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CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2013

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

OCTOBER 10, 2013

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

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I. Executive Summary

INTRODUCTION

The Commission notes China's lack of progress in guaranteeing Chinese citizens' freedom of expression, assembly, and religion; restraining the power of the Chinese Communist Party; and establishing the rule of law under the new leadership of President Xi Jinping and Premier Li Keqiang. Official rhetoric at the start of their tenure suggested openness to reforms and limits on the power of officials, sparking public discussion across China. But the new leadership soon cracked down on growing calls for human rights and the rule of law and reiterated the Party's dominance over public affairs. Despite widespread acknowledgement that loosening restrictions on society to encourage public participation, lessening state control over the economy, and enforcing the rule of law are essential to China's economic development, China continues to pursue economic modernization without political reform or guarantees to fundamental human rights.

The Commission's reporting year, which covers the period from fall 2012 to fall 2013, began with some potentially hopeful signs. Statements starting in late 2012 by President Xi, Premier Li, and other top leaders pledged to crack down on corruption and rein in official abuses, promised major reforms to the abusive systems of reeducation through labor and household registration, and suggested an openness to giving greater authority to China's Constitution. New and revised laws that took effect, including the PRC Criminal Procedure Law and the PRC Mental Health Law, contained significant flaws but also had the potential to improve protection of citizens' rights. China's relatively open response to an outbreak of avian flu in early 2013 stood in marked contrast to its poor handling of the Severe Acute Respiratory Syndrome (SARS) crisis 10 years earlier, a point highlighted at a Commission hearing held in May 2013. Whether buoyed by statements from China's new leaders or the possibilities accompanying a transition of power, citizens from diverse sectors of society, from elements within the Party to individuals affiliated with the grassroots New Citizens' Movement, sought to engage in public discussion over China's future. They urged their government to give greater force to the Constitution as a check on official behavior, make good on its promise to combat corruption by requiring officials to disclose their assets, and ratify the International Covenant on Civil and Political Rights, which China signed in 1998.

By spring, however, it became clear that hopes China's new leaders would engage with, or even tolerate, public discussion on issues such as constitutionalism and anticorruption would remain unfulfilled. In April, the Office of the Communist Party's Central Committee reportedly issued Document No. 9, which sought to

marginalize and silence calls for constitutional checks, anticorruption, universal human rights, and press freedom as the products of "Western anti-China forces" and dissidents, rather than treat them as the legitimate concerns of China's own citizens and an obligation under China's commitments to international standards such as the Universal Declaration of Human Rights. By September 2013, authorities had detained, arrested, or "disappeared" nearly 60 individuals in an ensuing crackdown on free expression, assembly, and association, including the prominent rights advocates Xu Zhiyong and Guo Feixiong. Pro-reform editorials and discussions on the Internet were censored. Citizens who sought information about the government's human rights action plan and the submission to the UN Human Rights Council's Universal Periodic Review of China's human rights record scheduled for October 2013 faced harassment, detention, and arrest.

The Party's harsh response to calls for reform this past year echoed a consistent theme across the 19 issue areas covered in this report—that the Party's interest in maintaining control and dominance over Chinese society still trumps meaningful and lasting progress on transparency, human rights, the rule of law, and easing state control over the economy. To be sure, the Commission documented improvements at the margins throughout this report, including the issuance of a national anti-trafficking plan, the loosening of residency restrictions in some localities, the introduction of labor law amendments intended to curb abuse of subcontracted labor, and the discontinuation of reeducation through labor sentences in some provinces. But these took place against the backdrop of a Chinese state that still views its citizens with suspicion and still denies them basic freedoms.

This was evident in many of the headline issues that captivated Chinese citizens this past year, from crippling pollution and corrupt political figures to widespread concerns over food safety and tensions in ethnic minority regions. Citizens clamored for more information about the safety of their environment and food, but authorities deemed soil pollution data a "state secret." Corruption was a top concern for many in China, but authorities detained anticorruption advocates and censored foreign news stories about the finances of China's leaders and their families. Despite dozens more self-immolations in Tibetan areas of China and some of the worst unrest in Xinjiang since 2009, Chinese officials continued to rely on heavier security and tighter control instead of dialogue and reconciliation. Another year has passed without resumption of formal dialogue with representatives of the Dalai Lama, extending the longest break since talks resumed in 2002. On the surface, the August trial of Bo Xilai, former Party Central Political Bureau member and Chongqing Party Secretary, appeared relatively more transparent, but it also was a reminder that when the Party's interests are involved, China remains very much a country ruled by the Party and not by laws.

In addition, China made little progress toward achieving the "highly efficient modern government that operates under the rule of law" recommended in the groundbreaking "China 2030" report released by the World Bank and the Development Research Center of China's State Council in 2012. The "China 2030" report, which

the Commission raised in last year's annual report, underscored the strong relationship between the human rights and rule of law issues monitored by the Commission and China's long-term economic development and stability. The report urged China to take a number of steps to reach the next stage of economic development, including allowing Chinese people greater freedom of movement and public participation, and strengthening the rule of law. The report also urged China to reform its state-owned sector, a source of abuses that tests China's commitment to the rule of law. On this count, this report found that the state continues to play an outsized role in China's economy, unfairly subsidizing state-owned enterprises and coordinating an overseas investment strategy, employing policies that favor domestic companies over foreign firms, violating World Trade Organization obligations, undervaluing its currency, and failing to curb the massive theft of foreign intellectual property.

China's new leaders must undertake significant reforms to meet China's human rights obligations under international standards and to strengthen the rule of law. To that end, the Commission provides the following main recommendations to Members of the U.S. Congress and Administration officials outlining ways to encourage such reforms.

MAIN RECOMMENDATIONS

• **International Covenant on Civil and Political Rights (ICCPR).** China signed the ICCPR in 1998 but 15 years later has still not ratified the covenant despite repeatedly stating its intent to do so. China is the only permanent member of the UN Security Council not to have acceded to or ratified the ICCPR. China must take a number of concrete steps to come into conformity with the specific provisions of the ICCPR, including the following: Ending arbitrary arrest and detention of political dissidents (Article 9); allowing citizens the right to freely choose their place of residence (Article 12); ending the policy of denying passports and restricting the movement of activists and their families as political punishment (Article 12); allowing citizens the freedom to not only hold religious beliefs but also to practice them (Article 18); ending press and Internet censorship of peaceful political content and allowing freedom of expression (Article 19); allowing citizens the right to freely associate with others, including through non-governmental organizations and trade unions (Article 22); and allowing genuine elections by universal and equal suffrage (Article 25).

RECOMMENDATION: Members of the U.S. Congress and Administration officials should urge China to commit to a specific date for ratifying the ICCPR, including providing a concrete and transparent plan and timetable for ratification developed through genuine, democratic, and open public participation and comment from all sectors of civil society. The Administration should raise this recommendation during China's Universal Periodic Review before the UN Human Rights Council on October 22, 2013, and at future bilateral dialogues with China, including the Strategic and Economic Dialogue, the Human Rights Dialogue, and the Legal Experts Dialogue. The Administration should raise China's qualifications for

membership on the UN Human Rights Council prior to and during the upcoming election for Council members at the UN General Assembly on November 12, 2013.

• **U.S.-China Trade and Connection to Rule of Law and Human Rights.** One of the results of the United States' extensive trade ties with China is that China's domestic human rights and rule of law developments impact the public health and economic well-being of Americans to a greater degree than those of any other country. China is the world's second-largest economy and has been a member of the World Trade Organization (WTO) since 2001. China is the United States' second largest trading partner, and exports a large and growing volume of food, drugs, and products to the United States. The U.S. trade deficit with China reached a record US$315 billion in 2012 and topped US$30 billion in July 2013, the highest monthly deficit ever. China continues to be the world's largest producer of carbon dioxide emissions, while food continues to be grown in areas of China contaminated by water and soil pollution. In addition, pollutants originating in China, such as mercury and ozone, are reaching the United States. The extent to which the Chinese government is transparent, respects its international trading obligations, and protects Chinese citizens' human rights affects the safety and quality of goods imported from China, and the ability of American workers and companies to compete on a level playing field.

This connection between China's domestic commercial rule of law and human rights developments and the health and economic prosperity of Americans as a result of trade is evident in many contexts. Without a free press and civil society, Chinese consumers cannot effectively uncover and respond to food and drug safety issues, environmental threats, and disease outbreaks that could be exported abroad. Unfair trading practices, such as industrial policies, currency manipulation, quotas and subsidies, forced technology transfer, and intellectual property theft—many of which contravene China's obligations as a member of the WTO—directly harm American businesses and workers. China's censorship of the Internet not only denies China's nearly 600 million Internet users their freedom of expression but also blocks companies such as Facebook, Twitter, Bloomberg, the New York Times, Google, and YouTube from accessing China's markets. The denial of the basic right of Chinese workers to organize independent unions and the lack of enforcement of minimum labor and environmental standards places American workers and companies at a competitive disadvantage. Over the last two years, the Commission has held a number of hearings that have highlighted how U.S. trade relations with China should not be viewed in isolation from China's restrictions on expression, labor rights, environmental and public health transparency, and civil society, including "China's Censorship of the Internet and Social Media: The Human Toll and Trade Impact"; "Ten Years in the WTO: Has China Kept Its Promises?"; "Working Conditions and Worker Rights in China: Recent Developments"; "Food and Drug Safety, Public Health, and the Environment in China"; and "Chinese Hacking: Impact on Human Rights and Commercial Rule of Law."

RECOMMENDATION: Members of the U.S. Congress and Administration officials should seek to include human rights and rule of law concerns as integral parts of their discussions over trade and commercial issues with their Chinese counterparts during the annual U.S.-China Strategic and Economic Dialogue, negotiations over a bilateral investment treaty, and other trade-related venues, pointing out the links between, for example, China's censorship of the Internet and market access, the rule of law and food safety, and China's industrial policies and weak enforcement of law and theft of American intellectual property. The Administration should also continue to ensure that China adheres to its WTO obligations, including by exercising the United States' rights under the WTO dispute settlement process when necessary.

• **Rule of Law and Democratic Institutions.** Early in the Commission's reporting period, President Xi Jinping drew attention with comments such as, "[N]o organization or individual should be put above the constitution and the law"; and, "[T]he Constitution should be the legal weapon for people to defend their own rights" and implemented in order to have "life and authority." In practice, China's rule of law development has stalled, as most laws and regulations are developed behind closed doors largely in the absence of democratic input; officials continue to arbitrarily apply laws to punish individuals they deem politically sensitive; and enforcement of laws, such as labor laws, remains uneven. China lacks meaningful safeguards, such as an independent judiciary, a free press, and an unrestricted civil society, to ensure that the state's restrictions on freedom are narrowly tailored to meet the requirements of international law.

RECOMMENDATION: Members of the U.S. Congress and Administration officials should raise President Xi's statements with Chinese officials and urge them to adopt the true hallmarks of a society marked by the rule of law, including laws and policies developed through democratic institutions and public participation, and meaningful safeguards such as a free press, independent judiciary, and vibrant civil society. U.S. officials who wish to express support for the new Chinese leadership's attempts to combat corruption should insist that, in order for such efforts to be sustainable, they must be accompanied by democratic participation, public oversight, and the rule of law. U.S. officials should also cite the "China 2030" report's assertion that the creation of a "highly efficient modern government that operates under the rule of law" is key to China's economic future.

• **Ethnic Minorities.** China's current policy toward ethnic minorities, most notably with respect to Tibetans and Uyghurs, has proven ineffective and counterproductive. Instead of promoting the declared national goals of stability and a harmonious society, these policies have led in the opposite direction. Tibetans continue to engage in tragic acts of self-immolation at an alarming rate, and the Xinjiang Uyghur Autonomous Region (XUAR) has witnessed some of the most severe unrest since 2009.

RECOMMENDATION: Members of the U.S. Congress and Administration officials should note to Chinese officials that instability in Tibetan areas of China and the XUAR is likely to continue and

could deteriorate further without a shift in the state's policy away from a top-down approach that belies China's constitutional commitment to "ethnic autonomy," and instead relies on heavy-handed security measures and development policies that fail to provide for participation by ethnic minorities in decisionmaking and fail to protect their distinct cultural, linguistic, and religious identity. China should be encouraged to move toward a more inclusive, democratic approach that fully takes into account the views and values of Tibetans and Uyghurs and respects their culture, language, and religion. U.S. officials should take note of and seek to learn more about what appeared to be more tolerant policy suggestions on the Tibet issue that appeared within the Party this year and should call on the Chinese leadership to promote a more stable and inclusive society by allowing greater public dialogue and debate among all groups, especially groups such as Tibetans and Uyghurs that are among the most adversely affected by current policies.

• **Reeducation Through Labor, Population Planning, and Household Registration.** Major policies such as the reeducation through labor system, the population planning policy, and the household registration system were the source of great public discontent in China this past year. These policies not only violate human rights but also contribute to social instability and hold back China's economy. The reeducation through labor system violates the rule of law by incarcerating citizens without trial or access to legal counsel, and high-profile cases of abuse have led to widespread calls for abolishing the policy in China. The population planning policy interferes with and controls the reproductive lives of Chinese citizens, especially women, and involves serious abuses such as forced sterilizations and forced abortions. The policy also exacerbates the country's demographic challenges, which include an aging population, diminishing workforce, and skewed sex ratio. The household registration system denies Chinese citizens the freedom to choose a permanent residence and leads to unequal treatment and discrimination against migrants from rural areas who move to cities, contributing to social tensions and instability.

RECOMMENDATION: Members of the U.S. Congress and Administration officials should inquire about indications this past year of possible changes in these policies, including a government restructuring plan that moves population planning policy development to the National Development and Reform Commission and the announcements of possible major reforms to the reeducation through labor system and the household registration system by the end of 2013. Members of the U.S. Congress and Administration officials should request more details about the changes and proposed reforms and urge Chinese officials to undertake serious reform that would both remedy rights violations and lead to greater social stability by ending policies that are widely opposed in China.

REPORT HIGHLIGHTS

This report is divided into 19 issue areas. Highlights of developments in each area are discussed briefly below.

The Commission observed China's implementation of practices inconsistent with Article 19 of the International Covenant on Civil

and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR), as noted in this year's **Freedom of Expression** section. As more and more Chinese citizens accessed the Internet to share information and express grievances, Chinese officials responded with overly broad and non-transparent policies to curb "online rumors" and expand the real-name registration requirement for online services. Censorship of peaceful political content, a violation of international standards, remained commonplace and targeted everything from foreign news articles on the wealth of former Premier Wen Jiabao's family to domestic online discussion of the 18th Party Congress. New research indicated China was expanding its censorship system and focusing on online activity that could lead to collective movements. The Party continued to exercise broad control over the press, and authorities punished journalists such as Du Bin, who exposed abuses at the Masanjia Women's Reeducation Through Labor Center, and Deng Yuwen, who criticized China's North Korea policy. In a rare act, journalists at the Southern Weekend staged a strike in January 2013 over the removal of an editorial advocating freedoms and constitutional principles, news of which itself was censored.

China continued to violate internationally recognized worker rights by not allowing workers the right to freely associate and form independent trade unions. As noted in the **Worker Rights** section, despite limited efforts to promote the direct election of worker representatives to state-controlled unions, union representatives remained generally ineffective in representing workers' interests. Without adequate channels to protect their rights and express workplace grievances, China's large migrant worker population, which has provided the low-cost labor to drive China's growth, continued to suffer exploitation, with studies showing that less than 50 percent had labor contracts, and even fewer had pensions and medical insurance. At the same time, rising wages and a tightening labor market led companies in the electronics industry and elsewhere to hire, in some cases with local government cooperation, underage workers and to exploit subcontracted workers in violation of the law. In December 2012, the National People's Congress amended the PRC Labor Contract Law to address subcontracting abuses, but the effectiveness of implementation remains to be seen.

In the **Commercial Rule of Law** section, the Commission noted heavy state coordination of outbound investment, which has grown significantly in recent years, as part of a "go out" strategy targeting "strategic industries" such as energy resources, metals, advanced technology, and "famous brands." An official urged Chinese companies investing abroad to keep a low profile to avoid the appearance of state involvement, while the Chinese government offered preferential financing that created an uneven playing field in overseas markets. The yuan remained significantly undervalued, according to the U.S. Treasury Department. The WTO found that China had imposed antidumping and countervailing duties on U.S. grain-oriented electrical steel, U.S. chicken products, and European x-ray inspection equipment in ways that were inconsistent with China's WTO obligations. Chinese officials continued to use technology transfer as a precondition for market access, in violation of China's

WTO obligations and commitments made during the 2012 U.S.-China Joint Commission on Commerce and Trade. Weak protection of intellectual property (IP) rights and policies encouraging Chinese acquisition of technology have led China to account for a reported 50 to 80 percent of international IP theft. New information this year revealed a massive cyber theft operation controlled by the People's Liberation Army. Problems with the rule of law contributed to ongoing food and product safety problems, including the cross-border movement of hazardous and illegal products.

The Commission observed ongoing noncompliance with standards for fair trial rights and the right to be free from arbitrary detention and torture as set forth in the ICCPR and the UDHR, as described in this year's **Criminal Justice** section. The revised PRC Criminal Procedure Law (CPL) took effect on January 1, 2013; while the new CPL is, for the most part, an improvement over its predecessor, it fails to clearly stipulate the rights to remain silent and to be presumed innocent, and the right not to incriminate oneself. Article 73 of the new CPL legalizes enforced disappearance (up to six months) in contravention of international standards. Chinese authorities continue to use the criminal justice system to suppress dissent and punish activists and their family members—the criminal detention of prominent rights activist Xu Zhiyong and the jailing of Chen Kegui, the nephew of Chen Guangcheng, are just two examples. The issue of confessions coerced through torture and wrongful convictions was once again in the spotlight, but it remains to be seen whether the CPL's new rule excluding the use of illegally obtained evidence from criminal trials will actually curb the use of torture in criminal investigations.

The Commission notes in the **Freedom of Religion** section that the Chinese government's legal and policy framework for religion violates international standards for freedom of religion, including Article 18 of the UDHR. The PRC Constitution limits citizens' ability to exercise their beliefs by protecting only "normal religious activities," and the government continued to recognize only five religions—Buddhism, Catholicism, Taoism, Islam, and Protestantism—for limited state protections for religious activity. The government and Party maintained strict ideological control and oversight over religious groups, and a top official announced all clergy would be registered with the government by the end of 2013. Chinese citizens who sought to practice their faith outside of state-approved parameters continued to face harassment and detention. For example, Chinese officials revoked the title of auxiliary bishop from bishop Thaddeus Ma Daqin after he publicly withdrew from the state-run Catholic Patriotic Association of China at his ordination ceremony. In April 2013, a China-based magazine reported on claims of torture and severe maltreatment of inmates at the Masanjia Women's Reeducation Through Labor (RTL) Center in Liaoning province, many of whom are believed to be Falun Gong practitioners. Muslims were warned against going on Hajj pilgrimages not organized by the government. The government also continued to harass members of the Beijing Shouwang Church, a Protestant house church in Beijing municipality, and detained house church pastor Cao Nan and others for holding a religious gathering in a public park in Shenzhen municipality.

The Commission observed that Chinese officials continued to fail to respond to Tibetan grievances in a constructive manner, instead dealing with the 65 Tibetan self-immolations that occurred from September 2012 through July this year by strengthening a security crackdown that has infringed on Tibetans' freedom of expression, association, and movement, as noted in the **Tibet** section. The self-immolations peaked in November during the 18th Party Congress, prompting officials to launch a troubling campaign to hold relatives, friends, and associates of the self-immolators criminally liable. Some self-immolators reportedly called for greater use of the Tibetan language as they burned—an apparent indication of the significant threat some Tibetans believe official policies pose to Tibetan culture's vibrancy and viability. Officials continued to emphasize economic development as the key to achieving "social stability," even though some initiatives resulted in protests or alleged harm to local communities. Talks between China and the Dalai Lama remained stalled, but the publication of a Central Party School academic's remarks on the potential benefits of improved relations with the Dalai Lama suggested that some officials may be interested in greater public discussion on the matter.

The Commission found that instances of unrest in the spring and summer resulted in numerous deaths, with reported death tolls ranging from dozens to 100 or possibly more, and raised concerns about the failure of ethnic policy in the Xinjiang Uyghur Autonomous Region to address the root causes of instability. As discussed in the **Xinjiang** section, authorities continued to rely on heavy-handed security measures, including overly broad security sweeps targeting the general population and top-down development that disproportionately excludes Uyghurs, instead of pursuing inclusive, democratic policies that respect religious, cultural, and linguistic rights. Chinese officials violated Uyghurs' freedom of movement, preventing Uyghur scholar Ilham Tohti from traveling abroad and denying passports to some Uyghurs. News surfaced that Mirhemitjan Muzepper had been sentenced to 11 years in prison for serving as a translator for a Hong Kong media organization reporting on the demolitions taking place in Kashgar's Old City.

As discussed in the **Ethnic Minority Rights** section, some Mongols continued to face harassment and imprisonment for peaceful protest and assertions of cultural identity, and some nomadic populations were forced to resettle away from grasslands. Authorities continued to hold Mongol rights advocate Hada in extralegal detention, denying him treatment for serious mental health issues; and they ordered Batzangaa, a former medical school principal who organized demonstrations to protest the government's confiscation of campus property in the Inner Mongolia Autonomous Region, to begin serving a three-year prison sentence.

China's policy of interfering with and controlling the reproductive lives of Chinese citizens, including through fines, withholding of benefits, and forced sterilizations and abortions, continued to violate international human rights standards, as noted in the **Population Planning** section. In March 2013, China's new leaders merged the National Population and Family Planning Commission with the Ministry of Health and transferred the responsibility of developing population planning policy to the National Development

and Reform Commission, a move some viewed as an opening for reform while others saw it as strengthening the family planning system. Calls for relaxing family planning policy continued, but local authorities continued to aggressively push the policy, and news and social media continued to publicize cases of forced abortions and sterilizations across China.

Chinese authorities continued to enforce a household registration (*hukou*) system that denies citizens their right to freely determine their permanent place of residence, and contributes to instability by discriminating against rural migrants living in cities by denying them social services because they lack urban *hukous*. As described in the **Freedom of Residence and Movement** section, top officials announced that a plan to reform the system would be unveiled by the end of 2013 as part of a larger push for urbanization to sustain China's economic growth. Some officials experimented with policies to expand educational and employment opportunities for rural migrants in cities, but experts have said many local governments lack the resources to fully implement such reforms. China continued to deny its citizens the right to freely leave the country by denying passports to a growing number of politically sensitive individuals, including Tibetans, Uyghurs, and political activists and their family members. Human rights groups estimate that at least 14 million people may be affected. Liu Xia, the wife of the imprisoned 2010 Nobel Peace Prize laureate Liu Xiaobo, continued to be confined to her home, one of many "politically sensitive" individuals denied domestic freedom of movement.

The Commission observed that China continued to fall short of commitments in the Convention on the Elimination of All Forms of Discrimination against Women to ensure female representation in government. As noted in the **Status of Women** section, female representation at all levels of government continued to be low and did not markedly improve following the leadership transition. Gender discrimination in education and employment remains widespread. New national-level domestic violence legislation promised in state-run media reports has not materialized, and young female rape victims received inadequate legal protection under the PRC Criminal Law.

China has taken some steps to comply with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, including the issuance of a new national anti-trafficking action plan this year, as discussed in the **Trafficking** section. After nine consecutive years on the Tier 2 Watch List, China was in June automatically downgraded to Tier 3, the lowest tier ranking, in the U.S. State Department's 2013 Trafficking in Persons Report. Men, women, and children continue to be trafficked to, from, and within China for purposes including forced labor, forced marriage, and sexual exploitation.

In the **North Korean Refugees in China** section, the Commission noted that China continued to violate the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol by detaining and repatriating North Korean refugees to the Democratic People's Republic of Korea despite the severe punishments they face once returned. The Chinese government, in concert with North Korean officials, appeared to strengthen measures to stem the flow of

North Korean refugees into China. North Korean women in China continued to be trafficked into forced marriage and commercial sexual exploitation. China continued to violate the Convention on the Rights of the Child by repatriating North Korean women and separating them from their children born in China.

The Commission observed in the **Environment** section that China faced severe pollution problems but still refused to provide full transparency to its citizens or fully empower citizens through law to enforce their rights. China's open government information regulations require governments to release information on the environment. Officials were more forthcoming about the linkage between toxic chemicals and "cancer villages" and began to disclose abridged versions of environmental impact statements, but they refused to release information on soil pollution, claiming such information was a "state secret" in response to at least one citizen's request. Citizens continued to be largely marginalized in the policymaking process, as authorities detained environmental advocates such as Liu Futang and Chen Yuqian, suppressed anti-pollution demonstrations, and narrowed provisions in a new draft of the Environmental Protection Law to allow only a single government-affiliated environmental organization to file public interest suits under the law.

China continued to deny citizens the right to participate in public affairs directly or through freely chosen representatives and to vote in genuine elections by universal and equal suffrage, a standard set forth in Article 21 of the UDHR and Article 25 of the ICCPR. As discussed in the **Institutions of Democratic Governance** section, China's new leaders were chosen in an opaque, non-democratic process. At all levels, from the judiciary and the National People's Congress to the media and universities, the Chinese Communist Party continued to dominate political affairs. Authorities continued to detain or sentence democracy advocates, including Cao Haibo and Liu Benqi, who joined a growing list of those punished in recent years. The Chinese government continued to show little tolerance for citizens considered to be politically sensitive who sought to participate in public affairs. For example, authorities arrested Peng Lanlan and harassed others for seeking information regarding China's submission for its Universal Periodic Review before the UN Human Rights Council in October 2013. Authorities also arrested at least 25 anticorruption and social justice advocates who called for officials to make public their personal assets or advocated on other issues.

In the **Civil Society** section, the Commission found that the Chinese government's overly broad restrictions on non-governmental organizations (NGOs) and informal citizen networks continued to fail to comply with freedom of association standards, as provided under Article 20 of the UDHR and Article 22 of the ICCPR. The government and Party reaffirmed their control over the development of NGOs in China, expressing preference to groups perceived to support economic growth or provide social welfare services, but harassing those engaged in issue advocacy or matters the government deems politically sensitive. The government pledged to issue long-awaited regulatory changes by the end of 2013 to make it easi-

er for certain types of groups to register with the government, but excluded political, legal, religious, and foreign NGOs.

The **Access to Justice** section highlighted the Chinese government's lack of tolerance for citizens seeking effective remedies to official violations of their rights, contrary to Article 8 of the UDHR and Article 2 of the ICCPR. During the 18th Party Congress in November 2012, officials reportedly ordered rights advocates, petitioners, and Falun Gong practitioners to serve reeducation through labor (RTL) to achieve "zero petitioning" and prevent protest in Beijing during that period. Widespread media, scholarly, and government attention has focused on the Chinese government's vague statements about reform of the RTL system, possibly by the end of this year. Harassment of rights defenders, political activists, and their families continued, and prominent human rights advocates Gao Zhisheng and Ni Yulan continued to serve prison sentences. In spite of the increasing number of individuals reportedly receiving legal aid, the arrest in August 2013 of legal advocate Xu Zhiyong on trumped-up charges of "gathering a crowd to disrupt public order" highlighted the government's concerns over independent efforts to secure justice. Xu had founded the non-governmental organization Open Constitution Initiative in 2003, which authorities banned in 2009, and is a leading proponent of the New Citizens' Movement, a broad network of individuals promoting legal and political reforms, human rights, and social justice, among other causes.

The Commission noted in the **Public Health** section that international health organizations commended China's effective response to the H7N9 avian influenza outbreak in March 2013 and China's progress in building an emergency response structure in the decade since the 2003 Severe Acute Respiratory Syndrome (SARS) outbreak. The Chinese public, however, continued to express concerns over the government's capacity to protect public health and regulate food and drug safety. China's first Mental Health Law was passed in October 2012 and took effect in May 2013. Concerns remained regarding the lack of a guaranteed right to appeal hospitalization and safeguards to prevent the continued abuse of psychiatric commitment to punish petitioners, political activists, and others. The government also issued draft revisions of regulations on education for persons with disabilities, for which civil society organizations urged more precise definitions and amendments to comply with the UN Convention on the Rights of Persons with Disabilities. Despite laws prohibiting it, health-based discrimination in access to education, medical treatment, and employment remained widespread.

In the **Developments in Hong Kong and Macau** section, the Commission noted that Hong Kong officials dismissed calls for a early public consultation on electoral reform for the election of the Chief Executive (CE) by universal suffrage, which is set to occur in 2017, despite concern from the UN Human Rights Committee over the "lack of a clear plan to institute universal suffrage." Statements from mainland Chinese officials ruled out a CE nominating process involving the broader voting public and stated that CE candidates in an election by universal suffrage would be required to be trusted by the central government. The Hong Kong government

postponed a measure that would have made information about company directors less transparent. Mainland experts and officials continued to dissuade Macau from pursuing universal suffrage. The Chinese government and Macau officials reportedly stepped up efforts to regulate Macau's gambling industry as part of a larger campaign against corruption.

To fulfill the Commission's mandate to compile and maintain lists of persons believed to be imprisoned, detained, placed under house arrest, tortured, or otherwise persecuted by the Chinese government due to the pursuit of internationally recognized human rights, the Commission maintains an extensive database of political prisoners in China. According to the **Political Prisoner Database** section, as of September 1, 2013, the Commission staff had documented 1,304 cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 6,005 cases of prisoners who are known or believed to have been released or executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that these numbers reflect the efforts by the Commission's staff to document cases for which information is publicly available and that the actual number of cases of current political and religious imprisonment in China is likely to be much higher.

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

The Commission adopted this report by a vote of 14 to 0.†

SPECIFIC FINDINGS AND RECOMMENDATIONS

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

- During the Commission's 2013 reporting year, Chinese officials continued to maintain a broad range of restrictions on free expression that do not comply with 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 states in limited circumstances to restrict expression to protect interests such as national security and public order, official Chinese restrictions covered a much broader range of activity, including peaceful dissent and expression critical of the Communist Party.
- According to the China Internet Network Information Center (CNNIC), the national-level administrative agency responsible for Internet affairs in China, there were over 590 million Internet users in China by the end of June 2013, bringing the Internet penetration rate (i.e., the total number of Internet users divided by the total population) to 44.1 percent. The Chinese government has pledged to expand access to mobile technologies and to increase government control over the Internet.
- During the 2013 reporting year, China's Twitter-like microblogging sites continued to see strong growth in the number of users. China's microblogging sites—including China's most popular microblog site, Sina Weibo—experienced dramatic growth with 309 million registered accounts at the end of 2012.
- The Chinese government reportedly increased pressure on certain popular users of microblogging services, including those who have posted blunt social criticisms or political commentaries. The growing popularity of services has allowed some microbloggers to reach millions of users and to potentially shape public opinion. With growing concern about "online rumors," Chinese Internet authorities responded with a crackdown on high profile accounts and with a list of "seven bottom lines" for online activity. Some have alleged the crackdown on prominent microblog users is politically based.
- While international and domestic observers continued to note the vibrancy of Internet and cell phone use in China, Chinese government and Communist Party officials showed little sign of loosening political control. Chinese officials remained non-transparent in disclosing content that is blocked or why it is blocked, and officials continued to block content arbitrarily

for purposes impermissible under international standards. The online censorship and Web site closures, in some cases, appeared politically motivated and appeared to counter international standards on freedom of opinion and expression.

• Officials continued to restrict expression arbitrarily by abusing vague criminal law provisions, and imposing broad regulations and registration requirements on journalists, publishers, news media, and Internet users.

• Government and Party officials continue to exercise control over the press in violation of international standards. A January 2013 strike at the Southern Weekend, a progressive weekly newspaper in Guangdong province, sparked public outrage and highlighted the media's lack of editorial independence.

• This past year the Commission continued to monitor harassment of domestic and foreign journalists in China. Chinese authorities, for instance, took actions to punish or suspend journalists for independent reporting. In other instances, foreign and Hong Kong journalists were harassed, intimidated, or assaulted.

Recommendations

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

○ Raise concerns over and draw enhanced international attention to the Chinese government's continued insistence that its restrictions on freedom of expression are consistent with international standards.

○ Emphasize that the Chinese government's position undermines international human rights standards for 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 to Chinese officials that Communist Party and government censorship of the Internet and the press can lead to instability by eroding public faith in the media and government.

○ Engage in dialogue and exchanges with Chinese officials on the issue of how governments can best ensure that restrictions on freedom of expression are not abused and do not exceed the scope necessary to protect national security, minors, and public order. Emphasize the importance of procedural protections such as public participation in the formulation of restrictions on free expression, transparency regarding the implementation of such restrictions, and the independent review of such restrictions.

○ Urge Chinese officials to implement their calls for greater transparency and public participation in lawmaking. Such discussions may be part of a broader discussion on how the U.S. and Chinese Governments can work together to ensure the protection of common interests on the Internet, including protecting minors, computer security, and privacy.

○ Acknowledge the Chinese government's efforts to expand access to the Internet and cell phones, especially in rural areas,

while continuing to press officials to comply with international standards.

○ Support the research and development of technologies that enable Chinese citizens to access and share political and religious content that they are entitled to access and share under international human rights standards. Support practices and Chinese-language tools and training materials that enable Chinese citizens to access and share content in a way that ensures their security and privacy. Support the dissemination of online Chinese-language information on the Internet, especially through popular Chinese social media sites, that discusses the rights and freedoms to which Chinese citizens are entitled under international standards.

○ Elevate concern over the increased harassment of foreign journalists, who this past year have been beaten. Raise concerns over reports that authorities repeatedly have delayed or denied the approval of journalists' visa applications.

WORKER RIGHTS

Findings

• During the Commission's 2013 reporting year, the Chinese government continued to prevent workers from exercising their constitutional right to freedom of association. Workers in China are not guaranteed, either by law or in practice, full worker rights in accordance with international standards, including the right to organize into independent unions. The All-China Federation of Trade Unions (ACFTU), the official union under the direction of the Communist Party, is the only legal trade union organization in China. Authorities continued this past year to promote direct elections of trade union representatives, although questions remained over the ability of elections to engender genuinely representative unions because of continued management influence over candidate selection and restrictions on worker participation in the election process.

• Genuine collective bargaining remains limited by the inability of local-level trade unions to effectively represent and advance the rights of workers in negotiations with employers and a lack of alternative union organizations to the ACFTU. 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.

• The Commission continued to observe reports in the past year 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, nonpayment of wages and benefits, and abusive management practices. Official unions at the local level frequently opposed worker-led actions and did not play an organizing role in them, while media reports indicated that government officials in some cases used force against or detained demonstrating workers.

• Changing demographic and economic shifts in recent years have provided workers with greater bargaining power in the workplace, increasing their determination to redress grievances with employers and press for better pay and working conditions. Moreover, growing expectations of younger generation migrant workers with regard to working conditions and labor rights are seen as a driving factor behind the increased assertiveness of recent protests.
• Migrant workers remained largely 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. Working predominately in low-end industries requiring little technical skill, migrants face increased risk for occupational injury and disease.
• 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. Systemic problems in enforcement and a lack of sufficient resources reportedly continue to constrain efforts to reduce child labor.
• Subcontracted workers hired through labor employment agencies remain particularly vulnerable to exploitation in the workplace, often receiving lower wages and fewer benefits than workers hired through direct labor contracts with employers. A series of amendments to the PRC Labor Contract Law, passed in December 2012, contain provisions that could help reform labor subcontracting practices. Continued poor enforcement and opposition by some state-owned enterprises and national- and local-level government offices, however, could weaken those reforms.
• Average wage levels in China continued to increase this past year, with reports suggesting that structural changes in China's labor market, in particular a decline in the working age population, in combination with sporadic labor shortages and the relocation of manufacturing operations further inland or to Southeast Asia, signify the decline of "cheap labor" in China.
• Despite continued wage growth, income inequality among different regions and industrial sections has also increased, greatly expanding the disparity between rich and poor. China's State Council released a long-awaited income distribution plan in February 2013 that seeks to reduce income inequality and increase household income. However, observers questioned whether it can be fully implemented.
• Wage arrears and nonpayment of wages remained serious problems this past year, particularly for migrant workers. International media reports throughout 2013 indicated that wage arrears were a primary factor behind worker-led protests, especially in the weeks prior to the Chinese Lunar New Year holiday.
• Chinese workers, especially those in the coal mining sector, continued to face persistent occupational safety and health risks. Fatalities have been consistently reduced over the past few years, but officially reported cases of disease have increased during the same period. Despite legal measures aimed

at preventing workplace accidents and establishing a regulatory system to inspect and 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:

○ Support projects promoting reform of Chinese labor laws and regulations to reflect internationally recognized labor principles. Prioritize projects that not only focus on legislative drafting and regulatory development but also develop knowledge, expertise, and practical solutions to comply with internationally recognized labor principles at the enterprise level.

○ Engage in dialogue with government officials, workers, and trade union officials in locations that have achieved successful cases of collective bargaining; identify ways to increase awareness of those experiences; and convey those experiences to officials and trade unions in areas that have had less success with collective bargaining. Where possible, prioritize programs that demonstrate the ability to conduct collective bargaining pilot projects in enterprises with no functioning union present.

○ Convey support for the effective use of worker-management committees, functioning collective bargaining, and direct elections of trade union representatives. Engage in dialogue with government and trade union officials, as well as 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 (USDOL) exchange with the China National Coal Association regarding industry regulatory compliance, worker representation at coal mines, and safety and health improvements.

○ Encourage the expansion of exchanges between U.S. collective bargaining practitioners and Chinese labor rights advocates in non-governmental organizations, the bar, academia, and the official trade union. Prioritize exchanges that emphasize face-to-face meetings with hands-on practitioners and trainers.

○ 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 inside and outside of China, and to invite these groups to increase the number of training programs in China. Support programs that train workers in ways to identify problems at the factory-floor level, conducting skills and problem-solving training so they can communicate their concern to employers effectively.

○ Where appropriate, share the United States' ongoing experience and efforts in protecting worker rights—through legal,

regulatory, or non-governmental means—with Chinese officials. Expand site visits and other exchanges for Chinese officials to observe and share ideas with U.S. labor rights groups, lawyers, the USDOL, and other regulatory agencies at all levels of the U.S. Government that work on labor issues.

○ Support USDOL's exchange with China's Ministry of Human Resources and Social Security with regard to setting and enforcing minimum wage standards; strengthening social insurance; improving employment statistics; and promoting dialogue and exchanges with China's State Administration of Work Safety (SAWS) regarding improving workplace safety and health. Support the annual labor dialogue with China that USDOL started in 2010 and the annual safety dialogue started in 2012. Support USDOL's technical cooperation program with SAWS on workplace safety and health and the expansion of mining cooperation into broad occupational safety and health areas. Support pilot projects that establish public-private partnerships to address workplace safety and health concerns, and the introduction of meaningful worker participation in management decisions important to workplace safety and health.

CRIMINAL JUSTICE

Findings

• The revised PRC Criminal Procedure Law (CPL) took effect on January 1, 2013. While the law as written has many positive aspects, it fails to stipulate an explicit right to remain silent and right not to incriminate oneself; nor does it provide a clear right to the presumption of innocence as required by the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

• If implemented effectively, the revised CPL will enhance the ability of lawyers to better defend their clients and further the rights of detained criminal suspects and defendants, for example, by facilitating meetings between lawyers and their detained clients. Preliminary reports based on limited data suggest that lawyers are finding it easier to meet with their detained clients, but that some problems remain.

• Chinese authorities continue to use vaguely defined crimes to suppress and punish dissent and perceived challenges to Chinese Communist Party rule. In addition to Article 105 of the PRC Criminal Law, which criminalizes "subversion" and "inciting subversion," during this reporting year authorities made ample use of vague crimes such as "unlawful assembly" and "gathering people to disturb public order" to suppress rights advocates and civil society activists. Public security officers arrested prominent rights activist Xu Zhiyong on August 22 on suspicion of "gathering people to disturb public order."

• Chinese officials continue to harass and arbitrarily detain rights advocates, civil society activists, writers, lawyers, bloggers, and ordinary citizens who advocate for their own rights or the rights of others. They may be sentenced to prison for the peaceful exercise of their internationally recognized human rights, or subjected to various forms of arbitrary or ex-

tralegal detention, including confinement in "black jails," administrative detention facilities including reeducation through labor (RTL) centers, unlawful confinement in their homes, or enforced disappearance.

• The issue of confessions coerced through torture and wrongful convictions garnered a great deal of attention during this reporting year as case after case surfaced and senior judicial officials condemned the practice. The revised CPL contains new provisions for the exclusion of illegally obtained evidence from criminal trials, which, if implemented effectively, could lead to a reduction in the number of coerced confessions and wrongful convictions.

• Despite the Chinese government's continued efforts to address the problem, torture and abuse in places of detention in China remain widespread. In April, a Chinese magazine published a detailed account of torture, abuse, and forced labor at the Masanjia Women's Reeducation Through Labor Center in Liaoning province, which fuelled calls for reform of the RTL system. Torture and the abuse of individuals detained in connection with the campaign against organized crime in Chongqing municipality carried out by Bo Xilai, the former Communist Party Secretary of Chongqing, have gradually come to light. While some initial steps have been taken to provide redress to some of those wrongfully accused and convicted during the campaign, much more remains to be done.

• Although the Chinese government continues to treat data on the use of the death penalty as a state secret, estimates suggest that the number is steadily decreasing. Organs are still harvested from executed prisoners. In March 2013, the Ministry of Health and the Chinese Red Cross formally launched a national voluntary organ donation system, and in August, a senior health official reportedly announced that within two years China would cease relying on organs of executed criminals for organ transplants.

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.

○ Encourage the Chinese government to move forward on its stated goal to cease using the reeducation through labor (RTL) system and urge the Chinese government to also abolish other forms of extrajudicial administrative detention, and ensure that the rights of Chinese citizens to a fair trial and due process of law under the UDHR and the ICCPR are guaranteed.

○ Call on the Chinese government to release all Chinese citizens who have been detained or imprisoned for the lawful exercise of their fundamental human rights of freedom of expression, association, and peaceful assembly, as well as the right to be free from arbitrary detention, including rights advocates

Xu Zhiyong, Ni Yulan, Gao Zhisheng, and Wang Bingzhang. Press the government to release relatives of activists who have been unlawfully confined or imprisoned because of the lawful exercise of human rights by their family members, such as Liu Xia, the wife of Liu Xiaobo, and Chen Kegui, nephew of Chen Guangcheng.

○ Press China to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to extend an invitation to the UN Working Group on Enforced or Involuntary Disappearances to visit China, which issued a request to visit in February 2013.

○ Support programs and international cooperation on issues relating to the investigation of crimes, including evidence collection, in order to reduce Chinese law enforcement agencies' reliance on confessions in criminal cases.

FREEDOM OF RELIGION

Findings

• The Chinese government's legal and policy framework for religion violates international human rights standards for freedom of religion, including Article 18 of the Universal Declaration of Human Rights. Although the PRC Constitution states that all citizens enjoy "freedom of religious belief," it limits citizens' ability to exercise their beliefs by protecting only "normal religious activities." The government continued to recognize only five religions—Buddhism, Catholicism, Taoism, Islam, and Protestantism—for limited state protections for religious activity, and the government has continued to outlaw some belief systems, thereby denying members of these communities the right to practice their faith openly and without fear of government reprisal.

• Strict ideological control and government oversight over religious groups was maintained through religious affairs bureaus, the Communist Party's United Front Work Department, and the five "patriotic" religious associations, one for each of the recognized religions. All clergy and religious organizations are required to be registered with the government. A top religious official announced that all clergy would be registered by the end of 2013. This past year, central government officials also announced a plan to loosen some registration and administrative hurdles on social organizations that explicitly excluded religious organizations.

• Officials continued to monitor, control, restrict, and "guide" the religious activities of Buddhists in non-Tibetan areas of China, with a top official urging Buddhists to "embrace the leadership of the Party." At least three sects of Buddhism continue to be banned as cults.

• Observers contend Chinese policies have divided Chinese Catholics into "official" and "underground" churches. Catholics in China continue to be denied the freedom to accept the authority of the Holy See to select bishops, and a new regulation on the selection of bishops that took effect in April 2013 expands the state's role in the selection process and explicitly re-

quires bishop candidates to "endorse the Chinese Communist Party's leadership and the socialist system." Officials at state-run Catholic organizations announced in December a decision to revoke the title of auxiliary bishop from bishop Thaddeus Ma Daqin after he publicly withdrew from the state-run Catholic Patriotic Association at his ordination ceremony in July 2012. Clergy continue to be detained for their underground activity or refusal to join the patriotic association, including priest Song Wanjun.

• The Commission continued to observe reports of officials sentencing Falun Gong practitioners to long prison terms, harassing lawyers who attempted to assist Falun Gong practitioners, and pressuring practitioners to renounce their beliefs. The Commission also observed reports this past year regarding official anti-cult efforts that placed an emphasis on the need to educate the public to "resist" Falun Gong. In April 2013, an article published in the China-based Lens Magazine reported on claims of severe torture and maltreatment of inmates at the Masanjia Women's Reeducation Through Labor Center in Liaoning province, many of whom are believed to be Falun Gong practitioners.

• Chinese authorities continued to place curbs on Muslims' ability to practice their religion and to emphasize the role of Islamic clergy in promoting state policies. Authorities also continued to regulate the confirmation of Islamic religious leaders and to monitor overseas pilgrimages in furtherance of state policy. Islamic clergy at a certification ceremony in February 2013 were told to "resolve to become politically reliable," and local authorities throughout the Xinjiang Uyghur Autonomous Region (XUAR) warned religious believers against going on Hajj pilgrimages not organized by the government. Authorities in charge of religious affairs sought to portray violent clashes that took place in the spring and summer of 2013 throughout the XUAR as acts inspired by "religious extremism," and urged Muslim clergy to work against "religious extremist forces."

• The Chinese government continued to control the doctrine and activities of its official Protestant church and target members of unregistered house churches for harassment, detention, and other forms of abuse. The government continued its efforts to prohibit worship gatherings of the Beijing Shouwang Church, a house church of over 1,000 congregants in Beijing municipality, denying the church's appeal against local public security officials for preventing the church from moving into property it had purchased. State-sanctioned raids on house churches continued. In April 2013, local authorities raided a house church in Alxa League, Inner Mongolia Autonomous Region, firing tear gas, detaining members of the congregation, and beating others. Officials in Shenzhen municipality detained house church pastor Cao Nan and others for holding a religious gathering in a public park, and officials in Shanxi province sentenced Li Wenxi and Ren Lancheng for "illegal business operations" in connection with the printing and selling of religious publications.

• The Chinese Taoist Association continued to work with the Chinese government to ensure that Taoist religious groups "uphold the leadership of the Communist Party and the socialist system." At a November meeting, a top religious official reminded Taoist leaders that "studying and putting into practice the spirit of the 18th Party Congress is the chief political task for religious communities for the coming period of time."
• Despite lacking formal central government recognition, some religious communities have been able to operate inside China and continue to appeal to the Chinese government for greater 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 the government's framework for recognizing only select religious communities for limited state protections. Stress to Chinese authorities that China's ideological "guidance" of religious groups and the general public violates its citizens' freedom of religious belief, 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 religious outreach and preaching activities independent of state-set parameters and not face curbs on their internationally protected right to freedom of religion in the name of "upholding stability"; the right of Protestants to worship free from state controls over doctrine and to worship in unregistered house churches, free from harassment, detention, and other abuses; the right of Taoists to interpret their teachings free from government guidance.
○ Call for the release of Chinese citizens confined, detained, or imprisoned in retaliation for pursuing their right to freedom of religion (including the right to hold and exercise spiritual beliefs). Such prisoners include: Sonam Lhatso (a Tibetan Buddhist nun sentenced in 2009 to 10 years' imprisonment after she and other nuns staged a protest calling for Tibetan independence and the Dalai Lama's long life and return to Tibet); Thaddeus Ma Daqin (the auxiliary bishop of the Shanghai diocese who has been under confinement since July 2012 for renouncing his affiliation with the Catholic Patriotic Associa-

tion); Wang Zhiwen (a Falun Gong practitioner serving a 16-year sentence for organizing peaceful protests by Falun Gong practitioners in 1999); Nurtay Memet (a Muslim man sentenced to five years' imprisonment for "superstition"-related activity connected to his religion); Fan Yafeng (a legal scholar, religious freedom advocate, and house church leader kept under home confinement since November 2010 in connection with his advocacy for unregistered Protestant communities and coinciding with a broader crackdown on rights advocates); and other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

○ Call on authorities to allow Chinese lawyers to freely take cases involving religious freedom.

○ Call on officials to eliminate criminal and administrative penalties that target religions and spiritual movements and that have been used to punish Chinese citizens for exercising their right to freedom of religion. Specifically, call for officials 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).

○ Promote legal exchanges that bring Chinese experts to the United States and American experts to China to increase knowledge of international human rights standards for the protection of freedom of religion. Promote cultural exchanges that engage Chinese intellectuals in discussions regarding freedom of religion. Support non-governmental organizations that collect information on conditions for religious freedom in China and that inform Chinese citizens how to defend their right to freedom of religion. Support organizations that help religious practitioners appeal prison sentences and orders to serve re-education through labor stemming from citizens' exercise of freedom of religion; challenge government seizure of property; and challenge job discrimination based on religion.

○ Collaborate with the governments of countries that have trade ties with China and that value freedom of religion, to advocate for freedom of religion within China.

ETHNIC MINORITY RIGHTS

Findings

• During the 2013 reporting year, ethnic minorities faced challenges to their rights as provided in the PRC Regional Ethnic Autonomy Law and international law. Authorities placed the strictest controls over groups perceived as potential threats to "stability," including those living in the Tibet Autonomous Region (TAR) and other Tibetan autonomous areas, the Xinjiang Uyghur Autonomous Region (XUAR), and the Inner Mongolia Autonomous Region (IMAR). Authorities continued to detain, harass, and imprison ethnic minority rights advocates who en-

gaged in peaceful protest and sought to assert their unique cultural identity.

- Government authorities continued to enforce grasslands policies that require herders and nomads to resettle in urban areas or in larger, compact rural communities, portraying these developments as a move to improve and "modernize" the lives of Mongols, Tibetans, Kazakhs, and other minority groups and to combat grasslands degradation.
- In several instances in 2013, Mongol herders protested the appropriation of their grazing lands for military use and private development projects. Security personnel detained and beat some of the herders, and obstructed the protests.
- Critics of official grasslands policies in the IMAR have raised concerns over increased mining activities and a corresponding loss of water and the production of toxic wastewater.
- During the 2013 reporting year, authorities in the IMAR continued to hold Mongol rights advocate Hada in extralegal detention and to deny him treatment for serious mental health issues. Authorities in Hohhot city, IMAR, tightened restrictions on the freedoms of movement and communication of Hada's wife, Xinna, and the couple's son, Uiles.
- In April 2013, authorities arrested Batzangaa, a former medical school principal who had been under residential surveillance in Ordos municipality, IMAR, since January 2011. Authorities alleged that Batzangaa was attempting to flee the country with his wife and two children. Following his April 2013 arrest, authorities reportedly ordered Batzangaa, who organized demonstrations in 2009 to protest against the government's confiscation of campus property, to begin serving a three-year prison sentence.
- On July 4, 2013, authorities in Uzumchin Right (Dongwuzhumuqin) Banner, Xilingol League, IMAR, reportedly arrested Yunshaabiin Seevendoo, who had advocated for the rights of Mongol herders, on fraud charges. Family members reportedly said his health has deteriorated during his detention.

Recommendations

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

- Support non-governmental organizations that address human rights conditions for ethnic minorities in China, enabling them to continue their research and develop programs to help ethnic minorities increase their capacity to protect their rights. Encourage such organizations to develop training programs on promoting economic development that includes consultation with and the participation of ethnic minority communities; to develop programs to protect ethnic minority languages, cultures, and livelihoods; and to develop programs that document conditions and research rights abuses in the Inner Mongolia Autonomous Region, Xinjiang Uyghur Autonomous Region, Tibet Autonomous Region, and other autonomous ethnic minority areas.

○ Support rule of law programs and exchange programs that raise awareness among Chinese leaders of different models for governance that protect ethnic minorities' rights and allow them to exercise meaningful autonomy over their affairs, in line with both Chinese law and international human rights standards.
○ Call on the Chinese government to examine the efficacy of existing grasslands policies in ameliorating environmental degradation and to take steps to ensure that the rights of herders are also protected.
○ Call on the Chinese government to investigate the loss of groundwater and the production of toxic wastewater due to mining activities in the IMAR, and to ensure that mining companies operating in the region adhere to state environmental regulations.
○ Call on the Chinese government to release people detained, imprisoned, or otherwise held in custody for advocating ethnic minority rights, including Mongol rights advocate Hada, former medical school principal Batzangaa, herders' rights advocate Yunshaabiin Seevendoo, and other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

POPULATION PLANNING

Findings

• In March 2013, China's new leadership unveiled a plan for restructuring agencies within the State Council, and part of this plan involves merging the National Population and Family Planning Commission (NPFPC) and the Ministry of Health. The restructure combines most of the responsibilities of the previous two organizations into a new "National Health and Family Planning Commission," but transfers the responsibility of creating population development policies and strategies—previously held by the NPFPC—to the National Development and Reform Commission. The full impact of these changes on China's family planning policies and their implementation remains to be seen. Meanwhile, government leaders, experts, scholars, and citizens continued calls this year for population policy reform.
• 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 the 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 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 punishment for officials who demand or implement forced abortions. Provincial population planning regulations in at least 22 of China's 31 provinces explicitly endorse mandatory abortions, often referred to as a "remedial measure" (*bujiu cuoshi*), as an official policy instrument.

• 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.

Recommendations

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

○ Urge the Chinese government to seize the window of opportunity provided by the government restructuring and specifically the merger of the NPFPC and the Ministry of Health to cease restrictive family planning policies and population controls and begin to employ a human rights-based approach to providing greater reproductive freedom and privacy for all citizens, especially women.

○ Urge 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 and the 1994 Programme of Action of the Cairo International Conference on Population and Development, as well as the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights.

○ Urge China's central and local governments to enforce vigorously provisions under Chinese law that provide for punishments 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 bar material, career, and financial incentives and disincentives that motivate officials to use coercive or unlawful practices in implementing family planning policies.

○ Support the development of programs and international cooperation on legal aid and training that help citizens pursue compensation under the PRC State Compensation Law and that help citizens pursue other remedies against the govern-

ment for injuries suffered as a result of official abuse related to China's population planning policies.

FREEDOM OF RESIDENCE AND MOVEMENT

Findings

• The Chinese government continued to enforce the household registration (*hukou*) system it first established in the 1950s. This system limits the right of Chinese citizens to freely determine their place of residence. The *hukou* system classifies Chinese citizens as either rural or urban and confers legal rights and access to social services based on that classification. The *hukou* system discriminates against rural *hukou* holders who migrate to urban areas by denying them equal access to public services and social security benefits, as well as equal social, employment, and educational opportunities. Such discrimination was especially prevalent this past year with respect to employment and access to urban higher educational opportunities.
• High- and local-level Chinese government officials continued to emphasize the need for *hukou* reform, including Premier Li Keqiang, who announced in May 2013 an urbanization plan to be unveiled in late 2013 that would clarify the timing of proposed *hukou* reforms. Reforms could include land management reform, improvements to public services and social security systems, the urbanization of rural residents, and clarifying the application criteria for urban *hukous*.
• Some local governments have proposed or implemented policies that, for example, would abolish *hukou* classifications and include people under a single uniform *hukou* classification; expand access to school entrance exams in urban areas for the children of rural migrants; establish a points system to award rural migrants more public services and opportunities; or grant an urban *hukou* to graduates of local colleges. However, scholars and journalists have expressed reservations about *hukou* reform, citing local government opposition to the financial burden an influx of rural migrants would impose on public services and infrastructure.
• Chinese officials continued to deny citizens who criticize the government their internationally recognized right to leave the country. During the Commission's 2013 reporting year, there were numerous reports of political advocates and their family members being denied exit from China or access to passports.
• The number of Chinese subject to international travel restrictions reportedly has jumped in recent years, and human rights groups estimate that at least 14 million people may be affected. Restrictions reportedly fall heaviest on Tibetans and Uyghurs, with the U.S. State Department reporting that members of these groups "experienced great difficulty acquiring passports."
• Chinese authorities continued to violate the internationally recognized right which provides that "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement . . ." by restricting the domestic movement of activists and their families as a form of harass-

ment. Restrictions on the movement of activists reportedly increased during politically sensitive periods this past year.

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 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 reform 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 liberty of movement of rights defenders, advocates, critics, and their families, including, among others: Tibetan writer Tsering Woeser; Uyghur academic Ilham Tohti; Liu Xia, the wife of imprisoned Nobel Peace Prize laureate Liu Xiaobo; and Chen Mingxian, the wife of democracy advocate Liu Xianbin.

STATUS OF WOMEN

Findings

• Chinese laws, including the amended PRC Law on the Protection of Women's Rights and Interests and the amended PRC Marriage Law, contain provisions which aim to protect women's rights; however, ambiguity and lack of clearly outlined responsibilities in China's national-level legislation limit progress on concrete protections of women's rights.

• In its domestic laws and policy initiatives and through its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Chinese government has committed to ensuring female representation in government. After the Chinese Communist Party and government leadership transitions in November 2012 and March 2013, respectively, some top Party bodies increased female representation, while others decreased. Female representation decreased in the newly appointed State Council. Overall, female representation in the central government still falls short of international standards to which China has agreed. Female participation in decisionmaking at the village level remains low, underscoring long-held concerns about protection of rural women's rights and interests.

• China has committed under CEDAW to take "all appropriate measures to eliminate discrimination against women in the field of employment." While China's existing laws, such as the

PRC Labor Law, the amended PRC Law on the Protection of Women's Rights and Interests, and the PRC Employment Promotion Law prohibit gender discrimination in employment, women continue to experience widespread discrimination in areas including recruitment, promotion, wages, and retirement.

• Gender-based discrimination continues in Chinese universities, despite provisions in China's Constitution and the PRC Education Law that prohibit it. Universities across China implement gender quotas that require women to score higher than men on their college entrance exams in order to be admitted into certain majors.

• Chinese national legal provisions on domestic violence lack a clear definition of domestic violence and do not specify the responsibilities of public and private sector organizations in prevention, punishment, and treatment. Domestic violence reportedly remains pervasive, affecting men, women, and children. The Supreme People's Court (SPC) announced plans to issue standardized documents to guide adjudication in domestic violence criminal cases, noting insufficiencies in Chinese law. The SPC also established several pilot programs to strengthen trial procedures for domestic violence cases. Despite state media reports that new domestic violence legislation would be on the agenda in 2012, no drafts appear to have been made publicly available.

• Chinese law fails to adequately define, prevent, and punish acts of sexual violence against women, including rape, forced prostitution, and sexual harassment. Chinese legislation does not provide a clear definition of sexual harassment or specific standards and procedures for prevention, reporting, and punishment, presenting challenges for victims in protecting their rights. Several widely reported cases of sexual violence this reporting year exposed the need for stronger legal protections and heightened awareness among law enforcement.

• Officials in localities across China continue to employ coercion and violence against women—including forced abortions, forced sterilizations, and forced contraceptive use—in their enforcement of national and local population planning policies. Chinese law leaves women unprotected against such abuses. Authorities also continue to use violence and abuse against women in the enforcement of anti-prostitution laws. Such treatment is in violation of Chinese law.

Recommendations

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

○ Support programs in China that increase women's political participation and leadership through U.S.-China exchanges and international conferences. Support exchanges, training, and legal programs that promote women's land rights, especially in rural areas, and urge higher levels of government to increase supervision over village committees to ensure that local rules and regulations are in accordance with national-

level laws and policies and to ensure adequate protection of rural women's rights and interests.

○ Urge the Chinese government to take steps to faithfully enforce provisions in the PRC Labor Law, the amended PRC Law on the Protection of Women's Rights and Interests, and the PRC Employment Promotion Law that prohibit gender discrimination. Urge Chinese officials in cities across China to supplement these laws with local regulations that address and provide punishments for all forms of gender discrimination in employment. Support programs that teach women how to protect and advocate for their rights and interests in the workplace.

○ Urge Chinese officials to put an end to gender-based quotas that allow preference for men over women in certain fields of study in Chinese universities.

○ Urge the Chinese government to follow through on stated plans to enact comprehensive national-level legislation that clearly defines domestic violence in criminal and civil law, allocates adequate resources, assigns responsibilities to government and civil society organizations in addressing domestic violence, and details punishments for offenders. Urge officials to release drafts of such legislation for public comment.

○ Urge the Chinese government to further revise the PRC Law on the Protection of Women's Rights and Interests or enact new 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 of issues pertaining to violence against women. One such area of U.S. technical assistance might be in developing workplace protocols and reporting mechanisms that ensure confidentiality and prevent retaliation.

○ Urge 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 rights abuses. Urge the Chinese government to establish penalties, including specific criminal and financial penalties, for officials and individuals 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.

• 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 legislation and update policy efforts. In the Commission's 2013 reporting year, the State Council issued a new national anti-trafficking action plan, which appears to contain some improvements in terminology and objectives, and clearly lays out which government agencies are responsible for implementation. It remains to be seen whether authorities will provide adequate resources and training to local authorities for implementing the plan's objectives.

• 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 continued to focus 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 legally distinguish 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.

○ Urge the Chinese government to implement goals in the 2013–2020 plan to combat trafficking that address root cultural and societal factors contributing to China's trafficking problem. These stated goals include eliminating traditional notions of female inferiority, improving women's education, and ensuring rural women's property rights.

○ 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 gov-

ernment 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

- During the Commission's 2013 reporting year, the Chinese government persisted in detaining and repatriating North Korean asylum seekers and refugees to the Democratic People's Republic of Korea (DPRK), despite the severe punishments refugees face once returned. The Chinese government is obligated under the 1951 UN Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol to refrain from repatriating North Koreans who left the DPRK for fear of persecution or who fear persecution upon return to the DPRK.
- The Chinese government appeared to strengthen measures to stem the flow of North Korean refugees into China this past year, including reportedly increasing security along the North Korean border and implementing new campaigns to seek out and repatriate refugees.
- Chinese authorities continue to collaborate with North Korean security officials, allowing them to operate within China to apprehend North Korean refugees and disrupt organizations that attempt to assist them. The number of refugees who reached South Korea in 2012 dropped by 50 percent to 1,508 compared with 2,706 in 2011. As of July 2013, the number of refugees entering South Korea was slightly higher than for the same period in 2012.
- North Korean women in China continue to be sold into forced marriage and commercial sexual exploitation. The Chinese government's repatriation of trafficked North Korean women contravenes the 1951 Convention and its 1967 Protocol, as well as Article 7 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol).
- Children born to North Korean women and Chinese men are increasingly being raised in China in households where either the mother or both parents are absent. In some instances, Chinese authorities repatriate North Korean mothers to the DPRK, while others flee to South Korea or other parts of China. Several experts and academic studies contend household registration (*hukou*) policies have largely changed in recent years to allow for a greater majority of children born to North Korean women in China to gain access to public education and social services, but general poverty and the continued threat of repatriation leaves these children and their families at risk. The Chinese government's repatriation of North Korean women who have given birth to a child in China violates its international obligations under the Convention of the Rights of the Child, which prohibits separating children from their mothers.

Recommendations

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

○ Raise the issue of North Korean refugees in bilateral discussions with Chinese officials, particularly the U.S.-China Human Rights Dialogue.

○ Support the efforts of the United Nations High Commissioner for Refugees (UNHCR) to gain unfettered access to North Korean refugees in China. Encourage the Chinese government to work with the UNHCR in enacting its full mandate and to operate in conformity with China's obligations under the 1951 Convention and its Protocol, as well as immediately cease detaining and repatriating North Korean refugees in China.

○ Urge Chinese officials to grant residency status and related social benefits to North Korean women married to Chinese citizens. Urge the Chinese government to allow greater numbers of North Korean refugees to have safe haven and secure transit until they reach third countries.

○ Urge Chinese officials to abide by their obligations under the UN TIP Protocol (Article 9) and CEDAW (Article 6) to prosecute human traffickers in northeastern China and along the border with the DPRK.

○ Support the efforts of the United Nations Commission of Inquiry on North Korea to document North Korean human rights violations and determine the extent to which they amount to crimes against humanity.

PUBLIC HEALTH

Findings

• The Chinese government's oversight of and response to public health matters came into sharp focus during the 2013 reporting year with an outbreak in March of the H7N9 avian influenza. International health organizations commended China's effective response to the outbreak and China's progress in building an emergency response structure in the decade since the SARS outbreak in 2003. Two studies released in 2013 provided statistical evidence that link environmental pollution in China to adverse health effects, including cancer and shorter life spans. The Chinese public has expressed concerns over the government's capacity to protect public health and regulate food and drug safety.

• As part of the larger government restructuring announced during the National People's Congress and Chinese People's Political Consultative Conference in March 2013, the Ministry of Health (MOH) and the National Population and Family Planning Commission were merged into a single entity, the National Health and Family Planning Commission. Some medical professionals expressed disapproval of the name change and the lack of consultation prior to the announcement. Then-MOH Vice-Minister Dr. Huang Jiefu commented that the merged name might cause China "difficulties in its inter-

national exchanges," likely in light of international controversy over China's population planning policy.

• China's first-ever Mental Health Law (MHL) was passed in October 2012 and became effective on May 1, 2013, and aims to "expand access to mental health services." Another key goal is to prevent cases of being "misidentified as mentally ill" (*bei jingshen bing*), a practice which has been used by Chinese law enforcement officials to involuntarily detain petitioners and others in psychiatric facilities. International and Chinese civil society organizations and rights advocates have identified problematic provisions in the new MHL that may continue human rights violations.

• The Chinese government issued draft revisions to the Regulations on Education for Persons with Disabilities (1994) for public comment in February 2013, as part of its ongoing legislative efforts to strengthen the rights of persons with disabilities. Civil society organizations identified language needing more precise definition and amendments that need further work in order to comply with human rights standards in the UN Convention on the Rights of Persons with Disabilities, which China has signed and ratified.

• China's existing legislative framework prohibits health-based discrimination in access to employment, medical treatment, and education, but there continues to be widespread discrimination due to a lack of compliance with the laws and inconsistencies between national laws and local regulations. Rights advocates and non-governmental organizations continue to request revisions to physical eligibility standards that disqualify persons with disabilities and carriers of infectious diseases from employment as civil servants and teachers. Disability rights advocates lauded Guangdong province for removing discriminatory provisions in its teacher physical eligibility standards in May 2013.

Recommendations

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

○ Commend the Chinese government for its response to the H7N9 avian influenza outbreak and urge its public health and food and drug safety agencies to maintain a high level of vigilance and transparency in dealing with infectious disease outbreaks and other public health emergencies. Strengthen support to the U.S. Centers for Disease Control and Prevention for technical exchanges with China, not only on disease surveillance and response but also on environment and health monitoring and response mechanisms.

○ Encourage the development of non-governmental organizations (NGOs) and media groups that advocate for consumer rights in food and drug safety, public health, and disability rights. Support efforts to raise the technical and operational capacity of such NGOs, and provide opportunities for these organizations to participate in international forums on the rights to health, food safety, and education.

○ Urge the Chinese government to supervise implementation of the Mental Health Law to ensure that petitioners and others are no longer "misidentified as mentally ill" (*bei jingshen bing*) and involuntarily committed to psychiatric facilities. Provide support to Chinese civil society organizations and advocates and legal and medical organizations in monitoring the implementation of the Mental Health Law, such as funding for training, research, and publication of findings.

○ Call on the Chinese government to include people with disabilities and their representatives, and disability rights organizations not necessarily affiliated with the Chinese Federation of Disabled Persons, in the revisions to the Regulations on the Education of Persons with Disabilities. Urge officials to ensure that the revisions are in accord with the UN Convention on the Rights of Persons with Disabilities on "reasonable accommodation," "inclusive education," and other internationally recognized standards. Where appropriate, share the United States' ongoing experience and efforts in promoting the right to education for persons with disabilities—through legal, regulatory, and non-governmental means—with Chinese officials. Expand site visits and other exchanges for Chinese officials to observe and share ideas with U.S. disability rights groups, lawyers, the U.S. Department of Education, and other U.S. federal and state agencies that work on ensuring educational opportunities for persons with disabilities.

○ Urge Chinese officials to focus attention on effective implementation of the laws and regulations that prohibit health-based discrimination in access to employment, medical care, education, and a barrier-free environment. Ask Chinese officials about cases in which disability rights advocates have been rebuffed in their applications for open government information.

THE ENVIRONMENT

Findings

• Despite some progress during the Commission's 2013 reporting year, pollution problems remained severe, and the associated financial costs continued to grow. News and other reports highlighted major winter air pollution incidents, groundwater contamination, soil pollution challenges, the link between toxic chemicals and "cancer villages," and problems associated with the migration of polluting industries to western and poorer regions. Authorities were more transparent about the problems of air and groundwater pollution, and toxic chemicals, than they were about soil contamination.

• During the reporting period, authorities continued to develop a regulatory framework to address environmental problems, despite significant limitations. Chinese leaders highlighted environmental protection as one of China's "four basic principles," and Party leaders added commitments to "ecological civilization" to the Party constitution. Economic development, however, remains the "core concern." Authorities released two versions of the draft revisions to the Environmental Protection Law to the public for comments, which contained some incen-

tives for greater transparency and official accountability. Environmental groups, experts, and the environmental ministry pointed out other problems with the drafts related to environmental interest lawsuits and numerous other issues. Authorities appeared to restart stalled efforts to revise the PRC Air Pollution Law, and to draft a major national soil pollution law. In addition, the State Council issued ten policies on air pollution and an air pollution action plan.

• Significant challenges for the development of rule of law in the sector remain, including legal violations, lax or arbitrary enforcement, evaluation criteria prioritizing economic growth, corruption, lack of supervision, a weak environmental protection apparatus, and insufficient monitoring and environmental penalties. Development of environmental public interest law came to a standstill when the June draft of the revisions to the Environmental Protection Law stipulated that only the government-supported All-China Environment Federation would be allowed to bring public interest lawsuits. Legal remedies in environmental cases continue to be unreliable for several reasons, including the reluctance of courts to accept cases, hesitation on the part of lawyers to participate, mediation with a weak legal basis, and the potential for forced mediation agreements. Citizens continued to take to the streets in efforts to resolve grievances.

• During the reporting year, Chinese citizens advocated for improvement of environmental quality, but during the course of protecting their rights or investigating claims of pollution, some people faced detention (Liu Futang), extralegal home confinement (Zhang Bing), harassment from officials (Chen Yuqian and Mongolian herders), and beatings from unidentified individuals (an environmental journalist). Officials also questioned environmental advocates, took extraordinary measures to prevent anti-pollution demonstrations, and censored Internet postings, including those critical of planned projects.

• During the 2013 reporting year, citizens called for greater environmental transparency, and environmental authorities issued new internal rules to improve proactive disclosure of abridged environmental impact assessment reports and other information. Authorities in select cities began to make public $PM_{2.5}$ and air quality data using the revised air quality index. Despite these new rules and measures, authorities' proactive disclosure of information remains irregular and censorship continues. According to one study, while a greater percentage of environmental authorities responded to information requests, disclosure was less comprehensive in more cases than in the previous year.

• Grassland herder relocation programs, reportedly conducted by authorities to address grassland degradation as well as modernize the animal husbandry industry, have also in some cases been involuntary.

Recommendations

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

○ Call upon the Chinese government to cease punishing citizens for their grassroots environmental advocacy, for investigating pollution incidents, or for utilizing official and institutionalized channels to voice their environmental grievances or to protect their rights. Support efforts by Chinese and U.S. groups working in China to expand awareness of citizens' environmental rights and to promote the protection of those rights. Include environmental law issues in the bilateral human rights and legal expert dialogues. In addition, include discussion of human rights dimensions of climate change in the new U.S.-China Climate Change Working Group.

○ Support multilateral exchanges regarding environmental enforcement and compliance tools, including environmental insurance, market mechanisms, criminal prosecution of serious environmental infringements, and public interest litigation mechanisms. Encourage Chinese leaders to strengthen environmental impact assessment processes and citizen participation in those processes. Engage Chinese officials and others who seek to devise a fair compensation system for people harmed by pollution.

○ Support continued expansion of environmental information disclosure in China. Share U.S. Government experiences with the Toxics Release Inventory Program and other U.S. programs that seek to provide more environmental transparency. Support programs that educate Chinese citizens about China's system of open government information. In addition, continue U.S. Government engagement with relevant individuals and organizations in developing China's capacity to reliably measure, report, publicize, and verify emissions reduction strategies and techniques.

○ Encourage the development of environmental NGOs in China, including by incorporating joint U.S.-China non-governmental participation into bilateral projects. Support efforts to raise the technical and operational capacity of Chinese environmental NGOs.

○ Urge Chinese authorities to end nonvoluntary relocation of nomadic herders and to conduct relocation programs in a manner consistent with international scientific and human rights norms. To this end, urge authorities to consider the suggestions contained in the 2012 Report of the Special Rapporteur on the Right to Food; Addendum, Mission to China, to the United Nations High Commissioner for Human Rights.

CIVIL SOCIETY

Findings

• Millions of civil society organizations operate in China, making contributions to public interest advocacy and the provision of social services, organizing leisure activities, and promoting farming and business development. Government-registered

non-governmental organizations (NGOs) make up a subset of civil society organizations. Many NGOs are registered as businesses or are unregistered due to a restrictive regulatory environment. Individual advocates and informal networks also engage on issues of public interest in China.

• During the 2013 reporting year, Chinese government and Communist Party policy documents reaffirmed government and Party leadership and control over the development of "social organizations," the term commonly used to refer to NGOs. Chinese scholars have observed differentiated treatment of NGOs; whereas the government is willing to support groups that are perceived to support economic growth or provide social welfare services, the government continues to harass groups and individuals involved in issue advocacy or matters the government deems politically sensitive.

• Human rights organizations have reported on a crackdown beginning in spring 2013 on individual rights advocates, some of whom have an affiliation with the New Citizens' Movement, a loose network of individuals who advocate for a range of issues, such as political and legal reforms, human rights, and social justice. In July, the Beijing municipality Bureau of Civil Affairs shut down the Transition Institute, a think tank which conducts research on public interest issues, reportedly because the Institute is not registered as an NGO.

• The government has pledged to issue long-awaited regulatory changes to the legal framework for social organization registration and management by the end of 2013, including permitting direct registration to allow organizations to register at civil affairs bureaus without first securing a governmental or quasi-governmental supervisory unit. Direct registration, however, will be limited to business and industry associations, technical and scientific associations, charitable organizations, and community service groups. Political, legal, and religious organizations, and foreign NGOs with representative offices in China, will continue to be required to find a supervisory unit and operate under the existing "dual management" system.

• Chinese government authorities at national and local levels have allocated funds to procure services from non-governmental organizations as part of the development of a "non-state services sector." Scholars and civil society experts have expressed concerns that the fragmentary development of the regulatory framework for government procurement from NGOs has created problems in the selection of service providers, contract implementation, and oversight of projects.

• China's government-run charitable organizations, such as the Red Cross of China, continue to face a confidence gap in the eyes of Chinese citizens due to reports of misused donated funds and a lack of transparency in financial reporting. Private (non-governmental) charities have benefited from the credibility gap, as illustrated by the large amount of donations to such organizations in response to the Sichuan earthquake in April 2013. The Chinese government reportedly is working on a national Charity Law, but has not yet issued a draft for public comment.

Recommendations

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

○ Urge the Chinese government to revise its regulatory framework for social organizations in China to allow all non-governmental organizations (NGOs) to benefit from planned reforms in accordance with the rights to freedom of association in Article 22 of the International Covenant on Civil and Political Rights. Stress to Chinese authorities that freedom of association includes public advocacy on a range of issues. Call on the Chinese government to cease harassment of NGOs and civil society advocates who work on rights protection and public advocacy.

○ Encourage the Chinese government to establish a fair and transparent framework for implementation and regulation of government procurement of social services from NGOs. Where appropriate, support technical exchanges for central- and provincial-level Chinese officials to visit the United States to observe U.S. federal and state practice in government procurement of services from NGOs.

○ Take measures to facilitate the participation of Chinese citizens who work in the NGO sector in relevant international conferences and forums. Increase support for training opportunities in the United States to build their leadership capacity in nonprofit management, public policy, and public interest advocacy. Expand support to U.S. organizations that partner with Chinese NGOs on projects to build the capacity of civil society organizations in China.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

• At the 18th National Congress of the Chinese Communist Party in November 2012, a major political power succession took place within the Party, which happens at 10-year intervals, and involved the extensive turnover of power to a slightly younger cohort of political leaders in a non-transparent process. New Party General Secretary and President Xi Jinping appeared to act quickly in the first few months to move forward with his agenda and leadership style. Some international and Chinese scholars, journalists, and commentators believe that under the new echelon of top leaders, the prospects for political reform in China appear dim.

• At the 18th Party Congress, the Party amended the Party constitution to embrace "scientific development" (former Party secretary Hu Jintao's socio-economic theory), to declare that "socialism with Chinese characteristics" is the reason behind all of China's achievements, and to affirm that "reform and opening up are the path to a stronger China."

• Following the 18th Party Congress, top Party leaders assumed leading posts in the Chinese government in a transfer of government power that took place in March 2013. The newly installed government leaders issued a plan for a major reshuf-

fling of State Council institutions and a "transformation of government functions." The goals of the plan include improving government efficiency, pushing forward reform toward "super ministries," and resolving issues in the relationships between the government and the market, the government and society, and central and local entities.

• China's political institutions do not comply with the standards defined in Article 25 of the International Covenant on Civil and Political Rights, which Chinese leaders have signed and declared an intention to ratify. Nor do China's political institutions comply with the standards outlined in the Universal Declaration of Human Rights. The Communist Party continues to dominate political affairs, allows only limited independent political participation, and exerts control over the courts, the National People's Congress, the media, and state leadership appointments. Officials took a variety of other actions to interfere in local congress elections and to prevent independent candidates from being nominated or elected as delegates. Additionally, officials established numerical requirements related to the composition of National People's Congress delegates. During this reporting year, the Party tried to exert greater influence over university student groups and non-governmental and quasi-governmental organizations. In addition, developments suggest that the new Party Central Committee is exerting more efforts to control currents in the ideological realm.

• Authorities continued to detain, arrest, and sentence democracy advocates who exercised their right to freedom of speech, of assembly, of association, and of demonstration as guaranteed in China's Constitution and under international human rights standards. This reporting year, authorities detained or imposed prison sentences on democracy advocates Cao Haibo and Liu Benqi. Other democracy advocates given long prison sentences in recent years remain imprisoned, including Chen Wei, Chen Xi, Li Tie, Zhu Yufu, Xue Mingkai, Liu Xiaobo, Liu Xianbin, Guo Quan, Zhou Yongjun, Xie Changfa, and Huang Chengcheng.

• While top Chinese leaders have voiced support for greater transparency, citizens continue to face challenges in accessing information. In one example, authorities have suppressed citizen efforts to obtain information regarding China's submission for the October 2013 United Nations Human Rights Council Universal Periodic Review process. Individuals seeking information reportedly were harassed, prevented from leaving their homes, detained, or formally arrested.

• Authorities have passed or are drafting major laws that have a bearing on when and how citizens may hold their authorities accountable, including the PRC Civil Procedure Law, the PRC Administrative Litigation Law, and the PRC Administrative Reconsideration Law. The State Council issued plans to continue to strengthen administrative enforcement of laws and policies, partially by promoting administrative evaluation systems at the local level and strengthening support for "enforcement responsibility systems."

• Chinese leaders and citizens continued to express concern about official corruption, and many foreign and domestic business people reportedly think China's legal environment has deteriorated. Top leaders link the Party's legitimacy to its ability to manage corruption. Authorities continued to issue regulatory measures to curb corruption. In September 2013, a court sentenced Bo Xilai, the former Party Central Political Bureau member and Chongqing municipality Party Secretary, to life imprisonment for corruption. Central leaders have not, however, fully supported requirements for top officials to disclose their assets, and continued to have little tolerance for non-governmental anticorruption efforts. Against the backdrop of strong public demand for disclosure of officials' finances, authorities criminally detained or arrested dozens of advocates who made public appeals for top officials to disclose their finances, including anticorruption advocates such as Sun Hanhui, Ding Jiaxi, Hou Xin, Yuan Dong, Zhang Baocheng, Ma Xinli, Liu Ping, Zhao Changqing, and Wang Yonghong.

Recommendations

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

○ Take proactive steps to engage with the new cohort of Chinese leaders and to understand their plans for the future of governance in China. Conduct reciprocal, high-level parliamentary exchanges to share information and hold trainings regarding the congressional and political systems in the U.S. and China. Support efforts to research the implications of the Party and government power transition and the restructuring of State Council institutions, and to disseminate that information widely. Support U.S. research programs that shed light on the structure, functions, and development of the Chinese Communist Party, including its roles within government institutions, China's legislature, the media, non-state-owned companies, and social organizations (non-governmental groups, foundations, and nonprofit organizations). 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 association and assembly, for engaging in peaceful demonstrations, for calling for transparency of officials' personal finances, or for calling for political reforms within China. Some of these prisoners have associated themselves with the New Citizens' Movement and others are democracy advocates who are serving long prison sentences.

○ Support projects of U.S. or Chinese organizations that seek to work with local Chinese governmental and non-governmental organizations to improve transparency and accountability, 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 about how to submit OGI requests. Encourage Party

and government officials to ensure regulations, rules, and policies are made public. In addition, support projects that involve an exchange of information about bottom-up mechanisms to evaluate and hold government and Party officials accountable and emphasize the links between efficiency and accountability.
○ Support programs that assist local governments, academics, and the nonprofit sector in expanding transparent public hearings and other channels for citizens to participate in the policymaking process. Such programs could include pilot projects in China in which citizens' suggestions to authorities about draft laws, regulations, or policies are made available to the public.

COMMERCIAL RULE OF LAW

Findings

• The Chinese government and Communist Party continued to encourage state coordination of overseas investment activity as part of a policy authorities commonly referred to as the "go out" strategy. Authorities continued to encourage Chinese businesses to invest abroad in part as a way to increase opportunities for Chinese enterprises to move up the value chain. As part of the "go out" strategy, authorities targeted "strategic" industries, such as energy resources, metals, advanced technology, and "famous brands."
• This past year, authorities took measures to reform China's banking system, which continued to give state-owned enterprises preferential access to loans. The People's Bank of China removed a lower limit on loan interest rates but maintained an upper limit on interest rates payable to depositors, which news media noted could allow state-owned enterprises to secure cheaper loans, as well as reduce the profits of smaller banks and constrain the ability of households to accumulate savings.
• The yuan appreciated this past year, but the U.S. Treasury Department reported that it "remains significantly undervalued." Some Chinese officials called for a more market-based approach to exchange rate policy, but the Chinese government continued to interfere with the exchange rate through the accumulation of foreign exchange reserves.
• During the 2013 reporting year—more than a decade after China's accession to the World Trade Organization (WTO)—China continued to face allegations of violations of its WTO obligations, including antidumping and countervailing duties and subsidies inconsistent with its WTO obligations. Since its accession to the WTO, China has been a respondent in 31 WTO Dispute Settlement cases; this past year, the WTO found in favor of U.S. claims in three cases that the United States brought against China, as well as European Union claims in one case that the European Union brought against China.
• The Chinese government continued to take steps to improve protection for intellectual property rights (IPR) this past year, but weak protection and enforcement of IPR continued to contribute to theft of intellectual property. Theft of trade secrets, in some cases reportedly authorized by the Chinese government, continued this past year, including the reported theft of

large amounts of data by an organization operating under the People's Liberation Army. In addition, Chinese officials continued to use technology transfer as a precondition for market access.

• This past year, the Ministry of Commerce published two new draft regulations for public comment: the Provisions on Additional Restrictive Conditions for the Concentration of Business Operators and the Interim Provisions Regarding the Application of Standards for Simple Cases of Concentration of Business Operators. Both reportedly are designed to clarify and streamline the merger review and approval process, but expert commentators expressed doubts that the provisions will have such an effect in practice.

• During this past year, food safety scandals continued to emerge in different parts of China, and hazardous and illegal Chinese products continued to cross borders. Over a three-month period, Chinese authorities took into custody 904 people allegedly involved in selling rat, mink, and fox meat disguised as mutton. Over a six-week period, authorities in Hong Kong took into custody 879 people allegedly involved in smuggling milk formula from Hong Kong into mainland China, as the quality of milk formula in mainland China remained a concern.

Recommendations

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

○ Develop and support a project surveying the role of China's industrial policies in the Chinese economy, including how the development of these policies and the role they play in directing China's economy influence transparency, rule of law, and China's compliance with its international commitments.

○ Include issues of commercial rule of law, investment subsidies, and retaliation for excercising legal rights in the U.S.-China Strategic and Economic Dialogue and other commercial dialogues, negotiations, and exchanges with China. Expand dialogue with China through the U.S. Department of the Treasury, U.S. financial regulators, and the Small Business Administration on financial sector reform issues, such as access to capital for small business, corruption, subsidies, and taxpayer accountability. In addition, when necessary, continue to enforce U.S. rights through mechanisms of the WTO. File a counter notification to the WTO regarding China's subsidies, including its failure to report subsidies.

○ Obtain details on the amount of Chinese investment (other than in financial instruments) in the United States—including information on the distribution of that investment across different sectors of the economy, the criteria Chinese authorities use in approving such investments, and how such investment is financed. Obtain these details through bilateral dialogues between the U.S. Trade Representative and U.S. Department of Commerce, and China's Ministry of Commerce, National Development and Reform Commission, and State-Owned Assets Supervision and Administration Commission.

○ Support capacity-building programs for Chinese intellectual property regulators on U.S. best practices in intellectual property rights protection. Obtain information from Chinese officials on the overarching goals and projected timeline of the Chinese government's current efforts to reform intellectual property laws and regulations and to curb intellectual property theft, including cyber theft. Support a project that seeks to quantify the scope of damages to the U.S. economy from Chinese intellectual property theft, and more aggressively investigate the links between specific companies, organizations, and entities within China and specific theft of U.S. intellectual property. Conduct the project in a manner that protects the privacy and confidentiality of companies, while offering those companies incentives to participate.

○ Strengthen and expand capacity-building programs for Chinese food safety regulators on U.S. best practices in food safety programs. Pass legislation authorizing a larger U.S. Food and Drug Administration presence in China, with additional inspectors; support training programs conducted by U.S. inspectors, producers, and food safety experts; and ensure that regulated products imported from China into the United States are certified by the relevant entities in China.

Access to Justice

Findings

• At a January 2013 meeting, the new Secretary of the Communist Party's Political and Legal Affairs Commission reportedly announced plans for reform of the justice sector, reeducation through labor (RTL), petitioning, and the *hukou* (household registration) system. Public calls for reform of the RTL system have been particularly strong during the 2013 reporting year, but observers are concerned that any changes will be in name only.

• During the 2013 reporting year, the Commission observed the Chinese government and Communist Party's widespread use of "stability maintenance" measures in advance of and during the 18th National Congress of the Chinese Communist Party. Government and Party officials reportedly ordered rights advocates, petitioners, and Falun Gong practitioners, including Mao Hengfeng, Pei Fugui, Cui Fufang, Tong Guojing, Shen Yongmei, Shen Lianman, and Qin Wei, to serve RTL sentences to achieve "zero petitioning" and prevent protest in Beijing during that period.

• Harassment of *weiquan* (rights defense) lawyers continued to follow the trend of past years with the Chinese government using a variety of measures, including license suspension, surveillance, and illegal detention, to intimidate lawyers. Prominent human rights advocates Gao Zhisheng and Ni Yulan continued to serve harsh prison sentences; authorities arrested rights advocate Xu Zhiyong in August 2013 following several months of "house arrest" and criminal detention.

• Official sources reported that the number of individuals who received legal aid in China exceeded 1 million in 2012, a 21

percent increase over 2011. The Chinese government has steadily increased funding of legal aid over the years, reportedly by almost 10 percent in 2012. The revised Criminal Procedure Law and supporting regulations expand the scope and eligibility of criminal suspects and defendants who may receive legal aid, though scholars have raised concerns about whether there are sufficient human, financial, and institutional resources to support expected increases in legal aid cases.

• Official harassment of family members of rights defenders and political activists continued to take place during the 2013 reporting year. Chinese authorities used a range of methods against family members, restricting their rights to freedom of movement, expression, and livelihood.

Recommendations

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

○ Object to the continued harassment of rights defenders. Call for the release of lawyers, activists, and others who have been "disappeared," are incarcerated, or are subject to unlawful home confinement or other forms of extralegal detention, for their activities to defend and promote the rights of Chinese citizens, including Xu Zhiyong, Gao Zhisheng, Ni Yulan, and others mentioned in this report and in the Commission's Political Prisoner Database. Urge the Chinese government to renew professional licenses to the law firms and individual lawyers denied renewal in 2013 and in past years for their work on cases officials deem to be sensitive.

○ Monitor the Chinese government's stated plans to reform the reeducation through labor and petitioning systems by asking Chinese officials about the substance of the reforms, and the timeframe and benchmarks to assess progress. Recommend the establishment of independent evaluation mechanisms that include the participation of civil society representatives, rights defenders, and public interest lawyers.

○ Object to the ongoing harassment and abuse of the family members of petitioners and rights defenders. Call for the cessation of the denial of rights (including the refusal to issue passports), physical violence, and detention of family members, such as Liu Xia, the wife of Nobel Peace Prize laureate Liu Xiaobo; Chen Kegui, nephew of the prominent legal advocate Chen Guangcheng; and Ablikim Abdureyim, one of the sons of Uyghur rights advocate Rebiya Kadeer.

○ Increase support to the U.S. Department of State's International Visitors Leadership Program and other similar bilateral exchange programs that bring Chinese human rights lawyers, advocates, and scholars to the United States for study and dialogue. Expand support to legal research and exchange programs in the non-governmental and academic sector that partner with China's human rights lawyers and public interest legal organizations, and technical exchange and training programs with China's official justice sector that promote court independence.

○ Encourage the Chinese government (in particular, the Ministry of Justice and Ministry of Education) to allocate more funding to local bar associations and law school clinical legal education programs to build a stronger foundation for legal aid and public interest law, and enhance legal training to provide legal aid services to persons with disabilities, petitioners, and those seeking legal protection from domestic violence (including children), among other at-risk populations.

XINJIANG

Findings

• Clashes that took place in the spring and summer of 2013 throughout the region resulted in numerous deaths, with reported death tolls ranging from dozens to 100 or possibly more, and raised concerns about the failure of ethnic policy in the Xinjiang Uyghur Autonomous Region (XUAR) to address the root causes of regional instability. Overseas media and rights groups reported instances involving security forces shooting into crowds of Uyghurs, resulting in deaths and injuries. In some cases, Uyghur residents of the XUAR reportedly committed deadly attacks on members of security forces, community workers, and others.
• Authorities reportedly conducted pervasive house searches throughout the region in order to "maintain stability" and target peaceful expressions of religious belief among the Uyghur population. Human rights advocates assert that widespread security checks have exacerbated tensions in the region.
• XUAR authorities continued intensive controls over religion, especially Islam, posing a challenge for Uyghurs seeking to practice their religious beliefs outside of state control. Authorities continued to enforce tight restrictions over peaceful religious practices among the Uyghur population and carried out targeted surveillance over individual religious believers.
• State-led development initiatives intensified during the Commission's 2013 reporting year, drawing large amounts of state and private investment and increased migration into the XUAR. Development projects in the region raised concerns that they have brought disproportionately fewer economic, social, and cultural opportunities for Uyghurs and other ethnic minorities in the region, as well as concerns over the effects such projects have had on the cultures and languages of these groups.
• Increased migration to the XUAR in recent years has reportedly heightened ethnic tensions in some areas and sparked concerns among Uyghur residents regarding land rights and employment opportunities. Regional development initiatives brought increased Han Chinese migration to the XUAR during the past year, and state-led programs provided assistance to migrants and workers from other provinces, often in southern areas of the XUAR traditionally inhabited by Uyghurs and other ethnic minorities.
• In the past year, the XUAR government broadened the scope of Mandarin-focused "bilingual education" in the region, a pol-

icy some Uyghur students in the XUAR fear is aimed at assimilating young Uyghurs into Chinese society at the expense of their Uyghur identity. Under "bilingual education," class instruction takes place primarily in Mandarin Chinese, largely replacing instruction in languages spoken by ethnic minority groups. In recent years, some Uyghur students and teachers have expressed concern over the compulsory nature of the region's "bilingual" curriculum and the corresponding loss of young Uyghurs' ability to speak the Uyghur language.

Recommendations

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

○ Support legislation that expands U.S. Government resources for raising awareness of human rights conditions in the XUAR, for protecting Uyghur culture, and for increasing avenues for Uyghurs to protect their human rights.

○ Call on the Chinese government to reexamine the effectiveness of official policies toward ethnic minorities in the XUAR and end its reliance on heightened security to respond to clashes in the region. Call on Chinese authorities to report transparently on conflict in the region.

○ Call on the Chinese government to end pervasive house searches in Uyghur neighborhoods throughout the XUAR, which human rights advocates assert have exacerbated tensions in the region.

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

○ Call on the Chinese government to support development policies in the XUAR that promote democratic decisionmaking processes among local communities affected by development. Call on central and XUAR authorities to ensure equitable development that not only promotes economic growth but also respects the broad civil and political rights of XUAR residents, and engages these communities in democratic decisionmaking.

○ Call on the Chinese government to ensure the rights of ethnic minorities to protect property and enjoy equal access to employment opportunities in areas of the XUAR affected by development efforts. Call on central and XUAR authorities to enact programs to actively preserve and maintain the culture and livelihoods of Uyghurs and other ethnic minorities in the face of increased migration.

○ Call on the Chinese government to consult with non-Han 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 (REAL). Urge Chinese officials to support the develop-

ment of educational materials in the Uyghur language and in other non-Chinese languages.

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 2013 reporting year of official Chinese interest in resuming a dialogue that takes into account Tibetan concerns regarding the Tibetan autonomous areas of China.

• The Party and government failed this past year to respond to Tibetan grievances in a constructive manner or accept any accountability for Tibetan rejection of Chinese policies. The frequency of Tibetan self-immolation reportedly focusing on political and religious issues increased during the Commission's 2013 reporting year, peaking in October–November with 38 self-immolations preceding and during the 18th National Congress of the Chinese Communist Party. During the period September 2012 through July 2013, 66 Tibetan self-immolations (60 fatal) took place. As self-immolation frequency increased, authorities strengthened a security crackdown infringing on Tibetans' freedoms of expression, association, and movement, and curtailed their ability to communicate or share information. Self-immolations have shifted from an initial pattern of less frequent self-immolations mainly in Sichuan province with a majority of current or former monastics, to a pattern of more frequent self-immolations mostly outside of Sichuan with a majority of laypersons.

• Tibetan self-immolators this past year continued to call for the Dalai Lama's return—a demand that when voiced during a suicidal protest may signify intense resentment toward Chinese government and Communist Party intrusion into Tibetan Buddhist affairs. The Party and government continued to create new and unprecedented control over Tibetan Buddhism, along with maintaining established repressive policies. Effective December 2012, national measures required Tibetan Buddhist monastic teachers to submit every five years to a reassessment conducted by Party- and government-controlled Buddhist associations. Criteria include patriotism toward China, supporting Party leadership, and accepting guidance from government- and Party-run offices. Reappointed teachers must sign an agreement acknowledging such obligations. Officials characterize the result of such policies as the "normal order" of Tibetan Buddhism.

• This past year, some Tibetan self-immolators reportedly called for greater use of the Tibetan language as they burned—an apparent indication of the significant threat some Tibetans believe Party and government policies pose to Tibetan culture's vibrancy and viability. In Qinghai province, thousands of Tibetan tertiary students protested against issues including gov-

ernment language policy after authorities required students to study an official booklet that some regarded as "derogatory" toward Tibetan language and that promoted using Mandarin. A court sentenced eight of the students to imprisonment. Reports of unofficial Tibetan initiatives to promote Tibetan language emerged in Qinghai, Gansu, and Sichuan provinces.

• Officials continued to emphasize economic development as the key to achieving "social stability," even though some initiatives resulted in protests or alleged harm to local communities. A Tibet Autonomous Region (TAR) official said the Lhasa-Shigatse railway will begin operation by the end of 2014. Official media reported the TAR government had settled (or resettled) "nearly 2.1 million" Tibetan farmers and herders during 2006–2012, and that "all farmers and herders" in the TAR would be settled by the end of 2013. Media organizations reported on a landslide disaster at a gold mine and on environmental pollution that interfered with Tibetans' ability to farm and maintain livestock. Government plans for construction of hydroelectric projects along major Tibetan rivers attracted the interest of news media and analysts.

Recommendations

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

○ Urge the Chinese government to resume contacts 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. As tensions continue to rise in Tibetan areas and Tibetans express their respect for the Dalai Lama, a Chinese government decision to engage in dialogue can result in a durable and mutually beneficial outcome for the Chinese government and Tibetans that will benefit local and regional security in coming decades.

○ Urge the Chinese government to consider the role of government regulatory measures and Party policies in the wave of Tibetan self-immolations. Point out to Chinese officials that, if the government and Party address Tibetan grievances in a constructive manner, the results could benefit state security and social stability; point out to Chinese officials that strengthening the measures and policies that Tibetans resent is unlikely to promote "social stability" or a "harmonious society."

○ Convey to the Chinese government the urgent importance of refraining from expanding the use of intrusive management and legal measures to infringe upon and repress Tibetan Buddhists' right to the freedom of religion. Point out to Chinese officials that government control over periodic review and reappointment of Tibetan Buddhist teachers based on criteria such as upholding Communist Party leadership and accepting guidance from government- and Party-run offices is inconsistent with state respect for "freedom of religious belief," and

that increased pressure on Tibetan Buddhists created by aggressive use of regulatory measures, "patriotic" and "legal" education, and anti-Dalai Lama campaigns is likely to harm social stability, not protect it. 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.

○ 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 Gedun Choekyi Nyima can express to the representative his wishes with respect to privacy; photograph the international representative and Gedun Choekyi Nyima together; and publish Gedun Choekyi Nyima's statement and the photograph.

○ Convey 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. Urge officials to respect Tibetan wishes to maintain the role of both the Tibetan and Chinese languages in teaching modern subjects and not to consign Tibetan language to inferior status by discontinuing its use in teaching modern subjects.

○ 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 Chinese 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.

○ Increase support for U.S. non-governmental organizations to develop programs that can assist Tibetans to increase their capacity to peacefully protect and develop their culture, language, and heritage; that can help to improve education, economic, health, and environmental conservation conditions for ethnic Tibetans living in Tibetan areas of China; and that create sustainable benefits for Tibetans without encouraging an influx of non-Tibetans into these areas.

○ Urge the Chinese 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. Continue to convey to the government the importance of distinguishing between peaceful Tibetan protesters and rioters; condemn the use of security campaigns to suppress human rights; and request the Chinese 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 are imprisoned as punishment for the peaceful exercise of human rights. Representative examples include: Monk Choeying Khedrub (sentenced to life imprisonment for printing leaflets); Bangri Chogtrul (regarded by Tibetan Buddhists as a reincarnated lama, serving a sentence of 18 years commuted from life imprisonment for "inciting splittism"); and nomad Ronggye Adrag (sentenced to 8 years' imprisonment for shouting political slogans at a public festival).

DEVELOPMENTS IN HONG KONG AND MACAU

Findings

• The Basic Laws of both 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 Basic Law does not.
• Public demand grew for a more specific plan for election of Hong Kong's Chief Executive (CE) through universal suffrage, which is set to occur in 2017. In July 2013, Hong Kong's current CE, CY Leung, dismissed calls for early public consultation on electoral reform. Mainland Chinese officials and experts continue to dissuade Macau from pursuing universal suffrage.
• Concerns also grew over central government interference in the nomination of CE candidates in elections by universal suffrage, with statements from mainland Chinese officials ruling out a nominating process involving the broader voting public and stating that candidates would be required to be trusted by the central government.
• Two incidents this year highlighted ongoing challenges to Hong Kong's judicial and law enforcement independence. Hong Kong authorities requested that Hong Kong's highest court refer to the National People's Congress Standing Committee in Beijing a key issue in a case involving the right of foreign domestic helpers to apply for Hong Kong permanent residence. In another instance, former U.S. National Security Agency contractor Edward Snowden was allowed to leave the territory despite a U.S. request for his provisional arrest. This incident raises concerns over whether this was done at the request of the central government. If so, it could be interpreted as the central government interfering in what should have been a purely internal Hong Kong law enforcement matter.
• The Hong Kong government made uneven progress toward maintaining transparency. The government postponed implementation of a measure that would have redacted from public corporate filings important identifying information of company directors.
• Self-censorship by journalists and strong media ties to mainland China continued to threaten press freedom in Hong Kong and Macau, although in September 2012 Macau backed away

from a controversial plan to set up a "press accountability board."

• The gambling industry in Macau is reportedly tied to widespread corruption and the laundering of large amounts of money out of mainland China. The Chinese government and Macau officials reportedly stepped up efforts to regulate Macau's gambling industry as part of a larger campaign by the central government against corruption.

Recommendations

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

○ Urge in meetings with Hong Kong and central government officials for Hong Kong authorities to prepare a clear plan with a specific timetable as soon as practicable for instituting universal suffrage for the election of the Chief Executive in 2017 that meets the requirements of the International Covenant on Civil and Political Rights (ICCPR) and is developed with full public participation. Include stops in Hong Kong and Macau during trips to mainland China. U.S. Government delegations' meetings in Hong Kong should include meetings with members of the Hong Kong Legislative Council, officials with the Hong Kong government administration, members of the judiciary, and representatives of reporters' organizations. In Macau, delegations should meet with members of the Legislative Assembly, especially directly elected members, with the Macau government administration, and with leaders outside the government.

○ Support and encourage agencies and organizations to explore projects to monitor and strengthen democratic practices, press freedom, and the rule of law in Macau.

○ Commend Hong Kong for its commitment to transparency in light of recent measures toward a public archives law and maintaining public access to corporate directors' identifying information, and emphasize the critical importance of transparency for maintaining confidence in business and U.S.-Hong Kong relations.

○ Urge Macau to develop law enforcement mechanisms for combating money laundering, such as a mechanism to freeze suspicious assets, establishing cash declaration requirements for visitors, lowering transaction reporting thresholds for casinos, and enhancing legal requirements for casino customer due diligence.

POLITICAL PRISONER DATABASE

Recommendations

When composing correspondence advocating on behalf of a political or religious prisoner, or preparing for official travel to China, Members of Congress and Administration officials are encouraged to:

- Check the Political Prisoner Database (PPD) (*http://ppdcecc.gov*) for reliable, up-to-date information on a prisoner or groups of prisoners. Consult a prisoner's database record for more detailed information about the prisoner's case, including his or her alleged crime, specific human rights that officials have violated, stage in the legal process, and location of detention or imprisonment, if known.
- Advise official and private delegations traveling to China to present Chinese officials with lists of political and religious prisoners compiled from database records.
- Urge U.S. state and local officials and private citizens involved in sister-state and sister-city relationships with China to explore the database, and to advocate for the release of political and religious prisoners in China.

A POWERFUL RESOURCE FOR ADVOCACY

The Commission's 2013 Annual Report provides information about Chinese political and religious prisoners[1] in the context of specific human rights and rule of law abuses. Many of the abuses result from the Chinese Communist Party's and government's application of policies and laws. The Commission relies on the Political Prisoner Database (PPD), a publicly available online database maintained by the Commission, for its own advocacy and research work, including the preparation of the Annual Report, and routinely uses the database to prepare summaries of information about political and religious prisoners for Members of Congress and Administration officials. The Commission invites the public to read about issue-specific Chinese political imprisonment in sections of this Annual Report, and to access and make use of the upgraded PPD at *http://ppdcecc.gov*. (Information about the PPD is available at *http://www.cecc.gov/resources/political-prisoner-database.*)

The PPD received approximately 84,500 online requests for prisoner information during the 12-month period ending August 31, 2013—an increase of approximately 36 percent over the 61,900 requests during the 12-month period ending August 31, 2012. During the 12-month period ending in August 2013, the United States was the country of origin of the largest share of requests for information, with approximately 31.9 percent of such requests—a decrease from the 51 percent reported for the United States in the Commission's 2012 Annual Report. China was second with approximately 29.2 percent (an increase compared to 20 percent in the 2012 reporting period), followed by Japan with 19.1 percent (compared to 1 percent in the 2012 reporting period), Germany (4.1 percent), France (2.4 percent), the United Kingdom (2.2 percent), the Russian Federation (1.0 percent), Hong Kong (0.8 percent), the Netherlands (0.8 percent), and India (0.7 percent).

Approximately 56.8 percent of the approximately 84,500 requests for PPD information were from numerical Internet addresses that do not provide information about the name of the registrant or the type of domain. That figure represents a substantial increase over the 36 percent reported for such addresses during the period ending in August 2012 and may contribute to the proportional changes reported for the following types of Internet domains.

Approximately 15.5 percent of the online requests for PPD information during the 12-month period ending August 31, 2013, originated from worldwide commercial (.com) Internet domains—a decrease from the 19 percent reported in the 2012 Annual Report. Worldwide network (.net) domains were second with approximately 8.8 percent (compared to 16 percent in the 2012 reporting period), followed by U.S. Government (.gov) domains with 6.7 percent (compared to 11 percent in the 2012 reporting period), 2.8 percent from domains in Germany (.de), 1.5 percent from worldwide nonprofit organization (.org) domains, 1.4 percent from domains in France (.fr), and 1.3 percent from U.S. education (.edu) domains.

POLITICAL PRISONERS

The PPD seeks to provide users with prisoner information that is reliable and up to date. Commission staff members work to maintain and update political prisoner records based on the staff member's area of expertise. The staff seek to provide objective analysis of information about individual prisoners, and about events and trends that drive political and religious imprisonment in China.

As of September 1, 2013, the PPD contained information on 7,309 cases of political or religious imprisonment in China. Of those, 1,304 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 6,005 are cases of prisoners who are known or believed to have been released, or executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that there are considerably more than 1,304 cases of current political and religious imprisonment in China. The Commission staff works on an ongoing basis to add cases of political and religious imprisonment to the PPD.

The Dui Hua Foundation, based in San Francisco, and the former Tibet Information Network, based in London, shared their extensive experience and data on political and religious prisoners in China with the Commission to help establish the database. The Dui Hua Foundation continues to do so. The Commission also relies on its own staff research for prisoner information, as well as on information provided by non-governmental organizations (NGOs), other groups that specialize in promoting human rights and opposing political and religious imprisonment, and other public sources of information.

MORE POWERFUL DATABASE TECHNOLOGY

The PPD has served since its launch in November 2004 as a unique and powerful resource for the U.S. Congress and Administration, other governments, NGOs, educational institutions, and individuals who research political and religious imprisonment in

China, or who advocate on behalf of such prisoners. The July 2010 PPD upgrade significantly leveraged the capacity of the Commission's information and technology resources to support such research, reporting, and advocacy.

The PPD aims to provide a technology with sufficient power to cope with the scope and complexity of political imprisonment in China. The most important feature of the PPD is that it is structured as a genuine database and uses a powerful query engine. Each prisoner's record describes the type of human rights violation by Chinese authorities that led to his or her detention. These types include violations of the right to peaceful assembly, freedom of religion, freedom of association, and free expression, including the freedom to advocate peaceful social or political change and to criticize government policy or government officials.

The design of the PPD allows anyone with access to the Internet to query the database and download prisoner data without providing personal information to the Commission, and without the PPD downloading any software or Web cookies to a user's computer. Users have the option to create a user account, which allows them to save, edit, and reuse queries, but the PPD does not require a user to provide any personal information to set up such an account. The PPD does not download software or a Web cookie to a user's computer as the result of setting up such an account. Saved queries are not stored on a user's computer. A user-specified ID (which can be a nickname) and password are the only information required to set up a user account.

II. Human Rights

FREEDOM OF EXPRESSION

International Standards on Free Expression

While international standards permit states to restrict expression in limited circumstances, official Chinese restrictions during the Commission's 2013 reporting year covered a much broader range of activity—including peaceful expression critical of the Chinese Communist Party and independent news reporting.[1] Many official Chinese restrictions on free expression fail to comply with international human rights standards. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Articles 19 and 29 of the Universal Declaration of Human Rights permit officials to restrict expression so long as it is (1) for the purpose of respecting the rights or reputations of others or protecting national security, public order, public health or morals, or the general welfare; (2) set forth in law; and (3) necessary and the least restrictive means to achieve the purported aim.[2] Regarding the first requirement, the UN Human Rights Council (UNHRC) has said restrictions on "discussion of government policies and political debate," "peaceful demonstrations or political activities, including for peace or democracy," and "expression of . . . dissent" are inconsistent with Article 19 of the ICCPR, which the Chinese government signed in 1998 but has not yet ratified.[3] In June 2012, the UNHRC passed a resolution supporting freedom of expression on the Internet, affirming that "the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice."[4]

Growth and Control of the Internet

EXPANDING OVERALL ACCESS, INTRODUCING NEW RESTRICTIONS

China's Internet usage has experienced dramatic growth in recent years, particularly in the number of Internet users accessing the Web through mobile devices. According to the China Internet Network Information Center (CNNIC), the national-level administrative agency responsible for Internet affairs in China,[5] there were over 590 million Internet users in China by the end of June 2013, bringing the Internet penetration rate (the total number of Internet users divided by the total population) to 44.1 percent.[6] By mid-2013, China had more than 464 million people accessing the Internet from mobile devices—amounting to 78.5 percent of the total Internet population.[7] According to information from three of China's leading telecommunications operators, there were 1.15 billion mobile phone subscribers by March 2013.[8]

The Chinese government has pledged to expand access to mobile technologies and the Internet, according to news reports.[9] Chinese officials expect the number of Internet users to grow to more than 800 million people by 2015, including more than 200 million rural Internet users.[10] In the 2012–2015 National Human Rights Action Plan, the Chinese government sets its target of increasing Internet penetration to more than 45 percent by 2015.[11] During the Com-

mission's 2013 reporting year, the Chinese government continued steps to expand the country's telecommunications infrastructure. In February 2013, for instance, the Ministry of Industry and Information Technology announced plans to increase access to broadband services to cover 70 percent of Chinese Internet users by year's end.[12]

Despite the stated goals of increasing online access, official statements and state-run publications continue to emphasize strengthening the legal limits and management of Internet information rather than protecting Internet freedoms.[13] During the Commission's 2013 reporting year, Chinese officials and state-run media outlets consistently used the threat of "online rumors" (*wangluo yaoyan*) and "unhealthy information" (*buliang xinxi*) as a basis for increased Internet controls and real-name registration requirements.[14] In December 2012, the People's Daily, the official news media of the Chinese Communist Party, published a front-page commentary on Internet users' legal obligations.[15] The commentary stated, "Demanding that people all use the correct means to say the correct things is not practical, but they must have a consciousness of the law and take responsibility for their words—this is a must."[16] Officials emphasized controlling Internet content over the course of this past year.[17] In May 2013, for instance, the State Internet Information Office (SIIO) said that it was "waging a war against online rumors" that "have impaired the credibility of online media, disrupted normal communication order, and aroused great aversion among the public."[18]

State-run media organizations and Chinese officials called for stricter regulations in late 2012, promoting Internet regulations as a necessary step in "protecting" Internet users' privacy and online information.[19] On December 28, 2012, the National People's Congress Standing Committee adopted a 12-article decision, titled "Decision on Strengthening Online Information Protection," with new regulations stipulating the collection of online personal information.[20] According to multiple reports, new requirements mandating Internet users to register accounts by using their real names generated controversy.[21] In early September, the Supreme People's Court and the Supreme People's Procuratorate also issued an official interpretation regarding re-posting defamatory content online purportedly to protect users' rights and reputations.[22] The Interpretation states that Internet users could face up to three years' imprisonment if defamatory content is reposted 500 times or is viewed 5,000 times online.[23]

Despite efforts to control Internet content and regulate account registration, Chinese activists and foreign media have noted the difficulties that officials face in completely controlling this emerging and vibrant space for expression, including criticism of government policies and discussion of politically sensitive topics.[24] An April 2013 Economist article stated that the Internet in China, despite controls, has allowed new shifts of public consciousness and new pressures for authoritarian responses: ". . . [E]ven casual users can be drawn into political debates online, and the internet is one place where people can speak their minds and criticise the government relatively freely. . . . [B]eing able to express diverging views collectively online is new. Millions of users are low-grade

subversives, chipping away at the imposing edifice of the party-state with humour, outrage and rueful cynicism."[25]

CENSORSHIP OF ONLINE CONTENT

This past year, Chinese authorities appeared to maintain or enhance policies to block and filter online content, particularly sensitive information about rights activists, official corruption, or collective organizing.[26] According to the Open Net Initiative, the Chinese government "maintains one of the most pervasive and sophisticated regimes of Internet filtering and information control in the world."[27] Chinese officials remained non-transparent in disclosing content that is blocked or why it is blocked.[28] The online censorship and Web site closures, in some cases, appeared politically motivated and appeared to counter international standards on freedoms of opinion and expression.[29] For example, in October 2012, Chinese censors blocked access to the New York Times' English- and Chinese-language Web sites in response to articles describing "hidden" wealth accumulated by former Premier Wen Jiabao's family members.[30] Also, international news media and foreign Web sites reported that Chinese Internet censors blocked or partially blocked a range of political names and phrases related to the 18th National Congress of the Chinese Communist Party and to the anniversary of the 1989 Tiananmen protests.[31]

International reporting and research continued to illustrate how Chinese officials, Internet companies, and state-sponsored agents are able to control access to and content on the Web.[32] During the reporting year, the Chinese government allegedly enhanced its national system of surveillance and censorship (commonly known as the Great Firewall or GFW), especially leading up to and throughout the 18th Party Congress.[33] One U.S.-based study found that Chinese censors "actively manipulated" search results related to 18th Party Congress delegates.[34] Another study argued that Chinese authorities censored comments online "to reduce the probability of collective action by clipping social ties whenever any collective movements are in evidence or expected"—and "not to suppress criticism of the state or the Communist Party."[35] Another study addressed the speed and efficiency of censors on China's popular microblog platforms, finding that 30 percent of the deletions took place within 30 minutes and 90 percent within the first 24 hours.[36] A different study demonstrated how the China-only version of Skype, the popular Internet-based communication software, allowed officials to intercept thousands of politically sensitive text messages, while monitoring users' communications.[37]

Chinese regulatory and legal measures do not clearly define prohibited online content. Internet regulations contain vague and broad prohibitions on content that "harms the honor or interests of the nation," "spreads rumors," or "disrupts national policies on religion."[38] Chinese law does not define these concepts, nor does it contain specific criteria to establish whether an action presents "harm" to the "honor or interests of the nation."[39] Since the concepts remain undefined, Chinese authorities broadly apply these and other vague legal provisions to punish those seeking to express opinions or share information.[40] At the same time, the Chinese government places the burden on Internet service and content pro-

viders to monitor and remove content based on these vague standards and to maintain records of such activity and report it to the government.[41]

CITIZEN AND GOVERNMENT USE OF MICROBLOGS

China's Twitter-like microblogging (*weibo*) sites continued to see strong growth in the number of users during this reporting year.[42] By the end of 2012, according to the CNNIC, China's microblogging sites—including China's two leading microblog platforms Sina Weibo and Tencent (QQ) Weibo—had an estimated 309 million registered accounts, an increase of 58.73 million users from the end of 2011.[43] While most *weibo* users access the microblogging sites for entertainment or social purposes,[44] many Chinese citizens continued to use the sites for individual expression, to raise issues of public accountability, and to publicize important political developments.[45] Despite China's sophisticated censorship system, Chinese citizens have consistently used the microblogging sites to bypass conventional media constraints and circumvent censorship restrictions.[46] In addition, businesses, journalists, and microbloggers used virtual private networks (VPNs), among other techniques, to access the U.S.-based microblogging service provider Twitter (which has been blocked in China since July 2009[47]), as well as other foreign-based social networking sites blocked in China.[48]

In the absence of independent domestic media, microblogging has emerged as an alternative outlet for a range of independent opinions and news reporting. During this reporting year, microblog users utilized the services to publicize various incidents or news events—from air quality monitoring in Beijing[49] to the April 2013 earthquake in Ya'an municipality, Sichuan province.[50] In November 2012, microblog users circulated information from a New York Times article on the financial assets of former Premier Wen Jiabao's family members while official censors blocked the newspaper's Web site and search terms related to the story.[51] In response to the censorship, microblog users employed various related "code words" and posted screenshots of the article to circumvent restrictions.[52]

The circulation of independent news and information on microblogs appears, in some instances, to have sparked outrage over official abuses, particularly over local-level corruption.[53] Microbloggers and citizen journalists have increasingly used microblogging platforms to uncover official abuses or expose corruption, such as ill-gotten real estate assets or luxury items.[54] In one of the highest profile cases, Chinese authorities investigated National Development and Reform Commission Vice Chairman Liu Tienan after a journalist publicly accused Liu of corruption and various wrongdoings on Sina Weibo.[55] China's new leadership and state-run media appear to have acknowledged microblogging's growing utility in exposing corruption and in promoting transparency.[56] In March 2013, for instance, Premier Li Keqiang said, "There are already hundreds of millions of *weibo* users. If government information is not released in a timely manner this generates animated discussion and speculation, and this can easily cause resentment among the people and give rise to negative influences, ul-

timately putting the government on its back foot in doing its work."[57]

In mid-2013, international media organizations reported increased government pressure on certain popular users of microblogging services (commonly referred to as "Big V's" because of their large followings and verified status), including those who have posted blunt social criticisms or political commentaries.[58] The growing popularity of services has allowed some microbloggers to reach millions of users and to potentially shape public opinion.[59] With growing concern about "online rumors,"[60] Chinese Internet authorities responded with a crackdown on high-profile accounts[61] and with a list of "seven bottom-lines" for online activity.[62] The "seven bottom-lines," according to state-run media, include upholding or maintaining: Laws and regulations, the system of socialism, the national interest, the people's legitimate rights and interests, social order, morality, and the accuracy of information.[63] In an August 2013 Xinhua editorial, the official state-run news agency argued that, "as recognizable figures in the online world, 'Big V's' must have a stronger sense of social responsibility than ordinary users."[64] Some commentators, however, have alleged the crackdown on prominent microblog users is politically based.[65] A September 2013 South China Morning Post article, for instance, reported that "[the] clampdown has been widely interpreted as an attempt to silence prominent liberal commentators."[66]

Seven Topics Off Limits for University Teaching

In May 2013, Chinese microblog users circulated information about a reported official university directive, which outlined seven topics that university professors were prohibited from mentioning in their classes.[67] According to multiple reports, the seven topics were universal values, press freedom, civil society, civil rights, the Communist Party's historical mistakes, crony capitalism, and judicial independence.[68] One professor reportedly said the Chinese Communist Party's General Office had issued the order and that "only a select group of teaching and administrative staff" had been briefed on it.[69] A Shanghai-based law professor questioned whether the prohibitions would undermine fundamental university responsibilities: "Are we still a university if we are not allowed to talk about civil rights and press freedom?"[70] Some observers later linked this directive to a Party memo referred to as "Document No. 9," which identified seven similar areas of concern.[71] [For more information on "Document No. 9," see Section III—Institutions of Democratic Governance.]

While China's social media and microblogging sphere has provided space for citizens' voices, the Chinese government has also made use of the tools for official purposes. According to a report by the Chinese Academy of Governance, the Chinese government had more than 176,000 microblog accounts at the end of December 2012.[72] The government microblogs were created "to communicate with the public and provide services," according to a research report cited by Xinhua.[73] Official statements, in recent years, have emphasized enhancing government presence on social media sites

and "promoting social harmony and stability" through microblogging accounts.[74]

Punishment of Citizens' Free Expression

CRIMINAL PUNISHMENT

Chinese authorities continued to use the criminal justice system to detain and punish citizens exercising their constitutional rights to "freedom of speech, of the press, of assembly, of association, of procession and of demonstration."[75] Some of those punished during the reporting year had previous records of criticizing the Chinese government and Communist Party and of advocating for democracy and human rights.[76] In addition, Chinese criminal defense lawyers and suspects in free speech cases continued to face substantial obstacles in ensuring that courts upheld procedural safeguards and the right to a fair trial, as required by the International Covenant on Civil and Political Rights.[77] [For more information on rights abuses related to criminal suspects, see Section II—Criminal Justice.]

Officials used vaguely worded criminal charges to detain rights advocates,[78] Internet writers,[79] human rights lawyers,[80] and citizen journalists[81] who engaged in peaceful expression and assembly. The following cases represent select detentions from the reporting year:

- In November 2012, Beijing public security authorities criminally detained blogger Zhai Xiaobing on suspicion of "spreading terrorist information" after he allegedly posted a satirical tweet about the 18th Party Congress.[82] Authorities released him weeks later.[83]
- On August 2, 2013, Beijing state security officials detained journalist Chen Min, also known as Xiao Shu, after he helped to organize a petition advocating the release of Xu Zhiyong, a legal scholar and rights advocate criminally detained in July 2013.[84] According to an online statement released after the detention, Chen claimed authorities held him for 48 hours and that "[a]t no point were any legal procedures undertaken."[85]
- In May 2013, Beijing officials detained independent journalist, author, and filmmaker Du Bin after he released a book on the 1989 Tiananmen protests and a documentary exposing abuses within the Masanjia Women's Reeducation Through Labor Center, located in Liaoning province.[86] According to statements made by Hu Jia, a prominent human rights activist, authorities allegedly criminally detained Du for his recent work exposing human rights abuses.[87] Authorities released Du on bail five weeks after his detention.[88] As of September 2013, he was awaiting trial on charges of "creating disturbances," which can carry a criminal sentence of up to 10 years' imprisonment.[89]

During this reporting year, Chinese authorities released journalist and democracy advocate Shi Tao from prison in late August, after he served less than nine years of an April 2005 10-year prison sentence for disclosing "state secrets" abroad.[90]

OFFICIAL HARASSMENT

This past reporting year, the Commission observed a range of abuses related to the extralegal harassment of rights advocates,[91] Internet writers,[92] and family members of advocates,[93] who sought to exercise their rights to freedom of speech and assembly.[94] The following examples illustrate forms of official harassment:

- In November 2012, Chinese authorities sent journalist Li Yuanlong on forced "vacation" after he published a story about children who died of carbon monoxide poisoning in a Guizhou province dumpster.[95]
- In June 2013, Beijing authorities placed Tsering Woeser, a Tibetan writer, blogger, and rights advocate, under "soft detention," an extralegal form of home confinement, reportedly in connection with her efforts to highlight Chinese human rights abuses against Tibetans. She was reportedly also held under "soft detention" in March 2013.[96]
- In August 2013, East China University of Political Science suspended outspoken Professor Zhang Xuezhong from teaching at the university, in apparent connection with his advocacy for constitutionalism.[97]

In suppressing free speech rights, Chinese authorities not only targeted Chinese citizens who sought to express their opinions peacefully but also targeted their family members and acquaintances.[98] In December 2012, Associated Press (AP) journalists visited Nobel Peace Prize laureate Liu Xiaobo's wife, Liu Xia, whom authorities continue to hold under an extralegal form of home confinement.[99] According to AP, "Liu Xia trembled uncontrollably and cried as she described how absurd and emotionally draining her confinement under house arrest has been . . . ."[100]

Press Freedom

Chinese government and Communist Party officials continue to exercise control over the press in violation of international standards. International experts have identified media serving "as government mouthpieces instead of as independent bodies operating in the public interest" as a major challenge to free expression.[101] In its 2013 World Press Freedom Index, Reporters Without Borders ranked China 173rd out of 179 countries in terms of press freedoms, noting that "China shows no sign of improving. Its prisons still hold many journalists and netizens, while increasingly unpopular Internet censorship continues to be a major obstacle to access to information."[102]

In the reporting year, Chinese officials called for enhancing controls over traditional media, specifically domestic media organizations quoting or reproducing content from foreign media.[103] In an April 2013 edition of the Red Flag Journal, a prominent Party publication, Ren Xianliang, Vice Chairman of the All-China Journalists Association and Deputy Director of the Shaanxi Provincial Chinese Communist Party Propaganda Department, argued that traditional media and new media tools form "two distinct fields of public opinion" and that the Party must "have the courage to be hands on in its control" of the media.[104] Top-level Chinese officials reportedly took new steps to denounce press freedoms. For example, in an

April 2013 internal Party document (referred to as "Document No. 9"), central Party authorities reportedly warned against "subversive trends," including the Western concept of press freedoms.[105]

January 2013 Southern Weekend Protests

In January 2013, Chinese editors and staff at the Southern Weekend, a progressive weekly newspaper based in Guangdong province, staged a rare strike after provincial propaganda authorities ordered the publication of a New Year editorial praising the Chinese Communist Party in place of a previously prepared editorial calling for guarantees to constitutional rights.[106] The earlier editorial, titled "China's Dream, the Dream of Constitutionalism," called on leaders to uphold constitutional principles and safeguard people's freedoms.[107] After staff submitted the article for review by official censors, editors returned a pro-Party message that angered Southern Weekend staff and former staff members.[108] Southern Weekend journalists responded with a strike to express outrage and to demand editorial independence.[109] In the days that followed, hundreds of supporters reportedly gathered outside the newspaper's Guangzhou municipality headquarters in protest.[110] Academics and celebrities posted online messages of support, condemned the censorship, and called for Tuo Zhen, the provincial propaganda chief, to step down.[111]

Chinese authorities took various steps to deescalate tensions related to the strike and protests. The Central Propaganda Department ordered that no media organization report, comment on, or forward any messages related to the article or the strike at Southern Weekend.[112] On January 8, 2013, the Global Times published an editorial suggesting that activists, operating outside of the domestic media, were "inciting some media to engage in confrontation," while the editorial cautioned the public to reject reforms that were "out of step with [China's] political development."[113]

Following a reported compromise between Southern Weekend staff and government officials, a former Southern Weekend opinion writer wrote a January 2013 editorial for the New York Times on the incident, stating, "The crisis has subsided, but there is little room for future optimism, because the deep-seated question has not been resolved: Is there, in fact, room for professional journalism to survive and develop within the system?"[114]

POLITICAL CONTROL OF MEDIA THROUGH REGULATION OF EDITORS AND JOURNALISTS

China's media regulator, the State Administration of Press, Publication, Radio, Film, and Television, continued to enforce a system of strict controls and licensing requirements. (In 2013, the General Administration of Press and Publications (GAPP) and the State Administration of Radio, Film, and Television merged to create the State Administration of Press, Publication, Radio, Film, and Television.[115]) All media organizations in China are subject to an extensive licensing system and government supervision.[116] In order to report the news legally, domestic newspapers, magazines, Web sites, and journalists must obtain a license or accreditation from the government.[117] Radio and television broadcast journalists, for

instance, must pass a government-sponsored exam that tests them on subjects including basic knowledge of Marxist views of news and Communist Party principles.[118]

In recent years, China's media regulator has issued a range of regulations to "strengthen management" and address official concerns over "false information" in news reports. In October 2011, the GAPP, the former government agency responsible for monitoring and regulating print-based media, released regulations on controlling use of "unverified information" by prohibiting journalists from directly referencing information obtained from the Internet or social media in their reporting.[119] Less than two years later, in April 2013, the newly merged State General Administration of Press, Publication, Radio, Film, and Television issued a directive that officially bans journalists from using foreign media reports without authorization and forbids news editors from reporting information online that has not been verified through official channels.[120] According to a Hong Kong-based media expert, officials may face challenges enforcing the regulations, as information often moves quickly on microblogs: "[Controlling press content] is very difficult to achieve when foreign stories are breaking over on Sina Weibo before [government agents] can put a stop to this whole process."[121]

PUNISHMENT OF DOMESTIC JOURNALISTS

While the 2012–2015 National Human Rights Action Plan announced official intentions to safeguard "the legitimate rights and interests of news agencies, journalists, editors and other persons concerned,"[122] during this reporting year, Chinese authorities took actions to punish, suspend, or remove outspoken and independent journalists and newspaper staff.[123] In March 2013, Deng Yuwen, an editor at a prominent Chinese Communist Party journal, was "suspended indefinitely" after publishing an editorial that criticized China's "outdated" alliance with North Korea in the U.K.-based Financial Times.[124] In August 2013, authorities in Chongqing municipality detained Liu Hu, a journalist for a Guangdong province-based newspaper,[125] under suspicion of "fabricating and spreading rumors" in apparent connection with his online request that authorities investigate a former Chongqing official for corruption.[126] In other instances, Chinese journalists faced threats or violence in attempting to investigate news stories.[127] In July 2013, for instance, public security authorities in Hunan province threatened and then assaulted two journalists attempting to report on protests sparked by the death of a citizen assaulted by local *chengguan*, or urban management officials.[128] According to the Beijing News, a popular newspaper, the public security officers threatened the journalists by saying, "Take no photos, or if you take any, you will die here."[129]

Chinese journalists working for foreign-based Web sites and newspapers also faced the threat of official reprisals for independent news reporting. In April 2013, Chinese authorities detained journalist Sun Lin, a reporter with the foreign-based Chinese news Web site Boxun, after he distributed online footage of a protest over an elementary school's expulsion of a rights advocate's daughter.[130]

HARASSMENT OF FOREIGN AND HONG KONG JOURNALISTS

This past year, the Commission continued to monitor harassment of foreign journalists in China. In March 2013, unidentified men in Beijing beat two Hong Kong journalists who were filming a Hong Kong rights advocate's attempt to visit Liu Xia, wife of imprisoned Nobel Peace Prize laureate Liu Xiaobo.[131] Reports claim that as many as a dozen unidentified men beat the journalists as they attempted to access the building where Liu Xia was being illegally detained.[132] After the attack, police authorities took away the Hong Kong rights advocate.[133] Also in March, Radio Free Asia reported that a television crew working for Germany's public broadcaster ARD was pursued, forced off the road, and attacked following investigative reporting on urbanization in Hebei province.[134] Following these actions, the International Federation of Journalists issued a statement saying, "The media should be allowed to carry out its professional responsibilities in a public place without fear of harassment, intimidation or assault—particularly if the media is investigating suspicious activity."[135] According to the Foreign Correspondent's Club of China (FCCC), foreign journalists overall continued to face challenging work conditions and various forms of harassment.[136] In an FCCC annual survey released in July 2013, 70 percent of journalists surveyed agreed that "conditions have worsened or stayed the same as the year before."[137]

WORKER RIGHTS

Freedom of Association

The Chinese government continued to prevent workers from exercising their constitutional right to freedom of association[1] this past year. Although the PRC Trade Union Law provides workers with the right to participate in and form trade unions, it also restricts workers' rights to freedom of association by requiring that all union activity be approved by and structured under the All-China Federation of Trade Unions (ACFTU), an organization under the direction of the Chinese Communist Party.[2] Leading trade union officials hold concurrent high-ranking positions in the Party and central and local government, undermining union autonomy and giving the Party and government undue influence over union policy and decisionmaking.[3] The ACFTU constitution and the PRC Trade Union Law highlight the dual mandates of the ACFTU to protect the legal rights and interests of workers while supporting the leadership of the Party and broader goals and interests of the government,[4] a problematic arrangement that labor experts claim constrains the ACFTU from protecting the interests of workers.[5] Generally speaking, unions at the enterprise level remain weak and non-democratic, with the majority of union officials appointed directly or indirectly by employers and higher level trade unions.[6] Increased labor activism in recent years has reportedly put mounting pressure on the ACFTU to institute union reform, yet continued structural weaknesses of trade union branches make improvements to union autonomy and worker advocacy difficult to achieve.[7]

Collective Bargaining

Genuine collective bargaining remains limited by the inability of local-level trade unions to effectively represent and advance the rights of workers in negotiations with employers. The PRC Labor Law and related legislation provide a legal framework for trade unions to negotiate collective contracts and engage in collective consultations with employers on a wide range of issues.[8] In recent years, the ACFTU has vigorously promoted collective contracts and collective wage bargaining as essential means for upholding "harmonious" labor relations and addressing workers' grievances.[9] Despite these developments, collective contract and consultation mechanisms remain problematic, in part because trade unions lack autonomy and genuine worker representation.[10] A 2013 research study conducted by a Yunnan provincial government inspection group on the implementation of provincial measures for collective wage consultations identified a number of problems in the consultation process, despite an overall increase in collective wage contracts signed since 2011, including a lack of expertise in wage and contract negotiations by union officials and a general misunderstanding and shortsightedness by employers of the benefits of collective negotiations.[11] An official with the Yunnan provincial Bureau of Human Resources and Social Security further asserted that because workers in general continued to occupy a weaker position in relation to employers in the collective consultation process, many choose not to push for collective negotiations, while in other in-

stances employers and union officials were found to put more emphasis on negotiating than on signing collective contracts, leading to a process the official argued was "heavy on form, light on results."[12] In one case in March 2013, workers at the Nanhai Honda automotive plant in Guangdong province rejected what they considered to be an unfair collective wage agreement negotiated by plant managers and the trade union, initiating a strike to pressure management to agree to higher wage increases.[13] In other instances, workers lacked knowledge of union functions altogether, preventing them from accessing union representation. For example, a 2013 study jointly conducted by several Chinese universities found over 80 percent of workers polled at three different factories did not know who their union representatives were.[14]

Union Elections Expand as Problems Persist

Authorities continued to promote direct election of trade union officials in pilot programs at several enterprises, mainly located in Guangdong province.[15] In January 2013, Zhao Xiaosui, Chairman of the Guangzhou Municipal Federation of Trade Unions, announced plans to hold pilot trade union elections in 8 to 10 Guangzhou municipality-based enterprises.[16] In other cases, officials called for expanding already established union election programs. In May 2013, Zhan Zhenbiao, Vice Chairman of the Guangdong Provincial Federation of Trade Unions, called on officials to strengthen existing union election programs at 162 enterprises in Foshan municipality and further expand direct union elections to an additional 61 enterprises in the area.[17] In addition, Foxconn, a Taiwanese-owned multinational electronics manufacturer, publicized plans in February 2013 to "increas[e] the number of junior employee" union representatives in its factories through direct elections.[18]

Despite these developments, recognition by Chinese and international labor scholars of continued restrictions on worker participation in the nomination and election process have led to questions over the ability of direct elections to engender genuinely representative unions.[19] Moreover, individuals involved in organizing union elections have stated that significant challenges remain in educating workers on the election process and the responsibilities of the elected union committees.[20] A number of observers have also indicated that recently elected union representatives lack necessary skills and experience needed to effectively run a union and represent and advance the rights of workers.[21] In one case in February 2013, workers at the Ohms electronics factory in Shenzhen municipality demanded the recall and reelection of their union chairman after only recently electing him through direct elections in May 2012.[22] According to a petition letter written by workers, demands for the recall of the union chairman stemmed from his inability to "fulfill his duties" and failure to effectively intervene in several contract disputes.[23] A nongovernmental labor organization based in Hong Kong suggested the chairman lacked the necessary skills and support needed to play an effective role, further stating that demands for his recall highlighted "the importance of not just holding elections but of ensuring that the elected officials can actually perform the tasks they were entrusted with."[24]

Worker Actions

During the past reporting year, the Commission continued to observe reports of workers organizing strikes and demonstrations in a variety of industries and regions across China.[25] Strikes were often prompted by systemic labor-related grievances, such as factory closings or relocation,[26] nonpayment of wages and benefits,[27] and abusive management practices.[28] Official trade unions have played no role in organizing strikes or demonstrations; instead, unions frequently oppose worker-led actions and urge workers to resolve their grievances through established legal channels.[29] In one case in March 2013, union officials at a Honda manufacturing plant in Foshan municipality, Guangdong province, criticized worker-organized protests as illegal and unproductive.[30] Media reports indicated officials in some cases used force against or detained demonstrating workers. For example in January 2013, public security officials in Mayong city, Dongguan municipality, Guangdong, reportedly detained 27 worker representatives after they sought assistance from the local government in recovering wage arrears totaling 1.38 billion yuan (US$224 million) on behalf of 3,000 migrant construction workers.[31] The Commission has observed reports in 2013 of officials using force to stop worker demonstrations in locations including Shenzhen municipality;[32] Guangzhou municipality, Guangdong;[33] and Fengcheng city, Jiangxi province.[34]

Commentators in China and abroad have argued that demographic and economic shifts in recent years have provided workers with greater bargaining power in the workplace, increasing their determination to redress grievances with employers and press for better pay and working conditions.[35] Moreover, experts contend the growing expectations of younger generation migrant workers with regard to working conditions and labor rights is a driving factor behind the increased boldness of recent protests.[36] Compared with earlier generations, younger generation migrant workers have higher levels of education, greater access to technology, and a deeper understanding of their rights.[37] A number of reports indicate that these workers have been at the forefront of recent strikes, including a demonstration in September 2012 at a Foxconn factory in Taiyuan municipality, Shanxi province, in which over 40 people were hospitalized after clashes with local authorities.[38]

Migrant Workers

Migrant workers—rural residents who have left their original place of residence to seek non-agricultural jobs in cities—remain largely marginalized and vulnerable to exploitation, facing problems such as wage arrears,[39] social discrimination,[40] and low levels of labor and social welfare protection.[41] China's total migrant population grew 3.9 percent in 2012 from the previous year to more than 262 million.[42] Working predominately in low-end industries requiring little technical skill, such as construction, mining, and manufacturing, migrants face increased risk for occupational injury and disease.[43] According to a report published in May 2013 by the National Bureau of Statistics of China, over 50 percent of migrant workers in 2012 did not sign labor contracts with their employers,[44] leaving them vulnerable to abuse in the workplace and se-

verely disadvantaged should they seek to recover wages or injury compensation through the court system.[45] The report also indicated that even with a slight overall increase from the previous year, only a minority of migrants in 2012 had pensions (14.3 percent), medical insurance (16.9 percent), occupational injury insurance (24 percent), and unemployment insurance (8.4 percent).[46] Moreover, migrants often lack urban residency status, preventing them from accessing public services in the cities where they live and work.[47] A study published in February 2013 by Renmin University found migrants continued to consider themselves outsiders despite having worked and lived in a city for many years, presenting a challenge to government efforts to improve migrant integration into urban society.[48]

Child Labor

Despite China's laws and commitments under international conventions prohibiting child labor, employers continued to hire underage workers this past year. As a member of the International Labour Organization (ILO), China has ratified the two core conventions on the elimination of child labor.[49] The PRC Labor Law and related legislation also prohibit the employment of minors under 16 years old.[50] Despite these legal measures, systemic problems in enforcement and lack of sufficient resources reportedly continue to constrain efforts to reduce child labor.[51] At a two-day high-level seminar on child labor held in September 2012, officials from the Ministry of Human Resources and Social Security acknowledged for the first time within China the challenge child labor posed, stating a need for improved legal enforcement and increased awareness of protection of children's rights.[52] While the extent of child labor in China is unclear, in part because the government does not release data on the issue,[53] domestic and international media reports from the past year indicate that the use of child labor remained evident in the electronics manufacturing industry, with instances also reported in other sectors.[54] Apple's January 2013 Supplier Responsibility Report noted 74 cases of underage workers at one of its supplier facilities in Guangdong province, stating that a third-party labor agency had "willfully and illegally recruited young workers," reportedly conspiring with families to forge age verification documents.[55]

The perpetuation of child labor through the misuse of student workers in "work-study" programs and other related activities also continues to be a concern. National provisions prohibiting child labor provide that "education practice labor" and vocational skills training labor organized by schools and other educational and vocational institutions do not constitute child labor when such activities do not adversely affect the safety and health of students.[56] The PRC Education Law also supports schools that establish work-study programs, provided they do not negatively affect normal studies.[57] The Commission, however, has continued to observe reports[58] of "work-study" programs that violate Chinese law and appear inconsistent with ILO standards that permit vocational training programs for young persons so long as they relate to a course of education under a school's supervision or facilitate choice of an occupation, among other requirements.[59] Throughout the reporting

year, Chinese and international media reported on vocational schools organizing compulsory internship programs of questionable educational benefit in which students worked long hours under physically demanding conditions. In March 2013, Chinese media reported on a compulsory internship program in Guangdong province where technical school students were tasked with working long hours at an electronics factory in violation of legal limits.[60] According to reports, students who refused to participate in the internship program would not graduate from the technical school. The school's principal defended the program, stating that it strengthened students' ability to "endure hardships and work hard."[61] In October 2012, a Foxconn subsidiary in Yantai municipality, Shandong province, was found to have hired 56 underage interns.[62] According to reports, students complained of working excessive overtime on tasks unrelated to their areas of study and receiving significantly lower wages than adult workers despite performing the same tasks.[63] A vocational college, reportedly implicated in the Foxconn internship program, stated that students had been working at the factory since 2010 as part of a government initiative to alleviate labor shortages.[64] Some observers have noted that a gradual tightening of the labor market in recent years has prompted many companies to increasingly rely on student workers to resolve labor shortages, often working with local governments to put pressure on vocational schools to provide student interns.[65]

Subcontracted Labor

Subcontracted workers hired through labor employment agencies remain particularly vulnerable to exploitation in the workplace, often receiving lower wages and fewer benefits than workers hired through direct labor contracts with employers.[66] Following implementation of the PRC Labor Contract Law in 2008, employers increasingly have used subcontracted workers, also known as dispatch labor, to circumvent the legal obligations and related financial costs associated with direct labor contracts.[67] While the PRC Labor Contract Law stipulates that subcontracted workers generally should be used only for "temporary, auxiliary, or substitute positions," they continue to be hired as long-term substitutes for regular employment in violation of the law.[68] According to data released by the All-China Federation of Trade Unions (ACFTU) in 2011 and 2012, China has between 27 and 37 million subcontracted workers, working primarily in state-owned enterprises, in some cases accounting for two-thirds of the total workforce.[69]

In December 2012, the National People's Congress passed amendments to the PRC Labor Contract Law, effective July 1, 2013, focusing on provisions related to labor subcontracting.[70] The amendments include clearer definitions of the three types of positions that subcontracted workers can be used for and requires employers to apply the same compensation standards to both directly hired and subcontracted laborers.[71] Moreover, the amendments raise business standards for employment agencies, requiring them to obtain operating permits from local labor authorities.[72] Despite these changes, Chinese labor experts and union officials have questioned whether upcoming regulations designed to implement the amendments may weaken reforms as a result of lobbying by state-

owned enterprises.[73] Poor regulation of the labor subcontracting industry also continues to be a problem. Labor employment agencies have been identified by observers in China and abroad as a common outlet through which child workers end up in factories.[74] In May 2013, Chinese media reported on the death of a 14-year-old boy at an electronics factory in Dongguan city, Guangdong province, stating that the boy had been hired through an employment agency which knowingly forged his identification documents.[75]

Prison Labor

The use of forced labor in China's prison system remains inconsistent with Chinese law and in violation of international standards. The International Labour Organization's (ILO) core conventions on forced and compulsory labor provide an exception for prison labor on condition that the use of such labor is consistent with ILO guidelines.[76] While China has not ratified either of the core conventions on forced and compulsory labor, as a member of the ILO, it remains obligated to respect a basic set of internationally recognized labor rights, including those associated with forced and compulsory labor.[77] Despite these obligations, exploitation of prison labor, particularly in reeducation through labor (RTL) facilities, remains widespread, in part due to official corruption and the economic incentives prison labor offers local government.[78] During the reporting year, Chinese and international media have reported on abusive working conditions at RTL facilities throughout China, stating that inmates are routinely forced to work long hours under threat of physical abuse with little or no compensation.[79] RTL officers reportedly solicit bribes from the families of inmates for their early release or better treatment.[80] In a report published in May 2013 by Southern Weekend, a newspaper based in Guangzhou municipality, Guangdong province, former RTL officials acknowledged using "high-pressure policies such as beatings and [other] corporal punishment" to enforce larger production quotas on uncooperative prisoners, stating that the amount they could earn depended on whether or not prisoners could meet or surpass given production quotas.[81]

The export of prison products from China reportedly continues despite China's 1991 Provisions Reiterating the Prohibition on the Export of Products Made by Prisoners Undergoing Reeducation Through Labor.[82] While the extent of prison labor in China remains unclear, U.S. government assessments, as well as international media reports from the past year, indicate prison labor has been used to manufacture, among other products, toys, electronics, and clothing.[83] The 1992 Memorandum of Understanding on Prison Labor and 1994 Statement of Cooperation between the United States and China established mechanisms to safeguard against the export of prison products to the United States.[84] Despite these agreements, Chinese cooperation has reportedly been slow and irregular in responding to U.S. concerns.[85]

Wages

Average wage levels in China continued to increase this past year, continuing a trend over the decade from 2000 to 2010 that

saw real average wages more than triple.[86] Reports suggest structural changes in China's labor market, in particular a decline in the growth of the working age population, are partially responsible for the upward pressure on wages.[87] Sporadic labor shortages in 2013[88] and the relocation of manufacturing operations further inland or to Southeast Asia to offset rising costs, among other factors, also suggest tightening labor market conditions.[89] According to some Chinese and international observers this combination of factors suggests the decline of "cheap labor" in China, as wages will continue to increase for the foreseeable future.[90]

Despite continued wage growth, income inequality among different regions and industrial sectors has also increased in recent years, greatly expanding the disparity between rich and poor people.[91] Chinese and international economists indicate that the annual rate of wage growth in China continues to fall in proportion to gross domestic product,[92] while wages for migrant workers remain far behind the national average.[93] China's State Council released a long-awaited income distribution plan in February 2013 that seeks to reduce income inequality and increase household income through a series of measures, including doubling income levels by 2020 and broadening social welfare programs;[94] however, observers from China and abroad have criticized the plan for its lack of binding commitments and questioned whether it can be fully implemented.[95]

MINIMUM WAGE RATES

Local governments continued to raise minimum-wage levels this past year in keeping with growth targets outlined in the 12th Five-Year Plan on Employment Promotion issued in 2011, which called for minimum-wage levels to increase annually by 13 percent and reach 40 percent of the average wage of local urban workers by 2015.[96] During the 2013 reporting year, the Commission observed reports from Chinese media of increases in the statutory minimum wage in 23 provincial-level jurisdictions and the Shenzhen Special Economic Zone.[97] Despite these increases, minimum-wage levels in many locations continue to be below the 40-percent target outlined in the 12th Five-Year Plan.[98] Moreover, reports indicate rising living costs continue to erode wage gains as workers spend a greater portion of their income on everyday necessities.[99] In March 2013, more than 250 workers from a wide range of professions in Shenzhen municipality signed a petition protesting newly implemented minimum-wage standards, arguing that the increase was insufficient to cover rising living costs in Shenzhen.[100]

WAGE ARREARS AND NONPAYMENT OF WAGES

Wage arrears and nonpayment of wages remained serious problems this past year, particularly for migrant workers.[101] According to a report from the Ministry of Human Resources and Social Security, wage arrears cases increased 7.5 percent in 2012 from the previous year, concentrated predominantly in the construction and manufacturing industries.[102] Widespread use of subcontracting, among other factors, including tight credit controls and declining export demand, remain the underlying causes for wage arrears cases.[103] As bank lending rates rise, debt-burdened industries face

increased difficulty paying workers, delaying payments, and in some instances defaulting and declaring bankruptcy, leaving workers with little recourse to recover unpaid wages.[104] Central- and provincial-level government officials have taken steps in the past year to reduce cases of wage arrears, including streamlining procedures for investigating and resolving wage arrears claims, establishing contingency funds,[105] and pursuing criminal charges against employers guilty of nonpayment of wages.[106] Despite these measures, international media reports throughout 2013 indicated that wage arrears continued to be a primary factor behind worker-led protests, especially in the weeks prior to the Chinese Lunar New Year holiday.[107]

Occupational Safety

Workers in China continued to face occupational safety risks this past year. The 2002 PRC Law on Production Safety and related legislation contains a number of occupational health and safety provisions aimed at preventing workplace accidents and establishing a regulatory system to inspect and handle safety violations.[108] Despite these legal measures, systemic problems in implementation and enforcement, as well as the lack of meaningful worker participation in workplace decisions that have an impact on safety and health, continue to constrain efforts to reduce industrial accidents.[109] Moreover, unregistered and illegal manufacturing and mining operations continue to be prevalent throughout the country.[110] Chinese officials have indicated that corruption and government protectionism for local industries has also hindered effective safety oversight, causing many industrial accidents.[111] Research published in the Harvard Business Review in 2013 found workers employed at enterprises in China with political connections were five times as likely to die in an industrial accident.[112] At a forum held on production safety in May 2013, Director of the State Administration of Work Safety, Yang Dongliang, emphasized that greater efforts were needed to "resolve problems of lax enforcement and implementation."[113]

Workers in the construction, manufacturing, service, and mining industries are most at risk for sustaining occupational injury or disease.[114] Although officially reported deaths from industrial accidents declined by 4.7 percent to 71,983 in 2012,[115] Chinese scholars and labor activists suggest the actual number could be significantly higher due to underreporting.[116] Chinese media continued to report on cases in which mine managers and local officials concealed information about mine accidents.[117] Despite a claimed 33 percent decline in reported mine deaths in 2012,[118] the death toll for workers in China's coal industry remains more than 10 times the rate in developed countries.[119]

Reports from non-governmental labor organizations and Chinese and international media continue to highlight workplace abuses and poor working conditions throughout China. Workers often cited low wages, forced overtime, and harsh management practices as some of the major problems that they face.[120] Allegations of abusive working conditions, for example, continued to surface at factories operated by Foxconn.[121] While the Commission reported last year that Foxconn agreed to improve working conditions at its fac-

tories, including reducing overtime and ensuring overtime wages, a number of labor experts in China and abroad indicate changes have been minimal.[122] Reports also indicated that some workers are exposed to chemicals known to be harmful.[123] In June 2013, a fire at a poultry factory in Jilin province killed 120 people and left 77 injured.[124] According to an investigation by Chinese officials, locked emergency exits prevented workers from escaping, a problem that had been highlighted in previous industrial accidents. Investigators also identified poor safety supervision and insufficient safety equipment and fire prevention training for workers as factors in the high number of casualties.[125]

Occupational Health

Officially reported cases of occupational disease have grown at increasing rates in recent years, particularly for the lung disease pneumoconiosis.[126] According to figures from the Ministry of Health, out of a total of 749,970 reported cases of occupation-related disease at the end of 2010, 90 percent, or over 676,000, were cases of pneumoconiosis.[127] According to Chinese labor experts and lawyers, the total number could be closer to six million.[128] Inadequate government supervision of industry compliance with occupational health standards,[129] illegal actions by employers,[130] and a lack of knowledge among workers about health in the workplace reportedly have contributed to high rates of occupational disease.[131]

Workers' Compensation

Obtaining compensation for work-related injury or occupational disease in general remains a difficult and protracted process. Chinese labor and occupational-disease advocates contend that the legal framework regulating compensation continues to be overly complicated and time-consuming, taking anywhere between 2 to more than 10 years for compensation claims to be processed, with no guarantee of success.[132] Moreover, illegal practices and intransigence by employers and local governments, including refusing to hand over documents required for processing compensation claims, failing to sign labor contracts or provide workers with statutory injury insurance, and refusing to accept liability for hazardous working conditions, further delay and complicate prospects for obtaining compensation.[133] Occupational-disease advocates insist processing delays can be particularly harmful to workers suffering from pneumoconiosis—only 10 to 20 percent of patients reportedly obtain an official diagnosis needed to receive benefits—contributing to the high death rate among sufferers.[134] In some cases, workers with pneumoconiosis settled for one-off compensation payments to pay for medical care, even though the compensation fails to cover costs for ongoing treatment.[135] A health expert with the Chinese Center for Disease Control and Prevention stated that only 10 percent of employees in China receive regular occupational-health services.[136]

Variations in local implementing regulations for national legislation on compensation also indicate that actual benefits can differ significantly from region to region. In October 2012, the family of Zhang Tingzhen, an employee at a Foxconn factory in Shenzhen

municipality who was severely disabled in a work-related accident, brought a case before a labor arbitration tribunal over the company's demands that Zhang travel to Huizhou municipality for a disability assessment, where compensation levels are substantially lower than in Shenzhen.[137] Zhang's father reported that he received text messages from the company threatening to cut off funding for his son's treatment if they did not travel to Huizhou, and that he was beaten at one point by security officials when he tried to retrieve his son's personal items from the factory.[138] Labor activists insist that Zhang's case underlines a common practice by companies in China, in which employers sign labor contracts with employees in areas where compensation levels are comparatively low, and then dispatch them to work in areas with higher compensation rates.[139]

Amendments to the PRC Administrative Measures for the Diagnosis and Evaluation of Occupational Disease, effective April 10, 2013, contain provisions that could make it easier for workers to raise occupational disease claims, while also increasing the liability of employers.[140] Most significantly, it gives workers the right to select the official hospital they will be diagnosed by, whereas previously local authorities would usually only accept a diagnosis from a hospital in the same jurisdiction as an employer, a prospect particularly problematic for migrant workers who may have already left the area after an illness developed.[141]

CRIMINAL JUSTICE

Introduction

During the Commission's 2013 reporting year, as in previous years, developments in criminal justice were driven by the Chinese government's and Communist Party's top priorities: maintaining "social stability" and ensuring the Party's continued monopoly on political power.[1] The Commission observed the politically motivated use of criminal law and police power to suppress dissent and perceived challenges to Party rule. The arrest of anticorruption campaigners and well-known rights activist Xu Zhiyong, as well as the criminal detention of prominent human rights advocate Guo Feixiong (aka Yang Maodong), are just several examples from this reporting year of the Party's use of criminal law to silence its critics.[2]

In a major legal development this year, the new PRC Criminal Procedure Law (CPL), which was adopted in March 2012 after being discussed for many years, took effect on January 1, 2013. While the revised law as written has numerous positive aspects, it fails to incorporate several key rights for suspects and defendants, such as a clear presumption of innocence and an explicit right to remain silent and not to incriminate oneself. Although it is too early to determine if the new CPL is being effectively implemented, preliminary reports suggest that new provisions aimed at enhancing the ability of lawyers to meet with detained clients are being implemented, albeit unevenly.[3] The 2012 CPL also contains new provisions for the exclusion of illegally obtained evidence. If implemented, these measures could help address a major challenge for the judicial system—confessions coerced through torture and wrongful convictions—a problem that took center stage this year as numerous cases surfaced of individuals wrongfully convicted based on coerced confessions.

Abuse of Police Power

As the Commission noted in its 2012 annual report, China's domestic security apparatus has grown significantly in stature and influence since 2007.[4] Zhou Yongkang, who retired in fall 2012 as the secretary of the Communist Party Central Committee Political and Legal Affairs Commission (PLAC), had amassed enormous power.[5] The PLAC, which is responsible for maintaining law and order, has direct control over the police, prosecutors, and the courts.[6] Meng Jianzhu, former Minister of Public Security, is the new PLAC secretary—a position that no longer has a seat on the downsized Standing Committee of the Political Bureau of the Communist Party Central Committee, a move likely designed to prevent any one leader from becoming too powerful.[7]

Unchecked police power in Chongqing municipality under Bo Xilai (who had close ties with Zhou Yongkang) was a defining characteristic of his campaign against organized crime in Chongqing from 2008 to 2011.[8] Over 3,000 people were convicted of various crimes during the campaign, and many were tortured.[9] Bo used the law not just to crack down on major criminals in Chongqing but also to target his political rivals and seize private assets.[10] Some

efforts are being made to provide redress for those wronged by Bo and his former police chief Wang Lijun; for example, the Chongqing Public Security Bureau is reinstating or otherwise providing redress to approximately 900 police officers who suffered unjust treatment during the campaign.[11] But, for those who have filed appeals claiming they were wrongfully convicted, the matter has been deemed "sensitive," and there has been little progress in redressing these wrongs.[12]

Chinese authorities continue to use vaguely defined crimes to suppress and punish dissent and perceived challenges to Party rule. In addition to Article 105 of the PRC Criminal Law, which criminalizes "subversion" and "inciting subversion,"[13] during this reporting year authorities made ample use of such vague crimes as "gathering people to disturb public order" and "unlawful assembly" to suppress rights advocates and civil society activists.[14] In mid-July, the Beijing Public Security Bureau (PSB) detained Xu Zhiyong, a leading proponent of the New Citizens' Movement—a loose network of individuals promoting a broad range of ideas including legal and political reforms, human rights, and social justice—on suspicion of "gathering people to disturb public order."[15] On August 22, the Beijing PSB arrested him on the same charge.[16] Guangzhou-based activist Guo Feixiong was detained on the same charge on August 8.[17] As of late August, dozens of anticorruption advocates and other citizens reportedly affiliated with the New Citizens' Movement had been detained or arrested for peaceful assembly on various charges, including "unlawful assembly" and "inciting subversion."[18]

Authorities also continued to abuse their power to persecute relatives of activists.[19] Chen Guangcheng's nephew, Chen Kegui, was sentenced in November 2012 to three years and three months in prison for the "intentional wounding" of several township officials in what international and domestic observers maintain was an act of self-defense, after a trial that one legal expert described "as a judicial farce."[20] Liu Xia, the wife of imprisoned Nobel Peace Prize laureate Liu Xiaobo, remains unlawfully detained in her home.[21] In June, Liu Xia's brother, Liu Hui, was sentenced to 11 years in prison for financial fraud; his appeal was denied in August.[22]

A symbol of unchecked police power is the urban management law enforcement corps or "para-police" (*chengguan*), which has become synonymous with lawlessness and brutality in China.[23] *Chengguan* enforce administrative regulations in the cities, often using violent methods.[24] In 2009, the Commission reported on the increasing number of violent incidents perpetrated by *chengguan* against unlicensed street vendors and others.[25] In July 2013, the issue of the unregulated power of *chengguan* was once again in the spotlight when *chengguan* in Linwu county, Hunan province, beat an unlicensed watermelon vendor to death, and, in a separate incident, when a man in a wheelchair, reportedly paralyzed by a *chengguan* beating in 2005, detonated a bomb in the Beijing International Airport to draw attention to his unsuccessful efforts to seek redress.[26] As in 2009, such incidents of *chengguan* violence have prompted calls for reform of the *chengguan* system.[27]

Arbitrary Detention

The UN Working Group on Arbitrary Detention defines the deprivation of personal liberty to be "arbitrary" if it meets one of the following criteria: (1) There is clearly no basis in law for such deprivation; (2) an individual is deprived of his or her liberty for having exercised rights under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR); or (3) there is grave noncompliance with fair trial standards set forth in the UDHR and other international human rights instruments.[28]

In addition to the many democracy and human rights advocates who continue to be arbitrarily detained in prison under the second and/or third criteria of the Working Group's definition above (e.g., Liu Xiaobo, Chen Wei, Chen Xi, Guo Quan, Li Tie, Zhu Yufu, Liu Xianbin, Gao Zhisheng, Ni Yulan, Wang Bingzhang), authorities also detain Chinese citizens arbitrarily using other venues and methods.[29] Forms of arbitrary detention include, among others, "soft detention" (*ruanjin*), "black jails" (*hei jianyu*), *shuanggui* (a form of Party discipline), enforced disappearance, and various forms of administrative detention such as reeducation through labor, "custody and education" (for sex workers and their clients), and compulsory drug treatment centers. Many forms of arbitrary detention violate China's own laws.[30]

SOFT DETENTION

Soft detention (*ruanjin*) includes a range of extralegal controls to which an individual may be subjected, such as home confinement, surveillance, restricted movement, and limitations on contact with others.[31] During this reporting year, authorities continued to use *ruanjin* against individuals deemed "sensitive," such as dissidents, rights defense lawyers, activists, civil society actors, and sometimes their family members as well.[32] Liu Xia's ongoing unlawful home confinement (since October 2010) is an example of the use of *ruanjin* against an activist's spouse.[33] Before Xu Zhiyong was taken into custody in mid-July, he was unlawfully confined to his home for three months.[34] Police aim to keep "sensitive" individuals under control and out of sight around major events or anniversaries such as the 18th National Congress of the Chinese Communist Party and the anniversary of the 1989 Tiananmen protests.[35]

SECRET DETENTION: "BLACK JAILS," SHUANGGUI, ENFORCED DISAPPEARANCE

According to the UN Committee against Torture, detention of individuals in secret detention facilities "constitutes per se disappearance."[36] "Black jails" are secret detention facilities that operate completely outside of China's official judicial and administrative detention systems.[37] Chinese authorities primarily use "black jails" to detain petitioners who leave their hometown to seek redress at higher levels for complaints they have relating to actions taken by local government officials, such as forced evictions and land seizures.[38] Although Chinese officials have occasionally taken legal action against individuals involved in operating "black jails," the

facilities continue to exist because, as the Economist observed in March, "[b]lack jails serve the interests of every level of government."[39] The central government is determined to keep petitioners off the streets of Beijing in order to "maintain stability," and local officials want to ensure that their careers are not adversely affected by disgruntled local residents causing "trouble" in Beijing.[40]

There were several hopeful signs with respect to "black jails" during this reporting year.[41] In a rare move, Chinese authorities released hundreds of petitioners detained in Jiujingzhuang, one of Beijing's largest "black jails," in connection with Rule of Law Promotion Day on December 4.[42] And, in February 2013, Xinhua reported that a Beijing court convicted 10 men from Henan province for illegally detaining 11 petitioners from Henan in Beijing.[43] Seven of the defendants received sentences ranging from six months to two years; the other three were juveniles and given suspended sentences. Global Times reported that the petitioners were not satisfied with the sentences, and believed that local officials who were responsible for their illegal detention should have been charged.[44] Despite these and other efforts by the central government to rein in "black jails," observers caution it is unlikely that the Chinese government will dismantle the system anytime soon.[45]

Shuanggui ("double regulation" or "double designation") is a form of extralegal detention used primarily for Chinese Communist Party officials who are suspected of corruption or other infractions, but also for "cadres who have transgressed politically."[46] Detainees are held incommunicado with no access to a lawyer or family members.[47] Secrecy and harsh interrogation methods further the main objectives of *shuanggui*: the extraction of confessions.[48] Former Chongqing Party Secretary Bo Xilai was held under *shuanggui* from March 2012 at least until his case was turned over to prosecutors in late September 2012.[49] During Bo's trial in late August 2013, Bo recanted confessions he had made while reportedly "under pressure" in *shuanggui* detention.[50] On September 22, the Jinan Municipal People's Intermediate Court in Shandong province, convicted Bo of bribery, embezzlement, and abuse of power and sentenced him to life imprisonment; the court rejected Bo's argument that his earlier confessions should be excluded as unlawfully obtained.[51] During this reporting year, three Chinese officials died within a three-month period while under *shuanggui*. Six Party investigators were put on trial in September for the "intentional infliction of harm leading to death" in connection with one of those cases.[52]

Police relied on enforced disappearance (usually in the name of "residential surveillance") in the crackdown following the calls for Tunisian-style "Jasmine" protests in China in February 2011 to such an extent that the UN Working Group on Enforced or Involuntary Disappearances issued a statement in April of that year expressing "serious concern" about the wave of disappearances in China.[53] The practice of enforced disappearance has not only continued since 2011, but is now codified in one of the most controversial revisions to the recently amended PRC Criminal Procedure Law (CPL), which took effect on January 1, 2013.[54] Article 73, or "the disappearance clause," provides that "residential surveillance" of up to six months may be carried out in a "designated residence"

(*zhiding jusuo*)—i.e., a place of the public security bureau's choosing that is not an officially recognized place of detention—when there is suspicion of the crime of endangering "national security, terrorism, or serious bribery" and residential surveillance at the suspect's domicile may impede the investigation.[55] Family members must be notified within 24 hours only of the fact of "residential surveillance in a designated location" and not of the person's whereabouts or the basis of detention.[56] Even this minimal notification requirement may be waived if there is no way of notifying the family (*wufa tongzhi*).[57] The individual is thus held incommunicado, increasing the likelihood that he or she will suffer torture or abuse.[58]

ADMINISTRATIVE DETENTION

There are several different forms of administrative detention in China, including reeducation through labor (RTL); "custody and education" (*shourong jiaoyu*), which is applied to sex workers and their clients; and "custody and rehabilitation" (*shourong jiaoyang*), which targets juvenile delinquents (under the age of 16).[59] These and other forms of extrajudicial administrative detention are arbitrary under international human rights standards because they permit the deprivation of personal liberty without trial or conformance with other fair trial standards.[60] In addition, they violate China's own laws.[61]

The most prominent form of administrative detention in China, RTL, has been the subject of intense public debate during this past year,[62] and the Chinese government has vowed to reform RTL by the end of 2013.[63] [See Section III—Access to Justice for more information.] Under the RTL system—which has become synonymous with rampant official abuses—Chinese public security officers are authorized to detain individuals without trial for a maximum term of three years, with the possibility of up to a one-year extension.[64] There have been reports of RTL centers releasing detainees ahead of their scheduled release dates and of centers being repurposed as compulsory drug treatment centers.[65] Compulsory drug treatment centers, however, present the same legal problems and human rights issues as RTL, and they violate both Chinese and international law.[66]

Two other "quasi-RTL" measures are the relatively unknown "custody and education" (C&E) and "custody and rehabilitation" (C&R). C&E is a form of administrative detention that permits Chinese police to send sex workers and their clients to detention facilities for up to two years without trial or judicial oversight.[67] As with RTL and compulsory drug treatment, C&E inmates are subjected to forced labor, and rights abuses are rampant.[68] Under C&R, police may send juvenile offenders under the age of 16 to detention facilities for periods between one and three years without due process of law. A recent editorial in the Southern Metropolitan Daily argued that, because C&E and C&R suffer from the same legal infirmities as RTL, they must be considered together in any discussion of RTL reform.[69]

Access to Counsel

The 2012 PRC Criminal Procedure Law (CPL) contains several positive developments with respect to access to counsel. For example, it expands the circumstances under which legal aid must be provided for suspects and defendants (for example, if the suspect is facing a possible life sentence or death)—a revision that may raise the generally low rate of representation of defendants in criminal trials.[70] The new CPL incorporates provisions from the 2007 PRC Lawyers' Law that seek to ameliorate the "three difficulties" defense attorneys typically face—gaining access both to detained clients and to prosecutor's case files, and collecting evidence.[71] Because the CPL clearly applies to the public security apparatus (the police had argued previously that the Lawyers' Law only applied to lawyers), the new CPL may ease the "three difficulties."[72] The new CPL stipulates that a lawyer need only show "three certificates" (i.e., a lawyers' license, a law firm certificate, and a client engagement letter), and the detention center must arrange for a meeting with the detainee within 48 hours of the request.[73] Although it is too early to draw conclusions, preliminary research conducted by Shangquan Law Firm, a Beijing-based firm that specializes in criminal defense, suggests that there has been substantial improvement in the ability of defense lawyers to meet with their detained clients.[74]

The Shangquan report notes, however, that some problems still exist in certain locations. For example, several detention centers in different jurisdictions require the presence of two lawyers before a meeting will be arranged.[75] Reminiscent of the "state secrets" exception under the prior CPL, public security officials can rely on a vague exception in the new CPL to require defense attorneys to first obtain permission before they may meet with a detained suspect.[76] Article 37 of the 2012 CPL requires prior permission in cases involving the crimes of endangering state security, terrorism, or serious bribery.[77] The law firm's research found that public security agencies are interpreting these "three categories of cases" (*sanlei anjian*) broadly and are invoking *sanlei anjian* as an excuse to restrict or prohibit meetings between lawyers and their clients.[78] The unevenness of implementation of the CPL provisions that address the "three difficulties" was highlighted in July by Cao Jianming, the president of the Supreme People's Procuratorate, who referred to "local problems" as the cause.[79]

In "politically sensitive" cases, defendants still have difficulty not only gaining access to counsel but also retaining counsel of their own choosing. Authorities twice rejected requests by Xu Zhiyong's attorney, Liu Weiguo, to meet with Xu, and on one occasion even held Liu for six hours.[80] Eventually a different attorney, Zhang Qingfang, was permitted to meet with Xu.[81] In August, lawyers for Guo Feixiong were denied access to their detained client.[82] Bo Xilai was denied access to counsel for many months while he was held in *shuanggui*,[83] and lawyers retained by Bo's family were denied permission to represent him in court.[84]

Torture and Abuse in Custody

Despite the Chinese government's continued efforts to address the problem, torture and abuse in police stations, detention centers, prisons, administrative detention facilities, and secret detention sites remain widespread in China.[85] In April 2013, a Chinese magazine published a detailed account of torture, abuse, and forced labor at the Masanjia Women's RTL Center in Liaoning province, sparking a great deal of online commentary and fueling calls for the reform or abolition of RTL.[86] In May, Southern Weekend published an exposé on corruption and forced labor in RTL centers based on interviews with former RTL guards, one of whom is quoted as saying: "The reality is that we force RTL detainees to work and make money [for us]. That's what every RTL center does."[87]

Torture by police in the course of criminal investigations remains a common problem.[88] The government relies overwhelmingly on confessions as evidence in criminal cases.[89] Sex workers interviewed by Human Rights Watch describe how police beat them after taking them into custody to try to force them to confess to prostitution.[90] Many of the targets of Bo Xilai's crackdown on organized crime in Chongqing have alleged that police tortured them to confess.[91] Gong Gangmo was reportedly tortured by police in part to coerce him to frame his lawyer, Li Zhuang, of the crime of suborning perjury.[92] Gong has filed an appeal seeking to have his verdict overturned, as has Li. Gong, who has since apologized to Li Zhuang for setting him up, will be assisted by Li in his appeal.[93]

The Chinese government has attempted to address the persistent problem of forced confessions since at least 1997, without much success.[94] During the 2013 reporting year, the issue of coerced confessions and wrongful convictions garnered a great deal of public attention after a number of wrongful convictions came to light and high-level court officials made statements condemning the phenomenon.[95] The 2012 PRC Criminal Procedure Law (CPL) contains new provisions that aim to prevent confessions obtained through torture.[96] The law incorporates a June 2010 rule prohibiting the use of illegally obtained evidence in criminal proceedings.[97] Moreover, Article 50 of the 2012 CPL contains a provision that prohibits police, prosecutors, and judicial personnel from forcing a suspect to incriminate himself.[98] Article 50 is not framed as a right held by the suspect, however, and its potential for curbing abuse during interrogation is diminished by the retention of a provision from the prior CPL requiring that suspects have an obligation to answer the interrogator's questions "truthfully."[99] The absence of an explicit right to remain silent and a presumption of innocence may well undermine efforts to prevent coerced confessions, and the absence of a right to legal counsel during a detained suspect's first interrogation also increases the likelihood of abuse.[100]

It remains to be seen how the provisions in the new CPL regarding the exclusion of illegally obtained evidence will be implemented in practice.[101] Since the exclusionary rule was first issued in June 2010, there have been few reports of successfully excluded illegally obtained evidence.[102] It was only in September 2012 that the media reported on the first case in Beijing in which a court ex-

cluded evidence that had been illegally obtained.[103] At his trial Bo Xilai argued, without success, that his *shuanggui* confession had been illegally obtained and thus should be excluded.[104]

Wrongful convictions, as the president of the Zhejiang Province High People's Court stated in a media interview in March, "are basically all related to the coercion of confessions through torture."[105] At the time of the interview, his court was dealing with two high-profile wrongful conviction cases, both of which involved confessions obtained through torture. In March, the court reversed the convictions of Zhang Gaoping and his nephew, who had spent 10 years in prison for a rape and murder they did not commit.[106] In July, the court also overturned the convictions of five men who had already served 18 years in prison for the robbery and murder of two taxi drivers based on fingerprint evidence that was uncovered in 2011.[107] All five men said that their confessions were the result of torture.[108]

In an article published in May, Shen Deyong, the Executive Vice President of the Supreme People's Court, wrote that wrongful convictions posed an "unprecedented challenge" to the court system.[109] In addition to the harm wrongly decided decisions cause the parties involved, Shen wrote, they also damage judicial authority and the public's faith in the law and rule of law.[110] In July, the head of the Guangdong Province High People's Court criticized the fundamental structure of the judicial system as outdated and reflecting a Soviet model in which courts are treated like any other government agency and thus are subject to various kinds of interference and influence.[111] In August, reportedly in response to the spate of wrongful convictions that surfaced in 2013, the Communist Party Central Committee Political and Legal Affairs Commission issued, for the first time, guidelines on the prevention of wrongful judgments that mandate lifelong responsibility for police, prosecutors, and judges involved in judgments later demonstrated to be wrong.[112]

Death Penalty

As in previous years, the Chinese government continues to treat data on the use of the death penalty as a state secret.[113] Amnesty International concluded, based on available information, that the Chinese government executed more people in 2012 than the rest of the world combined.[114] The number of executions in China is steadily decreasing, however. The Dui Hua Foundation estimates that 3,000 prisoners were executed in China in 2012, a decrease of 25 percent from the 4,000 cases estimated for 2011.[115] Tsinghua University law professor Yi Yanyou puts the figure at over 2,000.[116]

Despite the lack of transparency regarding many aspects of the death penalty, including the Supreme People's Court review of death penalty sentences,[117] the Chinese media and public are paying increasing attention to fairness and procedural justice in death penalty cases.[118] In a case that received a great deal of attention in the media and on the popular microblog site Sina Weibo, Zeng Chengjie, a businessman and property developer from Hunan province, was convicted of fraudulent fundraising and executed on July 12.[119] In contravention of Chinese law, authorities failed to notify his family until after the fact.[120] Within a few days after his

daughter posted this news on Sina Weibo, it was forwarded more than 70,000 times and had generated nearly 50,000 comments.[121]

Organs are still harvested from executed prisoners in China,[122] and the extent to which rules requiring prior informed consent are followed is unclear.[123] In March 2012, then-Vice Minister of China's Ministry of Health, Huang Jiefu, wrote that, of the organ transplant operations performed in China using organs from deceased donors (the majority of such operations), more than 90 percent of the donors were executed prisoners.[124] In March 2013, the Ministry of Health and the Chinese Red Cross formally launched a national voluntary organ donation system, but the number of organs donated during the three-year pilot program before the launch was low—only 659 people donated a total of 1,804 major organs.[125] According to the newly created National Health and Family Planning Commission (NHFPC), each year an estimated 300,000 people need organ transplants, but only about 10,000 transplants are performed annually.[126] In August 2013, Huang Jiefu, now the director of a human organ transplant committee at the NHFPC, reportedly announced that China would cease relying on the organs of executed prisoners within the next two years.[127]

FREEDOM OF RELIGION

International Standards

The Chinese government's legal and policy framework for religion violates the protections for freedom of religion set forth in Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights, and other international human rights instruments.[1] Although the PRC Constitution states that all citizens enjoy "freedom of religious belief," it limits citizens' ability to exercise their beliefs by protecting only "normal religious activities,"[2] a vaguely defined term that has been used to suppress forms of religious activity protected under international human rights standards.[3] The government has created a regulatory framework that recognizes only five religions—Buddhism, Catholicism, Taoism, Islam, and Protestantism—for limited state protections for religious activity,[4] and the government has continued to outlaw some belief systems,[5] thereby denying members of these communities the right to practice their faith openly and without fear of government reprisal.

Regulatory and Policy Framework

During the Commission's 2013 reporting year, the Chinese government continued to use law and policy as tools to restrain rather than protect Chinese citizens' right to freedom of religion. Although the 2005 Regulation on Religious Affairs (RRA) and local government regulations protect some religious activities, such protection is limited in scope and applies only to the five state-sanctioned religious communities.[6] The RRA does not include criminal penalties for violation of its provisions,[7] but authorities use the PRC Criminal Law,[8] anti-cult regulations,[9] and various administrative punishments, including reeducation through labor,[10] to punish or detain citizens for forms of religious practice deemed to fall outside of approved parameters. Chinese government and Communist Party control over religious affairs is exercised through the State Administration for Religious Affairs (SARA) and lower level religious affairs bureaus (RABs) under the State Council,[11] the Party's United Front Work Department (UFWD),[12] and the five "patriotic" religious associations: The Buddhist Association of China (BAC), the Catholic Patriotic Association of China (CPA), the Islamic Association of China (IAC), the Three-Self Patriotic Movement of Protestant Churches in China (TSPM), and the Chinese Taoist Association (CTA).[13] All religious clergy are required to be registered with the government.[14] In January 2013, a top religious official announced that all clergy would be registered by the end of the year.[15]

CONTINUING RESTRICTIONS ON RELIGIOUS ORGANIZATION REGISTRATION

Registration requirements for religious organizations[16] in China continue to be highly restrictive, limiting the growth of religious communities and the right to freedom of religion, assembly, and association.[17] During the 2013 reporting year, the Chinese government announced an institutional reform plan that will loosen reg-

istration and administrative strictures on some social organizations, including charities and social services organizations, but which explicitly excludes religious organizations, among others.[18] Religious organizations will continue to be required to operate under a legal framework that requires the approval and oversight of a supervisory unit and registration with the relevant level of civil affairs bureau.[19] A February 2012 opinion issued by SARA, the UFWD, and four other government departments called for "equal treatment" of religious groups in establishing charitable organizations and noted that "some localities and departments had not yet adequately recognized the positive significance of religious communities' participation in charitable activities."[20] It is unclear how the government will facilitate religious communities' legal participation in charitable and public interest activities given the exclusion of religious groups from the current social organization reform plan.[21]

China's Religious Communities

BUDDHISM (NON-TIBETAN)

During the Commission's 2013 reporting year, the Chinese government and Communist Party, through the State Administration for Religious Affairs (SARA), local religious affairs bureaus, and the state-run Buddhist Association of China (BAC), continued to monitor, control, restrict, and "guide" the religious activities of Buddhists in non-Tibetan areas of China.[22] [For information on Tibetan Buddhists, see Section V—Tibet.] In a speech delivered at a ceremony commemorating the 60th anniversary of the BAC in August 2013, Vice Premier and member of the Political Bureau of the Communist Party Central Committee (Politburo) Liu Yandong stated her hope that Buddhists in China "adhere to the tradition of loving the country and loving religion, embrace the leadership of the Party"; "love deeply" (*re'ai*) the Party, the nation, socialism, and the masses; and "adhere to the road of socialism with Chinese characteristics."[23] In October 2012, SARA and nine other central-level government agencies issued a joint opinion on the handling of problems involved in the management of Buddhist monasteries and Taoist temples, calling for tighter control and regulation of religious sites and personnel, and prohibiting unregistered organizations and religious sites from conducting religious activities or collecting religious donations.[24]

The Chinese government continues to ban at least three sects of Buddhism it has labeled as "cults" (*xiejiao*):[25] Guanyin Famen,[26] the True Buddha School (*lingxian zhen fozong*),[27] and Yuandun Famen.[28] A prominent Guangdong province-based Buddhist leader, Wu Zeheng, also known as Zen Master Xing Wu, has been monitored and harassed since his release from prison for "economic crimes" in 2010.[29] The Chinese government has also refused to issue Wu a passport, thereby preventing him from lecturing abroad: "It's just another way to punish people they don't like," Wu told the New York Times in February.[30]

CATHOLICISM

Government control and interference. The Justice and Peace Commission of the Hong Kong Catholic Diocese raised concerns about the Chinese government's policies toward the Catholic Church in China in an "Opinion on Religious Freedom in China for the UN Human Rights Council's October 2013 Universal Periodic Review" of the Chinese government's human rights record. According to the opinion, the government's policy of an "independent, autonomous, and self-administered" Church managed by two state-controlled entities—the Catholic Patriotic Association of China (CPA) and the Bishops Conference of the Catholic Church in China (BCCC)[31]—violates "the consciences of the faithful and basic Catholic doctrine."[32] The opinion asserts, moreover, that Chinese government policies have divided Chinese Catholics into an "official" church and an "underground" church.[33] An unofficial estimate of the total number of Catholics in China is approximately 12 million people, split more or less evenly between the official and underground churches.[34]

The Chinese government and Communist Party deny Catholics in China the freedom to accept the authority of the Holy See to select bishops. Although the Commission reported that the Holy See has had a quiet role in jointly approving some bishops in recent years,[35] four bishops were ordained in China between November 2010 and July 2012 without Holy See approval.[36] In late 2012, the BCCC adopted a new national regulation on the selection and ordination of bishops that took effect in April 2013; the Holy See and international observers suggest the new regulation strengthens a hardline approach.[37] The regulation explicitly requires bishop candidates to "endorse the Chinese Communist Party's leadership and the socialist system."[38] The new regulation also expands the authority of the BCCC and the role of provincial-level religious affairs bureaus in the selection and consecration process compared with an earlier (1993) regulation.[39] In a recent example of government interference, the Union of Asian Catholic News reported that provincial-level officials in Hubei province overruled Wuhan city church leaders' November 2012 decisions on upcoming parish assignments and transfers, dismissed two priests from the CPA, and warned individual priests not to leave their parishes for their new assignments.[40]

Detention of Catholic clergy. The detention of auxiliary bishop Thaddeus Ma Daqin from the diocese of Shanghai municipality, was a prominent focus of international media coverage during the 2013 reporting year.[41] Bishop Ma has been confined to the Sheshan Seminary in Shanghai since his public withdrawal from the Catholic Patriotic Association of China (CPA) at his ordination on July 7, 2012.[42] The CPA and the BCCC subsequently announced in December their decision to revoke Ma's title of auxiliary bishop and his membership as a clergyman in the CPA,[43] noting their "hope that the Shanghai diocese . . . learns a lesson from the incident."[44] The Holy See denounced the state-run church's action, stating that "no episcopal conference, in any part of the world, has the power to overrule the pontifical mandate . . .," and asserted that the Holy See continues to recognize Ma as auxiliary bishop of

Shanghai.[45] Bishop Ma, whose selection and ordination were approved by both the Holy See and the CPA, was in line to succeed bishop Aloysius Jin Luxian.[46] Bishop Jin's death in late April 2013 at the age of 96[47] reportedly has left the Shanghai diocese—one of the largest in China—without a bishop.[48]

The Justice and Peace Commission of the Hong Kong Catholic Diocese noted cases of underground clergy who have been detained and "disappeared" for their pastoral activity and refusal to join the CPA,[49] such as priests Ma Wuyong, Liu Honggeng, Lu Genjun, and elderly bishops Su Zhimin and Shi Enxiang.[50] In a recent example, the Cardinal Kung Foundation reported that, on August 7, 2013, 10 public security officers from Zhangjiakou city, Hebei province, took into custody Song Wanjun, a priest with the underground church.[51] As of August 2013, his whereabouts were unknown.[52] Other priests reportedly serving prison sentences are Li Huisheng and Wang Zhong.[53]

China-Holy See relations. The Chinese government does not maintain diplomatic relations with the Holy See, and there was no apparent progress in the normalization of relations during the 2013 reporting year.[54] An October 2012 article by a senior cleric at the Holy See, Cardinal Fernando Filoni, however, raised his hope for "sincere and respectful dialogue" by invoking a 2007 pastoral letter from Pope Benedict XVI to Chinese Catholics that had launched a brief period of improved relations between China and the Holy See.[55] During a press conference in March 2013, a Chinese Foreign Ministry spokesperson stated that China's policy has been "consistent and clear" that the Holy See must cut its ties with Taiwan and "should not interfere in China's internal affairs under the name of religion."[56]

FALUN GONG

The Commission continued to observe reports of arbitrary treatment of Falun Gong practitioners by Chinese security and judicial authorities, in some cases involving physical and mental abuse. Courts continued to sentence Falun Gong practitioners to long terms in prison.[57] Authorities detained and harassed persons who attempted to assist Falun Gong practitioners, including lawyers Wang Quanzhang[58] and Cheng Hai.[59] The Chinese Communist Party and government continued to pressure Falun Gong practitioners to renounce their belief and practice. The Party and government refer to this process as "transformation through reeducation," or simply "transformation."[60] From 2010 to 2012, the government implemented a three-year, national campaign to increase efforts to "transform" Falun Gong practitioners.[61]

The Commission also observed reports this past year regarding official anti-cult efforts that placed an emphasis on the need to educate the public to "resist" Falun Gong.[62] An All-China Women's Federation report stressed the need for the expansion of anti-cult campaigns directed against Falun Gong throughout Chongqing municipality, including through mobile schools and mobile teams of anti-cult educators.[63] At an anti-cult symposium in Hangzhou city, Zhejiang province, held in May, a provincial official emphasized the need to bring anti-cult efforts "deep into the grassroots and into the

heart of the masses," and to "vigorously carry out" education against Falun Gong.[64]

In April 2013, an article published in the China-based Lens Magazine reported on claims of torture and severe maltreatment of inmates at the Masanjia Women's Reeducation Through Labor (RTL) Center in Liaoning province.[65] According to the New York Times, former detainees reported that approximately half of the people detained at the center are Falun Gong practitioners or members of underground churches.[66] Former detainees at the center said authorities regularly tortured them with electric batons, handcuffed them in painful positions for long periods of time, and locked them in tiny "punishment cells," among other forms of mistreatment.[67] Beginning in June 2013, Beijing authorities detained journalist Du Bin for five weeks, on allegations he said were partly a result of his film about the abuses at the Masanjia Women's RTL Center.[68]

At a Commission hearing on December 18, 2012, Falun Gong practitioner Hu Zhiming testified that, during the eight years and two months he spent in detention in several different locations in China for practicing Falun Gong, authorities allowed prisoners to beat him and subjected him to sleep deprivation, denial of medical care, and other types of abuse.[69] At the same hearing, Bruce Chung, a Falun Gong practitioner from Taiwan, testified about how Chinese state security officials detained him for 54 days during a visit to Jiangxi province in the summer of 2012 and subjected him to lengthy interrogation sessions without access to a lawyer in connection with his earlier efforts to broadcast Falun Gong materials into China.[70]

ISLAM

Chinese authorities continued to place curbs on Muslims' ability to practice their religion and continued to emphasize the role of Islamic clergy in promoting state policies. In December 2012, at the conclusion of a training session for "Muslim patriotic religious figures," Xinjiang Uyghur Autonomous Region (XUAR) Party Committee member Shavket Imin stressed that "patriotic religious figures" should "relentlessly study the Party's general and specific policies" and "actively guide the broad masses of religious believers to continuously strengthen their national consciousness."[71] In August 2013, Ningxia Hui Autonomous Region (NHAR) Party Secretary Li Jianhua told local Muslims in Yongning county, Yinchuan city, to "unite to respond positively to the call of the Party and the government," and stressed the role of Muslims in the NHAR in promoting ethnic unity, social harmony, and stability.[72]

During the 2013 reporting year, Chinese authorities continued to regulate the confirmation of religious leaders and to monitor overseas pilgrimages in furtherance of state policy. Chinese authorities guided the training of imams at 10 state-run Islamic institutes[73] and conducted regular training courses for Muslim clergy that stressed adherence to Party religious and ethnic policies.[74] Under the 2006 Measures for Accrediting Islamic Clergy, the first requirement listed for government recognition of imams is that they must "love the motherland, support the socialist system and the leadership of the Communist Party of China, comply with national laws, [and] safeguard national unity, ethnic unity, and social stability."[75]

At an Islamic Association of China (IAC) certification ceremony for Muslim religious clergy in February, Ma Jin, Deputy Director of the Islamic Department of the State Administration for Religious Affairs (SARA), told the newly accredited Islamic clergy he hoped they would "resolve to become politically reliable."[76] The IAC worked to strengthen its system for organizing Hajj pilgrimages to Mecca,[77] and local authorities throughout the XUAR warned religious believers against going on Hajj pilgrimages not organized by the government.[78]

Authorities also continued to exert influence over the teachings of Muslim clergy, such as through the interpretation of Islamic scripture. SARA reported in February 2013 that Chinese authorities had engaged in efforts to interpret Islamic scripture for more than 10 years.[79] SARA also reported that authorities had recently distributed copies of compilations of state-prescribed teachings of Islam to every mosque in the XUAR.[80]

Authorities in charge of religious affairs sought to portray violent clashes that took place in the spring and summer of 2013 throughout the XUAR as acts inspired by "religious extremism," and urged Muslim clergy to work against "religious extremist forces"[81] and the "three evil forces"[82] of terrorism, separatism, and religious extremism. In an August 2013 article on "religious extremism," XUAR United Front Work Department Deputy Inspector Azat Omer wrote that the "struggle with religious extremist forces" was a "serious political struggle to defend the unification of the motherland and safeguard ethnic unity."[83]

[For more information on state controls over Islam in the XUAR, see Section IV—Xinjiang.]

PROTESTANTISM

The Chinese government continued to control the doctrine and activities of its official Protestant church and to target members of unregistered Protestant groups for harassment, detention, and other forms of abuse. The Three-Self Patriotic Movement of Protestant Churches in China (TSPM) and the China Christian Council (CCC) are the Protestant associations that manage registered Protestants on behalf of the government and Party.[84] Protestants who choose not to affiliate with the TSPM must worship with unregistered "house churches," which are often subject to interference, harassment, and abuses during peaceful religious activities. According to the United States Commission on International Religious Freedom's (USCIRF) 2013 Annual Report, "[t]he government largely tolerates groups that meet in homes or in small groups, but continues to view with suspicion religious organizations with extensive foreign ties, whose memberships grow too quickly, whose leadership becomes too popular or organizes across provincial lines, or whose religious activities allegedly disrupt ethnic or social 'harmony.'"[85]

Interference with places of worship. Authorities continued to interfere with the religious activities of registered and unregistered Protestant congregations by pressuring landlords to terminate their leases, conducting raids during religious gatherings, and threatening demolition of their buildings. The government continued its efforts to prohibit worship gatherings of the Beijing Shouwang

Church, a house church of over 1,000 congregants in Beijing municipality that has endured ongoing official harassment since at least 2006.[86] In September 2012, the church's pastor applied for administrative review of actions the Beijing Public Security Bureau had taken against the church, including preventing the church from moving into property it had purchased.[87] Two weeks later, the Beijing Municipal Government rejected the application, citing lack of evidence.[88] In August 2013, the church reported that it was still being forced to meet outdoors in public spaces.[89] [For additional information on the ongoing detention and harassment of Shouwang leaders and congregants, see Harassment and Detention below in this section.]

Reports continued to emerge this year regarding state-sanctioned raids on house churches across China. In Shandong province in April and May, for example, authorities raided two house churches in Linshu county, Linyi city, and Yutai county, Jining city, issued ban orders to both on grounds of "illegal assembly," confiscated donations, and imposed fines on members.[90] According to Radio Free Asia, these actions may have been part of an informal crackdown against Protestant house churches launched by Shandong authorities in March.[91] Also during this reporting year, authorities conducted raids on house church meetings—in some cases threatening or questioning attendees, and in other cases fining, beating, or detaining them—in other areas of China, including Beijing,[92] Guizhou province,[93] Heilongjiang province,[94] the Xinjiang Uyghur Autonomous Region,[95] and the Inner Mongolia Autonomous Region.[96]

Authorities in locations including Hubei,[97] Jilin,[98] and Henan provinces also reportedly threatened churches with demolition or eviction. In one case in Zhengzhou city, Henan province, authorities repeatedly threatened a registered TSPM church with eviction and demolition of their newly constructed, government-approved building.[99] In connection with these threats, the church building has reportedly lost power and water, and has been rendered inaccessible twice after government-owned trucks blocked its doors with piles of dirt and rocks.[100]

Harassment and detention. The Chinese government and Communist Party continued to harass and detain Protestants who worship outside of state-approved parameters. According to the USCIRF 2013 Annual Report (USCIRF Report), authorities detained close to 1,500 Protestants over the 2013 reporting period.[101] Members of house church congregations in particular remained subject to official harassment and maltreatment. Throughout the reporting year, local- and national-level government offices issued directives calling for the need to further monitor and control house churches, in one case alluding to the alleged "instability" posed by their proliferation in recent years.[102] Reported cases of harassment throughout 2013 suggest authorities have heightened pressure on house churches to register with local religious affairs bureaus and join state-sanctioned churches, in some instances leading to violence and the detention of house church members.[103] In April 2013, local authorities raided a house church in Alashan (Alxa) League, Inner Mongolia Autonomous Region, firing tear gas, detaining members of the congregation, and beating others in a move observ-

ers contend was part of a greater push at the time by officials to pressure house churches into joining state-sanctioned churches.[104] Authorities also continued to detain and harass members of Beijing's Shouwang Church. According to the USCIRF Report, authorities detained 900 Shouwang Church members over the 2013 reporting period, while others faced eviction from their homes, dismissal from government jobs, and the confiscation of Beijing residency permits by authorities.[105]

In other cases, authorities imposed criminal penalties or imprisoned Protestants who worshipped or promoted religious activities outside of state-approved parameters. The USCIRF Report indicated authorities sentenced up to 18 Protestant leaders to reeducation through labor or prison terms during the 2013 reporting year.[106] In December 2012, authorities in Shenzhen municipality, Guangdong province, detained house church pastor Cao Nan and several other house church members on two separate occasions for holding a religious gathering in a public park.[107] In the second instance of detention, authorities ordered Cao to serve 12 days of administrative detention for "falsely using the name of religion to disturb social order."[108] In June 2013, the Xiaodian District People's Court in Taiyuan city, Shanxi province, sentenced Li Wenxi to two years in prison and Ren Lacheng to a five-year prison term on charges of "illegal business operations" connected to the printing and selling of religious publications at the Taiyuan-based Enyu bookstore.[109] According to media reports, the Enyu bookstore sold Christian literature and had a joint venture with a Beijing-based Christian bookstore, where Li was a deputy manager.[110] Ren was also reportedly a central figure in unofficial university-based Christian associations in Taiyuan and had used Enyu as a meeting place.[111]

Banned Protestant groups and designation of groups as "cults." The Chinese government and Party continue to prohibit categorically some Protestant groups from exercising their right to religious belief by criminalizing their communities as "cult organizations" (*xiejiao zuzhi*). The government has designated at least 18 Protestant groups as "cult organizations," banning their practice throughout the country.[112] Moreover, the PRC Criminal Law includes provisions authorizing fines and imprisonment of up to seven years for forming or associating with "cult organizations."[113] According to one Chinese freedom of religion advocate, authorities have increasingly utilized criminal law statutes, including those provisions related to "cult organizations," to detain and imprison house church leaders.[114] In April 2013, authorities in Ye county, Pingdingshan municipality, Henan province, sentenced house church pastor Hu Linpo and congregation members Han Hai, Yang Lianbing, Zhang Mian, Cao Xia, Wang En, and Li Dan to prison sentences ranging from three years to more than seven years for "using a cult organization to undermine implementation of the law."[115] Authorities reportedly first detained all seven individuals in April 2012 during a house church raid.[116] According to the Ye County Procuratorate indictment notice, authorities accused the defendants of belonging to the Local Church, referred to by authorities as the "Shouters."[117]

In December 2012, authorities throughout the country engaged in a wide-ranging crackdown on followers of the Church of the Almighty God (CAG) in connection with their belief that December 21 was prophesied to be the date of the apocalypse.[118] According to Chinese official media, authorities in 16 provinces detained more than 1,300 CAG followers in December 2012.[119] In one case, authorities in Shaoguan city, Guangdong province, sentenced CAG adherent Lai Yiwa to seven years' imprisonment in April 2013 for reportedly photocopying and distributing pamphlets in December 2012 related to the apocalypse prophesy.[120]

TAOISM

The Chinese government continued its control over Taoists and Taoist activities. As in the past, the Chinese Taoist Association (CTA) continued to work with the Chinese government to ensure that Taoist religious groups "uphold the leadership of the Communist Party and the socialist system," "actively participate in socialist material, political, and spiritual civilization," and "make a contribution to the protection of religious harmony, ethnic unity, social harmony, unity of the motherland, and world peace."[121] Government agencies and the CTA continued to hold training sessions for Taoist leaders, including a November 2012 meeting of the CTA executive council to "study the spirit of the 18th National Congress of the Communist Party of China"[122] and a May 2013 study class led by the State Administration for Religious Affairs (SARA) and attended by over 130 Taoist leaders from localities across China.[123] In the November meeting, SARA Director Wang Zuo'an reminded Taoist leaders in attendance that "studying and putting into practice the spirit of the 18th Party Congress is the chief political task for religious communities for the coming period of time."[124] He further noted that he hoped the Taoist community would gain a "deeper understanding of the greatness of the Chinese Communist Party," "more conscientiously accept the leadership of the Chinese Communist Party," and "take the path that conforms to socialist society," among other goals.[125]

OTHER RELIGIOUS COMMUNITIES

In the past year, the central government maintained its framework for recognizing only select religious communities for limited government protections, and it did not enlarge this framework to accommodate additional groups. Despite lacking formal central government recognition, however, some religious communities have been able to operate inside China.[126] The Orthodox Church holds services in some areas,[127] and at least one provincial-level jurisdiction recognizes the Orthodox Church.[128] In May 2013, the leader of the Russian Orthodox Church, Patriarch Kirill of Moscow and All Russia, made an official visit to China and met with top officials, including President Xi Jinping.[129] During his visit, Kirill expressed his hope that Orthodox parishes would be permitted to register, and that a Chinese bishop would be appointed who could set locations for worship and ordain priests.[130] Under current Chinese government regulations, foreign religious communities, including communities not recognized as domestic religions by the govern-

ment, may hold services for expatriates, subject to certain limitations and government control.[131]

ETHNIC MINORITY RIGHTS

During the 2013 reporting year, ethnic minorities faced challenges to their rights as provided in the PRC Regional Ethnic Autonomy Law and international law.[1] Authorities placed the strictest controls over groups perceived as potential threats to "stability,"[2] including those living in the Tibet Autonomous Region (TAR) and other Tibetan autonomous areas, the Xinjiang Uyghur Autonomous Region (XUAR), and the Inner Mongolia Autonomous Region (IMAR). Authorities continued to detain, harass, and imprison ethnic minority rights advocates who engaged in peaceful protest and sought to assert their unique cultural identity. [See Section IV—Xinjiang and Section V—Tibet for additional information on these areas. See text below for information on broader government policies toward ethnic minorities and on conditions in the IMAR.]

State Policy on Ethnic Minorities

Government and private development projects in ethnic minority regions, together with the absence of institutionalized forums for ethnic minorities to discuss and seek redress for their grievances, led to tensions between local residents, railway workers, and government authorities.[3] The expansion of top-down development initiatives[4] in the IMAR, while bringing some economic improvement to areas inhabited by Mongols,[5] has weakened Mongols' ability to preserve their unique culture, language, and livelihoods.[6]

Grasslands Policy and Protests in Inner Mongolia

Central and regional government authorities continued to enforce grasslands policies that require herders and nomads to resettle in urban areas or in larger, compact rural communities, portraying these developments as a move to improve and "modernize" the lives of Mongols, Tibetans, Kazakhs, and other minority groups, and combat grasslands degradation.[7] Local governments throughout the IMAR carried out propaganda campaigns in 2013 to promote national and regional regulations regarding the protection of grasslands.[8] The regulations stipulate penalties for unauthorized use of grasslands[9] but lack protections for the rights of herders.[10] Critics of official grasslands policies in the IMAR have raised concerns over increased mining activities and a corresponding loss of water in the region,[11] while the policies are officially aimed at easing the degradation of grasslands.[12] In a report published in July 2013, Greenpeace criticized state-owned coal mining company Shenhua Group for draining the water supply[13] and causing the destruction of grasslands[14] in areas inhabited by Mongol farmers and herders in the IMAR. The report states that Shenhua has extracted more than 50 million tons of groundwater since 2007 in an area encompassing five villages in Uushin (Wushen) Banner, Ordos (E'erduosi) municipality, IMAR,[15] and produces an estimated 4.79 million tons of toxic industrial wastewater per year.[16] This wastewater is reportedly dumped into open sand pits in Ulan Moron (Wulanmulun) township, Ejin Horo (Yijinhuoluo) Banner, Ordos (E'erduosi) municipality, IMAR,[17] contradicting Shenhua's claims that its coal-to-liquid operations have "low water consumption" and "zero dis-

charge."[18] [For more information on rights abuses related to grasslands policies, see Section II—The Environment.]

In several instances during the 2013 reporting year, Mongol herders sought to protest the appropriation of their grazing lands for military use and private development projects.[19] On August 19 in Uushin (Wushen) Banner, workers from China Railway 23rd Bureau reportedly beat to death Mongolian herder Bayanbaatar, who was one of several herders protesting the railway bureau's use of his and other herders' grazing land.[20] In March 2013, herders from Durbed (Siziwang) Banner, Wulanchabu municipality, IMAR, reportedly gathered at the train station in Hohhot city, seeking to travel to Beijing to protest the appropriation of their land for the Beijing Military Command's Zhurihe military training base.[21] Police and government officials from Durbed traveled to Hohhot to stop the herders[22] and reportedly physically assaulted several herders who resisted their orders to return to Durbed.[23] Local authorities reportedly had sold the land to Chinese firms, including two major mining companies.[24] In July 2013, 38 Mongol herders reportedly gathered at the train station in Tongliao city, IMAR, seeking to travel to Beijing to protest their community's September 2008 forced resettlement from the Khan Uul (Hanshan) Forest Area to Lubei township, Zaruud Banner.[25] Security personnel reportedly detained the 38 herders and beat those who resisted detention.[26] In 2008, Tongliao city officials resettled 963 people from Khan Uul, a government-designated nature preserve, with the stated aim of creating an area free of people and livestock.[27] However, resettled herders from Khan Uul reportedly complained in March 2013 that miners had begun operations in the area.[28] Local government officials have positively assessed the prospects for mining exploration in the area.[29]

In July 2013, a herder in Ongniud (Wengniute) Banner, Chifeng municipality, reportedly killed the head of a "livestock grazing prohibition team" and seriously injured another official while "defending his right to graze his livestock on his grazing land," before committing suicide.[30]

Political Prisoners

The continued extralegal detention of Mongol rights advocate Hada underscores the official repercussions Mongols may face for promoting their rights. During the Commission's 2013 reporting year, authorities in Hohhot city, IMAR, tightened restrictions on the movement and communications of Hada's wife, Xinna, and the couple's son, Uiles.[31] The heightened restrictions began after Xinna gave interviews to international media and rights groups about Chinese authorities' treatment of Hada in extralegal detention and its harmful impact on his mental health.[32] Xinna stated in the interviews that Hada is suffering from depression and that authorities refused to allow him access to psychiatric care that was recommended by a physician.[33] As of September 23, 2013, the whereabouts of Xinna and Uiles are unclear.[34] As of the same date, Hada remained in official custody without apparent legal basis[35] despite his completion of a 15-year prison sentence on December 10, 2010.[36] Authorities imprisoned Hada in 1995 after he organized

peaceful protests for Mongols' rights.[37] Additional representative cases follow:

- On July 4, 2013, authorities in Uzumchin Right (Dongwuzhumuqin) Banner, Xilingol League, IMAR, reportedly arrested Yunshaabiin Seevendoo, who had advocated for the rights of Mongol herders, on fraud charges.[38] Family members reportedly said his health has deteriorated during his detention.[39] Prior to his detention, Seevendoo had organized Mongol herders to protest against illegal government and corporate expropriation of their grazing lands.[40]
- On April 13, 2013, authorities in Guangzhou municipality, Guangdong province, reportedly arrested Batzangaa, a former medical school principal, after he allegedly attempted to flee the country with his wife and two children.[41] Batzangaa had been under residential surveillance in Dongsheng district, Ordos (E'erduosi) municipality, IMAR, since January 2011. According to Radio Free Asia, authorities ordered Batzangaa to begin serving a three-year prison sentence, starting on April 25, 2013, that had been handed down as a suspended sentence in 2011.[42] Batzangaa had attempted to seek refugee status in Mongolia in October 2009 after organizing demonstrations to protest against the government's confiscation of campus property.[43]
- In November 2012, the Tongliao Municipality People's Court in Tongliao city, IMAR, reportedly convicted author and rights advocate Govruud Huuchinhuu on charges of "providing state secrets to a foreign organization,"[44] a crime under Article 111 of the PRC Criminal Law that ordinarily is punishable by no less than five years in prison and by life imprisonment in "especially serious" cases.[45] Authorities originally placed Huuchinhuu under home confinement in November 2010 after she published calls on the Internet for Mongols to show support for the release of Hada.[46]

A number of other ethnic Mongols remain in prison or detention or are presumed to remain in prison or detention for political reasons, including Erden-uul (pen name Unaga), who was detained in December 2010, and Sodmongol, who was detained in April 2010.[47]

POPULATION PLANNING

International Standards and China's Population Policies

Chinese officials continue to actively promote and implement population planning policies which, in both their nature and implementation, violate international standards. The PRC Population and Family Planning Law and provincial implementing guidelines limit couples' freedom of reproductive choice by stipulating if, when, and how often they may bear children.[1] China's current population planning policies still require married couples to obtain a birth permit to lawfully bear a child.[2] The population planning policies of all of China's 31 provincial-level jurisdictions limit couples to bearing one child.[3] According to one team of demographic experts, "[The Chinese government's] policy of allowing all couples to have only one child finds no equal in the world and it may be one of the most draconian examples of government social engineering ever seen."[4] Exceptions for couples who meet certain criteria vary province-by-province,[5] and include some exceptions for ethnic minorities.[6] Officials continue to coerce compliance with population planning targets using methods including heavy fines,[7] forced abortions,[8] and forced sterilizations.[9]

Controls imposed on Chinese women and their families, and additional abuses engendered by China's population and family planning system, violate standards in the 1995 Beijing Declaration and Platform for Action[10] and the 1994 Programme of Action of the Cairo International Conference on Population and Development.[11] China participated as a state party in the negotiations and adoption of both.[12] Acts of official violence committed in the implementation of population planning policies[13] and the fact that these acts are not clearly punishable under Chinese law[14] contravene provisions under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[15] which China has signed and ratified.[16] Further, discriminatory policies[17] against "out-of-plan" children are in violation of the Convention on the Rights of the Child[18] and the International Covenant on Economic, Social and Cultural Rights.[19] China is a state party to these treaties and has committed to uphold their terms.

Institutional Developments

Amid calls by Chinese government leaders,[20] experts and scholars,[21] and citizens[22] for the loosening or reform of China's population policies, China's new leadership unveiled a plan in March 2013 for restructuring agencies within the State Council, including merging the National Population and Family Planning Commission (NPFPC) and the Ministry of Health.[23] The restructure combines most of the responsibilities of the previous two organizations into a new "National Health and Family Planning Commission" (NHFPC),[24] but transfers the responsibility of creating population development policies and strategies—previously held by the NPFPC—to the National Development and Reform Commission.[25] Some domestic and overseas experts say that the restructuring and transfer of certain population planning responsibilities suggests a significant loss of power for the nation's family planning body and

a greater potential for population policy reform and eventual cancellation,[26] while at least one Chinese academic expressed belief that the merger "is in fact making the family planning body more powerful."[27]

The government restructuring plan itself has a stated aim to "better uphold the basic national family planning policy,"[28] and top-level officials have reinforced in speeches that family planning will be "beefed up, not weakened."[29] The full impact of the dissolution of the NPFPC on family planning policies and local implementation remains to be seen. The NHFPC released an "Action Plan" in August which ignited afresh citizens' hopes for policy relaxation,[30] but an NHFPC spokesman later clarified that the plan's call for "improving the family-planning policy" should not be viewed "as a renewed sign of relaxing the policy to allow for a second child"[31]—a hope held by many Chinese citizens.[32] The spokesman also restated that China would adhere to its basic family planning policies for the long term.[33]

Coercive Implementation

Chinese law prohibits officials from infringing upon the rights and interests of citizens while implementing population planning policies but does not define what constitutes a citizen's right or interest.[34] Chinese law reportedly does not stipulate punishment for officials who demand or implement forced abortion.[35] Furthermore, provincial-level population planning regulations in at least 22 of China's 31 provincial-level jurisdictions explicitly endorse the practice, often referred to as a "remedial measure" (*bujiu cuoshi*), as an official policy instrument.[36] Officials also reportedly continue to use other coercive methods—including forced abortion under arbitrary detention,[37] forced implantation of long-term birth control devices,[38] and forced sterilization[39]—to implement population planning policies.

OFFICIAL CAMPAIGNS

Language used in official speeches and government reports from jurisdictions across China continued to reflect an emphasis on strengthening enforcement measures with apparent disregard for restraint. Between October 2012 and July 2013, the Commission noted reports from at least eight provinces (Hubei,[40] Guangdong,[41] Anhui,[42] Shandong,[43] Henan,[44] Guizhou,[45] Hunan,[46] and Fujian[47]) using phrases such as "spare no efforts" (*quanli yifu* or *fenli*), "use all means necessary" (*qian fang bai ji*), "implement 'man-on-man' military tactics" (*shixing "rendingren" zhanshu*), "fight the family planning battle" (*dahao jisheng gongjianzhan*), and "assault and storm the fortifications" (*tuji gongjian*) to urge officials to implement family planning measures. The implementation measures promoted in these reports were harsh and invasive, including "remedial measures," the "two inspections" (intrauterine device (IUD) and pregnancy inspections),[48] the "four procedures" (IUD implants, first-trimester abortions, mid- to late-term abortions, and sterilization),[49] and the collection of "social maintenance fees."[50] For example, one report regarding population planning work in Gangkou town, Chongyang county, Xianning municipality, Hubei province,

recounted a local Party cadre's speech in which he urged officials to "overcome the slackening of efforts and war-weariness" and "continue to maintain a situation of high temperatures and high pressure" while implementing family planning work, which included the "four procedures."[51] Following his speech, 13 "team members" went into local villages to "find out the truth" on population planning compliance, implement "'man-on-man' military tactics," retrieve those who had "skipped town," and "take backwards villages by storm," according to the report.[52]

Representative Cases of Coercion
(Arranged by Province)

Between July and September 2012, authorities in 23 of China's 31 provincial-level jurisdictions published statements banning late-term[53] abortions.[54] Following the announcements, reports documented that officials in these jurisdictions continued to use forced late-term abortions to implement population planning policies:

• **Guizhou.** In July 2013, local family planning officials reportedly forced 18-weeks-pregnant Li Fengfei to the local family planning office for a forced abortion. After beating her and breaking one of her teeth, the officials reportedly forced her to fingerprint an abortion consent form and subsequently injected her with several medications to induce the abortion. The medications reportedly killed the fetus, but did not successfully induce labor. Nine days following the induction, reports indicated that Li remained in the hospital in critical condition, as her body had still not gone into labor.[55] According to a September ChinaAid report, authorities arrested Li on charges of embezzlement after she spread information about her forced abortion on the Internet.[56]

• **Hubei.** In May 2013, local family planning officials reportedly forced Zhang Yinping, who was six months pregnant with an "out-of-plan" child, to accompany them to the family planning office for an abortion. Following the surgery, Zhang reportedly suffered from severe hemorrhaging, which caused her to die the next day. Zhang's family reportedly protested at the family planning office following her death, and the county government mobilized public security personnel to stop the protest. Officials investigated the matter as a "medical accident" and ordered the surgery unit to suspend its practice.[57]

• **Anhui.** In March 2013, local family planning officials reportedly detained a woman surnamed Lu, who was seven months pregnant with an "out-of-plan" child, and took her to a local hospital for an abortion. Medical personnel at the hospital injected her with a substance that caused an abortion two days later.[58] In an interview cited in a March 25 ChinaAid report, Lu's husband said that the family was seeking compensation from the government.[59]

• **Shandong.** In October 2012, seven local family planning officials reportedly detained a woman surnamed Song who was six months pregnant with her third child. The officials took her to a hospital, stripped her, tied her down, confiscated her belongings, forced her fingerprint onto an abortion consent form, and injected her with a substance that caused an abortion. Reports noted that the experience caused her to suffer severe psychological trauma.[60]

Representative Cases of Coercion—Continued
(Arranged by Province)

Officials have also continued to implement forced contraceptive surgeries and sterilizations this reporting year:

• **Guizhou.** In February 2013, seven or eight local family planning officials took Nie Changmin to a local family planning office and forced her to undergo a sterilization procedure. Due to a mistake made during the procedure, Nie required several additional weeks of medical treatment in a nearby hospital. Nie reportedly had two "in-plan" daughters and subsequently had an IUD inserted, all in compliance with local regulations.[61]

• **Hubei.** In March 2013, local family planning officials visited the home of 42-year-old Shen Hongxia and her husband and threatened court action if she did not undergo a surgical sterilization. Shen's doctor had declared her medically unfit for sterilization, but she and her husband consented to further examination at the local family planning office. Instead of examining her, officials performed a sterilization surgery on her, resulting in her death.[62]

• **Henan.** In March 2013, local family planning officials ordered Wan Liqiao to pay a 6,000 yuan (US$980) "protection fee" to avoid having to undergo a tubal ligation after her third pregnancy. One day later, and before she could come up with the fee, officials forced her into a van and took her to the local family planning office, where they performed a tubal ligation surgery on her without prior medical examination (she has a rare blood type) and without obtaining her or her family's written consent.[63]

• **Yunnan.** In July 2013, local family planning officials took away Guo Xingcong for a sterilization procedure. Later the same day, his wife found him dead at the door of their home after apparently having been severely beaten. Officials reportedly claimed that he had committed suicide and buried the body quickly without the family's approval. According to Guo's family, even though he had never violated population planning policies, authorities had targeted him for years, demanding that he be sterilized and that he pay a fine of 10,000 yuan (US$1,633) for exceeding the birth quota.[64]

Punishments for Non-Compliance

Chinese authorities continued to use various methods of punishment and reward to manage citizens' compliance with population planning policies. In accordance with national measures,[65] local governments direct officials to punish non-compliance with heavy fines, termed "social maintenance fees" (*shehui fuyang fei*), which force many couples to choose between undergoing an unwanted abortion and incurring a fine much greater than the average annual income of their locality.[66] Furthermore, despite provisions in the PRC Population and Family Planning Law that prohibit infringements on citizens' personal, property, and other rights,[67] officials in some cases threatened or imposed job termination,[68] expulsion from the Communist Party,[69] and violence[70] for family planning violations. In past years, reports have documented officials' use of methods such as destruction of personal property and arbi-

trary detention to punish couples who did not comply with population planning policies.[71]

Authorities in some cases deny *hukous*—household registration permits—to children based on their parents' lack of compliance with local population planning policies. Children who are born "out-of-plan" may go without *hukous* until their parents pay the necessary "social maintenance fees" associated with their birth.[72] These children are commonly referred to as "illegal residents" (*heihu*)[73] and face considerable difficulty accessing social benefits typically afforded to registered citizens, including health insurance, public education, and pensions.[74] A December 2012 South China Morning Post report claimed that authorities in many Chinese cities also refuse to give *hukous* to "in-plan" newborns if their parents had not immediately implemented contraceptive measures following the birth.[75] [For additional discussion of China's *hukou* system, see Section II—Freedom of Residence and Movement.]

Demographic Consequences

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. Affected in recent decades by government restrictions on the number of births per couple, China's total fertility rate has dropped from 6.1 births per woman in 1949[76] to an estimated 1.55 births per woman in 2013,[77] resulting in a serious demographic imbalance with regard to China's growing elderly population and shrinking working-age population.[78] Chinese authorities continue to implement a ban[79] on "non-medically necessary sex determination and sex-selective abortion,"[80] which some people reportedly continue to practice[81] in response to government-imposed birth limits and in keeping with a traditional cultural bias for sons.[82] As a result of ongoing violations of the ban on sex-selective abortion, China's male-female ratio at birth is severely skewed.[83] While Chinese media reports that China's sex ratio at birth has decreased in the past few years,[84] according to the UN Population Division, it remains the highest in the world.[85] A 2010 study issued by the Chinese Academy of Social Sciences reported that by 2020, the number of Chinese males of marriageable age may exceed the number of Chinese females of marriageable age by 30 to 40 million.[86] Reports have also suggested a link between China's large number of "surplus males" and an increase in the trafficking of women and children for forced marriage or commercial sexual exploitation.[87]

Reports indicate that China's family planning policies and policy implementers have contributed in part to what the state-controlled Global Times has called China's "massive and lucrative baby market."[88] In one such case, state media reported in December 2012 that a family planning official in Anxi county, Quanzhou municipality, Fujian province, faced charges for selling four infants as part of a child laundering ring.[89] Another local government official in Quanzhou was implicated in the same ring for purchasing a baby boy with his wife.[90] A January 2013 Chinese investigative report uncovered a separate case of hospital, civil affairs, health bureau, and orphanage officials in Guixi city, Yingtan municipality, Jiangxi province, working together to illegally acquire babies from

local hospitals or elsewhere and place them for either domestic or international adoption at a profit.[91] An additional case emerged in August involving an obstetrician in Shaanxi province who allegedly convinced a mother to relinquish her newborn son, claiming he was seriously ill.[92] The doctor reportedly sold the healthy newborn for 21,600 yuan (US$3,528) one day after his birth.[93] Authorities detained the doctor and five other suspects, retrieved the baby from nearby Henan province, and launched an investigation into several similar cases connected to the same hospital.[94] For years, reports have indicated that Chinese children are viewed as commodities which yield considerable profit in adoption[95] or forced labor situations.[96]

Freedom of Residence and Movement

Freedom of Residence

The Chinese government continued to enforce the household registration (*hukou*) system, established in the 1950s.[1] Initially used to control migration of the rural population to China's cities, the *hukou* system has developed into a "mechanism determining one's eligibility for full citizenship, social welfare, and opportunities for social mobility."[2] The *hukou* system classifies Chinese citizens as either rural or urban and accordingly confers legal rights and access to social services.[3] The implementation of these regulations discriminates against rural *hukou* holders who migrate to urban areas by denying them equal access to public services and social security benefits, as well as equal social, employment, and educational opportunities.[4] China's *hukou* system conflicts with international human rights standards that guarantee freedom to choose one's residence and prohibit discrimination on the basis of "national or social origin[,] . . . birth or other status."[5]

Government officials and journalists estimate that there are between 170 and 260 million rural migrants living in cities;[6] these people face challenges accessing social services because they lack urban *hukous*. According to a 2013 survey commissioned by the National Development and Reform Commission (NDRC), nearly 45 percent of migrant workers living in cities reported not receiving social benefits, including health care and unemployment benefits.[7] In cities including Beijing, Nanjing, Shanghai, Xi'an, Hangzhou, and Zhengzhou, migrants (even those educated in the city) faced restrictions when seeking employment,[8] such as hiring policies favoring local *hukou* holders[9] or denial of employment due to lack of a local *hukou*.[10] Similarly, migrants working alongside local urban *hukou* holders reportedly received lower salaries for performing similar work.[11] Moreover, children of migrants continued to be denied equal access to urban public education and higher educational opportunities.[12] Government efforts toward urbanization have fostered anger among rural residents[13] at the same time that competition for public resources and systemic discrimination stemming from the *hukou* system has exacerbated tensions between urban and rural residents.[14]

As in recent years, high-level officials and state-run media continued to emphasize the need for *hukou* reform as a part of a larger urbanization policy, and China's new leadership appeared to prioritize this urbanization policy with an aim to spur economic growth.[15] In May 2013, Premier Li Keqiang announced that a reform plan will be unveiled in late 2013 that will clarify the timing of proposed reforms and push "improvements to public services and the social security system."[16] In December 2012, the NDRC indicated that *hukou* reform, along with "improving" the land management system and research on measures to push the "urbanization" of rural migrants, would be accelerated in 2013.[17] One expert predicted that these reforms would provide "specific administrative measures" to clarify application criteria for urban *hukous*.[18] According to a June 2013 report on urbanization development delivered by the head of the NDRC, Xu Shaoshi, the government should "gradually tear down household registration obstacles to facilitate

the orderly migration of people from rural to urban areas."[19] An August 2012 report by the Chinese Academy of Social Sciences stressed the difficulty of incorporating an estimated 500 million rural residents into urban society over the next 20 years in part because of the increasing need for limited resources.[20] Scholars and journalists have expressed reservations about the central government's approach to *hukou* reform, citing local government opposition to the financial burden an influx of rural migrants would impose on public services and infrastructure.[21]

The Commission noted in its 2012 Annual Report a February 2011 State Council General Office circular outlining a series of reforms including relaxing *hukou* registration standards in county- and prefectural-level cities, prohibiting coercive requisition and conversion of rural residents' land in exchange for urban *hukous*, and prohibiting any future policy attempting to use *hukou* status as a prerequisite for access to social services.[22] During the 2013 reporting year, several prefectural- and provincial-level jurisdictions released implementation plans and opinions with respect to the circular.[23]

The Commission has observed implementation and expressions of intent to implement *hukou* reform in the 2013 reporting year with varying degrees of reception and success. In November 2012, the Ministry of Education expressed its intention to broaden education access to children of migrants and other non-residents in urban areas.[24] Some local governments continued to relax *hukou* restrictions consistent with ongoing reform efforts. Beijing, Guangzhou, and Shanghai municipalities issued measures to expand and promote equal access to educational opportunities for children of migrants.[25] Despite efforts like these, thousands of migrant children continued to be prohibited from taking entrance exams in their locations of residence and returned to their hometowns to take these exams.[26] In April 2013, authorities in Wuhan municipality, Hubei province, issued an opinion that allows college graduates who have been employed in Wuhan within two years following graduation to apply for a local *hukou*.[27] In May 2013, Shanghai authorities issued measures that provided a points system designed to allow non-Shanghai residents to apply for a residence permit (*juzhu zheng*) if they meet certain criteria. The measures went into effect in July.[28] In May 2013, Guangzhou municipal authorities issued measures to abolish *hukou* classifications and incorporate all residents under a single uniform *hukou* classification by 2014.[29] At the provincial level, the Guangdong provincial government continued to promote a work plan calling for all residents of Guangdong province to be included under a single uniform *hukou* classification by 2014.[30] The actual implementation and results of these policies remain unclear.

International Travel

Chinese officials continued to deny citizens who criticize the government 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, including his own."[31] Under Article 12, countries may restrict this right but only

in narrow circumstances to protect national security and certain other public interests.[32] Chinese law allows officials to bar those who threaten state security from leaving the country,[33] but in practice officials target a much broader range of activity, including the expression of views critical of the government, or having a family association with individuals expressing such views.[34] A February 2013 article in the New York Times compared the Chinese government's use of passport restrictions on political opponents to the practices of the former Soviet Union.[35] The number of Chinese subject to these restrictions reportedly has jumped in recent years, and human rights groups estimate that at least 14 million people may be affected.[36] Restrictions reportedly fall heaviest on Tibetans and Uyghurs, with the U.S. State Department reporting that members of these groups "experienced great difficulty acquiring passports."[37] Tsering Woeser, the noted Tibetan writer, told the New York Times that authorities feared these ethnic minorities, once abroad, would expose harsh ethnic policies or interact with exile groups.[38] In March 2013, authorities blocked Woeser, who has been documenting Tibetan self-immolations, from traveling to the United States to receive the U.S. Department of State's International Women of Courage Award.[39] In February, public security officials prevented Ilham Tohti, the Uyghur academic and advocate for the reform of ethnic minority policies, from traveling to the United States for a fellowship at Indiana University.[40]

During the 2013 reporting year, there continued to be numerous reports of political advocates and their family members being denied exit from China or access to passports. In April 2013, police prevented prominent legal scholar and rights advocate Xu Zhiyong from traveling to Hong Kong to attend a legal symposium.[41] According to a February 2013 report, officials prevented the wife of imprisoned democracy advocate Liu Xianbin from obtaining her passport without explanation.[42] Authorities also prevented the daughter of democracy advocate Lu Gengsong from traveling to Hong Kong in July 2013.[43] The Chinese government granted passports to the brother and mother of legal advocate Chen Guangcheng on the eve of a meeting between President Barack Obama and President Xi Jinping in June 2013, after repeatedly denying their earlier passport requests.[44]

Domestic Movement

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 and freedom to choose his residence."[45] Chinese authorities continue to violate this right by restricting the domestic movement of rights advocates[46] and their families[47] as a form of harassment, frequently under the guise of "stability maintenance."[48] A combination of police and guards reportedly confined Liu Xia, the wife of imprisoned Nobel Peace Prize laureate Liu Xiaobo, to her home without a legal basis, a situation that has persisted for more than two-and-a-half years since her husband was awarded the prize in 2010.[49] Roughly two dozen police guarded the home of Feng Zhenghu, a Shanghai human rights activist, and enforced his extralegal home confinement for 268 days from February to Novem-

ber 2012. During that time Feng was allowed to leave his home only for police interrogations.[50] Public security officials unlawfully confined prominent legal scholar and rights advocate Xu Zhiyong to his home for three months after police officers stopped him in the airport to prevent him from traveling to Hong Kong in April 2013.[51] Authorities increased restrictions on freedom of movement during politically sensitive periods this past year, including the 18th National Congress of the Chinese Communist Party in November,[52] the March meetings of the National People's Congress and the Chinese People's Political Consultative Congress,[53] and the anniversary of the 1989 Tiananmen protests on June 4.[54] For example, public security officials held Hubei-based rights defender Liu Feiyue in a hotel and only allowed him out for meals throughout the 18th Party Congress,[55] while shifts of three to four guards monitored Anhui activist Wang Yixiang 24 hours a day around June 4.[56]

STATUS OF WOMEN

Women's Political Decisionmaking

Through its international commitments and domestic laws and policies, the Chinese government has committed to ensure gender-equal political participation; however, women remained underrepresented in government and Communist Party positions after leadership changes during this reporting year. In accordance with its commitments under the Convention on the Elimination of All Forms of Discrimination against Women,[1] the Chinese government has passed several laws[2] and policy initiatives[3] to promote gender equality in government. According to one UN expert, "Gender balance in public administration ensures that a wide enough range of perspectives are consulted in policymaking to make tangible contributions to sustainable development."[4] During the Commission's 2013 reporting year, female representation increased slightly at the highest levels of the central government but decreased in the Communist Party, and continued to fall far short of the 30 percent target that China has agreed to under international standards.[5] During the November 2012 meeting of the 18th Party Congress, the Communist Party appointed a new set of leaders for its top decisionmaking bodies, the Political Bureau of the Communist Party Central Committee (Politburo) and the Politburo Standing Committee. Men continued to hold all seven positions[6] in the Politburo Standing Committee, as has been the case since the Party's establishment in 1949.[7] Women held 2 out of 25 positions in the Politburo, up from 1 in the previous 17th Party Congress in 2007.[8] Female members in the 205-person Communist Party Central Committee decreased from 13 to 10,[9] but the ratio of female to male delegates to the 18th Party Congress increased to 23 percent, up from 20 percent in the previous congress.[10] Similarly, the percentage of female delegates to National People's Congresses has shown little growth since the early 1970s.[11] In March 2013, the government appointed a new set of ministers to the State Council, with women holding 2 out of 35 ministerial-level positions, down from 4 in the previous State Council.[12] On the 10-person State Council Standing Committee there is now 1 female vice premier, Liu Yandong.[13]

Women's participation in decisionmaking at the village level remains low, underscoring long-held concerns about protection of rural women's rights and interests. Women reportedly led only 2.7 percent of local village committees as of November 2012.[14] Women's rights advocates have continued to raise concerns regarding violations of women's land use rights in rural areas due in part to unlawful village rules and agreements,[15] rapid urbanization,[16] and low female representation in village committees.[17]

Gender-Based Discrimination

EMPLOYMENT DISCRIMINATION

China has committed under international standards to taking "all appropriate measures to eliminate discrimination against women in the field of employment,"[18] yet women in China's workforce continue to face many forms of discrimination. Several studies

and reports released this year showed that gender discrimination in recruitment remained widespread and may have even increased,[19] in some cases due to perceptions about gender differences in physical and mental capacities[20] and in other cases due to women's "pregnancy potential."[21] Reports also highlighted the intrusive gynecological examinations and related questioning that women face when applying for civil service positions.[22] An October 2012 study documented continued and significant wage discrimination in favor of men,[23] and Chinese law continues to subject women to mandatory retirement 5 to 10 years earlier than men.[24] China's first local regulations on gender equality took effect in Shenzhen municipality, Guangdong province, in January 2013,[25] and, in February, China Daily reported that authorities in Beijing municipality released similar draft regulations for public comment.[26] Such local provisions, if implemented, could fill significant gaps in national-level legislation as they stipulate punishments for employers who engage in discriminatory hiring practices.[27] In January 2013, a company in Guangzhou municipality, Guangdong, paid the first reported compensation in a gender discrimination case in China after the local department of human resources and social security investigated Wen Yuxuan's (alias) complaint that recruiters denied her job application based on her gender. The case was resolved in mediation, and the company reportedly paid Wen 601 yuan (US$97) and issued an apology, but did not appear to offer her a job.[28]

EDUCATION DISCRIMINATION

Gender-based discrimination remains a barrier for some young women pursuing a university education in China, despite provisions in the PRC Education Law that prohibit discrimination on several grounds including gender.[29] Reports indicate that universities across China continue to implement long-administered gender quotas that require women to score higher than men on the college entrance exam (*gaokao*) for acceptance into certain majors.[30] Advocates for gender equality in education reportedly filed an Open Government Information request in July 2012, asking the Ministry of Education to clarify which majors are permitted to have gender quotas for enrollment.[31] In response, the Ministry of Education reported that gender quotas are permitted in military and national defense, marine and mining, and some less-commonly studied foreign language majors.[32]

Violence Against Women

DOMESTIC VIOLENCE

Domestic violence is prohibited and punishable under Chinese law,[33] yet the problem of domestic violence in China remains widespread.[34] Current national-level legal provisions regarding domestic violence leave many victims unprotected by prohibiting domestic violence without defining the term or clarifying the specific responsibilities of public and private sector organizations in prevention, punishment, and treatment.[35] As of December 2012, 28 provincial-level jurisdictions and more than 90 cities across China had instituted local anti-domestic violence regulations or policies that ad-

dress gaps in national-level legislation.[36] Amid several high-profile domestic violence cases involving women and children this year,[37] Chinese advocates continued calls for national-level legislation that specifically addresses domestic violence.[38] China's 2012–2015 National Human Rights Action Plan, issued in June 2012, included the goal to "formulate" a domestic violence law.[39] State media also reported in 2012 that domestic violence would be on the National People's Congress legislative agenda in 2012,[40] but no drafts appear to have been made publicly available.[41] A January 2013 Legal Daily article reported that the Supreme People's Court (SPC) plans to issue standardized documents to guide adjudication in domestic violence criminal cases. The article did not provide a timeline for the release of these documents, but reported that the SPC had set up pilot programs and trainings in six courts around the country to strengthen trial procedures in criminal cases involving domestic violence.[42] A January 2013 Caixin Media report also noted that Chinese courts have issued 200 protection orders since pilot programs on civil law protection orders began in 2008.[43] Other Chinese state media and non-governmental organization (NGO) articles indicate, however, that many courts and law enforcement officials continue to treat reports of domestic violence as a private family matter and do not take legal action in response to those reports.[44]

SEXUAL VIOLENCE

Women and children subjected to sexual violence[45] in China face difficulties defending their rights. Reports regarding officials' or their associates' involvement in sexual violence against women and girls continued to emerge during the Commission's reporting year, igniting public fury at the lack of transparency and abuse of power displayed among China's elite.[46] The May 2013 case of an official and a primary school principal sexually assaulting six primary school girls overnight at a hotel in Hainan province,[47] as well as several similar cases reported shortly thereafter,[48] exposed loopholes in China's criminal law that protect perpetrators from the more serious charges of rape if they claim the act was consensual or if money was involved.[49] Authorities beat and detained women's rights activist Ye Haiyan after she carried out a peaceful protest outside of the Hainan principal's school.[50] In response to these sexual abuse cases, a group of women lawyers from across China reportedly joined together to provide legal assistance to victims of sexual abuse.[51]

Sexual harassment, considered a form of violence against women under international standards,[52] is prohibited under Chinese law;[53] however, due in part to the lack of a clear legal definition and standards for prevention, reporting, and punishment,[54] legal experts continued calls this year for strengthened legislation on the issue.[55] Chinese media reporting on sexual harassment this year included a survey showing a perceived increase of sexual harassment in urban areas,[56] a case of sexual harassment involving Foxconn employees,[57] and a case implicating a Guangdong province official.[58]

STATE-AUTHORIZED VIOLENCE AGAINST WOMEN

Officials in localities across China also continue to employ other forms of coercion and violence against women—including forced abortions, forced sterilizations, and forced contraceptive use—in their enforcement of national and local population planning policies, in contradiction with international standards to which China has agreed.[59] Chinese law leaves women unprotected against such abuses; for even though it prohibits officials from infringing upon citizens' rights and interests during population planning implementation, the law does not define what constitutes a citizen's right or interest,[60] nor does it stipulate punishments for violations.[61] Women engaging in sex work in China also report suffering frequent violence at the hands of authorities, including beatings and other forms of physical abuse, in order to coerce confessions.[62] Although sex work is illegal under Chinese law,[63] authorities are not permitted to use physical violence or abuse against suspects when enforcing these laws.[64] According to a joint report issued by several international non-governmental organizations regarding the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, in China "[w]omen have few avenues for pursuing rights claims when their rights and interests conflict with those of the government or its officials, or when discriminatory treatment they have suffered is perpetrated by a government agency. . . . [T]he absence of legal remedies and restrictions on freedom of association and expression leave women with little opportunity for challenging lack of government action or violations of their own rights."[65] [For additional information on violence against women in the implementation of population planning policies, including specific case examples, see Section II—Population Planning.]

HUMAN TRAFFICKING

Trends

China remains a country of origin, transit, and destination for the trafficking of men, women, and children, as defined under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol).[1] The majority of trafficking cases are domestic;[2] however, human traffickers continue to traffic women and children from China to countries around the world.[3] Women and girls also continue to be trafficked into China from countries across Asia, as well as from the Americas, Europe, and Africa, for the purpose of forced marriage, forced labor, and sexual exploitation.[4] Cases of men and children in China working under forced or otherwise exploitative labor conditions that constitute human trafficking under the UN TIP Protocol[5] also emerged during the Commission's 2013 reporting year.[6] The full extent of the forced labor problem in China remains unclear, as the Chinese government has not traditionally released statistics on forced labor or trafficking of male victims.[7] [See Section II—Worker Rights for more information on cases of forced labor and child labor this year.]

Anti-Trafficking Efforts

Since its accession to the UN TIP Protocol in 2009,[8] the Chinese government has steadily taken steps, in concert with other country governments[9] and international non-governmental organizations,[10] to revise domestic legislation, policies, and anti-trafficking efforts to come into compliance. For example, in 2011, the National People's Congress Standing Committee issued a revised PRC Criminal Law strengthening provisions on forced labor.[11] In January 2013, the State Council took an additional step to bring government efforts into compliance with international standards by issuing the China Action Plan to Combat Trafficking in Persons (2013–2020),[12] which is a revised version of its predecessor, the China Action Plan to Combat Trafficking in Women and Children (2008–2012).[13] The new Action Plan appears to contain some improvements in terminology and objectives, and clearly lays out which government agencies are responsible for implementation.[14] It remains to be seen whether the State Council has provided adequate resources and training to local authorities for implementing the plan's objectives.

Chinese authorities took limited steps this year to improve prevention, protection, and services for victims of trafficking, but did not release detailed information on the services provided or the number of victims identified and assisted.[15] Chinese officials reportedly established two shelters dedicated to assisting foreign trafficking victims in Yunnan and Guangxi provinces, but did not provide data on the number of victims assisted at these shelters or the types of services provided there.[16] While the government reportedly maintained four nationwide anti-trafficking hotlines,[17] continued training for law enforcement officials,[18] and stepped up efforts to cooperate with the governments of bordering countries such as Laos[19] and Burma,[20] it is difficult to assess China's progress in anti-trafficking efforts, as the government does not release data on

the overall number of victims identified or assisted.[21] After nine consecutive years on the Tier 2 Watch List, China was in June automatically downgraded to Tier 3, the lowest tier ranking, in the U.S. State Department's annual Trafficking in Persons (TIP) Report.[22] The U.S. State Department's 2013 TIP report stated that China has been "deemed not to be making significant efforts to comply with the minimum standards [for the elimination of trafficking]."[23] As a Tier 3 country, China could be subject to certain U.S. government sanctions and penalties.[24]

Notable Changes in China's 2013–2020 Anti-Trafficking Plan of Action

General:

- Broadens the Chinese term for trafficking from "abduction and sale of women and children" (*guaimai funu ertong*) to "abduction and sale of persons" (*guaimai renkou*).[25]
- Presents "protecting China's international image" (*weihu woguoji xingxiang*) as one of the plan's guiding principles.[26]
- Calls for increased cooperation with UN organizations[27] and cites carrying out the UN TIP Protocol as one of the plan's objectives.[28]
- Urges all levels of government to factor implementation funds into their budgets and to seek funding for anti-trafficking work from a variety of channels, including donations from civil society organizations, corporations, and individual donors, as well as international aid.[29]
- Calls for improvements to China's current laws, regulations, and policies to support anti-trafficking work. Specifically, the plan calls for revisions that will strengthen prosecution of buyers;[30] practically protect victims' lawful rights and interests;[31] and improve regulations regarding temporary and permanent guardianship for children.[32]

Prevention:

- Calls for strengthening population planning services and management, while reducing unplanned pregnancies and "out-of-plan" births as preventative measures in key regions of human trafficking.[33] (The Commission notes that the Chinese government's usage of the term "human trafficking" here includes illegal adoption.[34])
- Calls for the regulation of marriage registration and of adoption channels.[35]
- Calls upon specific government departments and the All-China Women's Federation to "comprehensively tackle" China's sex ratio imbalance;[36] revise local regulations and launch trainings to protect women's rights and interests and promote gender equality;[37] eliminate traditional notions of female inferiority and continuance of the family line (through male heirs);[38] improve girls' education;[39] and guarantee rural women's right to gender-equal land contracts, land distribution, compensation for land expropriation, and collective profit distribution.[40]
- Calls for greater awareness, education, and training, including adding anti-trafficking material to primary, middle, and secondary school curricula[41] and strengthening public education campaigns in border areas.[42]

Notable Changes in China's 2013–2020 Anti-Trafficking Plan of Action—Continued
Protection:[43] • Clarifies responsibilities and calls upon officials not to abandon or cease investigations in child abduction cases;[44] clarifies procedures for rescued children; and calls for the use of China's Anti-Trafficking DNA Database to help match parents with rescued children. • Calls for an "assistance and protection mechanism for vagrant minors," with reliance on experts in social work and other fields for services, including psychological counseling, behavioral correction, cultural education, skills training, and employment assistance.[45] • Expands available rehabilitation services—such as employment skills training, guidance, and networking—to adult male trafficking victims.[46] The previous plan had limited these employment services to women and minors over age 16.[47]

Anti-Trafficking Challenges

Additional revisions are needed to bring China's domestic legislation into compliance with the UN TIP Protocol.[48] For example, while the PRC Criminal Law prohibits human trafficking,[49] its provisions do not appear to cover all forms of trafficking, such as certain types of non-physical coercion[50] and the commercial sex trade of minors.[51] Nor does the definition of trafficking provided under Article 240 of the PRC Criminal Law clearly include offenses against male victims,[52] although other articles in the same law address some aspects of these crimes.[53] Each of these forms of trafficking are covered under Article 3 of the UN TIP Protocol.[54] The PRC Criminal Law's trafficking definition is also overly broad in some aspects compared with the UN TIP Protocol, as it includes the purchase or abduction of children for subsequent sale without specifying the end purpose of these actions.[55] Due to these key inconsistencies between the Chinese legal definition and international standards on human trafficking, Chinese official reports and statistics on trafficking cases[56] do not provide an accurate picture of the number of trafficking cases being handled through the criminal justice system in China.[57]

Several Chinese media reports in the past year highlighted cases involving the purchase and sale of children—misidentifying them as "trafficking" cases—and indicated that a significant amount of "anti-trafficking" work in China remains focused on these types of cases.[58] Under the UN TIP Protocol, the purchase or abduction of children for subsequent sale constitutes trafficking only if the end purpose of the sale is exploitation, such as sexual exploitation, labor, or servitude.[59]

In addition, Chinese officials' anti-trafficking work reflects a continued misalignment with international standards, especially in officials' conflation of human trafficking with human smuggling and their subsequent treatment of trafficking victims as criminals.[60] According to the UN Office on Drugs and Crime, the main international body responsible for implementing the UN TIP Protocol, "human trafficking" and "migrant smuggling" mainly differ with respect to consent, exploitation, and transnationality.[61] Commonly,

human trafficking involves the exploitation of an individual (either domestically or after they have crossed borders) without the individual's consent, or if the individual initially consented, the consent was "rendered meaningless by the coercive, deceptive, or abusive actions of the traffickers," whereas migrant smuggling involves the cross-border transport of an individual with the individual's consent and ends when the migrant arrives at his or her destination.[62] In conflating the two, Chinese officials may consider an individual's illegal entry into China to be a crime of "human smuggling" and punish the individual accordingly, while giving less consideration to the role exploitation may have played in the border crossing.[63] The Chinese government continues to deport all undocumented North Koreans as illegal "economic migrants" and does not provide legal alternatives to repatriation for foreign victims of trafficking.[64] [For more information, see Section II—North Korean Refugees in China.]

Risk Factors

Chinese and international experts link China's ongoing human trafficking problem to several political, demographic, economic, and social factors. Reports indicate that China's sex ratio[65]—which has become severely skewed against the backdrop of China's population planning policies and Chinese families' preference for sons[66]—has increased the demand for trafficking of women for forced marriage and commercial sexual exploitation.[67] A 2010 study issued by the Chinese Academy of Social Sciences reported that, by 2020, the number of Chinese males of marriageable age may exceed the number of Chinese females of marriageable age by 30 to 40 million.[68] In recent years, domestic and international observers have also linked China's trafficking problem with a lack of awareness among potential victims, lack of education on trafficking prevention for vulnerable women and parents,[69] challenging conditions in bordering countries such as poverty and limited job opportunities in Burma and the Democratic People's Republic of Korea,[70] and corruption among Chinese law enforcement officials.[71] [For additional information on China's skewed sex ratio, see Section II—Population Planning.]

Representative Human Trafficking Cases
From the 2012 Reporting Year
(Arranged by Province)

• **Guangdong.** In October 2012, officials in Guangdong province reportedly rescued four Colombian women who had been forced into sex work during a raid on local entertainment venues.[72] The women had reportedly been trafficked into China by a criminal syndicate operating out of Colombia. The case raised concerns that trafficking syndicates are choosing new countries of origin as other countries' anti-trafficking efforts have strengthened.[73]

Representative Human Trafficking Cases
From the 2012 Reporting Year—Continued
(Arranged by Province)

• **Guangdong.** In December 2012, an Internet user posted on Sina Weibo that an employer from Dongguan city, Guangdong province, had lured seven Chinese female students between the ages of 11 and 14 into a van in Shaojue county, Sichuan province, to work in his toy factory. The post spread quickly on the Internet, with citizens across China pressuring the Shaojue government to take action. The Shaojue government investigated the case and reported that the girls were "living well, under safe conditions," but that authorities would retrieve them and return them to school as soon as their whereabouts were confirmed.[74]

• **Guangdong.** In January 2013, a Vietnamese anti-trafficking worker and a Vietnamese policeman posed as tourists and rescued two Vietnamese girls, ages 17 and 19, from a brothel in Guangdong province. The girls had reportedly been "kidnapped, severely beaten, raped and sold" into sexual exploitation by members of an organized syndicate.[75]

• **Yunnan.** A December 2012 report released by international non-governmental organization TrustLaw highlighted the cases of three Burmese women whom traffickers lured into China with false promises of employment and subsequently sold into marriage to Chinese men. One of the women was trafficked as a minor and reported that she had lived in a village in Yunnan for nearly five years and had given birth to two children. She reported that there were many Burmese women in forced marriages in nearby villages in the area.[76]

• **Jilin, Heilongjiang, etc.** In September 2012, police in Jilin province reportedly arrested four North Koreans and one Chinese man for luring 12 North Korean women into China, forcing them to perform sexual services for clients via the Internet, and then selling the women to buyers in Heilongjiang province and other parts of China.[77] Police reportedly rescued and later repatriated all 12 victims to North Korea, where, according to North Korean sources cited in a Chosun Ilbo report, they will face torture or death.[78]

North Korean Refugees in China

Unlawful Repatriation

During the Commission's 2013 reporting year, the Chinese government continued to detain and repatriate North Korean refugees to the Democratic People's Republic of Korea (DPRK), despite the severe punishments refugees reportedly face once returned. The Chinese government maintains that North Korean refugees in China are illegal economic migrants [1] and continues its repatriation policy based on a 1961 treaty with the DPRK and a subsequent 1986 border protocol.[2] China's repatriation of North Korean refugees, including those who leave the DPRK for fear of persecution, contravenes its international obligations under the 1951 UN Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol, to which China has acceded.[3] While there is no reliable information available on the number of North Korean refugees living in China—Chinese authorities do not release information on refugees, nor do they permit the Office of the UN High Commissioner for Refugees to operate along China's northeastern border with the DPRK—international scholars and media estimate the total number is currently between 11,000 and 50,000.[4]

During this reporting year, the Chinese government appeared to strengthen measures to stem the flow of North Korean refugees into China, including increasing security along the North Korean border and continuing campaigns to seek out and repatriate refugees.[5] Sources cited by Chinese and South Korean media reported that authorities in Yanbian Korean Autonomous Prefecture, Jilin province, initiated a program in March offering financial rewards of up to 2,000 yuan (US$326) to Chinese citizens who provide information leading to the arrest of refugees.[6] According to official reports, the program specifically aimed to "stop the illegal transboundary criminal situation at Yanbian . . . and strike at illegal border crossers." [7] Chinese villagers living in Yanbian attested to the success of such programs, stating that the number of refugees in the area had decreased significantly in comparison to previous years.[8] While trans-border criminal activity, including drug and human trafficking, remains a serious concern,[9] Chinese security officials do not distinguish between criminals and refugees, leaving North Koreans who enter China as asylum seekers and refugees at risk of detention and repatriation.

International media reports also indicate Chinese authorities continued to collaborate with North Korean security officials, allowing them to operate within China to apprehend North Korean refugees and disrupt organizations that attempt to assist them.[10] Sources cited by South Korean media noted the presence of North Korean security agents at places commonly frequented by North Koreans in China.[11] One report further stated that four North Koreans were detained and repatriated by North Korean security agents near Shenyang municipality, Liaoning province, in late 2012.[12] According to human rights and refugee advocates, coordinated efforts by China and North Korea have made it increasingly difficult for refugee advocates to operate on both sides of the border.[13] In January 2013, the South Korean Ministry of Unification announced the number of refugees reaching South Korea dropped

in 2012 by 50 percent to 1,508 compared with 2,706 in 2011.[14] Experts suggest China's tougher border security and crackdowns were in part responsible for the decline.[15] As of July 2013, the number of refugees entering South Korea was slightly higher than for the same period in 2012.[16]

Punishment in the DPRK

North Koreans forcibly repatriated by the Chinese government face the threat of imprisonment, torture, and capital punishment in the DPRK.[17] Under North Korean Criminal Law, citizens who leave the country without official permission can receive sentences of up to two years' imprisonment in a "labor-training camp."[18] The North Korean Ministry of Public Security adopted measures in 2010 making defection a crime of "treachery against the nation," carrying a sentence of no less than five years' imprisonment.[19] North Koreans sentenced to prison terms reportedly face a combination of forced labor, physical abuse, and induced malnutrition that results in a high number of deaths in detention.[20] According to interviews with former refugees, the severity of interrogation, torture, and other punishments repatriated North Koreans face depends on North Korean authorities' assessments of their conduct while outside the country.[21] North Korean authorities dispense harsher punishment, including long sentences and possible execution, to repatriated North Koreans deemed to have committed "political" crimes, which include attempted defection; conversion to Christianity; exposure to South Korean culture; and contact with religious groups, South Koreans, or Americans.[22] According to most recent estimates, North Korea's prison population is believed to be between 80,000 and 120,000 people.[23]

The North Korean government's imprisonment and torture of repatriated North Koreans renders North Koreans in China refugees "sur place," or those who fear persecution upon return to their country of origin.[24] Under the 1951 Convention and its 1967 Protocol, China is obligated to refrain from repatriating refugees "sur place." China is also obligated under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating refugees if there are "grounds for believing that they would be in danger of being subject to torture."[25]

North Korean Women and Trafficking

Lacking legal status and under constant threat of forced repatriation, North Korean women who stay in China and do not travel directly to a third country remain vulnerable to abuse, trafficking, and exploitation. Independent experts estimate a majority of North Korean refugees in China are women, of which some have been trafficked into forced marriages or commercial sexual exploitation.[26] Traffickers have used false promises to lure North Korean women into China and in some cases have resorted to kidnapping.[27] In some regions of northeast China, particularly in rural areas, a shortage of marriageable women has created a market for trafficked North Korean brides.[28] Some women reportedly have

been sold and resold multiple times, and trafficked North Korean women have testified to being beaten and sexually abused.[29]

The Chinese government's repatriation of trafficked North Korean women contravenes the 1951 Convention and its 1967 Protocol.[30] China is obligated under Article 7 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol) to "consider adopting legislative or other appropriate measures that permit victims of trafficking to remain in its territory, temporarily or permanently . . . giving appropriate consideration to humanitarian and compassionate factors."[31] [See Section II—Human Trafficking for more information.]

Children of North Korean and Chinese Parents

Children born to North Korean women and Chinese men are increasingly being raised in China in households where either the mother or both parents are absent.[32] In some instances, Chinese authorities repatriate North Korean mothers to the DPRK, while others flee to South Korea or other parts of China.[33] One demographic study published in 2013 estimated the population in northeast China of children born to North Korean women and Chinese men since the late 1990s was between 15,000 and 25,000.[34] Several experts and academic studies contend household registration (*hukou*) policies have changed in recent years to allow for a greater majority of children born to North Korean women in China to obtain official documentation needed to attend public school and gain access to other social services.[35] Despite these changes, general poverty and the continued threat of repatriation leaves these children and their families at risk.[36] China's repatriation policy is in violation of its international obligations under the Convention of the Rights of the Child, which prohibits separating children from their mothers.[37]

PUBLIC HEALTH

Public Health Challenges

The Chinese government's oversight of and response to public health matters came into sharp focus during the Commission's 2013 reporting year with an outbreak in March of the H7N9 avian influenza.[1] Despite initial questions about possible delays in government reporting,[2] international experts favorably assessed the Chinese government's response to the outbreak and its coordination with international health agencies,[3] and remarked on China's overall progress in building an infrastructure for emergency response to epidemics since the Severe Acute Respiratory Syndrome (SARS) outbreak in 2003.[4] Adverse health effects of environmental pollution continue to be a public health challenge in China;[5] research studies published in 2013 confirmed links between water pollution and higher cancer rates along the Huai River,[6] and between air pollution and shorter life spans in north China.[7] In addition, citizens' increasing concerns over food safety[8] and the quality of medical care[9] have "eroded trust in the government's ability to regulate state and private enterprises and protect public health."[10] Some government officials and a state-run media outlet reportedly have attempted to censor information[11] or deny the severity of the public's concerns.[12]

Institutional and Legislative Developments

During the annual meetings of the National People's Congress and the Chinese People's Political Consultative Conference (CPPCC) in March 2013, the State Council announced the merger of the Ministry of Health (MOH) and the National Population and Family Planning Commission into the National Health and Family Planning Commission, as a part of its larger governmental restructuring plan.[13] At least 90 medical professionals from the CPPCC reportedly disapproved of the change and the lack of public consultation over the selected name, arguing that the name "Ministry of Health" should be kept as is, since population planning is only one part of the larger public health system.[14] Dr. Huang Jiefu, then-MOH Vice Minister, reportedly commented that using the combined name might cause China to "encounter difficulties" in its international exchanges,[15] because of international controversy over China's population planning policy.[16] [For further information on the organizational merger, see Section II—Population Planning.]

China's first-ever Mental Health Law (MHL) became effective on May 1, 2013,[17] and aims to "expand access to mental health services," though one international expert noted that the MHL does not sufficiently address the "stigma associated with mental illness" and the "low rate of care-seeking."[18] A Chinese civil society report released in mid-May 2013 highlighted concerns with rights protections in the new MHL for persons with mental illness, such as guardians' legal authority in the commitment process and the lack of a guaranteed right to appeal hospitalization.[19] Discrepancies between the MHL and national and local legislation, according to the U.S.-based Dui Hua Foundation, create "the potential for continued use of abusive psychiatric commitment against petitioners, dis-

sidents, and others deemed to threaten China's social and political order."[20] Local Chinese officials reportedly committed a petitioner from Hunan province, Zhang Zhi, to a psychiatric facility sometime around October 31, 2012,[21] despite passage of the MHL in October 2012.

Strengthening the rights of persons with disabilities continued to be an ongoing legislative focus in China.[22] In February 2013, the State Council Legislative Affairs Office released a draft revision of the 1994 Regulations on Education for Disabled Persons for public comment.[23] Chinese and international non-governmental organizations (NGOs) submitted recommendations and comments in response, many of which incorporated input from Chinese disability rights advocates and persons with disabilities.[24] Human Rights Watch noted in its submission that use of "reasonable accommodation" in the draft, a term that promotes the right to equality for persons with disabilities,[25] lacks the clarity needed to comply with the Convention on the Rights of Persons with Disabilities (CRPD) standard of "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden . . . to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms."[26] Chinese domestic organizations raised a concern that the local-level advisory committees, which are responsible for assessing students, do not require the inclusion of legal experts, or disabled persons and their representatives.[27] In addition, these organizations identified potential problems with mechanisms to remedy parent grievances.[28] The UN committee that reviewed China's compliance with the CRPD in September 2012 recommended that the Chinese government "reallocate resources from the special education system to promote . . . inclusive education in mainstream schools, so as to ensure that more children with disabilities can attend mainstream education."[29]

Rights Protection and Health-Based Discrimination

China's existing legislative framework prohibits health-based discrimination,[30] yet discrimination in employment,[31] access to medical treatment,[32] and access to education[33] continued during the 2013 reporting year, partially due to a lack of compliance with the laws[34] and inconsistencies between national laws and local regulations.[35] A 2012 National People's Congress report found that, between 2007 and 2011, government departments in 29 provinces had hired a total of only 92 persons with disabilities for civil servant jobs, far below the government's mandated provision that 1.5 percent of government and private enterprise jobs go to persons with disabilities.[36] In spite of compulsory education regulations and rights protections for disabled persons, official Chinese statistics from 2010 estimate only 71 percent of children with disabilities attend school.[37]

Employment: During the 2013 reporting year, NGOs and disability rights advocates continued to focus attention on physical eligibility standards that have been used to refuse employment to persons with disabilities and those living with infectious diseases.[38] In a November 2012 letter to the State Council Legislative Affairs Office, a group of lawyers wrote that discriminatory provisions in

the Civil Servant Recruitment Physical Examination Standards contravene the Chinese Constitution's protection of citizens' right to work.[39] A local court reportedly upheld a decision that cited state secrets as the reason to refuse an application for open government information on the number of civil servants with disabilities.[40] As a State Party to the UN Convention on the Rights of Persons with Disabilities, China has agreed to "take appropriate measures to employ teachers, including teachers with disabilities" and "[p]rohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment."[41] Although Guangdong province removed discriminatory provisions against people with disabilities and people living with HIV/AIDS in its physical standards for teachers in May 2013,[42] according to a 2011 study, at least 19 provinces reportedly maintain discriminatory provisions in physical standards for teachers.[43] Human Rights Watch pointed out that an amended article in the national draft Regulations for the Education of Persons with Disabilities may allow government departments and schools to "discriminate against individuals on the basis of physical requirements."[44]

Access to Medical Treatment: Discrimination in access to medical treatment for people living with HIV/AIDS (PLWHA) continues to be a challenge in China.[45] In October 2012, a Chinese NGO in Tianjin reported on a local man who had been denied treatment for lung cancer at several hospitals due to his HIV-positive status.[46] In November 2012, the Ministry of Health (MOH)—reportedly at the behest of Premier Li Keqiang[47]—issued a directive ordering hospitals to "take steps to guarantee the right to medical treatment" for PLWHA.[48] Beijing Aizhixing Institute, a public health advocacy organization, however, raised a concern that the MOH directive lacked enforcement provisions, such as punishments for hospitals that refuse treatment to PLWHA.[49]

THE ENVIRONMENT

Pollution Challenges and Government Disclosure

Despite some progress in protecting the environment,[1] environmental problems remain a major challenge, and in recent years, the associated costs reportedly have increased.[2] During 2012, there were 542 environmental accidents, five of which were serious.[3] News reports emphasized the highly visible "foggy and hazy" skies that affected 20 provinces in early 2013,[4] and which reportedly reached Japan.[5] The pollution events reportedly garnered extraordinary attention from citizens, the media, the government,[6] and deputies at the March meeting of the National People's Congress,[7] as well as increased forward momentum on some relevant legislation.[8] These were not isolated incidents; outdoor air pollution has been an ongoing challenge, posing serious health risks.[9]

Authorities irregularly disclosed information on pollution problems and their health impacts. Continuing a positive trend, the Ministry of Environmental Protection (MEP) acknowledged that toxic chemicals have caused numerous acute air pollution incidents,[10] posed a danger to numerous drinking water sources, and led to the emergence of "cancer villages," among other health problems.[11] Groundwater pollution continued to present difficulties,[12] and officials publicly disclosed some groundwater contamination data.[13] Authorities reportedly classified as bad nearly 60 percent of the groundwater tested at monitoring sites in 198 cities during 2012.[14] Soil pollution reportedly is also widespread. It possibly affects as much as one-fifth of China's arable land based on 2010 data[15] and its possible impact on the food supply has been cause for some concern,[16] but authorities have so far been much less forthcoming with soil contamination data.[17]

The problems created by the migration of polluting industries to China's western and poorer areas continue, including fast-paced scaling up of mining in Tibet.[18] Migration practices leave behind contaminated sites,[19] as well as create new problems in areas where major pollutant reduction targets may be lower, and environmental protection capacity may lag behind more developed coastal areas.[20] Reportedly, only 2.8 percent of China's 600,000 villages are included in environmental comprehensive control efforts.[21]

Regulatory Developments and Challenges to Rule of Law and Accountability

CONSTITUTIONAL AND OTHER LEGAL DEVELOPMENTS

During the reporting period, top Chinese Communist Party and government leaders highlighted "ecological civilization" (*shengtai wenming*) (apparently a complex concept that includes ecological and environmental protection, resource conservation, and sustainable development), as being tied to the four basic goals of a "*xiaokang*" society (an all-around well-off society), and mandated the establishment of "target systems," "assessment measures," and "rewards and punishment mechanisms" related to the concept.[22] Economic development, however, remains the "core concern."[23] At the 18th Party Congress in November 2012, leaders revised the

Chinese Communist Party Constitution to include one new sentence and a new paragraph that urge the promotion of "ecological civilization" within the overall context of "China's special socialist enterprise."[24] In addition, former President Hu Jintao[25] and Premier Li Keqiang[26] gave prominence to "ecological civilization" and environmental quality in national speeches.

In June, court and procuratorate authorities issued a joint interpretation clarifying the application of criminal provisions to environmental violations; it outlines specific standards for classifying the severity of the impacts of environmental pollution, which then determines application of the sentencing guidelines in the PRC Criminal Law.[27] Other authorities focused some regulatory measures on issues of concern to Chinese citizens, including air pollution and soil pollution. In December, MEP mandated that 117 cities will be responsible for specified pollutant reduction targets not already listed in the 12th Five-Year Plan, including $PM_{2.5}$ and PM_{10}.[28] These reduction targets will be included in government responsibility assessments.[29] After the winter air pollution events, authorities reportedly restarted[30] stalled efforts to revise the PRC Air Pollution Prevention and Control Law.[31] In June, the State Council reportedly issued ten policies intended to strengthen control over air pollution and in September issued the Atmospheric Pollution Prevention and Control Action Plan.[32] During the reporting period, while authorities were not forthcoming with soil contamination data, legislators appeared to resuscitate efforts to draft a major national soil pollution law by establishing a new drafting group,[33] and the State Council announced designs for a new soil contamination survey and a partial monitoring network,[34] and plans for soil cleanup efforts.[35]

In addition, leaders took regulatory steps to address climate change, some outlined in the "China 2012 Annual Report on Policies and Actions To Address Climate Change"[36] and in the white paper, "China's Energy Policy 2012."[37] Shenzhen Special Economic Zone passed local legislation to restrict greenhouse gas emissions, the first location in China to do so.[38] Authorities also began to "research and establish" a national carbon emissions trading scheme and pilot trading markets.[39] China also issued its first greenhouse gas bulletin.[40] In April 2013, China and the United States signed a joint statement on climate change announcing the formation of a Climate Change Working Group,[41] and in June, agreed to work together to reduce hydrofluorocarbons.[42]

Authorities opened the Environmental Protection Law (EPL) draft revision for public comment in September 2012[43] and collected 11,748 comments.[44] The draft revisions reportedly were widely criticized.[45] Governmental and non-governmental organizations (NGOs) submitted suggestions regarding the draft, some urging for provisions providing for greater transparency and strengthening enforcement of laws and regulations and channels for public participation.[46] One Chinese environmental group commented that a June 2013 draft of the revised EPL contained language in line with the group's previous suggestions, including ones that related to the pollution permit management system and daily penalties.[47] The group and environmental experts, however, found other areas in need of improvement and suggested placing greater emphasis on

protecting citizens' environmental rights; modifying the article related to public interest lawsuits to bring it more in line with the Civil Procedure Law; strengthening public participation in environmental impact assessments; and disclosing enterprise pollution monitoring information.[48]

CHALLENGES TO RULE OF LAW AND ACCOUNTABILITY

Significant challenges hinder the development of rule of law in the area of environmental protection. Official reports highlighted the number of environmental legal violations investigated and handled during 2012.[49] Government interference, local protectionism, and lax or arbitrary enforcement are problematic.[50] Related and additional challenges include:

- Official evaluation criteria and incentives that overemphasize economic development;[51]
- Inept or unethical behavior, disregard for environmental regulations, and corruption;[52]
- The lack of supervision over governments and individual officials acting above the law;[53]
- Investment in environmental protection is lower as a percent of GDP than some Chinese scientists believe it should be (it hovers around 1.3 to 1.5 percent of GDP) and environmental protection officials lack authority in some cases;[54] and
- Insufficient monitoring as well as environmental penalties that are too light to deter polluting behavior.[55]

Development of Environmental Public Interest Law Comes to a Standstill

The PRC Civil Procedure Law issued in August 2012 contained an article permitting public interest suits by "agencies and relevant organizations stipulated by law."[56] The general legal foundation for these types of cases, however, remains vague,[57] the number of environmental cases remains minimal,[58] and the June 2013 draft of the Environmental Protection Law stipulated that only one government-supported environmental group, the All-China Environment Federation, will be allowed to bring environmental public interest lawsuits.[59] Other barriers to the development of public interest law persist,[60] including difficulties in obtaining evidence,[61] the costs of pursuing such suits by organizations,[62] and the lack of authority and capacity of the courts that take these cases.[63]

Despite these barriers, during the reporting period, the Chinese media noted key environmental public interest cases. In a first, in late September 2012, the Qingzhen Environmental Tribunal of the People's Court in Qingzhen city, Guizhou province, heard a case brought by an individual citizen, "supported" by the local procuratorate.[64] A second case involving illegal dumping of chromium sludge in Yunnan province, brought in part by two NGOs not directly affiliated with government agencies,[65] is pending. The parties to this case reached an initial pre-trial agreement in late 2012,[66] but the defendant refused to sign the mediation decision at the last moment.[67] In a third case, officials reportedly pressured lawyers representing an association to withdraw two cross-provin-

cial cases against a company linked to an aniline chemical spill in Shanxi province; local news called the cases "harmonized."[68]

Role of Environmental Courts and Unreliable Legal Remedies

China's specialized environmental courts continue to proliferate—reportedly reaching at least 95 by 2013. These courts appear to be providing different functions from place to place[69] and some of them are not handling many cases.[70] Legal remedies in environmental cases continue to be unreliable as courts remain unwilling to accept some cases.[71] Over 70 percent of grassroots environmental disputes reportedly are handled through mediation, which has an ambiguous legal foundation and which may be forced upon disputants.[72] Sometimes citizens have taken to the streets in an effort to resolve grievances. Pollution and degradation problems reportedly are among the primary triggers of environmental mass incidents,[73] and such incidents increased 30 percent in 2012.[74] Environmental protests continued to be the largest in scale among incidents of unrest, and over 70 percent of the 47 environmental protests tracked by one organization involved clashes with police.[75] In some cases, authorities halted plans for projects after public protests.[76]

Suppression of Environmental Advocates and Protests

Chinese citizens advocated for the improvement of environmental quality, but during the course of protecting their rights or investigating claims of pollution, some people faced detention, harassment from officials, or beatings:

- In December 2012, authorities gave former forestry official and environmentalist Liu Futang a three-year suspended sentence for allegedly engaging in "illegal business activities" linked to his self-publication—with a Hong Kong publication number—of environmental exposés that may have embarrassed local government leaders.[77]
- In January 2013, a journalist was reportedly beaten when he went with staff from the All-China Environmental Federation—a government-funded non-governmental organization (NGO)[78]—to take pictures of pollution linked to a paper company in Hunan province.[79] County leaders investigated the delayed dispatch of police officers and inadequate environmental oversight in the case,[80] and police later detained two suspects in the beating.[81]
- In February, Chen Yuqian, an environmental advocate in Zhejiang province, reported being attacked in his home and beaten by more than 40 unidentified men after he publicly challenged a local environmental official to swim in a polluted local river.[82] Chen had campaigned for years to get officials to address water pollution problems.[83] He blamed officials for the five beatings he has endured over the last 10 years.[84]
- As of late July 2013, farmer and environmentalist Zhang Bing's case remains in limbo. Zhang claimed pollution killed nearly 2,000 kilos of his fish in 2009, and when he was not compensated, he petitioned higher level authorities and talked to the press.[85] Authorities sentenced Zhang to two years in

prison and three years' probation on the charge of "extortion" linked to his petitioning activities, but a higher court overturned that sentence twice.[86] The procuratorate in Lujiang county, Anhui province, as of July 2013, had not yet issued an official decision declaring that it was not granting an indictment against Zhang, even though the Lujiang court had issued a decision granting the procuratorate permission to withdraw the suit against Zhang.[87]

Officials also questioned environmental advocates, took extraordinary measures to prevent anti-pollution and other demonstrations, and censored Internet postings.

- In November 2012, authorities questioned Chen Zuoliang about giving foreign reporters pictures of the protests over construction of a paraxylene (PX) plant in Ningbo city, Zhejiang province, and forced rights defender Wu Bin to return to his home, possibly because he went to Ningbo to investigate the protests.[88]
- In May, authorities in Chengdu municipality, Sichuan province, reportedly took a variety of measures[89] and amassed a strong police presence to prevent a "walk" to protest against a petrochemical plant in nearby Pengzhou city,[90] although they claimed the police deployment was an exercise to "support earthquake relief."[91] Officials reportedly restricted the freedom of movement of a number of rights advocates,[92] deleted weibo postings opposing the plant, and also warned a Chengdu blogger to delete a petition voicing opposition to the plant, which she had posted on the public comment page of the U.S. White House Web site.[93]

During the reporting period, officials in various locations in the Inner Mongolian Autonomous Region reportedly suppressed, sometimes using force, protests and appeal efforts by herders who were unhappy about the loss of grasslands, land confiscation, and mine pollution.[94] Authorities reportedly also deleted Internet postings regarding herders' grievances.[95]

Environmental Transparency and Public Participation

During the 2013 reporting year, citizens called for greater environmental transparency, and environmental authorities took steps to improve proactive disclosure of information. In March, 23 environmental groups issued a plea for greater transparency regarding pollution sources.[96] The MEP issued an internal rule that environmental protection agencies at all levels post the abridged version of environmental impact assessment (EIA) reports online as of September 1, 2012,[97] and in October, rescinded a 2008 decision to exclude construction project EIA documents from the list of information subject to Open Government Information (OGI) requests.[98] In the same month, MEP issued a circular,[99] which if implemented, could potentially improve proactive disclosure of certain types of EIA documents, "supervisory type" monitoring data, and information about specified types of environmental accidents.[100] The circular, however, has numerous limitations.[101] In steps forward, in 2012, select cities began to make public $PM_{2.5}$ and air quality data using the revised air quality index[102] and in 2013 officials released

some information from an environmental impact assessment report for a refinery project in Kunming municipality.[103]

Despite these new rules and some progress, authorities' proactive disclosure of information remains irregular. According to one report, while there has been "definite" progress in disclosing air quality data, the number of cities that performed poorly outnumbered the cities that performed relatively well.[104] In January 2013, the State Council outlined plans to "actively push forward with orderly hydropower development,"[105] including projects on the Nu River.[106] In relation to the plans, articles highlighted concerns about transparency,[107] as well as environmental protection,[108] social impacts, downstream and cross-border impacts,[109] and seismic risks.[110]

During the reporting period, instances of environmental news censorship include the following:

- In March, officials in Changzhi city, Shanxi province, waited for five days to report an aniline chemical spill at a fertilizer factory that affected more than one million people downstream.[111]
- In May, authorities reportedly censored news of anti-pollution protests over construction of a lithium-ion battery plant in Shanghai,[112] and the "walk" in protest of a petrochemical plant poised to open in Chengdu, Sichuan province.[113]
- Authorities in Kunming, Yunnan province, allowed a protest of hundreds of people against construction of an oil refinery in May, but they reportedly censored critical comments about the project and told state-owned enterprise employees not to participate or post comments online about the protest.[114] Kunming officials also blocked access to a related EIA report on the grounds that it involved "secret documents."[115]

OPEN GOVERNMENT INFORMATION

Since the passage of the Open Government Information Regulation (OGI) in 2007,[116] citizens have become more proactive in requesting environmental data, with some success, but barriers to transparency remain. In April 2013, the Ministry of Land and Resources responded to an OGI request regarding groundwater quality by sending 400 pages of data.[117] In another positive development, a government-funded environmental group won a court case against an environmental protection bureau for not releasing information.[118] One OGI study found that a greater percentage of environmental authorities responded to information requests than in the previous year; however, the depth of transparency dropped in 35 percent of the locations surveyed.[119] In some cases, city government officials refused to provide lists of companies that had been punished for polluting behaviors.[120] Despite public calls by Premier Li Keqiang to proactively disclose environmental pollution information that affects citizens' interests,[121] central officials refused to provide information about soil contamination in response to a request, stating that the data was a "state secret,"[122] which reportedly prompted criticism.[123]

PUBLIC PARTICIPATION IN ENVIRONMENTAL IMPACT ASSESSMENT PROCESSES

Central authorities expressed aspirations to expand public participation in decisions about environmental assessments of projects. In fall 2012, central authorities issued guiding opinions [124] or measures [125] stipulating that specified agencies should establish social risk assessment mechanisms during the preparatory phase of domestic large-scale fixed asset investment projects, reportedly at least in part to reduce the number of environmental mass incidents.[126] During the reporting period, MEP announced plans in August 2012 [127] and in January 2013 [128] to clarify processes for public participation and expanding transparency of EIA processes. The 2012–2017 MEP work plan for key projects, however, did not appear to contain concrete mechanisms to achieve these goals, although it included the aims of "mobilizing" and "proactively guiding participation by all people." [129] Despite authorities' declarations of support for participation, considerable barriers remain.[130]

III. Development of the Rule of Law

CIVIL SOCIETY

Introduction

Chinese non-governmental organizations (NGOs) number in the millions,[1] and illustrate wide breadth and increasingly complex levels of organization on issue advocacy,[2] social service provision,[3] and shared interests,[4] as well as in business promotion[5] and farming.[6] Government-registered social organizations[7] (*shehui zuzhi*) make up a subset of Chinese NGOs: Official statistics reported 491,961 registered social organizations in 2012, an increase of approximately 13.3 percent over 2011,[8] that consist of 268,000 social associations (*shehui tuanti*) such as membership groups and trade associations, 221,000 non-governmental, nonprofit organizations (*minban feiqiye danwei*) such as community development and social services providers, and 2,961 foundations (*jijinhui*) such as public and private organizations engaged in charitable and philanthropic work.[9] Many Chinese NGOs are registered as business entities or remain unregistered due to obstacles in registering as social organizations,[10] yet they play an active role in promoting the public interest in environmental protection, protecting the rights of migrant workers, and fighting health-based discrimination, among other advocacy issues.[11] Chinese scholars estimate between 3 to 10 million unregistered NGOs.[12] Nor is civil society activity found only within organizations: During the 2013 reporting year, the Commission observed individuals and informal networks engaging the government on issues of public interest.[13]

Government and Party Control

The Chinese government and Communist Party continue to acknowledge the developing role of social organizations in China, yet an April 2013 Party document leaked in August portrays civil society and public participation as threats to the government and Party for which stricter ideological control is necessary.[14] The senior leadership's public policy statements during the 2013 reporting year repeat earlier policy guidance in the government and Party's approach toward control of social organization growth: The government should (1) "lead in the healthy and orderly development of social organizations"[15] and (2) accelerate the "establishment of Party leadership, government responsibility, societal support and public participation."[16] A Central Party School researcher, however, anticipates a potentially more dynamic relationship between the government and non-governmental organizations based on the 18th Party Congress report's instruction that the government and Party "accelerate the formation of a system of modern social organizations in which government functions are separated from those of social organizations, rights and responsibilities are clearly delineated, and social organizations exercise autonomy in accordance with the law."[17]

Chinese scholars and civil society advocates describe a system of "graduated control," or differentiated treatment by the government, based upon where an organization falls along a spectrum of polit-

ical sensitivity, which can range from "low-level" and "infrequent" monitoring to "ruthlessly crack[ing] down" on operations, activities and individuals.[18] One aspect of this control can be illustrated by efforts to build up the presence of the Communist Party ("Party-building") to guide and monitor social organizations,[19] and potentially exert influence that might compromise organizations' decisionmaking and activities.[20] For example, in May 2013, Foshan city, Guangdong province, issued draft regulations on government procurement of services that suggest authorities will give preference in awarding contracts to social organizations which meet Party-building requirements, such as having Party members among the organizations' full-time staff or establishing an internal Party branch.[21] [See Section III—Institutions of Democratic Governance for further examples.]

Civil society organizations that the government perceives as politically sensitive face government interference under the guise of "stability maintenance," particularly during anniversaries and large-scale political events.[22] In advance of the 18th National Congress of the Chinese Communist Party in November 2012[23] and the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2013, international media reported on heightened surveillance, harassment, and extralegal detention of civil society advocates.[24] Chinese and international human rights organizations have drawn attention to a government crackdown on citizen rights' advocates beginning in spring 2013.[25] Chinese authorities reportedly have detained or arrested dozens of rights advocates, including Xu Zhiyong, a leading proponent of the New Citizens' Movement, a loose network of individuals who advocate for legal and political reforms, human rights, and social justice.[26] On July 18, officials from the Beijing municipality Bureau of Civil Affairs (BCA) shut down the Transition Institute, a think tank established in 2007 that researches public interest issues such as the taxation system, industry regulation, public participation, and economic development.[27] The BCA officials reportedly shut down the think tank because it had not registered with the BCA, although the think tank's founder noted that it was registered as a business entity, similar to many other think tanks in China.[28]

During the 2013 reporting year, several civil society organizations sought legal or administrative redress in response to government harassment. A public interest organization that works on anti-discrimination advocacy won a legal case in March 2013 against a hotel in Suzhou city for breach of contract due to the cancellation of the group's hotel reservation for a public interest lawyers' workshop in the spring of 2012.[29] Local police acknowledged that they had demanded the cancellation because of a "stability maintenance" order.[30] In contrast, in December 2012, a court in Shenzhen municipality dismissed a lawsuit brought by a migrant workers' services organization in Shenzhen that had been forcibly evicted from multiple locations during a crackdown on labor NGOs in 2012.[31] The Beijing Shouwang Church, an unregistered Protestant house church in Beijing municipality, took legal action against the Beijing police in late September 2012 for preventing the congregation's worship for more than one year, but the Beijing govern-

ment's legal affairs office reportedly rejected the church's application for administrative review.[32]

Regulatory and Legislative Developments

The central government's institutional reform plan (*fang'an*) issued in March[33] has scheduled the release of long-awaited revisions[34] to the three key administrative regulations on social organization management[35] for the end of 2013.[36] An official from the Ministry of Civil Affairs (MCA) stated in an interview that the revisions will address registration,[37] lay out a division of functions between the government (e.g., inter-bureau coordination, policy and guidance, oversight, and legal enforcement) and social organizations (e.g., sector-based codes of conduct), and encourage self-regulation and mutual support.[38] MCA officials reportedly are encouraging local governments to formulate implementation policies in advance of the forthcoming revisions.[39] In July, the Yunnan provincial government, for example, released drafts of four regulatory documents that include provisions to forbid current government officials to be the "responsible person" (i.e., a person with legal responsibilities) for non-governmental organizations; bar the government from engaging in public fundraising, except in case of natural disaster; and increase the number of representatives from social organizations in Yunnan's provincial leadership entities, e.g., the Party, the People's Congress, and the People's Consultative Congress.[40]

At the March 2013 session of the National People's Congress (NPC), Vice Premier Ma Kai announced that direct registration—whereby social organizations would no longer require a government or quasi-governmental sponsor for registration as required under the current regulations ("dual management")[41]—will be permitted for business and industry associations, technical and scientific organizations, charities, and rural and urban community development groups under the government's institutional reform plan.[42] The plan, moreover, may allow the registration of more than one social organization per jurisdiction working on a particular industry,[43] which is a limitation on registration in the current regulations.[44] Yet Ma added that "[p]olitical and legal groups, religious groups, and foreign NGOs with [a] domestic representative office . . . will continue to be required to secure sponsor organizations" for the existing dual management process.[45] The exclusion of political and legal groups[46] from the new policy appears to contradict comments made in March 2012 by Minister of Civil Affairs Li Liguo on equal treatment for human rights and political groups in the registration and review process.[47] The Chinese government's limitations on NGO registration contravene the right to freedom of association provided in China's constitution and in Article 22 of the International Covenant on Civil and Political Rights, which provides that: "No restrictions may be placed on the exercise of [the freedom of association] other than those which are prescribed by law and which are necessary in a democratic society in the interest of national security or public safety . . ."[48]

Local authorities began experiments in direct registration of social organizations in Shenzhen municipality and Guangdong province in 2009, and in 19 provinces[49] in 2011,[50] though reports sug-

gest that the implementation of direct registration has been uneven. Guangdong reportedly experienced a 15.1 percent increase in the number of social organizations by the end of 2012,[51] but a university survey in 2012 of public interest organizations that were newly registered as non-governmental, nonprofit organizations in Guangdong found that many faced increased taxes, expenses, and administrative work following registration.[52] While some of these post-registration challenges may derive from "growing pains" related to NGO operational capacity,[53] local civil affairs bureaus reportedly face challenges due to insufficient staffing and regulatory guidance on how to process applications for registration.[54] According to NGO advocates, some bureaus are not registering public interest groups and service providers because of a "conservative"[55] approach in authorizing registration. For example, organizations working on rural women's rights, service provision to persons with developmental disabilities, and outreach to populations at greater risk of HIV/AIDS infection, have reported being unable to directly register as social organizations in Beijing despite Beijing municipality's early participation as a direct registration site.[56]

GOVERNMENT PROCUREMENT OF PUBLIC SERVICES FROM NGOS

Over the past decade, several Chinese municipalities launched experiments in government procurement of public services (e.g., elder care, community corrections, and poverty alleviation) from social organizations,[57] reflecting the Chinese government's efforts to transfer some government functions to NGOs[58] and develop a "non-state social service sector."[59] Local governments have begun formulating project catalogues and budgets, selection and oversight processes, and standards of transparency and accountability.[60] The piecemeal development of the regulatory framework, however, has negatively affected the implementation and supervision of procurement processes and service delivery, according to some commentators.[61] In a May 2013 speech, Premier Li Keqiang urged officials to "increase efforts to purchase basic public services, and promptly formulate and introduce guiding opinions for the government to purchase services from social organizations."[62] The central government reportedly has allocated about 200 million yuan (US$32.08 million) to procure services and training from NGOs in 2013, approximately the same amount of funding allocated in 2012.[63]

Some civil society advocates have raised concerns that direct registration and the expansion of government procurement of public services from NGOs will not necessarily benefit grassroots (*caogen*) NGOs. NGOs unable to register as social organizations are ineligible for government contracts, tax-exempt status, and public fundraising, among other possible benefits of formal registration.[64] Some grassroots NGOs in Foshan city, Guangdong province, for example, believe that eligibility requirements for government procurement projects are too difficult to meet, current policy is unclear, and communication channels are lacking.[65] In an analysis of 60 grassroots organizations in 2011 and 2012, scholars from the Chinese University of Hong Kong speculated that grassroots NGOs may be "further marginalized by losing out in the new game of competing for official funding and support."[66]

DEVELOPMENTS IN THE CHARITY SECTOR

Chinese legal scholars have identified "conspicuous problems" in the regulatory framework for charities, despite central and local government efforts in 2012 to improve transparency and accountability.[67] These problems, such as a lack of a "[legal] definition and identity" for charitable organizations or uniform legal rules in fundraising; haphazard approaches to handling volunteers and their services; a high threshold for charitable organizations' registration and management; and a tax exemption policy without supporting mechanisms for implementation,[68] have hindered the development of the charitable sector.[69] Registration for religious organizations, many of which have made charitable contributions to disaster relief and poverty alleviation, remains a "forbidden zone," according to a scholar from Anhui province.[70] A national charity law has been on the State Council and National People's Congress legislative agenda for several years[71] and China's state-run media agency Xinhua reported in December 2012 that a draft is under way.[72] The Commission has not observed official announcements on a timeframe for the Charity Law's completion. Wang Zhenyao, director of the Philanthropy Research Institute at Beijing Normal University, has recommended that the draft be made public in order to benefit from public opinion.[73]

Reports of financial mismanagement at the Red Cross of China[74] and other state-run foundations[75] since the 2008 earthquake in Sichuan province have diminished the credibility of China's government-run charitable organizations,[76] and prompted calls for stronger regulation of the charitable sector.[77] Official statistics from the Ministry of Civil Affairs China Charity Donation Information Center showed an almost 20 percent overall reduction in charitable donations in 2012 from 2011.[78] Despite information disclosure regulations, 60 percent of China's foundations reportedly "failed to make public their annual financial report, although they are legally obliged to do so."[79] In the wake of the April 2013 earthquake in Ya'an city, Sichuan province, public debates on the lack of transparency and accountability in state-run charities reportedly led to the Hong Kong Legislative Council's initial refusal to donate HKD100 million (US$12,887,300)[80] to relief efforts and to Hong Kongers' launch of a "Not One Cent" campaign.[81] "Non-governmental" charitable organizations have benefited from government-run charities' credibility crisis;[82] the Global Times, an English-language arm of China's state-run media agency Xinhua, reported that in the days after the Ya'an earthquake, donations to a private foundation were more than 10 million yuan (US$1,592,230) compared to 30,000 yuan (US$4,783) donated to the Red Cross of China.[83]

HIV/AIDS Grassroots Organizations

China's grassroots (*caogen*) organizations working on HIV/AIDS issues are of particular relevance during the 2013 reporting year in light of the cessation of major international funding from The Global Fund to Fight AIDS, Tuberculosis and Malaria (The Global Fund) at the close of 2013.[84] Grassroots NGOs have played a significant role in China in HIV/AIDS health prevention and control, and the protection of the legal rights of people living with HIV/AIDS (PLWHA), yet UNAIDS reported in 2012 that "to date, only a small fraction of HIV [NGOs] have legal status."[85] Although The Global Fund spurred the Chinese government to engage more deeply with domestic civil society organizations over the past decade,[86] resulting in some successful cooperation between the government and grassroots organizations,[87] grassroots HIV/AIDS NGOs reportedly are "heavily dependent" on funding from international organizations.[88] The government gradually has acknowledged the importance of HIV/AIDS non-governmental organizations,[89] notably on November 26, 2012, when then-Vice Premier Li Keqiang met with HIV/AIDS NGO representatives[90] and reportedly stated "non-governmental organizations, 'grassroots organizations,' best understand the conditions and needs of PLWHA" and play an "indispensable" role in the fight against HIV/AIDS.[91] An October 2012 report from The Global Fund, however, raised concerns that "there is still no strong and sustainable national funding mechanism or technical support for ensuring service quality is in place to support CBOs [community-based organizations]."[92]

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

18th Party Congress: Leadership Transition, Party Constitution Amendment, and Reform

During the Commission's 2013 reporting year, a major political power succession took place within the Chinese Communist Party, which happens at 10-year intervals.[1] This top leadership transition, timed with the 18th National Congress of the Chinese Communist Party in November 2012, involved the extensive turnover of power to a slightly younger cohort[2] of political leaders in a non-transparent process.[3] Propaganda officials dictated how news outlets were to cover the 18th Party Congress and the transfer of power.[4] Some international scholars called the transition peaceful and orderly, and a "step forward in the institutionalization of Chinese leadership politics."[5] The transition took place amid factional struggles and a scandal resulting in the downfall of Bo Xilai, a high-ranking official many believed was in contention for a top leadership position, and his wife Gu Kailai.[6] [See Corruption and Anticorruption Measures in this section.] One international scholar believes the transition denoted an advance in the "institutionalization of leadership politics," and reinforced collective leadership at the top of the Party, meaning Xi Jinping—Party General Secretary, President, and Chairman of the Military Commission—is the "first among equals."[7] The former Prime Minister of Australia believed that Xi would be a strong leader and a key political player.[8] Xi appeared to act quickly in the first few months to move forward with his agenda and leadership style,[9] although some sources point out that retired Chinese leaders still may play a role in political affairs.[10]

At the 18th Party Congress, Party leaders also passed a resolution[11] to amend the Party constitution to include the following revisions, among others:[12]

- To uphold "scientific development" (former Party General Secretary Hu Jintao's socio-economic theory that "puts people first and calls for comprehensive, balanced and sustainable development"[13]) as a guiding ideology;
- To adhere to the idea that "the fundamental reason behind all of China's achievements and progress since the reform and opening up policy was introduced is, in the final analysis, that the Party has blazed a path of socialism with Chinese characteristics . . . ."

Some international and Chinese scholars, journalists, and commentators believe that under the new echelon of top leaders, the prospects for political reform in China appear dim, although there is some variance of opinion,[14] and some note that it is too early to tell.[15] In speeches, leaders have defended the Party's hold on power,[16] promised to combat corruption,[17] pledged to make the government more efficient,[18] and vowed to promote the "China dream," which includes "national rejuvenation" and a more pronounced role for China in the international arena.[19] While early in 2013, Xi Jinping reportedly emphasized that "no organization or individual should be put above the constitution and the law,"[20] he also "demanded a return to traditional Leninist discipline" in a talk

in a private setting.[21] Xi said the Party should be able "to put up with" criticism and correct mistakes,[22] but he also urged officials not to "allow any subversive errors when it comes to the fundamental issues."[23] An international scholar pointed out that authorities appear not to have abandoned the Party's fundamental Maoist approach to divide people into the vague and undefined categories of friend or foe and to deal with perceived enemies harshly,[24] which may lead to the abuse of authority.

New Government Leadership and Government Structural Reform

After the fall 2012 political power transition within the Party, the new cohort of top Party leaders assumed the most senior posts in the government in March 2013 during the National People's Congress (NPC) and the Chinese People's Political Consultative Conference (CPPCC) meetings (Two Sessions).[25] During the Two Sessions, Chinese leaders also passed a plan for a major reshuffling of State Council institutions and a "transformation of government functions," after the plan had been approved by the Party Central Committee in November 2012.[26] Authorities provided numerous reasons for the restructuring, including:[27]

- Improving government efficiency;
- Reducing special transfer payments and fee collections;
- Eliminating overlapping government responsibilities;
- Pushing forward reform toward "super ministries"; and
- Reducing micro-management.

At the heart of the reforms are plans to complete 72 changes to government functions and other tasks,[28] which are assigned to specific government organizations for completion over the next three to five years.[29] As part of the plan, authorities made the following major changes:[30]

- Reduced by 2 the number of ministries and commissions that make up the State Council, bringing the total to 25, and reduced by 2 the number of other ministerial-level organs;
- Separated the commercial and non-commercial aspects of managing China's railways;
- Merged the National Population and Family Planning Commission and the Ministry of Health into a new National Health and Family Planning Commission;
- Established the State Food and Drug Supervision and Management Administration; and
- Reorganized the National Oceanic Administration and the National Energy Administration.

Reach of the State Under One-Party Rule

China's political institutions continue to be out of compliance with the standards defined in Article 25 of the International Covenant on Civil and Political Rights,[31] which China has signed and declared an intention to ratify;[32] nor have Chinese officials complied with the standards outlined in the Universal Declaration of Human Rights.[33]

The Communist Party continues to dominate political affairs, allows only limited independent political participation, and exerts control over the courts,[34] the NPC, the media,[35] and state leader-

ship appointments.[36] For example, this can be seen at the NPC meeting this year where nearly 35 percent of the delegates concurrently held positions as leading officials in the Party and government.[37] In another example, in September 2012, central Party leaders issued an opinion that may further strengthen the Party's control over human resources affairs.[38] Party-building and Party-loyalty efforts focused on accounting firms,[39] the People's Armed Police,[40] and Internet companies, such as the Sina Corporation.[41]

The Party also exerts influence over non-governmental and quasi-governmental organizations, including university student groups,[42] in part through its Party-building efforts within these organizations, as well as by establishing its own Party-organized social organizations.[43] For example, various Party organizations in different locations over the last few years have established, are running, or are supporting "social affairs (or work) committees"[44] and Party-sponsored community service and nonprofit organizations, among others.[45] Through these organizations, the Party may engage in the monitoring of groups and activities.[46]

In addition, developments suggest the Party is exerting more effort to control the ideological realm. In April, the Office of the Party Central Committee reportedly issued a circular to select Party officials around China, titled Document No. 9, which discusses seven ideological threats to the Party's grip on power that "require attention."[47] These threats are preaching about Western constitutional democracy, universal values, civil society, neo-liberalism, journalistic freedom, historical nihilism—negating the history of the Party, and questioning socialism with Chinese characteristics.[48] One account of the circular said officials need to "cut off at the source channels for disseminating erroneous currents of thought."[49] In addition, state media suggests that the Party believes China is in a "struggle in the ideological sphere"[50] and the Party has initiated an ideological "rectification campaign."[51] For example, in May and August 2013, a wave of articles, which one report considered to have some powerful political backing, appeared on the Internet attacking constitutionalism, after other articles were posted that had more positive views of constitutionalism.[52] Also in May, Party and education leaders jointly issued an additional opinion with 16 requirements to "strengthen the ranks of young university teachers and improve (their) ideological and political qualities . . . ."[53]

"Social Stability" and "Social Risk Assessments"

In August 2012, to prevent and resolve "social contradictions"[54] and apparently to "maintain social stability," the National Development and Reform Commission (NDRC) issued a provisional measure that stipulates central and provincial authorities should establish and utilize "social stability risk assessment" mechanisms to investigate and analyze the "social stability" risks associated with large-scale fixed asset investment projects that affect the interests of citizens.[55] If implemented, the NDRC will not examine and approve projects assessed to be of medium or high social risk.[56] In Nanjing municipality, enterprises reportedly do their own assessment reports for their own projects and send them to the government for examination and approval.[57] Nanjing officials reportedly

conduct these assessments for 700 to 900 "incidents" or projects annually.[58]

Official Actions Against Democracy Advocates

During the reporting period, authorities detained or arrested more than 60 citizens[59] exercising their right to freedom of speech, association, and assembly, some of whom reportedly associated themselves with the New Citizens' Movement. The New Citizens' Movement is a loose network of individuals promoting a broad range of ideas including legal and political reforms, human rights, and social justice.[60] Some people who associated themselves with the Movement assembled in groups for meals and engaged in advocacy or peaceful demonstration activities.[61] One international nongovernmental organization linked these detentions and arrests with a notice issued by the Supreme People's Procuratorate calling on prosecutors to combat activities construed as "unlawful assembly and gathering a crowd to disrupt social order," which are associated with the "goal of subverting state power."[62] Another news article linked these detentions to the central Party Document No. 9 issued in April, which reportedly says activists "have stirred up trouble about disclosing officials' assets, using the Internet to fight corruption, media controls and other sensitive topics, to provoke discontent with the party and government."[63] [See Official Corruption and Anticorruption Measures in this section.] Authorities also continued to harass, detain, and impose prison sentences on democracy advocates and their families who exercised their rights to freedoms of speech, assembly, association, and demonstration. A list of representative cases follows:

- Democracy advocate Zhu Yufu, jailed in February 2012 for "inciting subversion of state power," reportedly is seriously ill, but authorities have denied him access to medicine and turned down repeated requests for medical parole.[64] Reports also suggest Zhu may be being abused in prison.[65] Officials reportedly have kept some members of Zhu's family under surveillance, and harassed and warned them to keep quiet about Zhu's case.[66]
- In December 2012, villagers Song Jianzhong, Luo Yonghong, Ma Zhizheng, Hao Sen, Zhao Daqing, Zhao Zhenhai, and Ma Huimei lost their court case contesting their sentences imposed in relation to 2010 protests against alleged voting irregularities in a village committee election in Raolefu, a village in suburban Beijing. On appeal, however, the court reduced their prison terms.[67] Authorities also changed the charges against them from "gathering to assault state organs" to the lesser crime of "gathering to disturb social order."[68]
- In October 2012, court officials sentenced Cao Haibo, an Internet cafe owner in Kunming municipality, Yunnan province, who founded an online discussion group that discussed democracy and constitutionalism, to eight years in prison on the charge of "subversion of state power."[69] The case involved questionable legal procedures and officials warned Cao's wife not to talk about her husband's situation.[70]

- Authorities indicted democracy advocate Liu Benqi in March 2013 on the charge of "inciting subversion of state power."[71] Reports asserted he had been tortured and abused while in detention.[72] In addition, authorities ordered Liu Benqi's ex-wife, Liu Ying, to serve one year of reeducation through labor, possibly in connection to her conversations with international media about her ex-husband's case.[73]

In addition, officials restricted the movements of, harassed, or beat up several other democracy and human rights advocates, including Guizhou province resident Liao Shuangyuan.[74] Yao Lifa, an independent elections advocate, went missing on March 4 for more than 13 days and authorities reportedly have restricted his movements since February 2013.[75] Officials also intimidated or detained family members of other advocates, including Zhang Anni, the daughter of democracy activist Zhang Lin.[76] In July, authorities criminally detained Zhang Lin on charges of "gathering a crowd to disrupt social order" and questioned him about who was organizing and funding rights defender activities on behalf of his daughter.[77] In August, authorities formally arrested Zhang on the same charge.[78]

Party and Government Accountability and Transparency

LIMITS OF TRANSPARENCY AND OPEN GOVERNMENT AFFAIRS

While top Chinese leaders have voiced support for greater transparency, citizens continue to face challenges in accessing government information. In a speech in March 2013, Premier Li Keqiang reportedly raised six demands for anticorruption and clean government work for 2013, including open government affairs and making the exercise of authority transparent.[79] Some ministries and local governments reportedly improved communications with the public,[80] but according to one Chinese research institute's report, several problems persist, including officials who do not proactively offer information, do not provide information when rules say they should, or do not provide full information.[81] In October 2012, the Ministry of Foreign Affairs (MFA) denied a request under the Open Government Information (OGI) regulation regarding China's report for its UN Human Rights Council Universal Periodic Review (UPR) in October 2013, saying some of the information was "secret" and not "suited" to be released.[82] Beijing resident Shi Hongping tried to sue the MFA, but the Beijing Municipal No. 2 Intermediate People's Court refused to accept the case on the grounds that submitting a report for the UPR is a diplomatic action involving foreign affairs and legislation dictates that courts "cannot accept litigation brought by citizens against state actors [in areas] such as national defense and foreign affairs."[83] Authorities also reportedly harassed, prevented from leaving their homes, or detained individuals seeking information about the formulation of China's second National Human Rights Action Plan (2012–2015) (HRAP).[84] Authorities eventually lifted the restrictions on all of these individuals except for Peng Lanlan, whom they formally arrested on charges of "obstructing official business" and held in detention for a year before releasing her.[85] Peng surveyed petitioners for their opinions about

human rights conditions in China and collected signatures as part of the OGI application for information about the HRAP.[86]

PEOPLE'S CONGRESSES

Towards the end of 2012, China completed the most recent cycle of direct elections for local people's congress delegates. During the election cycle the Internet provided a new platform for "independent candidates," but authorities took a variety of steps to suppress their election efforts. At the lowest administrative levels, including the county and township levels, citizens, in theory, directly vote for people's congress delegates.[87] Above this level, people's congresses elect delegates for congresses at the next highest level.[88] Ten or more citizens may nominate "independent candidates," otherwise known as "voter-nominated" candidates.[89] One source reported that during the 2011–2012 election cycle there were thousands of independent candidates, known partially because of their presence on the Internet.[90] Reports surfaced, however, noting that authorities in some locations did not accept the nomination of some of these "voter-nominated" candidates.[91] In this election cycle, as in previous cycles, large numbers of "independent candidates" were winnowed out, leaving few to compete in elections.[92] One source considers this cycle of elections the darkest (for independent candidates) in the last 30 years.[93]

In 2012, Chinese authorities issued a draft decision with numerical requirements related to characteristics of delegates to be chosen for the 12th National People's Congress in March 2013. Four main goals reportedly guided the numerical requirements for the composition of the Congresses' delegates: equity among rural and urban areas, equity among regions, equity among nationalities, and that they "should be broadly representative" and "include an appropriate number of grassroots, worker, farmer, and intellectual delegates."[94] The resulting composition of the Congress's delegates roughly mirror the requirements.[95] For example, the numerical requirement for delegates from minority populations was "around 12 percent" with at least one delegate from each of China's official minority groups.[96] After selection processes were completed, nearly 13.7 percent of the delegates were from minority populations and all 55 of the minority groups were represented.[97] The percentages of "front line workers and farmers, and professional and technical delegates" were slated to increase, which they did by over 5 and 1.2 percent respectively.[98]

This year at the meetings of the National People's Congress and Chinese People's Political Consultative Conference (Two Sessions), delegates voted on six work reports and overall, there were 30 percent more negative votes for all of the reports combined than there were last year.[99] In one example, out of 2,948 delegates, 120 delegates abstained from voting on the work report of the Supreme People's Court and 605 delegates voted to oppose the report, which received the highest number of negative votes during the Two Sessions.[100]

GOVERNMENT ACCOUNTABILITY

Authorities are drafting or have passed national laws that regulate when and how citizens may hold authorities accountable. Work

to discuss and revise the PRC Administrative Litigation Law[101] is ongoing and the State Council work plan for the upcoming year reportedly includes the task of reviewing the PRC Administrative Reconsideration Law.[102]

During the reporting period, the State Council issued plans to improve top-down accountability systems and strengthen administrative enforcement of laws and regulations. In April, the State Council issued an opinion that included the goal of "improving a system to constrain and supervise the operation of authority."[103] The State Council also reported that it took steps to strengthen evaluations of local governments and officials, incorporated administrative work into the comprehensive government work assessment systems, and "guided" local governments and ministries to introduce administrative "enforcement responsibility systems."[104]

In line with these goals, central authorities continued to take steps to promote the use of only legal and standardized "red letter documents" ("*hongtou wenjian*")—rules issued by local governments.[105] During 2012, the State Council reportedly registered 1,393 regulations and rules of local congresses, governments, and departments, and took steps to resolve conflicts between the local rules and major laws.[106] One international academic report noted that citizens have the right to request a review of legislative conflicts, but relevant agencies have not formally responded to such requests.[107] In some cases, however, central authorities reportedly have reacted by amending the regulations in question, by making statements in the media about the requests, or by inviting the citizens who made the request to participate in consultations.[108]

OFFICIAL CORRUPTION AND ANTICORRUPTION MEASURES

Chinese leaders[109] and citizens[110] continued to express concern about official corruption, and some foreign and local business people reportedly believe China's legal environment has deteriorated.[111] Top leaders link the Party's legitimacy to its ability to manage corruption. In a speech to the Central Committee on November 19, 2012, President Xi Jinping said, "facts have shown that if corruption becomes increasingly severe, it will ultimately lead to the ruin of the Party and the country!" and "[c]orruption was among the most important of the reasons" for "social contradictions" leading to social unrest and the collapse of political power in some countries.[112] The corruption case against Bo Xilai, former Party Central Political Bureau member and Chongqing Party Secretary, who was charged with bribery, embezzlement, and abuse of power, opened for trial on August 22, 2013.[113] On September 22, 2013, the Jinan Municipal People's Intermediate Court, Shandong province, sentenced Bo to life imprisonment, deprivation of political rights for life, mandatory return of specified stolen monies, and confiscation of all personal assets.[114] Authorities reportedly denied Bo his choice of a lawyer and he was held by Party disciplinary officials for months under *shuanggui*,[115] a form of arbitrary detention utilized by the Party to investigate officials.[116]

Authorities continued to highlight anticorruption efforts and to issue regulatory measures to curb corruption. Premier Li Keqiang reportedly indicated that anticorruption work would be included in local government, administrative departments, and leading cadre

performance evaluations.[117] In addition, in November 2012, procuratorate provisions included a new standard for the crime of "especially serious bribery," and stipulated heavier sentences for this crime.[118] In January 2013, two judicial interpretations issued jointly by the Supreme People's Court and the Supreme People's Procuratorate came into force; one regarding the application of the law in handling criminal bribery cases,[119] and the other an interpretation on the handling of dereliction of duty criminal cases, which reportedly clarified the standards for categorizing specific crimes.[120]

SUPPRESSION OF WHISTLEBLOWERS & DEMANDS FOR DISCLOSURE OF OFFICIALS' ASSETS

During the reporting period, officials have detained a number of online corruption whistleblowers[121] and have had little tolerance for citizens and non-governmental organizations in various locations that have expressed demands for disclosure of officials' assets. As of mid-September 2013, officials in various locations reportedly had detained nearly 60 people who participated in petition drives or demonstrations calling for more transparency of government officials' finances, who called for the release of detained advocates, or who engaged in other related political advocacy efforts, and authorities formally arrested 29 of those people.[122] Information on some of those cases follows:

- In November 2012, a group of petitioners sent a letter to former Premier Wen Jiabao asking him to disclose his financial assets. At least one of the petitioners reported being locked in a detention center in Beijing municipality for 40 days for signing the letter.[123]
- In December 2012, more than 2,000 people took to the streets of Shanghai municipality calling on officials to disclose their personal assets, income, and investments, as well as those of their spouses and children.[124]
- Officials detained anticorruption advocates Sun Hanhui and Ding Jiaxi,[125] who reportedly were involved in collecting thousands of signatures for an open letter to the National People's Congress, urging members of the Party Central Committee to disclose to the public their family assets to reassure citizens that they are not corrupt.[126] Authorities reportedly censored the letter and deleted blog postings by the organizers.[127]
- In late March, Beijing officials criminally detained anticorruption advocates Hou Xin, Yuan Dong, Zhang Baocheng, and Ma Xinli on suspicion of "unlawful assembly" for unfurling a banner with anticorruption slogans in a busy shopping area along with a number of other people.[128] Authorities later released Hou Xin on bail pending investigation.[129]
- In April, officials detained other anticorruption advocates, including Zhao Changqing and Wang Yonghong, on suspicion of "unlawful assembly,"[130] and Li Wei, another anticorruption advocate.[131] In response, individuals and a group issued open letters demanding that authorities release the anticorruption advocates.[132] In addition, public security personnel detained former independent people's congress candidate Liu Ping and in July indicted Liu on charges of "unlawful assembly," "gath-

ering a crowd to disrupt public order," and "using a cult to damage enforcement of the law."[133]

Despite strong public demand for disclosure of officials' finances,[134] some of China's elite appear to be resistant to moving forward with requirements for top officials to disclose their assets.[135] One member of the Central Commission for Discipline Inspection reportedly pointed to the extensive wealth of officials and noted that "to publicize any of them would lead to public anger."[136] A limited number of locations have initiated pilot projects wherein officials disclose their assets within the Party or to their own organizations, but rarely to the public at large.[137] Many local governments and administrative institutions also have not disclosed information on expenditures for overseas trips, official receptions and entertainment, and vehicles, otherwise known as the "three publics," despite requirements to do so.[138]

COMMERCIAL RULE OF LAW

During the Commission's 2013 reporting year, the Chinese government and Communist Party continued to promote and develop a state-led growth model, 12 years after China's accession to the World Trade Organization (WTO) and 5 years after the onset of the global financial crisis. Authorities encouraged national coordination of overseas investment activity, including targeted investment in industries they deemed strategic, and China's state-owned enterprises continued to play a leading role in that investment activity. Authorities implemented banking reforms, although state-owned enterprises maintained preferential access to loans. China's currency—the yuan—appreciated during the past year, but it remained undervalued, and the Chinese government continued to interfere with the exchange rate. The United States and other countries continued to pursue action against China through WTO mechanisms, and China faced allegations of trade violations, including antidumping and countervailing duties and subsidies inconsistent with its WTO obligations. Intellectual property rights violations, including state-authorized theft of trade secrets, remained a significant issue of concern this past year, and problems with the rule of law contributed to ongoing food and product safety problems, including the cross-border movement of hazardous and illegal products.

Outbound Investment

China's outbound investment continued to grow during the Commission's 2013 reporting year, setting new records. Based on data provided by the Heritage Foundation, China's outbound investment grew by an average of 39.59 percent per year from 2005 to 2012,[1] reaching a record annual high of US$79.7 billion in 2012.[2] Some sources reportedly estimated different outbound investment figures for 2012;[3] for example, the Economist Intelligence Unit estimated a figure of US$115 billion in 2012.[4] According to the same Economist Intelligence Unit report, from 2011 to 2012, China's outbound investment (excluding tax havens) jumped from 16th place to 3rd place worldwide, behind the United States and Japan.[5]

The Chinese government and Communist Party continued to encourage state-led coordination of overseas investment activity as part of a policy authorities commonly referred to as the "go out" strategy (*"zou chu qu" zhanlue*). As GDP growth in China has largely slowed since 2007,[6] authorities have encouraged Chinese businesses to invest abroad in part as a way to increase opportunities for Chinese enterprises to move up the value chain.[7] In a January 2013 Caixin article, Yi Gang—Deputy Governor of the People's Bank of China[8] and Administrator of the State Administration of Foreign Exchange[9]—said that the "go out" strategy "was elevated to the level of national strategy" between 2000 and 2008, and that, beginning in 2008, the "go out" strategy became a way to guard against the vulnerability of China's export-led growth model and take advantage of cheaper, post-financial crisis assets in developed countries.[10] Yi added that Chinese enterprises should "be low profile . . . and minimize the appearance of government involvement to avoid policy resistance and barriers to approval."[11]

The 12th Five-Year Plan on National Economic and Social Development ("12th Five-Year Plan")—a Party-initiated plan that outlines broadly, inter alia, strategies for economic growth for the period from 2011 to 2015 [12]—outlined the "go out" strategy at the national level.[13] State-owned enterprises continued to account for the majority of China's overseas investment,[14] although the role of private enterprises reportedly increased last year.[15]

The government and Party also continued to emphasize the importance of investment abroad in certain "strategic" industries this past year. The 12th Five-Year Plan noted the importance of "fostering the development of strategic emerging industries," [16] such as new information technology and new energy,[17] as well as the importance of overseas investment generally in energy resources, technology, and "famous brands." [18] According to state-run broadcaster China Central Television, Chen Yuan, Vice Chairman of the Chinese People's Political Consultative Conference,[19] Chairman and Party Secretary of the China Development Bank,[20] and head of the China Enterprises Investment Association (CEIA) [21]—an organization that operates under the "guidance and supervision" of the Chinese Academy of Social Sciences and the Ministry of Civil Affairs [22]—emphasized at a December 2012 CEIA meeting that sectors such as energy, mining, electricity, telecommunications, petrochemicals, and machinery manufacturing were important.[23] Chinese enterprises reportedly continued to seek investment opportunities abroad in at least some of the above sectors this past year.[24] In 2012, China invested more money overseas in the energy sector than in any other sector,[25] followed by the metals sector.[26] In April 2013, China signed a free-trade agreement with Iceland,[27] a development that some sources described as an attempt to gain access to energy reserves, rare earths and other minerals, and strategic shipping lanes.[28]

State-controlled organizations continued to offer preferential terms for investment and export project financing in locations around the world this past year. In July 2012 testimony before the U.S. Senate Foreign Relations Committee, Fred Hochberg, Chairman and President of the Export-Import Bank of the United States, argued that the state-owned Export-Import Bank of China [29] ("China Exim Bank") was able to create an uneven "playing field" in Africa in part by offering financing on "terms and conditions better than commercial banks" [30] and by requiring "preferential access to natural resources" in the host country in return for financing.[31] This past year, construction continued on a reported US$5 billion project to build a city near Minsk, the capital of Belarus, for which Chinese authorities agreed to provide low-interest financing.[32] Both China Exim Bank and the China Development Bank—which operates under the State Council [33]—reportedly agreed to provide financing for the project.[34] One former Belarusian official reportedly said that Chinese authorities agreed to provide low-interest financing on the condition that half the value of that financing was spent on Chinese materials, technology, or labor.[35] The same former official said, "The loan conditions are highly advantageous . . . . It doesn't make sense for us to even consider financing from other banks." [36]

Financial Reforms

This past year, authorities took measures to reform China's banking system, which continued to give state-owned enterprises (SOEs) preferential access to loans. For example, in late July 2013, the People's Bank of China (PBOC) removed a lower limit on loan interest rates,[37] but it maintained an upper limit on interest rates payable to depositors.[38] Chinese and non-Chinese media noted that this combination of policies could allow SOEs—who reportedly already enjoyed preferential access to loans compared to smaller borrowers[39]—to secure cheaper loans, as well as reduce the profits of smaller banks and constrain the ability of households to accumulate savings.[40] Faced with difficulties securing financing, some smaller businesses in recent years reportedly have relied on lending outside the regulated banking system,[41] some forms of which are referred to as "shadow banking."[42] A May 2013 report by JPMorgan Chase Bank, Hong Kong, estimated "shadow banking" in China at 69 percent of GDP and 27 percent of bank assets at the end of 2012.[43] In some cases, small businesses that turned to loans outside the regulated banking system paid significantly higher rates than those with access to formal bank loans.[44] For example, one financial analyst estimated that small businesses pay a premium of 20 to 30 percent over a base lending rate, while state-owned borrowers typically borrow at a discount from the base rate.[45]

In a July 28, 2013, announcement, the National Audit Office said that it would "organize auditing offices nationwide to conduct auditing of government debt."[46] The announcement did not elaborate further, but according to international media sources, the audit may reflect official concerns over debt held by SOEs and local governments,[47] which some sources estimated at US$2 trillion to US$3 trillion.[48] From late 2008 to August 2013, authorities reportedly made "[US$6.2] trillion of bank loans available to state-owned companies and local governments."[49] In one case, in early August 2013, the state-owned Agricultural Bank of China reportedly agreed to lend 250 billion yuan (US$40.8 billion)[50] to Shanghai municipality.[51] According to unidentified sources reportedly within the Shanghai city government, the loan was part of an "unofficial economic stimulus" that would support projects including the establishment of a Disneyland theme park and a "free-trade zone" in Shanghai.[52] Many local governments, which retain 25 percent of value-added tax revenue—75 percent goes to the central government—and whose officials depend on economic growth for political success, reportedly continued to borrow heavily to finance local development projects without devising plans to avoid default.[53]

Foreign Exchange Control

The yuan remained undervalued this past year, despite an increase in its value and calls by Chinese authorities to liberalize exchange rate controls. In an April 2013 report, the U.S. Treasury Department said that the yuan "remains significantly undervalued"[54] and that the "process of exchange rate adjustment remains incomplete,"[55] although the yuan reportedly appreciated against the U.S. dollar this past year.[56] The Wall Street Journal

reported that the yuan appreciated 1 percent against the U.S. dollar in 2012 and 1.6 percent from January to May 2013.[57] In a report to the National People's Congress in March 2013, then-Premier Wen Jiabao said that the government "should steadily carry out reforms to make interest rates and the RMB exchange rate more market-based,"[58] but exchange rate policy this past year did not necessarily reflect a more market-based approach. For example, the U.S. Treasury Department cited accumulations of foreign exchange reserves—reportedly US$34.7 billion in the fourth quarter of 2012[59] and US$128 billion in the first quarter of 2013[60]—as signs of increasing Chinese government intervention in the exchange rate.[61] In March 2013, Xia Bin, then-adviser to the People's Bank of China (PBOC)—the central bank of China, which operates under the State Council[62]—reportedly called for "more power [for the PBOC] in the areas of some short-term and specific monetary policy adjustment and operations,"[63] although he did not call for a more market-based approach in these areas.

This past year, the State Administration of Foreign Exchange (SAFE) issued the Circular Regarding Improving and Adjusting Policies on the Management of Direct Investment and Foreign Exchange,[64] which loosened several aspects of foreign exchange control in an attempt to facilitate trade and overseas investment.[65] For example, the circular removed the requirement that SAFE approve the establishment of several kinds of foreign exchange accounts,[66] as well as the requirement that SAFE approve the reinvestment of yuan revenues by foreign investors.[67] The circular also allowed foreign-invested enterprises to make loans to their foreign parent companies under certain conditions.[68]

China in the World Trade Organization

During this reporting year—more than a decade after China's accession to the World Trade Organization (WTO)[69]—China continued to face allegations from multiple countries of violations of its WTO obligations. Since its accession to the WTO, China has been a respondent in 31 WTO Dispute Settlement cases;[70] this past year, the WTO found in favor of U.S. claims in three cases that the United States brought against China, as well European Union claims in one case that the European Union brought against China.[71] WTO panels found that the Ministry of Commerce (MOFCOM) had imposed antidumping and countervailing duties on U.S. grain-oriented electrical steel, U.S. chicken products, and European x-ray inspection equipment in ways that were inconsistent with China's WTO obligations.[72] China did not appeal the findings in the chicken case or x-ray case this past year;[73] in the steel case, the WTO's Appellate Body upheld the panel report's findings in October 2012 upon appeal.[74] A July 2013 MOFCOM statement announced MOFCOM had "re-examined some procedures and physical issues, on which the original antidumping measures and the original countervailing measures were based."[75] The statement announced a revised set of antidumping and countervailing duties on U.S. grain-oriented electrical steel, but it did not identify or discuss the "issues" in the original examination.[76] In July 2012, the United States requested consultations with China regarding antidumping and countervailing duties affecting U.S. automobiles,[77] while a case

involving alleged subsidies to Chinese manufacturers of automobiles and automobile parts remained in consultations.[78] In February 2013, the WTO Secretary General composed a panel to consider the claims of the United States.[79] In another case, a WTO panel found that China acted inconsistently with its WTO obligations by maintaining China UnionPay—a Chinese company—as a monopoly supplier for yuan-denominated transactions with bank cards issued in China and used in Hong Kong and Macau.[80] According to the WTO, China reported in July 2013 that it had "fully implemented" the findings in this case, but the United States "did not agree" and "would monitor and review China's actions."[81]

China did not fulfill its notification obligations under the WTO's Agreement on Subsidies and Countervailing Measures (SCM Agreement) this past year. The SCM Agreement requires WTO members to submit notifications of their subsidies by June 30 of each year,[82] but a February 2013 joint report by the Office of the United States Trade Representative and the U.S. Department of Commerce found that China's most recent notification was in 2011, covering the period 2005 to 2008, and was incomplete.[83] On September 17, 2012, the United States requested consultations with China regarding alleged subsidies in the automobile and auto parts industries,[84] including "grants, reduced corporate income tax rates and low-cost lending from state-owned banks."[85]

Non-Chinese companies continued to report an unequal business environment in China when competing against Chinese companies. For example, according to a US-China Business Council (USCBC) report from 2012, some U.S. companies surveyed by the USCBC reported their Chinese competitors "may have preferential access from licensing approvals to government contracts to financing and other areas, giving them a competitive edge."[86] According to the USCBC, "nearly half" of U.S. companies surveyed reported that they "see protectionism in the way the administrative licensing process is managed,"[87] some reported that they experienced unequal enforcement of laws when compared to Chinese companies,[88] and some reported they continued to face market access barriers in the investment and service sectors.[89] Such practices appear to violate the core WTO principle of national treatment.[90] [See Antitrust Developments below for discussion of possible unequal treatment in pricing and bribery investigations.]

Fifth U.S.-China Strategic and Economic Dialogue

Chinese officials reportedly announced plans to undertake several new commercial reforms during the fifth U.S.-China Strategic and Economic Dialogue ("the Dialogue"), held in July 2013. For example, Chinese officials pledged to negotiate a bilateral investment treaty (BIT) with the United States and address market access issues in the negotiations.[91] Chinese officials reportedly committed to negotiate using a "negative list" approach, through which China would begin with a "presumption of openness" and then create exceptions to open market access on a case-by-case basis.[92]

Fifth U.S.-China Strategic and Economic Dialogue—Continued

In addition, Chinese officials reportedly pledged to include "substantial improvements" in their next offer to join the Government Procurement Agreement (GPA), which they said they planned to submit later in 2013.[93] The GPA is a WTO agreement designed to increase transparency in government procurement, prevent protection of domestic products or suppliers, and prevent discrimination against foreign products or suppliers.[94] The United States, the European Union, and other parties to the GPA previously called for several improvements to China's proposal to join the GPA, including coverage for state-owned enterprises, expanded coverage for businesses below the central-government level, and lower thresholds for the application of non-discrimination provisions.[95] During the Dialogue, Chinese officials reportedly said "they would be responsive to U.S. requests [. . .] to increase the coverage of sub-central entities in [the] new offer, and [. . .] might lower the thresholds above which the GPA's non-discrimination disciplines apply."[96] According to a May 2013 Global Times article, the total government procurement market in China was an estimated US$1 trillion, growing at over 20 percent per year.[97]

Intellectual Property Rights

The Chinese government continued to take steps to improve intellectual property rights (IPR) protections this past year, but weak protection and enforcement of IPR continued to contribute to IPR violations. This past year, the State Intellectual Property Office outlined broad guidelines for protecting intellectual property (IP) as part of its 2013 National Intellectual Property Strategy,[98] and the number of civil and criminal IPR cases, as well as county-level courts that can hear IPR cases, reportedly increased this past year.[99] IPR violations remained widespread, however. In a May 2013 report, the Commission on the Theft of American Intellectual Property noted that efforts to improve IPR protections were too slow to prevent increasing theft[100] and that Chinese policies encouraging the acquisition of technology created incentives for IPR violations.[101] According to the same report, China accounted for an estimated 50 to 80 percent of international IP theft.[102] This year, China remained on the Priority Watch List of the Office of the United States Trade Representative (USTR),[103] where it has been every year since 2006.[104] Countries on the Priority Watch List are the "focus of increased bilateral attention" regarding problems with "IPR protection, enforcement, or market access for persons relying on intellectual property."[105] USTR noted this past year that "sales of IPR-intensive goods and services in China remain disproportionately low when compared to sales in similar markets that provide a stronger environment for IPR protection and market access."[106]

Theft of trade secrets, in some cases reportedly authorized by the Chinese government, continued this past year. USTR noted in its 2013 Special 301 Report that the theft of trade secrets is a growing area of concern[107] and that such theft continued to occur in China through circumstances involving "departing employees, failed joint ventures, cyber intrusion and hacking, and misuse of information submitted to government entities for purposes of complying with

regulatory obligations."[108] U.S. information security company Mandiant noted in a February 2013 report that, since 2006, an organization operating under the People's Liberation Army that the Mandiant report referred to as "Unit 61398"[109] stole "hundreds of terabytes of data from at least 141 organizations"[110]—of which 115 were located in the United States[111]—from a "wide range of industries."[112] The 12th Five-Year Plan on National Economic and Social Development designated several industries as "strategic emerging industries,"[113] and the Mandiant report noted that, of the seven industries in which Mandiant observed cyber-attacks from Unit 61398, four matched those "strategic emerging industries."[114] [See Outbound Investment above for more information.]

Chinese officials continued to use technology transfer as a precondition for market access this past year. According to a 2013 report by the American Chamber of Commerce, in the People's Republic of China, 35 percent of companies surveyed reported they were "still concerned about de facto technology transfer as a requirement for market access."[115] The percentage of survey respondents that said de facto requirements for technology transfer were increasing rose from 27 percent in 2012 to 37 percent in 2013.[116] Using technology transfer as a precondition for certain forms of market access violates commitments in China's Protocol of Accession to the WTO[117] and commitments that China reportedly made during the 23rd U.S.-China Joint Commission on Commerce and Trade in late December 2012.[118]

The Chinese government continued to revise a wide variety of IP laws and regulations this past year as part of a process that USTR referred to as a "sweeping legal reform effort."[119] In January 2013, the State Council amended the PRC Copyright Law Implementing Regulations,[120] the Information Network Broadcasting Rights Protection Regulations,[121] and the Computer Software Protection Regulations,[122] increasing the administrative penalties authorized under each.[123] The State Intellectual Property Office (SIPO), National People's Congress Standing Committee, and National Copyright Administration reportedly continued to deliberate on draft amendments to the PRC Patent Law,[124] PRC Trademark Law,[125] and PRC Copyright Law,[126] respectively, this past year. The draft amendment to the Trademark Law contains provisions that require trademark applicants to adhere to the "principle of good faith,"[127] and it increases maximum damages in cases where violations are deemed "serious."[128] The draft amendment to the Patent Law expands the role of administrative authorities responsible for managing patents. For example, under the proposed amendment, administrative agencies would have the authority to investigate cases of patent violations that "allegedly disrupt market order,"[129] as well as additional authority to fine perpetrators in certain cases.[130] According to SIPO, granting additional authority to administrative authorities would, among other things, help reduce "litigation fatigue"[131] and high costs[132] associated with bringing patent infringement cases to court. Some commentators, however, expressed concern that the amendment would shift authority away from the courts to administrative authorities. For example, Liu Chuntian, Professor at the Renmin University of China Law School,[133] reportedly said the proposed amendments might "hurt the balance of

power and the rule of law. . . . If the administrative agencies are given more power, then there is some concern that the courts might become more like an administrative agency instead of acting as an independent judiciary."[134] Other examples of legislative reform include SIPO's November 2012 publication for public comment of a draft of the Service Invention Regulations[135]—designed to clarify and protect the rights of inventors and their employers[136]—and the State Administration for Industry and Commerce's August 2012 release of the fifth draft of the Guide on Antimonopoly Enforcement in the Field of Intellectual Property Rights (the Guide).[137] The Commission did not observe an official draft of the Guide, but according to the Legal Daily, the fifth draft of the guide, inter alia, prohibits price fixing of products with intellectual property by competing companies.[138]

Amendment to the Civil Procedure Law

An amendment to the PRC Civil Procedure Law took effect on January 1, 2013,[139] and some expert commentators noted it could bring greater clarity, transparency, and efficiency to commercial litigation and arbitration in China.[140] For example, the amended law requires courts to write out judgments and rulings and explain in writing the reasoning behind them;[141] the amended law also provides that the public may look up judgments and rulings, but not those that concern state secrets, trade secrets, or personal privacy.[142] In addition, the amended law provides that parties to a dispute may apply to a court for measures designed to preserve assets and evidence prior to litigation or arbitration.[143] The amended law also allows parties to apply to a court to freeze the assets of another party or order another party to take or not take certain actions in the event that a judgment will be difficult to enforce or that one party's interests may be harmed;[144] and it allows the courts to take such measures on their own, if necessary.[145]

Antitrust Developments

This past year, the Ministry of Commerce (MOFCOM) published for public comment two new draft regulations—the Provisions on Additional Restrictive Conditions for the Concentration of Business Operators ("Restrictive Conditions Provisions")[146] and the Interim Provisions Regarding the Application of Standards for Simple Cases of Concentration of Business Operators ("Simple Cases Provisions")[147]—both reportedly designed to clarify and streamline merger review and approval processes.[148] This past year, expert commentators continued to criticize the merger review and approval processes for being long and for advancing industrial policy,[149] and noted that the two new provisions had shortcomings. For example, law firm Clifford Chance noted in an April 2013 analysis that it is unclear whether or not the Restrictive Conditions Provisions will shorten the merger review process, given that in at least two recent cases reviews have exceeded statutory limits.[150] The Simple Cases Provisions outline criteria by which MOFCOM may or may not classify certain kinds of mergers as "simple cases,"[151] but, as law firm Herbert Smith Freehills noted in a May 2013 analysis, the Simple Cases Provisions do not provide guide-

lines for the treatment of cases after they are classified as "simple cases."[152]

This past year, the National Development and Reform Commission (NDRC) imposed penalties on companies operating outside of China, reportedly the first time it had done so.[153] On January 4, 2013, the NDRC reported that it had fined six companies a total of 353 million yuan (US$56.5 million)[154] for participating in a cartel ("LCD Cartel") to fix prices of liquid crystal display (LCD) screens sold into the Chinese market.[155] According to the NDRC report, during the period from 2001 to 2006, representatives of the six companies—LG and Samsung of South Korea and Chimei, AU Optronics, Chunghwa Picture Tubes, and Hannstar of Taiwan—met in Taiwan and South Korea a total of 53 times to exchange information on the worldwide LCD market and to set prices for LCD screens.[156] The NDRC reported that it brought the action against the LCD Cartel under the 1998 PRC Pricing Law[157]—which covers collusion to manipulate market prices[158]—rather than the 2008 PRC Antimonopoly Law,[159] because the Antimonopoly Law did not come into effect until 2008,[160] after the activities in question allegedly took place.

The NDRC action raised certain issues concerning the NDRC's adherence to the letter of the law. For example, Article 2 of the Pricing Law provides that it shall apply to pricing acts carried out inside China.[161] The Pricing Law does not forbid extraterritorial application, but it does not provide for such extraterritoriality. In addition, under the PRC Administrative Punishment Law, the applicable statute of limitations within which authorities would have needed to take action is two years,[162] but the NDRC brought this action long after the conduct occurred. Regarding when the limitation period begins if the conduct has not been discovered, antitrust lawyer Marc Waha reportedly said, "At least in other legal systems, when one speaks of a two year limitation period you are talking about a four year maximum period. That is how it would work in other jurisdictions, but the rules are not clear in China."[163] Finally, the NDRC reportedly announced that the members of the LCD Cartel "proposed" corrective actions reportedly similar to those the Ministry of Commerce (MOFCOM) has imposed in merger filing cases under the Antimonopoly Law.[164] As a January 7, 2013, commentary by O'Melveny & Myers noted, however, the NDRC had not issued measures that "[govern] the enforcement of remedial commitments in the merger context."[165]

China's pricing and bribery investigations in subsequent cases involving dairy suppliers and drug manufacturers reportedly have raised concerns over unequal treatment in favor of Chinese businesses and, in particular, large state-owned enterprises. In September the President of the European Union Chamber of Commerce in China, David Cucino, said, "In pricing investigations, some of the chamber's member companies believe there is disproportion in how foreign companies are covered on this issue when compared with Chinese rivals."[166] Jeremie Waterman of the U.S. Chamber of Commerce, said that Chinese authorities had initiated cases against Chinese companies, but that "nearly all large State-owned enterprises have been exempt from enforcement actions to date."[167] [For more information on unequal treatment of Chinese

and non-Chinese businesses, see China in the World Trade Organization in this section.]

Consumer Product Safety

During this past year, food safety scandals continued to emerge in different parts of China. For example, the Ministry of Public Security reported that, over the course of a three-month campaign that began on January 25, 2013, public security authorities took into custody 904 people allegedly involved in various "meat product offenses," including the sale of fake meat products.[168] Later reports from Chinese and international media revealed that those involved were suspected of selling rat, fox, and mink meat disguised as mutton and beef, among other offenses.[169] In another case, authorities in Guangzhou municipality, Guangdong province, reportedly found that over 44 percent of rice and rice products they tested contained unsafe levels of cadmium.[170] Authorities at the Guangzhou Municipal Food and Drug Supervision and Management Bureau reportedly said that it was "not convenient to reveal" which brands carried the affected rice.[171] In another case, the Nanchang County People's Court, in Nanchang municipality, Jiangxi province, reportedly sentenced six people to up to five years in prison for disguising used cooking oil—which reportedly can contain carcinogens—as new and selling it.[172] Similarly, a court in Guangdong reportedly sentenced three people for buying and reselling used oil.[173]

Hazardous and illegal Chinese products continued to cross borders into other markets during this past reporting year. In May 2013 testimony before the Commission, Steven Solomon, Associate Director for Global Operations and Policy in the Office of Global Regulatory Operations and Policy of the U.S. Food and Drug Administration, reported that 3 percent of food, 8 percent of animal food, and 5 percent of drugs and biologics imported into the United States came from China.[174] In one case, according to a report from U.S. Immigration and Customs Enforcement (ICE), authorities in New York reportedly charged five individuals and five corporations after they allegedly imported "hazardous and counterfeit" toys from China into the United States.[175] One ICE official reportedly said, "The people and companies involved in this illegal trade not only allegedly infringed on intellectual property rights, they placed the lives of innocent children in danger. . . . They allegedly sold toys with high lead content and cheap knock offs with substandard parts that break easily and pose a choking hazard."[176] According to an October 2012 Der Spiegel article, hazardous Chinese products—including glass chips among pumpkin seeds, maggots in pasta, cadmium in dried anchovies, contaminated strawberries, and antibiotics in shrimp—reached a variety of European Union countries in late 2012.[177]

In addition, concerns over contaminated milk powder in mainland China[178] prompted mainland Chinese travelers to bring illegal quantities of milk powder from Hong Kong back to mainland China. Between March 1 and April 23, 2013, authorities in Hong Kong reportedly took into custody 879 people allegedly involved in smuggling milk powder from Hong Kong into mainland China.[179] According to an April 2013 Bloomberg article, on March 1, Hong Kong authorities limited the amount of milk powder that travelers

may take out of Hong Kong after concerns about the quality of milk powder in mainland China prompted large numbers of Chinese travelers to buy milk powder in Hong Kong and take it back to mainland China.[180] According to central government news agency Xinhua, the State Council announced plans to increase safety measures in China's milk industry.[181] Under the plan, the government reportedly would adopt new quality standards and would "intensify the crackdown on milk powder-related violations."[182]

ACCESS TO JUSTICE

Introduction

Chinese citizens face formidable obstacles in seeking remedies to government actions that violate their legal rights and constitutionally protected freedoms. International human rights standards require effective remedies for official violations of citizens' rights. Article 8 of the Universal Declaration of Human Rights states that "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."[1] Article 2 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed but not yet ratified, requires that all parties to the ICCPR ensure that persons whose rights or freedoms are violated "have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."[2]

Legal Reform

During the 2013 reporting year, the Commission observed key leadership changes in the Chinese Communist Party and government's legal sectors, and official statements on the potential reform of controversial mechanisms within the legal system. The new Supreme People's Court (SPC) President Zhou Qiang has academic and professional training in legal affairs, unlike his predecessor, Wang Shengjun, who had a security background.[3] The new Secretary of the Communist Party Central Committee's Political and Legal Affairs Commission (PLAC), Meng Jianzhu, does not have a concurrent government appointment as head of public security or a seat among the seven-member Standing Committee of the Central Committee's Political Bureau as did his predecessor, Zhou Yongkang, which suggests a downgrade of the PLAC after a decade of powerful growth.[4] At a January 2013 meeting of the PLAC, four areas of legal reform for the coming year were announced: The justice sector,[5] the reeducation through labor (RTL) system,[6] citizen petitioning, and the household registration (*hukou*) system.[7] [For information on *hukou* system reform, see Section II—Freedom of Residence and Movement.]

JUSTICE SECTOR REFORM

While China's Constitution provides for the exercise of judicial independence in Article 126, the Constitution's preamble establishes the leadership of the Communist Party over all other institutions.[8] An academic report on justice sector reform during the latest round of judicial reforms (2008–2012) concludes that "fundamentally, there has been no progress in judicial fairness, credibility, or authority" and "judicial independence has deteriorated," even though there was some progress on technical matters, such as court fee guarantees, uniformity of adjudication, disclosure, and regulatory constraints.[9] Achieving judicial independence, it goes on to say, will require "clarifying" (*liqing*) the relationship between the judiciary and the Party.[10] The State Council's October 2012 white paper on judicial reform in China states that the "objectives of China's judicial reform" include "ensur[ing] that the people's courts

and people's procuratorates exercise adjudicative power and procuratorial power fairly and independently" and "establish[ing] an impartial, efficient and authoritative socialist judicial system,"[11] but makes no mention of the Communist Party or the role of the Party's Political and Legal Affairs Commission (PLAC) over the courts.[12] References to judicial independence in the departing Supreme People's Court (SPC) president Wang Shengjun's work report in March,[13] led at least one commentator to suggest that judicial independence may be a key agenda item for future judicial reform.[14] The focus of the next round of judicial reforms will likely be spelled out in the SPC's next five-year plan covering 2014–2019[15] as well as in forthcoming PLAC announcement(s) on its institutional priorities for legal reform.[16]

REEDUCATION THROUGH LABOR

The reeducation through labor (RTL) system operates entirely outside of the judicial system and is influenced but not constrained by the PRC Criminal Law. RTL is a system of administrative punishment that enables law enforcement officials to incarcerate Chinese citizens at RTL centers for a maximum initial period of three years, with the possibility of an extension of up to one year.[17] Chinese and international legal commentators state that RTL not only violates China's international human rights obligations,[18] but also violates its own laws and constitutional protections.[19] With a reported 350 RTL detention centers nationwide and estimates of more than 100,000 detainees,[20] authorities use the RTL system to detain petitioners seeking redress for official abuses, practitioners of the Falun Gong spiritual movement,[21] and minor offenders—including drug users and sex workers—whose alleged misconduct is not a criminal offense under Chinese law.[22]

During the 2013 reporting year, high-profile individual cases[23] and an exposé on harsh conditions at a women's RTL center in Liaoning province[24] focused national attention in China on the use of RTL and strengthened calls for its reform and even abolition.[25] Although several provinces reportedly began to "transition" RTL centers into compulsory drug treatment facilities,[26] to discontinue issuing RTL sentences,[27] and to operate rehabilitation and corrections pilot sites,[28] the government and Party's position on RTL reform, nevertheless, remains ambiguous. PLAC Secretary Meng Jianzhu's reported comment in January to "halt" RTL has shifted to vague plans for reform,[29] as when Premier Li Keqiang told a March press conference in Beijing that plans to reform China's RTL system "might be unveiled" by the end of the year.[30] Similarly, the government's submission to the UN Human Rights Council for the October 2013 Universal Periodic Review affirms an intention to reform RTL but provides no timeframe for reform.[31] The vagueness of official pronouncements has raised concerns that extralegal detention may continue, albeit under a different name.[32]

CITIZEN PETITIONING

The petitioning, or *xinfang* (letters and visits), system exists to provide a channel, outside court challenges, for citizens to appeal government, court, and Communist Party decisions and to present their grievances.[33] Citizens often turn to petitioning as a means to

seek redress for a wide range of disputes—such as forced evictions and land expropriation,[34] wage arrears,[35] unpaid pensions to military veterans,[36] and unpaid compensation required under health-related regulations[37]—due to institutional weaknesses in the judiciary and limits on citizens' ability to air grievances. A prominent Chinese economist reportedly estimated 20 million petitioners in 2012, including repeated filings and petitions at various levels of government.[38] Chinese authorities, however, announced an 11-percent decrease in the total number of petitions during 2012 at a teleconference of the heads of Letters and Visits Bureaus in January 2013, a continuation of an eight-year decrease from 2005, when 12.6 million petitions were officially reported.[39]

Prior to and during the 18th Party Congress in November 2012, the Commission observed nationwide "petitioning stability maintenance work" (*xinfang weiwen gongzuo*) to achieve "zero petitioning," particularly targeting potential petitioners' travel to Beijing.[40] While some localities advised officials to mobilize into work teams[41] and resolve petitioner grievances with more service-oriented attitudes,[42] some official guidance also suggested 24-hour surveillance of long-time petitioners and other "stability maintenance" measures.[43] A Chinese rights advocate described the control of petitioners for the 18th Party Congress as "comparatively much bigger than in the past,"[44] borne out by reports of evictions from "petitioner villages" in Beijing,[45] detention in "black jails,"[46] and RTL detention for several Shanghai petitioners[47] and rights advocates, including Mao Hengfeng,[48] Cui Fufang,[49] Tong Guojing,[50] Shen Yongmei,[51] and Shen Lianman.[52] Caixin Media, a domestic Chinese news organization known for its investigative work, reported on the beating death of a petitioner from Henan province as he was taken from Beijing by provincial "black security guards" on the eve of the Party Congress.[53]

Even with increased repression of petitioners throughout the fall of 2012[54] and in early 2013 prior to the annual meetings of the National People's Congress (NPC) and China People's Political Consultative Conference (CPPCC) (Two Sessions) in March,[55] government officials at the Two Sessions nevertheless discussed possible reform of the petitioning system. Former CPPCC head Jia Qinglin called for establishing a mechanism to end "abnormal petitioning,"[56] a broad term that denotes repeated petitioning, disruptive conduct, multiple participants, or "leap-frogging administrative levels" to complain to higher level officials.[57] One CPPCC official recommended hearings or assessments for complex cases.[58] Petitioning bureaus and other agencies with petitioning offices appear to be strengthening prohibitions against intercepting "ordinary" petitioners, characterizing interceptions as an "incorrect practice" (*cuowu zuofa*).[59] In May, Chinese state media reported that, beginning in March 2013, the State Letters and Visits Bureau had temporarily suspended issuance of the monthly ranking of provinces based on the number of "abnormal petitioning" incidents each month.[60] A journalist from Yunnan province, however, illustrated the lack of central-local policy coordination by reporting on the Anhui Provincial Communist Party Standing Committee's recommendation to start "abnormal petitioning" rankings for Anhui county- and district-level governments on June 1, 2013.[61]

Harassment of Human Rights Lawyers and Defenders

The Commission observed instances of government harassment,[62] detention,[63] and physical violence against *weiquan* (rights defense)[64] lawyers during the 2013 reporting year, continuing a pattern of human rights violations against rights defenders documented in prior years.[65] During the annual license renewal period in May 2013, the Beijing Justice Bureau reportedly did not renew licenses of approximately 10 law firms and possibly dozens of *weiquan* lawyers,[66] many of whom have provided legal counsel in religious freedom, state security, and reeducation through labor cases.[67] International news media also reported that authorities have shut down the blogs of lawyers involved in rights defense,[68] and placed at least one lawyer on a government list of so-called "key persons" (*zhongdian renyuan*, i.e., a person of "key" interest to security authorities).[69] Local law enforcement also reportedly detained and beat a group of *weiquan* lawyers who went to Sichuan province in May 2013 to investigate an allegedly illegal detention center.[70]

The Commission continues to monitor the cases of Chinese lawyers and rights defenders detained and imprisoned for their human rights advocacy, such as Xu Zhiyong,[71] Gao Zhisheng,[72] and Ni Yulan.[73] In July 2013, authorities detained and subsequently arrested prominent rights advocate, Xu Zhiyong, reportedly in connection with his advocacy of citizen rights and official transparency.[74] Gao Zhisheng, well-known for his legal defense of marginalized citizens and religious practitioners,[75] is serving a prison term in Akesu (Aksu) prefecture, Xinjiang Uyghur Autonomous Region, on the charge of "inciting subversion of state power."[76] His brother and father-in-law visited him in January 2013 at the prison—the first time authorities permitted them to do so in nine months[77]—but authorities prohibited any discussion of Gao's prison conditions, legal case, or wife and children.[78] In April 2012, authorities in Beijing sentenced Ni Yulan, a housing rights advocate, and her husband Dong Jiqin, to two years and eight months[79] and two years in prison, respectively, following a crackdown on rights defenders and others in spring 2011.[80] Authorities refused a medical parole request for Ni submitted in October 2012:[81] Ni is permanently disabled as a result of police abuse,[82] and reportedly suffers from thyroid disorders.[83]

Efforts To Expand Legal Aid

The Chinese government continues to increase funding available for legal aid in order to expand access to institutions that assist citizens with legal claims and disputes.[84] According to official statistics, in 2012 there was a 21-percent increase over 2011 in the provision of legal aid in China, with more than 1,140,000 recipients of legal aid and total national funding of 1.4 billion yuan (US$224 million), an increase of 9.9 percent.[85] Although approximately 60,000 persons with disabilities received legal aid in 2012—an increase of 11.5 percent[86]—the UN Committee on the Rights of Persons with Disabilities raised concerns that China has not allocated sufficient "human and financial resources" to provide legal aid services to persons with disabilities in its review of China's compli-

ance with the Convention on the Rights of Persons with Disabilities in September 2012.[87] Scholars currently estimate that the rate of legal representation for defendants in criminal cases is less than 30 percent,[88] yet the expansion of legal aid under the revised Criminal Procedure Law (CPL) is likely to multiply the number of criminal cases, thus resulting in a need for even more funding and criminal defense lawyers.[89] Under the Regulations Regarding Criminal Procedure Law Legal Aid Work issued in February 2013 (effective on March 1)[90] that provide guidance to legal practitioners on implementation of the revised CPL,[91] investigating agencies (e.g., the Procuratorate or public security bureau) are required to inform defendants of their right to counsel; and defendants—and their family members—may apply for legal aid at all stages of a case.[92] The new regulations also stipulate that criminal suspects or defendants will not have to show economic need to apply for legal aid in cases where there is evidence of mental disability; where other defendants in the same case have employed defense counsel; where the "procuratorate has appealed"; or where the case may have "significant social impact."[93]

Abuse of Family Members of Rights Defenders and Political Activists

During the 2013 reporting year, the Commission observed reports of ongoing official harassment of family members of rights defenders and political activists. Chinese authorities used a range of methods, such as intimidation, extralegal detention, imprisonment, and physical violence against these individuals.[94]

• **Chen Guangcheng.**[95] Multiple family members of the prominent legal advocate Chen Guangcheng have suffered abuse in connection with Chen's rights advocacy in China and his departure to the United States in 2012.[96] These include his nephew, Chen Kegui, who was sentenced in 2012 to three years and three months in prison for an alleged assault on a group of plainclothes officials and hired personnel who broke into his home in the middle of the night;[97] his elder brother, Chen Guangfu;[98] his sister-in-law, Ren Zongju;[99] and his mother, Wang Jinxiang.[100]

• **Hada.**[101] Xinna, the wife of rights advocate Hada, and the couple's son, Uiles, have spent years under surveillance, sometimes in detention centers,[102] in connection to Hada's efforts to preserve Mongolian ethnic identity in Inner Mongolia.[103] During this reporting year, authorities limited their rights to freedom of movement and communication.[104]

• **Liu Xiaobo.**[105] Liu Xia, wife of Nobel Peace Prize laureate Liu Xiaobo, reportedly has been confined to her home under 24-hour surveillance since October 2010, without cell phone or Internet access.[106] In June 2013, Chinese authorities sentenced Liu Xia's brother, Liu Hui, to 11 years in prison for fraud, but Liu Xia and others assert that Liu Hui's sentence is retribution against Liu Xiaobo and Liu Xia.[107]

Abuse of Family Members of Rights Defenders and Political Activists—Continued

• **Rebiya Kadeer.**[108] Family members of Uyghur human rights activist Rebiya Kadeer have faced official persecution,[109] including home eviction,[110] loss of livelihood,[111] and extralegal detention.[112] One of her sons, Ablikim Abdureyim, is serving a nine-year prison term on the charge of "instigating and engaging in secessionist activities."[113]

Other family members of rights defenders and political activists who have been harassed and are mentioned in this report include Zhang Anni, the daughter of Zhang Lin;[114] Liu Ying, the ex-wife of Liu Benqi;[115] and some relatives of Zhu Yufu.[116] [For further information, see Section III—Institutions of Democratic Governance.]

IV. Xinjiang

Human rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR) remained poor during the Commission's 2013 reporting year. Central and regional Chinese Communist Party and government authorities carried out campaigns focused on security and stability to enforce harsh security controls and limit the freedoms of movement and expression throughout the XUAR. Deadly clashes that took place in the spring and summer raised concerns about the failure of ethnic policy in the XUAR to address the root causes of regional instability. Overseas media and rights groups reported instances during which security forces shot into crowds of Uyghurs, resulting in deaths and injuries. In some cases, Uyghur residents of the XUAR reportedly committed deadly attacks on members of security forces, community workers, and others. Pervasive house searches throughout the region, as well as surveillance of individual religious believers, reportedly targeted peaceful expressions of religious belief among the Uyghur population, heightening tensions in the region. Intensified regional development projects raised concerns over disproportionate economic, social, and cultural opportunities for Uyghurs and other ethnic minorities in the region, as well as concerns over the effect such projects have had on the cultures and languages of these groups.

Security Measures and Conflict

XUAR officials strengthened security measures in a bid to "maintain stability" and "fight terrorism" in the region, using methods some observers criticized as repressive and counterproductive.[1] In November 2012, on the sidelines of the 18th National Congress of the Chinese Communist Party in Beijing, XUAR government chairperson Nur Bekri warned of the "three evil forces" (terrorism, separatism, and religious extremism) in the region, saying the fight against separatism in the region would be "long-term, complicated and fierce."[2] According to official statistics released in January 2013, regional authorities allocated 9.34 billion yuan (US$1.5 billion) to the public security sector in 2012, a 23-percent increase over 2011.[3]

Instances of violence throughout the spring and summer reportedly resulted in numerous deaths, both Han Chinese and Uyghur, with reported death tolls ranging from dozens to 100 or possibly more. An April 23, 2013, clash between local residents, community workers, and police in Siriqbuya (Selibuya) township, Maralbeshi (Bachu) county, Kashgar prefecture, reportedly resulted in the deaths of 21 people.[4] Official media accounts of the incident described it as a terrorist attack during which the attackers killed 15 community workers and police.[5] Some reports from overseas media and human rights groups questioned authorities' portrayal of events as terrorist in nature.[6] A Uyghur rights advocate reportedly asserted that a search of residents' homes had sparked the violence.[7] Similar searches are routinely conducted throughout the XUAR to "maintain stability."[8] On August 12, 2013, the Kashgar Prefecture Intermediate People's Court sentenced two Uyghur men to death and three others to terms ranging from nine years to life for taking part in the violence.[9]

Xinhua reported that on June 26, 2013, in Lukchun (Lukeqin) township, Pichan (Shanshan) county, Turpan prefecture, "knife-wielding rioters" attacked police stations and other government buildings before police fired on them.[10] Official media reported on June 28 that 35 people had died, including 24 killed by assailants and 11 shot and killed by police, and 21 people had been injured in the incident.[11] Regional officials reported that on August 15, attackers killed Turpan Islamic Association Vice Chairman Abdurehim Damolla in front of his home.[12] According to Radio Free Asia (RFA), attackers targeted Damolla for supporting a government crackdown in the wake of the June 26 violence.[13]

Some overseas media reports and human rights advocates questioned the official narrative regarding the incident on June 26 in Turpan prefecture, including the death toll[14] and details of what took place,[15] and raised concerns about the role that repressive policies had played in contributing to deadly clashes in the region.[16] Media reports and human rights advocates cited religious repression,[17] house searches,[18] and housing redevelopment policies[19] among the factors exacerbating regional tension.

House searches were reportedly also related to two separate deadly incidents in May and June. On May 9, a Uyghur farmer, whom authorities believed had been involved in an earlier deadly clash, reportedly stabbed two village officials to death in Uchar (Wuqia) township, Yengisar (Yingjisha) county, Kashgar prefecture, while they were conducting house searches, and authorities subsequently beat the farmer to death.[20] On June 30, authorities reportedly shot and killed a Uyghur man in Artush (Atushi) city, Qizilsu Kyrgyz (Kezilesu Kirghiz) Autonomous Prefecture, after he fatally stabbed a police officer and injured two others during a house search.[21] Additionally, on June 28, security forces reportedly shot and killed a Uyghur man in Uchturpan (Wushi) county, Aksu prefecture, after he stabbed and injured two people, including at least one police officer, when they pressed him to shave off his beard.[22]

On June 28, 2013, President Xi Jinping reportedly convened a meeting of the Standing Committee of the Political Bureau of the Communist Party Central Committee (Politburo) to discuss the clashes in the XUAR, and two Politburo members, Meng Jianzhu and Yu Zhengsheng, subsequently traveled to the region.[23] In June and July, in the lead-up to the anniversary of demonstrations and riots that took place on July 5, 2009, in Urumqi city,[24] officials carried out displays of military and paramilitary force in Urumqi and other areas of the XUAR, and instituted 24-hour security patrols in some locations.[25] Some human rights advocates and international observers expressed concern about the security buildup, together with what they viewed as authorities' failure to address the root causes of violence.[26]

In June and August, several incidents reportedly occurred involving security forces' deadly use of force against crowds of Uyghurs. According to official media, on June 28, security forces detained people involved in a "group disturbance" in Hanerik (Hanairike) township, Hotan county.[27] Overseas media and rights groups reported that security forces fired on a crowd of Uyghurs in Hanerik, resulting in a number of deaths and injuries, with reported death tolls ranging from up to 15 people to more than 100.[28] RFA re-

ported that on August 8, a clash between police and local residents in Aykol township, Aksu city, Aksu prefecture, over religious restrictions led to the deaths of at least three Uyghurs when security forces fired on a crowd of protestors.[29] [See Freedom of Religion in this section for more information on the clash in Aksu.] Overseas media reported that on August 20 in Yilikqi township, Kargilik (Yecheng) county, Kashgar prefecture, Chinese police shot and killed 22 Uyghurs they suspected of terrorism, while the Uyghurs were performing prayers.[30] Official media confirmed the raid, providing information about a Chinese police officer killed in the incident, but did not confirm or deny the 22 Uyghur casualties.[31]

On August 23, in Kuybagh (Kuiyibage) township, Poskam (Zepu) county, Kashgar prefecture, security forces reportedly shot and killed 12 Uyghurs and injured 20 authorities said were engaging in building and testing explosives at a "terrorist" facility.[32]

Official media reported in March that courts in Kashgar prefecture and the Bayangol Mongol Autonomous Prefecture had sentenced 20 Uyghurs to prison terms ranging from five years to life for their involvement in "terrorist" and "separatist" activities.[33] Chinese authorities stated that the 20 men had used the Internet and cell phones to commit "terrorist" and "separatist" crimes, in addition to organizing religious activities, buying weapons, and planning to attack police officers.[34] Some overseas media and human rights groups criticized the sentences given to the 20 men, questioning official accusations of terrorism and expressing doubts over authorities' use of criminal charges to prosecute Internet and cell phone use.[35]

Criminal Law and Access to Justice

Chinese government and official media reports in 2013 underscored the XUAR criminal justice system's frequent use of charges of "endangering state security" (ESS).[36] An article published by the Dui Hua Foundation, a human rights advocacy organization, in March 2013 stressed that, while ESS trials had declined in the XUAR, the number of these trials in the XUAR continued to represent a highly disproportionate ratio of the total number of ESS trials throughout China.[37] According to Dui Hua estimates, based on official statistics, the XUAR accounted for half of first-instance ESS trials throughout China between 2008 and 2010, although less than 2 percent of China's population lives in the XUAR.[38] According to the second annual work report of the XUAR High People's Court, issued in January 2013, 314 criminal trials involving ESS crimes were conducted in 2012, a 24 percent decline from 2011 figures.[39]

Authorities reportedly detained 12 students in early May 2013 at Tarim University, located in Ala'er city, Aksu prefecture.[40] On May 27, authorities reportedly released all 12 students.[41] Ablimit, Dilshat, Alimjan, Ekber, and Abdureshit were released on bail.[42] The conditions of their bail, which will remain in place until May 27, 2014, include restrictions on their movement.[43] Alimjan was reportedly detained again by Ala'er public security officials for about a day beginning on June 21,[44] and was beaten during both periods of detention.[45]

Development Policy

During the 2013 reporting year, XUAR officials accelerated large-scale development plans throughout the region, including in the areas of infrastructure,[46] transportation,[47] energy exploitation,[48] urban and rural construction,[49] education,[50] and employment.[51] XUAR authorities oversaw billions of yuan in investment in state-led development projects and sought to attract private domestic and foreign investment in the region, touting it as an economic hub for central, western, and southern Asia.[52] Regional officials reiterated development goals first announced at the Xinjiang Work Forum in 2010[53] and reiterated strategies for economic and political development that prioritize state economic and political goals over respecting the rights of XUAR residents,[54] including those outlined in the PRC Regional Ethnic Autonomy Law.[55] International observers have expressed concerns over the expropriation and destruction of ethnic minority residents' property and a lack of protections for cultural heritage related to urban development initiatives in the region.[56]

In 2013, regional officials oversaw the growth of "counterpart support" programs that bring funding and personnel assistance to the XUAR for development initiatives from provinces and cities outside of the region,[57] stressing the patriotic nature of promoting regional economic development.[58] Counterpart provinces and cities reportedly provided 149.3 billion yuan (US$24.3 billion) in aid to the XUAR in 2012, a 37.3-percent increase over the previous year.[59]

Increased migration to the XUAR in recent years has reportedly heightened ethnic tensions in some areas and sparked concerns among Uyghur residents regarding land rights and employment opportunities.[60] Regional development initiatives brought increased Han Chinese migration to the XUAR during the past year, often into southern areas of the XUAR traditionally inhabited by Uyghurs and other ethnic minorities, and state-led programs provided assistance to migrants and workers from other provinces.[61] This past year, reports cited Uyghurs' concerns over government authorities' expropriation of their land,[62] inadequate government compensation for expropriated land then sold at a higher price to Chinese buyers,[63] and government subsidies given only to new Han Chinese migrants that allowed them to save money to purchase more land.[64] The growth of the Xinjiang Production and Construction Corps (XPCC)[65] in southern areas of the XUAR, billed by Chinese leaders as a conduit for regional development in the aftermath of the July 2009 demonstrations and riots, has brought thousands of Han Chinese migrants into areas near the majority-Uyghur city of Hotan.[66]

During the reporting period, authorities intensified housing construction and demolition projects in rural and urban areas of the XUAR, in areas inhabited by Uyghurs and other ethnic minorities.[67] "Counterpart support" projects provided hundreds of millions of yuan for construction and resettlement efforts.[68] In 2013, regional authorities continued work to relocate and resettle farmers and herders away from grasslands, as part of programs that XUAR authorities publicize as improving farmers' and herders' living con-

ditions.[69] These policies have impacted affected groups with livelihoods based on traditional nomadic herding practices.[70] According to official statistics released in May 2013, authorities resettled 136,800 herders in the XUAR between 2010 and 2012, comprising 49.2 percent of the total population of herders in the XUAR.[71]

Demolitions in Kashgar's Old City

Authorities continued to demolish and redevelop the Old City section of Kashgar city,[72] raising concerns over the corresponding loss of unique cultural heritage[73] and the resettlement of 220,000 Uyghur residents.[74] The Old City demolitions, along with demolitions in other areas of the XUAR, have been carried out in line with broader development initiatives and a five-year demolition project launched in 2009.[75] Since demolitions began in 2009, authorities have reportedly disregarded Uyghur residents' concerns over demolition efforts,[76] in spite of official pledges to consult residents for their opinions.[77] Groups promoting the protection of cultural heritage have outlined concerns over a lack of transparency in the process of planning and implementing the demolitions, and have expressed concern over officials' failure to consider alternatives to the wholesale demolition of Old City buildings.[78]

Labor

DISCRIMINATION

Some government and private employers in the XUAR continued to discriminate against non-Han job candidates. As in past years, some job announcements reserved positions exclusively for Han Chinese in civil servant posts and private-sector jobs, in contravention of provisions in Chinese law that forbid ethnic discrimination.[79] 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.[80] A study conducted by the University of Melbourne, Australia, and published in November 2012, found that Han Chinese residents of the XUAR are much more likely than Uyghur residents to secure employment in high-paying, high-status occupations, a trend that has exacerbated ethnic tensions in the region.[81]

LABOR TRANSFERS AND FORCED LABOR

Regional officials continued to carry out programs that send young non-Han men and women outside of the XUAR for employment, under the slogan of "transferring the excess rural labor force." According to a January 2013 official news report, more than 2.7 million people had been transferred to jobs outside of their home area or outside of the XUAR in 2012,[82] an increase from 2.58 million people in 2011.[83] As documented by the Commission in recent years, some participants and their family members have reported coercion to participate in the programs, the use of underage workers, and exploitative working conditions.[84] XUAR authorities also reportedly forced some Uyghur farmers to perform road-building and agricultural work without pay, although such "free labor" programs officially had been abolished.[85]

Freedom of Expression

Local governments in the XUAR continued to implement censorship campaigns focused on religious and political publications during the reporting period. The campaigns have targeted pirated and pornographic items in addition to publications deemed "illegal" solely because of their religious or political content.[86] For instance, in March 2013, the XUAR Transportation Department published a statement indicating that, in 2012, regional transportation officials had uncovered 4,469 copies of "illegal religious publications," as part of a campaign to "sweep away pornography."[87]

Uyghurs continued to serve prison sentences as a result of exercising their right to free speech. In February 2013, Uyghur Online, a Web site focused on Uyghur issues, reported that, in April 2009, the Kashgar Municipality Intermediate People's Court sentenced Uyghur translator Mirhemitjan Muzepper to 11 years in prison for "inciting splittism of the state," information that authorities had not publicized.[88] The court had connected Muzepper's sentence to his work as a temporary translator for a Hong Kong media organization reporting on the demolitions taking place in Kashgar's Old City.[89]

Passport and Exit Restrictions

During the reporting year, Chinese officials implemented restrictions on passports and international and domestic travel for Uyghurs, highlighting official restrictions on Uyghurs' freedom of movement.[90] In February 2013, Chinese authorities reportedly detained Beijing-based Uyghur scholar Ilham Tohti, who founded the Web site Uyghur Online, at the Beijing Capital International Airport, preventing him from boarding a flight to the United States.[91] Tohti reportedly held a valid passport and had been issued a visa for educational exchange to the United States, where he planned to take up a visiting scholar position at Indiana University.[92] Authorities also held and interrogated Uyghur university student Atikem Rozi in February 2013, after she attempted to apply for a passport for the second time in order to study abroad.[93] The Toqsu (Xinhe) County Foreign Affairs Office in Aksu prefecture reportedly informed Rozi that the passport denial was due to the fact that she was "politically unqualified."[94] In July 2013, Rozi reported her belief that police had detained her friend Mutellip Imin—a Uyghur studying abroad in Turkey who had performed volunteer work for Uyghur Online[95]—on July 15 at the Beijing Capital International Airport as he prepared to fly back to Turkey from Beijing.[96] As of September 23, 2013, the Commission had not observed any news regarding Mutellip's release from detention. [See Section II—Freedom of Residence and Movement for additional information on freedom of movement in China.]

Forced Return of Uyghur Asylum Seekers and Migrants

The deportation and reports of the sentencing of Uyghur asylum seekers this past year highlighted the dangers facing Uyghur refugees and asylum seekers in neighboring countries that are under the influence of Chinese economic and diplomatic power. In December 2012, Malaysian authorities deported six Uyghur asylum seek-

ers to China, although the UN High Commissioner for Refugees was still reviewing their asylum claims.[97] Malaysian authorities reportedly had detained the six Uyghurs earlier in 2012 for allegedly attempting to leave Malaysia on forged passports.[98] Two international human rights groups raised questions regarding the Chinese government's role in the forced return, one of several documented cases of forced deportation of Uyghurs to China in recent years.[99] In another case, Radio Free Asia (RFA) reported in December 2012 that, according to a Malaysian lawyer, 11 Uyghurs previously deported from Malaysia in August 2011 had been charged with terrorism and separatism; according to relatives and friends, the men had been sentenced to prison for terms of up to 15 years on charges of separatism.[100]

Freedom of Religion

XUAR authorities continued intensive controls over religion, especially Islam, posing a challenge for Uyghurs seeking to maintain their religious beliefs outside of state control.[101] Authorities continued to enforce tight restrictions over peaceful religious practices among the Uyghur population, and carried out targeted surveillance of individual religious believers.[102] A report issued by a Uyghur human rights organization in April 2013 outlined concerns over religious policies implemented by central and local authorities, which the group said "have progressively narrowed the definition of lawful [religious] activity" among Uyghurs.[103] The report also highlighted concerns over a lack of transparency in religious regulations, official limitations on religious pilgrimages, and other issues related to official restrictions on Uyghurs' religious practices.[104]

On August 7, on the eve of the Eid holiday marking the end of the Muslim holy month of Ramadan, police in Aykol township, Aksu prefecture, reportedly sought to prevent residents from another village from engaging in cross-village worship,[105] and detained several Uyghur men for engaging in "illegal religious activities."[106] In the early morning hours of August 8, after hundreds of people gathered in protest, throwing stones and bricks, security forces reportedly fired on the crowd, killing at least three Uyghurs and injuring at least a dozen.[107] Around 10 to 12 police officers reportedly also sustained injuries in the clash.[108] Police reportedly arrested more than 90 people after the incident.[109] Central government propaganda authorities reportedly forbade Chinese media from reporting on the confrontation, which officials described as "rioting and looting."[110]

Together with widespread security checks, police raids, and house searches among the Uyghur population aimed partially at cracking down on "illegal religious activities,"[111] authorities in the XUAR reportedly subjected Uyghurs practicing traditional Islamic customs to close scrutiny. Authorities in Bulaqsu township, Shufu county, Kashgar prefecture, reportedly kept registers related to "stability maintenance" efforts that detailed the personal information of local religious believers and their family members.[112] The registers included information such as whether or not female Muslims wore a veil and when they started wearing it, as well as what time a student of the Quran received Quranic instruction.[113] A

Uyghur resident of Keriya (Yutian) county, Hotan prefecture, told RFA in May 2013 that local officials in his township maintained registration books documenting religious believers,[114] and a resident of Urumqi city reportedly told RFA that officials maintained such documents throughout the XUAR.[115]

Regional authorities carried out training sessions for religious clergy throughout the XUAR, placing an emphasis on reinforcing patriotism and opposing "illegal religious activities."[116] At a training session for "patriotic religious figures" in Urumqi in March 2013, XUAR government chairperson Nur Bekri expressed hopes that attendees would become "politically reliable" "patriotic religious figures" who would "guide religion to adapt to socialist society."[117] Chinese government- and Communist Party-led ideological campaigns encouraging students and youth in the XUAR to refrain from engaging in "illegal religious activities" were frequent and widespread throughout this reporting period.[118]

Local governments in 2013 also continued to train women religious specialists, known as *büwi*,[119] using legal restrictions that place them under strict state control.[120] According to an official media report, in December 2012, the Kashgar Women's Federation sent 19 *büwi* and other female religious figures to trainings in six eastern Chinese cities, stressing that the women should, upon their return, transmit the Party's policies on ethnic minorities and religion, and propagate ethnic unity.[121]

Authorities in Kashgar city reportedly detained 23-year-old Uyghur Nurmemet Ismail without charge for 63 days beginning on March 1, 2013, for selling the Quran and Quranic study aids.[122] Authorities' exact reasons for detaining Ismail are unclear,[123] but regional religious regulations stipulate that government approval is required for the sale and distribution of religious material, and these regulations may have been a factor in Ismail's detention.[124]

Some Uyghur Muslims and Christians continued to serve prison sentences as a result of exercising their faith.[125] According to a January 2013 RFA report, authorities reduced family visits to jailed Uyghur pastor Alimjan Yimit from once a month to once every three months.[126]

As in 2012,[127] local government officials throughout the XUAR reportedly maintained restrictions over Uyghurs' observance of Ramadan, prohibiting minors from entering mosques,[128] and forbidding government officials, students, and teachers from fasting.[129] According to Uyghur Online, in July 2013, county officials fired Abduhelil Ablimit, a staff member at a county government office in Shule county, Kashgar prefecture, for fasting.[130] Local officials also placed restrictions on cross-village worship during the Ramadan period.[131] [See Section II—Freedom of Religion for additional information on religion in China, including cases of religious repression in the XUAR.]

Language Policy and "Bilingual Education"

In the past year, the XUAR government broadened the scope of Mandarin-focused "bilingual education" in the region, a policy some Uyghur students in the XUAR fear is aimed at assimilating young Uyghurs into Chinese society at the expense of their Uyghur identity.[132] The expansion of the policy was carried out in line with tar-

gets set in 2010 to universalize and develop "bilingual education" in preschool through secondary school instruction throughout the region.[133] Under "bilingual education," class instruction takes place primarily in Mandarin Chinese, largely replacing instruction in languages spoken by ethnic minority groups.[134] In recent years, some Uyghur students and teachers have expressed concern over the compulsory nature of the region's "bilingual" curriculum and the corresponding loss of young Uyghurs' ability to speak the Uyghur language.[135]

The number of students enrolled in "bilingual education" has increased rapidly in the past several years. According to the People's Daily, at the end of 2012, 1.41 million students were enrolled in "bilingual education" from the preschool through the secondary school level in the XUAR, making up 55 percent of the XUAR ethnic minority student population.[136] This represents a 41.6-percent increase in the "bilingual" student population over 2009.[137] According to China News Service, from 2008 to 2012, central and regional authorities invested 5 billion yuan (US$816 million) on preschool "bilingual education" initiatives, establishing 2,237 "bilingual" nursery schools throughout the region.[138]

Population Planning Policies

Government authorities throughout the XUAR promoted family planning campaigns targeting Muslim ethnic minorities, and compelling Islamic religious figures to promote state family planning policies. Authorities continued to issue monetary rewards to ethnic minority households who have fewer children than allowed under XUAR population and family planning regulations.[139] The rewards are issued according to a "special rewards system" for non-Han households that includes a "fewer births, faster wealth" (*shaosheng kuaifu*) program.[140] The system is one of the reward mechanisms present throughout China's population planning system, though with special focus on ethnic minority households.[141]

In 2013, authorities in the XUAR and some other regions of China with Muslim populations continued to report on the implementation of a program entitled "Muslim Reproductive Health Project" (*musilin shengzhi jiankang xiangmu*).[142] Official reports have described the project's aims as providing reproductive health information and health checks for Muslim women of reproductive age while "creating a harmonious happy family."[143] Official media reports this past year emphasized the need to improve the effectiveness of project efforts, including through Islamic religious leaders' promotion of the project among local Muslims.[144]

V. Tibet

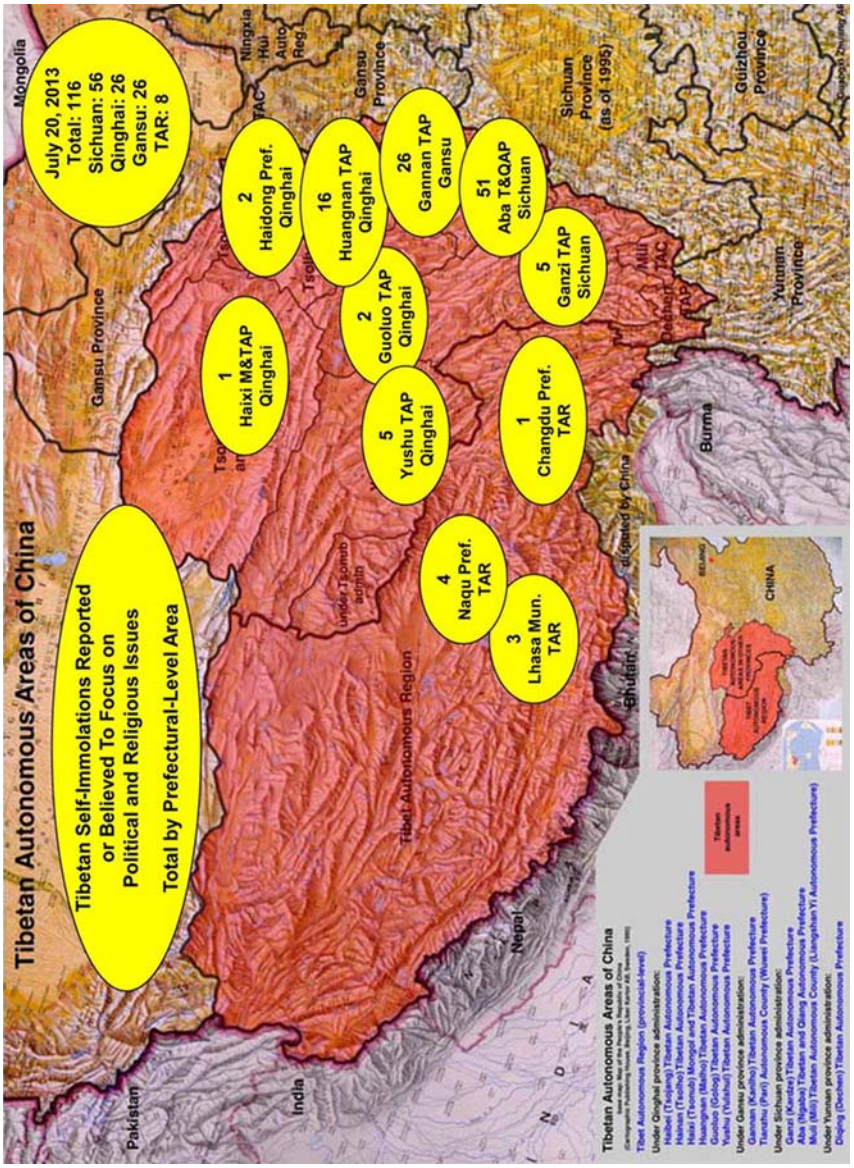
Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives

Formal dialogue between the Dalai Lama's representatives and Chinese Communist Party and government officials has been stalled since the January 2010 ninth round,[1] the longest interval since such contacts resumed in 2002.[2] The Commission observed no indication during the 2013 reporting year of official Chinese interest in resuming a dialogue that takes into account Tibetan concerns in the Tibetan autonomous areas of China.[3] In December 2012, then-U.S. Department of State Special Coordinator for Tibetan Issues Maria Otero called on the Chinese government to "engage in dialogue with the Dalai Lama or his representatives without preconditions."[4]

In June 2013, Professor Jin Wei, with the Central Party School, stated in an interview that, if the Party "can use creative ideas to break the impasse" in dialogue, it would "promote social stability and prevent the creation of long-lasting nationality wounds."[5] Jin noted that the Party "cannot simply treat [the Dalai Lama] as an enemy," recommended "restarting the talks," and suggested discussing that the Dalai Lama visit Hong Kong "in his capacity as a religious leader."[6]

Tibetan Self-Immolation

The frequency of Tibetan self-immolation reportedly focusing on political and religious issues increased during the Commission's 2013 reporting year, peaking in October–November 2012 with 38 self-immolations[7] preceding and during the Communist Party Central Committee's 18th Congress.[8] Reports of self-immolators' calls for Tibetan freedom and the Dalai Lama's return continued[9] and remained concurrent with government use of regulatory measures to control and repress principal elements of Tibetan culture, including Tibetan Buddhist monastic institutions,[10] and with the apparent collapse of the China-Dalai Lama dialogue.[11] Tibetans have self-immolated in 10 of 17 prefectural-level areas of Tibetan autonomy and 1 ordinary prefecture.[12]



For a list of Commission summaries on Tibetan self-immolations that contain maps such as this one, please visit http://www.cecc.gov/tibetan-self-immolations-0.

The Party and government failed this past year to respond to Tibetan grievances in a constructive manner or accept any accountability for Tibetan rejection of Chinese policies. Officials characterized the crisis as the result of an external conspiracy to undermine China's internal security and social stability.[13] In response, officials maintained policies and practices that exacerbate tension.[14] In December 2012, then-Special Coordinator for Tibetan Issues Maria Otero cited examples:[15]

- "Severe government controls on Tibetan Buddhist religious practice and monastic institutions";
- "Education practices that undermine the preservation of Tibetan language";
- "Intensive surveillance, arbitrary detentions and disappearances of Tibetans, including youth and Tibetan intellectual and cultural leaders";
- "Escalating restrictions on news, media and communications"; and
- "The use of force against Tibetans seeking peacefully to exercise their universal human rights."

A Ministry of Foreign Affairs spokesperson in December 2012 denied that issues regarding Tibetan culture, language, and religion had a role in what a reporter called "the current tense situation."[16] The spokesperson blamed "the Dalai clique"—the Dalai Lama and organizations and individuals the Party associates with him—asserting that "Tibet-related issues are not issues of ethnicity, religion, or human rights" but of "China's sovereignty and territorial integrity."[17] Officials continued to use state-run media to discredit self-immolators, depicting them in a pejorative manner (e.g., as a weak, flawed, or distressed individual,[18] "copy-cat,"[19] or terrorist[20]).

TIBETAN SELF-IMMOLATIONS REPORTED OR BELIEVED TO FOCUS ON POLITICAL AND RELIGIOUS ISSUES (SEPTEMBER 2012–JULY 2013)

See CECC 2012 Annual Report for Self-Immolations 1–50 (February 2009–August 2012)[21]

No.	Date of Self-Immolation	Name Sex / Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov. / Pref./ County)	Status
	2012				
51	September 29	Yungdrung M/27	Layperson	Qinghai / Yushu TAP / Zaduo county	Deceased[22]
52	October 4	Gudrub M/43	Layperson (writer)	TAR / Naqu pref. / Naqu county	Deceased[23]
53	October 6	Sanggye Gyatso M/27	Layperson	Gansu / Gannan TAP / Hezuo city	Deceased[24]
54	October 13	Tamdrin Dorje M/early 50s	Layperson	Gansu / Gannan / Hezuo	Deceased[25]
55	October 20	Lhamo Kyab M/27	Husband and father	Gansu / Gannan / Xiahe county	Deceased[26]

TIBETAN SELF-IMMOLATIONS REPORTED OR BELIEVED TO FOCUS ON POLITICAL AND RELIGIOUS ISSUES (SEPTEMBER 2012–JULY 2013)—CONTINUED

See CECC 2012 Annual Report for Self-Immolations 1–50 (February 2009–August 2012) [21]

No.	Date of Self-Immolation	Name Sex / Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov. / Pref./ County)	Status
56	October 22	Dondrub M/about 65	Husband	Gansu / Gannan / Xiahe	Deceased [27]
57	October 23	Dorje Rinchen M/58	Husband and father	Gansu / Gannan / Xiahe	Deceased [28]
58 59	October 25	Tsepo, M/20 Tenzin, M/25	Laypersons (cousins)	TAR / Naqu / Biru county	Deceased Unknown [29]
60	October 26	Lhamo Tseten M/24	Layperson	Gansu / Gannan / Xiahe	Deceased [30]
61	October 26	Thubwang Kyab M/23	Layperson	Gansu / Gannan / Xiahe	Deceased [31]
62	November 4	Dorje Lhundrub M/25	Husband, father, artist	Qinghai / Huangnan TAP / Tongren county	Deceased [32]
63 64 65	November 7	Dorje, M/15 Samdrub, M/16 Dorje Kyab, M/16	Monks Ngoshul Monastery	Sichuan / Aba T&QAP / Aba county	Deceased Hospitalized Hospitalized [33]
66	November 7	Tamdrin Tso F/23	Mother	Qinghai / Huangnan / Tongren	Deceased [34]
67	November 7	Tsegyal M/27	Father	TAR / Naqu / Biru	Deceased [35]
68	November 8	Kalsang Jinpa M/18	Former monk Rongbo Monastery	Qinghai / Huangnan / Tongren	Deceased [36]
69	November 10	Gonpo Tsering M/19	Layperson	Gansu / Gannan / Hezuo	Deceased [37]
70	November 12	Nyingkar Tashi M/24	Husband	Qinghai / Huangnan / Tongren	Deceased [38]
71	November 12	Nyingchag Bum M/16	Layperson	Qinghai / Huangnan / Tongren	Deceased [39]
72	November 15	Tenzin Drolma F/23	Layperson	Qinghai / Huangnan / Tongren	Deceased [40]
73	November 15	Khabum Gyal M/18	Layperson	Qinghai / Huangnan / Tongren	Deceased [41]
74	November 17	Chagmo Kyi F/26	Mother	Qinghai / Huangnan / Tongren	Deceased [42]

TIBETAN SELF-IMMOLATIONS REPORTED OR BELIEVED TO FOCUS ON POLITICAL AND RELIGIOUS ISSUES (SEPTEMBER 2012–JULY 2013)—CONTINUED

See CECC 2012 Annual Report for Self-Immolations 1–50 (February 2009–August 2012) [21]

No.	Date of Self-Immolation	Name Sex / Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov. / Pref./ County)	Status
75	November 17	Sangdrag Tsering M/24	Husband and father	Qinghai / Huangnan / Tongren	Deceased [43]
76	November 19	Wangchen Norbu M/25	Layperson	Qinghai / Haidong pref. / Xunhua SAC	Deceased [44]
77	November 20	Tsering Dondrub M/35	Husband and father	Gansu / Gannan / Xiahe	Deceased [45]
78	November 22	Lubum Gyal M/18	Layperson	Qinghai / Huangnan / Tongren	Deceased [46]
79	November 22	Tamdrin Kyab M/23	Former monk Shitsang Monastery	Gansu / Gannan / Luqu county	Deceased [47]
80	November 23	Tamdrin Dorje M/29	Head of household	Qinghai / Huangnan / Zeku county	Deceased [48]
81	November 25	Sanggye Drolma F/17	Nun Mindrol Dargyling Nunnery	Qinghai / Huangnan / Zeku	Deceased [49]
82	November 26	Wanggyal M/about 20	Student	Sichuan / Ganzi TAP / Seda county	Unknown [50]
83	November 26	Konchog Tsering M/18	Husband	Gansu / Gannan / Xiahe	Deceased [51]
84	November 26	Gonpo Tsering M/24	Husband and father	Gansu / Gannan / Luqu	Deceased [52]
85	November 27	Kalsang Kyab M/24	Nomad	Sichuan / Aba / Ruo'ergai county	Deceased [53]
86	November 27	Sanggye Tashi M/18	Layperson	Gansu / Gannan / Xiahe	Deceased [54]
87	November 28	Bande Khar (Wangden Khar) M/21	Layperson	Gansu / Gannan / Hezuo	Deceased [55]
88	November 29	Tsering Namgyal (Tsering Tashi) M/31	Husband and father	Gansu / Gannan / Luqu	Deceased [56]
89	November 30	Konchog Kyab M/29	Father	Sichuan / Aba / Ruo'ergai	Deceased [57]
90	December 2	Sungdu Kyab M/17	Husband and father	Gansu / Gannan / Xiahe	Hospitalized [58]

TIBETAN SELF-IMMOLATIONS REPORTED OR BELIEVED TO FOCUS ON POLITICAL AND RELIGIOUS ISSUES (SEPTEMBER 2012–JULY 2013)—CONTINUED

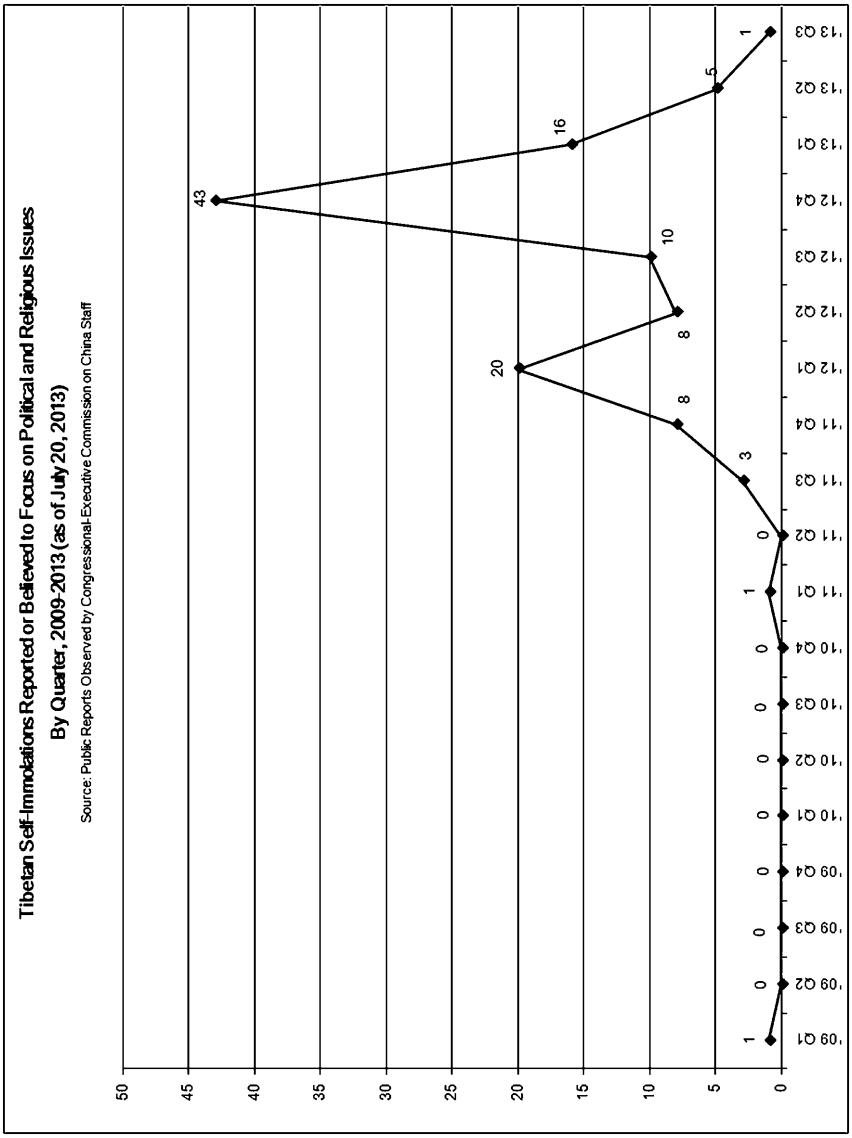
See CECC 2012 Annual Report for Self-Immolations 1–50 (February 2009–August 2012) [21]

No.	Date of Self-Immolation	Name Sex / Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov. / Pref./ County)	Status
91	December 3	Lobsang Gedun (Lobsang Geleg) M/29	Monk Penag Monastery	Qinghai / Guoluo TAP / Banma county	Deceased [59]
92	December 8	Pema Dorje M/23	Farmer	Gansu / Gannan / Luqu	Deceased [60]
93	December 8	Konchog Phelgyal (Konchog Phelgye) M/24	Monk Sumdo Monastery	Sichuan / Aba / Ruo'ergai	Deceased [61]
94	December 9	Wangchen Kyi (Rinchen Kyi) F/17	Student	Qinghai / Huangnan / Zeku	Deceased [62]
	2013				
95	January 12	Tsering Tashi (Tsebe) M/22	Husband	Gansu / Gannan / Xiahe	Deceased [63]
96	January 18	Tsering Phuntsog (Drubchog) M/28	Husband and father	Sichuan / Aba / Hongyuan county	Deceased [64]
97	January 22	Konchog Kyab M/23	Husband, father, farmer	Gansu / Gannan / Xiahe	Deceased [65]
98	February 3	Lobsang Namgyal M/37	Monk Kirti Monastery	Sichuan / Aba / Ruo'ergai	Deceased [66]
99	February 13	Drugpa Khar M/26	Husband and father	Gansu / Gannan / Xiahe	Deceased [67]
100	February 17	Namlha Tsering M/49	Husband and father	Gansu / Gannan / Xiahe	Deceased [68]
101 102	February 19	Rinchen, M/17 Sonam Dargye, M/18	Laypersons	Sichuan / Aba / Ruo'ergai	Both deceased [69]
103	February 24	Phagmo Dondrub M/early 20s	Farmer	Qinghai / Haidong / Hualong HAC	Deceased [70]
104	February 25	Tsezung Kyab M/27	Farmer and nomad	Gansu / Gannan / Luqu	Deceased [71]
105	February 25	Sangdrag M/unknown	Monk Diphu Monastery	Sichuan / Aba / Aba	Hospitalized [72]

TIBETAN SELF-IMMOLATIONS REPORTED OR BELIEVED TO FOCUS ON POLITICAL AND RELIGIOUS ISSUES (SEPTEMBER 2012–JULY 2013)—CONTINUED

See CECC 2012 Annual Report for Self-Immolations 1–50 (February 2009–August 2012) [21]

No.	Date of Self-Immolation	Name Sex / Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov. / Pref./ County)	Status
106	March 13	Konchog Wangmo F/28–31	Wife and mother	Sichuan / Aba / Ruo'ergai	Deceased [73]
107	March 16	Lobsang Thogme M/28	Monk Kirti Monastery	Sichuan / Aba / Aba	Deceased [74]
108	March 24	Kalkyi F/30	Wife and mother	Sichuan / Aba / Rangtang county	Deceased [75]
109	March 25	Lhamo Kyab M/43	Forest ranger	Gansu / Gannan / Xiahe	Deceased [76]
110	March 26	Konchog Tenzin M/28	Monk Mogri Monastery	Gansu / Gannan / Luqu	Deceased [77]
111	April 16	Chugtso F/20	Wife and mother	Sichuan / Aba / Rangtang	Deceased [78]
112 113	April 24	Lobsang Dawa, M/20 Konchog Oezer, M/23	Monks Tagtsang Lhamo Monastery	Sichuan / Aba / Ruo'ergai	Both deceased [79]
114	May 27	Tenzin Sherab M/31	Layperson	Qinghai / Yushu / Qumalai county	Deceased [80]
115	June 11	Wangchen Drolma F/31	Nun Dragkar Nunnery	Sichuan / Ganzi / Daofu county	Deceased [81]
116	July 20	Konchog Sonam M/17	Monk Sogtsang Monastery	Sichuan / Aba / Ruo'ergai	Deceased [82]



THE "OPINION"

Information in this report and the Commission's 2012 Annual Report[83] demonstrates a shift from an initial pattern of less frequent self-immolations mainly in Sichuan with a majority of current or former monastics,[84] to a pattern of more frequent self-immolations mostly outside of Sichuan with a majority of laypersons.[85] The shift was pronounced during the October–November surge: of 38 self-immolations reported, 32 were outside Sichuan, and 29 of the 32 were laypersons.[86]

Coinciding with that shift, on or about December 3, 2012, the Supreme People's Procuratorate, the Supreme People's Court, and the Ministry of Public Security jointly issued the "Opinion on Handling Self-Immolation Cases in Tibetan Areas in Accordance With the Law" (the Opinion).[87] The Opinion called for persons officials characterize as "principal culprits" linked to self-immolation to face prosecution for "intentional homicide," as well as for criminal prosecution for activities including gathering at self-immolation sites to mourn, or offering donations to self-immolators' relatives.[88] The relative sizes of the Tibetan monastic and secular communities suggest one basis for official concern over the spread of self-immolation from one community to the other. The lay Tibetan population is about 44 times greater than the monastic population—approximately 140,000 monks and nuns[89] among a total Tibetan population of approximately 6.28 million.[90]

By early February 2013, official media reported nearly 90 formal arrests linked to self-immolation cases since October–November 2012 in Gansu and Qinghai provinces.[91] Indicative examples of Tibetans detained (some imprisoned) for alleged links to a self-immolator or self-immolation, or for sharing self-immolation information, with timelines at least in part after the Opinion's issue, follow.

- **October 23, 2012.** Officials detained six Tibetans at the site of Dorje Rinchen's self-immolation in Xiahe (Sangchu) county, Gannan Tibetan Autonomous Prefecture (TAP).[92] On January 31, 2013, the Gannan Intermediate People's Court sentenced four of them to up to 12 years' imprisonment for "intentional homicide" and two to up to 4 years for "picking quarrels and provoking troubles."[93]
- **After November 19.** Following his detention, on February 8, 2013, the Huangnan Intermediate People's Court in Huangnan (Malho) TAP sentenced a monk to 13 years' imprisonment for "inciting" homicide and separatism in a case where someone decided not to self-immolate.[94]
- **Likely December.** Officials detained at least nine Tibetans in connection with Tsering Namgyal's November 29 self-immolation in Luqu (Luchu) county, Gannan.[95] On February 28, 2013, the Gannan Intermediate People's Court sentenced three of them to up to 15 years' imprisonment for "intentional homicide."[96]
- **Possibly December.** Officials detained three Tibetans in Haidong prefecture, Qinghai.[97] On March 18, 2013, the Haidong Intermediate People's Court sentenced them to up to six years' imprisonment for using "self-immolation incidents" to disseminate pro-independence information.[98]
- **December 3.** After the December 2 self-immolation of Sangdu Kyab in Xiahe on December 3, security officials reportedly detained five Bora Monastery monks for interrogation.[99]
- **After December 9.** After the December 9 self-immolation of Wangchen Kyi in Zeku (Tsekhog) county, Huangnan, officials detained five Tibetans described as friends or family of self-immolators.[100]
- **Around December 24.** Following the November 29 self-immolation of Tsering Namgyal in Luqu county, security offi-

cials reportedly detained eight Tibetans for sharing information on the self-immolation.[101]

- **Possibly early 2013.** Following the detention of four Tibetans in Huangnan, on April 13, 2013, the Huangnan Intermediate People's Court sentenced the Tibetans to up to six years' imprisonment for "inciting separatism" by sharing self-immolation information with domestic and overseas groups.[102]
- **January.** Officials detained seven Tibetans in connection with Sanggye Gyatso's October 6, 2012, self-immolation in Hezuo (Tsoe) city, Gannan.[103] Police characterized the case as "organized and premeditated homicide" because three detainees allegedly discussed self-immolation, contacted a Tibetan organization in India, and sent self-immolation information out of China.[104]
- **July.** In a Sichuan province case, officials reportedly detained six Tibetans, including five monks, after monk Konchog Sonam self-immolated on July 20 in Ruo'ergai (Dzoege) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture.[105]

The examples above are among 112 cases[106] in the Commission's Political Prisoner Database as of September 1, 2013, of detention or imprisonment linked to self-immolation or the issue of self-immolation since August 2012.[107]

THE CRACKDOWN

As self-immolation frequency increased, authorities strengthened a security crackdown based on the premise of "stability maintenance"[108] that infringed on Tibetans' freedoms of expression, association, and movement, and curtailed their ability to communicate or share information.[109] Examples follow.

- **Expression.** The Opinion established a legal pretext for punishing Tibetans who expressed views sympathetic to self-immolators or self-immolation[110] by providing a broad basis for characterizing such expression as "inciting" self-immolation.[111]
- **Association, movement.** Authorities interfered with Tibetans' right to associate with other Tibetans within local communities,[112] within wider Tibetan areas,[113] and with persons living abroad.[114] Human Rights Watch reported establishment of neighborhood security "grids" in the TAR,[115] and a program to classify Tibetan villagers individually based on religious and political factors.[116]
- **Communication, information.** Authorities interfered with communication,[117] preventing Tibetans from sharing or receiving information on self-immolations and other topics deemed harmful to "social stability,"[118] as well as accessing international news.[119]

Religious Freedom for Tibetan Buddhists

Tibetan self-immolators this past year continued to call for the Dalai Lama's return[120]—a demand that when voiced during a suicidal protest may signify intense resentment toward Chinese government and Communist Party intrusion into Tibetan Buddhist affairs. The trend of creating new and unprecedented control[121] over

the religion continued,[122] along with maintaining established repressive policies.[123] Officials characterize the result of such policies as the "normal order" of Tibetan Buddhism.[124]

Unofficial reports in June 2013, if accurate, indicated a potentially positive development. Beginning in August 2013, officials in Hainan (Tsolho) Tibetan Autonomous Prefecture (TAP), Qinghai province, said they would "experiment" with allowing monks and nuns to "revere, respect, and follow" the Dalai Lama in his capacity as a religious leader.[125] The reports emerged the same month as remarks by a Central Party School professor calling for engagement with the Dalai Lama in his capacity as "a religious leader" and ceasing to treat him "as an enemy."[126]

By July 2013 official reports discounted prospects for a less hostile policy toward the Dalai Lama.[127] A July 11 notice reportedly issued by the Guoluo (Golog) TAP United Front Work Department warned Tibetans not to believe "rumors" of a "new policy" permitting "freedom to venerate the Dalai Lama's portraits, and so on."[128] The notice cited Yu Zhengsheng, a member of the Standing Committee of the Political Bureau of the Communist Party Central Committee[129] and Head of the Central Committee Coordinating Group for Tibet Affairs,[130] stating that the Dalai Lama is "always engaged in secessionist activities."[131] The notice instructed Tibetan Buddhists to "separate themselves politically" from the Dalai Lama,[132] but did not address the Dalai Lama's status as a religious figure.

On July 6, 2013, the Dalai Lama's birthday, People's Armed Police (PAP) in Daofu (Tawu) county, Ganzi (Kardze) TAP, Sichuan province, reportedly "opened fire" on "hundreds" of Tibetans returning from a hillside location where they conducted religious observances.[133] PAP reportedly wounded 10–16 Tibetans with what may have been anti-riot projectiles and beat or tortured other Tibetans.[134]

Developments consistent with established policies this past year include the following examples.

- **Reassessment, reappointment of Tibetan Buddhist teachers.** Effective December 2012, national measures required Tibetan Buddhist monastic teachers[135] to submit, every five years, to a reassessment[136] conducted by Party-[137] and government-controlled Buddhist associations.[138] Criteria include patriotism toward China,[139] supporting Party leadership,[140] and accepting guidance from government- and Party-run offices.[141] Reappointed teachers must sign an agreement acknowledging such obligations.[142] Teachers who "forfeit" appointment credentials are deemed unqualified to teach.[143]
- **More "harmonious model monastery" awards.** Following the May 2012 initial round of such awards,[144] officials recognized 100 TAR monasteries and nunneries and over 7,500 "patriotic, law-abiding, and advanced monks and nuns" in December.[145] An abbot speaking at the ceremony described patriotism toward China as "an unshirkable responsibility" of Tibetan Buddhists and likened "safeguarding the unification of the motherland" to a duty of "disciples of Buddha."[146]
- **Aggressive "legal education" campaigns.** Officials continued to enforce "education" focusing on government legal

measures to pressure Tibetans into complying with policies that obstruct their freedom of religion.[147] On January 14, 2013, authorities reportedly "detained" or "disappeared" 14 senior monastic officials from four of Lhasa's premier Tibetan Buddhist institutions after summoning them to a local meeting. Authorities removed them to a monastery in Naqu (Nagchu) prefecture for "political education."[148]

Status of Tibetan Culture

This past year, some Tibetan self-immolators reportedly called for greater use of the Tibetan language as they burned[149]—an apparent indication of the significant threat some Tibetans believe Party and government policies pose to Tibetan culture's vibrancy and viability. The Commission's 2012 Annual Report noted that a senior Party official[150] advocated in February 2012 for ethnic "amalgamation,"[151] ending minority-language education programs to achieve "desegregation,"[152] and "popularizing" the use of Mandarin Chinese "without fail."[153] In December 2012, then-Special Coordinator for Tibetan Issues Maria Otero observed that "official rhetoric that denigrates the Tibetan language" is a factor that "has further exacerbated tensions."[154]

Indicative developments this past year include the following examples.

- **More language protests in Qinghai Province.**[155] On November 26[156] and 28,[157] 2012, thousands of Tibetan tertiary students protested against issues including government language policy. Authorities had required students to study an official booklet that some regarded as "derogatory" toward Tibetan language and that promoted using Mandarin.[158] According to the booklet, bilingual education[159] would help "ethnic minorities to promote their culture and reach its pinnacle."[160] A November 9 protest involving thousands of Tibetan middle school students at another Qinghai location also involved language rights, among other things.[161]
- **Qinghai student protesters imprisoned.** On April 10, 2013, the Gonghe (Chabcha) County People's Court sentenced eight Hainan Professional Training School[162] students to imprisonment[163] for "illegal assembly"[164] during the November 26 protest.[165] One report described them as "school prefects or class monitors"[166] and noted that students resented the booklet's use in "political education" classes.[167] An unidentified Qinghai court reportedly sentenced a middle school student accused of "organizing" the November 9 protests to four years' imprisonment.[168]
- **Citizens promote Tibetan language.** Reports of unofficial Tibetan initiatives to promote Tibetan language emerged in Qinghai, where organizers of the Mother Tongue Protection Association observed UN-recognized International Mother Language Day;[169] in Gansu, where posters described the language as "the golden cup that holds the essence of Tibetan culture" and urged Tibetans to "give up impure mixed speech forever";[170] and in Sichuan, where township authorities banned informal classes on Tibetan language and culture.[171]

Economic Development Policy and Implementation

Officials continued to emphasize economic development as the key to achieving "social stability"[172] even though some initiatives resulted in protests[173] or alleged harm to local communities[174]—including a reported self-immolator's call for protection of Tibet's "fragile environment."[175] The Party and government maintained the development strategy announced at the January 2010 Fifth Tibet Work Forum[176]—adherence to a model based on "Chinese characteristics" and retaining "Tibetan traits."[177] Government "investment" in China's western areas—a program launched in 2000 as "Great Western Development" (*xibu da kaifa*)[178]—almost tripled in 2012 compared with 2011, state-run media reported.[179]

Indicative developments this past year include the following examples.

- **Railroad construction.** A Tibet Autonomous Region (TAR) official said the Lhasa-Shigatse railway will begin operation by the end of 2014.[180] Previous estimates ranged from 2010[181] to 2015.[182] TAR officials expressed concern that a National People's Congress decision to dismantle the Ministry of Railroads[183] could hinder railroad construction on the Tibetan plateau by making unprofitable services harder to finance.[184]
- **Forced settlement.**[185] Official media reported that the TAR government would settle 460,000 farmers and herders in 2013, and that "nearly 2.1 million" had been settled (or resettled) during 2006–2012.[186] Party Secretary Chen Quanguo said in September 2012 that "all farmers and herders" in the TAR would be settled by the end of 2013.[187] A 2011 government opinion called for nationwide settlement of herders to be "basically" accomplished by 2015.[188]
- **Mining.** International media organizations reported on a March 2013 landslide disaster at a TAR gold mine in Lhasa municipality,[189] and on environmental pollution that interfered with Tibetans' ability to farm and maintain livestock.[190] In a May 2013 protest, 3,500 Tibetans in Biru (Driru) county, Naqu (Nagchu) prefecture, reportedly confronted arriving workers they suspected to be miners and asked them to "leave our resources where they are."[191] Such reports are concurrent with TAR policy to increase the mining share of TAR GDP from about 3 percent in 2010 to between 30 and 50 percent by 2020.[192]
- **Hydropower.** Government plans for construction of hydroelectric projects along major Tibetan rivers attracted the interest of news media and analysts.[193] A blog maintained by a Canada-based Tibetan published detailed information in March 2013 on each project's location, capacity, and status.[194]

Summary: Tibetan Political Detention and Imprisonment

As of September 1, 2013, the Commission's Political Prisoner Database (PPD) contained 1,531 records—a figure certain to be far from complete—of Tibetan political prisoners detained on or after March 10, 2008, the beginning of a period of mostly peaceful political protests that swept across the Tibetan plateau.

Among the 1,531 PPD records of Tibetan political detentions reported since March 2008 are 28 Tibetans ordered to serve reeducation through labor (23 are believed released upon completing their terms) and 328 Tibetans whom courts sentenced to imprisonment ranging from six months to life (142 are believed released upon sentence completion).[195] Of the 328 Tibetan political prisoners sentenced to imprisonment since March 2008, sentencing information is available for 315 prisoners, including 309 with fixed-term sentences averaging 4 years and 8 months, based on PPD data as of September 1, 2013.

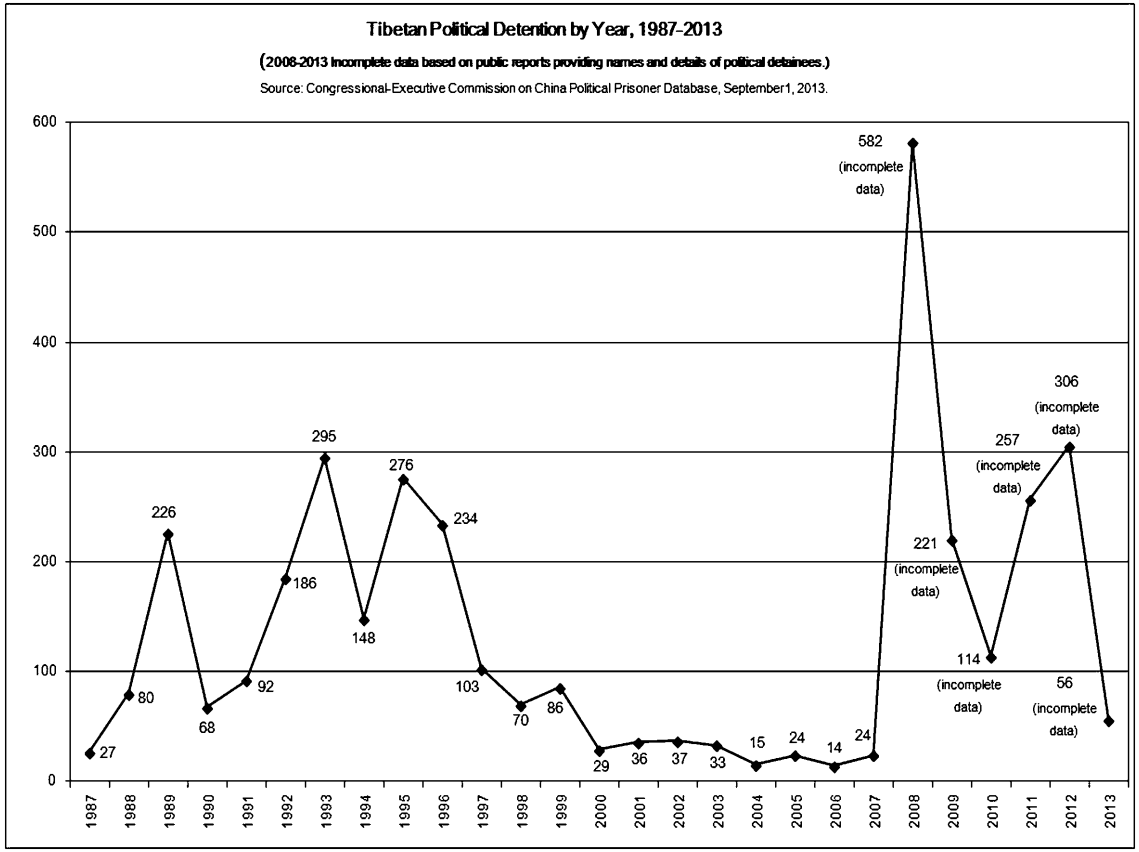
CURRENT TIBETAN POLITICAL DETENTION AND IMPRISONMENT

As of September 1, 2013, the PPD contained records of 642 Tibetan political prisoners believed or presumed currently detained or imprisoned. Of those, 622 are records of Tibetans detained on or after March 10, 2008;[196] 20 are records of Tibetans detained prior to March 10, 2008. PPD information for the period since March 10, 2008, is certain to be far from complete.

Of the 622 Tibetan political prisoners who were detained on or after March 10, 2008, and who were believed or presumed to remain detained or imprisoned as of September 1, 2013, PPD data indicated that:

- 314 (51 percent) are Tibetan Buddhist monks, nuns, teachers, or *trulkus*.[197]
- 550 (88 percent) are male, 46 (7 percent) are female, and 26 are of unknown gender.
- 288 (46 percent) are believed or presumed detained or imprisoned in Sichuan province; the rest are believed or presumed detained or imprisoned in the Tibet Autonomous Region (143), Qinghai province (122), Gansu province (68), and the Xinjiang Uyghur Autonomous Region (1).
- Sentencing information is available for 182 prisoners: 176 reportedly were sentenced to fixed terms ranging from 1 year and 6 months to 20 years,[198] and 6 were sentenced to life imprisonment or death with a 2-year reprieve.[199] The average fixed-term sentence is 6 years and 3 months. Seventy-nine (43 percent) of the prisoners with known sentences are Tibetan Buddhist monks, nuns, teachers, or *trulkus*.

Sentencing information is available for 16 of the 20 Tibetan political prisoners detained prior to March 10, 2008, and believed imprisoned as of September 1, 2013. Their sentences range from 8 years to life imprisonment; the average fixed-term sentence is 13 years and 1 month.


Tibetan Political Detention by Year, 1987-2013
(2008-2013 Incomplete data based on public reports providing names and details of political detainees.)
Source: Congressional-Executive Commission on China Political Prisoner Database, September1, 2013.
600
500
400
300
200
100
0
27
80
226
68
92
186
295
148
276
234
103
70
86
29
36
37
33
15
24
14
24
582 (incomplete data)
221 (incomplete data)
114 (incomplete data)
257 (incomplete data)
306 (incomplete data)
56 (incomplete data)
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VI. Developments in Hong Kong and Macau

Hong Kong

While in practice Hong Kong residents enjoy greater freedom than citizens of mainland China, the Commission continued to observe developments that raise concerns about the commitment of the central and Hong Kong governments to Hong Kong's autonomy and freedoms. Hong Kong's Basic Law guarantees the freedoms of speech, religion, and assembly, promises Hong Kong a "high degree of autonomy," and confirms the applicability of the International Covenant on Civil and Political Rights (ICCPR) to Hong Kong.[1] The Basic Law also states that the "ultimate aim" is the election by universal suffrage of Hong Kong's top official—the Chief Executive (CE)—and Hong Kong's Legislative Council (LegCo).[2] In March 2013, the UN Human Rights Committee reviewed Hong Kong for compliance with the ICCPR and expressed "concern about the lack of a clear plan to institute universal suffrage and to ensure the right of all persons to vote and to stand for election without unreasonable limitations."[3] The committee urged the Hong Kong government to "outline clear and detailed plans on how universal and equal suffrage might be instituted."[4]

UNIVERSAL SUFFRAGE AND AUTONOMY

The Basic Law states that the CE is to be elected by universal suffrage "upon nomination by a broadly representative nominating committee in accordance with democratic procedures."[5] A 2007 National People's Congress Standing Committee (NPCSC) decision further specified that the CE "may" be elected through universal suffrage in 2017, after which LegCo member elections may follow suit.[6] In its submission to the UN Human Rights Committee regarding Hong Kong's compliance with the ICCPR, the Hong Kong government confirmed the 2017 time frame for implementation of universal suffrage for electing the CE and indicated that universal suffrage for elections of all LegCo members would be implemented in 2020.[7] Currently 35 of the 70 LegCo members are elected through Functional Constituencies, most with fewer than 1,500 voters that can include companies with multiple votes; a similarly disproportionate system is used to select the 1,200 members of the election committee that chooses the CE.[8]

Large numbers of Hong Kong residents continued advocating for universal suffrage as local officials deferred discussion of electoral reform. Public support grew[9] for the Occupy Central movement, which plans to mobilize 10,000 protesters to occupy Hong Kong's financial district in July 2014 if the government has not issued a universal suffrage plan meeting international standards by that time.[10] Other mass demonstrations have recently compelled government action. In October 2012, for example, the Hong Kong government formally shelved a patriotic education curriculum[11] that had been criticized by tens of thousands of protestors as political indoctrination.[12] In July 2013, Chief Executive CY Leung dismissed calls for early public consultation on electoral reform while maintaining that he did not need the central government's permis-

sion to launch such consultations.[13] Pro-democracy advocates fear that delays will leave insufficient time for public consultation.[14]

Statements by central government officials this past year raised concerns over central government interference in the nomination of CE candidates to run in elections by universal suffrage. During the most recent CE election in March 2012, the central government reportedly wielded heavy influence in the selection of its favored candidate CY Leung, after dropping support for Henry Tang, who had become the subject of controversies.[15] In August 2013, the director of the central government's liaison office in Hong Kong rejected a pro-democracy party legislator's proposal to allow candidates who receive a certain number of voters' nominations to run for CE, instead saying that the election committee that currently selects the CE should form the basis of the committee that selects the CE candidates in an election by universal suffrage.[16] A pro-democracy legislator criticized the current election committee as "based on a very narrow electorate" and "not a broadly representative committee."[17] In March, the chairman of the Law Committee under the National People's Congress Standing Committee listed a set of requirements for CE candidates to meet, one of which is that they must be trusted by the central government.[18] The chairman said such candidates could criticize the central government, but they could not, for example, consider the central government an opponent, citing a pro-democracy legislator as an example.[19]

Two incidents this year highlighted ongoing challenges to Hong Kong's judicial and law enforcement independence. In a case involving the rights of domestic helpers to seek permanent residency, the Hong Kong government took the unusual step of requesting that Hong Kong's highest court refer a key issue for interpretation to the National People's Congress Standing Committee, which was expected to side with the Hong Kong government's position.[20] The court sided with the Hong Kong government by ruling in March 2013 against permanent residency for domestic helpers while saying it did not need to seek the central government's interpretation in this particular instance.[21] In another case, local authorities delayed action on a U.S. request for the provisional arrest of former U.S. National Security Agency contractor Edward Snowden, which allowed him to leave Hong Kong.[22] Unnamed sources cited in a New York Times article claimed the Chinese government directed local authorities to allow Snowden's departure.[23] Local officials maintained that their law enforcement process remained independent.[24]

PRESS FREEDOM

Despite enjoying greater press freedom than mainland China, Hong Kong journalists and media organizations continued to report pressure and harassment. Assaults or instances of harassment against Hong Kong journalists reportedly rose to 18 (7 occurring in mainland China), an increase over the 1 to 2 assaults reported on average in recent years.[25] Among the most heavily targeted media outlets was the Next Media group, which reported four incidents in June 2013.[26] The Hong Kong Journalists Association claims that Hong Kong and central government authorities have been largely unresponsive to inquiries regarding the attacks.[27] According to a

2012 survey, more than one-third of Hong Kong journalists reportedly admitted to self-censorship,[28] which they attribute in part to editorial pressure from media owners with significant political and economic interests in mainland China.[29] Over half the owners of Hong Kong's 30 major media outlets have been appointed as representatives to either the central government's top legislative or political advisory body.[30] Several major newspapers have reportedly set up special committees of largely mainland Chinese membership to vet articles before publication, which bears similarities to editorial practices in media outlets in mainland China.[31]

TRANSPARENCY

During the last year, the Hong Kong government made uneven progress toward maintaining transparency. Access to government records was hampered by the loss or destruction of public documents by government offices.[32] Local activists say that civil servants may dispose of files because there is no existing legislation to regulate recordkeeping.[33] In June 2013, a Hong Kong Law Reform Commission sub-committee began work to review the current state of management of government records, study relevant laws in other jurisdictions, and make recommendations for possible regulatory reforms.[34] In addition, the Ombudsman of Hong Kong opened an investigation into the "access to information regime and Government's records management system" in January 2013.[35]

The government postponed implementation of a measure in March 2013 that would have redacted from public corporate filings important identifying information about company directors—the type of information that was used by Bloomberg and the New York Times to uncover the alleged vast wealth of China's top political families.[36] Proponents of the measure cited the privacy rights of directors while opponents warned that it would harm the reputation of Hong Kong's financial markets for transparency and "risk turning Hong Kong into an opaque offshore tax shelter for China's plutocrats."[37]

Macau

Macau's Basic Law differs from Hong Kong in several aspects, including the absence of any language regarding "universal suffrage," although it does include a provision making the International Covenant on Civil and Political Rights (ICCPR) applicable to Macau.[38] The Commission observed that while Macau residents continued to enjoy greater freedom than citizens of mainland China, the lack of democratic elections in line with the ICCPR and threats to the freedoms of press and assembly in Macau remain ongoing challenges. In its Concluding Observations on Macau's compliance with the ICCPR issued earlier this year, the UN Human Rights Committee urged Macau to "outline a clear and comprehensive plan of action and set timelines for the transition to an electoral system based on universal and equal suffrage . . . ."[39]

POLITICAL AND PRESS FREEDOMS

Mainland experts and officials have dissuaded Macau from pursuing universal suffrage.[40] In March 2013, Political Bureau Stand-

ing Committee member Yu Zhengsheng advised a private audience of Hong Kong and Macau officials that their governing administrations could not be opposed to the central government.[41] The chairperson of the UN Human Rights Committee expressed concern in March 2013 that despite public consultation, the government had made no further efforts toward universal suffrage.[42] Self-censorship and heavy local government funding of Macau media persist, and journalists report that articles with dissenting views are sometimes altered or deleted.[43] In September 2012, the Macau government withdrew parts of a bill that would have established a "press accountability board."[44] Macau residents continued to organize protests on a range of social and political issues, but in some cases faced police retaliation, including confiscation of news materials and detention.[45]

CORRUPTION

The gambling industry in Macau is reportedly tied to widespread corruption and the laundering of large amounts of money out of mainland China.[46] This movement of money through Macau is fueled by a "junket" system, which reportedly aids mainland VIP patrons in bypassing China's limits on how much money can be taken out of China.[47] Casinos and junkets account for a large portion of Macau's annual revenue,[48] and one Macau academic estimates that US$202 billion in ill-gotten funds are channeled through Macau each year.[49]

During the reporting year, the Chinese government and Macau officials reportedly stepped up efforts to regulate Macau's gambling industry as part of a larger campaign by the central government against corruption.[50] In November 2012, authorities issued updated guidelines to junket operators intended to increase reporting on the transactions of gaming clients and, in a high-profile incident, detained more than half a dozen people in the junket business.[51] In July 2013, a U.S. official told the U.S.-China Security and Economic Review Commission that Macau had taken some steps to address money laundering deficiencies noted in a 2007 evaluation by a regional anti-money laundering group, including performing regular risk assessments of gaming operators and junkets and enhancing the oversight of junkets operators.[52] The official noted, however, that Macau still needed to incorporate a "freezing mechanism" into its anti-money laundering framework, lower its reporting threshold for large transactions, and implement an "effective cross-border cash declaration system."[53] In June 2013, Macau's Financial Intelligence Office announced that it was considering a "cross-border cash declaration system."[54]

VII. Endnotes

†Voted to adopt: Senators Brown, Baucus, Levin, Feinstein, and Merkley; Representatives Smith, Wolf, Meadows, Pittenger, Walz, Kaptur, and Honda; Under Secretary Sánchez and Assistant Administrator Biswal.

Did not vote: Deputy Secretary Harris.

Notes to Section I—Political Prisoner Database

[1] The Commission treats as a political prisoner an individual detained or imprisoned for exercising his or her human rights under international law, such as peaceful assembly, freedom of religion, freedom of association, free expression, including the freedom to advocate peaceful social or political change, and to criticize government policy or government officials. (This list is illustrative, not exhaustive.) In most cases, prisoners in the PPD were detained or imprisoned for attempting to exercise rights guaranteed to them by China's Constitution and law, or by international law, or both. Chinese security, prosecution, and judicial officials sometimes seek to distract attention from the political or religious nature of imprisonment by convicting a de facto political or religious prisoner under the pretext of having committed a generic crime. In such cases, defendants typically deny guilt but officials may attempt to coerce confessions using torture and other forms of abuse, and standards of evidence are poor. If authorities permit a defendant to entrust someone to provide him or her legal counsel and defense, as China's Criminal Procedure Law guarantees in Article 32, officials may deny the counsel adequate access to the defendant, restrict or deny the counsel's access to evidence, and not provide the counsel adequate time to prepare a defense.

Notes to Section II—Freedom of Expression

[1] Human Rights Watch, "World Report 2013—Events of 2012," 31 January 13; Freedom House, "Freedom of the Press 2013: China," May 2013.

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occurs when individuals are detained or abducted "or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law." UN General Assembly, Declaration on the Protection of all Persons from Enforced Disappearance, A/RES/47/133, 18 December 92. In February 2009, during its Universal Periodic Review by the Working Group on the Universal Periodic Review at the UN Human Rights Council, the Chinese government rejected the recommendation that it should consider ratifying the International Convention for Protection of all Persons from Enforced Disappearance, adopted by the UN General Assembly in December 2006. UN GAOR, Hum. Rts. Coun., 11th Sess., Report of the Working Group on the Universal Periodic Review—China, A/HRC/11/25, 3 March 09, paras. 38, 84, 117. The delegations from Mexico and Argentina offered this recommendation.

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[107] Stanley Lubman, "What China's Wrongful Convictions Mean for Legal Reform," Wall Street Journal, China Real Time Report (blog), 17 July 13; "18 Years Later, 5 Acquitted of Taxi Slayings," China Daily, 2 July 13.

[108] "18 Years Later, 5 Acquitted of Taxi Slayings," China Daily, 2 July 13.

[109] Shen Deyong, "How We Should Guard Against Wrongful Convictions" [Women yingdang ruhe fangfan yuanjia cuoan], China Court News, reprinted in People's Daily, 6 May 13 (English translation available at the ChinaLawTranslate Web site, titled "SPC Executive Vice-President Shen Deyong on Wrongful Cases," 10 July 13); Dui Hua Foundation, "How Many More Sacrifices Until Rule of Law Reigns?" Dui Hua Human Rights Journal, 9 May 13; Stanley Lubman, "What China's Wrongful Convictions Mean for Legal Reform," Wall Street Journal, China Real Time Report (blog), 17 July 13.

[110] Shen Deyong, "How We Should Guard Against Wrongful Convictions" [Women yingdang ruhe fangfan yuanjia cuoan], China Court News, reprinted in People's Daily, 6 May 13 (English translation available at the ChinaLawTranslate Web site, titled "SPC Executive Vice-President Shen Deyong on Wrongful Cases," 10 July 13).

[111] Patrick Boehler, "Guangdong Chief Justice Calls for Reform of China's 'Soviet' Court System," South China Morning Post, 3 July 13; Stanley Lubman, "What China's Wrongful Convictions Mean for Legal Reform," Wall Street Journal, China Real Time Report (blog), 17 July 13; "Bizarrely Consistent: A Crackdown on Legal Activists," Economist, 27 July 13.

[112] "New Guideline Can Safeguard Judicial Independence," Xinhua, 13 August 13; "Central Committee Political and Legal Affairs Commission Issues First Guiding Opinion on Preventing Wrongful Judgments" [Zhongyang zhengfawei chutai shou ge fang yuanjia cuoan zhidao yijian], Xinhua, 13 August 13; "Lifelong Responsibility," China Daily, 15 August 13; Wang Zhenghua, "Court Strikes Down Murder Conviction," China Daily, 15 August 13.

[113] Biao Teng, "Chinese Death Penalty: Overview and Prospect," East Asian Law Journal, Vol. 1, No. 2 (2010), 87; Amnesty International, "Death Sentences and Executions 2012," April 2013, 2; "The Death Penalty: Strike Less Hard," Economist, 3 August 13.

[114] Amnesty International, "Death Sentences and Executions 2012," April 2013, 18–19.

[115] John Kamm, "Trying Juveniles," New York Times, 29 November 12; Dui Hua Foundation, "China Under the Microscope: The Second Universal Periodic Review," 28 February 13; Dui Hua Foundation, "Our Work: Criminal Justice," last visited 8 August 13; "The Death Penalty: Strike Less Hard," Economist, 3 August 13.

[116] Xiaoqing Pi, "Tough Questions After Chinese Court Mishandles Execution," Wall Street Journal, China Real Time Report (blog), 16 July 13.

[117] Joshua Rosenzweig, "China's National Verdict Database and the Death Penalty," Siweiluozi's Blog, 3 July 13.

[118] See, e.g., Xiaoqing Pi, "Tough Questions After Chinese Court Mishandles Execution," Wall Street Journal, China Real Time Report (blog), 16 July 13; World Coalition, China Against the Death Penalty, Report 2012, last visited 27 September 13, 1, 4; Biao Teng, "Chinese Death Penalty: Overview and Prospect," East Asian Law Journal, Vol. 1, No. 2 (2010), 90; Zi Heng Lim, "Why China Executes So Many People," Atlantic, 9 May 13; Josh Chin, "Video Reignites Death Penalty Debate in China," Wall Street Journal, China Real Time Report (blog), 13 August 13.

[119] See, e.g., Xiaoqing Pi, "Tough Questions After Chinese Court Mishandles Execution," Wall Street Journal, China Real Time Report (blog), 16 July 13; "The Death Penalty: Strike Less Hard," Economist, 3 August 13; "Court Blasted for Failure To Notify Family in Swift Execution," Global Times, 15 July 13; Ren Zhongyuan, "Executed Businessman's Assets Sold for a Bargain, Lawyer Says," Caixin, 16 July 13; Ren Zhongyuan, "Closer Look: When Hunan Didn't Bother To Tell a Family It Was Killing One of Theirs," Caixin, 15 July 13; Voice of America, "Zeng Chengjie Secretly Executed; Internet Users Paying Attention to Hidden Details Behind the Case" [Zeng chengjie bei mimi chujue wangyou guanzhu anzi beihou heimu], 15 July 13.

[120] Xiaoqing Pi, "Tough Questions After Chinese Court Mishandles Execution," Wall Street Journal, China Real Time Report (blog), 16 July 13; "Court Blasted for Failure To Notify Family in Swift Execution," Global Times, 15 July 13; "China's Implementation of the Death Penalty Explained: Prisoner Has Right To See Family Before Execution" [Zhongguo sixing zhixing chengxu jiedu: zuifan xing xing qian you jian jiashu quanli], Chengdu Business Daily, reprinted in China Law Info, 17 July 13.

[121] Xiaoqing Pi, "Tough Questions After Chinese Court Mishandles Execution," Wall Street Journal, China Real Time Report (blog), 16 July 13; Liang Chao, "Zeng Chengjie's Daughter Apologizes to Changsha Intermediate Court, Says She Only Wants To Get Her Father's Remains" [Zeng chengjie nuer xiang changsha zhongyuan zhi qian cheng zhi xiang nadao fuqin guhui], Jinghua Net, reprinted in Xinhua, 14 July 13. Zeng's case is similar to that of Wu Ying, a woman entrepreneur from Wenzhou who was initially sentenced to death for illegal fundraising in 2009. Following a protest on the Internet in which people questioned the severity of Wu Ying's punishment, she was given a suspended death sentence (i.e., death with a two-year reprieve) instead. Another Wenzhou businesswoman, Lin Haiyan, was also sentenced to death earlier this year for illegal fundraising (US$100 million). The Supreme People's Court is currently reviewing her death sentence. See "Underground Lender Gets Death Sentence in China," Associated Press, reprinted in New York Times, 20 May 13.

[122] Christopher Bodeen, "China Eliminating Reliance on Executed Prisoners for Organs, but Cultural Attitudes a Barrier," Associated Press, reprinted in Vancouver Sun, 17 May 13.

[123] Biao Teng, "Chinese Death Penalty: Overview and Prospect," East Asian Law Journal, Vol. 1, No. 2 (2010), 87, 89; Ying Yang, "Death Row Inmates Number One Organ Donors in China," Deutsche Welle, 9 March 12.

[124] Jiefu Huang et al., "A Pilot Programme of Organ Donation After Cardiac Death in China," Lancet, Vol. 379, No. 9818 (2012), 862–63. As part of the institutional reforms approved by the National People's Congress during its meeting in March 2013, the Ministry of Health was merged with the National Population and Family Planning Commission to create the new National Health and Family Planning Commission. See "National Health and Family Planning Commission," Global Times, last visited 14 August 13.

[125] Yaqiu Wang, "In China Execution Done Behind Closed Doors Raises Questions About Dubious Organ Transplant Practices," Tea Leaf Nation, 18 July 13; "China Will Formally Launch Organ Transplantation [Donor System]; Organs Will Be Allocated According to 3 Main Principles" [Woguo jiang zhengshi qidong qiguan yizhi; qiguan fenpei jiang zuncong 3 da yuanze], Beijing Evening News, reprinted in Xinhua, 26 February 13; "Ministry of Health: China's Organ Donation Pilot Site Only Received 659 Voluntary Donations in 3 Years" [Weishengbu: zhongguo qiguan juanxian shidian 3 nian jin 659 lie ziyuan juanxian], People's Daily, reprinted in China Law Info, 19 April 13.

[126] Wen Ya, "Organ Sourcing To See Overhaul," Global Times, 16 August 13; "China To Phase Out Use of Executed Prisoners' Organs for Transplants," Reuters, reprinted in South China Morning Post, 16 August 13.

[127] Ibid. See also "Executed Prisoners Are Still Main Source for Organ Transplants in China," Deutsche Welle, 21 December 12; CECC, 2012 Annual Report, 10 October 12, 113.

Notes to Section II—Freedom of Religion

[1] The term "freedom of religion" used in this section encompasses the more broadly articulated freedom of "thought, conscience, and religion." Universal Declaration of Human Rights (UDHR), adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 18. For protections in international law, see Article 18 in the UDHR; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 18; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 13(3) (requiring States Parties to "ensure the religious and moral education of . . . children in conformity with [the parents'] own convictions"); Convention on the Rights of the Child (CRC), adopted and opened for signature, ratification, and accession by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, art. 14; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted and proclaimed by UN General Assembly resolution 36/55 of 25 November 81. See General Comment No. 22 to Article 18 of the ICCPR for an official interpretation of freedom of religion as articulated in the ICCPR. UN Human Rights Committee General Comment No. 22: The Right to Freedom of Thought, Conscience, and Religion (Art. 18), CCPR/C/21/Rev.1/Add.4, 30 July 93, para. 1. China is a party to the ICESCR and the CRC, and a signatory to the ICCPR. The Chinese government has committed itself to ratifying, and thus bringing its laws into conformity with, the ICCPR and reaffirmed its commitment on April 13, 2006, in its application for membership in the UN Human Rights Council. China's top leaders have also stated on other occasions that they are preparing for ratification of the ICCPR, including in March 18, 2008, press conference remarks by then Premier Wen Jiabao; in a September 6, 2005, statement by Luo Gan, State Councilor and member of the Political Bureau of the Communist Party Central Committee, at the 22nd World Congress on Law; in statements by Wen Jiabao during his May 2005 Europe tour; and in a January 27, 2004, speech by former Chinese President Hu Jintao before the French National Assembly. In 2009, China affirmed this commitment during the Universal Periodic Review of China's human rights record before the UN Human Rights Council. UN GAOR, Hum. Rts. Com., 11th Sess., Report of the Working Group on the Universal Periodic Review—China, A/HRC/11/25, 29 May 09, para. 114 (1). In addition, China's first National Human Rights Action Plan (2009–2010) affirms the principles in the ICCPR, and China's second National Human Rights Action Plan (2012–2015) states that the government "has continued to carry out administrative and judicial reforms and prepare the ground for approval" of the ICCPR. See State Council Information Office, "National Human Rights Action Plan of China (2009–2010)," reprinted in China Daily, 13 April 09; State Council Information Office, "National Human Rights Action Plan of China (2012–2015)," 11 June 12, sec. V(1).

[2] PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36.

[3] For specific examples of the range of religious activities protected under international law, see, e.g., General Comment No. 22 to Article 18 of the International Covenant on Civil and Political Rights. General Comment No. 22: The Right to Freedom of Thought, Conscience, and Religion (Art. 18), CCPR/C/21/Rev.1/Add.4, 30 July 93, paras. 1, 2, 4. The Chinese government denies protected activities such as the "freedom to prepare and distribute religious texts or publications" (General Comment No. 22, para. 4). For restrictions on the publication of religious materials, see State Administration for Religious Affairs, Regulation on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 7. For an interpretation of the provision protecting "normal religious activities" in the Regulation on Religious Affairs, written by drafters of the regulation, see Shuai Feng and Li Jian, Interpretation of the Regulation on Religious Affairs [Zongjiao shiwu tiaoli shiyi], (Beijing: Beijing Religious Culture Press, 2005), 19. See also page 6 of the preface of the book, noting the authors' status as drafters of the RRA.

[4] The central government has referred to the five religions as China's main religions, but in practice the state has created a regulatory system that institutionalizes only these five religions for recognition and legal protection. See, e.g., State Council Information Office, White Paper on Freedom of Religious Belief in China [Zhongguo de zongjiao xinyang ziyou zhuangkuang], reprinted in China Net, 1 October 97. This white paper states that there is a "great diversity of religious beliefs" in China, with the "main religions" being Buddhism, Taoism, Islam, Catholicism, and Protestantism. Wording from this white paper is also posted as a statement of current policy on the Web sites of the United Front Work Department, the agency that oversees religious affairs within the Communist Party, and the State Administration for Religious Affairs. Some local regulations on religious affairs define "religion" to mean only these five religions. See, e.g., Sichuan Province Regulation on Religious Affairs [Sichuansheng zongjiao shiwu tiaoli], issued 9 May 00, amended 30 November 06, art. 2; Henan Province Regulation on Religious Affairs [Henansheng zongjiao shiwu tiaoli], issued 30 July 05, effective 1 January 06, art. 2. There is limited formal tolerance outside this framework for some ethnic minority and "folk" religious practices. Kim-Kwong Chan and Eric R. Carlson, Religious Freedom in China: Policy, Administration, and Regulation (Santa Barbara: Institute for the Study of American Religion, 2005), 9–10, 15–16.

[5] See Falun Gong within this section for detailed information.

[6] Regulation on Religious Affairs (RRA) [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05. For an overview of the general requirements within the RRA and an analysis of several provincial-level regulations, see "Zhejiang and Other Provincial Governments Issue New Religious Regulations," CECC China Human Rights and Rule of Law Update, June 2006, 9–10.

[7] The Regulation on Religious Affairs (RRA) provides administrative penalties, such as fines, for violations of its stipulations. Regulation on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 40, 41. Such administrative penalties also include

the possibility of limited short-term detention under the Public Security Administration Punishment Law. Regulation on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 39, 40, 43; Public Security Administration Punishment Law [Zhonghua renmin gongheguo zhi'an guanli chufa fa], issued 28 August 05, effective 1 March 06, art. 27. The RRA is not authorized to provide for criminal penalties. At the same time, like other regulations, the RRA includes boilerplate language referring to the necessity of pursuing a criminal investigation if a "crime is constituted." For example, where "anyone uses religion to carry out such illegal activities as harm state security or public security, infringe upon citizens' right of the person and democratic rights, impair the administration of public order, or infringe upon public or private property," criminal charges are to be pursued where a "crime is constituted." Regulation on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 40.

[8] The government uses Article 300 of the Criminal Law to punish activities deemed to be cult-related. Chinese authorities also punish religious adherents by prosecuting them under other Criminal Law provisions, such as by portraying the printing and distribution of religious literature, a freedom protected under international human rights law, as the crime of "illegal operation of a business" (art. 225). PRC Criminal Law, enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, arts. 225, 300. See discussion of the cases of Li Wenxi and Ren Lacheng in Protestantism within this section for examples of authorities' use of Art. 225 to punish persons who distribute religious literature.

[9] Decision of the Standing Committee of the National People's Congress on Banning Heretical Cult Organizations, Preventing and Punishing Cult Organizations [Guanyu chudi xiejiao zuzhi, fangfan he chengzhi xiejiao huodong de jueding], issued 30 October 99.

[10] Administrative punishments can range from a warning or fine to detention in a reeducation through labor (RTL) center for up to three years, with the possibility of a one-year extension. Forms of administrative detention include, among others, short-term detention under the Public Security Administration Punishment Law, RTL, forced psychiatric commitment, forced drug detoxification, and work-study schools.

[11] Fenggeng Yang, Religion in China: Survival and Revival Under Communist Rule (New York: Oxford University Press, 2012), 78–84.

[12] The United Front Work Department (UFWD) is directly subordinate to the Communist Party Central Committee and is the key organization through which the Party implements control of religion. See Fenggeng Yang, Religion in China: Survival and Revival Under Communist Rule (New York: Oxford University Press, 2012), 78–79. The senior officials of the UFWD are listed in "Chinese Communist Party 18th Central Committee," Chinese Communist Party 18th Central Committee, reprinted in Sina, 18 April 13.

[13] Fenggeng Yang, Religion in China: Survival and Revival Under Communist Rule (New York: Oxford University Press, 2012), 81. According to this book, "In practice, the SARA and lower-level RABs usually rule through the so-called patriotic religious associations. The associations of the five official religions are nongovernmental organizations in name, but they function as an extension and delegation of the RAB."

[14] "China To Register All Clergy," Xinhua, 8 January 13.

[15] The official claimed the requirement would protect the rights of religious worshippers and "help the public identify fake staff." "China To Register All Clergy," Xinhua, 8 January 13.

[16] The term "religious organization" (*zongjiao tuanti*) or "religious-type of social organization" (*zongjiaolei shehui zuzhi* or *shehui tuanti*) refer here to registered religious groups, such as Catholic dioceses, Muslim congregations, Protestant congregations, as well as to charitable organizations established by registered religious organizations, all of which are under the oversight of the five Patriotic religious associations, the relevant level religious affairs bureau, and the relevant civil affairs bureau.

[17] Zhang Qianfan and Zhu Yinping, "Religious Freedom and Its Legal Restrictions in China," Brigham Young University Law Review, Vol. 2011, No. 3, 790–95 (recent online version of article dated 31 January 13); Fenggang Yang, Religion in China: Survival and Revival Under Communist Rule (New York: Oxford University Press, 2012), 74–78. For a discussion of how the restrictive regulatory framework has limited the growth of religious venues, materials, and clergy, see Yang, Religion in China, 149–154. For registration challenges to religious organizations' establishing charitable organizations, see Zhang Zhipeng, "Let Legal Entity Status Help Advance the 'Rapid Development' of the Religious Charity Sector" [Rang falu shiti diwei zhutui zongjiao gongyi cishan shiye "tengfei"], China Ethnicity News, reprinted in China Ethnic Religions Net, 18 June 13.

[18] "Third Plenary Meeting of the First Session of the 12th National People's Congress: Full Text Record" [Shierjie quanguo renda yici huiyi disan quanti huiyi wenzi shilu], Xinhua, 10 March 13.

[19] Ibid. See State Administration for Religious Affairs, Regulation on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, chap. 2; State Council Religious Affairs Bureau, Ministry of Civil Affairs, Implementing Measures on the Management of the Registration of Religious Social Organizations [Zongjiao shehui tuanti dengji guanli shishi banfa], issued 6 May 91, arts. 2–7, 9–10; State Council, Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, arts. 3, 7–19.

[20] State Administration for Religious Affairs, Chinese Communist Party Central Committee United Front Work Department, National Development and Reform Commission, Ministry of Civil Affairs, Ministry of Finance, and State Administration of Taxation, Opinion Encouraging and Standardizing Involvement by Religious Organizations in Charitable Activities [Guanyu guli he guifan zongjiaojie congshi gongyi cishan huodong de yijian], 16 February 12, paras. 1, 2(2)–(3).

[21] See Zhang Zhipeng, "Let Legal Entity Status Help Advance the 'Rapid Development' of the Religious Charity Sector" [Rang falu shiti diwei zhutui zongjiao gongyi cishan shiye "tengfei"], China Ethnicity News, reprinted in China Ethnic Religions Net, 18 June 13.

[22] This sub-section addresses what official sources refer to as *hanchuan fojiao*, i.e., "Han" or Mahayana Buddhism, and *nanchuan fojiao*, i.e., Pali (Theravada) Buddhism, which is practiced mainly by the Dai ethnic group and other ethnic minorities in Yunnan province. Tibetan Buddhism, the third major school of Buddhism in China, is discussed in Section V—Tibet. Tibetan Buddhism is not practiced solely by Tibetans; recently a growing number of Han Chinese have embarked on the study of Tibetan Buddhism. Calum MacLeod, "In China, Tensions Rising Over Buddhism's Quiet Resurgence," USA Today, 2 November 11. For information on the different schools of Buddhism recognized by the Chinese government, see, e.g., State Council Information Office, White Paper on Freedom of Religious Belief in China [Zhongguo de zongjiao xinyang ziyou zhuangkuang], reprinted in China Net, 1 October 97, sec. I; David A. Palmer, "China's Religious Danwei: Institutionalising Religion in the People's Republic," China Perspectives, No. 4 (2009), 26; "Three Main Schools Discuss Buddhist Doctrine: Experience Buddhism's Wisdom" [San da yuxi tan fofa: ganshou fojiao de zhihui], China Net, 26 April 12. For examples of continued state control over religious activities and practices of Buddhists during this reporting year, see, e.g., State Administration for Religious Affairs, "State Administration for Religious Affairs 2013 Main Work Points" [Guojia zongjiao shiwu ju 2013 nian gongzuo yaodian], 18 January 13; State Administration for Religious Affairs, Opinion on Handling Problems Involved With the Management of Buddhist Monasteries and Taoist Temples [Guanyu chuli sheji fojiao simiao, daojiao gongguan guanli youguan wenti de yijian], 8 October 12; State Administration for Religious Affairs, "Notice Regarding the Issuing of 'Measures Regarding Evaluation and Commendation of the Nationwide Establishment of Advanced Units and Advanced Individuals in Harmonious Buddhist and Taoist Temples and Churches'" [Quanguo chuangjian hexie siguan jiaotang xianjin jiti he xianjin geren pingbi biaozhang banfa], 6 July 13.

[23] "Vice Premier Liu Yandong: Speech at Meeting Commemorating the 60th Anniversary of the Buddhist Association of China" [Liu yandong fuzongli: zai zhongguo fojiao xiehui chengli 60 zhounian jinianhui shang de jianghua], Buddhist Association of China, 26 August 13.

[24] State Administration for Religious Affairs, Opinion on Handling Problems Involved With the Management of Buddhist Monasteries and Daoist Temples [Guanyu chuli sheji fojiao simiao, daojiao gongguan guanli youguan wenti de yijian], 8 October 12; "China Bans Profiteering From Religious Activity," Xinhua, reprinted in China Daily, 22 October 12.

[25] Qi Zhijiang, "A Discussion of the Connections and Differences Between Religions and Cults," Kaifeng Network, reprinted in China Anti-Cult Association, 11 November 11.

[26] Dui Hua Foundation, "The Cult of Buddha," Dialogue, Issue 52, 29 August 13; "Introduction to the China Anti-Cult Association," China Anti-Cult Association, 9 February 13; Tianjin Anti-Cult Association, "Which Organizations Has the Ministry of Public Security Designated as Cults?" 22 October 12; CECC, 2009 Annual Report, 10 October 09, 115.

[27] Dui Hua Foundation, "The Cult of Buddha," Dialogue, Issue 52, 29 August 13; "Introduction to the China Anti-Cult Association," China Anti-Cult Association, 9 February 13; Tianjin Anti-Cult Association, "Which Organizations Has the Ministry of Public Security Designated as Cults?" 22 October 12.

[28] Dui Hua Foundation, "The Cult of Buddha," Dialogue, Issue 52, 29 August 13; Tianjin Anti-Cult Association, "Which Organizations Has the Ministry of Public Security Designated as Cults?" 22 October 12.

[29] Christian Solidarity Worldwide, "Wu Zeheng, A Buddhist Patriarch, Suffers Ongoing Harassment After Serving Eleven Years in Prison," 22 March 12; Human Rights in China, "Three Documents Related to the Case of Buddhist Leader Wu Zeheng," 22 September 11.

[30] Andrew Jacobs, "No Exit: China Uses Passports as Political Cudgel," New York Times, 22 February 13.

[31] For background information on the history and function of the state-led patriotic religious associations, see David A. Palmer, "China's Religious Danwei," China Perspectives, Vol. 4 (2009), 19–21, 25.

[32] Hong Kong Catholic Diocese, "Justice and Peace Commission of the Hong Kong Catholic Diocese Opinion on Religious Freedom in China for the UN Human Rights Council's Universal Periodic Review" [Xianggang tianzhujiao zhengyi heping weiyuanhui jiu lianheguo renquan lishihui pubian dingqi shenyi jizhi you guan zhonghua renmin gongheguo zongjiao ziyou de yijianshu], 18 July 13.

[33] Ibid.

[34] Andrew Jacobs, "China Reportedly Strips Shanghai Bishop of His Title," New York Times, 12 December 12.

[35] Thérèse Postel, "Can Pope Francis Go to China?" Century Foundation (blog), 13 March 13. See also CECC, 2012 Annual Report, 10 October 12, 80; CECC, 2011 Annual Report, 10 October 11, 96; CECC, 2010 Annual Report, 10 October 10, 101; CECC, 2009 Annual Report, 10 October 09, 119; CECC, 2008 Annual Report, 31 October 08, 78.

[36] Hong Kong Catholic Diocese, "Justice and Peace Commission of the Hong Kong Catholic Diocese Opinion on Religious Freedom in China for the UN High Commissioner for Human Rights' Universal Periodic Review" [Xianggang tianzhujiao zhengyi heping weiyuanhui jiu lianheguo renquan lishihui pubian dingqi shenyi jizhi, you guan zhonghua renmin gongheguo zongjiao ziyou de yijianshu], 18 July 13.

[37] Anthony E. Clark, "China Renews Tension With the Vatican," Catholic World Report, 24 May 13; Michelle FlorCruz, "China Quietly Revises Church Regulations Requiring Government-Approved Catholic Bishops," International Business Times, 24 May 13.

[38] Bishops Conference of the Catholic Church of China, Regulation on the Election and Consecration of Bishops [Zhongguo tianzhujiao zhujiaotuan guanyu xuansheng zhujiao de guiding], adopted 12 December 12, effective 8 April 13.

[39] Ibid.; Bishops Conference of the Catholic Church of China Regulation on the Election and Consecration of Bishops [Zhongguo tianzhujiao zhujiaotuan guanyu xuansheng zhujiao de guiding], passed 17 May 93. The new regulation requires local dioceses to apply in writing to the provincial-level Bureaus of Religious Affairs for permission to elect new bishops. Moreover, a bishop election work committee shall be formed—under the guidance of the Bureau of Religious Affairs—responsible for formulating election measures, recommending representatives to the election committee and the total number of representatives, selecting one to three candidates, and overseeing of the election process.

[40] "Two Priests Dismissed in Wuhan," Union of Asian Catholic News, 21 December 12.

[41] See, e.g., Sandro Magister, "Shanghai, a Strong and Hard-Pressed Diocese," Chiesa Espress Online (blog), 3 May 13; Andrew Jacobs, "China Reportedly Strips Shanghai Bishop of His Title," New York Times, 12 December 12; "Vatican Slams Chinese Official Church in Bishop Row," Agence France-Presse, reprinted in South China Morning Post, 14 December 12; N.J. Viehland, "With No Bishop, Shanghai Priests Concerned About Masses, Pilgrimages," Catholic News Service, 22 May 13; Tom Phillips, "Shanghai's Catholic Church in Disarray," Telegraph, 12 July 13.

[42] Sandro Magister, "Shanghai, a Strong and Hard-Pressed Diocese," Chiesa Espress Online (blog), 3 May 13; "Aloysius Jin Luxian Dies at 96; Shanghai Bishop," Associated Press, 30 April 13. A media source reported that Bishop Ma may have been transferred temporarily to Beijing during funeral services for Bishop Jin. See Wang Zhicheng, "Msgr. Jin Luxian's Funeral Without Bishop Ma Daqin," Asia News, 29 April 13.

[43] "Chinese Catholic Association and [Bishops] Conference Spokesperson Comments" [Zhongguo tianzhujiao yihui yituan fayanren tanhua], Catholic Church in China, 14 December 12; Andrew Jacobs, "China Reportedly Strips Shanghai Bishop of His Title," New York Times, 12 December 12; Didi Kirsten Tatlow, "Farewell to an Enigmatic Chinese Bishop," New York Times, 29 April 13.

[44] "Chinese Catholic Association and [Bishops] Conference Spokesperson Comments" [Zhongguo tianzhujiao yihui yituan fayanren tanhua], Catholic Church in China, 14 December 12.

[45] Sandro Magister, "Shanghai, a Strong and Hard-Pressed Diocese," Chiesa Espress Online (blog), 3 May 13; "Vatican Slams Chinese Official Church in Bishop Row," Agence France-Presse, reprinted in South China Morning Post, 14 December 12.

[46] "Aloysius Jin Luxian Dies at 96; Shanghai Bishop," Associated Press, reprinted in Los Angeles Times, 30 April 13.

[47] Although several international media sources have noted Bishop Jin's age at death as 97, the Vatican Radio news item on his death provides his date of birth—June 20, 1916—confirming that Bishop Jin was 96 at his death. See "China: Secretary of State Note on Death of Bishop Jin Luxian," Vatican Radio, 30 April 13.

[48] N.J. Viehland, "With No Bishop, Shanghai Priests Concerned About Masses, Pilgrimages," Catholic News Service, 22 May 13; Tom Phillips, "Shanghai's Catholic Church in Disarray," Telegraph, 12 July 13.

[49] Hong Kong Catholic Diocese, "Justice and Peace Commission of the Hong Kong Catholic Diocese Opinion on Religious Freedom in China for the UN Human Rights Council's Universal Periodic Review" [Xianggang tianzhujiao zhengyi heping weiyuanhui jiu lianheguo renquan lishihui pubian dingqi shenyi jizhi, you guan zhonghua renmin gongheguo zongjiao ziyou de yijianshu], 18 July 13, paras. 19, 26.

[50] Ibid., paras. 18, 20. For further information on the case of Bishop Su Zhimin, see the Commission's Political Prisoner Database record 2004–05380. For further information on the case of Bishop Shi Enxiang, see the Commission's Political Prisoner Database record 2004–05378.

[51] The Cardinal Kung Foundation, "Arrest of an Underground Catholic Priest in Hebei Province and an Appeal to the Chinese Authorit[ies] To Release Religious Prisoners," 9 August 13; "Hebei Underground Catholic Priest Arrested," AsiaNews, 10 August 13.

[52] Ibid.

[53] "Hebei Underground Catholic Priest Arrested," AsiaNews, 10 August 13.

[54] Nailene Chou Wiest, "Time for Sino-Vatican Rapprochement," Caixin, 18 March 13; Christopher Bodeen, "China Maintains Hard Line on Ties With Vatican," Associated Press, 14 March 13; Wang Zhaokun and Mauro Lovecchio, "Beijing-Vatican Breakthrough Not Expected," Global Times, 15 March 13.

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Notes to Section II—Ethnic Minority Rights

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[6] See, e.g., "Little Hu and the Mining of the Grasslands," Economist, 14 July 12; Human Rights in China, "China: Minority Exclusion, Marginalization and Rising Tensions," 2007, 14, 26–28; Richard Fraser, "Forced Relocation Amongst the Reindeer—Evenki of Inner Mongolia," Inner Asia, Vol. 12, Issue 2 (2010), reprinted in Academia.edu.

[7] Wang Hao et al., "Farmers Turn Urban in Ordos," China Daily, 19 February 13; "Herdsman on New Road to a Happy Life," China Daily, reprinted in CRIenglish, 20 November 12; Li Baozhen and Liu Ning, "Bayingol, Luntai County Herders Move Into Peaceful Resident, Prosperous Citizen Houses, Enjoy 'New Life'" [Bazhou luntai xian nongmumin banjin anju fumin fang xiangshou "xin shenghuo"], Xinhua, 5 November 12; Li Li, "(A Winter View of Tibet-Linzhi) Herders on the Bangjietang Grassland" [(Dongji kan xizang-linzhi) bangjietang caoyuan shang de mumin renjia], China Tibet Online, 26 January 13; Wang Jianting, "Xinjiang Wuqia Herders Put Down Their Whips and Use Modernized Agriculture To Become Rich" [Xinjiang wuqia mumin fangxia mabian liyong xiandaihua nongye zhifu], China News Service, 27 May 13; Wei Zhiyuan, "Kazakh-Style Small 'Villas' Make Xinjiang Burqin County 'Nomad Settlement' Full of Spring" [Hasake shi xiao "bieshu" rang xinjiang buerjin xian "mumin dingju" manmu chun], People's Daily, 11 May 13. For information on grasslands policy in earlier years, see, e.g., CECC, 2012 Annual Report, 10 October 12, 88–89, 119, 149.

[8] Hulunbeir City Grassland Bureau of Supervision and Management, "The Three Levels of Districts, Cities and Banners in Inner Mongolia Jointly Held a Publicity Activity on the Grasslands Law" [Nei menggu qu shi qi sanji lianhe juban caoyuan pufa xuanchuan huodong], 16 April 13; "The City Launches Activities for 2013 Grasslands Law Awareness Month" [Quanshi qidong 2013 nian caoyuan pufa xuanchuan yue huodong], Agriculture and Animal Husbandry Bureau of Ulanqab City, reprinted in Ulanqab Government, 8 April 13.

[9] See, e.g., "The Newly Revised 'Regulations on the Protection of Inner Mongolian Grasslands' Take Effect Today" [Xin xiuding de "nei menggu zizhiqu jiben caoyuan baohu tiaoli" jinri qi zhengshi shixing], Xinhua, 1 December 11; "Chinese Pasture Region Charges Fees for Grassland Exploitation," Xinhua, 28 February 12.

[10] China's Ethnic Regional Autonomy Law: Does It Protect Minority Rights? Staff Roundtable of the Congressional-Executive Commission on China, 11 April 05, Testimony of Christopher P. Atwood, Associate Professor, Department of Central Eurasian Studies, Indiana University. For Commission analysis, see "State Council Opinion Bolsters Grazing Ban, Herder Resettlement," Congressional-Executive Commission on China, 18 October 11.

[11] Southern Mongolian Human Rights Information Center, "Dr. Chuluu Ujiyediin Speaks at 'Promoting Human Rights, Democracy and Freedom in East Turkistan, Tibet, Southern Mongolia and the People's Republic of China,'" 31 March 13; Nick Holdstock, "China Says It Is Improving the Lives of Ethnic Minorities in Inner Mongolia. Don't Be Fooled," Independent, 16 April 13; Unrepresented Nations and Peoples Organization, "Unrepresented Nations and Peoples Organization (UNPO) Individual Stakeholder Submission to the Office of the High Commissioner for Human Rights regarding the Universal Periodic Review of the People's Republic of China During the 17th Session, Oct–Nov 2013," February 2013; J. Carl Ganter, "J. Carl Ganter: The Biggest Story of Our Lifetime Is Water," Circle of Blue, 28 March 13.

[12] "The Newly Revised 'Regulations on the Protection of Inner Mongolian Grasslands' Take Effect Today" [Xin xiuding de "nei menggu zizhiqu jiben caoyuan baohu tiaoli" jinri qi zhengshi shixing], Xinhua, 1 December 11.

[13] Greenpeace, "Thirsty Coal 2," 23 July 13, 17–37.

[14] Ibid., 5, 12, 18–25, 28–32, 36–37, 53–54, 65.

[15] Ibid., 18–20, 34.

[16] Ibid., 39, 41–51.

[17] Ibid., 38–51.

[18] "Chinese Coal Company Releasing Toxic Wastewater, Greenpeace Says," Reuters, reprinted in Guardian, 23 July 13; "Greenpeace Accuses Chinese Coal Company of Draining Water Re-

sources," Voice of America, 23 July 13; Greenpeace, "Thirsty Coal 2," 23 July 13, Report Summary, 39, 41.

[19] "Herders Blocked From Protest Marches to Beijing," Radio Free Asia, 7 March 13; "Herders Protest Loss of Land," Radio Free Asia, 9 October 12; Southern Mongolian Human Rights Information Center, "Herders' Protests Put Down, Internet Posts Removed," 6 March 13; Southern Mongolian Human Rights Information Center, "Mongolian Herders Protest China's Illegal Occupation of Their Land and Defamation of Their Ancestors," 8 October 12; Southern Mongolian Human Rights Information Center, "Thirty Eight Displaced Herders from Zaruud Banner Arrested and Detained in Protest," 19 July 13; Southern Mongolian Human Rights Information Center, "Mongolian Herders Beaten and Injured in a Clash With the Chinese," 20 May 13; "Police Probe Fresh Clashes in Inner Mongolia," Radio Free Asia, 20 May 13.

[20] Rachel Vandenbrink, "Inner Mongolian Herder Beaten to Death in Land Clash," Radio Free Asia, 23 August 13; Southern Mongolian Human Rights Information Center, "Update to the Murder of Bayanbaatar: Central Government Involved, Family Rejects Negotiation," 22 August 13; Southern Mongolian Human Rights Information Center, "One More Mongolian Herder Killed by the Chinese Defending His Grazing Land," 20 August 13. Bayanbaatar's daughter-in-law reportedly stated that government authorities subsequently confined around 80 of his family members to a funeral home and kept them under heavy police surveillance. Bayanbaatar's death marks the first reported killing of a Mongol herder who was protesting corporate use of grazing land since two coal workers hit and killed herder Mergen on May 10, 2011, an incident that contributed to protests involving thousands of people in the following weeks. For Commission analysis, see "Mongols Protest in Inner Mongolia After Clashes Over Grasslands Use, Mining Operations," Congressional-Executive Commission on China, 1 July 11. See also CECC, 2011 Annual Report, 10 October 11, 108.

[21] Southern Mongolian Human Rights Information Center, "Herders' Protests Put Down, Internet Posts Removed," 6 March 13; "Herders Blocked From Protest Marches to Beijing," Radio Free Asia, 7 March 13.

[22] Ibid.

[23] Ibid.

[24] Ibid.

[25] Southern Mongolian Human Rights Information Center, "Thirty Eight Displaced Herders from Zaruud Banner Arrested and Detained in Protest," 19 July 13; "Herders Blocked from Travel to Beijing," Radio Free Asia, 19 July 13.

[26] Ibid.

[27] State Forestry Administration Sanbei Forest Construction Bureau, "For the Inner Mongolia Hanshan Nature Preserve, the Effects of Contraction and Transfer Are Positive" [Nei menggu hanshan ziran baohu qu shousuo zhuanyi xiaoguo hao], reprinted in China Forestry Net, 15 December 09.

[28] Southern Mongolian Human Rights Information Center, "Thirty Eight Displaced Herders from Zaruud Banner Arrested and Detained in Protest," 19 July 13; "Herders Blocked From Travel to Beijing," Radio Free Asia, 19 July 13.

[29] Wang Jinlong, "Non-Ferrous Geological Exploration" [Youse dizhi kancha], Inner Mongolia Regional News Net, 11 November 12. See also "List of Achievements of the Inner Mongolia Bureau of Non-Ferrous Geological Exploration Prospecting" [Nei menggu youse dikanju zhao kuang chengguo yi lan], China Non-Ferrous Metals Mineral Resources Information Net, 20 March 13.

[30] Southern Mongolian Human Rights Information Center, "One More Mongolian Herder Killed by the Chinese Defending His Grazing Land," 20 August 13. The Southern Mongolian Human Rights Information Center reported that the attack and suicide took place in Ongniud (Wengniute) Banner, Ulanhot (Wulanhaote) municipality, but Ongniud Banner is located in Chifeng municipality.

[31] Southern Mongolian Human Rights Information Center, "Hada and Family Members Still Missing," 24 February 13; Human Rights in China, "Lawyer Asks for Immediate Release of Mongolian Dissident Hada; Family Provides Further Details on Hada's Condition," 29 January 13.

[32] Human Rights in China, "Mongolian Dissident Hada in 23rd Month of Unlawful Detention After Long Prison Term; Family Appeals for International Attention," 22 October 12; "Wife of Mongolian Activist Speaks Out Against Chinese Harassment," Associated Press, reprinted in Guardian, 15 October 12.

[33] Ibid.

[34] Southern Mongolian Human Rights Information Center, "Hada and Family Members Still Missing," 24 February 13; "Profiles in Dissidence: Why China Is Crushing a Mongolian Intellectual," Global Post, 5 March 13.

[35] Ibid.

[36] "Inner Mongolian Activist in Safe, Healthy State: Official," Xinhua, 6 March 13; Southern Mongolian Human Rights Information Center, "Hada and Family Members Still Missing," 24 February 13.

[37] For Commission analysis on Hada, Xinna, and Uiles, see "Authorities Heighten Persecution of Detained Mongol Rights Advocate's Wife and Son," Congressional-Executive Commission on China, 13 December 12. See the Commission's Political Prisoner Database, record 2004–02045 (Hada), record 2010–00704 (Xinna), and record 2010–00705 (Uiles) for more information on these cases.

[38] Southern Mongolian Human Rights Information Center, "Mongolian Herder's Rights Defender in Poor Health at Chinese Detention Center," 2 September 13; Richard Finney, "Advocate for Inner Mongolian Herdsmen in 'Failing Health' in Jail," Radio Free Asia, 3 September 13.

[39] Ibid.

[40] Ibid.

[41] Southern Mongolian Human Rights Information Center, "Mongol-Tibetan Medical School Principal Imprisoned for Alleged Escape Attempt," 10 May 13.

[42] "Mongolian Medical College Founder Jailed for Three Years," Radio Free Asia, 10 May 13.

[43] Southern Mongolian Human Rights Information Center, "Mongol-Tibetan Medical School Principal Imprisoned for Alleged Escape Attempt," 10 May 13; "Founder of Mongolian Medicine College in Inner Mongolia Detained" [Nei menggu yi meng zang yiyao xuexiao chuangshi ren beibu], Radio Free Asia, 20 October 09; Southern Mongolian Human Rights Information Center, "Deported United Nations Refugee Applicant Batzangaa Tried in China," 17 January 11. See the Commission's Political Prisoner Database, record 2009–00435, for more information on the case.

[44] Southern Mongolian Human Rights Information Center, "Southern Mongolian Dissident Writer Wins Hellman/Hammett Grant," 20 December 12.

[45] Ibid.; PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 111.

[46] Southern Mongolian Human Rights Information Center, "Dissident Writer Huuchinhuu Beaten Repeatedly," 29 September 11; "Dissident Suffers Beatings in Detention," Radio Free Asia, 29 September 11. See the Commission's Political Prisoner Database, record 2010–00597, for more information on the case.

[47] For more information on these cases, see, e.g., "Inner Mongolia Writer Unaga Secretly Detained for Publishing New Book" [Neimeng zuojia wunaga ni chuban xinshu zao mimi daibu], Radio Free Asia, 19 January 11; "Mongol Writer Unaga Secretly Arrested in Inner Mongolia" [Mongghul yazghuchisi unaga ichki mongghulda mexpiy tutuldi], Radio Free Asia, 18 January 11; Southern Mongolian Human Rights Information Center, "Southern Mongolian Dissident Writer, Author of 'Forefront of Independence' Arrested and Detained," 23 January 11; UN Human Rights Council, Report by the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Cases Examined by the Special Rapporteur (June 2009–July 2010), A/HRC/15/37/Add.1, reprinted in UN Office of the High Commissioner for Human Rights, 15 September 10. Official Chinese information is not available regarding the current legal status of Erden-uul and Sodmongol. See also the Commission's Political Prisoner Database for more information on the cases of Erden-uul (record 2011–00072) and Sodmongol (record 2010–00146).

Notes to Section II—Population Planning

[1] PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], adopted 29 December 01, effective 1 September 02, art. 18. According to Article 18, "The State maintains its current policy for reproduction, encouraging late marriage and childbearing and advocating one child per couple. Where the requirements specified by laws and regulations are met, plans for a second child, if requested, may be made." Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 6–7. Implementing regulations in different provinces vary on the ages at which couples may give birth and the number of children they are permitted to have.

[2] See, e.g., Beijing Municipal Commission on Population and Family Planning, "Beijing Municipal Birth Services Certificate Management Measures" [Beijing shi shengyu fuwu zheng guanli banfa], 7 April 12; Guizhou Province Ninth People's Congress Standing Committee, "Guizhou Province Population and Family Planning Regulations" [Guizhou sheng renkou yu jihua shengyu tiaoli], 29 September 02; Population and Family Planning Commission of Xinjiang Uyghur Autonomous Region, "Regional Population and Family Planning Work Guide" [Qunei renkou jihua shengyu banshi zhinan], last visited 10 September 13.

[3] See Gu Baochang et al., "China's Local and National Fertility Policies at the End of the Twentieth Century," Population and Development Review, Vol. 33, No. 1, Table 1 (2007).

[4] Feng Wang et al., "Population, Policy, and Politics: How Will History Judge China's One-Child Policy?" Population and Development Review, Vol. 38 (2012), 115–16.

[5] These criteria include such conditions as: the first child was medically diagnosed as handicapped, both members of the couple are only children, the couple are rural residents and their first child was a girl, the couple are remarried, and so forth. Gu Baochang et al., "China's Local and National Fertility Policies at the End of the Twentieth Century," Population and Development Review, Vol. 33, No. 1, Table 1 (2007).

[6] Ethnic minority couples (couples in which at least one parent belongs to an officially recognized ethnic minority group) are permitted to bear a second child in all provincial-level jurisdictions except Jiangsu, Shanghai, Tianjin, and Beijing. Ethnic minority couples are permitted to bear a third child if they meet certain criteria in the Inner Mongolia Autonomous Region; the Tibet Autonomous Region; the Xinjiang Uyghur Autonomous Region; and Heilongjiang, Fujian, Hainan, Sichuan, Guizhou, Yunnan, Qinghai, and Ningxia provinces. Gu Baochang et al., "China's Local and National Fertility Policies at the End of the Twentieth Century," Population and Development Review, Vol. 33, No. 1, Table 1 (2007). In Hubei province, both members of the couple must belong to an ethnic minority to be able to bear a second child. Population and Family Planning Commission of Hubei Province, "Hubei Provincial Population and Family Planning Regulations" [Hubei sheng renkou yu jihua shengyu tiaoli], 2 February 09.

[7] See, e.g., Shaanxi Provincial Government, Shaanxi Provincial Implementing Measures for Collection and Management of Social Maintenance Fees [Shaanxi sheng shehui fuyang fei zhengshou guanli shishi banfa], issued 8 June 04, effective 1 August 04, art. 5(1). In Shaanxi province, individuals in violation of local population planning regulations can each be fined three to six times the amount of the average annual income of a resident in their locality, sometimes more, based on statistics from the previous year. "Fengdu County Population and Family Planning Administrative Fines, Administrative Penalties Program and Standards" [Fengdu xian renkou he jihua shengyu xingzheng zhengshou, xingzheng chufa xiangmu ji biaozhun], Fengdu County Population and Family Planning Network, 27 November 11. As noted in this document, residents of Fengdu county, Chongqing municipality, are subject to fines amounting to two to nine times the local average annual income from the previous year if they have an out-of-plan child or illegally adopt (two to six times the local average annual income) or have a child out of wedlock (six to nine times the local average annual income). See also "Cost of a Second Child: Pair Fined 1.3m Yuan," Shanghai Daily, reprinted in China Internet Information Center, 31 May 12; Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 19–20.

[8] See, e.g., ChinaAid, "Hubei Jiayu—Pregnant Woman Forced To Abort on May 23 Dies" [Hubei jiayu—yunfu 5 yue 23 ri bei qiangzhi yinchan siwang], 25 May 13; "Anhui Fengyang Seven-Month Fetus Forcibly Aborted, Shocking Bloody Photo" [Anhui fengyang 7 yue da taier bei qiangzhi liuchan xielinlin tupian chumu jingxin], Sound of Hope, 25 March 13; Women's Rights in China, "Women's Rights in China: Forced Abortion Phenomenon in China's Rural Areas Still Serious" [Zhongguo fuquan: zhongguo nongcun qiangzhi liuchan xianxiang yiran yanzhong], reprinted in Monitor China, 28 October 12.

[9] ChinaAid, "In Tears, Victim Denounces the Violence Committed by Family Planning Officials in Guizhou in Early 2013," 26 February 13; Zhan Caiqiang, "Hubei Tongshan Woman 'Sterilized to Death,' Officials Pay 1,000,000 To Buy Out [Victims'] 'Right To Hold [Them] Accountable'" [Hubei tongshan—funu "jieza zhisi" guanfang 100 wan maiduan "zhuize quanli"], Yunnan Info Daily, 9 April 13; "Henan—Nursing Mother Failed To Pay 6,000 Yuan Protection Fee, Forcibly Sterilized" [Henan—buru qi funu wei jiao 6 qian yuan baohu fei bei qiangzhi jieza], China Net, reprinted in Southern Daily, 24 April 13.

[10] Beijing Declaration and Platform for Action (1995), adopted at the Fourth World Conference on Women on 15 September 95, and endorsed by UN General Assembly resolution 50/203 on 22 December 95, paras. 9, 17. The Beijing Declaration states that governments which participated in the Fourth World Conference on Women reaffirmed their commitment to "Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms; . . ." (para. 9) and "are convinced that . . . [t]he explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment; . . ." (para. 17).

[11] Programme of Action of the Cairo International Conference on Population and Development, 18 October 94, paras. 7.2, 8.25. Paragraph 7.2 of the Programme of Action of the Cairo Inter-

national Conference on Population and Development states that, "Reproductive health therefore implies that people . . . have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice . . . ." Paragraph 8.25 states, "In no case should abortion be promoted as a method of family planning."

[12] United Nations, "Report of the Fourth World Conference on Women," 1996, Chap. II., para. 3; Chap. VI, para. 12. China was a state party at the Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. United Nations Population Information Network, A/Conf.171/13: Report of the International Conference on Population and Development, 18 October 94, Chap. II, sec. C, Chap. VI, sec. 1. China was one of the participating States at the International Conference on Population and Development, which reached general agreement on the Programme of Action. The Programme of Action is provided as an annex to the above ICPD report.

[13] For two recent examples of acts of official violence in the implementation of population planning policies, see ChinaAid, "Hubei Jiayu—Pregnant Woman Forced To Abort on May 23 Dies" [Hubei jiayu—yunfu 5 yue 23 ri bei qiangzhi yinchan siwang], 25 May 13; ChinaAid, "In Tears, Victim Denounces the Violence Committed by Family Planning Officials in Guizhou in Early 2013," 26 February 13.

[14] Yan Shuang, "Fury Over Forced Abortion," Global Times, 14 June 12. For one U.S. scholar's analysis of Chinese law with regard to forced abortions, see Stanley Lubman, "The Law on Forced Abortion in China: Few Options for Victims," Wall Street Journal, China Real Time Report (blog), 4 July 12. PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, effective 1 September 02, arts. 4, 39. Article 4 of the PRC Population and Family Planning Law (PFPL) states that officials "shall perform their administrative duties strictly in accordance with the law, and enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens." Article 39 states that an official is subject to criminal or administrative punishment if he "infringes on a citizen's personal rights, property rights, or other legitimate rights and interests" or "abuses his power, neglects his duty, or engages in malpractices for personal gain" in the implementation of population planning policies.

[15] UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, arts. 1, 4. In 2008, the Committee against Torture noted with concern China's "lack of investigation into the alleged use of coercive and violent measures to implement the population policy." UN Committee against Torture, 41st Session, Consideration of Reports Submitted by State Parties Under Article 19 of the Convention: Concluding Observations of the Committee against Torture—China, CAT/C/CHN/CO/4, 12 December 08, para. 29.

[16] See United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 10 September 13. China signed the convention on December 12, 1986, and ratified it on October 4, 1988.

[17] Children born "out-of-plan" in China may be denied household registration (*hukou*) and thus face barriers to accessing social benefits including health insurance and education. See Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 26.

[18] UN Convention on the Rights of the Child (CRC), adopted and opened for signature, ratification, and accession by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, China signed 29 August 90, ratified 2 March 92, arts. 2–4, 6, 24, 26, 28. Article 2 of the CRC calls upon States Parties to "respect and ensure the rights set forth . . . to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's . . . national, ethnic or social origin . . . birth or other status." Article 24 sets forth the right of the child to access healthcare, Article 26 sets forth the right of the child to social security, and Article 28 sets forth the right of the child to free primary education and accessible secondary education and higher education.

[19] International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, China signed 27 October 97, ratified 27 March 01, art. 10(3). Article 10(3) calls upon States Parties to recognize that "Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions."

[20] Sui-Lee Wee and Hui Li, "Insight: The Backroom Battle Delaying Reform of China's One-Child Policy," Reuters, 8 April 13; "National People's Congress Representative Suggests Relaxing to a Two-Child Policy, Says No Reply to Previous Two Times She Proposed This" [Renmin daibiao jianyi kaifang ertai cheng qian liangci ti an wei huo huifu], Sina, 5 April 13; Laurie Burkitt, "Pressure Rises on China To Scrap One-Child Policy," Wall Street Journal, 18 January 13.

[21] "Think Tank Calls for Loosening of One-Child Policy," Xinhua, 27 October 12; Laurie Burkitt, "Pressure Rises on China To Scrap One-Child Policy," Wall Street Journal, 18 January 13; Fang Xiao, "China's One-Child Policy May Be Relaxed Province by Province," Epoch Times, 5 March 13.

[22] David Wertime, "Online Poll Shows Overwhelming Support for End to China's One-Child Policy," Tea Leaf Nation, 2 November 12; Kim Wall, "What China's 'One-Child Policy' Really Looks Like—A View From the Grassroots," Tea Leaf Nation, 17 March 13.

[23] "State Council Institutional Reform and Functional Transformation Plan" [Guowuyuan jigou gaige he zhineng zhuanbian fang'an], Xinhua, 10 March 13, item II; "China To Merge Health Ministry, Family Planning Commission," Xinhua, 10 March 13; "Explanation of the State Council Institutional Reform and Functional Change Plan" [Guanyu guowuyuan jigou gaige he zhineng zhuanbian fang'an de shuoming], Xinhua, 10 March 13.

[24] "State Council Institutional Reform and Functional Transformation Plan" [Guowuyuan jigou gaige he zhineng zhuanbian fang'an], Xinhua, 10 March 13 (Open Source Center, 10 March 13), item II. The plan states that the responsibilities of the new National Health and Family Planning Commission will include "unified planning on resource allocation for medical care, public health, and family planning services, organize and establish a national basic drug system, formulate the family planning policy, oversee and regulate public health and medical care services, and take charge of such work as family planning administration and services."

[25] Ibid. The plan states that, "the State Population and Family Planning Commission's duties of studying and drawing up the population development strategy and program and the population policy will be taken up by the National Development and Reform Commission." See also Mou Xu, "Xinhua Insight: Combining Population and Economic Policy To Push Development," Xinhua, 13 March 13.

[26] Laurie Burkitt, "One-Child Policy: Law Still in Effect, but Police, Judges Fired," Wall Street Journal, 12 March 13. According to population expert Wang Feng, cited in the Wall Street Journal, "My reading is that will mean that population control targets will be weaker and weaker over time. And we will see that the one-child policy era is over. The way to interpret this is that the laws are still in effect, but the judges and the policemen have all been fired. Soon the laws will also change." Laurie Burkitt, "Agency Move Hints at Shift in China's One-Child Policy," Wall Street Journal, 11 March 13. According to Cheng Li, cited in the Wall Street Journal, "This is a signal to an end of a policy that in reality isn't in line with China's other reforms."

[27] Bai Tiantian, "Govt Shake-Up for Efficiency," Global Times, 11 March 13. According to one professor of demography cited in the Global Times, "The merge with the health ministry is in fact making the family planning body more powerful."

[28] "State Council Institutional Reform and Functional Transformation Plan" [Guowuyuan jigou gaige he zhineng zhuanbian fang'an], Xinhua, 10 March 13, item II.

[29] These officials included Wang Feng, deputy head of the State Commission Office for Public Sector Reform, Ma Kai, secretary-general of the State Council, and Vice Premier Liu Yandong. See, e.g., Mou Xu, "Xinhua Insight: Combining Population and Economic Policy To Push Development," Xinhua, 13 March 13; "China To Merge Health Ministry, Family Planning Commission," Xinhua, 10 March 13; "Vice Premier Urges Reform for Health, Family Planning Organs," Xinhua, 18 March 13.

[30] National Health and Family Planning Commission, "National Health and Family Planning Commission Implements 'Serving the People's Health Action [Plan]'" [Guojia weisheng jisheng wei shishi "fuwu baixing jiankang xingdong"], 6 August 13; He Huifeng, "Hopes for One-Child Policy Fix Tempered," South China Morning Post, 8 August 13.

[31] He Huifeng, "Hopes for One-Child Policy Fix Tempered," South China Morning Post, 8 August 13.

[32] Wan Mi et al., "Over Fifty Percent of 1400 People [Surveyed] Wish To Have Second Child" [1400 ren chaoguo wucheng yuan sheng ertai], Southern Metropolitan Daily, 4 August 13; Patrick Boehler, "Most Chinese Want To Have Second Child, Says Survey," South China Morning Post, 5 August 13.

[33] "Relaxation of One-Child Policy Still Being Mulled," Xinhua, reprinted in China Daily, 3 August 13.

[34] PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, effective 1 September 02, arts. 4, 39. Article 4 of the PRC Population and Family Planning Law (PFPL) states that officials "shall perform their administrative duties strictly in accordance with the law, and enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens." Article 39 states that an official is subject to criminal or administrative punishment if he "infringes on a citizen's personal rights, property rights, or other legitimate rights and interests" or "abuses his power, neglects his duty, or engages in malpractices for personal gain" in the implementation of population planning policies.

[35] Yan Shuang, "Fury Over Forced Abortion," Global Times, 14 June 12. For one U.S. scholar's analysis of Chinese law with regard to forced abortions, see Stanley Lubman, "The Law on Forced Abortion in China: Few Options for Victims," Wall Street Journal, 4 July 12.

[36] This number is based on Commission analysis of population planning measures. These jurisdictions include Tianjin, Liaoning, Jilin, Guangdong, Fujian, Hebei, Hubei, Chongqing, Shaanxi, Ningxia, Shanxi, Xinjiang, Henan, Qinghai, Jiangxi, Sichuan, Anhui, Gansu, Yunnan, and Guizhou. For two specific examples, see "Revised 'Guangdong Province Population and Family Planning Regulations' Published" [Xiuding hou de "guangdong sheng renkou yu jihua shengyu tiaoli" gongbu], Guangzhou Beiyun District Zhongloutian Public Information Net, 29 June 09 and "Jiangxi Province Population and Family Planning Regulations" [Jiangxi sheng renkou yu jihua shengyu tiaoli], Jiangxi News Net, 11 April 09. The Beijing Municipal Population and Family Planning Commission clearly draws the link between the term "remedial measures" and abortion: "Early term abortion refers to the use of surgery or pharmaceutics to terminate a pregnancy before the 12th week of gestation; it is a remedial measure taken after the failure of contraception." Beijing Municipal Population and Family Planning Commission, "Early Term Abortion" [Zaoqi rengong liuchan], 10 April 09.

[37] See, e.g., ChinaAid, "Hubei Jiayu—Pregnant Woman Forced To Abort on May 23 Dies" [Hubei jiayu—yunfu 5 yue 23 ri bei qiangzhi yinchan siwang], 25 May 13; ChinaAid, "Another Bloody One-Child Case in China: Seven-Months Pregnant Mother in Anhui Forcibly Aborted by Lethal Injection (Warning: Graphic Photo)," 25 March 13; Women's Rights in China, "Women's Rights in China: Forced Abortion Phenomenon in China's Rural Areas Still Serious" [Zhongguo fuquan: zhongguo nongcun qiangzhi liuchan xianxiang yiran yanzhong], 28 October 12.

[38] Peony Lui, "Outcry Over Blunders of China's One-Child Policy," South China Morning Post, 19 December 12.

[39] ChinaAid, "In Tears, Victim Denounces the Violence Committed by Family Planning Officials in Guizhou in Early 2013," 26 February 13; Zhan Caiqiang, "Hubei Tongshan Woman

'Sterilized to Death,' Officials Pay 1,000,000 To Buy Out [Victims'] 'Right To Hold [Them] Accountable'" [Hubei tongshan—funu "jieza zhisi" guanfang 100 wan maiduan "zhuize quanli"], Yunnan Info Daily, 9 April 13; "Henan—Nursing Mother Failed To Pay 6,000 Yuan Protection Fee, Forcibly Sterilized" [Henan—buru qi funu wei jiao 6 qian yuan baohu fei bei qiangzhi jieza], China Net, reprinted in Southern Daily, 24 April 13.

[40] "Yuyue Town Spares No Efforts in Promoting Health and Family Planning Work" [Yuyue zhen quanli yifu tuijin chuang wei he jisheng gongzuo], Jiayu Net, 15 April 13; Luo Hongwei, Population and Family Planning Commission of Huanggang, "Hongan County Prominent 'Five Key Points' Vigorous Promotion of the Present Population and Family Planning Work" [Hongan xian tuchu "wuge zhongdian" jiji tuijin dangqian renkou jisheng gongzuo], 19 July 13; Chongyang County People's Government, "Gangkou Township Uses All Its Strength To Promote Family Planning Work" [Gangkou xiang quanli tuijin jihua shengyu gongzuo], 28 March 13.

[41] Lechang City Population and Family Planning Bureau, "Lechang City Pingshi Town Sound a Mobilization Order for the Spring Family Planning Concentrated Services Activities" [Lechang shi pingshi zhen chuixiang chunji jisheng jizhong fuwu huodong dongyuan ling], last visited 19 September 13; Zhuhai City Xiangzhou District Family Planning Bureau, "City, District Population and Family Planning Department Leaders Go to Qianshan Neighborhood To Inspect Family Planning Welcoming and Inspection Work" [Shi, qu renkou jisheng ju lingdao dao qianshan jiedao jiancha jisheng yingjian gongzuo], 1 February 13.

[42] Linquan County People's Government, "Speech at the County Government Fourth Plenary Conference on Honest and Clean Government Work" [Zai xian zhengfu disi ci quanti huiyi ji lianzheng gongzuo huiyi shang de jianghua], 26 February 13.

[43] Zhang Xuan, "Huayu Town Four Measures To Help Spring Family Planning Services Work Reach the Desired Goal" [Huayu zhen si cuoshi zhuli chunji jisheng fuwu gongzuo daowei], Oriental Holy City Net, 19 April 13; Shanting District Family Planning Bureau, "District Family Planning Bureau's Four Measures for Making Great Efforts in Implementing Present Work" [Qu jishengju sixiang cuoshi zhuahao dangqian gongzuo luoshi], 22 April 13.

[44] People's Government of Henan Province, "Hebi City Population and Family Planning Work Meeting Requirements" [Hebi shi renkou he jihua shengyu gongzuo huiyi yaoqiu], 1 April 13.

[45] Huang He and Chen Longbin, Guizhou Population Net, "Youmai Township Strictly Controls Early Marriages and Early Pregnancies, Urges Family Planning Work To Ascend the Stairs" [Youmai xiang yankong zaohun zaoyu cu jisheng gongzuo shang taijie], 13 March 13; Zhang Miaohui, Hongfenghu Town Party and Government Administration Office, "Storm the Fortifications and Overcome Difficulties, Strongly Grasp the Ten Links of Work, Spare No Efforts To Promote Achievement of the 'Three Years Three Strides' Goals in Family Planning Work" [Gongjian ke'nan zhashi zhuahao shi huanjie gongzuo fenli tuijin jisheng gongzuo "sannian san kuayue" mubiao shixian], 19 April 13.

[46] Wang Hongbin, Pingjiang County People's Government, "Speech at Central Pingjiang County Committee Work Meeting" [Zai zhonggong pingjiang xianwei gongzuo huiyi shang de jianghua], 25 February 13.

[47] Jianou City People's Government, "Xiaoqiao Town Launches Focused Publicity Activities on Implementation of 'Four Procedures'" [Xiaoqiao zhen kaizhan luoshi "sishu" jizhong xuanchuan huodong], 27 May 13; Jin'an District Population and Family Planning Bureau, "Entire District Population and Family Planning Work Regular Meeting Convenes" [Quanqu renkou jisheng gongzuo lihui zhaokai], 7 December 12.

[48] For two such examples in which authorities reported on the implementation of the "two examinations and four procedures," see Jianou City People's Government, "Xiaoqiao Town Launches Focused Publicity Activities on Implementation of 'Four Procedures'" [Xiaoqiao zhen kaizhan luoshi "sishu" jizhong xuanchuan huodong], 27 May 13; Jin'an District Population and Family Planning Bureau, "Entire District Population and Family Planning Work Regular Meeting Convenes" [Quanqu renkou jisheng gongzuo lihui zhaokai], 7 December 12. Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 2. According to Chinese Human Rights Defenders, some government reports refer to "three examinations," instead of two. The third examination in these references is an examination for the presence of a gynecological disease or illness.

[49] For an official government report enumerating the "four procedures," see Yancheng District People's Government, "The Four Surgeries in Family Planning" [Jihua shengyu sixiang shoushu], last visited 20 June 13.

[50] See, e.g., Zhang Miaohui, Hongfenghu Town Party and Government Administration Office, "Storm the Fortifications and Overcome Difficulties, Strongly Grasp the Ten Links of Work, Spare No Efforts To Promote Achievement of the 'Three Years Three Strides' Goals in Family Planning Work" [Gongjian ke'nan zhashi zhuahao shi huanjie gongzuo fenli tuijin jisheng gongzuo "sannian san kuayue" mubiao shixian], 19 April 13; Lechang City Population and Family Planning Bureau, "Lechang City Pingshi Town Sound a Mobilization Order for the Spring Family Planning Concentrated Services Activities" [Lechang shi pingshi zhen chuixiang chunji jisheng jizhong fuwu huodong dongyuan ling], 22 March 13.

[51] Chongyang County People's Government, "Gangkou Township Uses All Its Strength To Promote Family Planning Work" [Gangkou xiang quanli tuijin jihua shengyu gongzuo], 28 March 13.

[52] Ibid.

[53] The term "late-term abortion" (*dayuefen yinchan*) is commonly used to refer to abortions performed between gestational weeks 14 to 28. See, e.g., "What are the Consequences of Late Term Abortion? Can Women Who Have Aborted Still Get Pregnant?" [Dayue yinchan de houguo you naxie? yinchan hou nuren hai neng zai huaiyun ma?], Sina Lady, reprinted in Xinhua, 19 June 12.

[54] All Girls Allowed published a report documenting the use of varieties of the phrase "prohibit" (*jinzhi* or *yanjin*) or "put an end to" (*dujue*) "late-term abortions" (*dayuefen yinchan*) in statements dating between July 5 and September 12, 2012, from governments in 23 of China's

31 provincial-level jurisdictions, including Anhui, Beijing, Chongqing, Fujian, Gansu, Guangdong, Guizhou, Hebei, Henan, Hubei, Hunan, Jilin, Jiangsu, Jiangxi, Liaoning, Inner Mongolia Autonomous Region, Qinghai, Shandong, Shaanxi, Shanxi, Sichuan, Yunnan, and Zhejiang. Provincial-level jurisdictions not included on this list are: Guangxi Zhuang Autonomous Region, Hainan, Heilongjiang, Ningxia Hui Autonomous Region, Shanghai, Tianjin, Tibet Autonomous Region, and Xinjiang Uyghur Autonomous Region. See All Girls Allowed, "Chinese Provinces That Banned Late-Stage Abortion Following Feng Jianmei's Forced Abortion," 25 September 12.

[55] ChinaAid, "Guizhou Jinsha County Family Planning Committee Forcibly Aborts, Mother Critically Ill" [Guizhou jinsha xian jisheng wei qiangzhi duotai yunfu shengming chuiwei], 18 July 13; ChinaAid, "Family Planning Committee in Jinsha County, Guizhou Province, Forces Woman To Undergo Abortion, Leaving Her in Critical Condition," 18 July 13.

[56] ChinaAid, "Li Fengfei Arrested After Exposing Forced Abortion, Guizhou Province Law Firm Provides Defense," 9 September 13.

[57] ChinaAid, "Hubei Jiayu—Pregnant Woman Forced To Abort on May 23 Dies" [Hubei jiayu—yunfu 5 yue 23 ri bei qiangzhi yinchan siwang], 25 May 13; Steven Ertelt, "China: Mother Dies After Forced Abortion at Six Months," LifeNews, 29 May 13.

[58] "Anhui Fengyang Seven-Month Fetus Forcibly Aborted, Shocking Bloody Photo" [Anhui fengyang 7 yue da taier bei qiangzhi liuchan xielinlin tupian chumu jingxin], Sound of Hope, 25 March 13.

[59] ChinaAid, "Another Bloody One-Child Case in China: Seven-Months Pregnant Mother in Anhui Forcibly Aborted by Lethal Injection (Warning: Graphic Photo)," 25 March 13.

[60] Women's Rights in China, "Women's Rights in China: Forced Abortion Phenomenon in China's Rural Areas Still Serious" [Zhongguo fuquan: zhongguo nongcun qiangzhi liuchan xianxiang yiran yanzhong], 28 October 12; Kat Lewis, All Girls Allowed, "Chinese Officials Force Abortion on 6-Month Pregnant Woman," reprinted in LifeNews, 24 October 12.

[61] ChinaAid, "In Tears, Victim Denounces the Violence Committed by Family Planning Officials in Guizhou in Early 2013," 26 February 13.

[62] ChinaAid, "Mother of Two in Hubei Province Dies From Forced Sterilization Operation Ordered by Family Planning Officials Against Doctor's Advice," 6 April 13; Zhan Caiqiang, "Hubei Tongshan Woman 'Sterilized to Death,' Officials Pay 1,000,000 To Buy Out [Victims'] 'Right To Hold [Them] Accountable'" [Hubei tongshan—funu "jieza zhisi" guanfang 100 wan maiduan "zhuize quanli"], Yunnan Info Daily, 9 April 13. According to these reports, local officials promised Shen's family 1 million yuan (US$161,755) in compensation on the condition that they "voluntarily give up the pursuit of accountability." According to the Yunnan Info Daily report, family planning efforts in Shen Hongxia's home county intensified after the county had received the lowest score in the province on the previous year's population planning work report.

[63] "Henan—Nursing Mother Failed To Pay 6,000 Yuan Protection Fee, Forcibly Sterilized" [Henan—buru qi funu wei jiao 6 qian yuan baohu fei bei qiangzhi jieza], China Net, reprinted in Southern Daily, 24 April 13.

[64] "Chinese Man Dies After Attempted Forced Sterilization," Radio Free Asia, 13 August 13.

[65] PRC Measures for Administration of Collection of Social Maintenance Fees [Shehui fuyang fei zhengshou guanli banfa], issued 2 August 02, effective 1 September 02, arts. 3, 7.

[66] All Girls Allowed, "One-Child Policy Fines Relative to Income Levels in China," 1 November 12. See, e.g., Shaanxi Provincial Implementing Measures for Collection and Management of Social Maintenance Fees [Shanxi sheng shehui fuyang fei zhengshou guanli shishi banfa], issued 8 June 04, effective 1 August 04, art. 5(1). In Shaanxi province, individuals in violation of local population planning regulations can each be fined three to six times the amount of the average income of a resident in their locality, sometimes more, based on their income compared to the average income of rural residents the previous year. "Fengdu County Population and Family Planning Administrative Fines, Administrative Penalties Program and Standards" [Fengdu xian renkou he jihua shengyu xingzheng zhengshou, xingzheng chufa xiangmu ji biaozhun], Fengdu County Population and Family Planning Network, 27 November 11. As noted in this document, residents of Fengdu county, Chongqing municipality, are subject to fines amounting to two to nine times the local average annual income from the previous year if they have an out-of-plan child or illegally adopt (two to six times the local average annual income) or have a child out of wedlock (six to nine times the local average annual income).

[67] PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], adopted 29 December 01, effective 1 September 02, art. 39. According to Article 39, officials are to be punished either criminally or administratively for the following acts: "(1) infringing on a citizen's personal rights, property rights or other legitimate rights and interests; (2) abusing his power, neglecting his duty or engaging in malpractices for personal gain; (3) demanding or accepting bribes; (4) withholding, reducing, misappropriating or embezzling funds for family planning or social maintenance fees; or (5) making false or deceptive statistical data on population or family planning, or fabricating, tampering with, or refusing to provide such data."

[68] The threat of job termination specifically applied to civil servants. See, e.g., "Fujian Civil Servants Who Have Extra Births, or Births Out of Wedlock Will Be Expelled From Their Positions" [Fujian gongwuyuan duo shengyu, hunwai shengyu jiang kaichu gongzhi], China Daily, 15 December 12.

[69] See, e.g., "Guangdong: Party Members, State Employees Who Go Abroad and Have an Extra Child Will Be Expelled From the Party and Fired" [Guangdong: dangyuan, guojia gongzuo renyuan fu guo (jing) wai chaosheng jiang bei kaichu dangji gongzhi], Xinhua, 17 January 13.

[70] Women's Rights in China, "Women's Rights in China: Forced Abortion Phenomenon in China's Rural Areas Still Serious" [Zhongguo fuquan: zhongguo nongcun qiangzhi liuchan xianxiang yiran yanzhong], 28 October 12; ChinaAid, "Mother of Two in Hubei Province Dies From Forced Sterilization Operation Ordered by Family Planning Officials Against Doctor's Advice," 6 April 13; "Chinese Man Dies After Attempted Forced Sterilization," Radio Free Asia, 13 August 13.

[71] See, e.g., Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 19–23. See also CECC, 2008 Annual Report, 31 October 08, 97.

[72] See, e.g., Huang Xiuli, "'Illegal Residents' Born in Excess [of Family Planning Policies]: Living Like Shadows" [Chaosheng "heihu" de rensheng: xiang yingzi yiyang huozhe], Southern Weekend, reprinted in Phoenix Net, 4 June 13; Mu Guangzong, "The Travails of Having a Second Child," China Daily, 28 May 13. See also, Chinese Human Rights Defenders, "I Don't Have Control Over My Own Body," 21 December 10, 13, 26. According to the CHRD report, "The management of the *hukou* system is the domain of the Ministry of Public Security and it refuses to issue *hukous* to children without birth permits, children of unmarried parents, and children whose parents for some reasons have not completed the required procedures. Without a *hukou*, a child cannot apply for an ID card and thus does not have a legal identity, is not a citizen and consequently is deprived of the rights accorded to other Chinese citizens."

[73] Huang Xiuli, "'Illegal Residents' Born in Excess [of Family Planning Policies]: Living Like Shadows" [Chaosheng "heihu" de rensheng: xiang yingzi yiyang huozhe], Southern Weekend, reprinted in Phoenix Net, 4 June 13.

[74] Ibid.; "Separate and Unequal," China Economic Review, 5 April 12; Yan Hao and Li Yanan, "Urban Hukou, or Rural Land? Migrant Workers Face Dilemma," Xinhua, 10 March 10; Tao Ran, "Where There's a Will, There's a Way To Reform," China Daily, 22 March 10.

[75] Peony Lui, "Outcry Over Blunders of China's One-Child Policy," South China Morning Post, 19 December 12.

[76] "Total Population, CBR, CDR, NIR and TFR in China (1949–2000)," China Daily, 20 August 10.

[77] U.S. Central Intelligence Agency, "The World Factbook," last visited 12 September 13. While China's National Bureau of Statistics estimated China's fertility rate at 1.8 in 2007, in May 2011, a group of Chinese academics publicly disputed the number, stating that it had been "grossly overestimated." These academics estimated in 2011 that China's total fertility rate more accurately stood anywhere from 1.63 to below 1.5. See "China's Total Fertility Rate Grossly Overestimated: Academic," Caijing, 17 May 11.

[78] "China's Working-Age Population Drops in 2012," Xinhua, 18 January 13; Deirdre Wang Morris, "China's Aging Population Threatens Its Manufacturing Might," CNBC, 24 October 12.

[79] State Council, PRC Outline for the Development of Children (2011–2020) [Zhongguo ertong fazhan gangyao (2011–2020 nian)], issued 30 July 11, sec. 3(5)5. State Council Information Office, "National Human Rights Action Plan of China (2012–2015)," 11 June 12, sec. III(3). The National Human Rights Action Plan states, "Discrimination against girls will be eliminated. The state . . . bans identification of the sex of a fetus for other than medical purposes and termination of pregnancy in the case of a female fetus." See also "Ban on Sex Testing To Help Balance Girl-Boy Ratio," Global Times, reprinted in People's Daily, 25 May 12.

[80] Liang Chen, "Boys Preferred, Lucrative Trade Remains in Illegal Fetus Gender Identification," Global Times, 21 March 13; Wang Qingyun, "Crackdown Begins on Illegal Reproductive Clinics," China Daily, 26 March 13.

[81] For discussion of the continued practice and its impact, see "Liang Chen, "Boys Preferred, Lucrative Trade Remains in Illegal Fetus Gender Identification," Global Times, 21 March 13. See also PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], adopted 29 December 01, effective 1 September 02, art. 22. According to Article 22, "Discrimination against, maltreatment, and abandonment of baby girls are prohibited." For regulations prohibiting the practices of non-medically necessary gender determination tests and sex-selective abortion, see State Commission for Population and Family Planning, Ministry of Health, State Food and Drug Administration, "Regulations Regarding the Prohibition of Non-Medically Necessary Gender Determination Examinations and Sex-Selective Termination of Pregnancy" [Guanyu jinzhi fei yixue xuyao de taier xingbie jianding he xuanze xingbie de rengong zhongzhi renshen de guiding], issued 29 November 02, effective 1 January 03. For discussion of these regulations, see "China Bans Sex-Selection Abortion," Xinhua, reprinted in China Net, 22 March 03.

[82] Shan Juan, "Gender Imbalance Set To Ease," China Daily, 30 March 12. According to Zhai Zhenwu, head of the social population college at Renmin University, there is a deeply rooted tradition of son preference, and this tradition remains in some areas, such as Guangdong province. Zhai also noted that "as fertility rates declined due to the family planning policy, the figure for male births surged ahead." See also "Preference for Boys by Migrants," China Internet Information Center, 15 December 11.

[83] "China's Sex Ratio at Birth Declines 4 Years in a Row," Xinhua, 5 March 13. According to Xinhua, China's sex ratio at birth in 2012 was 117.7 males for every 100 females.

[84] Ibid. According to Xinhua, China's sex ratio at birth in 2012 was 117.7 males for every 100 females, down from 117.78 in 2011, 117.94 in 2010, and 119.45 in 2009. See also "China's Sex Ratio at Birth Dropping," North Side Net, translated in Women of China, 12 July 12. According to the North Side Net report, China's sex ratio at birth in 2008 was 120.56.

[85] Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, "World Population Prospects: The 2012 Revision," June 2013; According to United Nations Population Division statistics, China's sex ratio at birth (SRB) from 2005–2010 was the highest in the world at 117 males per 100 females born. Equally as high was Azerbaijan's sex ratio at 117, followed by Armenia's at 115, and India's and Georgia's at 111. "China's Sex Ratio at Birth Dropping," North Side Net, translated in Women of China, 12 July 12. According to the North Side Net report, which cites a 2012 National Population and Family Planning Commission Bulletin, "China's sex ratio at birth in 2011 was 117.78, representing a drop of 0.16 compared to 2010. . . . The ratios of 2008, 2009 and 2010 were respectively 120.56, 119.45 and 117.94."

[86] Chinese Academy of Social Sciences, "Difficulty Finding a Wife in 10 Years: 1 Out of Every 5 Men To Be a Bare Branch" [10 nian zhihou quqi nan, 5 ge nanren zhong jiuyou 1 ge guanggun], 27 January 10.

[87] See, e.g., Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 129; World Health Organization, Office of the High Commissioner for Human Rights, United Nations Population Fund, United Nations Children's Fund, and United Nations Entity for Gender Equality and the Empowerment of Women, "Preventing Gender-Biased Sex Selection," 14 June 11, 5; Susan W. Tiefenbrun and Christie J. Edwards, "Gendercide and the Cultural Context of Sex Trafficking in China," 32 Fordham International Law Journal 731, 752 (2009); Therese Hesketh et al., "The Effect of China's One-Child Family Policy After 25 Years," New England Journal of Medicine, Volume 353, No. 11 (2005), 1173; Nicholas Eberstadt, "A Global War Against Baby Girls: Sex-Selective Abortion Becomes a Worldwide Practice," Handbook of Gender Medicine, reprinted in All Girls Allowed, 1 May 11. According to the Eberstadt article, "Some economists have hypothesized that mass feticide, in making women scarce, will only increase their 'value'—but in settings where the legal and personal rights of the individual are not secure and inviolable, the 'rising value of women' can have perverse and unexpected consequences, including increased demand for prostitution and an upsurge in the kidnapping and trafficking of women (as is now reportedly being witnessed in some women-scarce areas in Asia)[.]"

[88] For Global Times reference, see Zhu Shanshan, "Shandong Baby Trafficking Ring Taken Down," Global Times, 4 November 11. For recent domestic reports, see, e.g., "Xinhua Investigation: Resold Several Thousand Miles Away, Changed Hands 7 Times—Tracing the Chain of Black [Market] Baby Trafficking Driven by Huge Profit" [Xinhua diaocha: zhuanmai shu qianli, daoshou da 7 ci—zhuizong baoli qudong xia de heise fanying lian], Xinhua, 24 December 12; Zhou Ping, "Two Officials Also Detained for Human Trafficking," Global Times, 26 December 12. For international reports, see, e.g., Chen Weijun, "One Child Policy Leads to Baby Selling," Asia News, 4 January 13; "What Is Fuelling Child Abduction in China?" Al Jazeera, 27 December 12.

[89] "Xinhua Investigation: Resold Several Thousand Miles Away, Changed Hands 7 Times—Tracing the Chain of Black [Market] Baby Trafficking Driven by Huge Profit" [Xinhua diaocha: zhuanmai shu qianli, daoshou da 7 ci—zhuizong baoli qudong xia de heise fanying lian], Xinhua, 24 December 12; Zhou Ping, "Two Officials Also Detained for Human Trafficking," Global Times, 26 December 12. See also, Malcolm Moore, "Chinese Family Planning Official Caught Trafficking in Children," Telegraph, 4 January 13.

[90] "Xinhua Investigation: Resold Several Thousand Miles Away, Changed Hands 7 Times—Tracing the Chain of Black [Market] Baby Trafficking Driven by Huge Profit" [Xinhua diaocha: zhuanmai shu qianli, daoshou da 7 ci—zhuizong baoli qudong xia de heise fanying lian], Xinhua, 24 December 12; Zhou Ping, "Two Officials Also Detained for Human Trafficking," Global Times, 26 December 12.

[91] "Jiangxi Guixi Welfare Institution Exposed, Suspected of Being Involved in 'Reselling of Infants'" [Jiangxi guixi fuliyuan bei pu shexian "daomai yinger"], Shenzhen Consumer Online, 25 January 13. For an English translation of this article, see C. Custer, "Translation: Guixi Orphanage Implicated in Re-Selling of Babies," China Geeks, 13 February 13.

[92] Ma Lie and Lei Lei, "Doctor Suspected of Child Trafficking," China Daily, 3 August 13.

[93] "China Vows To Seriously Punish Newborn Traffickers," Xinhua, 6 August 13.

[94] Ibid.

[95] See, e.g., "Left Behind Children Become High Risk Group for Trafficking, Expert Suggests 'Criminal Punishment for Child Buying'" [Liushou ertong cheng bei guai gaowei qunti zhuanjia jianyi "maitong ruxing"], Southern Daily, reprinted in People's Daily, 27 May 13; Liu Baijun, "Representative Chen Xiurong Suggests Punishing the Buyer Market in the Trafficking of Women and Children" [Chen xiurong daibiao jianyi chengzhi guaimai funu ertong maifang shichang], Legal Daily, 12 March 12; Zhu Shanshan, "Shandong Baby Trafficking Ring Taken Down," Global Times, 4 November 11; "China Babies 'Sold for Adoption,'" BBC, 2 July 09; Patricia J. Meier, "Small Commodities: How Child Traffickers Exploit Children and Families in Adoption and What the United States Must Do To Fight Them," Journal of Gender, Race & Justice, Vol. 12, No. 1, 16 September 08, 10–11; Beth Loyd, "China's Lost Children," ABC News, 12 May 08; Peter S. Goodman, "Stealing Babies for Adoption," Washington Post, 12 March 06.

[96] See, e.g., Rao Dehong, "7 Female Primary School Students From Liangshan Lured to Work in Dongguan Will Be Returned to School" [7 ming liangshan xiaoxue nusheng bei you zhi dongguan wugong jiang bei jiehui fanxiao shangxue], Southern Metropolitan Daily, 6 December 12; "8 Sentenced for Abducting, Murdering Children in China as Govt Tries To Combat Trafficking," Associated Press, reprinted in Washington Post, 15 August 11.

Notes to Section II—Freedom of Residence and Movement

[1] PRC Regulations on Household Registration [Zhonghua renmin gongheguo hukou dengji tiaoli], issued and effective 9 January 58.

[2] Kam Wing Chan, "Crossing the 50 Percent Population Rubicon: Can China Urbanize to Prosperity?" Eurasian Geography and Economics, Vol. 53, No. 1 (2012), 67–68.

[3] Ibid., 66–67.

[4] Ibid., 67.

[5] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 2(1), 12(1), 12(3), 26. China has signed and expressed intent to ratify the ICCPR. Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 2, 13(1).

[6] "Ma Jiantang: Resolutely Taking a Path of New Increase—National Statistics Bureau Chief Is Guest in Xinhua Interview" [Ma jiantang: jianjue zou yi tiao xin zengzhang zhi lu—guojia tongjiju juzhang zuoke xinhuawang fangtan], National Bureau of Statistics of China, 16 July 13; Wang Su, "Cracking the Hukou Code to Hasten Urbanization," Caixin, 7 August 13.

[7] Xu Xiaodan et al., "Survey on Rural Workers and Urbanization: Close to Half of Migrant Workers in Cities Have No Social Security" [Nongminhua yu chengzhenhua diaocha: jin ban jincheng nongmingong wu shehui baozhang], Ban Yue Tan, reprinted in China News Service, 9 July 13. The survey, conducted by Ban Yue Tan Social Conditions and Public Opinion Research Center at the behest of the National Development and Reform Commission, revealed that 54.81 percent of migrant workers in cities responded that they participated in social security programs.

[8] "Work Units Must Hire More Workers, Which Aspects Show Employment Discrimination?" [Danwei xuyao zhaoshou yuangong, jiuye qishi biaoxian zai na xie fangmian?], Fabang Net, 16 January 13; Fan Chunxu et al., "This Year's Graduating Students Encounter Household Registration and Age Restrictions While Seeking Employment" [Yingjie shengqiu zhi yu huji nianling xianzhi], Beijing News, 20 May 13; Wan Jing, "Enterprises and Work Unit Hiring Notices Become Household Residence Discrimination Disaster Zones" [Shiye danwei cheng zhaopin huji qishi zhongzaiqu], Legal Daily, 29 May 13.

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[18] "Xi Jinping, Li Keqiang Ph.D Theses Both Mention Hukou Reform" [Xi jinping li keqiang boshi lunwen jun ti huji gaige], Chengdu Evening News, 20 May 13.

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[23] The Commission observed implementation opinions and plans of the 2011 Circular and its related *hukou* reforms in several provinces, municipalities, prefectures and provincial-level autonomous regions. These include Ma'anshan Prefecture in Anhui province, the Xinjiang Uyghur Autonomous Region and the Inner Mongolia Autonomous Region. See General Office of the Ma'anshan Prefectural People's Government, General Office of the Ma'anshan Prefectural People's Government Implementing Opinion Regarding the Active and Sound Promotion of Household Registration Management System Reform [Ma'anshanshi renmin zhengfu bangongshi guanyu jiji wentuo tuijin huji guanli zhidu gaige de shishi yijian], issued 7 March 13; Xinjiang Uyhgur Autonomous Region Public Security Bureau, Xinjiang Uyhgur Autonomous Region Public Security Bureau Implementation Details on Furthering Reform of the Household Registration Management System (Trial) [Xinjiang weiwuer zizhiqu gong'anting guanyu tuijin huji guanli zhidu gaige de shishi xize (shixing)], effective 1 September 12; General Office of the Inner Mongolia Autonomous Region People's Government, General Office of the Inner Mongolia Autonomous Region People's Government Implementing Opinion on Deepening Reform of the Household Registration Management System [Neimenggu zizhiqu renmin zhengfu bangongting guanyu shenhua huji guanli zhidu gaige de shishi yijian], issued 29 May 11.

[24] Chang Meng, "MOE Wants to Broaden Gaokao Access," Global Times, 27 November 12.

[25] Beijing Municipal People's Government, Beijing Municipal Department of Education and Four Other Departments Circular Regarding the Dissemination of the "Work Plan for the Accompanying Children of Migrant Workers to Take Entrance Examinations in Beijing After Receiving Compulsory Education" [Guanyu zhuanfa shijiaowei deng si bumen zhiding de "jincheng wugong renyuan suiqian zinu jieshou yiwu jiaoyu hou zai jing canjia shengxue kaoshi gongzuo fang'an" de tongzhi], issued 29 December 12, reprinted in Beijing Education Services Research; Shanghai Municipal People's Government General Office, Shanghai Municipal Department of Education and Four Other Departments Circular Regarding the Dissemination of the "Work Plan for the Accompanying Children of Migrant Workers to Take Entrance Examinations in Shanghai After Receiving Compulsory Education" [Guanyu zhuanfa shijiaowei deng si bumen zhiding de "jincheng wugong renyuan suiqian zinu jieshou yiwu jiaoyu hou zai hu canjia shengxue kaoshi gongzuo fang'an" de tongzhi], issued 27 December 12, reprinted in Central People's Government of the People's Republic of China; Guangdong Provincial People's Government General Office, Guangdong Province Department of Education and Other Departments Circular Pertaining to "How To Do a Good Job on Disseminating the Work Opinion on the Children of Migrant Workers Taking Entrance Examinations in Guangdong After Receiving Compulsory Education" [Guangdongsheng renmin zhengfu bangongting zhuanfa shengjiaoyuting deng bumen guanyu zuohao jincheng wu gongrenyuan suiqian zinu jieshou yiwu jiaoyu hou zai wo sheng canjia shengxue kaoshi gongzuo yijian de tongzhi], issued 29 December 12. See also "Authorities Issue New Education Policies for Children of Migrant Workers," Congressional-Executive Commission on China, 2 April 13.

[26] Wei Xue, "Non-Beijing Hukou Exam Students Who Returned Home To Take Test State Grades Changed from Excellent to 'Poor,' Their Spirits Have Dropped Significantly" [Fei jingji kaosheng huixiang gaokao: chengji youxiu bian "diandi" xinli luocha da], China National Radio, 7 June 13; Yin Yeping, "Locals Oppose Changes to Gaokao Policy," Global Times, 22 October 12; Barbara Demick, "Red Tape Bars Many Students from China's Top Colleges," Los Angeles Times, 25 July 13; "Migrants Banned From Beijing Exam," Radio Free Asia, 23 November 12.

[27] Wuhan Municipal People's Government, Wuhan Municipal People's Government's Opinion on Further Encouraging Graduates to Work and Innovate in Wuhan [Wuhanshi renmin zhengfu guanyu jinyibu guli gaoxiao biyesheng zai han chuangxin chuangye de yijian], issued 10 April 13; "Restrictions on College Graduates Setting Up Residence in Wuhan, Hubei Again Relaxed" [Hubei wuhan biyesheng luohu zai fangkuan], Xinhua, reprinted in People's Daily, 21 May 13; An Baijie, "Wuhan Lifts Hukou Restrictions on College Students," China Daily, 10 May 13.

[28] Shanghai Municipal People's Government, Shanghai Municipality Residence Permit Administrative Measures [Shanghaishi juzhuzheng guanli banfa], passed 20 May 13, effective 1 July 13, chap. 2, art. 9, 18. The points system replaces Shanghai's original classification system. Those non-Shanghai residents with steady employment who have participated in their work unit's social security system for at least six months, or those who rely on or live with family members with a Shanghai *hukou,* or have attended school or undertaken advanced studies in Shanghai for six months or more are eligible to participate in this system and apply for a residence permit (*juzhu zheng*). See also Li Xin and Tian Xiaodong, "Shanghai's Residential Permit Regulation Point System To Replace Classification System in Determining Children's Access to Education" [Hu juzhuzheng guanli banfa jifen zhi daiti fenlei, fenzhi jueding zinu jiuxue], Xinming Net, 19 June 13.

[29] Guangzhou Municipal Public Security Bureau, Guangzhou Municipal Public Security Bureau Department of Residence Explanation on Main Questions Regarding the Handling of Changing Household Registration [Guangzhou gong'an huzheng bumen jieda banli huanfa hukoubu yewu redian wenti], 6 May 13; General Office of the Guangzhou Municipal People's Government, Guangzhou Municipal Party Committee, "Guiding Opinion Regarding the Acceleration of the Unification of the New Structure for Urban and Rural Economic and Social Development" [Guanyu jiakuai xingcheng chengxiang jingji shehui fazhan yitihua xin geju de shishi yijian], 18 May 09; Zheng Caixiong, "Guangzhou Moves to Abolish Rural Hukou," China Daily, 10 May 13; "Guangzhou Household Registration Reform, A Single Urban/Rural Household Registration Classification To Be Realized by 2014" [Guangzhou huji gaige 2014 nian jiang shixian chengxiang yige hukou], Guangzhou Local Treasure, 19 December 12.

[30] General Office of the Guangdong Provincial People's Government, "Work Plan To Further Promote the Equalization and Comprehensive Reform of Basic Public Services (2012–2014)" [Shenru tuijin jiben gongong fuwu jundenghua zonghe gaige gongzuo fang'an (2012–2014 nian)], 17 April 12, sec. 2, art. 2; Hong Yiyi, "Household Registration System Reform Allows Residents to Enjoy Equal Status" [Huji zhidu gaige rang jumin xiang tongdeng daiyu], Southern Daily, 8 January 13.

[31] 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(2). A similar protection granting "everyone . . . the right to leave any country, including his own, and to return to his own country" is provided for in the Universal Declaration of Human Rights. See Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 13(2).

[32] 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(3).

[33] PRC Passport Law [Zhonghua renmin gongheguo huzhao fa], issued 29 April 06, effective 1 January 07, art. 13(7); PRC Exit and Entry Control Law [Zhonghua renmin gongheguo chujing rujing guanli fa] issued 30 June 12, effective 1 July 13, art. 12(5).

[34] For examples of restrictions on international travel of rights advocates, see Chinese Human Rights Defenders, "Rights Lawyer Tang Jitian Was Blocked from Going to Hong Kong" [Weiquan lushi tang jitian chu guan qianwang xianggang bei zu], 15 January 13; Chinese Human Rights Defenders, "Ding Hongfen Applies to Get a Passport, Wuxi City Public Security Office Denies Approval" [Ding hongfen shenqing qianfa huzhao, wuxi shi gonganju buyu pizhun], 5 January 13; Gillian Wong, "Denied Passport, Tibet Poet Can't Receive US Award," Associated Press, 8 March 13. For examples of restrictions on international travel of family members of rights advocates, see Chinese Human Rights Defenders, "The Wife of Famous Chinese Political Prisoner Liu Xianbin Has Been Unable To Obtain Her Passport With No Hope for Visiting Her Daughter During Chinese New Year" [Dalu zhuming zhengzhifan liu xianbin qizi chen mingxian huzhao wufa banli chunjie tanwang nuer wuwang], 8 February 13; "Shandong Police Deny Chen Family Passport Bid," Radio Free Asia, 22 February 13; Chinese Human Rights Defenders, "Daughter of Zhejiang Dissident Lu Gengsong Again Prevented from Traveling to Hong Kong" [Zhejiang yiyirenshi lu gengsong nuer qu xianggang zaici bei zu], 9 July 13.

[35] Andrew Jacobs, "No Exit: China Uses Passports as Political Cudgel," New York Times, 22 February 13.

[36] Ibid.; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, Country Report on Human Rights Practices—2012, China (Includes Tibet, Hong Kong and Macau), 19 April 13; "Beijing Refuses To Issue Passports To Strictly Control Entry and Exit, 14 Million on the Blacklist" [Beijing ju fa zhengzhao yankong churujing 1400 wan ren shang heimingdan], Radio Free Asia, 25 February 13.

[37] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, Country Report on Human Rights Practices—2012, China (Includes Tibet, Hong Kong and Macau), 19 April 13; Andrew Jacobs, "No Exit: China Uses Passports as Political Cudgel," New York Times, 22 February 13; "Beijing Refuses To Issue Passports To Strictly Control Entry and Exit, 14 Million on the Blacklist," [Beijing ju fa zhengzhao yan kong churujing 1400 wan ren shang heimingdan], Radio Free Asia, 25 February 13.

[38] Andrew Jacobs, "No Exit: China Uses Passports as Political Cudgel," New York Times, 22 February 13.

[39] Gillian Wong, "Denied Passport, Tibet Poet Can't Receive US Award," Associated Press, 8 March 13; Secretary of State John Kerry, Remarks at the International Women of Courage Awards, Dean Acheson Auditorium, 8 March 13.

[40] Andrews Jacobs, "No Exit: China Uses Passports as Political Cudgel," New York Times, 22 February 13.

[41] Xu Zhiyong, "Cause and Effect—A Dialogue on the New Citizens' Movement" [Yinguo—yici guanyu xin gongmin yundong de duihua], Xu Zhiyong Collected Works (blog), 24 April 13; Patrick Boehler, "Leading Citizen Movement Activist Xu Zhiyong Arrested," South China Morning Post, 17 July 13. This international symposium to which Xu was invited commemorated the an-

niversary of the beating death of Sun Zhigang, who died after being taken into police custody for registration permit questioning in 2003. After Sun's death, Xu worked with other activists to abolish "custody and repatriation" centers. For more information, see Zan Aizong, "Rights Defense and 'Non-Violent Non-Cooperation,'" Human Rights in China, China Rights Forum, Issue 1, 2009; Keith J. Hand, "Using Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People's Republic of China," Columbia Journal of Transnational Law 45, 2006, 114–95. For more information on the case of Xu Zhiyong, see "Officials Detain Xu Zhiyong Amidst a Crackdown on Individuals Calling for Greater Government Accountability," Congressional-Executive Commission on China, 1 August 13.

[42] Chinese Human Rights Defenders, "The Wife of Famous Chinese Political Prisoner Liu Xianbin Has Been Unable to Obtain Her Passport and Is Therefore Unable to Visit Her Daughter During Chinese New Year" [Dalu zhuming zhengzhifan liu xianbin qizi chen mingxian huzhao wufa banli chunjie tanwang nuer wuwang], 8 February 13.

[43] Chinese Human Rights Defenders, "Daughter of Zhejiang Dissident Lu Gengsong Again Prevented from Traveling to Hong Kong" [Zhejiang yiyirenshi lu gengsong nuer qu xianggang zaici bei zu], 9 July 13.

[44] "Shandong Police Deny Chen Family Passport Bid," Radio Free Asia, 22 February 13; Edward Wong, "Family of China Rights Advocate Given Passports," New York Times, 7 June 13.

[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). Similar protection granting "everyone . . . the right to freedom of movement and residence within the borders of each state" is provided for in the See Universal Declaration of Human Rights. Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 13(1).

[46] See, e.g., "Zhang Lin and Daughter Successfully Flee Anhui to Start New Life" [Zhang lin funu chenggong taoli anhui guo xin shenghuo], Radio Free Asia, 19 June 13; "Ilham Tohti Again Placed Under Home Confinement, Uyghur Students Who Posted Online Are Detained" [Yilihamu zaidu zao ruanjin weizu xuesheng wangluo fa wen bei zhua], Radio Free Asia, 31 July 13.

[47] See, e.g., "Chen Guangfu Forced to Return Home From Shanghai Visit," Radio Free Asia, 20 August 13; Southern Mongolian Human Rights Information Center, "Hada and Family Members Still Missing," 24 February 13. For more information on the case of Hada and his family, see "Authorities Heighten Persecution of Detained Mongol Rights Advocate's Wife and Son," Congressional-Executive Commission on China, 13 December 12.

[48] Chinese Human Rights Defenders, "In the Name of 'Stability,' 2012 Annual Report on the Situation of Human Rights Defenders in China," March 2013, 1, 4–6.

[49] Jared Genser, "In China, Repression is a Family Affair," Wall Street Journal, 25 April 13. See the Commission's Political Prisoner Database record 2010–00629 for information on Liu Xia's case.

[50] Chinese Human Rights Defenders, "In the Name of 'Stability,' 2012 Annual Report on the Situation of Human Rights Defenders in China," March 2013, 4–5; Human Rights Watch, "China: End Unlawful Practice of House Arrest," 24 October 12. See the Commission's Political Prisoner Database record 2008–00228 for information on Feng Zhenghu's case.

[51] Chris Buckley, "China Detains a Leading Human Rights Advocate," New York Times, 17 July 13; Xu Zhiyong, "Cause and Effect—A Dialogue on the New Citizens' Movement" [Yinguo—yici guanyu xin gongmin yundong de duihua], Xu Zhiyong Collected Works (blog), 24 April 13. For more information on the case of Xu Zhiyong, see "Officials Detain Xu Zhiyong Amidst a Crackdown on Individuals Calling for Greater Government Accountability," Congressional-Executive Commission on China, 1 August 13.

[52] "Activists Released After Congress," Radio Free Asia, 16 November 12.

[53] "As National CPPCC Opens Many Rights Activists Faced With Different Degrees of Soft Detention" [Quanguo zhengxie kaimu duoming weiquan renshi zaodao butong chengdu de ruanjin], Radio Free Asia, 3 March 13.

[54] Chinese Human Rights Defenders, "Anhui Dissident Wang Yixiang Has Dealt with Restricted Movement as June 4th Approaches" [Anhui yiyirenshi wang yixiang yin liusi linjin bei xianzhi renshen ziyou], 2 June 13; Chinese Human Rights Defenders, "As June 4th Approaches Zhejiang Democracy Party Members Receive Stricter Controls" [Liusi linjin zhejiang minzhudang ren shou yan kong], 1 June 13.

[55] "Activists Released After Congress," Radio Free Asia, 16 November 12.

[56] Chinese Human Rights Defenders, "Anhui Dissident Wang Yixiang Has Dealt with Restricted Movement as June 4th Approaches" [Anhui yiyirenshi wang yixiang yin liusi linjin bei xianzhi renshen ziyou], 2 June 13.

Notes to Section II—Status of Women

[1] Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81. China signed the convention on July 17, 1980, and ratified it on November 4, 1980. See United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 14 September 12. Under Article 7 of CEDAW, China is committed to ensuring the right of women, on equal terms with men, "to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government."

[2] The PRC Law on the Protection of Women's Rights and Interests and the PRC Electoral Law of the National People's Congress and Local People's Congresses stipulate that an "appropriate number" of female deputies should serve at all levels of people's congresses. PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, art. 11; PRC Electoral Law of the National People's Congress and Local People's Congresses [Zhonghua renmin gongheguo quanguo renmin daibiao dahui he difang geji renmin daibiao dahui xuanju fa], passed 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10, art. 6.

[3] State Council Information Office, "National Human Rights Action Plan of China (2012–2015)," 11 June 12, sec. III(2); State Council, "PRC Outline for the Development of Women (2011–2020)" [Zhongguo funu fazhan gangyao (2011–2020)], issued 30 July 11, sec. 3(4).

[4] Christophe Bahuet, "The Importance of Women's Leadership," China Daily, 6 November 12.

[5] The target of 30 percent female representation in leadership positions by 1995 was set by the UN Commission on the Status of Women at its 34th session in 1990. "Target: 30 Percent of Leadership Positions to Women by 1995—United Nations Commission on the Status of Women," UN Chronicle, June 1990, reprinted in Popline.

[6] China's Politburo Standing Committee decreased from nine members in the prior two Party Congresses to seven members in the 18th Party Congress. See Edward Wong and Jonathan Ansfield, "Changing of the Guard: Grabs for Power Behind Plan to Shrink Elite Circle," New York Times, 1 November 12.

[7] Jaime A. FlorCruz and Jethro Mullen, "After Months of Mystery, China Unveils New Top Leaders," CNN, 16 November 12. Prior to the appointment of China's new leadership, some political observers had speculated that Liu Yandong might have become the first woman promoted to the Politburo Standing Committee. See Zhuang Pinghui, "Breaking the Glass Ceiling in the Politburo Standing Committee," South China Morning Post, 19 September 12.

[8] State Councilor Sun Chunlan reportedly joined State Councilor Liu Yandong as the second woman to hold a position on the Political Bureau of the Communist Party Central Committee. See Benjamin Kang Lim and Michael Martina, "China's Politburo Has More Women, Is Younger—But Barely," Reuters, 15 November 12.

[9] "Members of the 18th CPC Central Committee," Xinhua, 14 November 12; Kerry Brown, "Chinese Politics—Still a Man's World," CNN, Global Public Square (blog), 27 August 12. According to the Global Public Square blog report, the number of women on the previous (17th) Communist Party Central Committee was 13 out of 204 members. See also Didi Kirsten Tatlow, "Chinese Women's Progress Stall on Many Fronts," New York Times, 6 March 12.

[10] He Dan and Zhu Zhe, "Women Assume Bigger Role," China Daily, 8 November 12. According to the China Daily, 521 of 2,270 (22.95 percent) of the delegates to the 18th Party Congress were female, up from 20 percent at the 17th Party Congress in 2007, and 18 percent at the 16th Party Congress in 2002. See also National Bureau of Statistics of China, "Number of Deputies to All the Previous National People's Congresses" [Lijie quanguo renmin daibiao dahui daibiao renshu], China Statistical Yearbook 2012, 2012, Table 23–1. According to the 2012 China Statistical Yearbook, female representation in China's parliament has stayed around 21 percent since the late 1970s.

[11] National Bureau of Statistics of China, "Number of Deputies to All the Previous National People's Congresses" [Lijie quanguo renmin daibiao dahui daibiao renshu], China Statistical Yearbook 2012, 2012, Table 23–1.

[12] Li Bin (Minister of the new National Health and Family Planning Commission) and Wu Aiying (Minister of Justice) are reported to be the only female members of China's newly appointed State Council. The number used to be 4 out of 35. See "China Unveils New Cabinet Amid Function Reform," Xinhua, 17 March 13. See also Jen-Kai Liu, "The Main National Leadership of the PRC," China Data Supplement, Journal of Current Chinese Affairs, Vol. 19, No. 3 (2011), 3; Michael Forsythe and Yidi Zhao, "Women Knowing China Men Rule Prove Mao's Half the Sky Remains Unfulfilled," Bloomberg, 23 June 11.

[13] Only four women since 1949 have served in this high-ranking position; of these, Wu Yi served most recently, and retired in 2008. See All-China Women's Federation, "China's Four Female Vice Premiers Since 1949," 22 March 13. See also Jen-Kai Liu, "The Main National Leadership of the PRC," China Data Supplement, Journal of Current Chinese Affairs, Vol. 19, No. 3 (2011), 3.

[14] Christophe Bahuet, "The Importance of Women's Leadership," China Daily, 6 November 12; Julie Makinen, "Where are China's Women Leaders?" Los Angeles Times, reprinted in Christian Science Monitor, 14 November 12.

[15] Rangita de Silva de Alwis, "Women Leading in Lawmaking in China—Introduction," Global Women's Leadership Initiative, Wilson Center, February 2013, 7.

[16] Li Huiying, "Women Leading in Lawmaking in China—The Pain of Chinese Urbanization: Strengthening of Gender Layering," Global Women's Leadership Initiative, Wilson Center, February 2013, 14–18.

[17] United Nations Entity for Gender Equality and the Empowerment of Women, "Asia-Pacific Calls for Urgent Increase to Low Participation of Women in Politics," 4 February 13.

[18] Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by UN General Assembly resolution 34/180 of 18 December 79, entry into force 2 September 81, art. 11. China signed the convention on July 17, 1980, and ratified it on November 4, 1980. See United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 14 September 12.

[19] Liu Xiaonan, "Women Leading in Lawmaking in China—Research Report on Employment Discrimination in 2011 Civil Service Recruitment," Global Women's Leadership Initiative, Wilson Center, February 2013, 20, 22–23. For additional examples of gender discrimination in hiring, see Chen Xin, "Gender Bias Seen in Job Fair Ads," China Daily, 25 February 13; Peter Kuhn and Kailing Shen, "Gender Discrimination in Job Ads: Evidence From China," Department of Economics, University of California Santa Barbara, 6 June 12; Zhou Xiangyi, Zhang Jie, and Song Xuetao, "Gender Discrimination in Hiring: Evidence from 19,130 Resumes in China," Xi'an Jiaotong University, Texas A&M University, North Carolina State University, 3 January 13.

[20] Rangita de Silva de Alwis, "Women Leading in Lawmaking in China—Introduction," Global Women's Leadership Initiative, Wilson Center, February 2013, 2–3.

[21] Guo Huimin, "Women Leading in Lawmaking in China—Pregnancy Discrimination: Abrogation and Restoration of Rights," Global Women's Leadership Initiative, Wilson Center, February 2013, 56.

[22] Amy Li, "Job-seekers in Wuhan Protest Government-Imposed Gynaecological Tests," South China Morning Post, 28 November 12.

[23] Raef Lawson, Institute of Management Accountants, "Salary Survey," October 2012, 41. According to the IMA report, Chinese women's salary is on average about 58.6 percent that of men's, and their total compensation is on average about 54 percent that of men's.

[24] Currently, retirement ages for male and female government and Party officials are 60 and 55, respectively, while retirement ages for male and female workers in general are 60 and 50, respectively. For regulations on retirement ages for most workers, see State Council Provisional Measures on Workers' Retirement and Withdrawal from Office [Guowuyuan guanyu gongren tuixiu, tuizhi de zanxing banfa], 24 May 78, art. 1. For regulations on extended retirement ages for cadres, see State Council Provisional Measures on the Settlement of Elderly, Weak, Sick, and Disabled Cadres [Guowuyuan guanyu anzhi lao ruo bing can ganbu de zanxing banfa], 2 June 78, art. 4. See also, "China's Compulsory Retirement Age for Males and Females Challenged for Violating Constitution" [Woguo nannu tuixiu nianling guiding bei tiqing weixian shencha], Legal Morning Post, reprinted in China Law Education Net, 16 March 06. For information on the current debate about raising the retirement age, see Chen Xin, "Retirement Age Will Be Pushed Back: Minister," China Daily, 22 March 11; Mark W. Frazier, "No Country for Old Age," New York Times, 18 February 13.

[25] Shenzhen Municipal People's Congress Standing Committee, Shenzhen Special Economic Zone Gender Equality Promotion Regulations [Shenzhen jingji tequ xingbie pingdeng cujin tiaoli], passed 28 June 12, issued 10 July 12, effective 1 January 13. See also "Shenzhen Passes China's First Anti-Gender Discrimination Law," China Briefing, 23 August 12.

[26] Chen Xin, "Gender Bias Seen in Job Fair Ads," China Daily, 25 February 13.

[27] Ibid. "Huang Yizhi of Beijing Ruifeng Law Firm said labor laws have made gender discrimination in employment illegal but they lack language on fines for violations . . . Huang said labor authorities' efforts to design codes to fine violators could serve as a deterrent to employers and also help encourage victims to seek protection of their rights."

[28] Zhuang Qinghong and Zhang Yiting, "First Successful Compensation in Gender Discrimination Case" [Xingbie qishi an shouci chenggong huopei], China Youth Daily, reprinted in Xinhua, 31 January 13.

[29] PRC Education Law [Zhongguo renmin gongheguo jiaoyu fa], issued 18 March 95, effective 1 September 95, art. 9.

[30] China Labour Bulletin, "Employment Discrimination in China," 20 November 12; Didi Kirsten Tatlow, "Women in China Face Rising University Entry Barriers," New York Times, 7 October 12. According to one woman cited in The New York Times, universities "make it harder for women to get in to study Arabic" because university administrators "believe that Arab nations don't want to deal with women."

[31] Luo Wangshu, "Ministry Defends Gender Ratios for Colleges," China Daily, 17 October 12. For additional information on the use of gender-based quotas by Chinese universities, see China Labour Bulletin, "Employment Discrimination in China," 20 November 12.

[32] Luo Wangshu, "Ministry Defends Gender Ratios for Colleges," China Daily, 17 October 12.

[33] PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05, art. 46; PRC Marriage Law [Zhonghua renmin gongheguo hunyin fa], passed 10 September 80, effective 1 January 81, amended 28 April 01, art. 3; PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, arts. 234, 236, 237, 260.

[34] Legal Daily reported in January 2013 that one in three families have experienced domestic violence, and statistics released by the All-China Women's Federation in the same month suggest one in four women have experienced domestic violence. Zhou Bin, "Plans To Issue Standardized Document Guiding Domestic Violence Criminal Trials" [Ni chutai guifanxing wenjian zhidao jiabao xing'an shenpan], Legal Daily, 13 January 13; Zhao Wen, "Domestic Violence Occurs in 1/4 Chinese Homes," Shanghai Daily, 23 January 13. According to the All-China Women's Federation statistics cited in Shanghai Daily, of the women surveyed who reported experiencing domestic violence, around 5 percent reported physical violence, and a large majority of

these cases affected rural women. See also Lin Zhiwen and Wang Biaochen, All-China Women's Federation, "Domestic Violence and Family Issues in Guangdong Province," 11 April 13.

[35] PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, art. 46; PRC Marriage Law [Zhonghua renmin gongheguo hunyin fa], passed 10 September 80, effective 1 January 81, amended 28 April 01, art. 3. For Chinese experts' discussion of the shortcomings of current national-level legislation, see Ng Tze Wei, "A Clear Definition of Domestic Violence Is Needed To Curb the Crime," South China Morning Post, 7 February 13; Huang Yuli and He Dan, "Call for Action on Domestic Violence," China Daily, 26 November 12; "China Scholars Call for Attention on 'Anti-Domestic Violence' Legislation" [Zhongguo xuezhe huyu guanzhu "fan jiating baoli" lifa], Radio Free Asia, 13 January 10; Li Fei, "All-China Women's Federation Strongly Promotes Anti-Domestic Violence Legislation" [Quanguo fulian litui fan jiating baoli lifa], People's Representative News, 31 December 09. See also "All-China Women's Federation Proposes, Highlights Need for Draft Anti-Domestic Violence Legislation," Congressional-Executive Commission on China, 2 February 10.

[36] You Chunliang, "28 Provinces, Districts, and Cities in China Have Issued Anti-Domestic Violence Local Regulations or Policies" [Quanguo yi you 28 ge sheng qu shi chutai fan jiating baoli difangxing fagui huo ce], Legal Daily, 6 December 12.

[37] Wu Jie, "The Shadow of Domestic Violence: Another Incident of Child Abuse in Shenzhen Ends Up as Homicide Case" [Jiabao yinying: shenzhen zaixian nue'er zhisi an], Southern Weekend, 31 December 12; Lin Zhiwen and Wang Biaochen, All-China Women's Federation, "Domestic Violence and Family Issues in Guangdong Province," 11 April 13; "Two Cases Shine Spotlight on China Domestic Violence," BBC, 5 February 13; Zhang Shan, "Woman Can't Bear Domestic Violence, Uses Hammer To Beat Husband to Death, Buries Corpse in Dry Well" [Nuzi bukan jiabao chi tiechui zasi zhangfu hou jiang shiti pao kujing], West Net, reprinted in Phoenix Net, 22 March 13.

[38] Beijing Children's Legal Aid and Research Center, "Don't Let Children Grow Up With Domestic Violence" [Bie rang haizi zai jiabao de yinying xia chengzhang], 12 October 12; Huang Yuli and He Dan, "Call for Action on Domestic Violence," China Daily, 26 November 12; Ng Tze Wei, "A Clear Definition of Domestic Violence Is Needed To Curb the Crime," South China Morning Post, 7 February 13; "Push for Domestic Violence Laws in China," CCTV, 8 March 13; Zhang Yiqian, "Battered But Not Beaten," Global Times, 18 February 13. For information on calls for national-level legislation in previous years, see CECC, 2012 Annual Report, 10 October 12, 102; CECC, 2011 Annual Report, 10 October 11, 124; CECC, 2010 Annual Report, 10 October 10, 132.

[39] State Council Information Office, "National Human Rights Action Plan of China (2012–2015)," 11 June 12, sec. III(2).

[40] He Dan, "Domestic Violence Law Should Be Broad," China Daily, 12 March 12.

[41] Ng Tze Wei, "A Clear Definition of Domestic Violence Is Needed To Curb the Crime," South China Morning Post, 7 February 13. As of this February 2013 South China Morning Post article, no drafts had been tabled. In addition, the Commission has observed no reports of the issue of a draft between February and August 2013.

[42] Zhou Bin, "Plans To Issue Standardized Document Guiding Domestic Violence Criminal Trials" [Ni chutai guifanxing wenjian zhidao jiabao xing'an shenpan], Legal Daily, 13 January 13.

[43] Lan Fang, "China's Courts Experiment With Issuance of Protection Orders Against Domestic Violence" [Zhongguo fayuan shixing qianfa renshen baohu ling fan jiating baoli], Caixin, 30 January 13.

[44] "Push for Domestic Violence Laws in China," CCTV, 8 March 13; "Domestic Violence," China Daily, 5 February 13.

[45] The World Health Organization defines sexual violence as "any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work." World Health Organization, "Violence Against Women," Fact Sheet No. 239, November 2012. For information on trends of sexual violence in China, see Women's Watch-China, "E–Newsletter 86 of WW–China," February 2013, 8–10.

[46] Women's Watch-China, "E–Newsletter 86 of WW–China," February 2013, 13; "Official Gets 18–Year Sentence for Graft, Rape," Shanghai Daily, reprinted in China Internet Information Center, 20 February 13; "Li Guanfeng Charged With Rape," China Daily, 7 March 13; Scott Murdoch, "Chinese Party Cadre Sun Dejiang Sacked After Rape Claims," Australian, 5 December 12; Sophie Song, "China's 'Child Rape Isn't Rape' Law Is Sparking Outrage," International Business Times, 13 May 13.

[47] Wu Xiaofeng and Xing Dongwei, "Hainan, Wanning Primary School Principal Takes 4 Young Girls to Hotel, Government Worker Takes 2 Young Girls to Hotel" [Hainan wanning yi xiao xiaozhang dai 4 younu kaifang zhengfu zhiyuan dai 2 younu kaifang], Legal Daily, 13 May 13; Mimi Lau, "Hainan Province Teacher, City Official Arrested Over Sex Assault of Six Girls," South China Morning Post, 14 May 13.

[48] See Wang Aihua et al., "Commentary: Keep Perverted Teachers Far Away From Young Girls!" [Shuping: rang selang jiaoshi yuanli younu!], Xinhua, 29 May 13; "China's Supreme Court Vows To Protect Children," Associated Press, 29 May 13; Zhou Wenting, "Schoolchildren Taught To Avoid Sexual Assault," China Daily, 30 May 13.

[49] Sophie Song, "China's 'Child Rape Isn't Rape' Law Is Sparking Outrage," International Business Times, 13 May 13. Chinese authorities have also gone to the other extreme in prosecuting such cases, as seen in the execution this past year of a teacher surnamed Bao for raping and sexual assaulting several of his students. Sun Ying, "Teacher Who Raped or Behaved Lewdly With Female Students Is Executed, Supreme People's Court: No Mercy in This Regard"

[Jiaoshi qiangjian weixie nusheng bei chusi zui gaofa: duici jue bu shouruan], China Radio International, 30 May 13.

[50] Chinese Human Rights Defenders, "Women's Rights Worker Ye Haiyan's Detention Gives Rise to Fierce Citizen Protest" [Nuquan gongzuozhe ye haiyan bei juliu yinfa minjian qianglie kangyi], 31 May 13.

[51] "Women Lawyers To Campaign for China's Sex Abuse Victims," Radio Free Asia, 3 June 13.

[52] Beijing Declaration and Platform for Action (1995), adopted at the Fourth World Conference on Women on 27 October 95, and endorsed by UN General Assembly resolution 50/203 on 22 December 95, item 115. According to the 1995 Beijing Declaration and Platform for Action, "Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution."

[53] PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, arts. 40, 58; State Council, Special Provisions for the Work Protection of Female Employees [Nu zhigong laodong baohu tebie guiding], issued and effective 28 April 12, art. 11. See also Women's Watch-China, "Annual Report 2008," 23 October 09, 30.

[54] Ibid.

[55] Cao Yin, "What Can Be Done To Prevent Sexual Harassment," Xinhua, 13 March 13.

[56] Canton Public Opinion Research Center, "Urban Residents Perceive an Increase in Sexual Harassment, Hope To Expand the Strength of Punishments" [Shimin renwei xing saorao zengduo, pan jiada chufa lidu], 25 February 13.

[57] Ma Yujia, "Foxconn Employees Suffer Sexual Harassment," China Internet Information Center, 22 February 13.

[58] "Official Suspended After Sexual Harassment Scandal," Xinhua, reprinted in CRIEnglish, 24 May 13.

[59] Lin Li and Han Mei, "Seven-Month Fetus in Fengyang, Anhui Forcibly Aborted, Shocking Bloody Photo" [Anhui fengyang 7 yue da taier bei qiangzhi liuchan xie linlin tupian chumu jingxin], Sound of Hope, 25 March 13; ChinaAid, "In Tears, Victim Denounces the Violence Committed by Family Planning Officials in Guizhou in Early 2013," 26 February 13; Zhan Caiqiang, "Hubei Tongshan Woman 'Sterilized to Death,' Officials Pay 1,000,000 To Buy Out [Victims'] 'Right To Hold [Them] Accountable'" [Hubei tongshan—funu "jieza zhisi" guanfang 100 wan maiduan "zhuize quanli"], Yunnan Info Daily, 9 April 13; "Henan—Nursing Mother Failed To Pay 6,000 Yuan Protection Fee, Forcibly Sterilized" [Henan—buru qi funu weijiao 6 qian yuan baohu fei bei qiangzhi jieza], Southern Metropolitan Daily, 24 April 13. According to the 1995 Beijing Declaration and Platform for Action, "Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection." Beijing Declaration and Platform for Action (1995), adopted at the Fourth World Conference on Women on 27 October 95, and endorsed by UN General Assembly resolution 50/203 on 22 December 95, item 115.

[60] PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, effective 1 September 02, arts. 4, 39. Article 4 of the PRC Population and Family Planning Law (PFPL) states that officials "shall perform their administrative duties strictly in accordance with the law, and enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens." Article 39 states that an official is subject to criminal or administrative punishment if he or she "infringes on a citizen's personal rights, property rights, or other legitimate rights and interests" or "abuses his or her power, neglects his or her duty, or engages in malpractices for personal gain" in the implementation of population planning policies.

[61] Yan Shuang, "Fury Over Forced Abortion," Global Times, 14 June 12. For one U.S. scholar's analysis of Chinese law with regard to forced abortions, see Stanley Lubman, "The Law on Forced Abortion in China: Few Options for Victims," Wall Street Journal, China Real Time Report (blog), 4 July 12.

[62] Human Rights Watch, "'Swept Away': Abuses Against Sex Workers in China," May 2013, 23–24.

[63] National People's Congress Standing Committee, Decision of the National People's Congress Standing Committee on the Strict Prohibition of Prostitution and Whoring [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu yanjin maiyin piaochang de jueding], issued and effective 4 September 09; PRC Public Security Administration Punishment Law [Zhonghua renmin gongheguo zhian guanli chufa fa], passed 28 August 05, effective 1 March 06, arts. 66, 67, 74. See also Human Rights Watch, "'Swept Away': Abuses Against Sex Workers in China," 14 May 13, 14.

[64] Ministry of Supervision, Ministry of Human Resources and Social Security, Ministry of Public Security, Regulations on the Discipline of Policemen [Gongan jiguan renmin jingcha jilu tiaoling], issued 21 April 10, effective 1 June 10, art. 11. See also Human Rights Watch, "'Swept Away': Abuses Against Sex Workers in China," 14 May 13, 23.

[65] Human Rights in China, Asia Monitor Resource Centre, China Labour Bulletin, and Hong Kong Industrial Committee, "Report on Implementation of CEDAW in the People's Republic of China," December 1998, 6.

Notes to Section II—Human Trafficking

[1] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03. This protocol is also commonly referred to as the Palermo Protocol because it was adopted in Palermo, Italy, in 2000.

[2] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 128–129.

[3] Ibid., 128. See also, for example, "Wisconsin Restaurant Owner Charged With Human Trafficking," Associated Press, reprinted in Wisconsin Gazette, 18 April 13; "Chinese Chef Slave Forced To Sleep in Cage in Amsterdam," Agence France-Presse, reprinted in South China Morning Post, 22 February 13; "Trial Against Chinese Traffickers," Austrian Times, 15 January 13.

[4] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 128. See also, e.g., Phillip Martin, "Human Trafficking: Taken Into China," WGBH, 22 January 13; "China Arrests Traffickers of N. Korean Women," Chosun Ilbo, 17 January 13; "Myanmar's Trafficked Brides Fill China's Shortage of Women," TrustLaw, 4 December 12; Zhang Yan, "Efforts Boosted Against Human Trafficking," China Daily, 22 January 13.

[5] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (UN TIP Protocol), Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3. According to Article 3(a) of the UN TIP Protocol, "'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

[6] See, e.g., China Labour Bulletin, "Police Detain Five in Tianjin for Use of Forced Labour," 4 December 12; Rao Dehong, "7 Female Primary School Students From Liangshan Lured To Work in Dongguan Will Be Returned to School" [7 ming liangshan xiaoxue nusheng bei you zhi dongguan wugong jiang bei jiehui fanxiao shangxue], Southern Metropolitan Daily, 6 December 12.

[7] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2012—China," 19 June 12, 118. According to this report, "The [Chinese] government did not release any statistics relating to the trafficking of forced labor victims or the trafficking of men."

[8] "China's Top Legislature Ends Bimonthly Session, Adopts Tort Law," Xinhua, 26 December 09.

[9] Zhang Yan, "Efforts Boosted Against Human Trafficking," China Daily, 22 January 13. According to this report, "China has signed the Mekong River Sub-regional Cooperation Anti-trafficking Memo with Thailand, Myanmar, Vietnam and Cambodia, to establish annual high-level exchanges. The ministry has also set up eight border offices with neighboring countries."

[10] Ibid. According to this report, "In November, the ministry and the International Organization for Migration, which is based in Switzerland, held a seminar in the Chinese capital attended by 60 frontline police officers from 10 provinces and regions. . . . The team also arranges regular training with the International Center for Missing and Exploited Children, in the US, and the US central bureau of Interpol."

[11] The revised legislation broadens the scope of activity considered punishable for forced labor and strengthens punishments for "serious" crimes of forced labor; however, the legislation still does not clearly define what constitutes forced labor. PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 244; "Eighth Amendment to the Criminal Law of the People's Republic of China" [Zhonghua renmin gongheguo xingfa xiuzheng'an (ba)], 25 February 11, item 38. See also CECC, 2011 Annual Report, 10 October 11, 129.

[12] State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13.

[13] State Council General Office, "China's National Plan of Action on Combating Trafficking in Women and Children (2008–2012)" [Zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian)], 13 December 07.

[14] See table titled "Notable Changes in China's 2013–2020 Anti-Trafficking Plan of Action" for detailed information on these changes.

[15] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 130. According to this report, "the Chinese government claimed that out of the 1,400 shelters serving a wide variety of people, including victims of crime and the homeless, five were dedicated to care for victims of human trafficking; victims also had access to basic services at China's general-purpose shelter network. The government also reported that two additional shelters were established in [Yunnan province and Guangxi Zhuang Autonomous Region] to protect and assist foreign trafficking victims. However, the government did not report the number of victims assisted or the services provided to the victims."

[16] Ibid. According to this report, "The government also reported that two additional shelters were established in [Yunnan province and Guangxi Zhuang Autonomous Region] to protect and assist foreign trafficking victims. However, the government did not report the number of victims assisted or the services provided to the victims."

[17] Ibid.

[18] Ibid. According to this report, "The Supreme People's Court holds both semi-annual and annual training courses on human trafficking and anti-trafficking in provinces in China where there is a higher prevalence of human trafficking. In July 2012, an anti-trafficking training course was held in Yunnan province attended by over 300 judges."

[19] "Laos, China Map Out Measures To Tackle Human Trafficking," Asia News Net, 10 May 13.

[20] "China, Myanmar Step Up Human Trafficking Crackdown," Xinhua, reprinted in China Daily, 15 May 13.

[21] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 130. According to this report, "The government's lack of transparency prevents an accurate assessment of its efforts; it has never provided any data on the number of victims it has identified or assisted."

[22] Ibid., 129.

[23] Ibid.

[24] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2011—Definitions and Methodology," June 2011, 14. According to this report, "Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain sanctions, whereby the U.S. government may withhold or withdraw nonhumanitarian, non-trade-related foreign assistance. In addition, countries on Tier 3 may not receive funding for government employees' participation in educational and cultural exchange programs. Consistent with the TVPA, governments subject to sanctions would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions such as the International Monetary Fund (IMF) and the World Bank."

[25] State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13.

[26] Ibid., Sec. 1(1). The 2008–2012 Plan of Action did not contain this phrase. State Council General Office, "China's National Plan of Action on Combating Trafficking in Women and Children (2008–2012)" [Zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian)], 13 December 07.

[27] This effort is to be headed by the Ministry of Foreign Affairs, the Ministry of Public Security, and the Ministry of Commerce, in cooperation with the All-China Women's Federation. State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.6.2(2).

[28] This effort is to be headed by the Ministry of Foreign Affairs, in cooperation with the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice. State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.6.2(6).

[29] State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 3(2).

[30] This work is to be headed by the Ministry of Education and the Ministry of Justice. State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.4.2(1).

[31] Ibid.

[32] Ibid.

[33] In the 2008–2012 Plan of Action, there had been no mention of family planning. State Council General Office, "China's National Plan of Action on Combating Trafficking in Women and Children (2008–2012)" [Zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian)], 13 December 07. In the 2013–2020 Action Plan, however, officials are urged to "strengthen family planning services and pregnancy management in key areas of human trafficking criminal activity, reduce unexpected pregnancies and out-of-plan births, and immediately report related information." This work is to be headed by the National Population and Family Planning Committee, in cooperation with the Ministry of Public Security and the Ministry of Health. State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.1.2(2).

[34] The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim." PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240.

[35] This work is to be headed by the Ministry of Civil Affairs. State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.1.2(3).

[36] State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.1.2(3).

[37] Ibid.

[38] Ibid.

[39] Ibid.

[40] Ibid.

[41] This work is to be headed by the Ministry of Education and the Ministry of Justice. State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.5.2(1).

[42] Ibid.

[43] Victim protection efforts under the "3P" paradigm include rescue, rehabilitation, and reintegration. U.S. Department of State, "The 3Ps: Prevention, Protection, Prosecution," 27 June 11.

[44] This work is to be headed by the Ministry of Education and the Ministry of Justice. State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.2.2(1).

[45] This work is to be headed by the Ministry of Civil Affairs and the Ministry of Public Security, in cooperation with the Ministry of Finance, the Ministry of Housing and Urban Construction, the Ministry of Health, the Ministry of Education, the Ministry of Human Resources and Social Security, the Communist Youth League, and the All-China Women's Federation. See State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.1.2(2).

[46] This work is to be headed by the Ministry of Education and the Ministry of Justice. State Council General Office, "China Action Plan To Combat Trafficking in Persons (2013–2020)" [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13, sec. 2.3.2(4).

[47] State Council General Office, "China's National Plan of Action on Combating Trafficking in Women and Children (2008–2012)" [Zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian)], 13 December 07, sec. 4.4.2(2).

[48] Topics that need to be addressed in domestic legislation to bring it into compliance with the UN TIP Protocol include protection and rehabilitation of victims of trafficking (see UN TIP Protocol, Article 6.3), addition of non-physical forms of coercion into the legal definition of trafficking (see UN TIP Protocol, Article 3(a)), commercial sexual exploitation of minors (see UN TIP Protocol, Article 3(c and d)), and trafficking of men (covered under the definition of "trafficking in persons" in Article 3(a) of the UN TIP Protocol). See UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03. See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2009—China," 16 June 09, 106. "China's definition of trafficking does not prohibit . . . offenses committed against male victims . . . ."

[49] The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim." PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 1 July 79, effective 1 October 97, amended 14 March 97, 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240.

[50] Ibid., arts. 240, 244, 358. For additional information on this topic, see Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 130. According to this report, "it remains unclear whether [articles 240, 244, and 358] have prohibited the use of common non-physical forms of coercion, such as threats of financial or reputational harm, or whether acts such as recruiting, providing, or obtaining persons for compelled prostitution are covered."

[51] PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, arts. 240(4), 244, 358(3). See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 130. "[I]t remains unclear whether, under Chinese law, children under the age of 18 in prostitution are considered victims of trafficking regardless of whether force is involved."

[52] The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim." PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240.

[53] Ibid., arts. 244, 358. See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2009—China," 16 June 09, 106. "China's definition of trafficking does not prohibit non-physical forms of coercion, fraud, debt bondage, involuntary servitude, forced labor, or offenses committed against male victims, although some aspects of these crimes are addressed in other articles of China's criminal law."

[54] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3(a). Article 3(a) of the UN TIP Protocol states: "'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

[55] The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim." PRC Criminal Law [Zhonghua renmin gongheguo xingfa], enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240.

[56] "China Busts Trafficking Ring, 89 Children Rescued," Agence France-Presse, reprinted in Yahoo!, 24 December 12; "Trial Against Chinese Traffickers," Austrian Times, 15 January 13; "China Arrests Traffickers of N. Korean Women," Chosun Ilbo, 17 January 13.

[57] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 130. According to this report, "While trafficking crimes could perhaps be prosecuted under general statutes related to fraud and deprivation of liberty, authorities did not report using these specific provisions to prosecute and punish trafficking offenders. The government reported law enforcement statistics that included incarceration of sex and labor trafficking offenders involving women and children victims. The government reported that police cracked down on 10,000 alleged human trafficking organized crime groups and placed over 80,000 alleged suspects in criminal detention. However, due to the government's continued conflation of human smuggling, child abduction, and fraudulent adoptions with trafficking offenses and its lack of judicial due process and transparency, it is difficult to ascertain how many trafficking cases the government actually investigated and prosecuted during the reporting period. It therefore was difficult to accurately assess Chinese anti-trafficking law enforcement efforts, including the government's statistics on trafficking related investigations, prosecutions, and convictions."

[58] "Left Behind Children Become High Risk Group for Trafficking, Expert Suggests 'Criminal Punishment for Child Buying'" [Liushou ertong cheng bei guai gaowei qunti zhuanjia jianyi "maitong ruxing"], Southern Daily, reprinted in People's Daily, 27 May 13; "63 Trafficked Children Rescued in China," Xinhua, reprinted in China Internet Information Center, 10 March 13; "89 Children Rescued in Chinese Trafficking Ring Bust," Xinhua, 24 December 12.

[59] The end result of exploitation is one of the required elements of a trafficking case under Article 3 of the UN TIP Protocol. UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3(c).

[60] CECC, 2009 Annual Report, 10 October 09, 175. For more information on distinctions between "human smuggling" and "human trafficking," see U.S. Immigration and Customs Enforcement, "Fact Sheet: Human Smuggling and Trafficking," 16 January 13.

[61] United Nations Office on Drugs and Crime, "Trafficking in Persons and Migrant Smuggling," last visited 2 July 13.

[62] Ibid.

[63] Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 130.

[64] Ibid., 130–31. According to this report, "Chinese authorities continued to forcibly repatriate North Korean refugees. The government continued to treat North Koreans found in China as illegal economic migrants, despite credible independent reporting that many North Korean female refugees in China are trafficking victims. The government detained and deported such refugees to North Korea, where they may face severe punishment, even death, including in North Korean forced labor camps. The Chinese government did not provide North Korean trafficking victims with legal alternatives to repatriation. Chinese authorities sometimes prosecuted citizens who assisted North Korean refugees and trafficking victims, as well as those who facilitated illegal border crossings."

[65] Xinhua reported in March 2013 that China's sex ratio at birth in 2012 was 117.7 [as provided in source] males for every 100 females, down from 117.78 in 2011, 117.94 in 2010, and 119.45 in 2009. See "China's Sex Ratio at Birth Declines 4 Years in a Row," Xinhua, 5 March 13. According to a March 2012 China Daily article, "it is estimated that by 2020, China will have 24 million more men than women of marriageable age." Shan Juan, "Gender Imbalance Set To Ease," China Daily, 30 March 12. A previous study issued by the Chinese Academy of Social Sciences reported that, by 2020, the number of Chinese males of marriageable age may exceed the number of Chinese females of marriageable age by 30 to 40 million. Chinese Academy of Social Sciences, "Difficulty Finding a Wife in 10 Years: 1 Out of Every 5 Men To Be a Bare Branch" [10 nian zhihou quqi nan, 5 ge nanren zhong jiuyou 1 ge guanggun], 27 January 10.

[66] "China's Sex Ratio at Birth Declines 4 Years in a Row," Xinhua, 5 March 13. See also Mikhail Lipatov et al., "Economics, Cultural Transmission, and the Dynamics of the Sex Ratio at Birth in China," Proceedings of the National Academy of Sciences of the United States of America, Vol. 105, No. 49 (December 2008), 19171. According to this study, "The root of the [sex ratio] problem lies in a 2,500-year-old culture of son preference." Wei Xing Zhu et al., "China's Excess Males, Sex Selective Abortion and One Child Policy: Analysis of Data From 2005 National Intercensus Survey," British Medical Journal, 9 April 09, 4–5.

[67] See, e.g., Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2013—China," 19 June 13, 129. According to the report, "The Chinese government's birth limitation policy and a cultural preference for sons, create a skewed sex ratio of 118 boys to 100 girls in China, which served as a key source of demand for the trafficking of foreign women as brides for Chinese men and for forced prostitution." See also "The Burmese Brides Trafficked Into China To Marry Total Strangers," Metro UK, 11 February 13. According to this report, "'Because of the one child policy, Chinese people prefer to have a male, rather than a female. There's a big gap. That's why rural Chinese men are trying to get a bride from other countries, like Burma, Vietnam or Cambodia. Burma is one of the main ones.' Police Colonel Nyunt Hlaing, from Burma's Transnational Crime Department's anti-trafficking unit, said: 'China's one-child policy is the main cause of the problem.'"

[68] Chinese Academy of Social Sciences, "Difficulty Finding a Wife in 10 Years: 1 Out of Every 5 Men To Be a Bare Branch" [10 nian zhihou quqi nan, 5 ge nanren zhong jiuyou 1 ge guanggun], 27 January 10.

[69] "Chinese Women Taught To Avoid People-Traffickers," Xinhua, reprinted in China Daily, 8 March 10.

[70] "The Burmese Brides Trafficked Into China To Marry Total Strangers," Metro UK, 11 February 13. According to one person cited in this report, "Women become brokers because they can approach the young women and cultivate their trust . . . people are desperate to get out

of poverty." See also Kathleen E. McLaughlin, "Borderland: Sex Trafficking on the China-Myanmar Border," Global Post, 26 October 10; "Women Tricked, Trafficked Into China," Radio Free Asia, 4 March 11; Zhang Yan, "More Women Kidnapped for Brides," China Daily, 3 December 11. According to the China Daily report, "[the director of the Ministry of Public Security's anti-trafficking office] said the lack of natural barriers, such as rivers or mountains in the border areas between China and Southeast Asian countries, in addition to poverty in some regions in these countries, contribute to the rising trafficking of foreign women."

[71] Echo Hui, "Websites Sell Burmese Brides to Chinese Bachelors," Irrawaddy, 12 December 12.

[72] Zhang Yan, "Efforts Boosted Against Human Trafficking," China Daily, 22 January 13.

[73] Ibid.

[74] Rao Dehong, "7 Female Primary School Students From Liangshan Lured To Work in Dongguan Will Be Returned to School" [7 ming liangshan xiaoxue nusheng bei you zhi dongguan wugong jiang bei jiehui fanxiao shangxue], Southern Metropolitan Daily, 6 December 12; Michelle FlorCruz, "Weibo: How China's Twitter Has the Power To Save Children, and Why That Worries the Government," International Business Times, 6 December 12.

[75] Phillip Martin, "Human Trafficking: Taken Into China," WGBH, 22 January 13.

[76] "Myanmar's Trafficked Brides Fill China's Shortage of Women," TrustLaw, 4 December 12. For additional stories of Burmese women trafficked into China for forced marriage, see Tyler Chapman, "Speaking Out To Combat Trafficking," Radio Free Asia, 30 November 12; Echo Hui, "Websites Sell Burmese Brides to Chinese Bachelors," Irrawaddy, 12 December 12; "The Burmese Brides Trafficked Into China To Marry Total Strangers," Metro UK, 11 February 13.

[77] "Jilin Yanji Criminal Gang Trafficking 20 Foreign Women Caught, Culprits Had Been Trafficked" [Jilin yanji tuanhuo guaimai 20 ming waiji funu bei zhua zhufan ceng bei guai], NetEase, 16 January 13.

[78] "China Arrests Traffickers of N. Korean Women," Chosun Ilbo, 17 January 13.

Notes to Section II—North Korean Refugees in China

[1] Patrick Goodenough, "China Spurns U.N. Criticism After Sending N. Korean Refugees Back to Uncertain Fate," CNS News, 4 June 13; "North Korean Workers in China Face Stepped-Up Restrictions," Radio Free Asia, 15 March 13.

[2] Democratic People's Republic of Korea Ministry of State Security, People's Republic of China Ministry of Public Security, Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Area, signed 12 August 86, art. 4, reprinted in North Korea Freedom Coalition. The protocol commits each side to treat as illegal those border crossers who do not have proper visa certificates, except in cases of "calamity or unavoidable factors." According to a report commissioned by the UNHCR, the validity of "this document cannot be authenticated, but it does not seem implausible." James Seymour, "China: Background Paper on the Situation of North Koreans in China," commissioned by UNHCR, Protection Information Section, January 2005, 13.

[3] UN Convention relating to the Status of Refugees (1951 Convention), 28 July 51 by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429(V) of 14 December 50, arts. 1, 33. Article 1 of the 1951 Convention defines a refugee as someone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . . ." Article 33 of the 1951 Convention mandates that "[n]o Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." UN Protocol Relating to the Status of Refugees (1967 Protocol), adopted by UN General Assembly resolution A/RES/2198 of 16 December 66, entry into force 4 October 67. The Chinese government acceded to the 1951 Convention and the 1967 Protocol in September 1982, but has not adopted legislation to implement the treaties.

[4] Andrei Lankov, "Kim Cracks Open Refugee Issue," Asia Times, 5 January 13; Hazel Smith, Woodrow Wilson International Center for Scholars, "Explaining North Korean Migration to China," November 2012, 3; Roberta Cohen, "North Koreans in China in Need of International Protection," Forced Migration Review, reprinted in Brookings Institution, December 2012; "Park Geun-hye Will Discuss North Korean Refugee Issue With Xi Jinping in Visit to China" [Piao jinhui fanghua jiang yu xi jinping tan tuobeizhe wenti], Duowei, 19 June 13.

[5] Kwanwoo Jun, "North Korean Defector Arrivals Plunge in South in 2012," Wall Street Journal, 2 January 13; Zhao Jiayue, "China North Korean Border: Buying 'North Korean Refugees' To Be Wives" [Zhong chao bianjing: mai "tuobeizhe" dang xifu], Southern People Weekly, reprinted in Ta Kung Pao, 14 March 13; Matthew Pennington, "US To Press China Over Repatriation of NKoreans," Associated Press, 22 April 13; "China Arrests Traffickers of N.Korean Women," Chosun Ilbo, 17 January 13. For reports on past campaigns to crack down on North Korean refugees in China, see, e.g., CECC, 2012 Annual Report, 10 October 12, 108; CECC, 2011 Annual Report, 10 October 11, 131; CECC, 2010 Annual Report, 10 October 10, 140–41.

[6] Life Fund For North Korean Refugees, "China Promises Bounty on All NK Refugees Turned In," 31 April 13; Zhao Jiayue, "China North Korean Border: Buying 'North Korean Refugees' To Be Wives" [Zhong chao bianjing: mai "tuobeizhe" dang xifu], Southern People Weekly, reprinted in Ta Kung Pao, 14 March 13.

[7] Life Fund For North Korean Refugees, "China Promises Bounty on All NK Refugees Turned In," 31 April 13.

[8] Zhao Jiayue, "China North Korean Border: Buying 'North Korean Refugees' To Be Wives" [Zhong chao bianjing: mai "tuobeizhe" dang xifu], Southern People Weekly, reprinted in Ta Kung Pao, 14 March 13.

[9] "'Ice' Use Spreads, Worsening North Korea's Drug Addiction Problem," Radio Free Asia, 19 September 13; "Crystal Meth and Tesco," Economist, 16 February 13; "NK's Massive Drug Trafficking Angers China: Source," Dong-A Ilbo, 5 July 11; "Revealed: How is North Korea Circulating Methamphetamines into the Northeast? China is Furious" [Jiemi: chaoxian ruhe xiang dongbei toufang bingdu? Zhongguo fanu le], Phoenix Weekly, reprinted in Wenxuecity, 15 October 11; "Jilin Yanji Criminal Gang Trafficking 20 Foreign Women Caught, Culprits Had Been Trafficked" [Jilin yanji tuanhuo guaimai 20 ming waiji funu bei zhua zhu fan ceng bei guai], New Culture News, reprinted in NetEase, 16 January 13.

[10] Cho Jong Ik, "Defection a Major Concern for the Kims," Daily NK, 10 December 12; Lee Sang Yong, "NSA Tracking China Permit Violators," Daily NK, 6 November 12. For reports on previous collaboration between Chinese and North Korean security officials, see, e.g., CECC, 2012 Annual Report, 10 October 12, 108; CECC, 2011 Annual Report, 10 October 11, 131.

[11] Cho Jong Ik, "Defection a Major Concern for the Kims," Daily NK, 10 December 12; Lee Sang Yong, "NSA Tracking China Permit Violators," Daily NK, 6 November 12.

[12] Lee Sang Yong, "NSA Tracking China Permit Violators," Daily NK, 6 November 12.

[13] Choe Sang-Hun, "Fleeing North Korea Is Becoming Harder," New York Times, 4 January 13.

[14] Kwanwoo Jun, "North Korean Defector Arrivals Plunge in South in 2012," Wall Street Journal, 2 January 13.

[15] Ibid.; Courtland Robinson, "The Curious Case of North Korea," Forced Migration Review, Edition 43, May 2013, 53–54.

[16] "Defector Numbers Show Slight Rise," Daily NK, 22 July 13; "N. Korean Defectors in S. Korea on the Rise," Yonhap News Agency, 21 July 13. According to the Ministry of Unification, a total of 717 refugees entered South Korea in the first half of 2013, a slight increase from 710 in the first half of 2012. However, only 320 refugees entered in the first quarter of 2013, marking a 10 percent decline from 2012. See "Number of N. Korean Defectors Falls 10%," Yonhap News Agency, reprinted in Korea Herald, 11 April 13.

[17] The Office of the High Commissioner for Human Rights, "Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, Marzuki Darsuman," 1 February 13, Annex I, para. 21, 16.

[18] Ibid., Annex I, para. 39, 19; Stephen Haggard and Marcus Noland, "Repression and Punishment in North Korea: Survey Evidence of Prison Camp Experiences," Politics, Governance, and Security Series, No. 20, East-West Center, 5 October 09, 11–12.

[19] The Office of the High Commissioner for Human Rights, "Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, Marzuki Darsuman," 1 February 13, Annex I, para. 39, 19; Human Rights Watch, "North Korea: Denial of Rights Forces Back Refugees," 30 May 13.

[20] Human Rights Watch, "North Korea: Denial of Rights Forces Back Refugees," 30 May 13; David Hawk, The Committee for Human Rights in North Korea, "The Hidden Gulag," 2012, 120–21; Esther Felden, "Tortured, Beaten, Starved: Life in a Korean Gulag," Deutsche Welle, 18 June 13.

[21] Human Rights Watch, "North Korea: Denial of Rights Forces Back Refugees," 30 May 13; David Hawk, The Committee for Human Rights in North Korea, "The Hidden Gulag," 2012, 123–31.

[22] David Hawk, The Committee for Human Rights in North Korea, "The Hidden Gulag," 2012, 119–21; "Two North Korean Christians Killed for Their Faith," Open Door USA, 18 January 13.

[23] David Hawk, "North Korea's Hidden Gulag: Interpreting Reports of Changes in the Prison Camps," The Committee for Human Rights in North Korea, 27 August 13, 33; Chico Harlan, "Population of North Korea's Gulag Has Shrunk, Experts Say," Washington Post, 12 September 13. Some refugee activists estimate would-be refugees account for up to 5 percent of the total North Korean prison population, with one North Korean human rights researcher pointing to a "five-fold rise" in the number of detained refugees over the last 10 years. Chris Brummitt, "'Tightening the Noose': Crackdown on Defectors Fills North Korean Prison Camps," Associated Press, reprinted in NBC News, 12 June 13.

[24] Under the 1951 Convention and its 1967 Protocol, the Chinese government is obligated to refrain from repatriating refugees "sur place." UN Office of the High Commissioner for Human Rights, "Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees," January 1992, Section B(4)(b), paras. 94–105.

[25] UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly 10 December 84, entry into force 26 June 87, art. 3. Article 3 states that "No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." The Chinese government ratified the Convention on 4 October 88.

[26] Courtland Robinson and Keumsoon Lee, "Population Estimation of North Korean Refugees and Migrants and Children Born to North Korean Women in Northeast China: Results from a 2012 Study in Heilongjiang Province," Korea Institute for National Unification (KINU), 12 March 13, 5, 21, 24. Robinson and Lee estimate between 80 and 90 percent of the North Korean-born population in northeast China are women. Brian Marten, "Perilous Passage: Human Trafficking and the 'Underground Railroad,'" NK News, 11 February 13; Journalist and writer Melanie Kirkpatrick estimates 75 percent of North Korean refugees in China are women. Kim So Yeol, "An Interview with Christian Activist Tim Peters, Founder of Helping Hands," Network for North Korean Democracy and Human Rights, 27 February 13. North Korean refugee activist Tim Peters estimates between 70 and 80 percent of North Korean refugees in China are women. For cases of trafficking and abuse of female refugees, see Kim Kwang Jin, "2 Murdered in Human Trafficking Incident," Daily NK, 3 January 13; Zhao Jiayue, "China North Korean Border: Buying 'North Korean Refugees' To Be Wives" [Zhong chao bianjing: mai "tuobeizhe" dang xifu], Southern People Weekly, reprinted in Ta Kung Pao, 14 March 13.

[27] Melanie Kirkpatrick, Escape From North Korea: The Untold Story of Asia's Underground Railroad (New York: Encounter Books, 2012), 83; "China Arrests Traffickers of N.Korean Women," Chosun Ilbo, 17 January 13.

[28] Melanie Kirkpatrick, Escape From North Korea: The Untold Story of Asia's Underground Railroad (New York: Encounter Books, 2012), 83; Brian Marten, "Perilous Passage: Human Trafficking and the 'Underground Railroad,'" NK News, 11 February 13; Markus Bell, "Empire and Trafficking in Northeast Asia," Foreign Policy in Focus, reprinted in Asia Times, 5 June 13.

[29] Catherine Porter, "A North Korean Refugee's Tale of Tragedy and Bravery," Toronto Star, 23 May 13; "China Arrests Traffickers of N.Korean Women," Chosun Ilbo, 17 January 13; Brian Marten, "Perilous Passage: Human Trafficking and the 'Underground Railroad,'" NK News, 11 February 13.

[30] UN Convention relating to the Status of Refugees (1951 Convention), 28 July 51 by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429(V) of 14 December 50, arts. 1, 31–33; UN Protocol Relating to the Status of Refugees (1967 Protocol), adopted by UN General Assembly resolution A/RES/2198 of 16 December 66, entry into force 4 October 67.

[31] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol), supplementing the United Nations Convention against Transnational Organized Crime, adopted and opened for signature, ratification, and accession by General Assembly resolution A/RES/55/25 of 15 November 2000, entry into force 29 September 03, art. 7.

[32] Courtland Robinson and Keumsoon Lee, "Population Estimation of North Korean Refugees and Migrants and Children Born to North Korean Women in Northeast China: Results From a 2012 Study in Heilongjiang Province," Korea Institute for National Unification (KINU), 12 March 13, 6.

[33] Ibid.; Life Fund for North Korean Refugees, "Stateless Foster Children in China," 1 June 13.

[34] Courtland Robinson and Keumsoon Lee, "Population Estimation of North Korean Refugees and Migrants and Children Born to North Korean Women in Northeast China: Results From a 2012 Study in Heilongjiang Province," Korea Institute for National Unification (KINU), 12 March 13, 29–30.

[35] Ibid., 27; Christine Hong, "The Fiction of the North Korean Refugee Orphan," US-Korea Institute at SAIS, 38 North (blog), 19 September 12; Cho Jung-hyun et al., Korea Institute for National Unification (KINU), "White Paper on Human Rights in North Korea—2013," July 2013, 468.

[36] Courtland Robinson and Keumsoon Lee, "Population Estimation of North Korean Refugees and Migrants and Children Born to North Korean Women in Northeast China: Results From a 2012 Study in Heilongjiang Province," Korea Institute for National Unification (KINU), 12 March 13, 6; Life Fund for North Korean Refugees, "Stateless Foster Children in China," 1 June 13.

[37] UN Convention on the Rights of the Child, adopted by the UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, art. 9. Article 9 calls on state parties to "ensure that a child shall not be separated from his or her parents against their will." The Chinese government ratified the Convention on the Rights of the Child on March 2, 1992.

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[2] Keith Bradsher, "China's Actions in Flu Cases Draw Critics," New York Times, 10 April 13; Amy Li, "Shanghai Stifled Flu 'Rumours' in Early Days, Says Report," South China Morning Post, 10 April 13.

[3] Lisa Schnirring, Center for Infectious Disease Research & Policy, University of Minnesota, "Global Health Groups Weigh in on H7N9 Threat," 20 May 13. World Health Organization (WHO) Director-General Margaret Chan reportedly "praised China's quick response and its transparency in sharing clinical investigation and virus information with the global health community." Natasha Khan and Daryl Loo, "Deadly Lessons From SARS Spur Global Reaction to Bird Flu," Bloomberg, 9 April 13; Food and Drug Safety, Public Health and the Environment, Hearing of the Congressional-Executive Commission on China, 22 May 13, Testimony of Rear Admiral Anne Schuchat, M.D., Director, National Center for Immunization & Respiratory Diseases, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 3–4, 6–7.

[4] Natasha Khan and Daryl Loo, "Deadly Lessons From SARS Spur Global Reaction to Bird Flu," Bloomberg, 9 April 13; Food and Drug Safety, Public Health and the Environment, Hearing of the Congressional-Executive Commission on China, 22 May 13, Testimony of Rear Admiral Anne Schuchat, M.D., Director, National Center for Immunization & Respiratory Diseases, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 4, 6.

[5] Gonghuan Yang et al., "Rapid Health Transition in China 1990–2010: Findings from the Global Burden of Disease Study," Lancet, Vol. 381, Issue No. 9882 (2013), 1987–2015.

[6] Wei Mingyan, "'Economic Development Can't Come at the Cost of the People's Health'" ["Jingji fazhan buneng yi minzhong jiankang wei daijia"], Beijing News, 29 June 13. According to the Beijing News, findings from an eight-year research study commissioned by the State Council found higher than average cancer rates along the Huai River.

[7] Edward Wong, "Pollution Leads to Drop in Life Span in Northern China, Study Finds," New York Times, 8 July 13. Wong cites to a study, "Evidence on the Impact of Sustained Exposure to Air Pollution on Life Expectancy From China's Huai River Policy," published in the U.S. Science journal, Proceedings of the National Academy of Sciences, based on data analysis of Chinese sources from 1981 through 2001. See Yuyu Chen et al., "Evidence on the Impact of Sustained Exposure to Air Pollution on Life Expectancy From China's Huai River Policy," Proceedings of the National Academy of Sciences, Vol. 110, No. 32 (8 July 13), 12936–12941.

[8] Zhao Yinan, "Food, Medicine Safety Cases on Rise," China Daily, 1 August 12; Pew Global Attitudes Project, Pew Research Center, "Growing Concerns in China About Inequality, Corruption," 16 October 12. According to the 2012 Pew research report, "[f]our years ago, just 12% rated food safety a very big problem; today, it's 41%. The percentage expressing very serious concerns about the safety of medicine has more than tripled, from 9% in 2008 to 28% today."

[9] E Fan, "Food Products Remain Greatest Source of Worry, Improving Social Security Is Obvious" [Shipin reng shi zuida bu'an shehui zhi'an gaishan mingxian], Xiaokang Magazine, Vol. 6, 3 June 13. Based on Xiaokang Magazine's research, food safety and medical care are first and second place among the top five concerns among the Chinese public. See, e.g., "Survey: Only 10% of Chinese Patients Trust Doctors" [Diaocha: zhongguo jin 10% de huanzhe xinren yisheng], Radio Free Asia, 18 March 13. According to a survey in Shandong raised by members of the Chinese People's Political Consultative Conference, credibility in the health system includes a low level of trust in medical doctors and a high rate of disputes over medical treatment.

[10] "China's Shaken Trust," Wall Street Journal, 23 April 13; Jonathan Kaiman, "Inside China's 'Cancer Villages,'" Guardian, 4 June 13; "Towards Better Health for People in China," Lancet, Vol. 381, No. 9882 (8 June 13), 1959.

[11] According to Guardian reporter Jonathan Kaiman, following the Ministry of Environmental Protection's February 2013 mention of "cancer villages" in its most recent five-year plan, political leaders "renounced the report's wording" and urged media censorship at local levels. See Jonathan Kaiman, "Inside China's 'Cancer Villages,'" Guardian, 4 June 13.

[12] Yanzhong Huang, "Fatal Misperception: How Unsafe Is Chinese Food?" Council on Foreign Relations, Asia Unbound (blog), 10 July 13; Li Jing, "People's Daily Says Chemical Paraxylene Is No More Harmful Than Coffee," South China Morning Post, 25 June 13.

[13] "China To Merge Health Ministry, Family Planning Commission," Xinhua, 10 March 13.

[14] Zan Xin, "90 CPPCC Members Jointly Propose Retaining Ministry of Health's Original Name" [90 ming zhengxie weiyuan lianming tiqing baoliu weishengbu yuanming], Caixin, 12 March 13.

[15] Lin Yunshi, "The Name 'National Health and Family Planning Commission' Raises Debate" ["Weisheng he jihua shengyu weiyuanhui" mingcheng yin zhengyi], Caixin, 12 March 13.

[16] Chen Qiulin, "Using Institutional Reform To Promote Reform of Family Planning and Health Care" [Yi jigou gaige tuidong jisheng, yiliao gaige], Financial Times, 3 April 13.

[17] PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13; Zhang Youyi, "Mental Health Law: A Step Forward," Caijing, 6 November 13. For further information on the 27 years of preparation and debates on the development of the Mental Health Law, see CECC, 2012 Annual Report, 10 October 12, 112–13; CECC, 2011 Annual Report, 10 October 11, 136–38.

[18] Michael R. Phillips, "Can China's New Mental Health Law Substantially Reduce the Burden of Illness Attributable to Mental Disorders?" Lancet, Vol. 381, No. 9882 (8 June 13), 1964–1966.

[19] Li Qiumeng, "Civil Society Report Says Mental Health Law Is Insufficient: Guardians' Authority Too Large" [Minjian baogao cheng jingshen weishengfa cun buzu: jianhuren quanli

guoda], Jinghua Daily, reprinted in Global Times, 13 May 13. See also Michael R. Phillips, Hanhui Chen, et al., "China's New Mental Health Law: Reframing Involuntary Treatment," American Journal of Psychiatry, Vol. 170, No. 6, 1 June 13, 588–591. According to Phillips et al., "With the exception of forensic cases (which are regulated according to China's revised Criminal Procedures Law), the process of involuntary admission is not directly supervised by a court, but patients and family members are empowered to take the case to court if they believe the required procedures have been mismanaged. China's approach may be contrasted with that of countries that provide direct judicial review of all involuntary admissions and free legal representation." For a comparative analysis on rights protections for the mentally ill in the revised Criminal Procedure Law and the new Mental Health Law, see Jeremy Daum, "Still Crazy After All These Years," China Law Translate, 20 May 13.

[20] Dui Hua Foundation, "Involuntary Commitment: Ankang Regs vs Mental Health Laws," Dui Hua Reference Materials, 29 November 12. See also, Chinese Human Rights Defenders, "'The Darkest Corners': Abuses of Involuntary Psychiatric Commitment in China," 6 August 12.

[21] Chinese Human Rights Defenders, "China Human Rights Briefing, December 6–13, 2012," 14 December 12.

[22] State Council Information Office, "National Human Rights Action Plan of China (2012–2015)," 11 June 12, section III, part 5. In addition to the new Mental Health Law, passed on October 24, 2012, the State Council passed on June 28, 2012, new Regulations on the Construction of a Barrier-Free Environment. See PRC People's Republic of China Mental Health Law (Full Text) [Zhonghua renmin gongheguo jingshen weisheng fa (quanwen)], passed 26 October 12, effective 1 May 13, Xinhua, 26 October 12; State Council, Regulations on the Construction of a Barrier-Free Environment [Wu zhang'ai huanjing jianshe tiaoli], passed 13 June 12, effective 1 August 12.

[23] State Council Legislative Affairs Commission, Circular on the "Regulations on the Education of Persons With Disabilities (Amended Draft) (Manuscript) Public Solicitation of Opinions" [Canjiren jiaoyu tiaoli (xiuding cao'an) (song shen gao) gongkai zhengqiu yijian de tongzhi], 27 February 13.

[24] Equity and Justice Initiative, "Human Rights Watch Sends Opinion to China State Council Legislative Affairs Commission Office Regarding 'Regulations on the Education of Persons with Disabilities' Draft Revision" [Renquan guancha zuzhi zhi zhongguo guowuyuan fazhi bangongshi guanyu "canjiren jiaoyu tiaoli" xiuding cao'an de yijian], 31 March 13; Human Rights Watch, "China: Submission by Human Rights Watch to the Legislative Affairs Office of the State Council," 18 May 13 (the submission is dated 25 March 13); Sweet Road, "The Sweet Road: Recommendations for the Draft Revision of the 'Regulations on Education for Persons With Disabilities' to the State Council Legislative Affairs Commission" [Ganzhilu: wei "canjiren jiaoyu tiaoli (xiugai cao'an)" jianyan zhixin guowuyuan fazhiban], reprinted in Justice for All, 24 March 13; One Foundation, "Public Participation in Legislation on Regulations on Education for Persons With Disabilities, Airing the Voices of Persons With Disabilities" [Minjian canyu canji ren jiaoyu tiaoli lifa, fachu canzhang renshi de shengyin], 20 March 13. According to the One Foundation article, the One Foundation, One Plus One (Yi Jia Yi), and the Beijing Children's Legal Aid and Research Center, together with disability rights advocates, parents of disability rights advocates, and public interest lawyers, jointly submitted recommendations to the Legislative Affairs Commission on the draft Regulations.

[25] Human Rights Watch, "China: Submission by Human Rights Watch to the Legislative Affairs Office of the State Council," 18 May 13 (the submission is dated 25 March 13).

[26] Ibid. For examples of the definition of reasonable accommodation in several countries' disability legislation, see UN General Assembly, Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, 7th Session, "The Concept of Reasonable Accommodation in Selected National Disability Legislation," Department of Economic and Social Affairs, A/AC.265/2006/CRP.1, 7 December 05.

[27] Sweet Road, "The Sweet Road: Recommendations for the Draft Revision of the 'Regulations on Education for Persons With Disabilities' to the State Council Legislative Affairs Commission" [Ganzhilu: wei "canjiren jiaoyu tiaoli (xiugai cao'an)" jianyan zhixin guowuyuan fazhiban], reprinted in Justice for All, 24 March 13; One Foundation, "Public Participation in Legislation on Regulations on Education for Persons With Disabilities, Airing the Voices of Persons With Disabilities" [Minjian canyu canji ren jiaoyu tiaoli lifa, fachu canzhang renshi de shengyin], 20 March 13.

[28] Sweet Road, "The Sweet Road: Recommendations for the Draft Revision of the 'Regulations on Education for Persons with Disabilities' to the State Council Legislative Affairs Commission" [Ganzhilu: wei "canjiren jiaoyu tiaoli (xiugai cao'an)" jianyan zhixin guowuyuan fazhiban], reprinted in Justice for All, 24 March 13; Human Rights Watch, "China: Submission by Human Rights Watch to the Legislative Affairs Office of the State Council," 18 May 13 (the submission is dated 25 March 13).

[29] UN Committee on the Rights of Persons with Disabilities, Concluding Observations on the Initial Report of China, Adopted by the Committee at Its Eighth Session, 15 October 12.

[30] See, e.g., PRC Law on the Protection of Persons with Disabilities [Zhonghua renmin gongheguo canjiren baozhangfa], passed 28 December 90, amended 24 April 08, effective 1 July 08, arts. 3, 25, 30–40; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], passed 30 August 07, effective 1 January 08, arts. 3, 29, 30; PRC Law on the Prevention and Control of Infectious Diseases [Zhonghua renmin gongheguo chuanranbing fangzhi fa], issued 21 February 89, amended 28 August 04, art. 16; State Council, Regulations on the Treatment and Control of HIV/AIDS [Aizibing fangzhi tiaoli], passed 18 January 06, effective 1 March 06, art. 3. For the Commission's coverage of health-based discrimination in recent years, see CECC, 2012 Annual Report, 10 October 12, 112–13; CECC, 2011 Annual Report, 10 October 11, 136–37; CECC, 2010 Annual Report, 10 October 10, 148–49; and CECC, 2009 Annual Report, 10 October 09, 183–85.

[31] China Labour Bulletin, "Employment Discrimination in China," 20 November 12; "More Than 40% of China's Rural Disabled Persons Live Below the Poverty Line" [Zhongguo you 40% yishang de nongcun canjiren shenghuo zai pingkun xian yixia], Radio Free Asia, 28 August 12; Zhang Xuhong, "Individual With Outstanding Grades Refused Employment, First Case of AIDS Employment Discrimination in Jiangxi Took Legal Action Yesterday" [Chengji youyi xiaohuo zao julu jiangxi aizibing jiuye qishi diyi an zuo qisu], Jiangxi Daily, 27 November 12.

[32] Zhang Han, "Where Can People Living With HIV Get Operations?" [HIV ganranzhe shoushutai zai na?], Southern Metropolitan Daily, 20 December 12.

[33] For examples of health-based discrimination in access to education, see Liang Chen, "When B Is Worse Than F," Global Times, 5 September 12 (Hepatitis B); Huang Yuli, "Principal Defends Rejecting Autistic Boy," China Daily, 21 September 12 (autism); "Feeling Their Way," Economist, 13 July 13 (visual impairment); "AIDS Guarantees Have Not Been Implemented, Targeted Solutions Are Difficulty Piled Upon Difficulty" [Aizibing baozhang wei luoshi jiuzhi mubiao nan shang nan], Radio Free Asia, 22 November 12 (HIV/AIDS).

[34] Can Xin, "Closer Look: Efforts To Protect HIV/AIDS Patients' Rights Fall Short," Caixin, 27 November 12.

[35] Zheng Xiaoqian and Shi Caiying, "At Least 20 Provinces and Municipalities Have Teacher Physical Standards That Might Discriminate Against Persons With Disabilities" [Zhishao 20 ge shengshi jiaoshi zige tijian biaozhun shexian qishi canji ren], Dahe Net, reprinted in Economic Daily, 10 September 11. See also, "Many Provinces Stipulate People Suffering From High Blood Pressure Should Not Become Teachers, Probably Employment Discrimination" [Duosheng guiding gaoxieya huanzhe bude dang jiaoshi, she jiuye qishi], Modern Express, reprinted in China Law Information, 8 January 13.

[36] He Dan, "Disability Rights Advocates Call for Equal Employment," China Daily, 4 December 12.

[37] One Plus One, "Implementation in China of the United Nations Convention on the Rights of Persons with Disabilities," submission to the UN Office of the High Commissioner for Human Rights, Committee on the Rights of Persons With Disabilities, 7th Session, March 2012, 20.

[38] For an account of long-term advocacy to stop employment discrimination against carriers of Hepatitis B, see Fu Hualing, "Embedded Socio-Legal Activism in China: The Case of Yirenping," Hong Kong Law Journal, Vol. 42, Part 2 (2012). On recent efforts of NGOs and disability rights advocates, see "Jiangxi AIDS Discrimination Case: First To Receive Compensation" [Jiangxi aizi qishi di yi an huo buchang], Radio Free Asia, 24 January 13; "Guangdong's Plan To Prevent People Infected With Sexually-Transmitted Diseases and HIV/AIDS From Teaching Raises Debate" [Guangdong ni jinzhi huan xingbing aizibingzhe dang jiaoshi yin zhengyi], Xinhua, reprinted in China Law Information, 7 January 13; "Guangdong Bureau of Education Prohibits AIDS Carriers From Becoming Teachers, Public Interest Organization Suggests Abolishing" [Guangdong jiaoyuting jin aizibingzhe dang jiaoshi, gongyi zuzhi jianyi quxiao], Legal Daily, 11 January 13. There also were open government information requests from disability rights activists on the number of disabled persons hired as civil servants during the 2013 reporting year. See "Disabled Youth in Henan Requests the Chinese [Government] Release Information About Civil Service Recruitment of the Disabled" [Henan canji qingnian yaoqiu zhongguo gongbu gongwuyuan luqu canji ren qingkuang], Radio Free Asia, 3 December 12; Jiang Gewei, "Why Is the Number of Civil Servants Who Are Disabled Persons a State Secret?" [Gongwuyuan zhong canzhang ren shuliang heyi cheng guojia mimi], Hunan Broadcast Network Legal Weekly, 24 May 13.

[39] Wan Jing, "Six Lawyers Demand an Investigation of the Legality of the Civil Servant Physical Examination Standards" [Liu lushi yaoqiu shencha gongwuyuan tijian biaozhun hefaxing wenti], Legal Daily, 30 November 12. Several of the lawyers who sent the letter were involved in the four known HIV/AIDS employment discrimination lawsuits. They also noted that employment discrimination violates China's Employment Promotion Law and the Regulations to Prevent and Control HIV/AIDS.

[40] Jiang Gewei, "Why Is the Number of Civil Servants Who Are Disabled Persons a State Secret?" [Gongwuyuan zhong canzhang ren shuliang heyi cheng guojia mimi], Hunan Broadcast Network Legal Weekly, 24 May 13.

[41] Convention on the Rights of Persons with Disabilities, adopted by UN General Assembly resolution 61/106 of 13 December 06, entry into force 3 May 08, art. 24(4), art 27(1). China signed the Convention on the Rights of Persons with Disabilities (CRPD) on March 30, 2007, and ratified it on August 1, 2008.

[42] Zhang Renwang, "Persons With Disabilities From 19 Provinces and Cities Thank Guangdong for Eliminating Discriminatory Provisions in the Teacher Physical Examination Standards" [19 shengshi canzhang renshi ganxie yue shanchu jiaoshi tijian canzhang qishi tiaokuan], Southern Daily, 20 May 13.

[43] Zheng Xiaoqian and Shi Caiying, "At Least 20 Provinces and Municipalities Have Teacher Physical Standards That Might Discriminate Against Persons With Disabilities" [Zhishao 20 ge shengshi jiaoshi zige tijian biaozhun shexian qishi canji ren], Dahe Net, reprinted in Economic Daily, 10 September 11. Presumably Guangdong province's revisions to its teacher physical eligibility standards reduced by at least one the total number of provisions with discriminatory regulations. See also, "Many Provinces Stipulate People Suffering From High Blood Pressure Should Not Become Teachers, Probably Employment Discrimination" [Duosheng guiding gaoxieya huanzhe bude dang jiaoshi, huo she jiuye qishi], Modern Express, reprinted in China Law Information, 8 January 13.

[44] Human Rights Watch, "China: Submission by Human Rights Watch to the Legislative Affairs Office of the State Council," 18 May 13, no. 6 (the submission is dated 25 March 13).

[45] Zhang Han, "Where Can People Living With HIV Get Operations?" [HIV ganranzhe shoushutai zai na?], Southern Metropolitan Daily, 20 December 12; "AIDS Patients Face Discrimination at China Hospitals," Voice of America, 30 November 12.

[46] Zhang Han, "Where Can People Living With HIV Get Operations?" [HIV ganranzhe shouxutai zai na?], Southern Metropolitan Daily, 20 December 12.

[47] "China Orders Hospitals To Treat HIV/Aids Patients," Agence France-Presse, reprinted in South China Morning Post, 24 November 12.

[48] Ministry of Health, Circular on Strengthening Medical Treatment Services for People Living With AIDS and Carriers of HIV [Weishengbu guanyu jiaqiang aizibing huanzhe he bingdu ganranzhe yiliao fuwu gongzuo de tongzhi], 23 November 12.

[49] Wen Ya, "MOH's Notice Not Enough To Help HIV/AIDS Patients: NGOs," Global Times, 26 November 12.

Notes to Section II—The Environment

[1] National Development and Reform Commission, "Report on the Implementation of the 2012 Plan for National Economic and Social Development and on the 2013 Draft Plan for National Economic and Social Development," reprinted in Wall Street Journal, 5 March 13, 5. The report stated that in 2012 the emissions of sulfur dioxide and nitrogen oxide decreased by 4.52 percent and 2.77 percent, respectively; that chemical oxygen demand and ammonia nitrogen in water decreased by 3.05 percent and 2.62 percent, respectively; and that carbon dioxide emissions per unit of GDP decreased by 5.02 percent. The report also indicated some advances in afforestation and grassland restoration, and increases in daily capacity of wastewater and garbage treatment. For additional information on environmental conditions in China, see the Ministry of Environmental Protection, "2012 Report on China's Environmental Conditions" [2012 Zhongguo huanjing zhuangkuang gongbao], 28 May 13 (click on link to PDF); and for information on "ecological progress," see the State Council Information Office, "Progress in China's Human Rights in 2012," reprinted in Xinhua, 14 May 13, sec. 5.

[2] Edward Wong, "Cost of Environmental Damage in China Growing Rapidly Amid Industrialization," New York Times, 29 March 13. Degradation reportedly cost China 3.5 percent of GDP in 2010, three times as much as it did in 2004.

[3] Ministry of Environmental Protection, "2012 Report on China's Environmental Conditions" [2012 Zhongguo huanjing zhuangkuang gongbao], 28 May 13, 21 (click on link to PDF).

[4] Ministry of Civil Affairs, "Ministry of Civil Affairs, Office of the National Disaster Reduction Commission Issues 2013 First Quarter National Disaster Situation" [Minzheng bu, guojia jianzai weiyuanhui bangongshi fabu 2013 nian yijidu quanguo zaiqing], 8 April 13. China reportedly experienced 11 instances of very visible, large-scale "foggy and hazy" skies, the most since 1961, that affected 20 provinces during the winter months and lasted for a total of 20 to more than 30 days depending on the area.

[5] Alexander Martin, "Kumamoto Residents Stay Indoors Amid China Pollution Fears," Wall Street Journal, 5 March 13. Japanese officials suggested residents on one island stay in their homes because pollution surpassed safety standards.

[6] Edward Wong, "In China, Widening Discontent Among the Communist Party Faithful," New York Times, 19 January 13; Edward Wong, "China Lets Media Report on Air Pollution Crisis," New York Times, 14 January 13; Barbara Finamore et al., "Air Pollution Crisis Gives New Momentum to Environmental Regulation in China," Natural Resources Defense Council, Switchboard Blog (Barbara Finamore's blog), 22 February 13.

[7] Yang Wanli and Qiu Quanlin, "A New Environment for Fight Against Pollution," China Daily, 19 March 13. According to the China Daily report, air pollution was a hot topic at the meetings of the National People's Congress and the Chinese People's Political Consultative Congress, with at least 20 deputies including the topic in their speeches. Wang Tao, "The Flavor of the 'Atmosphere' During the Political Season of the Two Sessions" [Lianghui zhengzhi jili de "kongqi" weidao], Southern Weekend, 1 March 13; Sun Siya, "Environmental Protection Becomes CPPCC Hot Proposal; Conference Members Suggest Adding Environmental Rights to Constitution" [Huanbao cheng zhengxie ti'an redian weiyuan jianyi gongmin huanjing quan ru xian], Beijing Times, reprinted in China Environmental News, 3 March 13.

[8] Barbara Finamore et al., "Air Pollution Crisis Gives New Momentum to Environmental Regulation in China," Natural Resources Defense Council, Switchboard Blog (Barbara Finamore's blog), 22 February 13. According to this article, the episodes of serious air pollution prompted the government to move forward with tougher fuel standards and to advance revisions to the PRC Air Pollution Prevention and Control Law. The Ministry of Environmental Protection also plans to issue stricter emission control standards for certain heavily polluting industries.

[9] Edward Wong, "Air Pollution Linked to 1.2 Million Premature Deaths in China," New York Times, 1 April 13. This NYT article reported that in 2010 what was called "ambient particulate matter pollution" was the fourth-leading risk factor linked to deaths, and outdoor pollution was a factor in 1.2 million premature deaths the same year. Verna Yu, "Judge Officials on Health, Environment Too: Expert," South China Morning Post, 7 March 13. The SCMP reported that a doctor in China said air pollution was a major contributor to respiratory diseases. "Law Amendment Urged To Combat Air Pollution," China Internet Information Center, reprinted in Ministry of Environmental Protection, 25 February 13. The article reported that the Beijing Health Bureau showed air pollution was among the main causes for a 56 percent surge in lung cancer rates between 2001 and 2010. Greenpeace, "Dangerous Breathing: $PM_{2.5}$: Measuring the Human Health and Economic Impacts on China's Largest Cities," 18 December 12. The Greenpeace report stated that the $PM_{2.5}$ levels (particulate matter with a diameter smaller than 2.5 μm) in certain regions in China during selected periods were two to four times higher than the World Health Organization's air quality guidelines.

[10] Ministry of Environmental Protection, "'12th Five-Year' Plan on Prevention and Control of Environmental Risks From Chemicals" [Huaxuepin huanjing fengxian fangkong "shierwu" guihua], issued 7 February 13. Fifty-one percent of the sudden environmental accidents that occurred between 2008 and 2011 were linked to hazardous chemicals.

[11] Ibid. This follows a similar acknowledgement in 2010 linking pollution along the Huai River with the high number of cancerous tumors found in residents along the river as described in the Caijing article below. Xu Chao, "The Relationship Between Huai River Basin Pollution and Cancer Basically Established" [Huaihe liuyu wuran yu aizheng guanxi jiben zhengshi], Caijing, 27 December 10.

[12] Feng Jie and Wang Tao, "Groundwater Contamination Prevention and Control's 'Underground History'" [Dixiashui fangzhi de "dixia shi"], Southern Weekend, 28 February 13; Wang Qian and Li Jing, "Groundwater Gets Worse, Land Agency Says," China Daily, 21 October 11. According to the China Daily article, in 2011, authorities reportedly classified as bad more than 57 percent of the groundwater monitored in 182 cities.

[13] Luna Lin, "Beijing Campaigners Praise 'Unexpected' Release of Water Quality Data," Chinadialogue, 4 April 13.

[14] Li Tianyang, "Li Tianyang: Must Find Out About the Real Situation and Move Forward To Remediate Groundwater" [Li tianyang: dixiashui wuran zhengzhi yao yu modi bingjin], Beijing Times, reprinted in Southern Net, 22 April 13.

[15] Xie Qingyu, "Before the End of This Year Pearl River Delta Will Introduce Comprehensive Soil Pollution Control" [Zhusanjiao jinnian di qian shishi turang wuran zonghe zhili], Southern Daily, reprinted in Xinhua, 14 June 13.

[16] "China's Toxic Rice Bowl," Wall Street Journal, 22 May 13; Josh Chin and Te-Ping Chen, "Officials Try To Calm Rice Fears," Wall Street Journal, 22 May 13; Brian Spegele, "China To Survey Soil Amid Fears Over Rice," Wall Street Journal, 12 June 13. The May 2013 revelation that in Guangzhou municipality more than 40 percent of a small number of samples of rice sold on the market were contaminated with cadmium raised anxieties about soil pollution.

[17] Tania Branigan, "Chinese Pollution Study 'Blocked on Grounds of State Secrecy,'" Guardian, 26 February 13; Dong Zhengwei, "Ministry of Environmental Protection Indicates Methodology of Soil Pollution Survey Factor in Not Disclosing Data on Prevention and Control Measures" [Huanbaobu gaozhi turang wuran diaocha fangfa chengyin fangzhi cuoshi shuju bu gongkai], Sina Blogs (Dong Zhengwei's blog), 25 February 13. For more information on Dong Zhengwei's open government information request and application for administrative reconsideration, and the official response, see Dong Zhengwei, "Administrative Reconsideration Requests Ministry of Environmental Protection To Disclose Information on Soil Pollution Survey Data" [Xingzheng fuyi qingqiu huanbaobu gongkai turang wuran diaocha shuju xinxi], Sina Blogs (Dong Zhengwei's blog), 27 February 13; Dong Zhengwei, "Ministry of Environmental Protection Acknowledges Nationwide Soil Contamination Survey Data Should Be Made Public" [Huanbaobu queren quanguo turang wuran zhuangkuang diaocha shuju yingdang xiang shehui gongkai], Sina Blogs (Dong Zhengwei's blog), 9 May 13. For Commission analysis, see "Soil Contamination Data Remains a State Secret Leaving Citizens Uninformed About Potential Pollution Hazards," Congressional-Executive Commission on China, 21 May 13.

[18] Richard Finney, "Chinese Mines Pollute Tibet's Rivers, Streams," Radio Free Asia, 6 May 13.

[19] Xie Dan, "Purifying 'Poisoned Land' Is Mysterious Business" ["Dudi" jinghua qianyi shenmi shengyi], Southern Weekend, 19 March 12.

[20] Xu Nan and Zhang Chun, "The Chase for Growth in Western China Could Cause 'Huge Surge in Pollution,'" Chinadialogue, 23 January 13; Nadya Ivanova, "Toxic Water: Across Much of China, Huge Harvests Irrigated With Industrial and Agricultural Runoff," Circle of Blue, 18 January 13. Circle of Blue quoted an expert as saying, "Pollution is getting worse and worse here. Many heavy metal companies and plants have moved to Gansu from the east . . . ." Thomas Stevenson, "The Dirty Secret Behind Shanghai's Bluer Skies," Tea Leaf Nation, 6 December 12. The Tea Leaf Nation article discusses the relocation of industries to Yunnan province and the resulting pollution and health problems. He Tao and Gao Shengke, "Western-Bound Industrial Shift Raises Environmental Concern," Caijing, 31 July 12. According to Caijing, most lead-acid battery factories in one town in Jiangxi province moved there from Jiangsu and Zhejiang provinces because there were weaker environmental policies in the Jiangxi town. Susan Shifflett, "Paradigm Shift in Chinese Environmental Sector Needed, Says Activist Wang Canfa," Environmental Change and Security Program, Woodrow Wilson Center (NewSecurityBeat Blog), 21 March 13.

[21] Liu Xiaoxing, "Don't Let Rural Environment Become a Forgotten Corner" [Bie rang nongcun huanjing cheng bei yiwangjiaoluo], China Environmental News, 11 March 13.

[22] "Hu Jintao Report at the 18th Party Congress of the Chinese Communist Party" [Hu jintao zai zhongguo gongchandang di shiba ci quanguo daibiao dahui shang de baogao], Xinhua, 17 November 12, items 2 and 8; Meng Si, "An Insight Into the Green Vocabulary of the Chinese Communist Party," Chinadialogue, 15 November 12. The term "ecological civilization" appeared in policy documents first in 2007, when former Party General Secretary and President Hu Jintao included the concept as being tied to the four basic goals of a "xiaokang" society (an all-around well-off society).

[23] "Hu Jintao Report at the 18th Party Congress of the Chinese Communist Party" [Hu jintao zai zhongguo gongchandang di shiba ci quanguo daibiao dahui shang de baogao], Xinhua, 17 November 12, Item 2.8.

[24] Chinese Communist Party Constitution, adopted 6 September 82, amended 1 November 87, 18 October 92, 18 September 97, 14 November 02, 21 October 07, 14 November 12, General Program. The following is a Commission translation of the paragraph: "The Chinese Communist Party leads the people in building a socialist ecological civilization. It will establish an ecological civilization ethos that respects, accommodates, and protects nature; uphold the basic national policies of natural resource conservation and environmental protection; adhere to the guiding principle of giving high priority to conservation [of resources], protection [of the environment], and natural restoration [of the ecosystem]; and adhere to the path of civilized development with increased production, prosperous living, and a good ecological environment. In order to create a good working and living environment for the people and to realize the sustainable development of the Chinese nation, the Party will do its utmost to construct a conservationist and environmentally friendly society, which forms the spatial framework [similar to spatial planning] for industrial structures, production methods, and ways of living, that conserves resources and protects the environment." For the official Xinhua English translation of this paragraph, see "Full Text of Constitution of Communist Party of China," Xinhua, 18 November 12, General Program. Li Jing, "Pollution Targets Will Test New Leadership," South China Morning Post, 15 November 12. One Chinese expert noted that "promoting ecological harmony" was quite a vague concept that did not provide much guidance about how to balance economic growth and the environment.

[25] "Hu Jintao's Report at the 18th Party Congress of the Chinese Communist Party" [Hu jintao zai zhongguo gongchandang di shiba ci quanguo daibiao dahui shang de baogao], Xinhua, 17 November 12, item 8.4. Hu said, "[R]esource consumption, environmental damage and ecological efficiency shall be included in systems for evaluating economic and social development, in order to establish a system of targets, evaluation and rewards and punishments that reflects the requirements of an ecological civilization." Leslie Hook, "China: Green Revolution Becomes a Plank of Beijing Political Agenda," Financial Times, 25 November 12.

[26] "Li Keqiang: Study the Spirit of the 18th Party Congress, Advance Sustainable and Healthy Economic Development and Social Progress" [Li keqiang: xuexi dang de shibada jingshen cujin jingji chixu jiankang fazhan he shehui jinbu], People's Daily, 21 November 12, item 2(3). Li said that construction of an "ecological civilization" would be prominent and incorporated in economic, political, cultural, and social development. "Li Keqiang: Cannot Sacrifice the Environment Which Would in Return Bring an Increase in Citizen Dissatisfaction" [Li keqiang: buneng yi xisheng huanjing lai huanqu renmin bing bu manyi de zengzhang], Xinhua, 17 March 13. At the March meeting of the National People's Congress, Li Keqiang said that while advancing China's economy and developing, it is necessary to "let citizens breathe clean air, drink safe water, and be reassured of edible food." Andrew Jacobs, "In China, New Premier Says He Seeks a Just Society," New York Times, 17 March 13. According to this New York Times article, Li Keqiang encouraged the media and the public to hold him accountable if the government does not clean up water pollution and the food supply.

[27] Supreme People's Court and Supreme People's Procuratorate, "Supreme People's Court and Supreme People's Procuratorate Interpretation of Certain Issues Related to Laws Applicable in Criminal Cases of Environmental Pollution" [Zuigao renmin fayuan, zuigao renmin jianchayuan guanyu banli huanjing wuran xingshi anjian shiyong falu ruogan wenti de jieshi], 17 June 13.

[28] "China Releases Air Pollution Reduction Plan, Vows $PM_{2.5}$ Cut," Xinhua, 5 December 12; State Council, "State Council Response Letter Regarding the '12th Five-Year' Plan for Air Pollution Prevention and Control in Key Regions" [Guowuyuan guanyu zhongdian quyu daqi wuran fangzhi "shierwu" guihua de pifu], 27 September 12; Ministry of Environmental Protection, "'12th Five-Year' Plan for Air Pollution Prevention and Control in Key Regions" [Zhongdian quyu daqi wuran fangzhi "shierwu" guihua], issued October 2012. See also "China To Cap Pollutant Emissions in Six Industries," Xinhua, reprinted in Beijing Review, 7 March 13.

[29] State Council, "State Council Response Letter Regarding the '12th Five-Year' Plan for Air Pollution Prevention and Control in Key Regions" [Guowuyuan guanyu zhongdian quyu daqi wuran fangzhi "shierwu" guihua de pifu], 27 September 12; Ministry of Environmental Protection, "'12th Five-Year' Plan for Air Pollution Prevention and Control in Key Regions" [Zhongdian quyu daqi wuran fangzhi "shierwu" guihua], issued October 2012.

[30] Barbara Finamore et al., "Air Pollution Crisis Gives New Momentum to Environmental Regulation in China," Natural Resources Defense Council, Switchboard Blog (Barbara Finamore's blog), 22 February 13.

[31] "Law Amendment Urged To Combat Air Pollution," China Internet Information Center, reprinted in Ministry of Environmental Protection, 25 February 13; Li Xin et al., "A Period of Soliciting Opinions on Draft Revisions to the 'Air Pollution Prevention and Control Law' Is Over" ["Daqi wuran fangzhi fa" xiudinggao zhengqiu yijian jieduan yi jieshu], China National Radio, reprinted in Xinhua, 11 March 13. Forward momentum had appeared stalled after the MEP submitted a draft to the State Council in January 2010. The March China National Radio report indicated the revisions have not yet been sent to the NPC and noted that authorities had completed an internal comment period on the draft revisions of the law.

[32] "Ten Regulatory Policies To Prevent and Control Air Pollution Signed During Executive Meeting of State Council" [Guowuyuan changwu huiyi bushu daqi wuran fangzhi shi tiao cuoshi], The Central People's Government of the People's Republic of China, reprinted in Legal Daily, 14 June 13; State Council, Atmospheric Pollution Prevention and Control Action Plan [Daqi wuran fangzhi xingdong jihua], 10 September 13.

[33] Liu Xiaoxing, "Li Ganjie Emphasizes Proceeding Quickly With Soil Environmental Protection Legislative Work at First Meeting of the Soil Environmental Protection Law and Regulation Drafting Work Leading Small Group" [Li ganjie zai turang huanjing baohu fagui qicao gongzuo lingdao xiaozu diyici huiyishang qiangdiao jiakuai tuijin turang huanjing baohu lifa gongzuo], China Environment News, reprinted in Ministry of Environmental Protection, 16 November 12.

[34] State Council General Office, Circular Regarding Work Arrangements for Near-Term Soil Environmental Protection and Comprehensive Control and Management [Guowuyuan bangongting guanyu yinfa jinqi turang huanjing baohu he zonghe zhili gongzuo anpai de tongzhi], issued 23 January 13.

[35] Xie Qingyu, "Before the End of This Year Pearl River Delta Will Introduce Comprehensive Soil Pollution Control" [Zhusanjiao jinnian di qian shishi turang wuran zonghe zhili], Southern Daily, reprinted in Xinhua, 14 June 13; State Council General Office, Circular Regarding Work Arrangements for Near-Term Soil Environmental Protection and Comprehensive Control and Management [Guowuyuan bangongting guanyu yinfa jinqi turang huanjing baohu he zonghe zhili gongzuo anpai de tongzhi], issued 23 January 13. The circular stipulated that not less than 80 percent of the soil quality of arable land survey sites found in a new national survey should meet standards by 2015. It also stipulated that China should establish a national soil environmental protection system by 2020.

[36] National Development and Reform Commission, "China 2012 Annual Report on Policies and Actions To Address Climate Change" [Zhongguo yingdui qihou bianhua de zhengce yu xingdong 2012 niandu baogao], November 2012.

[37] Information Office of the State Council, "China's Energy Policy 2012," reprinted in Xinhua, 24 October 12.

[38] Globe International and Grantham Research Institute on Climate Change and the Environment, "The GLOBE Climate Legislation Study: China," 14 January 13. The report is an extract from the third edition of the study.

[39] National Development and Reform Commission, "Report on the Implementation of the 2012 Plan for National Economic and Social Development and on the 2013 Draft Plan for National Economic and Social Development," reprinted in Wall Street Journal, 5 March 13, 20.

[40] "China Issues First Greenhouse Gas Bulletin," Xinhua, reprinted in Beijing Review, 16 January 13; China Meteorological Administration, "China Meteorological Administration Issues First Period 'China Greenhouse Gas Bulletin'" [Zhongguo qixiangju fabu shouqi "zhongguo wenshi qiti gongbao"], Greenhouse Gas and Related Trace Components Research Professionals Team, 14 January 13.

[41] Office of the Spokesperson, U.S. Department of State, "Joint U.S.-China Statement on Climate Change," 13 April 13.

[42] Office of the Press Secretary, The White House, "United States and China Agree To Work Together on Phase Down of HFCs," 8 June 13. HFCs are a greenhouse gas utilized in air conditioners and refrigerators among other items.

[43] National People's Congress Standing Committee, "Environmental Protection Law Revisions (Draft) Articles" [Huanjing baohufa xiuzheng an (caoan) tiaowen], 31 August 12.

[44] National People's Congress, "Legal Drafts for Public Comment" [Falu caoan zhengqiu yijian], last visited on 17 June 13.

[45] Xie Qingyu, "'Environmental Protection Lawsuits' Still by the Wayside in Environmental Protection Law Revisions" [Huanbaofa zai xiugai "huanbao gongyi susong" rengran pangluo], Southern Daily, 28 September 12; Yan Shuang, "Experts Say Proposed Environmental Protection Laws Fail To Protect," Global Times, 27 September 12; China Democratic League, "Proposal Regarding Improving the Environmental Protection Law Revisions (Draft)" [Guanyu wanshan "huanjing baohufa xiuzheng an (caoan)" de ti'an], reprinted in People's Daily (Strong Nation Forum, E Governance Square BBS), 5 March 13.

[46] Ministry of Environmental Protection, "Regarding Letter Sent With Comments and Suggestions About Environmental Protection Law Revisions (Draft)" [Guanyu baosong dui "huanjing baohufa xiuzheng an (caoan)" yijian he jianyi de han], 29 October 12; China Democratic League, "Proposal Regarding Improving the Environmental Protection Law Revisions (Draft)" [Guanyu wanshan "huanjing baohufa xiuzheng an (caoan)" de ti'an], reprinted in People's Daily (Strong Nation Forum, E Governance Square BBS), 5 March 13; Friends of Nature, "'Environmental Protection Law' Revisions Still Lagging, Legislative Breakthroughs Difficult" ["Huanjing baohufa" xiuding reng zhihou lifa nan tupo], 21 September 12.

[47] Friends of Nature, "Comments on the 'Draft Revisions of the Environmental Protection Law, Second Reading Draft'" [Guanyu "huanjing baohufa xiuzheng an (caoan) erci shenyi gao" de yijian], 13 August 13; Li Jing, "Green Law Change Would Limit Lawsuits," South China Morning Post, 27 June 13.

[48] Friends of Nature, "Comments on the 'Draft Revisions of the Environmental Protection Law, Second Reading Draft'" [Guanyu "huanjing baohufa xiuzheng an (caoan) erci shenyi gao" de yijian], 13 August 13.

[49] Ministry of Supervision, "Investigation and Management of Discipline and Legal Violation Cases During 2012, Enforcement Supervision and Rectification of Misconduct Work" [2012 nian zhifa jiancha, jiufeng gongzuo zhong chaban weiji weifa anjian qingkuang], 9 January 13. Between January and November 2012, in the environmental protection sector, supervision authorities reportedly corrected 22,100 violations of laws and regulations and took Party and government disciplinary actions against 305 people. Zhou Shengxian, "Thoroughly Carry Out the 18th Party Congress Spirit, Vigorously Promote Ecological Civilization Construction Make Great Effort To Open a New Phase in Environmental Protection Work—Minister Zhou Shengxian's Speech at the 2013 National Environmental Protection Work Meeting" [Shenru guanche dang de shibada jingshen dali tuijin shengtai wenming jianshe nuli kaichuang huanbao gongzuo xin jumian—zhou shengxian buzhang zai 2013 nian quanguo huanjing baohu gongzuo huiyi shang de jianghua], Ministry of Environmental Protection, 24 January 13, sec. 2, item 4, para. 4. Minister Zhou noted that during inspections in 2012, environmental officials investigated and handled 8,779 instances of behavior that violated environmental laws and regulations nationwide; the Ministry of Environmental Protection supervised the handling of 1,770 of those cases. He also noted that during a "100-day" inspection campaign of 43,000 enterprises, authorities discovered 2,296 environmental risks.

[50] See, e.g., Chen Liping, "Strengthen Environmental Legislation and Improve Supervision and Management Mechanisms" [Qianghua huanjing fazhi wanshan jianguan jizhi], Legal Daily, 3 September 12; Luo Sha and An Bei, "Five Representatives From National People's Congress Organizations Answer Journalists' Questions About NPC Work" [Quanguo renda jiguan wuwei fuzeren jiu renda gongzuo da jizhe wen], Xinhua, reprinted in National People's Congress Net, 10 March 13; Ministry of Environmental Protection, "Ministry of Environmental Protection Bulletin Regarding National Environmental Impact Assessment Mechanism Enforcement Review" [Huanjing baohubu tongbao quanguo huanjing yingxiang pingjia jigou zhuanxiang zhifa jiancha qingkuang], 28 January 13; Chen Yuanyuan, "Need To Raise Speed and Quality for Open Information" [Xinxi gongkai xuyao tisu tizhi], China Environment Net, 3 April 13; Li Jing, "CCTV Exposé Shows Frustration of Agencies at Keeping Firms in Check," South China Morning Post, 28 September 12. The SCMP article reported sources as saying it would be hard to rein in the polluting behavior of state-owned firms because of their economic and political power. Brian Spegele and Wayne Ma, "China Clean-Air Bid Faces Resistance," Wall Street Journal, 22 January 13. A director of an environmental policy research group affiliated with the MEP reportedly noted that there is poor enforcement of standards relating to oil refineries. Niu Yongdou, "How To Handle the Problem of Grassroots Enforcement?" [Ruhe chuli jiceng zhifa nanti?], China Environmental News, 10 September 12.

[51] Li Jing, "Ex-Minister Blames China's Pollution Mess on Lack of Rule of Law," South China Morning Post, 21 January 13. Qu Geping, the former Minister of Environmental Protection criticized the overemphasis on economic growth when he told an international reporter that ". . . governments have done far from enough to rein in the wild pursuit of economic growth. . . ."

He linked unchecked economic development to the "rule of men" and not the "rule of law." Niu Yongdou, "How To Handle the Problem of Grassroots Enforcement?" [Ruhe chuli jiceng zhifa nanti?], China Environmental News, 10 September 12.

[52] Chen Liping, "Strengthen Environmental Legislation and Improve Supervision and Management Mechanisms" [Qianghua huanjing fazhi wanshan jianguan jizhi], Legal Daily, 3 September 12; Wu Wenchong and Jiang Xueqing, "Who Guards the Green Guards?" China Daily, 21 February 13. According to the China Daily, the MEP downgraded, cancelled the qualifications of, or admonished 88 environmental impact assessment organizations for a variety of reasons including poor quality of personnel and assessment reports, and for inaccurate data or falsifying data. Xi Jianrong, "34 Steel Projects in Four Areas of Hebei Did Not Undertake Any Environmental Procedures" [Hebei sidi 34 ge gangtie xiangmu wu renhe huanbao shouxu], Legal Daily, reprinted in China Transparency, 9 November 12. According to Legal Daily, a longstanding problem has been that projects are begun without first undertaking an environmental impact assessment. William Kazer and Kersten Zhang, "China's Environmental Protection Racket," Wall Street Journal, China Real Time Report (blog), 1 February 13.

[53] Li Jing, "Ex-Minister Blames China's Pollution Mess on Lack of Rule of Law," South China Morning Post, 21 January 13. Qu Geping, the former Minister of Environmental Protection, said that the strategy of coordinating growth with conservation was not implemented "because there was no supervision of government. It is because the power is still above the law."

[54] Alex Wang et al., "Airpocalypse Now: China's Tipping Point?" ChinaFile, 6 February 13; "Politics of Pollution: China's Oil Giants Take a Choke-Hold on Power," Reuters, reprinted in CNBC, 3 February 13; Li Jing, "CCTV Exposé Shows Frustration of Agencies at Keeping Firms in Check," South China Morning Post, 28 September 12.

[55] Chen Liping, "Strengthen Environmental Legislation and Improve Supervision and Management Mechanisms" [Qianghua huanjing fazhi wanshan jianguan jizhi], Legal Daily, 3 September 12; Li Jing, "CCTV Exposé Shows Frustration of Agencies at Keeping Firms in Check," South China Morning Post, 28 September 12; Alex Wang et al., "Airpocalypse Now: China's Tipping Point?" ChinaFile, 6 February 13. Alex Wang noted that "China has faced the same problems with cheating anytime hard targets are coupled with insufficient monitoring."

[56] PRC Civil Procedure Law [Zhonghua renmin gongheguo minshi susong fa], passed 9 April 91, amended 28 October 07, 31 August 12, effective 1 January 13, art. 55.

[57] Li Na, "Public Interest Litigation 'Breaks the Ice,' Takes the First Step To Enter the System" [Gongyi susong rufa maichu zhidu "pobing" diyibu], Legal Daily, 5 September 12. Previously, only the PRC Marine Environmental Protection Law had clarified the specific entities that are allowed to bring such suits, i.e., oceanic administrative departments. "Ministry of Environmental Protection: Four Major Problems With the Environmental Protection Law Amendment Draft" [Huanbaobu: huanbaofa xiuzheng'an caoan cunzai si da wenti], Legal Daily, 1 November 12.

[58] Xie Qingyu, "'Environmental Protection Lawsuits' Still by the Wayside in Environmental Protection Law Revisions" [Huanbaofa zai xiugai "huanbao gongyi susong" rengran pangluo], Southern Daily, 28 September 12. Between 2009 and June of 2012, the All-China Environment Federation (ACEF), which is supported by the government, brought in part or in whole at least six of these public interest cases. The ACEF won two of them, and three came to a mediated settlement. Ng Tze-wei, "Lack of Environmental Public Interest Litigation in No One's Best Interest," South China Morning Post, 9 November 12. Environmental courts are estimated only to have heard a total of around 17 public interest lawsuits.

[59] Li Jing, "Green Law Change Would Limit Lawsuits," South China Morning Post, 27 June 13; All-China Environment Federation, "Introduction," 30 August 12. The introduction states that the ACEF is supported by the government.

[60] Zhang Jing, "Nongovernmental Groups Explore Environmental Public Interest Litigation" [Huanjing gongyi susong de minjian tansuo], China Environment Net, reprinted in All-China Environment Federation, 27 December 12; "Chinese Fishermen File Lawsuit in US Court Against Conoco Philips Over 2011 Oil Spills," Associated Press, reprinted in Washington Post, 2 July 12. Just as with other types of lawsuits, courts may be reluctant to accept cases (see Role of Environmental Courts and Unreliable Legal Remedies in this section). For example, lawyers attempted to file cases in their own names to courts in three areas related to compensation claims from farmers affected by the ConocoPhilips/China National Offshore Oil Corp. 2011 Bohai oil spill, but none of them have been accepted.

[61] Xie Qingyu, "'Environmental Protection Lawsuits' Still by the Wayside in Environmental Protection Law Revisions" [Huanbaofa zai xiugai "huanbao gongyi susong" rengran pangluo], Southern Daily, 28 September 12. It can also be difficult to determine compensation, win court cases, and enforce court judgments. Ng Tze-wei, "Lack of Environmental Public Interest Litigation in No One's Best Interest," South China Morning Post, 9 November 12. The SCMP article pointed out that compensation rules are not clear in these suits.

[62] Wu Yunbo, "Where Are the Difficulties With Environmental Public Interest Lawsuits" [Huanjing gongyi susong nan zai hechu], Dazhong Daily, reprinted in China Development Brief, 10 October 12; Liu Xiaoqing, "Is the Road Smooth-Going for Non-Governmental Public Interest Litigation?" [Minjian gongyi susong tashang tantu?], China Environment News, 6 November 12.

[63] Hu Zhonghua, "The Limitations to China's Environmental Public Interest Litigation System" [Woguo huanjing gongyi susong zhidu de xiandu], Journal of Wuhan University of Technology (Social Science Edition), Vol. 24, No. 6, reprinted in China Environment and Resources Law Network, 26 November 12.

[64] Zhou Yiming and Huang Yuanwu, "Guizhou Qingzhen Procuratorate Supports Individual Citizen as Plaintiff in Filing Environmental Public Interest Suit" [Guizhou qingzhen jianchayuan zhichi gongmin geren wei yuangao tiqi huanjing gongyi susong], Justice Net, 27 September 12; Yan Zhijiang and Wan Jing, "First Case of Individual Citizen Bringing Public Interest Litigation, Claims Damages of Over One Million (Yuan)" [Gongmin geren tiqi huanjing gongyi susong shouan suopei sunshi guo baiwan], Legal Daily, 27 September 12. The tribunal

judge said the plaintiff's standing was based on his being a volunteer for the environmental protection group, Guiyang Public Environmental Education Center, and the fact that he had signed an agreement with the group to protect the watershed's environment. The defendant had already been found guilty of environmental and other crimes, and sentenced to two years and six months in prison and a fine.

[65] Qie Jianrong, "Chromium Slag Pollution Case for 10 Million in Damages Already Formally Accepted by Court" [Yin gezha wuran suopei qianwan an yi zhengshi li'an], Legal Daily, 20 October 11. The Court accepted the case in October 2011. Yang Huajun, "Difficulties With Environmental Public Interest Suits: Hard To Obtain Evidence, Assessment Costs High" [Huanjing gongyi susong zhi kun: quzheng nan pinggu feiyong gao], China Weekly, 11 April 12; Cao Yin and Guo Anfei, "Talks Begin in Landmark NGO Environment Case," China Daily, 24 May 12. For more information, see Friends of Nature, "Green Protests on the Rise in China," 14 August 12. In May, the environmental tribunal under the Qujing Intermediate People's Court presided over pretrial negotiations and the court reportedly had two meetings about the case.

[66] Lin Ping, "Mediation Fails in Yunnan Chromium Slag Public Interest Case, Defendant Unilaterally Backs Out" [Yunnan gezha gongyi susong an tiaojie shibai yin beigao danfangmian fanhui], Justice Net, 19 April 13; "China's 10 Major Influential Court Cases in 2012" [2012 nian zhongguo shida yingxiangxing susong], Southern Weekend, 10 January 13. According to the above articles, the defendant had agreed to accept full legal and financial liability, including stopping the infringement, reducing the risk, and restoring the environment. The defendant also agreed to third party supervision of the agreement's implementation.

[67] Lin Ping, "Mediation Fails in Yunnan Chromium Slag Public Interest Case, Defendant Unilaterally Backs Out" [Yunnan gezha gongyi susong an tiaojie shibai yin beigao danfangmian fanhui], Justice Net, 19 April 13.

[68] Li Yang, "Shanxi Aniline Pollution Incident: Cross-Provincial Liability Case Withdrawn" [Shanxi benan wuran shijian: kuasheng zhuize susongzhuang bei chehui], Bandao Municipal News, reprinted in Sina, 15 January 13.

[69] Rachel E. Stern, "Poor Rural Residents in China Seen As Easy Target for Environmental Lawsuits," Chinadialogue, 24 April 13. This article cites the findings of a research study showing that environmental cases in Guiyang in 2010 involved minor violations, often about damage to natural resources. In two other locations, Wuxi and Chongqing, government authorities used the courts' authority to enforce administrative decisions.

[70] Ibid.

[71] Chen Yuanyuan, "Need To Raise Speed and Quality for Open Information" [Xinxi gongkai xuyao tisu tizhi], China Environment Net, 3 April 13; Hu Zhonghua, "The Limitations to China's Environmental Public Interest Litigation System" [Woguo huanjing gongyi susong zhidu de xiandu], Journal of the Wuhan University of Technology (Social Science Edition), Vol. 24, No. 6, reprinted in China Environment and Resources Law Network, 26 November 12.

[72] Chen Yu, "Should Clearly Establish the Legal Status of Administrative Mediation," [Ying mingque xingzheng tiaojie falu diwei], China Environment Net, 24 January 13.

[73] "Chinese Anger Over Pollution Becomes Main Cause of Social Unrest," Bloomberg, 6 March 13. For a discussion of mass incidents in general, including environmental incidents, see Chen Rui et al., "2012 Mass Incident Research Report" [2012 nian chuntixing shijian yanjiu baogao], Legal Net, 27 December 12. The information presented is a summary of a longer report and the report's methodology and other important information are not provided. Environmental incidents reportedly comprised a relatively small percentage of the incidents examined (8.9 percent).

[74] Wang Shu, "Public Interest Litigation Not Included in Environmental Protection Law Because of Differing Opinions Among Departments" [Gongyi susong yin bumen yijian bu tongyi weiru huanbaofa], Beijing News, 31 August 12.

[75] "Reported PRC Civil Disturbances in 2012," Open Source Center, 7 May 13, 12–13.

[76] "Jiangmen Citizens March To Make the Government Cancel Nuclear Power Plant Plan" [Jiangmen minzhong youxing poshi zhengfu quxiao he gongchang jihua], Voice of America, 13 July 13; "People Questioned Again in Investigation of Ningbo Demonstrations" [Zhuicha ningbo PX shiwei zai you ren bei chuanhuan], Radio Free Asia, 12 November 12; Wang Zhenghua, "Shanghai Battery Factory Cancelled," China Daily, 16 May 13.

[77] "Officials Give Environmentalist Liu Futang a Suspended Three-Year Sentence for Exposés," Congressional-Executive Commission on China, 14 December 12; Liu Jianqiang, "Environmentalist Liu Futang Found Guilty of 'Illegal Business Activities,'" Chinadialogue, 5 December 12; Liu Hongqiao, "'Crusader for Ecology' Liu Futang's 20-Year Environmental Protection Journey" ["Shengtai doushi" liu futang de 20 nian huanbao lu], Liu Hongqiao blog (Caixin), 11 October 12; Hai Pengfei, "Accused Chinese Environmentalist Liu Futang 'Tired and Unhappy,'" Southern People Weekly, reprinted in Chinadialogue, 31 October 12; "Environmentalist Liu Futang Investigated for Suspicion of Operating an Illegal Business 26 Environmental Groups Urge His Release" [Huanbao renshi liu futang shexian feifa jingying zui shoushen 26 jia huanbao zuzhi huyu shifang], Southern Weekend, 16 October 12.

[78] All-China Environment Federation, "Introduction," 30 August 12. The introduction states that the ACEF is supported by the government.

[79] Huang Xinghua, "Reporter from China Central TV Beaten While Interviewing in Pingjiang County, Hunan, Officials Apologize Face to Face" [Yangshi jizhe zai hunan pingjiang xian caifang beida guanyuan dangmian daoqian], Xinhua, reprinted in Southern Net, 10 January 13; All China Environment Federation, "Introduction," 30 August 12.

[80] Huang Xinghua, "Reporter from China Central TV Beaten While Interviewing in Pingjiang County, Hunan, Officials Apologize Face to Face" [Yangshi jizhe zai hunan pingjiang xian caifang beida guanyuan dangmian daoqian], Xinhua, reprinted in Southern Net, 10 January 13.

[81] Ibid.

[82] "Zhejiang Environmentalist Beaten After River Dare," Radio Free Asia, 26 February 13.

[83] Ibid.

[84] Sui-Lee Wee and Adam Jourdan, "In China, Public Anger Over Secrecy on Environment," Reuters, 10 March 13.

[85] Xia Haijun, "Pollution Kills Nearly 2,000 Kilograms of an Anhui Farmer's Fish, Demands for an Explanation Declared To Be Extortion" [Anhui yi nongmin yangyu shou wuran jin siqian jin yu siguang tao shuofa bei dingzui qiaozha], Hefei Evening News, reprinted in China Aquatic Breeders Net, 13 June 13; Chinese Human Rights Defenders, "After Anhui Zhang Bing's Environmental Rights Defense Indictment Was Withdrawn, Ten Months Without Fair Result" [Anhui zhang bing huanjing weiquan bei chehui gongsu hou, shige yue wu gongzheng jieguo], 10 May 13.

[86] Ibid.

[87] Chinese Human Rights Defenders, "Anhui Lujiang Victim of Environmental Pollution Zhang Bing's Complaint Illegally Evaded by Anhui Lujiang Procuratorate" [Anhui lujiang huanjing wuran shouhai ren zhang bing jubao lujiang jianchayuan weifa bei tuiwei], 25 July 13; Xia Haijun, "Pollution Kills Nearly 2,000 Kilograms of an Anhui Farmer's Fish, Demands for an Explanation Declared To Be Extortion" [Anhui yi nongmin yangyu shou wuran jin siqian jin yu siguang tao shuofa bei dingzui qiaozha], Hefei Evening News, reprinted in China Aquatic Breeders Net, 13 June 13; Chinese Human Rights Defenders, "After Anhui Zhang Bing's Environmental Rights Defense Indictment Was Withdrawn, Ten Months Without Fair Result" [Anhui zhang bing huanjing weiquan bei chehui gongsu hou, shige yue wu gongzheng jieguo], 10 May 13.

[88] "People Questioned Again in Investigation of Ningbo PX Demonstration" [Zhuicha ningbo PX shiwei zai youren bei chuanhuan], Radio Free Asia, 12 November 12.

[89] Amy Li, "Unable To Walk the Walk, Chengdu Residents Talk the Talk," South China Morning Post, 4 May 13. According to the SCMP article, authorities posted flyers warning people not to spread rumors about the Pengzhou project, offered printing shops rewards for information about individuals printing flyers, and opened some schools on a Saturday to keep students out of trouble. In addition, state-owned enterprises told employees to stay off the streets. Louisa Lim, "To Silence Discontent, Chinese Officials Alter Workweek," National Public Radio, 4 May 13. According to the NPR article, authorities kept government employees busy with meetings on a Saturday and threatened them with dismissal if they participated in a protest. The report indicated that authorities also sent out letters to households asking everyone not to believe rumors or participate "in order to prevent people with other motives from seizing this opportunity to create turmoil."

[90] Louisa Lim, "To Silence Discontent, Chinese Officials Alter Workweek," National Public Radio, 4 May 13. According to the NPR article, authorities mobilized at least five types of security forces. Amy Li, "Unable To Walk the Walk, Chengdu Residents Talk the Talk," South China Morning Post, 4 May 13; "Yesterday Chengdu Police Practice Safeguarding Transportation and Guarding and Controlling Public Security in a Live Drill To 'Support Earthquake Disaster Relief and Create a Safe and Sound Chengdu'" [Chengdu jingfang yanlian jiaotong baozhang he zhi'an fangkong "zhiyuan kangzhen jiuzai chuangjian ping'an chengdu" shizhan yanlian zuori juxing], Chengdu Daily, 5 May 13.

[91] Amy Li, "Unable To Walk the Walk, Chengdu Residents Talk the Talk," South China Morning Post, 4 May 13. According to the SCMP article, some citizens criticized officials' claims that they were holding a live exercise in support of earthquake rescue efforts. For information on the notice, see "Yesterday Chengdu Police Practice Safeguarding Transportation and Guarding and Controlling Public Order in a Live Drill To 'Support Earthquake Disaster Relief and Create a Safe and Sound Chengdu'" [Chengdu jingfang yanlian jiaotong baozhang he zhi'an fangkong "zhiyuan kangzhen jiuzai chuangjian pingan chengdu" shizhan yanlian zuori juxing], Chengdu Daily, 5 May 13.

[92] "Chengdu Exhausts Police Power To Block Urban Residents From Massing a 'PX' Protest Demonstration" [Chengdu jinchu jingli zu shimin fan "PX" da youxing], Radio Free Asia, 6 May 13; "Chengdu Activists Held Ahead of Chemical Plant Protest," Radio Free Asia, 3 May 13; China Digital Times, "Sensitive Words: Protests, Arrests, and More," 29 April 13.

[93] Amy Li, "'I am Scared': Chinese Creator of White House Petition Seeks Help After Police Visit," South China Morning Post, 14 May 13.

[94] Southern Mongolia Human Rights Information Center, "Herders' Protests Put Down, Internet Posts Removed," 6 March 13; "Herders Blocked from Protest Marches to Beijing," Radio Free Asia, 7 March 13; "Herders Protest Loss of Land," Radio Free Asia, 9 October 12; Southern Mongolia Human Rights Information Center, "Mongolian Herders Protest China's Illegal Occupation of Their Land and Defamation of Their Ancestors," 8 October 12.

[95] Southern Mongolia Human Rights Information Center, "Herders' Protests Put Down, Internet Posts Removed," 6 March 13.

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[101] "Authorities Issue Circular To Promote Environmental Information Disclosure," Congressional-Executive Commission on China, 4 February 13.

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[128] Ministry of Environmental Protection, "Thoroughly Carry Out the 18th Party Congress Spirit, Vigorously Promote Ecological Civilization Construction, and Make Great Effort to Open a New Phase in Environmental Protection Work—Minister Zhou Shengxian's Speech at the 2013 National Environmental Protection Work Meeting" [Shenru guanche dang de shiba da jingshen dali tuijin shengtai wenming jianshe nuli kaichuang huanbao gongzuo xin jumian—zhou shengxian buzhang zai 2013 nian quanguo huanjing baohu gongzuo huiyi shang de jianghua], 24 January 13, section 2, item 3.3.

[129] Ministry of Environmental Protection, "National Environmental Protection '12th Five-Year' Plan Key Work Intra-Ministry Work Distribution Plan" [Guojia huanjing baohu "shierwu" guihua zhongdian gongzuo bunei fengong fang'an], issued 29 November 12, item 10. It also mentioned implementing environmental education plans, promoting green lifestyles, and advocating for green production.

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Notes to Section III—Civil Society

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[2] Fu Tao, Guo Ting, and Liu Haiying, "An Analysis of the Diverse Forms of Public Advocacy in China," China Development Brief, March 2013.

[3] Shawn Shieh and Amanda Brown-Inz, "Mapping China's Public Interest NGOs," China Development Brief, January 2013, 13.

[4] Chao Guo et al., "Civil Society, Chinese Style: The Rise of the Nonprofit Sector in Post-Mao China," Nonprofit Quarterly, 25 October 12. Guo et al. note that millions of unregistered local groups "engage in singing, dancing, exercising, martial arts, and other similar leisure activities."

[5] Wang Ming, "Moving Toward Civil Society" [Zouxiang gongmin shehui], Jilin University Journal of Social Sciences, Vol. 4, reprinted in China On-line Official Gateway, 2009.

[6] Wang Su, "Rural Cooperatives Exceed 600,000: Scholars Point to Non-Standardized Development" [Nongmin hezuo she chao 60 wan jia xuezhe zhi duoshu fazhan bu guifan], Caixin, 16 January 13. Caixin reported in June 2013 that organic farming groups have begun to form. See Wang Su, "New Model of Organic Farming Sprouts Up in Suburbs of Big Cities," Caixin, 20 June 13.

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[8] According to statistics cited in the Chinese Academy of Social Sciences Blue Book on Developments in Philanthropy, government-registered social organizations increased by 6.5-percent in 2012 from 2011. In 2012, there were 268,000 registered social associations, a 5-percent increase over 2011; 221,000 registered non-governmental, nonprofit organizations, an 8.3-percent increase over 2011; and 2,961 registered foundations, a 13.3-percent increase over 2011. See Chang Hong, "China Has a Total of 490,000 Social Organizations, Internet-Based Public Interest Turning Into Micro-Blogging Public Interest Movement" [Zhongguo gong you 49 wan shehui zuzhi wangluo gongyi xiang wei gongyi shehui yundong zhuanhua], People's Net, 31 May 13.

[9] Chang Hong, "China Has A Total of 490,000 Social Organizations, Internet-Based Public Interest Turning Into Micro-Blogging Public Interest Movement" [Zhongguo gong you 49 wan shehui zuzhi wangluo gongyi xiang wei gongyi shehui yundong zhuanhua], People's Net, 31 May 13; The International Center for Not-for-Profit Law, "NGO Law Monitor: China," last visited 2 July 13; Fengshi Wu and Kin-man Chan, "Graduated Control and Beyond: The Evolving Government-NGO Relations," China Perspectives, No. 3, 2012, 10.

[10] Wang Yiyin and Gong Liang, "After Social Organizations Have Been 'Loosened,' Then What?" [Shehui zuzhi "songbang" hou zenme ban], Guangming Daily, 5 September 2012; He Dan, "New Rules for NGOs To Improve Operations," China Daily, 17 April 13. According to the China Daily article, the director of the MCA Bureau of Administration of NGOs stated, "at least 1 million NGOs either operate without legal identities or have to register as companies under the current registration policy."

[11] Fu Tao, Guo Ting, and Liu Haiying, "An Analysis of the Diverse Forms of Public Advocacy in China," China Development Brief, March 2013.

[12] Wang Hairong, "Springtime for NGOs," Beijing Review, 8 April 13. A scholar from a government think tank, Yu Keping, estimates approximately three million "unrecognized" groups. Another group of scholars estimates ten million based on a presentation given by Wang Zhenyao, Dean of the China Philanthropy Institute at Beijing Normal University. See Chao Guo et al., "Civil Society, Chinese Style: The Rise of the Nonprofit Sector in Post-Mao China," Nonprofit Quarterly, 25 October 12.

[13] Wan Jing, "Six Lawyers Demand an Examination of the Legality of Civil Servant Physical Examination Standards" [Liu lushi yaoqiu shencha gongwuyuan tijian biaozhun hefaxing wenti], Legal Daily, 30 November 12; Liu Jin, "Sending OGI Requests to 31 Provincial Education Bureaus About Information on Education for Disabled Children" [Zhixin 31 sheng jiaoyuting yaoqiu gongkai canji ertong jiaoyu xinxi], Southern Daily, 1 February 13.

[14] Chris Buckley, "China Takes Aim at Western Ideas," New York Times, 19 August 13; "Mingjing News Magazine: Exclusive Entire Text of Disseminated Chinese Communist Document No. 9" [Mingjing yuekan: dujia quanwen kanfa zhonggong 9 hao wenjian], Mingjing News, 19 August 13; "Ming Jing: Notification Regarding 'Circular on Current State of Ideology' Printed and Distributed by General Office of CPC Central Committee," 1 September 13 (translated in Open Source Center, 23 August 13).

[15] "Full Text of Hu Jintao's Report at the 18th Party Congress" [Hu jintao zai zhongguo gongchandang di shiba ci quanguo daibiao dahui shang de baogao], Xinhua, 17 November 12, section 7. The Outline of the Twelfth Five-Year Plan for National Economic and Social Development, issued in 2011, also contains the phrase "lead in the healthy and orderly development of social organizations." See PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shierge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chapter 39.

[16] "Full Text of Hu Jintao's Report at the 18th Party Congress" [Hu jintao zai zhongguo gongchandang di shiba ci quanguo daibiao dahui shang de baogao], Xinhua, 17 November 12, Section 7; Fengshi Wu and Kin-man Chan, "Graduated Control and Beyond: The Evolving Government-NGO Relations," China Perspectives, No. 3, 2012, 15. Wu and Chan note that the phrase "Party leadership, government responsibility, society's cooperation, and public participation" were used in Hu Jintao's central policy speech on "social management innovation" in February 2011. See also CECC, 2012 Annual Report, 10 October 12, 126.

[17] Kang Xiaoqiang, "Core Direction for the System of Modern Social Organizations" [Xiandai shehui zuzhi tizhi de hexin quxiang], Study Times, 15 April 13; "Full Text of Hu Jintao's Report at the 18th Party Congress" [Hu jintao zai zhongguo gongchandang di shiba ci quanguo daibiao dahui shang de baogao], Xinhua, 17 November 12.

[18] Fengshi Wu and Kin-man Chan, "Graduated Control and Beyond: The Evolving Government-NGO Relations," China Perspectives, No. 3, 2012, 11–13.

[19] Patricia Thornton, "The Advance of the Party: Transformation or Takeover of Urban Grassroots Society?" China Quarterly, No. 213, March 2013, 15; Qiao Li, "Party Building for Comprehensive Coverage of Social Organizations" [Shehui zuzhi dangjian quan fugai], Liberation Daily, reprinted in Renmin Net, 25 October 12.

[20] Patricia Thornton, "The Advance of the Party: Transformation or Takeover of Urban Grassroots Society?" China Quarterly, No. 213, March 2013, 3. See also China Development Brief description of the "Social Affairs Committee" as a creation of the Communist Party and functioning to build Party representation, capacity, and stability in "social organizations," in "Meet Your Local Social Affairs Committee," China Development Brief, Policy Brief No. 9, 23 October 12.

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[23] "Will China Loosen Up Social Management? Different NGOs Have Contrasting Views" [Zhongguo shehui guanli hui fangsong? butong NGO kanfa buyi], Radio Free Asia, 13 November 12.

[24] "China Hauls Away Petitioners in Congress Crackdown," Associated Press, 6 November 12; "Xu Zhiyong: On the New Citizens' Movement," reprinted in China Digital Times, 13 May 13.

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[29] Zheng Dao, "Chinese Public Interest Organization Wins 'Stability Maintenance' Legal Suit" [Zhongguo gongyi jigou yingde "weiwen" guansi], Caixin, 25 March 13. See also "Anti-Discrimination NGO Wins Lawsuit Against Hotel in 'Stability Maintenance' Case," Congressional-Executive Commission on China, 3 May 13.

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[33] State Council General Office, Circular Regarding the Division of Labor in Implementation of the "State Council Institutional Reform and Functional Transformation Plan" [Guowuyuan bangongting guanyu shishi "guowuyuan jigou gaige he zhineng zhuanbian fang'an" renwu fengong de tongzhi], 28 March 13.

[34] Fengshi Wu and Kin-Man Chan, "Graduated Control and Beyond: The Evolving Government-NGO Relations," China Perspectives, No. 3, 2012, 10. According to Wu and Chan, ever since the Regulation on the Registration and Management of Social Organizations was amended

in 1998, "[t]here have been high expectations of a new round of revisions . . . but none has appeared to date."

[35] Regulations on the Registration and Management of Social Associations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98; Temporary Regulations on the Registration and Management of Non-Governmental, Nonprofit Organizations [Minban fei qiye danwei dengji guanli zanxing tiaoli], issued and effective 25 October 98; Regulations on the Management of Foundations [Jijinhui guanli tiaoli], issued 8 March 04, effective 1 June 04.

[36] Lan Fang, "New Regulations for Management of Social Organizations Will Be Released Within the Year" [Shetuan guanli xingui jiang zai niannei chutai], Caixin, 29 March 13.

[37] Chen Qiao, "MCA Official: Social Organizations' Direct Registration Will Become Law at the End of the Year" [Minzhengbu guanyuan: shehui zuzhi zhijie dengji niandi youfa keyi], Jinghua Times, 3 June 13. Chen quotes MCA official Wang Jianjun who noted "hub"-like social organizations and other "intermediary" organizations might become responsible for registration of some organizations.

[38] Ibid.

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[40] Ibid. Yunnan province is not alone in prohibiting officials from jointly holding responsible positions in the non-state sector. See, e.g., Cheng Zhanpeng, "Anhui: Government Officials Cannot Jointly Hold Positions at Associations, Social Groups, Etc." [Anhui: zhengfu gongwu renyuan bude zai xiehui deng shehui tuanti jianzhi], China News Service, 18 May 13.

[41] Chao Guo et al., "Civil Society, Chinese Style: The Rise of the Nonprofit Sector in Post-Mao China," Nonprofit Quarterly, 25 October 12.

[42] "Third Plenary Meeting of the First Session of the 12th National People's Congress: Full Text Record" [Shierjie quanguo renda yici huiyi disan quanti huiyi wenzi shilu], Xinhua, 10 March 13.

[43] Ibid.

[44] Regulations on the Registration and Management of Social Associations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, art. 13(2).

[45] "Third Plenary Meeting of the First Session of the 12th National People's Congress: Full Text Record" [Shierjie quanguo renda yici huiyi disan quanti huiyi wenzi shilu], Xinhua, 10 March 13.

[46] Raymond Li, "Rights Groups Miss Out on Easing of Registration Rules for NGOs," South China Morning Post, 12 March 13.

[47] Zheng Jinran and Xu Jingxi, "Govt Plans To Give All NGOs Equal Treatment," China Daily, 8 May 12.

[48] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22. China has signed, and stated its intent to ratify the ICCPR.

[49] "19 Provinces in China Already Implementing Direct Registration of Social Organizations" [Woguo 19 ge shengfen yi kaizhan huo shixing shehui zuzhi zhijie dengji], Beijing Times, reprinted in Ministry of Civil Affairs NPO Management Bureau, 16 February 13.

[50] Tang Yue and He Dan, "'Spring' in the Air for NGOs?" China Daily, 17 April 13.

[51] Li Qiang, "Social Organizations in the Province Increased by 15% Last Year" [Quansheng shehui zuzhi qunian zengzhang 15%], Southern Daily, 29 May 13.

[52] Zhao Xinxing, "Survey Shows: Newly Registered Public Interest Organizations Face Taxes, Increased Expenses, and Other Problems" [Diaocha xianshi: xin zhuce gongyi zuzhi mianlin shuifei kaizhi da deng wenti], Southern Daily, 9 October 12. To gather the information, Zhongshan University's (Sun Yatsen University) Center on Philanthropy conducted the survey of approximately 10 public interest organizations. See Li Yulin, "Tax Pressures on Grassroots NGOs as High as the Mountains: Tax Exemption Application Eligibility Is Difficult" [Caogen NGO shuifu yali shanda: mianshui zige shenqing nan], Southern Metropolitan Daily, reprinted in China Development Brief, 28 January 13. According to Southern Metropolitan Daily, one of the administrative hurdles for non-governmental, nonprofit organizations is obtaining tax-exempt status.

[53] Zhao Xinxing, "Survey Shows: Newly Registered Public Interest Organizations Face Taxes, Increased Expenses, and Other Problems" [Diaocha xianshi: xin zhuce gongyi zuzhi mianlin shuifei kaizhi da deng wenti], Southern Daily, 9 October 12; Li Yulin, "Tax Pressures on Grassroots NGOs as High as the Mountains: Tax Exemption Application Eligibility Is Difficult" [Caogen NGO shuifu yali shanda: mianshui zige shenqing nan], Southern Metropolitan Daily, reprinted in China Development Brief, 28 January 13.

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[58] "Li Keqiang's Speech at the Teleconference To Mobilize the Transformation of the State Council's Organizational Functions" [Li keqiang: zai guowuyuan jigou zhineng zhuanbian dongyuan dianshi dianhua huiyi shang de jianghua], Xinhua, 15 May 13.

[59] Shawn Shieh and Amanda Brown-Inz, "Mapping China's Public Interest NGOs," China Development Brief, 14 January 13, 20.

[60] See, e.g., Huang Farong, "Policy Suggestions To Further Improve Mechanisms by Which the Shanghai Government Procures Public Services From Social Organizations" [Guanyu jinyibu wanshan benshi zhengfu xiang shehui zuzhi goumai gonggong fuwu jizhi de jianyi], Shanghai Municipal People's Political Consultative Conference, 13 May 13; Fang Xiangwen and Xie Yanmei, "An Enlightening Record of Guangdong's Social Organization Reform" [Guangdong shehui zuzhi gaige qishi lu], China Social Organizations, Vol. 1, 2013, reprinted in Ministry of Civil Affairs China NPO Management Bureau, 30 March 13.

[61] Wang Ming, "Suggestions on the Establishment of a Comprehensive System for Government Procurement of Public Services From Social Organizations" [Guanyu jianli jianquan zhengfu xiang shehui zuzhi goumai gonggong fuwu tizhi de jianyi], Social Welfare and Charitable Matters Promotion, reprinted in Ministry of Civil Affairs, 26 March 13; "People's Daily Suggestion: Standardize Government Procurement of Public Services" [Renmin ribao jianyan: guifan zhengfu goumai gonggong fuwu], People's Daily, 20 March 13.

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[64] Zhang Tianjiao et al., "Zhang Shuqin: Public Interest Needs Greater Understanding" [Zhang shuqin: minjian gongyi xuyao gengduo lijie], Xinhua, 19 February 13.

[65] Mai Fengzhuang and Li Feng, "Government Procurement of Services: This Close, That Far" [Zhengfu goumai fuwu: zheme jin, name yuan], Foshan Daily, 17 September 12.

[66] Fengshi Wu and Kin-Man Chan, "Graduated Control and Beyond: The Evolving Government-NGO Relations," China Perspectives, No. 3, 2012, 17.

[67] Zhao Yanhong, "CASS Law Blue Book: China's Charity System Has Legal Gaps" [Shekeyuan fazhi lanpishu: woguo cishan zhidu tixi cunzai henduo falu kongbai], People's Daily, reprinted in China Daily, 25 February 2013.

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[73] Wang Wei et al., "Five Questions About Charity (Question 3): Who Watches Over Our Donations?" [Cishan wuwen zhi sanwen: shui lai jiandu women de juankuan?], Xinhua, 31 July 13.

[74] Edward Wong, "After Quake, Donors Shun Aid Groups Run by China," New York Times, 22 April 13.

[75] Amanda Brown-Inz, "View From the Media: The Mysterious Decimal Point," China Development Brief, 17 April 13. The article features a story on alleged financial malfeasance at China Children's Charity.

[76] Ma Xueling and Ding Dong, "CASS: Reconstruction of Red Cross's Public Credibility Is More Difficult Than Expected" [Shekeyuan baogao: honghui shehui gongxinli zhongjian zhi jiannan yuanchao yuqi], China News Service, 31 May 13; "Survey: 60 Percent of Interviewees Believe in Non-Governmental Charitable Organizations" [Diaocha: liucheng shoufangzhe xinren minjian cishan jigou], China Youth International, 5 May 13.

[77] Zheng Mingda, "Establishing a Charity Law: Releasing the Strength of Charity" [Cishan lifa: shifang gengduo de cishan nengliang], Fortnightly Review, 20 February 13.

[78] "Report Says That Donations to Red Cross Shrank by Almost 30 Percent This Year, Public Really Wants Transparency" [Baogao cheng honghui juanzengliang jiangjin sancheng, gongzhong zuipan gongkai touming], Mirror, 31 May 13.

[79] Karla Simon, "Trends in Chinese Transparency and Philanthropy," Alliance, 6 February 13.

[80] Colleen Lee and Ng Kang-chung, "Legco Approves HK$100m Sichuan Quake Donation," South China Morning Post, 4 May 13.

[81] "The Ya'an Earthquake: Mainland, Taiwan, Hong Kong and Macau 'Refuse To Donate'" [Ya'an dizhen, liang'an sandi qi "kangjuan"], Radio Free Asia, 2 May 13.

[82] "Survey: 60 Percent of Interviewees Believe in Non-Governmental Charitable Organizations" [Diaocha: liucheng shoufangzhe xinren minjian cishan jigou], China National Radio, reprinted in China Youth International, 5 May 13.

[83] Chang Meng, "A Red Cross To Bear," Global Times, 26 April 13. Although the Global Times notes that donations to the Red Cross eventually did outstrip those to private foundations, the Wall Street Journal China Real Time Report reported that "In the first day after a magnitude 7.0 earthquake hit the county of Lushan in Sichuan, the Red Cross received roughly 140,000 yuan ($22,700) in donations, compared to 10 million taken in by martial arts star Jet Li's One

Foundation." See William Kazer, "China's Red Cross Tries To Rebuild After Self-Inflicted Disaster," Wall Street Journal, China Real Time Report (blog), 30 April 13.

[84] Yang Jingjie, "Global Fund Phases Out China Projects Due To Finance Shortfalls," Global Times, 1 February 12; China Global Fund Watch Newsletter, Issue No. 18, January 2012. According to The Global Fund to Fight AIDS, Tuberculosis and Malaria China portfolio information, The Global Fund has disbursed US$763,385,847 to China. See The Global Fund to Fight AIDS, Tuberculosis and Malaria, "Investing in: China," last visited 26 June 13.

[85] Zhang Tao, "A New Paradigm of AIDS Governance," China Xiehe Medical University Publishing House, May 2012, 71–74; UNAIDS China Office, David Shallcross and Nana Taona Kuo, "Summary of 'The Expectations and Realities of NGO Registration: A Study of HIV/AIDS Groups in Sichuan and Yunnan,'" China Development Brief, 12 December 12.

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[87] Hui Hongtao, "We Are the Bridge!—A Successful Advocacy Case of Promoting Communication Between the HIV-Affected Community and the Center for Disease Control (CDC) in Heilongjiang Province," Asia Catalyst, 10 May 13.

[88] Food and Drug Safety, Public Health, and the Environment in China, Hearing of the Congressional-Executive Commission on China, 22 May 13, Testimony of Yanzhong Huang, Senior Fellow for Global Health, Council on Foreign Relations and Associate Professor and Director of the Center for Global Health Studies, Seton Hall University.

[89] Lan Fang, "Gov'ts, NGOs Increasingly Cooperating To Solve Social Problems," Caixin, 7 November 12; Du Yongtao et al., "Li Keqiang Meets With People Living With AIDS, Says He Wants To Hear Opinions From Grassroots Organizations" [Li keqiang huijian aizibing huanzhe cheng yao ting caogen zuzhi yijian], China News Service, reprinted in Sina, 28 November 12.

[90] Li Yang, "Fighting a Dreaded Disease," China Daily, 1 December 12; Du Yongtao et al., "Li Keqiang Meets With People Living With AIDS, Says He Wants To Hear Opinions From Grassroots Organizations" [Li keqiang huijian aizibing huanzhe cheng yao ting caogen zuzhi yijian], China News Service, reprinted in Sina, 28 November 12.

[91] Du Yongtao et al., "Li Keqiang Meets with People Living with AIDS, Says He Wants To Hear Opinions From Grassroots Organizations" [Li keqiang huijian aizibing huanzhe cheng yao ting caogen zuzhi yijian], China News Service, reprinted in Sina, 28 November 12.

[92] Office of the Inspector General, "Diagnostic Review of Global Fund Grants to the People's Republic of China," The Global Fund to Fight AIDS, Tuberculosis and Malaria, 23 October 12, 19, para. 68.

Notes to Section III—Institutions of Democratic Governance

[1] John Dotson, "The China Rising Leaders Project, Part 2: Outcomes of the Chinese Communist Party's 18th National Congress," U.S.-China Economic and Security Review Commission, 21 December 12, 4.

[2] Alice Miller, "The New Party Politburo Leadership," China Leadership Monitor, Hoover Institute, Stanford University, No. 40 (Winter 2013), 14 January 13, 2–5. This article contains additional information about the collective characteristics of the new Party Central Committee. Besides Xi, other people selected for the top leadership positions in the powerful seven-member Party Central Committee Political Bureau Standing Committee include Li Keqiang, Zhang Dejiang, Yu Zhengsheng, Liu Yunshan, Wang Qishan, and Zhang Gaoli. For information on these leaders' possible views toward economic reform, see Barry Naughton, "Signaling Change: New Leaders Begin the Search for Economic Reform," China Leadership Monitor, Hoover Institute, Stanford University, No. 40 (Winter 2013), 14 January 13.

[3] John Dotson, "The China Rising Leaders Project, Part 2: Outcomes of the Chinese Communist Party's 18th National Congress," U.S.-China Economic and Security Review Commission, 21 December 12, 5; Benjamin Kang Lim, "Exclusive: China's Backroom Powerbrokers Block Reform Candidates—Sources," Reuters, 20 November 12. For more information on the new cohort of leaders, see Alice Miller, "The New Party Politburo Leadership," China Leadership Monitor, Hoover Institute, Stanford University, No. 40 (Winter 2013), 14 January 13, 1.

[4] John Dotson, "The China Rising Leaders Project, Part 2: Outcomes of the Chinese Communist Party's 18th National Congress," U.S.-China Economic and Security Review Commission, 21 December 12, 12.

[5] Ibid., 5; Alice Miller, "The New Party Politburo Leadership" China Leadership Monitor, Hoover Institute, Stanford University, No. 40 (Winter 2013), 14 January 13, 11–12. For information about the downfall of Bo Xilai and his wife, Gu Kailai, see CECC, 2012 Annual Report, 10 October 12, 131.

[6] John Dotson, "The China Rising Leaders Project, Part 2: Outcomes of the Chinese Communist Party's 18th National Congress," U.S.-China Economic and Security Review Commission, 21 December 12, 5. For information about the downfall of Bo Xilai and his wife, Gu Kailai, see CECC, 2012 Annual Report, 10 October 12, 131.

[7] Alice Miller, "The New Party Politburo Leadership," China Leadership Monitor, Hoover Institute, Stanford University, No. 40 (Winter 2013), 14 January 13, 1–2, 10.

[8] "A New Strategic Roadmap for Sino-American Relations," Carnegie Endowment for International Peace, 2 April 13.

[9] Chris Buckley, "China's New President Nods to Public Concerns, But Defends Power at Top," New York Times, 14 March 13; Russell Leigh Moses, "Xi Set To Slow Down on Reform? Signs Point Other Way," Wall Street Journal, China Real Time Report (blog), 18 March 13; "A New Strategic Roadmap for Sino-American Relations," Carnegie Endowment for International Peace, 2 April 13.

[10] Joseph Fewsmith, "The 18th Party Congress: Testing the Limits of Institutionalization," China Leadership Monitor, Hoover Institute, Stanford University, No. 40 (Winter 2013), 14 January 13, 1–3; John Dotson, "The China Rising Leaders Project, Part 2: Outcomes of the Chinese Communist Party's 18th National Congress," U.S.-China Economic and Security Review Commission, 21 December 12, 18–19.

[11] "Full Text of Resolution on Amendment to CPC Constitution," Xinhua, 14 November 12. The new language quoted in the text is infused throughout the Articles of the Constitution. In addition, revisions enshrined the system of "socialism with Chinese characteristics" as China's path and included the promotion of "ecological civilization" as a long-term task that is to be incorporated into all aspects and processes of advancing economic, political, cultural, and social progress. For more information, see Section II—the Environment.

[12] Chinese Communist Party Constitution, adopted 6 September 82, amended 1 November 87, 18 October 92, 18 September 97, 14 November 02, 21 October 07, 14 November 12.

[13] For detailed information about the origins and meaning of this phrase, see Joseph Fewsmith, "Promoting the Scientific Development Concept," China Leadership Monitor, Hoover Institute, Stanford University, No. 11 (Summer 2004), 30 July 04.

[14] David Shambaugh, "Don't Expect Reform From China's New Leaders," Washington Post, 15 November 12; Elizabeth Economy, "China's New Leaders: No Reform Dream Team," Council on Foreign Relations, Asia Unbound (blog), 15 November 12; China's New Leadership and Implications for the United States, Hearing of the U.S.-China Economic and Security Review Commission, 7 February 13, Written Testimony of Cheng Li, Director of Research and Senior Fellow, John L. Thornton China Center, Brookings Institution; Chris Buckley, "China's New President Nods to Public Concerns, But Defends Power at Top," New York Times, 14 March 13. The New York Times article quotes views from people inside China. Bruce Gilley, Jamestown Foundation, "China's New Leaders To Strengthen the Party-State," China Brief, Vol. 12, No. 23, 30 November 12. Prof. Gilley asserts that "liberalizing political reforms are off the table." Scott Kennedy, "China's New Leadership: Econ Reform Yes, Political Reform No," The China Track (blog), 15 November 12; Willy Lam, Jamestown Foundation, "National People's Congress Marks Sharp Turn Toward Conservatism," China Brief, Vol. 13, No. 6, 15 March 13.

[15] Stephen Roach, "China's Dream Team," Project Syndicate, 28 November 12; Ian Johnson, "A Promise To Tackle China's Problems, But Few Hints of a Shift in Path," New York Times, 15 November 12. A Chinese human rights lawyer remarked that "[t]his is quite a mediocre lineup, and we'll have to wait and see what they do."

[16] Chris Buckley, "Vows of Change in China Belie Private Warning," New York Times, 14 February 13.

[17] Ibid.; Andrew Jacobs, "In China, New Premier Says He Seeks a Just Society," New York Times, 17 March 13.

[18] Russell Leigh Moses, "Bold Break: What Is Xi Up To?" Wall Street Journal, China Real Time Report (blog), 5 December 12.

[19] Russell Leigh Moses, "Xi Set To Slow Down on Reform? Signs Point Other Way," Wall Street Journal, China Real Time Report (blog), 18 March 13. For more information on the "China Dream," see "Xi Jinping: Speech at the First Meeting of the 12th National People's Congress" [Xi jinping: zai di shier jie quanguo renmin daibiao dahui diyici huiyishang de jianghua], Xinhua, 17 March 13; "Wang Yiwei: China's Dream Should Also Be the World's Dream" [Wang yiwei: zhongguo meng ye ying shi shijie meng], Global Times, reprinted in Xinhua, 6 March 13. For one analysis of the "China Dream," see "China—Xi Jinping's 'Chinese Dream' Suggests Counter to Perceived Appeal of US," Open Source Center, 22 March 13.

[20] Choi Chi-yuk, "Xi Jinping Vows To Uphold Constitution and Rule of Law," South China Morning Post, 25 February 13.

[21] Chris Buckley, "Vows of Change in China Belie Private Warning," New York Times, 14 February 13. This article reported that Xi Jinping's statement appeared in a summary of a speech that was circulated among Party members during Xi's visit to Guangdong province but that was not publicized.

[22] "Xi Jinping Urges CPC To Accept Criticism," Xinhua, reprinted in Global Times, 7 February 13. According to the Xinhua article, Xi Jinping said "[t]he CPC should be able to put up with sharp criticism, correct mistakes if it has committed them and avoid them if it has not." Criticism from non-Party members, he reportedly said, could help the Party find, analyze, and resolve problems. Ira Belkin, "Maoist Attitude to Dissent Is Blocking China's Road to the Rule of Law," South China Morning Post, 8 April 13.

[23] Ira Belkin, "Maoist Attitude to Dissent Is Blocking China's Road to the Rule of Law," South China Morning Post, 8 April 13.

[24] Ibid. This article reports that the Party-state seems to ignore the constitution and laws in some cases involving perceived enemies. "Spirit of the Central Propaganda Work Meeting: Prohibits the Media From Opposing the Party, Opposing Maoism, and Opposing Marxism-Leninism" [Zhongyang xuanchuan gongzuo huiyi jingshen: jinzhi meiti fan dang fan mao fan malie], Aboluo Net, 31 March 13.

[25] Susan Lawrence and Michael Martin, "Understanding China's Political System," Congressional Research Service, 20 March 13, 2, 5–6.

[26] "State Council Institutional Reform and Functional Transformation Plan" [Guowuyuan jigou gaige he zhineng zhuanbian fang'an], Xinhua, 10 March 13; "Communiqué of the Second Session of the 18th CPC Central Committee" [Zhongguo gongchandang di shiba jie zhongyang weiyuanhui di erci quanti huiyi gongbao], Xinhua, 28 February 13 (Open Source Center, 13 March 13). For a graphic depiction of these changes, see "Infographic: China's New Streamlined Government," South China Morning Post, 18 March 13; Zhao Chao and Cui Qingxin, "New Round of State Council Institutional Reform To Commence, State Council Ministry Groups Reduced to 25" [Xin yilun guowuyuan jigou gaige jiang qidong guowuyuan zucheng bumen jianzhi 25 ge], Xinhua, 10 March 13.

[27] "State Council Institutional Reform and Functional Transformation Plan" [Guowuyuan jigou gaige he zhineng zhuanbian fang'an], Xinhua, 10 March 13; "Communiqué of the Second Session of the 18th CPC Central Committee" [Zhongguo gongchandang di shiba jie zhongyang weiyuanhui di erci quanti huiyi gongbao], Xinhua, 28 February 13 (Open Source Center, 13 March 13).

[28] "State Council Institutional Reform and Functional Transformation Plan" [Guowuyuan jigou gaige he zhineng zhuanbian fang'an], Xinhua, 10 March 13; State Council General Office, Circular Regarding Division of Labor in Implementing the "State Council Institutional Reform and Functional Transformation Plan" [Guanyu shishi "guowuyuan jigou gaige he zhineng zhuanbian fang'an" renwu fengong de tongzhi], 28 March 13. Authorities appear to have already started on the top five tasks on that list (the Xinhua article provides more details regarding the first three of the tasks listed below). (1) Separate the commercial side of the administration of railways from the regulatory functions by establishing the China Railway Corporation and establishing the State Railway Administration under the Ministry of Transportation. (2) Establish the General Administration of Food and Drug Management and Supervision and combine the responsibilities of several different offices within this administration. (3) Combine some functions of the Population and Family Planning Commission and the Ministry of Health into a new institution, the National Health and Family Planning Commission, and eliminate the two old institutions. (4) Integrate the registration responsibilities for housing, forests, grasslands, and land. (5) Strictly control new items that require administrative examination and approval. From now on, in general, agencies will not have the liberty to require new licenses. If there is a definite need for a new license for special needs, then it must strictly adhere to administrative license provisions. Strengthen the demonstration of the legality, necessity, and rationality of examination process.

[29] State Council General Office, Circular Regarding Division of Labor in Implementing the "State Council Institutional Reform and Functional Transformation Plan" [Guanyu shishi "guowuyuan jigou gaige he zhineng zhuanbian fang'an" renwu fengong de tongzhi], 28 March 13.

[30] Ma Kai, "Explanation of State Council Institutional Reform and Functional Transformation" [Guanyu guowuyuan jigou gaige he zhineng zhuanbian fang'an de shuoming], Xinhua, 10 March 13 (Open Source Center, 10 March 13).

[31] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 25; UN Office of the High Commissioner for Human Rights, General Comment No. 25: The Right To Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, CCPR/C/21/Rev.1/Add.7, 7 December 96. Under General Comment 25 to the ICCPR, the language requires that: "Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise

governmental power and that they are accountable through the electoral process for their exercise of that power" (Item 7); "The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions . . . [p]arty membership should not be a condition of eligibility to vote, nor a ground of disqualification" (Item 10); "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected . . . ." (Item 12); "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties . . ." (Item 17); and an "independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant . . . ." (Item 20).

[32] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76. China has signed, but has not yet ratified, the ICCPR. In the 2009–2010 National Human Rights Action Plan issued by the Chinese government in April 2009, officials stated that the "essentials" of the ICCPR were some of the "fundamental principles" on which the plan was framed, and that the government "will continue legislative, judicial and administrative reforms to make domestic laws better link with this Covenant, and prepare the ground for approval of the ICCPR." State Council Information Office, "National Human Rights Action Plan of China (2009–2010)," reprinted in Xinhua, 13 April 09, Introduction, sec. V(1).

[33] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A(III) of 10 December 48, art. 21. "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives . . . . The will of the people shall be the basis of the authority of government, this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

[34] "Supreme People's Court Work Report (Full Text)" [Zuigao renmin fayuan gongzuo baogao (quanwen)], Legal Daily, reprinted in China Law Info, 22 March 13. Wang Shengjun, then Chief Justice, noted that in the last five years, the Supreme People's Court has been under the "firm leadership of the Party . . . ." Keith Zhai, "Security Tsar Meng Jianzhu Criticizes Interference in Court Proceedings," South China Morning Post, 9 January 13.

[35] David Bandurski, "Control, On the Shores of China's Dream," China Media Project, 22 May 13; "Full Text: Work Report of NPC Standing Committee," Xinhua, 20 March 13.

[36] "Full Text: Work Report of NPC Standing Committee," Xinhua, 20 March 13. In the NPC Standing Committee report to the NPC, Wu Bangguo emphasized this relationship: the NPC "consciously upheld the Party's leadership over the NPC's Work; . . . carried out major decisions and arrangements of the Party Central Committee; turned the views of the Party into the will of the state through statutory procedures; and placed people recommended by the Party organization in leadership positions in bodies of state power through statutory procedures."

[37] "The Percentage of Leading Cadres Among the 2,987 Delegates Decreases, The Number of Frontline Workers and Rural Residents Increases" [2987 ming daibiao zhong lingdao ganbu bili jiang yixian gongren nongmin daibiao zeng], China Net, 27 February 13.

[38] "County-Level and Above Party Committees in Our Nation Will Establish Human Resources Leading Work Groups" [Woguo xianji yishang difang dangwei jiang jianli rencai gongzuo lingdao xiaozu], Xinhua, reprinted in Chinese Communist Party Information Net, 26 September 12. The opinion regarding strengthening "Party management over human resources" stipulates all Party committees at the county level and above must establish a "human resources leading small group," and all related major documents and activity arrangements must be examined and approved through the small group. Major items are examined and approved by the Party committee at the same level.

[39] Fang Li, "Party Organizations in Accounting Firms Reach 3,264" [Quanguo kuaijishi shiwusuo dang zuzhi da 3264 ge], Guangming Daily, reprinted in United Front Work Department, 18 September 12.

[40] Li Xuanliang and Zhang Dongbo, "Xi Jinping: Build a Victorious, First Rate, Modernized People's Armed Police That Obeys the Party's Commands" [Xi jinping: jianshe tingdang zhihui neng da shengzhang zuofeng youliang de xiandaihua wuzhuang jingcha budui], Xinhua, 29 January 13.

[41] "Well-Known Chinese Web Sites Establish Party Organizations One After Another" [Zhongguo ge zhiming wangzhan fenfen chengli dang zuzhi], BBC, 11 January 13.

[42] Jonathan Kaiman, "China Keeps a Close Eye on University Student Groups," Los Angeles Times, 9 December 12.

[43] Qiao Li, "The Party Seeks To Establish a Presence in All Social Organizations" [Shehui zuzhi dangjian quan fugai], Liberation Daily, reprinted in People's Daily, 25 October 12; Patricia Thornton, "The Advance of the Party: Transformation or Takeover of Urban Grassroots Society?" China Quarterly, Vol. 213 (March 2013), 9–11.

[44] "Policy Brief No. 9 (October 2012): Meet Your Local Social Affairs Committee," China Development Brief, 23 October 12. According to this article, the Committees also provided funding for administrators and assistants for the Party groups. Qiao Li, "The Party Seeks To Establish a Presence in All Social Organizations" [Shehui zuzhi dangjian quan fugai], Liberation Daily, reprinted in People's Daily, 25 October 12.

[45] Patricia Thornton, "The Advance of the Party: Transformation or Takeover of Urban Grassroots Society?" China Quarterly, Vol. 213 (March 2013), 9–11.

[46] Ibid.

[47] Chris Buckley, "China Takes Aim at Western Ideas," New York Times, 19 August 13; Chen Xi, "Mingjing Monthly: Exclusive Entire Text of Disseminated Chinese Communist Document No. 9" [Mingjing yuekan: dujia quanwen kanfa zhonggong 9 hao wenjian], Mingjing Monthly, 19 August 13; "Ming Jing: Notification Regarding 'Circular on Current State of Ideology' Printed and Distributed by General Office of CPC Central Committee," Open Source Center, 21 August 13.

[48] Ibid.
[49] Chris Buckley, "China Warns Officials Against 'Dangerous' Western Values," New York Times, 13 May 13.
[50] David Bandurski, "Censors, Show Your Swords!" China Media Project, 4 September 13.
[51] "China's Struggle Sessions," Wall Street Journal, 4 September 13.
[52] Qian Gang, "The Uncertain Death of 'Constitutionalism,'" China Media Project, 2 September 13; David Bandurski, "China's Constitutional Debate," China Media Project, 14 August 13.
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jiashu ziti bu yizhi], reprinted in Boxun, 6 November 12. See the Commission's Political Prisoner Database record 2011–00737 for more information on Cao Haibo's case.

[70] Ibid.

[71] "Letter by Qin Yongmin and Others Urgently Pressing Golmud Authorities To Release Liu Benqi" [Qin yongmin deng jiji duncu geermu dangju shifang liu benqi de lianming xin], Boxun, 22 April 13. Authorities detained Liu after he posted a remark online saying the right to demonstrate is protected by the constitution and suggesting people demonstrate in Beijing during the 18th Party Congress. See the Commission's Political Prisoner Database record 2013–00028 for more information on Liu's case.

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[78] Chinese Human Rights Defenders, "China Human Rights Briefing, August 22–28, 2013," 28 August 13.

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[82] Ministry of Foreign Affairs of the People's Republic of China, "Reply Concerning an Application for Public Disclosure of Government Information" [Guanyu shenqing zhengfu xinxi gongkai de fuhan], translated by Chinese Human Rights Defenders, 15 November 12; Chinese Human Rights Defenders, "China Cites 'State Secrets' in Rejecting Civil Society Participation in Universal Periodic Review," 2 April 13.

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[86] Chinese Human Rights Defenders, "Case of Hunan Rights Defender Peng Lanlan Is Sent to Procuratorate" [Hunan weiquan renshi peng lanlan yian bei yisong jianchayuan], 23 January 13. Chinese Human Rights Defenders, "China Human Rights Briefing August 10–16, 2012," reprinted in Amnesty International, 16 August 12. While Peng Lanlan was in custody, officials reportedly tortured her. See the Commission's Political Prisoner Database record 2011–00262 for more information about Peng Lanlan's case.

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[89] Ibid., art. 29. Candidates also may be nominated by either a political party, local people's congress delegates, or a "mass organization."

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[96] "Record of Draft Decision Regarding the Number of People Allowed and Election Questions for the Representatives of the 12th National People's Congress (Full Text)" [Guanyu shier jie quanguo renda daibiao minge he xuanju wenti jueding caoan shilu (quanwen)], China Net, 8 March 12.

[97] "Undertaking the Great Trust of the People—Analysis of the Unique Composition of Representatives of the 12th National People's Congress" [Jianfuqi renmin de zhongtuo—shier jie quanguo renda daibiao goucheng tese fenxi], Xinhua, 27 February 12.

[98] "Record of Draft Decision Regarding the Number of People Allowed and Election Questions for the Representatives of the 12th National People's Congress (Full Text)" [Guanyu shier jie quanguo renda daibiao minge he xuanju wenti jueding caoan shilu (quanwen)], China Net, 8 March 12; "Undertaking the Great Trust of the People—Analysis of the Unique Composition of Representatives of the 12th National People's Congress" [Jianfuqi renmin de zhongtuo—shier jie quanguo renda daibiao goucheng tese fenxi], Xinhua, 27 February 12.

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[102] Zhou Fenmian, "Administrative Reconsideration Law Revision Included in Plans, Two Revised Drafts Submitted to Legislative Affairs Office [of the State Council]" [Xingzheng fuyi fa xiuding lieru jihua liangban xiuding gao tijiao fazhiban], Legal Daily, 10 October 12.

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[123] "Woman Held Over Letter to Wen," Radio Free Asia, 2 January 13.

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[125] Human Rights in China, "Criminally Detained: Zhao Changqing and Six Other Advocates of Public Disclosure of Officials' Assets," 19 April 13.

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[127] Human Rights Watch, "China: Free Anti-Corruption Activists," 3 April 13; Andrew Jacobs, "Chinese Leader's War on Graft Appears To Have Limits," New York Times, 4 April 13.

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[133] Human Rights in China, "Two New Charges for Asset Transparency Advocate Liu Ping," 29 August 13; Chinese Human Rights Defenders, "Special Notice: Rights Activist Liu Ping Trial for 'Illegal Assembly' Set for July 18th" [Tebie guanzhu: weiquan renshi liu ping "feifa jihui zui" yian jiang yu ben yue 18 ri kaiting], 5 July 13; Patrick Boehler, "Chinese Activist Detained 'For Inciting Subversion of State Power,'" South China Morning Post, 8 May 13; Chinese Human Rights Defenders, "'Chinese Human Rights Defenders' Strongly Protests Detention of Citizens 'Demanding Disclosure of Officials' Assets' by Beijing and Jiangxi Authorities" ["Weiquanwang" yanzheng kangyi beijing he jiangxi dangju jubu "yaoqiu guanyuan gongbu caichan" de gongmin], 8 May 13. Authorities reportedly denied Liu access to a lawyer.

[134] Liu Yingtuan, "People's Daily: Where the Difficulties Are With Disclosing Officials' Assets" [Renmin ribao: guanyuan caichan gongkai nan zai na], People's Daily, reprinted in China News Service, 23 November 12. According to this article, a Chinese Academy of Social Sciences survey showed that over 80 percent of respondents thought officials should disclose their assets.

[135] Andrew Jacobs, "Elite in China Face Austerity Under Xi's Rule," New York Times, 27 March 13.

[136] Robert Keatley, "Xi's Reforms Face Big Obstacle," National Interest, 2 May 13.

[137] "Three Locations in Guangdong Start Pilot Project Disclosing Officials' Finances, Will Expand in Future" [Guangdong sandi guanyuan kaishi gongkai caichan shidian fanwei jiang kuoda], People's Daily, reprinted in China Transparency, 6 February 13. In Guangdong pilot projects, officials in two locations have already posted their assets in public areas, and officials in another location plan to post information on assets on an internal network, likely not visible to the public. "People's Daily: Where the Difficulties Are With Disclosing Officials' Assets" [Renmin ribao: guanyuan caichan gongkai nan zai na], People's Daily, reprinted in China News Service, 23 November 12; Dai Zhiyong, "If the People Can Learn To Compromise, Please Learn To Govern Honestly" [Ruguo minzhong neng tuoxie, qing ni xuezhe zuo qingguan], Southern Weekend, 24 September 09. In September 2009, the Party Central Discipline Inspection Commission reportedly announced that officials must disclose their personal records related to housing, investments, and the employment status of their spouses and children. He Huifeng, "Guangdong Officials To Disclose Assets—But Not to the Public," South China Morning Post, 15 October 09. Several provinces and cities have initiated similar asset-reporting requirements for select categories of officials including a city in the Xinjiang Uyghur Autonomous Region, cities in Hunan and Guangdong provinces, and the municipality of Shanghai, although in many cases reported information remained within the Communist Party and unavailable to the public.

[138] Zhu Na, "Reluctant Transparency," Economic Observer, 26 July 11; Mei Kunlun, "Refusal To Disclose 'Three Publics' Requires Accountability and Transparency" [Jujue gongkai "sangong" xuyao wenze doudi], Southern Metropolitan Daily, 30 September 12. Thirty-four of the 42 government institutions contacted by Chinese researchers in one study refused to provide information about average per capita office expenses during 2011 and have not provided information on the "Three Publics."

Notes to Section III—Commercial Rule of Law

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[3] See, e.g., Derek Scissors, Heritage Foundation, "China's Global Investment Rises: The U.S. Should Focus on Competition," 8 January 13, 2; Economist Intelligence Unit, "China Going Global Investment Index," 2013, 4.

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[5] Ibid.

[6] See, e.g., World Bank, "GDP Growth (Annual %)," last visited 14 August 13.

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[8] People's Bank of China, "Biographical Statement," last visited 14 August 13.

[9] State Administration of Foreign Exchange, "Management Team," last visited 14 August 13.

[10] Yi Gang, "How To Implement the 'Going Out' Strategy," Caixin, 18 January 13.

[11] Ibid.

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[62] "Han Migrant Influx Threatens Uyghur Farms," Radio Free Asia, 11 March 13.

[63] "Uyghur Family Home Bulldozed," Radio Free Asia, 11 October 12.

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[65] The PRC government established the XPCC in 1954 as a means of settling demobilized soldiers and Han migrants to perform border defense functions and to support economic development. The government's White Paper on the History and Development of Xinjiang says that the ranks of the XPCC are now "a mosaic of people from 37 ethnic groups, including the Han, Uygur, Kazak, Hui, and Mongolian." It describes the XPCC as "a special social organization, which handles its own administrative and judicial affairs" but "in accordance with the laws and regulations of the state and the Xinjiang Uygur Autonomous Region." State Council Information Office, "History and Development of Xinjiang," May 2003, Part 9.

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[70] See generally Human Rights Watch, "'No One Has the Liberty To Refuse': Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region," June 2007; Human Rights in China, "China: Minority Exclusion, Marginalization and Rising Tensions," 2007, 14; China's Ethnic Regional Autonomy Law: Does It Protect Minority Rights? Staff Roundtable of the Congressional-Executive Commission on China, 11 April 05, Testimony of Christopher P. Atwood, Associate Professor, Department of Central Eurasian Studies, Indiana University. For Commission analysis, see "State Council Opinion Bolsters Grazing Ban, Herder Resettlement," Congressional-Executive Commission on China, 18 October 11.

[71] Kang Yan, "In Three Years, Xinjiang Has Completed the Resettlement of 136,800 Herders" [Xinjiang 3 nian lai wancheng youmumin dingju 13.68 wan hu], Yaxin Net, reprinted in China Xinjiang, 6 May 13; Wang Dan, "Xinjiang Project To Resettle Herders Promotes Continuous Improvement in the Living Standards of Rural Herders" [Xinjiang dingju xingmu gongcheng cujin nongmumin shenghuo tiaojian chixu gaishan], Tianshan Net, reprinted in China Religion and Ethnicity Net, 10 May 13.

[72] "[Xinjiang Forum] Kashgar Old City's Old Appearance Gets a New Look" [[Xinjiang tai] kashi laocheng de jiumao yu xinyan], China Radio International, 11 December 12.

[73] A 2008 book by architect and historian George Michell described Kashgar before the Old City demolition as "the best-preserved example of a traditional Islamic city to be found anywhere in Central Asia." Michael Wines, "To Protect an Ancient City, China Moves To Raze It," New York Times, 27 May 09.

[74] "The Effects of Kashgar's Special Zone, Residents of Demolished Housing Cry Foul" [Kashi tequ xiaoying, fangwu bei chai jumin shangfang hanyuan], Uyghur Online, 29 October 11. For the population figure of 220,000, see "Ancient Xinjiang City's Residences Safer After Gov't Rebuilding Program," Global Times, reprinted in Xinhua, 26 May 10.

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[76] See, e.g., Michael Wines, "To Protect an Ancient City, China Moves To Raze It," New York Times, 27 May 09; "China Remodels Silk Road City but Scars Run Deep," Agence France-Presse, 7 August 11 (Open Source Center, 7 August 11); Uyghur Human Rights Project, "Living On the Margins: The Chinese State's Demolition of Uyghur Communities," 2 April 12, 16–17, 55, 71–77; Joshua Hammer, "Demolishing Kashgar's History," Smithsonian Magazine, March 2010.

[77] Michael Wines, "To Protect an Ancient City, China Moves To Raze It," New York Times, 27 May 09; Hu Xiaorong, "Kashgar, Xinjiang Spends Three Billion Yuan To Transform the Old City District, Plans To Backfill 35.9 Kilometers of Tunnels" [Xinjiang kashi 30 yi yuan gaizao laochengqu jiang huitian 35.9 gongli didao], Yaxin Net, 23 March 09.

[78] Beijing Cultural Heritage Protection Center, "Please Help To Protect Kashgar Old Town," 16 April 09; International Council on Monuments and Sites, "ICOMOS World Report 2008–2010 on Monuments and Sites in Danger," 2010, 48–51. Details of the Old City demolition project suggest that authorities have bypassed ways to protect Old City residents' safety while preserving existing buildings. Standards set by professionals in the field of cultural heritage preservation indicate compatibility between historic preservation and measures to guard against nat-

ural disaster. Articles 10 and 14 of the Charter for the Conservation of Historic Towns and Urban Areas, adopted by the non-governmental International Council on Monuments and Sites (ICOMOS) and available on its Web site, recognize the importance of introducing "contemporary elements" and preventative measures against natural disasters while ensuring they are "adapted to the specific character of the properties concerned." Charter for the Conservation of Historic Towns and Urban Areas, adopted by ICOMOS General Assembly, October 1987, arts. 10, 14.

[79] See, e.g., PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 4; PRC Regional Ethnic Autonomy Law [Zhonghua renmin gongheguo minzu quyu zizhifa], issued 31 May 84, effective 1 October 84, amended 28 February 01, art. 9; PRC Labor Law [Zhonghua renmin gongheguo laodong fa], issued 5 July 94, effective 1 January 95, amended 10 October 01, art. 12; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujinfa], issued 30 August 07, effective 1 January 08, art. 28. See also legal analysis in "Governments in Xinjiang Continue To Sponsor, Sanction Job Recruitment That Discriminates Against Ethnic Minorities," CECC China Human Rights and Rule of Law Update, No. 2, 2009; "Xinjiang Kashgar Prefecture Career Units (Agency Worker and Service Positions) Position Table of 2013 Recruitment of Workers" [Xinjiang kashi diqu shiye danwei (jiguan gongqin gangwei) 2013 zhaopin gongzuo renyuan gangwei biao], Civil Service Examination Information Network, 28 March 13; "Xinjiang Changji People's Hospital 2012 Public Recruitment for Workers" [Xinjiang changjizhou renmin yiyuan 2012 nian shiye danwei gongkai zhaopin gongzuo renyuan], China Talent Net, last visited 2 July 13; "[Xinjiang] Xinjiang, Kashgar Prefecture, Shache County Education System 2013 Recruitment" [[Xinjiang] Xinjiang kashi diqu shache xian jiaoyu xitong 2013 zhaopin], Chongqing Normal University, reprinted in Graduate Job Net, 19 May 13. For more information regarding job discrimination against ethnic minorities in Xinjiang, see "Job Discrimination Against Ethnic Minorities Continues in Xinjiang," Congressional-Executive Commission on China, 31 March 11.

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[81] David Scott, "Lack of Better Jobs for China's Ethnic Minorities a Worsening Problem," Melbourne Newsroom, 22 November 12; Sunanda Creagh, "Inequality Fuels Tension Between China's Minority Uyghurs and Hans," Conversation, 26 November 12.

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[84] CECC, 2008 Annual Report, 31 October 08, 179; CECC, 2009 Annual Report, 10 October 09, 264–66; CECC, 2010 Annual Report, 10 October 10, 211–12.

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[88] "Sentencing Document: Phoenix News Is Innocent, Uyghur Who Helped Them Is Guilty" [Panjueshu: fenghuang xinwen wuzui, bang qi weiwuer ren youzui], Uyghur Online, 15 February 13; "Exclusive: A Uyghur Who Served as Translator for Chinese Media Was Sentenced to 11 Years, the Media Did Not Dare To Report This For Several Years" [Dujia baodao: yi weiwuer ren wei zhongguo meiti dang fanyi beipan 11 nian, meiti changda jinian bu gan baodao], Uyghur Online, 13 February 13; Mai Yanting, "Uyghur Who Translated for Phoenix Satellite TV Sentenced to 11 Years, Media Silence Is Criticized" [Weizu ren ti fenghuang weishi fanyi bei panxing 11 nian, meiti jinsheng zao piping], Radio France Internationale, 16 February 13. See the Commission's Political Prisoner Database, record 2013–00089, for more information on the case.

[89] Mai Yanting, "Uyghur Who Translated for Phoenix Satellite TV Sentenced to 11 Years, Media Silence Is Criticized" [Weizu ren ti fenghuang weishi fanyi bei panxing 11 nian, meiti jinsheng zao piping], Radio France Internationale, 16 February 13; "Uyghur Youth Who Acted as a Translator for Phoenix Satellite TV Sentenced to 11 Years" [Wei fenghuang weishi zuo fanyi, weiwuer qingnian beipan shiyi nian], Radio Free Asia, 13 February 13.

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to national interests. The meaning and scope of harm or loss to state security or national interests are undefined, however, which has led to official abuse and arbitrary enforcement. PRC Passport Law [Zhonghua renmin gongheguo huzhao fa], issued 29 April 06, effective 1 January 07; PRC Exit and Entry Control Law [Zhonghua renmin gongheguo chujing rujing guanli fa], issued 30 June 12, effective 1 July 13.

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[92] "Scholar Put on 24-Hour Watch," Radio Free Asia, 7 February 13; Andrew Jacobs, "No Exit: China Uses Passports as Political Cudgel," New York Times, 25 February 13.

[93] "Minzu University Student Atikem Continues To Be Harassed by Xinjiang State Security" [Zhongyang minzu daxue xuesheng atikemu chixu bei xinjiang guobao saorao], Uyghur Online, 7 February 13. For Commission analysis on the cases of Ilham Tohti and Atikem Rozi, see "Authorities Block Uyghur Scholar From Leaving China, Refuse To Grant Passport to Uyghur Student," Congressional-Executive Commission on China, 7 March 13. See also Uyghur Human Rights Project, "Briefing: Refusals of Passports to Uyghurs and Confiscations of Passports Held by Uyghurs Indicator of Second-Class Status in China," 7 February 13.

[94] Andrew Jacobs, "No Exit: China Uses Passports as Political Cudgel," New York Times, 22 February 13; Atikem Rozi, "Correspondence: [My] Passport Is Not Processed, Xinjiang Police Say I'm Politically Unqualified" [Laixin: huzhao bu gei ban, xinjiang jingfang shuo wo zhengzhi bu hege], Uyghur Online, 16 December 12.

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[97] Human Rights Watch, "Malaysia: Stop Forced Returns to China," 3 February 13; Hemananthani Sivanandam and Dorothy Cheng, "Six Uighurs Deported for Violating Immigration Laws," Sun Daily, 18 February 13.

[98] Human Rights Watch, "Malaysia: Stop Forced Returns to China," 3 February 13.

[99] Ibid.; World Uyghur Congress, "WUC Condemns Illegal Deportation of Uyghurs From Malaysia," 4 February 13.

[100] "Deported Uyghurs Jailed," Radio Free Asia, 20 December 12. The mother of one of the sentenced men reportedly told RFA that authorities did not allow her to attend the trial of her son, but she believed authorities accused him of separatism based on his translation assistance to other Uyghurs in Malaysia. It is unclear whether or not the 11 Uyghurs were charged with or sentenced on charges of terrorism in China.

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[103] Uyghur Human Rights Project, "Sacred Right Defiled: China's Iron-Fisted Repression of Uyghur Religious Freedom," 30 April 13, 2.

[104] Ibid., 17, 30, 36–43, 66, 83.

[105] "Eid Eve Clashes Stoked by Gunshots Fired at Uyghur Girl," Radio Free Asia, 12 August 13; Uyghur American Association, "UAA Condemns Shootings by Police During Religious Celebration," 14 August 13.

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[107] "In Another Bloody Conflict in Xinjiang, 3 Are Dead and More Than 20 Are Injured" [Xinjiang zai you liuxue chongtu 3 si 20 duo shang], Radio Free Asia, 12 August 13; "Three Uyghurs Shot Dead, 20 Injured in Eid Eve Clashes," Radio Free Asia, 10 August 13; "Hundreds of Uyghurs Held After Violence Over Prayer Restrictions," Radio Free Asia, 15 August 13.

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[111] "Xinjiang Raids Point to Religious Controls," Radio Free Asia, 7 March 13; Hai Lan, "In Xinjiang, Another Instance of Searches Leads to a Clash Between Uyghurs and Police, With Two Dead" [Xinjiang you yin qingcha zhi weiren yu jing chongtu 2 si], 22 May 13. For specific examples of security checks, police raids, and house searches, see Fu Yongkai, "Wolituogelake Township Thoroughly Carries Out 'Three Inspections' Unified Action" [Wolituogelake xiang shenru kaizhan "sancha" tongyi xingdong], Xinjiang Peace Net, 6 May 13; "Kashgar's Strict Inspections, 7 Uyghurs Detained" [Kashi yancha 7 weiren bei jing daizou], Radio Free Asia, 7 May 13; "Inspection in Awat County Leads to Two Dead—Authorities Conceal Details of Case"

[Xinjiang awati xian qingcha zhi er ren siwang dangju yinman anqing], Uyghur Online, 23 May 13; Meng Hongqi, "Qiongkule Township Focuses on Carrying Out 'Two Sessions' Security Inspection Operation" [Qiongkule xiang jizhong kaizhan "lianghui" anbao da qingcha xingdong], Qiongkule Township Government, reprinted in Qiemo County Government, 6 March 13; Xiang Xuan, "Halayugong Township Carries Out Major Stability Maintenance Inspections" [Halayugong xiang kaizhan weiwen da qingcha], Xinjiang Peace Net, 13 June 13; Damian Grammaticas, "Doubts Over China Government Claims on Xinjiang Attack," BBC, 26 April 13; Edward Wong, "21 Dead in Clash With 'Gangsters' in Western China," New York Times, 24 April 13; Uyghur American Association, "Unlawful House Search and Arbitrary Use of Lethal Force Results [in] Nearly Two Dozen Deaths in Kashgar," 24 April 13; Peter Ford, "Mystery Clouds Deadly Clash in Western China With 'Suspected Terrorists,'" Christian Science Monitor, 24 April 13.

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[116] "Fourth Round of Training Launched for Our Region's Patriotic Religious Figures" [Woqu aiguo zongjiao renshi disi lun peixun qidong], Xinjiang Daily, 28 March 13; "Fourth Round of XPCC Religious Figures' Political and Legal System Education Training Begins Second Term of Classes" [Bingtuan disi lun bingtuan zongjiao renshi zhengzhi fazhi jiaoyu peixun dier qi kai ban], XPCC United Front Work Department, 9 April 13; "Qiba'erxiang 2013 Annual Patriotic Religious Figure Training Class" [Qiba'erxiang 2013 niandu aiguo zongjiao renshi peixun ban], Kaba County Government, 24 April 13; "Sa Township, Kaba County, Holds Patriotic Figure Training Class" [Kabahe xian sa xiang juban aiguo renshi peixun ban], Altay Women's Federation, 25 April 13.

[117] Li Xing, "Fourth Round of Training Launched for Our Region's Patriotic Religious Figures" [Woqu aiguo zongjiao renshi disi lun peixun qidong], Xinjiang Daily, 28 March 13.

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[119] Zhu Kaili, "Kashgar Prefecture Female Büwi Successfully Complete Patriotic Thankfulness Education" [Kashi diqu nu buwei yuanman wancheng aiguo gan'en jiaoyu], Tianshan Net, 24 December 12; Ma Dengchao, "Xinjiang, Kargilik County, Yitimukong Township Convenes Township-Wide Büwi Training" [Xinjiang yecheng xian yitimukong xiang zuzhi quan xiang buwei jinxing peixun], China Ethnicity and Religion Net, 28 February 13.

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[122] "Uyghur Youth Detained for Selling Touch Reading Pen for the Quran Has Been Released" [Chushou "gulanjing" diandubi er zao ju weiwuer qingnian huoshi], Uyghur Online, 15 May 13; "Young Uyghur Detained for Selling Quran Touch Reading Pens" [Weiwuer zu qingnian yin shou "gulanjing" diandubi bei juliu], Uyghur Online, 23 April 13; "Official Says 21 Dead and 2 Injured in Kashgar Terrorist Attack" [Guanfang cheng kashi kongbu xiji 21 si 2 shang], Radio Free Asia, 24 April 13.

[123] Ibid.

[124] The 2001 Amendments to the 1994 XUAR Regulation on the Management of Religious Affairs mandate prior government approval for the sale and distribution of religious material. The Amendments are unpublished but documented by Human Rights Watch and Human Rights in China in their report "Devastating Blows: Religious Repression of Uighurs in Xinjiang," 1 April 05. For the 1994 Regulation, see "Xinjiang Uyghur Autonomous Region Regulation on the Management of Religious Affairs" [Xinjiang weiwuer zizhiqu zongjiao shiwu guanli tiaoli], passed 16 July 94, effective 1 October 94.

[125] For representative examples, see the Commission's Political Prisoner Database record 2009–00328 (Kurbanjan Semet), record 2009–00314 (Merdan Seyitakhun), and record 2008–00014 (Alimjan Yimit).

[126] "Jailed Uyghur Pastor Denied Visit," Radio Free Asia, 23 January 13.

[127] See CECC, 2012 Annual Report, 10 October 12, 152.

[128] Zhang Guijun, Bole City Ethnic and Religious Affairs Bureau, "Bole City Adopts a Number of Measures To Prohibit Minors From Entering Places of Worship" [Bole shi caiqu duo xiang cuoshi zhizhi weichengnian ren jinru zongjiao huodong changsuo], reprinted in Bole City Government, 25 July 13; Liu Zhenxiang, Dorbiljin (Emin) County Government, "Emin County Adopts a Number of Measures To Safeguard the Ramadan Period" [Emin xian caiqu duo xiang cuoshi quebao zhaiyue qijian], 5 July 13; CPC Hoboksar Mongol Autonomous County Committee and Organization Department, "Hoboksar County Tiebukanwusan Township's Three Measures To Strictly Prohibit Minors From Entering Places of Worship" [Hebukesaier xian tiebukenwusan xiang san xiang cuoshi yanli zhizhi weichengnian ren jinru zongjiao huodong changsuo], 29 July 13.

[129] "Uyghur Muslims Face New Religious Clampdown," Radio Free Asia, 11 July 13; Bill Smith, "China's Controls Curb Uighurs' Ramadaan," South African Press Association, reprinted in IOL News, 12 July 13; Liu Haijun, Korgas (Huocheng) County Committee Office, "Huocheng County Committee Office Cadres Take the Lead in Not Believing in Religion and Not Fasting" [Huocheng xian weibian ban ganbu daitou bu xinjiao bu fengzhai], reprinted in Korgas Government, 12 July 13; Wen Fucheng, "Health Road Community Organizes Activity for All Party Members To Sign Pledge To Deal With Illegal Religious Activities According to the Law and Curb Extremist Thinking" [Jiankang lu shequ zuzhi quanti dangyuan ganbu qianding yifa zhili feifa zongjiao huodong, ezhi zongjiao jiduan sixiang chengnuo shu], Akqi (Aheqi) County Government, 16 July 13.

[130] "A Uyghur With a Strong Religious Consciousness Was Expelled From His Public Post" [Yi zongjiao yishi nonghou de weiwuer ren bei kaichu gongzhi], Uyghur Online, 3 August 13; "Uyghur Fired for Fasting" [Yi weiwuer ren yin fengzhai er bei tingzhi gongzuo], Uyghur Online, 29 July 13.

[131] "Uyghur Muslims Face New Religious Clampdown," Radio Free Asia, 11 July 13; Uyghur American Association, "UAA Condemns Shootings by Police During Religious Celebration," 14 August 13; "Eid Eve Clashes Stoked by Gunshots Fired at Uyghur Girl," Radio Free Asia, 12 August 13; "One Dead and Two Injured in a Uyghur–Han Conflict in Xinjiang, Authorities on Alert for Eid Holiday" [Xinjiang wei han chongtu yi si liang shang rouzijie dangju tisheng jiebei], Radio Free Asia, 5 August 13.

[132] Graham Adams, "The Xinjiang Perspective: Part III," Diplomat, 8 November 12.

[133] For Commission analysis, see "Xinjiang Authorities Accelerate Promotion of Mandarin–Focused Bilingual Education," Congressional-Executive Commission on China, 10 May 11.

[134] Ibid.

[135] "Uyghur Youths Forced Into Exile in Order To Protect Their Ethnic Identity" [Weiwuer nianqing ren wei baohu minzu shenfen er bei po liuwang haiwai], Radio Free Asia, translated and reprinted in Uyghur Online, 1 June 13; "Uyghurs Support Language Protest," Radio Free Asia, 27 October 10.

[136] Zhang Xuehong, "Xinjiang Has Nearly 1.41 Million Students in Bilingual Education Classes, Teaching Personnel Are the Bottleneck" [Xinjiang shuangyu ban xuesheng yi you jin 141 wan ren, shizi shi pingjing], Yaxin Net, reprinted in People's Daily, 24 December 12. At the end of 2012, there were reportedly 1.68 million students in the XUAR enrolled either in "bilingual education" or as *minkaohan* students (*minkaohan* students are enrolled in longstanding programs, which are separate from "bilingual education," that place ethnic minority students directly into Mandarin Chinese schooling). This figure reportedly represents a 19.2 percent increase over 2011, and comprised 66.6 percent of the ethnic minority student population enrolled at the preschool to the secondary school level. See Cheng Yong, "Xinjiang: A Belief That 'Bilingual Education' Will Change One's Fate, Parents Are Willing To Select Bilingual Kindergartens" [Xinjiang: xiangxin "shuangyu" gai mingyun, fumu yuan xuan shuangyu youeryuan], China News Service, reprinted in Sohu, 6 March 13.

[137] Zhang Xuehong, "Xinjiang Has Nearly 1.41 Million Students in Bilingual Education Classes, Teaching Personnel Are the Bottleneck" [Xinjiang shuangyu ban xuesheng yi you jin 141 wan ren, shizi shi pingjing], Yaxin Net, reprinted in People's Daily, 24 December 12.

[138] See Cheng Yong, "Xinjiang: A Belief that 'Bilingual Education' Will Change One's Fate, Parents Are Willing To Select Bilingual Kindergartens" [Xinjiang: xiangxin "shuangyu" gai mingyun, fumu yuan xuan shuangyu youeryuan], China News Service, reprinted in Sohu, 6 March 13.

[139] Ren Xixian, "Xinjiang's Yili Ethnic Minority Family Planning Households Happily Receive 'Fewer Births, Faster Wealth' Monetary Rewards" [Xinjiang yili shaoshu minzu jisheng hu xi ling "shaosheng kuaifu" jiangli jin], Xinhua, reprinted in People's Daily, 20 September 12; Liu Chunyang, "Sixty-Five Minority Households in Tuokayi Township Happily Receive 400,000 Yuan in Fewer Births, Faster Wealth Rewards" [Tuokayi xiang 65 hu shaoshu minzu xiling shaosheng kuaifu jiangli jin 40 wan yuan], China News Service, 15 March 13. Under Article 15 of the XUAR's Regulation on Population and Family Planning, rural ethnic minority families are permitted to give birth to a maximum of three children, and urban ethnic minority couples are permitted to give birth to two children. When one member of the couple is an urban resi-

dent, urban birth limits apply. For information on reward programs in earlier years, see CECC, 2012 Annual Report, 10 October 12, 153.

[140] Ren Xixian, "Xinjiang's Yili Ethnic Minority Family Planning Households Happily Receive 'Fewer Births, Faster Wealth' Monetary Rewards" [Xinjiang yili shaoshu minzu jisheng hu xi ling "shaosheng kuaifu" jiangli jin], Xinhua, reprinted in People's Daily, 20 September 12; Liu Chunyang, "Sixty-Five Minority Households in Tuokayi Township Happily Receive 400,000 Yuan in Fewer Births, Faster Wealth Rewards" [Tuokayi xiang 65 hu shaoshu minzu xiling shaosheng kuaifu jiangli jin 40 wan yuan], China News Service, 15 March 13.

[141] For more information on these types of reward mechanisms, see CECC, 2012 Annual Report, 10 October 12, 153.

[142] "Training Course for Northern Xinjiang Rural Resident Reproductive Health Religious Figures and Managers" [Beijiang nongmumin shengzhi jiankang zongjiao renshi he guanli renyuan peixun ban], XUAR Population and Family Planning Commission, reprinted in Tianshan Net, 14 December 12; "Deputy Mayor Ma Zhongyong Visits Mosque That Is the Site of a Muslim Reproductive Health Preaching Education Project" [Ma zhongyong fu shizhang weiwen musilin shengzhi jiankang xuanchuan jiaoyu xiangmu dian qingzhensi], Wuzhong City Population and Family Planning Bureau, 31 August 12. The project is also referred to as the "Herder Reproductive Health Project" (nongmumin shengzhi jiankang xiangmu). See "Key Work of the Prefectural Family Planning Commission for 2013" [2013 nian diqu jihua shengyu xiehui gongzuo yaodian], Altai Prefecture Population and Family Planning Commission, 22 March 13; "Autonomous Region Convenes Northern Xinjiang Herder Reproductive Health Project Religious Figures and Managers' Training Course" [Zizhiqu juban beijiang pian nongmumin shengzhi jiankang xiangmu zongjiao renshi he guanli renyuan peixun ban], XUAR Population and Family Planning Commission, reprinted in XUAR Leading Group on the Rule of Law, 17 December 12.

[143] Jiang Yan, "Muslim Reproductive Health Project Extends Benefits to Nearly 300,000 Muslim Masses in Yining County" [Musilin shengzhi jiankang xiangmu huiji yining xian jin 30 wan musilin qunzhong], Tianshan Net, 29 September 11; XUAR Population and Family Planning Commission, "Association Information—August 22" [Xiehui xinxi], 22 August 11.

[144] "Autonomous Region Convenes Northern Xinjiang Herder Reproductive Health Project Religious Figures and Managers' Training Course" [Zizhiqu juban beijiang pian nongmumin shengzhi jiankang xiangmu zongjiao renshi he guanli renyuan peixun ban], XUAR Population and Family Planning Commission, reprinted in XUAR Leading Group on the Rule of Law, 17 December 12; "Key Work of the Chinese Family Planning Association for 2013" [Zhongguo jihua shengyu xiehui 2013 nian gongzuo yaodian], Guangyuan City Family Planning Association, 14 December 12; "Deputy Mayor Ma Zhongyong Visits Mosque That Is the Site of a Muslim Reproductive Health Preaching Education Project" [Ma zhongyong fu shizhang weiwen musilin shengzhi jiankang xuanchuan jiaoyu xiangmu dian qingzhensi], Wuzhong City Population and Family Planning Bureau, 31 August 12.

Notes to Section V—Tibet

[1] Office of His Holiness the Dalai Lama, "Press Statement," 25 January 10. According to the January 25 press statement, the Dalai Lama's envoys would arrive in China "tomorrow" (i.e., January 26, 2010).

[2] "Press Conference on Central Govt's Contacts With Dalai Lama (Text)," China Daily, 11 February 10. After the ninth round of dialogue, Zhu Weiqun referred to the gap between the eighth and ninth rounds as "the longest interval after we resumed contact and talks in 2002."

[3] For more information on the Tibetan autonomous areas of China, see CECC, "Special Topic Paper: Tibet 2008–2009," 22 October 09, 22–24. In China there are 1 provincial-level area of Tibetan autonomy, 10 prefectural-level areas of Tibetan autonomy, and 2 county-level areas of Tibetan autonomy. The area of the Tibet Autonomous Region (TAR) (approximately 1.2 million square kilometers), the 10 Tibetan Autonomous Prefectures (TAPs) (approximately 1.02 million square kilometers), and the 2 Tibetan autonomous counties (TACs) (approximately 0.019 million square kilometers) totals approximately 2.24 million square kilometers. The 10 TAPs make up approximately 46 percent of the TAR/TAP/TAC total area. Steven Marshall and Susette Cooke, Tibet Outside the TAR: Control, Exploitation and Assimilation: Development With Chinese Characteristics (Washington, DC: Self-published CD–ROM, 1997), Table 7, citing multiple Chinese sources. Table 7 provides the following information. Tibet Autonomous Region (1.2 million square kilometers, or 463,320 square miles). Qinghai province: Haibei (Tsojang) TAP (52,000 square kilometers, or 20,077 square miles), Hainan (Tsolho) TAP (41,634 square kilometers, or 16,075 square miles), Haixi (Tsonub) Mongol and Tibetan AP (325,787 square kilometers, or 125,786 square miles), Huangnan (Malho) TAP (17,901 square kilometers, or 6,912 square miles), Guoluo (Golog) TAP (78,444 square kilometers, or 30,287 square miles), and Yushu (Yushul) TAP (197,791 square kilometers, or 76,367 square miles). Gansu province: Gannan (Kanlho) TAP (45,000 square kilometers, or 17,374 square miles) and Tianzhu (Pari) TAC (7,150 square kilometers, or 2,761 square miles). Sichuan province: Ganzi (Kardze) TAP (153,870 square kilometers, or 59,409 square miles), Aba (Ngaba) Tibetan and Qiang AP (86,639 square kilometers, or 33,451 square miles), and Muli (Mili) TAC (11,413 square kilometers, or 4,407 square miles). Yunnan province: Diqing (Dechen) TAP (23,870 square kilometers, or 9,216 square miles). The table provides areas in square kilometers; conversion to square miles uses the formula provided on the Web site of the U.S. Geological Survey: 1 square kilometer = 0.3861 square mile. For population data, see Tabulation on Nationalities of 2000 Population Census of China, Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Tables 10–1, 10–4. According to China's 2000 census data, the Tibetan population of the TAR (approximately 2.43 million persons), the 10 TAPs (approximately 2.47 million persons), and the 2 TACs (approximately 0.11 million persons) totaled approximately 5.01 million Tibetans. The Tibetan population of the 10 TAPs made up approximately 49 percent of the TAR/TAP/TAC total Tibetan population as of 2000. See also Tabulation on the 2010 Population Census of the People's Republic of China, National Bureau of Statistics, Department of Population and Employment Statistics, Population Census Office Under the State Council, 23 April 13, Table 2–1. The table titled "Population by Age, Sex, and Nationality" listed the national Tibetan population as 6,282,187. As of August 2013, the Commission had not observed detailed data based on the 2010 census for ethnic population in provincial-, prefectural-, and county-level administrative areas.

[4] Office of the Spokesperson, U.S. Department of State, "Statement by Special Coordinator for Tibetan Issues Maria Otero," 5 December 12. As of the statement date, Maria Otero also served as Under Secretary of State for Civilian Security, Democracy, and Human Rights.

[5] International Campaign for Tibet, "New Challenges to Tibet Policy From Inside China," 27 June 13. ICT provided a translation of the Asia Weekly article and provided citation information: Shuo Jiming, "Beijing Expert: Resume Negotiations To Resolve the Tibet Issue," Asia Weekly, Vol. 27, No. 22 (June 2013).

[6] Ibid.

[7] The table included in this report—Tibetan Self-Immolation Believed To Focus on Political or Religious Issues (September 2012–July 2013)—shows self-immolation numbers 52 to 89, a total of 38 self-immolations, during October and November 2012.

[8] "CPC Congress Concludes, New Central Committee Elected," Xinhua, 14 November 12. According to the report, the Chinese Communist Party Central Committee's 18th Congress opened on November 8, 2012, and concluded on November 14.

[9] For reports providing specific detail on self-immolators' protests during the period beginning on September 29, 2012 (in chronological order), see, e.g., International Campaign for Tibet, "Second Tibetan Dies in Less Than a Week as Self-Immolations Continue in Tibet," 5 October 12 (Yungdrung "shouted slogans calling for freedom in Tibet and for the return of the Dalai Lama and the Karmapa"); "Tibetan Man Self-Immolates in Nagchu," Voice of America, 4 October 12 (Gudrub "shouted slogans calling for freedom for Tibet and return of the Tibetan spiritual leader"); "Third Tibet Self-Immolation in One Week," Voice of America, 6 October 12 (Sanggye Gyatso "shouted for the swift return of the Dalai Lama to Tibet and called for religious and language rights"); "Breaking: Tibet Continues To Burn With Another Self-Immolation," Phayul, 13 October 12 (Tamdrin Dorje "raised slogans for the return of His Holiness the Dalai Lama and freedom in Tibet"); Tibetan Centre for Human Rights and Democracy, "'These Chinese Are Not Letting Us Live in Peace. It's Better To Die, Better To Die,'" 29 October 12 (Lhamo Kyab "shouted slogans calling for 'independence for Tibet,' 'release of the 11th Panchen Lama,' and the 'return of His Holiness the Dalai Lama'"); "Retired Farmer Dies After Burning Himself in Labrang," Voice of America, 22 October 12 (Dondrub "burned himself at a Stupa on the main road near the monastery"); "Man Burns Near Police Station," Radio Free Asia, 23 October 12 (Dorje Rinchen "set himself on fire and died Tuesday in front of a police station"); International Campaign for Tibet, "Two Self-Immolations in Nagchu," 31 October 12 (Tsepo and Tenzin "set

fire to themselves in a double self-immolation near a government building"); Free Tibet, "Fourth Tibetan This Week Sets Himself on Fire," 26 October 12 (Lhamo Tseten "[set] himself on fire close to a military camp and a local court building"); "Mass Protest After Fatal Burning," Radio Free Asia, 4 November 12 (Dorje Lhundrub "shouted slogans against Chinese rule and called for the return of . . . the Dalai Lama"); "Five Tibetans Self-Immolate," Radio Free Asia, 7 November 12 (Dorje, Samdrub, and Dorje Kyab "set themselves ablaze in front of a police station in Ngaba town, calling for a free Tibet and the return of . . . the Dalai Lama"); "Five Tibetans Self-Immolate," Radio Free Asia, 7 November 12 (Tamdrin Tso "died shouting slogans calling for the return of the Dalai Lama"); "6 Tibetans Self-Immolate in Two Days," Voice of America, 8 November 12 (Kalsang Jinpa "was reported to have raised a white banner with slogans that called for Dalai Lama's return and rights of all Tibetan people"); "Tibetan Burnings Rise to 70," Radio Free Asia, 10 November 12 (Gonpo Tsering called for "freedom for Tibetans, the return of the Dalai Lama to Tibet and freedom of languages"); "Two Tibetan Self-Immolaters Left Letters Behind," Voice of America, 20 November 12 (Nyingkar Tashi left a letter that "urged unification of all Tibetans and urged Tibetans to learn and speak Tibetan, and called for freedom for Tibet"); "More Tibetan Burning Protests," Radio Free Asia, 12 November 12 (Nyingchag Bum self-immolated "in front of a Chinese government office building"); "Two More Burn in Rebgong," Radio Free Asia, 15 November 12 (Tenzin Drolma self-immolated "in the courtyard of a community temple"); "Self-Immolations Continue in Rebkong, Two Die in Protest," Voice of America, 15 November 12 (Tenzin Drolma "shouted slogans calling for return of the Dalai Lama"); "Two Tibetan Self-Immolaters Left Letters Behind," Voice of America, 20 November 12 (Chagmo Kyi's letters "expressed her wish for equality of all nationalities and called on the new Chinese leader Xi Jinping to meet with the Dalai Lama"); International Campaign for Tibet, "Young Tibetan Father Self-Immolates in Tsekhog; Officials Warn Tibetans Not To Gather at Cremations," 19 November 12 (Sangdrag Tsering "frequently spoke about the Dalai Lama not being allowed to be in Tibet, that Tibetans have no rights, and that the Panchen Lama is still in prison"); "Tibetan Self-Immolations Continue, 25-Year-Old Dies in Protest," Voice of America, 19 November 12 (Wangchen Norbu "shouted slogans calling for the return of the Dalai Lama to Tibet, release of the Panchen Lama and freedom for Tibet"); Tibetan Centre for Human Rights and Democracy, "Tibetan Man Dies of Burning Protest at a Gold Mining Site," 21 November 12 (Tsering Dondrub "set himself on fire . . . at a mining site. . . . wanted to highlight the hardship and suffering of the local Tibetans harmed by mining activities"); International Campaign for Tibet, "Three Self-Immolations in Two Days as Total in Tibet Reaches 81," 24 November 12 (Tamdrin Kyab reportedly had said previously there was "no reason to live without the Dalai Lama's return to Tibet"); "Tibetan Burns, Hails Dalai Lama," Radio Free Asia, 24 November 12 (Tamdrin Dorje "could be seen putting his hands together in prayer, shouting long life to the Dalai Lama"); "17-Year-Old Self-Immolator's Last Note Calls for the Dalai Lama's Return and Tibet's Independence," Phayul, 28 November 12 (Sanggye Drolma left "a will, written in the form of a poem" expressing "her belief in the swift return of . . . the Dalai Lama and Tibet's independence"); "Three Self-Immolations in Two Days, Total Reaches 84," Voice of America, 26 November 12 (Sanggye Drolma self-immolated "in front of the [local] Chinese government office"); "Breaking: 18-Year-Old Sets Self on Fire, Third Self-Immolation in Two Days," Phayul, 26 November 12 (Konchog Tsering self-immolated near the same mining site where Tsering Dondrub self-immolated on November 20); "Father of Three Dies After Self-Immolation," Voice of America, 26 November 12 (Gonpo Tsering "shouted slogans calling for freedom for Tibet, human rights in Tibet and return of the Dalai Lama to Tibet"); "'May the Sun of Happiness Shine on Tibet,' a Self-Immolator's Last Words," Phayul, 29 November 12 (Kalsang Kyab's letter to Tibetans in India: "I am setting myself on fire for the sake of Tibet."); "Tibetan Teenager Burns Himself to Death," Voice of America, 28 November 12 (Sanggye Tashi "shouted slogans calling for return of the Dalai Lama and release of the Panchen Lama and all Tibetan political prisoners"); "Two Tibetans Self-Immolate, Total Reaches 89," Voice of America, 29 November 12 (Bande Khar called for "the return of the Dalai Lama to Tibet, the release of all Tibetan political prisoners, freedom of religion and language and protection of Tibet's fragile environment"); "Two Tibetans Self-Immolate, Total Reaches 89," Voice of America, 29 November 12 (Tsering Namgyal "[set] himself on fire near the local government office"); "Tibetan Self-Immolates in Golok," Voice of America, 3 December 12 (Lobsang Gedun "raised slogans with his hands clasped in prayers while engulfed in flames"); International Campaign for Tibet, "Three Tibetans Self-Immolate in Two Days During Important Buddhist Anniversary: Images of Troops in Lhasa as Tibetans Pray," 10 December 12 (Pema Dorje shouted that the Dalai Lama should be allowed to return to Tibet, and called for the unity of the Tibetan people); Tibetan Centre for Human Rights and Democracy, "Tibetan Religious Festival Marked by Two Self-Immolation Death," 9 December 12 (Konchog Phelgye folded his hands in prayer position and "shouted slogans for the long life of . . . the Dalai Lama and return . . . to Tibet"); "Tibetan Girl Self-Immolates," Radio Free Asia, 10 December 12 (Wangchen Kyi, or Rinchen Kyi, called "for the long life of . . . the Dalai Lama"); International Campaign for Tibet, "Authorities Bar Customary Religious Rituals To Enforce Quick Cremation of Tibetan Who Self-Immolated in Amchok," 15 January 13 (video of Tsering Tashi "depicts him lying on the street in flames, lifting his hands into a prayer position and saying the name of the Dalai Lama"); "Breaking: Monk in Ngaba Becomes 100th to Self-Immolate Under China's Rule," Phayul, 13 February 13 (Lobsang Namgyal, while burning, "shouted slogans for the long life of . . . the Dalai Lama as he ran towards the local police building"); Free Tibet, "Cross-Legged in Flames: Another Protest in Tibet," 17 February 13 (Namlha Tsering self-immolated in the main road "opposite the . . . county cinema hall"); "A Tibetan Man Self-Immolates in Palung, Amdo Tsoshar (Qinghai)," Voice of America, 24 February 13 (Phagmo Dondrub "set fire to himself near or within the grounds of [Jakhyung Monastery]"); International Campaign for Tibet, "Two Tibetans Self-Immolate at Monasteries During Prayer Ceremonies in Amdo," 25 February 13 (Tsezung Kyab self-immolated "in front of the main temple of Shitsang Gonsar monastery"); "Tibetan Self-Immolates in Ngaba County," Radio Free Asia, 26 February 13 (Sangdrag self-immolated "in a public area of the Ngaba county cen-

ter"); "Tibetan Monk Dies in Self-Immolation on Sensitive Date for Amdo Ngaba," Voice of America, 16 March 13 ("poured gasoline over himself near his residence . . . and after igniting himself . . . walked towards the western gate of the monastery"); "Tibetan Mother of Four Dies in Self-Immolation Protest," Voice of America, 24 March 13 ("set herself on fire . . . near Zamthang Jonang Monastery"); Tibetan Centre for Human Rights and Democracy, "Burning Protests Continue Against Chinese Repression in Tibet," 30 March 13 (Konchog Tenzin "set himself on fire . . . near his monastery"); "Thousands Gather After Young Tibetan Mother Self-Immolates," Radio Free Asia, 16 April 13 (Chugtso "self-immolated near . . . Jonang monastery"); Tibetan Centre for Human Rights and Democracy, "Two Tibetan Monks Die of Self-Immolation Protest," 25 April 13 (Lobsang Dawa and Konchog Oezer "died yesterday after setting themselves on fire on the eve of the 24th birthday of Gedhun Choekyi Nyima, Tibet's XIth Panchen Lama"); "Tibetan Man Self-Immolates in Protest Against China," Voice of America, 29 May 13 (Tenzin Sherab "criticized Chinese policies on Tibetans and expressed concern about Tibetan religion and culture" prior to his self-immolation); Tibetan Centre for Human Rights and Democracy, "Teenage Monk Dies of Burning Protest; Fate of Body Unknown," 22 July 13 (monks saw Kunchog Sonam "on fire with both his hands clasped in a praying gesture"); "Five Tibetans Detained in Connection With Self-Immolation," Radio Free Asia, 26 July 13 (Konchog Sonam was "crying out for Tibetan freedom" as he burned).

[10] For Commission analysis of Chinese government regulatory intrusion upon Tibetan Buddhist affairs, see, e.g., "Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion," CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12; "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures," Congressional-Executive Commission on China, 10 March 11; "New Legal Measures Assert Unprecedented Control Over Tibetan Buddhist Reincarnation," Congressional-Executive Commission on China, 22 August 07. For measures issued by China's central government, see, e.g., State Administration for Religious Affairs, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jing shi zige pingding he pinren banfa], passed 25 November 12, effective 3 December 12; State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], passed 29 September 10, effective 1 November 10; State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofo zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07.

[11] During the 2013 reporting year, the Commission did not observe indications that dialogue between the Chinese government and the Dalai Lama's representatives might soon resume.

[12] For summary information on Tibetan self-immolation, periodic updates are available on the Commission's Web site (www.cecc.gov). As of July 20, 2013, the following numbers of Tibetan self-immolations reported or believed to focus on political and religious issues took place in the following 10 prefectural-level areas of Tibetan autonomy (arranged in descending order by number of self-immolations): Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, 51 self-immolations; Gannan (Kanlho) Tibetan Autonomous Prefecture (TAP), Gansu province, 26 self-immolations; Huangnan (Malho) TAP, Qinghai province, 16 self-immolations; Ganzi (Kardze) TAP, Sichuan, 5 self-immolations; Yushu (Yulshul) TAP, Qinghai, 5 self-immolations; Naqu (Nagchu) prefecture, Tibet Autonomous Region (TAR), 4 self-immolations; Lhasa municipality, TAR, 3 self-immolations; Guoluo (Golog) TAP, Qinghai, 2 self-immolations; Changdu (Chamdo) prefecture, TAR, 1 self-immolation; Haixi (Tsonub) Mongol and Tibetan Autonomous Prefecture, Qinghai, 1 self-immolation. In addition, 2 Tibetans self-immolated in Haidong prefecture, Qinghai, which is not an area of Tibetan autonomy. (The preceding information does not include Yushu TAP self-immolation property protests by females Dekyi Choezom and Pasang Lhamo on June 27 and September 13, 2012, respectively, and an unidentified woman in March 2013; and the April 6, 2012, deaths of a Tibetan Buddhist abbot, Athub, and a nun, Atse, in a Ganzi TAP house fire initially reported as accidental and later as self-immolation. The Commission continues to monitor reports on their deaths.)

[13] "Commentary: Let Not the Burning Desire of 'Tibet Independence' Consume the Good and Kind People" [Pinglun: wu rang zangdu de yuhuo fenshao liangshan de renmin], China News Service, 10 December 12 (translated in Open Source Center, 11 December 12). The editorial refers to "the Dalai and the new leader of the government-in-exile" and states that self-immolation is a "political conspiracy" to split China.

[14] The following three sources provide examples of official positions that continue to exacerbate tensions with Tibetans in the context of significant current issues. Chen Feiyu, "'Five Continued Focuses,' Realize Greater Development (Under Guidance of Scientific Development Concept)—Interview With Tibet CPC Secretary Chen Quanguo" ["Wu ge jixu zhuoli" shixian geng da fazhan (zai kexue fazhan guan zhiyin xia)—fang xizang zizhiqu dangwei shuji chen quanguo], People's Daily, 4 September 12 (translated in Open Source Center, 21 September 12). According to the article, TAR Party Secretary Chen Quanguo listed accomplishments including: [regarding religion] "improved and upgraded the work to ensure that all monasteries and temples have a management organization, a party organization, a leading group, a contingent, duties and functions, and a mechanism"; [regarding security] "established 698 police stations for providing service to the people, with a coverage area of 300–500 meters for each station. In this way, we can ensure that police officers will arrive at the scene in three to five minutes when an unexpected incident occurs"; [regarding compulsory settlement and resettlement] "carried out in a down-to-earth way the comfortable housing project for farmers and herdsmen. We will ensure that all farmers and herdsmen can live in safe and comfortable houses by the end of 2013." Wu Bin, "Qiang Wei Conducts Fact-Finding on Safeguarding Stability in Hualong County, Emphasizes Need To Consolidate Achievements in Ad Hoc Struggle Against Self-Immolation, Create a Good Social Environment for Promoting Construction and Development" [Qiang wei zai hualong xian diaoyan weihu wending gongzuo shi qiangdiao gonggu fan zifen zhuanxiang douzheng chengguo—wei zhua jianshe cu fazhan yingzao lianghao de shehui huanjing], Qinghai Daily, 2

March 13 (translated in Open Source Center, 7 March 13). According to the article, Qinghai Party Secretary Qiang Wei issued guidance regarding: [the political environment] "thoroughly conduct the education on patriotism, legal system, and gratitude, and develop a dense social atmosphere of ardently loving the party and the state, the nationality, and the homeland"; and [handling the self-immolation crisis] "give prominence to 'strictness,' dealing harsh blows at the people who support, incite, and abet self-immolation." "Aba Prefecture Governor: The Chief Cause of Self-Immolations Is the 14th Dalai Lama" [Aba zhou zhouzhang: zifen zong genyuan zai shisi shi dalai lama], Xinhua, 8 March 13, reprinted in People's Daily. According to the article, Wu Zegang, Governor of the Aba Tibetan and Qiang Autonomous Prefecture, stated explicitly that the 14th Dalai Lama (*shisi dalai lama*) is the root (*genyuan*) of problems in Tibet.

[15] Office of the Spokesperson, U.S. Department of State, "Statement by Special Coordinator for Tibetan Issues Maria Otero," 5 December 12. As of the statement date, Maria Otero also served as Under Secretary of State for Civilian Security, Democracy, and Human Rights.

[16] "Foreign Ministry Spokesman: China Expresses Strong Dissatisfaction, Resolute Opposition Over Statement Issued by the United States on Tibet-Related Issues" [Waijiaobu fayanren: dui meifang jiu she zang wenti fabiao de shengming biaoshi qianglie buman, jianjue fandui], Xinhua, 7 December 12 (translated in Open Source Center, 7 December 12).

[17] Ibid.

[18] "Gansu Police Crack Homicide Case of Self-Immolation Organized and Masterminded by Members of the 'Tibetan Youth Congress' of the Dalai Clique" [Gansu jingfang zhenpo dalai jituan "zangqing hui" chengyuan zuzhi cehua zifen sharen'an], Xinhua, 15 January 13 (translated in Open Source Center, 15 January 13; available in Chinese on China News Service). The article describes October 6, 2012, self-immolator Sanggye Gyatso as having committed "repeated acts of theft," having been "without a job for a long time," and having had "improper relations with several women." Li Huizi et al., "Families Suffer Amid Tibetan Flames of Deceit," China Daily, 5 February 13. The article refers to the November 29, 2012, self-immolator Tsering Namgyal (or Tsering Tashi) as "Tsekho" and notes that he "did not get along well with his wife," attempted to borrow money from his father to start a business but was instead denied the loan and "scolded" by his father, who "was worried his alcoholic son would squander the money on excessive gambling and drinking." Li Huizi and Jiang Weichao, "(China Focus) Lies and Facts Behind the Flames: An Investigation of Self-Immolation Incidents in the Tibetan Area of Southern Gansu" [(Zhongguo jujiao) huoyan beihou de huangyan yu zhenxiang: gannan zang qu zifen diaocha], Xinhua, 31 January 13 (translated in Open Source Center, 12 February 13). The report refers to the August 7, 2012, self-immolator Drolkar Tso as "Zhang Kecao" and notes that her "left leg was handicapped," she was "at odds with her husband and her husband's family," and "often blamed and bullied by her mother-in-law." "70 Arrested in Qinghai Over Self-Immolations," Xinhua, 8 February 13. The article refers to November 8, 2012, self-immolator Kalsang Jinpa, a former Rongbo Monastery monk, and notes that he "resumed secular life after falling in love with a woman, but later discovered she was a prostitute and parted with her." "Prefecture, County Public Security Authorities Successfully Solve Case of Intentional Homicide, Burning Body," Aba Daily, 19 March 13 (translated in Open Source Center, 21 March 13). The article refers to March 13 (or March 12) self-immolator Konchog Wangmo as "Guangqiu Ema" and notes that her husband, "criminal suspect" Drolma Kyab, "got into an intense fight with his wife"; "strangled the neck of [his wife] with his hands"; "brought the body of [his wife] to the west wall of [a nearby building]"; and "used gasoline to burn the body."

[19] Li Huizi et al., "Families Suffer Amid Tibetan Flames of Deceit," China Daily, 5 February 13. The article refers to December 2, 2012, self-immolator Sungdu Kyab as "Sangdegye" and observes, "Copycat self-immolations spread in the border area of Qinghai, Sichuan and Gansu provinces last year, ..." The article described Sungdu Kyab as "introverted," someone who watched "Voice of America Tibetan-language programs," and "believed in the Dalai Lama clique."

[20] Ibid. The China Daily report contains four subheadings: "Families suffer amid Tibetan flames of deceit," "Copycat suicides," "Loss of life," and "Terrorism." The first three subheadings contain specific details about specific self-immolations that the article represents as substantiating the points it seeks to make. The subsection on "Terrorism" contains no specific information regarding terrorism for any of the self-immolations, nor any information on terrorism except to provide an apparent representation of language in the 1994 UN Declaration on Measures to Eliminate International Terrorism on what constitutes terrorism: "criminal acts intended or calculated to provoke a state of terror in the public, a group of persons or particular communities for political purposes are not justifiable under any circumstances, no matter the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them." Li Huizi and Jiang Weichao, "(China Focus) Lies and Facts Behind the Flames: An Investigation of Self-Immolation Incidents in the Tibetan Area of Southern Gansu" [(Zhongguo jujiao) huoyan beihou de huangyan yu zhenxiang: gannan zang qu zifen diaocha], Xinhua, 31 January 13 (translated in Open Source Center, 12 February 13). The report does not provide any information about any of the self-immolators supporting the depiction of them as "terrorists," but it provides a representation of language in the 1994 UN Declaration on Measures to Eliminate International Terrorism that is briefer than that in the preceding citation: "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable." Tibetan Centre for Human Rights and Democracy, "China Alienates, Angers Tibetan Students With Political Education," 29 November 12. According to the TCHRD report, in addition to remarks on language policy, the official booklet characterized Tibetan self-immolators as "terrorists" and the Dalai Lama as "a political itinerant."

[21] CECC, 2012 Annual Report, 10 October 12, 157–160.

[22] See, e.g., International Campaign for Tibet, "Second Tibetan Dies in Less Than a Week as Self-Immolations Continue in Tibet," 5 October 12 (provides the name "Yangdang"); "One More

Immolation in Tibet, Number Escalates to 52," Tibet Express, 29 September 12 (provides the name "Yongdrung"); "Plea To Stop Burnings Ignored," Radio Free Asia, 29 September 12.

[23] See, e.g., "Tibetan Man Self-Immolates in Nagchu," Voice of America, 4 October 12; "India-Educated Tibetan Dies in Self-Immolation Protest," Tibet Express, 4 October 12; International Campaign for Tibet, "Second Tibetan Dies in Less Than a Week as Self-Immolations Continue in Tibet," 5 October 12.

[24] See, e.g., "Third Tibet Self-Immolation in One Week," Voice of America, 6 October 12 (provides the name "Sangay Gyatso"); "Third Burning Protest in a Week," Radio Free Asia, 6 October 12; "Breaking: Tibet Continues To Burn, Second Self-Immolation in Three Days," Phayul, 6 October 12.

[25] See, e.g., International Campaign for Tibet, "Grandfather of Tibetan Reincarnate Lama Dies After Self-Immolation Today," 13 October 12; "Breaking: Tibet Continues To Burn With Another Self-Immolation," Phayul, 13 October 12; "Tibetan Man Dies After Self-Immolation in Protest Against China," Tibet Post International, 13 October 12.

[26] See, e.g., "Burning Tibetan Charges at Police," Radio Free Asia, 20 October 12; Tibetan Centre for Human Rights and Democracy, "'These Chinese Are Not Letting Us Live in Peace. It's Better To Die, Better To Die,'" 29 October 12.

[27] See, e.g., International Campaign for Tibet, "Self-Immolation at Tibet's Labrang Monastery," 22 October 12; "Retired Farmer Dies After Burning Himself in Labrang," Voice of America, 22 October 12; Tibetan Centre for Human Rights and Democracy, "Elderly Tibetan Nomad Burns Himself Alive in Protest," 23 October 12.

[28] See, e.g., "Tibetan Villager Self-Immolates in NW China," Xinhua, 23 October 12 (reprinted in China Daily); International Campaign for Tibet, "Tibetan Farmer Self-Immolates in Labrang," 23 October 12; "Man Burns Near Police Station," Radio Free Asia, 23 October 12.

[29] See, e.g., International Campaign for Tibet, "Two Self-Immolations in Nagchu," 31 October 12; "Cousins in Burning Protest," Radio Free Asia, 27 October 12.

[30] See, e.g., Free Tibet, "Fourth Tibetan This Week Sets Himself on Fire," 26 October 12; "Fourth Burning in a Week," Radio Free Asia, 26 October 12.

[31] See, e.g., "Thousands Attend Tibetan Self-Immolator's Funeral," Phayul, 1 November 12 (provides the name "Thubwang Kyab"); International Campaign for Tibet, "Second Tibetan Self-Immolates Today in Sangchu," 26 October 12 (provides the name "Tsewang Kyab"); "2nd Self-Immolation From Sangchu Country Today," Voice of America, 26 October 12 (provides the name "Tsepak Kyab").

[32] See, e.g., "Tibetan Artist Sets Himself on Fire in Tibet," Voice of America, 4 November 12; "Mass Protest After Fatal Burning," Radio Free Asia, 4 November 12; International Campaign for Tibet, "Tibetan Farmer Self-Immolates in Rebkong," 4 November 12.

[33] See, e.g., Tibetan Centre for Human Rights and Democracy, "Three Teenage Monks Burn Themselves Alive in Ngaba," 8 November 12; "Five Tibetans Self-Immolate," Radio Free Asia, 7 November 12; "Breaking: Three Teenagers in Triple Self-Immolation Protest in Tibet," Phayul, 7 November 12.

[34] See, e.g., International Campaign for Tibet, "Tibetan Self-Immolations Escalate in Number on Eve of China's Party Congress; Tibetans Gather En Masse in Rebkong," 8 November 12; "Five Tibetans Self-Immolate," Radio Free Asia, 7 November 12; "Breaking: Tibet Burns on Eve of Crucial China Meet," Phayul, 7 November 12.

[35] See, e.g., "Five Tibetans Self-Immolate," Radio Free Asia, 7 November 12 (does not provide a name for the self-immolator); Tibetan Centre for Human Rights and Democracy, "Tibetan Dies of Untreated Burns in Police Custody in Nagchu," 28 November 12; "Kunchok Kyab Passes Away, Self-Immolation Death Toll Reaches 76," Phayul, 3 December 12.

[36] See, e.g., "6 Tibetans Self-Immolate in Two Days," Voice of America, 8 November 12; "Troop Buildup After New Burning," Radio Free Asia, 8 November 12; "Breaking: Another Self-Immolation Today, Six Tibetans Burn in Two Days," Phayul, 8 November 12.

[37] See, e.g., "Tibetan Villager Dies in Self-Immolation in NW China," Xinhua, 10 November 12, reprinted in China Internet Information Center, 11 November 12; "Tibetan Burnings Rise to 70," Radio Free Asia, 10 November 12; International Campaign for Tibet, "Death of Popular, Educated Young Tibetan After Self-Immolation Confirmed by Chinese Media," 13 November 12.

[38] See, e.g., "Two Tibetan Self-Immolaters Left Letters Behind," Voice of America, 20 November 12 (provides the name "Nyingkar Tashi"); "More Tibetan Burning Protests," Radio Free Asia, 12 November 12 (provides the name "Nyingkar Tashi"); International Campaign for Tibet, "Thousands of Tibetans Mobilize in Reaction to Self-Immolations Despite Security Build Up," 14 November 12 (provides the name "Nyangkar Tashi").

[39] See, e.g., "More Tibetan Burning Protests," Radio Free Asia, 12 November 12; "Two Tibetans Die After Self-Immolation in Rebkong," Voice of America, 12 November 12; International Campaign for Tibet, "Thousands of Tibetans Mobilize in Reaction to Self-Immolations Despite Security Build Up," 14 November 12 (provides the name "Nyangchag Bum").

[40] See, e.g., "Self-Immolations Continue in Rebkong, Two Die in Protest," Voice of America, 15 November 12 (provides the name "Dangzin Dolma"); "Two More Burn in Rebgong," Radio Free Asia, 15 November 12; "Breaking: Tibetan Woman Self-Immolates, Two Fiery Deaths in a Day," Phayul, 15 November 12 (provides the name "Tangzin Dolma").

[41] See, e.g., "Self-Immolations Continue in Rebkong, Two Die in Protest," Voice of America, 15 November 12 (provides the name "Kabum Gyal"); "Breaking: Young Tibetan Burns Self to Death," Phayul, 15 November 12; "Two More Burn in Rebgong," Radio Free Asia, 15 November 12.

[42] See, e.g., "Two Tibetan Self-Immolaters Left Letters Behind," Voice of America, 20 November 12 (describes letter left behind); Tibetan Centre for Human Rights and Democracy, "Tibetan Woman Dies of Burning Protest in Rebkong," 17 November 12; International Campaign for Tibet, "Tibetan Self-Immolation in Rebkong," 17 November 12.

[43] See, e.g., "Another Tibetan Self-Immolates in Rebkong," Voice of America, 17 November 12; International Campaign for Tibet, "Young Tibetan Father Self-Immolates in Tsekhog; Officials

Warn Tibetans Not To Gather at Cremations," 19 November 12; "Breaking: Tibet Continues To Burn, Man Sets Self on Fire," Phayul, 18 November 12.

[44] See, e.g., "Tibetan Self-Immolations Continue, 25-Year-Old Dies in Protest," Voice of America, 19 November 12; "Third Burning in Three Days," Radio Free Asia, 19 November 12; "Breaking: Tibet Continues To Burn, 15th Self-Immolation in November," Phayul, 20 November 12.

[45] See, e.g., Tibetan Centre for Human Rights and Democracy, "Tibetan Man Dies of Burning Protest at a Gold Mining Site," 21 November 12; "Tibetan Man Self-Immolates in Amchok, Amdo," Voice of America, 20 November 12; "Breaking: Another Tibetan Burns Self to Death, Toll Reaches 78," Phayul, 20 November 12.

[46] See, e.g., "A 18-Year-Old Tibetan Self-Immolates in Rebkong, Amdo," Voice of America, 22 November 12; International Campaign for Tibet, "Three Self-Immolations in Two Days as Total in Tibet Reaches 81," 24 November 12; Tibetan Centre for Human Rights and Democracy, "Tibetan Burnings Continue as China Enforces Ban on Self-Immolation," 27 November 12 (provides the name "Lubum Tsering" and age as 19).

[47] See, e.g., International Campaign for Tibet, "Three Self-Immolations in Two Days as Total in Tibet Reaches 81," 24 November 12 (self-immolated at night); "Another Tibetan Self-Immolates on Same Day," Voice of America, 22 November 12; "Self-Immolation Toll Hits 80," Radio Free Asia, 23 November 12.

[48] See, e.g., International Campaign for Tibet, "Three Self-Immolations in Two Days as Total in Tibet Reaches 81," 24 November 12; "Breaking: Another Tibetan Self-Immolates, Seven Deaths in Seven Days," Phayul, 24 November 12; "Tibetan Burns, Hails Dalai Lama," Radio Free Asia, 24 November 12.

[49] See, e.g., "17-Year-Old Self-Immolator's Last Note Calls for the Dalai Lama's Return and Tibet's Independence," Phayul, 28 November 12 (provides the name "Sangay Dolma"); "Three Self-Immolations in Two Days, Total Reaches 84," Voice of America, 26 November 12; "Breaking: Tibetan Nun Passes Away in Fiery Protest, Toll Jumps to 83," Phayul, 26 November 12.

[50] See, e.g., "Three Self-Immolations in Two Days, Total Reaches 84," Voice of America, 26 November 12; "Breaking: Tibetan Student Sets Self on Fire, Calls for Dalai Lama's Return," Phayul, 26 November 12; International Campaign for Tibet, "Self-Immolations by Tibetans," last visited 1 May 13.

[51] See, e.g., "Three Self-Immolations in Two Days, Total Reaches 84," Voice of America, 26 November 12; "Breaking: 18-Year-Old Sets Self on Fire, Third Self-Immolation in Two Days," Phayul, 26 November 12; "Four Tibetans Self-Immolate," Radio Free Asia, 26 November 12.

[52] See, e.g., "Father of Three Dies After Self-Immolation," Voice of America, 26 November 12; "Breaking: Father of Three Burns Self to Death, Third Self-Immolation in a Day Takes Toll to 85," Phayul, 26 November 12; "Four Tibetans Self-Immolate," Radio Free Asia, 26 November 12.

[53] See, e.g., "'May the Sun of Happiness Shine on Tibet,' a Self-Immolator's Last Words," Phayul, 29 November 12 (letter reportedly sent to India); "Breaking: Tibet Continues To Burn, Tibetan Man Set Self on Fire," Phayul, 27 November 12; "Tibetan Student Protesters Held," Radio Free Asia, 27 November 12.

[54] See, e.g., "Tibetan Teenager Burns Himself to Death," Voice of America, 28 November 12 (provides the name "Sangay Tashi"); "Breaking: Teenaged Tibetan Sets Self on Fire, Sixth Self-Immolation in Last Three Days," Phayul, 28 November 12; "Tibetan Student Protests Spread," Radio Free Asia, 28 November 12.

[55] See, e.g., "Two Tibetans Self-Immolate, Total Reaches 89," Voice of America, 29 November 12 (provides the name "Bendey Khar"); "Breaking: Young Tibetan Burns Self to Death, Mass Prayer Service for Self-Immolators in Eastern Tibet," Phayul, 29 November 12; "Two More Self-Immolations," Radio Free Asia, 29 November 12.

[56] See, e.g., "Breaking: Tibetan Man Burns Self to Death, Toll Climbs to 89," Phayul, 29 November 12; "Two Tibetans Self-Immolate, Total Reaches 89," Voice of America, 29 November 12; "Two More Self-Immolations," Radio Free Asia, 29 November 12 (provides the name "Tsering Tashi").

[57] See, e.g., "Kunchok Kyab Passes Away, Self-Immolation Death Toll Reaches 76," Phayul, 3 December 12; "Breaking: Tibet Self-Immolation Toll Reaches 90, Fears Over Major Protests in Barkham," Phayul, 30 November 12; "Self-Immolations Hit 90 Mark," Radio Free Asia, 30 November 12.

[58] See, e.g., "Tibetan Self-Immolator May Lose Both Legs, Battles for Life," Phayul, 27 December 12; "17-Year-Old Tibetan Self-Immolates in Bora," Voice of America, 2 December 12 (provides the name "Songdhi Kyab"); Tibetan Centre for Human Rights and Democracy, "Tibetan Man Hospitalised After Latest Protest Self-Immolation," 3 December 12.

[59] See, e.g., "Tibetan Self-Immolates in Golok," Voice of America, 3 December 12; "Self-Immolator Leaves Message of 'Unity and Solidarity' Among Tibetans," Phayul, 5 December 12; International Campaign for Tibet, "Self-Immolations by Tibetans," last visited 1 May 13 (provides name "Lobsang Geleg").

[60] See, e.g., "Breaking: Burning Tibetan Calls for Independence, Two Self-Immolations in a Day," Phayul, 8 December 12; International Campaign for Tibet, "Three Tibetans Self-Immolate in Two Days During Important Buddhist Anniversary: Images of Troops in Lhasa as Tibetans Pray," 10 December 12; "Two Young Tibetans Burn," Radio Free Asia, 8 December 12.

[61] See, e.g., "Two Young Tibetans Burn," Radio Free Asia, 8 December 12; Tibetan Centre for Human Rights and Democracy, "Tibetan Religious Festival Marked by Two Self-Immolation Death," 9 December 12 (Konchog Phelgye); International Campaign for Tibet, "Three Tibetans Self-Immolate in Two Days During Important Buddhist Anniversary: Images of Troops in Lhasa as Tibetans Pray," 10 December 12.

[62] See, e.g., "Tibetan Girl Self-Immolates," Radio Free Asia, 10 December 12 (Rinchen Kyi); "A 17-Year-Old Tibetan Girl Dies After Self-Immolation in Amdo Tsekock," Voice of America, 9 December 12; "Breaking: Tibetan Schoolgirl Burns Self to Death, Says, 'Don't Want Chinese Authorities To Take Away My Dead Body,'" Phayul, 9 December 12 ("Bhenchen Kyi").

[63] See, e.g., International Campaign for Tibet, "Authorities Bar Customary Religious Rituals To Enforce Quick Cremation of Tibetan Who Self-Immolated in Amchok," 15 January 13; "Chinese Security Official Force Hasty Cremation of Tibetan Self-Immolator," Voice of America, 13 January 13; "Breaking: Tibetan Youth Sets Self on Fire, Toll Rises to 96 in Tibet," Phayul, 12 January 13.

[64] See, e.g., International Campaign for Tibet, "Chinese State Media Blame 'Dalai Clique' and Announce Detentions in Aggressive Security Drive Against Tibetan Self-Immolations," 18 January 13; Tibetan Centre for Human Rights and Democracy, "Chinese Police Confiscate Body of Second Tibetan Self-Immolator," 21 January 13; "Father of Two Self Immolates in Ngaba," Voice of America, 18 January 13.

[65] See, e.g., Tibetan Centre for Human Rights and Democracy, "China Intensifies Ban on Religious Gatherings After Third Self-Immolation," 25 January 13; "Tibetan Man Self-Immolates in Bora," Voice of America, 22 January 13; "Breaking: Tibet Continues To Burn, 98th Self-Immolation in Tibet," Phayul, 22 January 13.

[66] International Campaign for Tibet, "Tibetan Sets Fire to Himself in Kathmandu; in Tibet, 100th Self-Immolation," 13 February 13; Tibetan Centre for Human Rights and Democracy, "Kirti Monastery Monk Dies of Self-Immolation Protest in Ngaba," 14 February 13; "Breaking: Monk in Ngaba Becomes 100th To Self-Immolate Under China's Rule," Phayul, 13 February 13.

[67] See, e.g., International Campaign for Tibet, "Further Self-Immolation in Tibet Despite Harsh Legal Measures To Deter Protests; Tibetan Who Set Fire to Himself in Nepal Dies," 14 February 13; "Burnings Rage On Despite Controls," Radio Free Asia, 14 February 13.

[68] See, e.g., International Campaign for Tibet, "Tibetan Farmer From Nomadic Area Sets Fire to Himself in Labrang," 17 February 13; Free Tibet, "Cross-Legged in Flames: Another Protest in Tibet," 17 February 12; "New Burning Protest in Tibet," Phayul, 18 February 13.

[69] See, e.g., International Campaign for Tibet, "Two Tibetan Teenagers Set Themselves on Fire in Ngaba," 20 February 13; Tibetan Centre for Human Rights and Democracy, "Two Teenage Tibetans Die of Self-Immolation Protest," 20 February 13.

[70] See, e.g., "'Without Independence Tibet Will Be Annihilated,' a Self-Immolator's Last Words," Phayul, 9 May 13; "Tibetan Self-Immolator Phagmo Dhondup Dies," Phayul, 18 April 13; "A Tibetan Man Self-Immolates in Palung, Amdo Tsoshar (Qinghai)," Voice of America, 24 February 13; International Campaign for Tibet, "Two Tibetans Self-Immolate at Monasteries During Prayer Ceremonies in Amdo," 25 February 13.

[71] See, e.g., International Campaign for Tibet, "Two Tibetans Self-Immolate at Monasteries During Prayer Ceremonies in Amdo," 25 February 13; "Tibetan Man Self-Immolates in Luchu, in Gansu Province," Voice of America, 25 February 13; "Breaking: Two Fiery Protests in as Many Days, Tibetan Self-Immolator Passes Away," Phayul, 25 February 13.

[72] See, e.g., "Tibetan Self-Immolates in Ngaba County," Radio Free Asia, 26 February 13; "Tibetan Monk Sets Himself on Fire, 107th Self-Immolation," Voice of America, 26 February 13; International Campaign for Tibet, "Self-Immolations by Tibetans," last visited 1 May 13.

[73] See, e.g., Yeshe Choesang, "Two Self-Immolation Protests in Tibet, Pushed the Toll to 109," Tibet Post International, 17 March 13 ("burned herself . . . around 11.00 pm in the night"; "staged the self-immolation protest at [a] Chinese official building"); International Campaign for Tibet, "Two Self-Immolations in Tibet: Kirti Monk on Crackdown Anniversary and Woman in Dzoge," 18 March 13 (age 31; "set fire to herself at her home and ran into the street"); "Chinese Police Deny Self-Immolation of Tibetan Woman," Voice of America, 19 March 13 (police say "she was murdered by her husband who later set the body on fire"); "Police Dismiss Reports of Tibetan Woman's Self-Immolation," Global Times, 19 March 13 (age 28; "strangled to death by her husband, who later burned her body"); "Prefecture, County Public Security Authorities Successfully Solve Case of Intentional Homicide, Burning Body," Aba Daily, 19 March 13 (translated in Open Source Center, 21 March 13) ("criminal suspect . . . got into an intense fight with his wife"; "strangled the neck of [his wife] with his hands"; "brought the body of [his wife] to the west wall of [a nearby building]"; "used gasoline to burn the body").

[74] See, e.g., "Tibetan Monk Dies In Self-Immolation on Sensitive Date for Amdo Ngaba," Voice of America, 16 March 13; "Breaking: Kirti Monk Marks March 16 With Self-Immolation, Toll Rises to 108," Phayul, 16 March 13; Tibetan Centre for Human Rights and Democracy, "Monk Dies of Self-Immolation on Protest Anniversary," 18 March 13; International Campaign for Tibet, "Two Self-Immolations in Tibet: Kirti Monk on Crackdown Anniversary and Woman in Dzoge," 18 March 13.

[75] See, e.g., "Tibetan Mother of Four Dies in Self-Immolation Protest," Voice of America, 24 March 13; "Breaking: 110th Tibetan Self-Immolation," Phayul, 24 March 13; International Campaign for Tibet, "Self-Immolations of a Tibetan Forest Guard and Mother of Four in Eastern Tibet," 26 March 13.

[76] See, e.g., "Tibetan Man Self-Immolates in Labrang Area Village," Voice of America, 25 March 13; "Breaking: Second Self-Immolation in 24 Hours, Toll Rises to 111 (Updated)," Phayul, 25 March 13; International Campaign for Tibet, "Self-Immolations of a Tibetan Forest Guard and Mother of Four in Eastern Tibet," 26 March 13.

[77] See, e.g., "Breaking: A Monk Sets Self Ablaze in Tibet," Phayul, 29 March 13; "A Buddhist Monk Dies in Latest Self-Immolation Protest in Tibet," Tibet Post International, 29 March 13; Tibetan Centre for Human Rights and Democracy, "Burning Protests Continue Against Chinese Repression in Tibet," 30 March 13.

[78] See, e.g., "Tibetan Mother Self-Immolates in Zamthang," Voice of America, 16 April 13; "Thousands Gather After Young Tibetan Mother Self-Immolates," Radio Free Asia, 16 April 13; Tibetan Centre for Human Rights and Democracy, "Tibetan Mother Dies of Self-Immolation, Denied Proper Cremation by Chinese Authorities," 17 April 13.

[79] See, e.g., "Two Tibetan Monks Set Themselves on Fire," Voice of America, 24 April 13; "Three Tibetans Die in Burning Protests," Radio Free Asia, 24 April 13; Tibetan Centre for Human Rights and Democracy, "Two Tibetan Monks Die of Self-Immolation Protest," 25 April 13.

[80] See, e.g., "New Tibetan Self-Immolation After One-Month Hiatus," Radio Free Asia, 29 May 13; "Tibetan Man Self-Immolates in Protest Against China," Voice of America, 29 May 13; International Campaign for Tibet, "Tibetan Nomad Self-Immolates and Dies in Yushu," 29 May 13.

[81] See, e.g., "Latest Tibetan Nun Self-Immolator's Identity Confirmed," Tibet Express, 14 June 13; "New Information on June 11 Self-Immolation in Kham Tawo," Voice of America, 14 June 13; "Clampdown Imposed as Nun Secretly Cremated After Burning Protest," Radio Free Asia, 17 June 13.

[82] See, e.g., "Monk, 17, Sets Himself on Fire in Sichuan," Global Times, 30 July 13; International Campaign for Tibet, "Teenage Tibetan Monk Dies After Self-Immolation in Dzoege," 22 July 13; Tibetan Centre for Human Rights and Democracy, "Teenage Monk Dies of Burning Protest; Fate of Body Unknown," 22 July 13.

[83] CECC, 2012 Annual Report, 10 October 12, 157–60.

[84] For information on the shifting profile of Tibetan self-immolations, see CECC, "Special Report: Tibetan Self-Immolation—Rising Frequency, Wider Spread, Greater Diversity," 22 August 12.

[85] The Commission has posted on its Web site (www.cecc.gov) a series of summaries of information on Tibetan self-immolations. The summaries include a breakdown by gender, location, and occupation type.

[86] See the table in this section titled "Tibetan Self-Immolation Believed To Focus On Political or Religious Issues (September 2012–July 2013)." The 38 self-immolations numbered 52–89 took place in October–November 2012.

[87] "Those Who Incite Self-Immolations Must Be Severely Punished Under the Law" [Shandong zifen zhe bijiang shoudao falu yancheng], Gansu Daily, 3 December 12 (translated in Dui Hua Human Rights Journal, 5 December 12); Dui Hua Foundation, "China Outlines Criminal Punishments for Tibetan Self-Immolations," Dui Hua Human Rights Journal, 5 December 12; "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[88] "Those Who Incite Self-Immolations Must Be Severely Punished Under the Law" [Shandong zifen zhe bijiang shoudao falu yancheng], Gansu Daily, 3 December 12 (translated in Dui Hua Human Rights Journal, 5 December 12); Dui Hua Foundation, "China Outlines Criminal Punishments for Tibetan Self-Immolations," Dui Hua Human Rights Journal, 5 December 12; "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13. According to the Dui Hua translation, the specific language in the Opinion warns that, "Anyone who summons a group to mourn or collect funds for a self-immolator shall be prevented from doing so in accordance with the law." Based on Commission monitoring, since self-immolators generally are deceased, the collected donations are for self-immolators' survivors. For an example of such a case, see the Commission's Political Prisoner Database record 2013–00076 on Gyadehor. For more information on the case, see Cao Kai and Wang Daqian, "Sentence Announced at First Trial of Gyadehor of Huangnan in Qinghai Over Inciting Secession" [Qinghai huangnan jiadehe shandong fenlie guojia an—shen xuanpan], Qinghai Daily, 8 February 13 (translated in Open Source Center, 11 February 13).

[89] "Zhu Weiqun Talks About Dalai and Other Issues With EU Officials, Scholars, and Reporters" [Zhu weiqun yu oumeng guanyuan, xuezhe, jizhe tan dalai deng wenti], China Tibet Online, 29 December 11 (translated in Open Source Center, 12 January 12). According to the report, then United Front Work Department Executive Deputy Head Zhu Weiqun told a gathering in Brussels that included European Union officials, "The self-immolation incidents occurred at four monasteries; Tibet and other Tibetan-inhabited areas have a total of 3,542 temples and monasteries, with 140,000 clergy; therefore the Dalai clique's claim that the entire Tibetan-inhabited areas 'were on fire' was entirely groundless . . . ."

[90] National Bureau of Statistics, Department of Population and Employment Statistics, Population Census Office Under the State Council, Tabulation on the 2010 Population Census of the People's Republic of China, 23 April 13, Table 2–1, "Population by Age, Sex, and Nationality." The table listed the total Tibetan population as 6,282,187.

[91] "Gansu's Gannan Official: 18 Self-Immolation Cases Cracked" [Gansu gannan guanyuan: pohuo 18 qi zifen anjian], China News Service, 23 January 13 (translated in Open Source Center, 26 January 13) ("Of . . . 21 cases, 18 have been cracked, five cases . . . transferred to the court . . ., 16 people . . . arrested."); "70 Arrested in Qinghai Over Self-Immolations," Xinhua, 8 February 13, reprinted in China Daily ("Seventy suspects . . . arrested in Huangnan . . . in connection with . . . self-immolations . . . since November).

[92] "Tibetan Villager Self-Immolates in NW China," Xinhua, reprinted in China Daily, 23 October 12; "China Sentences Another 6 Tibetans Over Self-Immolation," Xinhua, 31 January 13. For more information, see the Commission's Political Prisoner Database records 2013–00068 on Pema Dondrub, 2013–00069 on Kalsang Gyatso, 2013–00070 on Pema Tso, 2013–00071 on Lhamo Dondrub, 2013–00072 on Digkar Gyal, and 2013–00073 on Yangmo Kyi. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[93] "China Sentences Another 6 Tibetans Over Self-Immolation," Xinhua, 31 January 13; International Campaign for Tibet, "Six Tibetans in Gansu Sentenced After Protecting Body of Self-Immolator in Aggressive Drive To Criminalize Self-Immolations," 4 February 13. For more information, see the Commission's Political Prisoner Database records 2013–00068 on Pema Dondrub, 2013–00069 on Kalsang Gyatso, 2013–00070 on Pema Tso, 2013–00071 on Lhamo Dondrub, 2013–00072 on Digkar Gyal, and 2013–00073 on Yangmo Kyi. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[94] The case is unusual because the person convicted of intentional homicide, Phagpa, allegedly discussed the subject of self-immolation twice (June and July 2012) with a person who, on November 19, 2012, decided not to self-immolate. "First Instance Verdict in Qinghai Combined Case of Intentional Homicide and Incitement to Separatism" [Qinghai yiqi guyi sharen,

shandong fenlie guojia an yishen xuanpan], Xinhua, 8 February 13; Wang Huazhong, "Man Gets 13 Years Over Inciting Self-Immolation," China Daily, 8 February 13; Cao Kai and Wang Daqian, "Xinhua Insight: Tibetan Self-Immolation Instigator Contrite," Xinhua, 8 February 13; "China Focus: Police Reveal Fraud Behind Self-Immolations in NW China," Xinhua, 7 February 13; "China Begins Self-Immolation Trial, Makes More Arrests," Phayul, 29 January 13; "China Arrests Tibetan in New Tactic Against Self-Immolation," Reuters, 24 January 13, reprinted in Voice of America. For more information, see the Commission's Political Prisoner Database record 2013–00064 on Phagpa. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[95] "Nine Tibetans Go on Trial Over Burning Protests," Radio Free Asia, 28 February 13.

[96] "China Sentences Three Tibetans for Inciting Self-Immolations," Tibet Express, 1 March 13; "Three Tibetans Sentenced to Long Jail Terms Over Self-Immolation," Tibet Post International, 2 March 13; "China Sentences Three Tibetans Up to 15 Years for Self-Immolation 'Crimes,'" Phayul, 2 March 13. For more information, see the Commission's Political Prisoner Database records 2013–00098 on Lhamo Dorje, 2013–00099 on Kalsang Sonam, and 2013–00100 on Tsezung Kyab. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[97] Tibetan Centre for Human Rights and Democracy, "Three Tibetans Sentenced to Prison for 'Inciting Separatism,'" 20 March 13.

[98] "Haidong Prefecture Intermediate People's Court Issues Sentences in First-Instance Trial for Inciting Splittism" [Haidong diqu zhongji renmin fayuan yishen xuanpan yiqi shandong fenlie guojia an], People's Daily, 18 March 13; Dui Hua Foundation, "Tibetans Imprisoned for Text, Images as Immolations Continue," Dui Hua Human Rights Journal, 21 March 13; Tibetan Centre for Human Rights and Democracy, "Three Tibetans Sentenced to Prison for 'Inciting Separatism,'" 20 March 13. For more information, see the Commission's Political Prisoner Database records 2013–00119 on Jigme Thabkhe, 2013–00121 on Kalsang Dondrub, and 2013–00122 on Lobsang. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[99] Tibetan Centre for Human Rights and Democracy, "Five monks From Bora Monastery 'Missing' After Detention," 18 December 12; "Monks' Whereabouts Unknown," Radio Free Asia, 18 December 12. For more information, see the Commission's Political Prisoner Database records 2013–00012 on Gedun Gyatso, 2013–00013 on Lobsang Phagpa, 2013–00015 on Jamyang Zoepa, 2013–00016 on Jamyang Lodroe, and 2013–00017 on Jamyang Gyatso. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[100] "More Tibetans Detained," Radio Free Asia, 12 December 12; "China Arrests Relatives, Friends of Tibetan Self-Immolators," Phayul, 14 December 12. For more information, see the Commission's Political Prisoner Database records 2013–00030 on Tsondru, 2013–00031 on Chagthab, 2013–00032 on Shawo, 2013–00033 on Choedron, and 2013–00034 on Rigshe. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[101] "Chinese Authorities Arrest Eight Tibetans for Sharing Information of Self-Immolation Protest," Phayul, 14 January 13. For more information, see the Commission's Political Prisoner Database records 2013–00056 on Nyima, 2013–00057 on Lhamo Dondrub, 2013–00058 on Dorje Dondrub, 2013–00059 on Kalsang Kyab, 2013–00060 on Kalsang Sonam, 2013–00061 on Kalsang Namdren, and 2013–00062 on Sonam Kyi. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[102] "Huangnan Prefecture Intermediate People's Court Pronounced Sentences in Series of Inciting Secession Cases" [Huangnan zhou zhongji renmin fayuan xuanpan xilie shandong fenlie guojia an], Qinghai Daily, 12 April 13; Tibetan Centre for Human Rights and Democracy, "China Confirms Sentencing Four Tibetans for 'Inciting Separatism,'" 15 April 13. For more information, see the Commission's Political Prisoner Database records 2013–00139 on Choepa Gyal, 2013–00141 on Namkha Jam, 2013–00142 on Chagthar, and 2013–00143 on Gonpo. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[103] "Gansu Police Crack Homicide Case of Self-Immolation Organized and Masterminded by Members of the 'Tibetan Youth Congress' of the Dalai Clique" [Gansu jingfang zhenpo dalai jituan "zangqing hui" chengyuan zuzhi cehua zifen sharen'an], Xinhua, 15 January 13 (translated in Open Source Center, 15 January 13; reprinted in Chinese on China News Service); "1st LD Writethru—China Exclusive: Police Apprehend 7 Suspected of Inciting Self-Immolation," Xinhua, 15 January 13, reprinted in China Internet Information Center; "Seven Held After Man Set Himself Ablaze," Xinhua, 16 January 13, reprinted in China Daily. For more information, see the Commission's Political Prisoner Database records 2012–00301 on Kalsang Gyatso, 2012–00303 on Tashi Gyatso, and 2013–00075 on Gonpo Gyal. See also "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[104] Ibid.

[105] In addition to the six named Tibetans who officials retained in detention, the reports mentioned that three of Konchog Sonam's relatives were detained briefly then released, and two unidentified persons had been detained. "Monk, 17, Sets Himself on Fire in Sichuan," Global Times, 30 July 13 (reports two unnamed monks detained and under police investigation); "Five Tibetans Detained in Connection With Self-Immolation," Radio Free Asia, 26 July 13 (names five persons detained after the self-immolation; three were monks); "Three Tibetan Monks Sentenced to Two and Half Years' Prison in Chamdo, One Arrested in Zoege," Phayul, 2 August 13 (names one additional monk detained); "8 Tibetans Disappeared in Connection With Latest Tibetan Self-Immolation," Tibet Express, 29 July 13 (names eight detained persons but does not state that three of them were detained prior to the self-immolation). For more information on

the detention of three monks that reportedly may have "triggered" monk Konchog Sonam's self-immolation, see "Arbitrary Detention of Tibetans Triggered Latest Tibetan Self-Immolation," Tibet Express, 23 July 13.

[106] As of September 1, 2013, the Commission's Political Prisoner Database (PPD) contained the following 112 records of detention or imprisonment linked to self-immolation or the issue of self-immolation since August 2012 (arranged in descending chronological order: records 2013–00142 on Chagthar, 2013–00139 on Choepa Gyal, 2013–00143 on Gonpo, 2013–00141 on Namkha Jam, 2013–00268 on Palden Yignyen, 2013–00264 on Sherab, 2013–00267 on Yonten Gyatso, 2013–00266 on Sanggye Palden, 2013–00265 on Palden Gyatso, 2013–00263 on Tenzin Gyatso, 2013–00129 on Drolma Kyab, 2013–00126 on Tritsan, 2013–00180 on Yijia, 2013–00181 on Ruoba, 2013–00077 on Yarphel, 2013–00163 on Samten, 2013–00164 on Tashi Gyatso, 2013–00165 on Tenphel Gyalpo, 2013–00166 on Tensang, 2013–00162 on Tsering Tagchen, 2013–00178 on Jigme, 2013–00119 on Jigme Thabkhe, 2013–00121 on Kalsang Dondrub, 2013–00171 on Kalsang Dorje, 2013–00099 on Kalsang Sonam, 2013–00098 on Lhamo Dorje, 2013–00122 on Lobsang, 2013–00100 on Tsezung Kyab, 2013–00230 on Urgyen Dorje, 2013–00058 on Dorje Dondrub, 2013–00059 on Kalsang Kyab, 2013–00061 on Kalsang Namdren, 2013–00060 on Kalsang Sonam, 2013–00057 on Lhamo Dondrub, 2013–00056 on Nyima, 2013–00062 on Sonam Kyi, 2013–00055 on Kalsang Samdrub, 2013–00031 on Chagthab, 2013–00033 on Choedron, 2013–00034 on Rigshe, 2013–00032 on Shawo, 2013–00030 on Tsondru, 2013–00023 on Tashi Sonam, 2012–00344 on Choekyab, 2013–00012 on Gedun Gyatso, 2013–00017 on Jamyang Gyatso, 2013–00016 on Jamyang Lodroe, 2013–00015 on Jamyang Zoepa, 2013–00013 on Lobsang Phagpa, 2008–00580 on Washul Dortrug, 2013–00101 on Donnu, 2013–00170 on Gobe, 2013–00076 on Gyadehor, 2013–00064 on Phagpa, 2013–00291 on Shawo Tashi, 2013–00292 on Sobum, 2013–00004 on Choekyong Kyab, 2013–00006 on Dola Tsering, 2013–00003 on Jampa Tsering, 2013–00008 on Kunsang Bum, 2013–00001 on Lhaten, 2013–00005 on Sanggye Bum, 2013–00007 on Tsering Tashi, 2013–00002 on Wanggyal Tsering, 2013–00145 on Gedun Tsultrim, 2013–00144 on Tsondru, 2012–00346 on Konchog Sonam, 2013–00285 on Tsondru Choeden, 2013–00075 on Gonpo Gyal, 2013–00097 on Ngawang Tobden, 2012–00303 on Tashi Gyatso, 2012–00343 on Phurbu, 2012–00341 on Thubten Nyandrag, 2012–00342 on Tsewang, 2013–00072 on Digkar Gyal, 2013–00069 on Kalsang Gyatso, 2013–00071 on Lhamo Dondrub, 2013–00068 on Pema Dondrub, 2013–00070 on Pema Tso, 2013–00073 on Yangmo Kyi, 2013–00211 on Pema Tsewang, 2012–00300 on Jigme Gyatso, 2012–00301 on Kalsang Gyatso, 2012–00302 on Konchog Gyatso, 2012–00333 on Losal, 2012–00332 on Tobden, 2012–00331 on Tsondru, 2013–00288 on Dorje, 2013–00290 on Sonam, 2013–00289 on Tashi Choewang, 2013–00081 on Lobsang Sanggye, 2012–00275 on Lobsang Jinpa, 2012–00277 on Ngawang Monlam, 2012–00279 on Sonam Sherab, 2012–00278 on Sonam Yignyen, 2012–00276 on Tsultrim Kalsang, 2012–00330 on Lobsang Choephel, 2012–00349 on Lobsang Tsering, 2012–00282 on Jamyang Khyenko, 2012–00281 on Lobsang Sanggye, 2012–00280 on Lobsang Palden, 2012–00284 on Lobsang Rabten, 2012–00266 on Lobsang Konchog, 2012–00246 on Asong, 2012–00245 on Thubwang Tenzin, 2012–00261 on Bonkho Kyi, 2012–00262 on Chechog, 2012–00242 on Lobsang Sengge, 2012–00244 on Namse, 2012–00243 on Yarphel, 2012–00231 on Choephel, and 2012–00232 on Sherab.

[107] The Political Prisoner Database cases include a range of circumstances involving official suspicion or prosecution related to activities including: engaging in discussions that officials regard as sympathetic toward or supportive of the act of self-immolation; association with persons who committed self-immolation or contemplated self-immolation; gathering at a self-immolation site; attempting to maintain control over a self-immolator's body so that Tibetan Buddhist monastics can conduct customary religious rites; participating in a memorial gathering or offering condolences to a self-immolator's survivors; seeking to intercede with authorities on behalf of someone officials regard as associated with a self-immolator or self-immolation; refusing to support an official account describing a self-immolator or self-immolation; gathering information on self-immolations; possessing information on self-immolations; providing information on self-immolations to individuals or groups, especially those outside of China; and composing or circulating articles, essays, poetry, lyrics, etc., that officials regard as supportive or sympathetic toward self-immolators or self-immolation.

[108] See, e.g., Human Rights Watch, "China: 'Benefit the Masses' Campaign Surveilling Tibetans," 19 June 13. The report cites a February 28, 2013, Tibetan-language report in China Tibet News that quotes Hao Peng instructing People's Armed Police to "thoroughly ensure no shadows, no gaps, no cracks, not giving hostile forces even the slightest opportunity" [to endanger social stability]. "Hao Peng Attends Meeting Calling on the TAR People's Armed Police To Carry Out Their Social Stability Maintenance Duties During the Two National Meetings" [Drag-chas nyen-rtog bod-ljongs dpung-sde rgyal-yongs skyi tshogs-'du gnyis ring gi brtan-lhing srung-skyong las-'gan-sgrub rgyu'i skul-slong tshogs-chen 'tshogs-pa], China Tibet News, 28 February 13.

[109] For official statements on handling issues and individuals linked to self-immolation in two Tibetan autonomous prefectures where numerous self-immolations took place, and on rewards offered to citizens who provided information to authorities, see, e.g., Human Rights Watch, "Tibetan Immolations, Security Measures Escalate," 29 November 12 (on Huangnan (Malho) Tibetan Autonomous Prefecture (TAP), Qinghai province); International Campaign for Tibet, "Chinese Authorities Offer Large Rewards for Information on 'Black Hand' Behind Tibetan Self-Immolations," 24 October 12 (on Gannan (Kanlho) TAP, Gansu province).

[110] See, e.g., Tibetan Centre for Human Rights and Democracy, "Monastery Under Siege as Monks Face Expulsion While Another Detained for Writing Book on Immolations," 19 March 13 (Monk Tritsun went "missing" after the distribution of his book on self-immolations); "Tibetan Writer Gartse Jigme Arrested," Tibet Express, 10 January 13 ("in the second volume of his book [The King's Valor] he has written on the self immolations, . . .").

[111] "Those Who Incite Self-Immolations Must Be Severely Punished Under the Law" [Shandong zifen zhe bijiang shoudao falu yancheng], Gannan Daily, 3 December 12, reprinted

in Gansu Daily (translated in Dui Hua Human Rights Journal, 5 December 12). E.g., the following statement in the Gannan Daily article is vague, broad, and threatens "severe punishment": "In particular, those black hands behind the scenes who plan, direct, and incite others to commit self-immolation, [have committed] serious, illegal crimes that are extremely inhuman and they have violated human society's most basic standards of conscience and morality. They must be subject to the law's severe punishment and moral condemnation." See also Dui Hua Foundation, "China Outlines Criminal Punishments for Tibetan Self-Immolations," Dui Hua Human Rights Journal, 5 December 12; Human Rights Watch, "Tibetan Immolations, Security Measures Escalate," 29 November 12; "Official Opinion Urges Criminal Prosecution of Persons Linked to Self-Immolations," Congressional-Executive Commission on China, 18 January 13.

[112] Human Rights Watch, "China: Alarming New Surveillance, Security in Tibet—Restrictions Tightened on Tibetans Despite Lack of Threat," 20 March 13. "676 new police-posts established throughout Tibet in 2012 as part of the stability maintenance drive . . . facilitate coordination of information and operations between the security services and the semi-official grid units." "[By] July 2012, [the] 676 permanent, street-side 'convenience police-posts' (Ch.: bian minjing wu zhan) had been set up in towns across the region. These are equipped with computers and video technology for computerized checks of people passing through on a 'case-by-case' basis. Police officers who staff the posts are required to be on duty around-the-clock."

[113] Ibid. "Stability maintenance teams and the new street-side police-posts are maintaining records of all vehicles entering the city or area. In some areas, official media reports said, the new police-posts are required to keep records of 'those going outside the locality' and to register each of them individually, . . ."

[114] Gillian Wong, "Denied Passport, Tibet Poet Can't Receive US Award," Associated Press, 8 March 13 (officials prevented Tibetan writer Tsering Oezer (Woeser) from traveling to the United States to receive an award); International Campaign for Tibet, "ICT's Bhuchung Tsering Highlights Chinese Misguided Policies on Tibet at Capitol Hill Event," 1 February 13. ICT's then-Vice President of Special Programs and subsequent Interim President Bhuchung Tsering said in a prepared statement: "Tibetans are virtually being denied new passports currently. Tibetan applicants for passports are subjected to a new procedure that is not implemented for Chinese. Worse still, the authorities in the Tibet Autonomous Region have in fact been confiscating the passports of the few fortunate Tibetans who have them, thus denying them their right to travel abroad."

[115] Human Rights Watch, "China: Alarming New Surveillance, Security in Tibet—Restrictions Tightened on Tibetans Despite Lack of Threat," 20 March 13. According to the HRW report: "The new grid system grows out of the nationwide 'social stability maintenance' (Ch.: weiwen) policy drive, and establishes a new sub-local layer to the administrative system in urban and rural areas across China. According to one Chinese scholar, the grid system is designed to ensure that "information is proactively gathered about people, events, and things so as to build up a database of urban components and events . . . through which relevant departments and work units can proactively uncover problems in a timely manner."

[116] Human Rights Watch, "China: 'Benefit the Masses' Campaign Surveilling Tibetans," 19 June 13. According to the report, teams of officials were "categorizing Tibetans according to their religious and political thinking, and establishing institutions to monitor their behavior and opinions."

[117] See, e.g., Tibetan Centre for Human Rights and Democracy, "China Launches Crackdown on Personal Cellphones in Lhasa," 11 March 13. According to the TCHRD report, "Chinese authorities in the Tibetan capital, Lhasa, have now begun implementing a campaign to search personal cellphones owned by Tibetans, particularly those in monastic institutions." See also International Campaign for Tibet, "Young Tibetan Father Self-Immolates in Tsekhog; Officials Warn Tibetans Not To Gather at Cremations," 19 November 12 (referring to an autonomous Tibetan area in Qinghai province: "a military build-up and communications cut-off has been put in place"); Tibetan Centre for Human Rights and Democracy, "China Impose Near-Total Information Blockade After Series of Burning Protests," 5 November 12 ("near-total information blockade has been imposed in Kanlho . . . where seven Tibetans burned themselves in protest in the past month").

[118] Human Rights Watch, "China: Tibetan Immolations, Security Measures Escalate," 29 November 12; Human Rights Watch, "China: Alarming New Surveillance, Security in Tibet—Restrictions Tightened on Tibetans Despite Lack of Threat," 20 March 13. According to the HRW report: "In 2012 Tibetan authorities set up a 'TAR Social Stability Maintenance Command' in Lhasa, and established 'Stability Maintenance Work Groups' at every level of the administration, responsible for exercising control over online and phone communications."

[119] See, e.g., "Chinese Authorities Destroy Television Viewing Equipments in Malho," Voice of America, 10 January 13; "China Authorities Seize Satellite Dishes in Labrang, Eastern Tibet," Voice of America, 25 March 13; Tibetan Centre for Human Rights and Democracy, "Crackdown on Satellite Dishes, Broadcast Equipment Deepens in Tibet," 29 January 13. According to the TCHRD report, "Chinese authorities have now heightened the campaign to eradicate all avenues of receiving Tibet-related radio and TV news available on foreign channels by issuing a public notice, which announced monetary fines and actions for those who fail to surrender banned satellite dishes and other broadcast equipment by 27 January 2013."

[120] For reports on self-immolations during the Commission's 2013 year that included a self-immolator's reference to the Dalai Lama during the act of self-immolation (in chronological order), see, e.g., International Campaign for Tibet, "Second Tibetan Dies in Less Than a Week as Self-Immolations Continue in Tibet," 5 October 12 (Yungdrung "shouted slogans calling for . . . the return of the Dalai Lama and the Karmapa"); "Tibetan Man Self-Immolates in Nagchu," Voice of America, 4 October 12 (Gudrub "shouted slogans calling for . . . return of the Tibetan spiritual leader"); "Third Tibet Self-Immolation In One Week," Voice of America, 6 October 12 (Sanggye Gyatso "shouted for the swift return of the Dalai Lama to Tibet"); "Breaking: Tibet Continues To Burn With Another Self-Immolation," Phayul, 13 October 12

(Tamdrin Dorje "raised slogans for the return of His Holiness the Dalai Lama"); Tibetan Centre for Human Rights and Democracy, "'These Chinese Are Not Letting Us Live in Peace. It's Better To Die, Better To Die,'" 29 October 12 (Lhamo Kyab "shouted slogans calling for . . . the 'return of His Holiness the Dalai Lama'"); "Mass Protest After Fatal Burning," Radio Free Asia, 4 November 12 (Dorje Lhundrub "called for the return of . . . the Dalai Lama"); "Five Tibetans Self-Immolate," Radio Free Asia, 7 November 12 (Dorje, Samdrub, and Dorje Kyab "set themselves ablaze in front of a police station in Ngaba town, calling for a free Tibet and the return of . . . the Dalai Lama"); "Five Tibetans Self-Immolate," Radio Free Asia, 7 November 12 (Tamdrin Tso "died shouting slogans calling for the return of the Dalai Lama"); "6 Tibetans Self-Immolate in Two Days," Voice of America, 8 November 12 (Kalsang Jinpa "was reported to have raised a white banner with slogans that called for Dalai Lama's return"); "Tibetan Burnings Rise to 70," Radio Free Asia, 10 November 12 (Gonpo Tsering called for "the return of the Dalai Lama to Tibet"); "Self-Immolations Continue in Rebkong, Two Die in Protest," Voice of America, 15 November 12 (Tenzin Drolma "shouted slogans calling for return of the Dalai Lama"); "Two Tibetan Self-Immolaters Left Letters Behind," Voice of America, 20 November 12 (Chagmo Kyi's letter "called on the new Chinese leader Xi Jinping to meet with the Dalai Lama"); International Campaign for Tibet, "Young Tibetan Father Self-Immolates in Tsekhog; Officials Warn Tibetans Not To Gather at Cremations," 19 November 12 (Sangdrag Tsering "frequently spoke about the Dalai Lama not being allowed to be in Tibet, . . . and that the Panchen Lama is still in prison"); "Tibetan Self-Immolations Continue, 25–Year-Old Dies in Protest," Voice of America, 19 November 12 (Wangchen Norbu "shouted slogans calling for the return of the Dalai Lama to Tibet, [and] release of the Panchen Lama"); International Campaign for Tibet, "Three Self-Immolations in Two Days as Total in Tibet Reaches 81," 24 November 12 (Tamdrin Kyab reportedly had said previously there was "no reason to live without the Dalai Lama's return to Tibet"); "Tibetan Burns, Hails Dalai Lama," Radio Free Asia, 24 November 12 (Tamdrin Dorje "could be seen putting his hands together in prayer, shouting long life to the Dalai Lama"); "17-Year-Old Self-Immolator's Last Note Calls for the Dalai Lama's Return and Tibet's Independence," Phayul, 28 November 12 (Sanggye Drolma left "a will, written in the form of a poem" expressing "her belief in the swift return of . . . the Dalai Lama"); "Father of Three Dies After Self-Immolation," Voice of America, 26 November 12 (Gonpo Tsering "shouted slogans calling for . . . return of the Dalai Lama to Tibet"); "Tibetan Teenager Burns Himself to Death," Voice of America, 28 November 12 (Sanggye Tashi "shouted slogans calling for return of the Dalai Lama and release of the Panchen Lama"); "Two Tibetans Self-Immolate, Total Reaches 89," Voice of America, 29 November 12 (Bande Khar called for "the return of the Dalai Lama to Tibet"); International Campaign for Tibet, "Three Tibetans Self-Immolate in Two Days During Important Buddhist Anniversary: Images of Troops in Lhasa as Tibetans Pray," 10 December 12 (Pema Dorje shouted that the Dalai Lama should be allowed to return to Tibet); Tibetan Centre for Human Rights and Democracy, "Tibetan Religious Festival Marked by Two Self-Immolation Death," 9 December 12 (Konchog Phelgye folded his hands in prayer position and "shouted slogans for the long life of . . . the Dalai Lama and return . . . to Tibet"); "Tibetan Girl Self-Immolates," Radio Free Asia, 10 December 12 (Wangchen Kyi, or Rinchen Kyi, called "for the long life of . . . the Dalai Lama"); International Campaign for Tibet, "Authorities Bar Customary Religious Rituals To Enforce Quick Cremation of Tibetan Who Self-Immolated in Amchok," 15 January 13 (video of Tsering Tashi "depicts him lying on the street in flames, lifting his hands into a prayer position and saying the name of the Dalai Lama"); "Breaking: Monk in Ngaba Becomes 100th To Self-Immolate Under China's Rule," Phayul, 13 February 13 (Lobsang Namgyal, while burning, "shouted slogans for the long life of . . . the Dalai Lama as he ran towards the local police building").

[121] For information on two unprecedented developments during the Commission's 2012 reporting year, the opening of a new Tibetan Buddhism Theological Institute intended to establish an updated "normal order" for the religion, and on teams of Chinese Communist Party cadres dispatched to every monastery and nunnery in the Tibet Autonomous Region to take over monastic management, see, e.g., CECC, 2012 Annual Report, 10 October 12, 161–62; Chang Chuan, "Tibet Buddhist Theological Institute Is Completed and Open—Pagbalha Geleg Namgyai, Qin Yizhi Attend Ceremony, Zhu Weiqun, Hao Peng Speak, Luosang Jiangcun Unveils Signboard, Qizhala Presides Over Ceremony, 11th Panchen Erdini Qoigyi Gyibo Sends Congratulatory Message" [Xizang foxue yuan luocheng kai yuan pabala gelie langjie qin yizhi chuxi dianli zhu weiqun hao peng jianghua luosang jiangcun jiepai—qizhala zhuchi shiyi shi banchan e'erdeni—queji jiebu zhi hexin], Tibet Daily, 21 October 11, reprinted in China Tibet Information Center (translated in Open Source Center, 26 October 11) (on the opening of the new Tibetan Buddhism Theological Institute intended to establish an updated "normal order" for the religion); Zou Le, "Committees To Ensure Stability in Tibet's Monasteries," Global Times, 15 February 12 ("A [Monastery Management Committee] has been established in every monastery in the Tibet Autonomous Region"); Li Chengye, "Regionwide Video-Teleconference on Stability Maintenance and Comprehensive Public Order Management by Public Security, Procuratorial, and Judicial Departments Emphasizes Need To Create New Situation in Regional Harmony and Stability and To Usher in Triumphant Opening of 18th CPC National Congress With Outstanding Achievements; Chen Quanguo, Hao Peng Deliver Speeches; Baima Chilin, Wu Yingjie, Gongbao Zhaxi, Qizhala, Deng Xiaogang Attend Meeting; Luosang Jiangcun Presides Over Meeting; Luobu Dunzhu Attends Meeting at Chamdo Branch Conference Hall" [Quan qu zhengfa wei wen zong zhi gongzuo dianshi dianhua huiyi qiangdiao—nuli kaichuang quan qu hexie wending de xin jumian—yi youyi chengji yingjie dang de 18 dasheng shengli zhaokai—chen quanguo hao peng jianghua baima chilin wu yingjie gongbao zhaxi qizhala deng xiaogang chuxi luosang jiangcun zhuchi luobu dunzhu chuxi changdu fenhuichang huiyi], Tibet Daily, 5 January 12, reprinted in China Tibet Information Center (translated in Open Source Center, 16 January 12) (Chen Quanguo instructed government officials and Party cadres to "strengthen and innovate management of temples and monasteries by making it a key feature to routinely station cadres in temples and monasteries"); Li Chengye, "Chen Quanguo Gives Important Instructions on Further

Improving the Work of Cadre Presence in Monasteries: Let Monks and Nuns Who Love Their Country and Their Religion Experience the Solicitude and Loving Care of Party and Government and Consciously Make Greater Contributions to the Building of Harmonious Tibet and Peaceful Tibet," Tibet Daily, 2 February 12, reprinted in China Tibet Online (translated in Open Source Center, 10 February 12) (Chen said, "The numerous comrades of the task forces for cadre presence in monasteries and the monastery management committees should build on their achievements and keep up their good work; . . ."). For background on self-immolations and measures repressing Tibetans' freedom of religion, see CECC, "Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion," 24 January 12.

[122] See, e.g., State Administration for Religious Affairs, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jing shi zige pingding he pinren banfa], passed 25 November 12, effective 3 December 12.

[123] For recent CECC reporting and analysis on established repressive policies toward the Tibetan Buddhist religion and institution, see, e.g., CECC, 2012 Annual Report, 10 October 12, 161–63; CECC, 2011 Annual Report, 10 October 11, 208–12; CECC, 2010 Annual Report, 10 October 10, 220–22; CECC, "Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion," 24 January 12; "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures," Congressional-Executive Commission on China, 10 March 11.

[124] See, e.g., State Administration for Religious Affairs, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jing shi zige pingding he pinren banfa], passed 25 November 12, effective 3 December 12, art. 11(3) ("educate and guide monks and nuns on . . . upholding the monastery's normal order"); Chen Feiyu, "'Five Continued Focuses,' Realize Greater Development (Under Guidance of Scientific Development Concept)—Interview With Tibet CPC Secretary Chen Quanguo" ["Wu ge jixu zhuoli" shixian geng da fazhan (zai kexue fazhan guan zhiyin xia)—fang xizang zizhiqu dangwei shuji chen quanguo], People's Daily, 4 September 12 (translated in Open Source Center, 21 September 12) ("[W]ith safeguarding the normal order of Tibetan Buddhism as the basic goal, we have administered religious affairs in accordance with laws and regulations.").

[125] International Campaign for Tibet, "New Challenges to Tibet Policy From Inside China," 27 June 13. According to the report, unofficial sources described meetings that reportedly took place in June at three locations, at least of one of which was a monastery, in Hainan (Tsolho) Tibetan Autonomous Prefecture and in Xining city, the Qinghai province capital, as advising: "In terms of religion, the 14th Dalai Lama can be revered, respected and followed. However, in terms of politics, he cannot be followed; religion and politics need to be separated."

[126] Ibid. ICT provided a translation of the Asia Weekly article and provided citation information: Shuo Jiming, "Beijing Expert: Resume Negotiations To Resolve the Tibet Issue," Asia Weekly, Vol. 27, No. 22 (June 2013).

[127] "Chinese Official Says No Softening in Communist Party Struggle Against Dalai Lama Supporters," Associated Press, 9 July 13, reprinted in Star Tribune; "New Crackdown by China on Dalai Lama Photos," Radio Free Asia, 22 July 13; International Campaign for Tibet, "Discussions on Anti-Dalai Lama Policy Shut Down in Qinghai; Kalachakra in Tsolho Cancelled," 24 July 13 (includes a translation of an official notice titled, "Notice Regarding Not Listening to Rumors"); "China Denies Lifting Ban on Dalai Lama Worship," BBC, 28 June 13. See also "Top Political Advisor Stresses Stability in Tibetan Region," Xinhua, 9 July 13.

[128] International Campaign for Tibet, "Discussions on Anti-Dalai Lama Policy Shut Down in Qinghai; Kalachakra in Tsolho Cancelled," 24 July 13.

[129] "List of Members of Standing Committee of Political Bureau of 18th CPC Central Committee," Xinhua, 15 November 12.

[130] Zhong Yongyong, "Chinese Communist Party 18th Central Committee," Chinese Communist Party 18th Central Committee, reprinted in Sina (blog), 18 April 13. In addition to the posts of member of the Standing Committee of the Political Bureau of the Chinese Communist Party and Head of the Central Committee Coordinating Group for Tibet Affairs, Yu Zhengsheng is a Deputy Head of the Central Committee Coordinating Group for Taiwan Affairs. "Yu Zhengsheng—Chairman of National Committee of Chinese People's Political Consultative Conference," Xinhua, 11 March 13. Yu also holds the post of Chairman of the Chinese People's Political Consultative Committee.

[131] International Campaign for Tibet, "Discussions on Anti-Dalai Lama Policy Shut Down in Qinghai; Kalachakra in Tsolho Cancelled," 24 July 13; "Top Political Advisor Stresses Stability in Tibetan Region," Xinhua, 9 July 13. According to the Xinhua article, Yu Zhengsheng visited Gannan (Kanlho) Tibetan Autonomous Prefecture, Gansu province, on or shortly before July 9, 2013; apparently on the same trip, Yu stated, "Only when the Dalai Lama publicly announces that Tibet is an inalienable part of China since ancient time, gives up the stance of 'Tibet independence' and stops his secessionist activities, can his relations with the CPC Central Committee possibly be improved."

[132] International Campaign for Tibet, "Discussions on Anti-Dalai Lama Policy Shut Down in Qinghai; Kalachakra in Tsolho Cancelled," 24 July 13.

[133] The following reports include images: International Campaign for Tibet, "Shooting in Tawu on Dalai Lama's Birthday: Update," 26 July 13; Tibetan Centre for Human Rights and Democracy, "More Injured by Gunshots Than Earlier Reported in Tawu," 17 July 13.

[134] International Campaign for Tibet, "Shooting in Tawu on Dalai Lama's Birthday: Update," 26 July 13 ("opened fire . . . injuring at least ten people"; "wounds apparently caused by shooting or using some form of riot control devices"; "[a]t least 16 Tibetans were tortured and beaten"); Tibetan Centre for Human Rights and Democracy, "More Injured by Gunshots Than Earlier Reported in Tawu," 17 July 13 ("14 have sustained gunshot wounds").

[135] Teachers over the age of 50 are exempt from periodic reassessment and reappointment if authorities deem them to satisfy requirements under Article 4 on, among other things, patriot-

ism toward China, upholding Party leadership and the socialist system, obeying monastic management groups, and accepting supervision by Buddhist associations and government departments. State Administration for Religious Affairs, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jing shi zige pingding he pinren banfa], passed 25 November 12, effective 3 December 12, arts. 4, 5(3), 10.

[136] State Administration for Religious Affairs, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jing shi zige pingding he pinren banfa], passed 25 November 12, effective 3 December 12, art. 10.

[137] Older legal measures acknowledge the role of the Party in Buddhist associations. See, e.g., Tibet Autonomous Region People's Government, Tibet Autonomous Region Temporary Measures on the Management of Religious Affairs [Xizang zizhiqu zongjiao shiwu guanli zanxing banfa], passed 9 December 91, effective 20 December 91, art. 15. The measures state, "The Buddhist Association is a . . . bridge for the Party and government to unite and educate personages from religious circles and the believing masses. Its effectiveness shall be vigorously brought into play under the administrative leadership of the government's religious affairs department."

[138] State Administration for Religious Affairs, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jing shi zige pingding he pinren banfa], passed 25 November 12, effective 3 December 12, art. 5(3).

[139] Ibid., art. 4(2) ("love the nation and love religion").

[140] Ibid., art. 4(2) ("Uphold the leadership of the Chinese Communist Party and the socialist system, . . .").

[141] Ibid., art. 4(3) ("accept the guidance and supervision of the religious affairs departments and Buddhist Associations under the People's Government in the monastery's locale").

[142] Ibid., art. 10.

[143] Ibid., art. 14.

[144] "List of Autonomous Region's Harmonious Model Monasteries and Patriotic Law-Abiding Advanced Monks and Nuns," Tibet Daily, 3 May 12, reprinted in China Tibet News; Liu Xiangrui and Daqiong, "Tibetan Monasteries Cited for Contributions to Harmony," China Daily, 20 April 12.

[145] Li Hualing, "Tibetan Monks and Nuns Say That Patriotism Is the Precondition for the Development of Tibetan Buddhism" [Xizang sengni: aiguo shi zangchuan fojiao fazhan de xianjue tiaojian], Xinhua, 28 December 12 (translated in Open Source Center, 5 January 13).

[146] Ibid.

[147] See, e.g., Wu Bin, "Qiang Wei Conducts Fact-Finding on Safeguarding Stability in Hualong County, Emphasizes Need To Consolidate Achievements in Ad Hoc Struggle Against Self-Immolation—Create a Good Social Environment for Promoting Construction and Development" [Qiang wei zai hualong xian diaoyan weihu wending gongzuo shi qiangdiao gonggu fan zifen zhuanxiang douzheng chengguo—wei zhua jianshe cu fazhan yingzao lianghao de shehui huanjing], Qinghai Daily, 2 March 13 (translated in Open Source Center, 7 March 13). According to the report, while on an inspection visit to Hualong county, Haidong prefecture, Qinghai province, Party Secretary Qiang Wei expressed "hope" to Jakhyung Monastery monks that they would "strengthen monastery management and legal system education for the monks, actively cooperate with the Party and the government in all work, and safeguard social harmony and stability."

[148] As of September 1, 2013, the Commission had not observed any followup report on when or whether the senior monastic officials were able to return to their Lhasa monastic institutions. Media and advocacy groups sometimes use the term "political education" or "patriotic education" to describe compulsory classes that Chinese state-run media and officials refer to using the more recent term, "legal education." See "Fears of New Crackdown on Monks," Radio Free Asia, 30 January 13 (reports total of 14; names 14); "Senior Monks of Sera, Drepung, Ganden Disappeared," Phayul, 30 January 13 (reports total of 16; names 14). For more information, see the Commission's Political Prisoner Database records 2013–00147 on Jampal Lhagsam, 2013–00148 on Ngawang, 2013–00149 on Ngawang Donden, 2013–00150 on Ngawang Palsang, 2013–00151 on Ngawang Samten, 2013–00152 on Migmar, 2013–00153 on Samten, 2013–00154 on Ngawang Lodroe, 2013–00155 on Tashi Gyaltsen, 2013–00156 on Kalden, 2013–00157 on Lobsang Ngodrub, 2013–00158 on Tseten Dorje, 2013–00159 on Lhundrub Yarphel, and 2013–00160 on Ngawang Lophel.

[149] For reports providing specific detail on self-immolators' reference to Tibetan language or culture (in chronological order), see, e.g., "Third Tibet Self-Immolation in One Week," Voice of America, 6 October 12 (Sanggye Gyatso "shouted for the swift return of the Dalai Lama to Tibet and called for religious and language rights"); "Tibetan Burnings Rise to 70," Radio Free Asia, 10 November 12 (Gonpo Tsering called for "freedom for Tibetans, the return of the Dalai Lama to Tibet and freedom of languages"); "Two Tibetan Self-Immolaters Left Letters Behind," Voice of America, 20 November 12 (Nyingkar Tashi left a letter that "urged unification of all Tibetans and urged Tibetans to learn and speak Tibetan, and called for freedom for Tibet"); "Two Tibetans Self-Immolate, Total Reaches 89," Voice of America, 29 November 12 (Bande Khar called for "the return of the Dalai Lama to Tibet, the release of all Tibetan political prisoners, freedom of religion and language and protection of Tibet's fragile environment"); "'Without Independence Tibet Will Be Annihilated,' a Self-Immolator's Last Words," Phayul, 9 May 13 (Phagmo Dondrub allegedly told friends shortly before he self-immolated that "authorities have restricted studying Tibetan language . . . and all teachers have been expelled . . . I am really sad now").

[150] China Directory 2011, ed. Radiopress (Kawasaki: RP Printing Co., 2010), 17, 27. Zhu Weiqun, who retired from the Communist Party Central Committee at the October 2012 18th National Congress of the Chinese Communist Party, held positions as Executive Deputy Head of the Party's United Front Work Department and Director of the Party's General Office of the Central Coordinating Group for Tibet Affairs. "Official: Dalai Lama 'Stubborn in Talks, Not True to His Word,'" Xinhua, 26 March 09, reprinted in People's Daily. According to the article, "Zhu

has been dealing with Tibet-related issues since 1998 and has been personally involved in all the contacts and talks with the Dalai Lama side since 2003."

[151] Zhu Weiqun, "Some Thoughts on Existing Problems in the Field of Nationalities" [Dui dangqian minzu lingyu wenti de jidian sikao], Study Times, 13 February 12 (translated in Open Source Center, 20 February 12). Zhu stated: "If assimilation is the natural amalgamation of all nationalities to move toward prosperity, that would be progressive. . . . In China's history, some nationalities have been constantly amalgamated and some new nationalities have constantly emerged; this is a universal and regular phenomenon."

[152] Ibid., ("promoting desegregated education for students of different nationalities"). Zhu states in the article: "Now some of our educational and administrative measures have, by accident or design, weakened the education on the sense of nationhood and identification with the Chinese Nation."

[153] Ibid. Zhu stated: "Whether from the perspective of benefiting the development and progress of minority nationalities, or from the perspective of benefiting the Chinese Nation's unanimity, it is imperative to popularize the state's common spoken and written languages without fail."

[154] Office of the Spokesperson, U.S. Department of State, "Statement by Special Coordinator for Tibetan Issues Maria Otero," 5 December 12. As of the statement date, Maria Otero also served as Under Secretary of State for Civilian Security, Democracy, and Human Rights.

[155] For information on previous large-scale Tibetan student protests in Qinghai in March 2012 and October 2010 against policy changes that students reportedly believed would reduce the status and use of Tibetan language, see CECC, 2012 Annual Report, 10 October 12, 164; CECC, 2011 Annual Report, 10 October 11, 214–16.

[156] The following reports refer to a November 26, 2012, tertiary student protest in Gonghe (Chabcha) county, the capital of Hainan (Tsolho) Tibetan Autonomous Prefecture, Qinghai province. "More Than 1000 Chabcha Students Protest Chinese Authorities," Voice of America, 26 November 12. According to VOA, "[m]ore than 1000 Chabcha Tibetan Medical School students" chanted "slogans for equality of nationalities, freedom of language, respect for truth and establishment of new governance." "Tibetan Student Protesters Held," Radio Free Asia, 27 November 12. According to RFA, citing local residents, the students protested "over the release of an official Chinese booklet which ridiculed the Tibetan language as irrelevant and condemned the series of self-immolation protests against Beijing's rule as acts of 'stupidity.'"

[157] The following report refers to a November 28, 2012, tertiary student protest in Gonghe county, Hainan TAP. "Tibetan Student Protests Spread," Radio Free Asia, 28 November 12. According to the report, citing a source, "Students from the Tsolho Technical School in Chabcha (in Chinese, Gonghe) . . . stormed out of their campus and shouted for 'freedom' and 'Tibetan language rights' in front of the prefecture government center."

[158] "More Than 1000 Chabcha Students Protest Chinese Authorities," Voice of America, 26 November 12. Referring to the November 26 protest, VOA stated, "The protest appears to be a direct response to a 10-point leaflet distributed to students by the local authorities. The leaflet was perceived to be derogatory towards the individuals who have carried out self-immolation protests and against use of Tibetan language." Tibetan Centre for Human Rights and Democracy, "China Alienates, Angers Tibetan Students With Political Education," 29 November 12. According to TCHRD, the booklet, on page 48, apparently set aside the notion that "bilingual education caused the decline of minority language," and stated that promoting and implementing bilingual education policy in ethnic minority areas is of "long-term significance for the Chinese Communist Party and the Chinese nation."

[159] For information on China's "bilingual education" policy for ethnic minority groups such as Tibetans and Uyghurs, see, e.g., CECC, 2012 Annual Report, 10 October 12, 152–53, 164; CECC, 2011 Annual Report, 10 October 11, 48, 201–2, 214–15; CECC, 2010 Annual Report, 10 October 10, 208–9; CECC, 2009 Annual Report, 10 October 09, 244, 258–61. See also International Campaign for Tibet, "Thousands of Tibetan Pilgrims Face Troops at Religious Ceremonies in Eastern Tibet," 8 March 13; Tibetan Centre for Human Rights and Democracy, "China Calls for Bilingual Policy, Crackdown on Immolations," 15 March 13.

[160] Tibetan Centre for Human Rights and Democracy, "China Alienates, Angers Tibetan Students With Political Education," 29 November 12. TCHRD attributes the remark to Chapter Four on bilingual education.

[161] International Campaign for Tibet, "Young Tibetans Sentenced to Five-Year Prison Terms After Chabcha Student Protests," 12 December 12; "Mass Tibetan Student Protest," Radio Free Asia, 9 November 12. According to the ICT report, middle and high school students in Tongren (Rebgong), Huangnan (Malho) TAP, reportedly called for, among other things, "equality of nationalities and freedom of languages."

[162] Reports referred to the school by different names; it was not clear whether students from more than one institution participated in the protest. "Gonghe County People's Court Pronounces Sentences for '11.26' Illegal Assembly Case" [Gonghe xian renmin fayuan xuanpan "11–26" feifa youxing shiwei an], Xining Evening News, 17 April 13, reprinted in Qinghai News Agency (Hainan Vocational and Technical School); Tibetan Centre for Human Rights and Democracy, "Chabcha Student Protesters Sentenced Up to Four Years," 17 April 13 (Hainan [Tsolho] Vocational School); International Campaign for Tibet, "Tibetan Student Detentions After Protests in Chabcha, Rebkong," 19 December 12 (Hainan [Tsolho] Professional Training School); "More Than 1000 Chabcha Students Protest Chinese Authorities," Voice of America, 26 November 12 (Gonghe [Chabcha] Medical School); "More Tibetans Detained," Radio Free Asia, 12 December 12 (Hainan [Tsolho] Medical Institute).

[163] For more information on the eight students and their sentences, see the following in the Commission's Political Prisoner Database: Records 2013–00001 on Lhaten (3 years and 6 months); 2013–00002 on Wanggyal Tsering (3 years and 3 months); 2013–00003 on Jampa Tsering (3 years and 6 months); 2013–00004 on Choekyong Kyab (3 years and 3 months); 2013–00005 on Sanggye Bum (4 years); 2013–00006 on Dola Tsering (3 years); 2013–00007 on Tsering Tashi (3 years); and 2013–00008 on Kunsang Bum (3 years and 6 months).

[164] PRC Criminal Law [Zhonghua renmin gongheguo xingfa], issued 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 296 ("an assembly, a procession or a demonstration is held with no application made in accordance with the provisions of law . . . .").

[165] Tibetan Centre for Human Rights and Democracy, "Chabcha Student Protesters Sentenced Up to Four Years," 17 April 13 (students reportedly also resented the booklet's "propaganda attacks against self-immolation protests"); "Gonghe County People's Court Holds Trial for '11.26' Illegal Assembly" [Gung-ho rdzong mi-dmang khrims-gang gos "11–26" krims-'gal-gyi khrom-skor-byed pa'i gyod-don 'dri-gcod byas-pa], China Tibet Network, 17 April 13; "Gonghe County People's Court Pronounces Sentences for '11.26' Illegal Assembly Case" [Gonghe xian renmin fayuan xuanpan "11–26" feifa youxing shiwei an], Xining Evening News, 17 April 13, reprinted in Qinghai News Agency.

[166] "More Tibetans Detained," Radio Free Asia, 12 December 12.

[167] International Campaign for Tibet, "Tibetan Student Detentions After Protests in Chabcha, Rebkong," 19 December 12 ("the pamphlet includes an incoherent diatribe on the Tibetan self-immolation protests, which are equated to 'terrorist acts'"); Tibetan Centre for Human Rights and Democracy, "China Alienates, Angers Tibetan Students With Political Education," 29 November 12 (the booklet stated that self-immolations "are [the] same as other violent and terrorist acts").

[168] "Tibetan Student Leader Jailed, Nuns Released," Radio Free Asia, 12 June 13. For more information, see the Commission's Political Prisoner Database record 2013–00207 on Wangchug Dorje.

[169] "Push To Preserve the Tibetan Language in China," Radio Free Asia, 25 February 13. According to the RFA report, Tibetans in Guoluo (Golog) Tibetan Autonomous Prefecture, Qinghai province, gathered on February 21 in front of a portrait of the Dalai Lama and read poems on the importance of protecting the Tibetan language. See United Nations, "International Mother Language Day: 21 February," last visited 9 May 13. According to the UN Web site, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) established International Mother Language Day in November 1999 in order "to promote the preservation and protection of all languages used by peoples of the world." International Mother Language Day has been observed on February 21 since 2000.

[170] "Push To Preserve the Tibetan Language in China," Radio Free Asia, 25 February 13. According to the report, the posters appeared in Luqu (Luchu) county, Gannan (Kanlho) Tibetan Autonomous Prefecture, Gansu province.

[171] "Tibetan Language Classes Closed," Radio Free Asia, 10 January 13. According to the report, authorities in a township in Songpan (Zungchu) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, banned the classes, which were underway during the winter school break.

[172] "No Local Residents, Monks, Nuns Self-Immolate in Tibet: Official," Xinhua, 3 March 13 (Pema Choling, Chairman of the Standing Committee of the Tibet Autonomous Region People's Congress, said, "Developing economy, improving people's well-being, and building a sound education is key to overall development of Tibet."); Chen Quanguo, "Firmly and Unswervingly Take the Road of Development With Chinese and Tibetan Characteristics, and Struggle in Unity To Achieve Development by Leaps and Bounds and Long-Term Stability and Security" [Jianding buyi zou you zhongguo tese xizang tedian fazhan luzi—wei shixian kuayueshi fazhan he changzhijiuan er tuanjie dou], Tibet Daily, 18 November 11, reprinted in China Tibet Information Center (translated in Open Source Center, 4 December 11) (TAR Party Secretary Chen Quanguo described development as "the foundation on which to resolve all of Tibet's problems.").

[173] See, e.g., "Tibetans Detained for Protesting Destruction of Their Homes," Radio Free Asia, 11 April 13. For more information on earthquake-related property protests in Kyegudo ("Jiegu"), see CECC, 2011 Annual Report, 10 October 11, 218–19. For information on self-immolations carried out as property protests in Kyegudo ("Jiegu"), see, e.g., "Tibetan Evictee Self-Immolates," Radio Free Asia, 4 April 13 (on the non-fatal, late-March 2013 self-immolation of an unidentified female); "A Tibetan Woman's Self Immolation Known," Tibet Express, 4 January 13 (on the September 13, 2012, non-fatal property protest by Pasang Lhamo); "Land Seizure Protests in Keygudo Prompts Self-Immolation," Phayul, 4 July 12 (on the June 27, 2012, non-fatal property protest of female Dekyi Choezom).

[174] See, e.g., "Threat To Destroy Chinese Abattoir," Radio Free Asia, 1 February 13 (Tibetans in Mangkang (Markham) county, Changdu (Chamdo) prefecture, TAR, "threatened to destroy a Chinese-operated slaughterhouse polluting local sources of drinking water after authorities ignored their petitions to shut it down"); "Mine Ruins River, Destroys Farms," Radio Free Asia, 18 January 13 ("Chinese mining operations" in Linzhou (Lhundrub) county, Lhasa municipality, TAR, were "destroying farmers' fields and forcing herders to move away from traditional grazing areas").

[175] "Two Tibetans Self-Immolate, Total Reaches 89," Voice of America, 29 November 12 (Bande Khar called for "the return of the Dalai Lama to Tibet, the release of all Tibetan political prisoners, freedom of religion and language and protection of Tibet's fragile environment").

[176] "Political Bureau Done Mapping Out New General Strategy for Governing Tibet" [Zhengzhiju mouding zhizang xin fanglue], China News Service, 10 January 10 (translated in Open Source Center, 10 January 10); "The CPC Central Committee and the State Council Hold the Fifth Tibet Work Forum; Hu Jintao and Wen Jiabao Deliver Important Speeches," Xinhua, 22 January 10 (translated in Open Source Center, 24 January 10). See also CECC, 2010 Annual Report, 10 October 10, 215–19; "Communist Party Leadership Outlines 2010–2020 'Tibet Work' Priorities at 'Fifth Forum,'" CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10, 2.

[177] "Political Bureau Done Mapping Out New General Strategy for Governing Tibet" [Zhengzhiju mouding zhizang xin fanglue], China News Service, 10 January 10 (translated in

Open Source Center, 10 January 10) ("adherence to a development path with Chinese characteristics [*tese*] and Tibetan traits [*tedian*]").

[178] See, e.g., Liu Sha, "Investment in Western China Tripled in 2012," Global Times, 21 December 12 ("western development strategy, a policy adopted in 2000 by the State Council"); Li Dezhu, "Large-Scale Development of Western China and China's Nationality Problem," Seeking Truth, 1 June 00 (Open Source Center, 15 June 00) (Li Dezhu [Li Dek Su] addresses the social and ethnic implications of the program that Jiang Zemin launched in 1999); "Premier Wen Says China Will Continue Developing Western Region," Xinhua, 16 October 09 (Premier Wen Jiabao stated China "would unswervingly stick to the West Development Strategy adopted in 2000"); "Chinese Leaders Call for More Efforts To Develop West," Xinhua, 6 July 10; "China's Western Region Development Plan a Dual Strategy," Xinhua, 8 July 10 (Deputy Director Du Ying of the National Development and Reform Commission said the initiative would continue "in the western region during the next ten years").

[179] Liu Sha, "Investment in Western China Tripled in 2012," Global Times, 21 December 12.

[180] Zhu Zhe, "Lhasa-Xigaze Railway To Open by the End of 2014," China Daily, 8 November 12. According to the China Daily report, Jampa Phuntsog, Chairman of the Standing Committee of the TAR People's Congress, provided the date that operation would start. Budget for the railway reportedly is 13.3 billion yuan.

[181] "Tibet Starts Building 5th Civil Airport," Xinhua, 30 April 09. According to the report, "Construction on the 11-billion-yuan [US$1.61 billion] Qinghai-Tibet railway's extension line started in 2008 and was expected to be completed in 2010." The article provided the estimated cost as 11 billion yuan.

[182] "Full Speed Ahead for Tibet Railway Extension," Xinhua, 17 January 12. According to the report, "The extension of a landmark railway from Tibet's capital, Lhasa, to its second-largest city, Xigaze, is in full swing and will be completed by 2015, officials said Tuesday."

[183] Fu Shuangqi et al., "China Unveils Plan To Streamline Gov't," Xinhua, 10 March 13; Cheng Yunjie and Chen Siwu, "Xinhua Insight: Parliament Endorses Cabinet Reshuffle, Unleashing China's Reform Vitality," Xinhua, 14 March 13.

[184] Cui Jia and Wang Huazhong, "Doubts Surface Over Reorganizing Railways," China Daily, 13 March 13. According to the report, Jampa Phuntsog (Xiangba Pingcuo) said "there would be uncertainty if the Ministry of Railways ceased to exist because under the current system it's easier for the ministry to approve construction plans in the region." Chairman of the TAR People's Government Lobsang Gyaltsen (Luosang Jianzan) reportedly said, "The cost of building railways in high plateau areas is extremely high and it is not something a company would like to do if it doesn't make money." China Directory 2012, ed. Radiopress (Tokyo: JPM Corporation, Ltd., 2011), 432–33. Under the name "Qiangba Puncog," China Directory provides the positions of Executive Deputy Secretary of the TAR Party Committee and Chairman of the Standing Committee of the TAR People's Congress; under the name "Lobsang Gyaincain," it provides the position of member of the Standing Committee of the TAR Party Committee.

[185] For information on the compulsory nature and extent of the program, see Human Rights Watch, "'They Say We Should Be Grateful'—Mass Rehousing and Relocation Programs in Tibetan Areas of China," 27 June 13. Also see Human Rights Watch, "'No One Has the Liberty To Refuse'—Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region," 11 June 07; CECC, "Special Topic Paper: Tibet 2008–2009," 22 October 09, 53–54.

[186] "Tibet To Accelerate Housing Project in Rural Area," China Tibet Online, 11 January 13, reprinted in China Tibet News.

[187] Chen Feiyu, "'Five Continued Focuses,' Realize Greater Development (Under Guidance of Scientific Development Concept)—Interview With Tibet CPC Secretary Chen Quanguo" ["Wu ge ji xu zhuoli" shixian geng da fazhan (zai kexue fazhan guan zhiyin xia)—fang xizang zizhiqu dangwei shuji chen quanguo], People's Daily, 4 September 12 (translated in Open Source Center, 21 September 12) ("We will ensure that all farmers and herdsmen can live in safe and comfortable houses by the end of 2013.").

[188] State Council Opinion on Promoting and Speeding Up Sound Development in Grazing Areas [Guowuyuan fabu guanyu cujin muqu you hao you kuai fazhan de ruogan yijian], PRC People's Central Government, 9 August 11.

[189] For information on the March 29, 2013, landslide at a gold mine that killed at least 83 workers in Mozhugongka (Maldro Gongkar) county, Lhasa municipality, TAR, see, e.g., "Memorial Service Held for Tibet Landslide Victims," Xinhua, 4 April 13; International Campaign for Tibet, "Disaster in Gyama Draws Attention to Impact of Mining in Tibet," 5 April 13; "More Than 80 Trapped in Tibet Gold Mine Landslide," Radio Free Asia, 29 March 13. For a 2011 commentary and images of mining in the area where the landslide occurred, see "Using Google Earth To Monitor Mining in Tibet 3: Example of Gyama," Tibetan Plateau (blog), 9 January 11.

[190] "Mine Ruins River, Destroys Farms," Radio Free Asia, 18 January 13 ("mining operations are damaging the environment in a county outside Tibet's regional capital Lhasa, destroying farmers' fields and forcing herders to move away from traditional grazing areas"); "Chinese Mine Killing Livestock, Destroying Farm in Tibet," Phayul, 21 January 13 ("mining project in [Linzhou (Lhundrub) county, Lhasa municipality] has forced the eviction of hundreds of Tibetans . . . and caused severe damage to the environment, leading to livestock deaths and decline in farm yield"); "Threat To Destroy Chinese Abattoir," Radio Free Asia, 1 February 13 (residents in Mangkang [Markham] county, Changdu [Chamdo] prefecture, TAR, "threatened to destroy a Chinese-operated slaughterhouse polluting local sources of drinking water after authorities ignored their petitions to shut it down"). For an overview of mining operations and pollution, see Richard Finney, "Chinese Mines Pollute Tibet's Rivers, Streams," Radio Free Asia, 6 May 13.

[191] "Thousands of Tibetans Protest Against Mine," Radio Free Asia, 28 May 13.

[192] "Tibet To Step Up Exploitation of Mineral Resources, Vowing To Be 'Rational,'" Xinhua, 12 March 10. According to the report, an official described the TAR mining industry as "fledg-

ling" and "contributing about 3 percent to the local economy." "By 2020, the mineral industry would contribute to 30 to 50 percent of Tibet's GDP," he said.

[193] Richard Finney, "Concerns Arise Over China's Dam Building Drive in Tibet," Radio Free Asia, 17 April 13; Simon Denyer, "Chinese Dams in Tibet Raise Hackles in India," Washington Post, 7 February 13; "China Announces a Slew of Dams on Brahmaputra and Salween," Phayul, 31 January 13.

[194] For details on hydropower projects that are currently operational, under construction, or proposed, including maps, name information in English, Chinese, and Tibetan, and details on capacity and height, see "2013 Update: Dams on the Drichu (Yangtze), Zachu (Mekong) and Gyalmo Ngulchu (Salween) Rivers on the Tibetan Plateau," Tibetan Plateau (blog), 26 March 13.

[195] In addition to the 328 Tibetans detained on or after March 10, 2008, whom courts sentenced to imprisonment, are 8 Tibetans believed charged with a crime (and who may face trial); 7 Tibetans believed charged and tried (and who may have been sentenced); 1 Tibetan who was charged, tried, and released; and 1 Tibetan who was charged, tried, and then died.

[196] In addition to the 622 Tibetan political prisoners believed or presumed to be currently detained or imprisoned and who were detained on or after March 10, 2008, the Commission's Political Prisoner Database recorded, as of September 1, 2013, 909 Tibetan political prisoners detained or imprisoned on or after March 10, 2008, who are believed or presumed to have been released, or who reportedly escaped or died.

[197] Tibetan Buddhists believe that a *trulku* is a teacher who is a part of a lineage of teachers that are reincarnations.

[198] Of the 176 fixed terms of imprisonment, 171 were judicial sentences ranging from 1 year and 6 months to 20 years, and 5 were periods of reeducation through labor of 2 years.

[199] PRC Criminal Law [Zhonghua renmin gongheguo xingfa], issued 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 50. A sentence of death with a two-year reprieve may be commuted to life imprisonment upon expiration of the two-year suspension if a prisoner "commits no intentional crime" during the suspension. If a prisoner "has truly performed major meritorious service," then the sentence may be commuted to a fixed-term sentence of not less than 15 years and not more than 20 years. If the prisoner "has committed an intentional crime" during the period of suspension, the death penalty "shall be executed upon verification and approval of the Supreme People's Court."

Notes to Section VI—Developments in Hong Kong and Macau

[1] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed 4 April 90, effective 1 July 97, art. 2 ("high degree of autonomy"), art. 27 (freedoms of speech and assembly), art. 32 (freedom of religion), art. 39 (applicability of ICCPR).

[2] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed 4 April 90, effective 1 July 97,art. 45 (selection of Chief Executive by universal suffrage), art. 68 (selection of Legislative Council by universal suffrage).

[3] UN Human Rights Committee, Concluding Observations on the Third Periodic Report of Hong Kong, China, Adopted by the Committee at its 107th session (11–28 March 2013), CCPR/C/CHN–HKG/CO/3, 29 April 13, para. 6.

[4] Ibid.

[5] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed 4 April 90, effective 1 July 97, art. 45.

[6] Decision of the National People's Congress Standing Committee on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage [Quanguo ren da changweihui guanyu xianggang tebie xingzheng qu 2012 nian xingzheng zhangguan he lifahui chansheng banfa ji youguan puxuan wenti de jueding], passed 29 December 07.

[7] UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant, Third Periodic Report of States Parties, Hong Kong, China, CCPR/C/CHN–HKG/3, 19 July 11. The document is a report by the Hong Kong Special Administrative Region government to the UN Human Rights Council.

[8] Legislative Counsel of the Hong Kong Special Administrative Region of the People's Republic of China, "LegCo Today," last visited 2 October 13; Bill K. P. Chou, "Elections in Hong Kong: International Perspectives and Implications for China," in China and East Asia: After the Wall Street Crisis, eds. Peng Er Lam et al. (Singapore: World Scientific Publishing Co. Pte. Ltd., 2013), 82 (Chief Executive election), 88–89 (Legislative Council's corporate electors, electors with multiple votes), 89 (electorate size for functional constituencies).

[9] "Occupy Central Movement Gaining Support Among Young," South China Morning Post, 2 July 13; Joshua But and Emily Tsang, "Occupy Central Poised To Top July 1 Donation Chart," South China Morning Post, 3 July 13.

[10] Joshua But and Gary Cheung, "Occupy Central Pioneer Outlines Its Four-Stage Plan To Achieve Democracy," South China Morning Post, 28 March 13.

[11] Hong Kong Special Administrative Region Information Services Department, "Curriculum Guide of Moral and National Education Subject Formally Shelved (Press Release)," 8 October 12.

[12] Keith Bradsher, "Hong Kong Retreats on 'National Education' Plan," New York Times, 8 September 13.

[13] Stuart Lau and Joshua But, "CY Leung Won't Be Drawn on PLA Help for Occupy Central," South China Morning Post, 12 July 13; Chester Yung and Te-Ping Chen, "Thousands in Hong Kong Mark Handover With Rally for Democracy," Wall Street Journal, 1 July 13; Tony Cheung, "Leung Chun-Ying Says Beijing's Consent To Start Reform Talks Not Needed," South China Morning Post, 4 May 13.

[14] Phila Siu et al., "Call To Put Off Suffrage Debate Is Panned as 'Stalling Tactic,'" South China Morning Post, 24 June 13.

[15] CECC, 2012 Annual Report, 10 October 12, 169.

[16] Zhang Xiaoming, "Director Zhang Xiaoming Replies to Civic Party Leader Alan Leong's Letter" [Zhang xiaoming zhuren huifu gongmindang dangkui liang jiajie de xin], Liaison Office of the Central People's Government in the Hong Kong S.A.R., 30 August 13; Tanna Chong, "Civil Nomination Proposal Violates Basic Law, Says Zhang Xiaoming," South China Morning Post, 13 September 13.

[17] Te-Ping Chen, "Communist Party Douses Hong Kong Hopes for Full Democracy," Wall Street Journal, 13 September 13.

[18] Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, "Qiao Xiaoyang's Remarks at a Hong Kong Conference With Select Legislative Council Members" [Qiao xiaoyang zai xianggang lifahui bufen yiyuan zuotanhui shang de jianghua], 27 March 13.

[19] Ibid.

[20] Keith Bradsher, "Hong Kong Court Denies Residency to Domestics," New York Times, 25 March 13.

[21] Ibid.

[22] "US Got NSA Leaker Edward Snowden's Middle Name Wrong, Says Hong Kong," Associated Press, reprinted in Guardian, 26 June 13.

[23] Jane Perlez and Keith Bradsher, "China Said To Have Made Call To Let Leaker Depart," New York Times, 23 June 13.

[24] Ibid.

[25] Hong Kong Journalists Association, "Dark Clouds on the Horizon—Hong Kong's Freedom of Expression Faces New Threats, 2013 Annual Report," July 2013, 8–9.

[26] Ng Kang-chung, "Next Media Dangles HK$1M Carrot To Hunt Down Attackers," South China Morning Post, 1 July 13.

[27] Hong Kong Journalists Association, "Dark Clouds on the Horizon—Hong Kong's Freedom of Expression Faces New Threats, 2013 Annual Report," July 2013, 8–9; Johnny Tam, "Leung Chun-Ying 'Failing' on Press Freedom, Says Journalist Group," South China Morning Post, 8 July 13.

[28] Hong Kong Journalists Association, "Survey on Press Freedom Under the Tsang Administration (2005–12)," 24 June 12.

[29] Freedom House, "Freedom of the Press 2013, Hong Kong," 2013.
[30] Hong Kong Journalists Association, "Dark Clouds on the Horizon—Hong Kong's Freedom of Expression Faces New Threats, 2013 Annual Report," July 2013, 15.
[31] Ibid.
[32] Nicholas Frisch, "Hong Kong's Blind Spot," Wall Street Journal, 25 November 11; "Memory Hole," Economist, 12 April 13; Te-Ping Chen, "Hong Kong's Skyscraper-Sized 'Memory Hole,'" Wall Street Journal, 25 January 13.
[33] Te-Ping Chen, "Hong Kong's Skyscraper-Sized 'Memory Hole,'" 25 January 13.
[34] The Law Reform Commission of Hong Kong, "Archives Law," last visited 11 September 13.
[35] Office of the Ombudsman, "Press Release—Ombudsman Probes Access to Information and Records Management in Hong Kong," 20 January 13.
[36] Financial Services and the Treasury Bureau, "New Arrangement for the Inspection of Personal Information on the Companies Register Under the New Companies Ordinance," Legislative Council Panel on Financial Affairs, CB(1)788/12–13(01), 28 March 13; Nick Frisch, "Hong Kong's Tainted Transparency," Wall Street Journal, 19 February 13; "Hong Kong Company Director Privacy Plan Raises Transparency Concerns," Associated Press, reprinted in Guardian, 10 January 13; "Of Privacy and Opacity," Economist, 2 March 13.
[37] Nick Frisch, "Hong Kong's Tainted Transparency," Wall Street Journal, 19 February 13. See also "Hong Kong Company Director Privacy Plan Raises Transparency Concerns," Associated Press, reprinted in Guardian, 10 January 13; "Of Privacy and Opacity," Economist, 2 March 13.
[38] Basic Law of the Macao Special Administrative Region of the People's Republic of China, passed 31 March 93, effective 20 December 99, art. 40 ("The provisions of International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights . . . as applied to Macao shall remain in force and shall be implemented through the laws of the Macao Special Administrative Region").
[39] UN Human Rights Committee, International Covenant on Civil and Political Rights, Concluding Observations on the Initial Report of Macao, China, Adopted by the Committee at its 107th session (11–28 March 2013), CCPR/C/CHN–MAC/CO/1, 29 April 13, para. 7.
[40] Fox Yi Hu, "Macau Told Not To Tag Along With Hong Kong on Universal Suffrage," South China Morning Post, 14 August 12.
[41] "Yu Zhengsheng: Ensuring the Strength of Loving the Nation and Loving Hong Kong in the Long-Term Government of Hong Kong and Macau [Yu zhengsheng: aiguo aigang liliang zai gangao changqi zhizheng], Wen Wei Po, 7 March 13.
[42] UN Office of the High Commissioner for Human Rights, "Human Rights Committee Considers Report of Macao Special Administrative Region of China," 19 March 13.
[43] International Federation of Journalists, "Media at Risk: Press Freedom in China 2012–13," January 2013, 49–50; Neil Gough, "A Loss for Words in 'Boring' Macau," South China Morning Post, 8 August 12.
[44] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices—2012, China (Includes Tibet, Hong Kong, and Macau)," 24 May 12, 146.
[45] Sum Choi, "AL Plenary Session: Lawmakers and PJ Head Debate on Journalists Values," Macau Daily Times, 17 April 13; Sum Choi, "Jason Chao Turns the Tables on the Gov't," Macau Daily Times, 26 February 13.
[46] "Macau's Gambling Industry," Economist, 10 December 11; "The House Is Still Winning," Week in China, 10 May 13.
[47] "The House Is Still Winning," Week in China, 10 May 13; Matt Isaacs, "Special Report: The Macau Connection," Reuters, 11 March 11. For more information on Macau's junket system, see Farah Master, "Factbox: How Macau's Casino Junket System Works," Reuters, 21 October 11.
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[49] "The House Is Still Winning," Week in China, 10 May 13.
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[51] Farah Master, "Gamblers Not So Anonymous: Beijing Keeps a Closer Eye on Macau," Reuters, 29 April 13.
[52] Macau and Hong Kong, Hearing of the U.S.-China Economic and Security Review Commission, 27 July 13, Testimony of Daniel L. Glaser, Assistant Secretary for Terrorist Financing, U.S. Department of the Treasury, 3–4.
[53] Ibid.
[54] "Cross-Border Cash Flow Controls Mooted: Report," Macau Business, 5 July 13.

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