

SPECIFIC FINDINGS AND RECOMMENDATIONS

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

FREEDOM OF EXPRESSION

Findings

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

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

Recommendations

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

- Give greater public expression, including at the highest levels of the U.S. Government, to the importance of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists; the denial, threat of denial, or delay of visas for foreign journalists; and the censoring or blockage of foreign media websites. Consistently link press freedom to U.S. interests, noting how censorship and restric-

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

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

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

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

WORKER RIGHTS

Findings

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

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

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

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

- Workers in China continue to be exposed to a variety of occupational health and safety risks, due in part to weak regulation and enforcement of health and safety standards. Despite a measurable decrease in recent years in the number of officially reported workplace accidents and fatalities, Chinese officials indicate substantial occupational hazards persist and industrial accidents and deaths remain too high.

- Some employers also frequently ignore mandatory health and safety standards and take actions that put the health and safety of workers at risk. Significant safety violations observed in the past reporting year included excessive overtime, unsafe working conditions, and a lack of safety training.

- Occupational disease remains a significant and growing problem in China. Experts indicate that around 36 percent of workers in China are exposed to hazards in the workplace and that occupational hazards overall are increasing. Research published in April 2015 found that the number of people suffering from occupational diseases in China, as well as the cumulative number of new cases and disease-related deaths, ranked among the highest in the world. Cases of the lung disease pneumoconiosis remain particularly high, with experts indicating 10,000 new cases are recorded on average each year and account for between 80 and 90 percent of all occupational disease cases in China.

Recommendations

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

- Call on the Chinese government to respect international rights to freedom of association and collective bargaining, and allow workers to organize and establish labor unions. Urge the Chinese government to enable workers to elect their union representatives democratically.

- Convey support in all appropriate bilateral dialogues for functioning collective bargaining and direct elections of trade union representatives, emphasizing the benefits that increased worker representation has for resolving workplace grievances and preventing wildcat strikes.

- Support ongoing cooperation between the U.S. Department of Labor and the China National Coal Association by increasing work on and funding for technical cooperation and exchange projects regarding industry regulatory compliance, worker representation at coal mines, and safety and health improvements.

- Engage Chinese government interest through all appropriate bilateral discussions for establishing a multistakeholder initiative between the U.S. and Chinese governments, multinational

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

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

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

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

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

CRIMINAL JUSTICE

Findings

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

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

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

Recommendations

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

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

FREEDOM OF RELIGION

Findings

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

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

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

Recommendations

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

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

out activities in temples independent of state controls over religion.

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

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

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

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

ETHNIC MINORITY RIGHTS

Findings

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

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

Recommendations

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

- Continue to build the capacity of Mongol, Uyghur, and Tibetan groups working to advance human rights, environmental protection, economic development, and rule of law in China through U.S. foreign assistance funding and by encouraging additional support from both UN and non-governmental sources.
- Convey to the Chinese government the importance of respecting and protecting ethnic minority cultures and languages. In accordance with the PRC Regional Ethnic Autonomy Law, urge Chinese officials to provide ethnic minority students and parents a choice of what language or languages of instruction should be used at schools they attend.
- Urge Chinese officials to meet with the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, in addition to other international experts on human rights and security, in order to find ways to ensure security and guard against terrorism without violating the rights of ethnic minority groups.
- Call on the Chinese government to allow Mongol herders to exercise their fundamental rights of freedom of expression, association, and peaceful assembly, as well as the right to be free from arbitrary detention.
- Call on Chinese officials to refrain from detaining, harassing, and otherwise pressuring journalists seeking to re-

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

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

POPULATION CONTROL

Findings

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

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

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

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

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

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

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

Recommendations

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

- Press Chinese government officials to reevaluate the PRC Population and Family Planning Law and bring it into conformance with international standards set forth in international agreements, including the 1995 Beijing Declaration, the 1994 Programme of Action of the Cairo International Conference on Population and Development, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights.

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

FREEDOM OF RESIDENCE AND MOVEMENT

Findings

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

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

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

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

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

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

Recommendations

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

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

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

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

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

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

STATUS OF WOMEN

Findings

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

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

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

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

Recommendations

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

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

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

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

HUMAN TRAFFICKING

Findings

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

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

Recommendations

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

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

NORTH KOREAN REFUGEES IN CHINA

Findings

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

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

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

Recommendations

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

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

PUBLIC HEALTH

Findings

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

Recommendations

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

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

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

- Call on the Chinese government to cease harassing NGOs and individuals who advocate for greater rights protections for individuals with health conditions mentioned in this report and in the Commission's Political Prisoner Database.
- Urge Chinese officials to focus attention on effective implementation of laws and regulations that prohibit health-based discrimination in access to employment and education, including revision of the national physical eligibility standards for civil servants and teachers that discriminate against persons with health-related conditions. Where appropriate, share the United States' ongoing experience and efforts through legal, regulatory, and non-governmental means to promote the rights of persons with disabilities in education and employment.

THE ENVIRONMENT

Findings

- During the Commission's 2015 reporting year, reports noted widespread and severe environmental challenges confronting China, as well as the potential effects of pollution on citizens' health. Environmental authorities acknowledged that relocation of polluting enterprises to less developed areas—known as dirty migration—and inadequate environmental protection in rural villages remain problematic, leaving rural residents more vulnerable to the effects of pollution.
- Amid serious environmental challenges, Chinese citizens have become more environmentally aware and concerned about pollution. In 2015, over 200 million viewers watched an online documentary on air pollution, "Under the Dome," by Chinese journalist Chai Jing.
- In response to rising awareness, central authorities have promoted the "healthy development" and standardization of public participation in environmental affairs. Channels of participation, however, are underdeveloped.
- During this reporting year, authorities in some locations attempted to silence environmental advocates. In one example, local authorities continued to monitor, restrict the movements of, and interfere with the livelihood of environmentalist Wu Lihong, a long-term advocate of cleaning up pollution in Lake Tai in Jiangsu province.
- The number of environmental protests has increased annually by 29 percent on average since 1996, and pollution problems remain among the primary triggers of environmentally focused mass incidents. Throughout this reporting year, many citizen anti-pollution protests in multiple provinces and autonomous regions were marked by censorship and ended in violent suppression by authorities. During many of these protests, authorities detained individuals, but the status of most of these individuals remained unclear as of August 2015.
- Reports highlighted China's progress in building an environmental court system. As of March 2015, there were 382 envi-

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

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

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

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

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

Recommendations

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

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

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

CIVIL SOCIETY

Findings

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

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

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

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

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

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

Recommendations

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

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

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

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

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

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

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

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

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

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

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

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

Recommendations

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

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

COMMERCIAL RULE OF LAW

Findings

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

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

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

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

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

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

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

Recommendations

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

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

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

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

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

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

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

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

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

ACCESS TO JUSTICE



Findings





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

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

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

JULY 2015 CRACKDOWN: CASES OF CONCERN

Name and PPD Record No.	Case Summary (as of September 11, 2015)
<p>Wang Yu 2015-00252</p> 	<p>On July 9, 2015, public security officials in Beijing municipality took into custody lawyer Wang Yu. Authorities reportedly moved Wang to Tianjin municipality and detained her on suspicion of “picking quarrels and provoking trouble” and “inciting subversion of state power.” Wang worked at the Beijing Fengrui Law Firm and had represented several high-profile legal cases, including activist Cao Shunli, Uyghur scholar Ilham Tohti, and Falun Gong practitioners from Heilongjiang province. Authorities also detained Wang’s husband, lawyer Bao Longjun, and the couple’s 16-year-old son as the two were preparing to fly to Australia where their son was to attend high school. Authorities reportedly held Bao Longjun in Tianjin municipality on suspicion of the same charges as Wang.</p>
<p>Zhou Shifeng 2015-00272</p> 	<p>On July 10, 2015, public security officials in Beijing municipality took into custody lawyer Zhou Shifeng following his visit on July 9 to the Tongzhou District Public Security Bureau (PSB) Detention Center to meet his newly released client Zhang Miao, a news assistant to the German weekly Die Zeit, who had been held in detention for nine months. Authorities held Zhou at an unknown location on unknown charges and his lawyers were unable to meet with him. Zhou worked as director of the Beijing Fengrui Law Firm and had represented writer Huang Zerong (known as Tie Liu) and worked with activist Wu Gan (known as Tu Fu). Zhou reportedly established a legal fund to help families of persecuted Chinese lawyers.</p>
<p>Li Heping 2015-00284</p> 	<p>On July 10, 2015, individuals identifying themselves as Tianjin municipality public security officials detained lawyer Li Heping in Beijing municipality. On August 3, Li’s wife filed a defamation lawsuit against nine Chinese news agencies for depicting her husband as a criminal. On August 6, Beijing officials reportedly summoned Li’s wife for hours of questioning. Li worked at the Globe-Law Law Firm in Beijing and had served as defense counsel for disbarred lawyer Gao Zhisheng and blind legal advocate Chen Guangcheng, among others. At the time of his 2015 detention, he and an assistant, Gao Yue, were working on a project monitoring China’s implementation of the UN Convention against Torture. Authorities also detained Li’s younger brother, lawyer Li Chunfu, on August 1, 2015.</p>
<p>Zhang Kai 2015-00318</p> 	<p>On August 25, 2015, public security officials in Wenzhou municipality, Zhejiang province, detained lawyer Zhang Kai, reportedly in connection with his legal work on behalf of churches in Wenzhou. On September 3, the Wenzhou PSB informed Zhang’s family that he was under “residential surveillance at a designated location” believed to be in Wenzhou, on suspicion of “gathering a crowd to disrupt social order” and “stealing, spying, purchasing, and illegally providing state secrets and intelligence for overseas entities.” Zhang had provided legal counsel to over 100 Wenzhou churches, defending them against an official demolition campaign in which local authorities forcibly removed crosses from church buildings.</p>

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

Recommendations

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

- Stress to the Chinese government the importance of translating the policy of “advancing governance of the country according to law” into concrete legal reforms that improve citizens’ access to justice. Such reforms could include further changes to the procedures that courts use when deciding whether to accept cases and reducing Party interference in the courts’ decisionmaking.
- Encourage expansion of the initial steps toward greater transparency of the judicial system by, for example, publishing all court decisions and further clarifying how courts and litigants can use “guiding cases.”

- Call on the Chinese government to implement 2015 revisions to the PRC Administrative Litigation Law in a timely manner, to further expand avenues for citizens to challenge government actions in court, and to improve the legal framework for petitioning.
- Urge the Chinese government to protect the fundamental civil and professional rights of China's lawyers, to investigate all allegations of abuse, and to ensure that those responsible are brought to justice.
- Raise specifically the injustice of authorities' treatment of public interest and human rights lawyers Pu Zhiqiang, Qu Zhenhong, Xia Lin, Tang Jingling, and Yu Wensheng as criminal suspects and, more broadly, concerns about the crackdown on hundreds of lawyers and rights advocates, including Wang Yu, Zhou Shifeng, and Li Heping that began in July 2015.
- Increase support for programs that promote dialogue between U.S. and Chinese legal experts regarding how China can structure and implement legal reforms. Concomitantly increase support for collaboration between U.S. and Chinese academic and other non-governmental entities to foster programs that enhance the Chinese legal system's potential to be a vehicle for protecting citizens' rights.

XINJIANG

Findings

- Violent clashes that took place during the Commission's 2015 reporting year in the Xinjiang Uyghur Autonomous Region (XUAR) and that likely involved ethnic or political tensions led to more than 160 fatalities. International media and rights advocates raised concerns about Chinese authorities' failure to report information and attempts to suppress information regarding deadly clashes involving Uyghurs.
- Central lawmakers considered counterterrorism legislation that human rights organizations and other critics assert, if passed, would provide officials with a pretext to commit human rights abuses in the name of counterterrorism, including in the XUAR. An international human rights organization cautioned that language in the draft law could be used to carry out rights abuses in the XUAR; for instance, under Article 24, minors' participation in religious activity could be "characterized as 'terrorist or extremist tendencies.'"
- In conjunction with security measures, authorities launched activities aimed at eradicating "religious extremism," which international media and other observers argued frequently targeted Uyghurs' peaceful Islamic religious practices.
- According to the XUAR annual work report on the region's courts, XUAR authorities oversaw a 40-percent rise in concluded criminal trials in 2014 and carried out nearly twice as many arrests as compared to the previous year. The U.S.-based Dui Hua Foundation stated that the increase in criminal trials indicated "heightened . . . suppression of human rights activism and dissent in Xinjiang."

- In July 2015, Thai authorities forcibly deported 109 Uyghurs to China, in spite of widespread concern on the part of rights groups that Chinese authorities would persecute them upon their return. Chinese officials had reportedly pressured Thai authorities to deport the Uyghurs. The U.S. State Department, the United Nations High Commissioner for Refugees, and some international rights groups condemned the deportation, describing it as a violation of international law and warning that Chinese authorities were likely to subject them to harsh treatment.
- In December 2014, the Urumqi Intermediate People's Court sentenced six Uyghurs and one member of the Yi minority to prison terms ranging from three to eight years on the charge of "separatism," a crime falling under the category of "endangering state security." The seven individuals had reportedly been students of Uyghur scholar Ilham Tohti, and at least some had contributed to the website Uyghur Online, which Tohti founded. In September 2014, authorities convicted Tohti of "separatism" and sentenced him to life in prison.
- In November 2014, the XUAR People's Congress amended the XUAR Regulations on Religious Affairs (RRA), which took effect on January 1, 2015. The RRA were first passed in 1994 and last amended in 2001. The newly-amended regulations broaden XUAR officials' authority to limit religious practices, control online expression, and restrict the wearing of beards or attire perceived to have religious connotations.
- In October 2014, XUAR authorities issued new guidelines for the region's household registration (*hukou*) system, relaxing restrictions on people settling in southern parts of the XUAR but limiting migration to the more developed northern cities of Urumqi and Qaramay. Local officials reportedly said the relaxation of guidelines was aimed at facilitating Han Chinese migration to certain areas in the XUAR, and that Uyghurs were less likely to qualify for *hukou* in these areas under the guidelines. Regional authorities promoted the plan, which facilitates migration to areas predominantly populated by Uyghurs, as aimed at boosting "the establishment of mixed communities."
- In April 2015, authorities in Ili Kazakh Autonomous Prefecture ordered residents to turn in their passports to police by May 15 and said border control officials would cancel passports that were not turned in. In addition, reports indicated officials continued to restrict Uyghurs' rights to stay in hotels in areas outside of the XUAR.
- Central and regional authorities continued to focus on cultivating the XUAR as a central focus of China's new Silk Road development strategy, promoting extensive "Silk Road" projects for their ability to simultaneously stimulate economic growth and "maintain stability" in the region. Central and regional authorities also continued to invest substantial funds in the XUAR to extract coal and gas, as well as to construct oil and gas pipelines and high-voltage electricity lines to transport energy resources between the XUAR and other parts of China and Central Asia. Some observers expressed concern over the environmental impact of new and ongoing development

projects in the XUAR. Other observers raised concerns that development initiatives could further exacerbate existing regional economic inequality and ethnic tensions.

- As in past reporting years, the Commission observed employment advertisements that reserved positions exclusively for Han Chinese, including civil servant and private-sector positions, in contravention of Chinese labor law. Private and public employers also continued to reserve some positions exclusively for men, causing non-Han women to face both ethnic and gender discrimination in the hiring process.

Recommendations

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

- Support efforts to raise greater public awareness of human rights conditions in the XUAR, support initiatives to protect Uyghur culture, increase avenues for Uyghurs to protect their human rights, and undertake more frequent human rights-focused visits to the XUAR.
- Call on Chinese authorities to provide international humanitarian organizations with access to the 109 Uyghurs who were forcibly deported from Thailand to China in July 2015, in order to determine their status.
- Call on the Chinese government to increase transparency when reporting instances of violence and terrorism and during the criminal prosecution of defendants in cases involving separatism, violence, and terrorism.
- Call on the Chinese government to allow domestic and international journalists and observers greater freedom to independently verify official media accounts of violent and “terrorist” incidents.
- Urge Chinese authorities, when adopting legislation regarding counterterrorism, to adhere to international standards for the protection of human rights, including stipulations in United Nations Security Council resolutions that stress the need for countries to ensure compliance with “human rights, refugee, and humanitarian law” while countering terrorism.
- Call on the Chinese government to adhere to domestic laws and regulations guaranteeing freedom of religious belief as well as international regulations guaranteeing religious practice free from state restrictions.
- Call for the release of Ilham Tohti, Mutellip Imin, Atikem Rozi, Perhat Halmurat, Shohret Nijat, Akbar Imin, Abduqeyum Ablimit, Luo Yuwei, and others who were detained or imprisoned for exercising their right to freedom of expression.
- Urge Chinese officials to end restrictions on Uyghurs’ access to passports and to ensure Uyghurs are given the right to exit China, in accordance with the internationally recognized right to leave the country.
- Call on the Chinese government to consult with non-Han Chinese parents, teachers, and students regarding which language or languages of instruction should be used in XUAR

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

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

TIBET

Findings

- Formal dialogue between the Dalai Lama's representatives and Chinese Communist Party and government officials has been stalled since the January 2010 ninth round. The Commission observed no indication during the 2015 reporting year of official Chinese interest in resuming a dialogue that takes into account the concerns of Tibetans who live in the Tibetan autonomous areas of China. An April 2015 government white paper reiterated that Chinese officials would "only talk with private representatives of the Dalai Lama" to discuss "the future of the Dalai Lama and some of his followers" and how the Dalai Lama would "gain the forgiveness of the central government and the Chinese people."
- The Commission observed no evidence during its 2002 to 2015 period of reporting that the Party or government solicited systematic or representative input from the Tibetan population on economic development in the Tibetan autonomous areas of China. This past year, the Commission observed a series of reports likely to prove of unprecedented consequence to the pace and scale of economic development and urbanization on the Tibetan plateau, and to Tibetans living there. Urbanization, population, and railways will be among principal changes.
- The frequency of Tibetan self-immolation reportedly focusing on political and religious issues during the Commission's 2015 reporting year remained similar to the 2014 reporting year as security and punitive measures targeting self-immolation remained in effect. The Commission has not observed any sign that Party and government leaders intend to respond to Tibetan grievances in a constructive manner or accept any accountability for Tibetans' rejection of Chinese policies. Senior officials continued to blame self-immolation on foreign incitement.
- The Party and government continued efforts this past year to deepen the transformation of Tibetan Buddhism into a state-

managed institution that prioritizes adherence to Party and government policies as a principal feature of the religion. An April 2015 government white paper outlined the rationale for claiming authority over Tibetan Buddhist reincarnation, including that of the Dalai Lama, and noted that 2007 government regulations “further institutionalize the reincarnation process.” The Commission observed no developments this past year indicating that Party and government leaders intend to develop a “harmonious society” that tolerates Tibetan commitment toward their culture, language, and environment. In some areas, greater obstacles emerged for Tibetans seeking to organize efforts to preserve the Tibetan language or protect the environment.

- As of September 1, 2015, the Commission’s Political Prisoner Database contained records of 646 Tibetan political prisoners believed or presumed currently detained or imprisoned. Of those, 635 are records of Tibetans detained on or after March 10, 2008; 43 percent of them are Tibetan Buddhist monks, nuns, teachers, or *trulkus*. On July 12, 2015, Tenzin Deleg, recognized by the Dalai Lama as a reincarnated Tibetan Buddhist teacher, died in prison in Sichuan province. He was sentenced in December 2002 to death with a two-year reprieve on charges of “splittism” and conspiracy to cause explosions, charges that he denied in a smuggled audiotape.

Recommendations

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

- Urge the Chinese government to resume contact with the Dalai Lama or his representatives and engage in dialogue without preconditions. Such a dialogue should aim to protect the Tibetan culture, language, religion, and heritage within the Tibet Autonomous Region (TAR) and the Tibetan autonomous prefectures and counties in Qinghai, Gansu, Sichuan, and Yunnan provinces. A Chinese government decision to engage in dialogue can result in a durable and mutually beneficial outcome for the government and Tibetans that will benefit local and regional security in coming decades.
- Encourage the Chinese government to take fully into account the views and preferences of Tibetans when planning infrastructure, natural resource development, and settlement or resettlement projects in the Tibetan areas of China. Encourage the government to engage with appropriate experts in assessing the impact of such projects and in advising the government on the implementation and progress of such projects. Encourage the government to provide accurate and comprehensive data on the population in Tibetan areas of China.
- Urge the Chinese government to recognize the role of government regulatory measures and Party policies in the wave of Tibetan self-immolations and other protests. Stress to Chinese officials that strengthening the measures and policies that Tibetans resent is unlikely to promote “social stability” or a “harmonious society.” Urge the government to refrain from using

security and judicial institutions to intimidate Tibetan communities by prosecuting and imprisoning Tibetans with alleged links to a self-immolator or for sharing self-immolation information.

- Urge the Chinese government to refrain from using intrusive management and legal measures to infringe upon and repress Tibetan Buddhists' right to freedom of religion. Urge the government to cease treating the Dalai Lama as a security threat instead of as Tibetan Buddhism's principal teacher. Urge the government to cease interference in the long-standing practices Tibetan Buddhists use to identify reincarnated teachers and to respect the principle summarized by the Dalai Lama that the person who reincarnates "has sole legitimate authority" over the circumstances and recognition of reincarnation. Urge the government to respect the right of Tibetan Buddhists to identify and educate religious teachers, including the Dalai Lama, in a manner consistent with Tibetan Buddhist preferences and traditions. Stress to Chinese officials that increasing pressure on Tibetan Buddhists by aggressive use of regulatory measures, "patriotic" and "legal" education, and anti-Dalai Lama campaigns is likely to harm social stability, not protect it.

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

- Continue to stress to the Chinese government the importance of distinguishing between peaceful Tibetan protesters and rioters; condemn the use of security campaigns to suppress human rights; and request the government to provide complete details about Tibetans detained, charged, or sentenced for protest-related and self-immolation-related "crimes." Continue to raise in meetings and correspondence with Chinese officials the cases of Tibetans who remain imprisoned as punishment for the peaceful exercise of human rights.

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

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

DEVELOPMENTS IN HONG KONG AND MACAU

Findings

- The Basic Laws of Hong Kong and Macau confirm the applicability of the International Covenant on Civil and Political Rights (ICCPR) to both territories. The Basic Law of Hong Kong provides specifically for universal suffrage in electing the Chief Executive upon nomination by a "broadly representative nominating committee in accordance with democratic procedures," while Macau's does not.
- In April 2015, the Hong Kong government announced its proposal for reforming Chief Executive (CE) elections, adhering to the restrictive framework mandated by the National People's Congress Standing Committee (NPCSC) in an August 31, 2014, decision. In June, Hong Kong's legislature voted down the proposal. All 27 pro-democratic legislators and 1 pro-Beijing legislator voted against the proposal.
- In response to the NPCSC's August 31 decision, pro-democracy activists launched massive civil disobedience protests. After police fired tear gas and pepper spray on non-violent protesters, tens of thousands of people joined the demonstrations, occupying major streets across Hong Kong for 79 days. Protesters remained encamped at three separate protest sites until the Hong Kong government enforced a civil court order to clear the majority of protesters in November and December 2014.
- During the largely non-violent demonstrations, there were reports of violence between police, protesters, and counter-protesters, including some reports of police use of excessive force and protester violence against police. Journalists and media organizations reported dozens of attacks directed against reporters covering the protests, including attacks by police. During and after the demonstrations, some protesters reported that they were unable to travel to mainland China or Macau due to their participation in the demonstrations.
- Hong Kong police reportedly selectively enforced the law, arresting pro-democracy activists and demonstrators to harass and intimidate them. Police arrested, and then released, dozens of prominent pro-democracy advocates but reserved the right to prosecute them later. There were reports of Chinese intelligence services and groups connected to the Chinese government harassing and surveilling people perceived to oppose the Chinese government.

- Hong Kong journalists and media reported threats to press freedom due to self-censorship and editorial interference, pressure from the Chinese and Hong Kong governments, and intimidation and violent attacks on journalists. According to the international media non-governmental organization Reporters Without Borders, press freedom continued to deteriorate in Hong Kong in 2014, with Hong Kong's international ranking dropping to 70 from 61 in 2013.
- The Commission observed no progress regarding the UN Human Rights Committee's 2013 recommendation that Macau work to establish "an electoral system based on universal and equal suffrage . . ." in line with provisions of the ICCPR, or that the reservation to Article 25(b) of the ICCPR be withdrawn. Civil society and media organizations in Macau reported threats from intimidation and self-censorship. Macau authorities reportedly refused Hong Kong journalists and activists entry for political reasons.
- Macau authorities expanded coordination with mainland Chinese authorities, in part to fight financial crimes, including cooperating with the central government in its campaign against corruption. Macau continued to be a center for violations of mainland China's currency controls connected to its gambling industry. Macau authorities' pursuit of an extradition agreement with mainland China raised concerns regarding the rights of individuals facing extradition from Macau and Macau's autonomy from mainland China.

Recommendations

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

- Consider enacting the Hong Kong Human Rights and Democracy Act (H.R. 1159) to monitor the state of Hong Kong's autonomy and freedoms and to promote democratic development in Hong Kong.
- Urge the Chinese central government and the Hong Kong government to restart the electoral reform process and work without delay toward implementing Chief Executive and Legislative Council elections by universal suffrage, in accordance with the provisions of the Basic Law and the International Covenant on Civil and Political Rights (ICCPR). Issues relating to Hong Kong's autonomy and freedoms should be raised in meetings with central government officials.
- Urge Hong Kong authorities to reaffirm the rights of the people of Hong Kong to assemble and demonstrate peacefully, and the right of journalists to work safely and without hindrance. In meetings with Hong Kong officials, express U.S. concerns over the safety of reporters and urge Hong Kong officials to resolve outstanding cases of violence and intimidation against journalists.
- Increase support for democratic reforms in Macau. Urge Macau authorities to set a clear timeline for transition to universal suffrage in executive and legislative elections, as re-

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