

# CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

## ANNUAL REPORT

**2017**

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ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

OCTOBER 5, 2017

Printed for the use of the Congressional-Executive Commission on China



Available via the World Wide Web: <http://www.cecc.gov>

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## I. Executive Summary

### STATEMENT FROM THE CHAIRS

Seventeen years after the establishment of the Congressional-Executive Commission on China, the Commission's mandate to monitor human rights and the development of the rule of law in China remains wholly relevant and urgently necessary.

China has benefited immensely from the international rules-based order in driving its growth and lifting millions out of poverty, but the political reform many believed would accompany China's economic transformation and accession to the World Trade Organization has failed to materialize. Chinese government claims of global leadership in areas such as trade, environmental protection, and the building of international institutions—as expressed by President and Communist Party Secretary Xi Jinping at several high-profile international forums this past year—are belied by the reality of the Chinese government's actions, which are not that of a responsible stakeholder.

While China stresses the need for global connectivity and openness, it continues to strengthen the world's most sophisticated system of Internet control and press censorship and forges ahead with what it calls "Internet sovereignty," the notion that nations should have total control over the Internet within their borders. The Chinese government's expansive notion of sovereignty gives officials license to decry international criticism of their human rights record as one country interfering in the affairs of another. All the while, the Chinese government extends its own "long arm" to threaten and intimidate political and religious dissidents and critics living abroad; establishes Confucius Institutes at colleges and universities around the world, influencing these academic environments with its political agenda; and invests heavily in overseas media, exporting state propaganda and exercising soft power to shape movie production and other cultural media. Moreover, Chinese officials' complaints of other nations' "interference" into China's affairs fail to take into account that the Chinese government is obligated to respect the fundamental rights of its citizens under its own constitution, and under international conventions it has willingly signed.

The Commission is mandated to document cases of political prisoners in China—individuals who were detained or imprisoned by the Chinese government for exercising their civil, religious, and political rights. Steadfast advocacy on behalf of individual political and religious prisoners, more than 1,400 of whom are active cases in the Commission's far from exhaustive Political Prisoner Database, remains vital. These men and women, whose "crimes" intersect with nearly every issue area covered in the Commission's Annual Report, represent the human toll exacted by China's repressive and authoritarian one-party system. The death from liver cancer in July 2017 of Liu Xiaobo—a Chinese intellectual and 2010 Nobel Peace Prize laureate who was serving an 11-year sentence for "inciting subversion of state power" in connection with his pro-democracy work—brought renewed attention to the government and Party's shameful treatment of political prisoners. In his last days, authorities repeatedly denied Liu Xiaobo medical treatment abroad, counter to his wishes and those of his wife, Liu Xia.

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During this reporting year, we were inspired by the outspoken bravery of several of the wives of Chinese lawyers and rights defenders detained during the sweeping July 2015 crackdown on human rights advocates. In case after case, these women took up the mantle of their husbands' plight, often at great risk to themselves and their children. By their own telling, many of these women had not previously been involved in their husbands' efforts to pursue justice and accountability from their own government. However, as Chinese authorities conspired against them and their families—as their spouses' unjust detentions grew from days to weeks to months—they became advocates in their own right. Their personal accounts of intimidation, harassment, and social marginalization stemming from official pressure—landlords refusing them housing, their children being denied entry to local schools, their lives under constant surveillance and movement restricted—coupled with their compelling public defense of their husbands' innocence, have, in the words of one scholar, opened up a “new line of struggle that we have not seen before in China.”<sup>1</sup>

Chinese government repression may temporarily satisfy the Communist Party's desire to control its citizenry and maintain its grip on power, but as these women have shown, such measures often have the unintended consequence of stoking resentment and prompting activism in individuals who may have otherwise chosen not to engage. Even as the Commission's reporting documents a continued downward trajectory in human rights protections since Xi Jinping's ascent to power, there are other stories that demand telling: As the Chinese government suppresses authentic religious expression, the number of religious adherents multiplies; as the government censors the Internet, circumvention tools proliferate; as they brutally repress rights lawyers, their loved ones open up a “new line of struggle.”

Change in China will ultimately arise from within. However, the United States and other like-minded nations have a responsibility and a legitimate national interest in pressing the Chinese government to uphold human rights norms, respect the rule of law, and comply with its international commitments. **It is in this context that we, as Chairman and Cochairman of the Congressional-Executive Commission on China, submit the Commission's 2017 Annual Report.**



Senator Marco Rubio  
Chair



Congressman Christopher H. Smith  
Cochair



INTRODUCTION

The 19th National Congress of the Chinese Communist Party is expected to convene around the time of the release of the Commission's 2017 Annual Report. In advance of the Party Congress, a twice-per-decade event, President and Communist Party General Secretary Xi Jinping has worked to consolidate power, as demonstrated by the formalization of his role as the "core" (*hexin*) leader of the Party in guiding key policy sectors including the economy, domestic reform, and national defense. The anticorruption campaign against Party and government officials, Xi's signature domestic initiative, has effectively eliminated many of his potential political rivals, and in the process has destabilized patronage networks and certain political factions ahead of this gathering of Party elites. Yet, the campaign has failed to instill accountability, such as disclosure of officials' financial assets or meaningful institutional checks on political power. The composition of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo) that emerges from the 19th Party Congress will provide insight into the extent to which Xi may be able to further influence politics beyond his presumed second term as Party General Secretary.

As Xi has centralized power, he has simultaneously demanded stricter ideological discipline within the Party and within organizations under the Party's umbrella. The Party continued to stress ideological conformity and discipline from media outlets and journalists, in particular that the media must function as a "mouthpiece" for the Party to shape "public opinion" with uncritical, positive news. Speaking in October 2016 before a gathering of the heads of China's largest state companies, Xi stressed that "Party leadership and building the role of the Party are the root and the soul for state-owned enterprises." Similarly, in remarks at a December 2016 meeting focused on the ideological work of China's universities, Xi reminded senior Party members and academic officials that "China's higher education institutions are under the leadership of the CCP, and are socialist universities with Chinese characteristics, so higher education must be guided by Marxism, and the Party's policies in education must be fully carried out."

With the release of China's National Human Rights Action Plan (2016–2020) in September 2016, the government continued to subordinate human rights policy to the ideological guidance of the Party, which diverges from international standards including the Universal Declaration of Human Rights. The UN Special Rapporteur on extreme poverty and human rights, Philip Alston, described this reality in his report on his August 2016 mission to China: "The greatest challenge . . . is to understand how the leading role of the Communist Party can coexist with the recognition of individual rights and the provision of meaningful accountability mechanisms . . ." The Special Rapporteur, furthermore, described intrusive government control of his schedule and surveillance of his movements in China in his report, giving further weight to the critiques of human rights organizations that the Chinese government has "a poor record in engaging with UN human rights mechanisms in a constructive and cooperative fashion."

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During the Commission's 2017 reporting year, the Chinese Communist Party continued to restrict the already limited space for expression, religious activity, and peaceful assembly. In addition to harassing and detaining government critics, Chinese authorities also targeted those promoting workers' rights, the rights of dispossessed villagers, and environmental protection. Chinese authorities intensified crackdowns on foreign aid workers, Christian churches, and non-governmental organizations that play a crucial role in assisting and facilitating the movement of North Korean refugees outside the Democratic People's Republic of Korea. Official censorship contributed to the shrinking space for journalism and public debate. Citizen journalists, such as Liu Feiyue and Huang Qi, whose human rights websites are a key source of information on grassroots protests and other rights defense efforts, were criminally detained and as of September 2017 are awaiting prosecution. In August 2017, authorities in Yunnan province sentenced Lu Yuyu, the founder of "Not the News"—a blog that published information on mass incidents relating primarily to labor protests—to four years in prison.

Hopes surrounding positive legislative and policy developments this reporting year, including further reforms to the household registration (*hukou*) system, were tempered by continued problems with implementing reforms and uneven enforcement of laws and regulations. Implementation of the PRC Mental Health Law was marred by reports that government authorities continued to forcibly commit individuals without mental illness to psychiatric facilities (*bei jingshenbing*) for activities deemed "troublemaking" or politically "sensitive." While the Party's General Office launched a nationwide initiative to reform the Party-affiliated All-China Women's Federation, independent women's rights organizations were prevented from raising awareness of sexual harassment and the government continued to target individual women's rights advocates with criminal prosecution and harassment.

Chinese authorities continued to implement a "universal two-child policy" and persisted in actively promoting coercive population control policies that violate international standards. Tellingly, the family planning bureaucratic apparatus remains intact. The Chinese government's population control policies have contributed to the country's demographic challenges, including a rapidly aging population and shrinking workforce that threaten to further slow China's economic growth.

The Chinese government's lack of transparency affected many of the areas that the Commission monitors. Chinese authorities continued to consider pollution-related data to be sensitive and censored reporting on the environment. For outside observers, transparency concerns were at the forefront of China's Belt and Road Initiative, a far-reaching economic and political agenda aimed in part at shaping new global norms on development and trade, and thereby growing China's influence. The May 2017 Belt and Road forum culminated with the signing of a communiqué in which the heads of state present committed themselves to ". . . democracy, good governance, the rule of law, human rights, gender equality and women empowerment." Meanwhile Chinese authorities detained dozens of petitioners and rights advocates in and around the

gathering in Beijing municipality. In the Xinjiang Uyghur Autonomous Region (XUAR), which Chinese officials have promoted as an important center for Belt and Road development projects, authorities reportedly heightened security controls over Uyghurs and other ethnic minorities who live there, and imposed severe restrictions on Internet access. In this same region, authorities began expediting the collection of residents' DNA on a massive scale, in many cases without consent, prompting transparency concerns regarding the purpose of collecting such information. An international rights group reported that the DNA collection was in connection with China's "stability maintenance" measures.

The subsequent chapters of this report document these and other human rights and rule of law developments in China during the Commission's 2017 reporting year which spans, roughly, September 2016 through September 2017. Each chapter examines different aspects of the Chinese government's obligations to protect human rights as defined in the Universal Declaration of Human Rights and key human rights conventions, as well as in China's Constitution. General themes and key developments covered in the body of this report are outlined below.

#### OVERVIEW

Over the Commission's 2017 reporting year, the following general themes and key developments emerged:

1. The government and Party continue to use the law as an instrument of repression to expand control over Chinese society.
2. The criminalization of China's human rights lawyers and advocates is ongoing, including credible reports of torture in detention.
3. Restrictions on religious freedom are intensifying, particularly in the Xinjiang Uyghur Autonomous Region and Tibetan autonomous areas.
4. Twenty years after the handover, the long-term viability of the "one country, two systems" model in Hong Kong is increasingly uncertain given central government interference.

#### *The Law as an Instrument of Repression*

The Commission observed that authorities continued to use the law as an instrument of repression to expand control over Chinese society, while outwardly providing the veneer of a system guided by the rule of law.

The PRC Law on the Management of Overseas Non-Governmental Organizations' (NGOs) Activities took effect on January 1, 2017. The government provided limited guidance for international NGOs attempting to comply with the law, creating an uncertain operating environment for these NGOs as well as their local Chinese partners. Moreover, as many of China's grassroots NGOs rely on funding from abroad, these groups now face new administrative hurdles, increased government scrutiny, and the potential loss of funding. This comes at a time when the space for civil society, particularly any form of rights advocacy, is already fraught following high-profile crackdowns on NGOs and rights advocates in recent years.

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Similar realities emerged surrounding the PRC Cybersecurity Law, with foreign companies expressing concern over data localization requirements, compromised security, privacy safeguards, and discriminatory treatment. While the full implications of the law are still unclear, provisions within the law could give the Chinese government unprecedented access to the technology and data of foreign companies, in part through requiring companies to store their data on mainland Chinese servers, an alarming proposition for businesses given the Chinese government's track record of ineffective protection of intellectual property rights. Chinese citizens, too, will feel the impact of the law, as it lacks any guarantee to protect the right to freedom of expression, and requires real-name registration and storage of personal information, making users more vulnerable to censorship and prosecution. As written, the law could result in foreign companies being forced to choose between aiding Chinese security agencies in their repression and breaking the law.

### *Rights Lawyers Tortured and Criminalized*

In a March 2017 annual report, Zhou Qiang, President of the Supreme People's Court (SPC), touted the conviction and sentencing of prominent rights lawyer Zhou Shifeng as a key achievement of the Chinese judiciary in 2016. Zhou Shifeng and other lawyers from the Fengrui Law Firm, including Wang Quanzhang and Wang Yu, were the focus of the government's July 2015 crackdown on human rights lawyers and advocates. These lawyers and advocates were involved in cases which the Party deemed sensitive, representing practitioners of the Falun Gong spiritual movement, ethnic rights advocates, and individuals detained for alleged speech crimes. In the March report, the SPC President urged high court presidents across China to "draw your sword" (*liangjian*) against Western principles of "constitutional democracy, separation of powers, and judicial independence." This language is consistent with broader Party efforts to fuel nationalist sentiment with an undercurrent of anti-Western hostility spurred by propaganda campaigns against "foreign forces" and increasing official rhetoric characterizing rights lawyers as "enemies of the state."

Authorities used vague state security provisions in the PRC Criminal Law to deny due process rights, including access to independent legal counsel, in prosecuting several of the rights lawyers detained in connection with the July 2015 crackdown. Many of these lawyers were initially held under a relatively new form of de facto incommunicado detention—"residential surveillance at a designated location"—which allows for detention in a secret location without access to a lawyer for up to six months, leaving detainees at risk of torture. Reports of severe mistreatment emerged in connection with several of these cases, including forced ingestion of unknown medications and the use of electric shock. Some rights lawyers preemptively recorded or authored statements of denial of forced or coerced confessions, in what observers described as an astute tactic to recapture the narrative from their accusers. In a January 2017 written statement, prominent human rights lawyer Xie Yang said: "If, one day in the future, I do confess—whether in writing or on camera or on tape—that will not be the true expression of my own mind. It may be because I've been subjected to pro-

longed torture, or because I've been offered the chance to be released on bail . . .”<sup>2</sup>

Chinese government and Communist Party officials use various other methods to restrict and punish lawyers who take on cases officials deem “sensitive.” When lawyers are convicted of criminal activity, as is the case for numerous prominent rights lawyers, officials may strip them of their law licenses, subject them to constant surveillance, and curtail their freedom of movement. Amended regulations that took effect in November 2016, requiring law firms to establish internal Party groups that will take part in the law firms’ management, may further hinder even licensed lawyers’ ability to take on cases the government deems “sensitive.”

Prior to the 2015 crackdown, officials employed similar measures to restrict and punish prominent rights lawyers. Many of these people continue to suffer for their advocacy, as represented in the cases of the following individuals:

- **Jiang Tianyong** was disbarred in 2009 after representing individuals such as Tibetan protesters and victims of the 2008 contaminated milk powder scandal. He disappeared in November 2016 and was formally arrested six months later on charges of “subversion of state power.” In August 2017, Jiang pleaded guilty to “inciting subversion of state power” at trial.
- Public interest lawyer **Pu Zhiqiang**, who had advocated on behalf of religious and ethnic minorities, engaged in activities commemorating the 1989 Tiananmen protests, and represented defendants in politically sensitive cases, such as artist Ai Weiwei, was given a three-year suspended sentence in December 2015, following 19 months in pretrial detention. Pu permanently lost his law license as a result of his conviction.
- **Ni Yulan**, severely disabled after police beat her while in detention, lost her job as a legal consultant in 2002 as a result of her advocacy on behalf of individuals forcibly evicted from their homes. In 2016, Chinese authorities denied Ni a passport to prevent her from traveling to the United States to accept an award from the U.S. Department of State honoring her courage and unstinting advocacy. More recently, she has been repeatedly evicted from rented apartments after police reportedly pressured her landlords.
- **Gao Zhisheng**, one of China’s first rights lawyers representing vulnerable groups such as house church Christians, Falun Gong practitioners, and farmers whose land was expropriated, was released from prison in August 2014, after enduring severe torture. Unable to practice law due to his criminal conviction, he faces continued restrictions on his freedom of movement and speech. As of August 2017, Gao is reportedly missing.
- **Tang Jingling**, who gained prominence as a lawyer working on compensation and corruption cases, has been prevented from practicing law since late 2005. Officials detained him in 2014, prior to the 25th anniversary of the violent suppression of the 1989 Tiananmen protests, and in January 2016 sentenced him to five years in prison for “inciting subversion of state power.”

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### *Restrictions on Religious Freedom Intensify, Particularly in the Xinjiang Uyghur Autonomous Region and Tibetan Autonomous Areas*

In both law and practice, the Chinese government continued to violate the religious freedom of its citizens by imposing restrictions on religious practice and interpretations of faith—restrictions that have intensified since Xi Jinping became Communist Party General Secretary in November 2012. These abuses were especially severe in ethnic minority areas. Revised draft regulations governing religious activities and assembly, issued in September 2016 and passed in September 2017, did not reflect any lifting of past repression, but were a systematization of existing restrictions and an example of the Party's attempts to coopt what it perceives to be the positive aspects of religion—namely, provision of social services and religion as an instrument for promoting national unity and social stability.

Anticipating passage of the draft regulations, some local government measures targeted Protestant Christian house churches. These included the establishment of work plans to force house churches to register or face closure; investigative surveys; mobilization of security forces against privately organized churches; surveillance of churches through informants and the installation of cameras; destruction of religious symbols, including crosses; dismissal of personnel; and prohibitions on offering boxes, performing baptisms, and appointing ministers.

In the Xinjiang Uyghur Autonomous Region (XUAR), officials introduced policies regulating some of the most personal expressions of Uyghur Muslims' religious faith, including circumcisions, weddings, and funerals. Authorities adopted new regulations limiting the role of religion in education as well as parents' ability to involve their children in religious activities. The regulations also banned Islamic dress, including veils and "irregular" beards, and prohibited parents from naming their infant children any of a list of dozens of "Islamic" names deemed "extremist." Families who failed to comply with the name prohibition risked denial of household registration (*hukou*) for their newborns, thereby restricting their access to social services such as education and healthcare. Later reports indicated that the name prohibition was extended to include anyone up to the age of 16. In late 2016, authorities reportedly demolished thousands of mosques in the XUAR as part of a "mosque rectification" campaign introduced by central government officials and overseen by local security personnel.

In Tibetan autonomous areas, the Party and government continued to violate the rights of religious freedom and freedom of movement of Tibetan Buddhist monastics and laypeople through a system of pervasive controls and restrictions on religious practice, and through extensive and intrusive surveillance that deepened the Party's penetration into villages and religious institutions. The demolitions of buildings and the expulsion and forced relocation of thousands of monks and nuns from the renowned Buddhist institutes of learning Larung Gar and Yachen Gar, both in Sichuan province, further eroded institutions that serve to preserve Tibetan Buddhism, language, and culture. As of August 2017, there were five known self-immolations of Tibetans protesting Chinese rule

and calling for the return of the Dalai Lama to Tibet during this reporting year. An estimated 7,000 Tibetan pilgrims from Tibetan areas of China attempted to attend an important religious teaching in India given by the Dalai Lama in January 2017. In advance of the teaching in India, however, Chinese officials confiscated Tibetans' passports, ordered thousands of Tibetans who were already in India to return to China, and issued threats—including detention, loss of pension and jobs, and prohibiting monks from returning to their monasteries—if they failed to obey the order to return.

*Long-Term Viability of “One Country, Two Systems” for Hong Kong Is Increasingly Uncertain*

Against the backdrop of the 20th anniversary of the British handover of Hong Kong, the Commission observed further erosion of the “one country, two systems” principle enshrined in Hong Kong’s Basic Law. The National People’s Congress Standing Committee (NPCSC) chose to intervene in an active Hong Kong court case in November 2016, interpreting the Basic Law to effectively prohibit two democratically elected Hong Kong legislators from taking office in the Legislative Council (LegCo). It was the first time the NPCSC had preemptively ruled on a case under consideration by a local court, raising further concerns about Hong Kong’s autonomy.

The March 26, 2017, election of Carrie Lam Cheng Yuet-ngor as Hong Kong’s fourth Chief Executive was marred by reports of Chinese central government officials and representatives instructing Election Committee members to support Lam over other candidates. The composition of the Election Committee, which is already restricted to ensure support for candidates approved by Chinese authorities, underscored the unmet demands of the 2014 protests calling for universal suffrage and fully democratic representation.

The May 2017 statements of Zhang Dejiang, NPCSC chairman and head of the Party’s coordination group on Hong Kong affairs, further expounded on the central government’s views regarding the long-term trajectory of Hong Kong with an ominous warning: “Under no condition should the high degree of autonomy be used as a guise to confront the Central Government’s authority.” He underscored the primacy of Hong Kong’s Chief Executive over the judiciary and the legislature, and pressed for more stringent national security laws in Hong Kong, including the reintroduction of the controversial anti-subversion and anti-sedition legislation under Article 23 of the Basic Law.

In July 2017, a local court removed four democratically elected pro-democracy legislators on grounds that they had failed to take the oath of office properly, based on the same controversial interpretation of the Basic Law used to prevent two lawmakers from taking office in November 2016. Nathan Law Kwun-chung, one of the leaders of the 2014 pro-democracy protest and the youngest elected legislator in Hong Kong’s history, was among those removed from office. Hong Kong authorities sentenced Law and two other leaders of the 2014 protest, Joshua Wong Chi-fung and Alex Chow Yong-kang, in August 2017, to between six and eight months’ imprisonment in connection with their activities during the 2014

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protests. The Hong Kong Department of Justice pursued the harsher sentences after Wong and Law had previously been sentenced to, and completed, community service. Moreover, the new prison sentences prevent each one of the three from running for legislative office for five years. Their newly formed political party, Demosistō, issued a statement in response to the sentencing: “The government is determined to put peaceful protestors behind bars to mute all dissidents by abusing judicial procedures.”<sup>3</sup>

Additionally, Hong Kong journalists reported continuing fears over press freedom, noting concerns over self-censorship, government restrictions on reporters, and the 2015 abductions and disappearances of five Hong Kong booksellers by mainland Chinese authorities. In May 2017 testimony before the Commission, bookseller Lam Wing Kee described the events surrounding the disappearances of the booksellers, including Gui Minhai, who remains in detention as of September 2017: “This string of events demonstrates not only brutal intervention in the freedom of expression in Hong Kong by the Chinese government, but also how increasingly unscrupulous they are.”<sup>4</sup>



## RECOMMENDATIONS TO CONGRESS AND THE ADMINISTRATION

- **Embed Human Rights Throughout Bilateral Relations.** The Administration and Congress should develop an action plan to facilitate interagency coordination on human rights in China and develop a coordinated approach that prepares all agencies interacting with Chinese government counterparts to pursue measurable, results-oriented human rights and rule of law outcomes. All agencies should be prepared to better articulate the link between human rights improvements in China and U.S. economic, security, and diplomatic interests.
- **Make Reciprocity a Priority.** The Administration should open high-level discussions to create a rules-of-the-road agreement that ensures reciprocal treatment for U.S. institutions, businesses, and nationals operating in China. The Administration should take appropriate and reciprocal actions to ensure that U.S.-based media outlets as well as academic and non-governmental organizations have the same freedoms afforded to a growing number of Chinese government-sponsored and funded think tanks, academic institutions, and media entities in the United States, while ensuring that independent Chinese media and organizations remain welcome. In addition, any bilateral investment treaty (BIT) with China should effectively facilitate and enable market access for U.S. media companies and education institutions.
- **Hold Officials Accountable for Abuses.** The Administration should use existing laws to hold accountable Chinese government officials and others complicit in torture, severe religious freedom restrictions, repatriation of North Korean refugees, or those participating in forced abortions or sterilizations, including by using the sanctions available in the Global Magnitsky Human Rights Accountability Act, the International Religious Freedom Act of 1998, and the Foreign Relations Authorization Act of 2000. Congress should consider allocating resources to identify and investigate Chinese government officials responsible for human rights violations.
- **Seek a Law Enforcement Agreement That Upholds Global Standards.** Chinese government officials have sought repatriation of Chinese citizens overseas in connection with the government's anticorruption investigations, offering the Administration an opportunity to press for a comprehensive law enforcement agreement that establishes diplomatic assurances guaranteeing verifiable prisoner due process protections and an end to torture in detention and forms of arbitrary detention, including "residential surveillance at a designated location." The U.S. Government should not agree to any additional repatriations until the Chinese government can demonstrate that they are meeting the standards set forth in the International Covenant on Civil and Political Rights and other international human rights instruments regarding the treatment of criminal suspects.
- **Respond to Digital Protectionism.** The Administration should consider seeking a high-level trade agreement to address the Chinese government's growing digital protectionism that would include commitments on the free flow of news and information and the non-discriminatory treatment of U.S. digital products. The Administration should consider initiating a World Trade Organization

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dispute to challenge continued discrimination against U.S. technology and media companies and prepare targeted trade sanctions if the Chinese government continues to impose onerous requirements, including data storage in China and the disclosure of source code and encryption keys. The Administration should provide Congress more detailed information about the effects of Internet censorship on U.S. businesses in China and use existing legal provisions to address intellectual property theft and the privacy concerns of U.S. citizens due to Chinese cyber espionage. The Administration and the committees of jurisdiction in Congress should work to find ways to use the Committee on Foreign Investment in the United States (CFIUS) to respond to unfair industrial policies that threaten national security, including by expanding its mandate to look at foreign investment in media and technology sectors.

- **Promote a Free Internet.** The Administration, in collaboration with Congress and the Chief Executive Officer of the Broadcasting Board of Governors, should develop a comprehensive, multiyear strategy that partners with civil society, businesses, key technology industries, religious leaders, and human rights defenders to counter efforts by the Chinese government to promote “Internet sovereignty”; develop effective technologies that provide or enhance access to the Internet; and conduct research on ways to counter threats to Internet freedom, including the Chinese government’s intent to block access to virtual private networks (VPNs) starting in early 2018. The Administration and Congress should consider expanding programs providing digital security training for civil society advocates and projects that track, preserve, and recirculate media and Internet content deleted by Chinese government censors.

- **Expand Mandate of FARA To Counter Propaganda.** The Administration and Congress should work together to expand the mandate of the Foreign Agents Registration Act (FARA) to encompass individuals working for foreign state-owned media, government-backed think tanks, or other non-profit organizations operating in the United States. In addition, the Administration should develop a “whole-of-government” strategy to respond to Chinese government propaganda, including by fully equipping the Global Engagement Center at the State Department to research and counter disinformation and by considering an expansion of resources for Voice of America and Radio Free Asia programming in China.

- **Speak With a Unified Voice on Human Rights.** The Administration should, where appropriate, lead efforts with allies to develop coordinated responses to human rights violations, including by working together at the United Nations, by creating a multilateral human rights dialogue or jointly funding technical assistance and capacity-building projects, or by engaging in joint advocacy and the sharing of prisoner lists. The Administration should also coordinate with businesses and non-governmental organizations (NGOs) to develop a unified message about unfair industrial policies, digital protectionism, and the harm to U.S. and global interests from the PRC Law on the Management of Overseas NGOs’ Activities.

- **Help Address China’s “Missing Girls” Problem.** The Administration should integrate the provisions of the Girls Count Act

(Public Law No. 114–24) into foreign assistance programs and consider appointing a Special Advisor at the U.S. State Department to oversee the creation and coordination of assistance programs to address the social and economic issues created by the Chinese government’s population control policies and sex ratio imbalances, particularly projects that strengthen property and inheritance rights for Chinese women and girls and those that protect women and their families from the most coercive aspects of the population control policies. The Administration should develop talking points so that officials and diplomats can discuss problems linked to China’s dramatic sex ratio imbalance as part of bilateral dialogues on security, law, trafficking, human rights, and public health. In addition, Congress should continue to link U.S. contributions to the UN Population Fund for use in China with the end of all birth limitation and coercive population control policies in China.

- **Seek Protections for North Korean Refugees.** Congress should reauthorize the North Korean Human Rights Act and consider expanding efforts to channel uncensored news and information into North Korea and to asylum-seekers in China through all possible means, including through North Korean defector communities. In addition, using the tools provided by Congress, the Administration should be prepared to impose secondary sanctions on Chinese corporations, individuals, or banks that profit from North Korean forced labor and those assisting the North Korean government in avoiding international sanctions.

- **Make Religious Freedom Diplomacy a Priority.** Given that countries that severely restrict religious freedom are likely to face domestic instability and may also threaten regional stability, it is in the U.S. interest for the Administration to implement fully the provisions of the Frank R. Wolf International Religious Freedom Act (Public Law No. 114–281) and strategically employ the sanctions and other tools associated with the U.S. State Department’s designation of China as a “Country of Particular Concern” for severe restrictions on religious freedom. The Administration should reestablish the Religion and Foreign Policy Working Group within the Department of State’s Federal Advisory Committee to bring together experts from government, universities, religious and other NGOs to develop an effective multiyear plan to promote and protect religious freedom in China.

- **Prioritize Efforts To Combat Human Trafficking, Forced Labor, and Child Labor.** Congress and the Administration should ensure that the U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons and the U.S. Department of Labor’s Bureau of International Labor Affairs have sufficient resources and status within their Departments to effectively combat human trafficking and more accurately report on current conditions, including by reauthorizing the Trafficking Victims Protection Act of 2000. Congress should again consider legislation that improves U.S. Government data collection and reporting on the issue of human trafficking for the purpose of organ removal, globally and in China.

- **Promote Dialogue Regarding Tibet.** The Administration and Congress should work together to press for unrestricted access to Tibetan autonomous areas in China and to facilitate the full im-

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plementation of the Tibetan Policy Act of 2002, including establishing a diplomatic office in Lhasa, and urging renewed dialogue between Chinese government officials and the Dalai Lama's representatives. Administration officials, including the President, should meet with the Dalai Lama in his capacity as a spiritual leader and with the leaders of the Central Tibetan Administration. Congress should consider passage of the Reciprocal Access to Tibet Act (S. 821/H.R. 1872, 115th Cong., 1st Sess.).

- **Calibrate Counterterrorism Cooperation To Protect Ethnic Minorities.** Due to the Chinese government's practice of labeling peaceful rights advocates and members of religious and ethnic minority groups as extremists or terrorists, the Administration should consider carefully the nature and scope of its counterterrorism cooperation with the Chinese government and, through the Office of the Director of National Intelligence, create guidelines for such cooperation to ensure that the United States does not condone Chinese authorities' crackdown on domestic political dissent or restrictions on the freedoms of expression or religion. The Administration should develop interagency talking points to raise issues of human rights in China's ethnic minority areas during bilateral and multilateral dialogues with Chinese military, public security, or other appropriate government officials.

- **Ensure American Nationals Are Protected.** The Administration should consider seeking revisions to the U.S.-China Consular Convention to clarify that Americans detained in China may meet with a lawyer of their choice, contact their families regularly, privately discuss the details of their case with U.S. consular officials, and have U.S. Embassy officials attend all legal proceedings. The Administration should consider developing a formal strategy to secure the release of American nationals and the family members of American nationals who are extrajudicially detained in China and should work with Congress to ensure regular reports on the number of U.S. citizens detained or not permitted to leave China.

- **Reiterate U.S. Interest in Hong Kong's Autonomy.** The Administration should continue to issue annually the report outlined in Section 301 of the United States-Hong Kong Policy Act of 1992, subject to Congressional directives. Congress should consider ways to express through public statements, official visits, and resolutions the important connection between a free press, a vibrant civil society, an independent judiciary, and expanded democratic governance in Hong Kong and the mutual interests shared by the United States and China in maintaining Hong Kong as a center of business and finance in Asia. The Administration and Congress should work together to determine whether legislation or other measures are needed to revise the United States-Hong Kong Policy Act of 1992, including by passing the Hong Kong Human Rights and Democracy Act (S. 417, 115th Cong., 1st Sess.).

- **Develop a Code of Conduct for Civil Society.** The Administration should work with U.S. civil society and non-governmental organizations, including cultural-exchange and sister-city programs, and humanitarian assistance, academic, and religious organizations, to formulate a code of conduct for interacting with the Chinese government in order to protect the academic freedom and universally recognized human rights of staff, faculty, or students

living in China and to equip institutions to respond effectively when Chinese authorities attempt to encourage censorship, threaten visa denials or access to China, or dictate who can participate or what can be discussed in various programs, projects, or institutions.

- **Consistently Advocate for Political Prisoners.** In meetings with Chinese government officials, Administration officials and Members of Congress should raise cases, both publicly and in private, of individuals detained or imprisoned for the peaceful expression of political or religious beliefs and those promoting legal reforms and human rights. The Administration should also consider creating a Special Advisor for Political and Religious Prisoners to coordinate State Department and interagency advocacy on behalf of political prisoners. Experience demonstrates that raising individual cases can result in improved treatment, lighter sentences, or in some cases, release from custody, detention, or imprisonment. U.S. officials are encouraged to consult the Commission's Political Prisoner Database for credible and up-to-date information on individual prisoners or groups of prisoners. Please see representative cases of concern on the following pages.

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




*The Commission adopted this report by a vote of 16 to 0.†*

†Voted to adopt: Senators Rubio, Lankford, Cotton, Daines, Young, Feinstein, Merkley, Peters, and King; Representatives Smith, Pittenger, Franks, Hultgren, Kaptur, Walz, and Lieu.

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POLITICAL PRISONER CASES OF CONCERN





U.S. officials are encouraged to consult the Commission’s Political Prisoner Database for credible and up-to-date information on individual prisoners or groups of prisoners. Below are some of the many cases requiring legal, humanitarian, and other forms of advocacy across the issues covered by this report.

Name and PPD Record No.	Case Summary (as of August 31, 2017)
<p><b>Gulmira Imin</b> 2010-00238</p>  <p>Life sentence</p>	<p>On July 14, 2009, authorities in Urumqi municipality, Xinjiang Uyghur Autonomous Region (XUAR), detained Uyghur website administrator Gulmira Imin. Salkin, the website she administered, reportedly posted an announcement calling on Uyghurs to demonstrate in Urumqi on July 5, 2009, and authorities alleged she was involved in organizing the subsequent demonstration that took place. The Urumqi Intermediate People’s Court tried her on April 1, 2010, and sentenced her to life imprisonment for “separatism,” “disclosing state secrets,” and “organizing an illegal demonstration.” Gulmira Imin stated at trial that, while in detention, authorities tortured her and forced her to sign a document she had not read. She is held in the Xinjiang Women’s Prison (Xinjiang No. 2 Prison) in Urumqi.</p>
<p><b>Jiang Tianyong</b> 2011-00179</p>  <p>Awaiting judgment</p>	<p>On November 21, 2016, disbarred rights lawyer Jiang Tianyong disappeared in Changsha municipality, Hunan province. Authorities reportedly held Jiang under “residential surveillance at a designated location” on suspicion of “inciting subversion of state power” until his May 31, 2017, arrest for “subversion of state power.” Authorities charged that since 2009, Jiang had criticized the Chinese government and political system through foreign media. On August 22, Jiang pleaded guilty to “inciting subversion of state power” in a trial at the Changsha Intermediate People’s Court; Jiang’s wife called it a “show trial” and said she feared he had been tortured. UN rights experts expressed concerns that authorities detained Jiang for his legal advocacy, including for members of religious groups.</p>
<p><b>Bonkho Kyi</b> 2012-00261</p>  <p>7 years</p>	<p>In or around November 2015, officials from Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture (T&amp;QAP), Sichuan province, detained at least eight Tibetans, including layperson Bonkho Kyi, who had organized observances of the Dalai Lama’s 80th birthday on July 6, 2015. Charges against Bonkho Kyi and others were unknown, but may be related to PRC Criminal Law provisions under “endangering state security.” On December 6, 2016, the Aba Intermediate People’s Court sentenced Bonkho Kyi to seven years’ imprisonment. Authorities previously detained Bonkho Kyi in 2011 and 2012 for unknown reasons and subjected her to close surveillance after her release.</p>
<p><b>Li Guozhi</b> 2016-00001</p>  <p>2 years, 6 months</p>	<p>On December 9, 2015, authorities from Guiyang municipality, Guizhou province, took into custody Li Guozhi (a.k.a. Yang Hua), a pastor of the Living Stone Church, administratively detaining him on suspicion of “obstructing official business.” On the same day, Guiyang authorities declared Li’s church an “illegal social group” and banned it. On January 22, 2016, Guiyang authorities arrested Li on the charge of “intentionally disclosing state secrets.” On December 30, a Guiyang court sentenced Li to two years and six months in prison. In March 2017, Li was unable to walk independently due to a blood vessel inflammation, for which prison officials reportedly failed to provide timely medical treatment.</p>

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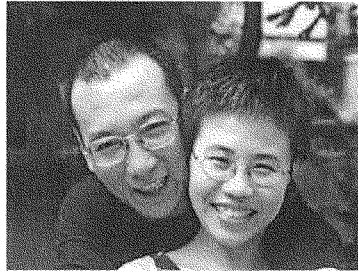
<p><b>Liu Shaoming</b> 2015-00216</p>  <p>4 years, 6 months</p>	<p>On or around May 29, 2015, officials in Guangzhou municipality, Guangdong province, took into custody labor advocate Liu Shaoming, criminally detaining him on suspicion of “picking quarrels and provoking trouble.” On January 5, 2016, authorities charged Liu with “inciting subversion of state power” for writing and sharing political essays online. The Guangzhou Intermediate People’s Court heard Liu’s case on April 15, 2016, sentencing him to four years and six months’ imprisonment on July 2, 2017. Liu previously served one year in prison after participating in the 1989 Tiananmen protests and continued to advocate for workers’ rights after his release, including helping to establish a workers’ rights advocacy group.</p>
<p><b>Tang Jingling</b> 2011-00255</p>  <p>5 years</p>	<p>On May 16, 2014, public security officials in Baiyun district, Guangzhou municipality, Guangdong province, criminally detained lawyer Tang Jingling on suspicion of “picking quarrels and provoking trouble” and later arrested him on suspicion of “inciting subversion of state power.” Before his detention, Tang participated in the “Non-Violent Civil Disobedience Movement” that called for legal and social reforms; he also initiated a “June Fourth Meditation” event to commemorate the 1989 Tiananmen protests. On June 19, 2015, the Guangzhou Intermediate People’s Court tried Tang and later sentenced him to five years in prison. Tang’s wife reported in July 2017 that prison officials refused to give the family his medical records after he experienced chest pain.</p>
<p><b>Tashi Wangchug</b> 2016-00077</p>  <p>Awaiting trial</p>	<p>On January 27, 2016, officials detained Tashi Wangchug (Tashi Wangchuk) in Yushu (Kyegudo) city, Yushu Tibetan Autonomous Prefecture, Qinghai province, charged him with “inciting separatism,” and held him in a detention center in Qinghai. Authorities held Tashi in pretrial detention for over a year and reportedly subjected him to prolonged interrogation and repeated beatings. One of his lawyers stated that the police investigation focused on the New York Times’ coverage of his efforts to file a lawsuit to require schools in Yushu to offer more Tibetan-language instruction. Authorities previously detained Tashi in 2012 for criticizing local officials in online posts, and around 2006 for attempting an “illegal” journey to India.</p>
<p><b>Tian Jiguang</b> 2016-00452</p>  <p>4 years, 6 months</p>	<p>On October 16, 2013, officials in Panjin municipality, Liaoning province, criminally detained Tian Jiguang, founder of an environmental NGO, reportedly for a blog post criticizing pollution by a state-owned enterprise. On September 11, 2014, the Dawa County People’s Court in Panjin convicted Tian of “extortion,” “embezzlement,” and “misappropriation of funds,” and imposed a 12-year prison term, which the trial court initially declined to change after the case was remanded on appeal by the Panjin Intermediate People’s Court. Subsequently, the intermediate court accepted Tian’s retrial request, and on remand, the trial court resented him in June 2017 to four years and six months in prison. Tian is held at Jinzhou Prison in Liaoning.</p>
<p><b>Ilham Tohti</b> 2009-00315</p>  <p>Life sentence</p>	<p>On January 15, 2014, officials detained Uyghur scholar Ilham Tohti at his home in Beijing municipality. On February 20, authorities formally arrested him on the charge of “separatism,” detaining him at the Urumqi PSB Detention Center in Urumqi, XUAR. During a June 26 meeting with his lawyers, Tohti stated officials had subjected him to abuse while in detention, including by shackling him and depriving him of food and water. On September 23, 2014, an Urumqi court sentenced Tohti to life in prison on the charge of “separatism.” He is held at the Xinjiang No. 1 Prison in Urumqi. Tohti was an economics professor in Beijing and founder of the website Uyghur Online. He wrote about ethnic tension and sought peaceful dialogue between Uyghurs and Han Chinese.</p>

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<p><b>Wang Quanzhang</b> 2015-00278</p>  <p>Awaiting trial</p>	<p>On July 10, 2015, Wang Quanzhang, a lawyer at Beijing Fengrui Law Firm, disappeared amid a crackdown on rights lawyers and advocates. After holding him at an undisclosed location, Tianjin municipality authorities arrested Wang on the charge of “subversion of state power” on January 8, 2016, indicting him on the same charge on February 14, 2017. In more than two years in detention in Tianjin, authorities have not permitted Wang to meet with his family members or legal counsel, and reportedly tortured Wang with electric shocks. Previously, Wang defended several high-profile rights defense cases; in 2015, police in Shandong province beat Wang as he was defending Falun Gong practitioners. Wang remains in pretrial detention.</p>
<p><b>Wu Gan</b> 2010-00348</p>  <p>Awaiting judgment</p>	<p>On or around May 19, 2015, officials detained rights advocate Wu Gan (a.k.a. “Butcher”) after he protested outside a court in Jiangxi province on behalf of four men who he believed were wrongfully accused. On December 23, 2016, procuratorate officials in Tianjin indicted Wu on the charge of “subversion of state power,” accusing him of colluding with fellow Beijing Fengrui Law Firm employees to “severely harm state security and social stability.” Tianjin authorities held a closed-door trial for Wu on August 14, 2017. The court had not issued a judgment as of August 31, 2017. Authorities reportedly deprived Wu of sleep and subjected him to prolonged interrogation.</p>
<p><b>Xia Lin</b> 2014-00432</p>  <p>10 years</p>	<p>Authorities in Beijing municipality took lawyer Xia Lin into custody on November 8, 2014, criminally detaining him on suspicion of “fraud,” and formally arresting him on December 15. The Beijing No. 2 Intermediate People’s Court tried Xia on June 17, 2016, and sentenced him on September 22 to 12 years in prison and 3 years’ deprivation of political rights for “fraud.” On April 21, 2017, the Beijing High People’s Court reduced his sentence on appeal to 10 years. Authorities reportedly detained Xia in retaliation for his criminal defense work, including his representation of public interest lawyer Pu Zhiqiang and founder of Transition Institute Guo Yushan.</p>
<p><b>Zhang Shaojie</b> 2014-00126</p>  <p>12 years</p>	<p>On November 17, 2013, officials in Nanle county, Puyang municipality, Henan province, criminally detained Pastor Zhang Shaojie of the Nanle Three-Self Patriotic Movement Church, who previously led a group of Christians to file a petition over a land dispute with the county government. On November 23, authorities formally arrested Zhang on charges of “obstruction of official business” (later changed to “fraud”) and “gathering a crowd to disrupt social order.” The Nanle County People’s Court sentenced Zhang to 12 years in prison on July 4, 2014. Zhang’s sentence was upheld on appeal in August 2014. Zhang is held in the Henan No. 2 Prison in Xinxiang municipality, Henan, where authorities reportedly have deprived him of sleep and food.</p>
<p><b>Zhang Haitao</b> 2015-00343</p>  <p>19 years</p>	<p>On June 26, 2015, public security officials from Urumqi, XUAR, took rights advocate Zhang Haitao into custody, reportedly as a part of a “stability maintenance” effort to “clean up individuals active on the Internet.” Authorities charged that Zhang was interviewed by foreign media and expressed views critical of the Chinese government and Communist Party. On January 15, 2016, the Urumqi Intermediate People’s Court sentenced him to 19 years in prison for “inciting subversion of state power” and “stealing, spying, purchasing, and illegally providing state secrets and intelligence for overseas entities.” Zhang’s sentence was affirmed upon appeal in November 2016. Zhang is held in the Shaya Prison in Aksu prefecture, XUAR.</p>



LIU XIAOBO AND LIU XIA



In addition to the preceding cases, the Commission urges Members of the U.S. Congress and Administration officials to raise with the Chinese government the recent death in custody of Liu Xiaobo, and to advocate for the release from arbitrary detention of Liu's wife, Liu Xia.

On July 13, 2017, Nobel Peace Prize laureate and prominent political prisoner, Liu Xiaobo, died in state custody, just weeks after officials reported that he was battling late-stage liver cancer. Observers have questioned whether Liu received adequate medical care and appropriate health screenings while in prison. Despite reports that Liu wished to seek medical treatment abroad, the Chinese government kept him under guard in a hospital in Liaoning province until his death.

Chinese authorities detained Liu Xiaobo on December 8, 2008, in Beijing municipality, and later arrested him on the charge of "inciting subversion of state power" in connection with the political treatise Charter 08 and several political essays he wrote. On December 25, 2009, the Beijing No. 1 Intermediate People's Court sentenced him to 11 years in prison and 2 years' deprivation of political rights.

Liu is survived by his wife, the artist and poet Liu Xia. Authorities placed Liu Xia under illegal home confinement in Beijing shortly after the Norwegian Nobel Committee named Liu Xiaobo recipient of the Nobel Peace Prize in October 2010. In August and September 2017, authorities maintained control over Liu Xia's whereabouts, reportedly moving her to Yunnan province and then to Beijing. Friends, supporters, and outside observers have expressed concern about her safety, health, and well-being; her physical and mental health reportedly have deteriorated during her seven years of arbitrary confinement.

*Advocating Respect for Human Rights and Peaceful Political Reform*

A writer, former literature professor, and human rights advocate, Liu Xiaobo was among the chief authors of Charter 08, an open statement calling for political reform and greater protection of human rights in China, which was released on December 10, 2008, to coincide with the 60th anniversary of the Universal Declaration of Human Rights and Human Rights Day. Charter 08 contained 19 recommendations, including a call for guarantees of human rights, direct elections of legislative bodies and officials, an independent judiciary, separation of powers, and the guarantee of freedom of religion, freedom of speech, and freedom of assembly. Charter 08 urged Chinese citizens to work together "for major changes in Chinese society and for the rapid establishment of a free, democratic, and constitutional country . . . to bring a brilliant new chapter to Chinese civilization."

Liu's work on Charter 08 was characteristic of his work throughout his life in pursuit of these ideals. The Norwegian Nobel Committee recognized his efforts when they awarded him the 2010 Nobel Peace Prize for his "long and non-violent struggle for fundamental human rights in China." During the awards ceremony, however, his chair remained empty and he was unable to claim his prize.

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Instead of the customary Nobel lecture, the statement Liu wrote for his trial on December 23, 2009, was read aloud by the Norwegian actress Liv Ullman. Titled “I Have No Enemies: My Final Statement,” select excerpts follow:

*But I still want to say to this regime, which is depriving me of my freedom, that I stand by the convictions I expressed . . . twenty years ago—I have no enemies and no hatred . . .*

*Hatred can rot away at a person’s intelligence and conscience. Enemy mentality will poison the spirit of a nation, incite cruel mortal struggles, destroy a society’s tolerance and humanity, and hinder a nation’s progress toward freedom and democracy. That is why I hope to be able to transcend my personal experiences as I look upon our nation’s development and social change, to counter the regime’s hostility with utmost goodwill, and to dispel hatred with love.*

*My dear [Liu Xia], with your love I can calmly face my impending trial, having no regrets about the choices I’ve made and optimistically awaiting tomorrow. I look forward to [the day] when my country is a land with freedom of expression, where the speech of every citizen will be treated equally well; where different values, ideas, beliefs, and political views . . . can both compete with each other and peacefully coexist; where both majority and minority views will be equally guaranteed, and where the political views that differ from those currently in power, in particular, will be fully respected and protected; where all political views will spread out under the sun for people to choose from, where every citizen can state political views without fear, and where no one can under any circumstances suffer political persecution for voicing divergent political views. I hope that I will be the last victim of China’s endless literary inquisitions and that from now on no one will be incriminated because of speech.*

*Freedom of expression is the foundation of human rights, the source of humanity, and the mother of truth. To strangle freedom of speech is to trample on human rights, stifle humanity, and suppress truth.*

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### Notes to Section I—Executive Summary

<sup>1</sup>Tom Phillips, “China’s ‘War on Law’: Victims’ Wives Tell US Congress of Torture and Trauma,” *Guardian*, 18 May 17.

<sup>2</sup>“Chinese Rights Lawyer ‘Released’ After Guilty Plea During Subversion Trial,” *Radio Free Asia*, 8 May 17.

<sup>3</sup>Kelvin Chan, “Young Leaders of Massive 2014 Hong Kong Protests Get Prison,” *Associated Press*, 17 August 17.

<sup>4</sup>Congressional-Executive Commission on China, “Hearing on ‘Will the Hong Kong Model Survive? An Assessment 20 Years After the Handover’” [Video file], YouTube, 3 May 17, 1 hr. 48 min. 47 sec.