

I. Executive Summary

The Congressional-Executive Commission on China (the Commission), established by the U.S.-China Relations Act (19 U.S.C. 1307) as China prepared to enter the World Trade Organization, is mandated to monitor human rights and the development of the rule of law in China, and to submit an annual report to the President and the Congress. The Commission is also mandated to maintain a database of political prisoners in China—individuals who have been imprisoned by the Chinese government for exercising their civil and political rights under China’s Constitution and law or under China’s international human rights obligations. The Commission consists of nine Senators, nine Members of the House of Representatives, and five senior Administration officials appointed by the President and representing the Department of State, Department of Labor, and the Department of Commerce. 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, view, and recommendations, does not necessarily reflect the views of individual Executive Branch members or the policies of the Administration. The report covers the period from fall 2014 to fall 2015.

The Commission adopted this report by a vote of 22 to 0.†

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

OVERVIEW

Human rights and rule of law conditions in China deteriorated in many of the areas covered by this year's report, continuing a downward trend since Xi Jinping took power as Chinese Communist Party General Secretary in November 2012 and President in March 2013. The Commission continued to observe a range of legal and political developments that could have significant impact on the rights and welfare of China's citizens. Potentially positive developments are overshadowed by the Chinese government and Party's efforts to silence dissent, suppress human rights advocacy, and control civil society. These efforts are broader in scope than any other period documented since the Commission started issuing Annual Reports in 2002. Targets include human rights defenders, media outlets and journalists, public interest and human rights lawyers, Tibetans and Uyghurs, religious groups and edifices, non-governmental organizations (NGOs), intellectuals and democracy advocates, petitioners and peaceful protesters, and supporters of universal suffrage in Hong Kong.

The political direction set by President Xi and other Chinese leaders aims to build and expand upon that of their predecessors, with a core tenet of unchallenged Party leadership and a commitment to suppress discussions about the legitimacy of the Party's power. The Party and government continue to violate the human rights of Chinese citizens in ways that significantly influence their daily lives. For example, despite international condemnation and widespread public dissatisfaction, China's population control policies continued into their 35th year. Even after a slight modification of those policies in 2013, it remains the Chinese government's mode of operation to interfere with and control the reproductive lives of China's citizens—particularly women—and to enforce coercive birth limitation policies that violate China's obligations under international agreements. Restrictions on cultural and religious practices have resulted in authorities restricting the kinds of clothing worn by Uyghur women and the styles of facial hair of Uyghur men. Without an independent judiciary, citizens across China have little legal recourse and face significant challenges, for example, in seeking legal redress when local officials appropriate their land or homes for development projects.

It is increasingly clear that President Xi and the current cohort of Chinese leaders, will tolerate even less dissent than the previous administration. Even those making modest calls for reform—such as civil society organizations, intellectuals, and public interest lawyers who work in areas prioritized by the government—have faced harassment, detention, and arrest. State-approved Catholic Patriotic Association and “Three-Self Patriotic” Protestant churches in Wenzhou municipality, Zhejiang province, have faced demolitions and cross removals. Authorities ordered the removal of an environmental documentary, “Under the Dome,” produced by a well-known journalist and former television broadcaster of state-run China Central Television, from China's Internet portals after it went viral with over 200 million views. Just before International Women's Day, Chinese authorities detained five women's rights advocates and held them in abusive conditions for more than five weeks be-

cause they had planned to distribute brochures to raise awareness of sexual harassment on public transportation.

The government and Party's rhetoric against "foreign" ideals, values, and influence was increasingly strident and widespread this past year. The Party used various forms of media, internal decrees, public statements, and security-related legislation to warn the Chinese public and officials of the distinctions between Chinese and Western ideology, norms, and notions of judicial independence. Efforts continued to strengthen ideological control over the media, universities, the bureaucracy, the Internet, and the arts and entertainment industries. In May 2015, the government released a draft PRC Overseas Non-Governmental Organizations (NGO) Management Law that may make it difficult for foreign-based or -funded NGOs to operate in China. The Communist Party issued an internal document—Document No. 30—reportedly to purge "Western-inspired liberal ideas" from universities and prohibit teaching and research on a number of topics including judicial independence, media freedom, human rights, and criticism of the Communist Party's history. Taken along with the draft PRC Overseas NGO Management Law, Document No. 30 may have serious implications for academic partnerships formed between the United States and China, including exchange and study abroad programs and new "satellite campuses" established within U.S. colleges and universities.

The theme of the Fourth Plenum of the 18th Party Congress Central Committee held in November 2014, "*yifa zhiguo*," is often translated as "rule by law" or "rule in accordance with law," though Chinese leaders often point to the decision issued during the Fourth Plenum to demonstrate the government's commitment to the "rule of law." The actions of the Party leadership and government officials over the past year indicate that China is not moving toward a rule of law system, but is instead further entrenching a system where the Party utilizes statutes to strengthen and maintain its leading role and power over the country. Party documents expressly stated the intention to use the law to strengthen the Party's leadership over legislative, administrative, judicial, and other institutions.

During the 2015 reporting year, the Commission observed a persistent gap between the Chinese government's rhetoric regarding the importance of laws and the ability of citizens to use the legal system to protect their rights. Many of China's religious and political prisoners are subject to harsh and lengthy prison sentences as well as various forms of extralegal and administrative detention, including arbitrary detention in "black jails" and "legal education centers." China's continued use of extralegal and administrative detention remains an acute problem and overshadows China's abolition in late 2013 of the reeducation through labor system. The continuing and expanded uses of vaguely defined criminal charges and extralegal detention also raise questions about China's commitments to international human rights norms. For example, prominent public interest lawyer Pu Zhiqiang faces charges of "picking quarrels and provoking trouble" and "inciting ethnic hatred" for social media posts that mocked several government officials and that criticized China's ethnic policy. Liu Xia, wife of imprisoned Nobel

Peace Prize laureate Liu Xiaobo, remains isolated under extralegal detention at her home in Beijing municipality and reportedly is in poor health. The Commission's Political Prisoner Database has information on approximately 1,300 cases of political and religious prisoners currently known, or believed, to be detained or imprisoned, though the actual number is certain to be much higher, given the lack of transparency in the Chinese legal and prison system and other obstacles to the free flow of news and information.

Reports of torture and other human rights abuses in detention continued to be routine, including the denial of medical treatment and the use of forced hospitalization in psychiatric facilities to detain some individuals without mental health issues. Authorities in one Tibetan county issued regulations that provide for the collective punishment of an entire Tibetan family for possessing an image of the Dalai Lama. In addition, Chinese authorities harassed and detained students, family members, and associates of detained or imprisoned democracy and human rights advocates, as well as the lawyers who sought to defend them.

Since 2012 authorities have harassed, detained, or sentenced an increasing number of public interest lawyers, and efforts expanded this past year to disrupt rights lawyers' activities. Lawyers who accept politically sensitive cases continue to face disbarment, physical violence, and the closure of their law firms. In July 2015, Chinese authorities took into custody more than 250 individuals in an unprecedented nationwide sweep. Many of those interrogated, detained, or "disappeared" are self-described human rights lawyers and rights defenders. Several of the lawyers worked in one Beijing-based law firm. As of August 2015, 23 of those taken into custody were criminally detained, put under residential surveillance, or made a victim of enforced disappearance. Authorities engaged in a public smear campaign in government-run media to accuse the lawyers of "creating chaos" and being part of a "criminal gang" that engaged in plots in the name of "rights defense, justice, and public interest."

The Chinese government and Communist Party's violations of human rights and the rule of law have implications for U.S.-China relations. Chinese leaders are seeking a "new type" of U.S.-China relations and aim to play an expanded role in global institutions, yet continue to ignore international human rights norms. Human rights and rule of law are essential components of economic development, domestic stability, and the type of trust and confidence necessary to strengthen bilateral and multilateral cooperation on a range of issues that will define the 21st century.

It is increasingly clear that China's domestic human rights problems are of critical interest to U.S. foreign policy. There is a direct link between concrete improvements in human rights and the rule of law in China and the security and prosperity of both the United States and China. The security of U.S. investments and personal information in cyberspace, the health of the economy and environment, the safety of food and drug supplies, the protection of intellectual property, and the stability of the Pacific region are linked to China. They depend on the Chinese government's willingness to comply with international law, enforce its own laws, allow the free flow of news and information, fulfill its WTO obligations, and pro-

tect the basic rights of Chinese citizens, including the fundamental freedoms of religion, expression, assembly, and association.

MAJOR DEVELOPMENTS IN 2015

During the past reporting year, the Commission has observed the tightening of controls over the media, universities, civil society, and rights advocacy, and on members of ethnic minorities, especially Tibetans and Uyghurs. Concurrently, the Commission observed apparent efforts to limit the exchange of people and ideas between China and the international community through a series of new laws, some still in draft form, and increasingly alarmist rhetoric against “foreign” ideas and institutions. Meanwhile, other areas that the Commission is mandated to monitor, such as freedom of expression and religion, human trafficking, population control, democratic governance issues, and WTO compliance either have seen little improvement or deteriorated. While the Chinese government promoted legislation and national plans to improve some criminal and administrative legal procedures, enforce environmental standards, and protect the rights of survivors of domestic violence, among other plans, the lack of transparency and accountability and weak implementation reduces the possibility of significant improvements in the rule of law and democratic governance.

China Restructuring Links With the International Community

The Chinese government issued a series of far-reaching new laws during the past year: the PRC Counterespionage Law passed in November 2014 and the PRC National Security Law passed in July 2015. Drafts of the PRC Overseas NGO Management Law, the PRC Counterterrorism Law, and the PRC Cybersecurity Law were also the focus of domestic and international attention. Human rights advocates and legal experts expressed concern that these laws could provide the basis for an even broader and more severe crack-down on legal advocacy, civil society, and ethnic minority groups like the Uyghurs and Tibetans; impact international businesses that operate in or trade with China; and expand restrictions on the Internet and journalists.

The new PRC National Security Law, passed in July 2015, defines the Chinese government’s national interests broadly, domestically, and globally. The law identifies cyberspace, outer space, the oceans, and the Arctic as parts of China’s national security interests, as well as ensuring supplies of food, energy, and resources. It emphasizes the need not only to maintain territorial integrity but also to “guard against negative cultural influences” and “dominate the ideological sphere.” The new law provides additional legal basis for continued Internet censorship as well, saying China will protect “Internet sovereignty” and prevent and punish the “spread of harmful information.” The draft PRC Cybersecurity Law would grant authorities the legal power to cut Internet access to “safeguard national security and social public order.” The law also stipulates that user data from Internet companies must be stored in China.

The draft PRC Overseas NGO Management Law has the potential to affect a wide range of international organizations that oper-

ate inside China, from charitable groups to universities to industry associations. The draft law shifts regulation of international NGOs from the Ministry of Civil Affairs to the Ministry of Public Security, and requires overseas NGOs to find government-approved domestic sponsors in order to open a branch office in China, or even to conduct temporary activities. If the current draft passes, overseas NGOs—including those based in Hong Kong and Taiwan—will not be able to engage in or provide financial assistance for “political activities or illegal religious activities.” Some international NGOs have voiced concerns that they may need to pull out of China if the NGO law passes. Human rights observers raised concerns that the law could further impede the work of domestic rights-based NGOs, many of which are unable to fundraise in China and thus must rely on international funding.

Intensified Crackdown on Civil Society

During this reporting year, authorities expanded a crackdown that began in 2013, which included the suppression of individuals and organizations previously tolerated by authorities. For example, Liren, a network of rural libraries, closed under government pressure, and authorities temporarily detained several individuals associated with the organization. Beijing authorities shut down the Transition Institute, a non-governmental think tank with a focus on economic and social policy research, detained several staff members, and subsequently charged two of its directors, Guo Yushan and He Zhengjun, with “illegal business activity.” The five women’s rights advocates detained in the run-up to International Women’s Day worked for non-governmental organizations (NGOs). Authorities later forcibly closed Weizhiming, a women’s rights organization in Hangzhou municipality, Zhejiang province, started by one of the five women’s rights advocates. Several of the advocates also had direct ties to Beijing Yirenping Center, a public health and anti-discrimination NGO. In March, officials raided Yirenping’s office in Beijing, and in June, they briefly detained two former employees on suspicion of “illegal business activity.”

The Lasting Effects of Population Control

Faced with a rapidly aging population, a shrinking pool of working-age people, international condemnation, and high levels of public dissatisfaction, the Chinese government eased its coercive population control policies somewhat in 2013, allowing couples to have two children if at least one spouse was an only child. Despite gaining international acclaim for the adjustment, the Chinese government did not abolish the underlying one-child policy. This policy violates international standards, leads to official abuse and corruption, and exacerbates a looming demographic problem with likely economic, social, and security consequences. Authorities continued to use coercive population control methods as well as incentives, including job promotions, for officials who meet birth-limitation targets. There were reports of officials withholding social benefits and household registration, imposing heavy fines, coercing people to undergo sterilization or use contraception, and using arbitrary detention to punish birth limitation violators. Wang Feng, the former di-

rector of the Brookings-Tsinghua Center for Public Policy, said he believed “history will judge the ‘One-Child Policy’ as worse than the Cultural Revolution [as] the One-Child Policy will influence more than one generation.”

The Chinese government’s population control policies are a critical factor in creating a sex ratio imbalance resulting in the birth of significantly more males, millions of whom may not be able to find a female partner in China. This severe imbalance may already be driving regional human trafficking for the purposes of forced marriage and sexual exploitation. Chinese and Southeast Asian governments, non-governmental organizations (NGOs), and the United Nations report that cross-border trafficking into China for forced marriage and sexual exploitation appears to be increasing.

Ideological Control of the Internet and Social Media

The Chinese government committed to expand Internet access and broadband speed for China’s citizens while increasing control of the Internet and the censorship of information perceived as “harmful” or critical of Party authority. China’s digital space is highly policed, enforced by unknown numbers of security personnel and manipulated by paid commentators who seek to promote loyalty to government policies and counteract criticism. The Communist Youth League launched a plan this year to recruit 10 million “online youth civilization volunteers” to spread pro-government messages and “positive energy” via social media. Authorities continued to rein in media and opinion-makers critical of government policies and those viewed as potential threats to Party authority. The government continued efforts to control social media by harassing China’s Internet bloggers, shutting down popular chat site accounts, requiring real-name registration of accounts, limiting access to foreign services such as Flickr and Instagram, and blocking services that allow Internet users to circumvent China’s Great Firewall.

Continued Repression of Ethnic Minorities

Chinese authorities continue to implement intrusive and repressive policies in ethnic minority areas, particularly among Tibetans and Uyghurs. During the past year, officials continued to carry out rights abuses in the Xinjiang Uyghur Autonomous Region (XUAR). Amid deadly attacks reportedly committed by Uyghurs during the year, international observers expressed concerns over top-down security measures and the excessive use of force in the region. Authorities also introduced harsh and far-reaching new measures to restrict further Uyghur religious practice, ethnic identity, culture, and freedom of movement. The draft PRC Counterterrorism Law may justify additional human rights abuses. The draft law broadly defines terrorism to include “speech or behavior” intended to “create ethnic hatred, subvert state power, [or] split the state,” while the law’s expansive definition of “extremism” includes “forcing minors to take part in religious activities” and “misrepresenting or insulting national policy.”

There is little evidence that Party and government officials will tolerate Tibetans’ interest in preserving their culture, language, re-

ligion, and the environment on terms acceptable to Tibetans. During the reporting year, the Commission observed heightened efforts to control and interfere with Tibetan Buddhist religious practice and the selection of its leaders. Tibetan self-immolations continued in the past year in numbers similar to the previous year, as expanded security efforts and punitive measures continued. The formal dialogue between the Dalai Lama's representatives and Communist Party and government officials has been stalled since January 2010, the longest break since the dialogue resumed in 2002.

Challenges to Hong Kong's "High Degree of Autonomy"

Last year's pro-democracy protests revealed deep divisions over the degree of Hong Kong's autonomy within China. The actions of the Chinese and Hong Kong governments during the reporting year continue to raise serious concerns about the future of the freedoms and rule of law that distinguish Hong Kong from mainland China and underpin Hong Kong's financial reputation and prosperity. Chinese leaders continued to emphasize Chinese sovereignty and control over Hong Kong. Attacks on journalists and the editorial and financial pressures placed on media organizations by advertisers contributed to the steady erosion of press freedoms.

Pro-democracy protesters rejected a plan put forward by the National People's Congress Standing Committee (NPCSC) in August 2014 for electing Hong Kong's Chief Executive because it imposed a screening process designed to ensure that only candidates supportive of the central government in mainland China could be nominated. The non-violent protests, also referred to as "Occupy Central" and the "Umbrella Movement," stretched from September to early December 2014. Despite the efforts of protesters, opposition legislators, and other Hong Kong leaders to develop election reform proposals, Chinese and Hong Kong authorities continue to insist that any election reform plan must be in strict conformity with the undemocratic framework laid out by the NPCSC.

As Businesses Face New Challenges, Labor Problems Persist

There was optimism about the fiscal and bureaucratic reforms announced by President Xi at the Third Plenum of the 18th Party Congress in November 2013, but the investment environment for foreign companies in China has not improved. During this reporting year, there were record trade deficits in China's favor, and U.S. exports to China decreased. U.S. and other foreign businesses faced significant difficulties in the past year due to the weak rule of law, lack of government transparency, and preferential treatment for state-owned enterprises. Foreign businesses faced discriminatory monopoly investigations, intellectual property theft, and draft laws that will require the transfer of technology and encryption keys for information technology firms seeking a share of the Chinese market. Many of these actions contravene China's WTO commitments, but the United States has only initiated one WTO dispute in the past two-and-a-half years. As China's economy slows, U.S. media have reported on increasing difficulties for foreign companies due to China's emerging economic nationalism.

Ongoing Internet censorship continues to affect negatively the bottom lines of businesses and the ability of journalists to distribute news and information across borders. Google, Facebook, YouTube, Twitter, Bloomberg, Instagram, the New York Times, and many e-commerce websites remain blocked. Foreign journalists, who play a critical role reporting on financial and political information about China that their Chinese counterparts cannot cover, continue to face restrictions, harassment, surveillance, threats, and the detention of their local Chinese assistants. The difficulty in obtaining visas for foreign journalists seems to have eased somewhat in the past year, according to a survey done by the Foreign Correspondents' Club of China, but that same survey concluded that authorities continued to use the visa renewal and press accreditation process politically, targeting reporters and media organizations for their coverage that is critical of the Chinese government.

Despite seemingly high levels of unionization, the government-controlled All-China Federation of Trade Unions (ACFTU) is the only union workers may join. The ACFTU has proven ineffective in dealing with strikes, labor protests, and the needs of migrant workers. Chinese workers cannot freely join or organize independent unions. The government continued to curb the activities of labor NGOs, introducing registration hurdles and occasionally detaining NGO staff.

Positive Developments

Chinese authorities undertook initiatives and issued legislation with the potential to protect the rights of victims of domestic violence and improve environmental protections. A draft PRC Anti-Domestic Violence Law under consideration formally defines domestic violence in law for the first time and includes provisions for issuing restraining orders. Revisions to the PRC Environmental Protection Law went into effect in January 2015 with governmental pledges to improve enforcement of environmental laws. Some lawyers continue to report better access to criminal defendants since the revision of the PRC Criminal Procedure Law in 2012, but substantial impediments were reported in cases authorities deemed politically sensitive.

In February 2015, the Supreme People's Court publicly released its fourth five-year reform plan, which included limited calls for judicial independence when deciding some cases. Articles in state-run Chinese media were emphatic that the Chinese government was not adopting a model of judicial independence based on the United States or other "Western" nations. Chinese courts have also taken steps to increase judicial transparency.

This past year also brought significant changes to the PRC Administrative Litigation Law, which strengthens the framework for citizens to challenge government actions in court, including by expanding the scope of cases that may be heard in court. With millions of petitions (*xinfang*) filed annually, the revised law potentially could funnel some citizen complaints away from the petitioning system and into the courts. Amid these changes, lawyers who represented petitioners in cases the government deemed politically sensitive faced escalating reprisals and retribution.

The Chinese government made adjustments to the *hukou*, or household registration, system, which could ease registration if implemented effectively. The *hukou* system restricts access to health, education, and other social service benefits to China's rural migrants working in urban areas. Some local authorities continue to deny *hukou* to children born in violation of the Chinese government's population control policies. These children face difficulties accessing education and other government benefits.

KEY RECOMMENDATIONS

With the deteriorating human rights situation in China and rapidly changing bilateral and global dynamics in the Asia-Pacific region, the United States faces a multitude of serious challenges in promoting internationally recognized human rights standards in China. In chartering an effective, integrated diplomatic path forward, the Administration—in partnership with the Congress and in consultation with civil society—should consider employing tactics and points of leverage that are consistent with U.S. interests and values, prioritize the protection of victims of human rights abuses, and maximize available resources. The Commission recognizes that only China’s leaders and the Chinese people can determine the course and progress of their domestic affairs and the scope of China’s compliance with international standards. Yet given the strategic and economic interdependencies of the U.S.-China relationship, and the importance of rights protections for advancing U.S. interests, there is a critical role for principled U.S. leadership in advancing democratic governance, human rights, and the rule of law in China.

For these purposes, the Commission makes the following recommendations to Congress and the Administration to encourage China’s compliance with international human rights standards and the development of the rule of law.

- **Mainstreaming Human Rights Promotion.** The Administration should continue to expand interagency coordination and its stated “whole-of-government” approach to ensure that all agencies interacting with the Chinese government are prepared to discuss relevant human rights and rule of law issues in the over 90 bilateral dialogues and other high-level meetings that occur annually. Congress and the Administration should work together to consider whether legislation or other measures are needed to develop a human rights action plan for implementation across all U.S. Government agencies and entities. The plan could incorporate the development of targeted talking points and prisoner lists, support for all U.S. delegations visiting China, and coordination with various “People-to-People” and multitrack diplomatic efforts that include both governmental and non-governmental actors. Congress should consider requesting a one-time report outlining existing progress on interagency human rights coordination efforts from the Administration and a study of the effectiveness, utility, and outcomes of the U.S.-China Human Rights Dialogue from the Government Accountability Office.

- **Rebalancing the “Asia Pivot” Toward Human Rights.** The Administration’s efforts to refocus U.S. attention and resources toward the Asia-Pacific region has broad support in Congress, but there is a need for strategic coordination on ways to pursue U.S. interests in human rights and the rule of law. Congress could consider requesting a one-time interagency report from the Administration on its strategies for making promotion of human rights and the rule of law an integral part of U.S. policy in the region, incorporating human rights into U.S. trade and security policy, and coordinating with regional allies on raising human rights concerns with China. The Administration and Congress should work to-

gether, and with regional allies and policy specialists, on ways to bring China into a regional economic and security cooperation system that includes human rights and humanitarian dimensions, similar to the Organization of Security and Cooperation in Europe (OSCE). The inclusion of a “third basket” of human rights concerns is a critically important aspect to any regional architecture, particularly given China’s efforts to reinterpret international rules to suit its own purposes and the foundational importance of democratic governance, the rule of law, and rights protections to the long-term success of economic and security cooperation.

- **Strategic Use of Visa Policy and Other Diplomatic Tools.**

Congress and the Administration should work together to make better use of existing laws that restrict visa access to the United States for human rights violations, 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. The Administration and Congress should work together to consider whether additional legislation is needed to address human rights challenges in China, specifically restrictions on the free flow of news and information, visa delays or denials for journalists and scholars, trafficking in persons, prolonged arbitrary detention and torture, allegations of organ harvesting, and massive discrimination and violence in ethnic minority areas. Options such as prohibiting meetings with Chinese officials responsible for carrying out or authorizing human rights abuses or denying such individuals access to programs or institutions that receive U.S. Government funding should be considered.

- **Ending China’s Population Control Policies.** The Administration should consider raising the issue of China’s population control policies and discuss, as part of security, legal, trafficking, and human rights dialogues, concrete responses to potential humanitarian, economic, societal, and security problems exacerbated by China’s sex ratio imbalance. Congress and the Administration should work together to integrate the provisions of the Girls Count Act (P.L. 114–24) into foreign assistance programs for China and seek collaborative technical assistance and capacity-building projects with inter-governmental organizations that increase property and inheritance rights for girls, ensure official registration for all of China’s boys and girls, protect women and their families from the coercive aspects of China’s population control policies, and retrain officials who engaged in population control and coercive family planning efforts.

- **Human Trafficking and Forced Labor.** The Administration should ensure that existing laws and policies intended to prevent U.S. Government procurement of goods made with forced labor, prison labor, or child labor are applied to goods imported from China. Congress and the Administration should consider whether additional legislation or other measures are needed to remove obstacles to effective enforcement of U.S. laws, such as requiring businesses to publicly report on their efforts and policies to prevent human trafficking in their supply chains or by offering procurement contracts only to businesses that can certify that they have inspected their supply chains and made significant efforts to pre-

vent human trafficking. 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 modern-day slavery, and that the U.S. Department of State's Annual Trafficking in Persons Reports' "Tier Rankings" and country summaries accurately reflect current conditions.

- **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. The Administration and Congress should work together to determine whether to reconsider some or all of the Hong Kong Policy Act's provisions allowing separate treatment for Hong Kong, particularly given the increasing role played by the central government in deciding Hong Kong's political development and the corresponding erosions in Hong Kong's autonomy and freedom of expression. Members of Congress should consider expressing support for Hong Kong democracy and human rights through resolutions, statements, and meetings at the highest levels during visits to both mainland China and Hong Kong. The Administration and Congress should press the Chinese government to permit individuals who peacefully participated in the Hong Kong pro-democracy demonstrations to travel freely to mainland China.

- **Internet Freedom.** Congress and the Administration should support the expansion of programs that distribute technologies to help Chinese human rights advocates and civil society organizations circumvent Internet restrictions in China. Congress should expand Internet freedom programs at the U.S. Department of State and the Broadcasting Board of Governors (BBG) that fund non-governmental organizations and media outlets that promote the free flow of information and those that track, preserve, and recirculate media and Internet content produced within China that has been deleted by censors. Members of Congress should again urge the BBG to promptly use allocated Internet freedom funds to employ firewall circumvention technologies. The Administration should work through the WTO and its member states to encourage and enforce the elimination of China's barriers to freedom of information so as to facilitate market growth. With Internet freedom and an end to the censorship of cross-border news and information of critical interest to Chinese civil society, U.S. investors in Chinese stocks, and U.S. businesses operating in China, freedom of information "deliverables" should be incorporated into the U.S.-China Bilateral Investment Treaty and any future trade regime negotiated with China.

- **Ethnic Minorities.** The Administration and Congress should work together to build cooperative exchanges with Chinese officials on ways to balance civil rights and national security, to differentiate between peaceful dissent and acts of violence, to protect human rights during "anti-terrorism" campaigns, and to understand how expanding protections for the freedom of religion can promote stability and be an effective antidote to extremism. The Administration should consider raising issues of human rights alongside security and stability in China's ethnic minority regions at bilateral security and counterterrorism dialogues and in any bi-

lateral or multilateral discussions with Chinese military or policy officials. Congress should make sure that U.S. counterterrorism cooperation arrangements do not endorse or support the Chinese government's suppression of Chinese citizens, including Uyghurs, Tibetans, and other ethnic minorities. 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, the capital of the Tibet Autonomous Region, encouraging development projects that comply with the Tibet Project Principles, and urging renewed dialogue between representatives of the Chinese government and the Dalai Lama's representatives.

- **Press Freedom.** The Administration should consider giving greater priority to the problems of censorship and limited press freedom in China and link these issues to U.S. economic interests. Restrictions on the free flow of news and information should be treated as trade barriers affecting foreign media companies attempting to access the Chinese market and investors seeking uncensored information about China's political and business climate. The Office of the U.S. Trade Representative should ensure that protection for investing in news agency services and online media is included as part of the negotiations for the Bilateral Investment Treaty. The Administration and Congress should also work together on legislation or other measures to further protect U.S. and other foreign journalists in China, including by considering 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.

- **Commercial Rule of Law.** The Administration and Congress should ensure that the Chinese government makes concrete improvements in the policies outlined in this report that violate China's existing international trade obligations as a condition for progress in any U.S. trade-related negotiations with China. Congress and the Administration should consider opposing the inclusion of the yuan as a reserve currency by the International Monetary Fund until the Chinese government ends Internet censorship and restrictions on the media that violate China's international obligations to protect the freedom of expression. Congress should consider requesting updated briefings and/or a one-time report on the U.S.-China Strategic and Economic Dialogue (S&ED) and the U.S.-China Joint Commission on Commerce and Trade (JCCT) in order to examine the effectiveness of these dialogues in achieving and fulfilling significant commitments on U.S. priorities in the bilateral relationship.

- **Engaging in Multilateral Action.** The Administration should continue to raise pertinent human rights issues in multilateral institutions where the United States and China are members and expand coordination efforts with other countries and international organizations on human rights dialogues and technical assistance, public statements, information about human rights perpetrators and visa bans, prisoner cases, and support for victims' families. Given the scope of this year's detentions and disappearances of human rights lawyers and defenders and the ongoing use of torture, especially against political prisoners, the Administration

should consider, together with allies, introducing a resolution on China at the next session of the UN Human Rights Council. The Administration should also work with the United Nations to implement the Human Rights Upfront (HRuF) initiative in China to make sure that the protection of civilians is a core responsibility of UN officials, especially in anticipation of the 2022 Winter Olympic Games in Beijing and in light of the findings from the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea. In addition, the Administration should expand collaboration on efforts to encourage Chinese engagement with UN special rapporteurs and other special procedures, and to end the Chinese government's reprisals against human rights defenders trying to access UN human rights mechanisms.

- **Training Programs.** Congress should continue to support efforts by the Administration to encourage genuine democratic governance and rule of law in China and improve the well-being of Chinese citizens through capacity-building programs for non-governmental organizations (NGOs) and a wide range of exchanges. The Administration should look for creative ways to continue existing aid and grant programs despite the Chinese government's efforts to further suppress international and domestic civil society, and should work with foreign NGOs and other countries on a unified approach to China's draft PRC Overseas NGO Management Law and other security legislation drafted or enacted in the past year. The Administration and Congress should look to expand technical assistance and capacity-building programs where Chinese officials have made recent commitments, such as efforts to curb torture and wrongful convictions.

- **North Korean Refugees.** The Administration should prioritize implementation of key recommendations of the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (UN COI), including by urging China to protect asylum seekers, immediately halt its practice of forcibly repatriating people to North Korea, and provide the office of the UN High Commissioner for Refugees complete and unfettered access to North Korean refugees. Congress and the Administration should work together to fully implement the bipartisan North Korean Human Rights Act and to determine if additional legislation or other measures are needed to end what the UN COI characterized as "systematic, widespread and gross human rights violations" in North Korea.

Congress and the Administration should work with China, South Korea, and the United Nations to establish multilateral "First Asylum" arrangements for North Korean refugees, as was done for the Vietnamese boat people in the late 1970s. Arrangements should be negotiated with countries in the region to provide temporary asylum to North Korean refugees with the assurance that they will be permanently resettled elsewhere.

- **Individual Political Prisoner Cases.** In meetings with Chinese officials, the President, Cabinet Secretaries, other administration officials, and Congressional leaders should raise cases, both publicly and privately, of individual victims of religious or political repression. It is important that these discussions occur across the broad spectrum of U.S.-China interactions. The Secretaries of De-

fense, Education, Commerce, Labor, Homeland Security, and other agencies also should raise cases during regular interactions with Chinese officials.

U.S. Embassy and consular officials, including the Ambassador, should regularly seek visits with prominent prisoners, even if denied access, and should maintain contact with family members and associates of those unjustly detained or imprisoned. There is compelling evidence that even if case discussions do not immediately result in the end of repression or detention, conditions are often improved for individuals whose cases are raised, particularly if such cases are raised publicly.

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.