

ACCESS TO JUSTICE

Introduction

While many Chinese citizens persist in seeking redress for violations of their rights,¹ the Commission continued to observe a significant discrepancy between official statements that affirm the importance of laws² or that promote recent legal developments³ and the actual ability of citizens to access justice.⁴ Developments during this reporting year also continued to demonstrate that individuals and groups who attempt to help citizens advocate for their rights do so at significant personal risk.

Judicial Reform Efforts

During the 2016 reporting year, the Commission observed both progress and continued challenges as Chinese courts and local governments implemented certain key areas of the judicial reforms outlined in the Chinese Communist Party Central Committee Fourth Plenum Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law (Fourth Plenum Decision) from October 2014.⁵ Key developments included the following:

- **Judicial independence.** Despite purported efforts to promote judicial independence from local officials acting to protect their interests, the Chinese government and Party continued to exert influence over the judiciary.⁶ In March 2015, the State Council and Party Central Committee issued a set of provisions prohibiting government and Party officials from interfering with the judicial process,⁷ and in September 2015, the Supreme People's Court (SPC) issued an opinion directing judges to record instances of such interference.⁸ In early 2015, the SPC, partly as a measure to counter interference by local officials,⁹ established the first and second circuit tribunals (*xunhui fating*)¹⁰ that employ a system to randomly assign cases to judges.¹¹ Nevertheless, the SPC opinion requires courts to follow the Party's leadership,¹² and government and Party officials reportedly continued to instruct courts not to accept politically sensitive cases.¹³ Sources reported that many judges resigned from their posts in recent years, citing interference with their work and heavy case loads.¹⁴
- **Judicial accountability.** The September 2015 SPC opinion imposes lifetime accountability on judicial officers, requiring them to sign and issue judgments in cases that they handle.¹⁵ The opinion prohibits various types of misconduct, including bribery, evidence tampering, and errors in litigation documents due to gross negligence.¹⁶ In April 2016, a court in Haikou municipality, Hainan province, ordered a judge to issue an amended civil judgment and apologize to the parties after confirming that a civil judgment for which he was responsible contained mistakes.¹⁷
- **Uniform application of the law.** In November 2015, the SPC issued its 11th set of guiding cases, bringing the total number of such cases to 56.¹⁸ The SPC initiated the guiding case system in 2010 to promote uniformity in the application

of the law,¹⁹ a goal that the Party Central Committee reiterated in the Fourth Plenum Decision in October 2014.²⁰ A leading Chinese legal information website reported that as of November 2015, courts had cited guiding cases 241 times in total, noting their apparent low rate of application by lower courts.²¹

• **Case filing.** Although reports indicated that more citizens had their cases accepted by courts this past year, some courts continued to deny rights advocates access to the court system. Based on the Fourth Plenum Decision,²² the SPC issued a set of provisions in April 2015 that requires courts to accept all cases meeting certain procedural requirements,²³ instead of first subjecting them to substantive review.²⁴ The PRC Anti-Domestic Violence Law, which took effect in March 2016, also requires courts to file every case involving a protection order application.²⁵ The number of cases filed nationwide reportedly increased by approximately 30 percent between May and December 2015 compared to the same period in 2014.²⁶ While some reports from this past year indicated that courts may be responding to the new filing requirements by accepting some cases that they may not have previously,²⁷ other reports showed that courts continued the practice of refusing to file or failing to file cases considered “politically sensitive.”²⁸

• **Trial-centered litigation system.** As specified in the Fourth Plenum Decision, the Party Central Committee promoted a shift toward a trial-centered litigation system that includes improving the practice of having witnesses and experts testify at trial;²⁹ the Commission, however, did not observe the Chinese judiciary taking substantive steps toward this goal this past year. Some scholars observed that under existing trial practice, witnesses almost never appear in court to testify, making cross-examination difficult and raising concerns about the court’s ability to assess the facts.³⁰ In the Supreme People’s Procuratorate (SPP) March 2016 work report, Procurator-General Cao Jianming reiterated the general direction of the reform but did not detail any concrete steps that the SPP had taken or planned to take to implement the reform.³¹ A Chinese legal expert commented in March that the rate of witnesses appearing in court remained too low and that he had not observed any instance of a court compelling a witness to appear in court.³² A Chinese law professor, moreover, noted that plans for reform of the litigation process neglected the role of defense lawyers³³ and expressed concern that effective implementation could be hampered by the low rate of legal representation in criminal cases, which reportedly dropped from 30 percent to approximately 20 percent in the past two years for cases heard by courts of the first instance.³⁴

• **Judicial transparency.** During the reporting year, the Chinese judiciary made an effort to improve the availability of case judgments. In February 2016, the SPC announced that the court system had published more than 15 million judgments online,³⁵ consistent with the goal of increased judicial transparency set forth in the Fourth Plenum Decision.³⁶ One Chinese legal scholar noted that such disclosure would force judges to exercise more care in decisionmaking, and a Chinese

prosecutor reportedly used the database to develop a method of detecting judicial corruption.³⁷ In addition to the nationwide database of judgments, the SPC³⁸ and local courts³⁹ have created online platforms through which parties may obtain litigation-related information or services.⁴⁰ In a March 2016 report, researchers noted that many of these platforms were outside the courts' official websites, making it difficult to determine their authenticity and to obtain information.⁴¹

Legal Aid

This past year, official sources showed an overall increase of funding and access to the legal aid system since 2010, and media reports illustrated progress and challenges in efforts toward further expansion.⁴² According to Ministry of Justice statistics, the total national spending on legal aid services between 2010 and 2015 was 7.04 billion yuan (US\$1.06 billion)⁴³—an average annual increase of 15.2 percent—of which about 96.6 percent was from government appropriation.⁴⁴ During the same period, a total of 5.58 million individuals received legal aid and 29 million received legal consultation, an average annual increase in legal consultation of 8.7 percent.⁴⁵ Some local governments reportedly tried to improve legal aid services by increasing access for the rural population,⁴⁶ collaborating with law firms,⁴⁷ extending services to prison inmates and detainees at drug detoxification centers,⁴⁸ lowering financial hardship eligibility standards,⁴⁹ and waiving eligibility review for applicants already determined to be from a disadvantaged group.⁵⁰ Some local governments also planned to extend legal aid coverage to individuals seeking redress from the government if their cases could be resolved using the legal system.⁵¹ Nevertheless, legal aid funding and staffing reportedly were insufficient in some localities, including rural areas.⁵²

Citizen Petitioning

The petitioning system (*xinfang*), also known as the “letters and visits system,” has been a popular mechanism outside of the formal judicial and administrative systems for citizens to present their grievances to authorities, either in writing or in person.⁵³ The petitioning system reportedly has been ineffective in addressing citizens' grievances partly due to the large number of petitions and the limited authority of local *xinfang* offices.⁵⁴ In an effort to improve the system, the Chinese government in early 2015 implemented a pilot program requiring 37 state agencies to list petition subject matter under their respective jurisdictions and limit the use of the petitioning system to handle issues that cannot be resolved through judicial and administrative systems.⁵⁵ In another effort to relieve the burden on the petitioning system, the Supreme People's Court (SPC) established the first and second circuit tribunals in January 2015 in part to resolve local disputes,⁵⁶ and the tribunals reportedly received more than 40,000 petitions in their first year.⁵⁷ In January 2016, the State Bureau of Letters and Visits, the central-level government agency responsible for overseeing the petitioning system, reported a decrease in both the number of new petitions and backlogged cases.⁵⁸ The Party Central Political and Legal Af-

fairs Commission and the SPC further planned to work with lawyers to help divert some cases away from the petitioning system.⁵⁹ Citizens expressed concerns about the shift of cases into judicial and administrative systems, however, citing the likelihood of high litigation costs and lengthened processes for time-sensitive cases.⁶⁰

During this reporting year, petitioners continued to face reprisals. A rights lawyer noted an increase in local government prosecutions of petitioners under extortion charges in the past year.⁶¹ In June 2015, government authorities in Heilongjiang province lodged extortion charges against Ge Limei, a petitioner who had sought information about her husband's suspected unnatural death in prison, even though the local officials involved reportedly made payments to Ge between 2013 and 2014 of their own accord.⁶² Authorities in other localities across China reportedly also have detained petitioners or accused them of extortion⁶³ and other charges.⁶⁴

Harassment of Human Rights Lawyers and Advocates

DEVELOPMENTS FOLLOWING THE JULY 2015 CRACKDOWN

This past year, the Chinese government continued to detain and, in some cases, prosecute rights lawyers and advocates whom it targeted during a nationwide, coordinated crackdown that began in and around July 2015 (July 2015 crackdown).⁶⁵ As of May 2016, authorities had formally arrested at least 20 individuals,⁶⁶ 16 of them on "endangering state security"-related charges,⁶⁷ which carry serious criminal penalties, including life imprisonment.⁶⁸ Many of the detained lawyers previously had provided legal representation for individuals targeted by the Chinese government for peacefully exercising their rights and freedoms.⁶⁹ A multinational group of 20 lawyers, judges, and jurists issued a public joint letter in January 2016 addressed to Chinese President and Party General Secretary Xi Jinping, criticizing the unprecedented crackdown as a violation of China's domestic laws and of international standards.⁷⁰ In February 2016, the UN High Commissioner for Human Rights urged the Chinese government to unconditionally release the rights lawyers.⁷¹

Between July 2015 and January 2016, authorities held 21 rights lawyers and advocates under "residential surveillance at a designated location,"⁷² a coercive measure that allows for detention at an undisclosed location for up to six months.⁷³ The UN Committee against Torture concluded in December 2015 that this coercive measure "may amount to incommunicado detention in secret places, putting detainees at a high risk of torture or ill-treatment."⁷⁴ Initially, authorities reportedly did not admit their involvement in the disappearances of some of the individuals.⁷⁵ When authorities did give notice confirming the enforcement of "residential surveillance at a designated location," they did not disclose the detention location.⁷⁶

In some of the July 2015 crackdown cases, authorities interfered with detainees' legal representation by denying lawyer-client meeting requests⁷⁷ or telling family-appointed lawyers that the detainees had voluntarily dismissed them and chosen other representation.⁷⁸ Legal scholars in the United States observed that, in many of these cases, authorities did not provide reasons for their denial

of lawyer-client meetings, in violation of Chinese regulations.⁷⁹ Yu Wensheng, a lawyer for detained lawyer Wang Quanzhang, said in April 2016 that the authorities had appointed lawyers for all but one of the individuals detained in connection with the July 2015 crackdown.⁸⁰ Authorities generally did not provide formal notice to the families regarding the detainees' purported dismissal of the lawyers and refused to identify or provide the contact information of the alleged new lawyers.⁸¹

On July 7, 2016, the Tianjin Municipal Public Security Bureau announced the decision to release on bail Zhao Wei,⁸² a legal assistant of detained rights lawyer Li Heping.⁸³ Zhao's husband, however, said he could not confirm Zhao's whereabouts, expressing doubt that she was truly free.⁸⁴ On July 8, police in Zhengzhou municipality, Henan province, reportedly detained Ren Quanniu, a lawyer hired by Zhao's family.⁸⁵ Previously, Ren requested that the procuratorate in Tianjin investigate an alleged sexual assault against Zhao while she was in custody.⁸⁶

The Paper, a state-funded news outlet, reported that authorities had released rights lawyer Wang Yu on bail several days before August 1, 2016, when it posted online a recorded interview, believed to be coerced,⁸⁷ showing Wang expressing remorse for her work.⁸⁸ According to reports published shortly after the purported release, individuals close to Wang said they had not seen her,⁸⁹ and Wang's mother reportedly was not aware of her release.⁹⁰

From August 2 to August 5, 2016, the Tianjin No. 2 Intermediate People's Court tried four of the detained individuals, sentencing Zhai Yanmin to three years' imprisonment, suspended for four years;⁹¹ Hu Shigen to seven years and six months' imprisonment;⁹² Zhou Shifeng to seven years' imprisonment;⁹³ and Gou Hongguo to three years' imprisonment, suspended for three years.⁹⁴

Chinese officials also violated the rights of the children⁹⁵ and other family members⁹⁶ of the individuals detained in the July 2015 crackdown. In October 2015, a group of individuals⁹⁷ reportedly seized Bao Zhuoxuan,⁹⁸ the 16-year-old son of detained lawyers Wang Yu and Bao Longjun,⁹⁹ in Burma (Myanmar) after he fled from China.¹⁰⁰ Chinese authorities also prevented the children of at least four other lawyers and advocates from traveling,¹⁰¹ arbitrarily detained a rights lawyer's brother,¹⁰² and prosecuted a rights advocate's father for a reportedly unsubstantiated "embezzlement" charge.¹⁰³

HARASSMENT OF LEGAL AID WORKERS

This past year, authorities appeared to target non-governmental organizations (NGOs) and individuals whose legal aid work overlapped with rights advocacy. In January 2016, the Chinese government detained Swedish national Peter Dahlin, the cofounder of a legal advocacy organization based in Beijing municipality, and deported him from China.¹⁰⁴ Also in January, Chinese authorities reportedly ordered the closure of the Beijing Zhongze Women's Legal Counseling and Service Center, an NGO that had provided legal aid services to women for more than 20 years.¹⁰⁵ Authorities did not provide a public explanation for the closure, but observers noted that it likely was part of a wider government crackdown on

civil society.¹⁰⁶ In March, the organizers of a domestic foundation that provided travel funding for lawyers engaged in legal aid work announced that it would cease operation, citing restrictions under the new PRC Charity Law.¹⁰⁷ In April, authorities in the Inner Mongolia Autonomous Region detained four lawyers and several scholars who planned to provide legal advice to a group of herdsmen regarding their pollution claim against aluminum factories operating in an industrial park built by the local government.¹⁰⁸

Notes to Section III—Access to Justice

¹ See, e.g., Dong Liu, “End of the Year Approaching, Method To Claim Back Wages” [Nian guan jiang zhi, zhuitao qian xin you fa men], Yangcheng Evening News, 14 January 16; “Plaintiff Prevailed in the First Public Interest Environmental Litigation Under the New PRC Environmental Protection Law” [Zhongguo xin huanbao fa hou de huanjing gongyi susong di yi an yuangao shengsu], Voice of America, 30 October 15; “Administrative Review Application Filed by Shenzhen Rights Defender Wang Long, Whose Household Registration Was Involuntarily Transferred, Was Denied” [Shenzhen weiquan renshi wang long zao qiang qian hukou shenqing xingzheng fuyi bei bohui], Radio Free Asia, 22 March 16.

² Shi Chang, “Let Rule of Law Be the Convoy for the Chinese Dream” [Rang fazhi wei zhongguo meng huhang], People’s Daily, 11 April 16; State Council, “Government Work Report” [Zhengfu gongzuo baogao], 5 March 16; “Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 13 March 16, 3.

³ “National People’s Congress Standing Committee Work Report” [Quanguo renmin daibiao dahui changwu weiyuanhui gongzuo baogao], 19 March 16; State Council, “Government Work Report” [Zhengfu gongzuo baogao], 5 March 16.

⁴ See, e.g., “[Those Who] Traveled to Beijing for Petitioning and Rights Defense Were Beaten and Sustained Serious Injuries, Rights Defenders’ Family Members Illegally Detained and Retaliated Against” [Shang jing xinfang weiquan bei ouda zhongshang, feifa juliu ji daji baofu weiquan jiaoshu], People’s Daily Forum, 28 June 16; “200 Herders From Inner Mongolia Petitioned Higher Authorities, 6 of Them Were Detained on Their Way Back, Special Police From Heshigten Banner Fired Shots To Warn Herders” [Neimeng 200 mumin shangfang 6 ren hui cheng tuzhong bei ju keshiteng qi tejing kaiqiang jinggao mumin], Radio Free Asia, 22 April 16; Rights Defense Network, “Over Ten Petitioning Veterans From Hunan Were Detained in a Black Jail in Beijing” [Hunan shi yu ming shangfang tuiwu junren bei guan zai beijing hei jianyu], 5 March 16.

⁵ Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14; “Xi Stresses Boosting Public Confidence in Judicial System,” Xinhua, 25 March 15; Luo Shuzhen, “Have Strength To Reform and Innovate, Continue To Improve Judicial Credibility, Allow the People in Each Judicial Case To Have the Feeling of Fair Justice” [Yongyu gaige chuanguang buduan tigao sifa gongxinli rang renmin qunzhong zai mei yi ge sifa anjian zhong dou ganshou dao gongping zhengyi], China Court Net, 8 May 15; State Council Information Office, “Progress in China’s Human Rights in 2014,” reprinted in Xinhua, 8 June 15. For more information on the Fourth Plenum Decision, see CECC, 2015 Annual Report, 8 October 15, 267–69.

⁶ Anthony H.F. Li, “Centralisation of Power in the Pursuit of Law-Based Governance,” China Perspectives, No. 2 (2016), 68.

⁷ Chinese Communist Party Central Committee General Office and State Council General Office, Provisions for the Recording, Circulating, and Holding Leaders Accountable for Interference in Judicial Actions and Meddling in Cases [Lingdao ganbu ganyu sifa huodong, chashou juti anjian chuli de jilu, tongbao he zeren zhuijiu guiding], 30 March 15, art. 2. For the outline set forth in the Fourth Plenum Decision, see Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item 4.1.

⁸ Supreme People’s Court, Certain Opinions on Improving Judicial Accountability of the People’s Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], 21 September 15, art. 39.

⁹ Ren Zhongyuan, “First Circuit Tribunal: ‘Court Is Where Reason Should Be Valued Most’” [Di yi xunhui fating: fayuan yinggai shi zui jiangli de difang], Southern Daily, 3 February 16.

¹⁰ Supreme People’s Court, Provisions Concerning Certain Issues Relating to Circuit Tribunals’ Case Adjudication [Zuigao renmin fayuan guanyu xunhui fating shenli anjian ruogan wenti de guiding], issued 5 January 15, effective 1 February 15, art. 3; Li Jing, “Chief Judge of the SPC’s First Circuit Tribunal: There Have Not Been Any Cases [of Interference] by Leaders in the First Circuit” [Zuigaofa di yi xunhui fating tingzhang: yixun wei chuxian lingdao dui anjian jinxing pizhuan de qingxing], People’s Daily, 1 February 16.

¹¹ Li Jing, “Chief Judge of the SPC’s First Circuit Tribunal: There Have Not Been Any Cases [of Interference] by Leaders in the First Circuit” [Zuigaofa di yi xunhui fating tingzhang: yixun wei chuxian lingdao dui anjian jinxing pizhuan de qingxing], People’s Daily, 1 February 16. People’s Daily reported that the chief judge of the First Circuit Tribunal said that there had not been any reports of interference by local officials during the first year after the circuit court was established. See also PRC Civil Procedure Law [Zhonghua renmin gongheguo minshi susong fa], passed 9 April 91, amended 28 October 07, 31 August 12, art. 39.

¹² Supreme People’s Court, Certain Opinions on Improving Judicial Accountability of People’s Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], 21 September 15, art. 2(1). See also Jerome A. Cohen, “A Looming Crisis for China’s Legal System: Talented Judges and Lawyers Are Leaving the Profession, as Ideology Continues To Trump the Rule of Law,” Foreign Policy, 22 February 16; Polly Botsford, “China’s Judicial Reforms Are No Revolution,” IBA Global Insight, 10 August 16.

¹³ Jerome A. Cohen, “A Looming Crisis for China’s Legal System: Talented Judges and Lawyers Are Leaving the Profession, as Ideology Continues To Trump the Rule of Law,” Foreign Policy, 22 February 16; “Lawyers and Citizens Question the SPC’s Claim of Judicial Reform Success” [Zhongguo zuigaofa cheng sifa gaige qude chengguo lushi gongmin qi zhiyi], Radio Free Asia, 1 March 16.

¹⁴ Jerome A. Cohen, “A Looming Crisis for China’s Legal System: Talented Judges and Lawyers Are Leaving the Profession, as Ideology Continues To Trump the Rule of Law,” Foreign

Policy, 22 February 16; Zhou Dongxu, “Xu Shenjian: The Reason Behind Why Judges’ Resigning Became a Hot Topic of Discussion” [Xu shenjian: faguan cizhi wei he hui “bei kan renao”], Caixin, 25 February 16; Stanley Lubman, “China’s Exodus of Judges,” Wall Street Journal, China Real Time Report (blog), 4 May 15; Ian Johnson, “China Grants Courts Greater Autonomy on Limited Matters,” New York Times, 3 January 16. See also Ji Shi, “A Hubei Judge Who Would Have Soon Become Court President Resigned To Be a Lawyer: I Am Not Suited to Networking at Official Events” [Hubei yi faguan mashang yao dang yuanzhang cizhi zuo lushi: wo bu shiying guanchang yingchou], Southern Metropolitan Daily, 19 November 16. Some judges reportedly resigned for other reasons such as low pay and lack of professional satisfaction. Ni Dandan, “From Bench to Bar: Meet China’s Ex-Judges,” Sixth Tone, 5 May 16.

¹⁵Supreme People’s Court, Certain Opinions on Improving Judicial Accountability of People’s Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], 21 September 15, arts. 15(2), 17, 25.

¹⁶Ibid., art. 26.

¹⁷Fu Yongtao, “A Judgment Contains 12 Mistakes, Judge in Haikou Criticized in an Internal Bulletin” [Yifen panjueshu 12 chu chacao haikou yi faguan bei tongbao piping], Xinhua, 14 April 16.

¹⁸Supreme People’s Court, Circular Regarding the Issuance of the 11th Set of Guiding Cases [Zuigao renmin fayuan guanyu fabu di 11 pi zhidaoxing anli de tongzhi], 19 November 15.

¹⁹Supreme People’s Court, Provisions on Guiding Cases [Zuigao renmin fayuan guanyu anli zhidao gongzuo de guiding], issued and effective 26 November 10, art. 1. See also Supreme People’s Court, Implementation Details for the “Provisions on Guiding Cases” [“Zuigao renmin fayuan guanyu anli zhidao gongzuo de guiding” shishi zize], issued 13 May 15.

²⁰Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item 4(3).

²¹Chinalawinfo, “Annual Report on the Use of Guiding Cases Issued by the SPC (2015)” [Zuigao renmin fayuan zhidao xing anli sifa yingyong niandu baogao (2015)], 22 December 15.

²²Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item 4(2).

²³Supreme People’s Court, Provisions on Certain Issues Related to Case-Filing Registration [Zuigaoyuan guanyu dengji li’an ruogan wenti de guiding], issued 13 April 15, effective 1 May 15, arts. 2, 4–6; Supreme People’s Court, Opinion on People’s Courts’ Implementation of the Case-Filing Registration System Reform [Guanyu renmin fayuan tuixing li’an dengji zhi gaige de yijian], issued 15 April 15, effective 1 May 15, items 2.1–2.5; Supreme People’s Court, Judicial Reform of Chinese Courts [Zhongguo fayuan de sifa gaige], February 2016, 30.

²⁴Ren Rong et al., Beiguan District Court, Anyang Municipality, Henan Province, “How To Develop the Functions and Operations of Case-Filing Courts” [Guanyu li’an ting de zhineng jiqi zhineng fahui], Minsheng Legal Weekly, 20 December 15; Fan Chunsheng, “Findings of a Court That Pioneered the Case-Filing Review System: Litigation Is No Longer Difficult” [Yi jia li’an dengji zhi gaige xianxing fayuan de tansuo: da guansi buzai nan], Xinhua, 26 January 16.

²⁵PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16, art. 23; Fan Li, “A Woman in Lanzhou Suffered Domestic Violence, Applied for Protection Order” [Zaoyu jiabao lanzhou yi nuzi shenqing renshen baohu ling], Gansu Daily, 12 May 16.

²⁶Supreme People’s Court, “Judicial Reform of Chinese Courts” [Zhongguo fayuan de sifa gaige], February 2016, 30; Li Hongpeng and Zhang Enjie, “With the Number of Judges Decreasing, How Can Case Adjudication Be Expedited?” [Faguan jianshao shen’an ruhe tisu?] Legal Evening Report, 8 March 16; Wang Qian, “China’s Case-Filing Registration System Solves the Problem of ‘Filing Difficulty’” [Zhongguo li’an dengji zhi gaige pojie “li’an nan”], Xinhua, 29 February 16. Xinhua reported that the number of cases filed increased by 29.54 percent from May to December 2015 compared to the same period the year before. See also Li Lin and Wang Shujing, “Good and Bad News After Six Months Into ‘Judicial Reform’ in Beijing, Cases Flooded in Under the Case-Filing Registration System” [Beijing “si gai” bannian youxi youyou li’an dengji zhi hou anjian jingpen], China Youth Daily, 9 October 15.

²⁷Zhou Xiaoyan, “Feature Story’ on China’s Illegal Residents” [“Texie” zhongguo heihui], Jiemian.com, 27 January 16; Edward Wong and Vanessa Piao, “Judge in China Rules Gay Couple Cannot Marry,” New York Times, 13 April 16; “Filing Was Successful in a Case Where Dozens of Parents of Vaccine Victims Sued the National Health and Family Planning Commission” [Shushi yimiao shouhai jiazhang qisu weijiwei huo li’an], Radio Free Asia, 19 April 16.

²⁸See, e.g., China Human Rights Lawyers Concern Group, “In the Case of the Defense Lawyer Suing the PSB for Depriving Him of His Rights To Meet and Communicate With His Client, Court Decided [Case] Didn’t Fall Within Scope of Administrative Litigation and Didn’t Grant Case-Filing” [“Bianhu lushi qisu gong’an boduo huijian quan, tongxin quan an” bei fayuan caiding “bu shuyu xingzheng susong shou’an fanwei, buyu li’an”], 31 March 16; “Guizhou Police Refused To Let Lawyer Meet With Detained Pastor in ‘The Pastor Yang Hua Case,’ Church Sued the [Guizhou] Religious Affairs Bureau but Court Didn’t Accept Lawsuit” [Guizhou jingfang ju lushi huijian beibu “yang hua mushi an” mushi jiaohui gao zongjiaoju fayuan bu shouli], Radio Free Asia, 10 March 16; “Zhu Jindi: Government Should Immediately Stop Extralegal Jail and Stop Persecuting Petitioners” [Zhu jindi: zhengfu ying liji tingzhi fawai jianyu tingzhi pohai fangmin], Boxun, 29 February 16; Didi Kirsten Tatlow, “Chinese Woman’s Mundane Query Turns Into Surreal Court Scuffle,” New York Times, Sinosphere (blog), 4 May 16; Rights Defense Network, “Shenzhen Intermediate Court Rejects Chen Guiqiu’s (Lawyer Xie Yang’s Wife) Materials for Administrative Lawsuit Over Restriction on Leaving the Country, Trampling on the ‘Administrative Procedure Law’” [Shenzhen shi zhongji fayuan ju shou chen guiqiu (xie yang lushi de qizi) yin bei zu chujing xingzheng susong calliao jianta “xingzheng susong fa”], 11 April 16; “Suppress and Support,” Economist, 13 August 16.

²⁹Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item 4(3).

³⁰Wang Minyuan, “From ‘Investigation-Centered’ to ‘Trial-Centered’” [Cong “yi zhencha wei zhongxin” dao “yi shenpan wei zhongxin”], Procuratorial Daily, 31 March 16; Lu Leyun, “People’s Daily New Perceptions: Trial-Centered System Creates New Mode of Operation for the Procuratorate” [Renmin ribao xinzhi xinjue: yi shenpan wei zhongxin chuangxin jiancha gongzuo moshi], People’s Daily, 18 May 16.

³¹“Supreme People’s Procuratorate Work Report” [Zuigao renmin jianchayuan gongzuo baogao], 13 March 16, 19. See also Supreme People’s Procuratorate, Opinion on Strengthening Public Prosecution Work in Court [Zuigao renmin jianchayuan guanyu jiaqiang chuting gongzuo gongzuo de yijian], issued 23 June 15, reprinted in People’s Procuratorate of Dengfeng City, 17 July 15, paras. 7–18.

³²Wang Yu, “Third Anniversary Since the Implementation of the New Criminal Procedure Law, Protection of Defense Rights Still Awaiting Improvement” [Xin xingsufa shishi san zhounian bianhu quanli baozhang reng dai wanshan], 21st Century Business Herald, 24 March 16.

³³Shan Yuxiao, “New Reform in Litigation Process Aims To Expand Participation for Criminal Defense Lawyers” [Xin yi lun susong zhidu gaige ni kuoda xing bian lushi canyu], Caixin, 19 October 15.

³⁴Xing Bingyin, “Expert: Representation in Criminal Defense Cases Is as Low as Twenty Percent, Scope of Appointed Defense Should Be Expanded” [Zhuanjia: lushi canyu bianhu de xing an di zhi liang cheng, ying kuoda zhiding bianhu fanwei], The Paper, 18 October 15; “Conversation Between Professor Chen Weidong and Lawyer Wang Zhaofeng About Lawyer Ranking System Reform” [Chen weidong jiaoshou, wang zhaofeng lushi duihua lushi fenji zhidu gaige], Sina, 24 November 15.

³⁵“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 13 March 16, 14; Supreme People’s Court, “Judicial Reform of Chinese Courts” [Zhongguo fayuan de sifa gaige], February 2016, 23.

³⁶Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item. 4(4).

³⁷Wang Yong, “How Far Can Technicality-Based Reforms Go” [Jishu zhuyi de sifa gaige keyi zou duo yuan], Caixin, 25 March 16.

³⁸Li Xiang, “Comprehensive Judicial Transparency Takes a Big Step Forward” [Quan fangwei sifa gongkai maichu yidabu], Legal Daily, 21 January 16; Zhang Yanling, “Map of China’s Judicial Transparency Index Published: High in the East and Low in the West, Marked Improvement by the SPC” [Zhongguo sifa touming zhishu ditu gongbu: dong gao xi di zuigaofa jinbu mingxian], China Internet Information Center, 18 March 16. See also China Judicial Process Information Online [Zhongguo shenpan liucheng xinxi gongkai wang], last visited 15 July 16.

³⁹Xu Jun, “What Changes Have ‘Smart Courts’ Brought About” [“Zhihui fayuan” daikai zenyang de biange], People’s Daily, 6 April 16; Li Xiang, “Comprehensive Judicial Transparency Takes a Big Step Forward” [Quan fangwei sifa gongkai maichu yidabu], Legal Daily, 21 January 16.

⁴⁰Supreme People’s Court, Several Opinions on Promoting the Building of Three Major Platforms for Open Justice [Zuigao renmin fayuan guanyu tuijin sifa gongkai san da pingtai jianshe de ruogan yijian], issued 22 November 13, reprinted in China Court Net, 28 November 13, art. 10; Supreme People’s Court, Guiding Opinion on Comprehensively Promoting the Building of the People’s Court Litigation Service Centers [Zuigao renmin fayuan guanyu quanmian tuijin renmin fayuan susong fuwu zhongxin jianshe de zhidao yijian], issued 15 December 14, sec. 3(1).

⁴¹Annual Report on China’s Rule of Law, No. 14 (2016) [Zhongguo fazhi fazhan baogao No. 14 (2016)], eds. Li Lin et al. (Beijing: Social Sciences Academic Press (China), 2016), 239. See also Zhang Yanling, “Map of China’s Judicial Transparency Index Published: High in the East and Low in the West, Marked Improvement by the SPC” [Zhongguo sifa touming zhishu ditu gongbu: dong gao xi di zuigaofa jinbu mingxian], China Internet Information Center, 18 March 16.

⁴²Wu Aiyong, “Unswervingly Use General Secretary Xi Jinping’s Important Instructions on Legal Aid Work To Steer Legal Aid Work” [Jianchi yi xi jingping zongshuji guanyu falu yuanzhu gongzuo zhongyao zhishi zhidao falu yuanzhu gongzuo], Legal Daily, 11 October 15; Chinese Communist Party Central Committee General Office and State Council General Office, Opinion on the Improvement of the Legal Aid System [Zhongban guoban yinfa “guanyu wanshan falu yuanzhu zhidu de yijian”], issued 30 June 15.

⁴³Liu Ziyang, “Sum of Nationwide Legal Aid Funding for the Past Five Years Reached 7.04 Billion Yuan” [Wu nian quanguo falu yuanzhu jingfei zong’e dadao 70.4 yi yuan], Legal Daily, 17 September 15.

⁴⁴Wu Aiyong, “Unswervingly Use General Secretary Xi Jinping’s Important Instructions on Legal Aid Work To Steer Legal Aid Work” [Jianchi yi xi jingping zongshuji guanyu falu yuanzhu gongzuo zhongyao zhishi zhidao falu yuanzhu gongzuo], Legal Daily, 11 October 15.

⁴⁵Ibid., “Last Year, 1.32 Million Legal Aid Cases Handled Nationwide” [Quonian quanguo banli falu yuanzhu an 132 wan jian], Legal Daily, 25 January 16.

⁴⁶Zhou Bin, “Justice Administration Agencies Established Improved Public Legal Services System; Every Citizen Enjoys Equal Access to Quality Legal Services” [Sifa xingzheng jiguan jianli wanshan gonggong falu fuwu tixi meiwei gongmin ke xiang tongdeng youzhi falu fuwu], Legal Daily, 30 November 15.

⁴⁷See, e.g., “Legal Aid Opens a Blue Sky for Vulnerable Groups” [Falü yuanzhu wei ruoshi qunti cheng qi yipian lantian], Sichuan Daily, 16 December 15; “First Group of Aid Lawyers Enter Hall and Launch Legal Consultation Services Work” [Shou pi yuanzhu lushi jinru dating

kaizhan falu zixun fuwu gongzuo], Qinghai Judicial Affairs General Office, reprinted in Qinghai Chang'an Net, 6 July 16; Sichuan Zhongqia Law Firm, "Legal Aid Center in Jiangyang District, Luzhou City, and Sichuan Zhongqia Law Firm Fully Cooperated and Recovered More Than 930,000 Yuan in Remuneration for 76 Migrant Workers" [Luzhou shi jiangyang qu falu yuanzhu zhongxin he sichuan zhongqia lushi shiwusuo jingguo tong li hezuo wei 76 ming nongmingong zhui hui laodong baochou 93 wan yu yuan], 30 June 16; Luan Weiqiang, "Jilin Lawyers Participate in Legal Services, Bring Innovation to Workers' Rights Advocacy Mechanism" [Jilin lushi canyu falu fuwu chuanguan zhigong weiquan jizhi], China Labor Union Net, reprinted in All China Lawyers Association, 12 June 16; Lin Miaomiao, "Beijing: Government Purchases Services To Allow Lawyers To Help Elderly in Rights Advocacy" [Beijing: zhengfu goumai fuwu rang lushi zhu laonianren weiquan], Xinhua, 8 July 16.

⁴⁸ See, e.g., Dafeng District Justice Bureau, "Dafeng District Justice Bureau Launches Legal Aid Informational Services Activities in Prison" [Dafeng qu sifaju kaizhan falu yuanzhu xuanchuan fuwu jin jianyu huodong], 25 March 16; Dafeng District Justice Bureau, "Dafeng District Justice Bureau Launches Legal Aid Services Activity in Drug Detoxification Center" [Dafeng qu sifaju kaizhan falu yuanzhu fuwu jin jiedusuo huodong], 15 April 16; Zhang Xin, "Eight Prisons, Drug Detoxification Centers in Xi'an Establish Legal Aid Workstations" [Xi'an shi 8 suo jianyu, jiedusuo chengli falu yuanzhu gongzuo-zhan], CN West, 30 March 16; Ma Fang, "Sending Law Into the High Walls: Prison Legal Aid Difficulties and Countermeasures" ["Song fa jin gaoqiang" jianyu falu yuanzhu de kunjing yu duice], Democracy and Legal Times, reprinted in China Legal Aid Net, 27 January 16; "Liupanshui Prison Legal Aid Workstations Established and Open" [Liupanshui jianyu falu yuanzhu gongzuo-zhan guapai chengli], China Liupanshui Net, reprinted in China Legal Aid Net, 21 December 16; "Zhangzhou Prison Launches Legal Aid Activity for Inmates" [Zhangzhou jianyu kaizhan fuxing renyuan falu yuanzhu huodong], reprinted in Fuzhou Province Prisons Administration Bureau, 8 December 15.

⁴⁹ Zhou Bin, "Justice Administration Agencies Established Improved Public Legal Services System; Every Citizen Enjoys Equal Access to Quality Legal Services" [Sifa xingzheng jiguan jianli wanshan gonggong falu fuwu tixi meiwei gongmin ke xiang tongdeng youzhi falu fuwu], Legal Daily, 30 November 15.

⁵⁰ Anhui Province People's Government General Office, Interpretation of "Implementing Opinion on Improving the Legal Aid System" ["Guanyu wanshan falu yuanzhu zhidu de shishi yijian" jiedu], issued 9 March 16.

⁵¹ See, e.g., Zhang Yujie and Fu Yongtao, "Hainan Intermediate and Higher People's Courts To Establish Legal Aid Workstations" [Hainan zhongji yishang renmin fayuan jiang sheli falu yuanzhu gongzuo-zhan], Xinhua, 13 November 15; Liu Jia, "Exploring New Methods for Petitioning Work, Provincial People's Congress Plans To Establish Petitioning Matters in the Legal Aid System" [Tansuo xinfang gongzuo xin fangfa sheng renda ni jian xinfang shixiang falu yuanzhu zhidu], Sichuan Daily, 31 March 16.

⁵² Municipal People's Congress Standing Committee Fourth Evaluation and Investigation Group, "Report on the Evaluation and Investigation Situation of the Municipal Justice Bureau's Work" [Guanyu dui shi sifaju gongzuo pingyi diaocha qingkuang de baogao], Luoyang Municipality People's Congress Standing Committee, 28 June 16; Wang Yihong, "Work Hard To Solve the Five Big Problems and To Upgrade the Level of Grassroots Legal Services—Reflections on and Exploration of Problems in Village Judicial Work" [Zhuoli pojie wu da nanti tisheng jiceng falu fuwu shuiping—guanyu nongcun sifa gongzuo wenti de sikao he tansuo], Gansu Justice Net, 20 June 16; Dangchang County Justice Bureau and Zhe Pengliang, "Investigative Report on Rural Legal Aid Work in Dangchang County" [Guanyu dui dangchang xian nongcun falu yuanzhu gongzuo de diaoyan baogao], Legal Daily, 27 June 16; Wu Xinqi, "Ili Prefecture Justice Bureau Launches Justice Administration Reform To Help Push Forward Increased Quality and Speed in Legal Aid Work" [Yili zhou sifaju kaizhan sifa xingzheng gaige zhu tui falu yuanzhu gongzuo zeng zhi tisu], Ili Kazakh Autonomous Prefecture Justice Bureau, 11 July 16; Chinese Communist Party Guangdong Province Committee General Office and Guangdong Province People's Government General Office, Implementing Opinion on Improving the Legal Aid System [Guanyu wanshan falu yuanzhu zhidu de shishi yijian], issued 16 February 16.

⁵³ Benjamin L. Liebman, "A Populist Threat to China's Courts?" in Chinese Justice: Civil Dispute Resolution in Contemporary China, eds. Margaret Y.K. Woo and Mary E. Gallagher (Cambridge: Cambridge University Press, 2011); Liang Shibin, "Resolutely Fight To Win the Battle on Clearing Backlog of Petitioning Cases" [Jianjue da ying huajie xinfang ji'an gong jian zhan], Legal Daily, 27 April 16. Such grievances reportedly include cases concerning demolition or expropriation of property, social security, agriculture, land and resources, and environmental protection.

⁵⁴ See, e.g., Liu Yuguo, "Chengdu Establishes a New Platform for 'Transparent Petitioning'" [Chengdu dazao "yangguang xinfang" xin pingtai], People's Daily, 4 May 16; Liu Guiying, "Problems and Improvements of the Grassroots Petitioning System" [Jiceng xinfang zhidu canzai de wenti ji wanshan], People's Tribune, 23 March 16; Xu Dandan, "Discussion of Shortcomings of China's Petitioning System and Their Solutions" [Qiantan zhongguo xinfang zhidu de biduan ji qi jieju tujing], Feiyang Net, 27 February 16.

⁵⁵ Zhang Wei, "37 Ministries and Commissions Roll Out List for Handling Classification of Petitions" [37 buwei chutai xinfang fenlei chuli qingdan], Legal Daily, 20 February 16. See also "34 Provincial-Level Agencies in Shanxi Province Test the Waters of the 'Petitioning List' System" [Shanxi sheng 34 ge shengji bumen shi shui "xinfang qingdan" zhidu], Shanxi Daily, reprinted in State Bureau of Letters and Visits, 5 January 16 (listing three broad categories of petitions: applications seeking a decision, complaining about or exposing misconduct, and requests for information disclosure); Shen Yin and Zhu Xuheng, "How Does the Government Handle Classification of Problems Reported by the Masses? The Petition List Can Tell You" [Qunzhong fanying wenti, zhengfu zenyang fenlei chuli? xinfang qingdan gaosu ni], Zhejiang Daily, 26 July 16; Chinese Communist Party Central Committee and the State Council, Imple-

menting Outline on Establishing Law-Based Government (2015–2020) [Fazhi zhengfu jianshe shishi gangyao (2015–2020 nian)], issued 28 December 15, para. 36; 2015 China Law Yearbook [2015 zhongguo falu nianjian], (Beijing: China Law Yearbook Press, 2015), 123; Xu Guanying, “38 Provincial-Level Agencies and 10 Municipalities in Jiangsu Introduce Petition Classification Handling List” [Jiangsu 10 ge shi 38 ge shengji jiguan chutai xinfang fenlei chuli qingdan], Xinhua, reprinted in Xinhua Daily (Jiangsu), 25 July 16. Government agencies in Taizhou municipality, Jiangsu province, reported that they received a total of about 120,000 petitions from the public in the past year and that all but 2,000 were diverted to the judicial and administrative systems.

⁵⁶Ma Xueling, “Liu Guixiang of the Supreme People’s Court: Circuit Tribunal Effectively Alleviated Pressure on the Petitioning System” [Zuigao fayuan liu guixiang: xunhui fating youxiao huanjie xinfang yali], China News Service, 10 March 16. See also Supreme People’s Court, Provisions Concerning Certain Issues Relating to Circuit Tribunals’ Case Adjudication [Zuigao renmin fayuan guanyu xunhui fating shenli anjian ruogan wenti de guiding], issued 28 January 15, effective 1 February 15, art. 3.

⁵⁷Ye Zhusheng, “Don’t Be Pessimistic About Circuit Tribunals Because of Large Volume of Petitions” [Buyao yinwei xinfang liang da, jiu beiguan kandai xunhui fating], Beijing News, 4 February 16.

⁵⁸Li Honglei, “State Bureau of Letters and Visits: Encourage the ‘Complete Clearance’ of the Backlog in Petitioning Cases This Year” [Guojia xinfangju: jinnian licu xinfang ji’an “qinggang jianli”], State Council, 25 January 16.

⁵⁹Tang Wei, “Participation by Lawyers Contributes to Solving [Problem of] Petitioning [Instead of] Trusting in Law” [Lushi canyu youzhu yu huajie xinfang bu xin fa], China Youth Daily, 11 November 15; Li Jing, “Chief Judge of the SPC’s First Circuit Tribunal: There Have Not Been Any Cases of [Interference] by Leaders in the First Circuit” [Zuigaofa di yi xunhui fating tingzhang: yixun wei chuxian lingdao dui anjian jinxing pizhuan de qingxing], People’s Daily, 1 February 16.

⁶⁰“Government Gradually Promotes Lawyers as Intermediaries To Replace Petitioning, Lawyers Say This Is Suppression” [Dangju zhubu tui lushi zhongjie qudai xinfang lushi zhi shi daya], Radio Free Asia, 19 November 15.

⁶¹“Crime of Extorting the Government Becomes New Method To Suppress Petitioners” [Qiaozha zhengfu zuiming cheng daya fangmin xin zhaoshi], Radio Free Asia, 26 November 15.

⁶²Ibid.

⁶³See, e.g., Civil Rights & Livelihood Watch, “Inner Mongolia Petitioner Song Yuefang Arrested for Extortion” [Neimeng fangmin song yuefang bei yi qiaozha lesuo zui pibu], 5 February 16; Huang Qi, 64 Tianwang, “Tianwang Volunteer Wu Youming Faces Compulsory Expulsion From PSB Detention Center in Hubei” [Tianwang yigong wu youming zao qiangzhi ganchu hubei kanshouso], 14 December 15; Guo Tianli, “The Reason for ‘Extortion Cases’ Against Petitioners Is Defects in the Petitioning System Design; Courts Nationwide Currently Do Not Have Uniform Standards for Ruling in These Kinds of Cases” [Fangmin “qiaozha an” genyuan zaiyu shangfang zhidu sheji de bugou wanbei, muqian quanguo gedi fayuan dui ci lei anjian panli bing wu tongyi biaoqun], Phoenix Weekly, 25 February 16; “Guo Hongwei Receives a Heavy Sentence of 13 Years, Family Is Enraged” [Guo hongwei bei zhongpan 13 nian jiashu fennu], Radio Free Asia, 2 February 16.

⁶⁴See, e.g., Civil Rights & Livelihood Watch, “Petitioner He Chaozheng of Chongqing Detained for Ten Days” [Chongqing fangmin he chaozheng bei juliu shi ri], 13 April 16; Civil Rights & Livelihood Watch, “No Verdict in ‘Picking Quarrels’ Case of Petitioner Cao Yongliang From Fenxi County, Shanxi, Several Months After Trial” [Shanxi fenxi xian fangmin cao yongliang xunzi an kaiting shuyue wei pan], 8 April 16; “Two Petitioners From Sichuan and Shandong Detained After Being Sent Back, Seventy-Year-Old Man Threw Flyers in Street at Motorcade During Two Sessions” [Chuan lu liang fangmin bei qianfan hou juliu qi xun laoren dangjie xiang lianghui chedui pao chuandan], Radio Free Asia, 11 March 16; Civil Rights & Livelihood Watch, “Zhou Zhiyin of Shaanxi Accused by Local Media of Being Criminally Detained for Seeking Inappropriate Benefits and Stubbornly Petitioning Higher Levels of Government” [Shanxi zhou zhiyin zao dangdi meiti baoguang zhi qi mouqu budang liyi renxing shangfang bei xingju], 12 March 16; Huang Qi, 64 Tianwang, “Seeking Xi Jinping at Tiananmen, Li Zhaoxiu and Liu Zhizhong of Chengdu Are Seized” [Tiananmen zhao xi jinping chengdu li zhaoxiu liu zhizhong bei qin], 7 March 16; Rights Defense Network, “Shanghai Rights Defender Ding Deyuan Still Under Surveillance After Release From Detention, Huang Yuehua’s Whereabouts Unknown After 10 Days’ Administrative Detention” [Shanghai renquan hanwei zhe ding deyuan juliu huoshi reng zao jianshi huang yuehua bei xingzheng juliu 10 ri hou xialuo buming], 1 March 16; Civil Rights & Livelihood Watch, “Shanghai Authorities Carry Out Two Sessions Clearances, Gao Xuekun and Other Petitioners Detained or Put in Soft Detention” [Shanghai dangju wei lianghui qingchang gao xuekun deng duo ming fangmin bei juliu huo ruanjin], 28 February 16.

⁶⁵For information on the July 2015 crackdown, see, e.g., Josh Chin and Te-Ping Chen, “China Targets Human-Rights Lawyers in Crackdown,” Wall Street Journal, 12 July 15; Human Rights Watch, “China: Secretly Detained Lawyers at Risk of Torture,” 20 July 15. For Chinese state media coverage of the crackdown, see, e.g., Huang Qingchang and Zou Wei, “Revealing the Dark Secrets of ‘Rights Defense’ Incidents” [Jiekai “weiquan” shijian de heimul], Xinhua, 11 July 15.

⁶⁶China Human Rights Lawyers Concern Group, “[‘709 Crackdown’] Latest Data and Development of Cases as of 1800 6 May 2016,” 6 May 16. For more information on the individuals detained during the July 2015 crackdown, see the following records in the Commission’s Political Prisoner Database: 2004-02053 on Hu Shigen, 2010-00348 on Wu Gan (also known as Tufu), 2015-00252 on Wang Yu, 2015-00253 on Bao Longjun, 2015-00272 on Zhou Shifeng, 2015-00278 on Wang Quanzhang, 2015-00276 on Liu Sixin, 2015-00277 on Zhao Wei, 2015-00284 on Li Heping, 2015-00295 on Xie Yang, 2015-00308 on Xie Yanyi, 2015-00310 on Wang Fang, 2015-00311 on Li Chunfu, 2015-00331 on Gou Hongguo (also known as Ge Ping), 2015-00333 on Liu

Yongping (also known as Laomu), 2015-00335 on Yin Xu'an, 2015-00344 on Lin Bin (also known as Monk Wang Yun), 2015-00451 on Zhang Chongzhu, 2016-00115 on Zhai Yanmin, 2016-00116 on Zhang Wanhe (also known as Zhang Weihong), 2016-00146 on Li Yanjun, 2016-00160 on Yao Jianqing, and 2016-00214 on Liu Xing (also known as Ren Jiancai).

⁶⁷China Human Rights Lawyers Concern Group, "[709 Crackdown] Latest Data and Development of Cases as of 1800 6 May 2016," 6 May 16. Ten were charged with "subversion of state power," five with "inciting subversion of state power," and one with a charge involving the disclosure of state secrets.

⁶⁸PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 105, 111.

⁶⁹"Writer Tie Liu Met With Lawyer for First Time After He Had Been Detained for Half a Month, Old Man in Worrisome Health but Insisted on His Innocence" [Zuojia tie liu bei bu ban yue hou shou hui lushi maodie laoren jiankang kanyou jianxin ziji wuzui], Radio Free Asia, 26 September 14; Chris Buckley, "Beijing Formally Charges Writer Who Published Memoirs of Victims of Mao Era," New York Times, 23 October 14. For example, in 2014, Zhou Shifeng defended the government critic Huang Zerong, better known by his pen name Tie Liu, against "illegal business activities" charges. Jonathan Kaiman, "China Accused of Using Ilham Tohti Case To Halt Criticism of Ethnic Policies," Guardian, 18 September 14; Michael Martina et al., "China Decries Foreign Interference in Detained Academic Case," Reuters, 17 January 14. In 2014, Wang Yu represented Uyghur scholar Ilham Tohti, who had criticized the Chinese government's policies in the Xinjiang Uyghur Autonomous Region, in a case in which authorities charged him with "separatism." Liu Xiaoyuan and Wang Quanzhang, "Defense Statement for Qi Chonghuai, Accused of Extortion and Embezzlement" [Qi chonghuai shexian qiaozha lesuo zui, zhiwu qinzhuan zui bianhuci], reprinted in Human Rights in China, 6 June 11; Chinese Human Rights Defenders, "Qi Chonghuai," last visited 20 May 16. In 2011, Wang Quanzhang defended Qi Chonghuai, a journalist known for exposing corruption and human rights violations, against embezzlement charges.

⁷⁰Dominique Attias et al., "Letter From Legal Experts on Detained Chinese Lawyers," reprinted in Human Rights Watch, 18 January 16.

⁷¹"China's Clampdown on Lawyers and Activists Draws Concern of UN Human Rights Chief," UN News Centre, 16 February 16.

⁷²China Human Rights Lawyers Concern Group, "[709 Crackdown] Latest Data and Development of Cases as of 1800 30 December," 30 December 15.

⁷³PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 64, 72-77.

⁷⁴UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2-3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. See also The Rights Practice, "Prevention of Torture: Concerns With the Use of Residential Confinement in a Designated Residence," October 2015.

⁷⁵China Human Rights Lawyers Concern Group, "Report on the 709 Crackdown," 6 July 16, 15.

⁷⁶See, e.g., China Human Rights Lawyers Concern Group, "'709 Crackdown' Lawyers and Activists' Case Update* (2015.10.16-2015.10.23)," 23 October 15; "Request From Lawyer in Wang Quanzhang's Case To See Client Rejected by Police" [Wang quanzhang an lushi yaoqiu jian dangshiren zao jing jujue], Radio Free Asia, 10 September 15.

⁷⁷Jerome A. Cohen, "Lawyer-Client Meeting in 'National Security' Cases in China," Jerry's Blog, 8 February 16; Chinese Human Rights Defenders, "Forced 'Switch' to Police-Appointed Lawyers Further Erodes Protections for Detained Rights Defenders (3/15-3/21, 2016)," 21 March 16.

⁷⁸Chinese Human Rights Defenders, "Forced 'Switch' to Police-Appointed Lawyers Further Erodes Protections for Detained Rights Defenders (3/15-3/21, 2016)," 21 March 16.

⁷⁹Jerome A. Cohen, "Lawyer-Client Meeting in 'National Security' Cases in China," Jerry's Blog (blog), 8 February 16; Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Provisions on the Protection of Lawyers' Rights To Practice According to Law [Guanyu yifa baozhang lushi zhiye quanli de guiding], issued and effective 16 September 15, art. 9. See also PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 37(3).

⁸⁰"Fengrui Law Firm Apprentice Lawyer, Li Shuyun, Released on Bail" [Fengrui shiwusuo shixi lushi li shuyun qubao huoshi], Radio Free Asia, 9 April 16.

⁸¹"A Recommendation Letter Sincerely Urging All Participating Representatives, the Presidium, and Delegations of the Fourth Session of the Twelfth National People's Congress To Establish a Special Investigative Committee on the '709' Mass Detentions Incident" [Dun qing di shi'er jie quanguo renda di si ci huiyi ge can hui daibiao, zhuxituan, daibiaotuan jiu "709" da zhuabu shijian chengli tebie diaocha weiyuanhui de jianyi shu], reprinted in Rights Defense Network, 5 March 16; Rights Defense Network, "July 9 Detentions' Report: Zhao Wei (Kaola) Suspected of Having Been Forced To Dismiss Lawyer and Write Guilty Plea" ["709 da zhuabu an" tongbao: zhao wei (kaola) yi zao zhemo beipo jiechu lushi, bing xie renzui shu], 29 January 16; Chinese Human Rights Defenders, "Forced 'Switch' to Police-Appointed Lawyers Further Erodes Protections for Detained Rights Defenders (3/15-3/21, 2016)," 21 March 16. In the case of Zhao Wei, a legal assistant to detained rights lawyer Li Heping, two lawyers approached Zhao's mother and identified themselves as appointees of a Party-controlled committee and presented a confession letter that Zhao's mother believed was obtained under coercion. See also International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 14(1), (3)(d). Denial of access to legal counsel violates Article 14(1) of the International Covenant on Civil and Political

Rights, which provides: “In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” It also violates Article 14(3)(d), which provides: “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: . . . To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing . . .” PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 32. PRC Criminal Procedure Law confers on defendants the right to legal counsel.

⁸²Tianjin Municipal Public Security Bureau (Ping’an tianjin), Weibo post, 7 July 16, 11:10 a.m.

⁸³Su Zhimin, “Zhao Wei’s Whole Family Disappeared, You Minglei Firmly Believes Wife Not Yet Free” [Zhao wei quanjia xiaoshi you minglei shenxin qizi wei ziyou], Botan Net, 14 July 16.

⁸⁴Ibid.; “Complaint Letter Signed by ‘Zhao Wei’ Called Into Question, Husband You Minglei’s Search for Wife Unsuccessful” [“Zhao wei” qianming jubao xin shou zhiyi zhangfu you minglei xun qi wei guo], Radio Free Asia, 13 July 16.

⁸⁵Rights Defense Network, “In July 9 Case, Zhao Wei’s Defense Lawyer Ren Quanniu Criminally Detained Today by Zhengzhou, Henan, Police” [709 an zhao wei bianhu lushi ren quanniu lushi jin zao henan zhengzhou jingfang xingshi juliu], 8 July 16; “Lawyer Meets With Ren Quanniu, Revealing Police Lies, Ren’s Wife Backs Husband’s Innocence” [Lushi huijian ren quanniu jie jingfang zaojia ren qi cheng zhangfu wuzui], Radio Free Asia, 12 July 16; Zhengzhou Public Security Bureau (Ping’an zhengzhou), “Case Details Bulletin” [Anqing tongbao], Weibo post, 8 July 16, 6:47 p.m.

⁸⁶“Zhao Wei, Assistant to Chinese Rights Lawyer, Is Granted Bail” [Zhongguo weiquan lushi zhuli zhao wei huozhun qubao houshen], BBC, 7 July 16.

⁸⁷“Wang Yu’s Friend Liang Bo: The Wang Yu Who Admitted Guilt and Expressed Remorse Is Not the Same Wang Yu, She Is the Wang Yu Who Has Been Destroyed by Torture” [Wang yu de youren liang bo: renzui huiguo de wang yu bu shi yuanlai de wang yu, shi kuxing cuican hou de wang yu], Radio Free Asia, 3 August 16.

⁸⁸Zhuang An, “Beijing Fengrui Law Firm Lawyer Wang Yu Interviewed After Release on Bail: No Matter What Prize Is Awarded by Overseas Entities, I Will Not Accept [It]” [Beijing fengrui lusuo lushi wang yu qubao hou shoufang: wulun jingwai ban shenme jiang dou bu jieshou], The Paper, 1 August 16; Zhuang An, “Fengrui Law Firm Lawyer Wang Yu: If Overseas Organizations Confer ‘Human Rights Award’ by Force, It Would Be Trampling on and Violating Human Rights” [Fengrui suo lushi wang yu: ruo jingwai jigou qiang ban “renquan jiang,” shi jianta qinfan renquan], The Paper, 5 August 16.

⁸⁹Gerry Shih, “China Releases Prominent Human Rights Lawyer on Bail,” Associated Press, reprinted in U.S. News & World Report, 1 August 16; Philip Wen, “A Confession Few Believe: Chinese Rights Lawyer Wang Yu Is ‘Freed,’” Sydney Morning Herald, 2 August 16.

⁹⁰Gerry Shih, “China Releases Prominent Human Rights Lawyer on Bail,” Associated Press, reprinted in U.S. News & World Report, 1 August 16.

⁹¹“Court of First Instance Publicly Announces Verdict in Court in the Subversion of State Power Case of Zhai Yanmin, Defendant Pleads Guilty, Submits to Law, and Will Not Appeal” [Zhai yanmin dianfu guojia zhengquan an yishen dang ting gongkai xuanpan beigaoren biaoshi renzui fufa bu shangsu], Xinhua, 2 August 16.

⁹²Wang Yeshe, “Court of First Instance Announces Verdict in Court in Subversion of State Power Case of Hu Shigen, Defendant Sentenced to Seven Years and Six Months’ Imprisonment” [Hu shigen dianfu guojia zhengquan an yishen dang ting xuanpan beigaoren bei panxing qi nian ban], Xinhua, 3 August 16.

⁹³“Court of First Instance Announces Verdict in Court for Zhou Shifeng, Guilty of Subversion of State Power, Sentenced to Seven Years’ Imprisonment” [Zhou shifeng an yishen dang ting xuanpan dianfu guojia zhengquan zuiming chengli panchu youqi tuxing qi nian], Xinhua, 4 August 16.

⁹⁴“Court of First Instance Announces Verdict in Subversion of State Power Case of Gou Hongguo; Defendant Says in Court He Will Not Appeal” [Gou hongguo dianfu guojia zhengquan an yishen xuanpan beigaoren dang ting biaoshi bu shangsu], Xinhua, 5 August 16.

⁹⁵The mistreatment of the children in this case violates at least two provisions under the Convention on the Rights of the Child. Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, arts. 2(2) (“States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.”), 19(1) (“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”), 37(b) (“No child shall be deprived of his or her liberty unlawfully or arbitrarily . . .”), 37(d) (“Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”).

⁹⁶China Human Rights Lawyers Concern Group, “As of 18:00, March 4, 2016, at Least 317 Lawyers, Law Firm Staff, Rights Defenders, and Family Members Have Been Invited To Talk, Summoned, Banned From Leaving the Country, Put in Soft Detention, Placed Under Residential Surveillance, Arrested, or Disappeared” [Jiezhi 2016 nian 3 yue 4 ri 18:00, zhishao 317 ming lushi, lusuo ren yuan, renquan hanweizhe he jiashu bei yuetan, chuanhuan, xianzhi chujing, ruanjin, jianshi juzhu, daibu huo shizong], 4 March 16; Rights Defense Network, “Liu Ermin,

Wife of Rights Defense Citizen Zhai Yanmin, Was Violently Beaten by Beijing Police” [Wei quan gongmin zhai yanmin zhi qi liu ermin bei beijing jingyuan baoli ouda], 7 June 16.

⁹⁷Sources provided conflicting accounts about the identity of the individuals who seized Bao Zhuoxuan. He Shenquan et al., “Anti-China Forces’ Transnational Network Forces 16-Year-Old Boy To Sneak Across Border, Chinese Police Quickly Solve Case” [Fan hua shili kuanguo chuanlian guoxie 16 sui nanhai toudu zhongguo jingfang xunsu po’an], *Global Times*, 15 October 15. The *Global Times*, a Party-run news publication, reported that Bao Zhuoxuan was apprehended by Burmese police who then transferred Bao to Chinese authorities. Philip Wen, “Bao Zhuoxuan, Teenage Son of Chinese Rights Lawyer, Back Under Surveillance in China,” *Sydney Morning Herald*, 12 October 15. The *Sydney Morning Herald* reported that the Burmese government denied any involvement. Xu Jing, “Bao Zhuoxuan, a Youth Who Became the Government’s Hostage” [Bao zhuoxuan, yi ge chengwei zhengfu renzhi de shaonian], *China in Perspective*, 20 October 15. Another report indicated that Burmese authorities carried out the operation together with Chinese public security personnel.

⁹⁸For more information on Bao Zhuoxuan, see the Commission’s Political Prisoner Database record 2015-00345.

⁹⁹China Human Rights Lawyers Concern Group, “As of 18:00, March 4, 2016, at Least 317 Lawyers, Law Firm Staff, Rights Defenders, and Family Members Have Been Invited To Talk, Summoned, Banned From Leaving the Country, Put in Soft Detention, Placed Under Residential Surveillance, Arrested, or Disappeared” [Jiezhi 2016 nian 3 yue 4 ri 18:00, zhishao 317 ming lushi, lusuo renyuan, renquan hanweizhe he jiashu bei yuetan, chuanhuan, xianzhi chujing, ruanjin, jianshi juzhu, daibu huo shizong], 4 March 16; China Human Rights Lawyers Concern Group, “What Happened to the Children of Rights Lawyers?” [“Wei quan lushi de zinu jiuqing zaoyu le shenme?”], 12 October 15.

¹⁰⁰Xu Jing, “Bao Zhuoxuan, a Youth Who Became the Government’s Hostage” [Bao zhuoxuan, yi ge chengwei zhengfu renzhi de shaonian], *China in Perspective*, 20 October 15; China Human Rights Lawyers Concern Group, “What Happened to the Children of Rights Lawyers?” [“Wei quan lushi de zinu jiuqing zaoyu le shenme?”], 12 October 15; “Detained for Helping Wang Yu’s Son Escape; Family Protest Overseas During Lantern Festival” [Zhu wang yu erzi taowang bei kou jiashu yuanxiao jie yue yang kangyi], *Radio Free Asia*, 23 February 16; Ye Jingsi, “Chinese Rights Lawyer Wang Yu’s Son Bao Zhuoxuan Escorted Back to Inner Mongolia From Myanmar” [“Zhongguo weiquan lushi wang yu erzi bao zhuoxuan cong miandian ya fan neimenggu”], *BBC*, 13 October 15.

¹⁰¹China Human Rights Lawyers Concern Group, “As of 18:00, March 4, 2016, at Least 317 Lawyers, Law Firm Staff, Rights Defenders, and Family Members Have Been Invited To Talk, Summoned, Banned From Leaving the Country, Put in Soft Detention, Placed Under Residential Surveillance, Arrested, or Disappeared” [Jiezhi 2016 nian 3 yue 4 ri 18:00, zhishao 317 ming lushi, lusuo renyuan, renquan hanweizhe he jiashu bei yuetan, chuanhuan, xianzhi chujing, ruanjin, jianshi juzhu, daibu huo shizong], 4 March 16.

¹⁰²Chinese Human Rights Defenders, “Individuals Affected by July 9 Crackdown on Rights Lawyers,” 13 July 15, updated 18 July 16; Dominique Attias et al., “Letter From Legal Experts on Detained Chinese Lawyers,” reprinted in *Human Rights Watch*, 18 January 16.

¹⁰³Rights Defense Network, “Xu Xiaoshun Accused of ‘Embezzlement’ by Association With His Son Wu Gan (Tufu), Fuqing City Court Holds Third Hearing” [Xu xiaoshun zao erzi wu gan (tufu) zhulian bei kong “zhiwu qinzhan” yu fuqing shi fayuan di san ci kaiting shenli], 23 March 16.

¹⁰⁴“China Releases Swedish Rights Activist Peter Dahlin,” *BBC*, 26 January 16.

¹⁰⁵Didi Kirsten Tatlow, “China Is Said To Force Closing of Women’s Legal Aid Center,” *New York Times*, *Sinosphere* (blog), 29 January 16.

¹⁰⁶*Ibid.*; Verna Yu, “Leading Woman’s Rights Group To Shut Down as China Tightens Squeeze on Civil Society,” *South China Morning Post*, 30 January 16.

¹⁰⁷“First Non-Governmental Legal Fund Announces Cessation of Operations Following Passage of the PRC ‘Charity Law’” [Zhongguo “cishan fa” tongguo hou shou ge minjian falu jijin xuanbu tingzhi yunxing], *Radio Free Asia*, 18 March 16; PRC Charity Law [Zhonghua renmin gongheguo cishan fa], passed 16 March 16, effective 1 September 16.

¹⁰⁸“Many Lawyers and Scholars Providing Legal Aid to Inner Mongolian Herders Placed Under Control by IMAR Police” [Wei neimeng mumun tigong falu yuanzhu duo ming lushi ji xuezhe bei neimeng jingfang kongzhi], *Radio Free Asia*, 16 April 16; “Herders From Zaruud Banner, Inner Mongolia, Detained for Uploading Videos About Pollution-Affected Livestock” [Nei menggu zhalute qi mumun yin shangchuan shengchou shou wuran shipin bei zhua], *Radio Free Asia*, 12 April 16.