

SPECIFIC FINDINGS AND RECOMMENDATIONS

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

FREEDOM OF EXPRESSION

Findings

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

Executive Summary

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

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

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

Recommendations

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

- Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists; the denial, threat of denial, or delay of visas for foreign journalists; and the censoring or blockage of foreign media websites. Consistently link press freedoms to U.S. interests, noting how censorship and restrictions on journalists and media websites prevent the free flow of information on issues of public concern, including public health and environmental crises, food safety problems, and cor-

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

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

- Raise with Chinese officials, during all appropriate bilateral discussions, the costs to U.S.-China relations and to the Chinese public's confidence in government institutions that are incurred when the Chinese government restricts political debate, advocacy for democracy or human rights, and other forms of peaceful political expression. Emphasize that such restrictions violate international standards for the restrictions on free expression, particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights. Emphasize that such restrictions erode confidence in media and government institutions. Submit questions for China's next UN Human Rights Council Universal Periodic Review in November 2018, asking China to explain what steps it will take to ensure its restrictions on free expression conform to international standards.

- Urge Chinese officials to end unlawful detention and official harassment of Chinese rights advocates, lawyers, and journalists subject to reprisal for exercising their right to freedom of expression. Call on officials to release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as Zhen Jianghua, Liu Feiyue, Huang Qi, Ding Lingjie, Jiang Chengfen, Wang Jing, Chen Tianmao, Yang Xiuqiong, Guo Qingjun, Tashi Wangchug, and other political prisoners raised in this report and in the Commission's Political Prisoner Database. Raise this issue in bilateral dialogues as well as through multilateral institutions, such as at China's UN Human Rights Council Universal Periodic Review scheduled to take place in November 2018, and at the UN Human Rights Council Working Group on Arbitrary Detention.

WORKER RIGHTS

Findings

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

Executive Summary

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

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

Executive Summary

5

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

Recommendations

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

- Press the Chinese government to immediately release labor advocates who are in prison or detention for the exercise of their lawful rights. Specifically raise the cases of Lu Yuyu and Fu Tianbo.
- Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining, and allow workers to organize and establish independent labor unions. Raise concern in all appropriate trade negotiations and bilateral and multilateral dialogues about the Chinese Communist Party’s role in collective bargaining and elections of trade union representatives, emphasizing that in a market economy wage rates should be determined by free bargaining between labor and management.
- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as freedom of expression, collective bargaining, employment discrimination, and occupational health and safety. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations involved in defending the rights of workers.
- When appropriate, integrate meaningful civil society participation into bilateral and multilateral dialogues, meetings, and exchanges. Invite international unions and labor NGOs as well as domestic civil society groups from all participating countries to observe relevant government-to-government dialogues.
- Support China’s increased engagement and cooperation with the International Labour Organization (ILO) through funding for ILO technical cooperation projects with China. Request that the ILO increase its work with China on observing core labor standards, including freedom of association and the right to organize.

CRIMINAL JUSTICE

Findings

- During the Commission’s 2018 reporting year, authorities continued to use various forms of arbitrary detention—such as extralegal “black jails” and forced psychiatric commitment of individuals without mental illness—to deprive individuals of their liberty, contravening international human rights stand-

Executive Summary

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

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

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

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

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

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

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

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

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

Recommendations

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

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

Executive Summary

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

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

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

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

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

FREEDOM OF RELIGION

Findings

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

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

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

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

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

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

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

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

Executive Summary

10

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

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

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

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

Recommendations

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

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

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

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

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

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

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

Executive Summary

12

ETHNIC MINORITY RIGHTS

Findings

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

Recommendations

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

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

additional support from both UN and non-governmental sources.

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

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

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

POPULATION CONTROL

Findings

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

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

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

Executive Summary

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

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

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

- The amended PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the “legitimate rights and interests” of citizens while implementing family planning policies. Some provincial population planning regulations and local government authorities, however, continued to explicitly instruct officials to carry out abortions, often referred to as “remedial measures,” for illegal pregnancies. Local authorities continued to promote the implementation of harsh and invasive family planning measures. Officials imposed or threatened various punishments to enforce family planning policies, including heavy fines, job termination, detention, and abortion.

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

- International media reports continued to suggest a link between China’s sex ratio imbalance and the trafficking of foreign women into China for forced marriage or commercial sex-

ual exploitation. Reports also indicated that decades of birth limits under China's population control policies combined with a traditional preference for sons may have encouraged a black market for illegal adoptions.

Recommendations

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

- Press Chinese government officials to bring the PRC Population and Family Planning Law into conformance with international standards set forth in international agreements, including the 1995 Beijing Declaration, the 1994 Programme of Action of the Cairo International Conference on Population and Development, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights.
- Highlight the looming demographic challenges currently facing China in bilateral meetings with Chinese government officials—including a rapidly aging population, shrinking workforce, and sex ratio imbalance. As the universal two-child policy may not adequately address these demographic challenges, urge the Chinese government to heed the recommendations of domestic and international demographic experts by ending, as soon as possible, all birth restrictions on families and abolishing “social compensation fees.”
- Use authorities provided in the Foreign Relations Authorization Act of 2000 (Public Law No. 106–113) and the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) to deny entry into the United States of and impose sanctions against Chinese officials who have been directly involved in the formulation, implementation, or enforcement of China's coercive family planning policies, including those who have forced men and women to undergo sterilizations and abortions.
- Call on China's central and local governments to vigorously enforce provisions of Chinese laws that provide for punishment of officials and other individuals who engage in these abuses.
- Publicly link, with supporting evidence, the sex ratio imbalance exacerbated by China's population control policies with potential regional humanitarian and security concerns—human trafficking, crime, increased internal and external migration, and other possible serious social, economic, and political problems—and discuss and address these issues in bilateral and multilateral dialogues.

SPECIAL TOPIC: FORCED EVICTIONS IN BEIJING MUNICIPALITY

Findings

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

Executive Summary

16

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

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

Recommendations

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

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

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

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

STATUS OF WOMEN

Findings

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

Executive Summary

18

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

Recommendations

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

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

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

HUMAN TRAFFICKING

Findings

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

Recommendations

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

Executive Summary

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

NORTH KOREAN REFUGEES IN CHINA

Findings

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

Recommendations

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

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

Executive Summary

22

- Consider using the suite of sanctions that are available, where appropriate, against Chinese government agencies and individuals involved in the repatriation of North Korean refugees; and press for increased international monitoring of and accountability for the Chinese government's treatment of refugees. Urge Chinese authorities to recognize the legal status of North Korean women who marry or have children with Chinese citizens, and ensure that all such children are granted resident status and access to education and other public services in accordance with Chinese law and international standards.
- Appoint and confirm the U.S. Special Envoy on North Korean Human Rights Issues, and encourage the Special Envoy to work with South Korean counterparts to coordinate efforts related to humanitarian assistance and human rights promotion for North Korean refugees in China, in accordance with the North Korean Human Rights Reauthorization Act (Public Law No. 115–198).

PUBLIC HEALTH

Findings

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

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

Recommendations

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

- Continue to support technical assistance and exchange programs in public health. Require that U.S.-China cooperative programs include the participation of U.S. and Chinese non-governmental organizations and a focus on human rights. Introduce human rights as an area of focus in the U.S.-China Social and Cultural Dialogue.
- Urge Chinese officials—including officials in the newly formed National Health Commission—to focus on effective implementation of laws and regulations that prohibit health-based discrimination in employment and education. Encourage Chinese officials to highlight improvements to standards at the subnational level, such as the amendment of discriminatory provisions for hiring teachers in Fujian province discussed in this section. Where appropriate, share the United States’ ongoing experience with and efforts in promoting the rights of persons with disabilities in education and employment, through non-governmental advocacy and services, and legal and regulatory means.
- Call attention to Chinese authorities’ efforts to suppress public health information and health-related rights advocacy. Raise individual cases in meetings with Chinese officials, such as the case of HIV/AIDS rights advocate Sun Ya and medical doctor Tan Qindong.
- Urge the Chinese government to establish panels of legal, medical, social work, and security professionals from within and outside the government to monitor and report on implementation of the PRC Mental Health Law (MHL) and initiatives under the National Mental Health Work Plan (2015–2020) to ensure that local implementation consistently meets standards of care and rights protection stipulated in the MHL, the PRC Law on the Protection of the Rights of Persons With Disabilities, and international standards.

THE ENVIRONMENT

Findings

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

Executive Summary

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

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

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

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

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

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

Recommendations

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

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

CIVIL SOCIETY

Findings

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

Executive Summary

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

Recommendations

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

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

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

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

Executive Summary

28

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

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

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

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

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

Recommendations

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

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

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

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

COMMERCIAL RULE OF LAW AND HUMAN RIGHTS

Findings

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

Executive Summary

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

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

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

Recommendations

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

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

ACCESS TO JUSTICE

Findings

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

Executive Summary

32

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

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

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

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

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

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

Recommendations

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

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

XINJIANG

Findings

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

Executive Summary

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

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

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

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

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

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

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

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

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

Recommendations

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

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

Executive Summary

36

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

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

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

- Call on the Chinese government to adhere to domestic laws and regulations guaranteeing freedom of religious belief as well as international standards guaranteeing religious practice free from state restrictions.

- Support efforts to raise greater public awareness of human rights conditions in the XUAR, support initiatives to protect Uyghur culture, increase avenues for Uyghurs to protect their human rights, and undertake more frequent human rights-focused visits to the XUAR.

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

TIBET

Findings

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

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

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

Executive Summary

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

Recommendations

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

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

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

DEVELOPMENTS IN HONG KONG AND MACAU

Findings

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

Executive Summary

40

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

Recommendations

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

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

Executive Summary

41

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