

I. Executive Summary

INTRODUCTION

December 2016 will mark 15 years since China's accession to the World Trade Organization (WTO). At that time, the Chinese government made commitments that were important not only for China's commercial development in the international marketplace, but also for its development of the rule of law domestically. China—now ranking as the world's second largest economy—has benefited greatly from the international rules-based system in driving its economic transformation and growth, but the Chinese Communist Party has continued to reject the notion that the rule of law should supersede the Party's role in guiding the functions of the state, impeding China's ability to honor its WTO obligations. As such, China has largely failed to implement the substantive legal reforms anticipated 15 years ago and has persisted in violating international human rights standards and its own domestic laws with lasting harm to both U.S. interests and the Chinese people.

The Congressional-Executive Commission on China (Commission), established by the U.S.-China Relations Act of 2000, which also extended Permanent Normal Trade Relations (PNTR) to China, is mandated to monitor human rights and rule of law developments in China. Since October 2002, the Commission has issued an Annual Report each year, providing a summary of key developments over a range of issues, identifying new trends, and highlighting cases of political prisoners and rights advocates. As the Commission's 15th Annual Report demonstrates, it serves the need to monitor the Chinese government's repression of the Chinese people and continues to be a vital source of accurate information.

During the Commission's 2016 reporting year, the Chinese Communist Party and government further restricted the limited space for peaceful expression, religious activity, and assembly with harsh consequences for rights advocates, lawyers, and civil society, and continued to implement the world's most sophisticated system of Internet control and press censorship, affecting both domestic and foreign journalists. For the first time since 2012, the Chinese government expelled a foreign journalist, in this case, for criticizing the government's ethnic policies in the Xinjiang Uyghur Autonomous Region (XUAR). The government routinely denied medical treatment to imprisoned activists, targeted family members and associates of rights advocates, including those overseas, with harassment and retribution, and became more brazen in exerting its extraterritorial reach. The government also continued harsh security measures that disregarded the protection of human rights in ethnic minority regions including Tibetan autonomous areas and the XUAR. Underscoring the severity of conditions in China, 12 countries, led by the United States, expressed serious concerns about human rights abuses in China at the March 2016 gathering of the UN Human Rights Council, the first such collective statement on China in the history of the Council. The group specifically noted "arrests and ongoing detention of rights activists, civil society leaders, and lawyers" as well as "unexplained recent disappearances and apparent coerced returns of Chinese and foreign citizens from outside mainland China."

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Legislative and policy developments during this past year included further reforms to the household registration (*hukou*) system and passage, after years of advocacy, of the PRC Anti-Domestic Violence Law and the PRC Charity Law. Yet these efforts were overshadowed by the apparent distrust and sometimes hostility with which the Chinese government continues to view its citizens and by the lackluster implementation and enforcement of laws and regulations meant to protect China's most vulnerable citizens and stem the degradation of its polluted physical environment.

Faced with a rapidly aging population, a shrinking labor pool, and high levels of public dissatisfaction, central Party authorities announced in October 2015 a decision to adopt a universal two-child policy. Nevertheless, authorities maintained that population control policies will continue to be the long-term "basic national policy," without any noticeable reduction to the vast infrastructure of government officials who implement coercive population control policies in violation of international standards. The revision of birth limits may never fully address China's sex ratio imbalance. As of 2015, there were reportedly approximately 34 million more men than women in China. Furthermore, according to a 2010 estimate, there were 62 million "missing women and girls," due in part to a cultural preference for sons exacerbated by decades of coercive population control policies. The sex ratio imbalance has led to a demand for marriageable women, which is a factor that may contribute to human trafficking for forced marriage and commercial sexual exploitation.

While official statements in 2012 at the start of Xi Jinping's tenure as Chinese Communist Party General Secretary and in 2013 as President of China seemed to indicate that he was open to political reforms and limits on the power of public officials; in fact, Xi has overseen a deterioration in human rights and rule of law conditions in China marked by greater consolidation of his own power—leading some analysts to draw comparisons to Mao Zedong—through forced ideological conformity and the systematic persecution of human rights lawyers and defenders. Xi, referred to this year by several provincial and local Party leaders as the "core" (*hexin*) leader, continued to head at least six Party "leading small groups" (*lingdao xiaozu*) that guide policy in vital areas including the economy, domestic reform, and national defense. Xi's leadership style has led some experts to question whether he will adhere to Party precedent whereby promotions to the most senior positions are based on inner Party negotiations and consensus, when the appointment of cadres to the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo) occurs at the 19th Party Congress in 2017, at which time five of its seven members are expected to retire. The anticorruption campaign against Party officials, an ongoing feature of Xi's domestic policy, has led to accusations of torture and coerced confessions and even a spate of suicides by those who reportedly were to undergo Party disciplinary investigations. A former energy administration official asserted during his trial in February 2016 that authorities had employed torture to force him to sign a confession. Moreover, some have argued that Xi has used the anticorruption campaign to eliminate political rivals, as demonstrated by life sentences imposed on

former Chongqing municipality Party Secretary Bo Xilai in 2014, former Politburo Standing Committee member and Minister of Public Security Zhou Yongkang in 2015, and in 2016, to Ling Jihua, senior aide to former President and Party General Secretary Hu Jintao.

Under Xi's leadership, both the Party and government continued to invoke nationalist rhetoric featuring a "Chinese dream" to spur "the great rejuvenation of the Chinese nation." Central to that vision is the rejection of so-called Western or universal values that the current Party leadership has labeled as "foreign" or "hostile" forces. Such rhetoric is used to delegitimize calls for political reform and various forms of social organization viewed as threats to the Party. In April 2016, Xi addressed senior Communist Party and government leaders at a rare national conference on religious work, the highest level meeting on religious work since 2001, and warned that China must be vigilant in guarding "against overseas infiltration via religious means," while underscoring the importance of the "sinicization" of religion. The Party increasingly promoted the notion that civil society, including religious groups, was especially susceptible to "foreign influence" and "infiltration" and promulgated legislation, such as the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, to counter this perceived threat. Chinese authorities continued to impose controls on religion and civil society in ethnic minority areas. In March 2016, a senior Tibet Autonomous Region Party official highlighted deeply entrenched hostility toward the Dalai Lama, Tibetan Buddhism's best known teacher, by declaring that he is "no longer a religious leader after he defected [from] his country and betrayed its people." In a June 2016 white paper regarding religion in the Xinjiang Uyghur Autonomous Region, where millions of Muslims live, Chinese authorities warned that they would "never allow any foreign organization or individual to interfere with China's religious affairs."

In the face of increasing repression, well-known advocates like lawyer Gao Zhisheng, Mongol rights advocate Hada, and rights defender Guo Feixiong continued to speak out about the abuses they have suffered at the hands of their government. Although Gao and Hada are no longer physically imprisoned, authorities persist in monitoring their activities; in November 2015, authorities in Guangdong province sentenced Guo to a six-year prison term in connection with his advocacy of press freedom. As of August 2016, Guo reportedly had been on a hunger strike for three months to protest his treatment in prison. These cases and more than 1,300 other current political prisoner cases are documented in the Commission's Political Prisoner Database. Family members of those unjustly imprisoned engaged in bold advocacy on behalf of their loved ones, including the wives of some of the lawyers and rights defenders detained during the crackdown that began in and around July 2015 (July 2015 crackdown) and later charged with crimes of "endangering state security."

Also noteworthy during this reporting year were the anger and discontent expressed by Chinese citizens calling for government accountability, transparency, and justice with respect to issues including food and drug safety, access to medical care, pollution, and

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official misconduct. Public dismay was apparent in the uproar over tainted vaccines and in the public response to the suspicious death of Lei Yang, a 29-year-old environmentalist and new father, while in police custody in May 2016. An open letter by Lei's fellow alumni of Renmin University described his death as "the random, willful killing of an ordinary, urban, middle-class person." The letter concluded with a remarkable statement:

The death of Lei Yang is not an accident, but a structural tragedy . . . We must have the most basic, dependable safety, civil rights, and urban order. Short of this, we, who are not too old to give up on the future, will not let the issue go. We won't tolerate evil indefinitely.

OVERVIEW

Over the Commission's 2016 reporting year, the following general themes and key developments emerged:

1. **Ideological conformity** and claiming the primacy of the Communist Party remain of paramount importance as does reining in independent thought.
2. **Civil society** increasingly is viewed by the Party and government as a security threat and is subject to expanding control.
3. **Rule by law** has taken deeper root as the Party and government use the law to repress and control China's citizenry, yet disregard the law when it does not serve their priorities.
4. **The economic slowdown and labor unrest** are sources of insecurity for the Party and government.
5. **"One Country, Two Systems"** has been compromised while basic freedoms erode in Hong Kong.

Ideological Conformity and the Primacy of the Party

The Communist Party's determination to rein in independent thought, ensure ideological conformity within its own ranks and beyond, and guarantee its primacy remained evident across Chinese society during this reporting year. Party disciplinary and surveillance measures and demands for "loyalty" were aimed at bolstering Xi's political power. In October 2015, the Party issued a rule against the "improper discussion" of central Party policies. In February 2016, Xi reiterated the Party's dominance over the media in China during widely publicized visits to Xinhua, People's Daily, and China Central Television (CCTV)—the three flagship state and Party media outlets. In a speech on media policy at a Party forum the same day, Xi reportedly declared that the media "must be sur-named Party" (*bixu xing dang*) and called for "absolute loyalty" to the Party from official media outlets and personnel.

Government and Party authorities placed greater pressure on national propaganda makers to promote the Party's ideology. In June 2016, for example, the Party's discipline arm published a critical report on the work of the Central Propaganda Department. The report criticized "ineffective" news propaganda and weak management of social media, and called for stronger coordination of ideological work in higher education.

The intensification of ideological conformity met with criticism even within Party ranks. In early February 2016, the chief editor of the Party-run Global Times, Hu Xijin, received media attention for a post on his microblog account urging that "China should open up more channels for criticism and suggestions . . ." When influential retired real estate mogul and Party member Ren Zhiqiang questioned Xi's demand for loyalty, his microblog accounts were shut down and his Party membership suspended. A March 2016 open letter—posted online by authors who identified themselves as "loyal Communist Party members"—called for Xi's resignation. The Chinese government responded swiftly and harshly by detaining more than a dozen people, including the family members of exiled writers who denied any involvement.

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Civil Society as Security Threat

With the passage in April 2016 of a widely criticized law governing overseas NGO activity in China, the government codified an approach to civil society that treats many groups and individuals operating in this space as security threats rather than important contributors to Chinese society. One of the law's new provisions prohibits foreign NGO activities in mainland China that officials deem "endanger China's national unity, security, [or] ethnic unity" or "harm China's national interests and the public interest . . .," giving the government an overly broad level of discretion in violation of international standards. The legislation also designates the Ministry of Public Security and provincial-level public security agencies as the registration authorities for foreign NGOs. The full implications of the new law, which will take effect on January 1, 2017, are not yet clear, but its passage is widely viewed as a major blow to Chinese civil society. The broad range of organizations covered under the law, such as industry and trade associations, chambers of commerce, and development- and rights-based entities, is likely to have a chilling effect on innovation, exchanges, and cooperative projects.

Individuals and entities previously regarded as working in areas deemed acceptable by the government increasingly found that this is no longer the case. After more than 20 years of distinguished work in areas including anti-domestic violence litigation and the protection of rural women's land rights, the Beijing Zhongze Women's Legal Counseling and Service Center ceased operations in February 2016, reportedly in response to a government directive. In addition, labor rights advocate He Xiaobo and his organization Nan Fei Yan Social Work Services Center previously received recognition and funding from the government for providing services to migrant workers, but in December 2015, authorities detained He, along with over a dozen other labor rights advocates, and charged him with "embezzlement" before releasing him on bail. While unregistered religious groups, including Christian house churches, have long faced government harassment and worse for worshipping outside of state-approved parameters, this reporting year Pastor Gu Yue-se (Joseph Gu), a senior official in both the Three-Self Patriotic Movement and the China Christian Council—the two state-sanctioned Protestant Christian associations in China—was fired and then detained and arrested following his public condemnation of authorities' cross removal campaign in Zhejiang province. Although Zhejiang authorities reportedly released him on bail in March 2016, his movement and communications were restricted. These and similar developments raise concerns that domestic civil society and religious groups, even those that previously have had limited space to operate, are under increasing threat of government pressure, harassment, and closure.

Rule by Law

The Chinese government and Party continued to embrace rule by law—that is, using the law as a means to expand control over Chinese society while disregarding the law when it does not accommodate Party imperatives or advance Party objectives. Chinese law-

yers and advocates at the vanguard of pressing for human rights and access to justice continued to find themselves targeted under the Chinese government and Party's abusive rule *by law*. As of May 2016, authorities had formally arrested at least 20 individuals in connection with the crackdown on lawyers and rights advocates that began in and around July 2015, 16 of them on charges that fall under the category of "endangering state security," which can lead to lengthy sentences. In August 2016, four of these individuals reportedly pleaded guilty to subversion charges, following hearings in a Tianjin court at which their family members were reportedly barred from attending. Zhou Shifeng, director of the Fengrui Law Firm at the center of the July 2015 crackdown, was sentenced to 7 years in prison, and Hu Shigen, a long-time rights advocate and house church leader, was sentenced to 7 years and 6 months. Shortly before these hearings, authorities said detained rights lawyer Wang Yu and legal assistant Zhao Wei were released on bail, but as of early August, neither had been seen publicly. Additionally, family members of those who run afoul of the Chinese government are increasingly at risk of collective punishment. For example, authorities placed Bao Zhuoxuan, the teenage son of Wang Yu and Bao Longjun, under strict surveillance and monitoring at the home of his grandparents and prevented him from seeking legal counsel or talking to journalists.

During this reporting year, Chinese authorities continued to use "black jails" and other forms of extralegal and extrajudicial detention to suppress individuals such as those petitioning the government over grievances, Falun Gong practitioners, and rights advocates. Even though China ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988, the UN Committee against Torture concluded in late 2015 that China has failed to eliminate torture, enforced disappearances, deaths in custody, and numerous other forms of ill-treatment in detention.

Chinese authorities' ongoing broadcasts on state television of prerecorded confessions of individuals who have yet to be formally charged with crimes or whose cases have not been sent to trial are serious violations of international standards with regard to the right to due process, a fair trial, and the right against self-incrimination. Not only did Chinese authorities broadcast "confessions" of Chinese citizens, such as Zhang Kai, a rights lawyer who worked with Christian congregations in Wenzhou municipality, Zhejiang, to prevent the local government from removing crosses from their places of worship, they aired the "confessions" of two Swedish citizens—Peter Dahlin, the cofounder of a legal advocacy NGO in Beijing municipality, and Gui Minhai, the co-owner of a publishing company in Hong Kong. In testimony presented at a Commission hearing in May 2016, Gui's daughter, Angela, asserted her father's confession was "staged," stating that the Chinese government authorities "felt they needed to fabricate a justification" for his illegal detention.

The Chinese government continued to obstruct access to legal counsel for individuals detained in politically sensitive cases, including many of the legal professionals rounded up during the crackdown that began in and around July 2015, as well as elected

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Wukan village Party committee chief Lin Zulian in Guangdong province. The UN Working Group on Arbitrary Detention released an opinion in June 2016 finding that American citizen Sandy Phan-Gillis, detained by Chinese authorities since March 2015, had been, among other things, denied access to legal counsel. The opinion marked the first time the Working Group had determined that the Chinese government arbitrarily detained an American citizen.

Authorities in Tibetan autonomous areas and the XUAR continued to implement policies that further threaten culture, language, and religion, as well as prevent the effective exercise of local “autonomous” governance enshrined in China’s Constitution. Additionally, on December 27, 2015, the National People’s Congress adopted the PRC Counterterrorism Law, which contains provisions that expand police authority, raising concerns among human rights organizations that criticized the law as repressive and expressed fears that it would further empower officials to punish peaceful activities and target ethnic minorities.

Economic Insecurity and Labor Unrest

Party legitimacy over the last three decades has been inextricably linked to economic growth and improving the lives of the Chinese people. But this legitimacy could face challenges as economic growth slows to the weakest annual rate in 25 years and economic liberalization stalls. President Xi’s emphasis on the media’s role in “tell[ing] China’s stories well” extended to economic reporting. Chinese journalists covering the stock market reported being instructed to focus on official statements issued by the China Securities Regulatory Commission, which offers a decidedly positive outlook on the state of the economy. At the same time, the websites of many U.S. media companies remained blocked in China, including the New York Times, Bloomberg News, and the Wall Street Journal.

The Commission observed growing labor unrest, especially in the manufacturing and construction sectors, as well as a government crackdown on labor advocacy. A labor rights group based in Hong Kong recorded over 2,700 strikes and protests in China in 2015, more than double the number recorded in 2014. The Chinese government prevents workers from organizing independent unions in part because the Party still regards organized labor as it regards citizen activism in other public spheres: a threat to the Party’s hold on power. While wages in China continued to rise, workers faced slower wage growth, and disputes over unpaid wages increased. In December 2015, public security officials in Guangdong province, a manufacturing hub home to many of China’s labor NGOs, detained at least 18 labor rights advocates affiliated with labor NGOs. As of July 2016, two remained in detention. Such economic insecurity and labor unrest is set against the backdrop of China’s efforts to gain market economy status in the United States based on its WTO accession protocol.

Erosion of Hong Kong’s High Degree of Autonomy

This past year, developments indicated that Hong Kong’s “high degree of autonomy,” guaranteed under the “one country, two sys-

tems” principle enshrined in the Basic Law, faced renewed threat of interference from mainland China. The disappearance, alleged abduction, and detention in mainland China of five Hong Kong-based booksellers (Swedish citizen Gui Minhai, British citizen and Hong Kong resident Lee Bo, and Hong Kong residents Lui Bo, Cheung Chi-ping, and Lam Wing-kei) in October and December 2015 and the televised “confessions” of four of the men in January and February 2016 were condemned internationally. British Foreign Secretary Philip Hammond declared Lee’s abduction from Hong Kong a “serious breach” of the Sino-British Joint Declaration that assures Hong Kong residents “the protection of the Hong Kong legal system.” In its Hong Kong Policy Act report to Congress, the U.S. Department of State emphasized these concerns, noting that the cases of the booksellers “raised serious concerns in Hong Kong and represent what appears to be the most significant breach of the ‘one country, two systems’ policy since 1997” (the year of the British handover of Hong Kong). Upon his return to Hong Kong in June 2016, Lam Wing-kei publicly revealed details of his and the other booksellers’ abductions and detentions, including their forced confessions. Notably, Lam alleged that the abductions and detentions were directed by central government officials in Beijing.

Underscoring the threat to freedom of expression, Hong Kong journalists and media organizations reported a continuing decline in press freedom in Hong Kong, citing government restrictions, violence against journalists, and pressure on reporters and editors from media ownership, including owners with financial ties to mainland China. The purchase of the South China Morning Post by Chinese online commerce company Alibaba Group raised concerns that Hong Kong media could face even greater pressure to self-censor or avoid reporting on topics deemed sensitive. After acquiring the paper, Alibaba’s executive vice chairman said the firm aimed to counter negative coverage of China.

In the face of increasing pressure from mainland China, divisions emerged among pro-democracy activists in Hong Kong, often along generational lines. After the “Umbrella Movement” protests in 2014, pro-democracy activists launched several new political parties that reflected general dissatisfaction with the existing political landscape, including the lack of democratic concessions from the Chinese government. Many of the new parties promote self-determination for Hong Kong, as opposed to democracy in mainland China. Others pressed for outright independence amid burgeoning localist sentiment. The Hong Kong government required prospective candidates for office in the September 2016 Legislative Council elections to sign a loyalty pledge affirming that Hong Kong is an “inalienable” part of China—several who refused to do so, or who did so unconvincingly, were disqualified. Despite central government warnings that promoting democratic self-determination for Hong Kong “endangers state sovereignty and security,” Hong Kong voters elected 6 localist candidates; altogether, opposition parties won 30 out of 70 total seats.

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RECOMMENDATIONS TO CONGRESS AND THE ADMINISTRATION

- **Developing a “Whole-of-Government” Human Rights Action Plan.** The Administration and Congress should work together to develop an action plan on the role of human rights in U.S.-China relations, detailing specific ways to implement a coordinated inter-agency approach that integrates human rights issues across the full spectrum of bilateral issues. A “whole-of-government” human rights diplomacy prepares all agencies interacting with Chinese government counterparts to discuss relevant human rights and rule of law issues and to articulate the link between human rights improvements in China and U.S. economic, security, and diplomatic interests. In addition, Congress and the Administration should work together to consider whether legislation or other measures are needed to implement interagency coordination on human rights in China, including by providing targeted talking points and prisoner lists to all U.S. Government delegations visiting China as well as support for the growing number of regular bilateral “dialogues” and various “People-to-People” and multitrack diplomatic efforts that include both governmental and non-governmental actors.

- **Strengthening the “Rebalance” to Asia.** The Administration and Congress should work together and with regional allies and policy specialists, on ways to bring China into an economic and security cooperation system in Asia that includes upholding international standards on human rights and the rule of law. The Administration and Congress should work together to ensure that sufficient resources and executive authority are granted to advance human rights and the rule of law as critical national interests, pursued in tandem with U.S. diplomatic, economic, political, and security priorities in the Asia-Pacific region.

- **Strategic Use of Visa Policy and Other Diplomatic Measures.** Congress and the Administration should work together to better implement existing laws that restrict visa access for individuals responsible for severe human rights violations and ensure that U.S. consular officials know how to apply such laws consistently, including Section 604 of the International Religious Freedom Act, Section 801 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, and the relevant parts of Section 212 of the Immigration and Nationality Act. Congress should consider whether additional legislation is needed to address ongoing human rights challenges in China, including such issues as restrictions on the free flow of news and information, visa delays or denials for journalists and scholars, allegations of organ harvesting, mistreatment or forced repatriation of asylum-seekers, and egregious discrimination and violence in ethnic minority areas.

Congress should consider allocating resources to compile, document, and identify individuals and Chinese government officials responsible for severe human rights violations.

The Administration should consider seeking revisions to the U.S.-China Consular Convention to clarify that Americans detained in China should be allowed to meet with a lawyer and discuss the details of their case with U.S. consular officials.

- **Engaging in Multilateral Action.** The Administration should continue coordinating with like-minded partners on moni-

toring human rights concerns in China and encouraging Chinese officials to fulfill their commitments in accordance with international standards. The Administration should lead, as circumstances on the ground dictate, initiatives that highlight human rights concerns in China at the UN Human Rights Council and other multilateral forums where the United States and China are members.

- **Individual Political Prisoner Cases.** In meetings with Chinese officials, the President, Cabinet Secretaries, other administration officials, and Congressional leaders should raise relevant cases, both publicly and privately, of individual victims of religious or political repression. U.S. Embassy and consular officials, including the Ambassador, should regularly seek visits and engagements with relevant Chinese authorities to raise the cases of prominent prisoners and should maintain contact with family members and associates of those unjustly detained or imprisoned.

Members of Congress and the Administration are encouraged to consult the Commission's Political Prisoner Database for credible information on individual prisoners or groups of prisoners.

- **Internet Freedom.** The Administration and Congress should continue to work together to support a consistent and coordinated policy approach to Internet governance that counters efforts by the Chinese government to promote "Internet sovereignty."

Congress should consider expanding Internet freedom programs that track, preserve, and recirculate media and Internet content produced within China that is deleted by government censors.

Congress should consider allocating funds for programs that help Chinese human rights advocates and civil society organizations circumvent Internet restrictions and enhance digital security training and capacity building. In addition, Members of Congress should urge the Broadcasting Board of Governors to use all allocated Internet freedom funds to support technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other forms of censorship.

- **Press Freedom.** The Administration should consider giving greater priority to the Chinese government's harassment of foreign journalists, blocking of news media websites, and limiting of press freedom. During regular diplomatic interactions, a diverse range of U.S. officials should promote freedom of the press and freedom of expression as vital foundations of an innovative economy, a vibrant civil society, and the rule of law, all of which contribute to sustainable prosperity for modern nations.

Congress should consider whether legislation or other measures are needed to address potential trade barriers in China, including the ongoing and persistent restrictions on the free flow of news and information which affect foreign media companies attempting to access the Chinese market and investors seeking uncensored information about China's political and business climate.

Congress should consider whether additional legislation is needed to protect foreign journalists, including the possibility of limiting the number of visas allowed to executives or administrative personnel from Chinese state-owned media enterprises operating in the United States if foreign journalists continue to face visa restric-

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tions, police harassment and surveillance, censorship, or other egregious constraints.

- **Ending China’s Population Control Policies.** The Administration should integrate the provisions of the Girls Count Act (Public Law No. 114–24) into foreign assistance programs and consider appointing a Special Advisor at the U.S. Department of State to oversee the creation and coordination of technical assistance and capacity-building projects. Projects should seek to strengthen property and inheritance rights for Chinese women and girls and protect women and their families from the most coercive aspects of China’s population control policies.

The Administration should discuss problems linked to the Chinese government’s population control policies and dramatic sex ratio imbalance as part of security, legal, trafficking, human rights, medical, public health, and “People-to-People” dialogues.

The Administration and Congress should work together with intergovernmental organizations and non-governmental organizations (NGOs) to develop cooperative programs to address the demographic problem of China’s “missing women,” and seek ways to support and bolster China’s own efforts.

Congress should continue to consider prohibition of U.S. contributions to the UN Population Fund (UNFPA) for use in China until all birth limitation and coercive population control policies are rescinded.

- **North Korean Refugees.** Congress should reauthorize the North Korean Human Rights Act for fiscal year 2018.

The Administration should consider incorporating human rights into its broader sanctioning authority by using the existing U.S. Department of State designations of both North Korea and China as a “Country of Particular Concern” for international religious freedom as well as the trafficking-in-persons designations of “Tier 3” for North Korea and “Tier 2 Watchlist” for China.

Congress and the Administration should work to establish regional multilateral “First Asylum” arrangements for North Korean refugees and seek unfettered access to North Korean asylum-seekers in China for the Office of the UN High Commissioner for Refugees and humanitarian organizations.

- **Human Trafficking, Forced Labor, and Child Labor.** Congress and the Administration should work together to ensure that the U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons and the U.S. Department of Labor’s Bureau of International Labor Affairs have sufficient resources and status within their departments to effectively combat human trafficking and accurately report on current conditions.

The Administration and Congress should work together to ensure that expanded powers given to the U.S. Customs and Border Protection agency are used to prevent the import of goods suspected of being made with forced or prison labor.

Congress should consider whether additional legislation or other measures are needed to prevent human trafficking in the supply chains of businesses with U.S. Government procurement contracts and to enforce existing laws prohibiting the procurement of goods made with forced labor, prison labor, or child labor from China.

Congress should consider legislation that improves U.S. Government data collection and reporting on the issue of human trafficking for the purpose of organ removal, globally and in China. To reduce demand for organs obtained through force or coercion, such legislation should also focus U.S. diplomatic resources toward the creation of international legal norms that promote the establishment of voluntary organ donation systems with effective enforcement mechanisms.

- **Ethnic Minorities.** The Administration should consider raising issues of human rights in China's ethnic minority areas in bilateral and multilateral dialogues on security, legal, and counterterrorism issues with Chinese military, public security, or government officials.

The Administration and Congress should work together to press for unrestricted access to ethnic minority regions and to facilitate implementation of the Tibetan Policy Act of 2002, including establishing a diplomatic office in Lhasa, encouraging development projects that comply with the Tibet Project Principles, and urging renewed dialogue between Chinese government officials and the Dalai Lama's representatives.

The Administration should instruct the U.S. executive director of each international financial institution to oppose the financing of projects in Tibetan autonomous areas, the Xinjiang Uyghur Autonomous Region, and other ethnic minority areas if such projects have the anticipated effect of facilitating large-scale migrations into ethnic minority areas, fail to promote economic self-sufficiency of ethnic minorities, or do not respect their culture, religion, or traditions.

Congress should continue to allocate funding for democratic leadership training for Tibetans, and Members of Congress and their staff should seek inter-parliamentary dialogues with Tibetan legislators to raise the profile, professionalism, and capacity of the Tibetan government-in-exile.

- **Commercial Rule of Law.** The Administration should continue to designate China as a non-market economy until the Chinese government makes concrete improvements to policies detailed in this report that violate China's existing international trade obligations. Congress should consider legislation requiring that both the House and Senate consent to any changes made to China's designation.

The Administration should work through the World Trade Organization (WTO) and its member states to encourage and enforce the elimination of China's barriers to the free flow of news and information to facilitate market growth, including by considering initiation of additional WTO disputes that seek the elimination of trade-restrictive Internet censorship and other restrictions to market access online.

The Administration should ensure that the objectives of non-discrimination, fairness, and transparency are incorporated into the Bilateral Investment Treaty (BIT) negotiations, and that any BIT with China is a mutually beneficial and high-standard agreement that effectively facilitates and enables market access and market operation, and that represents on each side an open and liberalized investment regime.

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Congress should consider whether legislation or other measures are needed to require that market access for Chinese investors in news, online media, and the entertainment sectors is conditioned on a reciprocal basis in order to provide a level playing field for U.S. investors. In addition, Members of Congress should press for the protection of U.S. companies investing in these sectors during BIT negotiations.

- **Technical Assistance Programs.** The Administration should look for creative ways to continue existing aid and grant programs to individuals and civil society groups working to encourage human rights improvements, genuine democratic governance, and the rule of law, and work with foreign NGOs, the United Nations, and other countries on a unified response to the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, the PRC Charity Law, and other legislation drafted or enacted in the past year.

The Administration and Congress should look to expand technical assistance and capacity-building programs in areas where Chinese officials have made commitments, such as curbing torture and wrongful convictions and implementing the PRC Anti-Domestic Violence Law.

Congress should consider requesting briefings or a one-time report from the Administration to review U.S.-funded rule-of-law programs in China to determine their effectiveness, the pressures faced during operations in China, and whether new guidelines or resources are needed to advance U.S. interests in the development of rule of law in China.

- **Hong Kong.** The Administration should continue to issue annually the report outlined in Section 301 of the United States-Hong Kong Policy Act of 1992, subject to Congressional directives.

The Administration and Congress should work together to determine whether legislation or other measures are needed to revise the Hong Kong Policy Act if Hong Kong's autonomy and rule of law continue to be threatened.

Congress should consider ways to express through public statements, official visits, and resolutions the important connection between maintaining a free press, a vibrant civil society, an independent judiciary, and transparent governance in Hong Kong and the mutual interests shared by the United States and China in maintaining Hong Kong as a center of business and finance in Asia.

- **Developing a More Robust Parliamentary Diplomacy.** Congress should foster cooperation among parliamentarians and legislators committed to advancing the rule of law and the rights enumerated in the Universal Declaration of Human Rights by participating in existing institutions such as the International Panel of Parliamentarians for Freedom of Religion and the Parliamentary Friends of Tibet or by working with relevant NGOs to convene a global parliamentarians group on human rights in China.

- **Encouraging the Protection of Academic Freedom.** The Administration should assist American universities and educational institutions in negotiations of memoranda of understanding and contracts with Chinese government entities to ensure that they include protections for academic freedom; the universally

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recognized rights of faculty, students, and staff; intellectual property rights; and Internet freedom.

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

The Commission adopted this report by a vote of 21 to 0.†

† Voted to adopt: Representatives Smith, Pittenger, Franks, Hultgren, Black, Walz, Kaptur, Honda, and Lieu; Senators Rubio, Lankford, Cotton, Daines, Sasse, Feinstein, Merkley, and Peters; and Deputy Secretary Lu, Under Secretary Sewall, Assistant Secretary Russel, and Assistant Secretary Malinowski.