to the legal aid system to standardize services, including the prompt assignment of and compensation for legal aid workers. Acting jointly with the Supreme People's Court, the Ministry of Justice also expanded a legal aid service pilot program for criminal cases to cover more locations. These new developments do not appear to expand the space for civil society groups to provide public interest legal aid services, and authorities banned a group formed to provide legal aid and consultation.

Recommendations

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

- Highlight and discuss with Chinese officials the report in which the UN Working Group on Arbitrary Detention found human rights lawyers **Wang Quanzhang, Jiang Tianyong, Li Yuhan,** and **Yu Wensheng** to have been arbitrarily detained. Urge the Chinese government to unconditionally exonerate the above-named lawyers and other similarly situated lawyers.
- Highlight and discuss with Chinese officials cases of human rights lawyers such as **Sui Muqing, Tan Yongpei, Liu Zhengqing, Xie Yanyi,** and **Chen Keyun,** whose law licenses were revoked or whose ability to practice law was otherwise restricted because of their legal representation and advocacy in cases that Chinese authorities deem politically sensitive.
- Urge the Chinese government to protect the fundamental civil and professional rights of China's lawyers, to investigate all allegations of abuse against them, and to ensure that those responsible are brought to justice. Urge the Chinese government to end all forms of harassment or persecution against the family members of human rights lawyers and advocates, including surveillance and restrictions on their freedom of movement.
- Urge the Chinese government to stop all forms of persecution or prosecution of petitioners who use the petitioning system to peacefully seek redress for their grievances.
- Urge leaders of the Chinese Communist Party and government to grant the judiciary true independence and warn them of the negative impact on the rule of law when the judiciary is involved in political campaigns.
- Increase support for programs that promote dialogue between U.S. and Chinese legal experts to determine how China can structure and implement legal reforms. Concomitantly increase support for collaboration between U.S. and Chinese academic and non-governmental entities to help develop programs that enhance the capacity of the Chinese legal system to protect citizens' rights.

ACCESS TO JUSTICE

The International Covenant on Civil and Political Rights (ICCPR), which China signed and expressed its intention to ratify,[1] provides that all persons are equal before the courts; it also obligates a State Party to ensure that people have enforceable legal remedies for any violation of the rights and freedoms recognized in the convention, even if the violation has been committed by an official.[2]

Although Supreme People's Court President Zhou Qiang reported improvements in different aspects of the judicial system,[3] the examples of political interference with the judiciary, control over the legal profession, and persecution of human rights lawyers that the Commission observed during the 2019 reporting year are inconsistent with the relevant ICCPR provisions.

Communist Party's Control Over the Judicial Process

COMMUNIST PARTY EXERTS CONTROL THROUGH POLITICAL-LEGAL COMMITTEES

The Chinese Communist Party Central Committee issued Regulations on the Chinese Communist Party's Political-Legal Work, effective in January 2019, to formalize its control over a range of state functions, including the judiciary.[4] Under the regulations, Party-run political-legal committees at the central and provincial levels are tasked with promoting judicial transparency, as well as reporting instances of judicial interference by cadres in leadership positions.[5] According to an official interpretation of the new regulations, political-legal committees are responsible for setting general directions and policies but are not authorized to manage substantive work in individual cases.[6] In practice, however, political-legal committees have a record of influencing individual cases.[7]

In March 2018, Central Party authorities expanded the scope of the Central Political-Legal Committee's[8] jurisdiction to domestic public security concerns,[9] including integrated "social order management," "social stability maintenance," and prevention and handling of "cult" issues,[10] which have been the bases for prosecuting citizens in connection to their legitimate and peaceful exercise of internationally recognized human rights.[11] [For more information on Chinese authorities' use of criminal provisions to suppress religion and human rights activities, see Section II—Criminal Justice and Freedom of Religion.]

Judicial Interference and Party-Led Investigation

In January 2019, the Central Political-Legal Committee led an investigation into a case involving allegations of judicial interference, including those involving the Supreme People's Court (SPC) President Zhou Qiang. According to Radio Free Asia, some lawyers pointed out that the Central Political-Legal Committee lacks constitutional authority to investigate the Supreme People's Court since such authority lies with the National People's Congress.[12]

Judicial Interference and Party-Led Investigation—Continued

The subject of the investigation was a case that commenced in 2006, when entrepreneur Zhao Faqi's company sued a state-owned enterprise over a contract dispute concerning mining rights in Shaanxi province.[13] Despite initial success, Zhao's company lost on appeal, and the case twice came before the SPC.[14] In November 2016, Zhao Faqi published an open letter in which he alleged that several high-ranking officials in Shaanxi had intervened in the judicial process and thereby affected the disposition of the case.[15]

Beginning in December 2018, Wang Linqing, a former SPC judge who handled the case, released several pre-recorded video clips and confirmed unofficial information[16] that the case file had gone missing since 2016.[17] Wang further recounted that an SPC leader—whom another source identified as SPC President Zhou Qiang—gave him two sets of instructions through another court official, initially to remand the case, and later to dismiss the appeal, which would have had the effect of reversing the collegial panel's decision[18] to rule in favor of Zhao's company.[19] In February 2019, official media outlet China Central Television broadcasted a recording showing Wang admitting to stealing the file himself ostensibly in order to prevent the case from being transferred away, given the amount of time he had spent working on it.[20]

The Party-led investigation team found that the SPC's case file security measures were defective and that the adjudication process was delayed beyond the statutory timeframe.[21] The team, however, did not make a finding specific to the alleged involvement of Zhou Qiang.[22] Zhou promptly expressed support for the investigation results, as reported in an editorial in the People's Court Daily entitled "Upholding the Party's Absolute Leadership over the Work of People's Courts."[23] Observers questioned the voluntariness of Wang Linqing's recorded confession and the credibility of the investigation.[24]

FIVE-YEAR PLAN TO CONFORM JUDICIAL INTERPRETATIONS TO PARTY VALUES

Following a Chinese Communist Party directive,[25] the Supreme People's Court (SPC) in September 2018 issued a five-year plan requiring that the selection, drafting, and amendment of judicial interpretations must conform to "socialist core values"[26] as guided by the political ideology of Party General Secretary and President Xi Jinping.[27] While the full text of the plan was not publicly available,[28] the head of the SPC Research Office explained that the SPC planned to revisit existing judicial interpretations and amend portions that were in conflict with socialist core values, with an intention to incorporate the ideological aims of socialist core values into judicial adjudication standards.[29] He also said that the SPC in principle would not issue new judicial interpretations in the next five years unless the topic was specifically listed in the five-year plan.[30]

CONTROL OF THE LEGAL PROFESSION

In September 2018, the Ministry of Justice convened a meeting about Party-building in the legal profession nationwide,[31] echoing a provision in the Measures on Managing Law Firms that requires

law firms to engage in Party-building.[32] "Party-building" encompasses a range of activities such as improving the Party's organizational structure, as well as Party members' discipline and their ideological commitment.[33] At the meeting, Minister of Justice Fu Zhenghua urged attendees to further "unify [their] thoughts" and to "unabashedly support the Party's complete leadership over lawyers' work."[34] The meeting specified that Party-building work must be a priority within the entire legal profession by 2020.[35] In May 2019, three non-governmental organizations submitted a joint analysis to the UN Special Rapporteur on the independence of judges and lawyers, in which they observed that recent administrative measures imposed on lawyers and law firms facilitated political interference by granting authorities "the power to deny, temporarily or indefinitely, the right to practice to lawyers without reasonable and effective avenues for appeal."[36]

Persecution of Human Rights Lawyers

Chinese authorities continued to persecute human rights lawyers, including Wang Quanzhang, Jiang Tianyong, Li Yuhan, and Yu Wensheng, whom the UN Working Group on Arbitrary Detention (Working Group) found to have been detained for their rights defense work, in contravention of the Universal Declaration of Human Rights.[37] The Working Group requested that the Chinese government immediately release the lawyers.[38] Chinese authorities, however, continued to subject them to criminal prosecution and penalty.

In January 2019, the Tianjin No. 2 Intermediate People's Court sentenced **Wang Quanzhang** to four years and six months in prison for "subversion of state power."[39] In June 2019, authorities permitted Wang's wife Li Wenzu to visit him for the first time in nearly four years.[40] Li reported that Wang had lost a significant amount of weight, exhibited robotic reactions and hazy memory, and was reading from a piece of paper when he asked her not to visit him anymore.[41] In February 2019, authorities extralegally detained **Jiang Tianyong** upon completion of his two-year prison term for "inciting subversion of state power."[42] Authorities eventually permitted Jiang to return home but continued to subject him to strict surveillance,[43] a measure not provided for in the PRC Criminal Procedure Law.[44] Jiang's wife reported that authorities tortured Jiang and that he suffered from depression and significant memory loss.[45] In April 2019, **Li Yuhan**'s lawyers reported that Li's health had deteriorated further at a detention center in Shenyang municipality, Liaoning province, and that the court had postponed a scheduled trial without giving them notice.[46]

As of March 2019, authorities continued to hold **Yu Wensheng** in pretrial detention for over a year and deny him legal representation by lawyers hired by his family.[47] Yu's wife Xu Yan reported that in March over 10 public security officials and residential committee personnel were stationed outside her residence and prevented her from leaving.[48] Xu previously filed an administrative review and an administrative appeal over the public security bureau's rejection of clothing that she had sent to her husband in detention.[49]

Besides criminal prosecution, Chinese authorities used other methods to persecute human rights lawyers, including revoking their law licenses,[50] placing obstacles in the license renewal process,[51] and restricting their freedom of speech[52] and movement.[53] In one example, police physically assaulted a lawyer when she was performing her duties as a criminal defense lawyer:[54]

- **Sun Shihua.** In September 2018, lawyer Sun, the wife of human rights lawyer Sui Muqing,[55] went to a police station in Guangzhou municipality, Guangdong province, in connection with her client's criminal case.[56] An officer surnamed Chen reportedly declined to discuss Sun's client's case with her and accused Sun of attacking him.[57] A group of officers then gathered and beat Sun, during which time Officer Chen choked her and rendered her unconscious.[58] Officers then ordered Sun to take off her clothes and provide a urine sample.[59] During Sun's six-hour long detention, officers also reportedly ordered her client to strip naked.[60] The Guangzhou Public Security Bureau said it investigated the incident and concluded that the officers "had a rigid attitude and acted uncivilly," but it denied physical assault or insult having taken place.[61] While at the police station, Sun overheard two officers saying to each other that someone had asked the police station to "handle her case."[62]

Citizen Petitioning

The petitioning system (*xinfang*), also known as the "letters and visits system," has been a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person.[63] The petitioning system reportedly has been ineffective in addressing citizens' grievances due to factors such as the large number of petitions,[64] staff shortages,[65] officials' fraudulent use of data,[66] and corruption.[67]

Although the director of the National Public Complaints and Proposals Administration said that the petitioning system was highly efficient and had a public satisfaction rate of over 95 percent,[68] such claims remained unverifiable due to a lack of transparency. A group of 57 petitioners from Shanghai municipality previously asked the government to release information to verify a similar claim made in 2016.[69] The Shanghai government called the information "state secrets" and refused to disclose it.[70] The petitioners then sought administrative review with the State Council, which had not provided them with a response as of October 2018,[71] far exceeding the statutory 90-day case processing time limit.[72]

This past year, some local governments focused their efforts on enhancing the petitioning system's capability to collect data for anticorruption agencies.[73] For example, an official news outlet reported that officials in Beijing municipality created a system by which they would make appointments with petitioners to individually hear complaints concerning significant misconduct.[74] In Guizhou province, officials developed a system to sort through this type of complaint and set case completion time limits.[75]

During this reporting year, petitioners continued to face official repression. Authorities detained petitioners, alleging criminal or administrative offenses including "disrupting order in a public

place,"[76] "picking quarrels and provoking trouble,"[77] and "obstructing official business."[78] In addition, authorities reportedly detained petitioners in the period leading up to and during the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2019.[79]

Legal Aid

The legal aid system remained a state-controlled institution. State Council regulations require that justice bureaus of local governments appoint legal aid organizations and administer legal aid programs through them.[80] Legal aid organizations may assign eligible applicants to in-house lawyers or make referrals to law firms, grassroots legal services, or other social organizations.[81] Lawyers are legally obligated to provide legal aid services and may be disciplined or fined for refusing to do so.[82]

This past year, authorities expanded and standardized legal aid services across China. In January 2019, the Supreme People's Court and the Ministry of Justice expanded a legal aid pilot program from 8 locations to 31.[83] The pilot program required authorities to advise unrepresented criminal defendants of their right to legal counsel; it also required better coordination between courts, procuratorates, public security bureaus, justice bureaus, and legal aid offices to improve allocation of legal aid resources.[84]

Following this, the Ministry of Justice in February 2019 issued a document to standardize legal aid services in criminal cases, covering different stages of a criminal case, from pretrial investigation to appellate work.[85] Around the same time, the Ministry of Justice and Ministry of Finance issued a guiding opinion delineating specific standards for setting the amount of compensation for legal aid workers and lawyers in administrative, civil, and criminal cases.[86]

These documents, however, do not contain provisions for legal aid services provided by civil society groups operating outside the officially sanctioned framework. In at least one instance, authorities banned one such group and effectively shut down its operations.[87] In September 2018, several rights lawyers who lost their law licenses after a crackdown in 2015 formed a public interest group based in Nanning municipality, Guangxi Zhuang Autonomous Region, to provide legal aid and consultation services.[88] In January 2019, authorities in Nanning banned the group, alleging that it operated in violation of the Regulations on the Registration and Management of Social Organizations.[89]

Other Developments in the Judicial System

Parallel to the repressive campaign against rights lawyers and advocates, Chinese authorities continued to carry out "the most systematic and structural legal reform, unprecedented since Chinese reform started 40 years ago," as observed by a Hong Kong-based scholar.[90]

- Supreme People's Court President Zhou Qiang reported an increase in the number of successfully resolved enforcement cases in the past three years,[91] thereby accomplishing a goal set at the Fourth Plenum of the 18th Chinese Communist Party Central Committee held in November 2014.[92] In January

2019, however, the U.S. Department of State cautioned that Chinese authorities could prohibit U.S. citizens from leaving China in order to compel them to resolve civil disputes in favor of Chinese parties.[93]

- Court officials used technology to make it more convenient for citizens to access the court system, such as developing online case opening systems and promoting mobile courts housed in vehicles.[94]
- In October 2018, the National People's Congress Standing Committee (NPCSC) revised the PRC Organic Law of People's Courts, which codified certain judicial reforms in the past 40 years, including the establishment of specialized courts, a judicial responsibility system, and a judge quota system.[95]
- In April 2019, the NPCSC revised the PRC Judges Law to codify the selection and review process for judges.[96] The revised law also added the requirement to support the Party's leadership and the socialist system.[97]

Notes to Section III—Access to Justice

[1] United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 8, 2019; State Council Information Office, "Guojia renquan xingdong jihua (2016–2020 nian)" [National human rights action plan of China (2016–2020)], September 29, 2016, sec. 5.

[2] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 2(3), 14.

[3] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 12, 2019. For examples of the judicial improvements presented in the SPC Work Report, see "Other Developments in the Judicial System" in this section.

[4] Chinese Communist Party Central Committee, *Zhonggong Gongchandang Zhengfa Gongzuo Tiaoli* [Regulations on Chinese Communist Party Political-Legal Work], effective January 13, 2019, art. 3.

[5] Ibid., arts. 21(8), 31.

[6] Liu Ziyang, "Wanshan jiandu zhiyue tixi tisheng zhifa sifa gongxinli 'Zhongguo Gongchandang Zhengfa Gongzuo Tiaoli' jiedu zhi san" [Improve a system of supervision and constraints to augment the judiciary's public trust, an explanation of "Regulations on the Chinese Communist Party's Political-Legal Work" (iii)], *Legal Daily,* January 31, 2019.

[7] See, e.g., "Zhengfawei lingdao diaocha Zuigaofa shi juanzong falu jie zhi weixian" [Political-Legal Committee leads investigation in SPC's loss of case file, legal community calls it unconstitutional], *Radio Free Asia,* January 9, 2019; Yuan Feng and Qing Ping, "Zhonggong sifa gaige xin dongzuo xuezhe jiedu 'Zhengfa Gongzuo Tiaoli' (shang)" [New movement in CCP judicial reform, scholar explains "Regulations on the Chinese Communist Party's Political-Legal Work" (1)], *Duowei,* February 16, 2019; Wu Laosi (@wulaws), "Weishenme shuo fayuan fujuan shi Zhongguo sifa de hei xiazi" [Why are court copies of case files considered to be the judicial black box], July 13, 2015, reprinted in WeChat post, 2019; Chen Guangcheng, "How China Flouts Its Laws," *New York Times,* May 29, 2012.

[8] The Central Political-Legal Committee is also known as "Central Committee of Political Science and Law" and as the "Central Commission for Political and Legal Affairs." Susan V. Lawrence, "China's Political Institutions and Leaders in Charts," Congressional Research Service, Library of Congress, November 12, 2013, 8 n.8.

[9] Yuhua Wang and Carl Minzner, "The Rise of the Chinese Security State," *China Quarterly,* no. 222 (June 2015): 339–59.

[10] "Zhonggong zhongyang yinfa 'Shenhua Dang he Guojia Jigou Gaige Fang'an'" [Chinese Communist Party Central Committee issues "Plan for Deepening Reform of Party and Government Agencies"], *Xinhua,* March 21, 2018, sec. 1(18), (19), (20).

[11] "Zhongguo dangju qiangli weiwen zhongpan canyu tuiwu junren weiquan shijian laobing" [Chinese authorities forcefully maintain stability, heavily sentence old soldiers who joined veterans' rights defense incident], *Voice of America,* April 19, 2019; Jiang Tao, "Quannengshen Jiaohui shangceng dailing zao zhongpan 13 nian" [Almighty God Church leader given heavy sentence of 13 years], *Bitter Wind,* November 21, 2018. For more information on the associated Almighty God Church member detentions, see the Commission's Political Prisoner Database records 2013-00025 on Chen Hong, 2019-00107 on Bao Shuguang, 2019-00108 on Jiang Xingmei, 2019-00109 on Bai Lanxiang, and 2019-00110 on Gu Liya.

[12] "Zhengfawei lingdao diaocha Zuigaofa shi juanzong falu jie zhi weixian" [Political-Legal Committee leads investigation in SPC's loss of case file, legal community calls it unconstitutional], *Radio Free Asia,* January 9, 2019.

[13] "Wang Linqing qianyi kuangquan an juanzong diushi shijian yu diaocha jieguo" [Investigation result in loss of case file incident in 100 billion mining rights case involving Wang Linqing], *BBC,* February 23, 2019.

[14] Ibid.

[15] Zhao Faqi, "Zhao Faqi shiming jubao quanwen: Shanxi yuan Shengzhang Yuan Chunqing, Shengwei Shuji Zhao Zhengyong huotong Shaanxi Sheng Zhengxie Changwei Liu Juan daoqu guoyou zichan" [Full text of Zhao Faqi's complaint under his real name: former Shaanxi Governor Yuan Chunqing, provincial Party Secretary Zhao Zhengyong stole state assets with the aid of Shaanxi CPPCC Standing Committee member Liu Juan], WeChat post, November 3, 2016, reprinted in *China Digital Times,* January 18, 2019.

[16] "Wang Linqing qianyi kuangquan an juanzong diushi shijian yu diaocha jieguo" [Investigation result in loss of case file incident in the 100 billion mining rights case involving Wang Linqing], *BBC,* February 23, 2019; Chris Buckley, "Chinese Entrepreneur Takes On the System, and Drops Out of Sight," *New York Times,* March 9, 2019; "Chinese Supreme Court Judge under Criminal Investigation after Whistleblowing," *Radio Free Asia,* February 25, 2019.

[17] "Cui Yongyuan baoguang qianyi kuang an hou, Zhongguo Zuigao Fayuan faguan Wang Linqing, zibao shipin zuixin 4 duan (20 fenzhong wanzheng ban)" [Complete collection of newest 4 video clips of China's supreme court judge Wang Linqing, recorded for self-protection after Cui Yongyuan exposed 100 billion mining right case] [Video file], YouTube, January 6, 2019. A compiled version of the video clips showing Cui Yongyuan's interview with Wang Linqing is available on YouTube.

[18] A collegial panel is responsible for case adjudication; it may consist of a single judge or a judge and people's assessors. *Zhonghua Renmin Gongheguo Renmin Fayuan Zuzhi Fa* [PRC Organic Law of People's Courts], passed July 1, 1979, revised October 26, 2018, effective January 1, 2019, arts. 29, 30.

[19] "Cui Yongyuan baoguang qianyi kuang an hou, Zhongguo Zuigao Fayuan faguan Wang Linqing, zibao shipin zuixin 4 duan (20 fenzhong wanzheng ban)" [Complete collection of newest 4 video clips of China's supreme court judge Wang Linqing, recorded for self-protection after Cui Yongyuan exposed 100 billion mining right case] [Video file], YouTube, January 6, 2019. A compiled version of the video clips showing Cui Yongyuan's interview with Wang Linqing is avail-

able on YouTube. Chris Buckley, "Chinese Entrepreneur Takes On the System, and Drops Out of Sight," *New York Times,* March 9, 2019.

[20] "Shipin: 'Kaiqilai an' juanzong diushi deng wenti diaocha jieguo gongbu" [Video clip: announcement of result of investigation into issues such as loss of case file in "Kaiqilai case"], *CCTV,* February 22, 2019.

[21] "Zhongyang Zhengfawei qiantou de lianhe diaocha zu gongbu 'Kaiqilai an' juanzong diushi deng wenti diaocha jieguo" [Investigation team led by Central Political-Legal Committee releases investigation results concerning issues including missing file in "Kaiqilai Case"], *Xinhua,* February 22, 2019.

[22] "Zhongyang Zhengfawei qiantou de lianhe diaocha zu gongbu 'Kaiqilai an' juanzong diushi deng wenti diaocha jieguo" [Investigation team led by Central Political-Legal Committee releases investigation results concerning issues including missing file in "Kaiqilai Case"], *Xinhua,* February 22, 2019; "Zhonggong guanmei yuanhe didiao chuli Wang Linqing an 'diaocha jieguo'" [Why did Chinese official news outlets treat "investigation results" in Wang Linqing Case in a low-profile manner], *Radio Free Asia,* February 25, 2019.

[23] "Jianchi Dang dui renmin fayuan gongzuo de juedui lingdao" [Upholding the Party's absolute leadership over the work of people's courts], *People's Court Daily,* February 24, 2019.

[24] Chris Buckley, "Chinese Entrepreneur Takes On the System, and Drops Out of Sight," *New York Times,* March 9, 2019; "Weixin: zhi lianhe diaochazu Wang Linqing renzui hou de shi ge yiwen" [WeChat: To the joint investigation team: ten questions that Wang Linqing's confession raised], WeChat post, reprinted in *China Digital Times,* February 23, 2019.

[25] "Zhonggong Zhongyang yinfa 'Shehui Zhuyi Hexin Jiazhi Guan Rongru Fazhi Jianshe Lifa Xiufa Guihua'" [CCP Central Committee issues "Plan to Fuse Socialist Core Values into Rule of Law Development, Legislation, and Amending Laws"], *Xinhua,* May 7, 2018.

[26] According to official news outlet China Daily, "socialist core values" "comprise a set of moral principles summarized as prosperity, democracy, civility, harmony, freedom, equality, justice, the rule of law, patriotism, dedication, integrity and friendliness." Zhang Yunbi, "New Laws to Apply Socialist Core Values," *China Daily,* May 8, 2018. There are examples of authorities justifying censorship and academic control using these principles. See, e.g., Sophie Richardson, Human Rights Watch, "China Cracks Down on Entertainment News," June 12, 2017; Hannah Beech, "China's College Counselors Told to Join the Party—The Communist Party," *Time,* November 19, 2015.

[27] "Yi shehui zhuyi hexin jiazhi tixi wei hun, quanmian zhu lao sifa jieshi de jiazhi jichu—jiu 'Zuigao Renmin Fayuan guanyu zai Sifa Jieshi Zhong Quanmian Guanche Shehui Zhuyi Hexin Jiazhiguan de Gongzuo Guihua (2018–2023)' fang Zuigao Renmin Fayuan Yanjiushi fuzeren" [Having socialist core values as the soul, comprehensively bolster foundation of value of judicial interpretations—interview with head of Supreme People's Court Research Office concerning "Supreme People's Court Plan on Comprehensively Implementing Socialist Core Values in Judicial Interpretation (2018–2023)"], Zuigao Renmin Fayuan Wang [Supreme People's Court Net], September 18, 2018.

[28] Commission research staff performed a search on April 16, 2019, and was unable to locate the full text of the plan.

[29] "Yi shehui zhuyi hexin jiazhi tixi wei hun, quanmian zhu lao sifa jieshi de jiazhi jichu—jiu 'Zuigao Renmin Fayuan guanyu zai Sifa Jieshi Zhong Quanmian Guanche Shehui Zhuyi Hexin Jiazhiguan de Gongzuo Guihua (2018–2023)' fang Zuigao Renmin Fayuan Yanjiushi fuzeren" [Having socialist core values as the soul, comprehensively bolster foundation of value of judicial interpretations—interview with head of Supreme People's Court Research Office concerning "Supreme People's Court Plan on Comprehensively Implementing Socialist Core Values in Judicial interpretation (2018–2023)"], Zuigao Renmin Fayuan Wang [Supreme People's Court Net], September 18, 2018; Xu Jun, "Quanmian zhulao sifa jieshi de jiazhi jichu" [Comprehensively build a firm foundation for values in judicial interpretations], *People's Daily,* September 19, 2018.

[30] "Yi shehui zhuyi hexin jiazhi tixi wei hun, quanmian zhu lao sifa jieshi de jiazhi jichu—jiu 'Zuigao Renmin Fayuan guanyu zai sifa jieshi zhong quanmian guanche shehui zhuyi hexin jiazhiguan de gongzuo guihua (2018–2023)' fang Zuigao Renmin Fayuan yanjiushi fuzeren" [Having socialist core values as the soul, comprehensively bolster foundation of value of judicial interpretations—interview with head of Supreme People's Court Research Center concerning "Supreme People's Court Plan on Comprehensively Implementing Socialist Core Values in Judicial Interpretation (2018–2023)," Zuigao Renmin Fayuan Wang [Supreme People's Court Net], September 18, 2018.

[31] Wang Yu, "Sifabu zhaokai quanguo lushi hangye dangjian gongzuo tuijin hui" [Ministry of Justice convenes meeting on advancing party-building in legal profession nationwide], *Legal Daily,* September 17, 2018.

[32] Ministry of Justice, *Lushi Shiwusuo Guanli Banfa* [Measures on Managing Law Firms], issued May 28, 2008, amended September 6, 2016, effective November 1, 2016, art. 4.

[33] "Hu Jintao zai Zhongguo Gongchandang Di Shiba ci Quanguo Daibiao Dahui shang de baogao" [Hu Jintao's report at the 18th Party Congress of the Chinese Communist Party], *Xinhua,* November 17, 2012, sec. 12. See also Gerry Groot, "The Rise and Rise of the United Front Work Department under Xi," *China Brief,* Jamestown Foundation, April 24, 2018.

[34] Wang Yu, "Sifabu zhaokai quanguo lushi hangye dangjian gongzuo tuijin hui" [Ministry of Justice convenes meeting on advancing party-building in legal profession nationwide], *Legal Daily,* September 17, 2018.

[35] Ibid.

[36] China Human Rights Lawyers Concern Group, Chinese Human Rights Defenders, and International Service for Human Rights, "Joint Analysis of the Measures on the Administration of Law Firms and Administrative Measures for the Practice of Law by Lawyers of the People's Republic of China," reprinted in Chinese Human Rights Defenders, May 22, 2019.

[37] UN Human Rights Council, "Opinion No. 62/2018 concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China)," Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session, 20–24 August 2018, A/HRC/WGAD/2018/62, October 12, 2018, para. 82; Human Rights Council, "Opinion No. 15/2019 concerning Yu Wensheng (China)," Opinions adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, 24 April–3 May 2019, A/HRC/WGAD/2019/15, May 29, 2019, para., 54.

[38] UN Human Rights Council, "Opinion No. 62/2018 concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China)," in Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session, 20–24 August 2018, A/HRC/WGAD/2018/62, October 12, 2018, paras. 84, 86; Human Rights Council, "Opinion No. 15/2019 concerning Yu Wensheng (China)," in Opinions adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, 24 April–3 May 2019, A/HRC/WGAD/2019/15, May 29, 2019, para., 56.

[39] Tianjin Municipal No. 2 Intermediate People's Court, "Wang Quanzhang dianfu guojia zhengquan an yishen gongkai xuanpan" [Wang Quanzhang publicly sentenced in first instance trial for subverting state power], January 28, 2019.

[40] ChinaAid Association, "Updated: Li Wenzu Meets Husband Wang Quanzhang in Prison," June 28, 2019; Rights Defense Network, "709 an tongbao: Wang Quanzhang lushi bei yi dianfu guojia zhengquan zui qisu" [709 case bulletin: lawyer Wang Quanzhang indicted for subversion of state power], February 15, 2017.

[41] ChinaAid Association, "Updated: Li Wenzu Meets Husband Wang Quanzhang in Prison," June 28, 2019.

[42] "Weiquan lushi Jiang Tianyong xingman chuyu que bei buming shenfen zhe daizou" [Rights defense lawyer Jiang Tianyong released from prison upon sentence completion, but was taken away by unidentified people], *Deutsche Welle,* February 28, 2019.

[43] Rights Defense Network, "Jin Bianling: Jiang Tianyong zao Luoshan xian guobao siwang weixie" [Jin Bianling: Jiang Tianyong received death threats from Luoshan county domestic security protection officials], Rights Defense Network, April 4, 2019.

[44] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended October 26, 2018. The PRC Criminal Procedure Law does not provide for surveillance of a person who has completed a sentence.

[45] "Jiang Tianyong jiankang kanyou qizi xiwang ta dao Meiguo kanbing" [Jiang Tianyong's health a worry, wife hopes he can come to U.S. for medical treatment], *Radio Free Asia,* March 8, 2019.

[46] Rights Defense Network, "Ma Wei, Wu Li lushi: Li Yuhan lushi an jinkuang tongbao" [Lawyers Ma Wei and Wu Li: Bulletin on lawyer Li Yuhan's recent status], April 8, 2019; UN Human Rights Council, "Opinion No. 62/2018 concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China)," in Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session, 20–24 August 2018, A/HRC/WGAD/2018/62, October 12, 2018, para. 28.

[47] Rights Defense Network, "Zhongguo Dalu zaiya zhengzhi fan, liangxin fan yuedu baogao (2019 nian 3 yue 31 ri) di 42 qi (gong 1001 ren) (qi)" [Monthly report on detained political prisoners and prisoners of conscience in Mainland China (March 31, 2019) issue no. 42 (total 1,001 persons) (7)], March 31, 2019; "Yu Wensheng an jianfang qisu zhi fayuan" [Prosecution files indictment with court in Yu Wensheng's case], *Radio Free Asia,* February 4, 2019.

[48] "Yu Wensheng qizi zao ruanjin 'sanba' nuquan huodong xiaosheng niji" [Yu Wensheng's wife held under soft detention, "March 8" feminist activities disappear], *Radio Free Asia,* March 8, 2019.

[49] Rights Defense Network, "Xu Yan: Yu Wensheng lushi an qingkuang tongbao (2019 nian 4 yue 22 ri)" [Xu Yan: Bulletin on status of lawyer Yu Wensheng's case (April 22, 2019)], April 22, 2019.

[50] China Human Rights Lawyers Group, "Weather the Dark Storm, Persevere for Rule of Law in China—A 2019 New Year's Message from the China Human Rights Lawyers Group," *China Change,* December 31, 2018; Rights Defense Network, "Guanyu Liu Zhengqing lushi jiang bei diaoxiao lushi zhiyezheng de jinji huyu shu" [Urgent letter calling attention to imminent law license revocation of lawyer Liu Zhengqing], January 1, 2019; Rights Defense Network, "Qin Yongpei lushi yin zao zhuxiao lushi zhiyezheng er qisu Guangxi Zhuangzu Zizhiqu Sifa Ting de xingzheng qisushu" [Administrative litigation complaint filed against Guangxi Zhuang Autonomous Region's Justice Bureau by lawyer Qin Yongpei after revocation of law license], November 12, 2018; "'Lushi hou' chengli julebu zai zhan jianghu" ["Former lawyers" established club, again taking on challenges in the world], *New Tang Dynasty,* September 19, 2018; ChinaAid Association, "Zhongguo lushi de jingji lu Xie Yanyi bei zhuxiao zhizhao" [Thorny path of Chinese lawyers, Xie Yanyi's law license revoked], ChinaAid Association, November 30, 2018; Rights Defense Network, "Zhongguo lushi hou julebu: Zhongguo lushi cunwang zhi qiu—Chen Keyun lushi xiao zheng shijian" [Chinese Former Lawyers' Club: Critical time of Chinese lawyers' survival—matter concerning revocation of lawyer Chen Keyun's law license], November 4, 2018.

[51] "Beijing Fengrui tingye hou yizhi qiu zhuan lusuo Liu Xiaoyuan bu huo shouli mianlin zhuxiao zhiye zheng" [Continuously asked to change law firms after Beijing Fengrui stopped operation, Liu Xiaoyuan's application ignored, license to practice may be revoked], *Radio Free Asia,* February 24, 2019.

[52] All China Lawyers Association, "Jinyan shenxing zuo zunfa shoufa yongfa de kaimo" [Exercise care in speech and action so as to be a model for obedience, compliance, and application of the law], March 4, 2019; "[Lici cunzhao] Guanyu jiaoban zhongyao min'gan xinfang xinxi de han" [[For the record] Letter concerning assignment of handling of important sensitive message about petitioning], *China Digital Times,* January 16, 2019; "Li Jinxing lushi yin wangshang yanlun jieshou diaocha" [Lawyer Li Jinxing investigated for online speech], *Radio Free Asia,* November 21, 2018; "Chongqing lushi yin wangshang yanlun zao sifaju diaocha huo shou chufa" [Chongqing lawyer investigated and possibly punished by justice bureau for online speech], *Voice of America,* September 17, 2018.

[53] Civil Rights and Livelihood Watch, "Shou '709' yinxiang Huang Simin lushi zhi jin bei bian kong" [Affected by "709" incident, lawyer Huang Simin continues to be under border-crossing restrictions], September 4, 2018; Chen Jian'gang, "A Statement by Lawyer Chen Jiangang, Blocked Today from Leaving China to Take Part in the Humphrey Fellowship Program," *China Change,* April 1, 2019; "China Bars Human Rights Lawyer from US State Dept. Program," *Associated Press,* April 3, 2019.

[54] China Human Rights Lawyers Concern Group, "You yitian, jingcha kaishi pengci—wo bei Guangzhou jingcha gouxian zhuabu, xiuru de kongbu jingli—Sun Shihua" [One day, police began to feign being attacked—my horrific experience of being framed, detained, and insulted by Guangzhou police—Sun Shihua], October 11, 2018.

[55] "Zhongguo nu lushi paichusuo 'luo jian' shijian gongzhong huyu gongkai jiankong" [In incident of Chinese female lawyer being "strip searched" at police station, public call for disclosure of surveillance], *BBC,* October 12, 2018.

[56] China Human Rights Lawyers Concern Group, "You yitian, jingcha kaishi pengci—wo bei Guangzhou jingcha gouxian zhuabu, xiuru de kongbu jingli—Sun Shihua" [One day, police began to feign being attacked—my horrific experience of being framed, detained, and insulted by Guangzhou police—Sun Shihua], October 11, 2018.

[57] Ibid.

[58] Ibid.

[59] Ibid.

[60] Ibid.

[61] Zhou Shiling, "Guangzhou jingfang: shipin xianshi bu cunzai xiuru Sun Shihua" [Guangzhou police: video shows non-existence of insult of Sun Shihua], *Beijing Daily,* October 14, 2018.

[62] China Human Rights Lawyers Concern Group, "You yitian, jingcha kaishi pengci—wo bei Guangzhou jingcha gouxian zhuabu, xiuru de kongbu jingli—Sun Shihua" [One day, police began to feign being attacked—my horrific experience of being framed, detained, and insulted by Guangzhou police—Sun Shihua], October 11, 2018.

[63] State Council, *Xinfang Tiaoli* [Regulations on Letters and Visits], issued January 5, 2005, effective May 1, 2005; Benjamin L. Liebman, "A Populist Threat to China's Courts?" in *Chinese Justice: Civil Dispute Resolution in Contemporary China,* eds. Margaret Y.K. Woo and Mary E. Gallagher (Cambridge: Cambridge University Press, 2011), 269–313; Liang Shibin, "Jianjue da ying huajie xinfang ji'an gong jian zhan" [Resolutely fight to win the battle on clearing backlog of petitioning cases], *Legal Daily,* 27 April 16. Such grievances reportedly include cases concerning demolition or expropriation of property, social security, agriculture, land and resources, and environmental protection.

[64] See, e.g., Civil Rights & Livelihood Watch, "Beijing Guojia Xinfangju bei shuwan shangfang minzhong baowei" [Beijing's State Bureau of Letters and Visits surrounded by tens of thousands of petitioners], February 26, 2018; "29 shengshi yu wan ming minban jiaoshi zai xian quanguo jiti shangfang chao" [Over ten thousand temporary teachers from 29 provinces and municipalities caused another national group petitioning movement], *Radio Free Asia,* October 19, 2016; "Shaanxi liangqian min shi sheng xinfangju shangfang yaoqiu shifang weiquan daibiao" [Two thousand petitioners from Shaanxi went petitioning at provincial letters and visits bureau, ask for release of rights defense representative], *Radio Free Asia,* April 13, 2017.

[65] Yi Lili, "Zengqiang xinfang gangwei guazhi zhidu xiaoguo de youxiao tujing tantao" [Exploring efficient ways to improve results of temporary position assignments in the petition system], *Administration Reform,* reprinted in Views.ce.cn, December 25, 2018.

[66] "Zhongdian jieshou 12 lei tuchu wenti de xinfang" [Admitting 12 categories of outstanding problems in the petition system], Supervision Office, Commission for Discipline Inspection, Southern Medical University, December 7, 2018.

[67] "Juebu yunxu gongzheng de pingtai fubai cheng zaojia shuohuang wugui men dang jian cheng pai" [Adamantly oppose a fair platform being used by fraudulent and lying turtles as a shield], *Boxun,* November 20, 2018; "Weiwen huiyi luyin waixie dingxing shangfang shi 'fan dang fan zhengfu' xingwei" [Recording from meeting to maintain social stability leaked, identifies petitioners as "opposing the Party and government"], *Radio Free Asia,* 15 May 18; "China's Ruling Party in Nationwide Operation to Stop People Complaining About it," *Radio Free Asia,* March 5, 2018; Guo Hongmin, "Guojia Xinfangju de xiaohao 'liancai tuan'" [Record-deleting "money-hoarding syndicate" of State Bureau of Letters and Visits], *Prosecutorial View,* May 2, 2017.

[68] Dong Xiaodi, "Guojia Xinfangju: xinfang shixiang banjie lu 95% tuiguang rang qunzhong 'zuiduo fang yi ci'" [National Public Complaints and Proposals Administration: Petition matters completion rate 95%, promote idea that the public "petition only once at most"], *China News,* January 18, 2019.

[69] Rights Defense Network, "Shanghai jiti shenqing caijue yi an de shenqingren daibiao di 12 ci dao Guowuyuan Fazhi Ban yaoqiu shumian dafu reng wu guo, weiquan renshi shangjie ju pai nahan: Zhongguo fazhi zai nali!" [Representatives of case in Shanghai group request for decision demand written response in their 12th visit to State Council's Legislative Affairs Office but still have not received response, rights defenders took to the streets and shouted "where is China's rule of law?!"], October 18, 2018.

[70] Ibid.

[71] Ibid.

[72] *Zhonghua Renmin Gongheguo Xingzheng Fuyi Fa* [PRC Administrative Review Law], passed April 29, 1999, effective October 1, 1999, amended September 1, 2017, art. 31; Rights Defense Network, "Shanghai jiti shenqing caijue yi an de shenqingren daibiao di 12 ci dao Guowuyuan Fazhi Ban yaoqiu shumian dafu reng wu guo, weiquan renshi shangjie ju pai nahan: Zhongguo fazhi zai nali!" [Representatives of case in Shanghai group request for decision demand written response in their 12th visit to State Council's Legislative Affairs Office but still

have not received response, rights defenders took to the streets and shouted "where is China's rule of law?!"], October 18, 2018.

[73] "Jiangxi Lianhua: dui fupin lingyu xinfang jian lingdao 'yi bao daodi'" [Lianhua, Jiangxi: Leaders to "assume continuous responsibility" in petitions concerning poverty alleviation], Central Commission for Discipline and Inspection, National Supervisory Committee, January 2, 2019; "Guangxi Luchuan: yashi zeren rang xinfang jubao you huiyin" [Luchuan, Guangxi: Taking serious responsibility to ensure complaints filed through petition system will receive response], Central Commission for Discipline and Inspection, National Supervisory Committee, February 11, 2019.

[74] Zhang Nan, "Xin jinzhan xin changxiao" [New development, new results], *Beijing Daily,* January 29, 2019.

[75] "Guizhou Guiding: jizhong liliang tupo qunzhong fanying qianglie de xinfang jian" [Guiding, Guizhou: Focus energy on breaking through petitions involving strong public sentiments], Central Commission for Discipline and Inspection, National Supervisory Committee, February 14, 2019.

[76] See, e.g., "Shandong Pingdu laobing kangyi: guanfang cheng fanzui qianke renyuan 'baoli xi jing'" [Protests by veterans from Pingdu, Shandong: official says people who "violently attacked police" had criminal record], *BBC,* December 10, 2018.

[77] See, e.g., Civil Rights & Livelihood Watch, "Wuhan Hu Zhengqiu bei yi 'xunxin zishi zui' xingju" [Wuhan Hu Zhengqiu criminally detained on "charge of picking quarrels and provoking trouble"], November 1, 2018.

[78] See, e.g., Rights Defense Network, "Guo Hongying bei 'fanghai gongwu zui' yi an zuori zai Tiedong qu fayuan kaishen" [Trial held yesterday in Tiedong district court in case where Guo Hongying accused of "obstructing official business offense"], April 19, 2019.

[79] See, e.g., Civil Rights & Livelihood Watch, "Lianghui weiwen jinxing shi xilie baodao zhi wu" [Report series for ongoing stability maintenance during Two Sessions—report no. 5], March 13, 2019.

[80] State Council, *Falu Yuanzhu Tiaoli* [Legal Aid Regulations], issued July 16, 2003, effective September 1, 2003, arts. 4, 5.

[81] State Council, *Banli Falu Yuanzhu Anjian Chengxu Guiding* [Regulations on the Procedure of Handling Legal Aid Cases], issued February 21, 2012, effective July 1, 2012, arts. 8, 13, 20.

[82] *Zhonghua Renmin Gongheguo Lushi Fa* [PRC Lawyers Law], passed 15 May 96, amended September 1, 2017, art. 47(5); Xiao Xianfu, "Wo guo falu yuanzhu zhidu yu sikao" [Thoughts on China's legal aid system], Institute of Law, Institute of International Law, Chinese Academy of Social Sciences, accessed June 7, 2019. See also State Council, *Falu Yuanzhu Tiaoli* [Legal Aid Regulations], issued July 16, 2003, effective September 1, 2003, arts. 4, 5.

[83] Supreme People's Court and Ministry of Justice, *Guanyu Kuoda Xingshi Anjian Lushi Bianhu Quan Fugai Shidian Fanwei de Tongzhi* [Circular on Expanding Pilot Program for Ensuring Legal Representation in Criminal Cases], issued December 27, 2018, sec. 1.

[84] Ibid., sec. 2.

[85] Ministry of Justice, "Quanguo xingshi falu yuanzhu fuwu guifan" [Specifications for national criminal legal aid services], issued February 25, 2019, secs. 8.5.1–8.5.2.4.

[86] Ministry of Justice and Ministry of Finance, *Guanyu Wanshan Falu Yuanzhu Butie Biaozhun de Zhidao Yijian* [Guiding Opinion on Standardizing Compensation for Legal Aid], issued February 15, 2019.

[87] "'Lushihou julebu' zao qudi daya shengji" ["Former Lawyers' Club" banned as repression intensifies], *Radio Free Asia,* January 16, 2019.

[88] "709 zhua bu jin? 'lushihou julebu' zai zhan jianghu [Are the 709 detentions unending? "Former Lawyers' Club" engages in battle again], *Radio Free Asia,* September 18, 2018.

[89] "'Lushihou julebu' zao qudi daya shengji" ["Former Lawyers' Club" banned as repression intensifies], *Radio Free Asia,* January 16, 2019. See also "'Lushihou julebu' zao daya faqiren tuichu" [Crackdown on "Former Lawyers' Club," initiators withdraw], *Radio Free Asia,* November 7, 2018; Ministry of Civil Affairs, *Shehui Tuanti Dengji Guanli Tiaoli* [Regulations on the Registration and Management of Social Organizations], issued February 6, 2016.

[90] Hualing Fu, "Duality and China's Struggle for Legal Autonomy," editorial, *China Perspectives,* no. 1 (2019): 3.

[91] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 12, 2019.

[92] Chinese Communist Party Central Committee, *Zhonggong Zhongyang Guanyu Quanmian Tuijin Yifa Zhiguo Ruogan Zhongda Wenti de Jueding* [Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law], *Xinhua,* October 28, 2014, item 4(2).

[93] U.S. Department of State, "China Travel Advisory," January 3, 2019.

[94] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 12, 2019.

[95] *Zhonghua Renmin Gongheguo Renmin Fayuan Zuzhi Fa* [PRC Organic Law of the People's Courts], revised October 26, 2018, effective January 1, 2019, arts. 8, 15, 27; "NPCSC Amends Criminal Procedure Law, Overhauls Judicial System Organic Laws, Loosens Stock Buyback Restrictions & Designates SPC as National IP Appeals Court (Further Updated)," *NPC Observer,* October 31, 2018.

[96] *Zhonghua Renmin Gongheguo Faguan Fa* [PRC Judges Law], passed February 28, 1995, revised April 23, 2019, effective October 1, 2019, arts. 25–68.

[97] *Zhonghua Renmin Gongheguo Faguan Fa* [PRC Judges Law], passed February 28, 1995, revised April 23, 2019, effective October 1, 2019, art. 12(2). See also *Zhonghua Renmin Gongheguo Faguan Fa* [PRC Judges Law], passed February 28, 1995, effective July 1, 1995, amended September 1, 2017, art. 12(2).

IV. Xinjiang

Findings

• During the Commission's 2019 reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) expanded a system of extrajudicial mass internment camps in which they continued to arbitrarily detain Uyghurs, Kazakhs, Kyrgyz, Hui, and others. Security personnel at the camps subjected detainees to torture, including beatings; electric shocks; waterboarding; medical neglect; forced ingestion of medication; sleep deprivation; extended solitary confinement; and handcuffing or shackling for prolonged periods, as well as restricted access to toilet facilities; punishment for behavior deemed religious; forced labor; overcrowding; deprivation of food; and political indoctrination. Some detainees reportedly died in camps due to poor conditions, medical neglect, or other reasons.
• Authorities forced some mass internment camp detainees to engage in labor and forced former detainees to engage in labor following their release from camps. According to research published by German researcher Adrian Zenz in July 2019, authorities began establishing forced labor programs for camp detainees and "graduates" in the second half of 2018, in addition to extensive forced labor programs for XUAR residents not detained in camps.
• Scholars and rights groups provided a strong argument, based on available evidence, that the "crimes against humanity" framework may apply to the case of mass internment camps in the XUAR. Article 7 of the Rome Statute of the International Criminal Court provides a list of 11 acts that may constitute "crimes against humanity" "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."
• Official Chinese media portrayed revised regional regulations on extremism as justification for mass internment camps, but the camps remained illegal under both Chinese and international law. In October 2018, the XUAR People's Congress revised the region's first anti-extremism regulations, which were adopted in March 2017, and official media described the revisions as a legal basis for "vocational training centers" combating "extremism" in the XUAR—an apparent reference to mass internment camps. International legal scholars and rights advocates stressed that, despite Chinese officials' attempt to use the revised regulations to justify mass internment camps, the revised local legislation did not provide a legal basis for the camps, particularly because the PRC Law on Legislation only allows deprivation of personal liberty under statutes passed by the National People's Congress or its Standing Committee.
• In November 2018, Adrian Zenz published the findings of research he conducted into budgets for security expenditures in the XUAR and other regions of China which showed that "political reeducation" carried out in mass internment camps appeared to be aimed at "political indoctrination and intimida-

tion"—refuting Chinese officials' assertions that the purpose of mass internment camps is to provide vocational education and employment training. In October 2018, Agence France-Presse (AFP) reported that, based on its analysis of 1,500 publicly available procurement documents from local governments in the XUAR, authorities administered mass internment camps in the same way as prisons. AFP reported that government departments in charge of administering camps ordered police uniforms, riot shields and helmets, electrified batons, cattle prods, billy clubs, spears, handcuffs, pepper spray, tear gas, tasers, net guns, stun guns, and spiked clubs known as "wolf's teeth" to maintain control over detainees.

- Mass internment camp detainees reportedly included permanent residents of the United States and Australia. American officials stated in March 2019 that Chinese authorities may have detained several American residents. As of August 2019, Chinese authorities reportedly detained ten or more Australian residents in mass internment camps. In addition, at least five Australian children were reportedly unable to leave the XUAR due to restrictions on the freedom of movement of their parents in the XUAR.

Recommendations

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

- Call on the Chinese government to end the mass, arbitrary detention of predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others in mass internment camps, and release those currently detained. Call on Chinese officials to allow U.S. officials, diplomatic representatives of other countries, UN officials, humanitarian organizations, and international journalists to visit the XUAR and independently investigate reports of arbitrary detention. Coordinate with other governments and international non-governmental organizations to compile relevant information regarding specific XUAR officials responsible for the arbitrary mass detention and abuse of individuals in mass internment camps in preparation for possible sanctions under the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328).
- Support the passage of the Uyghur Human Rights Policy Act of 2019 (S. 178 and H.R. 649), requiring the Director of National Intelligence and the State Department to report on issues including the regional security threats caused by Chinese government repression of ethnic minorities in the XUAR, and on the transfer or development of technologies to facilitate mass internment and surveillance there; requiring the Federal Bureau of Investigation to report on topics such as its efforts to protect ethnic Uyghurs and Chinese nationals in the U.S. from Chinese government intimidation, and those whose families in China have been threatened or detained because of their advocacy for the Uyghurs; and establishing a position known as the Special Coordinator for Xinjiang.

○ Urge U.S. companies selling products, providing services, conducting business, or investing in development initiatives in the XUAR to ensure that their products, services, and investment funds do not provide support for XUAR officials' arbitrary detention of ethnic minority individuals or XUAR authorities' use of technology to otherwise repress and control XUAR residents, rather than for legitimate law enforcement activities. Urge the Bureau of Industry and Security at the U.S. Department of Commerce to track the sale of equipment and technology used by Chinese security agencies and U.S. companies' sale of surveillance and crime control technology to XUAR officials, and investigate the legality of such sales according to existing U.S. Export Administration Regulations.
○ Urge American universities to provide support to Uyghur, Kazakh, and Kyrgyz students at their institutions who are Chinese nationals, to ensure they are able to study in a safe environment free of threats and intimidation from Chinese government officials; to provide scholarships or other financial assistance to students whose parents or guardians have been detained in mass internment camps in the XUAR; to inquire about the well-being of Turkic Muslims who have returned to China after having studied or taught in their institutions; to hold conferences and other programs to raise awareness among students and the general public about the mass, arbitrary detention of Turkic Muslims in the XUAR; and to refrain from holding conferences or establishing programs with Chinese government entities that lend legitimacy to the mass surveillance and mass arbitrary detention programs in place in the XUAR.
○ Urge Organization of Islamic Cooperation (OIC) member states to take coordinated action to pressure the Chinese government to shut down mass internment camps and end repressive security and surveillance measures aimed at Muslim Chinese citizens, and to condemn mass internment camps and human rights abuses of Muslim Chinese citizens at OIC and other international forums.
○ In bilateral and multilateral consultations with the governments of Kazakhstan and Kyrgyzstan, raise concerns regarding the detention of Kazakhs, Kyrgyz, and Uyghurs in mass internment camps in the XUAR; work with officials from Kazakhstan and Kyrgyzstan to pressure Chinese officials to release citizens and residents of these two countries from mass internment camps in the XUAR; and urge officials from Kazakhstan and Kyrgyzstan not to deport ethnic Kazakhs, Kyrgyz, or Uyghurs to China, where they are at risk of arbitrary detention in mass internment camps and other types of political persecution.

Intensified Repression in Mass Internment System

During the Commission's 2019 reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) expanded a system of extrajudicial mass internment camps[1] in which they continued to arbitrarily detain predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.[2] Security personnel at the camps subjected detainees to torture, including beatings;[3] electric shocks;[4] waterboarding;[5] medical neglect;[6] forced ingestion of medication;[7] sleep deprivation;[8] extended solitary confinement;[9] and handcuffing or shackling for prolonged periods,[10] as well as restricted access to toilet facilities;[11] punishment for behavior deemed religious;[12] forced labor;[13] overcrowding;[14] deprivation of food;[15] and political indoctrination.[16] Some detainees reportedly died in camps due to poor conditions, medical neglect, or other reasons.[17] Deaths that occurred in mass internment camps or shortly after release from camps included the following (this list is illustrative of available reports and not exhaustive):

- Forty-year-old Uyghur **Mutellip Nurmehmet,** who earned two Master's degrees in the United States, reportedly died nine days after authorities released him from a camp.[18]
- Renowned Uyghur writer **Nurmuhemmet Tohti** died in May 2019 after being held in a mass internment camp from November 2018 to March 2019.[19] Tohti's Canada-based relatives said the 70-year-old suffered from diabetes and heart disease.[20]
- **Amine Qadir,** a Uyghur in her early thirties, died in a mass internment camp in early 2018. Qadir reportedly had a heart condition that was not treated by authorities at the camp where she was detained.[21]
- **Alimjan Emet,** a 22-year-old Uyghur security guard, reportedly died in a camp at an unknown date as a result of being beaten during an interrogation.[22]
- **Aytursun Eli,** a 35-year-old Uyghur woman who had worked as the deputy head of a tourism company, reportedly died during a police interrogation in June 2018. It was unclear whether Eli died in a mass internment camp or at a police station.[23]

In March 2019, German researcher Adrian Zenz, speaking on a panel co-hosted by the U.S. Government on the sidelines of the UN Human Rights Council in Geneva, said he estimated that 1.5 million Uyghurs and other Muslims in the XUAR were or had been detained in mass internment camps.[24] According to this estimate, nearly one in six adult Uyghurs are or have been detained in the camps.[25]

Mass internment camps in the XUAR, though varied in size and structure, included extremely large camps such as one located in Dabancheng district, Urumqi municipality, XUAR.[26] Using satellite imagery, analysts estimated the camp in Dabancheng had the capacity to hold up to 130,000 detainees.[27] Internment camps shared common features, such as watchtowers,[28] barracks,[29] barbed wire,[30] and reinforced walls.[31] Some camps were located in struc-

tures formerly used as schools, hospitals, or other existing structures,[32] and some were newly constructed.[33]

MASS INTERNMENT CAMPS HAVE NO BASIS IN CHINESE LAW

Official Chinese media portrayed revised regional regulations on extremism as justification for mass internment camps, but the camps remained illegal under both Chinese and international law. In October 2018, the XUAR People's Congress revised the region's first anti-extremism regulations,[34] which were adopted in March 2017,[35] and official media described the revisions as a legal basis for "vocational training centers" combating "extremism" in the XUAR—an apparent reference to mass internment camps.[36] Prior to the revisions,[37] the regulations made no mention of "vocational training centers."[38] International law also prohibits the mass detention taking place in mass internment camps.[39] For example, as discussed by Lawfare contributor Hilary Hurd, Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits the forced internment of Uyghurs "on the basis of their religious, and ethnic, identity."[40] International legal scholars and rights advocates stressed that, despite Chinese officials' attempt to use the revised regulations to justify mass internment camps, the revised local legislation did not provide a legal basis for the camps, particularly because the PRC Law on Legislation only allows deprivation of personal liberty under statutes passed by the National People's Congress (NPC) or its Standing Committee.[41] At a June 2019 conference on Uyghur human rights issues, George Washington University law professor Donald Clarke emphasized that when a group of American experts engaged in a bilateral legal dialogue asked their Chinese counterparts to provide the legal basis for mass internment camps, none of the counterparts were able to provide a relevant legal basis.[42]

CRIMES AGAINST HUMANITY AND MASS INTERNMENT

Scholars[43] and rights groups[44] provided a strong argument, based on available evidence, that the "crimes against humanity" framework may apply to the case of mass internment camps in the XUAR. Article 7 of the Rome Statute of the International Criminal Court provides a list of 11 acts that may constitute "crimes against humanity" "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."[45] The following acts, listed in the Rome Statute, may apply to the persecution of Turkic Muslims in the XUAR:

Acts listed in Article 7 of the Rome Statute[46]	Possible application to the treatment of Turkic Muslims in the XUAR
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;[47]	Arbitrary, prolonged detention of Uyghurs, Kazakhs, Kyrgyz, Hui, and others in mass internment camps in the XUAR since around April 2017;[48]
(f) Torture;	Security personnel in mass internment camps in the XUAR subjected detainees to widespread torture, including through the use of electric shocks and shackling people in painful positions;[49]
(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in Paragraph 3 [Article 7(3) of the Rome Statute], or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph [Article 7 of the Rome Statute] or any crime within the jurisdiction of the Court;	Security personnel have detained a million or more Uyghurs, Kazakhs, Kyrgyz, and Hui;[50] enforced harsh, widespread restrictions on peaceful Islamic practices of XUAR residents;[51] and subjected Turkic and Muslim XUAR residents to intense surveillance, checkpoints, intimidation, and involuntary biometric data collection.[52]
(i) Enforced disappearance of persons.	Hundreds of intellectuals forcibly disappeared by authorities in the XUAR are among the million or more Uyghurs, Kazakhs, Kyrgyz, and Hui detained in mass internment camps.[53]

REASONS FOR DETENTION IN MASS INTERNMENT CAMPS

Security personnel continued to detain people in mass internment camps for such reasons as engaging in "religious extremism" or having foreign connections, such as previous overseas travel or relatives living abroad.[54] Chinese laws define a wide range of peaceful religious customs as "extremism," including the wearing of veils and having "abnormal" beards.[55] In its March 2019 white paper, the State Council Information Office said detainees in mass internment camps, whom it referred to as "trainees" in "education and training centers," included those "who were incited, coerced or induced into participating in terrorist or extremist activities."[56] According to the Xinjiang Victims Database, a resource created by American researcher Gene Bunin[57] that contains information on political prisoners in the XUAR,[58] as of August 15, 2019, of the detainees for whom a reason for detention had been provided, the top

three reasons were as follows: about 33 percent were detained for reasons related to religion; about 20 percent were detained in relation to having traveled abroad; and about 11 percent were detained in connection with a relative or relatives.[59]

SHIFT IN OFFICIAL NARRATIVE FROM DENIAL TO DEFENSE

During this reporting year, Chinese authorities shifted the official narrative regarding mass internment camps, moving from denial of the camps' existence in early 2018[60] to a public defense of the facilities.[61] Rights advocates and scholars noted that Chinese officials felt compelled to change their narrative from denial to justification, in part following criticism of the camps at an August 2018 review of China's compliance with the ICERD by the UN Committee on the Elimination of Racial Discrimination.[62] In November 2018, during China's Universal Periodic Review by the UN Human Rights Council, Vice Foreign Minister Le Yucheng described the camps as a measure that was effective in preventing people from engaging in extremism and terrorism.[63] In March 2019, XUAR government chairperson Shohrat Zakir told NPC delegates that the camps were "like boarding schools where the students eat and live for free,"[64] and that the camps had been "effective in eliminating religious extremism."[65] In a March 2019 white paper, the State Council Information Office said the camps "fully respect and protect the customs and habits of trainees of different ethnic groups," including by "car[ing] for their mental health," and "offer[ing] psychological counseling services."[66] In addition, officials invited foreign journalists on escorted tours of mass internment camps, during which they referred to the facilities as voluntary educational institutions.[67] During one such trip, in April 2019, Bloomberg reporter Peter Martin noted that there were bars on the windows of camp dormitories, and doors that locked only from the outside.[68]

On July 30, 2019, Shohrat Zakir and XUAR government vice chairperson Erkin Tuniyaz held a press conference to describe what they referred to as the success of "vocational education and training centers," telling journalists that most people had left the centers and obtained employment.[69] Research indicated authorities compelled many current and former camp detainees to engage in forced labor, but reports did not substantiate XUAR officials' claims that authorities had released the majority of camp detainees.[70] Observers, including Uyghurs living abroad whose family members were detained in camps, disputed the claims that most camp detainees had been released.[71] In August 2019, the New York Times reported that the camp system continued to expand.[72]

While Chinese officials highlighted the occupational benefits they said camp detainees obtained from vocational education and training,[73] official documents sometimes referred to camps as "transformation through education" centers, a term that refers to ideological transformation.[74] Chinese authorities have also used "transformation through education" efforts to "transform" Falun Gong practitioners, pressuring them to renounce their spiritual beliefs.[75] Freedom House analyst Sarah Cook stated that Chinese Communist Party and government officials who had influence on policies in the XUAR "appear[ed] to be following the anti-Falun Gong

playbook," and that some of these officials had previously overseen the "transformation" of Falun Gong practitioners.[76]

Documentation of Mass Internment Camps

Information on the scope, nature, and architecture of mass internment camps, and on conditions for detainees in the camps, primarily comes from the following sources:

ANALYSIS OF CHINESE GOVERNMENT DOCUMENTS

Adrian Zenz's November 2018 publication on security expenditures in the XUAR and other regions of China—research based on openly accessible official Chinese documents—illustrated that "political reeducation" carried out in mass internment camps appeared to be aimed at "political indoctrination and intimidation."[77] Zenz's research thus refuted official Chinese claims that the purpose of mass internment camps is to provide vocational education and employment training.[78] Specifically, Zenz analyzed information posted online by the Chinese government, including government procurement documents and construction bids for mass internment camps in the XUAR.[79] According to Zenz's research, XUAR budgetary data showed that spending decreased on vocational training between 2016 and 2017, while spending on security-related facility construction, prisons, and detention centers increased significantly.[80]

In October 2018, Agence France-Presse (AFP) reported that, based on its analysis of 1,500 publicly available procurement documents from local governments in the XUAR, authorities administered mass internment camps in the same way as prisons.[81] AFP reported that government departments in charge of administering camps ordered police uniforms, riot shields and helmets, electrified batons, cattle prods, billy clubs, spears, handcuffs, pepper spray, tear gas, tasers, net guns, stun guns, and spiked clubs known as "wolf's teeth" to maintain control over detainees.[82] In addition, AFP discovered orders for advanced surveillance systems, surveillance cameras, razor wire, a telephone eavesdropping system, and infrared monitoring equipment.[83]

TESTIMONIES FROM CAMP SURVIVORS AND FAMILY MEMBERS

In the past reporting year, Uyghurs, Kazakhs, and rights advocates living outside of China have documented cases of detention in XUAR mass internment camps, including by sharing detention information online and speaking with international media. In testimony presented at a U.S. Senate Foreign Relations subcommittee hearing in April 2019, Uyghur-American rights advocate Rushan Abbas said "[a]lmost every Uyghur in the U.S. has friends and family detained—sometimes dozens and dozens of family members detained."[84] Abbas said Chinese authorities detained her sister and her aunt in China in retaliation for her participation in a September 2018 panel on repression in the XUAR that took place at a think tank in Washington, DC.[85] According to rights advocates, fear of Chinese official retaliation against their family members or friends prevented many Uyghurs and Kazakhs living outside of China from publicizing the cases of camp detainees, but over the

past year, they have spoken out in increasing numbers.[86] Radio Free Asia Uyghur Service journalists continued to publicize the detention of their own family members in the XUAR, which they viewed as retaliation for their reporting on rights abuses.[87]

Online forums have provided overseas Uyghurs and Kazakhs with opportunities to document the cases of internment camp detainees. Many Uyghurs and Kazakhs began to publicize the cases of their detained relatives and friends in February 2019, after the Turkish Foreign Ministry criticized mass internment camps and mourned the reported death of Uyghur musician Abdurehim Heyit[88] in one of the camps.[89] The day after the Turkish Foreign Ministry released its statement, an official Chinese media organization released a video of Heyit, showing that he was alive.[90] The video's release prompted many Uyghurs and Kazakhs living outside of China to post online videos, pictures, and information about missing family members, including some posts that linked to a social media campaign using the hashtag "#MeTooUyghur," in which they asked Chinese authorities to release video of their detained relatives in order to prove they were still alive.[91] Uyghurs, Kazakhs, and rights advocates have also compiled information on thousands of political prisoners in mass internment camps and other facilities in the online Xinjiang Victims Database, which represents a small proportion of the total number of camp detainees in the XUAR.[92]

INTERNATIONAL MEDIA REPORTS

International media documented the size of mass internment camps, as well as the security features in place in and around the camps, by traveling to camp sites throughout the XUAR. Journalists from Reuters,[93] BBC,[94] and the Globe and Mail[95] independently traveled to camps throughout the XUAR to document their existence. Journalists from international media also interviewed former internment camp detainees and their family members to document their experiences.[96] For example, a Washington Post contributor interviewed the wife of ethnic Kazakh Chinese national Zharqynbek Otan, who returned to Kazakhstan after authorities detained him in a camp and other detention facilities in the XUAR for nearly two years.[97] After his release, Otan, 31 years old, reportedly had problems with his memory and difficulty recognizing his family members.[98]

DETENTIONS OF FOREIGN RESIDENTS

Mass internment camp detainees reportedly included permanent residents of the United States and Australia. American officials stated in March 2019 that Chinese authorities may have detained several American residents, including the father of a man living in California.[99] As of August 2019, Chinese authorities reportedly detained ten or more Australian residents in mass internment camps.[100] In addition, at least five Australian children were reportedly unable to leave the XUAR due to restrictions on the freedom of movement of their parents in the XUAR.[101]

ANALYSIS OF SATELLITE IMAGES

In November 2018, the International Cyber Policy Centre of the Australian Strategic Policy Institute released a report with research based on analysis of satellite imagery, as well as existing scholarly research, news reports, and other sources, which documented the recent expansion of both individual mass internment camps and the camp system as a whole.[102] According to the Centre's report, which contained analysis of 28 camp locations in the XUAR, these camps increased in size by 465 percent from early 2016 to the quarter ending in September 2018.[103] The report determined that the facilities being constructed "appear intended for permanent use."[104]

Additional satellite imagery analysis showed rapid growth in the size and scope of camp facilities. In November 2018, Reuters published a report based on analysis of satellite images it conducted together with Earthrise Media, finding that the size of 39 camps they chose to analyze had nearly tripled between April 2017 and August 2018.[105] In October 2018, BBC published the findings of satellite imagery analysis it conducted with aerospace company GMV, concluding that the recent trend in camp construction was towards building larger facilities.[106]

Forced Labor in Mass Internment Camps

According to international media reports, authorities forced some mass internment camp detainees to engage in labor, and forced former detainees to engage in labor following their release from camps. According to research published by Adrian Zenz in July 2019, authorities began establishing forced labor programs for camp detainees and "graduates" in the second half of 2018.[107] At the same time, according to Zenz's research, officials implemented extensive forced labor programs that involved sending rural residents not detained in camps to centralized training and employment, as well as programs in "satellite factories" located in villages in which rural, mainly female, residents, were forced to work.[108] Government authorities provided subsidies to companies for each current or former camp worker they trained and employed.[109] Companies from provinces and municipalities in eastern China also employed forced labor in the XUAR, including in mass internment camps, through a continuing "pairing assistance" program.[110] Zenz wrote that, since camp detainees have been forced to labor alongside others that have not been detained in camps, "it will soon become impossible to clearly determine whether a labor-intensive manufacturing product in Xinjiang will be made with labor from former detainees or not."[111]

U.S. Customs and Border Protection officials investigated reports of forced labor products manufactured in a mass internment camp being sold in the United States after the Associated Press reported that an American sportswear company had imported such products.[112] Authorities in Ili (Yili) Kazakh Autonomous Prefecture reportedly sent some former camp detainees back to an internment camp after they refused the terms of their forced labor in a factory.[113] [For more information on forced labor in the XUAR, see

Section II—Human Trafficking and Section II—Business and Human Rights.]

Transfer of Camp Detainees to Facilities Outside of the XUAR

Reports emerged that authorities transferred some detainees from mass internment camps in the XUAR to detention facilities in other parts of China, due to factors including overcrowding in camps within the XUAR and authorities' desire to conceal information on camp detainees.[114] Authorities reportedly carried out transfers in strict secrecy, including through using "sealed railway carriages," covering the windows of vehicles transporting detainees, and blocking off roads used to transport detainees.[115] Radio Free Asia reported that authorities transferred detainees to prisons in Heilongjiang province;[116] Gansu province;[117] Shaanxi province;[118] Sichuan province;[119] Shandong province;[120] and the Inner Mongolia Autonomous Region.[121] Authorities also reportedly transferred camp detainees to other locations within the XUAR due to concerns over existing relationships of camp employees to detainees.[122] On September 26, 2018, state media reported that ticket sales for the regional rail system would be suspended for trains departing on October 22 and later.[123] Australian scholar James Leibold speculated that authorities were transferring camp detainees in part in order to prevent human rights monitors from being able to track what had happened to them.[124]

Detentions of Leading Turkic Cultural and Intellectual Figures

As in the previous reporting year,[125] officials continued to detain leading Turkic intellectuals and cultural figures, including Uyghur, Kazakh, and Kyrgyz scholars, musicians, writers, and journalists, in mass internment camps and other facilities.[126] According to an American scholar and rights advocate, Chinese officials have attempted to "undermine Uyghur scholarly achievement and leadership through indoctrination and terrorization of intellectuals."[127]

In May 2019, the U.S.-based organization Uyghur Human Rights Project (UHRP) reported the detention or disappearance of at least 435 intellectuals since early 2017 in the XUAR, stating that the cases it had documented were "likely a small portion of those persecuted," given the lack of transparency in the region and the severe consequences to individuals providing information about such cases.[128] UHRP cited University of Washington anthropologist Darren Byler, who said Chinese authorities had focused on public figures "working in speech or text-oriented mediums," in part because "the reeducation campaign specifically targets public figures who have significant influence."[129]

Detentions of Leading Turkic Cultural and Intellectual Figures—Continued

The detentions of Tashpolat Teyip[130] and Sanubar Tursun[131] are illustrative of Chinese authorities' targeting of leading cultural figures in the XUAR. According to reports published during this reporting year, an unidentified court reportedly sentenced Teyip, the president of Xinjiang University, to death with a two-year reprieve sometime after he disappeared in March 2017.[132] Authorities reportedly accused Teyip, who received an honorary doctoral degree from the École Pratique des Hautes Études in Paris in 2008, of being a "separatist" and "two-faced."[133] In the case of Uyghur musician Sanubar Tursun, an international artistic expression advocacy organization reported in February 2019 that authorities may have detained her in a mass internment camp in the XUAR, and cited unconfirmed information that authorities may have sentenced her to five years in prison.[134] In November 2018, organizers canceled concerts she had been scheduled to perform in France in February 2019, after her international contacts could no longer reach her.[135]

Additional representative cases of detained Uyghur cultural and intellectual figures are as follows: Uyghur medical scholar Halmurat Ghopur;[136] Uyghur comedian Adil Mijit;[137] Uyghur singer Zahirshah Ablimit;[138] Uyghur journal editor Qurban Mamut;[139] Uyghur education official Satar Sawut;[140] Uyghur editor and writer Yalqun Rozi;[141] and retired Uyghur professor Mutellip Sidiq Qahiri.[142]

Detentions of Kazakhs and Kyrgyz; Documentation in Kazakhstan and Kyrgyzstan of XUAR Mass Internment Camps

XUAR authorities continued to detain ethnic Kazakhs in mass internment camps, including some who held permanent residency status in Kazakhstan, sometimes after officials requested that they return to the XUAR from Kazakhstan.[143] XUAR authorities detained at least one Kazakh citizen who was born in Kazakhstan, Gulbahar Jelilova, in a mass internment camp.[144] Authorities detained Jelilova, an ethnic Uyghur businesswoman, in May 2017, in Urumqi municipality, and held her in custody for one year and three months after confiscating her Kazakh passport and issuing her a Chinese identification document.[145] In December 2018, Kazakhstan's Foreign Ministry reported that Chinese officials had agreed to allow 2,500 ethnic Kazakhs in China to forfeit their Chinese citizenship and go to Kazakhstan, but details of the move were unclear.[146] In March 2019, Kazakhstan's Foreign Ministry said Chinese authorities had released 20 Kazakh citizens out of a total of 33 held in mass internment camps.[147] Nevertheless, this past year, Kazakhstan authorities repeatedly denied asylum to Chinese citizen Sayragul Sauytbay, an ethnic Kazakh, who fled China in April 2018 after Chinese authorities compelled her to work in a mass internment camp.[148] In June 2019, Sauytbay, her husband, and her children flew to Sweden on an alien's passport issued by Swedish authorities.[149]

Kazakhs in Kazakhstan with family members detained in camps in the XUAR increasingly publicized their cases, through social media and online videos, often in cooperation with the Almaty-

based organization Atajurt Kazakh Human Rights ("Atajurt").[150] In March 2019, Kazakhstan authorities detained Atajurt head Serikzhan Bilash on charges of "inciting ethnic hatred" and raided Atajurt's offices, removing equipment used to videotape detention testimonies.[151] In August 2019, a court in Almaty, Kazakhstan, freed Bilash from detention according to the terms of a plea agreement that reportedly required him to curtail his rights advocacy activities.[152]

Rights advocates in Kyrgyzstan also began documenting the cases of detained ethnic Kyrgyz, including university students whom Chinese authorities detained when the students returned to China after studying in Kyrgyzstan.[153]

Forcible Displacement of the Children of Camp Detainees

Authorities have reportedly placed the children of mass internment camp detainees in the XUAR in orphanages, welfare centers, and boarding schools, often despite the willingness of other relatives to care for the children, raising concerns of forcible assimilation.[154] In 2017, authorities developed a strategy to invest billions of yuan in childcare and boarding school facilities in the XUAR, and the creation of these facilities largely coincided with the establishment of the mass internment camp system in the region.[155] Orphanages, boarding schools, and other full- and part-time childcare facilities in the XUAR house children with one or both parents in internment or another form of detention or forced labor, and provide care for children as young as several months old.[156] Reports suggested the number of displaced children is high: between January 2017 and September 2018, the XUAR government reportedly invested over US$30 million in 45 new orphanages.[157] In 2017, a county in Kashgar prefecture built 18 new orphanages,[158] and authorities oversaw the regionwide building and renovation of 4,300 "bilingual" kindergartens, some of which board students.[159] In 2018, Uyghurs in Turkey,[160] Kazakhstan,[161] and the U.S.[162] began reporting the possible disappearance and institutionalization of child relatives, including several non-Chinese citizens. A human rights organization expressed concern that authorities' displacement of minority children from family homes into state-run institutions, where orphans have long been raised according to Han Chinese cultural norms,[163] represented an attempt by the government to forcibly assimilate Uyghurs.[164]

Intrusive Homestay Programs

Authorities continued to assign cadres and government workers, usually of Han ethnicity, to live with ethnic minority families in their homes for certain periods of time to gather information that was used, in some cases, to send their hosts to mass internment camps.[165] According to official media, as of September 2018, regional officials and other government employees had made more than 49 million visits to ethnic minority residents since the "pairing relatives" (*jiedui renqin*) or "pairing and assistance" (*jiedui bangfu* or *jiedui fubang*) program began in the fall of 2016.[166] Government workers are reportedly eligible for promotions if they volunteer to take part in a homestay program to monitor ethnic mi-

nority families and teach them about Communist Party policies.[167] According to an in-depth report by Darren Byler, government workers who refused to take part in homestay programs could lose their jobs.[168] Under such programs, workers, referred to as "big brothers" and "big sisters," watch their host families for signs that their practice of Islam is too "extreme." Signs of a host family's "extremism" might include possession of the Quran; having an acquaintance who lives abroad; and an unwillingness to drink alcohol.[169] Visiting cadres were authorized to ask children in the family for information if they felt other family members were evading their questions.[170] The cadres then used the information they compiled to decide whether to recommend that authorities should send members of their host families to a mass internment camp.[171]

Repressive Surveillance Technology and Security Measures

During this reporting year, XUAR government authorities continued to use surveillance technology and other measures to tighten state control over ethnic minority groups in the region, and to identify individuals to detain in mass internment camps.[172] A report published by Human Rights Watch in May 2019 documented authorities' continued use of a centralized system known as the "Integrated Joint Operations Platform" (IJOP) to compile and analyze information collected through mass surveillance mechanisms in the XUAR and to detect "abnormal" behaviors, targeting individuals for detention in camps or other types of restriction on movement.[173] In February 2019, Dutch cybersecurity researcher Victor Gevers discovered an online database run by the Chinese facial recognition company SenseNets that compiled real-time information on the movements of more than 2.5 million individuals in the XUAR, recording more than 6.7 million coordinates in a 24-hour period.[174] Gevers consequently asserted that the database was used to surveil Uyghur Muslims.[175] According to international media reports, SenseTime, which set up SenseNets together with Chinese firm NetPosa Technologies in 2015, helped establish a "smart policing" venture in the XUAR, and counted American and other companies among its investors.[176] [For more information on surveillance measures and foreign commercial investment in repressive security technology in the XUAR, see Section II—Business and Human Rights.]

Freedom of Religion

During the reporting year, the head of the Chinese Communist Party's United Front Work Department, You Quan, and XUAR Party Secretary Chen Quanguo both emphasized the need to "sinicize" religion and resist "religious extremism" in the XUAR under the direction of the Party.[177] Chinese officials justified measures to repress Islamic religious faith and Muslim cultural identity, often by invoking "sinicization" and "anti-extremism" arguments.[178] These measures included:

- Restrictions on religious ceremonies, including funerals and burial practices;[179]
- The confiscation and destruction of religious books and prayer mats;[180]

- The policing of commonly used religiously inflected phrases such as "assalamu alaykum";[181]
- Cracking down on halal products and their designation;[182] and
- Forcing some Muslims to drink alcohol and eat pork, in violation of their religious beliefs.[183]

Throughout the XUAR, government and Party officials also enforced the physical destruction and closure of mosques, as well as policies restricting and deterring mosque attendance.[184] In May 2019, the Guardian newspaper released the findings of research it had conducted with the journalism site Bellingcat, using satellite imagery analysis, reporting that 15 mosques and Islamic shrines out of 91 sites analyzed had been destroyed or nearly destroyed between 2016 and 2018.[185] Of the sites analyzed, the Guardian and Bellingcat also found that 31 mosques and 2 major shrines, including the prominent Keriya Heytgah Mosque in Hotan prefecture, XUAR, had suffered significant structural damage.[186] Scholars and journalists reported that mosques throughout the XUAR were empty of worshipers and featured security cameras, razor wire, and security guards at entrances who were responsible for checking visitors' identity documents.[187]

Officials throughout the XUAR detained Turkic Muslims in mass internment camps for religious reasons. Examples of such individuals whose detentions were reported in the past year included an 80-year-old man detained in a camp for one year reportedly in part because "he was a Muslim who had a beard";[188] an 87-year-old man detained in a camp because he could read the Quran;[189] a woman detained in a camp and a prison for studying Islam at an Egyptian university;[190] and a man in his twenties whom authorities detained in a camp and then sentenced to 15 years in prison for posting information and photos about Islam on the messaging service WeChat.[191] Authorities reportedly sentenced well-known Uyghur businessman Abdughappar Abdurusul to death, possibly for making an unsanctioned Islamic pilgrimage to Saudi Arabia.[192]

As in previous reporting years,[193] XUAR officials reportedly imposed controls on Muslims' observance of Ramadan. Turkic Muslim residents of the XUAR faced restrictions on fasting,[194] mosque attendance,[195] and the exchange of Islamic greetings.[196] Authorities reportedly forced some Muslim civil servants and students to eat lunch during Ramadan[197] and forced some Uyghur Muslims to eat pork in spite of their Muslim faith.[198]

Notes to Section IV—Xinjiang

[1] Rob Taylor, "China Supersizes Internment Camps in Xinjiang Despite International Criticism," *Wall Street Journal,* November 1, 2018; Fergus Ryan, Danielle Cave, and Nathan Ruser, "Mapping Xinjiang's 'Re-education' Camps," International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018.

[2] See, e.g., Human Rights Watch, "China's Algorithms of Repression," May 1, 2019; Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019; Gene A. Bunin, "Kyrgyz Students Vanish into Xinjiang's Maw," *Foreign Policy,* March 31, 2019; Reid Standish, "China's Expanding War on Islam: Now They're Coming for the Kazakhs.," *Washington Post,* March 1, 2019; "China's Kazakh Ambassador Angrily Rejects Xinjiang Crackdown Allegations," *Radio Free Europe/Radio Liberty,* May 28, 2019.

[3] Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019.

[4] Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019.

[5] Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019; James Millward, "'Reeducating' Xinjiang's Muslims," *New York Review of Books,* February 7, 2019.

[6] "Interview: 'I Did Not Believe I Would Leave Prison in China Alive,'" *Radio Free Asia,* November 1, 2018.

[7] Flint Duxfield and Ian Burrows, "Uyghur Woman Details Life Inside Chinese 'Re-education Camp' in Xinjiang," *Australian Broadcasting Corporation,* January 8, 2019.

[8] Mustafa Akyol, "China's Gulag for Muslims," *New York Times,* January 2, 2019.

[9] James Millward, "'Reeducating' Xinjiang's Muslims," *New York Review of Books,* February 7, 2019; Mustafa Akyol, "China's Gulag for Muslims," *New York Times,* January 2, 2019. For more information on extended solitary confinement in mass internment camps, see, e.g., Gerry Shih, "China's Mass Indoctrination Camps Evoke Cultural Revolution," *Associated Press,* May 18, 2018.

[10] Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019.

[11] Ibid.

[12] Ibid.

[13] Martha Mendoza and Yanan Wang, "US Reviews Report of Imports from Forced Labor in China Camp," *Associated Press,* December 19, 2018; Chris Buckley and Austin Ramzy, "China's Detention Camps for Muslims Turn to Forced Labor," *New York Times,* December 16, 2018.

[14] James Millward, "'Reeducating' Xinjiang's Muslims," *New York Review of Books,* February 7, 2019; "'I Dream About the Suffering in the Camp Most of the Time Now,'" *Radio Free Asia,* January 30, 2019.

[15] Darren Byler, "'As If You've Spent Your Whole Life in Prison': Starving and Subdued in Xinjiang Detention Centers," *SupChina,* December 5, 2018.

[16] Human Rights Watch, "China's Algorithms of Repression," May 1, 2019; Ryan Mac, Rosalind Adams, and Megha Rajagopalan, "US Universities and Retirees Are Funding the Technology Behind China's Surveillance State," *BuzzFeed News,* June 5, 2019.

[17] See, e.g., "Uyghur Businessman Dies While Detained in Xinjiang Political 'Re-education Camp,'" *Radio Free Asia,* January 28, 2019; "Young Uyghur Woman Dies in Detention in Xinjiang Political 'Re-education Camp,'" *Radio Free Asia,* September 25, 2018; "Oppression of Uyghurs in China Only 'Gives Rise to Hatred,' Say Their Families in Japan," *Sankei Shimbun,* translated in *JapanForward,* October 26, 2018; "Interview: 'I Did Not Believe I Would Leave Prison in China Alive,'" *Radio Free Asia,* November 1, 2018; "Xinjiang Authorities Sentence Uyghur Philanthropist to Death for Unsanctioned Hajj," *Radio Free Asia,* November 21, 2018; "Uyghur Businessman Dies Following Heart Attack in Xinjiang Political 'Re-education Camp,'" *Radio Free Asia,* April 18, 2019; Nathan VanderKlippe, "Inside China's Campaign against the Uyghurs," *Globe and Mail,* November 5, 2018.

[18] Uyghur Human Rights Project, "The Persecution of the Intellectuals in the Uyghur Region Continues," January 28, 2019.

[19] Asim Kashgarian, "Prominent Uighur Writer Dies at Chinese Internment Camp," *Voice of America,* June 14, 2019; "Prominent Uyghur Writer Dies After Being Deprived Treatment in Xinjiang Internment Camp," *Radio Free Asia,* June 17, 2019.

[20] Asim Kashgarian, "Prominent Uighur Writer Dies at Chinese Internment Camp," *Voice of America,* June 14, 2019; Alison Flood, "Uighur Author Dies Following Detention in Chinese 'Re-Education' Camp," *Guardian,* June 19, 2019.

[21] "Young Uyghur Woman Dies in Detention in Xinjiang Political 'Re-education Camp,'" *Radio Free Asia,* September 25, 2018. For more information on Amine Qadir, see the Commission's Political Prisoner Database record 2018-00405.

[22] "Uyghur Man Dies in Xinjiang Internment Camp After Sacking Over Muslim Prayers," *Radio Free Asia,* July 15, 2019.

[23] "Young Uyghur Tour Director Dies Under Questioning by Xinjiang Authorities: Mother," *Radio Free Asia,* June 24, 2019.

[24] Stephanie Nebehay, "1.5 Million Muslims Could Be Detained in China's Xinjiang: Academic," *Reuters,* March 13, 2019; Nick Cumming-Bruce, "U.S. Steps Up Criticism of China for Detentions in Xinjiang," *New York Times,* March 13, 2019.

[25] Stephanie Nebehay, "1.5 Million Muslims Could Be Detained in China's Xinjiang: Academic," *Reuters,* March 13, 2019. See also "One in Six Uyghurs Held in Political 'Re-Education Camps' in Xinjiang's Onsu County," *Radio Free Asia,* August 31, 2018.

[26] John Sudworth, "China's Hidden Camps," *BBC,* October 25, 2018; Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag," *Reuters,* November 29, 2018.

[27] John Sudworth, "China's Hidden Camps," *BBC,* October 25, 2018.
[28] John Sudworth, "China's Hidden Camps," *BBC,* October 25, 2018; Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag," *Reuters,* November 29, 2018.
[29] "An Internment Camp for 10 Million Uyghurs: Meduza Visits China's Dystopian Police State," *Meduza,* October 1, 2018.
[30] Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag," *Reuters,* November 29, 2018; Sean R. Roberts, "Fear and Loathing in Xinjiang: Ethnic Cleansing in the 21st Century," *Fair Observer,* December 17, 2018.
[31] Fergus Ryan, Danielle Cave, and Nathan Ruser, "Mapping Xinjiang's 'Re-education' Camps," International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018.
[32] Mark Doman, Stephen Hutcheon, Dylan Welch, and Kyle Taylor, "China's Frontier of Fear," *Australian Broadcasting Corporation,* November 1, 2018; Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019; Fergus Ryan, Danielle Cave, and Nathan Ruser, "Mapping Xinjiang's 'Re-education' Camps," International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018; Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag," *Reuters,* November 29, 2018.
[33] Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag," *Reuters,* November 29, 2018; Lily Kuo, "'If You Enter a Camp, You Never Come Out': Inside China's War on Islam," *Guardian,* January 11, 2019.
[34] Xinjiang Uyghur Autonomous Region People's Congress Standing Committee, *Xinjiang Weiwu'er Zizhi Qu Jiduanhua Tiaoli* [Xinjiang Uyghur Autonomous Region Anti-Extremism Regulations], passed March 29, 2017, amended and effective October 9, 2018; "Xinjiang Rolls Out China's First Law to Purge Religious Extremism," *Xinhua,* March 30, 2017.
[35] Xinjiang Uyghur Autonomous Region People's Congress Standing Committee, *Xinjiang Weiwu'er Zizhiqu Qu Jiduanhua Tiaoli* [Xinjiang Uyghur Autonomous Region Anti-Extremism Regulations], passed March 29, 2017, effective April 1, 2017; "Xinjiang Rolls Out China's First Law to Purge Religious Extremism," *Xinhua,* March 30, 2017. See also CECC, *2017 Annual Report,* October 5, 2017, 286.
[36] Liu Caiyu and Liu Xuanzun, "Xinjiang Revises Its Anti-Extremism Regulation," *Global Times,* October 10, 2018; Cui Jia, "Xinjiang Fighting Extremist Thought," *China Daily,* October 12, 2018.
[37] Xinjiang Uyghur Autonomous Region People's Congress Standing Committee, *Xinjiang Weiwu'er Zizhi Qu Jiduanhua Tiaoli* [Xinjiang Uyghur Autonomous Region Anti-Extremism Regulations], passed March 29, 2017, amended and effective October 9, 2018, arts. 14, 17, 21, 33.
[38] Xinjiang Uyghur Autonomous Region People's Congress Standing Committee, *Xinjiang Weiwu'er Zizhiqu Qu Jiduanhua Tiaoli* [Xinjiang Uyghur Autonomous Region Anti-Extremism Regulations], passed March 29, 2017, effective April 1, 2017. See also Jeremy Daum, "Explainer on Xinjiang Regulations," *China Law Translate,* October 11, 2018. Daum's analysis includes a chart titled "Decision to Revise the 'Xinjiang Uighur Autonomous Region Regulation on De-extremification,'" which juxtaposes provisions in the 2017 version of the regulations with changes in the 2018 revised version.
[39] International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted by UN General Assembly resolution 2106 (XX) of December 2, 1965, entry into force January 4, 1969, art. 1; United Nations Treaty Collection, Chapter IV, Human Rights, 2, International Convention on the Elimination of All Forms of Racial Discrimination, accessed June 16, 2019. The Chinese government acceded to ICERD on December 29, 1981. International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed June 16, 2019. China signed and ratified the ICESCR. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, arts. 7, 24. United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed June 16, 2019. China signed CEDAW on July 17, 1980, and ratified it on November 4, 1980, thereby committing to undertake the legal rights and obligations contained in these articles. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987. United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed June 16, 2019. China signed the CAT on December 12, 1986, and ratified it on October 4, 1988. See also Hilary Hurd, "China's Human Rights Abuses Against Uighurs in Xinjiang," *Lawfare* (blog), October 9, 2018.
[40] Hilary Hurd, "China's Human Rights Abuses Against Uighurs in Xinjiang," *Lawfare* (blog), October 9, 2018; International Convention on the Elimination of All Forms of Racial Discrimination, adopted by UN General Assembly resolution 2106 (XX) of December 2, 1965, entry into force January 4, 1969, art. 1.
[41] Donald Clarke, "No, New Xinjiang Legislation Does Not Legalize Detention Centers," *Lawfare* (blog), October 11, 2018; Jeremy Daum, "Explainer on Xinjiang Regulations," *China Law Translate,* October 11, 2018; Jeremy Goldkorn, "China Explicitly Acknowledges, Tries to Justify Concentration Camps in Xinjiang," *SupChina,* October 10, 2018; Nectar Gan and Mimi Lau, "China Changes Law to Recognise 'Re-education Camps' in Xinjiang," *South China Morning Post,* October 13, 2018; Eva Dou, "China Acknowledges Re-Education Centers for Uighurs," *Wall Street Journal,* October 10, 2018. See also *Zhonghua Renmin Gongheguo Lifa Fa* [PRC Legislation Law], passed March 15, 2000, effective July 1, 2000, amended March 15, 2015, arts.

7, 8, 9; "New Law Aims to Justify Xinjiang Camps amid Rising U.S. Concerns," *China Digital Times,* October 10, 2018.

[42] World Uyghur Congress (@UyghurCongress), "A group of Chinese experts legal experts were asked 4 weeks in advance . . .," Twitter, June 6, 2019, 6:04 p.m.

[43] Kevin Carrico and Jerome A. Cohen, "Muslims in Xinjiang Are Facing Human Rights Abuses: Time for China Scholars to Break the Silence," letter to the editor, *South China Morning Post,* September 20, 2018; Kate Cronin-Furman, "China Has Chosen Cultural Genocide in Xinjiang—For Now," *Foreign Policy,* September 19, 2018; "Kate Cronin-Furman: Overview," Belfer Center for Science and International Affairs, Harvard Kennedy School, September 19, 2018; Daniel Bessner and Isaac Stone Fish, "How the Left Should Respond to Ethnic Cleansing in China," *Nation,* January 15, 2019; Michael Caster, "At Davos, the Message of 'Globalization 4.0' Must Include a Rebuke of China's Ethnic Cleansing in Xinjiang," *Hong Kong Free Press,* January 21, 2019; Sarah Cook, "A Different Kind of Prison: Mass Surveillance in Xinjiang and Its Global Implications" [Transcript], Center for Strategic & International Studies, June 28, 2019; Freedom House, "Sarah Cook: Senior Research Analyst for East Asia," accessed August 12, 2019.

[44] Global Centre for the Responsibility to Protect, "The Persecution of the Uighurs and Potential Crimes Against Humanity in China," April 2019; International Service for Human Rights, "HRC41—23 States Jointly Condemn China's Suppression of Minorities in Xinjiang," July 11, 2019; Uyghur Human Rights Project, "Universal Children's Day 2018: China Must Reunite Uyghur Children and Parents. Forcible Placement of Children of Living Parents in State-Run Facilities Constitutes a Crime Against Humanity," November 19, 2018. See also Rushan Abbas, "I've Fought China's Slow-Motion Genocide of Uighur Muslims. Now, My Family Are Victims," *USA Today,* May 9, 2019.

[45] Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1 2002, art. 7; United Nations Treaty Collection, Chapter XVIII, Penal Matters, Rome Statute of the International Criminal Court, accessed June 14, 2019. China has neither signed nor ratified the Rome Statute. According to Article 7 of the Rome Statute, any of the following acts may constitute a "crime against humanity": murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; enforced disappearance of persons; the crime of apartheid; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. See also Michael Caster, "China's Crimes Against Humanity You've Never Heard Of," *CNN,* July 26, 2018; "'Crimes Against Humanity' in Xinjiang Draw Attention," *China Digital Times,* July 30, 2018.

[46] Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1 2002, art. 7.

[47] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10 1948, art. 9; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23 1976, art. 9(1). See also CECC, *2014 Annual Report,* October 9, 2014, 81; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed June 16, 2019. China has signed but not ratified the ICCPR. See also Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principle 4. Extralegal and extrajudicial forms of detention that restrict a person's liberty violate Article 9 of the Universal Declaration of Human Rights and Article 9(1) of the International Covenant on Civil and Political Rights.

[48] Peter Martin, "How China Is Defending Its Detention of Muslims to the World," *Bloomberg,* April 19, 2019; Gene A. Bunin, "Kyrgyz Students Vanish into Xinjiang's Maw," *Foreign Policy,* March 31, 2019; Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019; Uyghur Human Rights Project, "Update—Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland," May 21, 2019; Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019; "Chinese 'Reeducation Camps' Whistle-Blower Leaves Kazakhstan for Unnamed Country," *Radio Free Europe/Radio Liberty,* June 3, 2019.

[49] Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019; James Millward, "'Reeducating' Xinjiang's Muslims," *New York Review of Books,* February 7, 2019.

[50] Stephanie Nebehay, "1.5 Million Muslims Could Be Detained in China's Xinjiang: Academic," *Reuters,* March 13, 2019; Nick Cumming-Bruce, "U.S. Steps Up Criticism of China for Detentions in Xinjiang," *New York Times,* March 13, 2019; Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019; Gene A. Bunin, "Kyrgyz Students Vanish into Xinjiang's Maw," *Foreign Policy,* March 31, 2019; "Chinese 'Reeducation Camps' Whistle-Blower Leaves Kazakhstan for Unnamed Country," *Radio Free Europe/Radio Liberty,* June 3, 2019.

[51] See, e.g., Nathan VanderKlippe, "Inside China's Campaign against the Uyghurs," *Globe and Mail,* November 5, 2018; Li Zaili, "CCP Interfering with How Muslims Perform Funerals," *Bitter Winter,* January 24, 2019; Darren Byler, "China's Government Has Ordered a Million Citizens

to Occupy Uighur Homes. Here's What They Think They're Doing.," *ChinaFile,* Asia Society, October 24, 2018; Ruth Ingram, "'Surviving China': Uyghur Voices from Xinjiang and Guantanamo," *Bitter Winter,* April 15, 2019.

[52] See, e.g., Human Rights Watch, "China's Algorithms of Repression," May 1, 2019.

[53] Uyghur Human Rights Project, "Update—Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland," May 21, 2019; Gene A. Bunin, "Kyrgyz Students Vanish into Xinjiang's Maw," *Foreign Policy,* March 31, 2019; Rémi Castets, "What's Really Happening to Uighurs in Xinjiang?," *Nation,* March 19, 2019; Kate Lyons and Lily Kuo, "Fears for Uighur Comedian Missing amid Crackdown on Cultural Figures," *Guardian,* February 21, 2019; Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019; "Chinese 'Reeducation Camps' Whistle-Blower Leaves Kazakhstan for Unnamed Country," *Radio Free Europe/Radio Liberty,* June 3, 2019.

[54] See, e.g., Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019 ("religious extremism"); Gene A. Bunin, "Kyrgyz Students Vanish into Xinjiang's Maw," *Foreign Policy,* March 31, 2019 (previous overseas travel); Rob Schmitz, "Families of the Disappeared: A Search for Loved Ones Held in China's Xinjiang Region," *Morning Edition, NPR,* November 12, 2018 (relatives living abroad); CECC, *2018 Annual Report,* October 8, 2018, 273.

[55] Human Rights Watch, "China's Algorithms of Repression," May 1, 2019. See also Omer Kanat, "Religious Repression and Cultural Decimation: Spare a Thought for Uyghurs This Ramadan," *Global Post,* May 14, 2019.

[56] State Council Information Office, "The Fight against Terrorism and Extremism and Human Rights Protection in Xinjiang," March 2019, 20. See also "Xinhua Headlines: Preventive Approach: China's Effective Means to Combat Terrorism," *Xinhua,* March 18, 2019.

[57] Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019.

[58] Austin Ramzy, "'Show Me That My Father Is Alive.' China Faces Torrent of Online Pleas.," *New York Times,* February 17, 2019; Nathan VanderKlippe, "Documenting the Disappeared: Relatives, Friends Build Database of Missing Uyghurs," *Globe and Mail,* November 2, 2018.

[59] Xinjiang Victims Database (www.shahit.biz), Stats, Detention Reason, accessed August 15, 2019. As of August 15, 2019, the three reasons for detention most frequently provided in the Xinjiang Victims Database were "related to religion" (535); "related to going abroad" (324); and "relative(s)" (187). These responses were noted in the case records of 1,642 detainees for whom a reason for detention had been provided.

[60] "Mandatory Indoctrination Classes for Unemployed Uyghurs in Xinjiang," *Radio Free Asia,* February 7, 2019.

[61] Peter Martin, "How China Is Defending Its Detention of Muslims to the World," *Bloomberg,* April 19, 2019.

[62] Lily Kuo, "From Denial to Pride: How China Changed Its Language on Xinjiang's Camps," *Guardian,* October 21, 2018; Peter Martin, "How China Is Defending Its Detention of Muslims to the World," *Bloomberg,* April 19, 2019; Nectar Gan and Mimi Lau, "China Changes Law to Recognise 'Re-education Camps' in Xinjiang," *South China Morning Post,* October 13, 2018.

[63] "Spotlight: China Completes 3rd Universal Periodic Review at UN Human Rights Council," *Xinhua,* March 16, 2019; UN Office of the High Commissioner for Human Rights, "Human Rights Council Adopts the Outcomes of the Universal Periodic Review of Belize, Chad, China and Malta," March 15, 2019; Nick Cumming-Bruce, "At U.N., China Defends Mass Detention of Uighur Muslims," *New York Times,* November 6, 2018.

[64] Chris Buckley and Amy Qin, "Muslim Detention Camps Are Like 'Boarding Schools,' Chinese Official Says," *New York Times,* March 12, 2019.

[65] Cui Jia, "Xinjiang Vocational Centers 'Effective' against Extremism," *China Daily,* March 13, 2019. See also Cui Hui'ao and You Siyuan, "A Look at Vocational Education and Training Programs in Xinjiang," *CGTN,* March 13, 2019.

[66] State Council Information Office, "The Fight against Terrorism and Extremism and Human Rights Protection in Xinjiang," March 2019, 22. See also "Xinhua Headlines: Preventive Approach: China's Effective Means to Combat Terrorism," *Xinhua,* March 18, 2019.

[67] See, e.g., Peter Martin, "How China Is Defending Its Detention of Muslims to the World," *Bloomberg,* April 19, 2019; Ben Blanchard, "China Says Pace of Xinjiang 'Education' Will Slow, but Defends Camps," *Reuters,* January 6, 2019; Sophie Richardson, Human Rights Watch, "China's Xinjiang Tour Should Have Fooled No One," January 7, 2019; Karen Leigh, "China Takes Diplomats to Tour Xinjiang 'Re-Education Camps,'" *Bloomberg,* January 7, 2019.

[68] See, e.g., Peter Martin, "How China Is Defending Its Detention of Muslims to the World," *Bloomberg,* April 19, 2019.

[69] Chun Han Wong, "China Says Majority of Xinjiang Detainees Released, but Activists Question Claim," *Wall Street Journal,* July 30, 2019; "Xinjiang Situation to Realize a Soft Landing," *Global Times,* August 1, 2019; "Xinjiang Weiwu'er Zizhiqu zhuxi: jiaopei zhongxin xueyuan duoshu yi huigui shehui jiu cheng ren zhaodao lixiang jiuye" [XUAR chairman: majority of education and training students have returned to society, ninety percent have found ideal employment], *Global Times,* July 30, 2019. The Chinese term for "vocational education and training centers" is *zhiye jineng jiaoyu peixun zhongxin.*

[70] Chris Buckley and Steven Lee Myers, "China Said It Closed Muslim Detention Camps. There's Reason to Doubt That.," *New York Times,* August 9, 2019; Chris Buckley and Edward Wong, "Doubt Greets China's Claim That Muslims Have Been Released from Camps," *New York Times,* July 30, 2019; Chun Han Wong, "China Says Majority of Xinjiang Detainees Released, but Activists Question Claim," *Wall Street Journal,* July 30, 2019.

[71] Chris Buckley and Edward Wong, "Doubt Greets China's Claim That Muslims Have Been Released from Camps," *New York Times,* July 30, 2019; Michael Martina, "China Says Most People in Xinjiang Camps Have 'Returned to Society,'" *Reuters,* July 30, 2019; Chun Han Wong, "China Says Majority of Xinjiang Detainees Released, but Activists Question Claim," *Wall Street*

Journal, July 30, 2019; Anna Fifield, "China Celebrates 'Very Happy Lives' in Xinjiang, After Detaining 1 Million Uighurs," *Washington Post,* July 30, 2019.
[72] Chris Buckley and Steven Lee Myers, "China Said It Closed Muslim Detention Camps. There's Reason to Doubt That.," *New York Times,* August 9, 2019.
[73] See, e.g., State Council Information Office, "Vocational Education and Training in Xinjiang," August 16, 2019, 4–5.
[74] Adrian Zenz, "Brainwashing, Police Guards and Coercive Internment: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang's 'Vocational Training Internment Camps,'" *Journal of Political Risk* 7, no. 7 (July 2019). The Chinese term for "transformation through education" is *jiaoyu zhuanhua.*
[75] Sarah Cook, "The Learning Curve: How Communist Party Officials Are Applying Lessons from Prior 'Transformation' Campaigns to Repression in Xinjiang," *China Brief,* Jamestown Foundation, February 1, 2019.
[76] Sarah Cook, "The Learning Curve: How Communist Party Officials Are Applying Lessons from Prior 'Transformation' Campaigns to Repression in Xinjiang," *China Brief,* Jamestown Foundation, February 1, 2019. See also Timothy Grose, "'Once Their Mental State Is Healthy, They Will Be Able to Live Happily in Society,'" *ChinaFile,* Asia Society, August 2, 2019.
[77] Adrian Zenz, "Xinjiang's Re-Education and Securitization Campaign: Evidence from Domestic Security Budgets," *China Brief,* Jamestown Foundation, November 5, 2018.
[78] "Full Transcript: Interview with Xinjiang Government Chief on Counterterrorism, Vocational Education and Training in Xinjiang," *Xinhua,* October 16, 2018; Rob Taylor, "China Supersizes Internment Camps in Xinjiang Despite International Criticism," *Wall Street Journal,* November 1, 2018; "Slandering Xinjiang as 'No Rights Zone' Against Fact, Chinese Official Told UN Panel," *Xinhua,* August 14, 2018.
[79] See, e.g., Adrian Zenz, "'Thoroughly Reforming Them Toward a Healthy Heart Attitude'—China's Political Re-Education Campaign in Xinjiang," Academia.edu (website), updated May 15, 2018, accessed July 14, 2019, 8–14; Adrian Zenz, "New Evidence for China's Political Re-Education Campaign in Xinjiang," *China Brief,* Jamestown Foundation, May 15, 2018; CECC, *2018 Annual Report,* October 8, 2018, 247, 273.
[80] Adrian Zenz, "Xinjiang's Re-Education and Securitization Campaign: Evidence from Domestic Security Budgets," *China Brief,* Jamestown Foundation, November 5, 2018.
[81] Ben Dooley, "Tear Gas, Tasers and Textbooks: Inside China's Xinjiang Internment Camps," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* October 24, 2018.
[82] Ibid.
[83] Ibid.
[84] *ARIA in Action, Part 1: Human Rights, Democracy, and the Rule of Law, Hearing of the Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy, Committee on Foreign Relations, U.S. Senate,* 116th Cong. (2019) (testimony of Rushan Abbas, Director of Campaign for Uyghurs).
[85] Ibid.
[86] Nathan VanderKlippe, "Documenting the Disappeared: Relatives, Friends Build Database of Missing Uyghurs," *Globe and Mail,* November 2, 2018.
[87] See, e.g., Andrew McCormick, "What It's Like to Report on Rights Abuses against Your Own Family," *Atlantic,* March 1, 2019; Ivan Watson and Ben Westcott, "'Cultural Genocide': How China Is Tearing Uyghur Families Apart in Xinjiang," *CNN,* November 15, 2018; CECC, *2018 Annual Report,* October 8, 2018, 276.
[88] For more information on Abdurehim Heyit, see the Commission's Political Prisoner Database record 2017-00371.
[89] Austin Ramzy, "'Show Me That My Father Is Alive.' China Faces Torrent of Online Pleas.," *New York Times,* February 17, 2019; Ministry of Foreign Affairs, Republic of Turkey, "QA-9 February 2019, Statement of the Spokesperson of the Ministry of Foreign Affairs, Mr. Hami Aksoy, in Response to a Question Regarding Serious Human Rights Violations Perpetrated against Uighur Turks and the Passing Away of Folk Poet Abdurehim Heyit," February 9, 2019.
[90] Austin Ramzy, "'Show Me That My Father Is Alive.' China Faces Torrent of Online Pleas.," *New York Times,* February 17, 2019; Lily Kuo, "China Releases Video of Uighur Poet Said to Have Died in Custody," *Guardian,* February 11, 2019. See also Liu Caiyu, "China Refutes Turkish FM's Accusation on Xinjiang Training Centers," *Global Times,* February 11, 2019.
[91] Austin Ramzy, "'Show Me That My Father Is Alive.' China Faces Torrent of Online Pleas.," *New York Times,* February 17, 2019; "'Wo ye shi Weiwu'er ren': qinshu yaoqiu dangju gongkai shizong jiaren xialuo" ["I'm a Uyghur too": relatives ask authorities to disclose the whereabouts of missing family members], *Radio Free Asia,* February 12, 2019; Kate Lyons and Lily Kuo, "Fears for Uighur Comedian Missing amid Crackdown on Cultural Figures," *Guardian,* February 21, 2019.
[92] Austin Ramzy, "'Show Me That My Father Is Alive.' China Faces Torrent of Online Pleas.," *New York Times,* February 17, 2019; Nathan VanderKlippe, "Documenting the Disappeared: Relatives, Friends Build Database of Missing Uyghurs," *Globe and Mail,* November 2, 2018.
[93] Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag," *Reuters,* November 29, 2018.
[94] John Sudworth, "China's Hidden Camps," *BBC,* October 25, 2018.
[95] Nathan VanderKlippe, "The Globe's Nathan VanderKlippe Recounts Surveillance, Threats of Arrest, Destruction of Photos While Reporting in Xinjiang," *Globe and Mail,* November 4, 2018.
[96] See, e.g., Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019; Flint Duxfield and Ian Burrows, "Uyghur Woman Details Life Inside Chinese 'Re-education Camp' in Xinjiang," *Australian Broadcasting Corporation,* January 8, 2019; Reid Standish, "China's Expanding War on Islam: Now They're Coming for the Kazakhs.," *Washington Post,* March 1, 2019.

[97] Reid Standish, "China's Expanding War on Islam: Now They're Coming for the Kazakhs.," *Washington Post,* March 1, 2019. See also Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019.
[98] Reid Standish, "China's Expanding War on Islam: Now They're Coming for the Kazakhs.," *Washington Post,* March 1, 2019. See also Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019.
[99] Amy Gunia, "State Department Official Says U.S. Residents May Be Among the Muslims Detained in Xinjiang," *Time,* March 29, 2019; Michelle Kosinski and Jennifer Hansler, "State Dept. Believes US Legal Residents are Being Held in Chinese Detention Camps," *CNN,* March 29, 2019; Tara Francis Chan, "U.S. Resident May Be One of a Million People Imprisoned in China's Secretive Detention Camps," *Newsweek,* March 29, 2019.
[100] "'Deeply Concerned' Marise Payne to Pursue China Over Detention of Million Uighurs," *SBS News,* July 15, 2019; Paul Karp, "Australia 'Deeply Concerned' About China's Treatment of Uighur People," *Guardian,* July 14, 2019. See also Vicky Xiuzhong Xu and Jamie Tarabay, "In Australia, Muslims Call for Pressure on China Over Missing Relatives," *New York Times,* April 13, 2019; Kate Lyons, "Revealed: 17 Australian Residents Believed Detained in China's Uighur Crackdown," *Guardian,* February 11, 2019.
[101] Kate Lyons, "Revealed: Five Australian Children Trapped in China amid Uighur Crackdown," *Guardian,* April 5, 2019.
[102] Fergus Ryan, Danielle Cave, and Nathan Ruser, "Mapping Xinjiang's 'Re-education' Camps," International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018.
[103] Ibid.
[104] Ibid.
[105] Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag," *Reuters,* November 29, 2018.
[106] John Sudworth, "China's Hidden Camps," *BBC,* October 25, 2018.
[107] Adrian Zenz, "Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang," SocArXiv, July 14, 2019, 1, 6.
[108] Ibid., 5–7.
[109] Ibid., 8–9.
[110] Ibid., 18–19.
[111] Ibid., 12.
[112] Martha Mendoza and Yanan Wang, "US Reviews Report of Imports from Forced Labor in China Camp," *Associated Press,* December 19, 2018.
[113] "Businesses in China's Xinjiang Use Forced Labor Linked to Camp System," *Radio Free Asia,* January 1, 2019.
[114] See, e.g., "China Secretly Transferring Uyghur Detainees from Xinjiang to Shaanxi, Gansu Province Prisons," *Radio Free Asia,* February 8, 2019.
[115] "As Many as 1,200 Uyghur Detainees Held in Gansu Prison after Secret Transfer from Xinjiang," *Radio Free Asia,* April 12, 2019; "China Secretly Transferring Uyghur Detainees from Xinjiang to Shaanxi, Gansu Province Prisons," *Radio Free Asia,* February 8, 2019.
[116] "Xinjiang Authorities Secretly Transferring Uyghur Detainees to Jails Throughout China," *Radio Free Asia,* October 2, 2018; "China Secretly Transferring Uyghur Detainees from Xinjiang to Shaanxi, Gansu Province Prisons," *Radio Free Asia,* February 8, 2019.
[117] "Xinjiang da guimo zhuanyi Musilin jizhongying qian Gansu" [Large-scale transfer of Muslims in Xinjiang, concentration camps moved to Gansu], *Radio Free Asia,* October 1, 2018; "As Many as 1,200 Uyghur Detainees Held in Gansu Prison after Secret Transfer from Xinjiang," *Radio Free Asia,* April 12, 2019; "China Secretly Transferring Uyghur Detainees from Xinjiang to Shaanxi, Gansu Province Prisons," *Radio Free Asia,* February 8, 2019.
[118] "China Secretly Transferring Uyghur Detainees from Xinjiang to Shaanxi, Gansu Province Prisons," *Radio Free Asia,* February 8, 2019; "As Many as 1,200 Uyghur Detainees Held in Gansu Prison after Secret Transfer from Xinjiang," *Radio Free Asia,* April 12, 2019.
[119] "China Spiriting Uyghur Detainees Away from Xinjiang to Prisons in Inner Mongolia, Sichuan," *Radio Free Asia,* February 21, 2019.
[120] "As Many as 1,200 Uyghur Detainees Held in Gansu Prison after Secret Transfer from Xinjiang," *Radio Free Asia,* April 12, 2019.
[121] "China Spiriting Uyghur Detainees Away from Xinjiang to Prisons in Inner Mongolia, Sichuan," *Radio Free Asia,* February 21, 2019.
[122] "Xinjiang Authorities Secretly Transferring Uyghur Detainees to Jails Throughout China," *Radio Free Asia,* October 2, 2018; "Xinjiang da guimo zhuanyi Musilin jizhongying qian Gansu" [Large-scale transfer of Muslims in Xinjiang, concentration camps moved to Gansu], *Radio Free Asia,* October 1, 2018.
[123] Wang Yanhong, "Xinjiang tielu zanting fashou 10 yue 22 ri ji yihou chepiao" [Xinjiang trains to suspend ticket sales for trains beginning October 22], *Urumqi Evening News,* reprinted in *People's Daily,* September 27, 2018; "Shifou you you da shi fasheng? Xinjiang tielu zan ting shoupiao" [Is something big happening again? Xinjiang trains temporarily suspend ticket sales], *Deutsche Welle,* September 26, 2018.
[124] Holly Robertson, "China Reportedly Begins Mass Transfers of Uighur Detainees from Xinjiang to Prisons Nationwide," *Australian Broadcasting Company,* October 9, 2018.
[125] CECC, *2018 Annual Report,* October 8, 2018, 276.
[126] Uyghur Human Rights Project, "Update—Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland," May 21, 2019.
[127] Henryk Szadziewski, "Disappeared Forever?," *China Channel, Los Angeles Review of Books,* February 21, 2019. See also Magnus Fiskesjö, "China's Thousandfold Guantánamos," *Inside Higher Ed,* April 8, 2019.

[128] Uyghur Human Rights Project, "Update—Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland," May 21, 2019.
[129] Uyghur Human Rights Project, "Update—Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland," May 21, 2019; Darren Byler, "'As If You've Spent Your Whole Life in Prison': Starving and Subdued in Xinjiang Detention Centers," *SupChina,* December 5, 2018.
[130] For more information on Tashpolat Teyip, see the Commission's Political Prisoner Database record 2019-00064.
[131] For more information on Sanubar Tursun, see the Commission's Political Prisoner Database record 2019-00071.
[132] Amy Anderson, "A Death Sentence for a Life of Service," *Art of Life in Central Asia,* January 22, 2019; "Three Uyghur Intellectuals Jailed for Separatism, Political Study Film Reveals," *Radio Free Asia,* October 10, 2018.
[133] Amy Anderson, "A Death Sentence for a Life of Service," *Art of Life in Central Asia,* January 22, 2019; "Three Uyghur Intellectuals Jailed for Separatism, Political Study Film Reveals," *Radio Free Asia,* October 10, 2018. Authorities use the term "two-faced" to describe ethnic minority individuals who they say appear to support the Chinese Communist Party, but privately disagree with official policies towards ethnic minorities. "Uyghur Police Commissar Said Detained Since June 2018," *Radio Free Asia,* August 20, 2019.
[134] Rachel Harris, "China: Sanubar Tursun, Voice of the Uyghurs, Missing Presumed Detained in Xinjiang's Internment Camps," Freemuse, February 8, 2019. See also Gregory Lee, "Concern Over Sanubar Tursun: Uyghur Cultural Icon's Concerts Cancelled in France," *MediaPart, La longue marche de Gregory Lee* (blog), January 31, 2019.
[135] Gregory Lee, "Concern Over Sanubar Tursun: Uyghur Cultural Icon's Concerts Cancelled in France," *MediaPart, La longue marche de Gregory Lee* (blog), January 31, 2019. See also Rachel Harris, "China: Sanubar Tursun, Voice of the Uyghurs, Missing Presumed Detained in Xinjiang's Internment Camps," Freemuse, February 8, 2019.
[136] "Chinese Authorities Arrest Xinjiang Intellectual amid Crackdown on Prominent Uyghurs," *Radio Free Asia,* January 12, 2018; "Prominent Uyghur Intellectual Given Two-Year Suspended Death Sentence for 'Separatism,'" *Radio Free Asia,* September 28, 2018. For more information on Halmurat Ghopur, see the Commission's Political Prisoner Database record 2019-00041.
[137] "Popular Uyghur Comedian Disappears, Believed Detained," *Radio Free Asia,* December 21, 2018; Kate Lyons and Lily Kuo, "Fears for Uighur Comedian Missing amid Crackdown on Cultural Figures," *Guardian,* February 21, 2019; Sheena Goodyear, "Family Fears Missing Uighur Comedian Taken to Chinese Detention Camp," *Canadian Broadcasting Corporation,* December 31, 2018. For more information on Adil Mijit, see the Commission's Political Prisoner Database record 2019-00090.
[138] Rachel Harris, "China: Uyghur Pop Idol Zahirshah Ablimit Detained in Xinjiang," Freemuse, January 24, 2019.
[139] "Authorities Detain Senior Editors of Uyghur Publishing House over 'Problematic' Books," *Radio Free Asia,* November 12, 2018. For more information on Qurban Mamut, see the Commission's Political Prisoner Database record 2019-00191.
[140] "Three Uyghur Intellectuals Jailed for Separatism, Political Study Film Reveals," *Radio Free Asia,* October 10, 2018.
[141] Leigh Hartman, "China Targets Intellectuals in Bid to Eradicate Uighur Culture," *ShareAmerica,* U.S. Department of State, March 21, 2019.
[142] "Cong lao Dangyuan dao fenlie fenzi, Weiwu'er xuezhe kong yi 'shandian zui' bei panxing" [From old Party member to separatist, Uyghur scholar feared to have been sentenced for "inciting subversion of state power"], *Voice of America,* February 20, 2019.
[143] Reid Standish, "China's Expanding War on Islam: Now They're Coming for the Kazakhs.," *Washington Post,* March 1, 2019; Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019.
[144] Flint Duxfield and Ian Burrows, "Uyghur Woman Details Life Inside Chinese 'Re-education Camp' in Xinjiang," *Australian Broadcasting Corporation,* January 8, 2019; Isabel van Brugen, "Prisoners Tortured, Drugged, Killed by Injection in Xinjiang 'Re-Education Camps,' Ex-Inmate Reveals," *Epoch Times,* December 13, 2018; Darren Byler, "'As If You've Spent Your Whole Life in Prison': Starving and Subdued in Xinjiang Detention Centers," *SupChina,* December 5, 2018. For more information on Gulbahar Jelilova, see the Commission's Political Prisoner Database record 2019-00032.
[145] Flint Duxfield and Ian Burrows, "Uyghur Woman Details Life Inside Chinese 'Re-education Camp' in Xinjiang," *Australian Broadcasting Corporation,* January 8, 2019; Isabel van Brugen, "Prisoners Tortured, Drugged, Killed by Injection in Xinjiang 'Re-Education Camps,' Ex-Inmate Reveals," *Epoch Times,* December 13, 2018; Darren Byler, "'As If You've Spent Your Whole Life in Prison': Starving and Subdued in Xinjiang Detention Centers," *SupChina,* December 5, 2018.
[146] Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019; Dake Kang, "China Allowing 2,000 Ethnic Kazakhs to Leave Xinjiang Region," *Associated Press,* January 9, 2019.
[147] Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019. It was unclear if the 20 Kazakh citizens released mentioned in this report were among the 2,500 ethnic Kazakhs whom Chinese officials had agreed to release to Kazakhstan.
[148] Reid Standish, "She Fled China's Camps—But She's Still Not Free," *Foreign Policy,* February 6, 2019; Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019; Kate De Pury, "Woman Who Told of Chinese Internment Camps Headed to Sweden," *Associated Press,* June 3, 2019.

[149] Kate De Pury, "Woman Who Told of Chinese Internment Camps Headed to Sweden," *Associated Press,* June 3, 2019; "Chinese 'Reeducation Camps' Whistle-Blower Leaves Kazakhstan for Unnamed Country," *Radio Free Europe/Radio Liberty,* June 3, 2019.

[150] Reid Standish and Aigerim Toleukhanova, "Kazakhs Won't Be Silenced on China's Internment Camps," *Foreign Policy,* March 4, 2019; Austin Ramzy, "Critic Who Exposed China's Muslim Camps Is Detained, Even Across the Border," *New York Times,* March 13, 2019.

[151] Austin Ramzy, "Critic Who Exposed China's Muslim Camps Is Detained, Even across the Border," *New York Times,* March 13, 2019.

[152] Austin Ramzy, "Critic of China's Detention Camps Is Free, but Silence May Be the Price," *New York Times,* August 17, 2019.

[153] Gene A. Bunin, "Kyrgyz Students Vanish into Xinjiang's Maw," *Foreign Policy,* March 31, 2019; Tolkun Namtbayeva and Christopher Rickleton, "Central Asians Cry Out over China's Secret Detention Camps," *Agence France-Presse,* reprinted in *Yahoo! News,* December 18, 2018.

[154] Adrian Zenz, "Break Their Roots: Evidence for China's Parent-Child Separation Campaign in Xinjiang," *Journal of Political Risk* 7, no. 7 (July 2019); Uyghur Human Rights Project, "Universal Children's Day 2018: China Must Reunite Uyghur Children and Parents. Forcible Placement of Children of Living Parents in State-Run Facilities Constitutes a Crime Against Humanity," November 19, 2018; Emily Feng, "Uighur Children Fall Victim to China Anti-Terror Drive," *Financial Times,* July 9, 2018.

[155] Adrian Zenz, "Break Their Roots: Evidence for China's Parent-Child Separation Campaign in Xinjiang," *Journal of Political Risk* 7, no. 7 (July 2019).

[156] Adrian Zenz, "Break Their Roots: Evidence for China's Parent-Child Separation Campaign in Xinjiang," *Journal of Political Risk* 7, no. 7 (July 2019); Adrian Zenz, "Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang," SocArXiv, July 14, 2019, 1, 2, 4, 17–18.

[157] Yanan Wang and Dake Kang, "China Treats Uighur Kids as 'Orphans' After Parents Seized," *Associated Press,* September 21, 2018.

[158] Emily Feng, "Uighur Children Fall Victim to China Anti-Terror Drive," *Financial Times,* July 9, 2018.

[159] Yanan Wang and Dake Kang, "China Treats Uighur Kids as 'Orphans' After Parents Seized," *Associated Press,* September 21, 2018.

[160] Megha Rajagopalan and K. Murat Yildiz, "China Has Also Been Targeting Foreigners in Its Brutal Crackdown on Muslims," *BuzzFeed News,* March 27, 2019; "Interview: 'I Have Never Cried so Much in My Life,'" *Radio Free Asia,* March 5, 2019; Yanan Wang and Dake Kang, "China Treats Uighur Kids as 'Orphans' After Parents Seized," *Associated Press,* September 21, 2018; Yanan Wang and Dake Yang, "Empty Places at the Table: Uighur Children Missing in China," *Associated Press,* September 21, 2018.

[161] Yanan Wang and Dake Kang, "China Treats Uighur Kids as 'Orphans' After Parents Seized," *Associated Press,* September 21, 2018.

[162] Sigal Samuel, "China's Jaw-Dropping Family Separation Policy," *Atlantic,* September 4, 2018.

[163] "Uyghur Children's 'Identities Changed,'" *Radio Free Asia,* May 22, 2009.

[164] Uyghur Human Rights Project, "Universal Children's Day 2018: China Must Reunite Uyghur Children and Parents. Forcible Placement of Children of Living Parents in State-Run Facilities Constitutes a Crime Against Humanity," November 19, 2018.

[165] Darren Byler, "China's Government Has Ordered a Million Citizens to Occupy Uighur Homes. Here's What They Think They're Doing.," *ChinaFile,* Asia Society, October 24, 2018. See also CECC, *2018 Annual Report,* October 10, 2018, 279.

[166] Ji Yuqiao, "1.1 Million Civil Servants in Xinjiang Pair Up with Ethnic Minority Residents to Improve Unity," *Global Times,* November 7, 2018; Yang Mingfang, Li Ya'nan, and A'erdake, "Qinqing yangyi nuan Tianshan" [Family-friendly and warm Tianshan], *People's Daily,* November 7, 2018 (*jiedui renqin*); Shang Lucun, Guo Mengchen, and Cheng Shucheng, "Tianshan xuesong gen lian gen minzu tuanjie xin lian xin Xinjiang Gong'an Ting Kexin Zongdui nanjiang qianli jieqin" [The roots of Tianshan cedars link together, ethnic unity links hearts together, Xinjiang PSB Science and Technology Corps links relatives together across thousands of miles in southern Xinjiang], *Northwest Energy Net,* November 4, 2016, reprinted in *China News Agency,* July 6, 2017 (*jiedui bangfu*); Qiao Nong, ChinaAid, "Xinjiang guanbi shaoshu minzu xuexiao Xinyuan Si Zhong biangeng wei zhengzhi xuexi jidi" [Xinjiang closes ethnic minority schools, Xinyuan No. 4 High School changed into political study base], April 4, 2018 (*jiedui fubang*).

[167] Rob Schmitz, "A Woman Tells Her Story of Forced Abortion and Escape from China's Repression," *Morning Edition, NPR,* November 14, 2018.

[168] Darren Byler, "China's Government Has Ordered a Million Citizens to Occupy Uighur Homes. Here's What They Think They're Doing.," *ChinaFile,* Asia Society, October 24, 2018.

[169] Ibid.

[170] Ibid.

[171] Ibid.

[172] See CECC, *2018 Annual Report,* October 10, 2018, 277–78.

[173] Human Rights Watch, "China's Algorithms of Repression," May 1, 2019. Activities monitored by the IJOP system that authorities consider "abnormal" (*feizhengchang*) reportedly include the use of more electricity than "normal" and a relationship to a person who has obtained a new phone number.

[174] Yanan Wang and Dake Kang, "Exposed Chinese Database Shows Depth of Surveillance State," *Associated Press,* February 19, 2019.

[175] Victor Gevers (@0xDUDE), "So this insecure face recognition/personal verification solution . . .," Twitter, February 14, 2019, 12:30 p.m. See also Chris Baynes, "Chinese 'Muslim Tracker' Surveillance System Monitoring Movements of 2.5m People in Xinjiang," *Independent,* February 19, 2019.

[176] Li Tao, "SenseNets: The Facial Recognition Company That Supplies China's Skynet Surveillance System," *South China Morning Post,* April 12, 2019; David Ramli and Mark Bergen, "This Company Is Helping Build China's Panopticon. It Won't Stop There," *Bloomberg,* November 19, 2018; Christian Shepherd, "China's SenseTime Sells Out of Xinjiang Security Joint Venture," *Financial Times,* April 15, 2019. SenseTime sold its stake in SenseNets in July 2018.

[177] John Ruwitch, "Chinese Official Says 'Sinicization' of Religion in Xinjiang Must Go On," *Reuters,* October 13, 2018; "Xinjiang Promotes Policy Awareness for Religions," *Global Times,* April 2, 2019; "You Quan: dali cujin minzu tuanjie he zongjiao hexie nuli shixian Xinjiang shehui wending he changzhi jiu'an" [You Quan: vigorously promote national unity and religious harmony, strive to achieve social stability and long-term security in Xinjiang], *Xinhua,* October 13, 2018. See also Li Qingqing, "China Explores Effective Governance of Religion in Secular World," *Global Times,* January 6, 2019.

[178] See, e.g., Lily Kuo, "Revealed: New Evidence of China's Mission to Raze the Mosques of Xinjiang," *Guardian,* May 6, 2019; State Council Information Office, "The Fight against Terrorism and Extremism and Human Rights Protection in Xinjiang," March 2019, 20; John Ruwitch, "Chinese Official Says 'Sinicization' of Religion in Xinjiang Must Go On," *Reuters,* October 13, 2018.

[179] Li Zaili, "CCP Interfering with How Muslims Perform Funerals," *Bitter Winter,* January 24, 2019; James Millward, "'Reeducating' Xinjiang's Muslims," *New York Review of Books,* February 7, 2019.

[180] Ruth Ingram, "'Surviving China': Uyghur Voices from Xinjiang and Guantanamo," *Bitter Winter,* April 15, 2019; Leigh Hartman, "China's Repression of Muslims in Xinjiang," *ShareAmerica,* U.S. Department of State, February 14, 2019. See also Farida Deif, "A Missed Opportunity to Protect Muslims in China," *New Arab,* March 21, 2019.

[181] Darren Byler, "China's Government Has Ordered a Million Citizens to Occupy Uighur Homes. Here's What They Think They're Doing.," *ChinaFile,* Asia Society, October 24, 2018; Nathan VanderKlippe, "Inside China's Campaign against the Uyghurs," *Globe and Mail,* November 5, 2018; James Millward, "'Reeducating' Xinjiang's Muslims," *New York Review of Books,* February 7, 2019; Timothy Grose, "China's Mass Incarceration of Muslims Cannot Be Left Unchallenged," *Guardian,* November 13, 2018. "Assalamu alaykum" is an Arabic-language greeting meaning "peace be upon you."

[182] Darren Byler, "The Future of Uyghur Cultural—and Halal—Life in the Year of the Pig," *SupChina,* February 6, 2019; "Xinjiang's Kashgar University Students, Teachers Forced to Give Up Muslim Dietary Restrictions," *Radio Free Asia,* November 6, 2018; "China Launches Anti-Halal Crackdown in Xinjiang City," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* October 11, 2018; Liu Caiyu, "Officers, Party Members Urged to Strengthen Faith," *Global Times,* October 9, 2018.

[183] "Chinese Officials Force Muslims to Drink, Eat Pork at Festival," *Radio Free Asia,* February 6, 2019; "Xinjiang's Kashgar University Students, Teachers Forced to Give Up Muslim Dietary Restrictions," *Radio Free Asia,* November 6, 2018; Darren Byler, "The Future of Uyghur Cultural—and Halal—Life in the Year of the Pig," *SupChina,* February 6, 2019; Reid Standish, "China's Expanding War on Islam: Now They're Coming for the Kazakhs.," *Washington Post,* March 1, 2019.

[184] Nathan VanderKlippe, "Inside China's Campaign against the Uyghurs," *Globe and Mail,* November 5, 2018.

[185] Lily Kuo, "Revealed: New Evidence of China's Mission to Raze the Mosques of Xinjiang," *Guardian,* May 6, 2019.

[186] Lily Kuo, "Revealed: New Evidence of China's Mission to Raze the Mosques of Xinjiang," *Guardian,* May 6, 2019; Shawn Zhang, "Clarification of Keriya Etika Mosque's Current Situation," *Medium* (blog), April 23, 2019; Nick Waters, "Are Historic Mosques in Xinjiang Being Destroyed?," *Bellingcat,* April 5, 2019; "Kériye Héytgah Jamesining shimaliy ishikining chéqiwétilgenliki ilgiri sürüldi" [Source claims north gate of Keriye Heytgah Mosque has been demolished], *Radio Free Asia,* April 24, 2019. Some reports have referred to the Keriya Heytgah Mosque as the Keriya Etika Mosque or the Yutian Aitika Mosque.

[187] Joanne Smith Finley, "'Now We Don't Talk Anymore,'" *ChinaFile,* Asia Society, December 28, 2018; Nathan VanderKlippe, "Inside China's Campaign against the Uyghurs," *Globe and Mail,* November 5, 2018; Josh Chin and Clément Bürge, "After Mass Detentions, China Razes Muslim Communities to Build a Loyal City," *Wall Street Journal,* March 20, 2019.

[188] Mark Doman, Stephen Hutcheon, Dylan Welch, and Kyle Taylor, "China's Frontier of Fear," *Australian Broadcasting Corporation,* November 1, 2018.

[189] Nathan VanderKlippe, "Inside China's Campaign against the Uyghurs," *Globe and Mail,* November 5, 2018.

[190] "Interview: 'They Detained Her Because She Had Studied Islam in a Foreign Country,'" *Radio Free Asia,* October 3, 2018. For more information on Muyesser Muhemmet, see the Commission's Political Prisoner Database record 2018-00626.

[191] Li Zaili, "15 Years in Prison for a Social Media Post," *Bitter Winter,* October 6, 2018.

[192] "Xinjiang Authorities Sentence Uyghur Philanthropist to Death for Unsanctioned Hajj," *Radio Free Asia,* November 21, 2018. For more information on Abdughappar Abdurusul, see the Commission's Political Prisoner Database record 2018-00645.

[193] For information on official religious restrictions enforced during Ramadan in previous reporting years, see, e.g., CECC, *2018 Annual Report,* October 10, 2018, 279, 281; CECC, *2017 Annual Report,* October 5, 2017, 287; CECC, *2016 Annual Report,* October 6, 2016, 287.

[194] Eva Xiao and Pak Yiu, "Wrecked Mosques, Police Watch: A Tense Ramadan in Xinjiang," *Agence France-Presse,* reprinted in *Yahoo! News,* June 5, 2019; Sophia Yan, "China's Uighur Muslims Forced to Eat and Drink as Ramadan Celebrations Banned," *Telegraph,* June 1, 2019.

[195] Rebecca Asoulin and Ann Scott Tyson, "Reporting in Xinjiang: 'A War Zone With No War,'" *Christian Science Monitor,* May 8, 2019; Sophia Yan, "China's Uighur Muslims Forced to Eat

and Drink as Ramadan Celebrations Banned," *Telegraph,* June 1, 2019; Darren Byler, "Empty Uyghur Mosques During Ramadan in China," *Milestones,* May 18, 2019.

[196] Eva Xiao and Pak Yiu, "Wrecked Mosques, Police Watch: A Tense Ramadan in Xinjiang," *Agence France-Presse,* reprinted in *Yahoo! News,* June 5, 2019; Sophia Yan, "China's Uighur Muslims Forced to Eat and Drink as Ramadan Celebrations Banned," *Telegraph,* June 1, 2019.

[197] Sophia Yan, "China's Uighur Muslims Forced to Eat and Drink as Ramadan Celebrations Banned," *Telegraph,* June 1, 2019; Rikar Hussein, "Diplomat Confirms Limits on Ramadan in Xinjiang," *Voice of America,* May 16, 2019.

[198] Sophia Yan, "China's Uighur Muslims Forced to Eat and Drink as Ramadan Celebrations Banned," *Telegraph,* June 1, 2019; Rikar Hussein, "Diplomat Confirms Limits on Ramadan in Xinjiang," *Voice of America,* May 16, 2019.

V. Tibet

Findings

• There has been no formal dialogue between the Dalai Lama's representatives and Chinese Communist Party and government officials since the ninth round of dialogue was held in January 2010. The Chinese government continues to regard the Dalai Lama as a "separatist" and to reject his Middle Way approach of genuine Tibetan autonomy within China.
• The Chinese government and Communist Party have significantly tightened restrictions on access to the Tibet Autonomous Region (TAR) and other Tibetan areas in China for international journalists, non-governmental organizations (NGOs), foreign officials, scholars, and members of the Tibetan diaspora. Chinese authorities require all foreign visitors to the TAR to apply for a special permit. Tourists must be accompanied by government-designated tour guides and are only allowed to see controlled sites. International journalists have stated that the isolation of the TAR is worse than North Korea, allowing the Chinese government to conceal human rights abuses and environmentally damaging large-scale projects, such as river damming and mining, and to promote the claim that Tibetans benefit from and support the Party and its actions.
• The government and Party used increasingly advanced technology to intensify security and surveillance in the TAR and other Tibetan autonomous areas, and continued to use measures included in a nationwide "anti-crime and vice" campaign to crack down on Tibetans suspected of organizing or participating in activities that authorities deemed to be threatening to maintaining control or "social stability."
• Authorities continued to restrict religious freedom in the name of "sinicization," using policies that force religious believers to promote the Party's agenda. Actions taken included mandatory political education for religious leaders, large-scale evictions from influential Tibetan Buddhist monasteries, and replacing visibly displayed images of Tibetan Buddhists' spiritual leader, the Dalai Lama, with past and current Party leaders Mao Zedong and Xi Jinping.
• The Chinese government continued to pursue large-scale infrastructure and investment projects in the TAR and other Tibetan areas, including hydropower dams, mines, and the resettlement of Tibetan nomads, with no apparent representative input from the Tibetan population, independent environmental NGOs, or rights groups. These actions violate the social, economic, and cultural rights of Tibetans, such as their rights to housing and livelihood, and raised concern among environmental scientists and advocates about the regional and global impact of these projects.
• April 25, 2019, marked the 30th birthday of the Panchen Lama, **Gedun Choekyi Nyima,** whom the Dalai Lama recognized in 1995. He and his parents remain incommunicado since authorities took them into custody in May 1995. Moreover, in violation of the religious freedom of Tibetan Buddhists, the

government continued to promote public appearances by its chosen Panchen Lama, Gyaltsen Norbu, including his first trip abroad to Thailand, and to a sacred Tibetan Buddhist site, adding to speculation that Chinese officials will eventually attempt to use him in efforts to select the next Dalai Lama.

Recommendations

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

- Call on the Chinese government and Communist Party to respect—as a matter of the right to religious freedom recognized under Chinese and international law—that the decision regarding the Dalai Lama's succession or reincarnation must be reserved for the current Dalai Lama, Tibetan Buddhist leaders, and the Tibetan people.
- Urge the Chinese government to recognize the role of restrictive Party policies and government measures, and the increasing securitization of Tibetan autonomous areas of China, in Tibetan self-immolations and protests. Urge the Chinese government to cease treating the Dalai Lama as a security threat, and stress to the government the importance of respecting and protecting Tibetan culture and language—policy changes that would promote and protect social stability in Tibetan areas.
- Encourage the Chinese government to respect the right of Tibetans to travel domestically as well as internationally, and to allow unrestricted access to Tibetan autonomous areas of China to international journalists, representatives of the United Nations and NGOs, U.S. Government officials, and members of the Tibetan diaspora living around the world.
- Call on the Chinese government to remove all restrictions on foreigners' access to the TAR. The Administration should use existing laws to hold accountable Chinese government officials and others complicit in restricting access to the TAR, including by using the sanctions available in the Reciprocal Access to Tibet Act (Public Law No. 115–330). Encourage the Chinese government to invite independent observers with relevant expertise to assess and publicly report on the damage incurred by the February 2018 fire at the 1,300-year-old Jokhang temple in Lhasa municipality, TAR.
- Urge the Chinese government to withdraw the charges against Tibetan language rights advocate **Tashi Wangchug** and stress that peacefully advocating for genuine bilingual education—a right recognized under Chinese and international law—is not a crime.
- In interactions with Chinese officials, call for the release of Tibetan political prisoners currently detained or imprisoned for the peaceful exercise of their human rights. The records of detained Tibetans in the Commission's Political Prisoner Database—albeit an incomplete picture of the extent of Tibetan detentions and disappearances—provide a useful resource for such interactions with Chinese officials. Urge the Chinese government and its security forces to cease using arbitrary deten-

tion, disappearance, beatings, torture, and intimidation to suppress and punish Tibetans' peaceful exercise of their rights.

○ Urge the Chinese government to take into full account the views and preferences of Tibetans when planning infrastructure, natural resource development, settlement or resettlement projects, and tourist attractions in Tibetan areas of China.

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

TIBET

Introduction

During the November 2018 session of the UN Human Rights Council Universal Periodic Review (UPR) of China's human rights record, the Chinese government promised to "actively participate in international cooperation in human rights," [1] pledged its support for the work of UN human rights mechanisms,[2] and touted its legal and other actions aimed at the protection of human rights.[3] In contradiction to these statements, several foreign governments and international, non-governmental rights groups reported at the UPR and elsewhere that the human rights situation for Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas of China had worsened in 2018.[4] Various stakeholders at the UPR stated that Chinese authorities had continued to violate the rights of Tibetans to freedom of religion,[5] movement,[6] association and assembly,[7] and expression,[8] as well as their cultural [9] and economic rights.[10] Rights groups documented Chinese authorities' continued oppression of Tibetans through the use of such measures as arbitrary detention,[11] enforced disappearances,[12] torture,[13] intrusive and increasingly sophisticated surveillance and data collection,[14] and the forcible resettlement of nomads.[15] During the Commission's 2019 reporting year, Chinese authorities used many of these measures as part of a nationwide anti-crime campaign launched in early 2018 that included the TAR and Tibetan autonomous areas.[16]

Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives

There has been no formal dialogue between the Dalai Lama or his representatives and the Chinese government since the ninth round of dialogue in January 2010.[17] The Chinese government continues to regard the Dalai Lama as a "separatist" [18] and to reject his Middle Way approach of genuine Tibetan autonomy within China.[19] Reports published this past year, including one by the Tibetan government-in-exile, rejected the Chinese government's narrative of its historical control over the TAR and other Tibetan areas.[20] The Central Tibetan Administration asserted that "[t]oday's continued occupation of Tibet by China . . . violates international law and the fundamental rights of the Tibetan people." [21] Based on this assertion, the Tibetan government-in-exile continues to call for a peaceful, negotiated resolution to the Sino-Tibetan conflict.[22]

Government and Party Policy

ANTI-CRIME AND VICE CAMPAIGN IN THE TAR AND TIBETAN AREAS OF CHINA

During this reporting year, Chinese authorities continued the anti-crime and vice campaign launched in early 2018 aimed at those who allegedly threaten "political security" and "social stability." [23] The Tibetan Centre for Human Rights and Democracy (TCHRD) reported that Chinese authorities had intensified control and repression in Tibetan areas of China, including the criminal-

ization of ordinary social welfare activities,[24] and turned "Tibet into a human rights black hole."[25]

The following are examples in which authorities used the anti-crime and vice campaign to further crack down in Tibetan areas of China this past year:

- According to Voice of Tibet, Chinese authorities detained "a large number" of Tibetans in Lhasa municipality, capital of the TAR.[26] Authorities in the TAR and other Tibetan areas reportedly posted notices asking people to inform on others suspected of involvement in such activities as "extremism," "splittism," "connections with the Dalai clique," advocating "freedom to use one's language," "resisting land grabs, demolitions, infrastructure projects, and . . . related development projects," and "espousing causes like economic freedom, right to livelihood, environmental protection, [and] cultural freedom," offering cash rewards to informants in at least one county.[27]
- According to TCHRD and Radio Free Asia, in July 2018, public security authorities detained Tibetan villagers **Gedun Zoepa, Choesang, Bende Dorje, Tashi Tsering, Sonam Gyal, Dargye, Shawo Tsering, Khajam Gyal,** and **Drugbum Tsering,** all of whom are from Horgyal (Huorijia) village, Rongbo (Longwu) town, Rebgong (Tongren) county, Malho (Huangnan) Tibetan Autonomous Prefecture (TAP), Qinghai province, after they wrote a petition to reclaim village property expropriated by local government authorities.[28] In April 2019, the Tongren County People's Court sentenced them to between three and seven years in prison on the charges of founding an "evil organization" and "disturb[ing] social order by mobilizing support from the public."[29]

INTENSIFYING SECURITY AND SURVEILLANCE

This reporting year, Chinese authorities reportedly continued to use "pervasive surveillance apparatus,"[30] including security cameras, big data centers,[31] artificial intelligence,[32] and "grid" surveillance.[33] Authorities also reportedly confiscated and secretly installed surveillance apps on Tibetans' mobile phones.[34]

The following examples illustrate Chinese authorities' efforts to tighten control in Tibetan areas of China:

- In July 2018, authorities **displaced over 200 monks** under the age of 18 from at least two monasteries in Kardze (Ganzi) county, Kardze (Ganzi) TAP, Sichuan province, and **forced them instead to attend government-run schools.**[35]
- In September 2018, Tibet University and Wise-web Technology Company jointly **launched a big data center to track the real-time activities of tourists.**[36] The Party-run Global Times, citing a professor at Minzu University in Beijing municipality, noted that "developing tourism in Tibet is also an important move to safeguard regional stability, promote national unity, and guard against separatist forces."[37]
- In October 2018, Party officials **opened a new "political education camp"** in Shigatse (Rikaze) municipality, TAR, to provide training in Party ideology and policies for officials

throughout the municipality, with a particular focus on work related to "grassroots Party building" and "anti-separatism."[38]
• Prior to the 60th anniversary of the 1959 Tibetan uprising on March 10, 2019, Chinese authorities **closed the TAR to foreign visitors for two months,**[39] **restricted inter-regional travel by Tibetans,**[40] **and added facial recognition, big data analysis, and upgraded GPS tracking devices in taxi cabs to monitor drivers.**[41]
• Following the passage of the Reciprocal Access to Tibet Act (RATA) by the U.S. Government in December 2018,[42] TAR authorities announced plans to speed up the process for obtaining the special permit required of foreigners to visit the TAR.[43] In March 2019, the State Department reported that **the Chinese government "systematically impeded travel"** by U.S. diplomats, officials, journalists, and tourists to Tibetan areas in 2018.[44]
• In April 2019, Radio Free Asia reported that **authorities closed enrollment at Larung Gar Buddhist Institute** in Serthar (Seda) county, Kardze (Ganzi) TAP, Sichuan, after having recently built walls and checkpoints to prevent entry, while keeping monks and nuns under **strict surveillance.**[45] In summer 2016, authorities began demolishing homes and forcibly expelling monks and nuns from Larung Gar, in an effort to reduce their numbers from around 10,000 to 5,000.[46]
• From May to July 2019, authorities **forcibly evicted an estimated 3,500 monks and nuns from Yachen Gar,** a major Tibetan Buddhist institute in Palyul (Baiyu) county, Kardze (Ganzi) TAP, Sichuan.[47] In July, authorities **demolished at least 100 dwellings** of recently evicted nuns, despite appeals by senior monks to authorities.[48]

Religious Freedom for Tibetan Buddhists

REINCARNATION AND THE SELECTION OF THE 15TH DALAI LAMA

As the 14th Dalai Lama, Tenzin Gyatso, turned 84 years old on July 6, 2019,[49] his advancing age continued to fuel discussion about his succession.[50] The Chinese government continued to claim the authority to manage the selection and education of his successor through the state-controlled Buddhist Association of China,[51] stating that "reincarnation of living Buddhas including the Dalai Lama must comply with Chinese laws and regulations and follow religious rituals and historical conventions."[52] In July 2019, a Party official in the TAR said that the Dalai Lama's reincarnation "must be recognized by the central government," and that the reincarnation would not be "decided by his personal wish or by some group of people living in other countries."[53] The government's position violates international standards of religious freedom, which guarantee the right of religious communities "to train, appoint, elect or designate by succession appropriate leaders."[54] The Dalai Lama has stated that the Chinese Communist Party, which rejects belief in reincarnation, has no authority or role in the recognition of reincarnated Lamas.[55] Furthermore, he said that anyone chosen by the Party would not be accepted by Tibetan Bud-

dhists,[56] reiterating this position in a March 2019 interview with international media outlet Reuters.[57]

April 25, 2019, marked the 30th birthday of **Gedun Choekyi Nyima,** whom the Dalai Lama recognized as the Panchen Lama in 1995.[58] He and his family remain incommunicado since authorities abducted them in May 1995.[59] The Chinese government's chosen Panchen Lama, Gyaltsen Norbu, continued to appear in public, including at the sacred Buddhist site Lhamo Latso lake in Lhokha (Shannan) municipality, Tibet Autonomous Region (TAR), in August 2018,[60] and made his first trip abroad to Thailand in May 2019, where he reportedly praised the "greatness" of the Chinese Communist Party.[61]

"SINICIZATION" OF TIBETAN BUDDHISM

During this reporting year, Chinese authorities issued directives that curtailed previously tolerated religious practices under the national "Sinicization of Religion" policy promoted by President Xi Jinping beginning in April 2016.[62] Such directives contravene the freedom of religious belief guaranteed in China's Constitution[63] and violate the right to freedom of religion defined in international human rights instruments, such as the Universal Declaration of Human Rights.[64]

The Commission observed the following violations of Tibetan Buddhists' right to religious freedom in this reporting year:

- **Promotion of the Sinicization of Tibetan Buddhism.** Authorities held a seminar in Sichuan province in October 2018 to discuss the "adaptation of Tibetan Buddhism to socialist society."[65] At a symposium in Qinghai province that same day, one of the major topics of discussion for monks and scholars was "how Buddhism could better serve China's Belt and Road Initiative."[66]
- **Cancellation of a major prayer festival at Larung Gar.** In October 2018, authorities canceled the weeklong Dechen Shingdrup festival at Larung Gar Buddhist Institute, in Serthar (Seda) county, Kardze (Ganzi) Tibetan Autonomous Prefecture (TAP), Sichuan province, for the third consecutive year.[67]
- **Forced removal of photos of the 14th Dalai Lama from temples and homes.** In December 2018, authorities in Dzoege Toema (Zuogeduoma) township, Tsoe (Hezuo) city, Kanlho (Gannan) TAP, Gansu province, reportedly announced a "Specialized Cleanup of the 14th Dalai Lama's Portraits," requiring locals to replace pictures of the Dalai Lama with portraits of former Party Chairman Mao Zedong and current Party General Secretary Xi Jinping.[68] Following the Dalai Lama's birthday in July 2019, police in Palyul (Baiyu) county, Kardze (Ganzi) TAP, Sichuan, reportedly beat Tibetan residents in two subsidized resettlement communities for displaying photos of the Dalai Lama in their homes.[69] Public security officials also reportedly detained several individuals who had burnt incense and offered prayers on his birthday.[70]
- **Mandatory political education for monks and nuns.** In December 2018, the TAR Party Committee announced that all religious personnel and officials must attend a three- to five-

year political education workshop.[71] In March 2019, Chinese official sources reported that authorities required 30,000 monks to take exams on Chinese laws and regulations, including the PRC Anti-Terrorism Law and the PRC Counter-espionage Law."[72]

- **Restrictions on religious education.** In December 2018, authorities in Nangchen (Nangqian) county, Yulshul (Yushu) TAP, Qinghai province, banned classes offered by monks, proscribing them as "ideological infiltration among the young," "dangerous," and "harmful."[73]
- **Forced acts of worship of Chinese leaders.** In January 2019, authorities in Serthar (Seda) county, Kardze (Ganzi) TAP, Sichuan, reportedly forced Tibetans to prostrate and make offerings before pictures of Chinese Communist Party leaders, including Xi Jinping.[74] A January report disclosed that in May 2018, authorities also had ordered Lhasa municipality residents, some of whom are dependent on state assistance due to previous government land seizures, to stop worshiping the Buddha or risk losing their subsidies.[75]

Self-Immolation

At least two self-immolations as a form of protest occurred in Tibetan autonomous areas of China this past year.[76] According to Tibetan advocacy groups, Chinese government suppression of Tibetans' freedoms of expression and religion have led some Tibetans to turn to self-immolation as protest.[77] According to the International Campaign for Tibet and the Central Tibetan Administration (the Tibetan government-in-exile located in Dharamsala, India), more than 150 Tibetans have self-immolated since 2009, with many calling for the long life of the Dalai Lama, his return from exile, and freedom for Tibet.[78]

The Commission observed the following cases of Tibetans who self-immolated as a form of protest:

- On November 4, 2018, a 23-year-old man named **Dopo** (or Dorbe) reportedly died after self-immolating in Ngaba (Aba) county, Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan province, while shouting wishes to see the Dalai Lama and for his long life.[79] Radio Free Asia also reported that authorities quickly controlled the scene and refused to provide further information.[80]
- On December 8, 2018, a former monk in his twenties named **Drugkho,** previously known as **Choekyi Gyaltsen,**[81] from Soruma (Suorima) village, Choejema (Qiujima) township, Ngaba county, reportedly self-immolated in Ngaba county while shouting for the Dalai Lama's long life and freedom for Tibet.[82] According to one Tibetan advocacy organization, Drugkho reportedly survived.[83]

Following these two self-immolations, authorities increased security measures in the area, including reportedly blocking internet communications.[84]

Status of Tibetan Culture and Language

The Chinese government's National Human Rights Action Plan (2016–2020) provides both that "the cultural rights of ethnic minorities shall be guaranteed" and that "[t]he right of ethnic minorities to learn, use and develop their own spoken and written languages shall be respected and guaranteed," echoing provisions of China's Constitution, the PRC Regional Ethnic Autonomy Law, and the PRC Education Law.[85] In March 2019, the State Council Information Office released the white paper, "Democratic Reform in Tibet—Sixty Years On," which featured two aims regarding Tibetan language: "While protecting and developing the Tibetan language, the state is promoting . . . standard Chinese across the country, including [in] Tibet . . .." [86] In contradiction to the stated aim to protect and develop the Tibetan language, authorities continued to restrict access to Tibetan language education and suppress Tibetan language education advocacy this past year:

- According to Radio Free Asia, in December 2018, Chinese authorities restricted Tibetan language classes for children at monasteries in Nangchen (Nangqian) county, Yulshul (Yushu) TAP, Qinghai province.[87]
- In January 2019, authorities at Dongchuan Prison in Xining municipality, Qinghai, reportedly barred a lawyer from meeting with Tibetan language education advocate **Tashi Wangchug** (Tashi Wangchuk), whom the Yushu TAP Intermediate People's Court in Yushu, Qinghai, sentenced to five years in prison in May 2018 on the charge of "inciting separatism." [88] By blocking this meeting, authorities effectively denied him his right to proceed with a criminal petition (*shensu*).[89] In August 2019, prison authorities again barred lawyers from meeting with him, despite their submission of required documents.[90]

Freedom of Expression

The U.S. State Department and the international non-governmental organization Human Rights Watch reported in 2019 that the Chinese government continued to restrict freedom of speech and assembly in the Tibet Autonomous Region (TAR) and Tibetan areas of China.[91] According to the State Department, "The Chinese government harassed or detained Tibetans as punishment for speaking to foreigners, attempting to provide information to persons abroad, or communicating information regarding protests . . .." [92] The State Department also reported that authorities had restricted internet service "for weeks or months at a time" during times deemed to be politically sensitive or times of unrest, and threatened Tibetans with prison sentences for sharing videos or information about self-immolations.[93] A Tibetan researcher reported that Chinese authorities had "crack[ed] down hard on [social media platform] WeChat users who demonstrate sympathy and support for the Tibetan cause," including the use of "restrictions and fines." [94]

Representative examples of violations of Tibetans' right to free expression this past year include:

- In September 2018, authorities in Kyangche (Jiangqian) township, Gade (Gande) county, Golog (Guoluo) TAP, Qinghai, reportedly beat and detained **Sengdra,** a Tibetan advocate known for his campaign against corruption, on suspicion of "picking quarrels and provoking trouble."[95]
- In September 2018, authorities in Ngaba (Aba) county, Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, reportedly detained **Tenzin Geleg,** an 18-year-old monk from Ngaba's Kirti Monastery, after he conducted a solo protest calling for freedom for Tibet.[96] In the same month, authorities also reportedly detained 23-year-old monk **Dorje Rabten** and another unidentified monk, both also from Kirti, after they staged solo protests.[97]

On December 10, 2018, authorities in Ngaba reportedly severely beat and detained **Sanggye Gyatso,** a 16- or 17-year-old monk also from Kirti Monastery, as he staged a solo protest calling for "Freedom for Tibet."[98]

- On April 29, 2019, public security officials in Sershul (Shiqu) county, Kardze (Ganzi) TAP, Sichuan, detained four Tibetan men in connection with one of them, **Wangchen,** praying and reportedly shouting slogans calling for the release of the 11th Panchen Lama, despite warnings from other monks of possible arrest by police.[99] In May, a court sentenced Wangchen to four years and six months in prison for leading an illegal public protest.[100] On May 2, authorities detained his aunt **Drolkar,** and later that month sentenced her to one year and three months' imprisonment for sharing information about the protest.[101]
- During this reporting year, the Commission did not observe further news about the large **February 2018 fire at the Jokhang temple** in Lhasa municipality, TAR, one of Tibetan Buddhism's holiest sites and a UNESCO World Heritage site.[102] An international advocacy organization used satellite imagery analysis to show that the fire did more damage than the government reported, and cited commentators who criticized the government's failure to report the severity of the damage.[103] Authorities also reportedly censored the online sharing of information about the fire.[104] Neither Chinese media reports on activities at the Jokhang in April 2019 nor an international media report on U.S. Ambassador to China Terry Branstad's visit to the temple in May 2019 mentioned the fire, resulting damage, or repair efforts.[105]
- In April 2019, authorities reportedly detained Tibetan graduate student **Sonam Lhundrub** at Northwest Minzu University in Lanzhou municipality, Gansu province, after he posted an essay on social media criticizing the decline in opportunities to obtain government jobs for Tibetans in Tibetan areas.[106]

Freedom of Movement

The Chinese government continued to restrict Tibetans' freedom of movement in violation of the International Covenant on Civil and Political Rights, which articulates the rights of every person to "liberty of movement and freedom to choose his residence"; "free-

dom to leave any country, including his own"; and "the right to enter his own country."[107] Authorities tightened borders in Tibetan regions and restricted Tibetans' ability to travel abroad.[108]

The Commission observed the following restrictions on Tibetans' movement and travel this past year:

- According to TCHRD's 2018 annual report, authorities required Tibetan visitors to Lhasa from Tibetan areas outside the TAR to surrender their ID cards and obtain special permits to enter the city, and to undergo close searches and frisking at checkpoints in order to visit the Jokhang temple.[109]
- Tibetans wishing to travel abroad, especially for pilgrimage to India for the Dalai Lama's annual teachings at Bodh Gaya, India in December 2018, faced barriers in obtaining passports.[110] Authorities reportedly subjected Tibetan travelers to a "two-track" passport system,[111] long interrogations, and cancellation of passports or denial of permission to travel at airports without refunds.[112] Authorities had also reportedly confiscated and destroyed the passports of returning Tibetan pilgrims after the 2018 annual teachings.[113]
- The U.S. State Department reported that the "People's Armed Police (PAP) and local public security bureaus (PSB) set up roadblocks and checkpoints in Tibetan areas . . . especially around sensitive dates"[114] and that authorities required monks and nuns to undergo "extra scrutiny . . . at roadside checkpoints and at airports."[115]
- According to TCHRD, in 2018, Chinese authorities in Rebgong (Tongren) county, Malho (Huangnan) TAP, Qinghai, informed a Tibetan refugee visiting from India that, as of January 2018, Tibetans returning to China were not allowed to permanently reside in their hometowns.[116] TCHRD found no evidence that the statement was connected to any formal policy.[117]

Economy, Environment, and Development Concerns

- **Economy.** According to the Office of the UN High Commissioner for Human Rights summary of rights groups' submissions in advance of the November 2018 session of the UN Human Rights Council's Universal Periodic Review (UPR) of China, the Chinese government's "large-scale infrastructure and investment projects in Tibet . . . often resulted in violations of Tibetan's [sic] economic, social, and cultural rights, such as their rights to livelihood and to adequate housing."[118]
- **Environment.** The Chinese government has designated large areas in the TAR and Qinghai province as national parks, and has relocated Tibetans for the stated purposes of protecting ecosystems and improving the livelihoods of local residents.[119] Tibetan groups state, however, that government claims about the need to protect the environment are also used as a pretext to forcibly resettle Tibetans from traditional grazing lands.[120] Scientists and Tibetan groups note that many government actions on the Tibetan Plateau exacerbate climate change, resulting in glacial melting, permafrost degradation, and desertification of grasslands.[121]

• **Water rights.** Many of Asia's major rivers originate on the Tibetan Plateau, known as the "Third Pole" and "water tower of Asia."[122] A Tibet researcher argued that the government's dams and water diversion projects on many of Asia's rivers violate the water rights of Tibetans and over 1.3 billion people in downstream countries who are dependent on these rivers for drinking water and agriculture.[123]

• **Development.** The Chinese government continued to forcibly resettle Tibetans throughout the TAR and other Tibetan areas of China for the stated purposes of development and poverty alleviation.[124] Between January and May 2019, Radio Free Asia reported the following:

  ○ Authorities forced Tibetan nomadic families in Chamdo (Changdu) municipality, TAR, to move into towns and pay nearly 8,000 yuan (US$1,165) for their new homes.[125]

  ○ Authorities removed 12 families from Gonjo (Gongjue) county, Chamdo, and relocated them to Nyingchi (Linzhi) municipality, TAR.[126]

  ○ Nomadic families who were forcibly resettled several years ago to an area east of Chengguan district, Lhasa municipality, TAR, were suffering financial and other hardships due to the loss of their livelihoods and the failure of authorities to provide promised assistance.[127]

  ○ Authorities resettled around 40 Tibetan families from their village in Qinghai for airport construction.[128]

Some attempts by Tibetans to oppose development projects have led to violence against or detention of protesters. Observers reported the following:

• On September 11, 2018, authorities detained five monks at **Gomang Monastery** in Ngaba (Aba) county, Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, for protesting a residential construction project near the monastery.[129]

• On October 11, 2018, Han Chinese workers reportedly attacked Tibetans who were protesting their work installing solar panels on grazing land in Chabcha (Gonghe) county, Tsolho (Hainan) Tibetan Autonomous Prefecture, Qinghai.[130]

Notes to Section V—Tibet

[1] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, para. 17.

[2] Ibid.

[3] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, paras. 7, 8, 12, 13. See also *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 33.

[4] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 9; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2018—China (Includes Tibet, Hong Kong, and Macau)," March 13, 2019, 2; International Federation for Human Rights and International Campaign for Tibet, "China: Dramatic Deterioration of Human Rights Situation in Tibet Detailed in Report for UN Review," March 29, 2018.

[5] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3*, September 3, 2018, para. 65; *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36.

[6] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3*, September 3, 2018, paras. 64, 67.

[7] Ibid., para. 64.

[8] Ibid., para. 17.

[9] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3*, September 3, 2018, para. 65; *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 4.

[10] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3*, September 3, 2018, para. 12.

[11] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3*, September 3, 2018, para. 65; *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 37.

[12] "Zhonggong dangju yu Xizang Lasa 'Saohei Chu'e' zhongjin youhuo Zangren xuxiang jiefa" [Chinese Communist Party authorities in Lhasa, Tibet's "Anti-Crime and Evil Campaign" use large sums to entice Tibetans to expose each other], *Voice of Tibet,* May 23, 2019.

[13] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3*, September 3, 2018, para. 65.

[14] Ibid., para. 5.

[15] Ibid., para. 12.

[16] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 9; Weida Li, "China to Begin Nationwide Crackdown on Organised Crime," *Global Times,* January 25, 2018.

[17] U.S. Department of State, "2019 Report to Congress on Tibet Negotiations, Department of State Authorities Act, Fiscal Year 2017 Improvements Act PL 115–94, Sec. 13," June 3, 2019, attached to letter from Mary Elizabeth Taylor, Assistant Secretary, Bureau of Legislative Affairs, U.S. Department of State, to United States Senate, Committee on Foreign Relations, May 30, 2019, 1.

[18] Zhu Weiqun, "'Daogui shu' wan bu hui Dalai jituan shibai mingyun" ["Mischief-making" will not prevent the failure of the Dalai clique], *Global Times,* October 19, 2018; "Tibet Vows to Fight against Separatism," *Xinhua,* January 10, 2019; State Council Information Office, "Tibet's Path of Development Is Driven by an Irresistible Historical Tide," April 15, 2015, sec. V.

[19] State Council Information Office, "Tibet's Path of Development Is Driven by an Irresistible Historical Tide," April 15, 2015, Conclusion; Central Tibetan Administration, "Tibet Was Never a Part of China, but the Middle Way Approach Remains a Viable Solution," October 2018, 120; Sherab Woeser, Office of His Holiness the Dalai Lama, "'I Am Not Seeking Independence,' Reconfirms His Holiness," November 3, 2009.

[20] Central Tibetan Administration, "Tibet Was Never a Part of China, but the Middle Way Approach Remains a Viable Solution," October 2018, title page, 40–41, 42, 66, 239; Michael van Walt van Praag and Miek Boltjes, "Speaking Truth to Power Regarding China's Claim to Tibet: Working Paper Prepared for the 7th World Parliamentarians' Convention on Tibet," Riga, Latvia, May 8, 2019, 55–57.

[21] Central Tibetan Administration, "Tibet Was Never a Part of China, but the Middle Way Approach Remains a Viable Solution," October 2018, 37. See also Michael van Walt van Praag and Miek Boltjes, "Speaking Truth to Power Regarding China's Claim to Tibet: Working Paper Prepared for the 7th World Parliamentarians' Convention on Tibet," Riga, Latvia, May 8, 2019, 55–57. On May 16, 2019, van Walt van Praag presented a detailed analysis and refutation of the Chinese government's historical claim that Tibet was always an integral part of China, and argued that the virtually unchallenged international acceptance of this notion removes the possibility of equal footing for negotiations and undermines the prospect of a satisfactory resolution to the Sino-Tibetan conflict.

[22] Tibetan Parliament in Exile, Riga Declaration, adopted by the 7th World Parliamentarians' Convention on Tibet, May 14, 2019.

[23] CCP Central Committee and State Council, *Guanyu Kaizhan Saohei Chu'e Zhuanxiang Douzheng De Tongzhi* [Circular on the Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice], January 24, 2018; Tibetan Centre for Human Rights and Democracy, *An-*

nual Report 2018—Human Rights Situation in Tibet, May 2019, 9; Weida Li, "China to Begin Nationwide Crackdown on Organised Crime," *Global Times,* January 25, 2018; Xu Wei, "Chengchu hei e shili fanzui yao da zhun da hen" [Black and evil forces and crimes must be ruthlessly punished], *People's Daily,* February 1, 2018.

[24] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 13.

[25] Ibid., 9.

[26] "Zhonggong dangju yu Xizang Lasa 'saohei chu'e' zhongjin youhuo Zangren xuxiang jiefa" [Chinese Communist Party authorities in Lhasa, Tibet's "Anti-Crime and Evil Campaign" use large sums to entice Tibetans to expose each other], *Voice of Tibet,* May 23, 2019.

[27] "Zhonggong dangju yu Xizang Lasa 'saohei chu'e' zhongjin youhuo Zangren xianghu jiefa" [Chinese Communist Party authorities in Lhasa, Tibet's "Anti-Crime and Evil Campaign" use large sums to entice Tibetans to expose each other], *Voice of Tibet,* May 23, 2019; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2018—China (Includes Tibet, Hong Kong, and Macau)," March 13, 2019, 78; Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 11–12.

[28] Tibetan Centre for Human Rights and Democracy, "Nine Tibetans Sentenced Up to 7 Years in Prison under China's Organised Crime Crackdown," April 19, 2019; Tibetan Centre for Human Rights and Democracy, "Zhongguo 'Saohei Chu'e Zhuanxiang Douzheng' xia 9 ming Zangren bei panchu 7 nian deng tuxing" [Under China's "Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice," 9 Tibetans sentenced to up to 7 years], April 19, 2019; "Nine Tibetans Are Jailed in Rebgong for Running an 'Illegal Organization' Claiming Land Rights," *Radio Free Asia,* April 23, 2019.

[29] Tongren County People's Court, "Tongren Xian Renmin Fayuan gongkai kaiting shenli 'kanguowa' e shili fanzui jituan anjian" [Tongren County People's Court holds open trial in "khagowa" evil forces criminal gang case], April 16, 2019.

[30] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 5.

[31] Tenzin Tsultrim, "Big Brother Really Is Watching: China's Grand Plan for Smart Surveillance in Tibet," *Hong Kong Free Press,* March 31, 2019; Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 5; Claude Arpi, "Big Data near the Indian Border," *Claude Arpi* (blog), December 29, 2018.

[32] Tenzin Tsultrim, "Big Brother Really Is Watching: China's Grand Plan for Smart Surveillance in Tibet," *Hong Kong Free Press,* March 31, 2019; Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 5; Claude Arpi, "Big Data near the Indian Border," *Claude Arpi* (blog), December 29, 2018.

[33] International Campaign for Tibet, "China's Control State in Lhasa—The Black Box of Tibet's Prison System: Detention Center Notorious for Torture next to 5-Star Global Brand Hotel," October 3, 2018. "Grid-style social management"—a central government "securitization" policy first deployed in the Tibet Autonomous Region in 2012—divides urban and rural areas into smaller units for the purpose of intensifying surveillance, policing, and control at the community level. Human Rights Watch, "China: Alarming New Surveillance, Security in Tibet," March 20, 2013; Tibetan Centre for Human Rights and Democracy, *Annual Report 2017—Human Rights Situation in Tibet,* May 7, 2018, 8; Adrian Zenz and James Leibold, "Chen Quanguo: The Strongman behind Beijing's Securitization Strategy in Tibet and Xinjiang," *China Brief,* Jamestown Foundation, September 21, 2017. See also "Grid Locked," *Economist,* June 22, 2013.

[34] Tenzin Dalha, "How WeChat Conquered Tibet," *The Diplomat,* July 16, 2019.

[35] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 36. See also International Campaign for Tibet, "China Forces Young Tibetan Monks Out of Monastery into Government-Run School as Part of Drive to Replace Monastic Education with Political Propaganda," July 12, 2018.

[36] Cao Siqi, "Big Data System Keeps Real-Time Track of Visitors in Tibet," *Global Times,* October 7, 2018.

[37] Ibid.

[38] Wang Yufei, "Rikaze shi kaishe 'zhengzhi jiaoyu xunlian ying'" [Shigatse municipality opens "political education training camp"], *Tibet Daily,* January 22, 2019; "China Sets Up Camp in Tibet's Shigatse to Train Party Workers in 'Correct Thought': Report," *Radio Free Asia,* February 14, 2019.

[39] International Campaign for Tibet, "China Bans Foreigners from Visiting Tibet Autonomous Region until April," February 19, 2019.

[40] "Chinese Authorities Tighten Restrictions in Qinghai amid Tibetan Uprising Anniversaries," *Radio Free Asia,* March 14, 2019.

[41] Free Tibet, "China Installed New Surveillance in Tibet Ahead of 1959 Anniversary," March 13, 2019; "Lhasa Uses Facial Recognition, Big Data Analysis in New Taxis," *Global Times,* March 5, 2019.

[42] Reciprocal Access to Tibet Act of 2018, Pub. L. No. 115–330.

[43] "China Pledges Easier Access to Tibet for Foreign Tourists after US Pressure," *Reuters,* January 11, 2019; "Tibet Travel to Become Easier for Foreigners," *CGTN,* January 14, 2019.

[44] U.S. Department of State, "Report to Congress on Section 4 of the Reciprocal Access to Tibet Act of 2018 of P.L. 115–330," March 25, 2019.

[45] "Larung Gar Buddhist Academy Closes to New Enrollment as China Tightens Controls," *Radio Free Asia,* April 19, 2019.

[46] International Campaign for Tibet, "Demolitions Begin at Larung Gar, 'A Monastery for the World,' as Religious Teachers Urge Calm," July 25, 2016; Human Rights Watch, "China: Major Tibetan Buddhist Institution Faces Further Demolitions," March 29, 2017; "Larung Gar Expulsions Now Complete: Local Source," *Radio Free Asia,* April 7, 2017. See also CECC, *2018 Annual*

Report, October 10, 2018, 294; CECC, *2017 Annual Report,* October 5, 2017, 303–4; CECC, *2016 Annual Report,* October 6, 2016, 303–4.

[47] "Thousands of Monks, Nuns Evicted from Sichuan's Yachen Gar," *Radio Free Asia,* June 11, 2019. For more information on Yachen Gar (Yarchen Gar), see CECC, *2017 Annual Report,* October 5, 2017, 304.

[48] "Large-Scale Demolition Begins at Sichuan's Yachen Gar Tibetan Buddhist Center," *Radio Free Asia,* July 29, 2019; "Photo Shows Dramatic Demolition of Yachen Gar Buddhist Complex," *Radio Free Asia,* August 28, 2019.

[49] Office of His Holiness the Dalai Lama, "Thank You from His Holiness," July 10, 2019.

[50] Krishna N. Das and Sunil Kataria, "Exclusive: Dalai Lama Contemplates Chinese Gambit after His Death," *Reuters,* March 18, 2019; Yonden Lhatoo, "China and the Dalai Lama Play Endgame for Tibet, and It's Going to Be an Unholy Mess," *South China Morning Post,* March 30, 2019; Jessica Batke, "Is This the Last Dalai Lama?," *ChinaFile,* Asia Society, March 15, 2019.

[51] "The Religious Ritual and Historical Convention of Living Buddha Reincarnation," *China Tibet Online,* January 24, 2019; State Council Information Office, "Tibet's Path of Development Is Driven by an Irresistible Historical Tide," April 15, 2015, sec. V.

[52] State Administration for Religious Affairs, *Zangchuan Fojiao Huofo Zhuanshi Guanli Banfa* [Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism], issued July 13, 2007, effective September 1, 2007, arts. 5–11; Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Geng Shuang's Regular Press Conference on March 19, 2019," March 19, 2019; Embassy of the People's Republic of China in the Hellenic Republic, "Foreign Ministry Spokesperson Lu Kang's Regular Press Conference on April 10, 2019," April 11, 2019; "The Religious Ritual and Historical Convention of Living Buddha Reincarnation," *China Tibet Online,* January 24, 2019; State Council Information Office, "Tibet's Path of Development Is Driven by an Irresistible Historical Tide," April 15, 2015, sec. V. By "historical conventions," Chinese authorities are referring to practices during the Qing dynasty (1644–1911) and the Republican era (1912–1949) when those governments recognized the current 14th Dalai Lama (in 1940) and previous Dalai Lamas.

[53] Manash Pratim Bhuyan, "Next Dalai Lama Must Be Chosen within China; India Should Not Intervene: Chinese Authorities," *Press Trust of India,* reprinted in *India Today,* July 14, 2019; Elizabeth Roche, "Selection of the Next Dalai Lama May Test New Delhi-Beijing Ties," *Livemint,* July 15, 2019.

[54] Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by UN General Assembly resolution 36/55 of November 25, 1981, art. 6(g); UN Human Rights Committee, General Comment 22, Article 18 (Forty-eighth session, 1993). Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, HRI/GEN/1/Rev.1 (July 29, 1994), para. 4. See also International Campaign for Tibet, "China's Response to Dalai Lama Reincarnation Statements Shows Beijing's Insecurity and Lack of Legitimacy," March 20, 2019.

[55] Office of His Holiness the Dalai Lama, "Reincarnation," September 24, 2011. See also Jessica Batke, "Is This the Last Dalai Lama?," *ChinaFile,* Asia Society, March 15, 2019.

[56] Office of His Holiness the Dalai Lama, "Reincarnation," September 24, 2011.

[57] Krishna N. Das and Sunil Kataria, "Exclusive: Dalai Lama Contemplates Chinese Gambit after His Death," *Reuters,* March 18, 2019.

[58] "The Panchen Lama Turns 30, 24 Years after He Disappeared," *AsiaNews,* April 26, 2019; Tenzin Dorjee, U.S. Commission on International Religious Freedom (USCIRF), "Open Letter from USCIRF Chair Tenzin Dorjee to the Panchen Lama on His 30th Birthday," April 25, 2019. For more information on Gedun Choekyi Nyima, see the Commission's Political Prisoner Database record 2004-00835.

[59] "The Panchen Lama Turns 30, 24 Years After He Disappeared," *AsiaNews,* April 26, 2019; Tenzin Dorjee, U.S. Commission on International Religious Freedom (USCIRF), "Open Letter from USCIRF Chair Tenzin Dorjee to the Panchen Lama on His 30th Birthday," April 25, 2019.

[60] International Campaign for Tibet, "China Tightens Screws on Tibetan Buddhism," September 11, 2018. For more information on the Panchen Lama and the Chinese government's likely model for selecting the next Dalai Lama, see CECC, *2008 Annual Report,* October 31, 2008, 189.

[61] "China Says Its Panchen Lama Made First Trip outside Country in May," *Reuters,* June 11, 2019.

[62] Wang Zuo'an, "Yinling zongjiao zhongguohua jincheng xing wen zhi yuan" [Leading religion in the stable and long-term process of sinicization], *China Ethnic News,* March 26, 2019; John Dotson, "Propaganda Themes at the CPPCC Stress the 'Sinicization' of Religion," *China Brief,* Jamestown Foundation, April 9, 2019; Charlotte Gao, "Chinese Communist Party Vows to 'Sinicize Religions' in China," *The Diplomat,* October 24, 2017. For more background on the "sinicization" of religions, see CECC, "Freedom of Religion" in *2018 Annual Report,* October 10, 2018, 121–24; CECC, *2017 Annual Report,* October 5, 2017, 129 (text box titled "Revisions to the Regulations on Religious Affairs"). In a March 2019 article in the state-run *China Ethnic News,* director of the State Administration for Religious Affairs and vice-minister of the United Front Work Department Wang Zuo'an reiterated the "four perseverances" in guiding religions "to sinicize" (*zhongguohua*), a process the Party defines as adapting to socialist society under its leadership (the literal meaning of *zhongguohua* is "to make [something] Chinese," without specific Party or ideological connotations). The "four perseverances" comprise: 1) following the leadership of the Party; 2) awakening religious circles to their duty and mission to contribute to the great project of "building socialism with Chinese characteristics"; 3) "classifying and leading" each religion according to its characteristics such as upholding the concept of "humanistic Buddhism"; and 4) seeking "long-term success" in guiding religion through the complexities and changes of history.

[63] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36.
[64] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18.
[65] "Wo sheng juban Zang chuan Fojiao yu shehuizhuyi shehui xiang shiying yantaohui" [[Sichuan] Province holds conference on the adaptation of Tibetan Buddhism to socialist society], *Sichuan Daily,* reprinted in *Sichuan Online,* October 18, 2018.
[66] Zhang Han, "Buddhism Encouraged to Serve BRI," *Global Times,* October 17, 2018.
[67] "China Bans Major Prayer Festival in Larung Gar for Third Consecutive Year," *Radio Free Asia,* October 25, 2018; Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 45.
[68] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 42; Sang Jieja, "Tibetans Get Home Decor Order: Hang Xi, Mao Portraits," *UCANews,* January 23, 2019; Tenzin Saldon, Central Tibetan Administration, "Tibetans Forced to Prostrate to Xi Jinping Pictures: Religious Repression in Tibet Accelerates," January 19, 2019.
[69] "Tibetans Beaten, Detained in Kardze Over Dalai Lama Photos," *Radio Free Asia,* July 29, 2019.
[70] Ibid.
[71] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 50; Ambika Choudhary Mahajan, "China Imparting 'Patriotic Education' to Tibetan Monks and Nuns Infuriates Region's Religious Leaders," Firstpost.com, April 8, 2019.
[72] Liu Caiyu, "30,000 Monks and Nuns in Tibet Take Exams on Laws," *Global Times,* March 26, 2019. According to the Chinese official news outlet Global Times, the tests reinforce the idea that "national laws are superior to religious regulations, and abiding by the law comes ahead of adhering to religious discipline." Free Tibet, "China Forces 30,000 Monks and Nuns to Take Exams on Chinese Law," May 23, 2019. The workshops require three to five years of political education on China's history, laws, policies, and regulations on religion. According to Free Tibet, the exams were administered at Gaden, Drepung, and Sera Monasteries in Lhasa municipality, Tibet Autonomous Region (TAR), among other sites in the TAR.
[73] Human Rights Watch (HRW), "China: Tibetan Children Banned from Classes," January 30, 2019. HRW provided an official copy (Tibetan language) and an unofficial English translation of the Nangchen county notice proscribing classes taught by monks.
[74] Tenzin Saldon, Central Tibetan Administration, "Tibetans Forced to Prostrate to Xi Jinping Pictures: Religious Repression in Tibet Accelerates," January 19, 2019; Free Tibet, "Chinese Order Tibetans to Put Shrines to Xi Jinping and Party Leaders in Their Homes," January 22, 2019.
[75] Li Zaili, "Authorities Use Welfare Payments Against Tibetan Buddhists," *Bitter Winter,* January 18, 2019.
[76] For information on self-immolations in previous reporting years, see CECC, *2018 Annual Report,* October 10, 2018, 294–95; CECC, *2017 Annual Report,* October 5, 2017, 301–02; CECC, *2016 Annual Report,* October 6, 2016. For additional information on self-immolations in Tibetan autonomous areas of China, see Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 20.
[77] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 20; International Campaign for Tibet, "Self-immolations," accessed July 2, 2019.
[78] Central Tibetan Administration, "Photos of 2012 Tibetan Self-Immolators Identified," May 22, 2019; International Campaign for Tibet, "Self-Immolation Fact Sheet," December 10, 2018; International Campaign for Tibet, "Brave Solo Protests Show Tibetans' Remarkable Courage and Steadfast Loyalty to the Dalai Lama," October 11, 2018; Yangchen Dolma, "Two More Youths Set Themselves on Fire in Protest Against China's Repression in Tibet," *Tibet Post International,* December 14, 2018.
[79] International Campaign for Tibet, "Self-Immolation Fact Sheet," December 10, 2018; "Liuwang Zangren aidao ji shengyuan zuixin zifenzhe" [Exiled Tibetans mourn and voice support for latest self-immolator], *Radio Free Asia,* November 9, 2018; Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 21.
[80] "Liuwang Zangren aidao ji shengyuan zuixin zifenzhe" [Exiled Tibetans mourn and voice support for latest self-Immolator], *Radio Free Asia,* November 9, 2018.
[81] Tinley Nyandak, "Tibetan Youth Self-Immolates Over China's Tibet Policies," *Voice of America,* December 10, 2018; Tenzin Sangmo, "Tibetan Monk Beaten Up, Arrested in Ngaba for Protest," *Phayul,* December 14, 2018.
[82] Tinley Nyandak, "Tibetan Youth Self-Immolates Over China's Tibet Policies," *Voice of America,* December 10, 2018; Yangchen Dolma, "Tibetan Youth Sets Himself on Fire in Eastern Tibet to Protest China's Rule," *Tibet Post International,* December 9, 2018; "Tibetan Man in Ngaba Stages Self-Immolation Protest," *Radio Free Asia,* December 9, 2018.
[83] Tenzin Sangmo, "Tibetan Monk Beaten Up, Arrested in Ngaba for Protest," *Phayul,* December 14, 2018.
[84] "New Self-Immolations, Protest Reported in Sichuan's Ngaba," *Radio Free Asia,* December 14, 2018; "Tibetan Man in Ngaba Stages Self-Immolation Protest," *Radio Free Asia,* December 9, 2018; Yangchen Dolma, "Tibetan Youth Sets Himself on Fire in Eastern Tibet to Protest China's Rule," *Tibet Post International,* December 9, 2018.
[85] State Council Information Office, "National Human Rights Action Plan of China (2016–2020)," August 2016, reprinted in *Xinhua,* September 29, 2016, sec. III(1); *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), arts. 4, 121; *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa* [PRC Regional Ethnic Autonomy Law], issued May 31, 1984, amended and effective February 28, 2001, arts. 10, 21, 37; State Council, *Guowuyuan*

Shishi "Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa" Ruogan Guiding [Certain Provisions on Implementing the "PRC Regional Ethnic Autonomy Law"], issued May 19, 2005, effective May 31, 2005, art. 22; *Zhonghua Renmin Gongheguo Jiaoyu Fa* [PRC Education Law], passed March 18, 1995, amended August 27, 2009, December 27, 2015, effective June 1, 2016, art. 12. China's Constitution and the PRC Regional Ethnic Autonomy Law provide nominal protection for the use of minority languages. 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.

[86] State Council Information Office, "Democratic Reform in Tibet—Sixty Years On," March 2019, 26.

[87] "Tibetan Monasteries in Nangchen Banned from Teaching Language to Young Tibetans," *Radio Free Asia,* January 30, 2019.

[88] Tenzin Dharpo, "Tibetan Language Language Rights Advocate Tashi Wangchuk Appeals Against 5-Year Prison Term," *Phayul,* June 20, 2018. For more information on Tashi Wangchug, see the Commission's Political Prisoner Database record 2016-00077.

[89] Tenzin Dharpo, "Tibetan Language Advocate Denied Right to Appeal at Higher Court," *Phayul,* January 30, 2019; Independent Chinese PEN Center, "Lushi huijian Zhaxi Wense zaici yu zu, liyou shi min'gan anjian teshu duidai'" [Lawyer again blocked from meeting with Tashi Wangchug, reason [given] is "special treatment for a sensitive case"], August 2, 2019.

[90] "Jailed Tibetan Language Rights Advocate Is Refused Visits from His Lawyers," *Radio Free Asia,* August 2, 2019.

[91] Human Rights Watch, "China," in *World Report 2019: Events of 2018,* 2019, 144.

[92] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2018—China (Includes Tibet, Hong Kong, and Macau)," March 13, 2019, 73.

[93] Ibid., 80.

[94] Tenzin Dalha, "How WeChat Conquered Tibet," *The Diplomat,* July 16, 2019. See also "Tibetan Man Detained for Sharing Dalai Lama Photo on WeChat," *Radio Free Asia,* August 26, 2019.

[95] Tibetan Centre for Human Rights and Democracy, "China Detains Tibetan Anti-Corruption Activist on Politicised Charge of 'Provoking Trouble,'" December 20, 2018. For more information on Sengdra, see the Commission's Political Prisoner Database record 2016-00353.

[96] Tibetan Centre for Human Rights and Democracy, "Teenage Monk and Blogger Detained at Undisclosed Location After Staging Solo Protest," September 25, 2018. For more information on Tenzin Geleg, see the Commission's Political Prisoner Database record 2018-00472.

[97] "Three Tibetan Monks Detained after Launching Solo Protests in Ngaba," *Radio Free Asia,* September 24, 2018. For more information on Dorje Rabten, see the Commission's Political Prisoner Database record 2018-00471.

[98] Tibetan Centre for Human Rights and Democracy, "Teen Monk Disappears into Chinese Police Custody After Staging a Solo Protest Calling for Freedom in Tibet," December 15, 2018; "New Self-Immolations, Protest Reported in Sichuan's Ngaba," *Radio Free Asia,* December 14, 2018. For more information on Sanggye Gyatso, see the Commission's Political Prisoner Database record 2018-00697.

[99] Tenzin Sangmo, "Three Tibetans Detained for Praying for the Release of the Panchen Lama," *Phayul,* April 30, 2019; "Wei Banchan Lama qifu er zao bu, liang ming Zangren zai Xizang Shiqu zao panxing" [Arrested for praying for Panchen Lama, two Tibetans sentenced in Sershul, Tibet], *Voice of Tibet,* May 9, 2019; "Three Tibetans Are Detained for Calling for Panchen Lama's Release," *Radio Free Asia,* April 30, 2019.

[100] Tenzin Sangmo, "Three Tibetans Detained for Praying for the Release of the Panchen Lama," *Phayul,* April 30, 2019; "Wei Banchan Lama qifu er zao zu, liang ming Zangren zai Xizang Shiqu zao panxing" [Arrested for praying for Panchen Lama, two Tibetans sentenced in Sershul, Tibet], *Voice of Tibet,* May 9, 2019; "Three Tibetans Are Detained for Calling for Panchen Lama's Release," *Radio Free Asia,* April 30, 2019. For more information on Wangchen, see the Commission's Political Prisoner Database record 2019-00174.

[101] "Tibetan Man, Aunt Sentenced for Panchen Lama Protest in Sichuan," *Radio Free Asia,* May 8, 2019; Free Tibet, "Tibetans Sentenced to Prison after Panchen Lama Gathering," May 9, 2019. For more information on Drolkar, see the Commission's Political Prisoner Database record 2019-00178.

[102] Tom Phillips, "Jokhang Temple: Fire Engulfs Ancient 'Heart' of Tibetan Buddhism," *Guardian,* February 17, 2018; "Fire Put Out in Jokhang Temple in China's Tibet," *Xinhua,* February 17, 2018; CECC, *2018 Annual Report,* October 10, 2018, 298.

[103] Free Tibet, "The Jokhang Fire Four Months On," June 22, 2018.

[104] Free Tibet, "The Jokhang Fire Four Months On," June 22, 2018; Nithin Coca, "China's Digital Wall Around Tibet," *Coda Story,* May 16, 2019.

[105] See e.g., "Jokhang Temple Holds Tibetan Calligraphy Exhibition for First Time," *Xinhua,* April 30, 2019; "Efforts Underway to Map Tibet's Jokhang Temple," *Xinhua,* April 7, 2019; "U.S. Ambassador Urges China to Talk to the Dalai Lama," *Reuters,* May 25, 2019.

[106] "Chinese Authorities Detain Tibetan Student Who Decried Lack of Government Jobs in Tibet," *Radio Free Asia,* April 16, 2019; Karma Tenzin, "China's White Paper on Education in Tibet: The Missing Facts," *Bitter Winter,* May 9, 2019. For more information on Sonam Lhundrub, see the Commission Political Prisoner Database record 2019-00175.

[107] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 25–26; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 12; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 23, 2019. China has signed but not ratified the ICCPR.

[108] "Chinese Authorities Tighten Restrictions in Qinghai amid Tibetan Uprising Anniversaries," *Radio Free Asia,* March 14, 2019; "Tibetan Migration into India Down to a Trickle," *Voice of America,* July 2, 2018; UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3*, September 3, 2018, paras. 64, 67.
[109] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 25.
[110] "Tibetan Passport Restrictions Limit Attendance at Dalai Lama Prayer Gathering," *Radio Free Asia,* December 26, 2018; Free Tibet, "Hundreds of Tibetans Ordered to Immediately Return from Pilgrimage Sites," January 4, 2019.
[111] Tenzin Saldon, Central Tibetan Administration, "Travel Restrictions on Tibetans Persist despite International Outcry against China," January 2, 2019.
[112] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 26.
[113] Tenzin Saldon, Central Tibetan Administration, "Travel Restrictions on Tibetans Persist despite International Outcry against China," January 2, 2019; Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 26. See also CECC, *2018 Annual Report,* October 8, 2018, 298–99.
[114] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2018—China (Includes Tibet, Hong Kong, and Macau)," March 13, 2019, 83.
[115] Ibid.
[116] Tibetan Centre for Human Rights and Democracy, *Annual Report 2018—Human Rights Situation in Tibet,* May 2019, 26.
[117] Ibid.
[118] UN Human Rights Council, Summary of Stakeholders' Submissions on China, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/CHN/3*, September 3, 2018.
[119] Zhang Zhihao and Cui Jia, "Tibet to Get Five National Parks," *China Daily,* March 12, 2019; Stephen Chen, "China Plans World's Biggest National Park on Tibetan Plateau," *South China Morning Post,* April 22, 2017.
[120] International Campaign for Tibet, "Damming Tibet's Rivers: New Threats to Tibetan Areas under UNESCO Protection," May 30, 2019, 1; Central Tibetan Administration, "Tibet Was Never a Part of China, but the Middle Way Approach Remains a Viable Solution," October 2018, 135, 142–43, 149, 151–53; Ambika Choudhary Mahajan, Central Tibetan Administration, "Tibetan Nomads Forcibly 'Resettled' by China Struggle with Loss of an Over 8,000-Year-Old Heritage," April 6, 2019.
[121] *The Hindu Kush Himalaya Assessment: Mountains, Climate Change, Sustainability and People,* eds. Philippus Wester et al. (Cham: Springer Open, 2019), 23, 65; Central Tibetan Administration, "Tibet Was Never a Part of China, but the Middle Way Approach Remains a Viable Solution," October 2018, 135, 138–42; Office of Tibet, "Backgrounder: Climate Action for Tibet," accessed July 20, 2019. See also Michael Buckley, *Meltdown in Tibet* (New York: Palgrave Macmillan, 2014), 106–8.
[122] Dechen Palmo, "The World's Third Pole Is Melting," *The Diplomat,* March 28, 2019; Central Tibetan Administration, "Tibet Was Never a Part of China, but the Middle Way Approach Remains a Viable Solution," October 2018; Office of Tibet, "Backgrounder: Climate Action for Tibet," accessed July 3, 2019.
[123] Tenzin Sangmo, "World Water Day: China's Damming of Rivers in Tibet Continues to Violate the Water Rights of the Downstream Countries," *Phayul,* March 22, 2019. See also Michael Buckley, *Meltdown in Tibet* (New York: Palgrave Macmillan, 2014), 167–87.
[124] "Capital City Lhasa Leads Poverty Reduction in Tibet," *Xinhua,* January 7, 2019; State Council Information Office, "Great Leap: Democratic Reform in Tibet—Sixty Years On," March 2019, 24.
[125] "Tibetan Nomads in Chamdo Forced from Their Land in Resettlement Scheme," *Radio Free Asia,* January 23, 2019.
[126] "Tibetan Villagers Forced from Their Homes in Gonjo County," *Radio Free Asia,* April 4, 2019.
[127] "Tibetans Relocated from Ancestral Land Face Hardships in City Life," *Radio Free Asia,* May 1, 2019.
[128] "Tibetan Villagers Evicted to Make Room for New Airport," *Radio Free Asia,* May 16, 2019.
[129] "Four Tibetan Monks Detained Over Land Protest in Ngaba," *Radio Free Asia,* September 17, 2018; "Xizang Aba wu ming sengren buman zhengfu shigong yingxiang siyuan hou zao jingfang jubu" [Five Tibetan monks from Aba detained by police after [expressing] dissatisfaction with government construction effect on monastery], *Voice of Tibet,* September 18, 2018. For more information on the five monks, see the following records in the Commission's Political Prisoner Database: 2018-00466 on Nyida, 2018-00467 on Kalsang, 2018-00468 on Nesang, 2018-00469 on Choeje, and 2018-00470 on Shakya.
[130] "Tibetan Villagers Evicted to Make Room For New Airport," *Radio Free Asia,* May 16, 2019.

VI. Developments in Hong Kong and Macau

Findings

- The Commission observed a further erosion of Hong Kong's autonomy and fundamental freedoms under the "one country, two systems" framework. The Hong Kong government sought to advance changes to the territory's extradition ordinance to allow the surrender of individuals to mainland China and to empower the Chief Executive to make decisions on fugitive arrangements on a case-by-case basis without a vetting process in the Legislative Council (LegCo). If passed, the bill would expose local and foreign citizens transiting, visiting, or residing in Hong Kong to the risk of being extradited to mainland China.
- A series of large-scale anti-extradition bill and pro-democracy demonstrations took place in Hong Kong beginning in late March 2019. Protests continued despite the Hong Kong government's decision to suspend—but not withdraw—consideration of the extradition bill. Protesters demanded that the government withdraw the extradition bill, retract the characterization of protests on June 12 as a "riot," drop charges against all arrested protesters, establish an independent commission of inquiry on police conduct, and enact democratic reforms toward universal suffrage in Hong Kong's Chief Executive and LegCo elections.
- International and Hong Kong human rights groups, journalists, and crowd-control experts noted that the Hong Kong Police Force (HKPF) used excessive force and inappropriately operated crowd-control equipment in instances during the 2019 protests. The HKPF fired projectiles including rubber bullets, bean bag rounds, and pepper balls at close range; launched tear gas canisters into crowded and enclosed areas and from high buildings, did not give warning before firing tear gas, and struck individuals with tear gas canisters; and misused batons against protesters, causing blunt force trauma. The HKPF's use of force contravened international standards enumerated in the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, both of which require officials to avoid using force, or where necessary, use the minimum extent of force at a proportionate level.
- The Chinese central government employed propaganda, disinformation, and censorship in an apparent attempt to shape reporting on the Hong Kong protests, attributing the protests to influence by "foreign forces," and signaling threats to protesters in Hong Kong. Central government authorities issued directives to delete or promote certain content on all websites and news media platforms and detained and harassed citizens in mainland China who showed support for the Hong Kong protests on their social media accounts. The Chinese government's restrictions on expression violate Article 19 of the International Covenant on Civil and Political Rights guaranteeing the right to freedom of expression.

• Over the past year, the Hong Kong government continued to reject the candidacy of LegCo and local election nominees such as **Lau Siu-lai** and **Eddie Chu Hoi-dick** based on their political beliefs and associations, violating Article 21 of the Hong Kong Bill of Rights Ordinance guaranteeing the right to "vote and be elected at genuine periodic elections."
• The Hong Kong government continued to pursue criminal charges against leaders and participants of public demonstrations, including the 2014 pro-democracy protests ("Umbrella Movement"). In April 2019, a Hong Kong court found nine leaders of the Umbrella Movement guilty of charges related to "public nuisance" and sentenced **Benny Tai Yiu-ting** and **Chan Kin-man** to one year and four months in prison and **Raphael Wong Ho-ming** and **Shiu Ka-chun** to eight months in prison.
• The Commission did not observe progress in Macau toward universal suffrage in the 2019 Chief Executive (CE) election. Former Macau Legislative Assembly president Ho Iat Seng—running as the only candidate—won the CE election on August 25, 2019. Ho received 392 out of 400 possible votes from the CE Election Committee, many of whose members are considered to be supporters of the central government.

Recommendations

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

○ Reassess whether Hong Kong authorities are "legally competent," in accordance with the U.S.-Hong Kong Policy Act of 1992, to enforce the U.S.-Hong Kong Extradition Treaty and other obligations in the act, including support for U.S. businesses and the protection of human rights.
○ Enact the Hong Kong Human Rights and Democracy Act (S. 417/H.R. 3856, 115th Cong., 1st Sess.) to monitor the state of Hong Kong's autonomy from mainland China, punish human rights violators, and reaffirm U.S. government support for democracy in Hong Kong.
○ Continue to advocate for Hong Kong pro-democracy advocates who are serving prison sentences for their role in peaceful demonstrations, such as Chan Kin-man. Ask Chinese authorities about the whereabouts and condition of Hong Kong bookseller **Gui Minhai,** a Swedish citizen whom Chinese authorities are holding in arbitrary detention in mainland China.
○ Emphasize in meetings with Chinese and Hong Kong officials that the continued erosion of Hong Kong's autonomy, which is guaranteed in both the 1984 Sino-British Joint Declaration and the Basic Law under the "one country, two systems" policy, threatens the underpinnings of U.S. policy toward Hong Kong, particularly Hong Kong's separate treatment under U.S. law.
○ Urge the Chinese and Hong Kong governments to restart the electoral reform process and work toward implementing Chief Executive and Legislative Council elections by universal suffrage, in accordance with Articles 45 and 68 of the Basic

Law and Article 25 of the International Covenant on Civil and Political Rights (ICCPR).

○ Call on the Chinese and Macau governments to set a timeline for implementing elections in Macau for Chief Executive and the Legislative Assembly by universal suffrage, as required under Article 25 of the ICCPR.

DEVELOPMENTS IN HONG KONG AND MACAU

Introduction: Hong Kong's Autonomy

Hong Kong's autonomy from the central government of the People's Republic of China (PRC) under the "one country, two systems" policy is defined by the 1984 Sino-British Joint Declaration (Declaration) and the Basic Law of the Hong Kong Special Administrative Region (Basic Law). In the Declaration, the governments of the PRC and the United Kingdom agreed that the Hong Kong government, under the "one country, two systems" framework,[1] "will enjoy a high degree of autonomy, except in foreign and defence affairs" and be "vested with executive, legislative and independent judicial power . . .."[2] The Basic Law, the constitutional document of Hong Kong, details the implementation of social[3] and economic[4] systems, the protection of fundamental rights and freedoms,[5] and the executive,[6] legislative,[7] and judicial systems in Hong Kong."[8] The Basic Law enshrines the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights, and international labor conventions as they apply to Hong Kong.[9] The United States-Hong Kong Policy Act of 1992 commits the United States to treating Hong Kong as a separate customs territory from the rest of China, so long as Hong Kong remains "sufficiently autonomous."[10] According to the act, "[s]upport for democratization" is fundamental to U.S. policy in Hong Kong[11] and human rights "are directly relevant to United States interests in Hong Kong" and "serve as a basis for Hong Kong's continued economic prosperity."[12]

Erosion of Political Autonomy in Hong Kong

During its 2019 reporting year, the Commission observed a further erosion of Hong Kong's autonomy and fundamental freedoms under the "one country, two systems" framework.[13] Chinese government influence over the territory, and Hong Kong officials' willingness to comply with the interests of the Chinese government, continued an accelerated trend of decreased autonomy observed in recent years.[14]

CHIEF EXECUTIVE ADVANCES CENTRAL GOVERNMENT POLICIES

The Chief Executive (CE) of Hong Kong pursued policies that aligned with the interests of the Chinese central government. There were no signs within the past year of electoral reform to grant universal suffrage to Hong Kong people in electing the CE.[15] **Carrie Lam Cheng Yuet-ngor** was elected CE in 2017 by a 1,194-member Election Committee consisting of many members who are widely considered to be supporters of the central government.[16] Lam's government promoted and implemented policies consistent with the central government's policy objectives this past year, especially greater economic integration with mainland China through the new Guangzhou-Shenzhen-Hong Kong High Speed Rail (opened in September 2018),[17] a new Hong Kong-Zhuhai-Macau bridge (opened in October 2018),[18] and the Greater Bay Area (GBA) project (official plan released in February 2019).[19] The

GBA project is a central government plan to create an innovation hub for science and technology by integrating the economic activities of cities in Guangdong province, Macau, and Hong Kong—three jurisdictions with separate customs, legal, and monetary systems.[20] One Hong Kong-based observer expressed concern that the GBA project may negatively impact Hong Kong's autonomy, turning it into "just another Chinese city" that may not warrant special economic treatment by the United States.[21]

National Anthem Bill

After passing the PRC National Anthem Law in mainland China in September 2017,[22] the National People's Congress Standing Committee (NPCSC) added the PRC National Anthem Law to Annex III of the Basic Law of Hong Kong and Macau in November 2017,[23] requiring the Hong Kong and Macau governments to prepare local national anthem legislation in accordance with the central government's law.[24] Chinese laws do not apply to Hong Kong except for those listed in Annex III.[25] In January 2019, the Hong Kong government introduced the National Anthem Bill to the Legislative Council amid concerns that the bill would stifle freedom of expression in Hong Kong.[26] According to the bill, those who "misuse" or "insult" the Chinese national anthem could face a fine of up to HK$50,000 (approximately US$6,370), imprisonment for three years, or both.[27] Observers said that the move by the central government to use Annex III to insert a law unrelated to defense and foreign affairs was "unprecedented"[28] and warned that more laws passed by the NPCSC may become applicable to Hong Kong in the future.[29] In June 2019, the Constitutional and Mainland Affairs Bureau decided not to send the National Anthem Bill to its second reading in the LegCo before the end of the legislative calendar year, which ended in July 2019.[30]

RESTRICTIONS ON PRO-DEMOCRACY CANDIDATES IN ELECTIONS

The Hong Kong government continued to reject the candidacy of Legislative Council (LegCo) and local election nominees based on their political beliefs and association. In October 2018, the Hong Kong government denied **Lau Siu-lai,** one of the six elected lawmakers who lost their seats in 2016 and 2017, from running in the November 2018 LegCo by-election for Kowloon West, the district in which she had previously won her seat.[31] The election officer Franco Kwok Wai-fun cited the High Court ruling of July 2017 that disqualified Lau from LegCo, stating that she could not sincerely take her oath of office.[32] Kwok also cited Lau's past support for "self-determination" in Hong Kong as a ground for disqualification.[33] Similarly, in December 2018, the Hong Kong government rejected pro-democracy lawmaker **Eddie Chu Hoi-dick**'s nomination to run as a candidate in the village representative election for Yuen Kong San Tsuen in Yuen Long district, based on his past promotion of "democratic self-determination" for Hong Kong.[34] Enoch Yuen, the election officer who invalidated Chu's nomination, said that Chu's political stance and remarks cast doubt on whether he "acknowledged PRC's sovereignty over [Hong Kong] and hence whether he genuinely upheld the [Basic Law]."[35] The government's rejection of certain candidates from running in elections violates

Article 21 of the Hong Kong Bill of Rights Ordinance and Article 25 of the ICCPR guaranteeing the right "to vote and to be elected at genuine periodic elections."[36]

2019 Anti-Extradition Bill and Pro-Democracy Demonstrations

The Extradition Bill. The Hong Kong government formally introduced an extradition bill in the Legislative Council (LegCo) on April 3, 2019.[37] The proposed changes to the **Fugitive Offenders Ordinance** and the **Mutual Legal Assistance in Criminal Matters Ordinance** would allow case-based arrangements for the extradition of suspects to jurisdictions with which it has no extradition agreements, including mainland China.[38] Civil society groups,[39] businesses,[40] lawyers,[41] and international human rights organizations[42] expressed concern that the amendments would compromise the rule of law in Hong Kong and subject the people of Hong Kong to the opaque criminal justice system in mainland China where they could face unfair trials, torture, and other serious human rights violations.

Widespread Protests. A series of large-scale anti-extradition bill and pro-democracy demonstrations took place in Hong Kong beginning in late March 2019.[43] On June 9, an estimated 1.03 million Hong Kong people according to organizers (240,000 according to the Hong Kong police), participated in demonstrations against the extradition bill.[44] On June 12, the scheduled date of the second reading of the bill in LegCo,[45] tens of thousands of demonstrators surrounded government offices in the Admiralty district of Hong Kong demanding that the government withdraw the extradition bill from consideration.[46] Police officers deployed rubber bullets, tear gas, pepper spray, and a water cannon against protesters amid clashes[47] and Hong Kong Police Commissioner Stephen Lo declared the protest a "riot."[48] LegCo canceled the scheduled meeting.[49] On June 16, a day after the government suspended the bill from consideration,[50] an estimated two million people (338,000 according to the Hong Kong police) participated in a demonstration[51] and made five demands of the government: 1) withdraw the extradition bill; 2) investigate police violence; 3) drop charges against all arrested protesters; 4) retract the characterization of the June 12 protests as a "riot"; and 5) compel the resignation of Chief Executive Carrie Lam.[52] Over the following months, anti-extradition bill protesters and groups such as lawyers,[53] civil servants,[54] financial workers,[55] airport staff,[56] medical professionals,[57] teachers,[58] and students[59] separately organized peaceful marches,[60] rallies,[61] strikes,[62] fundraising campaigns[63] and other forms of demonstrations[64] in different districts in Hong Kong. Protesters expanded demands to include the establishment of an independent commission of inquiry on police conduct[65] and democratic reforms toward universal suffrage in Hong Kong's Chief Executive and LegCo elections.[66]

2019 Anti-Extradition Bill and Pro-Democracy Demonstrations—Continued

Excessive Use of Force by Hong Kong Police Force. International and Hong Kong human rights groups,[67] journalists, and crowd-control experts[68] noted that the Hong Kong Police Force (HKPF) used excessive force and inappropriately operated crowd-control equipment in some instances during the 2019 protests. The HKPF fired projectiles including rubber bullets, beanbag rounds, and pepper balls at close range;[69] launched tear gas canisters into crowded and enclosed areas and from high buildings, did not give warning before firing tear gas, and struck individuals with tear gas canisters;[70] and misused batons against protesters, causing blunt force trauma.[71]

International and local journalist associations expressed concerns about the HKPF's treatment of journalists during protests, including firing tear gas at reporters, physically and verbally assaulting journalists, and conducting unjustified searches.[72] The HKPF's use of force contravened international standards enumerated in the United Nations Code of Conduct for Law Enforcement Officials[73] and the Basic Principles on the Use of Force and Firearms for Law Enforcement Officials,[74] both of which require officials to avoid using force, or where necessary, use the minimum extent of force at a proportionate level. The Office of the UN High Commissioner for Human Rights "reviewed credible evidence of law enforcement officials employing less-lethal weapons in ways that are prohibited by international norms and standards," and urged the Hong Kong government to not only "investigate these incidents immediately" but also to "act with restraint."[75]

Gang Attacks and Violence. Groups of men, some confirmed to be members of criminal syndicates with suspected links to the Chinese Communist Party,[76] attacked Hong Kong residents and protesters on various occasions.[77] Notably, on July 21, a mob armed with wooden poles, rattan sticks, and metal pipes indiscriminately attacked residents at the Yuen Long MTR subway station, resulting in 45 people being hospitalized.[78] Police officers did not arrive on scene and respond until around 45 minutes after the attack, which prompted accusations from observers of police apathy and collusion with the attackers.[79] Ten days prior to the attack, an official from the Liaison Office of the Central People's Government in Hong Kong had urged local community leaders to "prevent protesters from causing trouble in Yuen Long."[80] Some anti-extradition bill protesters engaged in radical actions during demonstrations, such as vandalizing government buildings,[81] violently clashing with HKPF officers,[82] and assaulting two individuals identified as a public security official from mainland China and a reporter for Global Times, a Party-run news outlet.[83]

2019 Anti-Extradition Bill and Pro-Democracy Demonstrations—Continued

Selective Arrests and Prosecution. By September 1, the HKPF had reportedly arrested more than 1,100 participants, activists, and pro-democracy LegCo members in connection with the protests.[84] Charges included "rioting,"[85] "unlawful assembly,"[86] "assaulting a police officer,"[87] "possessing offensive weapons,"[88] and other offenses.[89] Prosecutors, lawyers, and protesters expressed concern that arrests and prosecution of anti-extradition bill demonstrators were selective and politically driven.[90] For example, in contrast to the 23 people linked to criminal syndicates arrested in connection with the July 21 Yuen Long attack who were charged with "unlawful assembly," hundreds of arrested demonstrators were charged with "rioting," a charge carrying a punishment of up to ten years.[91]

Central Government Manipulation of the Media. The central government employed propaganda, disinformation, and censorship in an apparent attempt to shape reporting on the Hong Kong protests,[92] attributing the protests to influence by "foreign forces,"[93] and signaling threats to protesters in Hong Kong.[94] Central government authorities reportedly issued directives to delete or promote certain content on all websites and news media platforms[95] and detained and harassed citizens in mainland China who showed support for the Hong Kong protests on their social media accounts.[96] The Chinese government's restrictions on expression violate Article 19 of the International Covenant on Civil and Political Rights guaranteeing the right to freedom of expression.[97]

Government Prosecution in Hong Kong Courts

The Hong Kong government continued to pursue prosecutions against leaders and participants of public demonstrations, including the 2014 pro-democracy protests, also known as the "Umbrella Movement," this past year.[98]

UMBRELLA MOVEMENT PROSECUTIONS

Since the end of the Umbrella Movement in 2014, the Hong Kong government has filed 48 legal cases against 33 pro-democracy leaders.[99] Of these cases, 23 were brought against 16 LegCo members.[100] From November to December 2018, nine leaders of the Umbrella Movement ("the Umbrella Nine"), **Benny Tai Yiu-ting, Chu Yiu-ming, Chan Kin-man, Lee Wing-tat, Shiu Ka-chun, Tanya Chan, Raphael Wong Ho-ming, Tommy Cheung Sau-yin,** and **Eason Chung Yiu-wah,** were tried on public nuisance-related charges under common law, which carry up to seven years in prison, a much heavier penalty compared to a maximum of three months in prison under statutory law.[101] In April 2019, the Hong Kong District Court found all nine guilty[102] and sentenced Tai and Chan to one year and four months' imprisonment[103] and Shiu and Wong to eight months' imprisonment.[104] On August 15, Tai was released on bail pending appeal.[105]

International human rights organizations and observers warned that the charges and verdicts against the Umbrella Nine not only infringed on the rights of Hong Kong people to the freedom of as-

sembly and expression,[106] but also serve as precedent to prosecute other Umbrella Movement participants and pro-democracy protesters.[107] Sophie Richardson, China Director at Human Rights Watch, said that prosecutions against pro-democracy leaders "raise further questions about Hong Kong authorities' moves to politicize the courts."[108] The Hong Kong-based Progressive Lawyers Group assessed in a report that, "the resort to criminal proceedings to criminalize the pro-democracy movement to an unprecedented extent in Hong Kong has given rise to serious concerns of political persecution through prosecution."[109]

PROSECUTIONS AGAINST PARTICIPANTS IN THE NOVEMBER 2016 PROTESTS

The Hong Kong government continued prosecuting nine leaders of the November 2016 demonstrations against the central government's National People's Congress Standing Committee (NPCSC) interpretation of the Basic Law,[110] which requires public officials to take their oaths "sincerely" and "solemnly."[111] The central government issued the interpretation while a Hong Kong court was considering the Hong Kong government's case against legislators-elect Sixtus "Baggio" Leung and Yau Wai-ching, who altered their oaths during an oath-taking ceremony in October 2016.[112] Nine leaders and participants in the demonstrations, including **Avery Ng Man-yuen, Dickson Chau Ka Fat, Sammy Yip Chi Hin, Chan Man Wai, Lo Tak Cheong, Cheng Pui Lun, Chow Shu Wing, Derek Lam,** and **Ivan Lam,** were tried on a variety of charges such as "inciting unlawful assembly," "unlawful assembly," "obstructing police," and "assaulting police" from July to November 2018.[113] In May 2019, a court found six out of nine guilty in connection with their roles in the protests.[114]

Fundamental Freedoms

The Hong Kong government continued to violate fundamental freedoms enshrined in the Basic Law this past year. The central government's interference in Hong Kong's political affairs, and the Hong Kong government's limitations on the freedoms of expression, association, and assembly, raised alarms among foreign governments,[115] local groups,[116] and international human rights organizations.[117]

- **Hong Kong Designated as "Partly Free."** Freedom House's 2019 Freedom in the World report, citing the lack of universal suffrage in the electoral process and limitations to civil and political rights, rated Hong Kong as "partly free" with a score of 59 out of 100 in its aggregate freedom score (100 being "most free").[118] In the 2019 World Press Freedom Index by Reporters Without Borders, Hong Kong's press freedom ranking fell three places to 73 out of 180 territories assessed.[119] The Hong Kong Journalists Association's surveys on press freedom in 2018 found that public perception of press freedom in Hong Kong was at an all-time low, while journalists perceived the central government's interference in Hong Kong to be the major contributing factor in the erosion of press freedom.[120]

• **Government Ban of Hong Kong National Party.** On September 24, 2018, the Hong Kong Secretary for Security officially banned the **Hong Kong National Party** (HKNP), a small pro-independence political party,[121] by applying a provision in the Societies Ordinance[122]—a British colonial-era law intended to prohibit organizations like the Chinese Communist Party and the Nationalist Party (Kuomintang)[123]—that allows the prohibition of a group on grounds related to "national security" and "public safety."[124] According to U.K.-based human rights organization Hong Kong Watch, the Societies Ordinance places "excessive restrictions on freedom of expression and association" against the government's political opposition and should be revised to better define what constitutes a "national security threat."[125]

• **Government Denial of Victor Mallet's Visa Renewal.** In October 2018, Hong Kong authorities denied the visa renewal request of Financial Times Asia editor **Victor Mallet,**[126] sparking an international outcry regarding the increasingly restrictive press environment in Hong Kong and the negative implications for foreign journalists working in the city.[127] Reports tied the rejection to Mallet's role as the vice president of the Foreign Correspondent's Club of Hong Kong (FCCHK) in hosting an event months earlier, which featured **Andy Chan,** pro-independence advocate, founder of the HKNP, and critic of the central government in mainland China.[128] Human rights organizations condemned the Hong Kong government's treatment of Mallet as retaliation for facilitating the FCCHK event.[129]

• **Increased Pressure on Artists, Writers, and Singers.** Freedom of expression in Hong Kong's entertainment and creative arts sectors came under pressure in the past year. In November 2018, organizers Hong Kong Free Press, Amnesty International, and Reporters Without Borders canceled a show in Hong Kong featuring dissident artist **Badiucao,** an Australian cartoonist of Chinese descent, over "safety concerns" after authorities from the central government reportedly made threats against the artist.[130] In the same month, the Tai Kwun Center for Heritage and Arts in Hong Kong reportedly canceled two events featuring Chinese dissident novelist **Ma Jian,** but later reversed the decision and hosted Ma as originally scheduled.[131] Reports in April 2019 revealed that Apple Music's mainland China services removed a song by pop star **Jacky Cheung** with references to the 1989 Tiananmen protests and songs by Hong Kong singers **Denise Ho** and **Anthony Wong,** who were supporters of the 2014 pro-democracy protests in Hong Kong.[132]

Macau

Macau's Basic Law does not provide for elections by "universal suffrage,"[133] although its provisions ensure the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau[134] and guarantee Macau a "high degree of autonomy" within China.[135] During its 2019 reporting year, the Commission did not observe progress in Macau toward universal suffrage in the

2019 Chief Executive (CE) election.[136] Former Macau Legislative Assembly president Ho Iat Seng—running as the only candidate—won the CE election on August 25, 2019.[137] Ho received 392 out of 400 possible votes from the CE Election Committee, many of whose members are considered to be supporters of the central government.[138]

This past year, the Macau government continued to "securitize" the city against pro-democracy forces that might challenge the central government's rule. In September 2018, the government established a new National Defense Commission to "[safeguard] national security" and assess the city's broader "social stability" out of concerns regarding pro-independence advocacy in Hong Kong.[139] In October 2018, the Macau Legislative Assembly (AL) approved the government's plans for a Cybersecurity Bill, which critics said would undermine freedom of expression in the city and allow the Macau government to "monitor, sensor, block and delete online speech."[140] In June 2019, the AL passed the Cybersecurity Bill into law,[141] effective December 2019.[142]

In January 2019, the AL passed an amendment to the Macau Special Administrative Region's 1999 National Anthem Law (effective June 2019), making acts disrespectful of the Chinese national anthem punishable by up to three years in prison.[143] Three pro-democracy legislators voted against the bill, in particular citing their opposition to the provision that some interpret as requiring local media outlets to assist the government in carrying out "promotion" (*xuanchuan*) campaigns for the national anthem.[144] The Macau Journalists Association also opposed the same provision, declaring that the media is not "the propaganda machine of the regime, and it has no obligation to cooperate."[145]

Notes to Section VI—Developments in Hong Kong and Macau

[1] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, preamble. See also Instrument 8 under Annex III of the Basic Law on "one country, two systems" as a guiding policy for the establishment of the Hong Kong Special Administrative Region.

[2] Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, adopted December 19, 1984, item 3(2)–(3).

[3] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, arts. 136–149.

[4] Ibid., arts. 105–127.

[5] Ibid., arts. 24–42.

[6] Ibid., arts. 43–65.

[7] Ibid., arts. 66–79.

[8] Ibid., arts. 80–96.

[9] Ibid., art. 39.

[10] United States-Hong Kong Policy Act, 22 U.S.C., chap. 66 (1992), sec. 5722, item (a).

[11] Ibid., sec. 5701, item 5.

[12] Ibid., sec. 5701, item 6.

[13] For more information on Hong Kong's "one country, two systems" policy, see National People's Congress, "Explanations on 'The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Draft)' and Its Related Documents," March 28, 1990. This document is also included as Instrument 8 under Annex III of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

[14] See, e.g., Benedict Rogers, "Hong Kong Needs the World's Help," *The Diplomat,* April 3, 2019; Maya Wong, Human Rights Watch, "China's Fast Train to Erode Hong Kong's Autonomy," June 17, 2018; Stephan Ortmann, "Xi Jinping's New Era and Hong Kong's Declining Autonomy," *Asia Dialogue,* University of Nottingham Asia Policy Institute, October 26, 2017.

[15] Freedom House, "Hong Kong" in *Freedom in the World 2019,* February 2019.

[16] Richard Bush, Brookings Institution, "Another Hong Kong Election, Another Pro-Beijing Leader—Why It Matters," March 29, 2017. See also CECC, *2017 Annual Report,* October 5, 2017, 319–20.

[17] Eric Cheung, "Launch of HK-China High-Speed Rail Link Goes Smoothly, but Fears Remain," *CNN,* September 23, 2018. See also "Neidi yu Xianggang Tebie Xingzhengqu guanyu zai Guang Shen Gang Gaotie Jiulong Zhan sheli kou'an shishi 'yidi liangjian' de hezuo anpai" [Cooperation plan for mainland and Hong Kong Special Administrative Region regarding the implementation of "co-location" at the Guangzhou-Shenzhen-Hong Kong High Speed Rail West Kowloon Station], November 18, 2017, reprinted in National People's Congress, December 28, 2017.

[18] "Hong Kong-Zhuhai Bridge: World's Longest Sea Bridge Opens to Quiet Start," *BBC,* October 24, 2018; Luis Liu and An Baijie, "Bridge Hailed as Key to Bay Area," *China Daily,* October 24, 2018.

[19] "Gaiyao" [About], Greater Bay Area official website, accessed May 23, 2019; "Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area (English)," Greater Bay Area official website, accessed May 23, 2019; Kimmy Chung and Catherine Wong, "Greater Bay Area Has Potential to Rival Both Silicon Valley and Wall Street, Says Hong Kong Leader Carrie Lam at Beijing Forum," *South China Morning Post,* March 25, 2019.

[20] David Tweed, Yinan Zhao, and Edwin Chan, "China Plans to Turn Hong Kong and Macau into a Silicon Valley Rival," *Time,* February 19, 2019; Kimmy Chung and Catherine Wong, "Greater Bay Area Has Potential to Rival Both Silicon Valley and Wall Street, Says Hong Kong Leader Carrie Lam at Beijing Forum," *South China Morning Post,* March 25, 2019.

[21] "China's Master-Plan Rings Alarm Bells in Hong Kong," *Economist,* February 21, 2019; Kimmy Chung and Catherine Wong, "Greater Bay Area Has Potential to Rival Both Silicon Valley and Wall Street, Says Hong Kong Leader Carrie Lam at Beijing Forum," *South China Morning Post,* March 25, 2019.

[22] *Zhonghua Renmin Gongheguo Guoge Fa* [PRC National Anthem Law], passed September 1, 2017, effective October 1, 2017.

[23] Liu Huan, "Guoge Fa lieru Xianggang, Aomeng Tebie Xingzhengqu Jiben Fa Fujian San" [National Anthem Bill listed in Annex 3 of the Basic Laws of Hong Kong and Macau Special Administrative Regions], *Xinhua,* November 4, 2017; National People's Congress, *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Guanyu Zengjia "Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Jiben Fa" Fujian San Suolie Quanguoxing Falu De Jueding* [National People's Congress Standing Committee Decision on Adding a National Law to Annex Three of the "PRC Hong Kong Special Administrative Region Basic Law"], passed November 4, 2017.

[24] Hong Kong Special Administrative Region, "LCQ1: Enactment of a Local National Anthem Law," November 1, 2017; Ben Blanchard and Alexandra Harney, "China Extends National Anthem 'Disrespect' Law to Hong Kong," *Reuters,* November 4, 2017; "Luoshi 'Guoge Fa' de Aomen Tequ Fagui (Yi)" [Realizing the "National Anthem Law" in Macau SAR Legislation (part 1)], *Look News,* February 11, 2019.

[25] Ambrose Leung, Research Office, Information Services Division, Legislative Council, Secretariat, "Applying National Laws in Hong Kong," December 30, 2015.

[26] Legislative Council, "National Anthem Bill," January 23, 2019; Jessie Pang, "Hong Kong Moves to Make Disrespecting Chinese National Anthem a Crime," *Reuters,* January 22, 2019; Natasha Khan, "Hong Kong Moves to Criminalize Disrespect of China's National Anthem," *Wall Street Journal,* January 9, 2019; Holmes Chan, "Hong Kong Gov't Puts National Anthem Bill

to Legislature, Says Law 'Easy to Understand and Follow,'" *Hong Kong Free Press,* January 23, 2019.

[27] Jessie Pang, "Hong Kong Moves to Make Disrespecting Chinese National Anthem a Crime," *Reuters,* January 22, 2019; Legislative Council, "National Anthem Bill," January 23, 2019, part 3, clauses 6–7; *Criminal Procedure Ordinance* (Cap. 221), sec. 113B, schedule 8, level of fines for offenses.

[28] Kevin Carrico, Hong Kong Watch, "Legal Malware: Hong Kong's National Anthem Ordinance," March 28, 2019.

[29] Violet Law, "Hong Kong's Legislature Take Up China National Anthem Bill," *Associated Press,* January 23, 2019.

[30] Kris Cheng, "Hong Kong Bill Criminalising Mockery of National Anthem to be Delayed Until at Least October," *Hong Kong Free Press,* June 20, 2019.

[31] Holmes Chan, "'Gov't Twisted My Words': Lau Siu-lai Leads Democrats in Protest against Her Election Ban," *Hong Kong Free Press,* October 13, 2018.

[32] Holmes Chan, "Hong Kong Bans Democrat Lau Siu-lai from Standing in Legislative By-Election," *Hong Kong Free Press,* October 12, 2018.

[33] Ibid.

[34] Tom Grundy, "Hong Kong Bans Pro-Democracy Lawmaker Eddie Chu from Running in Village Election," *Hong Kong Free Press,* December 2, 2018.

[35] Ibid. See item 8 in the Returning Officer's decision.

[36] *Hong Kong Bill of Rights Ordinance* (Cap. 383), art. 21; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art 25.

[37] Legislative Council of the Hong Kong Special Administrative Region, "Legislative Council Brief: Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019," SBCR 1/2716/19, item 16. The first reading is the formal introduction date of the bill. Austin Ramzy, "Despite Fears about China, Hong Kong Pushes Ahead on Extradition Bill," *New York Times,* April 3, 2019.

[38] Legislative Council of the Hong Kong Special Administrative Region, "Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019," Explanatory Memorandum, para. 1(b); Legislative Council of the Hong Kong Special Administrative Region, "Legislative Council Brief: Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019," SBCR 1/2716/19, items 7(b), 13(b), 15(a)(ii), 17. See also Hong Kong Bar Association, "A Brief Guide to Issues Arising from the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019," June 6, 2019; Michael C. Davis, "Debate over Hong Kong's Proposed Extradition Law Devolves into a Scuffle in the Legislative Council," *Washington Post,* May 11, 2019.

[39] "Gang minjian tuanti fan xiuding taofan tiaoli danyou Xianggang cheng guoji jiaohuan renzhi jidi" [Hong Kong civil groups oppose revision to fugitive bill, worry Hong Kong will become a location for hostage exchanges], *Voice of America,* February 21, 2019.

[40] American Chamber of Commerce in Hong Kong, "Press Release: Fugitive Offenders Ordinance," March 29, 2019; Nikki Sun, "Pressure Rises for Hong Kong to Drop Extradition Law Proposal," *Nikkei Asian Review,* March 11, 2019.

[41] Hong Kong Bar Association, "Observations of the Hong Kong Bar Association ('HKBA') on the Security Bureau's Proposal to Amend the Mutual Legal Assistance in Criminal Matters Ordinance, Cap. 525 ('MLAO') and the Fugitive Offenders Ordinance, Cap. 503 ('FOO')," March 4, 2019; Jason Y. Ng, Progressive Lawyers Group, "Dangerous and Unnecessary: Why Hong Kong's Extradition Proposal Is a Legislative Menace," *Hong Kong Free Press,* March 3, 2019.

[42] Human Rights Watch, "Hong Kong: Scrap Proposed Extradition Changes," October 10, 2018.

[43] Holmes Chan, "In Pictures: 12,000 Hongkongers March in Protest against 'Evil' China Extradition Law, Organizers Say," *Hong Kong Free Press,* March 31, 2019.

[44] Jennifer Creery, "Over a Million Attend Hong Kong Demo against Controversial Extradition Law, Organisers Say," *Hong Kong Free Press,* June 9, 2019; Bonnie Au, "Bird's-Eye View of Hong Kong Protest against Extradition Law Proposal," *South China Morning Post,* June 10, 2019.

[45] Holmes Chan, "Hong Kong Extradition Bill to Bypass Legislative Committee Scrutiny, as Gov't Fast-Tracks Controversial Law," *Hong Kong Free Press,* May 20, 2019; Legislative Council of the Hong Kong Special Administrative Region, "Legislative Council Agenda, Wednesday 12 June 2019 at 11:00 am," A 18/19–36, June 12, 2019.

[46] Sum Lok-kei, "Hong Kong Extradition Bill: Thousands of Protesters Block City Streets and Prepare for Worst as Riot Police Gather Nearby," *South China Morning Post,* June 12, 2019; "Bricks, Bottles, and Tear Gas: Protesters and Police Battle in Hong Kong," *New York Times,* June 11, 2019; Julia Hollingsworth, "Hong Kong Police Declare China Extradition Protest 'A Riot' as Rubber Bullets and Tear Gas Fired at Crowd," *CNN,* June 12, 2019.

[47] Julia Hollingsworth, "Hong Kong Police Declare China Extradition Protest 'A Riot' as Rubber Bullets and Tear Gas Fired at Crowd," *CNN,* June 12, 2019; Helen Roxburgh, "In Pictures: Protests over China Extradition Law Paralyse Hong Kong as Police Deploy Pepper Spray, Water Cannon," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* June 12, 2019.

[48] Government of Hong Kong Special Administrative Region, "Jingfang caiqu xingdong zhizhi baodong" [Police take actions to stop riot], June 12, 2019; Shanshan Kao and Chieu Luu, "Hong Kong Police Chief Declares Anti-Extradition Bill Protests a 'Riot,' Raising Stakes for Those Arrested," *South China Morning Post,* June 12, 2019; Julia Hollingsworth, "Hong Kong Police Declare China Extradition Protest 'A Riot' as Rubber Bullets and Tear Gas Fired at Crowd," *CNN,* June 12, 2019.

[49] Government of the Hong Kong Special Administrative Region, "Council Meeting Not to Be Held Today," June 12, 2019.

[50] "As It Happened: Carrie Lam Backs Down and 'Suspends' Hong Kong Extradition Bill, Sets No New Timeframe," *South China Morning Post,* June 15, 2019.

[51] Helen Regan, Ben Westcott, Steve George, and James Griffith, "Hong Kong Protest Sees Hundreds of Thousands Call for City's Leader to Step Down," *CNN,* June 16, 2019; "Huge Turnout by Protesters Keeps Heat on Hong Kong's Leader," *New York Times,* June 16, 2019.

[52] "[6.16 da youxing] Minzhen: jin 200 wan ren jingfang: gaofengqi 33.8 wan ren" [[June 16 demonstrations] CHRF: close to 2 million people; police: 338,000 people at height], *Stand News,* June 16, 2019; Civil Human Rights Front (Minjian renquan zhenxian), "Lin Zheng xia tai, chehui efa, mingri sanba" [Step down, Carrie Lam! Withdraw the extradition bill! Strike tomorrow!], Facebook post, June 16, 2019.

[53] See, e.g., Kris Cheng, "Thousands of Hong Kong Lawyers Stage Rare Protests Urging End to Political Prosecutions during Anti-Gov't Demos," *Hong Kong Free Press,* August 7, 2019.

[54] See, e.g., Kimmy Chung, Su Xinqi, and Alvin Lum, "Hong Kong Civil Servants Embarrass Government with Protest against Extradition Bill and Determination to 'Stand Together with Citizens,'" *South China Morning Post,* August 3, 2019.

[55] See, e.g., Ng Kang-chung, "Banker Flash Mob in Hong Kong as Financial Sector Workers Gather in Chater Garden to Protest against Government Handling of Extradition Bill Crisis," *South China Morning Post,* August 1, 2019.

[56] See, e.g., Lily Kuo, "Hong Kong Airport Staff Stage Protest against Yuen Long Attack," *Guardian,* July 26, 2019.

[57] See, e.g., Felix Tam and Greg Torode, "Thousands of Hong Kong Civil Servants Defy Government to Join Protests," *Reuters,* August 1, 2019; "Hong Kong Hospital Workers Protest against Police Violence," *Channel News Asia,* August 13, 2019.

[58] See, e.g., Kanis Leung and Simone McCarthy, "More than 22,000 March in Teachers' Rally Supporting Hong Kong's Young Protesters, Organizers Say," *South China Morning Post,* August 17, 2019.

[59] See, e.g., Holmes Chan, "Video: Exiled Activists Send Messages of Support for Hong Kong Protesters, as Students and Teachers Rally in Central," *Hong Kong Free Press,* August 17, 2019.

[60] See, e.g., Kris Cheng, "Thousands of Hong Kong Lawyers Stage Rare Protests Urging End to Political Prosecutions during Anti-Gov't Demos," *Hong Kong Free Press,* August 7, 2019; Kanis Leung and Simone McCarthy, "More than 22,000 March in Teachers' Rally Supporting Hong Kong's Young Protesters, Organizers Say," *South China Morning Post,* August 17, 2019.

[61] See, e.g., Jennifer Creery, "'Democracy Now, Free Hong Kong': Thousands of Protesters Urge G20 to Back Anti-Extradition Law Movement," *Hong Kong Free Press,* June 26, 2019; Holmes Chan, "Video: Exiled Activists Send Messages of Support for Hong Kong Protesters, as Students and Teachers Rally in Central," *Hong Kong Free Press,* August 17, 2019.

[62] See, e.g., Kate Leung and Vimvam Tong, "Hong Kong Shops, Workers in Rare Strike to 'Defend Freedom,'" *Reuters,* June 12, 2019; Kanis Leung, Tony Cheung, and Kimmy Chung, "Hong Kong Braces for Largest Citywide Strike in Decades as 14,000 People from 20 Sectors Vow to Join Industrial Action to Protest against Government," *South China Morning Post,* August 4, 2019.

[63] See, e.g., Rowland Manthorpe, "Hong Kong Protesters Raise £1.5m in a Day to Fund Global Ad Campaign," *Sky News,* August 13, 2019; Mary Hui, "Hong Kong's Entrepreneurial Protesters Are Crowdfunding Everything from Doctors to Legal Fees," *Quartz,* July 16, 2019.

[64] See, e,g., Kris Cheng, "In Pictures: 'Liberate Hong Kong'—Anti-Extradition Protesters Stage Consulate 'Marathon' to Lobby Leaders," *Hong Kong Free Press,* June 26, 2019; "Protesters Form Human Chain across Hong Kong," *RTHK,* August 23, 2019.

[65] "Cong 'Taofan Tiaoli' dao wu da suqiu: Xianggang shiwei zui xin quanjing" [From "Extradition Bill" to five major demands: most recent overview of Hong Kong protests], *BBC,* August 23, 2019; "Xianggang Zhi Lu shengming: wu da suqiu, que yi buke" [Hong Kong Way statement: five major demands, not one less], *inMedia HK,* August 23, 2019; "HKFP Lens: Hongkongers Hit the Streets Again Demanding Independent Inquiry into Police Conduct," *Hong Kong Free Press,* July 21, 2019.

[66] "Cong 'Taofan Tiaoli' dao wu da suqiu: Xianggang shiwei zui xin quanjing" [From "Extradition Bill" to five major demands: most recent overview of Hong Kong protests], *BBC,* August 23, 2019; "Xianggang Zhi Lu shengming: wu da suqiu, que yi buke" [Hong Kong Way statement: five major demands, not one less], *inMedia HK,* August 23, 2019; Amy Qin, "Hong Kong Protesters Are Fueled by a Broader Demand: More Democracy," *New York Times,* July 8, 2019.

[67] Amnesty International, "How Not to Police a Protest: Unlawful Use of Force by Hong Kong Police," ASA 17/0576/2019, June 21, 2019; Chinese Human Rights Defenders et al., "Open Letter from 35 NGOs Calling for an Independent Commission of Inquiry into Use of Force by Hong Kong Police on June 12, 2019," June 30, 2019.

[68] Javier C. Hernández et al., "Did Hong Kong Police Abuse Protesters? What Videos Show," *New York Times,* June 30, 2019; K.K. Rebecca Lai and Austin Ramzy, "1,800 Rounds of Tear Gas: Was the Hong Kong Police Response Appropriate?," *New York Times,* August 18, 2019; Simon Parry, "The Truth about Tear Gas: How Hong Kong Police Violated All Guidelines for the 'Non-Lethal Weapon,'" *South China Morning Post,* August 16, 2019.

[69] Amnesty International, "How Not to Police a Protest: Unlawful Use of Force by Hong Kong Police," ASA 17/0576/2019, June 21, 2019; Mike Ives, "Extradition Protesters in Hong Kong Face Tear Gas and Rubber Bullets," *New York Times,* June 12, 2019; Kris Cheng, "Hong Kong Police Shoot Projectiles at Close Range in Tai Koo, as Protester Suffers Ruptured Eye in TST," *Hong Kong Free Press,* August 12, 2019.

[70] K.K. Rebecca Lai and Austin Ramzy, "1,800 Rounds of Tear Gas: Was the Hong Kong Police Response Appropriate?," *New York Times,* August 18, 2019.

[71] Amnesty International, "How Not to Police a Protest: Unlawful Use of Force by Hong Kong Police," ASA 17/0576/2019, June 21, 2019; Committee to Protect Journalists, "Hong Kong Police Attack Journalists with Batons, Tear Gas amid Protests," June 14, 2019.

[72] Reporters Without Borders, "Violence against Journalists Escalates in Hong Kong," August 14, 2019; Committee to Protect Journalists, "Hong Kong Police Attack Journalists with Batons, Tear Gas amid Protests," June 14, 2019; Jennifer Creery, "Anti-Extradition Protests: Hong Kong

Press Watchdog Files Police Complaint Alleging Abuse against 26 Journalists," *Hong Kong Free Press,* June 16, 2019; Su Xinqi, "Hong Kong Journalism Groups Accuse Police of Assaulting Reporters and Photographers during Extradition Bill Clashes in Mong Kok," *South China Morning Post,* July 8, 2019; Jeffie Lam, Zoe Low, and Danny Mok, "'More than 1,500' Join Journalists' Silent March in Hong Kong, Accusing Police of Mistreating Media during Extradition Bill Protests and Demanding Carrie Lam Steps In to Defend Press Freedom," *South China Morning Post,* July 14, 2019.

[73] Code of Conduct for Law Enforcement Officials, adopted by UN General Assembly resolution 34/169 of December 17, 1979, art. 3.

[74] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba (August 27–September 7, 1990), A/CONF.144/28/Rev.1, principle 9. See also Amnesty International, "How Not to Police a Protest: Unlawful Use of Force by Hong Kong Police," ASA 17/0576/2019, June 21, 2019; Chinese Human Rights Defenders et al., "Open Letter from 35 NGOs Calling for an Independent Commission of Inquiry into Use of Force by Hong Kong Police on June 12, 2019," June 30, 2019.

[75] UN Office of the High Commissioner for Human Rights, "Press Briefing Note on Hong Kong, China," August 13, 2019.

[76] Gerry Shih, "China's Backers and 'Triad' Gangs Have a History of Common Foes. Hong Kong Protesters Fear They Are Next," *Washington Post,* July 23, 2019; Laignee Barron, "Suspected 'Triad' Gangs Mark Dangerous New Phase in Hong Kong's Crisis," *Time,* July 23, 2019.

[77] Gerry Shih, "China's Backers and 'Triad' Gangs Have a History of Common Foes. Hong Kong Protesters Fear They Are Next," *Washington Post,* July 23, 2019; Reporters Without Borders, "Violence against Journalists Escalates in Hong Kong," August 14, 2019; Mary Hui, "Armed Thugs Returned to the Streets of Hong Kong to Attack Protesters," *Quartz,* August 5, 2019; Alice Woodhouse, George Hammond, Joe Leahy, and Nicolle Liu, "Hong Kong Protest Organisers Attacked by Thugs," *Financial Times,* August 29, 2019.

[78] Yanan Wang, "Who Are the Men in White behind Hong Kong's Mob Attack?," *Associated Press,* July 24, 2019; Laignee Barron, "Suspected 'Triad' Gangs Mark Dangerous New Phase in Hong Kong's Crisis," *Time,* July 23, 2019; Jeffie Lam, Danny Mok, and Alvin Lum, "At Least 45 Injured as Rod-Wielding Mob Dressed in White Rampage through Yuen Long MTR Station, Beating Screaming Protesters," *South China Morning Post,* July 22, 2019.

[79] Jeffie Lam, Danny Mok, and Alvin Lum, "At Least 45 Injured as Rod-Wielding Mob Dressed in White Rampage through Yuen Long MTR Station, Beating Screaming Protesters," *South China Morning Post,* July 22, 2019; Laignee Barron, "Suspected 'Triad' Gangs Mark Dangerous New Phase in Hong Kong's Crisis," *Time,* July 23, 2019.

[80] James Pomfret, Greg Torode, and David Lague, "Chinese Official Urged Hong Kong Villagers to Drive Off Protesters before Violence at Train Station," *Reuters,* July 26, 2019.

[81] Karen Zhang et al., "Protesters Storm and Vandalise Legislative Council as Anarchy and Violence Engulf Hong Kong Government Centre," *South China Morning Post,* July 1, 2019; "Hong Kong Police Clear Protesters Occupying Legislature after Day of Unprecedented Violence and Chaos," *South China Morning Post,* July 2, 2019; Holmes Chan, "The Writing on the Wall: Understanding the Messages Left by Protesters during the Storming of the Hong Kong Legislature," *Hong Kong Free Press,* July 4, 2019; "Hong Kong's Violent Protests against Chinese Rule," *Economist,* July 25, 2019.

[82] Karen Zhang et al., "Protesters Storm and Vandalise Legislative Council as Anarchy and Violence Engulf Hong Kong Government Centre," *South China Morning Post,* July 1, 2019; Holmes Chan, "Hong Kong Police Officer Shoots Live Round amid Clashes with Protesters in Tsuen Wan," *Hong Kong Free Press,* August 25, 2019; Jessie Yeung, Sandi Sidhu, and Rebecca Wright, "A Gun Shot, Petrol Bombs and Water Cannons Mark Violent Escalation in Hong Kong Protests," *CNN,* August 26, 2019.

[83] Brendon Hong, "Hong Kong Protesters Capture Alleged Infiltrators in Airport Chaos," *Daily Beast,* August 14, 2019; Gerry Shih and Timothy McLaughlin, "After Airport Mayhem, Hong Kong Protesters Face Tipping Point in Battle for Hearts and Minds," *Washington Post,* August 14, 2019.

[84] Gary Cheung, "Mass Arrests of Hong Kong Protesters by Police Could Backfire in Long Run, Say Academics," *South China Morning Post,* September 3, 2019; Holmes Chan and Tom Grundy, "Hong Kong Lawmakers Jeremy Tam and Au Nok-hin Arrested, as Police Continue Round-Up of Democrats," *Hong Kong Free Press,* August 30, 2019.

[85] See, e.g., Jasmine Siu, Alvin Lum, Danny Lee, and Su Xinqi, "First Wave of Alleged Hong Kong Rioters—Including Teacher, 16-Year-Old and Cathay Pacific Pilot—Released on Bail with Most Handed Curfew," *South China Morning Post,* July 31, 2019; Brian Wong and Chris Lau, "Hong Kong Protests: Two More Demonstrators Charged with Rioting over Clash with Police in Kowloon Bay," *South China Morning Post,* August 28, 2019.

[86] See, e.g., Michelle Wong, Clifford Lo, and Phila Siu, "Hong Kong Police Target High-Profile Activists Joshua Wong, Andy Chan and Agnes Chow in Wave of Arrests amid Anti-Government Protests," *South China Morning Post,* August 30, 2019.

[87] See, e.g., Holmes Chan and Tom Grundy, "Hong Kong Lawmakers Jeremy Tam and Au Nok-hin Arrested, as Police Continue Round-Up of Democrats," *Hong Kong Free Press,* August 30, 2019.

[88] See, e.g., Kris Cheng, "Hong Kong Protesters Charged with Possessing Offensive Weapons at Yuen Long Protest Denied Bail," *Hong Kong Free Press,* July 30, 2019.

[89] Brian Wong and Chris Lau, "Hong Kong Protests: Two More Demonstrators Charged with Rioting over Clash with Police in Kowloon Bay," *South China Morning Post,* August 28, 2019; Holmes Chan and Tom Grundy, "Hong Kong Lawmakers Jeremy Tam and Au Nok-hin Arrested, as Police Continue Round-Up of Democrats," *Hong Kong Free Press,* August 30, 2019.

[90] Alvin Lum and Tony Cheung, "Hong Kong Riot Charges Pushed Ahead in Unprecedented Hardline Move as Justice Chief Forgoes Usual Written Advice," *South China Morning Post,* Au-

gust 1, 2019; Mary Hui, "Armed Thugs Returned to the Streets of Hong Kong to Attack Protesters," *Quartz,* August 5, 2019; Kris Cheng, "Thousands of Hong Kong Lawyers Stage Rare Protests Urging End to Political Prosecutions during Anti-Gov't Demos," *Hong Kong Free Press,* August 7, 2019.

[91] Alvin Lum and Tony Cheung, "Hong Kong Riot Charges Pushed Ahead in Unprecented Hardline Move as Justice Chief Forgoes Usual Written Advice," *South China Morning Post,* August 1, 2019; Mary Hui, "Armed Thugs Returned to the Streets of Hong Kong to Attack Protesters," *Quartz,* August 5, 2019; Kris Cheng, "Thousands of Hong Kong Lawyers Stage Rare Protests Urging End to Political Prosecutions during Anti-Gov't Demos," *Hong Kong Free Press,* August 7, 2019.

[92] See, e.g., Steven Lee Myers and Paul Mozur, "China Is Waging a Disinformation War against Hong Kong Protesters," *New York Times,* August 13, 2019; Nikhil Sonnad, "China Is Creating an Alternative Reality about the Hong Kong Protests, in Real Time," *Quartz,* June 19, 2019.

[93] Hou Xiaochen, "Waijiaobu bo Mei Ying she Gang yanlun: juebu rongxu renhe waibu shili gaoluan Xianggang" [Foreign Ministry refutes U.S. and U.K.'s rhetorical meddling in HK: resolutely opposed to any foreign forces' interference in Hong Kong], *Xinhua,* July 23, 2019; "China Says It Will 'Not Tolerate Foreign Forces' in Hong Kong," *Hong Kong Free Press,* July 24, 2019; "Minitrue: To Foreign Media, on HK Coverage (Updated)," *China Digital Times,* August 20, 2019.

[94] See, e.g., Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on July 26, 2019," July 26, 2019; Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on August 1, 2019," August 1, 2019; Bernard Chan, "To Beijing, the Hong Kong Protest Unrest Is Now a Threat on a National Level," *South China Morning Post,* August 30, 2019. Hong Kong Executive Council Convenor Bernard Chan emphasized that threats of response in Chinese official statements and state-run media articles cannot be ignored.

[95] See, e.g., "Minitrue: Delete Content Related to HK Protests," *China Digital Times,* June 16, 2019; "Minitrue: Promote These Reports on Hong Kong," *China Digital Times,* August 20, 2019. See also Nikhil Sonnad, "China Is Creating an Alternative Reality about the Hong Kong Protests, in Real Time," *Quartz,* June 19, 2019.

[96] Frances Eve, Chinese Human Rights Defenders, "#StandWithHongKong Is Essentially a Crime in Mainland China," September 3, 2019.

[97] Frances Eve, Chinese Human Rights Defenders, "#StandWithHongKong Is Essentially a Crime in Mainland China," September 3, 2019; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art 19; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 29, 2019. China has signed but not ratified the ICCPR.

[98] Kong Tsung-gan, "Regularly Updated Overview of Trials of Hong Kong Pro-Democracy Leaders and Activists," *Medium,* updated on May 22, 2019.

[99] Ibid.

[100] Ibid.

[101] Holmes Chan, "Leading Hong Kong Umbrella Movement Activists Found Guilty of Public Nuisance," *Hong Kong Free Press,* April 9, 2019; Amnesty International, "Umbrella Movement: End Politically Motivated Prosecutions in Hong Kong," November 2018, 7. The public-nuisance related charges included "conspiracy to commit public nuisance," "incitement to incite public nuisance," and "incitement to commit public nuisance."

[102] *Hong Kong Special Administrative Region v. Tai Yiu Ting, Chan Kin Man, Chu Yiu Ming, Shiu Ka Chun, Cheung Sau Yin, Chung Yiu Wa, Raphael Wong Ho Ming, and Lee Wing Tat,* (2017) Hong Kong District Court 450, paras. 757–64.

[103] *Hong Kong Special Administrative Region v. Tai Yiu Ting, Chan Kin Man, Chu Yiu Ming, Shiu Ka Chun, Cheung Sau Yin, Chung Yiu Wa, Raphael Wong Ho Ming, and Lee Wing Tat,* (2017) Hong Kong District Court 568, paras. 90, 109, 144–45.

[104] Ibid., paras. 109, 119, 128, 132, 146.

[105] Kris Cheng, "Jailed Hong Kong Umbrella Movement Leader Benny Tai Released on Bail Pending Appeal," *Hong Kong Free Press,* August 15, 2019.

[106] Amnesty International, "Umbrella Movement: End Politically Motivated Prosecutions in Hong Kong," November 2018, 8; Human Rights Watch, "Hong Kong: Drop Case against 'Umbrella 9,'" November 14, 2018; Hong Kong Watch, "Breaking: Lord Patten Calls Occupy Trial Verdict 'Appallingly Divisive,' as the Trial Is Condemned by German Human Rights Committee Members," April 8, 2019.

[107] Amnesty International, "Umbrella Movement: End Politically Motivated Prosecutions in Hong Kong," November 2018, 9.

[108] Human Rights Watch, "Hong Kong: Drop Case against 'Umbrella 9,'" November 14, 2018.

[109] Progressive Lawyers Group, *Hong Kong Rule of Law Report 2018,* March 2019, 16.

[110] Nash Jenkins, "Hong Kong Protest Turns Violent as Anxiety over China's Interference Rises," *Time,* November 6, 2016.

[111] "Interpretation of Article 104 of Basic Law of Hong Kong SAR," *Xinhua,* reprinted in *China Daily,* November 7, 2016, item 2(2).

[112] Nash Jenkins, "Hong Kong Protest Turns Violent as Anxiety over China's Interference Rises," *Time,* November 6, 2016.

[113] Li Cai-yan, "'Fan Shifa Youxing An' bianfang jie'an zhi jingfang fei zhengdang shiyong wuli, kongfang: jingbu fang heli" ["Anti-Interpretation Demonstrations Case" Defense conclusion referred to the police's improper use of force, prosecution: the police were reasonable], *inMedia HK,* November 2, 2018; "Fan Shifa Youxing, kongfang: Wu Wenyuan shandong taren chongpo tiema" [Anti-Interpretation Demonstrations, prosecution: Avery Ng Man-yuen incited others to break through the barricade], *Ming Pao,* July 9, 2018.

[114] Holmes Chan, "Avery Ng and Other Pro-Democracy Activists Convicted over 2016 Clashes outside Beijing Office," *Hong Kong Free Press,* May 15, 2019.
[115] Bureau of East Asian and Pacific Affairs, U.S. Department of State, "2019 Hong Kong Policy Act Report," March 21, 2019; UK Foreign and Commonwealth Affairs, "The Six-Monthly Report on Hong Kong: 1 July to 31 December 2018," March 27, 2019.
[116] See, e.g., Progressive Lawyers Group, *Hong Kong Rule of Law Report 2018,* March 2019, 96–102; Hong Kong Journalists Association et al., "Joint Statement: The Death Knell for Freedom of Speech in Hong Kong," November 9, 2018. The signatories to the November 2018 joint statement consist of the Hong Kong Journalists Association, Hong Kong Press Photographers Association, Independent Commentators Association, Journalism Educators for Press Freedom, Ming Pao Staff Association, Next Media Trade Union, and RTHK Programme Staff Union.
[117] See, e.g., Amnesty International, "Hong Kong: Final 'Umbrella Nine' Pro-Democracy Activists Sentenced," June 10, 2019; Maya Wang, "Amid China's Storm, Hong Kong Holds Fast to Its Umbrella," *Globe and Mail,* April 26, 2019.
[118] Freedom House, "Hong Kong" in *Freedom in the World 2019,* February 2019.
[119] Reporters Without Borders, "Hong Kong" in *World Press Freedom Index,* accessed June 12, 2019; Jennifer Creery, "Hong Kong Stumbles in Reporters Without Borders Press Freedom Index, Down 25 Places in 10 Years," *Hong Kong Free Press,* April 18, 2019.
[120] Hong Kong Journalists Association, "Public See New Low in Hong Kong's Press Freedom; Beijing Viewed as the Major Factor in Decline," April 16, 2019.
[121] Austin Ramzy, "Hong Kong Bans Pro-Independence Party," *New York Times,* September 24, 2018.
[122] Secretary for Security, Government of the Hong Kong Special Administrative Region, "Societies Ordinance (Chapter 151)," G.N. (E.) 52 of 2018, *Gazette* 22, no. 44 (September 24, 2018).
[123] Austin Ramzy, "Hong Kong Bans Pro-Independence Party," *New York Times,* September 24, 2018; Kris Cheng, "Explainer: How Hong Kong Is Seeking to Ban a Pro-Independence Party Using Existing National Security Laws," *Hong Kong Free Press,* July 19, 2018.
[124] *Societies Ordinance* (Cap. 151), sec. 8(1)–(2). See also Kris Cheng, "Explainer: How Hong Kong Is Seeking to Ban a Pro-Independence Party Using Existing National Security Laws," *Hong Kong Free Press,* July 19, 2018.
[125] Hong Kong Watch, "3 Reasons to Worry about the Decision to Ban the Hong Kong National Party," July 20, 2018.
[126] "Hong Kong Rejects Visa for FT Editor Victor Mallet," *BBC,* October 6, 2018; "Hong Kong's Move against Free Speech," editorial, *Financial Times,* October 7, 2018.
[127] See, e.g., Hong Kong Watch, "Gray Sergeant: The Expulsion of Victor Mallet Has Rightly Caused an International Outcry," October 27, 2018; Reporters Without Borders, "After Hosting a Talk That Annoyed China, British Journalist Denied Entry to Hong Kong," November 10, 2018.
[128] Hong Kong Watch, "Gray Sergeant: The Expulsion of Victor Mallet Has Rightly Caused an International Outcry," October 27, 2018; "Hong Kong Rejects Visa for FT Editor Victor Mallet," *BBC,* October 6, 2018; Austin Ramzy, "Journalist's Expulsion from Hong Kong 'Sends a Chilling Message,'" *New York Times,* October 10, 2018.
[129] See, e.g., Hong Kong Watch, "Gray Sergeant: The Expulsion of Victor Mallet Has Rightly Caused an International Outcry," October 27, 2018; Reporters Without Borders, "After Hosting a Talk That Annoyed China, British Journalist Denied Entry to Hong Kong," November 10, 2018.
[130] Reporters Without Borders, "Hong Kong: Chinese Threats Lead to the Cancellation of an Exhibition by Cartoonist Badiucao," November 3, 2018; James Griffiths, "Chinese Dissident Artist's Hong Kong Show Canceled over 'Safety Concerns,'" *CNN,* November 2, 2018.
[131] Vivienne Chow, "China's 'Red Line' for Hong Kong's Creative Freedom," *Quartz,* November 11, 2018.
[132] Holmes Chan, "Apple Music in China Removes Jacky Cheung Song with Reference to Tiananmen Massacre," *Hong Kong Free Press,* April 9, 2019; "Zhang Xueyou 'Renjian Dao' zao dalu Apple Music xiajia yi yin anyu Liusi" [Jacky Cheung's "The Path of Man" taken down by mainland's Apple Music, reason might be its subtle reference to June 4th], *Stand News,* April 7, 2019. See also Shannon Liao, "Lawmakers Lash Out at Apple for Censoring a Song about Tiananmen Square Protests," *Verge,* April 12, 2019.
[133] *Zhonghua Renmin Gongheguo Aomen Tebie Xingzhengqu Jiben Fa* [Basic Law of the Macao Special Administrative Region of the People's Republic of China], passed March 31, 1993, effective December 20, 1999, arts. 47, 68, annexes I, II; "Why Macau Is Less Demanding of Democracy Than Hong Kong," *Economist,* September 15, 2017.
[134] *Zhonghua Renmin Gongheguo Aomen Tebie Xingzhengqu Jiben Fa* [Basic Law of the Macao Special Administrative Region of the People's Republic of China], passed March 31, 1993, effective December 20, 1999, art. 40.
[135] Ibid., arts. 12, 16, 22.
[136] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 25(b). Article 25(b) of the ICCPR guarantees the right "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage . . .."
[137] Raquel Carvalho, "Ho Iat-seng Will Be New City Leader of Macau, China's Gambling Hub," *South China Morning Post,* August 25, 2019; "Ho Iat Seng Gets Backing from 95% of CE Election Committee Members," *Macau News,* July 23, 2019.
[138] Raquel Carvalho, "Ho Iat-seng Will Be New City Leader of Macau, China's Gambling Hub," *South China Morning Post,* August 25, 2019; "Ho Iat Seng Gets Backing from 95% of CE Election Committee Members," *Macau News,* July 23, 2019.
[139] "Macau Establishes New National Security Defence Commission," *Economist Intelligence Unit,* September 7, 2018.

[140] Julie Zhu, "Cybersecurity: Government Banned from Collecting Internet Data," *Macau Daily Times,* June 7, 2019; João Paulo Meneses, "Cybersecurity Bill: Security, the Key Word," *Macau Business,* March 23, 2019. See also Cross-Border Chinese Q&A, Culture & Media Education Foundation, "Aomen zhengfu de '*Wangluo Anquan Fa*' jian zhi hefang?" [What is the Macau government's "Cybersecurity Law" aimed at?], *inMedia HK,* January 24, 2018.

[141] Jane K.C. Wong, "Cybersecurity Law Passed as Gov't Reassures It Will Not Censor Online Content," *Macau Business,* June 6, 2019; Macau Special Administrative Region, Law No. 13/2019, *Wangluo Anquan Fa* [Cybersecurity Law], passed June 24, 2019, art. 28.

[142] Macau Special Administrative Region, Law No. 13/2019, *Wangluo Anquan Fa* [Cybersecurity Law], passed June 24, 2019, art. 28; Angus Young, "Macau: Cybersecurity Law 'Will Present Unprecedented Challenges to Local and Foreign Industries," OneTrust DataGuidance, June 27, 2019.

[143] Macau Special Administrative Region, Law No. 1/2019, Amendment to Law No. 5/1999, *Guoqi, Guohui Ji Guoge De Shiyong Ji Baohu* [On the Use and Protection of the National Flag, National Emblem, and National Anthem], passed January 24, 2019; Emily Pottier, "Macau: National Anthem Law Amendments Passed, Disrespecting Anthem Punishable by up to 3 Years in Prison," *Macau Business,* January 25, 2019; Yi Wei Wong, "Macau: National Anthem Law to Be Implemented in June 2019," *Macau Business,* February 1, 2019.

[144] "Li Hui xize xing tongguo Guoge Fa" [Legislative Assembly passed the National Anthem Law], *Zheng Bao (Jornal Cheng Pou),* January 25, 2019; Macau Special Administrative Region, Law No. 1/2019, Amendment to Law No. 5/1999, *Guoqi, Guohui Ji Guoge De Shiyong Ji Baohu* [On the Use and Protection of the National Flag, National Emblem, and National Anthem], passed January 24, 2019, art. 4; Macau Special Administrative Region, Law No. 5/1999, *Guoqi, Guohui Ji Guoge De Shiyong Ji Baohu* [On the Use and Protection of the National Flag, National Emblem, and National Anthem], passed and effective December 20, 1999, amended January 29, 2019, art. 11. The new provision on the role of the media to promote (*xuanchuan*) the national anthem is found in section 7–C in Article 4 of the Amendment; it is Article 11 in the amended law. See also Kris Cheng, "Insults against Chinese National Anthem Banned in Macau, as Offenders Risk 3-Years Jail," *Hong Kong Free Press,* January 26, 2019.

[145] Journalist Association of Macau, "Jiu 'Xiugai di 5/1999 Hao Falu '*Guoqi, Guohui Ji Guoge De Shiyong Ji Baohu*' fa'an tijiao yijian" [Opinion submitted regarding Amendment to Law No. 5/1999 "On the Use and Protection of the National Flag, National Emblem, and National Anthem"], January 16, 2019, *Son Pou* (*Jornal Informação*) Facebook post, January 17, 2019; Yi Wei Wong, "Macau: Journalist Association of Macau Believes National Anthem Law Might Suppress Press Freedom," *Macau Business,* January 17, 2019; Yi Wei Wong, "Macau: Draft National Anthem Law Unchanged despite Press Freedom Concerns," *Macau Business,* January 18, 2019.