

FINDINGS AND RECOMMENDATIONS BY ISSUE

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

FREEDOM OF EXPRESSION

Findings

- The Chinese government and Communist Party continued to restrict expression in ways that contravened international human rights standards, including Article 19 of the International Covenant on Civil and Political Rights and Articles 19 and 29 of the Universal Declaration of Human Rights. While such standards permit countries in limited circumstances to restrict expression to protect interests such as national security and public order, official Chinese restrictions covered a broader range of activity, including peaceful dissent and expression critical of the Chinese Communist Party and government.
- The Chinese government continued to take steps to expand the country's telecommunications infrastructure and provide greater Internet access, particularly via mobile devices. There were 632 million Internet users in China at the end of June 2014, including 527 million who accessed the Internet from mobile devices.
- Officials in the Chinese government and Communist Party expressed heightened concerns regarding their ability to control the Internet and signaled a renewed effort to strengthen control. Some reports described the Internet or online public opinion as a "struggle," "battleground," or "new challenge and new test" for authorities, and some cited "propaganda and ideological work" guidance from President Xi Jinping as their basis. Authorities launched a campaign against popular microblogs, detaining over 100 microbloggers and contributing to, according to one study, a decrease in posts of as much as 70 percent on Weibo, the most popular microblogging platform.
- Chinese authorities continued to block and filter sensitive online content, in some cases through censorship campaigns. Under high-level Party leadership, officials launched a "Sweep Away Pornography, Strike Down Illegal Publications" campaign that appeared to give authorities leeway to strengthen government and Party control over the Internet more broadly. Among the topics censored this year were environmental protests, corruption investigations, and the 25th anniversary of the 1989 Tiananmen protests and their violent suppression. U.S. company Google experienced service disruptions in China shortly before the Tiananmen anniversary. Another U.S. company, LinkedIn, began censoring sensitive online content originating in China, including a video expressing support for vic-

tims of the violent suppression of the 1989 Tiananmen protests.

- Authorities continued to detain or harass rights and democracy advocates, Internet writers, human rights lawyers, citizen journalists, and others who exercised their right to freedom of speech in a crackdown that some international media and individuals in China described as the worst in recent decades. Authorities used vaguely worded criminal charges and extralegal harassment to punish citizens for free expression. Those detained or harassed for exercising freedom of expression included 16-year-old microblog user Yang Zhong; rights advocate Hu Jia; “citizen journalists” Liu Xuehong, Xing Jian, and Wang Jing; and Internet user Qin Zhihui. Liu Xia—an artist and poet, and the wife of imprisoned Nobel Peace Prize laureate Liu Xiaobo—remained under illegal home confinement with no charges reported against her. Authorities also targeted individuals who sought to commemorate the 1989 Tiananmen protests in private meetings, memorial services, or online spaces. Examples include leaders of the advocacy group Tiananmen Mothers Ding Zilin and You Weijie; filmmaker He Yang; Internet users Gu Yimin and Zhang Kunle; journalist Gao Yu; commemoration participants Chen Wei, Yu Shiwen, Shi Yu, Fang Yan, and Hou Shuai; and university student Zhao Huaxu.

- The Chinese government and Communist Party continued to control the press in violation of international standards. Beginning in 2014, China’s media regulator, the State Administration for Press, Publications, Radio, Film, and Television (SAPPRFT), began requiring the country’s 250,000 news reporters and staff to participate in a political training program as part of the annual press card renewal process. The program reportedly would include a test with content related to “socialism with Chinese characteristics” and the “Marxist view on the press.” SAPPRFT also instructed media organizations to forbid journalists from publishing reports that are critical without receiving approval from their employers, from reporting on issues outside of their designated issue areas, and from publishing critical reports through their own personal Web sites or publications.

- Outspoken journalists and newspaper staff continued to face reprisals for making comments officials deemed sensitive or conducting investigative reporting. Examples include the arrest of journalist Liu Hu, the firing of China Central Television journalist Wang Qinglei, the firing of Tencent journalist Zhang Jialong, the reassignment of journalist Luo Changping, and the detention of newspaper employee Xin Jian.

- International media organizations and U.S. Government officials expressed heightened concerns over the ability of foreign journalists to report independently in China. In December 2013, authorities delayed visa renewals for approximately two dozen journalists in connection with reports from their media organizations on the assets of Chinese leaders’ family members.

Recommendations

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

- Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists, the denial or delay of visas for foreign journalists, and the censoring or blockage of foreign media Web sites. Consistently link press freedoms to U.S. interests, noting how censorship and restrictions on journalists and media Web sites prevents the free flow of information on issues of public concern, including public health and environmental crises, food safety problems, and corruption, and acts as a trade barrier for foreign media and companies attempting to access the Chinese market. Raise these issues with Chinese officials during the Strategic and Economic Dialogue and other bilateral dialogues. Assess the extent to which China's treatment of foreign journalists contravenes its WTO or other obligations.
- Continue, and where appropriate expand, programs that develop and distribute widely technologies that will assist Chinese human rights advocates and civil society organizations in circumventing Internet restrictions, in order to access and share content protected under international human rights standards. Continue to expand Internet freedom programs at the Department of State and the Broadcasting Board of Governors for China to provide digital security training and capacity-building efforts for bloggers, journalists, civil society organizations, and human rights and Internet freedom activists in China.
- Raise with Chinese officials, during all appropriate bilateral discussions, the costs to U.S.-China relations and to the Chinese public's confidence in government institutions that occurs when the Chinese government restricts political debate, advocacy for democracy or human rights, and other forms of peaceful political expression. Emphasize that such restrictions contravene international standards for the restrictions on free expression, particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Articles 19 and 29 of the Universal Declaration of Human Rights. Emphasize that such restrictions erode confidence in media and government institutions. Submit questions for China's next Universal Periodic Review asking China to explain what steps it will take to ensure its restrictions on free expression conform to international standards.
- Urge Chinese officials to end unlawful detention and official harassment of Chinese activists, lawyers, and journalists subject to reprisals for exercising their right to freedom of expression. Call on officials to end the illegal home confinement of individuals such as Liu Xia; and release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as Qin Zhihui, Gu Yimin, Zhang Kunle, Gao Yu, Yu Shiwen, and Hou Shuai. Raise these cases in bilateral

dialogues, such as the U.S.-China Human Rights Dialogue, U.S.-China Legal Experts Dialogue, and Strategic and Economic Dialogue, as well as through multilateral mechanisms, such as the UN Human Rights Council's Universal Periodic Review and the UN Working Group on Arbitrary Detention.

WORKER RIGHTS

Findings

- The Chinese government's laws and practices continue to contravene international standards on freedom of association. Chinese workers are not free to form or join trade unions of their own choosing. The All-China Federation of Trade Unions (ACFTU), the official union under the direction of the Chinese government and Communist Party, is the only legal trade union organization in China.
- The ACFTU continues to prioritize economic development and "social stability" in its approach to labor relations, while ACFTU support for workers has remained largely absent amid continued labor unrest.
- Collective bargaining in China remains limited in both law and practice. Despite the ACFTU's promotion of collective contracts and collective wage bargaining in recent years, the collective contract and consultation process remains problematic in part because trade unions lack autonomy and genuine worker representation.
- In the absence of effective support by the ACFTU, labor non-governmental organizations (NGOs) and other civil society actors have emerged to play a larger role in advising and supporting workers. Representatives of such organizations, however, face harassment and detention. In April 2014, authorities detained labor NGO workers Zhang Zhiru and Lin Dong for assisting striking workers at a shoe factory in Dongguan municipality, Guangdong province. Many labor rights organizations also operate under uncertain conditions as they often are unable to register as a "social organization" with authorities.
- The Commission continued to observe reports of workers organizing strikes and demonstrations in a variety of industries and regions across China, often prompted by systemic labor-related grievances, such as factory closings or relocations, and nonpayment of wages and benefits. Chinese authorities had varied responses to labor protests, in some cases tolerating strikes that were limited to demands for wages and benefits. At the same time, the Commission continued to observe reports of authorities using force against or detaining demonstrating workers.
- A reported increase in labor unrest comes amid widespread economic and demographic shifts that observers contend are emboldening workers and affording them greater bargaining power in the workplace. Moreover, experts contend the increased activism of workers reflects a growing awareness of their rights and a greater confidence in taking collective action to redress workplace grievances.

- Migrant workers remained marginalized and vulnerable to exploitation in the workplace, facing problems such as wage arrears, social discrimination, and low levels of labor and social welfare protection. Continued barriers to public services in urban areas have led to an estimated 61 million migrant children being left behind by their parents to be raised in the countryside by other guardians or alone. These children reportedly have higher school dropout rates and are more at risk of sexual abuse.
- Despite China's laws and commitments under international standards prohibiting child labor, the use of underage workers remained evident in the electronics manufacturing industry, with instances also reported in other sectors. In December 2013, Chinese media reported on the discovery of at least nine underage workers working in two electronics factories in Shenzhen municipality, Guangdong province. Systemic problems in enforcement and a lack of sufficient resources reportedly continue to constrain efforts to reduce child labor.
- Dispatch labor continues to be a significant problem despite legal reforms in recent years intended to limit its proliferation. In January 2014, the Ministry of Human Resources and Social Security issued the Interim Provisions on Labor Dispatch, which should restrict the use of dispatch labor. At the same time, the heavy reliance on dispatch labor by a number of industries presents a clear challenge to achieving these limits.
- Despite wage levels continuing to increase this past year, the rate of increase has not kept pace with rising living costs, particularly for food and housing. Income inequality between different regions, industrial sectors, and groups of workers has steadily increased.
- Workers in China continue to face significant occupational health and safety risks. Officially reported fatalities have been consistently reduced over the past few years; however, unsafe working conditions and workplace abuses remain common. Despite legal measures aimed at preventing workplace accidents and establishing a system to handle safety violations, systemic problems in implementation and enforcement, as well as the lack of meaningful worker participation in workplace decisions that impact safety and health continue to constrain efforts to reduce industrial accidents.

Recommendations

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

- Ensure existing laws and policies intended to prevent the importation or government purchase of goods made with forced labor, prison labor, or child labor, including Section 1307 of the Tariff Act of 1930, Executive Order 13126 (Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor), Executive Order 13627 (Strengthening Protections Against Trafficking in Persons in Federal Contracts), effectively address forced labor, prison labor, and child labor concerns in China, and consider whether additional legislation or

other measures are necessary to increase supply chain transparency, close loopholes such as the consumptive demand exemption in the Tariff Act, remove obstacles to effective enforcement of U.S. trade law, and ensure that parties live up to existing agreements regarding trade and forced and prison labor products being exported to the United States.

- Reexamine the 1992 Memorandum of Understanding on Prison Labor and 1994 Statement of Cooperation between the United States and China in light of the Chinese government's lack of compliance with its obligations under these bilateral agreements and consider whether additional legislation or other measures are necessary to prevent the importation of goods from China manufactured through prison labor. Increase the presence and resources of Immigration and Customs Enforcement officers in China to better pursue investigations into the importation of forced labor products.

- Engage in dialogue with government officials, workers, and trade union officials in locations that have experienced successful cases of collective bargaining and identify ways to increase awareness of those experiences including through sponsoring education initiatives and conferences on collective bargaining that bring together civil society, trade union officials, workers, and government officials. Where possible, prioritize programs that demonstrate the ability to conduct collective bargaining pilot projects in enterprises with no functioning union present.

- Convey support in all appropriate bilateral dialogues for functioning collective bargaining and direct elections of trade union representatives, emphasizing the benefits increased worker representation have for resolving workplace grievances and preventing wildcat strikes. Engage in dialogue with government, trade union officials, and employers to identify opportunities to increase awareness of successful experiences with direct elections of trade union representatives and to provide elected trade union officials with ongoing training and support.

- Support the U.S. Department of Labor's annual Labor Dialogue and its annual Work Safety Dialogue with the Chinese government. Support the ongoing cooperation between the U.S. Department of Labor and the China National Coal Association by increasing work on and funding for technical cooperation and exchange projects regarding industry regulatory compliance, worker representation at coal mines, and safety and health improvements.

- Encourage the expansion of exchanges among U.S. collective bargaining practitioners and Chinese labor rights advocates in non-governmental organizations, lawyers' associations, academia, and the official trade union through conferences and other exchange projects sponsored by relevant U.S. government agencies. Prioritize exchanges that emphasize face-to-face meetings with hands-on practitioners and trainers.

- Engage the Chinese government in discussions about establishing a multi-stakeholder initiative to address the challenges of child labor and its root causes, including policies and programs to provide access to education and to alleviate poverty. Participants in the initiative would include the U.S. and Chi-

nese Governments, multinational corporations, and relevant civil society organizations.

- Encourage Chinese officials through all appropriate bilateral discussions to publish detailed statistical data on child labor and information on measures taken to prevent the employment of children under the age of 16. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations involved in defending the rights of workers. Encourage Chinese officials at local levels to develop, maintain, and deepen relationships with labor organizations and businesses inside and outside of China, and to invite these groups to increase the number of training programs in China.
- Support China's increased engagement and cooperation with the International Labour Organization (ILO) through selected funding for ILO technical cooperation projects with China. Request that the ILO increase its work with China on observing core labor standards including freedom of association and the right to organize.

CRIMINAL JUSTICE

Findings

- Developments in criminal justice this year were driven by the Chinese Communist Party and government's paramount concerns: "maintaining social stability" (*weiwen*) and ensuring the continuance of one-party rule.
- Chinese authorities have intensified their use of vaguely defined non-political crimes to suppress and punish dissent, rights advocacy, and perceived challenges to Party rule. For example, Xu Zhiyong, a prominent rights advocate and a promoter of the New Citizens' Movement was sentenced to four years in prison in January 2014 for "gathering a crowd to disturb order in a public place." Authorities criminally detained public interest lawyer Pu Zhiqiang and a number of other rights advocates and lawyers for "picking quarrels and provoking trouble" in the run-up to the 25th anniversary of the violent suppression of the 1989 Tiananmen protests.
- The Chinese government announced the abolition of the extrajudicial reeducation through labor (RTL) system, a move that was welcomed domestically and by the international community, including this Commission. However, many other forms of extrajudicial detention remain (including custody and education, compulsory drug detox centers, "legal education centers," "reprimand centers," and other forms of "black jails"), which authorities are reportedly using more frequently to arbitrarily detain citizens in the aftermath of the abolition of RTL.
- Reports indicate that since the revised PRC Criminal Procedure Law (CPL) took effect on January 1, 2013 the ability of criminal defense lawyers to meet with their detained clients has improved except in "politically sensitive" cases. Although the revised CPL contains provisions aimed at increasing the rate at which witnesses appear in court to provide testimony in criminal cases and excluding illegally obtained evidence, thus far there has been little improvement. Provisions in the

CPL that, if implemented effectively, would enhance rights of criminal suspects and defendants, are routinely ignored by authorities in “politically sensitive” cases. For example, Uyghur scholar Ilham Tohti was held incommunicado for more than five months without access to his lawyer, and Urumqi procuratorial authorities failed to provide advance notice to Tohti’s lawyer before his indictment, in contravention of the CPL. Courts also denied lawyers’ witness requests in the trials of Pastor Zhang Shaojie and rights advocate Xu Zhiyong.

- A disturbing development that emerged during this reporting year was authorities’ use of state television to broadcast the videotaped “confessions” of several high-profile suspects, including veteran journalist Gao Yu and Sichuan mining tycoon Liu Han. Such “confessions”—obtained while in police custody and without the presence of a lawyer—deprive detainees of their fair trial rights and presumption of innocence.

- The government and Party have continued to highlight the problem of confessions coerced through torture and wrongful convictions. Torture and abuse in custody nevertheless remained prevalent. In spring 2014, for example, authorities detained and tortured four human rights lawyers who sought to provide legal assistance to unlawfully detained Falun Gong practitioners in Heilongjiang province. Torture is pervasive in “legal education centers” and other detention facilities that are used to detain Falun Gong practitioners.

- The denial of adequate, timely medical care for detainees garnered much attention this year when authorities denied necessary medical care to activist Cao Shunli, who died two weeks after her release from detention. Other detainees whose health was at risk in 2014 include Ilham Tohti and Chen Kegui.

- The government continued to treat data on the use of the death penalty as a “state secret” and rejected recommendations made during its Universal Periodic Review in October 2013 that it publish official statistics on the application of the death penalty. Although the trend is toward fewer executions in China, according to Amnesty International, the Chinese government executed more people in 2013 than the rest of the world combined. The government has stated that it will further reduce the number of death penalty eligible crimes, which currently stands at 55.

- Organs are still harvested from executed prisoners. In April 2014, a health official stated that the Chinese government was unable to announce a specific timetable for ending the practice of using the organs of executed prisoners for organ transplants because of the low number of donors and a severe organ shortage.

Recommendations

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

- Urge the Chinese government to publicly commit to a specific timetable for ratification of the International Covenant on

Civil and Political Rights (ICCPR), which the Chinese government signed in 1998 but has not yet ratified.

- Call on the Chinese government to abolish all forms of extrajudicial detention, including compulsory drug detoxification centers, custody and education facilities, “legal education centers,” “reprimand centers,” and other forms of “black jails,” and ensure that the fair trial rights of Chinese citizens under the Universal Declaration of Human Rights and the ICCPR are guaranteed.

- Encourage the Chinese government to establish an independent national human rights institution (NHRI) for the protection and promotion of human rights according to the Paris Principles, as was recently recommended by the UN Committee on Economic, Social and Cultural Rights after its review of China’s compliance with the International Covenant on Economic, Social and Cultural Rights in May 2014. The NHRI could focus its work in a manner that reflects priorities established by the UN Office of the High Commissioner for Human Rights, such as prevention of arbitrary detention and torture.

- Urge China to release Chinese citizens who have been detained or imprisoned for vague crimes in connection with their rights activism and advocacy, such as Xu Zhiyong, and public interest lawyers Pu Zhiqiang and Chang Boyang. Support technical assistance and exchange programs that focus on issues relating to health care in detention facilities, including health care standards and their formulation, funding mechanisms, delivery of services, complaint procedures, and monitoring and oversight.

- Remind the Chinese government of its commitment to invite the UN High Commissioner for Human Rights to visit China, and encourage China to issue an invitation promptly.

- Press China to extend invitations to all UN special rapporteurs and other special procedures that have requested to visit China, including the UN Working Group on Enforced or Involuntary Disappearances, the special rapporteurs on freedom of association and assembly, the situation of human rights defenders, and the independence of judges and lawyers.

- Support programs and international cooperation on issues relating to the role of criminal defense lawyers in defending rights of suspects and defendants through the criminal justice process, in particular the critical role of witnesses in criminal trials and mechanisms for their protection.

- Urge China to announce a specific timetable for ending the practice of harvesting organs from executed prisoners.

FREEDOM OF RELIGION

Findings

- The Chinese government continued to restrict Chinese citizens’ freedom of religion during the Commission’s 2014 reporting year. China’s Constitution guarantees “freedom of religious belief” but limits protection only to “normal religious activities,” a term applied in a manner that contravenes international human rights protections for freedom of religion, in-

cluding Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights. The Chinese government continued to recognize only five religions—Buddhism, Catholicism, Islam, Protestantism, and Taoism. Groups wishing to practice these religions are required to register with the government and are subject to ongoing government controls. Both registered and unregistered religious groups deemed to run afoul of state-set parameters continued to face harassment, detention, imprisonment, and other abuses, and the government continued to outlaw some religious and spiritual communities, including Falun Gong.

- The Chinese government continued to use laws, regulations, and policy measures to control religious practices in China, rather than protect the religious freedom of all Chinese citizens.
- Authorities continued to ensure that Buddhist doctrine and practice conform to government and Chinese Communist Party objectives.
- Authorities continued to deny Catholics in China the freedom to accept the authority of the Holy See to select bishops. Authorities harassed and detained Catholic clergy who refused to cooperate with the government and Party, including Bishop Joseph Fan Zhongliang (d. March 2014), Bishop Thaddeus Ma Daqin, priests Tian Dalong and Peng Weizhao.
- Authorities launched a three-year (2013–2015) “decisive battle” campaign aimed at reducing Falun Gong activities and “transforming” Falun Gong practitioners. The new campaign has been carried out at all levels of government, and authorities set specific “transformation” quotas to meet local goals. Authorities harassed and detained persons who attempted to assist Falun Gong practitioners, including four lawyers who attempted to provide legal assistance to Falun Gong practitioners detained at the Jiansanjiang “legal education center” in Heilongjiang province.
- Authorities continued to regulate the confirmation of Islamic religious leaders and annual overseas pilgrimages. Local governments across China continued to control the content of sermons and the interpretation of Islamic scriptures. Authorities in the Xinjiang Uyghur Autonomous Region banned Uyghur Muslim students, civil servants, and hospital employees from observing Ramadan. In contrast, Chinese authorities afforded Hui Muslims greater freedom of religion, allowing them to observe Ramadan and to make overseas pilgrimages in growing numbers.
- The government and Party continued to control and guide the interpretation of Protestant doctrine and theology in an effort to conform the Christian faith to Party goals and ideology. Chinese authorities harassed, detained, imprisoned, and interfered with religious activities of members of both registered and unregistered Protestant communities who ran afoul of government or Party policy. This past year, the Commission observed a trend of increasing government harassment against officially sanctioned churches. In particular, authorities in

Zhejiang province launched a three-year campaign (2013–2015) to address “illegal structures” and targeted both registered and unregistered protestant churches for church demolition and cross removal.

- Authorities maintained control over Taoist doctrine, clergy appointments, sites of worship, and religious activities.
- Despite lacking formal central government recognition, some religious communities, such as the Eastern Orthodox Church, have been able to operate inside China, and continued to appeal to the Chinese government for official recognition.

Recommendations

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

- Call on the Chinese government to guarantee to all citizens freedom of religion in accordance with Article 18 of the Universal Declaration of Human Rights and to remove its framework for recognizing only select religious communities for limited state protections. Stress to Chinese authorities that freedom of religion includes the right to freely adopt and practice religious beliefs, and that China’s limited protections for “normal religious activities” do not meet international standards for freedom of religion.
- Stress to the Chinese government that the right to freedom of religion includes: the right of Buddhists to carry out activities in temples independent of state controls over religion, the right of Buddhist clergy to select monastic teachers under Buddhist procedures and standards, and the right of Tibetan Buddhists to express openly their respect or devotion to Tibetan Buddhist teachers, including the Dalai Lama; the right of Catholics to recognize the authority of the Holy See in matters relating to the practice of their faith, including to make bishop appointments; the right of Falun Gong practitioners to freely practice Falun Gong inside China; the right of Muslims to engage in preaching, overseas pilgrimage, the selection and training of religious leaders, and the observance of Ramadan without state interference; the right of Protestants to worship free from state controls over doctrine and worship, free from harassment, detention, and other abuses for public and private manifestations of their faith, including the display of crosses; and the right of Taoists to interpret their teachings free from government guidance.
- Call for the release of Chinese citizens confined, detained, or imprisoned for peacefully pursuing their religious beliefs including the right to hold and exercise those beliefs. Such prisoners include: Sonam Lhatso (a Tibetan Buddhist nun sentenced in 2009 to 10 years’ imprisonment for her activism calling for Tibetan independence and the Dalai Lama’s return to Tibet); Thaddeus Ma Daqin (the Auxiliary Bishop of the Shanghai diocese who has been under extralegal confinement since July 2012 for renouncing his affiliation with the Chinese Catholic Patriotic Association); Wang Zhiwen (a Falun Gong practitioner serving a 16-year sentence for organizing peaceful

protests in 1999); Abdukiram Abduveli (a Uyghur religious leader who has been imprisoned for 21 years, and is now serving an additional sentence that expires in 2019); Zhang Shaojie (a pastor of an officially sanctioned church in Nanle county, Henan province, sentenced to 12 years in prison for a church land dispute with the local government); and other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

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

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

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

ETHNIC MINORITY RIGHTS

Findings

- During the 2014 reporting year, Chinese authorities enforced harsh restrictions and crackdowns on ethnic minorities, particularly those living in the Tibet Autonomous Region (TAR) and other Tibetan autonomous areas of China, the Xinjiang Uyghur Autonomous Region (XUAR), and the Inner Mongolia Autonomous Region (IMAR). Authorities tightened controls on ethnic minority advocates who sought to peacefully assert their distinct cultural, linguistic, and religious identities and who criticized state policies.

- During the 2014 reporting year, Mongol herders protested state and private exploitation of their traditional grazing lands, raising concerns such as inadequate compensation, loss of livelihood due to environmental destruction, and involuntary

resettlement. Security officials reportedly detained and beat many of the herders and obstructed the protests.

- On May 13, 2014, Mongolian authorities reportedly forcibly returned Mongol rights advocates Dalaibaatar Dovchin and Tulguur Norovrinchen to China. The forced repatriation of the two rights advocates suggests increased Chinese government pressure on Mongolian authorities to restrict rights advocacy carried out by Chinese citizens in Mongolia. At the time of their deportation, Dovchin reportedly had a valid student visa and Norovrinchen reportedly had a valid Asylum Seeker Certificate issued by the UN High Commissioner for Refugees.
- During the 2014 reporting year, Mongol rights advocate Hada remained in poor health in extralegal detention despite his completion of a 15-year prison sentence on December 10, 2010. Hada's case highlights state repression of Mongols' peaceful protest and assertions of cultural identity. According to Hada's wife Xinna, authorities threatened her with detention after she spoke publicly about her husband's continued extralegal detention, and maintained restrictions, including on the freedom of movement, on her and the couple's son, Uiles.

Recommendations

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

- Continue to build the capacity of Mongol, Uyghur, and Tibetan groups working to advance human rights, environmental, and economic development and rule of law in China through U.S. foreign assistance funding and through encouraging additional support from both United Nations and non-governmental sources.
- Using forums including the U.S.-China Joint Committee on Environmental Cooperation and the U.S.-China Energy Policy Dialogue, urge Chinese officials to investigate the environmental impact of the dumping of toxic waste due to mining activities in the IMAR, and urge IMAR officials to examine herders' complaints regarding the death of livestock and degradation of grazing lands due to pollution caused by mining and other development projects. Convey to the Chinese government the importance of respecting and protecting ethnic minority cultures and languages. In accordance with the Regional Ethnic Autonomy Law, urge Chinese officials to provide ethnic minority students and parents a choice of what language or languages of instruction should be used at schools they attend in the TAR, XUAR, and IMAR.
- Urge Chinese authorities to refrain from pressuring the government of Mongolia to forcibly return Mongol Chinese citizens due to their rights advocacy. Under the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, to which China has acceded and to which Mongolia is considering accession, countries are obligated to refrain from repatriating those who fear persecution upon return to their country of origin.

- Call on the Chinese government to release people detained or imprisoned for advocating ethnic minority rights, including Mongol rights advocate Hada, former medical school principal Batzangaa, and other prisoners mentioned in this report and in the Commission's Political Prisoner Database.
- Urge Chinese authorities to end restrictions on the freedom of movement and other unlawful restrictions against Hada's wife Xinna and son Uiles. The Universal Declaration of Human Rights grants "everyone . . . the right to freedom of movement and residence within the borders of each state." Urge Chinese authorities to engage with the Chairperson-Rapporteur of the UN Working Group on Arbitrary Detention regarding Hada's continued detention.

POPULATION PLANNING

Findings

- In November 2013, the Chinese government announced a slight modification of China's population planning policy, allowing couples to bear a second child if one parent is an only child. Experts predict the change will affect a limited number of couples, mostly concentrated in urban areas. In addition, experts anticipate that many couples may choose not to bear a second child even if they are now eligible. Thus far China has seen a smaller increase in births than predicted. Meanwhile, Chinese and international experts continued calls for the cancellation of the one-child policy.
- Chinese government officials continued to implement population planning policies that interfere with and control the reproductive lives of Chinese citizens, especially women. Officials employed various methods including fines, withholding of social benefits and permits, forced sterilization, forced abortion, and arbitrary detention to punish policy violators.
- The PRC Population and Family Planning Law is not consistent with standards set forth in international agreements, including the 1995 Beijing Declaration and the 1994 Programme of Action of the Cairo International Conference on Population and Development. Controls imposed on Chinese women and their families, and additional abuses engendered by the system, from forced abortion to discriminatory policies against "out-of-plan" children, also violate standards set in the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. China is a State Party to these treaties and has committed to upholding their terms.
- Chinese law prohibits official infringement upon the rights and interests of citizens while implementing population planning policies but does not define what constitutes a citizen's right or interest. Chinese law does not stipulate punishments for officials who demand or implement forced abortions. Provincial population planning regulations in at least 22 of China's 31 provinces explicitly instruct officials to implement abortions for "out-of-plan" pregnancies, often referred to as a "remedial

measure” (*bujiu cuoshi*), with no apparent requirement for parents’ consent.

- The Chinese government’s population planning policies continue to exacerbate the country’s demographic challenges, which include an aging population, diminishing workforce, and skewed sex ratio.
- Reports emerged highlighting local governments’ misuse or incomplete disclosure of money collected through population planning fines (termed “social maintenance fees”), noting that in some localities officials were permitted to retain a percentage of proceeds made from these fees, and that in some cases officials spent collected “fees” on personal expenditures. Such monetary benefits could serve as incentives for officials to implement illegal or coercive collection measures.
- Authorities in some localities denied birth permits and *hukous*—household registration permits—for children whose parents disobeyed local family planning requirements. People who lack *hukous* in China face considerable difficulty accessing social benefits afforded to registered citizens.

Recommendations

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

- Publicly link, wherever there is supporting evidence, the imbalanced sex ratios exacerbated by China’s population planning policies with potential regional humanitarian and security concerns—trafficking, crime, increased internal and external migrations, and other possible serious social, economic, and political problems—and discuss these issues in bilateral security dialogues.
- Urge the Chinese government to take recent policy relaxations further, abolishing all birth restrictions on families, and instead employing a human rights-based approach to providing freedom to build their families as they see fit and privacy for all citizens, especially women. In meetings with the Chinese government, highlight the concluding observations of the Committee on the Rights of the Child.
- Press Chinese officials to reevaluate the PRC Population and Family Planning Law and bring it into conformance with international standards set forth in international agreements, including the 1995 Beijing Declaration; the 1994 Programme of Action of the Cairo International Conference on Population and Development; the Convention on the Rights of the Child; and the International Covenant on Economic, Social and Cultural Rights.
- Call on China’s central and local governments to vigorously enforce provisions under Chinese law that provide for punishment of officials and other individuals who violate the rights of citizens when implementing population planning policies and to clearly define what these rights entail. Urge the Chinese government to establish penalties, including specific criminal and financial penalties, for officials and individuals found to commit abuses such as coercive abortion and coercive

sterilization—practices that continue in China. Urge the Chinese government to prohibit material, career, and financial incentives and disincentives that motivate officials to use coercive or unlawful practices in implementing family planning policies.

- Encourage the Chinese government to ensure citizens’ lawful right to the knowledge of various contraceptive methods available to them and to ensure citizens’ right to choose whether and which to use.
- Support the development of international cooperation and legal aid and training programs that help citizens pursue compensation under the PRC State Compensation Law and that help citizens pursue other remedies from the government for injuries suffered as a result of official abuse related to China’s population planning policies.
- Urge Chinese authorities to heed the recommendations of the UN Committee on the Rights of the Child to “reform family planning policies in order to remove all forms of penalties and practices that deter parents or guardians from registering their children” and “abandon the *hukou* system in order to ensure birth registration for all children.”

FREEDOM OF RESIDENCE AND MOVEMENT

Findings

- The Chinese government continued to largely enforce the household registration (*hukou*) system first established in 1958. This system limits the right of Chinese citizens to freely determine their place of residence. The *hukou* system’s regulations classify Chinese citizens as either rural or urban and confer legal rights and access to social services based on that classification. The implementation of these regulations discriminates against rural *hukou* holders who migrate to urban areas by denying them equal access to social benefits and public services enjoyed by registered urban residents. The *hukou* system conflicts with international human rights standards guaranteeing freedom to choose one’s residence and prohibiting discrimination on the basis of “national or social origin, birth or other status.”
- The Chinese government continued to make uneven progress toward reforming the *hukou* system. The State Council and Central Committee of the Chinese Communist Party issued a plan for urbanization in March 2014 that anticipates 100 million people obtaining urban *hukou* status by 2020. The plan, however, does not provide for issuing urban *hukous* to all migrants moving to cities. Instead, it calls for easing restrictions on urban *hukous* according to city size, retaining strict control over the populations of large cities but loosening restrictions on smaller cities.
- Several local governments have proposed or implemented policies that seek to ease restrictions on some rights and privileges of migrants lacking urban *hukous*. However, a number of these reforms carry qualifying conditions which many migrants

find difficult to meet, including educational, financial, and employment requirements, among others.

- Chinese officials continued to deny citizens who criticize the government their internationally recognized right to leave the country. There were numerous reports of dissidents being denied passports and the right to exit the country. Uyghurs and Tibetans, in particular, continued to face heavy restrictions on obtaining passports. The Chinese government also continued to deny the right of return to those expressing views the government perceives to be threatening, in violation of international standards.
- Chinese authorities continued to violate the internationally recognized right which provides that “[e]veryone lawfully within the territory of a State shall . . . have the right to liberty of movement . . .” Authorities increased restrictions on freedom of movement during politically sensitive periods, preventing, for example, human rights lawyer Mo Shaoping from meeting with the German vice chancellor in Beijing municipality in April 2014, and Tibetan writer and activist Tsering Woeser from attending an event she had been invited to at the U.S. Embassy during the U.S.-China Strategic and Economic Dialogue in July.

Recommendations

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

- Support programs, organizations, and exchanges with Chinese policymakers and academic institutions engaged in research and outreach to migrant workers in order to advance legal assistance and anti-discrimination programs for migrant workers and encourage policy debates on the *hukou* system.
- Encourage U.S. academic and public policy institutions to consult with the Commission on avenues for outreach to Chinese academic and public policy figures engaged in policy debates on the reform and eventual abolition of the *hukou* system.
- Stress to Chinese government officials that noncompliance with international agreements regarding freedom of movement negatively affects confidence outside of China that the Chinese government is committed to complying with international standards more generally.
- Raise specifically Chinese authorities’ restrictions on the freedom of movement of rights defenders, advocates, critics, and their families, including, among others: Liu Xia, an artist and poet, and the wife of imprisoned Nobel Peace Prize laureate Liu Xiaobo; Catholic bishop Thaddeus Ma Daqin; and Tibetan writer and activist Tsering Woeser; and restrictions on the right to leave the country and the right of return, for example, in the cases of the late human rights defender Cao Shunli and rights advocate Yang Jianli.

STATUS OF WOMEN

Findings

- Chinese laws contain provisions that aim to protect women’s rights, but ambiguity and lack of clearly outlined duties for law enforcement agencies and private entities hamper implementation.
- The UN Committee on Economic, Social and Cultural Rights issued its concluding observations on the second periodic report of China in May 2014, noting persistent gender disparities in China, “especially in relation to employment, wages, housing and access to higher education” as well as “the disadvantaged position of rural women, in particular in having access to education, health, employment and land tenure”
- Female representation in all levels of government in China falls short of international standards and standards under Chinese law, underscoring long-held concerns about protection of women’s rights and interests.
- Gender-based discrimination continues in employment and education in China despite provisions under Chinese law that prohibit it. Employers continue to discriminate against women in recruitment, promotion, wages, and retirement. Universities across China implement gender restrictions in enrollment.
- Domestic violence reportedly affects 25 percent of Chinese families, yet national-level legal provisions lack a clear definition of domestic violence and do not specify the duties of public and private sector organizations in prevention, punishment, and treatment. The Supreme People’s Court issued a report in February 2014 providing 10 model cases that aimed to guide lower courts in adjudication of domestic violence criminal cases. As of June 2014, draft domestic violence legislation reportedly had been included in the State Council’s 2014 legislative work plan.
- Chinese law fails to adequately define, prevent, and punish acts of sexual violence against women, including rape, forced prostitution, and sexual harassment. Central authorities issued several guiding documents this past year that aim to strengthen prevention and punishment of the sexual assault of a child. Advocates continue to call for authorities to close loopholes in Chinese law that may allow lighter punishments for perpetrators whose victims are between 12 and 14 years old.
- Local officials continue to employ coercion and violence against women—including forced abortions, forced sterilizations, and forced contraceptive use—while implementing national and local population planning policies. Over 1,000 Chinese women sent a letter calling on Chinese officials to “protect women’s right to life and health” during the drafting and execution of China’s population planning policies.
- In violation of Chinese law, authorities continue to subject women to arbitrary detention, extortion, physical violence, verbal abuse, and forced labor in the enforcement of anti-prostitution laws.

Recommendations

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

- Support exchanges, training, and legal programs in China that increase women's political participation, promote women's land rights, educate women vis-à-vis rights awareness and advocacy, and increase supervision over village committees to ensure adequate protection of women's rights and interests in accordance with national-level laws and policies.
- Press the Chinese government to faithfully implement the recommendations from the UN Committee on Economic, Social and Cultural Rights following its review of China in May 2014, to adopt measures to (a) "ensure the strict enforcement of the Law on the Protection of the Rights and Interests of Women"; (b) "eliminate the persistent disparities between men and women and promote full access to higher education, employment and housing"; (c) "eliminate the persistent gender wage gap"; and (d) "eliminate multiple-discrimination faced by rural women, in particular in access to education, health, employment and land tenure."
- Press the Chinese government to enact comprehensive national-level legislation that clearly defines domestic violence in criminal and civil law, allocates adequate resources for addressing domestic violence, assigns responsibilities to government and civil society organizations in addressing domestic violence, details procedures for victim support and protection, and specifies punishments for offenders. Urge officials to release drafts of this legislation for public comment. Support technical assistance programs that increase awareness among judicial and law enforcement personnel on issues pertaining to domestic violence.
- Urge the Chinese government to revise or enact comprehensive national-level legislation to provide a clear definition of sexual harassment and specific standards and procedures for prevention and punishment. Support technical assistance programs that increase awareness among judicial and law enforcement personnel on issues pertaining to sexual harassment. One area in which the U.S. Government could offer technical assistance is in developing workplace protocols and reporting mechanisms that ensure confidentiality and prevent retaliation.
- Encourage the Chinese government to heed the recommendations of the UN Committee on the Elimination of Discrimination against Women to incorporate gender education into the training of judges, judicial officers, lawyers, and prosecutors.
- Call on the Chinese government to stop coercion and violence against women during population planning implementation and to clarify provisions under Chinese law that would protect women against such abuses. Urge the Chinese government to establish specific penalties for those who engage in coercive or violent population planning enforcement, including

forced abortion, forced sterilization, and forced contraceptive use.

HUMAN TRAFFICKING

Findings

- China remains a country of origin, transit, and destination for the trafficking of men, women, and children. The majority of human trafficking cases are domestic and involve trafficking for sexual exploitation, forced labor, and forced marriage. The full extent of the forced labor problem in China is unclear, as the Chinese government releases limited relevant statistics.
- Chinese and international experts link China's ongoing human trafficking problem to several political, demographic, economic, and social factors, including a severely skewed sex ratio, lack of awareness and education on trafficking prevention, and challenging conditions in border countries.
- The Chinese government acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol) in December 2009 and has since taken steps to revise domestic legislation and update policy efforts to comply with the UN TIP Protocol. The State Council tasked local governments with implementing a 2013–2020 national anti-trafficking action plan, and one year in, it is difficult to assess whether the State Council has provided adequate resources and training to local authorities for implementing the plan's objectives or whether local governments are able to budget the funds necessary to finance anti-trafficking work as the plan has recommended.
- As Chinese law conflates human smuggling, illegal adoption, and child abduction with human trafficking, accurate official statistics on the number of trafficking cases the government investigated and prosecuted during this reporting year are not available. In cooperation with international organizations, Chinese authorities took steps to improve protection, services, and care for victims of trafficking, but appeared to continue focusing efforts only on women and children. Chinese authorities did not release detailed information on services provided or the number of victims identified and assisted.
- The Chinese government does not offer legal alternatives to deportation for foreign victims of trafficking and continues to deport North Korean refugees under the classification of "economic migrants," regardless of whether or not they are victims of trafficking.

Recommendations

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

- Urge the Chinese government to abide by its commitments under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and to bring anti-trafficking legislation into alignment with international standards. Specifically, urge the Chinese government

to distinguish in legislation the crimes of human smuggling, child abduction, and illegal adoption from that of human trafficking, and to expand the current legal definition of trafficking to include all forms of trafficking, including offenses against adult male victims, certain forms of non-physical coercion, and the commercial sex trade of minors. Such legal distinctions could be added to the agenda for discussion at the next U.S.-China Legal Experts Dialogue. Accordingly, urge the Chinese government to undertake rigorous and methodical research on human trafficking in order to publish data that reflects an accurate definition of human trafficking as provided under the UN TIP Protocol.

- Urge the Chinese government to take action to address root factors that contribute to China's trafficking problem. Such action could include working to balance China's sex ratio by raising awareness of the value of women and by combating discrimination against women in education and employment.
- Call on the Chinese government to provide more protective services for trafficking victims. Support expanding training programs for law enforcement personnel and shelter managers that help raise awareness and improve processes for identifying, protecting, and assisting trafficking victims. Support legal assistance programs that advocate on behalf of both foreign and Chinese trafficking victims.
- Object to the continued deportation of North Korean trafficking victims as "economic migrants." Urge the Chinese government to abide by its international obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol with regard to North Korean trafficking victims and provide legal alternatives to repatriation.

NORTH KOREAN REFUGEES IN CHINA

Findings

- Throughout the Commission's 2014 reporting year, the Chinese government continued to detain and repatriate North Korean refugees to the Democratic People's Republic of Korea (DPRK), in violation of its obligations under international human rights and refugee law.
- A UN Commission of Inquiry report released in February 2014 condemned China for forcibly repatriating North Korean refugees to the DPRK, stating that such actions "could amount to the aiding and abetting of crimes against humanity" in the DPRK.
- Throughout the reporting year, China appeared to strengthen measures to stem the flow of North Korean refugees into China, including increasing border security and detaining and repatriating refugees to the DPRK. Christian missionaries and aid groups also reported that Chinese authorities have been cracking down on Christian-run NGOs and businesses working along the China-North Korea border.
- Heightened security on both sides of the China-North Korea border appears to be limiting the outflow of North Korean refugees into China and neighboring countries. The number of ref-

ugees who reached South Korea in 2013 increased only slightly to 1,516 compared with 1,509 in 2012, reflecting a trend that has seen a significant drop in the number of refugees entering South Korea since 2009.

- Trafficking of North Korean women in China remained a significant problem. Reports suggest that over 70 percent of North Korean refugees in China are women, of which a high number are being trafficked primarily for the purposes of forced marriage or sexual exploitation.
- Children born to North Korean women remained largely deprived of basic rights to education and other public services in China.

Recommendations

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

- Insist Chinese officials respect the principle of non-refoulement and stop forcibly repatriating North Korean refugees to the DPRK.
- Incorporate regular discussion on North Korean refugees into all appropriate bilateral and multilateral dialogues with China, including ongoing dialogue with China on denuclearization of the Korean Peninsula.
- Formulate a multilateral framework with China and other concerned governments for the handling of North Korean refugees that addresses China's concerns about stability and criminal activity along the border with international principles on human rights and refugee protection.
- Urge Chinese officials to abide by their obligations under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Convention on the Elimination of All Forms of Discrimination against Women to prosecute human traffickers operating in China and along the North Korea-China border.
- Urge Chinese officials to legalize the status of North Korean women who marry or have a child with a Chinese citizen, and ensure that all such children are granted residency status and access to education and other public services.

PUBLIC HEALTH

Findings

- Violence against hospital personnel was a focal public health issue in China during the Commission's 2014 reporting year. Medical experts attribute the increasing number of violent incidents against hospital personnel to weak mechanisms for resolving medical disputes, among other factors.
- The first year of implementation of China's first-ever Mental Health Law was marred by reports of public security officials forcibly committing petitioners to psychiatric hospitalization despite provisions in the law intended to prevent this form of abuse.

- In May, the UN Working Group on Arbitrary Detention censured China in an opinion on the case of Xing Shiku, a petitioner from Heilongjiang province, whom authorities have kept in a psychiatric facility for more than seven years, concluding that Xing's detention violated Articles 9 and 19 of the Universal Declaration of Human Rights.
- The Commission observed reports of detention and deprivation of personal freedom of individuals who have been engaged in public health outreach and advocacy. In January, public security officials criminally detained Akbar Imin, a Uyghur public health worker. Beijing authorities kept advocate Hu Jia under home confinement for almost six months, releasing him after the 25th anniversary of the 1989 Tiananmen protests. Public security authorities also raided the office of Zhengzhou Yirenping, a public health and anti-discrimination non-governmental organization (NGO) in Henan province, in connection with the arrest of human rights lawyer and Zhengzhou Yirenping co-founder Chang Boyang.
- During this reporting year, the Chinese government issued government work plans to strengthen the existing legislative framework to prohibit health-based discrimination in access to employment and education. For example, a plan issued in January 2014 aims to increase access to compulsory education for students with physical and intellectual disabilities. Physical eligibility standards for employment as civil servants and teachers, however, still contain provisions that discriminate against individuals with a range of health-related conditions.

Recommendations

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

- Recommend that the Chinese government work with hospitals, medical and legal professionals, and community groups to develop rule-based mechanisms to resolve patient-hospital disputes, including support for the registration of non-governmental patient rights' advocacy groups.
- Call on the Chinese government to strengthen implementation of the Mental Health Law (MHL) and stop forcibly committing petitioners and others without mental illness to psychiatric facilities (*bei jingshenbing*). Urge the Chinese government to establish an independent panel made up of legal and medical professionals from both within and outside of the government to monitor and report on implementation of the MHL, particularly in the use of involuntary commitment and treatment. Increase support to Chinese civil society organizations and advocates in monitoring implementation of the MHL.
- Call on the Chinese government to immediately release from custody Akbar Imin, a Uyghur public health worker who has worked with Uyghur migrants in Beijing on HIV/AIDS treatment and prevention, and drug abuse harm reduction; Zhengzhou-based human rights lawyer Chang Boyang; petitioner Xing Shiku; and other public health advocates and petitioners mentioned in this report and the Commission's Political

Prisoner Database. Call on the Chinese government to cease harassing public health advocacy NGOs.

- Urge Chinese officials to focus attention on effective implementation of laws and regulations that prohibit health-based discrimination in access to employment and education, and in the development of a barrier-free environment, including revision of the national physical eligibility standards for civil servants and teachers that discriminate against persons with health-related conditions. Where appropriate, share with Chinese officials the United States' ongoing experience and efforts through legal, regulatory, and non-governmental means to promote the rights of persons with disabilities in education and employment. Expand the number of site visits and other exchanges for Chinese officials to observe and share experience with U.S. rights groups, lawyers, and state and federal agencies.

THE ENVIRONMENT

Findings

- During the Commission's 2014 reporting year, widespread and severe environmental challenges continued to confront China. Pollution problems have had consequences for citizens' health and reportedly have led to increasing environmental migration by China's more prosperous citizens. Soil pollution in China has been linked to food safety concerns both domestically and internationally. Overall, groundwater quality worsened over the past year and 280 million people in China still use unsafe drinking water. Dirty migration—whereby polluting industries move to less developed areas where environmental protection efforts have been weaker and information disclosure has been lower—also remains problematic. Chinese citizens, as well as U.S. and South Korean officials, expressed concern about China's worsening air pollution.
- Developments during the reporting year indicate central authorities have raised the priority of regulating threats to environmental quality. Chinese authorities made substantial revisions to the Environmental Protection Law, the first revisions since 1989, which if duly implemented have the potential to improve transparency and public oversight, diminish lax implementation and enforcement, and reduce non-compliance. The revised law allows for a narrow, select range of environmental organizations to file public interest cases in court, although it is uncertain if authorities will grant standing to groups lacking strong links to government agencies.
- Despite regulatory advances, significant challenges still hinder the development of the rule of law in the area of environmental protection, including citizen access to the courts, weak deterrence mechanisms, and noncompliance with environmental statutes. Environmental authorities increased application of criminal statutes to environmental cases. Nevertheless, many companies in China surveyed in 2013 reportedly remained out of compliance with pollution standards. Corruption and disregard for the law are widespread in the environmental

sector, and in some cases have been linked to pollution incidents. Problems with pollution and environmental degradation are among the primary triggers of environmental mass incidents. There were several mass protests against pollution, including a peaceful protest against a chemical plant in Maoming municipality, Guangdong province, that turned violent. Chinese citizens and a human rights group have called for an investigation into the possible excessive use of force by security officials during the Maoming protest.

- During the reporting period, observers asserted that Chinese authorities advanced environmental transparency to some degree. As of January 2014, 179 cities had started to disclose to the public real-time information on air quality. A national measure also came into force in January requiring China's approximately 15,000 "key enterprises" to self-monitor and disclose air, water, noise, and other pollutant emissions data. The revised Environmental Protection Law stipulated requirements for authorities to make full environmental impact assessment reports available to the public. Authorities publicly disclosed limited general data from a national study on soil pollution after previously refusing to provide information in response to a Chinese citizen's 2013 open information request on the grounds that the data was a "state secret." Censorship on environmental issues continued, however, and Chinese citizens still face significant challenges in accessing environmental information.

Recommendations

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

- Acknowledge revisions to the Environmental Protection Law and encourage Chinese leaders to strengthen the rule of law in the environmental sector. Support U.S.-China bilateral exchanges focused on improving regulatory enforcement and compliance tools and urge Chinese authorities to be more responsive to citizen demands for a cleaner environment. Engage Chinese officials and others who seek to devise a fair compensation system for environmental and ecological damages.
- Continue to fund programs under the U.S.-China Ten-Year Framework for Cooperation on Energy and Environment. Add reduction of soil contamination and environmental transparency to the list of Focus Areas for U.S.-China EcoPartnership projects. In addition, urge the participation of independent Chinese environmental non-governmental organizations in the U.S.-China EcoPartnership projects.
- Support programs that seek to raise the technical and operational capacity of Chinese environmental non-governmental organizations (NGOs), including programs that build the capacity of NGOs to fully utilize opportunities to file environmental public interest lawsuits. Urge Chinese authorities to fully implement provisions providing for public participation in environmental policy and project decisions.

- Support efforts by Chinese and U.S. groups working to expand awareness of citizens' environmental rights in China and to promote the protection of those rights. Include environmental law and transparency issues in the U.S.-China Human Rights and Legal Experts Dialogues. Also include discussion of human rights dimensions of climate change in the U.S.-China Climate Change Working Group.
- Support continued expansion of environmental information disclosure in China and encourage Chinese leaders to fully implement strengthened provisions for disclosure of full-text environmental impact assessment reports to the public. Share with Chinese officials U.S. Government experiences with the Toxics Release Inventory Program and other U.S. programs that seek to provide more environmental transparency. Continue U.S. Government engagement with relevant individuals and organizations in developing China's capacity to reliably measure, report, publicize, and verify carbon emissions reduction strategies and techniques. In future U.S.-China Strategic and Economic Dialogue meetings, expand upon previous discussions regarding environmental transparency and the reliability and transparency of greenhouse gas data.

CIVIL SOCIETY

Findings

- During the Commission's 2014 reporting year, the Chinese government and Party continued a crackdown on civil society activists that began in early 2013 that violated international standards of freedom of expression, association, and assembly. Authorities sentenced a number of individuals previously detained in 2013 because of their calls for greater government accountability and citizen participation. These individuals included Xu Zhiyong, a legal rights advocate and promoter of the New Citizens' Movement whom authorities sentenced in January 2014 to four years in prison. Authorities also harassed and detained individuals who attempted to monitor China's compliance with its international human rights obligations and to commemorate the 25th anniversary of the 1989 Tiananmen protests and their violent suppression.
- The Commission also observed increased harassment of Chinese non-governmental organizations (NGOs) this past year, especially those working on public health and anti-discrimination advocacy.
- The government and Party neither engaged nor consulted with independent civil society advocates and organizations in formulating country reports submitted for reviews of China's compliance with several of its international human rights obligations that took place during this reporting year, an issue raised by several UN commissions and Chinese and international rights organizations. Some organizations asserted that the approximately 16 to 22 NGOs and government-affiliated organizations listed as consulting groups in China's reports were primarily government- or Party-organized groups. The Chinese government also rebuffed UN and international

human rights organizations' inquiries into the detention, deteriorating health, and death in March 2014 of human rights defender Cao Shunli.

- Central government and Party documents, such as the Party Central Committee Third Plenum Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms, included support for the participation of non-governmental “social forces” in the social services sector. This policy support reiterated points in the institutional reform plan of March 2013 that aim to shift some government functions in the provision of public services to non-governmental “social organizations”—the government’s term for non-governmental entities.
- The Chinese government and Party missed its own stated deadline to issue revisions to the three key national regulations on “social organizations” by the end of 2013, although at least 26 provinces and municipalities moved forward with interim regulations. The local provisions promote direct registration of a limited spectrum of “social organizations,” but maintain a “dual management” system for religious, political, and legal groups, among others, which compromises such groups’ organizational autonomy by requiring the oversight of sponsoring organizations.
- Government procurement of services from the non-governmental sector in China is still in its early phase and the regulatory framework is not fully developed.
- Beijing and Shenzhen municipalities issued draft or interim charity regulations during this reporting year, but the timing for national charity legislation remains unclear. Two areas of contention in the development of the regulatory framework for philanthropy concern the types of charitable organizations allowed to publicly fundraise and to what extent the government will control charitable giving.

Recommendations

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

- Call for the release of Xu Zhiyong as well as other civil society and rights advocates sentenced to prison terms for politically motivated reasons. Call on the Chinese government to cease harassment of civil society advocates and organizations who work on rights protection and public advocacy, or who seek to exercise their right to public participation. Strongly urge the Chinese government to establish an independent investigation panel that includes Chinese human rights lawyers to examine Cao Shunli’s treatment in detention in the months prior to her death in March 2014.
- Urge China to comply with international human rights conventions regarding the role and participation of civil society organizations in country reporting, policy development, and monitoring the implementation of its human rights obligations.
- Encourage the Chinese government to revise its regulatory framework for “social organizations” in China to allow all non-governmental organizations (NGOs) to benefit from planned re-

forms in accordance with the rights to freedom of association and assembly guaranteed in Articles 21 and 22 of the International Covenant on Civil and Political Rights.

○ Increase support to U.S. non-governmental organizations in China to develop projects that build the capacity of independent grassroots NGOs to advocate for equal legal and operating rights for all organizations, including for registration and open and transparent competition for government procurement projects.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

- China’s political institutions do not comply with Article 25 of the International Covenant on Civil and Political Rights (ICCPR) or standards in the Universal Declaration of Human Rights (UDHR). During the October 2013 UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record, China rejected numerous recommendations to “ratify” or “establish a clear timeframe” to ratify the ICCPR. China did, however, accept recommendations to “[t]ake steps toward the ratification of ICCPR.”
- While central Chinese leaders expressed a commitment to reining in excessive government power, they gave no indication that they would undertake political reforms to bring China into compliance with the ICCPR or the UDHR. Central leaders in the Chinese Communist Party issued a major policy document in November 2013 that used only general language about improving China’s existing “socialist democratic political system” and “strengthening the system for restraining and supervising the use of power.” The document emphasized the continuing dominance of the Party and the goal of “strengthening and improving the Party’s leadership over overall reform.”
- The Party continued to dominate political affairs, penetrating every level of society. To facilitate recentralization of Party authority, top leaders created new leadership organizations, headed by Party General Secretary and President Xi Jinping. Central Party officials sought to increase intraparty discipline and exert ideological control through a “mass line” campaign, which involved political indoctrination and self-criticism sessions for officials, and a society-wide campaign to promote the cultivation and practice of several “core socialist values.”
- Authorities continued to harass, detain, and impose prison sentences on individuals who exercised their rights to freedom of speech, assembly, association, and demonstration, including over 100 people in the two months prior to the 25th anniversary of the 1989 Tiananmen protests and their violent suppression by authorities. Among those affected were Pu Zhiqiang, Xu Guang, Chang Boyang, and Zhao Huaxu, as well as democracy advocates and rights defenders such as Liu Benqi, Qin Yongmin, and Sun Feng. Others remained in prison, including Zhu Yufu (7 years), Cao Haibo (8 years), Chen Xi (10 years), and Liu Xianbin (10 years). The death of human rights de-

fender Cao Shunli, who urged Chinese leaders to allow independent public participation in drafting China's national reports to the United Nations, prompted concern that her death was linked to Chinese authorities' denial of timely and proper medical care while in detention.

- People's congress and village committee elections continued to be plagued by government interference, corruption, and procedural irregularities, as exemplified by the spring 2014 elections in Wukan village, Guangdong province. While the 2012 elections in Wukan had been held up as a model of democracy, the 2014 elections were marred by detentions of candidates and other problems, illustrating a decline in democratic governance.

- Authorities imprisoned anticorruption and transparency advocates, some of whom identified themselves as associated with the New Citizens' Movement, including Yuan Dong (one year and six months), Zhang Baocheng (two years), Ding Jiayi (three years and six months), Zhao Changqing (two years and six months), Li Wei (two years), Liu Ping (six years and six months), Wei Zhongping (six years and six months), and Li Sihua (three years). Authorities also continued to hold in detention several others awaiting trial, including Huang Wenxun, Yuan Xiaohua, Yuan Fengchu, Yang Maodong, and Liu Jiakai.

- Amid increasing public concern over corruption, authorities stepped up detentions and investigations of officials suspected of corruption, including Zhou Yongkang, former secretary of the Communist Party Central Committee Political and Legal Affairs Commission. Despite official reports that the anticorruption campaign has yielded results, there reportedly also have been allegations of torture of several lower level officials detained on suspicion of corruption. Some observers assert that central Party authorities, including Party Secretary General Xi Jinping, are using the anticorruption drive to re-centralize authority, purge political rivals, and place their own people into positions of power.

- Some Chinese officials and government agencies have sought to be more accessible to the public, but transparency is still lacking. The Ministry of Finance directed all organizations that receive government allocations to publicly disclose their budgets. Central government authorities urged officials to improve transparency in a number of specific sectors, while safeguarding secrets. Open government information requests by Chinese citizens reportedly are increasing but numerous problems with accessing information remain.

Recommendations

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

- Support U.S. academic and intelligence research programs to shed light on the structure, functions, and development of the Chinese Communist Party, including its ideological campaigns, and the Party's roles within companies, government agencies,

and legislative, judicial, and non-governmental institutions. Urge Chinese officials to further increase the transparency of Party affairs.

- Call on the Chinese government to release people detained or imprisoned for exercising their right to freedom of speech, association, and assembly; for engaging in peaceful demonstrations; for calling for transparency of officials' personal finances; or for calling for political reforms within China. These may include those who sought to commemorate the 25th anniversary of the 1989 Tiananmen protests, have associated themselves with the New Citizens' Movement, or other prisoners of conscience mentioned in this report and in the Commission's Political Prisoner Database.

- Support joint U.S.-China cooperative programs to develop independent monitoring systems for village committee and local people's congress elections and encourage central and local Party and government leaders to implement free and fair elections across China. Continue to support democracy promotion programs that are adapted to China. Support U.S. academic and other U.S.-China joint programs aimed at expanding public participation in political and policy decisionmaking.

- Support organizations working in China that seek to improve government transparency, especially efforts to expand and improve China's government information disclosure initiatives. Such projects might include joint efforts to better publicize the Open Government Information (OGI) Regulations at local levels and to train citizens and groups on how to submit OGI requests. Encourage Party and government officials to ensure regulations, rules, and policies are made public.

COMMERCIAL RULE OF LAW

Findings

- China acceded to the World Trade Organization (WTO) on December 11, 2001. The Chinese government, however, continues to practice state capitalism. The interventionist policies of the Chinese government, including subsidies and preferential treatment for state-owned enterprises (SOEs), are not compatible with China's WTO commitments. In the first half of 2014, two significant WTO dispute panel decisions were issued addressing a rare earths dispute, where China's export quotas were found to be inconsistent with WTO rules, and an automobile subsidies dispute, where China's duties on American automobiles were found to be in breach of China's WTO obligations. During the reporting year, the Chinese Communist Party Third Plenum Decision emphasized a decisive role for the market in allocating resources, but acknowledged that SOEs would continue to play a primary role in China's economy.

- China remained noncompliant with its WTO commitments with regard to disclosing subsidies and providing regulatory transparency on draft laws and regulations. Corporate reporting at Chinese companies is also limited, and the Chinese government tightly controls media reporting on the wealth of gov-

ernment officials and their families. During the 2014 reporting year, American regulators, private companies, and investors had difficulty obtaining information on Chinese companies, including the U.S. Securities and Exchange Commission in its fraud investigations of China-based companies. Many American technology and media companies remained blocked in China, including Facebook, Twitter, YouTube, Dropbox, the New York Times, and Bloomberg News.

- Reports of the significant theft of U.S. intellectual property originating from China continued throughout the 2014 reporting year. The U.S. Department of Justice (DOJ) brought an indictment against five Chinese military hackers for allegedly hacking Westinghouse Electric; U.S. subsidiaries of SolarWorld; United States Steel; Allegheny Technologies; United Steel, Paper and Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union (United Steelworkers); and Alcoa. Several of these companies and United Steelworkers had challenged China's trade policies, raising concerns that the alleged hacking may have been done in retaliation. The Chinese government took steps to improve protection for intellectual property rights (IPR) this past year, including higher statutory compensation in the amended PRC Trademark Law and beginning draft revisions to the PRC Anti-Unfair Competition Law. American companies, however, had difficulties in effectively protecting IPR in China. During the reporting year, the DOJ began criminal prosecutions in two significant cases involving the theft of agricultural trade secrets by Chinese nationals.

- Chinese outbound investment continued to increase significantly, and annual Chinese foreign direct investment (FDI) into the United States now exceeds U.S. FDI into China. During the 2014 reporting year, major investments by Chinese companies in the United States were in agriculture, IT, health care, and real estate. In the first half of 2014, the Committee on Foreign Investment in the United States (CFIUS) reviewed potential security concerns regarding the planned acquisitions by Lenovo Group of an International Business Machines (IBM) server unit due to the use of the IBM servers by U.S. Government intelligence and defense agencies.

- Chinese authorities increased the number of antimonopoly reviews, including reviews of potential abuses of dominant market positions. In June 2014, the Ministry of Commerce blocked a network of A.P. Moller-Maersk, CMA CGM, and MSC Mediterranean Shipping Company due to Antimonopoly Law concerns. The proposed network had been approved by the U.S. Federal Maritime Commission and the European Commission. This was the first time since 2009, when Coca-Cola's acquisition of the Chinese beverage company Huiyuan was blocked, that a deal was blocked outright. During the reporting year, Chinese authorities conducted investigations in many sectors, and American companies targeted included Qualcomm and Microsoft. In September 2014, the US-China Business Council reported that 86 percent of firms that responded to its survey had some concern with China's antimonopoly enforce-

ment activities. Companies' concerns included selective and subjective enforcement, lack of regulatory transparency, and use of administrative intimidation tactics. According to a September 2014 U.S. Chamber of Commerce report, China's enforcement activities may be a violation of its WTO commitments.

- Intervention by the Chinese government continued to contribute to significant undervaluation of the Chinese yuan. The yuan reportedly reversed a trend of appreciation this past year, depreciating by 1.5 percent in February 2014, for the largest two-week decline since 2005, and depreciating 2.68 percent for the year to April 2014.
- Serious food safety problems continued in China and were also a concern for U.S. companies operating in China and American consumers. In June 2014, the National People's Congress released a revised draft of the PRC Food Safety Law for public comment that strengthens preventative regulations, improves supervision, and provides for stronger penalties. In July 2014, the U.S. Food and Drug Administration had more active import alerts for China than any other country. The U.S. Government plans to increase the number of inspection staff in China, however, there has been difficulty in obtaining visas for them.

Recommendations

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

- Ensure that China makes concrete improvements in ending currency controls, subsidies for state-owned enterprises, and other policies outlined in this report that violate China's existing international trading obligations, as a condition for progress in any U.S. trade-related negotiations with China, and ensure transparency and full public participation by all segments of American society in such negotiations.
- Direct the U.S. Trade Representative (USTR) to create a public database of all of China's commitments in its WTO accession agreements. USTR annual reporting on China's WTO compliance should identify any compliance concerns, together with the individual commitments potentially implicated, and whether or not USTR took action. USTR should also create a public database of all of China's commitments made pursuant to the U.S.-China Joint Commission on Commerce and Trade (JCCT) and the U.S.-China Strategic and Economic Dialogue (S&ED) and its predecessor. USTR, with the assistance of the Department of Commerce and the Department of the Treasury, should use both databases to more comprehensively report on China's implementation of its commitments.
- Develop and support a project surveying Internet restrictions in China and their impact on U.S. businesses. The U.S. Trade Representative should consider reporting on Internet censorship in its annual reports on China's WTO compliance and reports on Foreign Trade Barriers. An additional formal request through the WTO should be made for detailed informa-

tion on China's Internet restrictions, and a WTO dispute should be considered, if warranted. In meeting with Chinese government officials, urge the Chinese government to stop blocking access to U.S. media and technology companies in China, including the New York Times, Bloomberg News, Google, Facebook, and Dropbox.

- Work with the Chinese government to stop cyber theft originating in China. Efforts should also be made to strengthen the protection of trade secrets in China, including the revision of China's trade secret laws. The U.S. Government should provide additional support to American companies litigating significant intellectual property cases in China, including raising the litigation in discussions with Chinese leaders and at the S&ED and the JCCT. One matter in which the U.S. Government may consider is providing additional support to AMSC's (formerly American Superconductor) ongoing commercial litigation against Sinovel Wind Group Company, which involves over US\$1 billion in damages. The U.S. Department of Justice should consider reporting on an annual basis intellectual property cases involving Chinese companies and Chinese nationals.
- Urge the Chinese government to improve transparency on corporate information and stop abusing the state secrets law. The U.S. Securities and Exchange Commission should make obtaining full access to corporate documents for Chinese companies listed on U.S. stock exchanges a key focus of the bilateral dialogue with the China Securities Regulatory Commission. The Chinese government should be encouraged to enhance transparency, provide a clear and narrowly-tailored definition of state secrets that complies with international law, and clearly define permissible due diligence activities.
- Discuss with Chinese officials and take further action in the WTO to ensure that China fully implements adverse WTO dispute decisions, eliminates subsidies for Chinese state-owned enterprises, and fulfills its transparency obligations under the WTO Subsidies Agreement. Up-to-date and complete notification by China of Chinese national and provincial subsidies that benefit state-owned enterprises and discriminate against American investment should be obtained.
- Ensure that U.S. Government food and drug safety inspection officials are able to obtain visas and conduct unannounced inspections of Chinese facilities that are exporting to the United States. Strengthen capacity-building programs for Chinese food and drug regulators based on U.S. best practices. Support NGOs working on food safety in China, and encourage Chinese government efforts to improve food safety transparency and oversight.

ACCESS TO JUSTICE

Findings

- In June 2014, the Chinese government announced that six provinces and municipalities would serve as pilot sites for certain judicial reforms in an effort to limit interference by local governments in the work of the courts. The reforms include di-

vesting local governments of their control over local court funding and appointments, and centralizing such power at the provincial level. The limits of judicial reform were made clear, however, when, shortly after the announcement, the state-run Global Times stated in an editorial that the goal of improving “judicial justice” in the new reforms did not mean that China was moving toward “judicial independence” (*sifa duli*) or “separation of powers.”

- The Supreme People’s Court (SPC) took steps to increase judicial transparency and accountability in line with the November 2013 Chinese Communist Party Third Plenum Decision. The SPC issued measures requiring all courts in China to publish their effective written judgments (with some exceptions, such as cases involving state secrets and individual privacy) on the publicly accessible Web site Judicial Opinions of China, effective January 1, 2014. Increased judicial openness was one of eight main areas of focus in the SPC’s fourth five-year reform plan released in July 2014.

- The Party and central government issued a number of documents instituting reforms to the petitioning (*xinfang*) system—one of the areas of reform outlined in the Third Plenum Decision. *Xinfang*, also referred to as the “letters and visits” system, is a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person. The goals of the petitioning system reforms include, among others, reducing the number of in-person petitions by promoting online and written petitions, and ensuring that all law- and litigation-related petitions are handled by courts and resolved through legal channels. The measures prohibit officials from unlawfully detaining petitioners and accepting complaints from petitioners who have skipped levels in an attempt to reach higher level authorities.

- In late December 2013, the first-ever draft amendment to the Administrative Litigation Law (ALL) was submitted to the National People’s Congress Standing Committee for review. The proposed revisions address the main problems with the ALL, which are widely referred to as “the three difficulties”: difficulties filing administrative litigation cases, trying ALL cases, and enforcing ALL judgments. Whether the ALL amendments will lead more petitioners to file lawsuits rather than use the petitioning system—a desired outcome of the revisions—remains to be seen.

- Authorities intensified the degree of harassment and abuse of human rights lawyers and defenders this year, particularly in the run-up to the 25th anniversary of the violent suppression of the 1989 Tiananmen protests. Incidents against human rights lawyers included official violence against lawyers advocating for detained Christian Pastor Zhang Shaojie in Henan province, and the detention and torture of four rights lawyers, Tang Jitian, Jiang Tianyong, Wang Cheng, and Zhang Junjie, in Heilongjiang province. In May and June 2014, officials criminally detained a number of well-known rights lawyers for political reasons, including Beijing-based Pu Zhiqiang, Henan-based Chang Boyang and Ji Laisong, and three Guangzhou-

based human rights lawyers: Tang Jingling, Wang Qingying, and Yuan Xinting.

- Rights lawyer Gao Zhisheng was released from prison in early August 2014. Reports emerged soon after that authorities had maltreated him during his more than two and a half years in Shaya Prison in the Xinjiang Uyghur Autonomous Region. As a result of the abuses he suffered, Gao lost 50 pounds, has serious dental problems, and has difficulty speaking coherently.
- Despite increased repression, Chinese human rights lawyers took new steps to protect their own rights, for example, by forming the China Human Rights Lawyers Group, which provides legal services and advice to citizens detained for exercising their civil rights. Moreover, in June 2014, more than 40 rights lawyers signed a pledge to voluntarily assist other lawyers and their families if they are targeted by authorities.

Recommendations

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

- Call for the release of detained rights lawyers, including Pu Zhiqiang, Chang Boyang, Tang Jingling, Yuan Xinting, and other rights lawyers whose personal liberty has been unlawfully restricted.
- Call upon the Chinese government to permit rights lawyer Gao Zhisheng to travel to the U.S. for medical treatment and to be reunited with his wife and two children, who now live in the U.S. While Gao is still in China, the Chinese government should ensure his freedom of movement domestically.
- Urge the Chinese government to protect the fundamental civil and professional rights of China's human rights lawyers, and to investigate all allegations of abuse and ensure that those responsible are brought to justice.
- Support programs implemented by U.S. non-governmental organizations and other entities that partner with China's human rights lawyers and non-profit legal organizations to enhance access to justice and lawyers' rights to represent defendants free of government interference. Expand support to bring Chinese human rights lawyers, advocates, and scholars to the United States for study and capacity building through such programs as the U.S. Department of State's International Visitors Leadership Program.
- Increase support to U.S. law schools and other organizations for programs with Chinese counterparts to advance the judicial and administrative law reforms currently underway in China.
- Consider including regulation of the legal profession and lawyers' codes of conduct in the agenda for future bilateral Legal Experts' Dialogues.

XINJIANG

Findings

- Deadly clashes that took place during the Commission’s 2014 reporting year in the Xinjiang Uyghur Autonomous Region (XUAR), or involved Uyghurs outside of the XUAR, led to more than 300 fatalities.
- President Xi Jinping and top officials emphasized anti-terrorism security measures while also cracking down on peaceful religious activity and failing to address concerns that anti-terrorism measures should also protect civil rights.
- Overseas rights advocates and analysts voiced concern that authorities’ overly broad security measures and crackdowns, restrictions on peaceful religious activity, and constraints on expressions of Uyghur cultural identity have heightened tensions in the XUAR, and that Chinese officials failed to distinguish between violence or terrorism and peaceful dissent. Officials and state media acknowledged that economic and social inequality have exacerbated regional instability but have emphasized economic development projects without addressing Uyghurs’ concerns over threats to their language, culture, and religion.
- Overseas rights advocates and analysts also raised concerns that authorities had used excessive force against Uyghur protesters, including during the deadliest violence in the XUAR in five years, which took place in Kashgar prefecture on July 28, 2014. Officials characterized the violence as a terrorist attack that left nearly 100 people dead, but rights advocates disputed the official portrayal of the violence.
- Domestic and international observers raised concerns about the Chinese government’s lack of transparency regarding the violent events that took place in the XUAR, including restrictions on journalists and social media discussion.
- The space for online Uyghur expression remained limited. A report released by a Uyghur human rights organization in June 2014 documented a marked increase in the degree of government- and self-censorship of Uyghur online expression in the years since the July 2009 demonstrations and riots in the regional capital of Urumqi, when authorities shut down a number of popular Uyghur-run Web sites and detained more than 100 Uyghur Web site administrators. According to research cited by the report, moderators on at least one Chinese social media site censored a much higher proportion of postings by users in the XUAR than postings by users in Beijing municipality.
- Research this past year showed an increase in Uyghurs being prosecuted for “endangering state security,” a category of crimes that officials have broadly interpreted at times to include peaceful activism, free expression of ethnic identity, and independent religious activity. Among those prosecuted for this category of crimes include the Uyghur university professor Ilham Tohti, a reportedly peaceful critic of government policy in the XUAR who also sought to build a dialogue between Uyghurs and the majority Han Chinese population. In Feb-

ruary 2014, he was arrested along with four young Uyghurs, Mutellip Imin, Perhat Halmurat, Shohret Tursun, and Abduqeyum Ablimit, who had contributed to the Web site Tohti founded, Uyghur Online. In September 2014, Tohti was convicted of “separatism” and sentenced to life in prison.

- Tohti told his lawyers in June 2014 that detention center authorities had subjected him to abuse, including denying him food for 10 days and shackling him for nearly three weeks. One of Tohti’s lawyers, Li Fangping, reported that prosecutors had failed to provide complete evidence for Tohti’s defense team to review. The law firm of another lawyer, Wang Yu, withdrew her from the case after receiving pressure from Beijing officials.

- Tohti’s wife Guzelnur told Radio Free Asia in May 2014 that security personnel had placed her and the couple’s two sons under “heavy surveillance” at their Beijing home since Tohti’s detention in January 2014, although they had recently reduced this surveillance. Guzelnur also said the couple’s oldest son was suffering from heart problems due to the psychological stress of his father’s detention.

- Authorities reportedly detained Abduweli Ayup, Dilyar Obul, and Muhemmet Sidik in August 2013 after they opened a Uyghur-language kindergarten in Kashgar city and attempted to open a Uyghur-language school in Urumqi. The Tianshan District People’s Court in Urumqi city reportedly tried Ayup, Obul, and Sidik on July 11, 2014, and sentenced them on August 21 to prison terms ranging from one year and six months to two years and three months on charges of “illegal fundraising.”

- During this reporting year, regional authorities monitored, controlled, and punished Uyghurs for peaceful Islamic practices. Civil servants in some localities were required to sign pledges certifying that family members would not engage in “illegal religious activities,” with penalties including restrictions on access to higher education for their children.

- Regional officials reiterated strategies for economic and political development that prioritize state economic and political goals over respecting the rights of XUAR residents, including those outlined in the PRC Regional Ethnic Autonomy Law.

- As in past reporting years, the Commission continued to observe job announcements that reserved positions exclusively for Han Chinese, including civil servant and private-sector jobs, in contravention of Chinese labor and anti-discrimination laws. Private and public employers also continued to reserve more positions for men, leaving non-Han women to face both ethnic and gender discrimination in the employment process.

Recommendations

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

- Support efforts to raise greater public awareness of human rights conditions in the XUAR, as well as initiatives to protect Uyghur culture, and increase avenues for Uyghurs to protect

their human rights, and undertake more frequent human rights-focused visits to the XUAR.

- Call on the Chinese government to increase transparency when reporting instances of violence and terrorism or the criminal prosecution of defendants in cases involving violence, separatism, and terrorism, including by providing data on the exact number of “endangering state security” trials concluded every year, as it did between 2008 and 2012.

- Call on the Chinese government to allow domestic and international journalists and observers greater freedom to independently verify official media accounts of violent and terrorist incidents.

- Call for the release of Ilham Tohti, Mutellip Imin, Perhat Halmurat, Shohret Tursun, Abduqeyum Ablimit, and other Uyghurs who were detained or imprisoned for exercising their right to freedom of expression.

- Object to the detention, arrest, and conviction of Uyghur educators and language rights advocates like Abduweli Ayup, Dilyar Obul, and Muhemmet Sidik.

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

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

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

TIBET

Findings

- Formal dialogue between the Dalai Lama’s representatives and Chinese Communist Party and government officials has been stalled since the January 2010 ninth round, the longest interval since such contacts resumed in 2002. The Commission observed no indication during the 2014 reporting year of offi-

cial Chinese interest in resuming a dialogue that takes into account Tibetan concerns regarding the Tibetan autonomous areas of China.

- The frequency of Tibetan self-immolation reportedly focusing on political and religious issues declined steeply during the Commission’s 2014 reporting year, and followed an increase in Party and government security and punitive measures. The Commission has not observed any sign that Party and government leaders intend to respond to Tibetan grievances in a constructive manner or accept any accountability for Tibetan rejection of Chinese policies. One Sichuan province county issued provisions in April 2013 (unreported until February 2014) imposing collective punishment intended to deter Tibetans from self-immolating.

- Pressure on Tibetan Buddhists to accept Communist Party and government control of the religion remained high. Party leadership continued to characterize the Dalai Lama as a threat to Tibetan Buddhism’s “normal order” instead of as a principal teacher, and urged that he be “separated” from the religion and the title “Dalai Lama.” State-run media reported that a deployment of Party cadres to every Tibet Autonomous Region (TAR) village, monastery, and nunnery, completed in March 2012, involved 60,000 cadres—nearly triple the 21,000 initially reported. Officials detained, imprisoned, or beat to death a number of monastic leaders, interfered with identifying a reincarnation, and imposed a ban on travel for religious purposes to Mount Kailash.

- The Commission observed no indication this past year that Party and government leaders intend to develop a “harmonious society” inclusive of Tibetan preferences toward their culture and language. The government asserted that learning and using Tibetan language is “protected by law” but officials closed non-government-run programs and detained Tibetans who promoted use of the language. The Party accepted no accountability for Tibetan grievances contributing to protests and blamed them on external factors, especially the Dalai Lama. In September–November 2013, a prominent example of crackdown developed in one Tibetan county: as of September 1, 2014, the Commission’s Political Prisoner Database contained records of 58 detentions related to the crackdown including 15 resulting in prison sentences of up to 18 years.

- The Party and government continued to prioritize economic development as a prerequisite for “social stability.” Authorities reportedly detained or imprisoned Tibetans who protested against mining activity, seizure or forced sale of land related to mining, or development projects that allegedly damaged the environment. The westward railway segment from Lhasa city to Rikaze (Shigatse) city reportedly was “put into use” in August 2014 and provided the first extension since the Xining-Lhasa segment of the Qinghai-Tibet railway opened in 2006. After 2009, TAR yearbooks ceased to report county-level population data, hindering demographic analysis.

- As of September 1, 2014, the Commission’s Political Prisoner Database contained records of 639 Tibetan political prisoners

believed or presumed currently detained or imprisoned. Of those, 621 are records of Tibetans detained on or after March 10, 2008; 44 percent of them are Tibetan Buddhist monks, nuns, teachers, or *trulkus*. This past year, officials detained, imprisoned, or beat to death monastic leaders including Abbot Gyurme Tsultrim, Abbot Karma Tsewang, chant master Thardoe Gyaltsen, Geshe Ngawang Jamyang, and Abbot Khedrub. Officials detained or imprisoned cultural advocates, including writer Tsultrim Gyaltsen, singer Gebe, and environmental activists Choekyab and Tselha. Officials released filmmaker Dondrub Wangchen upon completion of his sentence in June 2014; as of September 1, authorities had not permitted him to travel to the United States for reunification with his family.

Recommendations

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

- Urge the Chinese government to resume contact with the Dalai Lama or his representatives and engage in dialogue without preconditions. Such a dialogue should aim to protect the Tibetan culture, language, religion, and heritage within the Tibet Autonomous Region (TAR) and the Tibetan autonomous prefectures and counties in Qinghai, Gansu, Sichuan, and Yunnan provinces. A Chinese government decision to engage in dialogue can result in a durable and mutually beneficial outcome for the government and Tibetans that will benefit local and regional security in coming decades.
- Urge the Chinese government to recognize the role of government regulatory measures and Party policies in the wave of Tibetan self-immolations and other protests. Stress to Chinese officials that strengthening the measures and policies that Tibetans resent is unlikely to promote “social stability” or a “harmonious society.” Urge the government to refrain from using security and judicial institutions to intimidate Tibetan communities by prosecuting and imprisoning Tibetans with alleged links to a self-immolator or for sharing self-immolation information.
- Urge the Chinese government to refrain from using intrusive management and legal measures to infringe upon and repress Tibetan Buddhists’ right to the freedom of religion. Urge the government to cease treating the Dalai Lama as a security threat instead of as Tibetan Buddhism’s principal teacher. Urge the government to respect the right of Tibetan Buddhists to identify and educate religious teachers in a manner consistent with Tibetan Buddhist preferences and traditions. Stress to Chinese officials that increasing pressure on Tibetan Buddhists by aggressive use of regulatory measures, “patriotic” and “legal” education, and anti-Dalai Lama campaigns is likely to harm social stability, not protect it.
- Request that the Chinese government follow up on a 2010 statement by the Chairman of the TAR government that Gedun Choekyi Nyima, the Panchen Lama whom the Dalai

Lama recognized in 1995, is living in the TAR as an “ordinary citizen” along with his family. Urge the government to invite a representative of an international organization to meet with Gedun Choekyi Nyima so that he can express to the representative his wishes with respect to privacy.

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

- Encourage the Chinese government to take fully into account the views and preferences of Tibetans when the government plans infrastructure, natural resource development, and settlement or resettlement projects in the Tibetan areas of China. Encourage the government to engage with appropriate experts in assessing the impact of such projects and in advising the government on the implementation and progress of such projects. Encourage the government to report accurately and comprehensively data on population in Tibetan areas of China.

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

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

DEVELOPMENTS IN HONG KONG AND MACAU

Findings

- The Basic Laws of Hong Kong and Macau confirm the applicability of the International Covenant on Civil and Political Rights (ICCPR) to both territories. The Basic Law of Hong

Kong provides specifically for universal suffrage, while Macau's does not.

- On August 31, 2014, the National People's Congress Standing Committee (NPCSC) issued a decision on Hong Kong's electoral reform that restricted the ability of candidates to freely run for Chief Executive (CE). Pro-democracy advocates criticized the decision for failing to ensure "genuine" democracy, and the 27 pro-democracy Legislative Council (LegCo) members pledged to veto electoral reform proposals that follow the decision's framework. The decision followed a five-month Hong Kong government consultation on electoral reform in advance of the 2017 CE election and a July 2014 report by the CE to the NPCSC on Hong Kong public opinion regarding electoral reform. The NPCSC in 2007 ruled that Hong Kong may implement universal suffrage at the earliest in the 2017 CE election.
- Statements by mainland Chinese and Hong Kong officials raised concerns that the central government will restrict Hong Kong elections. Some officials and legal scholars rejected pro-democracy activists and legislators' proposals to publicly nominate CE candidates, arguing that only the nominating committee named in Article 45 of Hong Kong's Basic Law could nominate candidates. Pro-Beijing legal experts also said that any candidate for CE must "love the country and love Hong Kong" to be eligible, and that a CE who "confronts the central government" would be unacceptable.
- Pro-democracy legislators and activists continued to press for universal suffrage in electing the CE and LegCo. In June 2014, nearly 800,000 people reportedly voted in an online referendum on electoral reform held by pro-democracy groups. On July 1, hundreds of thousands of people marched through downtown Hong Kong to protest the Chinese government's perceived increasing interference in Hong Kong. The Occupy Central movement threatened to hold civil disobedience protests in Hong Kong's financial district as a last resort if the electoral reform plan presented by the Hong Kong government did not adhere to Hong Kong's Basic Law and international standards for free and fair elections.
- Hong Kong journalists and media reported threats to press freedom from self-censorship, direct and indirect governmental and economic pressure on reporting, and violent attacks on journalists. According to one international media non-governmental organization, press freedom continued to deteriorate in Hong Kong in 2013, with Hong Kong's international ranking dropping to 61 from 58 the year before.
- Macau held its first legislative election since a package of electoral reforms was passed in 2012. The Macau Legislative Assembly expanded from 29 to 33 members, although only 14 (previously 12) members are directly elected. Incumbent Chief Executive Fernando Chui Sai On won re-election unopposed, winning 380 of 400 possible votes in Macau's Election Committee. The Commission observed no progress regarding the UN Human Rights Committee's 2013 recommendation that Macau "set timelines for the transition to an electoral system based on universal and equal suffrage."

- Corruption and money laundering from mainland China tied to Macau's gambling industry continued to be sources of concern. Gamblers continued to evade mainland China's currency-export restrictions, both through the use of junkets and the fraudulent use of credit and debit cards.

Recommendations

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

- Renew the reporting requirements of Section 301 of the United States-Hong Kong Policy Act of 1992, paying particular attention to the development of democratic institutions in Hong Kong and China's obligations under international treaties and agreements, and ensure developments in Hong Kong are featured in other reports related to China.
- Urge Hong Kong and central government officials to institute universal suffrage in Hong Kong in line with the requirements of the Basic Law and the International Covenant on Civil and Political Rights (ICCPR) for the elections of the Chief Executive in 2017 and the Legislative Council in 2020.
- Increase support for Hong Kong's democracy through statements and meetings at the highest levels and visits to Hong Kong. Hong Kong issues should be raised in meetings in Beijing with central government officials given their overriding role in deciding questions of Hong Kong's political development. U.S. Government delegations' meetings in Hong Kong should include meetings with members of the Hong Kong Legislative Council, the Hong Kong government administration, members of the judiciary, and representatives of reporters' organizations. In Macau, U.S. delegations should meet with members of the Legislative Assembly, especially directly elected members, the Macau government administration, and civic leaders outside the government.
- Urge Hong Kong authorities to take steps to ensure the safety of journalists and resolve several outstanding cases of violence and intimidation of journalists and media executives. Urge Hong Kong and central government officials to refrain from pressuring Hong Kong journalists and media organizations regarding news content and reporting.
- Urge Macau government officials in meetings to begin the process of transitioning to an electoral system based on universal suffrage in accordance with Article 25 of the ICCPR, as recommended by the UN Human Rights Committee.