FREEDOM OF RESIDENCE AND MOVEMENT

Freedom of Residence

During the Commission’s 2017 reporting year, the Chinese government continued to restrict the freedom of residence of Chinese citizens through the use of the household registration (hukou) system, established in 1958. The hukou system classifies Chinese citizens as rural or urban, conferring certain legal rights and access to public services based on the classification. Implementation of this system discriminates against rural hukou holders and migrants to urban areas by denying them equal access to public benefits and services enjoyed by registered urban residents, including housing, education, and social insurance. The hukou system contravenes international human rights standards guaranteeing freedom of residence and prohibiting discrimination on the basis of “national or social origin, . . . birth or other status.”

The Chinese government continued to implement reforms to residence policies, including the hukou and residence permit systems. Hukou reform, including the expansion to new urban residents and migrants of public benefits traditionally tied to hukou status, remained a policy goal for the Chinese government, as outlined in several national-level policy documents. In line with previous policy pronouncements aimed at increasing China’s rate of urbanization, in September 2016, the State Council issued a plan building on previous efforts to facilitate 100 million residents in obtaining urban hukou by 2020. The plan also calls for 45 percent of the population to have urban hukou by 2020. According to a February 2017 National Bureau of Statistics of China report, at the end of 2016, China’s urban population stood at over 792.9 million people, or 57.4 percent of the population; 41.2 percent of the population were urban residents with urban-registered hukou.

After the State Council issued national provisional regulations on residence permits that took effect in January 2016, at least 29 provincial-level jurisdictions had reportedly issued implementing measures for residence permits as of August 2017. The Ministry of Public Security (MPS) reportedly announced that provincial- and local-level governments issued more than 28.9 million residence permits nationwide in 2016. The MPS also reportedly announced that provincial and local authorities nationwide abolished all previous temporary residence permit systems (zanzhuzheng) and replaced them with the newer residence permit systems (juzhuzheng).

In February 2017, the MPS reportedly confirmed a State Council decision that urban areas with fewer than 3 million permanent residents would not be permitted under hukou reform policies to implement points systems to determine applicants’ eligibility for obtaining local hukou. These systems assign values, determined by local governments, to migrants based on factors including education level, contributions to social insurance, and preferred work experience. Urban areas with populations above 3 million will be able to keep points systems and tighter restrictions on migrants’ ability to apply for local hukou. A draft Beijing municipality planning document, for example, proposed setting a cap on Beijing’s population at 23 million in 2020.
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While some policymakers recognized the difficulties migrant workers face in settling in large cities and obtaining hukou or residence permits there, as well as the need to relax restrictions on in-migration, policy experts noted that existing proposals to reform the hukou and residence permit systems did not meaningfully address disparities in rural and urban status, especially as many rural-to-urban migrants seek economic opportunity in larger cities where in-migration remained strictly controlled.

International Travel

Chinese authorities continued to deny some citizens who criticized the government, those citizens’ relatives and associates, and others—including ethnic minorities—their internationally recognized right to leave the country. Article 12 of the International Covenant on Civil and Political Rights, which China has signed and committed to ratify, provides that “[e]veryone shall be free to leave any country . . ..” Under Article 12, countries may restrict this right, but only “to protect national security, public order” and other select public interests. Chinese laws grant officials the authority to prevent from leaving the country those deemed threatening to state security or whose “exit from China is not allowed.” Chinese officials used this authority to arbitrarily keep government critics, rights defenders, and others from leaving China. The Commission observed the following representative cases during the 2017 reporting year:

• Chinese authorities continued to restrict the travel rights of individuals in connection with a nationwide crackdown on public interest lawyers and rights advocates that began in or around July 2015. For example, in March 2017, public security authorities in Shaanxi province refused to issue rights defender Lu Dongli a passport or permit to travel to Hong Kong or Macau, reportedly in connection with his support for detainees in the July 2015 crackdown as well as his interviews with foreign media about the crackdown.
• Beginning in October 2016, public security officials in several county-level jurisdictions of the Xinjiang Uyghur Autonomous Region (XUAR) reportedly ordered residents of those areas to turn in their passports to authorities. Officials also required residents to apply for approval before traveling abroad. Rights organizations criticized the passport confiscations as restricting the movement of XUAR residents and serving as “collective punishment.” In 2017, officials in some XUAR jurisdictions also reportedly ordered around 200,000 ethnic Kazakhs to turn in their passports and Kazakhstan permanent residence permits, though officials subsequently returned at least some of the documents. [For more information, see Section IV—Xinjiang—Freedom of Movement.]
• Chinese authorities threatened Tibetans who traveled, or planned to travel, to India to participate in a January 2017 religious gathering led by the Dalai Lama. Officials in some parts of Gansu, Qinghai, and Sichuan provinces seized passports from Tibetan residents to prevent them from traveling. Chinese authorities in some Tibetan areas destroyed the reli-
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In March 2017, Chinese authorities prevented Feng Chongyi, a Chinese citizen and Australian permanent resident, from leaving China after he spent several weeks conducting research on Chinese rights lawyers.38 Border control officials in Guangzhou municipality, Guangdong province, detained Feng on March 24 at the Guangzhou airport; authorities later held him at a Guangzhou hotel.39 Feng’s lawyer said that authorities accused Feng of “threatening national security,” and surmised that the travel restrictions were due to Feng’s research on rights lawyers detained in the crackdown beginning in or around July 2015.40 Authorities allowed Feng to return to Australia in early April.41 Feng told Australian media that his detention was meant to deter other academics from researching “sensitive issues or sensitive topics” related to China.42

In March 2017, Chinese authorities reportedly prevented several dozen mainland Chinese residents from traveling to Hong Kong to participate in a history seminar on the 1950s Anti-Rightist Movement.43 Chinese authorities used a variety of means to dissuade or prevent seminar participants from attending, including confiscating their travel permits.44

Domestic Movement

During this reporting year, the Commission observed reports of Chinese government officials punishing rights advocates and their families and associates, and targeting members of some ethnic minority groups, by restricting their freedom of movement domestically. Article 12 of the International Covenant on Civil and Political Rights provides that “[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement.”45 Authorities increased restrictions on freedom of movement during politically sensitive periods, including before and during the May 2017 Belt and Road Initiative forum in Beijing municipality46 and the June 2017 anniversary of the 1989 Tiananmen protests.47

During the March 2017 meetings of the National People’s Congress and the Chinese People’s Political Consultative Conference in Beijing (“Two Sessions”), Chinese authorities repeatedly seized or detained critics of the government as well as petitioners who sought meetings in Beijing with government officials, temporarily restricting their movement and sometimes forcibly returning them to their places of residence.48 During this time, authorities sent some individuals on “forced travel” (bei luyou), compelling them to leave their places of residence and preventing them from traveling to politically sensitive areas, especially Beijing.49 For example, authorities in Qianjiang municipality, Hubei province, forced former independent local people’s congress candidate Yao Lifa to leave Qianjiang during the Two Sessions, reportedly moving him between five different provinces for 18 days before allowing him to return to Qianjiang.50 Local authorities sometimes held these individuals in “black jails” (hei jianyu), a form of extralegal confinement.51 Authorities also continued restrictions on the movement of lawyers,
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particularly lawyers who have worked on behalf of rights advocates or political prisoners, such as Liu Zhengqing and Chen Jian’gang. Before the May 2017 trial of Chen’s former client Xie Yang, authorities in Yunnan province briefly detained Chen and his family, later forcibly escorting him back to Beijing.

Tibetans, Uyghurs, and other residents of ethnic minority areas in particular faced strict controls on their freedom of movement. Tibetans and residents of Tibetan areas had restrictions placed on their freedom of movement around the time of the March 2017 anniversary of the 1959 Tibetan uprising against Chinese rule, including the imposition of requirements on some Tibetans to obtain local government approval for local travel. In February 2017, authorities in Gansu province prevented more than one thousand Tibetans from traveling to participate in a Tibetan Buddhist gathering at Kirti Monastery in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province. Security officials in Bayinguoleng (Bayingol) Mongol Autonomous Prefecture, Xinjiang Uyghur Autonomous Region, reportedly ordered all drivers to have satellite navigation systems installed in their cars by June 30, 2017, effectively allowing authorities to surveil drivers. Authorities characterized the order as a counter-terrorism measure. [For more information on government restrictions on Uyghurs and Tibetans, see Section IV—Xinjiang and Section V—Tibet.]
Notes to Section II—Freedom of Residence and Movement

1 National People's Congress Standing Committee, PRC Regulations on Household Registration [Zhonghua renmin gongheguo hukou dengji tiaoli], issued and effective 9 January 58.


7 State Council General Office, “Plan Promoting 100 Million Individuals in Cities Without Household Registration To Obtain Hukou” [Tuidong 1 yi fei huji renkou zai chengshi luohu fang'an], issued 30 September 16.

8 See, e.g., State Council, Opinion on Further Carrying Out Household Registration System Reform [Guowuyuan guanyu jinyibu tuijin hukou zhidu gaige de yijian], issued 24 July 14.

9 Ibid., 1(5).


12 State Council, Provisional Regulations on Residence Permits [Juzhuzheng zanxing tiaoli], issued 28 November 15, effective 1 January 16.

13 Han Pengfei, “Ministry of Public Security: Full Coverage of Residence Permit System To Be Implemented Within the Year” [Gong’anbu: juzhuzheng zhidu yan nai nian nei xishian quan fugai], China Macroeconomic Information Network, 8 August 17; “Residence Permit System To Achieve Full Coverage Within the Year” [Juzhuzheng zhidu yan nai nian nei xishian quan], Xinhua, 6 August 17. See, e.g., Chongqing Municipal People’s Government, Chongqing Municipality Implementing Measures for Residence Permits (Chongqing shi juzhuzheng shishi banfa), issued 18 September 16; State Council, Opinion on Further Carrying Out Household Registration System Reform [Guowuyuan guanyu jinyibu tuijin hukou zhidu gaige de yijian], issued 24 July 14.

14 Ibid.

15 State Council General Office, “Plan Promoting 100 Million Individuals in Cities Without Household Registration To Obtain Hukou” [Tuidong 1 yi fei huji renkou zai chengshi luohu fang'an], issued 30 September 16.


18 Ibid. See, e.g., State Council, “China’s Hukou Reforms and the Urbanization Challenge,” The Diplomat, 22 February 17; Zhou Dongxu, “China Democratic League Central Committee: Propose Abolishing ‘Invisible Threshold’ for Migrant Workers Settling in Cities” [Minmeng zhongyang: jianyi shenru tuijin xinxing chengzhenhua jianshe de ruogan yijian], issued 2 February 16;


21 State Council, Provisional Regulations on Residence Permits [Juzhuzheng zanxing tiaoli], issued 28 November 15, effective 1 January 16.


21 Cara Wallis, “Hukou Reform and China’s Migrant Workers,” University of Nottingham, China Policy Institute: Analysis (blog), 10 October 16; Juan Chen et al., “Beyond Hukou Reform: Encouraging Human-Centered Urbanization in China,” Paulson Institute, 25 February 17. 6-7.


23 International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2296A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(2).

24 Ibid., art. 12(3).

25 PRC Passport Law [Zhonghua renmin huzhao fa], issued 29 April 06, effective 1 January 07, art. 13(7); PRC Exit and Entry Administration Law [Zhonghua renmin hongheguo chuqing rujuan guanli fa], issued 30 June 12, effective 1 July 13, art. 12(5).


28 Rights Defense Network, “Jiangsu Rights Defender Xu Qin Blocked From Traveling to Hong Kong, Shanaaxi’s Lu Dongli Denied Common Passport and HK-Macau Travel Permit on Suspicion of Involvement in July 9 Incident” [Jiangsu weiquan renshi xu qin chujing fu xianggang bei zu shanxiu lu dongli shexian canyu ‘709’ shijian bu yu qianfu putong huzhao he gang’ao tongxingzheng], 15 March 17; “Two Rights Defenders Prohibited From Leaving Country To Go to Hong Kong” [Liang weiquan renshi bei jin chujing dao xianggang], Radio Free Asia, 15 March 17; Rights Defense Network, “Feng Zhenghu: The Tribulations of China’s Lawyers—42 Lawyers and Others Prevented From Leaving Country” [Feng zhenghu: zhongguo huzhao de zaoyu—42 ming lushi deng ren bei xianzhi chujing], 2 July 17.

29 Rights Defense Network, “Jiangsu Rights Defender Xu Qin Blocked From Traveling to Hong Kong, Shanaaxi’s Lu Dongli Denied Common Passport and HK-Macau Travel Permit on Suspicion of Involvement in July 9 Incident” [Jiangsu weiquan renshi xu qin chujing fu xianggang bei zu shanxiu lu dongli shexian canyu ‘709’ shijian bu yu qianfu putong huzhao he gang’ao tongxingzheng], 15 March 17; “Two Rights Defenders Prohibited From Leaving Country To Go to Hong Kong” [Liang weiquan renshi bei jin chujing dao xianggang], Radio Free Asia, 15 March 17; “Passport Not Processed for Suspected Involvement in 709 Case, Lu Dongli Sues Qianyang County Public Security Bureau” [She ‘709’ an yu ban huzhao lu dongli quan xian gong’anju], Radio Free Asia, 17 March 17.


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36 “China Seizes Tibetans’ Passports in a Bid To Block Travel,” Radio Free Asia, 14 November 16.


40 “Australia-Based Scholar Feng Chongyi Still Held in Soft Detention in Guangzhou” [Lu ao xueze feng chongyi rong bei rujuan guangzhou], Radio Free Asia, 27 March 17.


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44 “HK Holds Seminar on Anti-Rightist Movement, CCP Uses Underhanded Suppression” [Dalu shu shi ren bei jin lai gang chuxi fanyou yundong yantaohui zhonggong yinzhao daya], Apple Daily, 28 March 17.
45 International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(1).
48 See, e.g., “With National Two Sessions About To Convene, Local Governments on Guard Against Petitioners Heading to Beijing” [Quanguo lianghui jijiang zhaokai difang zhengfu yanfang fangmin fu jing], Radio Free Asia, 9 February 17; “As Beijing’s Two Sessions Near, Authorities Hold Large-Scale Clearing Out of Petitioner Villages” [Beijing lianghui jiang zhi dangju daju saodang shangfang cun], Radio Free Asia, 13 February 17; “With ‘Two Sessions’ Drawing Near, Large-Scale Suppression of Dissidents in Many Areas” [“Lianghui” linjin gedi da guimo yazi yi yi renshui], Radio Free Asia, 28 February 17.
49 See, e.g., “Hu Jia’s Two Sessions ‘Forced Travel’ Excessively Long, Health Suffers Without Way To Take Scheduled Medicine” [Hu jia lianghui “bei luyou” chaoshi wufa dingshi fuyao jiankang shousun], Radio Free Asia, 21 March 17.
50 Rights Defense Network, “Former Qianjiang, Hubei, People’s Congress Deputy, Yao Lifa Has Freedom of Person Restricted and Forced To Travel for 18 Days Before and After Two Sessions” [Hubei qianjiang shi qian renda daibiao yao lifa lianghui qianhou bei xianzhi renshen ziyu qiangzhi luyou 18 tian], 18 March 17. For more information on Yao Lifa, see the Commission’s Political Prisoner Database record 2011-00532.
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59 Ibid.