

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2012

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

OCTOBER 10, 2012

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



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I. Executive Summary

OVERVIEW

Two countervailing trends exemplified human rights and rule of law developments in China this past year. On the one hand, the Commission observed the Chinese people, often at great risk, exercising the basic freedoms to which they are entitled and demanding recognition of these rights from their leaders. This development did not arise from any external force, but originated from the Chinese people themselves, and was evident not just among a handful of activists but at all levels of Chinese society. At the same time, the Commission observed a deepening disconnect between the growing demands of the Chinese people and the Chinese government's ability and desire to meet such demands. In a year marked by a major internal political scandal and leadership transition, Chinese officials appeared more concerned with "maintaining stability" and preserving the status quo than with addressing the grassroots calls for reform taking place all over China.

Citizen protests against lack of basic freedoms and official abuse cut across the diverse issues monitored by the Commission and in some cases were unprecedented. In late 2011 and early 2012, China's beleaguered workers continued to strike and organize for higher wages and better working conditions in reportedly the most significant series of demonstrations since the summer of 2010. The Commission documented demonstrations in multiple industries taking place in at least 10 provincial-level areas during that period. A tragic and unprecedented wave of self-immolations across the Tibetan plateau indicated a new level of frustration with the Communist Party and government's increasing cultural and religious repression. During the Commission's 2012 reporting year, 45 (39 reported fatal) Tibetan self-immolations focused on political and religious issues reportedly took place, out of a total of 50 since February 2009. Mongols in the Inner Mongolia Autonomous Region held a series of protests in April, June, and July over the confiscation of grassland for government and private development projects. Demonstrators took to the streets in large numbers to protest against land seizures, pollution, and large-scale energy projects. From July until September, tens of thousands of Hong Kong residents protested a controversial Beijing-backed national education policy forcing a dramatic retreat by Hong Kong's Chief Executive C Y Leung. The number of mass incidents in China has reportedly doubled since 2005.

Chinese citizens' desire for the free flow of information and an unfettered channel for expressing grievances and questioning government policies continued to have a powerful presence on the Internet. The number of Internet users in China continued to rise rapidly, reaching 538 million in June 2012. By April 2012, there

were reportedly more than one billion mobile phone accounts in China. While some major events either went unreported or faced heavy censorship in the state-controlled media, citizens flocked to the Internet, particularly China's popular microblog services, in a bid to freely share and gain information about important issues of public concern. These included the scandal involving ousted Political Bureau member and Chongqing Party Secretary Bo Xilai and massive flooding in Beijing in July. After graphic photos were widely disseminated on the Internet, citizens across China expressed outrage at the case of Feng Jianmei, a woman kidnapped and forced by local officials to undergo an abortion, unmasking the workings of China's repressive population planning policy. Democracy advocates such as Chen Wei and Chen Xi received harsh sentences for sharing their views online.

Chinese citizens also sought to engage with and strengthen China's weak political and legal institutions. Officials continued to wield heavy control over local people's congress elections, but that did not prevent large numbers of independent candidates from attempting to run in this past year's elections held across the country. Not surprisingly, many of these candidates faced intense pressure and harassment, and many were winnowed out before the actual elections took place. Concerned citizens continued to make information requests under China's open government information laws, in hopes of increasing the transparency of China's opaque institutions. As government officials considered amending some of the country's major laws and regulations, citizens sought to make known their views about the proposed legislation. They supported, for example, amendments to the PRC Criminal Procedure Law that would better protect the rights of the accused.

The Chinese government and Communist Party failed to keep pace with citizens' rising demands. In many areas, officials responded with half-measures that did not fully address citizen concerns and in some cases increased the government's capacity for abuse. On the much-discussed PRC Criminal Procedure Law, the government passed major amendments in March that, while including some improvements, legalized forms of secret detention that put Chinese citizens at risk of torture and abuse and have been used against dissidents in the past. Beginning in January, government officials in some areas expanded environmental transparency to a limited degree by making public information on fine particulate pollution (PM_{2.5}), but also were poised to erect barriers to independent monitoring of the environment. In February, officials issued a circular outlining policies intended to reform China's *hukou* system, which limits the rights of Chinese citizens to freely determine their permanent place of residence. Chinese scholars and media criticized the vague nature and limited scope of the proposed policies. The government continued to expand access to the Internet, but passed measures aimed at stemming "rumors" and preventing anonymity that could have a chilling effect on free expression. The government signaled a desire for government-approved religious groups to participate in some areas of civil society, but religious affairs bureaus became more intrusive. Repression against unsanctioned religious groups, including house churches and Falun Gong, continued, and relations with the Holy See deteriorated. Au-

thorities continued to imprison, detain, and fine Uyghur Muslims for engaging in “illegal religious activities.”

In other areas, reform and forward movement have simply stalled. On the issue of the International Covenant on Civil and Political Rights (ICCPR), which Chinese officials have expressed an intent to ratify for a number of years, the government’s position remained unchanged. In its 2012–2015 National Human Rights Action Plan, released in June, the government said it had carried out unspecified “administrative and judicial reforms” to prepare for approval of the ICCPR at an unspecified future date—an even vaguer formulation of a similar claim made in the government’s 2009–2010 action plan. Equally troubling, the 2012–2015 action plan removed language appearing in the 2009–2010 action plan that referred to the ICCPR and the Universal Declaration of Human Rights as “fundamental principles” on which the plan was created. In the area of civil society, the government continued to delay amendments to national regulations that would remove obstacles to the registration of civil society organizations, preferring piecemeal experimentation at the local level. Resumption of dialogue with representatives of the Dalai Lama did not occur, extending the longest break from dialogue since talks resumed in 2002.

Meanwhile, egregious human rights abuses continued along with attempts to increase official capacity for repression. The government persisted in detaining and repatriating North Korean refugees to the Democratic People’s Republic of Korea (DPRK), despite the severe punishments refugees face once returned. Arbitrary detention of activists remained commonplace as authorities handed down harsh sentences for political writings, pro-democracy activity, and petitioning. In the case of prominent human rights lawyer Gao Zhisheng, who had been missing for years, Chinese officials claimed he violated the conditions of his parole less than a week before his five-year suspended sentence was set to expire, meaning he would have to serve out his original three-year sentence.

In the face of protests in ethnic minority areas of China, including Tibetan autonomous areas and Xinjiang, authorities continued to respond with policies that can only be expected to further trample on the protection of language, culture, and religion, as well as impede prospects for local autonomous governance that the Chinese Constitution and law are supposed to protect. Officials in Xinjiang expanded the implementation of the “bilingual education” policy, which promotes the use of Mandarin in education at the expense of Uyghur and other “ethnic minority” languages. In Qinghai province, Tibetan students protested the attempted substitution of Tibetan-language textbooks with Chinese-language textbooks. In a sign that the government and Party may be considering even more counterproductive policies, Zhu Weiqun, the Executive Deputy Head of the Party’s United Front Work Department and an influential voice on ethnic minority affairs, wrote an article in February 2012 supporting greater ethnic assimilation, a policy change that almost certainly would further undercut protection of ethnic minorities’ languages, cultures, and religions. A campaign to eliminate Falun Gong and “transform” its practitioners entered its third year. In the name of “social management,” the Party and government expanded their reach into society, enhancing surveillance and

monitoring of not only democracy and rights advocates but also the citizenry at large.

The Commission observed potential bright spots this past year. Officially reported deaths from mining accidents have reportedly decreased, and the Chinese government issued measures that reward workers who report occupational safety hazards and coverups of accidents in the workplace. The newly revised PRC Criminal Procedure Law now provides for expanded access to legal defense, recorded interrogations, longer trial deliberations, mandatory appellate hearings, and more rigorous judicial review. Officials continued to increase funding for legal aid and expand access to this important service. The draft of the country's first national mental health law, currently being reviewed by the National People's Congress Standing Committee, contains provisions that could constrain officials from abusing psychiatric detention, although it fails to mandate independent reviews of an initial diagnosis and lacks safeguards such as time limits on involuntary commitment. Rhetorically, Chinese officials continued to offer promising pledges, such as abolishing organ harvesting from death-row prisoners and not discriminating against political and human rights groups wishing to register for legal status. As he has been in the past, Premier Wen Jiabao continued to be a lone voice at the top willing to state publicly his support for political reform, albeit within one-party rule, and curbing the power of the Party and government. These encouraging statements and legal and policy developments appeared modest at best, however, either because they were not backed by concrete plans for implementation or because they failed to address the root of the problem: Chinese citizens' continuing lack of the fundamental rights to which they are entitled under both Chinese and international law.

The Commission continued to observe divergent voices within the Chinese government, including support for some reforms. In February 2012, the Development Research Center of the State Council and the World Bank issued "China 2030: Building a Modern, Harmonious, and Creative High-Income Society." While acknowledging China's economic successes over the past 30 years, the report said that China had "reached another turning point in its development path, one that calls for a second strategic, and no less fundamental, shift." The report called for reforming China's state-owned sector, which is an important source of trade conflicts. It called for allowing Chinese people greater freedom of movement by accelerating reforms of the *hukou* system. The report said greater public participation was needed to empower China's citizens to contribute to the country's development and raise standards of living. "The government should respond proactively to these needs and grant rights to individuals, households, enterprises, communities, academia, and other non-governmental organizations through clear rules that encourage broad participation," the report said. Finally, the report argued forcefully for strengthening the rule of law in China. According to the report, China "will need to transform itself into a lean, clean, transparent, and highly efficient modern government that operates under the rule of law." The report underscored the strong relationship between the human rights and rule of law issues monitored by the Commission and China's long-term economic stability.

The Commission's legislative mandate tasks the Commission with monitoring China's compliance with human rights, particularly those contained in the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights, as well as monitoring the development of the rule of law in China. As part of its mandate, the Commission issues an annual report every October, covering the preceding 12-month period and including recommendations for U.S. legislative or executive action. What follows are the Commission's main recommendations to Members of the U.S. Congress and Administration officials, followed by more specific findings and recommendations for each of the 19 issue areas covered in this report.

MAIN RECOMMENDATIONS

- **International Law and Fundamental Freedoms.** Members of the U.S. Congress and Administration officials should urge Chinese officials to ratify and implement in law the International Covenant on Civil and Political Rights (ICCPR) immediately. China signed the ICCPR in 1998 and has repeatedly pledged to ratify it. The ICCPR is an important basis for the many freedoms Chinese officials continue to systematically deny citizens, as documented in this report, including the freedoms of expression, religion, association, and movement. Workers cannot form independent trade unions. Religious worshippers of all faiths—including Buddhists, Catholics, Falun Gong practitioners, Muslims, Protestants, and Taoists—and civil society groups cannot freely associate and are subject to heavy government oversight. China's more than half a billion Internet users cannot freely share information on the Internet, and China's press remains heavily censored. Dissidents cannot freely travel.
- **Political Prisoners and Rights Advocates.** Members of the U.S. Congress and Administration officials should urge Chinese officials to immediately release and cease the harassment and abuse of Chinese citizens who have exercised internationally recognized human rights, including Nobel Peace Prize winner and imprisoned political activist Liu Xiaobo; housing rights advocate and lawyer Ni Yulan; human rights lawyer Gao Zhisheng; Tibetan nomad Ronggye Adrag; Catholic bishop Su Zhimin; Uyghur journalist Gheyret Niyaz; democracy advocate Chen Wei; elections expert Yao Lifa; well-known artist and rights advocate Ai Weiwei; and others named in this report.
- **Rule of Law.** Members of the U.S. Congress and Administration officials should urge Chinese officials to strengthen the rule of law in all areas. Officials should be encouraged to consider the recommendations of the China 2030 report, including the creation of a "highly efficient modern government that operates under the rule of law." In order to reach this point, officials should be urged to end unfair trading practices, such as currency manipulation, industrial policies, and the use of quotas and subsidies, and to ensure that China fully complies with its commitments as a member of the World Trade Organization. Chinese officials should be encouraged to dismantle in-

centives that encourage rule of law violations, such as quotas and rewards that encourage local officials to commit forced abortions and sterilizations. Officials should also be encouraged to ensure the independence of the judiciary by removing the influence of the Communist Party. As the case of Chen Guangcheng is emblematic of rule of law challenges in China, officials should be encouraged to fulfill the commitment to investigate abuses committed against Chen and his family and seek just punishment under China's laws. Only by improving the rule of law in all areas, not just in the economic sphere, can China realize the economic development goals laid out in the China 2030 report.

- **Ethnic Minority Policy.** Developments in the area of ethnic minority policy appear especially troubling, given the unprecedented and ongoing wave of self-immolations occurring across the Tibetan plateau. Members of the U.S. Congress and Administration officials should urge Chinese officials to guarantee the fundamental rights of ethnic minorities and to increase promptly and substantially dialogue and public engagement with all ethnic minority communities and their representatives, including the representatives of the Dalai Lama, without preconditions.

- **Transparency.** This report found that across many issue areas, a common problem has been the Chinese government's glaring lack of transparency. From the carrying out of Internet censorship to the release of environmental pollution data, Chinese officials too often prefer secrecy over transparency. Chinese officials should be urged to ensure that government and Party actions and information—including decisionmaking and judicial processes, government data and statistics, opinions, and directives—enjoy broad transparency and are open to public input and public participation. In particular, the government should encourage the use of the 2008 Open Government Information Regulations by Chinese citizens and provide greater incentives for government agencies to release information.

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 19 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 2012 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 to restrict expression in limited circumstances to protect interests such as national security and public order, 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, the administrative agency responsible for Internet affairs, there were over 538 million Internet users in China by the end of June 2012—an increase of 53 million users over the previous year. The Chinese government has pledged to expand access to mobile technologies and the Internet to promote economic development and to expand government propaganda.
- During the reporting year, China's Twitter-like microblogging (*weibo*) sites continued strong growth and continued to develop as prominent places for Internet users to voice discontent over controversial topics, organize collective actions, and circulate independent news reports. China's microblogging sites—including China's most popular microblog site, Sina Weibo—experienced dramatic growth with 250 million registered accounts at the end of 2011, compared with 63 million at the end of 2010.
- While international and domestic observers continued to note the vibrancy of Internet and cell phone use in China, government and Party officials showed little sign of loosening political control. This past year, Chinese authorities continued attempts to block and filter content deemed politically sensitive by implementing large-scale deletions, instituting real-name registration requirements, forcing Web site closures, implementing censorship directives, and carrying out detentions.
- Officials continued to restrict expression arbitrarily by abusing vague criminal law provisions and broad regulations and registration requirements applicable to journalists, publishers, news media, and the Internet. Citizens who criticized the government were charged with national security crimes such as “inciting subversion.” Official campaigns to train and supervise

journalists conducted in the name of combating corruption continued to be heavily imbued with political indoctrination.

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. Chinese officials assert that such measures are taken to protect national security or public order, while available information indicates that many measures are aimed at silencing opposition to the Party or blocking the free flow of information on politically sensitive topics.
- 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 formulation of restrictions on free expression, transparency regarding implementation of such restrictions, and independent review of such restrictions.
- Highlight Chinese officials' own 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 popular Chinese social media sites, that discusses the rights and freedoms to which Chinese citizens are entitled under international standards.
- Raise concerns regarding Chinese officials' instrumental use of the law, including vague national security charges, as a tool

to suppress citizens' rights to freedom of expression, and question whether such actions are in keeping with the spirit of the "rule of law."

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

WORKER RIGHTS

Findings

- 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. All lower level unions must be affiliated with the ACFTU.
- Tasked with Party and government loyalty, local-level unions did not consistently or uniformly advance the rights of workers. ACFTU branches reportedly continued to prioritize "harmony" and "stability" in labor relations even at the expense of workers' rights. In some cases this past year, union representatives sought to end disputes expediently without necessarily addressing workers' grievances.
- Concerned with the effect of worker actions on "harmony" and "stability," officials in some cases used force against or detained demonstrating workers while seeking to stop worker demonstrations. For example, in October 2011, officials in Shaoyang municipality, Hunan province, ordered coal worker Zhao Zuying to serve 10 days of administrative detention after Zhao and 18 other coal workers gathered in a public square in Shaoshan and expressed labor-related grievances. The Commission documented cases in which officials used force against demonstrating workers in Dongguan city, Guangdong province; Shanghai municipality; Huzhou municipality, Zhejiang province; and Chengdu city, Sichuan province.
- In January 2012, the Provisions on Consultation and Mediation for Enterprise Labor Disputes (Provisions) took effect, requiring all medium and large enterprises to establish committees responsible for mediating disputes in the workplace. The Provisions stipulate some limited protections for worker rights but fail to address the fact that workers in China are not guaranteed the right to organize into independent unions, leaving the government, Communist Party, and employers with greater bargaining power in the process of dispute resolution.
- Migrant workers remained particularly vulnerable to exploitation in the workplace. This past year, migrant workers continued to face problems such as wage arrears, ineffective means of redress for grievances, and abuse from managers. As China faced a growing migrant worker population, an increasing urbanization rate, and a new generation of young, more educated, rights-conscious migrant workers, some local govern-

ments took steps to accommodate migrant workers seeking to integrate into urban areas.

- In early 2012, Apple Inc. and Foxconn agreed to a set of measures designed to improve working conditions at Foxconn factories, including bringing working hours into full compliance with Chinese law by July 1, 2013. Some observers have argued that these measures, if implemented as described, could create incentives for other employers in China to improve conditions for workers. It is too early to assess the effects of the proposed measures, but Hong Kong-based non-governmental organization Students and Scholars Against Corporate Misbehavior reported ongoing problems with working conditions at Foxconn factories in May 2012.

- 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 in the mining sector have increased during the same period. There were reports that some mine managers and local officials attempted to conceal information about mine accidents. In May 2012, the State Administration of Work Safety and the Ministry of Finance issued the Measures on Rewards for Safe Production Reporting, which stipulate cash rewards and protection under the law for whistleblowers who report occupational safety hazards. In December 2011, an amendment to the PRC Law on Prevention and Control of Occupational Diseases (PRC Occupational Disease Law) took effect. The amended PRC Occupational Disease Law contains provisions that could help workers obtain the certification they need in order to receive compensation for work-related diseases, but workers continued to face obstacles to obtaining compensation. Such obstacles included difficulty obtaining a diagnosis and proving a working relationship with their employer, steps that are required for the certification process.

- It is unclear how widespread the use of child labor is in China, in part because the government does not release data on child labor despite frequent requests by the U.S. Government, other countries' governments, and international organizations. While a national legal framework exists to address the issue, systemic problems in enforcement have weakened the effects of these legal measures. Reports of child labor continued to surface this past reporting year. For example, in February 2012, Suzhou authorities reportedly found over 10 child workers at an electronics factory in Suzhou.

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 analyze implementation and measure progress in terms of compliance with

internationally recognized labor principles at the shop-floor level.

- Engage in dialogue with government officials, workers, and trade union officials in locations that have experienced 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 even in factories that do not have an official union presence.

- Convey support for direct elections of trade union representatives. Engage in dialogue with government and local trade union officials to identify opportunities to increase awareness of successful experiences with direct elections of trade union representatives.

- 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.

- Encourage research that identifies factors underlying inconsistency in enforcement of labor laws and regulations. Such research could include the compilation and analysis of Chinese labor dispute litigation and arbitration cases and guidance documents issued by, and to, courts at the provincial level and below, leading to the publication of Chinese-language casebooks for use by workers, arbitrators, judges, lawyers, employers, union officials, and law schools in China.

- 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, equipping them with skills and problem-solving training so they can communicate their concerns 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 U.S. Department of Labor (USDOL), and other regulatory agencies at all levels of U.S. Government that work on labor issues.

- Support USDOL's exchange with China's Ministry of Human Resources and Social Security (MOHRSS) regarding setting and enforcing minimum wage standards; strengthening social insurance; improving employment statistics; and promoting social 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 its plan for the establishment of a safety dialogue. 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.

CRIMINAL JUSTICE

Findings

- During the Commission's 2012 reporting year, Chinese government officials promised to strike a balance between crime control and the protection of individual rights. In March, the National People's Congress reviewed and passed its first major overhaul of the PRC Criminal Procedure Law (CPL) since 1996. In June 2012, the State Council Information Office released a new National Human Rights Action Plan for the period from 2012 to 2015. These reforms appear to contain some encouraging policy goals for the fair and lawful treatment of criminal suspects and defendants.
- Actions taken by law enforcement authorities in the exercise of their police powers threaten to undermine recent reforms and reflect a continuing focus on "maintaining social stability" and the Party's monopoly control above all else. The 2012 reporting year saw further expansion of local authority without requisite accountability, culminating in the fall of former Politburo member and former Communist Party Secretary of Chongqing municipality, Bo Xilai. Bo authorized an allegedly lawless campaign against organized crime in Chongqing, which a group of 16 retired Party officials condemned as a "guise" for the torture and persecution of critics and rights defenders.
- Chinese officials continue to harass and intimidate writers, artists, Internet bloggers, lawyers, reform advocates, and ordinary citizens who advocate for their rights or the rights of others. These individuals are subjected to various forms of extralegal detention, including enforced disappearances, confinement in "black jails," and commitment to psychiatric hospitals in the absence of compelling medical need. Article 73, a new provision in the revised CPL, lends itself to manipulation and effectively legalizes such actions by law enforcement authorities.
- Chinese defendants continue to confront obstacles in presenting an adequate defense. While the revised CPL has the potential to improve access to counsel for many individuals in detention, barriers still exist for those suspected of "endangering state security" and other politically sensitive crimes. In addition, Article 306 of the PRC Criminal Law, which imposes criminal liability on lawyers who force or induce a witness to change his or her testimony or falsify evidence, continues to hinder effective criminal defense.
- A double standard appears to exist for citizen activists who peacefully advocate for their lawful rights, as opposed to other

citizens accused of criminal behavior. Recent reforms promise protections for the latter while legalizing the repression and abuse of the former. The rights to which citizen activists are entitled under such a system fall short of those guaranteed under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as under the CPL and China's Constitution.

- There were a number of positive developments during the 2012 reporting year. A spate of unnatural deaths of individuals in custody helped prompt new regulations that prohibit the humiliation, corporal punishment, or abuse of those in detention, prison, and reeducation through labor. Criminal liability is now prescribed in certain instances. In addition, the Chinese government has taken steps toward increasing transparency and improving standards of review for sentencing decisions, including in death penalty cases. It continues to keep information about executions a state secret, however, and has disclosed that the harvesting of organs from death-row prisoners provides up to two-thirds of China's limited supply of livers, kidneys, hearts, lungs, and corneas for transplantation.

Recommendations

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

- Call on the Chinese government to guarantee the rights of criminal suspects and defendants in accordance with international human rights standards and to provide the international community with a specific timetable for ratification of the International Covenant on Civil and Political Rights, which the Chinese government signed in 1998 but has not yet ratified.
- Make clear that the international community regards as laudable the commitments to fair trial rights and detainee rights that the Chinese government has made in the 2012–2015 National Human Rights Action Plan. Request information on the formalization of those commitments into laws and regulations and on what further steps authorities will take to ensure their successful implementation. Support bilateral and multilateral cooperation and dialogue to support such efforts.
- Encourage the Chinese government to fulfill the promises that it has made through the revised CPL and to eliminate the dual track that provisions such as Article 73 create for citizen activists and all other citizens. Press the Chinese government to immediately release advocates who are in prison or detention for the exercise of their lawful rights and to adhere to fair trial standards and ensure procedural protections in cases that involve easily abused concepts such as “endangering state security.”
- Press the Chinese government to adopt the recommendation of the UN Committee against Torture to investigate and disclose the existence of “black jails” and other secret detention facilities as a first step toward abolishing such forms of extra-legal detention. Ask the Chinese government to extend an invi-

tation to the UN Working Group on Arbitrary Detention to visit China.

○ Support the establishment of exchanges between Chinese provincial law enforcement agencies and U.S. state law enforcement agencies to study policing, evidence collection, inmate rights, and other criminal justice reforms currently underway in China.

FREEDOM OF RELIGION

Findings

- The Chinese government continued in the past reporting year to restrict Chinese citizens' freedom of religion. China's Constitution guarantees "freedom of religious belief" but limits protections for religious practice to "normal religious activities," a term applied in a manner that contravenes international human rights protections for freedom of religion. The government continued to recognize only five religions—Buddhism, Catholicism, Islam, Protestantism, and Taoism—and required groups belonging to these religions to register with the government. Registered groups received some legal protection for their religious activities but remained subject to ongoing state controls. Members of both unregistered and registered groups deemed to run afoul of state-set parameters for religion faced risk of harassment, detention, and other abuses. Some unregistered groups had space to practice their religions, but this limited tolerance did not amount to official recognition of these groups' rights. Authorities also shut down the activities of some unregistered groups and maintained bans on other religious or spiritual communities, including Falun Gong. [For separate findings and recommendations relating to freedom of religion in Xinjiang and Tibet, see those sections.]
- The government continued to use law to control religious practice in China rather than protect the religious freedom of all Chinese citizens, continuing efforts in the past reporting year to revise or pass new legal measures. Newly issued legal measures, like others passed in recent years, build on provisions contained in the 2005 Regulation on Religious Affairs (RRA). Recent legal measures have added uniformity to existing provisions in the RRA but also have enhanced already tight controls.
- Authorities continued to ensure that Buddhist doctrines and practices conformed to Party and government objectives.
- Authorities continued to deny Catholics the freedom to recognize the authority of the Holy See in matters relating to the practice of their faith, including selecting Chinese bishops. Authorities continued to harass, detain, and place under surveillance some unregistered priests and bishops, as well as forced some bishops to attend what the Holy See considers illegitimate state-controlled church events against their will.
- Local governments across China continued to prohibit Muslims from engaging in religious outreach and preaching activities independent of state-set parameters.

- The continued harassment and detention of Protestants, pressure on landlords to refuse to rent premises to house church congregations, information gathering, and increased contact with unregistered groups by officials of religious affairs bureaus all indicate the resolve of authorities to pressure house church groups to affiliate with the government-sponsored Three-Self Patriotic Movement.
- Authorities maintained controls over Taoist activities and urged that Taoism be “modernized.”
- Authorities are continuing and may extend the three-year campaign to pressure Falun Gong practitioners to renounce their belief in and practice of Falun Gong. This campaign is part of a broader campaign—lasting more than a decade—that has been extensive, systematic, and in some cases violent.

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 freedom of religion includes the right to practice a religion, as well as the right to hold religious beliefs, and that China’s limited protections for “normal religious activities” do not meet protections for freedom of religion as defined by international human rights standards. Call on officials to integrate steps to protect freedom of religion into initiatives to improve human rights in China. 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, 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; and 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 inde-

pendence and the Dalai Lama's long life and return to Tibet); Su Zhimin (an unregistered Catholic bishop who disappeared after being taken into police custody in 1996); 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 a "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), as well as other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

- Call for authorities to freely allow Chinese lawyers to represent religious citizens and to challenge the legality of laws, regulations, rulings, or actions by officials, police, prosecutors, and courts that relate to religion.

- Call for officials to eliminate criminal and administrative penalties that target religions and spiritual movements and have been used to punish Chinese citizens for exercising their right to freedom of religion. Specifically, call for officials to eliminate 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, including the rights of religious citizens, religious communities, and faith-based charities. 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 against Chinese government abuses. Support organizations that help religious practitioners appeal prisoners' sentences and orders to serve reeducation through labor stemming from citizens' exercise of freedom of religion; challenge government seizure of property; and challenge job discrimination based on religion.

ETHNIC MINORITY RIGHTS

Findings

- During the Commission's 2012 reporting year, ethnic minorities in China continued to face unique challenges in upholding their rights, as defined in both Chinese and international law. The International Covenant on Civil and Political Rights stipulates that ethnic, religious, and linguistic minorities within a state "shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to

profess and practice their own religion, or to use their own language.” The PRC Regional Ethnic Autonomy Law stipulates some protections for minority rights and provides for a system of regional autonomy in designated areas. Limits in the substance and implementation of government policies, however, prevented ethnic minorities from fully enjoying their rights in line with international standards and from exercising meaningful autonomy in practice.

- Government controls were harshest in areas where authorities perceived the greatest threat to their authority, including in the Tibet Autonomous Region and other Tibetan autonomous areas, Xinjiang Uyghur Autonomous Region, and Inner Mongolia Autonomous Region. [See separate findings and recommendations on Xinjiang and Tibet.] Government authorities continued to detain or hold in extralegal detention ethnic Mongols who attempted to promote their rights or were perceived to challenge state power.
- Leading Chinese officials and scholars stepped up discussion of proposals to scale back ethnic autonomy and promote assimilative policies in ethnic minority areas. An article published in a Communist Party publication, as well as commentary published on a Web page hosted by the State Ethnic Affairs Commission, featured discussion of a uniform application of policies throughout China, and the abandonment of policies specific to ethnic minorities.
- The Chinese government continued to implement top-down development policies that brought some economic improvement but undercut the promotion of regional autonomy and limited the rights of ethnic minorities to maintain their unique cultures, languages, and livelihoods. The government continued to implement longstanding grasslands policies that impose grazing bans and require herders to resettle from grasslands and abandon pastoral livelihoods, a development that affects Mongols, Tibetans, Kazakhs, and other ethnic minority groups in China.

Recommendations

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

- 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.
- Support programs that promote models for economic development in China that include participatory decisionmaking from ethnic minority communities. 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.
- Support non-governmental organizations that address human rights conditions for ethnic minorities in China, ena-

bling 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 participatory decisionmaking from ethnic minority communities; programs to protect ethnic minority languages, cultures, and livelihoods; and programs that document conditions and research rights abuses in the Inner Mongolia Autonomous Region, Xinjiang Uyghur Autonomous Region, Tibet Autonomous Region, and other ethnic minority areas.

○ Encourage human rights and rule of law programs operating in China to develop projects that address issues affecting ethnic minorities in China.

○ 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 (who remains in custody without apparent legal basis despite the expiration of his 15-year sentence in December 2010) and other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

POPULATION PLANNING

Findings

- Chinese government officials continued to implement population planning policies that interfere with and control the reproductive lives of citizens, especially women. Officials employed various methods including fines, withholding of state benefits and permits, threats of eviction or home demolition, forced sterilization, forced abortion, and arbitrary detention to punish policy violations.
- The Commission observed during the 2012 reporting year that local governments continued to carry out population planning policies and measures with a special focus on migrant workers.
- The PRC Population and Family Planning Law is not consistent with the standards set forth in 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 China's population planning 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 is bound to uphold 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 abortion. Provincial population planning regulations in at least 18 of China's 31 provinces explicitly endorse mandatory abortions, often re-

ferred to as a “remedial measure” (*bujiu cuoshi*), as an official policy instrument.

- Chinese officials have allowed for limited relaxation of local population planning policies during this reporting year, yet continue to rule out the near-term possibility of major nationwide population planning policy reform or cancellation. Citizens have increased calls this year for population policy reform.
- 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.
- Chen Guangcheng, a self-trained legal advocate who has been the object of continued official harassment and maltreatment after he publicized population planning abuses in 2005, escaped from illegal home confinement in April 2012 and left for the United States with his family in May. Chen has expressed frustration with the Chinese government’s failure to conduct an investigation into official abuses against him and his family, and concern regarding the continued harsh treatment of family members who remain in Shandong.

Recommendations

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

- Urge Chinese government officials to cease coercive methods of enforcing family planning policies. Urge the Chinese government to dismantle coercive population controls and employ a human rights-based approach to provide 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 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 injury suffered as a result of official abuse related to China's population planning policies.

○ Urge the Chinese government to discontinue all forms of reprisal against those connected to Chen Guangcheng and to thoroughly investigate the officially sanctioned abuses he and his family have suffered.

FREEDOM OF RESIDENCE AND MOVEMENT

Findings

- The Chinese government's household registration (*hukou*) system continues to limit the right of Chinese citizens to freely establish their permanent place of residence and hinders access to social services. *Hukou* regulations that condition legal rights and access to social services on residency status have resulted in discrimination against rural *hukou* holders who migrate to urban areas for work. The discriminatory effect of these regulations is especially pronounced in the area of education.
- Chinese authorities continued to relax some *hukou* restrictions consistent with earlier efforts. The key provisions of these reforms make it easier for some rural *hukou* holders to transfer residency status to urban areas, based on meeting certain criteria. Despite these limited attempts to relax *hukou* criteria, most reforms still exclude the majority of migrants.
- The Chinese government introduced new guidelines on *hukou* reform that reflect a gradual and controlled approach to *hukou* reform. Some notable reforms include prohibiting coercive requisition and conversion of rural residents' land in exchange for urban *hukous* and barring future policies that use *hukou* status as a precondition for access to social services. Chinese scholars and media outlets, however, have criticized the lack of specifics and limitations of these measures, leading some to question their eventual effectiveness.
- The Chinese government continued to impose restrictions on freedom of movement that are inconsistent with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. During the Commission's 2012 reporting year, Chinese authorities continued to arbitrarily prevent rights defenders, advocates, and critics from leaving China.
- The Chinese government also continued to place restrictions on liberty of movement within China to punish and control rights defenders, advocates, and critics. These restrictions, which appear to violate international legal standards, were especially harsh during politically sensitive periods. Authorities employed a range of measures including stationing plainclothes police or hired personnel to monitor the homes of rights defenders, forcing rights advocates to "drink tea" with security personnel, moving or relocating rights defenders from their homes to unknown locations, and imprisoning them.
- Chinese authorities used particularly forceful techniques to intimidate and control the family members and supporters of human rights advocates during this reporting period.

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 non-compliance with international agreements regarding freedom of movement negatively impacts confidence outside of China that the Chinese government is committed to complying with international standards more generally.
- Call on the Chinese government to revise the PRC Exit and Entry Control Law and the PRC Passport Law to clarify the meaning and scope of harm or loss to state security or national interests under Article 12(5) and Article 13(7), respectively.
- Raise specifically Chinese authorities' restriction on liberty of movement of rights defenders, advocates, and critics including Liu Xia, wife of Nobel Peace Prize Laureate Liu Xiaobo; Dong Xuan, daughter of housing rights advocate and lawyer Ni Yulan; and family members and supporters of self-trained legal advocate Chen Guangcheng.

STATUS OF WOMEN

Findings

- Chinese officials continue to promote existing laws that aim to protect women's rights, including the amended PRC Law on the Protection of Women's Rights and Interests and the amended PRC Marriage Law; 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. Female representation at all levels of government appears to have made no significant progress in the 2012 reporting year.
- In August 2011, the Supreme People's Court issued a new interpretation of the PRC Marriage Law, which, some have argued, leaves women's property rights unprotected.
- In June 2012, the Shenzhen Municipal Fifth People's Congress Standing Committee passed the Shenzhen Special Economic Zone Gender Equality Promotion Regulations, the first legislation of its kind in China to focus on gender equality.
- 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, women continue to experience widespread discrimination in areas including job recruitment, promotion, wages, and retirement.

- The amended PRC Law on the Protection of Women’s Rights and Interests (LPWRI) and the amended PRC Marriage Law prohibit domestic violence, and individuals charged with the crime of domestic violence are punishable under the PRC Criminal Law. These national legal provisions leave many who encounter domestic violence unprotected, however, as they do not define domestic violence or outline specific responsibilities of government departments in prevention, punishment, and treatment. Domestic violence reportedly remains pervasive, affecting men, women, and children. China’s amended LPWRI also prohibits sexual harassment and provides an avenue of recourse for victims. The LPWRI does not, however, provide a clear definition of sexual harassment or specific standards and procedures for prevention and punishment, presenting challenges for victims in protecting their rights. Surveys show that sexual harassment remains commonplace in China.

- Statistics and analysis from studies published in recent years regarding China’s skewed sex ratio suggest that sex-selective abortion remains widespread, especially in rural areas, despite the government’s legislative and policy efforts to deter the practice. Some observers, including Chinese state-run media, have linked China’s skewed sex ratio with an increase in forced prostitution, forced marriages, and other forms of human trafficking.

Recommendations

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

- Support programs in China that increase women’s leadership training through U.S.-China exchanges and international conferences. Support exchanges 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 women’s rights and interests.
- Urge the Chinese government to take steps to faithfully implement 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 to address specifically gender discrimination in job recruitment, promotion, wages, and retirement. Support programs that teach women how to protect and advocate for their rights and interests in the workplace.
- Urge the Chinese government to follow through on stated plans to enact comprehensive national-level legislation that clearly defines domestic violence, assigns responsibilities to

government and civil society organizations in addressing it, and outlines 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 training programs that increase awareness among judicial and law enforcement personnel of domestic violence and sexual harassment issues.

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; however, Chinese domestic legislation still does not fully conform with the UN TIP Protocol.
- 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 the past reporting year are not available. In cooperation with non-governmental organizations and international organizations, Chinese authorities took limited steps to improve protection, services, and care for victims of trafficking but continued to focus efforts on women and children.
- 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 definition of trafficking to include all forms of trafficking, including offenses against adult male

victims, certain forms of non-physical coercion, and commercial sex trade of minors.

- Call on the Chinese government to provide more protective services for trafficking victims. Support expanding training programs for law enforcement personnel and shelter managers that help raise awareness and improve processes for identifying, protecting, and assisting trafficking victims. Support legal assistance programs that advocate on behalf of both foreign and Chinese trafficking victims.

- Object to the continued deportation of North Korean trafficking victims as “economic migrants.” Urge the Chinese government to abide by its international obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol with regard to North Korean trafficking victims and provide legal alternatives to repatriation.

NORTH KOREAN REFUGEES IN CHINA

Findings

- During the Commission’s 2012 reporting year, central and local authorities continued policies classifying all North Korean refugees in China as “illegal” economic migrants and forcibly repatriating North Korean refugees in China, amid rising concerns over humanitarian crises and political instability in the Democratic People’s Republic of Korea (DPRK).

- The Chinese government continued to deny the UN High Commissioner for Refugees (UNHCR) access to the Chinese-North Korean border and to North Korean refugees in northeast China. The inability of the UNHCR to access North Koreans seeking asylum in China makes it difficult for the UNHCR and human rights organizations to obtain accurate information on the number of North Korean refugees and de facto stateless persons, the reasons behind the North Korean defections, and the concerns of North Korean refugees over forced repatriation.

- North Korean women in China continue to be trafficked into forced marriage and commercial sexual exploitation. The Chinese government’s repatriation of trafficked North Korean women contravenes the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol (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). The Chinese government’s failure to take adequate measures to prevent North Korean women from being trafficked and to protect North Korean victims of trafficking contravenes its obligations under Article 9 of the UN TIP Protocol and Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

- During this reporting year, Chinese authorities forcibly detained, tortured, and deported those who attempted to assist North Korean refugees in China, including foreign aid workers and those involved with humanitarian organizations.

- Chinese local authorities near the border with the DPRK continued to deny household registration (*hukou*) to the chil-

dren of North Korean women married to Chinese citizens. Without household registration, these children live in a stateless limbo and cannot access education and other social benefits.

Recommendations

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

- Support the efforts of the UNHCR to gain unfettered access for itself and its implementing partners to North Korean refugees and de facto stateless populations in China, beginning with children born to a North Korean parent in China. Encourage the Chinese government to work with the UNHCR in enacting and implementing national asylum legislation that conforms with China's obligations under the 1951 Convention and its Protocol. Urge the Chinese government to immediately cease detaining and repatriating North Koreans in China.
- Urge central and local Chinese government officials to abide by their obligations under the UN TIP Protocol (Article 9) and CEDAW (Article 6) to prosecute human traffickers in north-eastern China and along the border with the DPRK.
- Urge Chinese officials to grant residency status and related social benefits to North Koreans married to Chinese citizens and to grant the same to their children. In particular, urge local Chinese officials to allow these children to receive an education in accordance with the PRC Nationality Law (Article 4) and the PRC Compulsory Education Law (Article 5). Urge the Chinese government to provide greater numbers of North Korean refugees with safe haven and secure transit until they reach third countries.
- Support exchanges between U.S. agencies and Chinese public security officials on issues regarding human trafficking, asylum processing, immigration, and border control.

PUBLIC HEALTH

Findings

- Public health advocates continued to face government harassment and interference in their advocacy work during the Commission's 2012 reporting year. Restrictions that central authorities placed on registration and funding of non-governmental organizations (NGOs) in 1998 and 2009, respectively, remain in effect and have reportedly been used to monitor, control, and limit NGO activities. In the Commission's 2012 reporting year, Beijing Huiling, an NGO that provides housing and services to disabled persons, continued to face obstacles in securing registration, which could impact its operations.
- The Chinese government's domestic legislation explicitly forbids discriminatory practices in employment, and as a state party to the International Covenant on Economic, Social and Cultural Rights, the Chinese government has committed to eliminate discrimination in employment and education against persons with disabilities or infectious diseases. Health-based

discrimination in employment and education remains commonplace, and those who seek legal recourse face challenges. Reports also indicate that discrimination based on HIV status remains a barrier that prevents many from accessing adequate healthcare.

- The Chinese government reviewed revised drafts of the first national mental health law in October 2011 and August 2012. The drafts contain revisions that, if faithfully implemented, could further constrain officials from abusing psychiatric detention to stifle or punish dissent. Despite these potential improvements, the revised drafts continue to raise concerns regarding the law's compliance with the UN Convention on the Rights of Persons with Disabilities, which China has signed and ratified.
- In March 2012, a top Chinese health official announced plans to "abolish" the practice of organ harvesting from death-row prisoners within three to five years. The announcement follows a trend in recent years of increased government regulation surrounding the transfer of human organs, and comes amid numerous reports of illegal organ transplant cases this year.

Recommendations

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

- Call on the Chinese government to stop repression of public health advocates and provide more support to U.S. organizations that work with Chinese NGOs to address public health issues in China.
- Urge Chinese officials to focus attention on effective implementation of the PRC Employment Promotion Law and related regulations that prohibit discrimination in employment, education, and healthcare against persons living with HIV/AIDS, Hepatitis B virus, and other illnesses or disabilities. Support Chinese NGO programs that raise rights awareness among individuals living with medical conditions.
- Urge the Chinese government to address concerns that individuals and NGOs have raised regarding the most recent drafts of the Mental Health Law. Urge Chinese officials to enact the Mental Health Law in a timely manner and then to ensure the consistent implementation of the law across localities.
- Urge the Chinese government to close gaps in the 2007 Regulations on Human Organ Transplantation in which illegal organ trafficking currently operates. Urge Chinese officials to take prompt measures to accomplish their stated goal of abolishing the practice of organ harvesting from death-row prisoners in three to five years.

THE ENVIRONMENT

Findings

- Despite some progress, pollution problems remain severe, especially in rural areas, and the associated financial costs continue to grow. In addition to the migration of polluting industries, pollution incidents and environmental protests continue to pose long-term challenges. Authorities continue to develop a regulatory framework to address these environmental problems, although some efforts appear stifled. Authorities released draft revisions to the PRC Environmental Protection Law (EPL) to the public for comments. The draft contained some incentives for greater transparency and official accountability, but did not contain language that specified stronger support for public participation that had been present in previous drafts. Work to pass an administrative guideline regarding public participation in environmental impact assessments appeared to have stalled. In a positive development, 2011 revisions to the PRC Criminal Law expanded the scope of behaviors affecting the environment that could be considered criminal. Significant challenges for the development of the rule of law in the sector remain, including lax enforcement and non-compliance with environmental laws and regulations.
- Access to formal legal remedies remains unreliable, despite potential advancements in public interest law. In October 2011, an environmental tribunal in Yunnan province accepted an environmental public interest lawsuit filed jointly by non-governmental organizations and a local environmental protection bureau. Citizens, however, continued to face barriers in bringing environmental cases to court, including judges reluctant to accept cases.
- During the reporting year, authorities also continued to harass or in some cases detain environmental advocates, including Liu Futang, Wu Lihong, and Zhang Changjian. In February 2012, authorities in Sichuan province detained three environmental advocates associated with the Tawu Environmental Protection Association. In addition, there are many cases of citizens who complain about pollution problems and later face retribution from officials.
- Protests regarding pollution are increasing and are often a tool of last resort for citizens seeking justice or the alleviation of environmental harms. Official and academic reports reportedly give a combined range of 20 to 30 percent increase in protests annually, although the academic report notes the actual number remains a secret. In some of these cases, protesters became destructive, and authorities beat, detained, or sentenced protesters.
- Authorities in various locations took steps to improve some aspects of environmental information transparency, but some locations have not made much progress, and a report highlighted the widening gap in information disclosure between more transparent eastern coastal regions and western and central regions. Some news reports highlighted cases of non-transparency related to environmental accidents. In addition, cen-

tral government officials are revising a regulation that, if passed in its current form, could strengthen the government's tight control over environmental quality monitoring and reporting. During the reporting year, however, central environmental authorities passed measures to gradually improve air quality information transparency. In addition, citizens have become more proactive in making requests for environmental data, but barriers to obtaining information remain.

- During this reporting year, the State Council issued the 12th Five-Year Greenhouse Gas Emissions Control Work Program and a white paper on climate change, which outlined a variety of actions and plans to mitigate and adapt to climate change. Chinese leaders have pledged to improve data reliability and transparency related to energy use and climate change, as well as baseline data related to international greenhouse gas reduction projects. Nevertheless, reports detailed significant challenges in this regard.

- Some hydroelectric dam projects reportedly continued to involve involuntary relocation practices and arbitrary detention. 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 activism 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.
- 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 meas-

ure, report, publicize, and verify emissions reduction strategies and techniques.

- Encourage the development of environmental non-governmental organizations (NGOs) in China, including 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 non-voluntary 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

- Chinese civil society organizations continue to grow in number and engage in valuable educational work, social welfare service provision, and issue advocacy. A restrictive regulatory environment, however, limits the development of an independent civil society. Official policy is to control the development of civil society by expanding and bringing under government control groups that promote Chinese government and Communist Party objectives, while marginalizing groups that seek to operate more independently.
- The government's broad restrictions on a citizen's ability to form an organization contravene the right to freedom of association guaranteed in Article 22 of the International Covenant on Civil and Political Rights, which China has signed and declared an intention to ratify.
- Chinese law recognizes three main types of civil society organizations—social organizations (SOs), non-governmental and non-commercial enterprises (NGNCEs), and foundations. These organizations must obtain a government-approved sponsor organization and register with the Ministry of Civil Affairs or its provincial or local counterpart. The government tightly restricts the number of organizations that cover an issue and requires minimum thresholds for staff and funding. Once registered, the organization remains subject to annual government reviews and sponsor organization oversight. Organizations that try to carry out activities independently without registration are considered illegal. A 2009 State Administration of Foreign Exchange circular that places bureaucratic burdens and foreign exchange restrictions on foreign funding remains in place, and authorities continue to express suspicion toward foreign-funded groups.
- Chinese officials, scholars, state-controlled media, and non-governmental organization (NGO) leaders continued to criticize the current system, pointing to the large number of groups that cannot register because they are unable to secure a sponsor organization and the slow growth of registered groups. Unregistered groups and those registered as businesses do not

enjoy certain tax benefits, are ineligible for government projects, cannot legally solicit donations, and face the risk of shutdown at any time. Official campaigns against unregistered groups continue.

- Harassment of NGOs engaged in advocacy on issues the government and Party deem politically sensitive continued this past year. A crackdown on NGOs advocating for workers in the manufacturing center of Guangdong province was reported to have started early in 2012 and continued throughout the summer.
- Chinese officials continue to pursue local and provincial initiatives intended to streamline the registration process, but not fundamentally alter the government's role in approving and overseeing all groups. This past year, the Commission observed examples of such developments in the Shenzhen Special Economic Zone and in Yunnan and Guangdong provinces. At the national level, such proposals have reportedly stalled. In July 2012, the Ministry of Civil Affairs published regulations for the management of foundations in an effort to improve transparency and accountability of charitable donations.
- The Minister of Civil Affairs reportedly said political and human rights NGOs would be treated equally in the registration process, but reiterated the government's broad discretion to decide who may form an organization. The government and Party also issued an opinion to "encourage and standardize" religious communities' participation in public service, including calling for "equal treatment" of religious groups in establishing charitable organizations. The opinion emphasizes, however, consistency with the Party's basic policy on religion.
- The National People's Congress Standing Committee passed an amendment to the PRC Civil Procedure Law in August 2012 which states that "relevant organizations" (*youguan zuzhi*) determined by law will be able to bring to court public interest cases on environmental protection and consumer rights issues, among others. It is not yet clear to what extent NGOs will be included in this broad term.

Recommendations

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

- Ask Chinese officials for updates on recent reforms at the local level relating to registration of NGOs, domestic financial support to NGOs via foundations and government procurement of services from NGOs, the role of NGOs in public interest litigation, and other aspects of civil affairs. Encourage these officials to broaden reform efforts that relax constraints on NGOs and apply them to other parts of the country through national legislation and regulatory development.
- Ask the Chinese government to refrain from applying uneven or selective enforcement of regulations to intimidate groups that they consider to be handling sensitive work. Request the Chinese government to revisit the recently issued State Administration of Foreign Exchange circular concerning

overseas donations to Chinese organizations. Emphasize that NGOs, both domestic and international, are outlets for citizens to channel their grievances and find redress, and in turn contribute to the maintenance of a stable society. Conversely, point out that stricter controls over civil society organizations could remove a potentially useful social “safety valve,” thereby increasing the sources of instability. During discussions with Chinese officials, mention the Tsinghua University report that found that, even as the government increased spending on public security and tightened its control over civil society, social conflicts were happening with greater regularity.

○ Take measures to facilitate the participation of Chinese citizens who work in the NGO sector in relevant international conferences and forums, and support training opportunities in the United States to build their leadership capacity in non-profit management, public policy and public interest legal advocacy, strategic planning, and media relations.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

- During the 2012 reporting year, the Communist Party continued to dominate political affairs, government, and society through networks of Party committees or branches that exist at all levels in government, legislative, and judicial agencies, as well as in businesses, major social groups (including unions), the military, and most residential communities. Party officials stepped up efforts to expand Party organizations and focused Party-building and Party-loyalty campaigns in universities, non-state-owned businesses, social organizations, and the military.

- 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. During this reporting year, at least one top central-level Chinese leader continued to make public statements about “political structural reform.” The statements, however, lacked details, and any proposed reforms would still take place within the framework of one-party control. Local governments issued measures meant to improve the efficiency of bureaucratic governance and to bolster trust in the Party.

- Authorities continued to detain, arrest, and sentence democracy advocates who exercised their right to freedoms of assembly, speech, movement, and association guaranteed in China’s Constitution and under international human rights standards. This reporting year, authorities imposed particularly harsh prison sentences, including those of Chen Wei, Chen Xi, Li Tie, Zhu Yufu, and Xue Mingkai. Other democracy advocates given long prison sentences over the last four years remained imprisoned, including Liu Xiaobo, Liu Xianbin, Guo Quan, Zhou Yongjun, Xie Changfa, and Huang Chengcheng.

- The Party continues to strengthen its legitimacy and control in the political realm by intensifying and extending its reach into citizens' social lives through institutions at all administrative levels in the name of "social management" and maintaining "social stability." Party and government leaders plan to establish "social management structures" under the leadership of the Party and with roles for government, social organizations, and the general public. Mass organizations, residence committees, workplace personnel, students, and ordinary citizens will assist with social management tasks, including monitoring of citizens.
- During the reporting year, elections continued for local people's congress deputies at the township and county levels. Party authorities influenced elections through investigative groups sent to lower levels with control and supervision tasks. In some places, the groups acted to "optimize" nomination lists. 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.
- Village elections for "villager committees" have spread throughout China; their implementation, however, remains problematic. Ongoing problems with elections included vote buying, ballot stuffing, cancelled elections, interference from township officials, lack of transparency, and higher level officials' efforts to "optimize" the mix of personnel on villager committees.
- Central authorities reportedly encouraged the strengthening of open government information (OGI) procedures and policies, and also clarified conditions under which information would not be disclosed. Proactive disclosure of information remained sporadic. Citizens continued to be proactive in making open government information requests. Nevertheless, challenges in accessing information and bringing OGI cases to court remained.
- Central and provincial authorities encouraged policies to enhance government accountability. The lack of accountability, however, remained a challenge. In October 2011, an official media report noted the prevalence of "selective governance" at the grassroots level in some areas. The cases of Wang Lijun, Bo Xilai, and Gu Kailai raise issues of official lack of accountability, abuse of power, and non-transparency.
- Corruption reportedly remains high and Chinese authorities took regulatory steps to address it. Corruption in state-owned enterprises and public institutions increased. Protections for whistleblowers remained insufficient and authorities continued to have little tolerance for non-governmental anticorruption efforts.

Recommendations

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

- 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, non-state-owned companies, and social organizations. Urge Chinese officials to further increase the transparency of Party affairs. Support research by U.S. citizens that focuses on understanding China's shift toward "social management." Make inquiries into recent campaigns to "send down to the countryside" teams of Party and government officials.

- Call on the Chinese government to release people detained or imprisoned for exercising their right to call for political reform within China, and other political prisoners mentioned in this report and in the Commission's Political Prisoner Database, including Chen Wei, Chen Xi, Li Tie, Zhu Yufu, Xue Mingkai, Zhou Yongjun, Liu Xiaobo, Liu Xianbin, Guo Quan, Xie Changfa, and Huang Chengcheng.

- Support continued substantive exchanges between Members of the U.S. Congress and delegates of the National People's Congress and the Chinese People's Political Consultative Conference, especially in relation to congressional oversight processes and responding to constituent demands. Support research programs for U.S. citizens to study political and social developments at the grassroots level in China. Expand the number of U.S. consulates throughout the country to facilitate understanding of China.

- Support projects by U.S. or Chinese organizations that research village and local people's congress elections in China. Support programs that include expansion of domestic election monitoring systems, training of Chinese domestic election monitors, and joint U.S.-Chinese election monitoring activities.

- Support projects of U.S. or Chinese organizations that seek to work with local Chinese governments in their efforts 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 citizen and group trainings about how to submit OGI requests.

- Support programs that assist local governments, academics, and the nonprofit sector in expanding transparent public hearings and other channels for citizens to incorporate their input into 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

- December 11, 2011, was the 10th anniversary of China's accession to the World Trade Organization (WTO). Supporters of China's membership in the WTO had hoped that WTO membership would bring about changes in China, which appeared at the time to be developing a market economy. The Chinese government, however, has flouted WTO rules and "gamed the system." Over the past five years, the Chinese government has

developed a state-capitalist system that is not compatible with the WTO, and has intensified the state's intervention in the economy.

- China has been a party to several WTO cases since acceding to the WTO. In March 2012, the United States, in coordination with the European Union and Japan, requested consultations with China in a case concerning restraints on exports of rare earths, tungsten, and molybdenum, and in July the WTO established a panel to hear the dispute. The United States also brought two WTO cases against China concerning the auto industry. The first case, initiated in July, challenges China's imposition of antidumping and countervailing duties on certain automobiles from the United States. The United States requested consultations in the second case in September 2012, challenging certain of China's export subsidies to auto and auto parts manufacturers.
- The Chinese government reportedly intimidates some foreign companies that raise concerns with China's WTO compliance, threatening "to withhold necessary approvals or take other retaliatory actions against foreign enterprises if they speak out against problematic Chinese policies or are perceived as responding cooperatively to their government's efforts to challenge them." This makes it difficult for other WTO members to bring WTO cases against China.
- Foreign investment into China must undergo a government approval process to ensure that it is in keeping with Chinese policies on economic growth. In 2012, the Chinese government revised the foreign investment guidance catalogue, listing industries in which investment is encouraged, restricted, or forbidden. Investments in industries that are not listed are allowed. Chinese authorities issued the first foreign investment guidance catalogue in 1995, and have amended it five times, including the 2012 amendment. The 2012 amendment reflected policies outlined in the 12th Five-Year Plan on National Economic and Social Development, which was passed in March 2011, including those for development of seven "strategic emerging industries."
- Chinese outbound investment has continued to grow, with investments in the form of mergers and acquisitions tending to be in mining, manufacturing, transportation, electric power, and retailing and wholesaling. Like foreign investment in China, Chinese outbound investment is highly regulated.
- Though the value of the yuan rose about 8 percent against the U.S. dollar between June 2010 and May 15, 2012, according to the U.S. Treasury Department, the yuan is still undervalued. China has taken several measures to loosen controls on cross-border capital flows, however, with the goal of internationalizing the yuan.
- China continued to have serious food safety problems during the 2012 reporting year, impacting consumers in China and in other countries, including the United States. While China has taken a number of regulatory and other measures to deal with food safety, the efficacy of these measures is limited; authori-

ties have found it difficult to control China's small and scattered food producers.

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 from the perspective of WTO requirements, 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.
- Through the Office of the U.S. Trade Representative (USTR), the International Trade Enforcement Center, or other channels, conduct a comprehensive study of situations in which Chinese authorities have intimidated or retaliated against U.S. companies for speaking out against Chinese government policies or actions. Support USTR in developing or furthering a strategy of challenging Chinese regulatory procedures, including the approval process and other administrative licensing procedures, that provide channels for Chinese authorities to engage in intimidation or retaliation against U.S. companies.
- Through bilateral dialogues between (1) USTR and the U.S. Department of Commerce and (2) China's Ministry of Commerce, the National Development and Reform Commission, and the State-Owned Assets Supervision and Administration Commission, obtain details on the amount of Chinese investment (other than in financial instruments) in the United States, the criteria Chinese authorities use in making approval decisions concerning such investment, and how such investment is financed.
- Implement 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 in China 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 bodies in China.

ACCESS TO JUSTICE

Findings

- Chinese citizens' ability to seek redress of perceived wrongs continued to face significant challenges during the Commission's 2012 reporting year. Authorities continued to promote a "harmonious" socialist society with Chinese characteristics. Key policies and regulations during the past year reflect the Communist Party's ongoing concern with handling social conflicts and maintaining stability.
- Party and government officials continued to limit judicial independence and exert political control over courts and judges. Although Article 126 of China's Constitution specifi-

cally guarantees judicial independence from “any administrative organ, public organization or individual,” China’s judiciary continued to be subject to a variety of internal and external controls—from political legal committees to official interference—that significantly limit its ability to engage in independent decisionmaking.

- During the reporting year, Chinese citizens continued to use petitioning as a means to seek redress. The petitioning—or *xinfang* (often translated as “letters and visits”)—system exists to provide a channel, outside of formal legal challenges, through which citizens may present their grievances and seek to appeal government, court, and Communist Party decisions.
- Citizen petitioners seeking redress of their grievances continued to face reprisals, harassment, violence, and detention, especially by local governments, due to incentive structures linked to citizen petitioning. This past year, some Chinese media reports addressed the phenomenon of citizens “having faith in petitioning and not having faith in the law.”
- During the 2012 reporting year, government and Party officials continued to promote “people’s mediation” (*renmin tiaojie*) as a tool to maintain social stability. In his work report to the National People’s Congress, Supreme People’s Court President Wang Shengjun emphasized the role of mediation in resolving disputes and highlighted that 67.3 percent of civil cases in 2011 were either mediated or withdrawn.
- During the reporting year, official Chinese sources announced increased funding for legal aid and the expansion of legal aid access. In February 2012, the Ministry of Justice reported a substantial increase in the number of cases involving legal aid. Local legal aid agencies handled a total of 844,624 cases in 2011, up 16.1 percent from 2010 statistics. The central government allocated 200 million yuan (US\$31.4 million) during the year to help with legal aid, up from 100 million yuan (US\$15.7 million) in the previous year, and central special lottery funds for legal aid programs increased to 100 million yuan in 2011 from 50 million yuan (US\$7.8 million) in 2010.
- Officials at various levels of government continued to discourage, intimidate, and detain human rights lawyers who take on issues, cases, and clients that officials deem to be “sensitive.” Officials employed a spectrum of measures, including stationing police to monitor the homes of rights defenders; forcing them to travel to unknown areas or to attend meetings to “drink tea” with security personnel; and imprisoning them.

Recommendations

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

- Support the U.S. State Department’s International Visitor Leadership Program and other bilateral exchange programs that bring Chinese human rights lawyers, advocates, and scholars to the United States for study and dialogue. Support similar programs in the non-governmental organization and

academic sectors that partner with China's human rights lawyers and nonprofit legal organizations.

- Support exchange, education, and training in legal aid expertise with Chinese criminal defense lawyers, legal professionals, and law schools.
- Continue to monitor the policy of mediation as the Chinese government's preferred way to resolve disputes. Achieve a clear understanding of its implications for Chinese citizens' access to justice and the Chinese government's compliance with international standards.
- Express concern to Chinese authorities over treatment of petitioners and encourage Chinese leaders to examine the incentive structures at the local level that lead to abuse of petitioners who seek to express their grievances.
- Object to the continued harassment of human rights lawyers and advocates. Call for the release of lawyers and activists who have been subject to unlawful home confinement, "disappearance," or harassment by officials for their activities defending and promoting the rights of Chinese citizens.

XINJIANG

Findings

- Chinese government and Communist Party authorities continued to commit serious human rights abuses in the Xinjiang Uyghur Autonomous Region (XUAR). Authorities in the XUAR used repressive security policies to stifle peaceful expression and dissent, especially among Uyghurs. Authorities have applied the "three forces" label (terrorism, separatism, and religious extremism) to include peaceful political dissent and religious activity outside of state control, while providing limited and conflicting information to support claims of terrorist or separatist threats. The Chinese government continued to obscure information about people tried in connection with the July 2009 demonstrations and riots in Urumqi city. The number of trials completed in the XUAR in 2011 for crimes of endangering state security—a category of criminal offenses that authorities in China have used to punish citizen activism and dissent—increased over 2010.
- During the Commission's 2012 reporting year, central government-led development projects, which authorities have strengthened in recent years, undercut the rights of Uyghurs and other non-Han groups to maintain their cultures, languages, and livelihoods. Authorities intensified regional development objectives announced at the Xinjiang Work Forum, convened in Beijing in 2010 by central government and Party leaders. XUAR authorities bolstered efforts to relocate and resettle farmers and herders away from grasslands.
- Authorities strengthened campaigns against "illegal religious activities" during this reporting year, and maintained harsh legal restrictions over religion in the XUAR. Authorities used the specter of "religious extremism" to enforce continuing controls over the practice of Islam, continued to identify "religious extremism" as one of the "three forces" threatening stability in

the region, and targeted religious practice in security campaigns. Some Muslims continued to serve prison sentences in connection with exercising their faith. Reports of official campaigns to prevent men from wearing “large beards” and women from wearing veils or clothing perceived to have religious connotations appeared to increase during the reporting year, based on Commission monitoring. Officials required some recipients of welfare benefits in the XUAR to agree not to wear veils or large beards. Officials also continued to place controls over the observance of the Islamic holiday of Ramadan.

- Some government and private employers in the XUAR continued to discriminate against non-Han (“ethnic minority”) job candidates. Authorities also continued programs to “transfer the excess rural labor force” to jobs outside workers’ home areas, a practice that has focused on young non-Han men and women.

- Chinese government development policies continued to prevent Uyghurs from preserving their cultural heritage. Authorities continued to demolish and rebuild the Old City section of Kashgar city, as part of a five-year project launched in 2009 that has drawn opposition from Uyghur residents and other observers for requiring the resettlement of the Old City’s 220,000 residents and for undermining cultural heritage protection. State media also reported on demolitions and the resettlement of residents in traditionally Uyghur communities in areas throughout the XUAR, with XUAR authorities stating that 1.5 million homes would be “reconstructed” regionwide by 2015.

- This past year, Western media reported that authorities sentenced 16 of the 20 Uyghur asylum seekers who were forcibly returned from Cambodia to China in 2009 to prison terms ranging from 16 years to life in prison. Chinese officials had earlier linked some of the asylum seekers to terrorism, but the exact charges they were convicted of are unknown. The “refoulement” of such asylum seekers raised concerns regarding the risk of unfair trials, torture, and other types of mistreatment that Uyghur asylum seekers may face after fleeing to neighboring countries under the sway of China’s influence and its disregard for international law.

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 Xinjiang Uyghur Autonomous Region (XUAR), for protecting Uyghur culture, and for increasing avenues for Uyghurs to protect their human rights.

- Raise concern to Chinese officials about human rights conditions in the XUAR and condemn the use of security campaigns to suppress human rights. Call on the Chinese government to release people imprisoned for advocating for their rights or for their personal connection to rights advocates, including Gheyret Niyaz (sentenced in 2010 to 15 years in prison for

“leaking state secrets” after giving interviews to foreign media); Nurmemet Yasin (sentenced in 2005 to 10 years in prison for allegedly “inciting racial hatred or discrimination” or “inciting separatism” after writing a short story); Alim and Ablikim Abdureyim (adult children of activist Rebiya Kadeer, sentenced in 2006 and 2007 to 7 and 9 years in prison, respectively, for alleged economic and “separatist” crimes), as well as other prisoners mentioned in this report and in the Commission’s Political Prisoner Database.

- Call on the Chinese government to provide details about each person detained, charged, tried, or sentenced in connection with demonstrations and riots in the XUAR in July 2009, including each person’s name, the charges (if any) against each person, the name and location of the prosecuting office (i.e., procuratorate), the court handling each case, and the name of each facility where a person is detained or imprisoned. Call on the Chinese government to ensure people suspected of crimes in connection with events in July 2009 are able to hire a lawyer and exercise their right to employ legal defense in accordance with Articles 33 and 96 of the PRC Criminal Procedure Law and to ensure suspects can retain legal defense of their own choosing.

- Support non-governmental organizations that address human rights issues in the XUAR to enable them to continue to gather information on conditions in the region and develop programs to help Uyghurs increase their capacity to preserve their rights and protect their culture, language, and heritage. Provide support for media outlets devoted to broadcasting news to the XUAR and gathering news from the region to expand their capacity to report on the region and provide uncensored information to XUAR residents. Provide support for libraries that hold Uyghur-language collections to increase their capacity to collect and preserve books and journals from the XUAR. Support organizations that can research and take steps to safeguard tangible and intangible cultural heritage in the XUAR.

- Call on the Chinese government to support development policies in the XUAR that promote the broad protection of XUAR residents’ rights and allow the XUAR government to exercise its powers of regional autonomy in making development decisions. 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 participatory decisionmaking.

- Raise concern about the demolition of the Old City section of Kashgar city, as well as demolitions and the resettlement of residents in traditionally Uyghur communities in areas throughout the XUAR. Call on authorities to ensure that development projects take into account the particular needs and input of non-Han ethnic groups, who have faced unique challenges protecting their rights in the face of top-down development policies and who have not been full beneficiaries of economic growth in the region. Call on authorities to ensure that residents have input into resettlement initiatives and receive

adequate compensation. Call on authorities to take measures to safeguard the rights of herders to preserve their cultures and livelihoods.

- Call on the Chinese government to ensure government and private employers abide by legal provisions barring discrimination based on ethnicity and cease job recruiting practices that reserve positions exclusively for Han Chinese. Call on authorities to monitor compliance with local directives promoting job opportunities for non-Han groups, who continue to face discrimination in the job market. Call on Chinese authorities to investigate reports of coercion and exploitative working conditions within labor transfer programs that send rural non-Han men and women to jobs in other regions of China.

- Call on the Chinese government to provide information on the whereabouts and current legal status of Uyghur asylum seekers forcibly returned from Cambodia in December 2009. Raise the issue of Uyghur refugees and asylum seekers with Chinese officials and with officials from international refugee agencies and from transit or destination countries for Uyghur refugees. Call on Chinese officials and officials from transit or destination countries to respect the asylum seeker and refugee designations of the UN High Commissioner for Refugees and the refugee and citizenship designations of other countries. Call on transit and destination countries for Uyghur asylum seekers, refugees, and migrants to abide by requirements on “refoulement” in the 1951 Convention relating to the Status of Refugees and the Convention against Torture.

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. During the Commission’s 2012 reporting year, Chinese officials reiterated positions that seek to prevent Tibetans from securing protection for their culture, language, religion, and environment, and instead pressure the Dalai Lama to support Party positions on Tibetan history and the relationship between China and Taiwan. The Dalai Lama’s representatives—his Special Envoy and Envoy—resigned their positions effective on June 1, 2012, citing “the deteriorating situation inside Tibet since 2008 leading to the increasing cases of self-immolations by Tibetans.”
- The incidence of Tibetans resorting to self-immolation accelerated sharply this past year and spread from Sichuan province into Qinghai and Gansu provinces and the Tibet Autonomous Region (TAR). Forty-five Tibetan self-immolations (39 fatal) reportedly took place during the period from October—the start of the Commission’s reporting year—through August 27, 2012. Reports of self-immolators’ calls for Tibetan freedom and the Dalai Lama’s return are concurrent with increasing Chinese government and Party use of legal measures to repress and control core elements of Tibetan culture, and with

the China-Dalai Lama dialogue's failure to achieve any sign of progress. The Party and government have not indicated any willingness to consider Tibetan grievances in a constructive manner and to hold themselves accountable for Tibetan rejection of Chinese policies, and handled the crisis as a threat to state security and social stability instead of as a policy failure.

- The status of religious freedom for Tibetan Buddhists declined steeply. The government and Party initiated unprecedented measures to further strengthen control over the Tibetan Buddhist religion and monastic institutions and transform them into entities prioritizing loyalty to the Party and patriotism toward China while seeking to bring to an end the Dalai Lama's influence on Tibetans. Officials opened a TAR "comprehensive school for Tibetan Buddhism" that the Party expects to "establish a normal order" for the religion that conforms to current Party and government objectives. The Party established management committees whose members are Party and government officials within all TAR monasteries and nunneries. In a signed statement, the Dalai Lama rejected Party attempts to use historical misrepresentation and government regulation to impose unprecedented control over lineages of teachers whom Tibetan Buddhists believe are reincarnations.

- The Party and government increased pressure on and interference with the Tibetan people's aspiration to preserve the viability and vibrancy of their culture and language. A senior Party official influential on Tibet policy expressed views favoring ethnic assimilation and ending or changing some policies that have the potential to benefit ethnic minority cultures, such as educational programs in ethnic minority languages. Such views, if implemented, could adversely affect the Tibetan people's cultural and linguistic identity and further deepen resentment against the government. The Party deployed teams of cadres to every village-level administrative entity in the TAR to strengthen Party grassroots control. The first-ever such deployment will last at least through 2014. Public security officials continued to detain Tibetan writers, entertainers, and cultural advocates; Tibetan students continued to protest language policy.

- The Party and government continued to impose "adherence to a development path with Chinese characteristics and Tibetan traits," a policy the Political Bureau of the Party Central Committee established in 2010 that subordinates Tibetan culture and aspirations to Party economic, social, and political objectives. A senior Party official influential on Tibet policy called for development initiatives in ethnic minority areas to promote "consolidating national unification and central authority," and to promote and make irreversible "mixed habitation" among ethnic groups. TAR officials called for accelerating railroad construction; the central government issued an opinion calling for the settlement of all herders nationwide (including on the Tibetan plateau) to be "basically" accomplished by 2015. Officials continued to detain Tibetans who protested against development initiatives they consider harmful to the environment.

Recommendations

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

- Urge the Chinese government to engage in substantive dialogue with the Dalai Lama or his representatives, without preconditions. Urge dialogue on matters including protecting 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 improve the outlook for 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 most strongly is unlikely to result in conditions that could be characterized as consistent with “social stability” or a “harmonious society.”
- Convey to the Chinese government the urgent importance of refraining from expanding use of intrusive management committees or legal measures to infringe upon and repress Tibetan Buddhists’ right to the freedom of religion. Point out to Chinese officials that government- and Party-led campaigns to establish a new “order” for Tibetan Buddhism are 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 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 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 of 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.

- Continue to convey to the Chinese government the importance of distinguishing between peaceful Tibetan protesters and rioters; condemn the use of security campaigns to suppress human rights; and request the Chinese government to provide complete details about Tibetans detained, charged, or sentenced for protest-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: former Tibetan monk Jigme Gyatso (now serving an extended 18-year sentence for printing leaflets, distributing posters, and later shouting pro-Dalai Lama slogans in prison); 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).

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

DEVELOPMENTS IN HONG KONG AND MACAU

Findings

- During the Commission's 2012 reporting year, Hong Kong held its first elections since the Legislative Council (LegCo) passed legislation in 2011 implementing electoral reforms that fell short of provisions in Hong Kong's Basic Law concerning universal suffrage. A 1,200-member selection committee chose Hong Kong's chief executive in March 2012 in a process that was inherently non-democratic. The selection was characterized by extensive interference by the mainland government, disregarding the principle of "one country, two systems."
- On September 9, 2012, Hong Kong held its first LegCo elections since the 2011 electoral reforms. Democracy advocates picked up three of the five new seats created under the electoral reforms, and retained the one-third of the seats needed to block "fundamental changes" in Hong Kong laws, which may be critical when LegCo considers legislation for the 2017 elections. However, pro-Beijing parties gained seats as well, potentially leading to legislative gridlock.
- In the run-up to the LegCo election, thousands took part in demonstrations against Hong Kong's controversial National Education Plan, and some Hong Kong students and teachers staged a hunger strike to protest the plan. In the face of the demonstrations, Hong Kong's Chief Executive C Y Leung withdrew the requirement that schools start teaching the Beijing-backed curriculum by 2015. Former chief executive Donald Tsang initiated the plan in 2010, which the People's Daily defended as in keeping with international practice of "patriotic education." However, in an editorial in the New York Times, one Hong Kong parent who took part in a demonstration against the plan in July 2012 described the new curriculum as a "one-sided, totally positive portrayal of Communist Party rule"
- According to one journalists' organization, press freedom deteriorated in Hong Kong in 2011, with Hong Kong's international ranking dropping to 54th from 34th the previous year. Another organization listed the Hong Kong press as "partly free." Journalists in Hong Kong report that press freedom has deteriorated, with one prominent representative citing a number of causes, including government control of information, rough treatment of reporters, denial of media access to events, restrictions on movement around government offices, self-censorship, and censorship by media outlets, many of the owners of which have business interests in the mainland.
- The government of Macau proposed reforms to its electoral system, seeking an opinion from the mainland Chinese National People's Congress Standing Committee on the procedure for reform, and undergoing two consultation exercises. The first consisted of 8 sessions, only 1 of which was open to the public, and the second consisted of 10 sessions, only 3 of which were open to the public. The final reforms were minor. Some civil groups said the consultation exercise was manipulated to "fabricate" public opinion. In June, the National People's Con-

gress Standing Committee approved the proposed reforms, providing for the addition of two directly elected and two indirectly elected seats to the Legislative Assembly, and increasing the number of members of the Chief Executive Selection Committee from 300 to 400. In August, Macau's Legislative Assembly passed laws making the proposed changes, which one legislator had earlier described as "democracy rolling back."

Recommendations

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

- Continue to make every effort to visit Hong Kong when traveling 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. Such meetings show U.S. support for a high degree of autonomy in Hong Kong under the system of "one country, two systems" and for rule of law.
- In meetings with Chinese government officials, urge them to allow the people of Hong Kong to enjoy the high degree of autonomy articulated in the Basic Law and the Sino-U.K. Joint Declaration, especially in matters concerning elections, and to allow the introduction of universal suffrage with "one man, one vote," if this is the wish of the people of Hong Kong.
- Make every effort to visit Macau when traveling to mainland China or Hong Kong. While there, 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 support the development of democracy, and to strengthen democratic practices and rule of law in Macau.

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://ppd.cecc.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 2012 Annual Report provides information about Chinese political and religious prisoners¹ 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://ppd.cecc.gov>. (Information on how to use the PPD is available at: <http://www.cecc.gov/pages/victims/index.php>.)

The PPD received approximately 61,900 online requests for prisoner information during the 12-month period ending August 31, 2012. During the 12-month period ending in August 2012, the United States was the country of origin of the largest share of requests for information (approximately 51 percent), followed by China (20 percent), Germany (7 percent), France (4 percent), and Great Britain (3 percent). Approximately 19 percent of the requests originated from worldwide commercial (.com) Internet domains, 16 percent from worldwide network (.net) domains, 11 percent from U.S. Government (.gov) domains, 5.4 percent from domains in Germany (.de), 2.9 percent from domains in France (.fr), 2.1 percent from U.S. education (.edu) domains, 1.0 percent from domains in the Russian Federation (.ru), 0.8 percent from worldwide nonprofit organization (.org) domains, 0.8 percent from domains in Japan (.jp), and 0.6 percent from domains in Australia (.au). Approxi-

mately 36 percent of the requests for information were from numerical Internet addresses that do not provide information about the name of the registrant or the type of domain.

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, 2012, the PPD contained information on 6,989 cases of political or religious imprisonment in China. Of those, 1,475 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 5,514 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 1,475 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 pro-

viding 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.

I. Human Rights

FREEDOM OF EXPRESSION

Introduction

During the Commission's 2012 reporting year, Chinese officials took steps to restrict free expression, control access to information, and punish those who peacefully expressed their opinions. The restrictions and punishments not only failed to comply with international human rights standards, but also violated rights and protections afforded under Chinese domestic legislation and the Constitution. While international standards permit states to restrict expression in limited circumstances to protect interests such as national security and public order, Chinese restrictions covered a much broader range of activity—including peaceful expression critical of the Communist Party and independent news reporting on human rights developments.

Over the past year, Chinese authorities called for strengthening the Party's guidance of online opinion, targeted so-called "online rumors," and consistently censored politically sensitive information. The dramatic increase in Internet users and microblog services appeared to create new challenges, and opportunities, for official censorship. As citizen expression on China's popular microblogs has grown, Chinese officials have implemented new regulations to exert stricter control over social media providers and users.

Chinese authorities continued to harass and punish citizens for exercising their right to free expression. Officials continued to abuse vague criminal charges—including "inciting subversion of state power"—to target peaceful discussion of government policies and political debate. Newly adopted regulations on journalists and real-name registration requirements on microblog users threatened to end online anonymity and produce a chilling effect. At the same time, Chinese authorities maintained broad regulations and registration requirements applicable to journalists, publishers, news media organizations, and Internet users.

International Standards for Free Expression

Many official Chinese restrictions on free expression failed 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.¹ Regarding the purpose 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.² In June 2012, the UNHRC passed a landmark resolution supporting freedom of expression on the Internet, affirming that "the same rights that peo-

ple 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."³

As outlined in this section, Chinese officials continued to restrict expression on the Internet and in the media for purposes that are impermissible under international law, such as to stifle peaceful criticism of the Communist Party. As to restrictions clearly set forth in law, this past year, Chinese officials abused vaguely worded criminal law provisions and resorted to extralegal measures to restrict free expression arbitrarily. As documented in this section, Chinese restrictions continued to be overly broad and disproportionate in protecting stated interests.

Internet and Other Electronic Media

BLOCKING AND FILTERING POLITICAL CONTENT

This past year, Chinese authorities continued attempts to block and filter online content deemed politically sensitive by implementing large-scale deletions, instituting real-name registration requirements, forcing Web site closures, implementing censorship directives, and carrying out detentions.⁴ 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.⁵ Chinese official censors maintained a growing list of blacklisted keywords as they tried to prevent the public from circulating information about controversial developments and news topics, including legal advocate Chen Guangcheng's April 2012 escape from illegal home confinement, the June 2012 Tianjin shopping mall fire,⁶ the August 2012 Gu Kailai criminal trial,⁷ and the 2011 anticorruption and land rights protests in Wukan village.⁸

In late 2011, Chinese authorities announced plans to step up efforts to "stop rumors and punish individuals and Web sites spreading rumors."⁹ In late March and early April 2012, officials intensified the clampdown on Internet users and microbloggers following controversial news developments and various unsubstantiated reports of a coup in Beijing.¹⁰ Xinhua, for instance, reported on March 30 that the State Internet Information Office (SIIO) and Beijing public security officials closed 16 Web sites and detained 6 people responsible for "fabricating or disseminating online rumors."¹¹ Chinese authorities initiated an unprecedented three-day suspension of comment functions on two of China's most popular microblogging service providers, Sina and Tencent, from March 31 to April 3.¹² A lack of government transparency surrounding the suspension of services and Web site closures makes it difficult to confirm the nature of information being targeted and to determine the legitimacy of these actions. The suspensions and closures, in some cases, appeared politically motivated and appeared to counter internationally promoted standards on freedoms of opinion and expression.¹³

In addition to restrictions on social media Web sites, Chinese regulators issued new regulations on online video content. In July 2012, the SIIO and the State Administration of Radio, Film and Television (SARFT) jointly issued a circular that requires online

video content providers to review videos before making them available online and informs content providers that they will be held responsible for online video content on their sites.¹⁴ In discussing the circular, a spokesperson for SARFT claimed that the policy will “adhere to the correct orientation and dissemination of mainstream values.”¹⁵ A China Daily report quoted a film theorist who said that online videos and micro-films (commonly referring to short-length films appearing on the Internet) require supervision in order to avoid negatively influencing the masses.¹⁶ Internet users, however, reportedly criticized the efforts to further manage and control online content.¹⁷

Officials continued to detain and harass Chinese citizens who sought to share online material that authorities deem to be politically sensitive. In April 2012, public security officials in Guangzhou city, Guangdong province, criminally detained Internet user Xu Lin and later held him under “residential surveillance” at an undisclosed location, after he attended a public protest in support of officials’ financial disclosure and posted “sensitive” material online.¹⁸ Authorities prevented Xu’s lawyers and family members from visiting him until July, stating that Xu’s case involved “state secrets.”¹⁹ On July 5, authorities reportedly sent Xu home and placed him under “soft detention” (*ruanjin*), a form of illegal home confinement.²⁰

Chinese regulatory and legal measures do not clearly define prohibited online content. Chinese Internet regulations contain vague and broad prohibitions on content that, for example, “harms the honor or interests of the nation,” “spreads rumors,” or “disrupts national policies on religion.”²¹ Chinese law does not define these concepts, and Chinese law does not contain specific benchmarks to establish whether an action presents a “harm” to the “honor or interests of the nation.”²² In China, the government places the burden on Internet service and content providers to monitor and remove content based on these vague standards and to maintain records of such activity and report it to the government.²³

Microblogging and Free Expression

During this reporting year, China's Twitter-like microblogging (*weibo*) sites continued strong growth and continued to develop as prominent places for Internet users to voice discontent over controversial topics, organize collective actions, and circulate independent news reports.²⁴ China's microblogging sites—including China's most popular microblog site Sina Weibo—experienced dramatic growth with 250 million registered accounts at the end of 2011, compared with 63 million at the end of 2010.²⁵ Despite *weibo* censorship and blacklisted keywords, rights advocates, citizen journalists, and others successfully used various methods to circumvent official guidelines and circulate information online throughout the reporting year.²⁶ In addition, advocates and activists used virtual private networks (VPNs), among other techniques, to access U.S.-based microblogging service provider Twitter (which has been blocked in China since June 2009),²⁷ as well as other social networking sites blocked in China.²⁸ In 2012, academics at Massachusetts Institute of Technology, Harvard University, Carnegie Mellon University, and the University of Hong Kong released separate reports and data on how *weibo* censors work and on official trends in *weibo* censorship.²⁹ In the Harvard study, for instance, researchers found that “criticism of the state, its leaders, and its policies are not more likely to be censored”; however, the censors focused on “curtailing collective action by silencing comments that represent, reinforce, or spur social mobilization, regardless of content.”³⁰

With the rising popularity of microblogging services, Chinese authorities announced calls for restrictions over microblog service providers and users, citing official concerns over the dissemination of “online rumors” (*wangluo yaoyan*).³¹ While China's central government news agency Xinhua reported “surging numbers of online rumors,” the calls also appeared to target citizens' legitimate rights to free expression.³² In recent years, microblog users have used online services to publicize controversial incidents or news—including the 2011 Wenzhou train collision,³³ the 2011 Gansu school bus crash,³⁴ and information related to the investigation of former Political Bureau of the Communist Party Central Committee (Politburo) member and former Party Secretary of Chongqing municipality Bo Xilai³⁵—despite strict directives censoring the topics in state-run news media. The widespread dissemination of sensitive microblog posts appeared to have influenced official reactions in high-profile cases, such as the investigation of Wang Lijun, former vice-mayor and head of the public security bureau in Chongqing.³⁶

Microblogging and Free Expression—Continued

Government agencies and departments also used social media Web sites and microblogging tools for official purposes. In August 2012, Sina, a leading Chinese Web site, released its first report on microblogs operated by ministry-level departments.³⁷ According to the report, the Chinese government, at all levels, manages more than 50,000 microblog accounts.³⁸ Official statements on microblogging have consistently emphasized using social media technology “to promote social harmony and stability.”³⁹ On October 18, 2011, a document circulated at the Sixth Plenary Session of the 17th Central Committee of the Chinese Communist Party advocated “strengthening the guidance and management of social networks and instant communication tools.”⁴⁰ In December 2011, Beijing municipality and other cities issued microblog regulations that require users to provide real-name registration information to their microblogging service provider in order to verify identities of users.⁴¹ In June 2012, the State Internet Information Office announced plans to expand these pilots nationally by amending national measures that oversee the administration of Internet sites, including blogs and microblog service providers.⁴² In addition to requiring real-name registration, the new regulations would also strengthen legal enforcement by requiring Internet companies to cooperate with public security bureau branches and by threatening criminal and administrative punishments for failing to comply.⁴³

In line with official actions, Chinese officials also appeared to pressure domestic social media companies to enforce stricter guidelines and controls over user content. In an August 2011 visit to the Beijing headquarters of Sina Corporation, which operates Sina Weibo, Politburo member Liu Qi reportedly told Internet companies to “step up the application and management of new technology, and absolutely put an end to fake and misleading information.”⁴⁴ In May 2012, in line with increased sensitivity surrounding high-profile incidents, Sina Weibo introduced new user guidelines covering what users can post online and instituting a points-based self-censorship structure.⁴⁵

EXPANDING OVERALL ACCESS, WHILE MAINTAINING CONTROL

According to the China Internet Network Information Center, the administrative agency responsible for Internet affairs, there were over 538 million Internet users in China by the end of June 2012—an increase of 53 million users since June 2011.⁴⁶ By April 2012, statistics indicated there were 1.02 billion mobile phone accounts, according to information from three of the country’s leading telecommunications operators.⁴⁷

The Chinese government has pledged to expand access to mobile technologies and the Internet to promote economic development and increase government propaganda.⁴⁸ According to the Ministry of Industry and Information Technology’s “Internet Industry ‘12th Five-Year Development Plan,’” 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.⁴⁹ In the 2012–2015 National Human Rights Action Plan, the Chinese government also sets its target of increasing Internet penetration in the country to more than 45 percent by 2015.⁵⁰

Official statements and actions continue to emphasize control rather than freedom on the Internet.⁵¹ Nevertheless, international observers and foreign media continue to note the difficulties officials have in controlling this emerging and vibrant space for expression, including expression of criticism of the government and discussion of some politically sensitive topics.⁵²

Abuse of Criminal Law To Punish Free Expression

Officials continued to use vague criminal charges to imprison rights advocates, writers, Internet essayists, democracy advocates, and citizen journalists who engaged in peaceful expression and assembly.⁵³ In late 2011 and early 2012, Chinese officials sentenced numerous rights advocates and writers in connection with the crackdown that followed protests in the Middle East and North Africa and calls for “Jasmine” protests domestically.⁵⁴ For instance, the Hangzhou City Intermediate People’s Court in Zhejiang province sentenced writer and democracy rights advocate Zhu Yufu to seven years’ imprisonment for “inciting subversion of state power.”⁵⁵ The prosecutor’s indictment reportedly included a poem Zhu wrote as evidence, as well as “other writings he had published online, his calls for monetary donations for prisoners of conscience, and interviews that he had given.”⁵⁶ The harsh sentence against Zhu followed other severe sentences imposed by Chinese courts in December and January, including sentences against writers and democracy advocates Chen Wei, Chen Xi, and Li Tie.⁵⁷

Officials also sentenced rights advocates on charges of “creating disturbances,” a crime under Article 293 of the PRC Criminal Law.⁵⁸ In April 2012, for example, the Xicheng District People’s Court in Beijing municipality sentenced housing rights advocate and lawyer Ni Yulan to two years and eight months’ imprisonment on charges that included “creating a disturbance” by hanging a banner outside her residence.⁵⁹ The same court sentenced her husband to two years’ imprisonment for “creating a disturbance.”⁶⁰ The actual threat these citizens posed to state security and public order—or the motivation for official action—is unclear, as details regarding many of these cases remain limited. Available information suggests that officials targeted the citizens to suppress political expression and dissent.⁶¹

Many of those targeted during the year had records of criticizing the government and Communist Party and advocating for democracy and human rights.⁶² In addition, Chinese criminal defense lawyers and suspects in free speech cases continued to face substantial obstacles in ensuring procedural safeguards and compliance with the right to a fair trial.⁶³

Extralegal Harassment

Chinese officials continued to physically harm, restrict the travel of, and otherwise extralegally harass citizens to control information and stifle expression.⁶⁴ In suppressing free speech rights, Chinese security authorities not only targeted Chinese citizens who sought to express their opinions peacefully, but also targeted their family members and acquaintances. In March 2012, officials forced the closure of democracy rights advocate Yao Lifa’s blog. According to

the non-governmental organization (NGO) Chinese Human Rights Defenders, authorities had subjected Yao and his family members to a range of abuses since 2011, including repeated arbitrary detention and harassment.⁶⁵ In January 2012, author and former vice president of the Independent Chinese PEN Center, Yu Jie, left China for the United States with his family, after reportedly being subjected to years of official harassment.⁶⁶ At a January 18, 2012, press conference in Washington, D.C., Yu detailed how police harassed and tortured him while he was detained in December 2010.⁶⁷

Beijing authorities continued to harass well-known artist and rights advocate Ai Weiwei, who was charged with tax evasion while detained at an undisclosed location for 81 days under “residential surveillance” in 2010.⁶⁸ According to a March 2012 New York Times article, officials reportedly held Ai in harsh conditions and threatened him with a range of criminal charges, including subversion, during his off-site detention.⁶⁹

In two different centers, Mr. Ai was confined to a cramped room with guards watching him around the clock. The second site, a military compound, was harsher, he said: lights remained on 24 hours, a loud fan whirred and two men in green uniforms stared silently from less than three feet away. Mr. Ai got two to five hours of sleep each night. He stuck to a minute-by-minute schedule dictating when he would eat, go to the toilet and take a shower. Mr. Ai . . . lost 28 pounds.⁷⁰

Although authorities released Ai on bail in June 2011, ongoing surveillance and a tax evasion case against Ai led the artist and his supporters to claim that this official harassment was politically motivated, amounting to retribution for his outspoken criticism of official actions and government policies.⁷¹ In a June 2012 online video, Ai claimed that officials continued to hold him under “soft detention” (ruan jin), an illegal form of limited home confinement, to “punish [him] because [of his] activities in criticizing the violation of . . . very essential human rights . . .”⁷²

Chinese Authorities React to the “Chen Guangcheng Incident”

Following the high-profile escape of legal advocate Chen Guangcheng from illegal home confinement in Linyi city, Shandong province, Chinese authorities strictly controlled information about Chen and censored keywords related to Chen and his escape.⁷³ According to international news reports, Chinese search engines removed a number of keywords that could directly or indirectly refer to Chen, including variations of Chen’s name (in Chinese and English), Chaoyang Hospital, U.S. Embassy, “blind man,” and “UA898.”⁷⁴ Internet users searching censored terms on Sina Weibo received the message: “According to relevant laws and policies, results are not displayed.”⁷⁵

**Chinese Authorities React to the “Chen Guangcheng Incident”—
Continued**

Despite the tight controls, some Chinese Internet users were able to post and circulate information about the case using coded language to circumvent restrictions. Some users, for instance, referred to Chen as “A Bing,” a well-known Chinese blind folk singer.⁷⁶ (Chen is also blind.) One online user reportedly discussed the escape through a story of “a mole who was surrounded by a pack of wolves, but with the help of some mice he managed to escape.”⁷⁷ Other Internet users reportedly reposted popular quotes and images related to the rights advocate.⁷⁸

Freedom of the Press

Chinese government and Communist Party control over the press continued to violate 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.⁷⁹ In its annual press freedom index, for instance, NGO Reporters Without Borders ranked China 174th out of 179 countries in terms of press freedoms, citing various concerns including those over official actions to prevent critical news reporting and efforts to increase “censorship and propaganda.”⁸⁰

In China, officials expect the media to serve as the Party and government’s “mouthpiece.”⁸¹ In December 2011, some Chinese Internet users reacted critically to comments reportedly made by Hu Zhanfan—then chief editor of the *Guangming Daily* and current president of state-run broadcaster China Central Television (CCTV)—in January of the same year.⁸² In his public remarks, Hu condemned journalists for failing to view “their own role in terms of the propaganda work of the Party” and reportedly said that “the first and foremost social responsibility [of journalists] is to serve well as a mouthpiece tool.”⁸³ Officials and state-run media agencies frequently criticized journalists who undertook “negative” (fujian) news reporting.⁸⁴ In May 2012, for instance, the *Beijing Daily*, official newspaper of the Beijing Municipality Communist Party Committee, published an editorial criticizing the “poison” of Western-style journalism and negative press reports on topics such as food safety and official corruption.⁸⁵ The editorial censured media workers who “indiscreetly criticize under the banner of ‘objective reporting,’” claiming that China needed media professionals who “are responsible and reliable, [who] truly protect the fundamental interests of the nation, the public and the Chinese peoples.”⁸⁶

PUNISHMENT OF JOURNALISTS

While the 2012–2015 National Human Rights Action Plan of China announced official intentions to safeguard “the legitimate rights and interests of news agencies, journalists, editors and other persons concerned,” Chinese authorities continued to punish journalists, news anchors, and news media outlets that publish sensitive or independent news reports.⁸⁷

The Commission observed numerous reports of Chinese press companies taking actions to punish, suspend, or remove outspoken and independent journalists and newspaper staff. In October 2011, for example, popular news magazine *Caijing* reportedly forced Shanghai municipality-based reporter Yang Haipeng to resign after he publicized apparent procedural abuses in the Shanghai Mihang District People's Court case against his wife.⁸⁸ (Yang's wife was sentenced to four years imprisonment on corruption charges the week following his resignation.)⁸⁹ In November, Yang claimed the resignation followed pressure on the magazine from Shanghai authorities and warnings to "remain silent" on the matter.⁹⁰ In some cases, state-run media responded with disciplinary actions against journalists and news anchors who exercised free speech. In April 2012, authorities reportedly suspended CCTV news anchor Zhao Pu after he posted a microblog message warning people, especially children, to avoid consuming yogurt in apparent connection to concerns that yogurt and jelly products contained industrial gelatin made from discarded leather shoes.⁹¹ In July 2012, the *Xi'an Evening News* terminated the contract of journalist Shi Junrong after Shi reported on a local Communist Party meeting at which attendees smoked a costly brand of luxury cigarettes.⁹² Also in July, Chinese officials reportedly ordered the reshuffling of staff positions at a newspaper in Shanghai and a newspaper in Guangzhou municipality, Guangdong province, to remove top editorial staff in a move that the International Federation of Journalists characterized as a political shakeup.⁹³

POLITICAL CONTROL OF MEDIA THROUGH REGULATION OF EDITORS AND JOURNALISTS

All media organizations in China are subject to an extensive licensing system and government supervision.⁹⁴ In order to report the news legally, domestic newspapers, magazines, Web sites, and individual journalists must obtain a license or accreditation from the government.⁹⁵ Radio and television broadcast journalists must pass a government-sponsored exam that tests them on basic knowledge of Marxist views of news and Communist Party principles.⁹⁶

In order to address official concerns over "false information" in news reports, the General Administration of Press and Publication (GAPP) released regulations in mid-October 2011 that aim to control journalists' use of "unverified information" and to regulate news agencies' review procedures.⁹⁷ The regulations prohibit Chinese journalists from directly including "unverified information" obtained from the Internet or mobile text messages in their reporting.⁹⁸ In addition, the regulations require that news agencies improve the system of accountability for "fake" or "false" news reports, terms which are not defined in the regulations.⁹⁹ Some mainland Chinese journalists decried the regulations as "another move to step up censorship," and one *Oriental Morning Post* journalist claimed the regulations could endanger cross-regional reporting—which refers to instances when media in one region reports on sensitive events or local governments in another region.¹⁰⁰

FOREIGN JOURNALISTS

This past year the Commission continued to monitor official harassment of foreign journalists as they attempted to report on news and events considered sensitive by Chinese officials. In February 2012, journalists with French broadcaster France 24 and the Netherlands Press Association reported being assaulted by what appeared to be plainclothes police or “hired thugs” while investigating illegal land seizures in Panhe village, Cangnan county, Wenzhou municipality, Zhejiang province.¹⁰¹ The Foreign Correspondents Club in China (FCCC) issued a statement on these assaults and a separate incident involving a Dutch journalist who was reportedly attacked by men “who appeared to be plain-clothes police.”¹⁰² The FCCC also warned members to be “especially alert” while reporting in Panhe village.¹⁰³ In August 2012, the Foreign Correspondents’ Club, Hong Kong released a statement on a series of incidents in which international news reporters working in China were threatened, harassed, and beaten.¹⁰⁴ The statement, co-signed by the Beijing-based FCCC and its sister organization in Shanghai, expressed alarm over the frequency of abuses and said the incidents represented “a clear risk of serious physical harm to journalists merely carrying out their professional duties in China.”¹⁰⁵

Chinese authorities also reportedly took action against at least one foreign news agency. In May 2012, Chinese officials forced the closure of Al Jazeera English’s Beijing bureau office after authorities “refused to renew its correspondent’s press credentials and visa, or allow a replacement journalist,” according to an Al Jazeera report.¹⁰⁶ The FCCC released a statement following the decision addressing officials’ lack of transparency: “[Chinese officials] expressed unhappiness with the general editorial content on Al Jazeera English and accused [its English-language reporter] of violating rules and regulations that they [did] not [specify].”¹⁰⁷ The statement called the expulsion “a grave threat to foreign reporters’ ability to work in China.”¹⁰⁸ The reporter was the first accredited foreign journalist to be denied reporting privileges since 1998.¹⁰⁹

WORKER RIGHTS

Introduction

Workers in China still 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. Authorities continued to harass, abuse, and detain advocates for worker rights. 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. All lower level unions must be affiliated with the ACFTU.

During the 2012 reporting year, the Chinese government and Communist Party faced the challenge of accommodating an increasingly rights-conscious workforce during a domestic macroeconomic slowdown. Worker demonstrations continued in various locations and industries, in some instances in response to cost-cutting measures taken by management that threatened workers' wages or benefits.

Following international reports on working conditions at suppliers for Apple, Inc., Apple and Foxconn—a Taiwan-based multinational electronics manufacturer, major supplier for Apple, and reportedly the largest private employer in China—began implementing a program to improve conditions at Foxconn factories across China. Some observers have argued that this plan, if implemented as described, could create incentives for other employers in China to improve conditions for workers.

Freedom of Association

The Chinese government continued to prevent workers from exercising their constitutional right to freedom of association¹ this past year. Trade union activity can only be organized under the All-China Federation of Trade Unions (ACFTU),² an organization under the direction of the Communist Party.³ Leading union officials hold concurrent high-ranking positions in the Party.⁴ The ACFTU Constitution and the PRC Trade Union Law task the ACFTU with protecting the legal rights and interests of workers while supporting the leadership of the Party and the broader goals and interests of the government.⁵

Beginning in early 2012, authorities in Shenzhen municipality, Guangdong province, reportedly increased pressure on several worker services non-governmental organizations (NGOs) to stop their work. Between February and May, the landlords of four such NGOs terminated their leases early, reportedly under pressure from local authorities.⁶ The landlord of a fifth NGO ordered that organization to leave its rented office two years before the end of its lease, and officials from a local commerce bureau ordered a sixth NGO to stop work or move out because it had not registered with the government.⁷ In August 2012, local fire department officials inspected another such NGO in Shenzhen, a step that reportedly had preceded the lease terminations in at least two of the earlier cases.⁸ According to media sources, since the start of the crackdown, the total number of NGOs that have been forced to close had reached 10 by early September.⁹ In May 2012, authorities in

Guangdong established a coalition of worker services NGOs under the leadership of the provincial trade union,¹⁰ and at least some of the NGOs that experienced harassment reportedly believed that, through the coalition, local officials intended to bring NGOs viewed as cooperative under their supervision while isolating more independent NGOs.¹¹

COLLECTIVE BARGAINING

Tasked with Party and government loyalty, local-level unions did not consistently or uniformly advance the rights of workers this past year. ACFTU branches reportedly continued to prioritize “harmony” and “stability” in labor relations,¹² and in some cases union representatives sought to end disputes expediently without necessarily addressing workers’ grievances. For example, after a December 2011 strike over bonus reductions at an electronics factory in Nanjing municipality, Jiangsu province, high-level Nanjing Party and union officials reportedly instructed local union officials to resolve the dispute quickly and maintain “stability.”¹³ Local union representatives reportedly did not make demands on behalf of workers in negotiations and instead tried to persuade them to return to work.¹⁴ In other cases, workers lacked knowledge of union functions, preventing them from accessing union representation. For example, out of more than 35,000 Foxconn workers surveyed in a March 2012 Fair Labor Association report, 70 percent reported they did not know whether worker representatives participated in their factory’s decisionmaking processes.¹⁵

COLLECTIVE CONTRACTING

In May 2012, the Ministry of Human Resources and Social Security reportedly announced it had begun consulting with other authorities, including the ACFTU, to research options for legislation to further promote the use of collective contracts,¹⁶ but the Commission observed no further reports on this initiative. Collective contracts—contracts produced through consultations between workers and management that regulate issues such as compensation, work hours, breaks and vacations, safety and health, and insurance and benefits¹⁷—have been part of Chinese labor relations since the 1990s,¹⁸ and the ACFTU has championed collective contracts and negotiations as important foundations for trade union work at the enterprise level.¹⁹

Direct Union Elections in Shenzhen Municipality

Authorities in Guangdong province took steps this past year to promote direct elections of trade union representatives. On May 27, 2012, workers at the Omron electronics factory elected a union chair through direct, secret ballot elections for the first time, after several hundred employees demanded direct elections.²⁰ Wang Tongxin, Vice Chairman of the Shenzhen Municipal Federation of Trade Unions, reportedly said most enterprises did not have a system of direct union elections but that local ACFTU branches in Shenzhen would “guide” 163 Shenzhen-based enterprises to change their leadership in 2012 through “democratic elections.”²¹

Worker Actions

During the past reporting year, workers continued to stage protest demonstrations in various locations in China in response to systemic labor-related grievances, such as inadequate pay or benefits,²² excessive overtime demands,²³ and abusive management practices.²⁴ For example, from late fall 2011 through early 2012, workers held a series of demonstrations that some international media and worker rights advocates characterized as the most significant since the summer of 2010.²⁵ The exact number of worker actions that occurred during this period is difficult to determine, but they involved multiple industries and occurred in at least 10 provincial-level areas.²⁶ The demonstrations coincided with a reported slowdown in China's manufacturing and export sectors,²⁷ and, in some cases, workers demonstrated in response to cost-cutting measures that threatened workers' wages or benefits.²⁸ In some of those cases, workers said their motivations for demonstrating included management's failure to consult with them in implementing cost-cutting measures.²⁹

The government and Party continued to express concern over the effect of worker actions on "harmony" and "stability." For example, in a February 15, 2012, statement, the Ministry of Human Resources and Social Security (MOHRSS) described "harmonious labor relations" as an "urgent and important political duty that we must grasp."³⁰ In another example, in a July 2012 article in the *People's Daily*—the official news media of the Communist Party—ACFTU Vice Chairman Zhang Mingqi said, "Currently, China's overall labor relations are harmonious and stable, but at the same time, a situation is emerging in which labor disputes, in particular collective labor disputes, are happening more easily and in greater numbers."³¹ Tasked with "maintaining stability," officials in some cases reportedly used force against or detained demonstrating workers. For example, in October 2011, public security officials in Shaodong county, Shaoyang municipality, Hunan province, reportedly ordered coal worker Zhao Zuying to serve 10 days of administrative detention after Zhao and 18 others gathered in a public square in Shaoshan city, Xiangtan municipality, Hunan, and expressed grievances over restructuring of the mines where they worked.³² Officials reportedly used force to stop worker demonstrations in locations including Dongguan city, Guangdong province;³³ Shanghai municipality;³⁴ Huzhou municipality, Zhejiang province;³⁵ and Chengdu city, Sichuan province.³⁶

**Labor Rights Advocate Li Wangyang
Dies Under Police Surveillance**

On June 6, 2012, hospital authorities in Shaoyang city, Hunan province, notified the family of labor rights advocate and 1989 Tiananmen protester Li Wangyang that Li had committed suicide by hanging himself in the hospital while under police surveillance.³⁷ Li previously served 11 years in prison for trying to form an independent union and 10 years for going on a hunger strike to demand compensation for maltreatment suffered in prison.³⁸ Li's family, Hong Kong officials, and Hong Kong and international supporters expressed doubts that Li's death was a suicide,³⁹ in part due to his positive demeanor before his death and disabilities that hindered his mobility.⁴⁰

Authorities at the hospital reportedly prevented access to Li before and after his death. Authorities prohibited Li's sister Li Wangling⁴¹ and brother-in-law Zhao Baozhu from approaching the body or taking pictures.⁴² On June 3, officials took into custody two rights advocates who visited Li,⁴³ and, on June 7, officials took Zhao and Li Wangling into custody.⁴⁴ Officials claimed that an autopsy was conducted on June 8 that ruled the death a suicide, but family members denied ever signing off on such report.⁴⁵ Hong Kong-based and international observers criticized the government's handling of the case, prompting officials to announce further investigations.⁴⁶ Subsequent investigations by officials concluded Li killed himself, but Australian forensic experts who examined the available information raised questions in an August 2012 report regarding the evidence for suicide and whether the investigations met international standards.⁴⁷

Provisions on Consultation and Mediation for Enterprise Labor Disputes

On November 30, 2011, the MOHRSS issued the Provisions on Consultation and Mediation for Enterprise Labor Disputes (Provisions), effective January 1, 2012.⁴⁸ The PRC Labor Dispute Mediation and Arbitration Law allows workers (or unions acting on behalf of workers) and management to appoint representatives to committees responsible for mediating disputes in the workplace,⁴⁹ and the Provisions require all medium and large enterprises to establish such committees.⁵⁰ The Provisions also stipulate some additional, limited protections for worker rights. For example, upon receiving a complaint from workers about the implementation of a contract, collective contract, labor statute, or internal enterprise regulation, mediation committees must either coordinate with the enterprise to rectify the problem or give workers an explanation.⁵¹ The Provisions also require these committees to publicize labor laws, regulations, and policies in the workplace,⁵² and the Provisions clarify consultations by stipulating that the parties can specify a length of time for consultations⁵³ and that agreements reached through consultations are binding.⁵⁴

The Provisions, however, fail to address the fact that workers in China are not guaranteed the right to organize into independent unions, leaving the government, Party, and employers with greater bargaining power in dispute resolution. The Provisions require enterprises to "guide workers to protect their rights rationally"⁵⁵ and

require local bureaus of the MOHRSS to “guide enterprises” to respect laws, regulations, and policies related to worker rights.⁵⁶ The Provisions also stipulate that state-sanctioned unions “may take the initiative to participate in the handling of labor dispute consultations and protect workers’ lawful rights and interests.”⁵⁷

Migrant Workers

Migrant workers—rural residents who have left their place of residence to seek non-agricultural jobs in cities⁵⁸—remained particularly vulnerable to exploitation in the workplace, facing problems such as wage arrears, ineffective means of redress of grievances, and abuse from managers. Migrant workers typically lack urban residency status and have low levels of education, income, and perceived social status.⁵⁹ In one 2012 case, prior to the spring festival—a period when many migrant workers return home to their families—managers at a construction company in Xiangtan municipality, Hunan province, reportedly withheld 1,666,000 yuan (US\$264,000) in wages from 300 migrant workers.⁶⁰ Local officials reportedly declined to investigate at first, in an effort to “maintain stability,” but began investigating after the workers publicly expressed their grievances.⁶¹ In another case, in April 2010, the Qi County Human Resources and Social Security Bureau in Kaifeng municipality, Henan province, reportedly filed a case with a local court on behalf of migrant workers with unpaid wages, but the court had not accepted the case as of January 18, 2012.⁶² The court reportedly claimed the bureau never submitted paperwork for the case; the bureau reportedly claimed it submitted the paperwork, but did not pay the processing fee at the time.⁶³ In another case, on January 16, 2012, a construction company manager in Xianyang municipality, Shaanxi province, cut a migrant worker’s fingers with a knife after the worker asked the manager to pay unpaid wages to another migrant worker.⁶⁴

Faced with a growing migrant worker population (reportedly over 250 million in 2011),⁶⁵ an increasing urbanization rate,⁶⁶ and a new generation of young, more educated, rights-conscious migrant workers,⁶⁷ some local governments took steps to accommodate migrant workers seeking to integrate into urban areas. For example, in October 2011, the Beijing Municipal People’s Government issued a notice that, for the first time, allowed non-Beijing residents to apply for public housing in Beijing.⁶⁸ In June 2012, authorities in Guangdong province launched the 2012 Dream Project, part of an ongoing program to help young migrant workers receive a college education.⁶⁹

Social Insurance

This past year, workers continued to face challenges to receiving social insurance, including employers who delayed registering employees for insurance and employers who did not pay insurance contributions (“social insurance” includes old-age insurance, medical insurance, occupational injury insurance, unemployment insurance, and maternity insurance).⁷⁰ For example, the PRC Law on Social Insurance requires employers to register employees with insurance providers within 30 days of employment,⁷¹ but some fac-

tories of the Hong Kong-based electronics manufacturer VTech⁷² in Dongguan municipality, Guangdong province, reportedly waited between 6 and 10 months,⁷³ while a Dongguan cement factory reportedly required workers to work at least 1 year before they could purchase social insurance.⁷⁴ Official Chinese media reported in March 2012 that a state-owned firm in Ling county, Shandong province, owed employees tens of thousands of yuan (10,000 yuan is US\$1,850) in social insurance contributions.⁷⁵ The report said the unpaid insurance contributions caused “a wicked incident of workers striking and causing trouble,” which in turn “caused an evil influence on society.”⁷⁶ Following a recommendation of the Fair Labor Association, Apple Inc.’s supplier Foxconn worked with the municipal government in Shenzhen during the reporting year to allow migrant workers to claim social insurance benefits locally. Shenzhen authorities issued a provision this year to allow all migrant workers in the city to claim unemployment insurance benefits either at their home province or in Shenzhen, effective January 1, 2013.⁷⁷

Wages

WAGE ARREARS AND NON-PAYMENT OF WAGES

Wage arrears and non-payment of wages remained serious problems this past year, especially for migrant workers.⁷⁸ [See Migrant Workers above for more information.] In a January 2012 report, Apple, Inc., documented problems with wages at its suppliers in China, such as wage arrears, the use of wage deductions as punishment, and overtime pay that did not meet statutory requirements.⁷⁹ A March 2012 Fair Labor Association investigation further documented wage problems at Foxconn factories.⁸⁰ For example, some workers did not receive pay for attending work-related meetings outside of work hours.⁸¹ In some cases, workers received pay based on 30-minute increments, so that workers who worked an extra 29 minutes would receive no additional pay.⁸²

MINIMUM WAGE

As the Commission observed in 2011, the Chinese government reportedly has assembled a “basic framework” for a national wage regulation, in part to address official concern over wealth disparities across China.⁸³ The Ministry of Human Resources and Social Security (MOHRSS) began formulating the regulation in 2007, and officials reportedly started soliciting comments and suggestions for a completed draft in early 2009.⁸⁴ Some domestic media reports indicated the regulation would be approved sometime in 2010, but one MOHRSS official later said that was never the case.⁸⁵ In a July 2011 press conference, MOHRSS spokesperson Yin Chengji said the regulation was being “researched and discussed” and that there was “no definite release date.”⁸⁶ The Commission has not observed any subsequent reports on the draft regulation’s status.

Local governments continued to increase minimum wages during this reporting year. This past year, the Commission observed reports from local governments and Chinese media organizations describing increases in statutory minimum wages in nine provincial-level areas⁸⁷ and the Shenzhen Special Economic Zone.⁸⁸

Other Working Conditions

OCCUPATIONAL SAFETY

Workers, especially in the mining sector, continued to face significant occupational safety risks this past year,⁸⁹ although officially reported deaths from mining accidents in early 2012 were fewer than those from the same period in 2011. Central government news agency Xinhua reported that 185 accidents and 289 deaths occurred in China's mining sector in the first quarter of 2012.⁹⁰ The reported death total was 16.5 percent lower than the first quarter of 2011.⁹¹ Chinese media organizations continued to report on cases in which mine managers and local officials concealed information about mine accidents.⁹² In May 2012, the State Administration of Work Safety and the Ministry of Finance issued the Measures on Rewards for Safe Production Reporting (Measures), which stipulate cash rewards for workers who report occupational safety hazards, such as unlicensed construction activity, the use of equipment that the government has banned for safety reasons, and coverups of workplace accidents.⁹³ The Measures also stipulate protection under the law for whistleblowers who report such issues.⁹⁴

OCCUPATIONAL HEALTH

Workers' health continued to face a variety of risks, including inadequate government supervision of industry compliance with occupational health standards,⁹⁵ illegal actions by employers,⁹⁶ a lack of transparency in diagnosing and certifying diseases,⁹⁷ and a lack of knowledge among workers about health in the workplace.⁹⁸ Officially reported cases of occupational disease have grown at increasing rates in recent years, especially in the mining sector, although the Ministry of Health (MOH) noted in a 2009 report that "experts estimate that the actual number of occupational diseases in China every year is larger than the reported number."⁹⁹

OCCUPATIONAL DISEASE DATA REPORTED BY THE PRC MINISTRY OF HEALTH, 2007–2010[†]

Year	New Cases of Occupational Disease (Percent Increase Over Previous Year)	Percent of Total Cases of Occupational Disease From the Coal Mining Sector
2010* ¹⁰⁰	27,240 (50.26)	57.75
2009* ¹⁰¹	18,128 (31.90)	41.38
2008** ¹⁰²	13,744 (-3.86)	39.81
2007* ¹⁰³	14,296 (CECC has not observed relevant data)	45.84

[†]The Commission has not observed relevant official data on cases of occupational disease beyond 2010.

*MOH data for this year does not include the Tibet Autonomous Region.

**MOH data for this year does not include the Tibet Autonomous Region or Beijing municipality.

WORKERS' COMPENSATION

Under the PRC Social Insurance Law, effective July 1, 2011, workers are entitled to compensation for occupational injury or disease if they obtain certification that the injury or disease is work-related.¹⁰⁴ Workers, however, reportedly continued to face obstacles in obtaining compensation, such as difficulty obtaining a diagnosis or proving a working relationship with their employer,¹⁰⁵ steps required for the certification process under the PRC Regulations on Occupational Injury Insurance (Regulations).¹⁰⁶ In addition, officials in some cases have implemented the law in an uneven manner. For example, sanitation worker Zhang Zhijuan suffered a brain hemorrhage while working overtime in Harbin municipality, Heilongjiang province, but local officials refused to recognize her condition as an occupational injury because she did not die,¹⁰⁷ citing a provision in the Regulations that says a worker's condition shall be treated as an occupational injury if the worker contracts a disease and "dies suddenly or, after rescue is ineffective, dies within 48 hours."¹⁰⁸ In 2010, however, a case similar to Zhang's reportedly occurred in Beijing, and authorities recognized a worker's brain hemorrhage as an occupational injury under the Regulations.¹⁰⁹

An amendment to the PRC Law on Prevention and Control of Occupational Diseases (Occupational Disease Law), effective December 31, 2011,¹¹⁰ contains provisions that could help workers obtain the certification they need in order to receive compensation for occupational diseases.¹¹¹ It also requires the government and employers to take general measures to protect the health of workers, including dedicating sufficient funding to the prevention and control of occupational diseases.¹¹²

Working Conditions at Foxconn Factories
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<p>In a March 2012 report, the Fair Labor Association (FLA) documented poor working conditions at three factories owned by Foxconn (one in Chengdu municipality, Sichuan province, and two in Shenzhen Special Economic Zone),¹¹³ a Taiwan-based multinational electronics manufacturer,¹¹⁴ major supplier for Apple,¹¹⁵ and reportedly the largest private employer in China.¹¹⁶ The report found workers exceeding the legal limit for overtime and working without the legally required one-day break per week, "numerous" health and safety issues, worker alienation from management-appointed health and safety committees, uncompensated overtime, and barriers to insurance access.¹¹⁷ Apple and Foxconn agreed to ensure "elections of worker representatives without management interference," reduce overtime to the legal limit by July 2013 while protecting workers' pay, improve recordkeeping of accidents, pay workers fairly for overtime, and explore private options for providing unemployment insurance to migrant workers.¹¹⁸</p>
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Working Conditions at Foxconn Factories—Continued

Some observers have argued that these measures, if implemented, could create incentives for other employers in China to improve conditions for workers.¹¹⁹ A June 2012 China Labor Watch report documented similar problems with working conditions in 10 China-based Apple supplier factories, including one Foxconn factory, based on investigations from January to April 2012.¹²⁰ The same report also found extensive use of dispatched workers in some factories.¹²¹ According to the PRC Labor Contract Law, dispatched workers are normally to be used for “temporary, auxiliary, or substitute positions.”¹²² In May 2012, Hong Kong-based non-governmental organization Students and Scholars Against Corporate Misbehavior (SACOM) reported ongoing problems with working conditions at Foxconn factories.¹²³ For example, SACOM reported that workers at two Foxconn factories said the factories reduced overtime hours but increased production quotas, in some cases leading workers to work unpaid overtime to achieve quotas.¹²⁴ Other problems that SACOM reported included public humiliation of workers,¹²⁵ unsafe working environments,¹²⁶ and harsh living conditions in factory dormitories.¹²⁷ In August 2012, the FLA issued a followup report on conditions at the three Foxconn factories reviewed in the March 2012 report, based on investigations from June 25 to July 6, 2012.¹²⁸ The August report noted some changes in policies and procedures that, if implemented, could address problems noted in the March report. For example, all three factories established procedures designed to improve worker participation in factory policymaking,¹²⁹ and Foxconn established a new requirement that factories conduct worker training during normal work hours and pay overtime for any training outside of normal work hours.¹³⁰ The long-term effects of such policies and procedures on conditions for Foxconn workers in practice, however, remain unclear.

Child Labor

This past year, illegal child labor continued to be reported in China. In a September 2011 report, the U.S. Department of Labor reported it had “reason to believe” six categories of goods—electronics, textiles, bricks, cotton, fireworks, and toys—were being produced in China with child labor, in violation of international standards.¹³¹ Apple’s January 2012 supplier report noted cases of child labor in five of Apple’s supplier facilities,¹³² and in February 2012, Chinese authorities reportedly discovered over 10 child laborers at an electronics factory in Suzhou municipality, Jiangsu province.¹³³

As a member of the International Labour Organization (ILO), China has ratified the two core conventions on the elimination of child labor.¹³⁴ The PRC Labor Law and related legislation prohibit the employment of minors under 16 years old.¹³⁵ Both national and local legal provisions prohibiting child labor stipulate punishments for employing children.¹³⁶ The PRC Criminal Law stipulates a punishment of up to 10 years in prison for anyone who “forces any other person to work by violence, threat or restriction of personal freedom,” although the eighth amendment to the PRC Criminal Law—which took effect on May 1, 2011—removed language that specifically mentioned the employment of minors under 16 years of

age.¹³⁷ In May 2012, the Dongguan Municipal People's Government in Guangdong province offered incentives to whistleblowers when it issued municipal regulations authorizing cash awards to those who report cases of child labor.¹³⁸ Monitoring the extent of child labor in practice, however, is difficult, in part because the Chinese government does not release data on child labor despite frequent requests by the U.S. Government, other foreign governments, and international organizations. In 2011, the ILO's Committee of Experts on the Applications of Conventions and Recommendations expressed concern over this lack of transparency and urged the Chinese government to "take the necessary measures to ensure that sufficient up-to-date data on the situation of working children is made available. . . ." ¹³⁹ A 2010 report by a global risks advisory firm rated China "amongst those with the most widespread abuses of child workers" and estimated there were "between 10 to 20 million underage workers." ¹⁴⁰

The Chinese government, which has condemned the use of child labor and pledged to take stronger measures to combat it,¹⁴¹ continued to permit "work-study" programs and activities that in practical terms perpetuated the practice of child labor and were tantamount to official endorsement of it. 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 use of child labor when such activities do not adversely affect the safety and health of the students.¹⁴² The PRC Education Law supports schools that establish work-study and other related programs, provided that the programs do not negatively affect normal studies.¹⁴³ China has ratified the ILO's Worst Forms of Child Labour Convention,¹⁴⁴ but in a 2011 report on China's compliance with this convention, the ILO's Committee of Experts on the Applications of Conventions and Recommendations noted "serious concern at the compulsory nature of the work performed . . . by schoolchildren under the age of 18 within the context of work-study programmes."¹⁴⁵ The Committee cited reports of students performing labor-intensive tasks in factories and fields for extended periods of time, including cotton picking in the Xinjiang Uyghur Autonomous Region (XUAR).¹⁴⁶ The Commission continued to note similar reports this past year.¹⁴⁷ In September 2011, for example, a school in the XUAR reportedly postponed classes for 15 days so that students as young as third grade could pick cotton, leading some to suffer heat stroke and hand injuries.¹⁴⁸

CRIMINAL JUSTICE

Introduction

During the Commission's 2012 reporting year, the Chinese government's intention to "maintain social stability" (*weihu shehui wending*, or *wei wen*) and the Communist Party's determination to maintain its monopoly on power guided developments in criminal law and justice. At a conference held in November 2011, Zhang Jun, Vice President of the Supreme People's Court, reminded officials, legal practitioners, and scholars that criminal punishment plays a critical role in managing society and resolving social conflict.¹ The transformation of criminal punishment into a social management tool has helped pave the way for continued growth of the domestic security establishment, which has in turn facilitated ongoing abuses of police power in the name of "stability."

While numerous repressive policies remained in place during the past year, some statements from high-ranking officials were crafted to acknowledge the priorities and expectations set forth under international law. Leaders promised to strike a balance between crime control and the protection of individual rights,² releasing a new National Human Rights Action Plan for the period from 2012 to 2015,³ and the revised PRC Criminal Procedure Law (CPL) that will take effect on January 1, 2013.⁴ The CPL revision was heralded by officials as a sort of "mini-Constitution" that would serve to constrain the power of the state⁵ by providing greater protections for the mentally ill,⁶ better guarantees for access to legal defense,⁷ exclusion of evidence obtained through torture,⁸ and more rigorous review of death penalty convictions,⁹ among other things.

Recent criminal justice reforms remain at risk of being undermined in practice by the authorities responsible for their implementation. This is particularly apparent in actions taken against some of China's citizen activists. At multiple stages throughout the criminal process, authorities appeared to take advantage of recent reforms to establish a dual track for criminal punishment: one that applied by default to the vast majority of suspects and defendants and one that applied to writers, artists, Internet bloggers, lawyers, reform advocates, and other citizens who engage in advocacy on issues that authorities deem politically sensitive.

Abuse of Police Power

Chinese government domestic security entities, including public security, state security, and People's Armed Police (PAP) forces, have grown in stature and influence since the 17th Communist Party Congress in October 2007. The rise of Zhou Yongkang from Minister of Public Security and Politburo member to Secretary of the Communist Party Central Committee Political and Legal Affairs Commission (*zhengfawei*, or PLAC) and member of the Politburo Standing Committee helped to strengthen the Party's long-standing emphasis on "maintaining social stability."¹⁰ Under Zhou's guidance and with the PLAC responsible for the oversight of China's public security, procuratorate, and court systems, law enforcement agencies' budgets, staff, and exercise of authority have grown substantially since 2008.¹¹

Much of this expansion has taken place at the local level.¹² This past year, citizens who lodged complaints or sought to defend their rights or the rights of others found themselves at risk of harassment, assault, kidnapping, and illegal detention by or at the behest of local authorities. The use of arbitrary detention and torture by local authorities against rights activists spiked in 2011, with Chinese Human Rights Defenders documenting a total of 3,833 incidences of individuals arbitrarily detained for their rights activism¹³ and 159 incidences of torture during such detentions.¹⁴ Of the 3,833 cases that were documented, 3,289 cases reportedly had no basis in Chinese law.¹⁵

Authorities use vague provisions to crack down on those they view as a potential threat to their authority. For example, in February 2012, a Chinese court sentenced democracy advocate Zhu Yufu to seven years in prison for “inciting subversion of state power.”¹⁶ Zhu’s conviction came in the wake of online calls for “Jasmine” protest rallies and was based, in part, on a poem he had posted online. Democracy advocate Chen Wei was convicted in December 2011 and sentenced to nine years in prison for authoring essays discussing democracy, equality, and human rights that were posted on overseas Web sites.¹⁷ Western analysts who monitor criminal justice developments in China maintain that charges such as “subversion” and “inciting subversion of state power,” along with “splittism” and “leaking state secrets,” are characterized as “endangering state security”¹⁸ and are used to silence citizen activists.¹⁹ A March 2012 article published in the Chinese press asserts that “the accusation of endangering state security is really a way of saying [an individual is] endangering the regime’s security.”²⁰ Since 2008, state security-related indictments have been at a historic high.²¹

At a May 2012 symposium on the newly revised PRC Criminal Procedure Law, Zhou Yongkang called on law enforcement agencies to place equal emphasis on the dual goals of punishing crime and safeguarding human rights.²² With Zhou expected to retire after the 18th Party Congress this fall,²³ domestic commentators have grown increasingly vocal in criticizing the high level of power that law enforcement agencies amassed under his leadership. In an open letter dated May 4, 2012, 16 retired Party officials condemned the allegedly lawless campaign against organized crime that was instituted in Chongqing municipality by Bo Xilai, the former Chongqing Party Secretary and former member of the Political Bureau of the Communist Party Central Committee. Calling the campaign a “guise” for the torture and persecution of critics and rights defenders,²⁴ the letter claimed that Zhou not only took part in, but also helped to advocate for, some of the allegedly heavy-handed tactics used.²⁵ A number of officials have called for an inquiry into related complaints, including accusations that Bo’s crackdown involved abuses such as torture.²⁶

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 hav-

ing exercised rights guaranteed under the Universal Declaration of Human Rights (UDHR) and 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.²⁷ The ICCPR sets forth the additional requirement that an individual must be promptly informed of the reasons for his or her detention and the charges against him or her in order for such deprivation of liberty to be considered permissible.²⁸

Arbitrary detention takes several different forms in China, including:

- “Soft detention” (*ruanjin*), a range of extralegal controls under which an individual may be subjected to home confinement, surveillance, restricted movement, and limitations on contact with others;
- “Enforced disappearances”;
- Detention in secret “black jails” (*hei jianyu*);
- Reeducation through labor (*laojiao*), an administrative, rather than criminal, punishment of up to three years with the possibility of a one-year extension for alleged minor offenses;
- Forced commitment to a psychiatric hospital for the criminally insane (*ankang*); and
- *Shuanggui* (“double regulation” or “double designation”), a disciplinary measure used by the Party to investigate its own members, most often in cases of suspected corruption.

Many forms of arbitrary detention violate China’s own laws.²⁹

SOFT DETENTION AND ENFORCED DISAPPEARANCES

Prior to the March 2012 revision of the PRC Criminal Procedure Law (CPL), Article 60 established “residential surveillance” as a compulsory measure (*qiangzhi cuoshi*)³⁰ to be used principally for specific categories of individuals, such as those who are gravely ill, pregnant, or breastfeeding.³¹ In recent years, however, authorities have used residential surveillance to place high-profile rights activists such as Chen Guangcheng under close watch. Chen, a self-trained legal advocate who helped bring international news media attention to local population planning abuses in Linyi city, Shandong province, completed his four-year-and-three-month prison sentence for allegedly disturbing public order and destroying public property on September 10, 2010.³² Upon his release, local authorities immediately confined Chen and his family to detention at their home in Dongshigu village.³³ Chen escaped one year and seven months later, on April 22, 2012, and was granted permission to travel along with his wife and their children to the United States.³⁴ Despite his initial confidence in the central government’s agreement to investigate local authorities for the abuses perpetrated against him,³⁵ Chen has since expressed frustration with the government’s failure to act, and concern regarding the continued harsh treatment of family members and supporters who remain in Shandong.³⁶ Chen, his family, and his supporters expressed concern that Chen’s nephew Chen Kegui—who faces charges of intentional homicide for allegedly wounding several government-appointed personnel—may have been subjected to tor-

ture,³⁷ and that authorities had forced Chen Kegui to accept government-appointed lawyers.³⁸ An August 2012 Radio Free Asia report noted that the case against Chen Kegui was marred with procedural irregularities and violations.³⁹

Authorities have continued to resort to “soft detention” to keep writers, artists, Internet bloggers, lawyers, and reform advocates out of the public eye.⁴⁰ During the 2012 reporting year, as in the previous reporting year,⁴¹ the Commission observed numerous instances of Chinese citizens who had gone “missing” or “disappeared” into official custody, with little or no information available about their whereabouts or the potential charges against them. According to an international media report, more than 10,000 Chinese citizens were secretly held in government custody during the first three months of 2012.⁴² In one case, Chinese officials held prominent human rights lawyer Gao Zhisheng incommunicado on numerous occasions after he was sentenced in December 2006 to three years in prison, suspended for five years, for “inciting subversion of state power.”⁴³ Less than one week before Gao’s period of suspension was set to expire, Chinese state media reported that he had violated applicable probation rules and would serve his original three-year sentence effective as of December 2011.⁴⁴ In January 2012, relatives received notice that Gao was undergoing a three-month “education period” and that he would be denied visitors for at least that length of time.⁴⁵

The Chinese government has given the extralegal practices outlined above the imprimatur of law under the revised CPL. Article 73 authorizes the secret detention of an individual suspected of endangering state security, terrorism, or major instances of bribery at a fixed place of residence other than his or her own home. The only limitations on this authority are that it may be exercised only with approval from an upper level law enforcement agency and only in cases in which authorities maintain that keeping the individual at his or her home would likely “hinder the investigation.”⁴⁶ Investigators do not need to notify the individual’s family if they assert that notification is impossible.⁴⁷ Notification to family members need not disclose the reason or location of the individual’s detention, details that Articles 83 (relating to detention) and 91 (relating to arrest) were also revised to leave out.⁴⁸ While a citizen under residential surveillance is allowed to appoint and speak with a defense lawyer while under investigation, those suspected of endangering state security, terrorism, or bribery must first seek and obtain approval from the investigating authority.⁴⁹

When the draft of CPL Article 73 was released for public comment in August 2011, it drew widespread attention and criticism in China.⁵⁰ The earlier version of the clause was eventually abandoned, but the version that remains continues to raise concern among legal analysts and rights activists both inside and outside of China. On the eve of the final vote to approve the revised CPL, Chinese lawyers argued that granting investigators broader exercise of power in cases alleged to involve endangering state security, terrorism, and bribery would help pave the way for the arbitrary detention of activists⁵¹ and serve the interests of national security and anti-corruption enforcement agencies more than the public.⁵² Human rights lawyer Jiang Tianyong cautioned that the decision

to allow otherwise illegal official use of power under Article 73 signaled China's shift toward becoming more of a police state, under which the leadership's intention to "maintain social stability" is paramount.⁵³ After the National People's Congress passed the revision, an article on the Supreme People's Procuratorate (SPP) Web site acknowledged that vague, undefined phrases such as "hinder the investigation" and "impossible to notify" provide so much discretion as to lend themselves to abuse by authorities.⁵⁴ The SPP is in the process of revising its Criminal Procedure Rules of the People's Procuratorates in order to clarify the specific scenarios that might constitute "hindering the investigation."⁵⁵ These rules would guide procuratorates in their investigation of major cases of bribery, but they would not apply to public security bureaus, which possess investigative jurisdiction over state security and terrorism cases.⁵⁶

"BLACK JAILS"

"Black jails" operate outside of China's official criminal justice system.⁵⁷ The Chinese government has repeatedly denied their existence,⁵⁸ but anecdotal accounts indicate that private security firms run numerous such sites as "ad-hoc prisons"⁵⁹ to detain and punish petitioners seeking redress for their grievances against the government.⁶⁰ In August 2011, public security officials shut down a "black jail" in Changping district, Beijing municipality, which reportedly held petitioners who had been intercepted en route to Beijing from five other provinces and municipalities.⁶¹ Beijing's public security bureau launched a six-month crackdown effective December 2011, which targeted firms that illegally operated "black jails" at the behest of local officials in other parts of China.⁶² In addition to imposing fines of 20,000 to 100,000 yuan, public security authorities threatened violating individuals and firms with criminal investigation.⁶³

Professor Yu Jianrong of the Chinese Academy of Social Sciences praised Beijing's crackdown but also pointed out that the cases of illegal detention that were exposed were "merely the tip of the iceberg."⁶⁴ At least one critic has questioned whether, despite the threat of criminal investigation, local authorities who use illegal means to suppress petitioners actually receive their due punishment.⁶⁵ In one case reported by state media in September 2011, a tourist named Zhao Zhifei traveled from Luoyang city, Henan province, to Beijing and was mistakenly beaten because he shared a guestroom with several petitioners while there.⁶⁶ The Luoyang government later investigated six individuals for allegedly authorizing the beating and imposed punishments that ranged from an order to apologize to the dismissal of the head of the local petitioning office.⁶⁷

REEDUCATION THROUGH LABOR

Human rights advocates and legal experts in China have long debated the merits of reeducation through labor (RTL, also known as *laojiao*), which empowers public security authorities to hold individuals in custody without judicial review.⁶⁸ The case of Tang Hui, the mother of a young victim of rape and forced prostitution whose efforts to petition the government about her daughter's case re-

sulted in her confinement to an RTL center in August 2012, helped bring this debate back into the spotlight.⁶⁹ On August 14, 2012, a group of 10 Chinese lawyers sent an open letter to the Ministry of Public Security and the Ministry of Justice, calling for greater transparency and legal protections in the RTL decisionmaking process.⁷⁰ State media have since criticized the RTL system as a tool that has been abused by local authorities to retaliate against petitioners.⁷¹ Previous attempts to reform the RTL system stalled in 2005 and 2010, and media sources attribute the ongoing impasse to disagreements between public security and judicial agencies over who should hold decisionmaking power.⁷²

FORCED PSYCHIATRIC COMMITMENT

The PRC Criminal Law authorizes compulsory medical treatment for those who commit crimes but suffer from mental illness.⁷³ The Ministry of Public Security directly administers 22 psychiatric hospitals for such purposes (also known as *ankang* facilities), but regulations governing who may or may not be committed lack clarity.⁷⁴ Without a clearly delineated diagnostic and determination process, officials have broad discretion to classify a person as in need of psychiatric treatment.⁷⁵ In an August 2012 report on the abuse of involuntary psychiatric commitment in China, Chinese Human Rights Defenders asserted that “[t]hose who have the means—power and money—to either compel or pay psychiatric hospitals to detain individuals out of a desire to punish and silence them have been able to do so with impunity.”⁷⁶ Civil Rights and Livelihood Watch, a Chinese monitoring group, maintains a database of over 900 cases in which an individual was misdiagnosed as mentally ill (*bei jingshenbing*) and forced into psychiatric care—a number that the group claims is a mere “drop in the bucket of total cases.”⁷⁷

According to a U.S. Department of State report, petitioners and rights defenders are sometimes reportedly confined along with the mentally ill.⁷⁸ In 2010, a native of Shiyan city, Hubei province, was forcibly committed to a psychiatric hospital for taking photos of petitioners who had gathered on the street, according to a March 2012 report.⁷⁹ His case and subsequent lawsuits against the relevant public security bureau and hospital attracted national attention and renewed discussion of the draft Mental Health Law.⁸⁰ Currently under review by the National People’s Congress Standing Committee, the draft law seeks to constrain official abuse by limiting the power to diagnose and forcibly commit individuals to psychiatric care.⁸¹ Critics remain concerned about the draft’s failure to make independent reviews of an initial diagnosis mandatory, the lack of provision for the appointment of legal counsel, and the absence of time limits on involuntary commitment.⁸² [For more information on the progress of the draft Mental Health Law, see Section II—Public Health.]

Barriers to Adequate Defense and a Fair Trial

Most defendants in China face significant bias⁸³ in the criminal justice system and do without adequate legal assistance. According to Yu Ning, former president of the All China Lawyers Association, the participation rate of lawyers in criminal cases is reportedly no

more than 30 percent.⁸⁴ Even when a lawyer is involved, mounting a defense can prove challenging.⁸⁵ The abuse of Article 306 of the Criminal Law (the so-called “lawyer perjury” clause) has worsened in recent years,⁸⁶ and experts estimate that hundreds of defense lawyers may have been prosecuted under it.⁸⁷ In March 2012, criminal defense lawyer Li Zhuang submitted a petition to have his case retried by the Chongqing No. 1 Intermediate People’s Court after new evidence emerged to indicate that police in Chongqing municipality may have prevented a witness from testifying on his behalf at trial.⁸⁸ A Chongqing court convicted Li under Article 306 of the Criminal Law⁸⁹ and sentenced him to one year and six months in prison after a client claimed that Li had encouraged him to lie in court.⁹⁰ Some legal scholars and practitioners assert that the same law enforcement authorities who prosecute a case should not also have the authority to investigate the lawyer defending that case.⁹¹ The newly revised Criminal Procedure Law (CPL) contains a provision remedying this problem,⁹² but critics argue that it still falls short of what is needed to guard against potential conflicts of interest.⁹³

The revised CPL includes a number of provisions that could help strengthen criminal defense, if faithfully implemented. One recent study found that approximately 95 percent of the criminal cases surveyed relied on defendant confessions,⁹⁴ and that the vast majority of defense efforts failed to challenge confessions.⁹⁵ Article 50 of the CPL now guards against self-incrimination, as well as the use of torture or threats to gather evidence.⁹⁶ Article 53 prohibits conviction based on a confession alone, without additional corroboration.⁹⁷ Illegally obtained evidence must be excluded from trial under Article 54,⁹⁸ and investigators are authorized to record the interrogation process (and must do so as a matter of course in more serious cases) under Article 121.⁹⁹ Tian Wenchang, Chair of the Criminal Affairs Committee of the All China Lawyers Association, has questioned how effective these new provisions will prove in practice.¹⁰⁰ Tian argues that stronger protections, such as the right to remain silent, remain necessary to eliminate reliance on an individual’s confession as the primary basis for conviction.¹⁰¹

Torture and Abuse in Custody

Chinese law prohibits the torture and abuse of individuals in custody.¹⁰² Despite the central government’s efforts to address this longstanding problem,¹⁰³ abusive practices remain widespread.¹⁰⁴ Li Wangyang, a labor rights advocate and 1989 Tiananmen protester, reported that successive beatings during his imprisonment left him nearly deaf and blind.¹⁰⁵ In June 2012, Li’s body was found hanging in the hospital room where he had been receiving medical treatment since his release from prison in 2011.¹⁰⁶ Officials authorized an autopsy, which was conducted in the absence of his family members by the same coroner who ruled the December 2011 death of a man in police custody during anticorruption and land and election rights protests in Wukan village, Lufeng city, Guangdong province, to be of natural causes.¹⁰⁷ The suspicious circumstances surrounding Li’s death, much like those in the Wukan death, prompted domestic calls for an investigation.¹⁰⁸ Hong Kong legislator Lee Cheuk-yan called Li’s death a “political murder” and

cautioned that “[i]f the case is not properly investigated, it shows that China now is more oppressive—that [officials] can even take away the life of a person without responsibility, without justice.”¹⁰⁹

On July 30, 2012, the Supreme People’s Court circulated for feedback a judicial interpretation that seeks to further identify acts prohibited as torture and require the recording of interrogations taking place outside a detention center.¹¹⁰ The Chinese government has also issued two new regulations to govern the conduct of those responsible for prison and detention oversight.¹¹¹ The State Council stepped in for the first time to release a Detention Center Regulation, which took effect on April 1, 2012.¹¹² The new regulation prohibits the humiliation, corporal punishment, or abuse of those in administrative detention or detained by a court.¹¹³ Because it applies only to persons in custody for minor offenses, its scope is limited.¹¹⁴ Moreover, earlier provisions, specifying the punishment of detention guards who violate the regulation and requiring notification of family members within 12 hours of detention, are absent from the final version, according to a media report.¹¹⁵ By contrast, regulations jointly issued by the Ministry of Supervision, Ministry of Human Resources and Social Security, and Ministry of Justice, which went into effect on July 1, 2012, include specific punishments for the illegal behavior of guards in prisons and reeducation through labor centers. If faithfully implemented, these regulations would subject those directly responsible, as well as their supervisors, to criminal liability and disciplinary action (including demerits, demotion, and dismissal) for the extended confinement, beating, corporal punishment, and abuse of prisoners.¹¹⁶

Sentencing, Punishment, and Execution

According to a February 2011 report by the Dui Hua Foundation (Dui Hua), in “recent years” more than 25 percent of Chinese prisoners have been granted sentence reductions, parole, or medical parole.¹¹⁷ Chinese courts granted sentence reductions for over 1 million prison inmates and released another 68,000 on parole in 2009 and 2010.¹¹⁸ According to the same report, these privileges appear to no longer extend to political prisoners.¹¹⁹ In a video released in February 2011, self-taught legal advocate Chen Guangcheng alleged that despite his accumulation of enough good behavior “points” to qualify for a sentence reduction, authorities failed to take action on his application for early release.¹²⁰ Dui Hua noted that local regulations applicable in Chen’s case prohibit the granting of parole to prisoners found guilty of “endangering state security” and name such prisoners among groups to be “strictly handled” for sentence reductions.¹²¹ New regulations issued by the Supreme People’s Court (SPC) in November 2011 and effective on July 1, 2012, help to clarify the type of behavior that qualifies a prisoner for early release,¹²² but leave it to the discretion of the court to determine whether there is adequate risk that a prisoner might commit another crime to warrant denial of parole, regardless of other circumstances in his or her favor.¹²³

The SPC has taken steps toward increasing transparency and improving standards of review in death penalty cases. Since taking back the power of review over the death penalty in 2007,¹²⁴ it has overturned 10 percent of all death sentences¹²⁵ and has pushed for

the adoption of more stringent guidelines for the examination and judgment of evidence in death penalty trials.¹²⁶ The newly revised Criminal Procedure Law now provides for expanded access to legal defense,¹²⁷ recorded interrogations,¹²⁸ longer trial deliberations,¹²⁹ mandatory appellate hearings,¹³⁰ and more rigorous judicial review.¹³¹

The Chinese government still maintains its policy of not releasing information about the thousands of prisoners reportedly executed each year and continues to keep data on such executions a state secret.¹³² Experts estimate that 4,000 people were likely executed in China in 2011, more than the number of executions in the rest of the world combined.¹³³ Vice Minister of Health Huang Jiefu confirmed in 2012 that the harvesting of organs from executed prisoners provides up to two-thirds of China's limited supply of livers, kidneys, hearts, lungs, and corneas for transplantation.¹³⁴ Huang has promised new regulations to impose greater supervision over the transplant process and to "strike hard" against illegal trade in human organs.¹³⁵ [For more information on organ transplants, see box titled Organ Transplants in China: Developments and Controversies in Section II—Public Health.]

FREEDOM OF RELIGION

During the Commission's 2012 reporting year, the Chinese government and Communist Party continued to restrict Chinese citizens' freedom of religion. China's Constitution provides for "freedom of religious belief," but protects only "normal religious activities."¹ In its 2012–2015 National Human Rights Action Plan, the government reiterated protection only for what it deems to be "normal religious activities."² The narrow protections for religious activity in China contravene international human rights standards. Article 18 of the International Covenant on Civil and Political Rights recognizes not only the right to "freedom of thought, conscience, and religion" but also the right to manifest religion or belief through "worship, observance, practice and teaching."³ The government continued to legally recognize only five religions: Buddhism, Catholicism, Islam, Protestantism, and Taoism.⁴ Groups wishing to practice these religions must register with the government and are subject to ongoing state controls.⁵ Some unregistered religious groups had limited space to practice their religions,⁶ but such tolerance did not constitute official recognition of these groups' rights. Authorities maintained bans on other religious or spiritual communities, including Falun Gong.⁷ Members of both unregistered groups and registered groups deemed to run afoul of state-set parameters for religion continued to face risk of harassment, detention, and other abuses.⁸

The Chinese Government, Communist Party, and Five Associations

The Chinese government and Communist Party continued to view religion as an instrument for state policy and to emphasize state control over it. The government imposes control over religion through the State Administration for Religious Affairs (SARA) under the State Council.⁹ SARA's aim is to "guide religions to fit into socialist society," including "[t]hrough intensive ideological and political work."¹⁰ SARA's guiding principles for 2012 include "thorough implementation" of regulations, "positive guidance" of religious affairs, and advancement of "harmony and stability."¹¹ SARA Director Wang Zuo'an continued to note what officials describe as the "positive" role religion can play in aiding government and Party policy objectives.¹² In a December 2011 People's Daily article, Wang wrote, "We cannot snuff out religious culture, but instead must guide it."¹³ Government control of the five state-recognized religions is exercised through five "patriotic" associations: The Buddhist Association of China (BAC), the Catholic Patriotic Association (CPA), the Islamic Association of China (IAC), the Three-Self Patriotic Movement of Protestant Churches in China (TSPM), and the Chinese Taoist Association (CTA).¹⁴ According to a Chinese legal academic, "The agencies for religious administration provide supervision and guidance on the political orientation, personnel matters, finance, religious activities, training of clergymen, foreign affairs, conversion of believers and other aspects of the religious organizations."¹⁵

The United Front Work Department (UFWD), directly subordinate to the Communist Party Central Committee, is the key organization through which the Party implements control of religion.¹⁶

In September 2011, Jia Qinglin, a member of the Standing Committee of the Political Bureau of the Communist Party Central Committee and Chairman of the Chinese People's Political Consultative Conference, speaking to the IAC, reiterated the Party's policy that religious leaders should "unswervingly support the Communist Party's leadership."¹⁷ In April 2012, then UFWD Head Du Qinglin wrote: "We must dig deeply into the essence of religious culture and remove the chaff," "guide people in the religious world and the masses of the faithful," and "better adapt religion to socialist society."¹⁸ The Party also uses its control over the media to restrict the freedom of religion. A May 2012 article by a Norwegian human rights organization found "a link between the state media's encouragement of popular indifference or hostility towards religious matters and the state's repression of religious freedom."¹⁹ Two Chinese scholars noted in February 2012 that "publicity concerning important events involving ethnicities and religion . . . must be cautious and follow the reporting guidelines of the Communist Party Central Committee."²⁰

The government continued to use law, regulation, and policy to control religious practice in China. This past year, SARA issued or amended numerous legal and policy measures²¹ to implement the 2005 Regulation on Religious Affairs.²² While potentially providing greater uniformity and some safeguards, the recent regulatory measures appeared to codify and enhance already tight state controls of religious activities.²³ For example, in February 2012, SARA and five other government agencies issued an opinion on public interest charitable activities by religious groups. While appearing to encourage greater participation in charitable activities by religious organizations, language in the opinion continued to emphasize "standardization" (*guifan*), "supervision" (*jiandu*), and "management" (*guanli*) of organizations and activities, as well as "guiding religion and socialist society to mutually adapt" (*yindao zongjiao yu shehuizhuyi xiang shiying*) and promoting "unity of thinking" (*tongyi sixiang*) among officials.²⁴ According to the International Center for Not-for-Profit Law, it is difficult for religious groups in China to obtain government approval to establish a charity, and they are "often much more closely monitored" than some other groups.²⁵ SARA's 2011 work report and 2012 work plan outlined strengthened management in such areas as administration, finances, information and statistics, media relations, personnel, religious sites, religious bases for patriotic education, and doctrine.²⁶ One Chinese scholar characterized China's regulation of religion as "rule by law" rather than the "rule of law."²⁷

Buddhism (Non-Tibetan)

During this reporting year, the Chinese government and Communist Party continued to ensure that Buddhist doctrines and practices conformed to Party and government objectives. For example, at meetings convened by local branches of SARA and the Buddhist Association of China (BAC), government officials urged the local BAC to "study and implement" the "spirit" of the recent national and local Party Congresses.²⁸ In January 2012, the People's Daily reported that SARA had "performed activities to interpret and exchange Buddhist . . . scriptures."²⁹ SARA's 2012 work plan

included Buddhist exchange activities, speaking tours, and definition of themes.³⁰ The SARA-approved Henan Buddhist Institute officially opened in April 2012.³¹ At the World Fellowship of Buddhists conference in South Korea in June, China's Buddhist representatives expressed displeasure at the presence of Tibetan Buddhists, echoing Chinese government authorities' policy toward Tibetan Buddhists. The delegation of 17 Chinese "monks and officials" reportedly walked out of the conference after the organizers failed to disinvite three attendees from the Tibetan government-in-exile.³² [For information on Tibetan Buddhists, see Section V—Tibet.]

Catholicism

The Chinese government and Communist Party continued to repress the freedom of religion for Catholics in China. Tension between the Catholic Patriotic Association (CPA) and "underground" Catholics continued, and some Catholic bishops and priests continued to serve reeducation through labor or imprisonment.³³

INTERFERENCE WITH RELIGIOUS PERSONNEL AND ACTIVITIES

The government and Party do not recognize the authority of the Holy See to name or approve bishops in China, but in recent years tolerated discreet papal involvement in the selection of some bishops. According to a Catholic news agency, however, in 2011 the Chinese government "broke an unspoken arrangement with Rome by ordering the ordination of several bishops without papal approval."³⁴ This past year authorities reportedly pressured Holy See-recognized bishops to join CPA public ceremonies to provide what they deemed to be a sense of unity and legitimacy.³⁵ On July 6, 2012, the CPA ordained a bishop it selected for Harbin, located in Heilongjiang province, without Holy See concurrence.³⁶ Ahead of the ceremony, authorities took into custody the Holy See-recognized apostolic administrator of Harbin and another priest who opposed the consecration.³⁷ Though officials released them after the ceremony, the two were reportedly "forced to stay away from their church."³⁸ When the Holy See issued a statement that it had not approved the ordination and had excommunicated the new bishop, the State Administration for Religious Affairs called the response "unreasonable," "shocking," and "rude."³⁹ In the case of the July 2012 ordination of Ma Daqin, the Holy See and the CPA had both approved Ma's ordination as a bishop in Shanghai municipality, but at the ordination ceremony Ma reportedly refused to allow the participation of a CPA bishop.⁴⁰ Ma publicly resigned from the CPA as the ceremony concluded; officials immediately sequestered him at a Catholic seminary while the CPA investigated whether he had violated its regulations.⁴¹

HARASSMENT AND DETENTION

Pressures on Catholic clergy to affiliate with the CPA and recognize its leaders continued during the Commission's 2012 reporting period. The Commission observed reports of priests, seminarians, and lay Catholics being forced to attend political indoctrination sessions.⁴² In January 2012, for example, authorities in the Inner

Mongolia Autonomous Region reportedly took six Catholic priests into custody. Four were released within several days, but the whereabouts of the two other priests were reportedly not known. The released priests said they were forced to attend indoctrination classes and to celebrate a mass with government-approved bishops and priests.⁴³ As of May 2012, authorities continued to restrict access to Donglu village, Qingyuan county, Baoding municipality, Hebei province, the site of a Marian shrine. Officials checked vehicles entering the area, set up tents in locations likely to be gathering places, put up banners with slogans such as “independently self-managed church” and “resist foreign infiltration, fight crimes,” and monitored the homes of leading worshippers.⁴⁴

Falun Gong

During the Commission’s 2012 reporting year, the Chinese government and Communist Party continued to carry out a campaign—initiated in 1999—of extensive, systematic, and in some cases violent efforts to pressure Falun Gong practitioners to renounce their belief in and practice of Falun Gong.⁴⁵ The government and Party refer to this process as “transformation through re-education,” or simply “transformation.” The three-year campaign to “transform” Falun Gong practitioners that the Commission reported on last year⁴⁶ entered its third year, and local reports indicate “transformation” work will continue into subsequent years.⁴⁷ In its 2012 report on China, Amnesty International described the campaign as “a process through which individuals were pressured, often through mental and physical torture, to renounce their belief.”⁴⁸ In January 2012, New Tang Dynasty Television reported that “rights groups documented dozens of deaths” of practitioners from torture and mistreatment.⁴⁹ A Web site “dedicated to reporting on the Falun Gong community worldwide” counted 3,553 deaths since the persecution of the movement began in 1999 through June 2012.⁵⁰ The Falun Dafa Information Center reported more than 55 deaths in 2011.⁵¹

Concurrent with the three-year campaign, the Commission observed this past year official Web sites providing education and training materials for local officials.⁵² Words such as “battle,” “struggle,” and “attack”⁵³ indicate the nature of the campaign and the priority that government and Party continue to place on the suppression of Falun Gong. Authorities labeled practitioners as “obsessives” (*chimi*)⁵⁴ affected by “superstition” (*mixin*),⁵⁵ in “ideological shackles” (*sixiang zhigu*).⁵⁶ An article on anti-cult work in Xinzhou district, Wuhan municipality, Henan province, said that, “for stubborn, obsessed persons and those who have committed criminal activities, the public security organs will force them into classes to learn.”⁵⁷ A public security Web site article about a re-education through labor (RTL) center in Ge’ermu (Golmud or Kermo) city, Haixi Mongol and Tibetan Autonomous Prefecture, Qinghai province, lauded its work with “inmates, drug addicts, and Falun Gong cult personnel.”⁵⁸

HARASSMENT, DETENTION, AND “TRANSFORMATION”

This past year, government authorities and the 6–10 Office—an extralegal, Party-run security apparatus created in June 1999 to eliminate the Falun Gong movement—continued to take measures to “transform” Falun Gong practitioners⁵⁹ in prisons, RTL centers, and “transformation through reeducation centers.”⁶⁰ Authorities committed some practitioners to psychiatric hospitals (*ankang*).⁶¹ Reports continued to document the involuntary administration of drugs, use of electric shock, beatings, and cruel treatment in these hospitals.⁶² Local authorities conducted “anti-cult” campaigns, which can include public “cult awareness” meetings and the signing of “anti-cult” pledge cards.⁶³ Web pages and SMS (text) messages were also used.⁶⁴

On June 18, 2012, Bruce Chung, a Falun Gong practitioner from Taiwan who visited relatives in Jiangxi province, was detained for 54 days and interrogated regarding his earlier efforts to introduce Falun Gong materials to the mainland, circumventing the Chinese government’s Internet and broadcast controls. He reported that security personnel monitored him in his cell around the clock, subjected him to long hours of questioning without access to counsel, and conditioned his release on a signed and videotaped confession “not of my own volition.”⁶⁵ In addition to detaining Falun Gong practitioners,⁶⁶ the government and Party continued to harass and detain persons who attempted to assist them, including lawyers such as Wei Liangyue and Wang Yonghang.⁶⁷ In December 2011, less than a week before missing human rights lawyer Gao Zhisheng’s five-year suspended sentence was set to expire, Chinese officials claimed he had violated the conditions of his parole and ordered him to begin serving his original three-year criminal sentence. Gao had drawn the attention of authorities for his defense of persecuted Falun Gong practitioners and Christians.⁶⁸

Islam

Officials continued to repress religious freedom for Muslims in China. In a September 2011 speech, Jia Qinglin, a member of the Standing Committee of the Political Bureau of the Communist Party Central Committee and Chairman of the Chinese People’s Political Consultative Conference, described the Islamic Association of China (IAC) as “an important bridge linking the [P]arty and the government” to Muslims in China.⁶⁹ The president of the IAC called on Muslims in China to promote “harmony, stability, unity and development.”⁷⁰ In a May 2012 article on “Ethnic Solidarity,” the Party Secretary and the Chairman of the People’s Government of Ningxia Hui Autonomous Region (NHAR) stated that the Party and the government manage religious matters; protect “orderly conduct” of “normal religious activities”; resist “foreign use of religion to conduct infiltration activities”; and “strike down pursuant to law the use of religion to conduct illegal criminal activities.”⁷¹

Government authorities continued to regulate the confirmation of religious leaders and overseas pilgrimages to accord with Chinese government and Communist Party objectives. The Chinese government controlled the education of imams through certification and supervision of the curriculum at 10 state-run Muslim univer-

sities.⁷² The first requirement for government recognition of imams is that they “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.”⁷³ The government conducts regular training courses for clerics and mosque managers⁷⁴ and provides support for “harmonious mosques.”⁷⁵ The IAC organizes the authorized Hajj pilgrimages to Mecca; many included “patriotic education.”⁷⁶ In its 2012 annual work plan, SARA said it would formulate and strengthen measures on the “management of pilgrimage work.”⁷⁷

Authorities also continued to control the content of sermons and the ability of Muslims to share their religion with others. According to an article on its work in the People’s Daily, SARA has interpreted Islamic scripture.⁷⁸ Through its China Islamic Affairs Steering Committee, SARA aims to adapt Islam to “socialist society,” to “safeguard the principle of national unity,” and to combat what authorities deem to be “extremism.” The IAC deliberated the “selection and compilation of state-prescribed teachings of Islam,”⁷⁹ and it reportedly distributed hundreds of thousands of copies of a lecture series providing scriptural interpretations to Islamic groups throughout China.⁸⁰ Some local governments issued bans against *dawa* (missionary) preaching. According to a report from Changde municipality in Hunan province, authorities “promptly stopped the multiple occurrences of people with a ‘dawa preaching group’ background coming to our city and carrying out illegal proselytizing activities.”⁸¹ Public security officers in Menyuan Hui Autonomous County, Haibei Tibetan Autonomous Prefecture, Qinghai province, described educating religious believers to “vigorously resist the infiltration activities of *dawa* preaching.”⁸²

Government control of religious venues continued to limit Muslims’ freedom to practice their faith. In late December, for example, villagers in the NHAR clashed with police after authorities reportedly declared a mosque “illegal” and demolished it.⁸³ The Organization for Islamic Cooperation (OIC) “expresse[d] its concern at the destruction of a place of worship and the loss of life” and stated it expects “the authorities in China to fully accord the rights of Muslims to construct and maintain their places of worship and to also observe their basic rights of conducting congregational rituals freely.”⁸⁴ After local courts sentenced 14 individuals to prison terms for opposing the demolition, a Beijing-based Chinese lawyer told Radio Free Asia, “[L]ocal lawyers don’t dare to offer their services” to file an appeal.⁸⁵ [See Section IV—Xinjiang for information on conditions in the Muslim-majority Xinjiang Uyghur Autonomous Region.]

Protestantism

The Chinese government and Communist Party continued to restrict the freedom of religion for Protestants in China. The Three-Self Patriotic Movement of Protestant Churches in China (TSPM) and the China Christian Council (CCC) are the Protestant associations recognized and controlled by the government. Tension between these “official” organizations and house churches continued.

The Chinese government used positive and negative incentives to pressure house churches to submit to government control by joining

the TSPM in order to register and obtain legal status.⁸⁶ Without legal status, congregations face difficulty in obtaining fixed sites for worship, attracting pastors with formal theological education, and establishing charities.⁸⁷ The Shandong province January 2012 implementing regulations for the national Regulation on Religious Affairs, for example, recognize religious believers' right to worship in their own homes and in designated places of worship, but make no reference to group gatherings that are characteristic of house churches.⁸⁸

Cases since late 2010 suggest that authorities' sensitivities intensified toward members of unregistered Protestant congregations.⁸⁹ In April 2012, ChinaAid reported that, in 2011, SARA and the Ministries of Public Security and Civil Affairs issued a planning document on handling house churches in three phases over 10 years, which ChinaAid characterized as an investigation phase to develop comprehensive files, a "cleaning up" phase, and eventually "wip[ing] out" house churches in a third phase.⁹⁰ According to ChinaAid, a senior SARA official, Jiang Jianyong, told the January 2012 National Work Conference on Religious Affairs that SARA is "certifying and creating files on clergy."⁹¹ An article that described work to develop files on religious personnel in Yuhuan county, Taizhou municipality, Zhejiang province, noted it will "ensure that the sites for religious activities are in accordance with the law and conduct orderly religious activities."⁹² A Chinese scholar recently reviewed province and city plans to "manage privately set-up Christian meeting sites according to law."⁹³ The plans emphasize dealing individually with unregistered congregations after study of their circumstances, registering those willing to register, combining some with registered congregations, asking clergy of registered churches to guide unregistered groups toward registration, and, if these measures fail, "forcefully" banning those congregations that are "subordinate to unlawful organizations," or "influenced or controlled by overseas infiltrating organizations" or by "cult organizations." The author noted that government management campaigns have "required enormous manpower, material resources, and energy."⁹⁴

HARASSMENT, DETENTION, AND INTERFERENCE WITH PLACES OF WORSHIP

The Chinese government continued to harass, detain, and imprison Protestants who worship outside of state-approved parameters, and interfered with their religious activities.⁹⁵ Protestants arrested in previous crackdowns continued to serve sentences in prisons or reeducation through labor centers, though some were released early.⁹⁶ According to reports, even when individuals were detained for only a few hours or a few days for questioning about house church activities, authorities often did not return Bibles, hymnals, books, computers, audiovisual equipment, or money.⁹⁷

- Conflict between the authorities and Shouwang Church in Beijing continued during this reporting year. Dozens of church members were detained for questioning. The congregation met outdoors because of government pressure against any building owner who would provide a worship space.⁹⁸

- In Xilinhot city, Xilingol league, Inner Mongolia Autonomous Region, local authorities demanded that the New Canaan Church affiliate with the TSPM. In January 2012, public security officials raided the house church, confiscated Bibles and hymnals, installed new locks, pressured the landlord to terminate the lease, and interrogated the pastor and two members of the congregation for several hours before releasing them.⁹⁹
- In April 2012, a church in Feixi county, Hefei municipality, Anhui province, which had agreed to move to new premises to make way for a development, was still discussing details with local authorities when a demolition crew bulldozed the church building.¹⁰⁰
- In May 2012, services at house churches in Shijiazhuang city, Hebei province, and Langzhong city, Nanchong municipality, Sichuan province, were interrupted by police who told parishioners to worship only at a TSPM church.¹⁰¹

GOVERNMENT AND PARTY SEEK TO CONTROL PROTESTANT DOCTRINE
AND PRACTICES

In 2011, SARA reported that it “continued to develop the theological trends of Christianity,” and in its 2012 work plan it aimed to “guide the Christian community,” “deepen the construction of theological thought, use theological thought propaganda teams,” “establish Chinese church ministry showrooms,” “and show the new achievements of the healthy development of the Chinese church.”¹⁰² The publication of religious materials remained subject to national printing regulations that restrict publication and distribution of materials with religious content.¹⁰³ Sale of Bibles was limited to TSPM and CCC book outlets in churches and seminaries. Individuals could not order Bibles directly from publishers, and the government-run Xinhua bookshops throughout China do not sell Bibles.¹⁰⁴ Chinese law criminalizes “evil cults,” judicially defined in 1999 as “those illegal organizations that have been established under the guise of religion, Qigong or other forms, deifying their leading members, enchanting and deceiving others by concocting and spreading superstitious fallacies, recruiting and controlling their members and endangering the society.”¹⁰⁵ A 2012 academic study included a partial list of 16 banned “Christian-related” groups and “cults.”¹⁰⁶ The Commission has not observed any public criteria for determining, or procedures for challenging, such a designation. A crackdown on Christian “cults” reportedly began in the run-up to the 18th Party Congress.¹⁰⁷

Taoism

During the Commission’s 2012 reporting year, the Chinese government’s control over Taoism and Taoist activities paralleled restrictions on other religious communities, including on doctrine, clergy, religious activity, and sites of worship. As in the past, the Chinese Taoist Association (CTA) maintains organizational measures to achieve objectives including “upholding the leadership of the Communist Party and the socialist system”; “active participation in socialist material, political, spiritual, and ecological civilization”; and “making a contribution to the protection of religious har-

mony, national unity, social harmony, unity of the motherland, and world peace.”¹⁰⁸ In addition to interpreting Taoist doctrine and urging Taoists to accept government and Party goals, the CTA provides “educational guidance” to organizations and temples and “organizes and guides . . . educational activities.”¹⁰⁹ According to its report on work completed during the “11th Five-Year Program” period, SARA “performed activities to interpret . . . Taoist scriptures.”¹¹⁰ A former vice chairman of the National People’s Congress Standing Committee said that “discussion, selection and elimination” of concepts in Taoist scriptures are necessary to develop a Taoist philosophy for the 21st century.¹¹¹

In October 2011, Xinhua paraphrased remarks by the president of the CTA that “China has mapped out a strategy this month to reform and develop its culture, and Taoism should be seen as a kind of soft power of the country.”¹¹² An article in the *New York Review of Books* by a non-Chinese journalist who attended an international Taoist studies conference in China in June 2011, however, noted that the Chinese authorities “not only shunned it but put up roadblocks. It was almost canceled at the last moment and was eventually curtailed from five to three days, with many panels cut or abbreviated.”¹¹³ With regard to plans for a 2012 international conference in Germany, the journalist reported, “One [Chinese] official later said to me that it should be up to the Chinese government, not a non-government organization of scholars, to determine when an important Daoist conference should be held.”¹¹⁴ The journalist noted, “Despite the rebuilding of temples, religious life is still tightly limited.”¹¹⁵

Other Religious Communities

The Chinese government’s recognition of only five religions excludes, for example, Judaism, the Eastern Orthodox Church, the Baha’i faith, the Unification Church, the Church of Jesus Christ of Latter-day Saints, and folk religions among others. A January 2011 report from SARA’s Religious Research Center said that other religions were “vying” for religious believers in China and “assaulting” China’s “traditional religious structures.”¹¹⁶ The 2012 SARA work plan includes research on religions other than the officially acknowledged five.¹¹⁷ Foreign expatriate members and a small number of Chinese citizen members of the Church of Jesus Christ of Latter-day Saints living in China continue to be permitted to assemble for weekly worship services.¹¹⁸ Orthodox Christian congregations exist in a few areas of China—including the Xinjiang Uyghur Autonomous Region and Heilongjiang, Zhejiang, and Guangdong provinces. When Metropolitan Hilarion of Volokolamsk, head of the Moscow Patriarchate’s Department of External Church Relations, visited China in June 2012, he met with a CPA-approved Catholic bishop, Ma Yinglin, whose ordination was not approved by the Holy See. AsiaNews reported that, although “for years, the Russian Orthodox have tried to have their small community recognized, . . . there has been no movement in the issue so far.”¹¹⁹

ETHNIC MINORITY RIGHTS

Introduction

Ethnic minorities in China continued to face challenges in upholding their rights, including the right to maintain their unique languages, cultures, and religions as provided in Chinese and international law.¹ The PRC Regional Ethnic Autonomy Law allows for regional autonomy in designated areas with ethnic minority populations,² but limits in both the substance and implementation of this law and various related policies have prevented meaningful autonomy in practice. A 2012 article by a high-level official published in a Communist Party publication proposed shifts in future policy regarding ethnic autonomy and language rights.³ New Tibetan protests and a series of self-immolations during the Commission's 2012 reporting year highlighted continuing tensions and citizen grievances toward government minority policies. Government controls were harshest over groups deemed to challenge state authority, including those in the Tibet Autonomous Region and other Tibetan autonomous areas, the Xinjiang Uyghur Autonomous Region, and the Inner Mongolia Autonomous Region. [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 Inner Mongolia Autonomous Region.]

State Minority Policy

Government steps to address ethnic minorities' grievances remained limited in the 2012 reporting year, while authorities emphasized the role of top-down development in integrating "ethnic minority" populations into Chinese economic and social spheres.⁴ The acceleration of top-down development policies⁵ has undercut the promotion of regional autonomy and limited the rights of ethnic minorities to maintain their unique cultures, languages, and livelihoods, while bringing some economic improvement to minority areas.⁶

In June 2012, the State Council published the 2012–2015 National Human Rights Action Plan.⁷ The plan guarantees a broad range of ethnic minority rights, including "ethnic minorities' right to learn, use and develop their own spoken and written languages," but also calls for the promotion of "bilingual education."⁸ Non-Han groups have criticized "bilingual education" for prioritizing Mandarin in schools in minority areas and removing minority languages from instruction. [See Section IV—Xinjiang and Section V—Tibet for more information on bilingual education and related policies on the use of language in education.] In July 2012, the State Council issued a five-year plan for social and economic development in "ethnic minority" areas that includes protections for "traditional minority cultures."⁹ The plan follows the February issuance of a national five-year blueprint for cultural reform and development that emphasizes state-defined cultural identity rather than the grassroots development of minority culture.¹⁰

Leading Chinese officials and scholars stepped up discussion of proposals to scale back ethnic autonomy and promote assimilative

policies on language, family planning, and other programs in ethnic minority areas.¹¹ Communist Party United Front Work Department Executive Deputy Head Zhu Weiqun published an article in February that proposes the removal of ethnic identity information from household registration (*hukou*) cards in the interests of “national cohesion” and “amalgamation.”¹² Zhu suggested that the state’s failure to dilute distinct ethnic identities could lead to the breakaway of ethnic minority areas from the PRC.¹³ A new Web page hosted by the State Ethnic Affairs Commission featured discussion among leading scholars regarding a “second generation” of state ethnic policies.¹⁴ Under “second generation” reforms, regional and local autonomy frameworks and corresponding policy provisions would be abandoned in favor of the uniform application of policies.¹⁵

Grasslands Policy and Protests in Inner Mongolia

The Chinese government continued to implement longstanding grasslands policies that impose grazing bans and require herders to resettle from grasslands and abandon traditional pastoral livelihoods, a development that limits the rights of Mongols, Tibetans, Kazakhs, and other minority groups in China to practice their traditional cultures.¹⁶ Regional-level regulations that took effect in the Inner Mongolia Autonomous Region (IMAR) in December 2011 stipulate fines for unauthorized use of grasslands.¹⁷ Some international scholars have questioned the efficacy of state grasslands policies in meeting the declared goal of ameliorating grasslands degradation,¹⁸ while affected communities have reported forced resettlement, inadequate compensation, minimal recourse for grievances, and poor living conditions, along with challenges in upholding traditional pastoral livelihoods and preserving their cultures.¹⁹ [For more information on rights abuses related to grasslands policies, see Section II—The Environment.]

The proliferation of mines in the IMAR has reportedly contributed to the loss of grasslands due to environmental destruction and confiscation.²⁰ State-controlled media reported in February that, in a regionwide overhaul of the mining sector in the IMAR in 2011, authorities suspended operations at 887 mines and shut down 73 mines.²¹ In July, a Beijing court sentenced the former IMAR Party secretary to life in prison for accepting bribes, especially in return for licenses for the requisition of land for mining.²² State efforts to place limitations on the mining sector, toward the goal of ameliorating grasslands degradation, have occurred as local governments continue to mandate an increase in coal output, and unlicensed mine operators reportedly use official connections to avoid being shut down.²³

Mongols in the IMAR held a series of demonstrations in April, June, and July 2012 to protest the confiscation of grasslands for government and private development projects.²⁴ The Southern Mongolian Human Rights Information Center reported that local authorities detained and beat a number of herders who took part in the protests.²⁵ In October 2011, a herder near Ordos municipality was struck and killed by an oil transport truck while protesting against the damage done to grazing lands and livestock by trucks carrying oil and gas.²⁶ The death followed protests that took

place in May 2011, after mining workers in Xilingol league, IMAR, killed two Mongol protestors in separate incidents.²⁷

Political Prisoners

The continued extralegal detention of Mongol rights advocate Hada underscores the repercussions Mongols have faced from officials for promoting their rights and the recent heavy-handed state tactics employed to silence rights defenders across China. Throughout the Commission's 2012 reporting year, Hada remained in official custody, without apparent legal basis, despite the expiration of his 15-year legal sentence on December 10, 2010. Authorities imprisoned Hada after he organized peaceful protests for Mongols' rights in 1995. An overseas rights group, citing a relative of Hada, reported in May 2012 that Hada was moved to a "luxury resort" in Chifeng city, but that he remained in poor health.²⁸ In April, authorities reportedly released Hada's wife Xinna, who was arrested in December 2011 around the same time as their son Uiles, after handing her a three-year suspended prison term.²⁹ However, both Xinna and Uiles reportedly remain under home confinement.³⁰ An overseas rights group reported in September 2011 that police in Tongliao city, IMAR, beat author and rights advocate Govruud Huuchinhuu, whose current whereabouts are unknown, multiple times while she was being detained by the Horchin district Public Security Bureau.³¹ Police reportedly detained Huuchinhuu in January 2011 in an "enforced disappearance" after she was released from a hospital where she was being treated for a serious medical condition.³² 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.³³ A number of ethnic Mongols remain in prison or detention for political reasons, including Batzangaa, who was sentenced to three years' imprisonment with a four-year reprieve in 2011; Erden-uul (pen name Unaga), who was detained in December 2010; and Sodmongol, who was detained in April 2010.³⁴

POPULATION PLANNING

Introduction

Chinese officials continue to actively promote and implement population planning policies which, in both their nature and implementation, violate international standards. During the Commission's 2012 reporting year, central and local authorities continued to monitor and control the reproductive lives of Chinese citizens, and in some cases inflicted harassment and abuse in violation of Chinese law. Under China's current population planning policies, most women in urban areas are limited to bearing one child, while slightly more than half of Chinese women—often located in rural areas—may bear a second child if their first child is a girl.¹

The Chinese government requires married couples to obtain a birth permit before they can lawfully bear a child and forces them to employ contraceptive methods at other times. For those who become pregnant but do not meet the necessary requirements to bear the child, officials in some cases impose heavy fines, threaten or execute eviction or home demolition, or perform forced abortions or sterilizations. Officials in some localities experimented this year with policy reform, while at least one top-level official publicly ruled out national-level reform for at least the next five years.²

International Standards

China's population planning policies in both their nature and implementation constitute human rights violations according to 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.³ Other domestic policies coerce compliance with population planning targets through heavy fines.⁴ Controls imposed on Chinese women and their families and additional abuses engendered by the system, including forced abortions, violate standards in the 1995 Beijing Declaration and Platform for Action⁵ and the 1994 Programme of Action of the Cairo International Conference on Population and Development.⁶ China participated as a state party in the negotiations and adoption of both.⁷ Acts of official violence committed in the implementation of population planning policies⁸ and the fact that these acts are not clearly punishable under Chinese law contravene provisions under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁹ which China has signed and ratified.¹⁰ Further, discriminatory policies against "out-of-plan" children are in violation of the Convention on the Rights of the Child¹¹ and the International Covenant on Economic, Social and Cultural Rights.¹² China is a state party to these treaties and is bound to uphold their terms.

Coercive Implementation

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.¹³ Chinese law does not stipulate punishment for officials who demand or implement forced abortion.¹⁴ Further, provincial-level

population planning regulations in at least 18 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.¹⁵ Reports from this year continue to document official use of coercive methods—including arbitrary detention, forced abortion, and forced sterilization—to implement population planning policies.

OFFICIAL CAMPAIGNS

During the 2012 reporting year, authorities in a wide range of localities implemented population planning enforcement campaigns that employed coercive measures to prevent or terminate "out-of-plan" pregnancies. In a March 2012 announcement of one such campaign, the Luxi town government in Luxi county, Pingxiang city, Jiangxi province, outlined "focal points" for population planning work, including sterilizing couples in "rural two-daughter households," collecting social maintenance fees, and terminating "out-of-plan" pregnancies.¹⁶ Luxi family planning officials were encouraged to "concentrate time, concentrate force, and concentrate leadership to fight the family planning battle," to "ensure the prompt implementation of 'remedial measures' on 'out-of-plan' pregnancy targets," and to ensure that "not a single 'out-of-plan' [baby] makes it to the ground."¹⁷

Official speeches and government reports from jurisdictions across China continued to reflect an emphasis on strengthening enforcement measures with apparent disregard for official restraint. Between October 2011 and August 2012, the Commission noted township, county, and city government reports from at least eight provinces (Jiangxi,¹⁸ Hubei,¹⁹ Hunan,²⁰ Guangdong,²¹ Anhui,²² Guizhou,²³ Fujian,²⁴ and Shandong²⁵) using phrases such as "spare no efforts" (*quanli yifu*), "use all means necessary" (*qian fang bai ji*), "implement man-on-man military tactics" (*shixing "rendingren" zhanshu*),²⁶ or "assault and storm the fortifications (*tuji gongjian*)"²⁷ to urge officials to implement family planning measures, including "remedial measures," the "two inspections" (intrauterine device (IUD) inspections and pregnancy inspections),²⁸ and the "four procedures" (IUD implants, first-trimester abortions, mid- to late-term abortions, and sterilization).²⁹

Individual Representative Cases of Coercion (Arranged by Province)

- **Shandong.** In October 2011, local family planning officials forcibly brought Ma Jihong, six months pregnant with her third child, to the local hospital for a forced abortion.³⁰ Officials reportedly ignored Ma's onset of respiratory difficulties, forced her to provide her fingerprint to indicate consent, and performed the procedure.³¹ After hours of waiting with no information, Ma's family reportedly forcibly entered the operating room to find that Ma had died during the procedure and the medical team had left.³²

**Individual Representative Cases of Coercion—Continued
(Arranged by Province)**

- **Zhejiang.** In November 2011, local officials reportedly “tricked” eight-months-pregnant Hu Qiaoqun into going to the family planning committee office for a pregnancy examination. During the examination, officials reportedly forcibly injected Hu with a substance that caused the abortion. Officials later criminally detained two of Hu’s family members for “assembling a crowd and creating a disturbance” when peacefully protesting the forced abortion.³³
- **Jiangxi.** In March 2012, government officials in Huangqiao town, Jishui county, reportedly dispatched over “20 strong men” to detain 46-year-old Mao Yuanchun, who was no longer able to have children. The men brought her to the local family planning office against her will and forced her to undergo a tubal ligation. Mao’s husband reported that the town government implemented the forced sterilization in retaliation for his petitioning efforts related to their daughter’s death.³⁴
- **Fujian.** In April 2012, “men working for a local official” in Daji township, Xianyou county, Putian city, reportedly detained eight-months-pregnant Pan Chunyan with two other women. Four days later, they brought her to a hospital and forced her to provide her fingerprint to indicate consent to an abortion. Nurses reportedly injected Pan with a drug that caused the abortion. According to Pan’s husband, the couple had already paid the required fine of US\$8,700 for this “out-of-plan” birth.³⁵
- **Hunan.** In June 2012, local family planning officials in Changsha municipality detained five-months-pregnant Cao Ruyi and took her to the hospital, threatening to forcibly abort her child unless she paid a fine of 150,000 yuan (US\$23,563). Officials reportedly released Cao after she paid a 10,000 yuan (US\$1,571) “deposit,” but they required that she still return for an abortion to recoup the deposit.³⁶ At the time of the most recent reports, Cao and her husband were in hiding.³⁷
- **Shaanxi.** In June 2012, local family planning officials in Ankang city reportedly detained seven-months-pregnant Feng Jianmei, blindfolded her, took her to the hospital against her will, and forced her to sign consent for an abortion. Five men then forcibly injected her with a substance that caused the abortion, according to Feng’s husband. Feng’s family reportedly had not paid the required 40,000 yuan (US\$6,284) fine to have a second child. Local family planning officials reportedly denied holding Feng against her will and claimed the abortion was legal.³⁸ National- and provincial-level family planning authorities reportedly launched an investigation into the case,³⁹ and the Ankang city government acknowledged that officials had “violated regulations by inducing labor in advanced months [of pregnancy]” and apologized for causing the family “serious harm.”⁴⁰ The city reportedly later fired two officials, gave five officials formal warnings, and agreed to compensate the couple US\$11,200.⁴¹

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,⁴² local governments direct officials to punish non-compliance with heavy

finer, 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.⁴³ Officials in some cases threatened or imposed employment repercussions, expulsion from the Communist Party, destruction of personal property, arbitrary detention, or even violence against couples who were pregnant with or gave birth to an unauthorized child.⁴⁴ Often with court approval, family planning officials are permitted to take “forcible” actions against families who are unwilling or unable to pay the fines.⁴⁵ The PRC Population and Family Planning Law, however, prohibits infringements on citizens’ personal, property, and other rights.⁴⁶

Additionally, some children may go without household registration (*hukou*) in China because they are born “out-of-plan” and their parents do not pay the necessary fines.⁴⁷ These children live in a legal limbo that may deny them the rights accorded to other citizens. Lack of a valid *hukou* raises barriers to access to social benefits typically afforded to registered citizens, including health insurance, public education, and pensions.⁴⁸ [For additional discussion of China’s *hukou* system, see Section II—Freedom of Residence and Movement.]

Focus on Migrant Workers

Local governments appear to encourage harsher population planning measures on migrant populations due to the inherent difficulties migrants’ mobility presents for keeping track of birth quotas. Chinese officials collect and monitor citizens’ reproductive information, including marital history, pregnancy history, contraception history, reproductive health information, the results of periodic gynecological tests, and information on any children born to them, using a nationwide database called the Women of Childbearing Age Information System (WIS).⁴⁹ The National Population and Family Planning Commission first issued standards on the WIS in January 2006,⁵⁰ specifically guiding officials in rural areas to adhere to the standards,⁵¹ and hailing the system’s ability to meld the work of “management” together with “services.”⁵² Guidelines for the system include a particular focus on migrant women, and specific language used in national and provincial WIS directives appears to stress the efficiency of the WIS in promoting and enhancing overall management of the migrant population.⁵³ Local governments in several localities also continued this year to conduct population planning campaigns that specifically mentioned or targeted migrants.⁵⁴ Officials conducted these campaigns during the spring festival timeframe, when many migrant workers return to their hometowns to be with family. [For additional information on official treatment of migrant workers, see Section II—Freedom of Residence and Movement and Section II—Worker Rights.]

Prospects for Policy Reform

Chinese officials have allowed for limited relaxation of local population planning policies during this reporting year, yet continue to rule out the near-term possibility of major nationwide population planning policy reform or cancellation. In November 2011, Henan

province became the last of China's 31 provincial-level jurisdictions to implement a "two-child policy" (*shuang du*), permitting married couples to have two children if both parents were only children themselves.⁵⁵

Citizens have increased calls this year for population policy reform. In July, for example, a group of Chinese scholars issued an open letter calling on the National People's Congress to "begin the important work of comprehensively revising the 'Population and Family Planning Law' as soon as possible."⁵⁶ While the National Population and Family Planning Commission (NPFPC) led a special campaign this year to "tidy up" offensive, and in some cases violent, family planning propaganda slogans that have been displayed around the country for decades,⁵⁷ top Communist Party and government leaders, as well as state media outlets, continue to publicly defend the national-level policy and rule out the possibility of its cancellation.⁵⁸

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 1949⁵⁹ to an estimated 1.55 births per woman in 2012,⁶⁰ resulting in the rapid growth of China's aging population and decline in the working-age population.⁶¹ [For additional information on China's projected labor shortage, see Section II—Worker Rights.]

Chinese parents continue the illegal practice of sex-selective abortion,⁶² in response to government-imposed birth limits and in keeping with a traditional cultural bias for sons.⁶³ China's male-female ratio at birth has therefore become severely skewed, and is reportedly the highest in the world.⁶⁴ Some social and political scientists have warned that large numbers of "surplus males" could create social conditions that the Chinese government may choose to address by expanding military enlistment.⁶⁵ 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.⁶⁶ In August 2011, the State Council issued the PRC Outline for the Development of Children (2011–2020), urging officials to crack down further on "non-medically necessary sex determination and sex-selective abortion,"⁶⁷ and, in June 2012, the State Council issued its 2012–2015 National Human Rights Action Plan, reiterating this call.⁶⁸ A May 2012 *Global Times* report, citing Wang Xia, head of the NPFPC, stated that, with regard to the progress of the ban, "authorities have investigated 15,000 cases and punished 13,000 people for violating family planning laws since the launch of the campaign in 2011."⁶⁹

Chinese and international news media reports continue to indicate that the Chinese government's restrictive family planning policies have contributed in part to what a November 2011 *Global Times* article referred to as China's "massive and lucrative baby market."⁷⁰ In some cases, family planning officials reportedly have

coerced parents to relinquish their children born in excess of their parents' birth quotas, later making a profit when transferring the children into the care of local orphanages.⁷¹ In other cases, individuals have abducted or purchased children for the purpose of subsequently selling them into domestic or international adoption⁷² or forced labor situations.⁷³

Case Update: Chen Guangcheng

In April 2012, Chen Guangcheng—a self-trained legal advocate who drew international news media attention to population planning abuses in 2005⁷⁴—escaped from his home outside of Linyi city, Shandong province, after being subjected to extralegal home confinement (*ruanjin*) with his family for one year and seven months.⁷⁵ Authorities subjected Chen and his wife Yuan Weijing to harsh, and in some cases violent, treatment during the period of his home confinement.⁷⁶ Authorities also prohibited them from leaving their home,⁷⁷ and their daughter was prevented from attending primary school for approximately one year.⁷⁸ Authorities later permitted her to attend school only with a police escort.⁷⁹ International and domestic activists who attempted to visit Chen's village during his confinement were reportedly blocked, sometimes with violence.⁸⁰ After escaping, Chen took shelter in the U.S. Embassy in Beijing on April 26, and, on May 2, he left the embassy to seek medical care at a nearby hospital for a foot injury and an intestinal illness.⁸¹ On May 19, Chen, Yuan, and their two children left China for the United States, where Chen had secured a fellowship to study at the New York University School of Law.⁸² Despite his initial confidence in the central government's agreement to investigate local authorities for the abuses perpetrated against him,⁸³ Chen has since expressed frustration with the government's failure to act, and concern regarding the continued harsh treatment of family members who remain in Shandong.⁸⁴ Chen, his family, and his supporters expressed concern that Chen's nephew Chen Kegui—who faces charges of intentional homicide for allegedly wounding several government-appointed personnel—may have been subjected to torture,⁸⁵ and that authorities had forced Chen Kegui to accept government-appointed lawyers.⁸⁶ An August 2012 Radio Free Asia report noted that the case against Chen Kegui was marred with procedural irregularities and violations.⁸⁷ [See Section III—Access to Justice for more information on harassment of lawyers who offered to represent Chen Kegui.]

FREEDOM OF RESIDENCE AND MOVEMENT

Freedom of Residence

The Chinese government continued to enforce the household registration (*hukou*) system it first established in the 1950s.¹ The *hukou* system places limitations on the right of Chinese citizens to freely determine their permanent place of residence. Initially used to control migration of the rural population to China's cities, the *hukou* system today 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 *hukou* holders and confers legal rights and access to social services based on the classification.³ The implementation of these regulations discriminates against rural *hukou* holders who migrate to urban areas by denying them equal access to social security benefits and many public services guaranteed to registered urban residents.⁴ The *hukou* regulations appear to contravene the freedoms guaranteed in Article 13 of the Universal Declaration of Human Rights and Articles 12 and 26 of the International Covenant on Civil and Political Rights, which include "the right to liberty of movement and freedom to choose [one's] residence."⁵

The *hukou* system's discriminatory effect lies in the unfair division of various social benefits and rights to which it is linked and through which rural migrants continue to face unequal chances for development and social status. Government officials and scholars estimate that between 200 and 250 million migrant workers living in cities are denied access to social services because they lack urban *hukou* status.⁶ Statistics and analyses from studies published in 2011 on China's migrant population found migrants living in urban areas had lower rates of labor and social welfare protection coverage.⁷ The continued use of the *hukou* system to deny social benefits to migrant workers in cities exacerbates discord and division between rural and urban *hukou* holders.⁸ Migrant children, for instance, continue to face significant difficulties gaining access to urban public schools, while an estimated 58 million children left in rural areas by their migrant parents face disadvantages accessing quality schooling and basic nutrition.⁹ In some cases, concerns over access to equal education led to protests and violent clashes involving migrants.¹⁰ A report published by the Chinese Academy of Social Sciences (CASS) in August 2012 emphasized the significant challenges China would face over the next 15 to 20 years in incorporating an estimated 500 million rural residents into urban society in part because of the uneven distribution of public services in China's cities.¹¹

During the Commission's 2012 reporting year, high-level Chinese officials and scholars publicly acknowledged the need for *hukou* reforms, including the need to provide migrant workers equal access to social services.¹² One Chinese scholar warned that the large gap in social services access marginalized migrants and "ultimately poses a challenge to social stability."¹³ Central authorities have advocated a gradual approach to *hukou* reform that emphasized relaxing *hukou* admission standards for a limited number of areas, improving access to social services, and strengthening protection of

rural residents' land rights and interests.¹⁴ During the National People's Congress in March, Premier Wen Jiabao stressed that the government would "prudently carry forward the reform of the household management system," while also reforming the land requisition system and promoting the equal distribution of public resources in urban and rural areas.¹⁵ In July, the State Council issued a five-year national plan for basic public services, which aims to gradually separate the allocation of social services from the *hukou* system.¹⁶ The implications of these latest *hukou* reform proposals remain unclear.

In February 2012, the State Council General Office issued a circular passed in February 2011 outlining a series of new policies intended to reform the *hukou* system. Some notable reforms include 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 barring future policies that use *hukou* status as a precondition for access to social services.¹⁷ Several Chinese scholars and media outlets have criticized the vague nature and limited scope of these measures, leading some to question the circular's potential effectiveness.¹⁸ At least one Chinese scholar expressed concern that local officials may not comply with the measures because the circular has no implementation date.¹⁹

Local governments continued to relax certain *hukou* restrictions, consistent with earlier reform efforts. While details vary by location, the key provisions of these reforms, in some instances, allow some rural residents to transfer their *hukou* status from rural to urban status or apply for a residency permit (*juzhu zheng*), based on certain criteria.²⁰ These criteria usually include education and income standards aimed at attracting elite rural *hukou* holders with specialized skill sets and wealth. In some cases, reforms require that rural migrants possess both a stable source of income and stable place of residence for a specified period of time as conditions for obtaining local *hukou*.²¹ Despite these limited attempts to relax *hukou* criteria, most reforms still exclude the majority of migrants who do not have a college education, specialized skills, or stable employment and residence.²²

Freedom of Movement

Chinese authorities continue to restrict freedom of movement to penalize citizens who express views that authorities deem objectionable or sensitive. The Chinese government has placed restrictions on movement that are inconsistent with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which China has signed and expressed an intent to ratify.²³

Chinese authorities continue to arbitrarily prevent rights defenders, advocates, and critics from leaving China. The PRC Passport Law and PRC Exit and Entry Control Law give officials the discretion to prevent Chinese citizens from traveling abroad when they believe that a citizen's leaving China might harm "state security" or harm or cause "major loss" to national interests.²⁴ 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.

In numerous cases, authorities prevented Chinese citizens from leaving China for political reasons:

- **Li Sihua.** In June 2012, Chinese authorities in Guangzhou city, Guangdong province, prevented rights activist and independent provincial People's Congress candidate Li Sihua from traveling to Hong Kong. Border control officers informed Li that authorities had suspended his passport two months earlier in his home province of Jiangxi and he would not be permitted to travel to Hong Kong en route to Switzerland.²⁵ Jiangxi officials said a pending civil case involving Li was the pretense for suspending his passport, although they did not provide any details regarding the case. Li's travel ban appears to be related to his activities as an independent candidate in Jiangxi Province People's Congress elections.²⁶ Authorities previously detained Li on February 25 after returning from a human rights training program in Thailand.²⁷
- **Chen Yunfei.** In June 2012, authorities in Sichuan province prevented democracy activist Chen Yunfei from boarding a plane to Europe, where he had planned to take part in a human rights legal exchange program.²⁸ National security officers subsequently questioned Chen about his travel itinerary before eventually letting him go. Chen has been the target of police harassment for many years due to his activism.²⁹
- **Ai Weiwei.** In June 2012, authorities informed well-known artist and rights advocate Ai Weiwei that he was barred from traveling abroad, despite the expiration of a one-year bail imposed after his release from detention in 2011. Police informed Ai that he still was under investigation for a series of crimes and would not be allowed to leave the country.³⁰ As of June 2012, authorities had not returned his passport.³¹ Authorities detained Ai in April 2011 for 81 days without official confirmation of his whereabouts amid a government crackdown following calls for nonviolent, "Jasmine" protests in various cities in China. He was later released on bail and indicted on charges of tax evasion. He was ordered to pay 15 million yuan (US\$2.4 million) in back taxes and fines.³² Under the reported terms of his release on bail last year, Ai is barred from leaving Beijing and talking with foreign media.³³

Home Confinement, Surveillance, and Harassment of Chinese Citizens

The Chinese government continued to place restrictions on liberty of movement within China to punish and control rights defenders, advocates, and critics in contravention of international legal standards.³⁴

As in previous years, authorities continued to employ a range of measures to restrict liberty of movement, including: Stationing plainclothes police or hired personnel to monitor the homes of rights defenders;³⁵ forcing them to have informal chats over tea ("drink tea") with security personnel;³⁶ removing them to unknown locations;³⁷ and imprisoning them.³⁸ Restrictions on liberty of

movement were especially prominent during politically sensitive periods, including the annual meetings of the National People's Congress and the Chinese People's Political Consultative Conference in March 2012,³⁹ the anniversary of the 1989 Tiananmen protests,⁴⁰ and the four-year anniversary of the May 2008 Sichuan earthquake.⁴¹

The Commission notes that, during this reporting period, authorities employed particularly forceful techniques to punish and control family members and supporters of human rights defenders and activists. Authorities, for example, continued to confine, harass, and abuse family members and supporters of self-trained legal advocate Chen Guangcheng after he left China for the United States with his immediate family in May 2012.⁴² Following the death of labor advocate and 1989 Tiananmen protester Li Wangyang in June 2012, officials confined, harassed, and removed to unknown locations Li's family members and supporters, including arresting Li's close friend and advocate Zhu Chengzhi on the charge of "inciting subversion of state power," and ordering rights activist Xiao Tong to serve 18 months' reeducation through labor apparently for expressing concerns with official accounts of Li's death.⁴³ In April 2012, officials also placed Dong Xuan, the daughter of housing rights advocate and lawyer Ni Yulan, under "soft detention" (*ruanjin*) and 24-hour surveillance.⁴⁴ In January 2012, authorities had prevented Dong from traveling to the Netherlands to accept a Dutch government human rights award on behalf of her mother.⁴⁵ Authorities also continued to hold Liu Xia, wife of the Nobel Peace Prize Laureate Liu Xiaobo, under extralegal confinement in her home, where she has been arbitrarily detained since October 2010.⁴⁶

STATUS OF WOMEN

Gender Equality

Through its international commitments and domestic efforts, the Chinese government has agreed to ensure gender-equal political participation; however, current official statistics reveal that women remain underrepresented. China is a state party to the Convention on the Elimination of All Forms of Discrimination against Women,¹ and as such has 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 In accordance with this commitment, the Chinese government has passed several laws³ and policy initiatives⁴ which aim to promote gender equality by setting broad goals and minimum standards for political positions filled by women. Most recently, China released its 2012–2015 National Human Rights Action Plan in June 2012, stating plans to increase female representation at national and local levels of government, and to ensure rural women’s land rights.⁵

Against the backdrop of these legislative and policy efforts, female representation at the highest levels of the central government and the Communist Party falls short of international norms⁶ and remains far from equal to that of males. For example, in 2012, women held 1 out of 25 positions in the Political Bureau of the Communist Party Central Committee,⁷ 13 out of 204 full memberships in the Communist Party Central Committee,⁸ and 4 out of 35 positions in the State Council.⁹ In July 2011, official state media reported that women made up 21.3 percent of deputies to the National People’s Congress (NPC).¹⁰ This figure has shown little growth since the early 1970s.¹¹ This year several NPC deputies highlighted the need for increased female political representation.¹²

Despite reported increases in women’s participation in government in some local jurisdictions during the Commission’s 2012 reporting year, the percentage of women in local leadership positions across China reportedly remains low.¹³ Domestic media reports this past year noted an increase in female representation in village-, city-, county-, and provincial-level governments and Party organizations, in some cases as a result of scheduled reshuffling of government positions in 2011.¹⁴ These increases follow national-level legislative efforts in late 2010 to increase quotas for female representation in village committees and village representative assemblies.¹⁵ However, women continue to face challenges protecting their land rights due to factors including the lack of “concrete means and mechanisms to supervise, control, and manage villagers’ decisions and local rules.”¹⁶

Legal Developments

In August 2011, the Supreme People’s Court issued a new interpretation of the PRC Marriage Law, which, some have argued, leaves women’s property rights unprotected. The interpretation states that, in the case of divorce, full ownership of property is afforded solely to the person in whose name it was purchased and

registered.¹⁷ Under cultural norms in China, this is traditionally the man.¹⁸

In June 2012, the Shenzhen Municipality Fifth People's Congress Standing Committee passed the Shenzhen Special Economic Zone Gender Equality Promotion Regulations (Regulations), the first legislation of its kind in China to focus on gender equality.¹⁹ The Regulations are set to take effect in January 2013.²⁰ If implemented, the Regulations could provide greater protections against and punishment for gender discrimination, sexual harassment, and domestic violence.²¹

Employment Discrimination

Gender-based employment discrimination with respect to issues such as wages, recruitment, promotion, and retirement age remains widespread in China, despite government efforts to eliminate it and promote women's employment. The Chinese government has committed under international standards²² as well as with several of its domestic laws²³ and policies²⁴ to prohibit gender discrimination and promote gender equality in the workplace. A number of domestic reports and surveys from the 2012 reporting year highlighted challenges that women continue to face in employment due to their gender, as noted below:

- **Discrimination in hiring, promotion.** Several surveys noted continued gender discrimination in hiring and promotion. An All-China Women's Federation (ACWF) and National Bureau of Statistics (NBS) joint survey released in October 2011 found that approximately one out of four college students and one out of five "female professional respondents" reported encountering discrimination in job hiring.²⁵ The survey also polled women who held senior positions in education, engineering, government, and enterprises—and found that 31 percent of these respondents reported slower rates of promotion than equally qualified male coworkers.²⁶ Results of a China University of Political Science and Law Constitutionalism Research Institute survey released in November 2011 showed an increase in gender discrimination in civil service hiring since 2010.²⁷ The survey also pointed out that "even the All-China Women's Federation had barred women from certain positions."²⁸ In a stance against one continued form of gender discrimination in recruiting, in March 2012, non-governmental organization Beijing Yirenping Center published an open letter to the government calling for the revision or elimination of provisions which require women to submit to gynecological tests when applying for civil service positions.²⁹

- **Wage disparity.** The October 2011 ACWF and NBS joint survey, a result of responses from over 105,000 women, found that "[t]he annual income of female urbanites is 67 percent of that of their male counterparts, and women laborers earn only half of what men do in rural areas."³⁰ Similarly, in April 2012, international non-profit business organization Catalyst reported that "women [in China] earned on average 31% less than men for doing similar work."³¹

• **Discriminatory actions during maternity leave.** In March 2012, a woman in Guangdong province filed a lawsuit against her former employer for terminating her employment during her maternity leave.³² This is reportedly the first such gender discrimination case in Guangdong to elevate beyond labor dispute arbitration committees and reach court.³³ Job termination on the grounds of maternity leave is prohibited under Article 27 of the PRC Law on the Protection of Women's Rights and Interests.³⁴ In April 2012, the State Council issued the Special Provisions for the Work Protection of Female Employees,³⁵ which include such guarantees as protection against job termination on the grounds of maternity or nursing³⁶ and more time allotted for maternity leave (extended from 90³⁷ to 98 days).³⁸

• **Forced early retirement.** Mandatory retirement ages for women in China continue to be 5 to 10 years earlier than those for men, depending on their position of employment.³⁹ Public discussion on retirement age this year continued to reveal varying views regarding for whom the retirement age should be raised, if at all. In March, China's top labor official reportedly announced plans to raise the retirement age for both men and women;⁴⁰ however, he did not provide a timeline.⁴¹ At the annual session of the NPC that same month, one NPC deputy proposed that the retirement age be raised specifically for "highly educated" female workers.⁴² Non-government workers, university students, and academics, however, have expressed hesitation about a delayed retirement age, noting that such a change would push already over-taxed laborers to work "extra years," and that it might limit job opportunities and exacerbate existing pressure on China's pension system.⁴³

Violence Against Women

DOMESTIC VIOLENCE

Domestic violence is prohibited and punishable under Chinese law,⁴⁴ yet the problem of domestic violence remains widespread.⁴⁵ 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.⁴⁶ As in previous years,⁴⁷ Chinese advocates called for clear national-level legislation on domestic violence,⁴⁸ and nationwide attention to the issue appears to have increased following several high-profile domestic violence cases this year involving women and children.⁴⁹ State media reported in March 2012 that "[d]omestic violence is listed on the 2012 legislative agenda of the [NPC],"⁵⁰ and China's 2012–2015 National Human Rights Action Plan, issued in June, also included goals to "formulate" a domestic violence law.⁵¹

SEXUAL HARASSMENT

Sexual harassment remains widespread in China, and those who are targeted face difficulties in defending their rights under Chinese law. China has committed under international standards to

taking “all appropriate measures to eliminate discrimination against women in the field of employment.”⁵² Accordingly, Chinese law prohibits sexual harassment and allows for legal recourse for victims.⁵³ Chinese law does not clearly define sexual harassment or provide standards and procedures for prevention and punishment.⁵⁴ Survey findings in recent years show that many who face sexual harassment choose to “tolerate” it.⁵⁵ Other reports indicate that those who decide to take legal action may risk losing their lawsuits due to the challenge of supplying adequate evidence.⁵⁶

Impact of Population Planning on Women

In response to government-imposed birth limits and in keeping with a traditional cultural bias for sons, some Chinese parents choose to engage in sex-selective abortion, especially rural couples whose first child is a girl⁵⁷—a practice that has contributed to China’s skewed sex ratio, which some have linked to China’s ongoing problem of human trafficking. The male-female ratio of newborns in 2008 was greater than 120:1, and in 2011 it was above 117:1.⁵⁸ National regulations issued in 2003 banned prenatal gender determination and sex-selective abortion;⁵⁹ however, statistics and analysis from recent years⁶⁰ show that the practice remains commonplace, especially in rural areas, and suggest that implementation of the ban on sex-selective abortion remains uneven. In August 2011, the State Council issued the PRC Outline for the Development of Children (2011–2020), urging officials to crack down further on “non-medically necessary sex determination and sex-selective abortion,”⁶¹ and, in June 2012, the State Council issued its 2012–2015 National Human Rights Action Plan, reiterating this call.⁶² Observers, including Chinese state media, have linked China’s skewed sex ratio with an increase in forced prostitution, forced marriages, and other forms of human trafficking.⁶³ [For more information regarding China’s skewed sex ratio, see Section II—Population Planning.]

The international non-governmental organization Human Rights Watch reported in January 2012 that “women’s reproductive rights remain severely curtailed in 2011 under China’s family planning regulations,” citing the pressures of “administrative sanctions, fines, and forced abortions” on women in rural areas, female migrant workers in urban areas, as well as women living in ethnic minority areas.⁶⁴

HUMAN TRAFFICKING

Introduction

The Chinese government faces persistent challenges as it continues to combat human trafficking that occurs both within and across Chinese borders. With respect to human trafficking, the Chinese government has taken steps to increase public awareness, expand social services, and improve international cooperation. Yet, officials' focus on the abduction and sale of women and children,¹ while giving proportionally less attention to other forms of trafficking, limits the support rendered to the trafficking victims who need it. Despite improvements to the PRC Criminal Law in 2011, gaps between domestic legislation and international standards on human trafficking remain and limit the scope and effectiveness of related efforts. Domestic and international observers have linked certain longstanding risk factors to the human trafficking problem in China, including the government's population planning policies and their exacerbation of China's skewed sex ratio; migrant mobility; uneven enforcement of anti-trafficking laws; lack of anti-trafficking training, education, and resources; and government corruption.

Anti-Trafficking Challenges

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 2009,² but has not revised domestic legislation to come into full compliance. While the PRC Criminal Law prohibits the trafficking of persons,³ Chinese law addresses the crime more narrowly, in some ways, than does the UN TIP Protocol. For example, provisions in the PRC Criminal Law do not appear to cover all forms of trafficking, such as certain types of non-physical coercion⁴ and the commercial sex trade of minors.⁵ Nor does the definition of trafficking provided under Article 240 clearly include offenses against male victims,⁶ although other articles in the PRC Criminal Law address some aspects of these crimes.⁷ Each of these forms of trafficking are covered under Article 3 of the UN TIP Protocol.⁸ In other ways, the Chinese legal definition of trafficking is overly broad in comparison to that provided in the UN TIP Protocol. For example, under Chinese law, the crime of "trafficking" includes the purchase or abduction of children for subsequent sale without specifying the end purpose of these actions.⁹ Several Chinese and international media reports in the past year highlighted such cases—referring to them as "trafficking" cases—and indicated that a significant amount of anti-trafficking work in China is focused on investigating or prosecuting these types of cases.¹⁰ Under the UN TIP Protocol, the purchase or abduction of children for subsequent sale only constitutes trafficking if the end purpose of the sale is exploitation, such as sexual exploitation, labor, or servitude.¹¹

Chinese officials also continue to conflate human trafficking with human smuggling and therefore treat some victims of trafficking as criminals.¹² 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.¹³ 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.¹⁴ 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.¹⁵ 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.¹⁶ [For more information, see Section II—North Korean Refugees in China.]

Prevalence

China remains a country of origin, transit, and destination for the trafficking of men, women, and children.¹⁷ The majority of trafficking cases are domestic;¹⁸ however, human traffickers continue to traffic women and children from China to countries around the world.¹⁹ Women and girls from countries across Asia, as well as some countries in Europe and Africa, are also trafficked into China and forced into marriages, employment, and sexual exploitation.²⁰ Forced labor of men, women, and children continues, and certain cases gained media attention during the Commission’s 2012 reporting year;²¹ however, the full extent of the forced labor problem in China is unclear.²² Of note, an internal memo issued in 2012 by the Lhasa Public Security Bureau in the Tibet Autonomous Region (TAR) reported a recent spike in the trafficking of women and children from the TAR to other areas of China to serve “as ‘brides’ or household servants.”²³ [See Section II—Worker Rights for more information on child labor.] According to the UN TIP Protocol, “the recruitment, transportation, transfer, harbouring or receipt” of any person under 18 years of age for exploitative purposes constitutes trafficking in persons.²⁴

Risk Factors

Experts link the reported growth²⁵ of the trafficking market in China to several political, demographic, economic, and social factors. Reports indicate that China’s sex ratio²⁶—which has become severely skewed against the backdrop of China’s population planning policies and Chinese families’ preference for sons²⁷—has increased the demand for trafficking for forced marriage and commercial sexual exploitation.²⁸ In recent years, domestic and international observers have also linked the growing trafficking problem with a continued lack of awareness among potential victims, a continued lack of education on trafficking prevention for vulnerable women and parents,²⁹ and challenging conditions in bordering countries such as instability in Burma and poverty in the Demo-

cratic People's Republic of Korea.³⁰ [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)**

- **Henan.** In September 2011, officials in Henan province reportedly rescued 30 people with mental disabilities from slave labor conditions in illegal brick kilns in several locations in the province.³¹ The case has reportedly raised concerns regarding official efforts to prevent forced labor of persons with mental disabilities, following a similar case in Shaanxi province in 2007.³²
- **Jiangsu.** According to a December 2011 Xinhua article, a 22-year-old Burmese woman was rescued and returned home in July 2011 after a year and a half of forced marriage to a farmer who was “mentally handicapped.” The woman reportedly had difficulty escaping the abusive situation because she could not speak Chinese.³³
- **Jiangsu.** In February 2012, officials in Suzhou city launched an investigation into a local electronics factory after Suzhou police received an online tip reporting child labor there. The police found at least 10 underage workers, including 1 as young as 9 years old, employed at the factory. The youths were reportedly forced to work under harsh conditions, including 12-hour daily shifts, and they reportedly suffered from poor nutrition.³⁴
- **Yunnan.** Eight persons between the ages of 12 and 22 in Pucheng town, Puning county, Kunming municipality, have disappeared in a series of alleged abductions since May 2011. Police launched an investigation into these cases only after another young person escaped a brick kiln on April 25, 2012, and reported to authorities that he had been abducted off the street and forced into labor. Parents of the disappeared reported that when they approached the police about the disappearances, the police accused them of “starting rumors.”³⁵

Anti-Trafficking Efforts

The Chinese government, non-governmental organizations, and individuals continued efforts to combat human trafficking. In December 2009, the National People's Congress Standing Committee (NPCSC) approved China's accession to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol).³⁶ On February 25, 2011, the NPCSC revised the PRC Criminal Law, making amendments to provisions on forced labor,³⁷ a crime that constitutes human trafficking under the UN TIP Protocol.³⁸ 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.³⁹ The Commission did not observe changes to other areas in which China's domestic legislation does not comply with the UN TIP Protocol during the 2012 reporting year.⁴⁰

GOVERNMENT EFFORTS

Chinese authorities, in cooperation with non-governmental organizations and international organizations, took limited steps to improve protection, services, and care for victims of trafficking but continued to focus such efforts only on women and children identified as victims through the government's definition of trafficking. The United Nations Interagency Project on Human Trafficking and the International Organization for Migration each conducted training sessions during the Commission's 2012 reporting year that reportedly addressed issues including victim protection and services, as well as worker rights.⁴¹ The U.S. State Department reported in 2012 that the All-China Women's Federation (ACWF) "continued to allocate an unknown amount of funds to operate 'women's homes,'" ⁴² a network of shelters where women could access referrals for legal aid, report human trafficking violations, and seek assistance from social workers.⁴³ China signed the Mekong River Sub-regional Cooperation Anti-Trafficking Memo in 2004, committing to meet on an annual basis with senior officials from Thailand, Burma, Laos, and Cambodia to discuss anti-trafficking work.⁴⁴ The Chinese government has eight border offices with neighboring countries to combat cross-border trafficking.⁴⁵

Authorities continued outreach and education campaigns in concert with the ACWF and international organizations. The government continued trafficking education campaigns in areas with high numbers of migrant workers, including train and bus stations, and through television, cell phones, and the Internet, informing workers of their rights. The ACWF in conjunction with an international organization also reportedly aided in integrating awareness messages into school curricula.⁴⁶ Chinese authorities continue to operate national and local hotlines for reporting suspected trafficking cases,⁴⁷ although there appears to be limited public data on their use.

As Chinese law conflates human smuggling, illegal adoption, and child abduction with human trafficking, accurate official statistics are not available on the number of trafficking cases the government investigated and prosecuted during the past reporting year.⁴⁸

In addition to provisions in the newly issued 2012–2015 National Human Rights Action Plan calling for continued and improved anti-trafficking efforts and provision of victim services,⁴⁹ the government reportedly is working in conjunction with international organizations to draft a specific "National Plan of Action" to combat human trafficking. The draft is expected to be released in December 2012 and reportedly factored into the U.S. State Department's decision to waive "an otherwise required downgrade to Tier 3" in its 2012 Trafficking in Persons Report.⁵⁰ The U.S. State Department thus placed China on its Tier 2 Watch List for the eighth consecutive year in 2012,⁵¹ listing several areas in which China's anti-trafficking efforts remain insufficient.⁵²

NORTH KOREAN REFUGEES IN CHINA

Unlawful Repatriation

During the Commission's 2012 reporting year, the Chinese government persisted in detaining and repatriating North Korean refugees to the Democratic People's Republic of Korea (DPRK), despite the severe punishments refugees face once returned.¹ The Chinese government continues to classify all North Korean refugees in China as "illegal" economic migrants and not refugees (*nanmin*)² and continues its policy of repatriating them based on a 1961 treaty with the DPRK and a subsequent 1986 border protocol, documents which are still not publicly available.³ A former vice minister in the South Korean Ministry of Unification and South Korean activists have said that China repatriates 5,000 North Korean refugees every year.⁴ In May, one non-governmental organization (NGO) expert estimated that there were between 100,000 and 200,000 North Korean refugees living in China.⁵ China's forced repatriation of North Korean refugees, including those who leave the DPRK for fear of persecution, contravenes obligations under the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol (1967 Protocol), to which China has acceded.⁶

During this reporting year, central and local authorities increased security measures along the North Korean border and implemented new campaigns to crack down on North Korean refugees.⁷ Sources cited in international media reported in March that Chinese authorities had installed silent alarm systems "in every house" in Yanbian Korean Autonomous Prefecture, Jilin province. The silent alarm systems are designed to allow local residents to notify police if North Korean refugees sought assistance from them.⁸ In late May, public security authorities in Yanbian launched a five-month crackdown on illegal immigrants, targeting North Korean refugees as well as international NGOs and religious organizations that assist refugees.⁹ Additional media reports this past year indicated increased collaboration between North Korean and Chinese security officials in apprehending North Korean refugees, as well as the presence of North Korean security agents operating in China.¹⁰

In early 2012, international media outlets and advocacy organizations raised human rights concerns about lethal crackdowns on North Koreans following the death of North Korean leader Kim Jong-il in December 2011. Some news reports claimed that the DPRK's new leader Kim Jong-un threatened to "exterminate three generations" of any family with a member caught defecting from the DPRK during the 100-day mourning period.¹¹ In February 2012, Chinese authorities reportedly detained between 24 and 33 North Korean refugees over a week-long period in separate arrests in Liaoning and Jilin provinces.¹² In early March 2012, Yonhap News Agency and CNN cited activists and a South Korean official who indicated that they believed Chinese officials forcibly repatriated the detained North Korean refugees.¹³

China's public security bureau agencies have held detained North Korean refugees and asylum seekers in detention centers that are not subject to independent monitoring.¹⁴ Refugees and

asylum seekers cannot challenge their detention in court.¹⁵ The Chinese government continued to deny the UN High Commissioner for Refugees permission to work along its northeastern border with the DPRK.¹⁶

Another problem that reportedly stems from China's unlawful repatriation policy is the denial of education and other public services for the children of North Korean refugees married to Chinese citizens.¹⁷ The scope of this problem, however, is unclear due to limited public information.

Punishment in the DPRK

North Koreans repatriated by the Chinese government face the threat of imprisonment, torture, and capital punishment in the DPRK.¹⁸ Under the 2004 revised North Korean Penal Code, border crossers can receive sentences of up to two years' imprisonment in a "labor-training center."¹⁹ North Korean authorities assign harsher punishment, including long sentences and public execution, to repatriated North Koreans deemed to have committed "political" crimes, which include attempted defection; conversion to Christianity; and having had extensive contact with religious groups, South Koreans, or Americans.²⁰

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.²¹ Under the 1951 Convention and its 1967 Protocol, China is obligated to refrain from repatriating refugees "sur place."

North Korean Women and Trafficking

The Chinese government's policy of forcibly repatriating North Korean refugees and denying them legal status increases the likelihood that they will be abused, trafficked, and exploited in China. North Korean women are especially vulnerable to inhumane treatment and indentured servitude.²² Although Chinese authorities have taken limited steps to combat trafficking and protect trafficking victims,²³ traffickers continue to traffic an estimated 80 to 90 percent of the North Korean women in China,²⁴ and Chinese authorities refuse to provide these victims with legal alternatives to repatriation.²⁵ NGOs and researchers estimate that as many as 70 percent of North Korean refugees in China are women.²⁶ In March 2012, the director of a South Korean NGO said that between 20,000 and 30,000 North Korean women were trapped in "what many observers see as a form of slavery."²⁷ Traffickers, many of whom operate in organized networks, have used false promises to lure North Korean women into China, and have abducted those entering China on their own.²⁸ Traffickers reportedly blackmailed North Korean women in China by warning them that if they did not obey, they would be reported to Chinese authorities, who would forcibly repatriate them.²⁹

The trafficking of North Korean women has created a black market in which refugees have been "moved and traded like merchandise, with many sold as 'brides,' kept in confinement, and sexually assaulted," according to sources cited in a March 2011 Radio Free

Asia report.³⁰ There has been a high demand for wives in north-eastern China where severe sex ratio imbalances have spurred the Chinese market for trafficked North Korean brides, and where poor, disabled, or elderly men have difficulty finding wives.³¹ In other cases, North Korean women have been trafficked into commercial sexual exploitation and forced to work as prostitutes or in Internet sex operations.³² Some women reportedly have been sold and resold multiple times,³³ and trafficked North Korean women have testified to being beaten, sexually abused, and locked up to prevent escape.³⁴

The Chinese government's repatriation of trafficked North Korean women contravenes the 1951 Convention and its 1967 Protocol,³⁵ and the Chinese government 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."³⁶ The Chinese government's failure to prevent trafficking of North Korean women and protect them from revictimization also contravenes its obligations under Article 9 of the UN TIP Protocol and Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women.³⁷

Foreign Aid Workers in China

Chinese authorities also forcibly detained, tortured, and deported those who attempted to assist North Korean refugees, including foreign aid workers and those involved with humanitarian organizations.³⁸ In March 2012, for example, Chinese state security officials in Dalian municipality, Liaoning province, detained four South Korean activists on charges of "endangering state security," after they allegedly interviewed North Korean refugees hiding there.³⁹ The four South Korean detainees reportedly had interviewed refugees to collect information about their circumstances and the situation in the DPRK.⁴⁰ After their release in July 2012, one of the detainees, Kim Young-hwan, alleged he was tortured while in Chinese custody.⁴¹

PUBLIC HEALTH

Public Health Advocacy

Despite official recognition of the positive role non-governmental actors have played in raising awareness about health concerns, combating stigma, and promoting prevention of diseases,¹ some Chinese civil society organizations and individual citizens continued to face government harassment and interference in their public health advocacy work during the Commission's 2012 reporting year. Restrictions that central authorities placed on registration² and funding³ of non-governmental organizations (NGOs) in 1998 and 2009, respectively, remain in effect and have reportedly been used to monitor, control, and limit NGO activities.⁴ Nineteen provinces and regions have begun experimenting with direct registration of NGOs, but a civil affairs official in Guangdong province noted that the health sector is not included.⁵

Challenges for public health advocates and organizations continued during this reporting year, as illustrated in the following three cases:

- **Hu Jia.** Officials have repeatedly subjected Beijing-based HIV/AIDS advocate Hu Jia to harassment and monitoring since his June 2011 release from prison upon completion of his three-and-a-half-year sentence for "inciting subversion." Specific instances of official harassment of Hu Jia during this reporting year included police threatening him in October 2011;⁶ officials following and filming him on a visit to the Ministry of Health in November 2011;⁷ officials searching his home, confiscating his computer, and calling him in for questioning in January 2012;⁸ and officials briefly detaining him in both April and June 2012.⁹ Hu Jia reportedly has been under constant surveillance by a team of at least 16 people.¹⁰
- **Beijing Huiling.** In March 2012, the Beijing News profiled the experience of Beijing Huiling, an NGO that provides housing and services to disabled persons. Beijing Huiling has reportedly faced several difficulties in trying to secure registration as a civil society organization and has been unable to do so for 12 years.¹¹ Beijing Huiling reported that, if it could not successfully register as a "social organization" by May 2012, it would have to close due to lack of funding.¹² [For additional information on Beijing Huiling's situation and the impact of registration restrictions on NGOs, see Section III—Civil Society.]
- **HIV/AIDS NGOs in Hebei province.** Hebei officials reportedly announced in February 2012 that every social organization in the province must register with their local civil affairs bureau before May 1, 2012, or else they would be "banned."¹³ In an interview with Caixin regarding the crackdown, one representative from an unregistered Hebei HIV/AIDS NGO communicated concern that the organization would have to discontinue future activities, noting, "It is not that we don't want to have legal status. Rather, it is simply impossible for HIV/AIDS organizations to meet civil affairs registration standards. Currently the government deems our activities illegal. . . ." ¹⁴

Health-Based Discrimination

DISCRIMINATION IN EMPLOYMENT

Health-based employment discrimination is prohibited under Chinese law,¹⁵ yet the problem remains widespread.¹⁶ Reports this year have shed light on the unique difficulties that people living with HIV/AIDS face when seeking legal recourse for employment discrimination based on their HIV status.¹⁷ For example, many public institutions continue to set physical requirements for job applicants based on the General Standards for Civil Service Recruitment Examinations (General Standards),¹⁸ despite the fact that the General Standards are in apparent conflict with other Chinese laws and regulations prohibiting discrimination.¹⁹ In addition, the manual accompanying the General Standards contains outdated and incorrect information on the risks of HIV/AIDS,²⁰ posing added challenges for people living with HIV/AIDS in securing employment.²¹ Health-based employment discrimination with respect to other forms of illness such as Hepatitis B virus²² and diabetes,²³ as well as physical disabilities,²⁴ also remains commonplace, according to several reports in this past year. Lawsuits filed to challenge health-based discrimination in Anhui,²⁵ Sichuan,²⁶ and Guizhou²⁷ provinces in the past year have been unsuccessful, even when appealed.²⁸

DISCRIMINATION IN HEALTHCARE

Reports from the 2012 reporting year indicate that discrimination based on HIV status remains a barrier preventing many from accessing adequate healthcare.²⁹ In one representative example, an HIV-positive burn victim reportedly sought treatment in three hospitals in Guangdong province, but each denied her care due to her HIV status.³⁰ In addition to common denial of medical treatment due to HIV status,³¹ concerns regarding lack of patient confidentiality remain a deterrent for those seeking medical attention for HIV/AIDS.³²

DISCRIMINATION IN EDUCATION

Health-based discrimination remains a barrier in access to education. For example, in September 2011, Beijing municipal authorities refused radio broadcasting student Dong Lina's application to take certain exams to progress in her media studies due to her visual impairment.³³ In connection with this, the NGO Beijing Yirenping launched a campaign to raise awareness of education discrimination against the visually impaired.³⁴

Mental Health

China has signed and ratified the International Covenant on Economic, Social and Cultural Rights, and in doing so, China has committed to ensuring "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."³⁵ During the Commission's 2012 reporting year, Chinese authorities continued to move the country's first national mental health law through the final stages of consideration. In June 2011, a draft was released for public comment,³⁶ and in October 2011, the National

People’s Congress (NPC) Standing Committee reviewed a revised draft of the proposed legislation.³⁷ The NPC Standing Committee conducted a review of an amended draft in August 2012.³⁸ The drafts contain revisions that, if faithfully implemented, could further constrain officials from abusing psychiatric detention³⁹ to stifle or punish dissent.⁴⁰ Despite these potential improvements, the drafts raise concerns regarding the law’s compliance with the UN Convention on the Rights of Persons with Disabilities (CRPD),⁴¹ which China has signed and ratified.⁴² Specific concerns include the drafts’ failure to make independent reviews of an initial diagnosis mandatory, lack of provision for the appointment of legal counsel, and lack of safeguards that would place time limits on involuntary commitment.⁴³ In August 2012, Chinese Human Rights Defenders submitted a report to the CRPD monitoring body that details abuses of involuntary psychiatric commitment in China and includes recommendations for provisions to the mental health law to stem such violations.⁴⁴ The Commission has not observed official statements providing information on an expected finalization timeframe for the mental health law.⁴⁵

Organ Transplants in China: Developments and Controversies

On March 22, 2012, a top Chinese health official announced that, within three to five years, central authorities would “abolish” the practice of harvesting organs from death-row prisoners, a group that reportedly has been the primary source of organs for transplants in China.⁴⁶ The announcement follows a trend in recent years of increased government regulation surrounding the transfer of human organs, including the 2007 Regulations on Human Organ Transplants (2007 Regulations),⁴⁷ the 2009 establishment of an official national organ donation database,⁴⁸ and the 2011 revision to the PRC Criminal Law, which, for the first time, categorized organ trafficking as a crime.⁴⁹ In 2012, the Chinese government prosecuted organ traffickers⁵⁰ and conducted a multi-province crackdown on organ-trafficking rings,⁵¹ and legal experts called for amendments to the 2007 Regulations to stop organ trafficking.⁵² Nevertheless, there continue to be reports of illegal organ transplants in recent years⁵³ and allegations of organ harvesting from non-consenting Falun Gong practitioners.⁵⁴ Dr. Luc Noel, an expert from the World Health Organization, reported in May 2012 that, “while commercial [organ] transplantation is now forbidden by law in China, that’s difficult to enforce; there’s been a resurgence [in China] in the last two or three years.”⁵⁵ Dr. Noel also noted that China’s military hospitals may be involved in such transplant operations.⁵⁶ [See Section II—Criminal Justice—Sentencing, Punishment, and Execution for more information.]

THE ENVIRONMENT

Environmental Challenges, Legal Developments, and Enforcement Issues

SEVERE POLLUTION CHALLENGES

During the Commission's 2012 reporting year, despite some progress,¹ pollution problems remain a significant challenge,² and the associated financial costs continue to grow.³ Severe water,⁴ air,⁵ and solid waste⁶ problems persist. Pollution in rural areas reportedly is surpassing that in urban areas.⁷ Heavy metal pollution remains severe,⁸ even as officials prioritize closing or cleaning up related enterprises.⁹ Environmental accidents sustained high numbers. A China Daily article, citing official statistics, reported 542 environmental accidents handled in China in 2011.¹⁰ Water quantity problems also are prominent.¹¹ In addition, officials in many coastal areas tasked with transforming their economies have closed many highly polluting enterprises, which reportedly led to two main problems: factories leaving behind contaminated sites, or "brownfields";¹² and some polluting industries migrating to less developed areas where environmental protection capacity is weaker.¹³

LEGAL DEVELOPMENTS AND ENFORCEMENT

Authorities continue to develop a regulatory framework to address these environmental problems, although some efforts appear stifled. In late August 2012, the National People's Congress Standing Committee completed the first reading of the draft amendment to the 1989 PRC Environmental Protection Law (EPL) and released draft revisions for public comment.¹⁴ The draft revisions contained some of the incentives for greater transparency and official accountability present in previous drafts,¹⁵ although revisions do not contain proposed language that specifies stronger support for public participation.¹⁶ Efforts to pass technical guidelines regarding public participation in environmental impact assessments appear to have stalled.¹⁷ In 2011, in a potentially positive development, the revisions to the PRC Criminal Law expanded the scope of behaviors affecting the environment that could be considered criminal.¹⁸ In November 2011, the State Council issued the Opinion Regarding Strengthening Key Environmental Protection Work, which includes provisions intended to improve environmental supervision;¹⁹ and in December, it issued the National 12th Five-Year Plan for Environmental Protection, which states support for transparency, and public participation and supervision.²⁰ Authorities passed several other measures regarding water conservation,²¹ hydroelectric dams,²² environmental impact assessments,²³ environmental damage assessments,²⁴ and company environmental reporting²⁵ that include provisions relating to accountability, public participation, or transparency. In addition, the 2012–2015 National Human Rights Action Plan issued in June 2012 included a section on "environmental rights."²⁶

Despite efforts to develop a regulatory framework, significant challenges remain for the development of rule of law in the environmental sector. These challenges include lax enforcement and non-compliance,²⁷ local environmental protection bureau (EPB) de-

pendence on local governments and lack of authority vis-a-vis other departments,²⁸ official evaluation criteria and incentives that over-emphasize economic development,²⁹ environmental penalties that are too low to deter polluting behavior,³⁰ and corruption—which reports say is increasing.³¹

Access to Justice and Suppression of Citizen Demands for a Cleaner Environment

Access to formal legal remedies remains unreliable,³² despite potential advancements in public interest law and growth in the number of specialized environmental court pilot projects, which increased from several in 2009 to at least 61 nationally by July 2012.³³ Legal remedies remain unreliable in part because of judges' reluctance to accept some environmental cases.³⁴ For example, a group of fishermen filed a case in the United States against ConocoPhillips reportedly because a Chinese court would not accept a similar suit.³⁵

ENVIRONMENTAL PUBLIC INTEREST LAW

In August 2012, Chinese officials passed an amendment to the PRC Civil Procedure Law with an article that, for the first time, allows “agencies and relevant organizations stipulated by law” to initiate lawsuits for “acts that harm the public interest,” including environmental pollution.³⁶ According to Chinese media, experts say judicial interpretation or additional laws and regulations are needed to determine what constitutes a public interest (PI) suit and which organizations have standing to file;³⁷ currently, the vagueness of the article gives considerable discretion to implementing officials. Local officials have already allowed such suits, including a court in Yunnan province, which in October 2011 accepted a lawsuit involving alleged illegal dumping of chromium sludge brought in part by two non-governmental organizations (NGOs) not directly affiliated with government agencies,³⁸ marking the second time independent NGOs have participated in filing a PI lawsuit.³⁹ The NGOs involved reportedly faced challenges in gathering evidence and preparing for the Yunnan case, including being harassed by security guards from one of the suspected companies.⁴⁰

SUPPRESSION OF OUTSPOKEN ENVIRONMENTAL ADVOCATES

Officials continue to harass or in some cases detain environmental advocates. Authorities in Hainan province detained former forestry official Liu Futang in mid-July on suspicion of “illegal business activities.”⁴¹ Liu had reportedly posted critical comments about a proposed power plant,⁴² and his microblog sites were reportedly blocked two months after a large-scale protest in April 2012 over the plant.⁴³ Liu also published a book titled “Hainan’s Tears” in Hong Kong, but did not obtain a PRC publication number.⁴⁴ He reportedly was critical of other projects and had received threatening phone calls from an unnamed source.⁴⁵ Police in Yixing city, Jiangsu province, continue to monitor the activities of environmental advocate Wu Lihong.⁴⁶ One report indicates officials placed security cameras outside of his home, blocked his access to the Internet, routinely followed him, and did not allow him to work.⁴⁷

The Commission continues to monitor the case of environmental advocate Zhang Changjian in Pingnan county, Fujian province, whom local officials accused of conducting “illegal activities in the name of a social organization” in July 2011 after he held legal education programs for farmers.⁴⁸ Authorities released him after a brief detention but indicated they would continue to investigate his activities.⁴⁹ In February 2012, authorities in Sichuan province reportedly detained four environmental advocates including Lubum, Dragpa, and Dawa, all of whom belonged to the Tawu Environmental Protection Association, a group that had opposed mining, deforestation, fishing in sacred rivers, and smuggling of wildlife products.⁵⁰ In some cases, citizens who complain about pollution later face retribution from officials. For example, in November 2011, officials in Qingshu village, Hunan province, reportedly retaliated against people who had been filing complaints about pollution from a local coal mine for years.⁵¹ Media reports noted other instances of retribution against people complaining about or protesting pollution in Zhejiang⁵² and Fujian⁵³ provinces.

LARGE-SCALE PROTESTS: CHANNEL OF LAST RESORT

Protests regarding pollution are increasing and are often a tool of last resort for citizens seeking remedies from environmental harms. Official and academic estimates of the annual increase in the number of environmental protests range between 20 and 30 percent, although the actual number reportedly remains a well-guarded secret.⁵⁴

Citizens took to the streets in large numbers to demonstrate against hydroelectric dams and new or expanding sources of pollution. In mid-December 2011, 10,000 to 50,000 people protested for several days regarding expansion of a coal-fired power plant in Haimen town, Shantou city, Guangdong province.⁵⁵ Plant officials reportedly partially disregarded orders from environmental authorities to halt construction.⁵⁶ Some protesters reportedly blocked a highway, surrounded government buildings, and burned police cars after authorities refused to meet with them.⁵⁷ Reports suggest police beat protesters, injuring dozens, and detained five demonstrators for “vandalism.”⁵⁸ Authorities denied entry to and detained Hong Kong journalists, and erased images from their cameras.⁵⁹ Officials reportedly warned people not to talk to anyone about the protests or they may face imprisonment.⁶⁰ In March and April 2012, thousands of people in Yinggehai township, Hainan province, demonstrated against a coal-fired power plant.⁶¹ In July, thousands of citizens clashed with police during a protest against a planned molybdenum-copper project in Shifang city, Sichuan province.⁶² Authorities claimed student participants had been “incited” by “some people” with “ulterior motives,”⁶³ and used tear gas to disperse protesters.⁶⁴ Officials suspended the project, but warned they would investigate people who allegedly had “spread rumors.”⁶⁵ Li Chengpeng, a blogger, reported that authorities demanded that he delete his report on the Shifang case.⁶⁶

Other protests involved citizens seeking redress for longstanding environmental grievances. In September 2011, hundreds of citizens in Haining city, Zhejiang province, protested pollution from a photovoltaic panel producer.⁶⁷ During the conflict, protesters over-

turned cars and stormed the factory.⁶⁸ News reports indicate security officials beat protesters and detained at least 20, including some for speaking with reporters and 1 for “dissemination of false information.”⁶⁹ In July 2012, in Qidong city, Jiangsu province, thousands protested plans to pipe waste from a paper mill to the ocean because of concerns waste would pollute a fishery.⁷⁰ Authorities abandoned plans for the project after the protest.⁷¹ Officials reportedly censored news of the protest on microblogs,⁷² pressured students to pledge not to join the “illegal protest,” warned residents not to gather or “spread rumors,”⁷³ and police reportedly beat a Japanese reporter.⁷⁴ In August, police shot and killed a Tibetan named Nyima and detained six others during a protest involving approximately 1,000 people against a mining site in a township in Changdu (Chamdo) prefecture, Tibet Autonomous Region.⁷⁵ Authorities had suspended the project after residents voiced opposition, but reportedly now will move forward.⁷⁶

Environmental Transparency and Public Participation

Authorities in various locations took steps to improve some aspects of environmental information disclosure, and Premier Wen Jiabao voiced support for greater transparency.⁷⁷ A joint study by Chinese and international non-governmental organizations on open government information conducted in 113 cities during 2011 noted overall improvements in transparency, including advances in releasing information about official enforcement actions. Some locations, however, have not made much progress and others have fallen further behind.⁷⁸ The report emphasized the widening gap in information disclosure between more transparent eastern coastal regions and western and central regions.⁷⁹

During the reporting year, central environmental authorities passed measures to gradually improve air quality information transparency. In February 2012, authorities added fine air particulates (PM_{2.5}),⁸⁰ ozone, and carbon monoxide to the revised air quality index (AQI).⁸¹ The revised AQI will not go into effect until 2016, but select pilot cities will implement the index starting in 2012.⁸² After an official announcement about impending future revisions to the AQI in September 2011, there was a swell of public pressure to disclose PM_{2.5} data.⁸³ People utilized social media,⁸⁴ submitted suggestions to officials regarding legal measures,⁸⁵ and filed information requests for PM_{2.5} data, which authorities denied in November and December for a variety of reasons.⁸⁶ Several cities began to release PM_{2.5} data to the public in early and mid-2012.⁸⁷

Despite steps toward greater disclosure, news reports highlighted non-transparency related to environmental accidents and pollution monitoring data. A Chinese Academy of Social Sciences (CASS) study indicated only 13 of 26 surveyed provincial-level environmental departments released a list of the enterprises involved in “serious or major” pollution incidents as required by law;⁸⁸ and the director of a center at CASS noted “. . . a lot of [pollution] incidents have been concealed.”⁸⁹ In January 2012, for example, city-level officials in Guangxi Zhuang Autonomous Region did not publicly disclose information about a major cadmium spill for nine days.⁹⁰ Authorities maintain control over environmental quality data monitoring and publication, and central officials are revising

a regulation⁹¹ that, if passed in its current form, may strengthen this control. Environmental groups submitted suggestions regarding the draft revisions, including one proposal urging authorities to emphasize citizens' right to access information.⁹²

Since the passage of the Open Government Information Regulation (OGI) in 2008,⁹³ citizens have become more proactive in making requests for environmental data, but barriers to obtaining information remain. In March 2012, the Ministry of Environmental Protection (MEP) issued its annual report on OGI work. According to the report, the MEP received 334 requests for information in 2011, a 48 percent increase over the previous year.⁹⁴ The MEP received 111 administrative reconsideration requests.⁹⁵ After the August 2011 chromium slag dumping case in Yunnan province, a Yunnan environmental non-governmental organization (NGO) filed open government information requests regarding the source of credit for the company implicated in the case.⁹⁶ The group, along with 23 other organizations, also filed requests with 16 banks.⁹⁷ Two government ministries and a state-owned bank denied information requests from the Yunnan group.⁹⁸ In the autumn of 2011, officials from two environmental protection bureaus (EPBs) denied requests by the All-China Environment Federation (ACEF), a quasi-governmental NGO affiliated with the MEP, about water pollution from a milk plant in a city in Guizhou province. The ACEF filed a lawsuit challenging the denial and won.⁹⁹ One report notes an expert's opinion that many people cannot obtain the pollution emissions data they need to protect their rights.¹⁰⁰ During 2011, local and provincial environmental authorities in Jiangsu province denied resident Xie Yong's multiple requests for information regarding pollution emissions from a waste incineration power plant on the grounds that the information was a "commercial secret," and the company involved must approve its disclosure.¹⁰¹ Xie plans to sue the provincial EPB for its refusal.¹⁰² Xie believes pollution from the power plant is associated with his son's health problems.¹⁰³ Reports indicate Xie lost a court case and an appeal against the power plant on the grounds that he could not provide conclusive data.¹⁰⁴

Climate Change: Rule of Law, Public Participation, Transparency, and Rights Infringements

China's efforts to address climate change depend on the development of the rule of law, the incorporation of public participation in policy processes, and transparency. During this reporting year, the International Energy Agency said China made the world's largest contribution to the global increase of carbon dioxide emissions.¹⁰⁵ Chinese authorities reported on past actions and outlined future plans to mitigate and adapt to climate change in a white paper on climate change.¹⁰⁶ The State Council also reportedly issued a Greenhouse Gas Emissions Control Work Plan (2011 to 2015) that mentioned gradual development of a carbon emissions trading market and a total emissions control system.¹⁰⁷ While citizens, environmental groups, professional associations, and mass organizations may participate in activities to address climate change,¹⁰⁸ they have little influence in setting national policies toward climate change.¹⁰⁹ Some professional associations directly linked to govern-

ment agencies or the Communist Party, however, purportedly play a role in formulating standards and promoting technology linked to energy conservation.¹¹⁰ Chinese leaders have pledged to improve greenhouse gas data reliability.¹¹¹ Nevertheless, reports noted challenges in this regard, including reported gaps between national and provincial-level statistics on carbon dioxide emissions¹¹² and insufficient information provided about data sources used to assess energy efficiency gains.¹¹³

Chinese authorities plan to reduce dependence on fossil fuels and increase reliance on renewable energy, including constructing nuclear power plants and hydroelectric dams.¹¹⁴ Some of the dam projects are reported to involve involuntary relocation practices and arbitrary detention. In February, authorities in Hanyuan county, Sichuan province, detained rights advocate Cao Xianglan, saying they would hold her for one month in administrative detention for petitioning against the demolition of her home, which officials said was necessary to make way for the Pubugou Dam.¹¹⁵ In August 2011, 39 citizen representatives from Hongjiang city, Hunan province, reportedly traveled to Beijing to file complaints about being relocated to make way for the Tongwan and other dams.¹¹⁶ Local authorities purportedly sentenced or administratively detained the representatives upon their return.¹¹⁷

Grassland herder relocation programs, which authorities reportedly conducted to address grassland degradation and to modernize the animal husbandry industry, have in some cases been non-voluntary.¹¹⁸ As noted by the UN Special Rapporteur on the Right to Food, herder relocation programs in China, sometimes labeled “environmental migrations,” have involved situations in which herders have no choice but to sell their herds, and in some respects have not adhered to international standards of grasslands science.¹¹⁹ Herder relocation programs reportedly also have diminished citizens’ economic independence, resulting in the loss of land and traditional livelihoods.¹²⁰

III. Development of the Rule of Law

CIVIL SOCIETY

Government and Party Control

Chinese civil society organizations continue to grow in number and engage in valuable educational work, social welfare service provision, and issue advocacy. A restrictive regulatory environment, however, limits the development of an independent civil society. Official policy is to control the development of civil society by expanding and bringing under government control groups that promote Chinese government and Communist Party objectives, while marginalizing groups that seek to operate more independently.¹ Chinese law does not provide for a positive right to establish a civil society organization, and authorities have considerable discretion in determining which groups attain legal recognition.² This broad discretion contravenes 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 interests of national security or public safety”³

Chinese law recognizes three main types of civil society organizations—social organizations (SOs), non-governmental and non-commercial enterprises (NGNCEs), and foundations—and requires those wishing to establish one of these groups to register with the Ministry of Civil Affairs or its provincial or local counterpart.⁴ An important prerequisite to registering is securing the backing of a sponsor organization.⁵ Sponsor organizations are government and Party departments, or mass organizations (the All-China Federation of Trade Unions, for example) approved by the government or Party.⁶ Sponsor organizations must agree to assume the burden of actively supervising the civil society organizations they sponsor.⁷ According to the authors of a comprehensive paper on Chinese non-governmental organizations (NGOs), the sponsor organization’s role in the establishment and day-to-day running of Chinese civil society organizations “effectively prevents any political activity or other activities by [non-profit organizations] which in the view of the Chinese government pose a challenge to its own power or the unity of the country.”⁸

The government imposes additional restrictions on groups wishing to register. Both the SO and NGNCE regulations prevent the establishment of two organizations with similar mandates in the same administrative region.⁹ The SO regulation requires a minimum of 50 members and 30,000 yuan (US\$4,735) in funds.¹⁰ Organizations that try to carry out activities independently without registration are considered illegal.¹¹ This past year, the government continued to crack down on unregistered groups, including campaigns in Ganzi Tibetan Autonomous Prefecture, Sichuan province,¹² and Hebei province.¹³

Once registered, groups remain subject to numerous restrictions. They must undergo an annual inspection,¹⁴ which groups that offend authorities reportedly face difficulties passing.¹⁵ In recent years, authorities have tightened restrictions on foreign funding,

which had been a main source of support for some groups.¹⁶ A 2009 State Administration of Foreign Exchange circular requires, among other things, that the non-governmental organization (NGO) present authorities with a notarized donation agreement stating the purpose of the donation, and that the foreign donation goes into a special foreign exchange bank account.¹⁷ Authorities remain suspicious of foreign-funded groups.¹⁸

During the Commission's 2012 reporting year, Chinese officials, scholars, state-controlled media, and NGO leaders continued to criticize the regulatory environment for NGOs as unnecessarily restrictive. A May 2012 China Newsweek article featured proponents of reform, including a Tsinghua University professor who singled out the sponsorship requirement as the main reason why, according to his estimates, 3 to 4 million groups operate without registration in China (compared to about 460,000 groups that are registered).¹⁹ In the same article, top officials at the Ministry of Civil Affairs' Civil Organization Management Bureau expressed concern with the government's heavy influence over most registered groups and the slow pace of growth (2 to 3 percent) of registered groups in recent years.²⁰ These officials noted that the system, originally designed to ensure that social organizations were "politically reliable," was now "completely blocking [groups] that should not be blocked."²¹ In March 2012, the Beijing News profiled the experience of a group helping disabled persons, Beijing Huiling, which had been unable to secure registration for 12 years.²² The report highlighted numerous difficulties Beijing Huiling faced, from the inability to find a sponsor organization to officials deeming the group unnecessary because another organization was already meeting the "needs of all the disabled" in that jurisdiction.²³ A member of an HIV/AIDS advocacy group, commenting on the crackdown on unregistered groups in Hebei province, told Radio Free Asia in March that most of the country's 118 HIV/AIDS organizations were unregistered because they could not find a sponsor organization or were too small to meet legal requirements.²⁴

Some civil society organizations choose to register as businesses and they, along with unregistered groups, struggle to survive without the advantages afforded to registered civil society organizations. Unregistered groups and those registered as businesses do not enjoy certain tax benefits, are ineligible for government projects, and cannot solicit public donations.²⁵ The head of Beijing Huiling, which is registered as a business, noted in March 2012 that the organization was in debt last year and was having difficulty paying employee salaries. "Without a legal identity as a charity organization, we cannot enjoy tax exemption, and it's difficult for us to raise funds from enterprises or the public as we cannot even provide a formal receipt to our donors," she said.²⁶ In April 2012, the Ministry of Civil Affairs issued draft regulations intended to improve transparency of foundations²⁷ but which would also bar them from giving funds to for-profit businesses, further marginalizing civil society organizations registered as businesses.²⁸ Chinese foundation leaders criticized this aspect of the draft during the public comment period.²⁹ In the officially promulgated regulations released on July 29, 2012, as "Certain Regulations Concerning Standards of Foundation Behavior," the provision that had

barred the funding of for-profit organizations in the draft version was revised to “foundations should not financially support profit-seeking activities.”³⁰

Harassment of NGOs engaged in advocacy on issues the Chinese government and Communist Party deem politically sensitive continued this past year. The government reportedly remains wary of advocacy, religious, and policy-oriented groups.³¹ A crackdown on NGOs advocating for workers in the manufacturing center of Guangdong province was reported to have started in early 2012 and has continued throughout the summer. According to media reports, several worker services NGOs encountered surveillance, tax audits, inspections from multiple government agencies, and harassment from landlords who evicted them or cut off their water and electricity, leading many of the NGOs to close.³² Ten Shenzhen-based worker services NGOs reportedly have been targeted.³³ In the case of the Times Female Workers Service Center, officials reportedly ordered it to relocate or stop operations because of its unregistered status.³⁴

Regulatory and Legislative Developments

In recent years, officials have considered limited measures to make it simpler for groups to register, including removing the sponsor organization requirement and allowing groups to directly register with the government. At the national level, such proposals reportedly have stalled. In March 2012, Premier Wen Jiabao told a national meeting of civil affairs officials to “speed up reform of the registration and management system for social organizations,” including allowing certain organizations to register directly with the government without needing a sponsor organization.³⁵ Civil affairs officials cited in a May 2012 China Newsweek article noted, however, that little progress had been made with proposed amendments to the three main national regulations governing social organizations, non-governmental and non-commercial enterprises, and foundations. The Ministry of Civil Affairs (MCA) submitted the amendments to the State Council Legislative Affairs Office (SCLAO) in March 2011.³⁶ According to officials from the MCA Social Organizations Management Department, the SCLAO has not yet submitted the draft for review during a State Council executive meeting.³⁷ An SCLAO official told China Newsweek that, barring special circumstances, he did not expect the “three regulations” to appear (on the agenda) in 2012.³⁸

Limited reforms continue at the provincial and local level but do not fundamentally alter the government’s role in approving and overseeing all groups. The MCA has entered into cooperative agreements with select localities in recent years, and reportedly will assess local-level experiments for possible national expansion.³⁹ In recent years, the governments of Beijing municipality,⁴⁰ Shanghai municipality,⁴¹ and Shenzhen Special Economic Zone⁴² have passed measures aimed at streamlining the registration process, including allowing certain categories of groups to register directly with civil affairs departments without a sponsor organization. This trend continued in the past year. In February, Yunnan province announced plans to allow “philanthropic, social welfare, and social service” groups to apply directly with civil affairs departments later

in 2012 and to “launch a provincial-level pilot project” on shifting sponsor organizations to a more advisory role.⁴³

A social management regulation⁴⁴ took effect in March 2012 in Shenzhen that reportedly expands the types of organizations that can register directly with the civil affairs bureau to include “culture, ecology, social service and sports organizations,”⁴⁵ in addition to the “econom[ic], social welfare, and public welfare” groups that have been permitted to register directly since 2008.⁴⁶ A direct registration program took effect in Guangdong province in July 2012,⁴⁷ reportedly leading to an initial marked increase in registration applications. Moreover, the Guangdong Province Department of Finance released in early August a catalogue for government procurement of services from social organizations.⁴⁸ Yet, according to a Guangdong NGO worker, the crackdown on worker services NGOs “has raised a lot of questions about whether this is a real opening or just a new series of social management policies.”⁴⁹ A prominent activist has warned that government contract work may co-opt civil society organizations (CSOs) in that these organizations would be less likely to criticize the government (from which they aim to win contracts), thus diminishing their “vitality,” “function,” and “mission.”⁵⁰ CSO leaders in Guangdong and a Tsinghua University scholar also have expressed concern that the government is not planning for longer term sustainability, transparency, or the fair distribution of resources among social organizations with respect to registration and procurement policies.⁵¹

While removing entry barriers to some groups’ registration, officials continued to tighten controls over registered groups’ activities. In June 2012, an MCA working group issued the Measures for the Administration of Seminar and Forum Activities by Social Organizations, which places certain restrictions on civil society organizations’ hosting of seminars and forums.⁵² For example, Article 4 of the measures requires CSOs to notify their sponsor organizations of the purpose, content, and scope of the activity, as well as names of participants, time and location of the activity, and its source of funding.⁵³

This past year, authorities also made symbolic gestures to signal a more accommodating stance toward human rights, political, and religious groups. These gestures were limited, however, and intended not to guarantee the independence of organizations but rather to co-opt their usefulness in pursuing overarching state aims. In May 2012, Minister of Civil Affairs Li Liguo reportedly said that human rights and political organizations would be treated equally in the registration and review process.⁵⁴ He noted, however, the government’s considerable discretion to approve such groups based on vague criteria such as an organization’s “founding conditions, necessity of establishment, activity objective and their roles in social and economic development.”⁵⁵ In February 2012, the State Administration for Religious Affairs, MCA, and four other government departments issued an opinion to “encourage and standardize” religious communities’ participation in public service activities.⁵⁶ The opinion, which notes that “some localities and departments did not adequately recognize the positive significance of religious communities participating in charitable activities,”⁵⁷ calls for, among other things, “equal treatment” of religious groups in es-

tablishing charitable organizations.⁵⁸ The opinion emphasizes, however, consistency with the Party's basic policy on religion and the potential that religious communities can play in "promoting economic development and social harmony," rather than guaranteeing the independence of such groups from government intervention.⁵⁹ The government's emphasis on controlling the development of civil society to serve state aims was also reflected in the government's 2012–2015 National Human Rights Action Plan, which calls for "encouraging orderly participation by social organizations in social construction."⁶⁰

Revisions to the PRC Civil Procedure Law that authorities passed in August 2012 anticipate a role for environmental protection and consumer rights groups, among other organizations, in public interest litigation.⁶¹ Early drafts of an article in the amendment to the law led groups to submit suggestions advocating for revision of language that potentially would limit the kinds of organizations able to act as parties in public interest litigation.⁶² Following passage of the revised law,⁶³ the Deputy Director of the National People's Congress Legislative Affairs Commission, Wang Shengming, stated that the terminology chosen for the final version of the article in question substituted "relevant organizations" (*youguan zuzhi*) for "relevant social groups" (*youguan shehui tuanti*) because this would "expand the scope of those organizations eligible to be plaintiffs in public interest litigation."⁶⁴ The amendment, however, does not make clear which organizations, including non-governmental ones, will be able to file.⁶⁵ [See Section II—The Environment for more information on developments in environmental public interest litigation.]

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Context for Institutions of Democratic Governance: Party Control

REACH OF THE STATE UNDER ONE-PARTY RULE

During the Commission's 2012 reporting year, the Chinese Communist Party continued to dominate China's authoritarian political system, and Party authorities stepped up efforts to expand Party organizations into and exert influence over every sector of society. An August 2012 article noted the Party had more than 82 million members and 4 million Party organizations.¹ Party organizations penetrate every level of society, including villages and urban neighborhoods,² public service organizations (including hospitals, schools, and research institutes),³ government departments, and quasi-governmental organizations.⁴ Chinese leaders continued to impose Party leadership over the Internet and through the media by limiting the media's role and by exerting control over content,⁵ as well as through the promotion of "socialist culture with Chinese characteristics."⁶ In addition, to strengthen the Party's reach, Party officials this year focused Party-building and Party-loyalty campaigns on grassroots organizations,⁷ the legal profession,⁸ universities,⁹ non-state-owned businesses,¹⁰ social organizations,¹¹ and the military.¹² 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,¹³ which China has signed and declared an intention to ratify.¹⁴ Nor have Chinese officials complied with the standards outlined in the Universal Declaration of Human Rights.¹⁵ The Communist Party continues to dominate government and allows only limited independent political participation.¹⁶

STRENGTHENING POLITICAL CONTROL BY EXTENDING REACH INTO
SOCIAL AFFAIRS: PRIORITY TASKS OF "SOCIAL MANAGEMENT" AND
"SOCIAL STABILITY"

The Party strengthens its legitimacy and control in the political realm by intensifying and extending its reach into citizens' social lives through institutions at all levels in the name of "social management" and maintaining "social stability." President and Party General Secretary Hu Jintao has said that "social stability" is "an important prerequisite for reform and development."¹⁷ In September 2011, the top Party-government body¹⁸ that leads work in "maintaining social order," first established in 1991,¹⁹ expanded from 29 Party organizations and government agencies to 40 agencies, and it changed its name to the Central Committee for Comprehensive Administration of Social Management.²⁰ Provincial committees have begun to follow suit.²¹ With the thematic shift from "social order" to "social management," the central-level committee's scope of operations reportedly has expanded.²²

Zhou Yongkang, Secretary of the Communist Party Central Committee Political and Legal Affairs Commission and member of the Standing Committee of the Political Bureau of the Communist Party Central Committee, has stated that "social management" is the "foremost duty and task" of Party and government organizations.²³ "Social management" is a broad term that authorities first

articulated in 1998²⁴ and have emphasized in the Party's agenda at least since 2007.²⁵ One scholar explained that "social management" is a basic function of government,²⁶ and that it connotes the government "manages and regulates social affairs, social organizations, and social life."²⁷ He noted that, in addition to public security and "social stability," "social management" encompasses other issues including interest coordination, food safety, and emergency management.²⁸ He also explained that the "ultimate purpose of social governance reform lies in mitigating the threat of social conflicts and safeguarding social order and stability."²⁹

Party and government leaders plan to establish "social management structures" "under the leadership of the Party, with responsibilities delegated to the government, with coordination by society, and with participation from the public."³⁰ Some provinces, municipalities, and cities have already established "social management work departments" or "social affairs committees."³¹ "Coordination by society"³² and "participation from the public" mean that authorities will involve mass organizations,³³ residence committees,³⁴ workplace personnel,³⁵ students,³⁶ and ordinary citizens,³⁷ among others, in "social management" work, including monitoring of citizens.³⁸

During the reporting year, senior Party and government leaders emphasized strengthening "innovations in social management" at the grassroots level.³⁹ As part of these efforts, central and local Party and government leaders initiated campaigns to send tens of thousands of Party and government cadres in work teams down to rural grassroots areas and into households.⁴⁰ These campaign activities allow officials to monitor and gauge if citizens are a threat to "stability," while simultaneously managing social welfare issues.⁴¹ In the Tibet Autonomous Region⁴² and the Xinjiang Uyghur Autonomous Region,⁴³ this year's campaigns were invasive, long term, and tasked with preventing "incidents." [For more information, see Sections IV—Xinjiang and V—Tibet.]

Under the banner of "social management" and "social stability," authorities expanded the scope of efforts to "manage" "critical" personnel, including rights defenders, petitioners, former prisoners, and labor activists.⁴⁴ One international rights group reportedly estimated that Chinese officials might be targeting 1 in every 1,000 citizens for control measures, which would equate to "managing" 1.3 million people nationwide.⁴⁵ These efforts have been financially lucrative for some.⁴⁶ In addition, some "management" efforts have become increasingly repressive, as illustrated in the cases of Chen Guangcheng, Yao Lifa, and other democracy and rights advocates.⁴⁷

Official Actions Against Democracy Advocates

Authorities continued to detain, arrest, and impose sentences on democracy advocates who exercise their rights to freedoms of assembly, speech, movement, and association. During the reporting year, authorities imposed particularly harsh sentences. In December 2011, authorities sentenced democracy advocate Chen Wei to nine years in prison for "inciting subversion of state power" in connection with political essays he wrote that were posted on overseas Web sites.⁴⁸ Also in December, authorities in Guiyang city,

Guizhou province, sentenced democracy advocate and rights defender Chen Xi to 10 years in prison for “inciting subversion” for 36 essays he posted online.⁴⁹ Chen was also involved in the “Guizhou Human Rights Forum” network and had tried to run for a local people’s congress seat.⁵⁰ In January 2012, authorities sentenced Li Tie to 10 years’ imprisonment for “subversion of state power.”⁵¹ Li has written about democracy, constitutional government, and direct elections at the local level and organized activities to honor Lin Zhao, a well-known activist.⁵² In February, authorities sentenced Zhu Yufu to seven years in prison for “inciting subversion of state power” for his alleged association with the China Democracy Party and for his writings, including a poem that allegedly “incited” people to “subvert state power” during the time of on-line calls for “Jasmine” protest rallies.⁵³ In addition, March reports indicate that court officials sentenced democracy advocate Xue Mingkai to four years in prison for “subversion of state power.”⁵⁴ Other democracy advocates remained in prison or reeducation through labor (RTL) facilities including: Liu Xiaobo (11 years), Liu Xianbin (10 years),⁵⁵ Guo Quan (10 years),⁵⁶ Zhou Yongjun (9 years),⁵⁷ Xie Changfa (13 years),⁵⁸ and Huang Chengcheng (2 years).⁵⁹ Authorities ordered Huang to serve two years of RTL for “inciting subversion of state power” for posting messages on the Internet in February and March 2011.⁶⁰ In addition, authorities in Qianjiang city, Hubei province, continued to restrict elections expert Yao Lifa’s freedoms.⁶¹ Local officials and school staff from Yao’s place of employment continued to escort him to work and back daily and even follow him to the bathroom.⁶² He reported that officials have also not let him teach or interact with other people.⁶³

Elections and High-Level Debate Regarding Reform

Some leaders continued to voice support for vaguely defined political and government reforms, but proposed reforms would only take place within the framework of the one-party system.⁶⁴ In March 2012, at the annual meetings of the National People’s Congress and the Chinese People’s Political Consultative Conference (Two Sessions), Premier Wen Jiabao said, “We must press ahead with both economic structural reform and political structural reform in particular reform in the leadership system of our Party and country,” according to Al Jazeera.⁶⁵ Wen, however, did not provide details regarding reforms and emphasized that China must “develop our socialist democracy in a step-by-step manner.”⁶⁶ A *Caijing* report noted Wen said “[we] need to change the Party substituting for the government” and the “overconcentration of government power.”⁶⁷ Along these lines, the Beijing municipal government issued an opinion noting a plan to reorganize governmental authority over the next five years with the two main goals of preventing corruption and decentralizing the concentration of power within and among government organizations.⁶⁸ Echoing Wen’s statements, the 2012–2015 National Human Rights Action Plan, issued in June 2012, outlined the government’s plans to “strengthen restraints on and supervision over the exercise of power, and earnestly guarantee citizens’ right of democratic supervision.”⁶⁹

LOCAL PEOPLE'S CONGRESS ELECTIONS AND HARASSMENT OF
"INDEPENDENT CANDIDATES"

During the reporting year, authorities held local people's congress elections, which began in May 2011 and will be completed prior to the end of 2012.⁷⁰ At the lowest administrative levels, including the county and township levels, citizens, in theory, directly vote for people's congress delegates.⁷¹ Above this level, people's congresses elect delegates for congresses at the next highest level.⁷² Ten or more citizens may nominate "independent candidates," otherwise known as "voter-nominated" candidates.⁷³ Reports surfaced, however, noting authorities in some locations did not accept the nomination of some of these "voter-nominated" candidates.⁷⁴ In this election period, as in past cycles, large numbers of "independent candidates" were winnowed out, leaving few to compete in elections.⁷⁵ Higher level Party officials exerted influence over elections by sending Party investigative groups to lower levels during elections not only to prevent corruption, but also to complete "control and supervision tasks,"⁷⁶ including:

- "Preventing internal or external hostile forces from having a hand in ruining elections, organized crime or evil forces from manipulating elections, clans and religious forces from interfering in elections";
- "Investigating candidates' qualifications" to "prevent 'problem individuals' from becoming nominees or representatives."⁷⁷

In some locations, authorities "optimized" people's congresses to make sure certain populations, such as workers and farmers, had a number of representatives that they deemed appropriate.⁷⁸

Prior to and during elections in some locations, local officials reportedly arrested,⁷⁹ detained, and monitored potential "independent candidates,"⁸⁰ as well as pressured their families, employers, and nominators.⁸¹ Officials also obstructed nomination processes and campaign or voter education activities.⁸² Reports indicate officials employed censorship tactics to minimize information about "independent candidates" and elections.⁸³ In addition, in some cases, officials detained newly elected deputies,⁸⁴ "guided" voters at the polls,⁸⁵ hindered secret ballots,⁸⁶ prevented voters from going to the polls,⁸⁷ removed ballot boxes, or did not count votes in public.⁸⁸

VILLAGE AUTONOMY AND VILLAGE COMMITTEE ELECTIONS

Village elections for "village committees"⁸⁹ have spread throughout China; their implementation, however, remains problematic. During the reporting period, ongoing problems with village elections included instances of vote buying, interference from township and town officials, stuffing ballot boxes, cancelled elections, and higher level officials removing recently elected officials.⁹⁰ Authorities in some areas reportedly "optimized" the mix of personnel on villager committees.⁹¹ Some township cadres apparently have cited rampant vote buying as a reason to call for dismantling village committee elections and allowing township officials to appoint village leaders.⁹²

During the reporting period, authorities continued to take steps to improve “grassroots autonomy,” including village elections, as well as promote “stability” and economic development. Authorities continued seeking to improve the caliber of village officials. The Party Central Organization Department sent over 26,000 university students to serve as village committee and village Party committee officials in a three-year program.⁹³ The trend toward electing officials with higher education and experience levels continued.⁹⁴ There reportedly continues to be an increase in the number of women cadres assuming leadership roles.⁹⁵ To “maintain stability” and improve transparency of village finances, authorities reportedly are also continuing to set up “supervisory committees” or similar organizations in villages as stipulated in the revised 2010 PRC Organic Law of the Villagers’ Committees.⁹⁶ Nationally, 514,000 villages have established village affairs supervisory mechanisms.⁹⁷ In some areas, officials claimed that “supervisory committees” reduced the frequency of complaints villagers lodged at higher levels against local officials.⁹⁸

The village elections in Wukan village, Lufeng city, Shanwei municipality, Guangdong province,⁹⁹ widely touted as innovative, are unlikely to be replicated. The Party Secretary of Guangdong, Wang Yang, said the elections were not “innovations” and noted “[w]hat made the Wukan election special was that the Organic Law and election rules were fully observed and implemented in detail this time, unlike previous pro forma elections.”¹⁰⁰ What made the elections in Wukan unique was that relevant laws¹⁰¹ did not provide for some of the procedures the villagers initiated. For example, authorities allowed Wukan citizens to vote for the election committee that oversaw village elections, through modified procedures not provided for by law.¹⁰²

Party and Government Accountability and Transparency

TRANSPARENCY AND OPEN PARTY AND GOVERNMENT AFFAIRS

Central authorities seemed to encourage the strengthening of open government information (OGI) institutions¹⁰³ and policies at the national,¹⁰⁴ local, and grassroots levels.¹⁰⁵ During 2011, central-level government departments issued 81 OGI-related provisions,¹⁰⁶ and provincial-level authorities issued 98.¹⁰⁷ The Supreme People’s Court (SPC) drafted a new measure, opening it for public comment in early November 2011,¹⁰⁸ which clarifies six conditions under which officials should not disclose information, including if disclosure would be harmful to national security or “social stability.”¹⁰⁹ In April 2012, Premier Wen Jiabao called on provincial governments to disclose expenditures fully on overseas trips, food and entertainment, and vehicles (*sangong*); he also promoted disclosure of government department budgets within two years.¹¹⁰ In May 2012, the State Council issued a circular that emphasized promotion of transparency in eight areas, including food safety, environmental protection, government finances, and safe production.¹¹¹

Proactive official disclosure of information remained sporadic, despite stated support for transparency from high-level leaders. The National People’s Congress’ compliance with the commitment to post drafts of all trade and economic rules and regulations for pub-

lic comment for 30 days deteriorated during the period between mid-March 2011 and mid-March 2012; it only released three of nine laws passed for public comment during the drafting or revision process.¹¹² The State Council has complied inconsistently during the same period, but compliance has improved since 2008.¹¹³ In February, the Chinese Academy of Social Sciences (CASS) reportedly issued the results of a study examining the implementation of OGI Regulations,¹¹⁴ which noted some improvement in the proactive disclosure of information by government departments.¹¹⁵ Results also indicated that only 25 out of 59 central departments and commissions posted draft regulatory documents online and provided channels for feedback.¹¹⁶ According to an academic report, provincial governments were more willing to disclose information than central departments.¹¹⁷ A different academic report noted that only 7 out of 81 city governments surveyed met set requirements for fiscal transparency.¹¹⁸ The first academic report on judicial transparency found that some provincial- and city-level court Web sites lagged “far behind” government department Web sites in information disclosure.¹¹⁹

Citizens continued to be proactive in making open government information requests,¹²⁰ but challenges to accessing information and bringing OGI cases to court remained. The CASS transparency study reportedly asserted that authorities sometimes refused to disclose information for several reasons, including:

- The information is in “internal documents”;¹²¹
- The “information requested is not within the scope of the organization”;¹²²
- The information could be found online (even though it could not be found);¹²³
- The information “involved company secrets.”¹²⁴

In addition, authorities apparently more often demanded citizens provide information about how they would utilize the information requested, and denied requests on that basis.¹²⁵ In some cases where government officials declined information requests, citizens have taken their cases to court.¹²⁶ While some citizens have won cases, courts reportedly were unwilling to hear or “refused to handle” half of the open government information cases submitted.¹²⁷

GOVERNMENT ACCOUNTABILITY

Central and provincial authorities encouraged policies intended to enhance government accountability at the local¹²⁸ and grassroots¹²⁹ levels. In December 2011, the National People’s Congress Standing Committee announced that they suggested the revision of the PRC Administrative Procedure Law be included in the 2012 legislative plan.¹³⁰ Many scholars reportedly believe the scope of allowable lawsuits citizens may file against government departments is too narrow.¹³¹ In February, central authorities announced a decision to tighten top-down supervision over officials in rural areas and investigate social issues that might lead to mass incidents.¹³²

Despite efforts to improve supervision measures, accountability remains elusive. One Chinese scholar reportedly asserted that 50 to 60 percent of Chinese villages encounter problems with non-accountable officials.¹³³ A Xinhua article noted the prevalence of “selective governance” at the grassroots level in some areas.¹³⁴ A

Human Rights Watch report detailed 150 cases of rights abuses between July 2010 and March 2012 linked to *chengguan*, officials who enforce urban administrative regulations.¹³⁵ The abuses include disappearances, mistreatment in detention, lack of due process, arbitrary fines for confiscated items, and forced evictions from homes.¹³⁶ Many *chengguan* engaged in abuses with impunity.¹³⁷ A February People's Daily editorial quoted in a Xinhua article criticized local leaders for unethical or illegal behaviors: "[I]n some regions or public organizations, leaders are engaged in lying, empty talk, fabricating statistics, or trumping up political achievements."¹³⁸ During the reporting period, the press covered calls to reform the official "responsibility system"¹³⁹ (*wenze zhidu*) and public dissatisfaction regarding officials resuming public office after having been dismissed from former posts.¹⁴⁰ One article asserted the cadre responsibility system faced a "crisis of trust" because the phenomenon of dismissed officials resuming office is so pervasive.¹⁴¹ The Chinese media examined numerous specific related cases.¹⁴²

Wang Lijun, Bo Xilai, and Gu Kailai

The cases of former Chongqing vice mayor and public security chief Wang Lijun, and ousted Party leader Bo Xilai and his wife Gu Kailai (also referred to in the Chinese press as Bogu Kailai)—who was sentenced for the homicide of British citizen Neil Heywood—raise issues of official lack of accountability, abuse of power, and non-transparency. On September 24, 2012, the Chengdu Intermediate People's Court in Chengdu municipality, Sichuan province, sentenced Wang Lijun to 15 years in prison with deprivation of political rights for one year for "bending the law for selfish ends," "defection," "abuse of power," and "accepting bribes."¹⁴³ Authorities charged Wang in part for allegedly neglecting his duty and bending the law to shield Gu Kailai from criminal investigation, for leaving his post on his own accord and defecting to the U.S. consulate in Chengdu, and for utilizing "technical reconnaissance measures" without approval.¹⁴⁴ Chinese media reported on Gu's case and her court sentence of death with a two-year reprieve for intentional homicide, which a judge handed down on August 20, 2012.¹⁴⁵ International media, however, noted issues with Internet censorship¹⁴⁶ and procedural fairness,¹⁴⁷ and called the proceedings a "show trial"¹⁴⁸ or mentioned questions about the politics behind the case.¹⁴⁹ On March 14, central Party authorities removed Bo Xilai from his posts as Chongqing Party Committee member, secretary, and standing committee member.¹⁵⁰ In early April, central authorities suspended Bo Xilai from the Party Central Committee and Politburo.¹⁵¹ In late September 2012, Politburo authorities expelled Bo Xilai from the Party and dismissed him from his public posts in the Party Central Committee and Politburo, indicating his case would be transferred to judicial authorities for a number of suspected legal violations including abuse of power, improper affairs with women, and bribery.¹⁵² After Bo's removal from office and his wife's detention, central authorities used the occasion to showcase "socialist rule of law,"¹⁵³ asserted that the public supported the decisions,¹⁵⁴ and utilized the media to call for stability and unity.¹⁵⁵

OFFICIAL CORRUPTION

Official corruption reportedly remains high, despite anti-corruption measures. Corruption in state-owned enterprises and public institutions increased.¹⁵⁶ High levels of corruption continued to concern Chinese leaders, and Premier Wen Jiabao said, “[C]orruption is the most crucial threat to the ruling party.”¹⁵⁷ Wen asserted that, when authority is overly concentrated in various departments that are impervious to supervision, corruption occurs easily and often.¹⁵⁸ Central-level authorities continued to build institutions and issued plans to address growing corruption problems. The drive to establish anticorruption bureaus at the provincial, autonomous prefecture, and municipal levels continued.¹⁵⁹ The Supreme People’s Procuratorate began a two-year anticorruption campaign in rural areas.¹⁶⁰ Party and government authorities jointly issued a regulation seeking to control nepotism and corruption among civil servants.¹⁶¹

Protections for whistleblowers remained insufficient, and authorities continued to have little tolerance for non-governmental anticorruption efforts. Authorities in Shenzhen city, Guangdong province, continued to harass anticorruption advocate Guo Yongfeng.¹⁶² In June 2012, Hengshui city, Hebei province authorities ordered Liu Ruisheng to serve one year and three months of reeducation through labor for petitioning against alleged corruption among local officials.¹⁶³ In April, People’s Armed Police reportedly injured approximately 100 Tibetans during a protest against allegedly corrupt officials, and police may have detained some of the protesters.¹⁶⁴ Nearly 1,000 residents in Ya’an city, Sichuan province, protested alleged corruption associated with reconstruction efforts after the Wenquan earthquake, and a news report noted some beatings.¹⁶⁵ In July, authorities in Xi’an municipality, Shaanxi province, suspended journalist Shi Junrong reportedly for writing an article about local officials smoking luxury cigarettes.¹⁶⁶

COMMERCIAL RULE OF LAW

December 11, 2011, marked the 10th anniversary of China's accession to the World Trade Organization (WTO).¹ When it joined the WTO, China made numerous promises to reduce trade barriers, open its markets, increase transparency, protect intellectual property rights, and reform its legal system to make it consistent with WTO requirements.² Proponents of China's accession were optimistic—one U.S. official commented shortly after China's accession, "The WTO requirements for legal consistency and fairness will help further develop the rule of law in China, which will benefit our companies as well as the growing private sector in China."³ However, China's WTO accession has not brought about the anticipated changes. Indeed, China has developed what some, including the U.S. ambassador to the WTO, have called "state capitalism," with the state guiding investment and industrial development, and favoring its state-owned enterprises (SOEs).⁴

Continued Role for the State-Owned Sector

The state-owned sector continues to play a key role under China's "state capitalism."⁵ While the size of the state-owned sector has declined since China began to liberalize its economy in 1978, according to Chinese government statistics, SOEs control key sectors.⁶ Chinese policy mandates seven "strategic" industries—civil aviation, coal, defense, electric power and grid, oil and petrochemicals, shipping, and telecommunications—where "state capital must play a leading role in every enterprise"; and requires that companies in certain "pillar" industries, including, for example, automotive, chemicals, construction, equipment manufacturing, information technology, iron and steel, and nonferrous metals, must be state-controlled.⁷

The benefits and preferential status that the Chinese government provides to SOEs raise potential trade issues. SOEs enjoy a number of benefits, including direct subsidies, guaranteed market share, ability to raise funds in Chinese capital markets, preferential borrowing, and relatively cheap land.⁸ According to the United States Trade Representative (USTR), "In 2011, the prevalence of interventionist policies and practices, coupled with the large role of state-owned enterprises in China's economy, continued to generate significant concerns among U.S. stakeholders."⁹ The Chinese government has made some minor commitments to level the playing field, such as giving foreign companies fair treatment in the "strategic, newly-emerging industries," providing foreign-invested enterprises the same subsidies and other preferences it gives to domestic Chinese manufacturers of new energy vehicles, and promoting Chinese enterprises' use of licensed software.¹⁰ In addition to these indirect commitments, China committed when it joined the WTO that SOEs would make purchase and sale decisions strictly on a commercial basis, and that the Chinese government would not influence commercial decisions.¹¹ According to USTR, however, the Chinese government "was intent on heavily intervening in the commercial decisions of state-owned enterprises. . . ."¹²

During the Commission's 2012 reporting year, two events highlighted an ongoing debate in China concerning the role of China's state-owned sector: The publication of "China 2030: Building a Modern, Harmonious, and Creative High-Income Society," a report by the World Bank in collaboration with the Development Research Center of the State Council advocating a loosening of state control,¹³ and the downfall of Politburo member and Chongqing Communist Party Secretary Bo Xilai, who advocated a greater role for the state in industry.¹⁴ The resolution of this debate may impact China's WTO obligations.¹⁵ The China 2030 report proposes a "new development strategy."¹⁶ This strategy calls for reforming SOEs and allowing greater competition in all sectors of the economy, including the strategic and pillar industries, and recommends "breaking up state monopolies or oligopolies in key industries. . . ." ¹⁷ The release of the report triggered discussions within the Chinese Communist Party on the role of SOEs. In March, articles in Party journals *Red Flag* and *Seeking Truth* argued for maintaining SOEs, because they are the foundation of the Party and the Chinese economic system, and because the privatization of SOEs would leave the national economy vulnerable to foreign interests.¹⁸ In April, the head of state-owned military and civil aviation company, Aviation Industry Corporation of China, called the push to privatize SOEs a "foreign plot."¹⁹ Bo Xilai's "Chongqing model" emphasized a greater role for the state.²⁰ In the midst of this debate, however, Bo was purged in April 2012.²¹ According to the *Economist*, "Mr. Bo was much loved by a 'new left' force in Chinese politics which admired his big spending on public welfare, especially social housing, and his fondness for state-owned enterprises."²²

A few developments, however, may indicate some willingness to allow challenges to the supremacy of SOEs. In May 2010, the State Council issued an opinion on opening up state-dominated sectors to private investment, including, for example, railways, public utilities, finance, energy, telecommunications, education, and healthcare.²³ In February 2012, the State Council set a deadline of the end of June 2012 for the relevant Chinese government departments to draft and publish implementing rules concerning such private investment.²⁴ In July 2012, the National Development and Reform Commission published on its Web site a compilation of 42 documents from the relevant departments relating to private investment.²⁵ According to U.S. government officials, Chinese government departments have interpreted "private investment" as meaning domestic investment only.²⁶ In a related development, in September 2012, at the World Economic Forum in Tianjin, Premier Wen Jiabao stated that foreign-invested enterprises should receive the same treatment as domestic entities.²⁷ In May 2012, the Supreme People's Court issued rules on civil litigation under the PRC Antimonopoly Law that may make it easier to sue SOEs for abuse of dominance.²⁸

Foreign Investment in China

Foreign investment in China is highly regulated, and the Chinese government uses the approval process to ensure that foreign investment is in keeping with government policy.²⁹ The two government departments with primary responsibility for foreign in-

vestment approval are the National Development and Reform Commission (NDRC) and the Ministry of Commerce (MOFCOM).³⁰ Policymakers' goals for economic development are set out in the foreign investment catalogue, which lists industries in which foreign investment is encouraged, restricted, or forbidden.³¹ In 1995, Chinese foreign investment approval authorities issued the first foreign investment catalogue, which has been amended five times, most recently with effect in January 2012.³² For the first time, the most recent revised draft was put on the Internet for public comment prior to finalization.³³ The revisions implement the Chinese government's policies on development of seven "strategic emerging industries," as outlined in the 12th Five-Year Plan on National Economic and Social Development.³⁴ Further, in order to "limit overcapacity and improve the strength of domestic automakers," the revisions remove vehicle manufacturing from the encouraged list, thereby potentially eliminating certain tax breaks for foreign automakers in China.³⁵

During this reporting year, the environment for foreign-invested companies has become more difficult. In a recent survey of members of the American Chamber of Commerce in China, 37 percent of respondents indicated that obtaining licenses (needed for doing business in China) has become more difficult.³⁶ The chamber also noted in its 2012 White Paper that the recent revision to the foreign investment guidance catalogue has tightened market access.³⁷ The chamber recommends that China put in place a "fair and transparent" process for foreign investment, ultimately discarding the catalogue entirely and replacing the approval requirement with notification.³⁸

The foreign investment approval process is one avenue by which the Chinese government can retaliate against foreign companies that compete with SOEs.³⁹ As noted in a February 2012 Wall Street Journal article, "[W]hen a U.S. company goes to China to compete with a Chinese company, it often finds itself competing instead with the state. And it is the state that has the handy advantage of approving or rejecting the foreigner's investment, or demanding the newcomer transfer technology to China before getting access."⁴⁰

Outbound Investment

Like foreign investment into China, outbound investment is highly regulated and must undergo a government approval process.⁴¹ During this reporting year, Chinese authorities tweaked the regulatory framework to stem losses by SOEs,⁴² ensure the safety of Chinese citizens working overseas, and allow residents in the eastern city Wenzhou to invest overseas, thereby liberalizing capital account restrictions.⁴³ In 2011, the State-Owned Assets Supervision and Administration Commission (SASAC) issued two sets of regulations on the overseas financial activities of central-level SOEs,⁴⁴ and in April 2012, SASAC issued an order that SOEs' overseas investments must be in their core businesses.⁴⁵ There are almost 1.2 million Chinese expatriates overseas, and in February 2012, MOFCOM issued a guidebook on the safety of Chinese overseas investments and personnel.⁴⁶ Finally, NDRC is preparing a law on outbound investment.⁴⁷

China's outbound investment has been strategic, furthering China's goals for economic growth.⁴⁸ According to one bank executive cited in *China Daily*, during the past five years, over half of Chinese companies' mergers and acquisitions overseas have been in natural resources.⁴⁹ Currently, according to *Xinhua*, there is a shift away from investments in resources to investments in technology, brands, and distribution.⁵⁰ This is in keeping with the 12th Five-Year Plan on National Economic and Social Development and with certain industrial policies.⁵¹ Thus, in a move toward "soft power," as supported by China's cultural industrial policy, China has been investing in newspapers and Confucius Institutes overseas, largely under Party control.⁵² According to *People's Daily*, under an agreement between China's Export-Import Bank and the General Administration of Press and Publications, the bank will provide financing for cultural enterprises' activities overseas.⁵³ State broadcaster China Central Television is expanding internationally, and the government is supporting the establishment of press operations overseas.⁵⁴ Further, China's largest cinema chain, Wanda Cinema Lines Corp., acquired all or part of U.S. cinema group AMC Entertainment.⁵⁵

Chinese companies' outbound investment has continued to grow over the past year. According to *China Economic Net*, by the end of 2011, Chinese investors had established 18,000 entities in 178 countries. Compared to 2010, investments in Europe and Africa grew 57.3 percent and 58.9 percent, respectively.⁵⁶ Investments in the form of mergers and acquisitions tended to be in mining, manufacturing, transportation, electric power, and retailing and wholesaling.⁵⁷

Foreign Exchange Control

Though the value of the yuan rose about 8 percent against the U.S. dollar between June 2010 and May 15, 2012, according to the U.S. Treasury Department, the yuan is still undervalued.⁵⁸ While experts disagree on the amount of this undervaluation, economists from the Peterson Institute found the yuan to be undervalued by 24 percent against the dollar in a November 2011 report.⁵⁹ Trade lawyer Alan Price argued in a December 2011 Commission hearing that China's currency manipulation is a violation of China's WTO commitments.⁶⁰ In April 2012, China's central bank widened the yuan's trading band in what experts cited by *Xinhua* described as a step toward internationalization of the yuan.⁶¹

Chinese authorities have taken measures to loosen controls on cross-border capital flows,⁶² including increasing convertibility of the yuan in the capital account, signing currency swap agreements, and approving outbound investment.⁶³ During this reporting year, Chinese regulators have put in place or announced several measures to bring offshore yuan back to China. For example, in October 2011, the Ministry of Commerce issued a circular on use of the yuan in foreign direct investment in China, and People's Bank of China (PBOC) issued measures on processing yuan settlements for such investments.⁶⁴ According to the *Wall Street Journal*, in February, PBOC announced it would allow Chinese companies to use yuan when trading with foreign companies, and PBOC and five other departments issued a circular on management of yuan settle-

ment for payment of exported goods.⁶⁵ Chinese authorities have also increased the amount certain foreign investors can invest in China in yuan,⁶⁶ and are considering allowing Chinese companies to borrow yuan funds offshore and bring the proceeds back to China.⁶⁷ Shanghai municipality will play a key role in internationalization of the yuan, according to the “Plan for Establishment of a Shanghai International Financial Center During the Period of the 12th Five-Year Plan.”⁶⁸

China has ample foreign currency reserves—roughly US\$3.2 trillion as of the end of 2011, according to Chinese state media—to fund outbound investment and acquisition of foreign resources.⁶⁹ Some investment will be through government-funded investment vehicles affiliated with the State Administration of Foreign Exchange.⁷⁰ China’s Minister of Commerce has indicated that China would like to use its U.S. debt reserves to invest in American infrastructure.⁷¹

China in the WTO

December 2011 marked the 10-year anniversary of China’s accession to the WTO.⁷² There is, as former Under Secretary of Commerce for International Trade Grant Aldonas testified at a 2002 Commission hearing on China’s membership in the WTO, “the inescapable link between WTO compliance and the development of the rule of law in China.”⁷³ Witness Alan Price at a December 2011 Commission hearing noted that “many in the United States and around the world believed China’s WTO membership would bring it into compliance with an enforceable, rules-based international trading regime”⁷⁴ While the Chinese government initially took many steps to implement its WTO commitments and has reaped enormous benefits from WTO membership,⁷⁵ according to one analyst, China has “figured out how to get around the rules The state-capitalist system they have developed is incompatible with much of the WTO structure.”⁷⁶ In its 2011 report on China’s WTO compliance, the United States Trade Representative (USTR) notes that China has been intensifying state intervention in the economy over the past five years, and implementing policies to benefit SOEs and domestic industries to the detriment of foreign companies.⁷⁷ China has “not yet fully embraced the key WTO principles of market access, non-discrimination and transparency,” according to the report.⁷⁸

During this reporting year, the United States used WTO tools outside the dispute settlement process to address Chinese practices. For example, in October 2011, USTR requested through the WTO information on China’s Internet restrictions.⁷⁹ The United States also requested that China notify all its subsidies to the WTO as required.⁸⁰

Under China’s regulatory and economic system, the government plays an active role in foreign investment, foreign exchange activities, and purchases by SOEs, providing authorities with ample opportunity for retaliation.⁸¹ In a statement at the WTO in November 2011, a U.S. official noted that Chinese regulatory authorities have used intimidation against companies that raise concerns with China’s WTO compliance, threatening “to withhold necessary approvals or take other retaliatory actions against foreign enterprises if

they speak out against problematic Chinese policies or are perceived as responding cooperatively to their government's efforts to challenge them."⁸² The official continued, "This type of conduct is at odds with fundamental principles of the WTO's rules-based system."⁸³ China's use of intimidation or retaliation also may make it difficult for other WTO members to challenge Chinese actions through the WTO dispute settlement process.⁸⁴ The fear of retaliation extends to trade cases outside the WTO. In a U.S. Commerce Department antidumping investigation of China's solar products, six U.S. solar panel manufacturers exercised an option to remain anonymous.⁸⁵ According to the New York Times, "That anonymity could help relieve them and their executives from fears of retaliation by the Chinese government, which could come in the form of denying them access to the Chinese market or denying them visas."⁸⁶

Since joining the WTO in December 2001, China has been a respondent in 28 dispute settlement cases, a complainant in 10, and a third-party participant in 91.⁸⁷ In 2012, the United States brought two WTO cases against China concerning the auto industry.⁸⁸ The first case, initiated in July, challenges China's imposition of antidumping and countervailing duties on certain automobiles from the United States.⁸⁹ Some saw the duties as retaliation by China for tariffs the United States imposed on certain Chinese tires in 2009,⁹⁰ an action that China unsuccessfully challenged at the WTO.⁹¹ The United States requested consultations in the second case in September 2012, challenging certain of China's export subsidies to auto and auto parts manufacturers.⁹² In March 2012, the United States, in coordination with the European Union and Japan, requested consultations with China in a case concerning restraints on exports of rare earths, tungsten, and molybdenum, and in July, the WTO established a panel to hear the dispute.⁹³ The case followed a 2009 case brought by the United States, the European Union, and Mexico challenging similar restraints on the export of raw materials,⁹⁴ in which a WTO panel found against China in July 2011.⁹⁵ China appealed the decision, which the Appellate Body upheld in January 2012.⁹⁶ Other active WTO cases against China, including those brought by other WTO members, concern electronic payment services,⁹⁷ antidumping and countervailing duties on chicken broiler products, and antidumping and countervailing duties on grain-oriented electrical steel (all from the United States);⁹⁸ and antidumping duties on iron and steel fasteners, and antidumping duties on X-ray security inspection equipment (both from the European Union).⁹⁹

Intellectual Property Rights and Forced Technology Transfer

During the 2012 reporting year, China's weak protection and poor enforcement of intellectual property rights (IPR) has continued to be a problem and pose risks for the Chinese people and for consumers and companies elsewhere.¹⁰⁰ The Chinese government has taken certain measures to foster IPR protection, though with little success.¹⁰¹ American Chamber of Commerce in China's 2012 business climate survey found that 66 percent of respondents said China's enforcement of IPR has stayed the same or deteriorated.¹⁰² In order to foster certain key sectors such as Chinese cultural prod-

ucts, next generation Internet technology, and “strategic emerging industries” with “self-reliant” intellectual property (IP), however, Chinese authorities are recommending greater IP protection and support.¹⁰³

According to a 2012 U.S. Customs report, China is the source of the majority of counterfeit goods entering the United States.¹⁰⁴ As noted in a USTR report, many counterfeit products, such as pharmaceuticals, food, auto parts, and toys, pose a threat to consumers in China and elsewhere.¹⁰⁵ The Customs report states that, in 2011, “The number of consumer safety and critical technology seizures increased by 44% . . .,” and “the domestic value of counterfeit pharmaceutical seizures rose by . . . almost 200%.”¹⁰⁶ In one pharmaceutical case, Chinese police arrested 114 people in a ring that used starch, corn powder, iron powder, incitant, and diazepam in fake medicines sold under the names of “reputable pharmaceutical companies. . . .”¹⁰⁷

The Chinese government has taken measures directly and indirectly to acquire foreign technology, such as stealing trade secrets, or forcing foreign companies to transfer key technology to Chinese entities in return for access to the Chinese market. In February 2012, U.S. prosecutors indicted state-owned Pangang Group for conspiring to steal trade secrets from DuPont, and an employee of U.S. company American Superconductor Corporation pleaded guilty in an Austrian court to selling trade secrets to Chinese wind turbine company Sinovel.¹⁰⁸ Reportedly, Chinese spy agencies have conducted a “far-reaching industrial espionage campaign” in a range of industries, including biotechnology, telecommunications, nanotechnology, and clean energy.¹⁰⁹ Chinese authorities have also used the approval process for foreign investment to force foreign companies to transfer technology to China, which is contrary to WTO rules.¹¹⁰ Such forced transfer often occurs through requirements to enter into joint ventures with Chinese partners, to set up research and development centers, or to partner with “national champions and transfer the latest technology in exchange for current and future business opportunities.”¹¹¹

Food and Drug Safety

During the Commission’s 2012 reporting year, China continued to have serious food safety problems, impacting consumers in China and overseas, as Chinese food exports continued to grow. According to the U.S. Food and Drug Administration (FDA), from October 2006 through September 2011, shipments of FDA-regulated products from China grew from 1.3 to 2.1 million, including drugs and medical devices and human food products.¹¹²

Food safety cases in China have ranged from dangerous to gross, and covered Chinese staples such as tea and salt.¹¹³ A particularly noxious product, “gutter oil,” initially was made of restaurants’ waste oil but later expanded to include oil from rotten animal parts.¹¹⁴ Officials cracked one criminal network for gutter oil operating across six provinces.¹¹⁵

At the national level, Chinese authorities have responded to China’s food safety problems by issuing a food safety work plan and regulations and standards, and publishing a food safety program.¹¹⁶ At a February 2012 meeting of the National Food Safety

Commission, officials called for continuation of strict punishment for food safety crimes, but noted difficulties in controlling China's small and scattered food producers.¹¹⁷ Authorities have also brought highly publicized actions for food safety violations against foreign companies, such as Coca-Cola, Walmart, and Red Bull.¹¹⁸

ACCESS TO JUSTICE

Introduction

During the Commission's 2012 reporting year, the promotion of key policies and programs relating to access to justice reflected the Communist Party's ongoing concern with handling social conflicts and "maintaining stability." Authorities continued to promote mediation as a solution to social conflicts and an alternative to litigation. Chinese officials also promoted legal services through the growth of legal aid resources and the continuing standardization of legal aid procedures.¹ While officials announced measures to improve the petitioning system,² authorities' concern with "maintaining stability" at all costs led to numerous reports of human rights violations and abuse of petitioners. Many Chinese citizens remain unable to access justice through the available channels. Chinese government agencies remained unable, in many circumstances, to deliver outcomes that were fair and accessible to all, irrespective of wealth or status.

In addition to Chinese legislation guaranteeing access to formal and informal legal remedies, Article 8 of the Universal Declaration of Human Rights (UDHR) states that "[e]veryone 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."³ Article 2 of the International Covenant on Civil and Political Rights (ICCPR) requires states to 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."⁴

Judicial Independence

Party and government officials continue to limit judicial independence and exert political control over courts and judges. Although Article 126 of China's Constitution guarantees judicial independence from "any administrative organ, public organization or individual,"⁵ China's judiciary continues to be subject to a variety of internal and external controls—from political-legal committees to official interference—that significantly limit its ability to engage in independent decisionmaking. In 2012, for instance, China's legal experts and courts continued to react to influencing factors surrounding the controversial capital case of Li Changkui, a criminal defendant who had been found eligible for a death sentence with a two-year reprieve before the court reversed its decision, sentencing him to immediate execution, apparently due to public pressure. In the Beijing Municipal High Court 2012 Work Report, President Chi Qiang urged that courts systemically prevent lenient sentences in homicide cases by making all intermediate courts the trial courts of first instance in homicide cases, since lower level courts have no jurisdiction to impose life imprisonment or more severe punishments. According to a report by the Dui Hua Foundation, a human rights advocacy organization, the Li Changkui case "demonstrates the negative effect of public opinion and official interference on death penalty reform in China."⁶

Legal experts and scholars both inside and outside of China continued to criticize China's lack of judicial independence during the reporting year.⁷ After leaving China, self-trained legal advocate Chen Guangcheng criticized the role of political-legal committees in a New York Times editorial: "In real life . . . cases of any significance are controlled at every level of the judicial system by a Communist Party political-legal committee. . . . These political-legal committees have eroded decades of progress in implementing the rule of law."⁸ He Weifang, professor of law at Peking University Law School, in May 2012 said, "Unless we resolve the basic problem of judicial independence, then it will be impossible to improve judicial fairness . . . [T]he legal system itself wants to solve the problem of fairness, but this internal force cannot overcome external interference."⁹

Chinese officials continued policies that target rights lawyers handling sensitive cases and that restrain these lawyers from representing their clients fairly or effectively. In recent years, Chinese authorities have pressured human rights lawyers who take on sensitive cases (such as those involving pro-democracy advocates, house church activists, Falun Gong practitioners, and victims of illegal property seizures) or engage in sensitive causes by denying professional license renewals during the "annual inspection and assessment process" (*niandu jiancha kaohe*).¹⁰ For instance, by late March 2012, the Beijing Bureau of Justice (BBJ) had not issued a decision on the annual assessment of Qijian Law Firm, headed by prominent human rights lawyer Liu Xiaoyuan.¹¹ While the BBJ eventually renewed professional licenses for Qijian Law Firm's lawyers after last year's assessment in late in summer 2011, judicial authorities reportedly delayed processing the law firm's assessment.¹²

In March 2012, the Ministry of Justice issued a notice requiring first-time applicants and lawyers seeking to renew their professional licenses to take an oath that includes pledges to fulfill the "sacred mission of socialism with Chinese characteristics" and to "uphold the leadership of the Communist Party of China."¹³ Prominent human rights lawyer Mo Shaoping told Reuters that the oath was "inappropriate," stating, "As a lawyer, you should only pay attention to the law and be faithful to your client."¹⁴

In August 2012, domestic and international media reports detailed the public controversy over draft provisions within a Supreme People's Court judicial interpretation on the amended PRC Criminal Procedure Law that will enter into effect on January 1, 2013.¹⁵ The judicial interpretation would allow judges to prohibit legal representatives from participating in litigation for between six months to a year, if they "disrupt the order" of hearings.¹⁶ In some circumstances, the courts could recommend longer term punishments.¹⁷ The restrictions reportedly may extend to emailing about hearings or publicizing hearing information through microblog (*weibo*) services.¹⁸ Some critics expressed concerns that the penalties represented a "step backward for a modern judicial system," according to the Global Times (a publication that operates under the official People's Daily).¹⁹ Professor Feng Yujun at Renmin University of China Law School said, "The interpretation by the supreme court should be limited within the legitimate

sphere of the law, instead of overreaching to create new punishments and clauses to constrain lawyers' rights."²⁰

Citizen Petitioning (Xinfang)

During the reporting year, Chinese citizens continued to use petitioning as a means to seek redress. The petitioning—or *xinfang* (often translated as “letters and visits”)—system²¹ exists to provide a channel outside of formal legal challenges for citizens to seek to appeal government, court, and Party decisions and present their grievances.²² China's Constitution and the 2005 PRC National Regulations on Letters and Visits, in theory, provide that Chinese citizens have the right to petition without retribution. Because of institutional weaknesses in the judiciary and limits on citizens' ability to seek redress, the petitioning system remains the most popular form of public appeal. Petitioning cases often involve a range of complaints about local corruption, alleged abuses of power, and unfair land compensation.²³

Many Chinese citizens still view petitioning to central authorities as the last channel for redress against wrongdoing by local officials, even though only approximately 0.2 percent of petitioners resolve their grievances through petitioning, according to a 2004 study conducted by the Chinese Academy of Social Sciences.²⁴ This past year, some Chinese articles addressed the phenomenon of “having faith in petitioning and not having faith in the law”²⁵—where citizens prefer petitioning to formal legal channels. According to a June 2012 Guangzhou Daily article, more than 80 percent of the 118,466 petitioning cases handled locally “should have” gone through legal channels.²⁶ The source, quoting a sample survey of 1,000 Guangzhou municipal residents, found that 35.4 percent of respondents expressed a preference for court proceedings while 30.2 percent said that petitioning was more “convenient and easier.”²⁷ Survey respondents claimed that the time and cost associated with litigation made petitioning a preferable option.²⁸

During the reporting year, Chinese officials continued to publicize the government's intention to improve mechanisms for handling petitions and to broaden petitioning channels within the formal legal system.²⁹ In January 2012, Zhou Yongkang, Secretary of the Communist Party Central Committee Political and Legal Affairs Commission and member of the Standing Committee of the Political Bureau of the Communist Party Central Committee, called on government departments and officials to “better address public grievances through more efforts in handling public petitions and resolving disputes.”³⁰ The 2012–2015 National Human Rights Action Plan (NHRAP), released in June 2012, followed the 2009–2010 NHRAP in calling for improvements to the petitioning system: “The mechanism whereby the masses express their wishes will be improved, and the channels for people to make petitions in the form of letters and personal visits will remain unblocked and be broadened.”³¹ Chinese authorities reportedly expanded petitioning offices within people's courts across China and promoted “petitioning windows,” where petitioners can access consulting services, pre-litigation mediation, and other services. In the 2012 Work Report of the Supreme People's Court, President Wang Shengjun claimed 90 percent of courts across the country had es-

established petition reception offices.³² According to Supreme People's Court 2011 statistics, Chinese courts, at all levels, handled approximately 790,000 cases of petitions and complaints, which is nearly 25 percent fewer petitions than they handled in 2010.³³

Despite calls for improving petitioning system access, authorities appeared to continue to use a range of new and old measures to hinder citizens from filing petitions. On January 1, 2012, for instance, Chinese authorities instituted a real-name ticket purchasing system for railway tickets across the country—which could potentially impede petitioners' access to petitioning offices in Beijing.³⁴ According to Yu Jianrong, a professor at the Chinese Academy of Social Sciences, the development may hinder access to petitioning offices at higher administrative levels for some petitioners: “There is a network that keeps the information of some petitioners deemed risks to social stability. Train stations could simply refuse to sell you tickets if you are one of them.”³⁵

Chinese authorities and private company “interceptors” continued to intimidate and retaliate against petitioners by detaining them in “black jails” (*hei jianyu*), psychiatric hospitals, and reeducation through labor (RTL) centers.³⁶

- In late 2011, RTL authorities in Chongqing municipality ordered petitioner and village representative Zhang Dingfen to serve two years of RTL after she petitioned in Beijing regarding land rights violations in her village.³⁷
- In April 2012, unidentified personnel allegedly hired by local officials kidnapped and raped Heilongjiang petitioner Zhu Guiqin in Beijing municipality, before holding Zhu in a “black jail” and at her home in Fushun city.³⁸ Zhu reportedly contacted the local public security bureau to initiate an investigation but was refused assistance.³⁹
- In August 2012, the Yongzhou city RTL management committee ordered Tang Hui, whose daughter was raped and forced into prostitution, to serve 18 months of RTL for “disturbing social order.”⁴⁰ The order followed Tang's repeated petitioning over the handling of her daughter's case and her campaigning for harsher sentences for those involved.⁴¹ The case created an online outcry, gained national attention, and revived debate over the use of RTL.⁴² Authorities released Tang after reviewing her appeal.⁴³

Chinese authorities continued to use “black jails”—secret detention sites established by local officials—to detain and punish petitioners who travel to Beijing and provincial capitals to voice complaints and seek redress for injustices.⁴⁴ Those detained are denied access to legal counsel and often denied contact with family members or associates.⁴⁵ In recent years, domestic Chinese media organizations have reported on “black jails” and on the network of private security personnel hired by officials to intercept and detain petitioners.⁴⁶ In December 2011, Chinese state-run media reported that the Beijing Public Security Bureau launched an official six-month crackdown on illegal detentions of petitioners by private security companies.⁴⁷ The crackdown came after Chinese news media exposed instances of abuse by “private security companies” under contract by local governments to prevent petitioners from airing their grievances to the central government.⁴⁸

Promotion of People's Mediation System

During the 2012 reporting year, government and Party officials continued to promote “people’s mediation” (*renmin tiaojie*) as a tool in their efforts to maintain social stability.⁴⁹ In December 2011, Minister of Justice Wu Aiying announced that grassroots localities had established more than 31,000 grassroots mediation organizations across China and that these organizations had resolved over 400,000 disputes in 2011.⁵⁰ Between January and November 2011, all levels of judicial administrative agencies and mediation organizations reportedly resolved more than 7 million mediation cases.⁵¹ In his work report to the National People’s Congress, Supreme People’s Court President Wang Shengjun emphasized the role of mediation in handling disputes and highlighted that 67.3 percent of civil cases were handled through mediation or withdrawn.⁵² In July 2012, the People’s Daily, the official news media of the Communist Party, reported that people’s mediators and people’s mediation committees succeeded in handling 97.3 percent of mediated disputes during the first five months of 2012.⁵³

The PRC People’s Mediation Law became effective in January 2011,⁵⁴ and the law stresses the need to resolve civil disputes through mediation and to maintain social harmony and stability.⁵⁵ The PRC People’s Mediation Law encourages disagreeing parties to reach a voluntary resolution through people’s mediation committees.⁵⁶ While mediation is an effective tool in some types of cases, concerns about mediation center on three main issues: Curtailed access to courts for Chinese citizens, adequate resolution of disputes without coercion, and effective enforcement.⁵⁷ In addition, people’s mediators’ lack of professional qualifications may also impact potential outcomes and oversight.⁵⁸ In terms of mediated labor disputes, China Labour Bulletin, a Hong Kong-based non-governmental organization, reported in March 2012 that workers in labor dispute cases almost invariably received less through mediation than they would have in court. The cost of legal representation, however, remained prohibitively high for most workers.⁵⁹

Expansion of Legal Aid

During the reporting year, Chinese official sources announced increased funding for legal aid and the expansion of access. In February 2012, the Ministry of Justice reported a substantial increase in the number of cases handled by local legal aid agencies. In 2011, local legal aid agencies handled a total of 844,624 cases, up 16.1 percent from 2010 statistics, with 946,690 people receiving legal assistance, including 313,427 migrant workers.⁶⁰ More than 726,000 of the total were civil cases, reportedly often related to “payment and employment cases, marriage and domestic affairs, as well as traffic accidents.”⁶¹ Xinhua, the central government news agency, reported that the Ministry of Justice expected legal aid agencies to handle more than 1 million cases in 2012.⁶² According to official sources, funding for China’s legal aid system also increased markedly in 2011. The central government allocated 200 million yuan during the year to help with legal aid, up from the 100 million yuan in the previous year, and central special lottery funds for legal aid programs increased to 100 million yuan in 2011 from 50

million yuan in 2010. The total allocation for legal aid in China in 2011 amounted to 1.277 billion yuan, an increase of 24.9 percent over the previous year's allocation.⁶³

The right to counsel is necessary to guarantee the right to a fair trial and to ensure that all citizens have equal access to justice. Currently, Chinese law grants criminal defendants the right to hire an attorney but guarantees pro bono legal defense only if the defendant is a minor, faces a possible death sentence, or is blind, deaf, or mute.⁶⁴ In other cases in which defendants cannot afford legal representation, courts may appoint defense counsel⁶⁵ or defendants may apply for legal aid, in theory as early as the investigative stage of their cases.⁶⁶ Amendments to the PRC Criminal Procedure Law (CPL) passed in February 2012, however, changed requirements for legal aid in capital cases, expanding legal aid access for those criminal suspects and defendants who may be sentenced to capital punishment or life imprisonment.⁶⁷ Under the 1997 CPL, the people's court was solely responsible for appointing an attorney;⁶⁸ under Article 34 of the new CPL (which will enter into effect January 1, 2013), public security and procuratorate investigators also will be required to notify the legal aid agency responsible if criminal suspects do not retain attorneys on their own.⁶⁹

Since 2003, when the State Council promulgated the "Legal Aid Regulations," officials have expanded the legal aid system dramatically and also have standardized certain procedures.⁷⁰ To address standardization concerns, the Ministry of Justice (MOJ), the Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Public Security, in recent years, have formulated various regulations on legal aid work to guide and standardize legal aid case procedures.⁷¹ In May 2012, the MOJ passed the "Provisions on Handling Legal Aid Cases and Procedural Requirements," which will reportedly bring current legal aid practices in line with the newly revised PRC Criminal Procedure Law, the PRC Lawyers Law, the Regulations of Legal Aid, and other laws, regulations, basic provisions, and requirements of legal aid.⁷²

Harassment and Intimidation of Human Rights Lawyers and Defenders

The Commission observed continued efforts by Chinese authorities to discourage, intimidate, and physically harm human rights lawyers and defenders—as well as their families and associates who took on "sensitive" causes. Local government agencies continued to employ a spectrum of harsh measures—from stationing police personnel outside of homes to monitoring the whereabouts of rights defenders⁷³—forcing rights defenders to "travel" to remote or unknown locations,⁷⁴ inviting them to "drink tea" (*bei hecha*) with security personnel,⁷⁵ and detaining them.⁷⁶

The following examples demonstrate official actions taken against human rights lawyers and defenders during 2011 and 2012.

- In May 2012, Chinese authorities subjected human rights lawyer Jiang Tianyong to harassment and physical abuse—including interrogation and beatings—after Jiang attempted to

visit his former client, self-trained legal advocate Chen Guangcheng.⁷⁷

- In May 2012, Chinese authorities blocked prominent human rights lawyers from representing Chen Kegui, the nephew of Chen Guangcheng. Authorities criminally charged Chen Kegui with intentional homicide in connection to an altercation with local officials. Criminal defense lawyers who offered to represent the nephew were reportedly threatened or unable to renew their lawyer licenses.⁷⁸ One of the lawyers, Song Ze, was criminally detained and authorities reportedly refused to disclose his location.⁷⁹

- In June 2012, Beijing authorities repeatedly detained prominent activist and human rights lawyer Xu Zhiyong following his online publication of an essay calling for a “New Citizens’ Movement.”⁸⁰

In addition, during this reporting year, the Chinese government continued to target family members and acquaintances of human rights defenders.⁸¹ [See Section II—Freedom of Residence and Movement for more information on authorities’ targeting of family members and supporters of human rights defenders and activists.]

IV. XINJIANG

Introduction

During the Commission's 2012 reporting year, Chinese government and Communist Party authorities used repressive security policies to stifle peaceful expression and dissent, especially among Uyghurs, in the Xinjiang Uyghur Autonomous Region (XUAR). Chinese officials continued to commit serious human rights abuses in the XUAR. Central government-led development projects, which authorities have strengthened in recent years, undercut the rights of Uyghurs and other non-Han groups to maintain their cultures, languages, and livelihoods. Government officials continued steps to demolish and "reconstruct" the Old City section of Kashgar city and relocate residents. Authorities strengthened campaigns against "illegal religious activities" and enforced policies to restrict the freedom of religion. Officials continued to obscure information on criminal trials deemed sensitive, while unofficial sources reported in 2012 on long prison terms and life sentences for asylum seekers forcibly returned from Cambodia in 2009.

Security Measures

Official XUAR security campaigns to promote "social stability" resulted in the continued and systematic repression of human rights. The XUAR Communist Party Congress annual report, delivered in late October 2011, stressed that the "stability situation is still grave" and described "opposing ethnic separatism and protecting national unity and security" as "the main mission in protecting social stability."¹ The report called for continuing measures to "strike hard" against the "three forces" of terrorism, separatism, and religious extremism.² Authorities have applied the "three forces" label to include peaceful political dissent and religious activity outside of state control,³ while providing limited and conflicting information to support claims of terrorist or separatist threats.⁴ Official media reported in December 2011 that a clash occurred between police forces and a group of "violent terrorists" allegedly headed to Central Asia for terrorist training.⁵ Local sources cited by Radio Free Asia (RFA), however, confirmed the clash but said the group consisted of men, women, and children fleeing curbs on their religion.⁶ The differing accounts follow other incidents in recent years in which reports by independent sources have conflicted with official accounts.⁷ In June 2012, police in Hoten city, Hoten prefecture, conducted house-to-house searches of the Gujiangbage (Gujanbagh) neighborhood as part of a campaign against Islamic schools that authorities deemed to be illegal.⁸

Officials called for further "normalization" of work to "uphold stability"⁹ and took steps to strengthen police capacity in the region. In January 2012, state media reported that XUAR authorities would deploy 8,000 public security forces to rural areas to ensure each XUAR village had one officer present.¹⁰ The officers' tasks "will mainly include security patrols, management of the migrant population and cracking down on illegal religious activities," according to a Party spokesperson paraphrased by state media.¹¹ [See Freedom of Religion in this section for more information on controls

over religious activity.] Official media reported in November 2011 that the XUAR Party Committee transferred “thousands” of officers from the region’s Special Weapons and Tactics teams to the XUAR capital of Urumqi and placed them under the municipality’s public security bureau, with a top XUAR Party official describing the transfer as a “major decision” taken to ensure the stability of the social situation in the capital and throughout the XUAR.¹²

Xinjiang Work Forum

During this reporting period, XUAR authorities intensified regional development objectives announced at the Xinjiang Work Forum (Forum), convened in Beijing in May 2010 by central government and Party leaders. The Forum’s strategies for economic and political development prioritize state economic and political goals over the promotion of regional autonomy and broader protection of XUAR residents’ rights.¹³ Government and Party officials in 2012 strengthened “counterpart support” programs that bring funding and personnel assistance to the XUAR from provinces and cities outside of the region, placing an emphasis on promoting ethnic unity alongside regional economic development.¹⁴

The implementation of initiatives announced during and after the Forum has deepened existing policies that have made it difficult for Uyghurs and other non-Han groups to maintain their cultures, languages, and livelihoods. In 2012, XUAR authorities bolstered efforts to relocate and resettle farmers and herders away from grasslands, as part of programs launched at the Forum and existing policies and programs that XUAR authorities have said were aimed at combating degradation of grasslands.¹⁵ These policies and programs have affected groups with livelihoods that are based on traditional nomadic herding practices.¹⁶

The post-Forum acceleration of urban development throughout the XUAR has raised concerns about the resettlement of residents, equitable distribution of resources, and cultural preservation. In 2012, XUAR and Urumqi authorities continued to increase oversight of migrants that began in the wake of July 2009 demonstrations and riots in Urumqi, in line with official claims that Uyghur migrants staying in unregulated rental housing had “incited” demonstrations and riots on July 5, 2009.¹⁷ The mayor of Urumqi told local lawmakers in February 2012 that the Urumqi government would relocate 60,000 families living in the city’s “shantytowns” by 2015 after demolishing their old houses,¹⁸ as part of “slum transformation” projects that were initiated soon after the Forum.¹⁹ [See Preservation of Cultural Heritage in this section for more information.]

Criminal Law and Access to Justice

Legal developments at the national level in 2012 bolstered XUAR authorities’ capability to use criminal measures to silence dissent. In March, the National People’s Congress (NPC) Standing Committee passed changes to the PRC Criminal Procedure Law (CPL) forbidding those involved in collecting evidence for a criminal case from using torture to extract confessions.²⁰ However, legal scholars and human rights advocates have criticized the amendments to the

CPL for upholding the power of law enforcement agencies to detain those suspected of crimes related to national security or terrorism without disclosing the location of detention or providing the suspect with access to a lawyer for up to six months.²¹ In October 2011, the NPC Standing Committee issued a decision (*juding*) on “strengthening anti-terrorism work.”²² The decision includes definitions of terrorist activities and groups, designates a national counterterrorism organization, establishes a terrorist watchlist and process for freezing the assets of suspected terrorist groups, and promotes international cooperation in fighting terrorism.²³ Chinese officials and scholars said the definitions in the decision would remove ambiguities in Chinese law and reinforce Chinese government aims to rule through legal means.²⁴ The extent to which authorities will prioritize adhering to legal guidelines rather than fulfilling policy objectives remains unclear; moreover, critics have observed that, even if faithfully implemented, the definitions appear to be sufficiently vague to encompass acts of (non-violent) dissent.²⁵

Information remained limited on trials connected to the July 2009 demonstrations and riots in Urumqi. The first annual work report of the XUAR High People’s Court, issued in January 2012, included no information on trials connected to the July 2009 events,²⁶ though Rozi Ismail, president of the court, made a brief reference in January 2011 to ongoing cases connected to the events.²⁷ XUAR government chairperson Nur Bekri reported in March 2010 that courts had tried 198 people in 97 cases in connection to the July 2009 events.²⁸

The number of criminal trials concluded in the XUAR in 2011 for crimes of endangering state security (ESS)—a category of criminal offenses that authorities in China have used to punish citizen activism and dissent²⁹—increased over 2010. In 2011, courts in the XUAR tried and completed 414 cases, an increase of 38 cases over the previous year.³⁰ In contrast, authorities completed 268 ESS cases in the region in 2008 and 437 cases in 2009.³¹ In 2012, Western media and advocacy groups highlighted cases of continued political imprisonment connected to the July 2009 events that have involved ESS charges, including the cases of Gulmira Imin, Gheyret Niyaz, Nijat Azat, Dilshat Perhat, and Nureli Obul.³²

Controls Over Free 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.³³ In March 2012, Western media reported that authorities in Aksu prefecture destroyed more than 13,000 “illegal propaganda materials” as part of a campaign to “Sweep Away Pornography and Strike Down Illegal Publications.”³⁴ More than 1,600 students and teachers from local schools reportedly observed the destruction of the materials, which, according to Western media, included electronic versions of the Quran and other religious items.³⁵ In November, the XUAR Transportation Department published a statement indicating that, through the end of October, regional transportation officials had investigated and prosecuted 20 cases of “illegal publications,” includ-

ing 4,386 copies of “illegal religious publications” as part of a similar campaign.³⁶ Other localities within the XUAR also reported targeting or confiscating religious and political items.³⁷

Uyghurs continued to serve prison sentences as a result of exercising their right to free speech or for expressing dissent. Webmasters Dilshat Perhat and Nijat Azat, who were tried in 2010 on charges related to endangering state security, continued to serve 5- and 10-year prison sentences, respectively.³⁸ Family members connected the cases to the Webmasters’ not deleting postings about hardships in the XUAR and, in one instance, permitting posting of announcements for the July 2009 demonstrations in Urumqi.³⁹ The three-year prison sentence of Nureli Obul, the Webmaster of the Uyghur Web site Selkin, was due to expire in early August 2012.⁴⁰ Nureli Obul was detained in the aftermath of the July 2009 protests and riots and sentenced in 2010 at the same trial as Webmasters Dilshat Perhat and Nijat Azat.

Freedom of Religion

XUAR authorities used the specter of “religious extremism” to justify the continuing enforcement of controls over religion, especially Islam, and maintained harsh legal restrictions over religion.⁴¹ Authorities continued to identify “religious extremism” as one of the “three forces” threatening stability in the region and targeted religious practice in security campaigns.⁴² A new plan to deploy 8,000 public security officers to XUAR villages included “cracking down on illegal religious activities” among its aims.⁴³ In addition, central government officials in charge of religious affairs emphasized the need to strengthen the “management” of Hajj pilgrimages and “train” religious figures and cadres doing religious work.⁴⁴

Some Muslims continued to serve prison sentences as a result of exercising their faith. Courts in Kashgar prefecture in May 2012 sentenced nine Uyghurs to prison sentences ranging from 6 to 15 years on charges related to their participation in “illegal religious activities.”⁴⁵ Western media reported that in February 2012, in Hoten prefecture, public security officials detained 129 people and authorities fined nearly 3,000 people and shut down more than 200 religious sites in conjunction with a “strike hard” campaign against “illegal religious activities.”⁴⁶

In June in Hoten, 12 children, 2 school staff, and 3 policemen were injured when police raided an “illegal” religious school where Communist Party-affiliated and state-run media said teachers had confined students.⁴⁷ According to official media reports, suspects at the school set off explosives during the raid, causing a blaze that injured the children.⁴⁸ Uyghur human rights advocates reported, however, that tear gas used by police in the raid injured the children.⁴⁹ Radio Free Asia (RFA) reported that in June in Korla city, Bayangol Mongol Autonomous Prefecture (BMAP), an 11-year-old Uyghur child named Mirzahid died while in police custody after being detained for engaging in Islamic prayer studies at an unsanctioned school.⁵⁰ Official Chinese media said Mirzahid’s death was the result of a beating he received from his religious instructor prior to his detention.⁵¹ However, unnamed sources cited by RFA claimed he had been tortured to death in detention.⁵²

Reports of official campaigns to prevent men from wearing “large beards”⁵³ and women from wearing veils or clothing perceived to have religious connotations appeared to increase during the reporting year, based on Commission monitoring. In Hejing county, BMAP, an official reported at a September 2011 meeting of 550 households receiving minimum social welfare guarantees (*dibao jiating*) that women wearing veils, men with “large beards,” and guardians of minors who illegally enter mosques would be cut off from this social welfare support.⁵⁴ RFA reported in July 2012 that officials required recipients of monthly welfare stipends in areas such as Hoten, Aksu, and Kashgar to sign a pledge promising not to cover their faces for religious reasons, and promising to report to local authorities if they witnessed women covering their faces.⁵⁵ Local governments in 2012 also continued steps to bring women religious specialists known as *büwi* under tighter government regulation, following an official proposal in 2008 to place these religious figures under stricter state control.⁵⁶

Local governments throughout the XUAR continued to place controls over the observance of the Islamic holiday of Ramadan, forbidding some people from fasting, ordering restaurants to stay open, and emphasizing the need for Islamic clergy to promote ethnic unity and combat separatism.⁵⁷ RFA reported that authorities fined nearly 100 Uyghurs in Kuchar county, Aksu prefecture, for studying the Quran in “unauthorized sessions” during Ramadan in July and August 2012, and that there was an increased security presence at mosques in Urumqi during this period.⁵⁸ In addition, RFA reported that authorities had banned tourists from visiting mosques in Urumqi during Ramadan.⁵⁹ Western media agencies reported that municipalities throughout the XUAR implemented “security and stability work plans” for Ramadan that mandated schools and local governments to ensure that students and officials did not fast or visit mosques.⁶⁰ RFA reported that security officials questioned Beijing-based Uyghur professor and Webmaster Ilham Tohti on August 8 and told him not to publish any more articles on religion or Ramadan, and not to speak with foreign journalists.⁶¹ The Web site Tohti founded, Uyghur Online, published an article discussing increased restrictions during this year’s Ramadan,⁶² and Tohti spoke with Western news agencies in August about increasing restrictions on the practice of Islam in the XUAR.⁶³ [See Section II—Freedom of Religion for additional information on religion in China, including cases from the XUAR.]

Language Policy and Bilingual Education

The XUAR government continued to expand implementation of “bilingual education,” a policy that has drawn objections from non-Han groups for prioritizing Mandarin Chinese in XUAR schools at the expense of other languages spoken in the region. The policy contravenes legal protections for non-Han groups to maintain and use their own languages, as provided in Chinese and international law,⁶⁴ and underscores government failure to maintain the use of Uyghur and other languages as lingua franca within the XUAR in line with the promotion of regional autonomy. Official media reported in October 2011 that 1.2 million students from preschool to high school were enrolled in “bilingual education” classes, making

up 48 percent of the ethnic minority student population.⁶⁵ The number appears to be an increase of more than 446,000 students since 2009, based on figures from that year.⁶⁶ Education officials have said that 1.8 million ethnic minority students, comprising about 75 percent of the ethnic minority student population at primary and secondary schools, would receive “bilingual education” by 2015,⁶⁷ and that “bilingual education” would be implemented in 90 percent of XUAR schools by 2020.⁶⁸

In addition to the “bilingual education” policy, since 1997, XUAR authorities have implemented a program of sending Uyghur and other non-Han students from the XUAR to high schools in eastern Chinese cities, where they attend classes taught exclusively in Mandarin Chinese. Authorities accelerated the program, known as “Xinjiang classes” (*xinjiang ban* or *xinjiang neidi gaozhong ban*), following the May 2010 Xinjiang Work Forum. Human rights groups have criticized the program over concerns regarding its strict adherence to a Mandarin-only language policy, both in and out of the classroom, as well as concerns over the placement of young Uyghur and other non-Han students into an unfamiliar cultural landscape.⁶⁹ According to the XUAR Education Department, authorities planned to enroll a total of 27,000 students in “Xinjiang classes” in fall 2012, at 85 schools in 44 cities.⁷⁰ These numbers represent an increase of 5,000 students, 19 schools, and 8 cities since November 2010,⁷¹ at which time figures had already significantly increased since the Xinjiang Work Forum.⁷²

Population Planning Policies

The XUAR government continued to implement a “special rewards system” for non-Han households (“ethnic minority” households) that have been “certified” as having fewer children than allowed under the region’s population and family planning regulations.⁷³ The system is one of the reward mechanisms present throughout China’s population planning system, though with special focus on ethnic minority households. Authorities started the program in three southern XUAR prefectural-level areas in 2007⁷⁴ and announced plans in 2009 to extend it to an additional 26 “poor and border counties.”⁷⁵ A December 2011 report from the Xinjiang Academy of Social Sciences reported that over 268,000 people were receiving rewards under the program.⁷⁶ Authorities expanded the program in 2011 to any XUAR county or city where rural ethnic minorities comprise over 50 percent of the population.⁷⁷

During the reporting period, authorities in the XUAR and some other regions of China with Muslim populations reported on the implementation of a program entitled “Muslim Reproductive Health Project” (*musilin shengzhi jiankang shangmu*).⁷⁸ According to official media, the project aims to provide reproductive health information and health checks for Muslim women of reproductive age, while “creating a harmonious happy family.”⁷⁹ XUAR authorities decided on regional implementation of the program in July 2011, and set aside 10 million yuan (US\$1.5 million) each year for the next two years to carry it out.⁸⁰ State media reports emphasized the role of religious leaders in conveying Party policy on the project.⁸¹

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 discrimination.⁸²

On February 1, 2012, the Standing Committee of the XUAR Party Committee announced that new legal measures on employment promotion were taking effect on the same day. The new measures stipulate procedures to prevent discrimination and promote the hiring of non-Han (“ethnic minority”) groups in the region.⁸³ Some provisions of the measures mirror those in the national PRC Employment Promotion Law, but the measures also stipulate subsidies, absent in the national law,⁸⁴ for employers that hire ethnic minorities.⁸⁵ The potential impact of the measures remains unclear, however, as extant laws and directives promoting equal employment and the hiring of non-Han groups appear to have had limited impact to date in stemming discriminatory hiring policies.⁸⁶

LABOR TRANSFERS

XUAR authorities continued programs to “transfer the excess rural labor force”⁸⁷ to jobs in other parts of the XUAR and other provinces, a practice that has focused on young non-Han men and women. In March 2012, the central government published statistics indicating that, in 2011, more than 2.58 million people had been transferred to jobs outside of their home area or outside of the region.⁸⁸ 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.⁸⁹ In 2012, XUAR authorities described the programs as a way for XUAR workers to gain income, build job skills, and “liberate” participants’ “thinking.”⁹⁰

Preservation of Cultural Heritage

Chinese government development policies continued to prevent Uyghurs from preserving their cultural heritage. Authorities continued to demolish and rebuild the Old City section of Kashgar city, as part of a five-year project launched in 2009 that has drawn opposition from Uyghur residents and other observers for requiring the resettlement of the Old City’s 220,000 residents and for undermining cultural heritage protection.⁹¹ Official media reported that, as of November 2011, 18,818 homes in the Old City had been “transformed,” comprising 38.3 percent of “transformation” work.⁹² A blogger using Google Earth technology estimated, based on an overlay of satellite images taken over several years, that approximately two-thirds of the Old City had been demolished up to November 2011.⁹³ According to official media reports, government authorities consulted the Old City’s residents regarding their opinions about how demolition, reconstruction, and compensation would be carried out.⁹⁴ Reports from the New York Times and other inter-

national media outlets, however, have described instances of officials allegedly ignoring Uyghur grievances regarding the way demolitions were being carried out.⁹⁵

A report issued by a Uyghur human rights organization in April detailed concerns regarding the demolition of Kashgar's Old City, as well as demolitions and the resettlement of residents in traditionally Uyghur communities in other areas of Kashgar prefecture; Turpan prefecture; the Heijiashan (Tashbulaq) area of Tianshan district, Urumqi city; the cities of Hoten, Ghulja (city under Ili Kazakh Autonomous Prefecture), Kumul, Aksu, and Korla (city under Bayangol Mongol Autonomous Prefecture); and other localities in the XUAR.⁹⁶ In March, according to official media reports, XUAR authorities stated that 1.5 million homes would be "reconstructed" regionwide by 2015.⁹⁷

Prison Sentences of Uyghur Asylum Seekers

In January 2012, Western media reported on prison sentences given in September 2011 to 16 of the 20 Uyghur asylum seekers who were forcibly returned from Cambodia to China in 2009. Previous information on the legal status of the 20 asylum seekers was limited to June 2010 reports from Chinese authorities that 17 of the Uyghur asylum seekers had links to terrorism. According to Radio Free Asia in January 2012, local sources reported that a court in the XUAR tried 16 of the men on December 24, 2010, and sentenced them in September 2011 to prison terms ranging from 16 years to life imprisonment.⁹⁸ Information from family members and lawyers indicated that lawyers were prevented from presenting a full defense of their clients.⁹⁹ The charges against the men are not known, but the Chinese government asserted in June 2010 that they were suspected of terrorist-related activity.¹⁰⁰ The 16 men sentenced were among a group of 22 Uyghurs who were in the process of applying for refugee status at the UN High Commissioner for Refugees (UNHCR) in Phnom Penh. Cambodian authorities forcibly returned 20 of the 22 asylum seekers in December 2009, before the UNHCR could make a determination of their refugee status.¹⁰¹ Even if made at the time of extradition, the Chinese government's assertions regarding the asylum seekers' links to terrorism would not have precluded an assessment of the asylum cases by UN officers.¹⁰² Most group members had fled China after the July 2009 demonstrations and riots in the XUAR,¹⁰³ and one group member said in his statement to the UNHCR that he fled China after learning of "mass detentions" of Uyghurs following the July 2009 events.¹⁰⁴

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 stalled since the January 2010 ninth round,¹ the longest interval since such contacts resumed in 2002.² Zhu Weiqun, Executive Deputy Head of the Party's United Front Work Department,³ Director of the Party's General Office of the Central Coordinating Group for Tibet Affairs,⁴ and principal interlocutor for the Dalai Lama's envoys,⁵ reiterated Party positions seeking to prevent Tibetans from securing protection for their culture, language, religion, and environment, and instead pressure the Dalai Lama to support Party positions on Tibetan history and China's relationship with Taiwan.⁶ In return for compliance, officials offered to discuss the Dalai Lama's "personal future" in China⁷—a basis for negotiation he rejects.⁸

In January 2012, Under Secretary of State for Civilian Security, Democracy, and Human Rights Maria Otero reiterated grave concern over Tibetan self-immolations in Tibetan areas of China⁹ and called on the Chinese government "to resume substantive, results-oriented dialogue with the Dalai Lama or his representatives to address the underlying grievances of China's Tibetan population."¹⁰

Effective June 1, 2012, the Dalai Lama's Special Envoy, Lodi Gyari, and Envoy, Kelsang Gyaltzen, resigned citing "the deteriorating situation inside Tibet since 2008 leading to the increasing cases of self-immolations by Tibetans."¹¹ Their resignation letter reportedly pointed out that a principal interlocutor in the dialogue had "advocated abrogation of minority status as stipulated in the Chinese Constitution thereby seeming to remove the basis of autonomy."¹² The referenced interlocutor is Zhu Weiqun. [See Party Official Favors Ethnic Assimilation in this section.]

Tibetan Self-Immolation

The incidence of Tibetans resorting to self-immolation accelerated sharply during the Commission's 2012 reporting year and spread from Sichuan province into Qinghai and Gansu provinces and the Tibet Autonomous Region (TAR).¹³ [See table below showing 50 self-immolations as of August 27, 2012.] Of these, 45 Tibetan self-immolations (39 reported fatal) reportedly took place from October 2011—the start of the Commission's 2012 reporting year—through August 27, 2012.¹⁴ In comparison, five self-immolations (two reported fatal) occurred from February 2009 through September 2011; all of these five took place in Tibetan autonomous prefectures in Sichuan.¹⁵ During the period from October 2011 to August 27, 2012, 31 self-immolations occurred in Sichuan, and 14 took place in Tibetan autonomous areas located in Qinghai,¹⁶ Gansu,¹⁷ and the TAR.¹⁸ Of the 50 self-immolations as of August 27, 2012, 33 occurred in Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan; 21 Aba self-immolators were current or former monks at Kirti Monastery in Aba county, the site

of an ongoing security and political crackdown following protests (and some rioting) in March 2008.¹⁹

Reports of self-immolators' anti-government slogans and calls for Tibetan freedom and the Dalai Lama's return²⁰ are concurrent with increasing Chinese government and Party use of legal measures to repress and control core elements of Tibetan culture, including the Tibetan Buddhist religion and monastic institutions,²¹ and with the China-Dalai Lama dialogue's failure to achieve any sign of progress.²² An Oxford University sociologist described the Tibetan self-immolations as "one of the biggest waves of self-immolation in the last six decades" and noted that within a "small ethnic group" it indicates "intensity."²³

The Party and government have not indicated any willingness to consider Tibetan grievances in a constructive manner and to hold themselves accountable for Tibetan rejection of Chinese policies, and handled the crisis as a threat to state security and social stability instead of as a policy failure.²⁴ Government and Party officials blamed self-immolations on the Dalai Lama and organizations and individuals the Party associates with him ("the Dalai Clique").²⁵ Officials attempted to discredit self-immolators by describing them or their actions in pejorative terms (e.g., terrorist,²⁶ criminal,²⁷ copycat²⁸). Zhu Weiqun²⁹ blamed the Dalai Lama directly:

The Dalai Lama wants to turn Tibetan Buddhism into a religion of suiciders and self-immolators in order to serve his own political purpose; this is the fundamental reason that these incidents occurred.³⁰

TIBETAN SELF-IMMOLATION (FEBRUARY 2009–AUGUST 2012)

No.	Date of Self-Immolation	Name Sex /Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov./ Pref./County)	Status
2009					
1	February 27	Tashi (Tabe) M/24	Monk Kirti Mon- astery	Sichuan/ Aba T&QAP/ Aba county	Detained in hospital ³¹
2011					
2	March 16	Phuntsog M/20	Monk Kirti	Sichuan/ Aba/ Aba	Deceased ³²
3	August 15	Tsewang Norbu M/29	Monk Nytso Mon- astery	Sichuan/ Ganzi TAP/ Daofu county	Deceased ³³
4, 5	September 26	Lobsang Kalsang, Lobsang Konchog Both M/18	Monks Kirti	Sichuan/ Aba/ Aba	Both hospital- ized ³⁴
6	October 3	Kalsang Wangchug M/17	Monk Kirti	Sichuan/ Aba/ Aba	Hospitalized ³⁵

TIBETAN SELF-IMMOLATION (FEBRUARY 2009–AUGUST 2012)—CONTINUED

No.	Date of Self-Immolation	Name Sex /Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov./ Pref./County)	Status
7, 8	October 7	Choephel, M/ 19 Khayang, M/18	Former monks Kirti	Sichuan/ Aba/ Aba	Both de- ceased ³⁶
9	October 15	Norbu Dradul M/19	Former monk Kirti	Sichuan/ Aba/ Aba	Deceased ³⁷
10	October 17	Tenzin Wangmo F/20	Nun Dechen Choekorling Nunnery	Sichuan/ Aba/ Aba	Deceased ³⁸
11	October 25	Dawa Tsering M/30s	Monk Gepheling Monastery	Sichuan/ Ganzi TAP/ Ganzi county	Hospitalized then re- leased ³⁹
12	November 3	Palden Choetso (Choesang) F/35	Nun Gaden Choeling Nunnery	Sichuan/ Ganzi/ Daofu	Deceased ⁴⁰
13	December 1	Tenzin Phuntsog M/46	Householder (father) (Former monk, Karma Mon- astery)	TAR/ Changdu prefecture/ Changdu county	Deceased ⁴¹
2012					
14, 15	January 6	Tsultrim, Tennyi Both M/about 20	Current or former monks Kirti	Sichuan/ Aba/ Aba	Both de- ceased ⁴²
16	January 8	Sonam Wanggyal (Zoepa) M/42	Monk Dungkyob Monastery	Qinghai/ Guoluo TAP/ Dari county	Deceased ⁴³
17	January 14	Lobsang Jamyang M/21	Former monk Andu Mon- astery	Sichuan/ Aba/ Aba	Deceased ⁴⁴
18	February 8	Rigzin Dorje M/19	Former monk Kirti	Sichuan/ Aba/ Aba	Deceased ⁴⁵
19	February 9	Sonam Rabyang M/mid-30s	Monk Lab Monastery	Qinghai/ Yushu TAP/ Chenduo county	Hospitalized ⁴⁶
20	February 11	Tenzin Choedron F/18	Nun Dechen Choekorling	Sichuan/ Aba/ Aba	Deceased ⁴⁷
21	February 13	Lobsang Gyatso M/19	Monk Kirti	Sichuan/ Aba/ Aba	Hospitalized ⁴⁸

TIBETAN SELF-IMMOLATION (FEBRUARY 2009–AUGUST 2012)—CONTINUED

No.	Date of Self-Immolation	Name Sex /Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov./ Pref./County)	Status
22	February 17	Damchoe Zangpo M/38	Monk Bongtag Mon- astery	Qinghai/ Haixi M&TAP/ Wulan coun- ty	Deceased ⁴⁹
23	February 19	Nangdrol (Nyadrol) M/18	Layman	Sichuan/ Aba/ Rangtang county	Deceased ⁵⁰
24	March 3	Tsering Kyi F/19	Middle-school student	Gansu/ Gannan TAP/ Maqu county	Deceased ⁵¹
25	March 4	Rinchen F/32	Widowed mother	Sichuan/ Aba/ Aba	Deceased ⁵²
26	March 5	Dorje M/18	Layman	Sichuan/ Aba/ Aba	Deceased ⁵³
27	March 10	Gepe M/18	Monk Kirti	Sichuan/ Aba/ Aba	Deceased ⁵⁴
28	March 14	Jamyang Palden M/34	Monk Rongbo Mon- astery	Qinghai/ Huangnan TAP/ Tongren county	Hospitalized, removed by monks ⁵⁵
29	March 16	Lobsang Tsultrim M/20	Monk Kirti	Sichuan/ Aba/ Aba	Deceased ⁵⁶
30	March 17	Sonam Dargyal M/44	Farmer (fa- ther)	Qinghai/ Huangnan/ Tongren	Deceased ⁵⁷
31	March 28	Sherab (Lobsang Sherab) M/20	Monk Kirti	Sichuan/ Aba/ Aba	Deceased ⁵⁸
32, 33	March 30	Tenpa Dargyal, M/ 22 Chime Palden, M/21	Monks Tsodun Mon- astery	Sichuan/ Aba/ Ma'erkang county	Both de- ceased ⁵⁹
34, 35	April 19	Choephag Kyab, Sonam Both M/early 20s	Laymen	Sichuan/ Aba/ Rangtang	Both de- ceased ⁶⁰
36, 37	May 27	Dorje Tseten, M/19 Dargye, M/25	Both res- taurant staff (Dargye: Former monk, Kirti)	TAR/ Lhasa munici- pality/Lhasa city	Deceased ⁶¹ Hospitalized ⁶²

TIBETAN SELF-IMMOLATION (FEBRUARY 2009–AUGUST 2012)—CONTINUED

No.	Date of Self-Immolation	Name Sex /Approx. Age	Occupation Affiliation	Self-Immolation Location (Prov./ Pref./County)	Status
38	May 30	Rikyo (Rechog) F/33	Wife and mother	Sichuan/ Aba/ Rangtang	Deceased ⁶³
39	June 15	Tamdrin Thar M/50s	Settled nomad, father	Qinghai/ Huangnan/ Jianza county	Deceased ⁶⁴
40, 41	June 20	Tenzin Khedrub, M/ 24 Ngawang Norphel, M/ 22	Former monk, Zilkar Mon- astery Carpenter (hailed from Rikaze pre- fecture, TAR)	Qinghai/ Yushu/ Chenduo	Both de- ceased ⁶⁵
42	July 7	Tsewang Dorje M/22	Settled nomad	TAR/ Lhasa/ Dangxiong county	Deceased ⁶⁶
43	July 17	Lobsang Lozin M/18	Monk Tsodun Mon- astery	Sichuan/ Aba/ Ma'erkang	Deceased ⁶⁷
44	August 6	Lobsang Tsultrim M/21	Monk Kirti	Sichuan/ Aba/ Aba	Deceased ⁶⁸
45	August 7	Drolkar Tso F/26	Wife and mother	Gansu/ Gannan/ Hezuo county	Deceased ⁶⁹
46	August 10	Choepa M/24	Nomad	Sichuan/ Aba/ Aba	Deceased ⁷⁰
47, 48	August 13	Lungtog, M/20 Tashi, M/21	Monk, Kirti Former monk, Kirti	Sichuan/ Aba/ Aba	Both de- ceased ⁷¹
49, 50	August 27	Lobsang Kalsang, M/ 18 Lobsang Damchoe, M/ 17	Monk, Kirti Former monk, Kirti	Sichuan/ Aba/ Aba	Both de- ceased ⁷²

In January 2012, Tibetan protests in three Sichuan counties⁷³ resulted in official use of gunfire and were linked to posters sympathetic with self-immolators or warning of additional self-immolation.⁷⁴ Security personnel reportedly opened fire and killed a total of at least six protesters.⁷⁵ State-run media implied that in two locations security forces fired in self-defense.⁷⁶ Some media reports indicated that protesters became violent after security officials opened fire.⁷⁷

Religious Freedom for Tibetan Buddhists

The status of religious freedom for Tibetan Buddhists declined steeply this past year. Commission analysis demonstrated an apparent correlation between monastic self-immolation and increasing Chinese Communist Party and government repression of freedom of religion in Tibetan Buddhist monasteries and nunneries.⁷⁸ Thirty-one of the 45 self-immolators from October 2011 through August 27, 2012, were current or former monks or nuns.⁷⁹ [See table above.]

UNPRECEDENTED MEASURES STRENGTHEN PARTY CONTROL

The Chinese Communist Party and government initiated two unprecedented measures⁸⁰ to further strengthen control over the Tibetan Buddhist religion and monastic institutions⁸¹ and transform them into entities prioritizing loyalty to the Party and patriotism toward China,⁸² while seeking to bring to an end the Dalai Lama's influence on Tibetans.⁸³ The first development was the October 20, 2011, opening of the Tibetan Buddhism Theological Institute (TBTI)—the TAR's "first high-level comprehensive school for Tibetan Buddhism."⁸⁴ Zhu Weiqun, Executive Deputy Head of the Communist Party United Front Work Department (UFWD), and Director of the Party's General Office of the Central Coordinating Group for Tibet Affairs,⁸⁵ said the TBTI is necessary "to establish a normal order for Tibetan Buddhism, to conform with the development of our times, and to resist the Dalai clique's religious infiltration." Zhu's reference to "our times" apparently signifies Party intent to establish an updated "normal order" that conforms to current Party and government objectives. Zhu stated that "under the new situation" Tibetan Buddhism, among other things, should:⁸⁶

- "Make the correct historical choice";
- "Struggle against the Dalai clique";
- "Safeguard the motherland's reunification and ethnic unity";
- "Accept the government's management according to law";
- "Remove the crude customs and habits that are not in line with social progress";
- "Actively adapt to socialist society"; and
- "Maintain the correct direction of Tibetan Buddhism's development."

The second unprecedented measure, initiated in November 2011 and completed in February 2012,⁸⁷ was the establishment of a Monastery Management Committee (MMC) headed by Party cadres⁸⁸ and government officials⁸⁹ in all 1,787 TAR monasteries.⁹⁰ TAR Party Secretary Chen Quanguo told Party members on February 2 that "the broad ranks of cadres stationed in monasteries" should ensure that monks and nuns "become an important force in loving their country, loving their religion, observing regulations, abiding by laws, safeguarding stability, and building harmony."⁹¹ A Party newspaper reported that cadres must seek to befriend monks and nuns and compile information on them and their family members.⁹² In turn, cadres must incentivize family members to "guide" monks and nuns to be "patriotic and progressive."⁹³ Chen called on MMCs to "guide" monks and nuns "to actively vie with one another" to attain recognition for themselves and their monas-

tic institutions.⁹⁴ In May 2012, the same Party newspaper published a list of 59 “harmonious model monasteries” and 6,774 “patriotic law-abiding advanced monks and nuns”⁹⁵ (out of approximately 46,000 in the TAR⁹⁶). The citations were the first of their kind.⁹⁷

MMCs, in terms of status and function, are more intrusive and repressive than Masses Supervision and Appraisal Committees (MSACs) established in Qinghai province by prefectural-level Tibetan Buddhist affairs regulations.⁹⁸ MSACs are not headed entirely by Party and government officials,⁹⁹ members do not directly manage monastic affairs,¹⁰⁰ and they do not all reside within a monastic institution.¹⁰¹

THE DALAI LAMA’S STATEMENT ON REINCARNATION

In a September 24, 2011, signed statement,¹⁰² the Dalai Lama rejected Party attempts to use historical misrepresentation¹⁰³ and government regulation¹⁰⁴ to impose unprecedented control over one of Tibetan Buddhism’s most important features¹⁰⁵—lineages of teachers (*trulkus*) who Tibetan Buddhists believe are reincarnations and can span centuries. The Dalai Lama denounced as “outrageous and disgraceful”¹⁰⁶ the PRC Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism.¹⁰⁷ He concluded with a “declaration” summing up his basis for rejecting Party interference with identifying *trulkus* and outlined measures he would take to protect the legitimacy of a possible subsequent Dalai Lama.¹⁰⁸ The declaration’s main points included:

- *Trulkus* guide their own reincarnations, not the Party.¹⁰⁹
- Tibetan Buddhists will not accept continued Party interference.¹¹⁰
- Around 2025, when the Dalai Lama is about 90,¹¹¹ he and others will determine whether there will be another Dalai Lama.¹¹²
- A named organization would lead a search for a 15th Dalai Lama.¹¹³
- The Dalai Lama’s written instructions would guide a search.¹¹⁴

Tibetan Buddhists in China likely regard the statement as of high importance due to its wording, formality, and significance to Tibetan Buddhism’s future.¹¹⁵

ADDITIONAL DEVELOPMENTS

Regulating pilgrimage. In December 2011, TAR authorities considered measures to manage “society’s floating personnel engaged in religious activities”—a broad phrase that could include long-term pilgrimage or pilgrimage by non-monastic persons—and to “cleanse and rectify” such activity.¹¹⁶ Substantial numbers of Tibetan farmers and herders engage in pilgrimage seasonally.¹¹⁷ New regulatory measures may heighten tension between Tibetan Buddhists and the government.¹¹⁸

“Mass detention” for attending Dalai Lama teaching. In January and February 2012, security officials reportedly detained hundreds of Tibetans as they returned from a Tibetan Buddhist teaching—the Kalachakra—by the Dalai Lama in India.¹¹⁹ As

many as 7,000 to 10,000 Tibetans traveled from China to India for the teaching.¹²⁰ Officials held detainees in various locations for two to four months of “education”¹²¹ and released most of them by April.¹²² Based on the reports cited above, authorities treated attending the teaching as a political infraction, not as an issue linked to the adequacy of travel documents.¹²³

Abandoned monasteries. In December 2011 and January 2012, monks and nuns in Biru (Driru) county, Naqu (Nagchu) prefecture, TAR, reportedly abandoned five monasteries and one nunnery rather than conform to recent regulations.¹²⁴ In March 2012, security officials in Biru detained five Tibetan men for planning a protest to demand, among other things, “the reopening of monasteries with full rights given to monks to study and practice religion.”¹²⁵

Monastic legal education. As of May 2012, “rule-of-law propaganda-themed education activities” were underway in monastic institutions throughout the TAR.¹²⁶ Pema Choling (Baima Chilin), Chairman of the TAR People’s Government and Deputy Secretary of the TAR Party Committee, told a conference the education campaign guides monks and nuns “to love the country, love religion, abide by the law, forsake evil and promote harmony, and pray for peace.”¹²⁷

Status of Tibetan Culture

PARTY OFFICIAL FAVORS ETHNIC ASSIMILATION

This past year, the Chinese Communist Party and government increased pressure on and interference with the Tibetan people’s aspiration to preserve the viability and vibrancy of their culture and language. Zhu Weiqun, UFWD Executive Deputy Head and Director of the Party’s General Office of the Central Coordinating Group for Tibet Affairs,¹²⁸ wrote in a February 13, 2012, article that he favors ending or changing some policies that have the potential to benefit ethnic minority cultures. Instead, Zhu advocated ethnic “amalgamation.”¹²⁹ His views, if implemented, could adversely affect the Tibetan people’s cultural and linguistic identity and further deepen resentment against the government. Zhu’s suggestions included:

- Promoting the assimilation of ethnic minority groups as “natural amalgamation”,¹³⁰
- Establishing no further ethnic autonomous areas;¹³¹
- Ending inclusion of ethnic information on household registration (*hukou*) cards;¹³²
- “Desegregating” education (i.e., ending minority-language education programs);¹³³ and
- “Popularizing” the spoken and written use of Mandarin Chinese “without fail.”¹³⁴

Zhu did not suggest ending the system of ethnic autonomy established under the PRC Constitution¹³⁵ and the PRC Regional Ethnic Autonomy Law (REAL),¹³⁶ or comment on whether reducing ethnic rights would require amending the Constitution or REAL.

On February 23, academic experts on ethnic minority issues convened a symposium in Beijing under the auspices of the Chinese Academy of Social Sciences to discuss “current hot-button ethnic theoretical and practical issues.”¹³⁷ A published summary of sym-

posium views referred to a “leading cadre”—likely Zhu—and warned of increasing risks posed by the declining status of ethnic minority affairs:

The blind spot in knowledge, the erroneous zone in education, and the deficiency in mutual trust, which can be seen everywhere across the ethnic spectrum in today’s China, are turning gradually into a social governance tragedy.¹³⁸

PARTY DEPLOYS TEAMS TO TAR VILLAGES

As of March 2012, the TAR Party Committee had deployed teams of cadres to all 5,451 TAR village-level administrative entities to strengthen Party grassroots control.¹³⁹ The measure was concurrent with the Party’s establishment of Monastery Management Committees in TAR monasteries and nunneries [see above].¹⁴⁰ The first-ever such deployment involved more than 21,000 cadres and will last at least through 2014, according to Oezer (Weise), the Director of the TAR Supervision Department.¹⁴¹ TAR officials attending the National People’s Congress in March told President and Party General Secretary Hu Jintao that the deployment educates Tibetans on “indebtedness to the Party” and “further solidified the social foundation for . . . development and stability.”¹⁴² TAR Party Secretary Chen Quanguo told a September 2011 teleconference prior to the deployment that the Party should “thoroughly and meticulously carry out . . . the ideological work,” “strictly prevent the interference and involvement of hostile forces abroad and the Dalai clique,” and “insist on considering the work of safeguarding stability as a political task that overrides everything.”¹⁴³

ADDITIONAL DEVELOPMENTS

Cultural advocates detained. This past year, public security officials detained Tibetan writers, entertainers, and cultural advocates including Lolo,¹⁴⁴ Dawa Dorje,¹⁴⁵ Urgyen Tenzin,¹⁴⁶ Drubpa Kyab,¹⁴⁷ Athar,¹⁴⁸ Gyatso,¹⁴⁹ Lhaten,¹⁵⁰ Choepa Lugyal,¹⁵¹ and Choegon.¹⁵² A court sentenced Dawa.¹⁵³

Students protest language policy.¹⁵⁴ On March 4, 2012, approximately 700 Tibetan middle-school students in Tongren (Rebgong) county, Huangnan (Malho) TAP, Qinghai province, protested against the replacement of Tibetan-language textbooks with Chinese-language textbooks.¹⁵⁵ Approximately 2,500 students in Tongren and Zeku (Tsekhog) county staged support protests.¹⁵⁶ Officials told the Tongren middle-school students they would receive Tibetan-language textbooks in September.¹⁵⁷ On March 14, students in Gangcha (Kangtsa) county, Haibei (Tsojang) TAP, Qinghai province, reportedly staged a protest calling for “equality for languages.”¹⁵⁸ Authorities allegedly fired a Zeku education official and the heads of two Zeku middle schools, following the protests.¹⁵⁹

Private schools shut down, teachers detained. Qinghai officials reportedly closed a private school in Zaduo (Dzatoe) county, Yushu (Yushul) TAP, on February 12, 2012, and detained the director, Lama Gewa, on March 8.¹⁶⁰ Sichuan public security officials shut down a private school in Ganzi (Kardze) county, Ganzi TAP, that reportedly was established with official approval in the late

1980s, and detained the director, Nyandrag, and a teacher, Yama Tsering.¹⁶¹ Gansu officials in early May closed a private orphanage school in Luqu (Luchu) county, Gannan (Kanlho) TAP, and detained two teachers, Sanggye Dondrub and Jamyang.¹⁶²

Economic Development Policy and Implementation

The Chinese Communist Party and government continued to impose “adherence to a development path with Chinese characteristics and Tibetan traits,”¹⁶³ a policy the Standing Committee of the Political Bureau of the Party Central Committee established at the January 2010 Fifth Tibet Work Forum.¹⁶⁴ The policy subordinates Tibetan culture and aspirations to Party economic, social, and political objectives.¹⁶⁵ TAR Party Secretary Chen Quanguo said in his November 2011 report to the TAR Party Congress that development is “the foundation on which to resolve all of Tibet’s problems.”¹⁶⁶ Zhu Weiqun in his February 2012 article articulated views on how the Party should use development initiatives to transform ethnic minority areas demographically, socially, and politically.¹⁶⁷ Development plans, among other things, should:

- Promote “consolidating national unification and central authority”;¹⁶⁸
- Promote the trend of “mixed habitation” among ethnic groups and “make it irreversible”;¹⁶⁹
- Focus on geographic factors, not support for a specific ethnic group, and thereby “produce different results in social and political direction”;¹⁷⁰ and
- Consider how every economic investment in ethnic minority areas can “produce economic and political results.”¹⁷¹

UPDATES ON DEVELOPMENT TOPICS

Railroad construction. The government provided construction updates on some segments of the railway network planned to crisscross the Tibetan plateau by 2020.¹⁷²

- **Sichuan-Tibet railway, Yunnan-Tibet railway.** In November 2011, Chen Quanguo called for acceleration of work on both railways.¹⁷³
- **Lhasa-Linzhi (Nyingtri) railway.** In April 2012, TAR officials met with Ministry of Railways officials and called for starting construction in 2012 of the eastbound segment from Lhasa to Linzhi¹⁷⁴ that would be part of the Sichuan-Tibet railway and the Yunnan-Tibet railway.¹⁷⁵
- **Lhasa-Rikaze (Shigatse) railway.** A TAR official said in January 2012 that the westbound segment from Lhasa to Rikaze would be complete by 2015.¹⁷⁶ A September 2011 report stated that service would begin in 2014¹⁷⁷ (the initial date was 2010¹⁷⁸). An April 2012 report implied labor problems on the project,¹⁷⁹ and a November 2011 report referred to China’s railway construction as “cash-starved.”¹⁸⁰
- **Chengdu-Lanzhou railway.** In March 2012, the Aba (Ngaba) T&QAP government reported funding was available to start construction of the Aba section of the “Cheng-Lan” railway.¹⁸¹ The line will traverse Mao, Songpan (Zungchu), and

Jiuzhaigou counties in Aba,¹⁸² and Zhouqu (Drugchu) county in Gannan (Kanlho) TAP, Gansu province.¹⁸³

Forced settlement. State-run media reported in January 2012 that 1.85 million herdsmen had been settled in the TAR by 2011.¹⁸⁴ An August 2011 central government opinion on “development” of pastoral areas called for settlement of all herders nationwide and provision of public services to them to be “basically” accomplished by 2015 and “fully improved” by 2020.¹⁸⁵

Environmental protest. Tibetans continued to protest against development initiatives they consider harmful to the environment. In February 2012, public security officials reportedly detained “activists” Lubum, Dawa, and Dragpa, members of an environmental protection group in Daofu (Tawu) county, Ganzi TAP, Sichuan province.¹⁸⁶ In March, posters appeared in Henan (Yulgan) Mongol Autonomous County, Huangnan (Malho) TAP, Qinghai province, calling for, among other things, the Tibetan environment’s preservation.¹⁸⁷

Summary: Tibetan Political Detention and Imprisonment

As of September 1, 2012, the Commission’s Political Prisoner Database (PPD) contained 1,312 records of Tibetan political prisoners detained on or after March 10, 2008—a figure certain to be far from complete.

Among the 1,312 PPD records of Tibetan political detentions reported since March 2008 are 21 Tibetans ordered to serve reeducation through labor (17 are believed released upon completion of their terms), and 237 Tibetans whom courts sentenced to periods of imprisonment ranging from six months to life (101 are believed released upon completion of their sentences). Of the 237 Tibetan political prisoners sentenced to imprisonment since March 2008, sentencing information is available for 224 prisoners: The average sentence length is five years and one month based on PPD data as of September 1, 2012.¹⁸⁸

CURRENT TIBETAN POLITICAL DETENTION AND IMPRISONMENT

As of September 1, 2012, the PPD contained records of 626 Tibetan political prisoners believed or presumed to be currently detained or imprisoned. Of those records, 597 are of Tibetans detained on or after March 10, 2008;¹⁸⁹ 29 are records of Tibetans detained prior to March 10, 2008. PPD information for the period since March 2008 is far from complete.

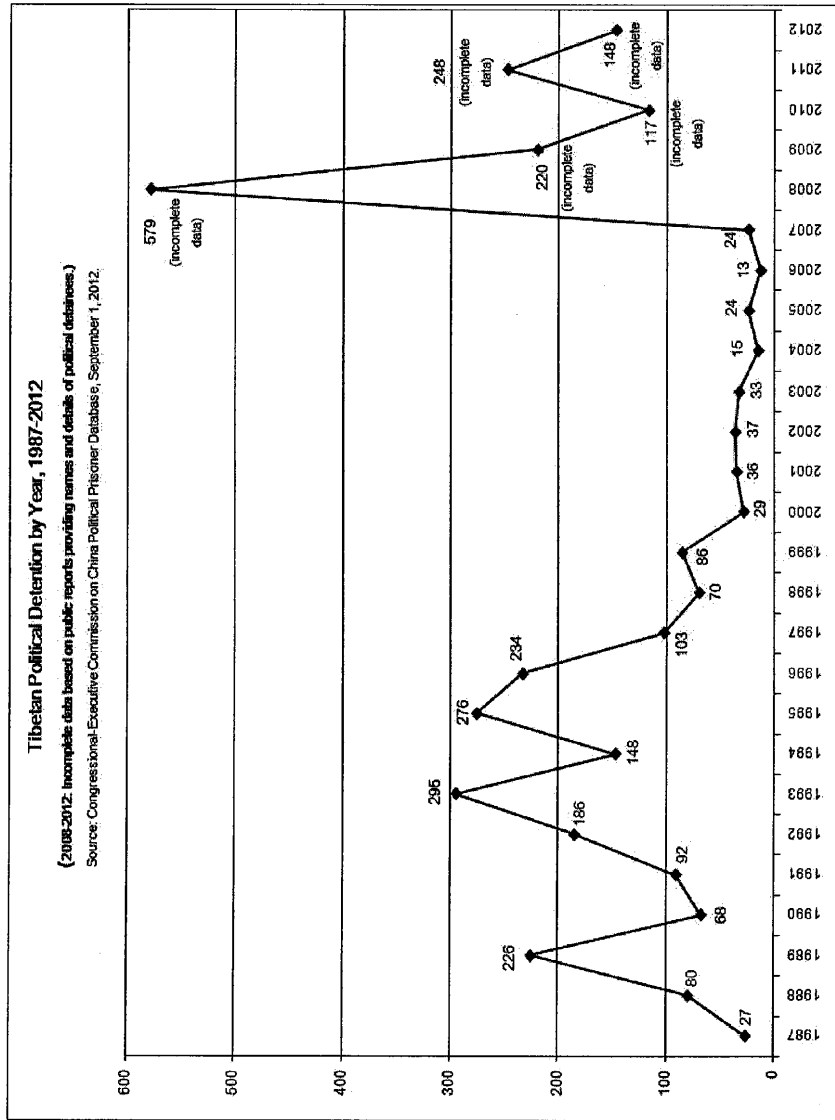
Of the 597 Tibetan political prisoners believed or presumed currently detained or imprisoned and who were detained on or after March 10, 2008, according to PPD data as of September 1, 2012:

- 283 (47 percent) are Tibetan Buddhist monks, nuns, teachers, or *trulkus*.
- 517 (87 percent) are male, 55 (9 percent) are female, and 25 are of unknown gender.
- More than half (308) are believed or presumed to be detained or imprisoned in Sichuan province; the rest are believed or presumed to be detained or imprisoned in the Tibet Autonomous Region (188), Qinghai province (66), Gansu province (33), the

Xinjiang Uyghur Autonomous Region (1), and Beijing municipality (1).

- 140 Tibetan political prisoners reportedly were sentenced to periods of imprisonment (136 persons) or reeducation through labor (4 persons) ranging from one year and six months to life. Sentencing information is available for 130 of the prisoners: the average sentence is seven years.¹⁹⁰ Sixty-five (50 percent) of the prisoners with known sentences are Tibetan Buddhist monks, nuns, teachers, or *trulkus*.

Sentencing information is available on 23 of the 29 Tibetan political prisoners detained prior to March 10, 2008, and believed currently imprisoned. Their sentences range from 5 years to life imprisonment; the average is 14 years and 6 months.¹⁹¹



VI. Developments in Hong Kong and Macau

Hong Kong

ELECTIONS IN HONG KONG

During the Commission's 2012 reporting year, Hong Kong held the first election of members of the Legislative Council (LegCo) and selection of the new Chief Executive (CE) under the 2011 electoral reforms. The Hong Kong Legislative Council (LegCo) passed legislation in 2011 implementing the reforms, which broadened the electoral base somewhat for the 2012 election of LegCo by adding 10 new members to the previous 60-member council, and increased the membership of the selection committee that chooses the CE from 800 to 1,200.¹ Of the 10 new LegCo members, 5 were elected by geographical constituencies and 5 through a newly formed territory-wide District Council constituency.² These reforms fell short of provisions in the Hong Kong Basic Law which state, "The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures"; and "The ultimate aim is the election of all the members of the Legislative Council by universal suffrage."³

On March 25, 2012, the 1,200-member selection committee chose Leung Chun-ying (C Y Leung) as Hong Kong's next CE, in a process characterized by "chaos and scandal-mongering"⁴ and that the *Wall Street Journal* described as "an unusually colorful brawl."⁵ The selection of the CE is inherently non-democratic in that an unelected 1,200-member selection committee (out of a population of over 7 million) chooses the CE.⁶ The selection process was characterized by extensive interference by the mainland government, which initially supported Henry Tang, the former chief secretary.⁷ Tang was involved in a series of scandals, which had a negative impact on his public support.⁸ The mainland government shifted its support to Leung, long considered a "closet Communist," according to the *Economist*.⁹ A few weeks before the selection, a "source from Beijing" predicted the result, saying that Xi Jinping—likely incoming president of China and the Beijing official in charge of Hong Kong affairs at the time—had determined that Leung would get over 700 votes, Tang 200, and Democratic Party candidate Albert Ho 100, remarkably close to the final tally.¹⁰ Disregarding the principle of "one country, two systems," the central government communicated with members of the selection committee that they should vote for Leung.¹¹

On September 9, 2012, Hong Kong held its first LegCo election since the reforms. In the election, democracy advocates won three of the five seats created under Hong Kong's 2011 legislative reforms, retaining the one-third of the seats needed to block "fundamental changes" in Hong Kong laws.¹² This may be critical as LegCo considers legislation for the 2017 elections.¹³ The more radical group of democracy advocates added seats, while the more traditional Democratic Party lost seats.¹⁴ Pro-Beijing parties gained seats as well, potentially leading to legislative gridlock.¹⁵

In the face of tens of thousands of protesters and on the eve of the LegCo elections, on September 8, C Y Leung removed the re-

quirement that by 2015 Hong Kong schools start teaching a Beijing-backed national education curriculum that one article characterized as “contemporary Chinese history with a heavy dose of nationalism and a favorable interpretation of the Communist Party’s role . . .”¹⁶ Tens of thousands of protestors had demonstrated for nine consecutive days, and emigrant groups staged protests overseas.¹⁷ Reportedly, there were even signs the activism could spread to the mainland.¹⁸

The protests started in July, when thousands took part in demonstrations against the controversial plan.¹⁹ In August, some Hong Kong students and teachers commenced a hunger strike to protest the plan.²⁰ Former chief executive Donald Tsang initiated the plan in 2010,²¹ which the People’s Daily defended as in keeping with international practice of “patriotic education.”²² However, in an editorial in the New York Times, one parent who took part in a demonstration against the plan in July 2012 described the new curriculum as a “one-sided, totally positive portrayal of Communist Party rule. . . .”²³ An editorial in the Party-controlled Global Times refuted claims that the plan constitutes “brainwashing.”²⁴ Notwithstanding Leung’s September 8 retreat, protests continued, with students from several Hong Kong tertiary institutions boycotting classes on September 11, indicating that Leung’s concessions were not enough, and demanding that the curriculum be removed completely.²⁵

ACTIVE DISSENT IN HONG KONG

During this reporting year, Hong Kong citizens have continued to express their dissent. A few weeks before the selection of the Chief Executive (CE), thousands took part in “fiery protests” against then-CE Donald Tsang and the process by which his replacement was to be selected.²⁶ Pro-democracy protesters demonstrated against the selection of C Y Leung as CE.²⁷ Tens of thousands of people attended the 2012 annual vigil commemorating the 1989 Tiananmen protests, more than the number who attended in 2011,²⁸ and tens of thousands protested the government’s proposed national education plan. [See above.]

FREEDOM OF EXPRESSION

Press freedom reportedly deteriorated in Hong Kong in 2011. According to non-governmental organization Reporters Without Borders’ 2011–2012 report, Hong Kong’s Press Freedom Index ranking dropped from 34th in 2010 to 54th in 2011, out of 179 countries.²⁹ The report noted, “Arrests, assaults and harassment worsened working conditions for journalists to an extent not seen previously, a sign of worrying change in government policy.”³⁰ (For comparison, the United States dropped from 20th to 47th during the same period because of actions during protests, and China dropped from 171st to 174th.)³¹ U.S.-based Freedom House in its 2012 Global Press Freedom Rankings listed Hong Kong as “partly free.”³² In an April 2012 survey by the Hong Kong University public opinion program, half the 1,012 respondents thought the media practiced self-censorship, but saw the media as more willing to criticize the Hong Kong government than the central government.³³ According to Mak Yin Ting, chair of the Hong Kong Journalists Association, in a sur-

vey of journalists in Hong Kong, 87 percent said press freedom had deteriorated since 2007.³⁴ Mak cited a number of causes, including government control of information, rough treatment of reporters, denial of media access to events, restrictions on movement around government offices, self-censorship, and censorship by media outlets, many of the owners of which have business interests in the mainland.

Macau

ABILITY OF MACAU CITIZENS TO INFLUENCE THEIR GOVERNMENT

During this reporting year, there was some discussion concerning electoral reforms in Macau, but no real progress toward universal suffrage or greater participation by the people of Macau in the political process. As is the case in Hong Kong, the ability of the people of Macau to influence their government is restricted by the territory's constitutional system. Under Macau's system, prior to reforms approved this year [see below], the chief executive (CE) is selected by a 300-person committee, and only 12 of 29 seats in the Legislative Assembly (AL) are filled by direct election.³⁵ In November 2011, Macau's Chief Executive Fernando Chui Sai On raised the possibility of reform in his annual policy address, saying that the government would "put forward proposals on need for and possible change to the composition of 5th Legislative Assembly (AL) in 2013 and the way to elect the fourth Chief Executive in 2014."³⁶

Some assembly members' initial responses to Chui's remarks were positive.³⁷ After obtaining guidance from the mainland National People's Congress (NPC),³⁸ in January 2012, the Macau government held a consultation exercise—which some civil groups criticized as flawed and one group said was manipulated to "fabricate" public opinion—for reporting to the NPC.³⁹ The "consultation" consisted of eight sessions, only one of which was open to the public.⁴⁰ During the consultation, speakers at some sessions called for greater suffrage or other changes such as greater transparency in the selection of appointed lawmakers, and others said the current system should remain unchanged.⁴¹

After this first consultation exercise, Chui submitted a proposal to the NPC Standing Committee to increase the number of seats in the CE selection committee and the number of directly elected seats in the AL, which the NPC approved in March.⁴² Mainland officials made clear, however, that any changes must be in keeping with the Macau Basic Law, which has no provision for direct election of the CE or timetable for democratic reform.⁴³ The Macau government held a second consultation exercise, consisting of 10 meetings, 3 of which were open to the public.⁴⁴ Like the first consultation, the second was severely flawed. According to one Macau lawmaker, the process was "manipulated"⁴⁵ to fabricate support for the government's proposal, which provided for the addition of two directly elected and two indirectly elected seats to the AL and an extra 100 members to the CE selection committee.⁴⁶ On June 30, the NPC Standing Committee issued its approval.⁴⁷ After "long hours of debate," in August, Macau's Legislative Assembly approved bills making the changes,⁴⁸ which one legislator had earlier described as "democracy rolling back."⁴⁹

VII. Endnotes

†Voted to adopt: Representatives Smith, Wolf, Manzullo, Royce, Walz, Kaptur, and Honda; Senators Brown, Baucus, Levin, Feinstein, Merkley, Collins, and Risch; Deputy Secretary Harris, Under Secretary Otero, Under Secretary Sánchez, Assistant Secretary Campbell, and Assistant Administrator Biswal.

Notes to Section I—Political Prisoner Database

¹The 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 Political Prisoner Database were detained or imprisoned for attempting to exercise rights guaranteed to them by China's Constitution and laws, or by international law, or both. Chinese security, prosecutorial, 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

¹International 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. 19(3); Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 19, 29. The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression has also used this three-factor test to describe the standard for determining when a restriction is permissible under Article 19, paragraph 3 of the ICCPR. UN Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, 16 May 11, A/HRC/17/27, para. 24.

²UN GAOR, Hum. Rts. Coun., 12th Sess., Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, adopted by Human Rights Council resolution 12/16, A/HRC/RES/12/16, 12 October 09, para. 5(p)(i).

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Notes to Section II—Worker Rights

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¹⁰⁴PRC Social Insurance Law [Zhonghua renmin gongheguo shehui baoxian fa], issued 28 October 10, effective 1 July 11, art. 36.

¹⁰⁵Deng Jianhua, “Part-Time Working Girl Fights for Occupational Injury Compensation for Six Years, Is Actually Sued While Seeking Redress” [Dagong mei 6 nian kangzheng taoyao gongshang buchang, tao shuofa fancheng bei gao], Yunnan Net, 18 May 12; Ye Zhuoyi, “Applying for [Recognition of] Occupational Injury for Heat Stroke Cannot Stop at Reminding” [Zhongshu shenqing gongshang bu neng zhi yu tixing], Sohu, 21 May 12; China Labour Bulletin, “Searching for the Missing Link: Miner Struggles To Prove Labour Relationship With Former Boss,” 28 January 12; Zhang Huanping, “750,000 Cumulative Cases of Occupational Illness Reported Nationwide, Pneumoconiosis Makes Up 90 Percent” [Quanguo leiji baogao zhiye bing 75 wan li, chenfei bing zhan 9 cheng], Caixin, 30 June 11.

¹⁰⁶PRC Regulations on Occupational Injury Insurance [Zhonghua renmin gongheguo gongshang baoxian tiaoli], issued 27 April 03, amended 20 December 10, effective 1 January 11, art. 18.

¹⁰⁷Zhang Shiguang, “Model Worker Zhang Zhijuan Falls Into the Trap of Not Having Her Disease Recognized” [Laomo zhang zhijuan xianru kanbuqi bing de kunjing], Worker’s Daily, 17 May 12; Zhang Shiguang, “Model Worker Zhang Zhijuan Falls Into the Trap of Not Having Her Disease Recognized’ Follow-up Report: Can We Change This Provision?” [“Laomo zhang zhijuan xianru kanbuqi bing de kunjing” houxu baodao: zhe ge tiaokuan neng fou xiugai yi xia], Worker’s Daily, 23 May 12; China Labour Bulletin, “Officials Refuse To Sanction Work-Related Injury Case Because Victim Did Not Die,” 23 May 12.

¹⁰⁸PRC Regulations on Occupational Injury Insurance [Zhonghua renmin gongheguo gongshang baoxian tiaoli], issued 27 April 03, amended 20 December 10, effective 1 January 11, art. 15(1); Zhang Shiguang, “Model Worker Zhang Zhijuan Falls Into the Trap of Not Having Her Disease Recognized’ Followup Report: Can We Change This Provision?” [“Laomo zhang zhijuan xianru kanbuqi bing de kunjing” houxu baodao: zhe ge tiaokuan neng fou xiugai yi xia], Worker’s Daily, 23 May 12.

¹⁰⁹Zhang Shiguang, “Model Worker Zhang Zhijuan Falls Into the Trap of Not Having Her Disease Recognized’ Followup Report: Can We Change This Provision?” [“Laomo zhang zhijuan xianru kanbuqi bing de kunjing” houxu baodao: zhe ge tiaokuan neng fou xiugai yi xia], Worker’s Daily, 23 May 12.

¹¹⁰PRC Law on Prevention and Control of Occupational Diseases [Zhonghua renmin gongheguo zhiyebing fangzhi fa], enacted 27 October 01, effective 1 May 02, amended 31 December 11.

¹¹¹See, e.g., PRC Law on Prevention and Control of Occupational Diseases [Zhonghua renmin gongheguo zhiyebing fangzhi fa], enacted 27 October 01, effective 1 May 02, amended 31 December 11, arts. 44, 48, 62.

¹¹²Ibid., arts. 22, 51, 78.

¹¹³Fair Labor Association, “Independent Investigation of Apple Supplier, Foxconn,” March 2012, 1.

¹¹⁴“Profile: Foxconn Technology Co Ltd (2354.TW),” Reuters, last visited 24 June 12.

¹¹⁵Stanley James and Adam Satariano, “Apple Opens Suppliers’ Doors to Labor Group After Foxconn Worker Suicides,” Bloomberg, 13 January 12.

¹¹⁶Fair Labor Association, “Independent Investigation of Apple Supplier, Foxconn,” March 2012, 1.

¹¹⁷Ibid., 2–3. Under the PRC Labor Law, an employer shall ensure every worker has at least one day’s rest per week and that overtime shall not exceed 3 hours a day and 36 hours per month. PRC Labor Law [Zhonghua renmin gongheguo laodong fa], issued 5 July 94, effective 1 January 95, amended 10 October 01, arts. 38, 41.

¹¹⁸Fair Labor Association, “Independent Investigation of Apple Supplier, Foxconn,” March 2012, 2–3.

¹¹⁹See, e.g., Loretta Chao et al., “Apple Pact To Ripple Across China,” Wall Street Journal, 5 April 12; Poornima Gupta and Edwin Chan, “Apple, Foxconn Set New Standard for Chinese Workers,” Reuters, 30 May 12.

¹²⁰See, e.g., China Labor Watch, “Beyond Foxconn: Deplorable Working Conditions Characterize Apple’s Entire Supply Chain,” 27 June 12, 33–46, 52–59.

¹²¹China Labor Watch, “Beyond Foxconn: Deplorable Working Conditions Characterize Apple’s Entire Supply Chain,” 27 June 12, 12.

¹²²See, e.g., PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], issued 29 June 07, effective 1 January 08, art. 66.

¹²³See, e.g., Students and Scholars Against Corporate Misbehaviour, “Sweatshops Are Good for Apple and Foxconn, but Not for Workers,” 31 May 12, 5–10.

¹²⁴Students and Scholars Against Corporate Misbehaviour, “Sweatshops Are Good for Apple and Foxconn, but Not for Workers,” 31 May 12, 2, 6–7.

¹²⁵Ibid., 9.

¹²⁶Ibid., 10.

¹²⁷Ibid.

¹²⁸Fair Labor Association, “Foxconn Verification Status Report,” 21 August 12.

¹²⁹Ibid., appendices 2–4.

¹³⁰Ibid.

¹³¹Office of Child Labor, Forced Labor, and Human Trafficking, Bureau of International Labor Affairs, U.S. Department of Labor, “U.S. Department of Labor’s List of Goods Produced by Child Labor or Forced Labor,” 3 October 11, 1, 9.

¹³²Apple Inc., “Apple Supplier Responsibility 2012 Progress Report,” January 2012, 9.

¹³³Zhou Wenting, “Factory Caught Using Child Labor,” China Daily, 14 February 12.

¹³⁴ILO Convention (No. 138) Concerning Minimum Age for Admission to Employment, 26 June 73, 1015 U.N.T.S. 297; ILO Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 17 June 99, 2133 U.N.T.S.

161. For information on China's ratification of these two conventions, see International Labour Organization, "List of Ratifications of International Labour Conventions: China," last visited 15 July 12.

¹³⁵PRC Labor Law [Zhonghua renmin gongheguo laodong fa], issued 5 July 94, effective 1 January 95, amended 10 October 01, art. 15; PRC Law on the Protection of Minors [Zhonghua renmin gongheguo weichengnianren baohu fa], issued 4 September 91, effective 1 January 92, art. 28; State Council, Provisions on Prohibiting the Use of Child Labor [Jinzhì shiyong tonggong guiding], issued 1 October 02, effective 1 December 02, art. 2.

¹³⁶See, e.g., State Council, Provisions on Prohibiting the Use of Child Labor [Jinzhì shiyong tonggong guiding], issued 1 October 02, effective 1 December 02, art. 6; "Legal Announcement—Zhejiang Defines Four Criteria of the Use of Child Labor" [Fazhì bobao—zhejiang jieding shiyong tonggong sì zhong qingxing], Women of China News, 26 July 08.

¹³⁷PRC Criminal Law [Zhonghua renmin gongheguo xing fa], 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. 244.

¹³⁸Dongguan Municipal People's Government, Dongguan Municipal Provisions on Rewards for Reporting the Illegal Actions of Referring or Using Child Labor [Dongguan shì jubao jieshao, shiyong tonggong weifa xingwei jiangli banfa], issued 16 May 12, effective 1 July 12, art. 5; Chen Chen, "Maximum Reward of 2,000 Yuan for Reporting Illegal Use of Child Labor" [Jubao feifa yong tonggong zuigao jiang 2000 yuan], Dongguan Daily, 23 May 12.

¹³⁹International Labour Office, "Report of the Committee of Experts on the Application of Conventions and Recommendations," International Labour Conference, 100th Session, 2011, 296–97.

¹⁴⁰Maplecroft, "Child Labour Most Widespread in the Key Emerging Economies—Maplecroft Study," 12 January 10.

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¹⁴²State Council, Provisions on Prohibiting the Use of Child Labor [Jinzhì shiyong tonggong guiding], issued 1 October 02, effective 1 December 02, art. 13.

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¹⁴⁴ILO Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 17 June 99, 2133 U.N.T.S. 161, art. 3(a); International Labour Organization, "List of Ratifications of International Labour Conventions: China," last visited 15 July 12.

¹⁴⁵International Labour Office, "Report of the Committee of Experts on the Application of Conventions and Recommendations," International Labour Conference, 100th Session, 2011, 298.

¹⁴⁶Ibid.

¹⁴⁷See, e.g., Jia Shengli, "Jia Shengli: Outstanding People in the 'Third Month of Autumn'" [Jia shengli: "san qiu" shijie de fengliu renwu], Bingtuan News Net, 24 September 11; Maopu, "My Dad Is Not a Group Leader, You Made Me Stop Going to School!" [Wo ba bu shi tuanzhang, nimen rang wo tingke!], 22 September 11.

¹⁴⁸Maopu, "My Dad Is Not a Group Leader, You Made Me Stop Going to School!" [Wo ba bu shi tuanzhang, nimen rang wo tingke!], 22 September 11.

Notes to Section II—Criminal Justice

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⁴The revised CPL was passed on March 14, 2012, by a vote of 2,639 in favor, 160 opposed, and 57 abstaining. “Draft Decision To Amend the PRC Criminal Procedure Law Passed at the Closing Session of the Fifth Session of the Eleventh National People’s Congress” [Shiyi jie quanguo renda wuci huiyi bimuhui biaojuetongguo guanyu xiugai zhonghua renmin gongheguo xingshi susong fa de jue ding caoan], *People’s Daily*, 14 March 12.

⁵Ye Doudou, “Criminal Procedure Law Revision Should Do as Much as Possible To Reduce Room for Abuse of Power” [Xingsufa xiugai ying jinliang suojian quanli lanyong kongjian], *Caixin*, 28 December 11; “Scholar: Criminal Procedure Law Is ‘Touchstone’ of Rights Protection” [Xuezhe: xingsufa shi renquan baozhang “shijinshi”], *Xinhua*, 1 March 12.

⁶PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], enacted 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, part 5, ch. 4.

⁷*Ibid.*, arts. 33, 37.

⁸*Ibid.*, arts. 54–58.

⁹*Ibid.*, arts. 239–240.

¹⁰Zhou oversaw the quelling of riots in Tibet in 2008 and Xinjiang in 2009, and has allegedly been at the helm of law enforcement’s crackdown on rights activists during recent years. Robert Saiget, “Communist Veterans Call for China Police Czar’s Ouster,” *Agence France-Presse*, reprinted in Google, 15 May 12.

¹¹*Wei wen* expenditures available to agencies under the PLAC increased from 514.0 billion yuan in 2010 to 701.7 billion yuan in 2012 and now exceed even the public budget of the People’s Liberation Army. Willy Lam, “Chen Guangcheng Fiasco Shows Dim Prospects for Political-Legal Reform,” *China Brief*, Vol. XII, No. 10, 11 May 12, 3.

¹²According to the blind legal advocate and rights defender Chen Guangcheng, *wei wen* expenditures for his village in Shandong province doubled from 30 million yuan in 2008 to 60 million yuan in 2011. *Ibid.*

¹³According to the report, 45 percent of the activists surveyed said that they had been held at some point, and, for the majority of them, it was either in soft detention or a “black jail.” Chinese Human Rights Defenders, “We Can Dig a Pit and Bury You Alive: Annual Report on the Situation of Human Rights Defenders in China,” March 2012, 3.

¹⁴*Ibid.*

¹⁵*Ibid.*, 6.

¹⁶A copy of the 11-page judgment was obtained and made available online by the human rights organization ChinaAid. ChinaAid, “Dissident Zhu Yufu Sentenced to Seven Years on Subversion Charge for Online Poem, Score,” 10 February 12.

¹⁷Chinese Human Rights Defenders, “Full Text of Judgment Against Chen Wei for the Crime of ‘Inciting Subversion of State Power’” [Chen wei “shandong dianfu guojia zhengquan zui” panjueshu quanwen], 12 January 12.

¹⁸Subversion and inciting subversion of state power are crimes punishable under Article 105 of the PRC Criminal Law. Splittism and inciting splittism are punishable under Article 103, while leaking state secrets is punishable under Articles 111 and 398. 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. 103, 105, 111, 398.

¹⁹Nicholas Bequelin, “Legalizing the Tools of Repression,” *New York Times*, 29 February 12.

²⁰Chen Jieren, “Draft Revision of the Criminal Procedure Law Should Provide for the Carrying Out of Judicial Conduct Under the Light of the Sun” [Xingsufa xiuzheng’an ying rang sifa xingwei zai yangguang xia jinxing], *Economic Observer*, 9 March 12. For an English version, see “Secret Arrests in China: Protecting the Regime, Not the People,” *Worldcrunch*, 12 March 12.

²¹According to the Dui Hua Foundation, Chinese courts tried 698 cases involving “endangering state security” charges in trials of first instance in 2009 and 670 in 2010. Dui Hua Foundation, “State Security Indictments Remain at Historic Highs,” *Human Rights Journal*, 3 October 11.

²²Zhou Yongkang: Conscientiously Study and Implement the Criminal Procedure Law, Better the Punishment of Crime and Protection of People’s Interests in Accordance With Law” [Zhou yongkang: renzhen xuexi guanche xingsufa genghao de yifa chengfa fanzui wei hu renmin qianyi], *Xinhua*, 26 May 12.

²³New reports indicate that the fall handover may simply be a formality and that Zhou has already ceded operational control to Meng Jianzhu, the incumbent Minister of Public Security. Jamil Anderlini, “Bo Ally Gives Up China Security Roles,” *Financial Times*, 13 May 12.

²⁴Yu Yongqing et al., “Sixteen Senior Party Officials Put Into Writing Demand for Zhou Yongkang, Liu Yunshan To Be Dismissed From Their Posts” [Shiliu ming zhonggong lao dangyuan shangshu yaoqiu mianqu zhou yongkang, liu yunshan zhiwu], *China Free Press*, 9 May 12.

²⁵Robert Saiget, "Communist Veterans Call for China Police Czar's Ouster," *Agence France-Presse*, reprinted in Google, 15 May 12.

²⁶Benjamin Kang Lim and Chris Buckley, "Exclusive: China Leadership Rules Bo Case Isolated, Limits Purge: Sources," *Reuters*, 25 May 12.

²⁷UN Office of the High Commissioner for Human Rights, Working Group on Arbitrary Detention Fact Sheet No. 26, May 2000, sec. IV(B); 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. 12, 18, 19, 21, 22, 27; Universal Declaration of Human Rights (UDHR), adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 7, 10, 13, 14, 18, 19, 21. Examples of the first category include individuals who are kept in detention after the completion of their prison sentences or despite an amnesty law applicable to them, or in violation of domestic law or relevant international instruments. The rights and freedoms protected under the second category include those in Articles 7, 10, 13, 14, 18, 19, and 21 of the UDHR and in Articles 12, 18, 19, 21, 22, and 27 of the ICCPR.

²⁸International 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. 9(2). China became a signatory to the ICCPR on October 5, 1998, but has yet to ratify it. As a signatory, China is obligated as a matter of international law to refrain from taking actions that would undermine the purpose of the treaty.

²⁹See, e.g., PRC Constitution, enacted and effective 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, arts. 35, 37, 41; PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], enacted 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 3; PRC Public Security Administration Punishment Law [Zhonghua renmin gongheguo zhian guanli chufa fa], enacted 28 August 05, effective 1 March 06, arts. 3, 9, 10, 16; PRC Legislation Law [Zhonghua renmin gongheguo lifa fa], enacted 15 March 00, effective 1 July 00, art. 8(v).

³⁰Part 1, Chapter 6, of the PRC Criminal Procedure Law (CPL) provides law enforcement officers with five different "compulsory measure" options for the pretrial handling of criminal suspects. Of the five, two ("criminal detention" and "arrest") involve a deprivation of liberty, while a third ("residential surveillance") is a non-custodial measure meant to restrict an individual, but not to deprive him of his liberty. Joshua Rosenzweig et al., "The 2012 Revision of the Chinese Criminal Procedure Law: (Mostly) Old Wine in New Bottles," *CRJ Occasional Paper*, 17 May 12. The CPL establishes different time limits for each of the five compulsory measures, and a longer time limit of six months is allowed in exchange for the more lenient conditions available to an individual under residential surveillance. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], enacted 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 77. (Contrast this with the 37-day time limit that is imposed when a suspect is held in detention. *Ibid.*, art. 89.)

³¹The 2012 PRC Criminal Procedure Law (CPL) now includes a new Article 72, which adds that residential surveillance is also available where it is "more appropriate due to the special circumstances of the case or requirements of the investigation."

³²CECC, 2011 Annual Report, 10 October 11, 89.

³³*Ibid.*

³⁴On May 4, 2012, China's Ministry of Foreign Affairs released a statement indicating that Chen would be allowed to study abroad if desired. Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Liu Weimin's Remarks on Chen Guangcheng's Wish To Study Abroad," 4 May 12. This reportedly helped pave the way for Chen to relocate to the United States to study under a fellowship sponsored by the U.S. Department of State. Edward-Isaac Dovere and Jennifer Epstein, "U.S. Reaches Agreement on Chen," *Politico*, 3 May 12. See also Recent Developments and History of the Chen Guangcheng Case, Hearing of the Congressional-Executive Commission on China, 3 May 12.

³⁵Gillian Wong, "Blind Activist: China Says It'll Investigate Abuse," *Associated Press*, reprinted in Yahoo!, 8 May 12.

³⁶Erik Eckholm, "Even in New York, China Casts a Shadow," *New York Times*, 18 June 12.

³⁷"Fears for Chen Family, Supporters," *Radio Free Asia*, 8 May 12; Human Rights in China, "Family of Chen Kegui Rejects Officially Appointed Lawyers," 25 July 12.

³⁸Human Rights in China, "Family of Chen Kegui Rejects Officially Appointed Lawyers," 25 July 12.

³⁹"Guards Return to Chen's Village," *Radio Free Asia*, 24 August 12.

⁴⁰A large number of individuals who were outspoken critics of the government, including some who attempted to share information about the Jasmine Revolution in Tunisia and the subsequent calls for pro-democracy rallies across China, reportedly "disappeared" into official custody beginning in mid-February 2011. CECC, 2011 Annual Report, 10 October 11, 56.

⁴¹In an April 8, 2011, press release, the UN Working Group on Enforced or Involuntary Disappearances expressed "serious concern at the recent wave of enforced disappearances that allegedly took place in China over the last few months," adding that it had received "multiple reports of a number of persons having [been] subject to enforced disappearance . . ." CECC, 2011 Annual Report, 10 October 11, 87 (citing UN Office of the High Commissioner for Human Rights, "China: UN Expert Body Concerned About Recent Wave of Enforced Disappearances," 8 April 11).

⁴²"Chinese Criminal Procedure Law's Secret Detention Clause Ignites Backlash" [Zhongguo xingshi susong fa mimi jubu tiaokuan yinbao fantan], *Radio France Internationale*, 19 March 12.

⁴³Gao disappeared and was allegedly held by authorities for more than 50 days beginning in September 2007, over one year beginning in February 2009, and indefinitely as of April 2010. The Case and Treatment of Prominent Human Rights Lawyer Gao Zhisheng, Hearing of the Congressional-Executive Commission on China, 14 February 12, Testimony of Geng He, Wife of Gao Zhisheng. For more information on Gao's earlier disappearances, see CECC, 2009 Annual Report, 10 October 09, 97-98.

⁴⁴“Beijing Court Withdraws Probation on Ex-lawyer Convicted of Overthrowing State,” Xinhua, 16 December 11.

⁴⁵Alexa Olesen, “Chinese Rights Lawyer in Remote Jail Denied Visits,” Associated Press, reprinted in Yahoo!, 10 January 12.

⁴⁶PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], enacted 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73, para. 1.

⁴⁷Ibid., art. 73, para. 2.

⁴⁸Ibid., art. 83, para. 2, and art. 93, para. 2. One major difference between Article 73, on the one hand, and Articles 83 and 91, on the other, is that the latter two provisions apply to cases of endangering state security and terrorism only, but not to major instances of bribery.

⁴⁹Ibid., arts. 33 and 37, paras. 1, 3, 5.

⁵⁰CECC, 2011 Annual Report, 10 October 11, 88.

⁵¹“Fears Over Secret Detentions,” Radio Free Asia, 8 March 12.

⁵²“Article 73 Sparks Controversy on Secret Detentions,” Caixin, 12 March 12.

⁵³Wu Yu, “Will ‘Secret Detentions’ Make the ‘State Secure?’” [“Mimi jubu” hui shi “guojia anquan”?], Deutsche Welle, 12 March 12.

⁵⁴Wang Minyuan, “Notification of Family Members After Custody Is a Basic Requirement of the Principles of Human Rights Protection” [Jiya hou tongzhi jiashu shi renquan baozhang yuanze jiben yaoqiu], Procuratorial Daily, reprinted in Supreme People’s Procuratorate, 22 March 12. See also Ye Doudou and Wang Heyan, “Overhaul of the Criminal Procedure Law: Changes to the ‘Secret Detention’ Clause” [Xingsufa daxiu: “mimi jubu” tiaokuan bianqian], Caixin, 12 March 12; Ye Doudou, “Criminal Procedure Law Revision Should Do as Much as Possible To Reduce Room for Abuse of Power” [Xingsufa xiugai ying jinliang suojian quanli lanyong kongjian], Caixin, 28 December 11.

⁵⁵Chen Baocheng, “Supreme People’s Procuratorate Criminal Procedure Law Interpretation: ‘Procuratorate Rules’ Expected To Detail Five Scenarios That ‘Hinder the Investigation’” [Gaojian xingsu shifa “jiancha guize” youwang xihua “youai zhencha” wu zhong qingxing], Caixin, 15 August 12.

⁵⁶Ibid.

⁵⁷J. David Goodman, “China’s New Law on Detentions Puts Spotlight on ‘Black Jails,’” New York Times, 13 March 12; “China’s ‘Black Jails’ Uncovered,” Al Jazeera, 27 April 09; “Inside China’s Secret ‘Black Jails,’” Al Jazeera, 13 March 12; Phelim Kine, Human Rights Watch, “Beijing’s Black Jails,” 15 March 12. For more detailed coverage of “black jails,” see CECC, 2009 Annual Report, 10 October 09, 95–96.

⁵⁸Phelim Kine, Human Rights Watch, “Beijing’s Black Jails,” 15 March 12; “China’s ‘Black Jails’ Uncovered,” Al Jazeera, 27 April 09. Al Jazeera correspondent Melissa Chan noted that her report was “the first time that we got a government official to respond to a question about the existence of black jails.” Rosanna Xia, “Journalist Can’t Explain Expulsion From China,” Los Angeles Times, 14 May 12. In March 2012, Chan brought cameras into an alleged “black jail” in Beijing to do a followup report. “Inside China’s Secret ‘Black Jails,’” Al Jazeera, 13 March 12. In May 2012, Al Jazeera decided to close its Beijing bureau after the Chinese government refused to renew Chan’s press credentials and visa. “Al Jazeera English Forced Out of China,” Al Jazeera, 9 May 12. Chan speculated that her coverage of “black jails” may have been a contributing factor. Rosanna Xia, “Journalist Can’t Explain Expulsion From China,” Los Angeles Times, 14 May 12.

⁵⁹Phelim Kine, Human Rights Watch, “Beijing’s Black Jails,” 15 March 12; Melissa Chan, “Seeking Answers Inside China’s ‘Black Jails,’” Al Jazeera, 13 March 12.

⁶⁰See, e.g., “Inside China’s Secret ‘Black Jails,’” Al Jazeera, 13 March 12; Melissa Chan, “Seeking Answers Inside China’s ‘Black Jails,’” Al Jazeera, 13 March 12. For more information about China’s petitioning, or *xinfang* (letters and visits) system, see Section III—Access to Justice.

⁶¹Hao Tao, “Beijing Notifies Changping Black Jail: Terminate Security Contract With Five Provinces and Municipalities To Intercept Petitioners” [Beijing tongbao changping hei jianyu: cizhi bao’an yu 5 sheng shi qian xieyi lanjie fangmin], Beijing Morning Post, reprinted in Xinhua, 1 December 11.

⁶²Deng Qifan, “Beijing Cracks Down on ‘Black Jails’ To Achieve Zero Violations by Security Services Companies” [Beijing daji “hei jianyu” jiang shixian bao’an fuwu gongsi ling weigui], Worker’s Daily, reprinted in Xinhua, 3 December 11.

⁶³Yuan Guoli, “Beijing Strictly Prohibits Security Company Participation in the Interception of Petitioners, Multiple ‘Black Jails’ Closed Down” [Beijing yanjin bao’an gongsi canyu jiefang duochu ‘hei jianyu’ zao chafeng], Beijing News, reprinted in Xinhua, 1 December 11.

⁶⁴Deng Jingyin, “Beijing Police Crack Down on Black Jails,” Global Times, 2 December 11.

⁶⁵Yiyi Lu, “Black Jails: Time To Start Blaming Beijing,” Wall Street Journal, 16 December 11. The crime of “illegal detention” is set forth under Article 238 of the PRC Criminal Law and provides for 3 to 10 years in prison where there is serious injury to the victim. 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. 238.

⁶⁶Pang Zili, “People’s Daily People’s Commentary: Only ‘Through’ Petitioning Can Society Feel Less ‘Pain’” [Renmin ribao renmin shiping: xinfang “tong,” shehui cai neng shao xie “tong”], People’s Daily, 26 September 11.

⁶⁷Ibid.

⁶⁸CECC, 2011 Annual Report, 10 October 11, 89–90.

⁶⁹Tang was taken into custody on August 2, 2012, and ordered to serve one year and six months at a reeducation through labor center in Yongzhou city, Hunan province. Zhao Yanan, “Lawyers Calling for Reform of Laojiao System,” China Daily, 16 August 12. She filed an appeal on August 7, and authorities released her on August 10. “Mother of Underage Rape Victim Released From Chinese Labor Camp,” Xinhua, 10 August 12. Some have attributed the decision

to release Tang so soon after she was taken into custody to the outcry among Chinese citizens, especially on the micro-blogging site Sina Weibo. Lin Xue, “Time To Finally Abolish Unconstitutional System,” *Global Times*, 22 August 12; Lilian Lin, “Time for Re-education? Critics Take on China Labor Camp System,” *Wall Street Journal*, 16 August 12; Anne Henochowicz, “Netizen Voices: Abolish Labor Re-education,” *China Digital Times*, 7 August 12.

⁷⁰Zhao Yanan, “Lawyers Calling for Reform of Laojiao System,” *China Daily*, 16 August 12, ⁷¹Ayi Nuer and Liu Liangheng, “Expecting the Best Response to the ‘Tang Hui Question’ [Qidai dui ‘tang hui zhi wen’ zui hao de huida], *Xinhua*, reprinted in *Zhongguo Wangshi*, 11 August 12; Song Zhijing, “Legislative Process To Replace Reeducation Through Labor System Blocked” [Qudai laojiao zhidu lifa jincheng shou zu], *Beijing News*, 16 August 12.

⁷²Song Zhijing, “Legislative Process To Replace Reeducation Through Labor System Blocked” [Qudai laojiao zhidu lifa jincheng shou zu], *Beijing News*, 16 August 12.

⁷³PRC 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. 18, para. 1.

⁷⁴Wang Jing et al., “Non-Standardization of Referrals for Treatment Causes Psychiatric Hospitals To Suffer Criticism” [Song zhi bu guifan shide jingshenbing yuan baoshou goubing], *China Newsweek*, 26 September 11.

⁷⁵Wang Yongjie, “Conflict and Coordination of New Laws: Taking the Draft Mental Health Law and Criminal Procedure Law as an Example” [Xin fa de chongtu yu xietiao—yi ‘jingshen weisheng fa’ (caoan) yu xin ‘xingshi susong fa’ wei li], *Journal of the China National School of Administration* [Guojia xingzheng xueyuan xuebao], Vol. 2 (2012), 14 June 12.

⁷⁶Chinese Human Rights Defenders, “The Darkest Corners: Abuses of Involuntary Psychiatric Commitment in China,” 6 August 12, 3.

⁷⁷Barbara Demick, “China Poised To Limit Use of Mental Hospitals To Curb Dissent,” *Los Angeles Times*, 16 March 12.

⁷⁸Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Report on Human Rights Practices—2011, China (Includes Tibet, Hong Kong, and Macau),” 24 May 12.

⁷⁹Wang Yongjie, “Conflict and Coordination of New Laws: Taking the Draft Mental Health Law and Criminal Procedure Law as an Example” [Xin fa de chongtu yu xietiao—yi ‘jingshen weisheng fa’ (caoan) yu xin ‘xingshi susong fa’ wei li], *Journal of the China National School of Administration* [Guojia xingzheng xueyuan xuebao], Vol. 2 (2012), 14 June 12; Wang Heyan, “Suit Against Psychiatric Institution by Individual ‘Misidentified as Mentally Ill’ Heard on Appeal” [“Bei jingshenbing” zhe su jingshenbing yuan er shen kaiting], *Caixin*, 21 March 12.

⁸⁰*Ibid.*

⁸¹PRC Mental Health Law (Draft) [Jingshen weisheng fa (caoan)], published 10 June 11, revised 29 October 11, arts. 24–27, 32. See also Barbara Demick, “China Poised To Limit Use of Mental Hospitals To Curb Dissent,” *Los Angeles Times*, 16 March 12.

⁸²Elizabeth M. Lynch, “Analysis of China’s Draft Mental Health Law—An Interview,” *China Law & Policy*, 24 October 11.

⁸³In China, the criminal justice system is designed to place significant emphasis on conviction. Internal public security regulations reduce an investigator’s performance scores if his case is returned by the procuratorate for additional investigation. Mike McConville et al., *Criminal Justice in China: An Empirical Inquiry* (Cheltenham, U.K.; Northampton, Mass.: Edward Elgar Publishing, 2011), 142. In turn, a prosecutor’s rating is lowered if his cases are not concluded with judgments of guilt. Stanley Lubman, “Criminal Law Reform: Some Steps Forward, How Many Back?” *Wall Street Journal*, 6 March 12. Moreover, judges allegedly operate on the understanding that they are simply one component of a system leading to the conviction and punishment of those who have been apprehended. Stanley Lubman, “China’s Criminal Justice Value System Makes Reform Moot,” *Wall Street Journal*, 7 February 12 (citing Mike McConville et al., *Criminal Justice in China: An Empirical Inquiry* (Cheltenham, U.K.; Northampton, Mass.: Edward Elgar Publishing, 2011)).

⁸⁴“Let More Lawyers Defend Criminal Cases: Political Advisor,” *Xinhua*, 11 March 12.

⁸⁵Defense lawyers commonly complain about the “three difficulties” (*san nan*) that they face in defending a case: Gaining access to the client in custody, gaining access to the procuratorate’s case files, and collecting their own evidence. “‘Big Stick 306’ and China’s Contempt for the Law,” *New York Times*, 5 May 11; CECC, 2011 Annual Report, 10 October 11, 83.

⁸⁶Article 306 provides for the detention, arrest, and prosecution of any defender accused of fabricating evidence or inducing a witness to change his testimony. 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. 306.

⁸⁷“‘Big Stick 306’ and China’s Contempt for the Law,” *New York Times*, 5 May 11.

⁸⁸Xu Hao, “Hopeful About New Evidence, Li Zhuang Again Files Complaint” [Jiwang xin zhengju li zhuang zai shensu], *China Business Net*, 24 March 12.

⁸⁹*Ibid.*; 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. 306.

⁹⁰For a detailed account of Li’s case, see Shiyang Huang, “Li Zhuang: Chinese Defense Lawyer Who Was Found Guilty of Suborning Perjury,” *Wrongful Convictions Blog*, 31 March 12. Li’s client was an organized crime boss who had been swept up in Bo Xilai’s “strike hard” campaign in Chongqing. *Ibid.* As the case entered the trial phase, Li applied for the recusal of three prosecutors, three adjudicators, and two court secretaries. Qin Xudong, “Second Deliberation of the Criminal Procedure Law Revision: Lawyer Perjury Cases To Be Under a Different Jurisdiction” [Xingsufa xiuding ershen: lushi weizheng an ni yidi guanxia], *Caixin*, 26 December 11. Authorities continued to investigate Li for additional crimes even while he was still serving his sen-

tence, as well as following his release. Shiyan Huang, “Li Zhuang: Chinese Defense Lawyer Who Was Found Guilty of Suborning Perjury,” *Wrongful Convictions Blog*, 31 March 12. See also “Lawyer Perjury Crime Is a Draconian Law” [Lushi weizheng zui shi yi tiao e’fa], *Ming Pao*, reprinted in *Sina*, 17 October 11; Ye Doudou, “Criminal Procedure Law Revision Should Do as Much as Possible To Reduce Room for Abuse of Power” [Xingsufa xiugai ying jinliang suojian quanli lanyong kongjian], *Caixin*, 28 December 11.

⁹¹Ye Doudou and Wang Heyan, “Overhaul of the Criminal Procedure Law: Public Authority Advances and Retreats” [Xingsufa da xiu: gong quanli jintui], *Caixin*, 12 March 12; Qin Xudong, “Second Deliberation of the Criminal Procedure Law Revision: Lawyer Perjury Cases To Be Under a Different Jurisdiction” [Xingsufa xiuding ershen: lushi weizheng an ni yidi guanxia], *Caixin*, 26 December 11. Li’s lawyer applied to have the case reviewed outside of Chongqing. *Ibid.*

⁹²PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], enacted 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 42.

⁹³Ye Doudou and Wang Heyan, “Overhaul of the Criminal Procedure Law: Public Authority Advances and Retreats” [Xingsufa da xiu: gong quanli jintui], *Caixin*, 12 March 12.

⁹⁴Mike McConville et al., *Criminal Justice in China: An Empirical Inquiry* (Cheltenham, U.K.; Northampton, Mass.: Edward Elgar Publishing, 2011), 72.

⁹⁵Mike McConville et al., *Criminal Justice in China: An Empirical Inquiry* (Cheltenham, U.K.; Northampton, Mass.: Edward Elgar Publishing, 2011), 259.

⁹⁶PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], enacted 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 50.

⁹⁷*Ibid.*, art. 53.

⁹⁸*Ibid.*, art. 54.

⁹⁹*Ibid.*, art. 121.

¹⁰⁰Lin Yan, “Lawyer Says Establishing a Criminal Procedure Law Right To Remain Silent Difficult, Fears Torture To Extort a Confession Hard To Contain” [Lushi cheng xingsufa she chenmo quan you nandu xingxun bigong kong nan ezhi], *Legal Daily*, reprinted in *People’s Daily*, 19 October 11.

¹⁰¹*Ibid.*

¹⁰²PRC 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, arts. 247, 248; PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], enacted 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 50.

¹⁰³In February 2009, three fellow detainees were accused by authorities of beating to death 24-year-old Li Qiaoming. The case reportedly helped prompt a five-month campaign by the Ministry of Public Security and the Supreme People’s Procuratorate to improve the management of detention centers. Li Xinran, “New Rules To Cut Abuse at Detention Centers,” *Shanghai Daily*, reprinted in *People’s Daily*, 2 March 12. Since March 2011, the Supreme People’s Procuratorate, the Ministry of Public Security, and the Center for Litigation System and Judicial Reform at Renmin University have jointly operated anti-torture pilot projects in a number of cities nationwide. Wang Dianxue and Yang Zhanghui, “Supreme People’s Procuratorate, Ministry of Public Security Launch Anti-Torture Project in Multiple Locations” [Zuigao jianchayuan gonganbu zai duo di shidian fan kuxing], *Southern Metropolitan Daily*, 13 August 12. The pilot projects involve, among other things, training police officers in non-violent interrogation tactics and encouraging detainees to speak out through the use of anonymous complaint. *Ibid.*

¹⁰⁴UN 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, paras. 11–12. Although official statistics regarding the use of torture are not publicly available, a report by the Chinese Society of Juvenile Delinquency Research indicates that an average of 400 cases are filed each year against authorities who allegedly used force during interrogations. Yan Shuang, “Deaths in Custody,” *Global Times*, 20 August 12.

¹⁰⁵Andrew Jacobs, “Chinese Activist’s Death Called Suicide, but Supporters Are Suspicious,” *New York Times*, 8 June 12; Elizabeth Yuan, “Report: Chinese Dissident’s Death Under Investigation,” *CNN*, 15 June 12. Li was originally sentenced to 13 years in prison for mobilizing local workers during democracy protests in Tiananmen Square in 1989. He was released after having served 11 of those 13 years, only to be sentenced in 2011 to an additional 10 years in prison for the crime of inciting subversion of state power.

¹⁰⁶Andrew Jacobs, “Chinese Activist’s Death Called Suicide, but Supporters Are Suspicious,” *New York Times*, 8 June 12; Elizabeth Yuan, “Report: Chinese Dissident’s Death Under Investigation,” *CNN*, 15 June 12.

¹⁰⁷“Hong Kong Activists Demand Probe Into Dissident’s Death,” *Voice of America*, 13 June 12. Xue allegedly fell ill on his third day in detention after participating in protests that began in September 2011 and lasted until December 2011 in Wukan village, Guangdong province. His death while in custody drew criticism from those who accused the local government of using heavy-handed tactics in response to the protests. James Pomfret and Chris Buckley, “Villager Dies in Custody as China Cracks Down on Riots,” *Reuters*, 12 December 11. For more information about the Wukan protests, see Section III—Institutions of Democratic Governance.

¹⁰⁸Li’s death became a cause célèbre in Hong Kong, where 1,500 people took to the streets to hold a vigil, and Chief Executive Donald Tsang Yam-kuen commented in public about the “suspicious” nature of the circumstances. Andrew Jacobs, “China To Investigate Death of Labor Activist,” *New York Times*, 15 June 12; Phila Siu and Roy Chan, “Task Force Set Up To Probe Activist Death,” *Standard*, 15 June 12; Phila Siu, “Tsang Adds Voice to Li Justice Call,” *Standard*, 14 June 12.

¹⁰⁹“Hong Kong Activists Demand Probe Into Dissident’s Death,” *Voice of America*, 13 June 12.

¹¹⁰Dui Hua Foundation, “(En)countering Torture in China [Part 1 of 2],” Dui Hua Human Rights Journal, 30 August 12.

¹¹¹Wang Huazhong, “New Rules on Prisoner Treatment,” China Daily, 31 May 12.

¹¹²Fu Long, “Detention Center Regulation Officially in Effect as of Today, Provides That Detainees Are Not To Be Humiliated, Subjected to Corporal Punishment, Abused” [“Juliusuo tiaoli” jin qi zhengshi shishi guiding bu de wuru, tifa, nuedai bei juliu ren], People’s Daily, 1 April 12.

¹¹³State Council, Detention Center Regulation [Juliusuo tiaoli], issued 15 February 12, effective 1 April 12, arts. 2, 3.

¹¹⁴“Administrative detention” of up to 20 days is authorized by law as an alternative to criminal punishment for “minor offenses” such as public order disturbances or inciting illegal assembly. PRC Administrative Punishment Law [Zhonghua renmin gongheguo xingzheng chufa fa], enacted 17 March 96, effective 1 October 96, art. 8(6); PRC Public Security Administration Punishment Law [Zhonghua renmin gongheguo zhian guanli chufa fa], enacted 28 August 05, effective 1 March 06, arts. 2, 16. “Judicial detention” of up to 15 days is available to courts mostly in handling misconduct during trial, including forgery or destruction of evidence or inciting others to give false testimony. PRC Administrative Procedure Law [Zhonghua renmin gongheguo xingzheng susong fa], enacted 4 April 89, effective 1 October 90, art. 49.

¹¹⁵“Detention Center Regulation: Are Police Exempt From Liability?” [Juliusuo tiaoli: jingcha mian ze?], Deutsche Welle, 2 March 12.

¹¹⁶Regulations Punishing the Violation of Law and Disciplinary Rules by Prison and Reeducation Through Labor People’s Police [Jianyu he laodong jiaoyang jiguan renmin jingcha weifa weiji xingwei chufen guiding], passed 16 December 11, issued and effective 1 July 12, arts. 3, 5, 7, 9(2).

¹¹⁷Dui Hua Foundation, “Chinese Government Appears To Halt Sentence Reductions for Political Prisoners,” Dui Hua Human Rights Journal, 22 February 11.

¹¹⁸“China Exercises Prudent Application of Death Penalty: Report,” Xinhua, 14 July 11. The Dui Hua Foundation reported in February 2011 that China’s prison population stands at just under two million and that, in 2009 alone, courts handled more than 500,000 applications for sentence reduction and parole. Dui Hua Foundation, “Chinese Government Appears To Halt Sentence Reductions for Political Prisoners,” Dui Hua Human Rights Journal, 22 February 11.

¹¹⁹Dui Hua Foundation, “Chinese Government Appears To Halt Sentence Reductions for Political Prisoners,” Dui Hua Human Rights Journal, 22 February 11.

¹²⁰Ibid. Dui Hua notes that recommendations for a sentence reduction are typically made to the court by prison wardens, and that courts, until recently, have almost always granted such applications.

¹²¹Ibid.

¹²²Supreme People’s Court Regulations on Several Questions Regarding the Specific Laws Applicable When Handling Reduced Sentence and Parole Cases [Guanyu banli jianxing, jianshi anjian jutui yingyong falu ruogan wenti de guiding], issued 21 November 11, effective 1 July 12, arts. 2, 3, 4.

¹²³Ibid., art. 15.

¹²⁴For more information on the SPC’s decision to reclaim this power, see CECC, 2007 Annual Report, 10 October 07, 52–56.

¹²⁵Dui Hua Foundation, “Dui Hua Estimates 4,000 Executions in China, Welcomes Open Dialogue,” 12 December 11. Part of this decrease is attributed to the 2011 amendment to the PRC Criminal Law, which reduced the list of crimes punishable by death by about 20 percent (from 68 to 55). “China Improves Criminal Justice System To Promote Human Rights Protection, Rule of Law: White Paper,” Xinhua, 27 October 11; “China Adheres to Limiting Use of Death Penalty,” Xinhua, 8 March 12.

¹²⁶“China Exercises Prudent Application of Death Penalty: Report,” Xinhua, 14 July 11. These include regulations that were jointly issued with the Supreme People’s Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice in 2010, which seek to decrease the historical over-reliance on confessions and exclude illegally obtained evidence from trial. Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Circular Regarding the Issue of “Provisions Concerning Questions About Examining and Judging Evidence in Death Penalty Cases” and “Provisions Concerning Questions About Exclusion of Illegal Evidence in Handling Criminal Cases” [Zuigao renmin fayuan zuigao renmin jiancha yuan gongan bu guojia anquan bu sifa bu yinfa “guanyu banli sixing anjian shencha panduan zhengju ruogan wenti de guiding” he “guanyu banli xingshi anjian paichu feifa zhengju ruogan wenti de guiding” de tongzhi], issued 13 June 10; Provisions Concerning Questions About Exclusion of Illegal Evidence in Handling Criminal Cases [Guanyu banli xingshi anjian paichu feifa zhengju ruogan wenti de guiding], effective 1 July 10; Provisions Concerning Questions About Examining and Judging Evidence in Death Penalty Cases [Guanyu banli sixing anjian shencha panduan zhengju ruogan wenti de guiding], effective 1 July 10. See also Wang Heyan, “Supreme People’s Court Vice-President Discloses: Quality of Death Penalty Cases Is Worrisome” [Zuigao fayuan fuyuanzhang toulu: sixing anjian zhihang kanyou], Caixin, 9 January 12; CECC, 2011 Annual Report, 10 October 11, 84.

¹²⁷PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], enacted 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 34, para. 3.

¹²⁸Ibid., art. 121.

¹²⁹Ibid., art. 202, para. 1, art. 232, para. 1.

¹³⁰Ibid., art. 223(2).

¹³¹In reviewing a death sentence, the SPC now has the power to approve the order, remand the case for a new trial, or reverse the order. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], enacted 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 239. The newly revised CPL also sets forth the expectation that the SPC

will interview defendants who have been sentenced to death and accept opinions from their defense lawyers, if so requested. *Ibid.*, art. 240.

¹³²Amnesty International has challenged Chinese officials to publish data on those executed and sentenced to death, in order to confirm claims that reforms have led to a significant reduction in the use of the death penalty over the past four years. Amnesty International, "Death Penalty 2011: Alarming Levels of Executions in the Few Countries That Kill," 26 March 12.

¹³³Dui Hua Foundation, "Dui Hua Estimates 4,000 Executions in China, Welcomes Open Dialogue," 12 December 11; "China Halves Executions to About 4,000 a Year: NGO," Agence France-Presse, reprinted in Google, 12 December 11; Amnesty International, "Death Penalty 2011: Alarming Levels of Executions in the Few Countries That Kill," 26 March 12. In 2010, the number of executions in China was placed at 6,000, a stark contrast to the 252 reported in the country with the next-highest rate of executions (Iran). Keith B. Richburg, "In China, Some Are Rethinking the Death Penalty," *Washington Post*, 25 June 11.

¹³⁴Calum MacLeod, "Organ Harvesting Changes in China Will Be Tough To Realize," *USA Today*, 15 May 12; Wang Yongsheng, "Revision of Organ Transplant Regulation To Be Completed by Year's End" [Qiguan yizhi tiaoli nian nei wancheng xiugai], *Legal Evening News*, 7 March 12. According to reports, as many as 1.5 million patients await organ transplants, and approximately 10,000 operations are performed each year. If accurate, this number would mean either that organs are harvested from the overwhelming majority of executed prisoners or that the number of executions has been grossly underestimated.

¹³⁵Wang Yongsheng, "Revision of Organ Transplant Regulation To Be Completed by Year's End" [Qiguan yizhi tiaoli nian nei wancheng xiugai], *Legal Evening News*, 7 March 12. In February 2012, 16 individuals (including medical professionals) were reportedly charged with crimes relating to the removal of over 50 kidneys in 2010, which allegedly earned them US\$1.6 million. Calum MacLeod, "Organ Harvesting Changes in China Will Be Tough To Realize," *USA Today*, 15 May 12. In August 2012, state media reported that authorities had successfully dismantled a major organ trafficking ring and arrested an additional 137 individuals. "China Nabs 137 for Organizing Organ Sale," *Xinhua*, 4 August 12; "Health Authorities Pledge Greater Crackdown on Illegal Organ Transplants," *Xinhua*, 13 August 12.

Notes to Section II—Freedom of Religion

¹PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36.

²State Council Information Office, “National Human Rights Action Plan of China (2012–2015),” 11 June 12, sec. II(4).

³International 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. 18. China did not ratify the Covenant during the reporting period; see United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 27 August 12. For more background, see Katie Lee, “China and the International Covenant on Civil and Political Rights: Prospects and Challenges,” *Chinese Journal of International Law*, Vol. 6, No. 2 (2007), 447.

⁴Fenggang Yang, *Religion in China: Survival and Revival Under Communist Rule* (New York: Oxford University Press, 2012), 92.

⁵Amnesty International, “Amnesty International Report 2012, the State of the World’s Human Rights,” 2012, 108–9. The report stated, “The authorities pursued their goal of bringing all religious practice under state control, including state oversight over religious doctrine, appointment of religious leaders, the registration of religious groups and construction of sites of worship. People practising religions banned by the state, or without state sanction, risked harassment, detention, imprisonment, and in some cases, violent persecution. Banned religions included underground Protestant house churches and Catholics who accept the authority of the Holy See. Around 40 Catholic bishops remained unaccounted for, and were presumed to be held by the authorities.”

⁶U.S. Commission on International Religious Freedom, “Annual Report 2012,” March 2012, 137. According to this report, “Despite restrictions, harassment, arrests, and government oversight, the number of religious adherents continues to grow in China and the government continues to tolerate regular and public worship activities of both legally-approved and some unregistered religious groups. Tolerance for unregistered religious activity often varies, depending on province or locality.”

⁷Amnesty International, “Amnesty International Report 2012, the State of the World’s Human Rights,” 2012, 108–9.

⁸*Ibid.*: Freedom House, “Worst of the Worst 2012: The World’s Most Repressive Societies,” 14 June 12, 12. According to the Freedom House report, “Religious freedom is sharply curtailed, and religious minorities remain a key target of repression. All religious groups must register with the government, which regulates their activities and guides their theology. Some faith groups are forbidden, and their members face harassment, imprisonment, and torture.” See also Brian J. Grim and Roger Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century* (New York: Cambridge University Press, 2011), 121. In their transnational study, published at the end of 2010, they said China is a country where “religion is viewed as a political threat to the state and freedoms are denied.” See also Brent Fulton, “Reason for Optimism in Policy Toward Chinese Christians,” *Gospel Coalition*, 25 March 12. Focusing on Christianity, Fulton noted that a variety of factors influenced whether local officials tolerated unofficial Christian activities, including the “triggers” of foreign involvement, perceived political motives, the scale of activities, the level of greed or corruption among local officials, and “political winds that blow frequently across China.”

⁹Fenggang Yang, *Religion in China: Survival and Revival Under Communist Rule* (New York: Oxford University Press, 2012), 78–84. The senior officials of SARA are listed in the following source: *China Directory 2012*, ed. Radiopress (Tokyo: JPM Corporation, Ltd., December 2011), 115.

¹⁰“Promoting Religious Harmony and Serving Scientific Development,” *People’s Daily*, 10 January 11 (Open Source Center, 20 January 12). See also Wang Zuo’an, “Bringing Into Play the Positive Role of Religious Circles in Cultural Building,” *People’s Daily*, 28 December 11 (Open Source Center, 28 December 11). Wang, Director of SARA, reiterated that “Religious circles should accept the leadership” of the Communist Party and “establish a system of religious thinking that . . . meets the requirements of China’s social development . . .”

¹¹State Administration for Religious Affairs, “State Administration for Religious Affairs’ 2012 Main Points of Work” [Guojia zongjiao shiwuju 2012 nian gongzuo yaodian], 16 January 12. The “harmony and stability” theme was reiterated by the Chairman of the Chinese People’s Political Consultative Congress; see Zhang Zongtang, “Jia Qinglin Holds a Spring Festival Forum With Responsible Persons of Nationwide Religious Organizations” [Jia qinglin yu quanguoxing zongjiao tuanti fuzeren juxing yingchun zuotan], *Xinhua*, 16 January 12.

¹²See, e.g., Wang Zuo’an, “Bringing Into Play the Positive Role of Religious Circles in Cultural Building,” *People’s Daily*, 28 December 11 (Open Source Center, 28 December 11). Wang said, “[R]eligious citizens have positively plunged into the cause of socialist modernization,” “religious circles have actively fit into socialist society,” and “religions in China have continued to expand their positive profile and function.”

¹³Wang Zuo’an, “Bringing Into Play the Positive Role of Religious Circles in Cultural Building,” *People’s Daily*, 28 December 11 (Open Source Center, 28 December 11).

¹⁴Fenggang Yang, *Religion in China: Survival and Revival Under Communist Rule* (New York: Oxford University Press, 2012), 81. “In practice, the SARA [State Administration for Religious Affairs] and lower-level RABs [Religious Affairs Bureaus] usually rule through the so-called patriotic religious associations. The associations of the five official religions are non-governmental organizations in name, but they function as an extension and delegation of the RAB,” Yang said.

¹⁵Zheng Leguo, “A General Interpretation of Religious Policy and Tactics in China—Defense of Rights Through Legal Means Against Religious Persecution,” *China Law and Religion Monitor*, Vol. 7, No. 1 (January–June 2011), 22–23; Liu Peng, “House Churches: Issues and Solu-

tions,” Chinese Law and Religion Monitor, Vol. 7, No. 2 (July–December 11), 66–67. According to Liu, “[R]eligious organizations under the management of government” became obedient “subordinates of the government,” “politicized, bureaucratized and institutionalized.” The relationship between the associations and the government is also discussed in Zhang Qianfan and Zhu Yingjing, Pu Shi Institute for Social Sciences, “Religious Freedom and Legal Restrictions: Theory and Practice in China,” 16 February 12, part IV, sec. 7.

¹⁶Fenggen 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 the following source: China Directory 2012, ed. Radiopress (Tokyo: JPM Corporation, Ltd., December 2011), 17.

¹⁷Gu Ruizhen, “Jia Qinglin Meets With the Delegates of the Ninth China Islamic National Conference,” Xinhua, 16 September 11 (Open Source Center, 16 September 11).

¹⁸Du Qinglin, “Vigourously Strengthening United Front Cultural Construction,” Qiushi, 1 April 12 (Open Source Center, 2 April 12). The article ended with Du’s admonition that “[w]e must . . . defend against international enemy forces using culture to conduct infiltration and project harmful cultural influences.”

¹⁹Magda Hornemann, “China: The Media, Popular Opinion, and Religious Freedom,” Forum 18, 21 May 12.

²⁰Zhang Qianfan and Zhu Yingjing, Pu Shi Institute for Social Sciences, “Religious Freedom and Legal Restrictions: Theory and Practice in China,” 16 February 12.

²¹New measures announced on the State Administration for Religious Affairs (SARA) Web site during the reporting period were SARA, “Circular on the Printing and Distribution of Records of Catholic Bishops (Trial)” [Guanyu yinfa “zhongguo tianzhujiao zhujiao bei’an banfa (shixing)” de tongzhi], 5 June 12; SARA, 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 on Encouraging and Standardizing Involvement by Religious Organizations in Public Interest Charitable Activities” [Guanyu guli he guifan zongjiao jie congshi gongyi cishan huodong de yijian], 16 February 12; SARA, Ministry of Human Resources and Social Security, Ministry of Finance, Ministry of Civil Affairs, and Ministry of Health, “Circular on Going a Step Farther To Solve the Social Benefits of Religious Personnel” [Guanyu jinyibu jie jue zongjiao jiao zhi ren yuan shehui baozhang wenti de tongzhi], 27 December 11. For provincial-level regulations, see, e.g., Shandong Province Regulation on Religious Affairs [Shandong sheng zongjiao shiwu tiaoli], issued 29 September 11, effective 1 January 12; Gansu Province Regulation on Religious Affairs [Gansu sheng zongjiao shiwu tiaoli], issued 29 September 11, effective 1 December 12. For CECC analysis, see “Gansu and Shandong Provinces Issue New Regulations on Religion,” Congressional-Executive Commission on China, 18 January 12.

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²³Jillian Kay Melchoir, “China’s Catholics Go to Camp,” Wall Street Journal, 9 August 12. According to this report, “The [2005 regulations] do not explicitly guarantee religious freedom for minors, nor do they codify the rights of parents to offer religious instruction to their children. But they do forbid organizations or individuals from using religion ‘to obstruct the state education system,’ which is often interpreted as a ban on religious private schools and religious instruction in public classrooms.”

²⁴State Administration for Religious Affairs, 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 on Encouraging and Standardizing Involvement by Religious Organizations in Public Interest Charitable Activities” [Guanyu guli he guifan zongjiaojie congshi gongyi cishan huodong de yijian], 16 February 12.

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²⁶State Administration for Religious Affairs, “2011 Work Situation Report of the State Administration for Religious Affairs” [Guojia zongjiao shiwu ju 2011 nian gongzuo qingkuang baogao], 16 January 12; State Administration for Religious Affairs, “State Administration for Religious Affairs’ 2012 Main Points of Work” [Guojia zongjiao shiwu ju 2012 nian gongzuo yaodian], 16 January 12. For an example from one province, see “The Experiences and Revelations of the Shandong Province Harmonious Religious Activity Center” [Shandong sheng hexie zongjiao huodong changsuo chuangujian huodong de jingyan yu qishi], China Religion, 31 December 11.

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²⁹“Promoting Religious Harmony and Serving Scientific Development,” People’s Daily, 10 January 11 (Open Source Center, 20 January 12).

³⁰ State Administration for Religious Affairs, "State Administration for Religious Affairs' 2012 Main Points of Work" [Guojia zongjiao shiwuju 2012 nian gongzuo yaodian], 16 January 12.

³¹ "First Modern Buddhist College Opens," China Daily, 9 April 12; "Henan's First Buddhist Colleges and Universities Completed Shi Dean," Inside China, 8 April 12.

³² "Chinese Leave Buddhist Fellowship Meeting Because of Tibetan Presence," AsiaNews, 13 June 12; "S. Korean Buddhists Regret China's Boycott of World Conference," Yonhap News Agency, 14 June 12; "Editorial: PRC's Religious Freedom Not for All," Taipei Times, 16 June 12.

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⁴⁶ CECC, 2011 Annual Report, 10 October 11, 99-100.

⁴⁷ Guizhou Province Rural Economic Information Center, "Banzhu Village 2012-2014 Tackling Program Implementation for Education and Transformation" [Banzhu xiang 2012 nian-2014 nian jiaoyu zhuanhua gongjian shishi fang'an], 21 April 12. See also Shangcheng District Government, "Shangcheng District, Units Directly Under the Leading Groups, 2012-2016 Term Goals," 10 May 12. The 2012-2016 goals statement for Shangcheng district, Hangzhou city, Zhejiang province, emphasized expanded numbers of cult-free city blocks.

⁴⁸ Amnesty International, "Amnesty International Report 2012, the State of the World's Human Rights," 2012, 109.

⁴⁹“Chinese Regime’s Persecution of Falun Gong: 2011 Death Toll,” New Tang Dynasty Television, 26 January 12.

⁵⁰“Gruesome Death Toll—3533 Confirmed Dead—Tens of Thousands More To Be Confirmed,” Clear Wisdom, 5 June 12.

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⁵⁸Ge’ermu Reeducation Through Labor and Drug Rehabilitation Center, “Reform and Development Require Strides, Innumerable Great Achievements Create Brilliance—Meritorious Deeds of the Reeducation Through Labor and Drug Rehabilitation Center Political Legal System in Golmud, Qinghai” [Gai ge fazhan qiu kuayue shuoguo leilei chuang huihuang—qinghai sheng ge’ermu lao jiao (qiangjie) suo zhengfa xitong xianjin shiji cailiao], reprinted in Qinghai Reeducation Through Labor Administration and Qinghai Drug Rehabilitation Administration Web site, 31 May 12.

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⁶²Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Reports on Human Rights Practices—2011, China (Includes Tibet, Hong Kong, and Macau),” 24 May 12, 4–5. See also “Call for End to ‘Psychiatric’ Detention,” Radio Free Asia, 27 October 11; “Chinese Regime’s Persecution of Falun Gong: 2011 Death Toll,” New Tang Dynasty Television, 26 January 12; Chinese Human Rights Defenders, “The Darkest Corners: Abuses of Involuntary Psychiatric Commitment in China,” 6 August 12; Human Rights Watch, “Chinese Addiction Study and Human Rights,” 2 August 12.

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⁹⁸Yin Yeping, “Police Stop Illegal House Church Service,” *Global Times Online*, 22 August 12 (Open Source Center, 22 August 12); “Update: New Year Brings Renewed Efforts To Prevent Worship at Shouwang Church,” *Voice of the Martyrs*, 19 January 12. For a comprehensive review of Chinese officials’ persecution of Shouwang Church members, see Liu Peng, Pu Shi Institute for Social Sciences, “How To Treat House Churches: A Review of the Beijing Shouwang Church Incident,” 16 February 12. See also Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “International Religious Freedom Report for 2011: China (Includes Tibet, Hong Kong, and Macau),” 30 July 12, 11; Amnesty International, “Amnesty International Report 2012, the State of the World’s Human Rights,” 2012, 108–9. For the church’s youth sports programs, see ChinaAid, “Shouwang Church Members Subjected to Two Days of Persecution Last Weekend,” 20 June 12.

⁹⁹“House Church in Xilinhot City, IMAR, Oppressed: Attacked, Damaged, Locked Up, and People Taken Away” [Mengguxi shi jiating jiaohui zaoshou bipo: chongji, pohuai, shang suo,

zhua ren], Voice of China, 16 February 12; Joseph DeCaro, "House Church in Xilinhot Raided: Officials Destroy Property, Detain Pastor," China Persecution Magazine, 24 February 12.

¹⁰⁰ChinaAid, "Church in Hefei, Anhui Province Illegally Demolished by Government-Backed Real Estate Developers," 13 May 12.

¹⁰¹"House Church Asked To Halt Activities," Radio Free Asia, 22 May 12.

¹⁰²"Promoting Religious Harmony and Serving Scientific Development," People's Daily, 10 January 11 (Open Source Center, 20 January 12); State Administration for Religious Affairs, "State Administration for Religious Affairs' 2012 Main Points of Work" [Guojia zongjiao shiwuju 2012 nian gongzuo yaodian], 16 January 12.

¹⁰³Fenggang Yang, *Religion in China: Survival and Revival Under Communist Rule* (New York, Oxford University Press, 2012), 153–54. Religious groups must obtain a certificate of permission for publications. See also Zhang Qianfan and Zhu Yingjing, Pu Shi Institute for Social Sciences, "Religious Freedom and Legal Restrictions: Theory and Practice in China," 16 February 12. See also State Administration for Religious Affairs, Regulation on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 7.

¹⁰⁴Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "International Religious Freedom for 2011: China (Includes Tibet, Hong Kong, and Macau)," 30 July 12, 6. See also Andrew Jacobs, "Spreading the Faith Where Faith Itself Is Suspect," New York Times, 10 July 12. See also the comments on Bibles in Part III, "Registration of Religious Organizations," in Xing Fuzeng, Pu Shi Institute for Social Sciences, "Freedom of Association and Religious Freedom: The Regulation and Registration of Chinese Religious Organizations," 16 February 12. See also ChinaAid, "Shaanxi Province Authorities Target House Church, Confiscate Officially Published Bibles," 18 July 12.

¹⁰⁵See the Web site of the International Telecommunications Union for a copy of the ruling and the definition. Supreme People's Court and Supreme People's Procuratorate, "Explanations of the Supreme People's Court and the Supreme People's Procuratorate on Some Questions on Specific Applications of the Laws in Handling the Cases of Organizing and Using Cults for Criminal Activities," 8 October 99.

¹⁰⁶Fenggang Yang, *Religion in China: Survival and Revival Under Communist Rule* (New York, Oxford University Press, 2012), 103–5, 115–16. The listed groups were Shouters, Established King, Lightning From the East, Lord God Sect, Lingling Sect, All Scope Church, South China Church, Disciples Sect (Narrow Gate), Three Ranks of Servants, Cold Water Sect, Commune Sect, New Testament Church/Apostles Faith Sect, Resurrection Sect, Dami Evangelization Association, and World Elijah Evangelism Association. Sixteen qigong "cults" were banned the same year as Falun Gong.

¹⁰⁷"Capital Area Cracks Down on Evil Cults To Maintain Stability in Lead-Up to 18th Party Congress" [Jingji yanda xiejiao weiwen ying shiba da], Ming Pao, 20 July 12.

¹⁰⁸Chinese Taoist Association, "Organizational Outline" [Xiehui jianjie], last visited 16 August 12.

¹⁰⁹Ibid.

¹¹⁰"Promoting Religious Harmony and Serving Scientific Development," People's Daily, 10 January 11 (Open Source Center, 20 January 12).

¹¹¹"Modernize Taoism To Promote the Religion: Former Chinese Legislator," Xinhua, 25 October 11.

¹¹²"China Promoting Taoism's Influence Abroad," Xinhua, 23 October 11; Zhao Qiguang, "Taoism Also Part of China's Soft Power," People's Daily, 11 July 12.

¹¹³Ian Johnson, "Are China's Rulers Getting Religion?" New York Review of Books Blog, 29 October 11.

¹¹⁴Ibid.

¹¹⁵Ibid.

¹¹⁶State Administration for Religious Affairs, "Thoughts on Performing Religious Work Well During the '12th Five-Year Plan' Period" [Guanyu zuohao "shier wu" shiqi zongjiao gongzuo de sikaol], 29 January 11.

¹¹⁷State Administration for Religious Affairs, "State Administration for Religious Affairs' 2012 Main Points of Work" [Guojia zongjiao ju shiwuju 2012 nian gongzuo yaodian], 16 January 12.

¹¹⁸Email from the Director of Public and International Affairs of the Church of Jesus Christ of Latter-day Saints, Washington, DC, 31 July 12.

¹¹⁹Bernardo Cervellera, "Hilarion's Act: Russian Orthodox Metropolitan Meets Chinese Excommunicated Bishop," AsiaNews, 22 June 12.

Notes to Section II—Ethnic Minority Rights

¹International 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. 27.

²See generally PRC Regional Ethnic Autonomy Law [Zhonghua renmin gongheguo minzu quyü zizhi fa], issued 31 May 84, effective 1 October 84, amended 28 February 01.

³Zhu 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).

⁴State media reported that, in January, Vice Premier Hui Liangyu gave a speech stressing the need to accelerate local implementation of centrally directed development in ethnic minority areas in order to resolve China’s “ethnic problems.” See, e.g., “State Ethnic Affairs Commission Plenary Conference Opens in Beijing, Hui Liangyu Attends and Gives Speech” [Guojia minwei weiyuan quanti huiyi zai jing zhaokai, hui liangyu chuxi bing jianghua], Xinhua, reprinted in State Ethnic Affairs Commission, 6 January 12.

⁵The State Council said in February 2012 that it had approved a plan for accelerating development in western areas as part of the Great Western Development Project that began in 2000. See, e.g., “China Plans Faster Growth in Western Regions,” Xinhua, 20 February 12.

⁶For more information on development projects in past years, see, e.g., CECC, 2011 Annual Report, 10 October 11, 196–97, 214–19; CECC, 2010 Annual Report, 10 October 10, 207–8, 222–24; CECC, 2009 Annual Report, 10 October 09, 263–64, 282–88; Uyghur Human Rights Project, “Uyghur Homeland, Chinese Frontier: The Xinjiang Work Forum and Centrally Led Development,” 27 June 12.

⁷State Council Information Office, “National Human Rights Action Plan of China (2012–2015),” 11 June 12, sec. III(1).

⁸Ibid.

⁹State Council General Office, “‘12th Five-Year’ Plan on Ethnic Minority Undertakings” [Shaoshu minzu shiye “shier wu” guihua], issued 12 July 12; “China Publishes Plan for Development in Minority Areas,” Xinhua, 20 July 12; “Jia Qinglin: Spare No Efforts To Create New Dimensions in Ethnic Work in ‘12th Five-Year’ Period” [Jia qinglin: fenli kaichuang “shier wu” shiqi minzu gongzuo xin jumian], Xinhua, reprinted in State Ethnic Affairs Commission, 18 November 11.

¹⁰Sixth Plenum of the 17th Party Congress, “Outline of Cultural Reform and Development Plan for the Period of the State’s ‘12th Five-Year’ Plan” [Guojia “shier wu” shiqi wenhua gaige fazhan guihua gangyao], Xinhua, 16 February 12; “China To Improve Cultural Services for Special Groups,” Xinhua, 15 February 12, (Open Source Center, 15 February 12). According to the February 15, 2012, Xinhua article, the plan states, “We will also support the creation of cultural products for ethnic groups and translate more quality Mandarin products into minority languages,” but does not mention any plan to promote products originally written in ethnic minority languages.

¹¹James Leibold, Jamestown Foundation, “Toward a Second Generation of Ethnic Policies?” China Brief, Vol. 12, No. 13, 6 July 12; Liu Ling, Institute of Ethnology and Anthropology, Chinese Academy of Social Sciences, “Persist in the Basic Political System, Resolve Ethnic Issues Through Development—An Outline of the Chinese Ethnic Theory Association Symposium” [Jianchi jiben zhengzhi zhidu—zai fazhan zhong jiejie minzu wenti—zhongguo minzu lilun xuehui zuotanhui jiyao], 23 February 12 (Open Source Center, 11 July 12); “Second Generation of Ethnic Policies” [Dier dai minzu zhengce], China Ethnicity and Religion Net, last visited 25 July 12; James Leibold, “Can China Have a Melting Pot?” Diplomat, 23 May 12.

¹²Zhu Weiqun, “Several Thoughts on Current Issues in Ethnic Spheres” [Dui dangqian minzu lingyu wenti de jidian sikao], Study Times, 13 February 12; Minnie Chan, “Call To Strike Ethnic Status From I.D. Cards,” South China Morning Post, 15 February 12; Wang Su, “Central United Front Work Department Vice Minister Proposes Removing Ethnic Information From Identification Cards” [Zhongyang tongzhanbu fubuzhang jianyi shenfenzheng quxiao minzu xinxi], Caixin, 15 February 12.

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¹⁴James Leibold, “Can China Have a Melting Pot?” Diplomat, 23 May 12; “Second Generation of Ethnic Policies” [Dier dai minzu zhengce], China Ethnicity and Religion Net, last visited 25 July 12.

¹⁵James Leibold, Jamestown Foundation, “Toward a Second Generation of Ethnic Policies?” China Brief, Vol. 12, No. 13, 6 July 12; Liu Ling, Institute of Ethnology and Anthropology, Chinese Academy of Social Sciences, “Persist in the Basic Political System, Resolve Ethnic Issues Through Development—An Outline of the Chinese Ethnic Theory Association Symposium” [Jianchi jiben zhengzhi zhidu—zai fazhan zhong jiejie minzu wenti—zhongguo minzu lilun xuehui zuotanhui jiyao], 23 February 12 (Open Source Center, 11 July 12); “Second Generation of Ethnic Policies” [Dier dai minzu zhengce], China Ethnicity and Religion Net, last visited 25 July 12; James Leibold, “Can China Have a Melting Pot?” Diplomat, 23 May 12.

¹⁶State Council Information Office, “The Past Year’s Implementation of a Ban on Grazing in Xinjiang on 1.5 Million Hectares of Land” [Yinian lai xinjiang yi shishi caoyuan jinmu 1.5 yi mu], 14 August 12; Li Yao and Da Qiong, “Tibetan Herders Lead Environment Effort,” China Daily, 16 August 12. For information on grasslands policy in earlier years, see, e.g., CECC, 2009 Annual Report, 10 October 09, 148–49, 194.

¹⁷“The Newly Revised ‘Regulations on the Protection of Inner Mongolian Grasslands’ Take Effect Today” [Xin xiuding de “nei menggu zizhi qu jiben caoyuan baohu tiaoli” jinri qi zhengshi shixing], Xinhua, 1 December 11; “Chinese Pasture Region Charges Fees for Grassland Exploitation,” Xinhua, 28 February 12.

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West Assessed: Economic and Environmental Change in Inner Mongolia Autonomous Region, People's Republic of China 2000–2005,” *Asian Geographer*, Vol. 25, Nos. 1–2 (2006), 61 (based on information on page 13 of prepublication article on file with the Commission); 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; Qiu Lin, “Scholars Urge Improving Grassland Policies,” *Xinhua*, 31 July 09.

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²²“Life Sentence for Former Party Chief Who Killed the Mongolian Steppe,” *AsiaNews*, 17 July 12; “Former Deputy Governor of Inner Mongolia Liu Zhuozhi Given Indefinite Sentence for Accepting Bribes” [Neimenggu zizhiqiu renmin zhengfu yuanfu zhuxi liu zhuozhi yin shouhui bei pan wuqi], *Xinhua*, reprinted in *People's Daily*, 2 July 12.

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²⁴“Inner Mongolians Escalate Land Protest,” *Radio Free Asia*, 4 April 12; “Inner Mongolian Farmers Demand Authorities Release Arrested Villagers” [Neimeng mengguzu nongmin yaoqiu dangju shifang bei zhua cunmin], *Voice of America*, 4 April 12; Southern Mongolian Human Rights Information Center, “Tensions Rise Between Mongolian Herders and Chinese Authorities,” 8 July 12.

²⁵Southern Mongolian Human Rights Information Center, “Southern Mongolians Protest Land Expropriation, 22 Arrested,” 2 April 12; “Inner Mongolians Escalate Land Protest,” *Radio Free Asia*, 4 April 12; Wu Yu, “Explosion of Land Protests in Inner Mongolia, Many Arrested” [Neimeng baofa zhengdi kangyi, duoren zao daibu], *Deutsche Welle*, 4 April 12; Michael Martina, “China Detains 22 After Inner Mongolia Protest: Group,” *Reuters*, 3 April 12.

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³¹Southern Mongolian Human Rights Information Center, “Dissident Writer Huuchinhuu Beaten Repeatedly,” 29 September 11; “Dissident Suffers Beatings in Detention,” *Radio Free Asia*, 29 September 11.

³²*Ibid.*

³³*Ibid.*

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garding the current legal status of Erden-uul and Sodmongol. See also the Commission's Political Prisoner Database for more information on the cases of Batzangaa, Erden-uul, and Sodmongol.

Notes to Section II—Population Planning

¹The population planning policy was first launched in 1979, canonized as a “fundamental state policy” in 1982, and codified as national law in 2002. As of 2007, 19 of China’s 31 provincial-level jurisdictions—accounting for 53.6 percent of China’s population—allow rural dwellers to have a second child if their first child is a girl. 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, 133, 138 (2007). Other exceptions to the one-child rule vary by provincial-level jurisdiction, and include some exceptions for ethnic minorities. See “The Origin of China’s Current Birth Policy” [Zhongguo xianxing shengyu zhengce youlai], *China Net*, 18 April 08; Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 6. According to Chinese Human Rights Defenders, “In 1984, the Central Committee issued a document outlining its ‘current family planning policy,’ which stated that rural residents with one daughter could have a second child, while ethnic minorities could have between two and four children. Since then, even more exceptions to the original ‘one-child’ rule have been added by local governments. These exceptions are numerous, detailed and differ across the country. For example, the Shandong Provincial Population and Family Planning Regulations lists 14 circumstances in which couples are permitted to have more than one child.”

²According to Li Bin, the head of the National Population and Family Planning Commission, during the period of the 12th Five-Year Plan, China should persist with its current national population planning policies and continue to stabilize a low birth rate. Li Yongchun, “Population and Family Planning Commission Director: Population Reproduction Should Not Be Oversimplified” [Renkou jisheng wei zhuren: renkou zai shengchan buneng yi fang liao zhi], *Caijing*, 9 October 11. For a recent example of local policy reform, see, e.g., “All 31 Provinces in China Have Launched Two-Child Policy for Families in Which Both Parents Are Only Children” [Quanguo 31 shengfen jun yi fangkai shuangdu jiating sheng ertai zhengce], *International Online*, reprinted in *NetEase*, 26 November 11; “From One-Child to Two-Child Policy,” *CNC World*, 25 January 12.

³PRC 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.” 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. See also Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 6–7.

⁴See, e.g., 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 biao], *Fengdu County Population and Family Planning Network*, 27 November 11. As noted in this report, 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. 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.

⁵Beijing 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, para. 17. The Beijing Declaration states, “The 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.”

⁶Programme of Action of the Cairo International Conference on Population and Development, 18 October 94, paras. 7.2, 8. Paragraph 7.2 of the Programme of Action of the Cairo International Conference on Population and Development states that, “Reproductive health . . . implies . . . that people are able to 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.”

⁷United Nations, “Report of the Fourth World Conference on Women,” 1996, 135. China was a state party at the Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. Programme of Action of the Cairo International Conference on Population and Development, 18 October 94, Introduction. China was one of the participating States at the International Conference on Population and Development, which reached general agreement on the Programme of Action.

⁸For two recent examples of acts of official violence in the implementation of population planning policies, see “[Special Report] Shandong Province Lilu County Resident Ma Jihong Forced Abortion Case” [(Tegao) shandong lilu xian yunfu ma jihong bei qianguzhi yinchan shijian], *China Public Welfare Alliance Net*, 21 October 11; Yan Shuang, “Fury Over ‘Forced Abortion,’” *Global Times*, 14 June 12.

⁹UN 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.

¹⁰See United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 18 September 12. China signed the convention on December 12, 1986, and ratified it on October 4, 1988.

¹¹Convention 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. 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 Section II—Freedom of Residence and Movement for more information. See also Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 26.

¹²International 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.”

¹³PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], enacted 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.

¹⁴Yan 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.

¹⁵This number is based on Commission analysis of population planning measures. These jurisdictions include Tianjin, Zhejiang, Guangdong, Shandong, Fujian, Hebei, Hubei, Chongqing, Shaanxi, Heilongjiang, Shanxi, Xinjiang, Henan, Qinghai, Jiangxi, Sichuan, Guangxi, 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 Zhonglutian Public Information Net, 29 June 09; “Jiangxi Province Population and Family Planning Regulations” [Jiangxi sheng renkou yu jihua shengyu tiaoli], Jiangxi News Net, 11 April 09. See also Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Report on Human Rights Practices—2011, China (Includes Tibet, Hong Kong, and Macau),” 24 May 12, sec. 6. 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 pharmaceuticals to terminate a pregnancy before the 12th week of gestation; it is a remedial measure taken after the failure of contraception.” See Beijing Municipal Population and Family Planning Commission, “Early Term Abortion” [Zaoqi rengong luochan], 10 April 09.

¹⁶Luxi County People’s Government, “Luxi Town’s 2012 Spring Population and Family Planning Service Activities Month-Long Work Implementation Plan” [Guanyu yinfa luxi zhen 2012 nian chunji renkou he jihua shengyu fuwu huodong yue gongzuo shishi fang’an de tongzhi], 29 March 12.

¹⁷*Ibid.*

¹⁸Yiyang County Government, “The Heart System, Migrants Returning Home, Services Entering the Home and Warming Hearts, Jigangkou County Spring Population and Family Planning Services Activities Implementation Plan” [Xinxi fanxiang nongmingong fuwu jinmen nuan renxin jigangkou zhen chunji jihua shengyu fuwu huodong shishi fang’an], 6 January 12; Luxi County People’s Government, “Luxi Town’s 2012 Spring Population and Family Planning Service Activities Month-Long Work Implementation Plan” [Guanyu yinfa luxi zhen 2012 nian chunji renkou he jihua shengyu fuwu huodong yue gongzuo shishi fang’an de tongzhi], 29 March 12.

¹⁹Echeng District People’s Government, “Huahu Town Strongly Launches Spring Family Planning Service Month Activities” [Huahu zhen zhishi kaizhan chunji jisheng fuwu yue huodong], 11 April 12; Echeng District People’s Government, “Xinmiao Town’s Four Methods To Complete Spring Concentrated Services Activities” [Xinmiao zhen si xiang cuoshi zuohao chunji jizhong fuwu huodong], 5 April 10.

²⁰Liu Xianghui, “Xianghua Township: Spare No Efforts To Promote Family Planning Concentrated Services Activities” [Xianghua xiang: quanli yifu tuijin jisheng jizhong fuwu huodong], *Zixing News Net*, 17 October 11; Jiaye County People’s Government, “Clarify Duties, Strengthen Methods, Diligently Initiate a New Phase in County-Wide Population and Family Planning Work—A Speech at the 2012 County Committee Economic Work Meeting” [Mingque renwu xianghua cuoshi nuli kaichuang quanxian renkou jisheng gongzuo xin jumian—zai 2012 nian xianwei jingji gongzuo huiyi shang de jianghua], 10 February 12; “Circular Regarding Earnestly Taking Charge of Population and Family Planning Work Before and After the Spring Festival”

[Guanyu renzhen zhuhao chunji qianhou renkou jisheng gongzuo de tongzhi], Xintian Population and Family Planning Net, 17 January 12.

²¹Xingning City Government, Circular Regarding the Rapid Launch of City-Wide Family Planning Concentrated Services Activities [Guanyu xunsu kaizhan quanshi chunji jisheng jizhong fuwu huodong de tongzhi], 14 February 12; Puning City Government, “Xie Jun Arrives in Puning To Inspect, Guide Family Planning Work” [Xie jun dao puning jiancha zhidao jisheng gongzuo], 7 March 12; He Xiaoying, Shijiao Town People’s Government, “Shijiao Town Five Methods To Promote Success of Family Planning Concentrated Services Activities” [Shijiao zhen wuxiang cuoshi cu jisheng jizhong fuwu huodong qude hao chengxiao], reprinted in Fogang County Government, 27 March 12.

²²Tongling County Population and Family Planning Committee, “Donglian Township: Enter the Village for Rectification After Strengthening Family Planning” [Donglian xiang qianghua jihua shengyu hou jincun zhenggai], 31 March 12.

²³Wang Zezong, “Tongren City Launches Population and Family Planning Work Meeting, Emphasizes Making the Most of the Spirit of Taking Responsibility, Resolutely Paying Attention to Implementation of Measures, Sparing No Efforts To Ensure the Realization of the Goal of the ‘Two Decreases’ in Annual Population and Family Planning Work—Tongren” [Tongren shi zhaokai renkou he jihua shengyu gongzuo huiyi qiangdiao fayang dandang jingshen henzhua cuoshi luoshi quanli yifu quebao niandu renkou jisheng “shuangjiang” mubiao shixian—tongren], Guizhou Population Net, 17 February 12.

²⁴Gulou District People’s Government Office, “Transform Strategy Methods, Grasp Family Planning Tightly and Don’t Let Go” [Zhuanbian zhanlue fangshi, jinzhua jisheng bu fangshou], 28 June 12.

²⁵Jinan Municipal People’s Government, “Municipal Population and Family Planning Committee Directors’ Study Class Opens Session” [Quanshi renkou jisheng wei zhuren dushuban kaiban], 7 August 12.

²⁶Tongling County Population and Family Planning Committee, “Donglian Township: Enter the Village for Rectification After Strengthening Family Planning” [Donglian xiang qianghua jihua shengyu hou jincun zhenggai], 31 March 12.

²⁷Luxi County People’s Government, “Luxi Town’s 2012 Spring Population and Family Planning Service Activities Month-Long Work Implementation Plan” [Guanyu yinfa luxi zhen 2012 nian chunji renkou he jihua shengyu fuwu huodong yue gongzuo shishi fang’an de tongzhi], 29 March 12.

²⁸For one such example in which authorities clearly call for the implementation of the “two examinations and four procedures,” see Central Wanhe Town Committee and Wanhe Town People’s Government, “Wanhe Town 2012 Population and Family Planning Basic Work Plan To Advance the Month’s Activities” [Guanyu yinfa wanhe zhen 2012 nian renkou yu jihua shengyu jichu gongzuo tuijin yue huodong fang’an de tongzhi], 13 March 12. 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. Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 10.

²⁹For 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 5 September 12.

³⁰[Special Report] Shandong Province Lilu County Resident Ma Jihong Forced Abortion Case” [(Tegao) shandong lilu xian yunfu ma jihong bei qiangzhi yinchan shijian], China Public Welfare Alliance Net, 21 October 11.

³¹Ibid.

³²Ibid. For an additional case from Shandong province in which officials detained a woman and her infant son until her husband paid a 60,000 yuan (US\$9,518) fine for having an “out-of-plan” child, see “Linyi Family Planning Authorities Take Over-Quota Mother and Children Hostage, Force Family To Pay Fine” [Linyi jisheng dangju jiang chaosheng muzi zuo renzhi bi jieren jiao fakuan], Radio Free Asia, 15 December 11.

³³“Netizens Expose Zhejiang Family Planning Department That Forced Over-Quota Pregnant Women To Abort” [Wangmin jiefa zhejiang jisheng bumen qiangpo chaosheng fu duotai], Radio Free Asia, reprinted in See China, 16 December 11. For an additional case from Zhejiang province in which officials detained seven-months-pregnant Xu Li and threatened her with a forced abortion if she did not pay a fine of 157,000 yuan (US\$24,600), see “Abortion Threatened at 7 Months,” Radio Free Asia, 3 August 12.

³⁴“Menopausal Rural Woman Forcibly Given Tubal Ligation” [Juejing nongfu qiangzao jieza], HX blog, via Tengxun Weibo, last visited 31 July 12; “Chinese Woman Alleges Forced Sterilization,” Voice of America, 24 July 12. See also Women’s Rights Without Frontiers, “As the U.S.-China Human Rights Dialogue Begins, A 46-Year-Old Woman Is Forcibly Sterilized in China,” 23 July 12.

³⁵Edward Wong, “Reports of Forced Abortions Fuel Push To End Chinese Law,” New York Times, 22 July 12; “Pitiable Mother, Pitiable Child” [Kelian de muqin, kelian de haier], [Lawyer] Han Feng’s blog, via Sina, 6 July 12. For an additional case from Fujian province in which officials forcibly brought a woman in for a pregnancy test and then attempted to forcibly sterilize her when she refused the test, see “Woman Forced To Undergo Sterilization Procedure in Fujian” [Fujian qiangpo funu zuo jueyu shoushu], Radio Free Asia, 12 January 12; “Woman Flees Forced Sterilization,” Radio Free Asia, 12 January 12.

³⁶“Five-month Pregnant Woman Cao Ruyi Faces Forced Abortion in Hunan, China,” Agence France-Presse, reprinted in news.com.au, 12 June 12.

³⁷Jing Zhang, “China’s One Child Policy: Two Cases,” American Spectator, 15 June 12.

³⁸Yan Shuang, “Fury Over ‘Forced Abortion,’” Global Times, 14 June 12.

³⁹Ibid.; “Officials Suspended in NW China Forced Abortion Case,” Xinhua, 14 June 12.

⁴⁰Ankang City People’s Government, “Ankang City Government Demands: Thoroughly Investigate the Situation, Strictly Handle It, Firmly Safeguard the People’s Rights and Interests”

[Ankang shi zhengfu yaoqiu: checha zhenxiang, congyan chuli jianjue weihu hao qunzhong hefa quanyi], 14 June 12; See also “Officials Suspended in NW China Forced Abortion Case,” Xinhua, 14 June 12.

⁴¹Ian Johnson, “China To Pay Family In a Case of Forced Abortion,” *New York Times*, 11 July 12. See also Tania Branigan, “China Sacks Officials in Forced Abortion Case,” *Guardian*, 27 June 12.

⁴²PRC 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.

⁴³See, e.g., Shaanxi Provincial Implementing Measures for Collection and Management of Social Maintenance Fees [Shanxi sheng shehui fuyang fei zhengshou guanli shishi banfa], 19 October 06, 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 biao zhun], Fengdu County Population and Family Planning Network, 27 November 11. As noted in this report, 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. See also “Cost of a Second Child: Pair Fined 1.3m Yuan,” *Shanghai Daily*, reprinted in China Internet Information Center, 31 May 12. According to this report, officials in Ruian city, Zhejiang province, fined a couple 1.3 million yuan (US\$205,000), a record high amount, for exceeding their birth quota with a second child. See also Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 18.

⁴⁴See, e.g., Qingdao People’s Government, Circular Regarding Guidelines for Qingdao Municipal Work Units’ Responsibilities in Population and Family Planning Work [Guanyu yinfa “qingdao shi danwei renkou he jihua shengyu gongzuo zeren guiding” de tongzhi], 19 June 12; Binzhou Economic Development Zone Government, “Dudian Implements Family Planning Work Control Mechanism” [Dudian shishi jihua shengyu gongzuo yueshu jizhi], 11 April 12; Yan Shuang, “Fury Over ‘Forced Abortion,’” *Global Times*, 14 June 12; 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.

⁴⁵“Linyi Family Planning Authorities Take Over-Quota Mother and Children Hostage, Force Family To Pay Fine” [Linyi jisheng dangju jiang chaosheng muzi zuo renzhi bi jieren jiao fakuan], *Radio Free Asia*, 15 December 11; “Woman Flees Forced Sterilization,” *Radio Free Asia*, 12 January 12; “In China, A Daring Few Challenge One-Child Limit,” *Associated Press*, reprinted in *USA Today*, 24 December 11. For information on the role of courts in family planning implementation, see Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 27.

⁴⁶PRC 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.”

⁴⁷Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 13, 26. According to the 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.” Zhang Hui, “City Cuts Fines on Second Child,” *Global Times*, 23 August 10. According to one expert quoted in this report, “Children born outside State scrutiny will enjoy equal rights as the first child only after the family pays the fine and registers them.”

⁴⁸“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.

⁴⁹“Women of Childbearing Age Information System (WIS) Basic Data Structure and Classification Codes” [Yuling funu xinxi xitong (WIS) jichu shuju jigou yu fenlei daima], Population and Family Planning Development Program Office, reprinted in China Reproductive Health Net, 30 April 08, sections 4.2, 5.2.2, 5.2.4–5.2.9. See also National Population and Family Planning Commission, Circular Regarding the Basic Data Structure and Classification Codes for the Comprehensive Personnel Population Case Management System (Trial) [Guojia renkou jisheng wei bangongting guanyu yinfa quanyuan renkou ge’an guanli xinxi xitong jichu shuju jigou yu fenlei daima (shixing) de tongzhi], issued 26 September 08, categories 016, 022, and section 3.

⁵⁰National Population and Family Planning Commission, Circular Regarding the Basic Women of Childbearing Age Information System Services Information Guidance Work Standards (Trial) [Jishengwei guanyu yinfa “jiceng yuling funu xinxi xitong fuwu xinxi yindao gongzuo guifan (shixing)” tongzhi], issued 1 January 06.

⁵¹*Ibid.*, art. 3.

⁵²*Ibid.*, art. 26.

⁵³Hunan Province Population and Family Planning Commission, reprinted in Wancheng District Population and Family Planning Bureau, Hunan Province Women of Childbearing Age Information System (HNWIS) Management Methods (Final Draft) [Hunan sheng yuling funu xinxi xitong (HNWIS) guanli banfa (dinggao)], 25 December 07; Hunan Province Women of Child-

bearing Age Information System (HNWIS) [Hunan sheng yuling funu xinxi xitong (HNWIS)], Hunan Provincial Family Planning Information Center, reprinted on Baidu, May 2007, 4, 5, 34, 37, 38, 40–43.

⁵⁴ See, e.g., Circular Regarding Earnestly Taking Charge of Population and Family Planning Work Before and After the Spring Festival [Guanyu renzhen zhuhao chunjie qianhou renkou jisheng gongzuo de tongzhi], Xintian Population and Family Planning Net, 17 January 12; Jiahe County People's Government, "Clarify Duties, Strengthen Methods, Diligently Initiate a New Phase in Countywide Population and Family Planning Work—A Speech at the 2012 County Committee Economic Work Meeting" [Mingque renwu qianghua cuoshi nuli kaichuang quanxian renkou jisheng gongzuo xin jumian—zai 2012 nian xianwei jingji gongzuo huiyi shang de jianghua], 10 February 12; Yiyang County People's Government, "The Heart System, Migrants Returning Home, Services Entering the Home and Warming Hearts, Jigangkou County Spring Population and Family Planning Services Activities Implementation Plan" [Xinxi fanxiang nongmingong fuwu jinmen nuan renxin jigangkou zhen chunji jihua shengyu fuwu huodong shishi fang'an], 6 January 12.

⁵⁵ "All 31 Provinces in China Have Launched Two-Child Policy for Families in Which Both Parents Are Only Children" [Quanguo 31 shengfen jun yi fangkai shuangdu jiating sheng ertai zhengce], International Online, reprinted in NetEase, 26 November 11; "National Population and Family Planning Commission Spokesperson: Over 11% of Population Can Have Two Children" [Jishengwei xinwen fayaren: 11% yishang renkou ke sheng liangge haizi], PRC Central People's Government, reprinted in Sina, 10 July 07.

⁵⁶ Zhan Zhongyue et al., translated by ChinaAid, "A Citizen's Proposal To Begin as Soon as Possible a Complete Revision of the 'Population and Family Planning Law of the People's Republic of China,'" 13 July 12; Josh Chin, "Another High-Profile Call To Revisit China's One-Child Rule," Wall Street Journal, 5 July 12.

⁵⁷ Examples of some of the slogans targeted include, "Raise fewer babies but more piggies" and "Houses toppled, cows confiscated, if abortion demand rejected." See "Family Planning Slogans To Be Overhauled," China Daily, 24 February 12; "Media Checks Family Planning Slogans in Various Locations" [Meiti pandian gedi jihua shengyu kouhao], Sina, 24 February 12; "Family Planning Commission Tidies Up 'Violent' Posters, Checks Family Planning Slogans in Various Locations" [Jishengwei qingli "baoli" biaoju pandian gedi jihua shengyu kouhao], China News Net, 24 February 12; "Family Planning Commission 'Face Washing Program' Cleans Up Violent Slogans" [Jishengwei "xilian gongcheng" qingchu baoli biaoju], Beijing Youth Report, reprinted in World of Finance, 25 February 12.

⁵⁸ "400 Million Births Prevented by One-Child Policy," People's Daily, 28 October 11. According to this report, "China will still regard the birth-control policy as a fundamental state policy and adhere to it for a long period." See also Shan Juan, "Low Birthrate Will Be Maintained," China Daily, 11 April 12; "Solve Problems in a Coordinated Way: Official," Xinhua, 6 March 12.

⁵⁹ "Total Population, CBR, CDR, NIR and TFR in China (1949–2000)," China Daily, 20 August 10.

⁶⁰ U.S. Central Intelligence Agency, "The World Factbook," last visited 22 August 12. 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.

⁶¹ Tania Branigan, "China Faces 'Timebomb' of Ageing Population," Guardian, 20 March 12; "400 Million Births Prevented by One-Child Policy," People's Daily, 28 October 11.

⁶² For discussion of the continued practice and its impact, see "Ban on Sex Testing To Help Balance Girl-Boy Ratio," Global Times, 25 May 12. 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 tai'er xingbie jiangding 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.

⁶³ 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.

⁶⁴ According to United Nations Population Division statistics, China's sex ratio at birth (SRB) in 2010 was the highest in the world at 120 males per 100 females born. The next highest was Azerbaijan at 117, followed by Armenia at 115, Federated States of Micronesia at 111, and the Republic of Korea at 110. Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, "World Population Prospects: The 2010 Revision," 31 August 11; "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." See also, Nicholas Eberstadt, "The Demographic Risks to China's Long-Term Economic Outlook," Swiss Re Center for Global Dialogue, 24 January 11, 7. According to Eberstadt's analysis, "ordinary human populations regularly and predictably report

[SRBs of] 103 to 105.” For recent statistics regarding sex-selective abortion in China see, 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. For one observer’s analysis of these statistics, see “A Study of Sex-Selective Abortion,” China YouRen blog, 13 May 10.

⁶⁵See Valerie M. Hudson and Andrea M. den Boer, *Bare Branches: Security Implications of Asia’s Surplus Male Population* (Cambridge: MIT Press, 2004); Dudley L. Poston, Jr. and Peter A. Morrison, “China: Bachelor Bomb,” 14 September 05.

⁶⁶See “China Gender Gap Fuelling Human Trafficking: Report,” Agence France-Presse, reprinted in *China Post*, 22 September 10. See also 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 this report, “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).”

⁶⁷PRC 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).

⁶⁸State Council Information Office, *National Human Rights Action Plan of China (2012–2015)*, reprinted in *Xinhua*, 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.

⁶⁹“Ban on Sex Testing To Help Balance Girl-Boy Ratio,” *Global Times*, 25 May 12. For one report of specific arrests and sentences related to illegal gender testing and abortions this reporting year, see “25 Jailed for Illegal Abortion in E China,” *Xinhua*, 31 July 12.

⁷⁰Zhu Shanshan, “Shandong Baby Trafficking Ring Taken Down,” *Global Times*, 4 November 11. For reports linking population planning policies with the abduction or purchase of children for subsequent sale, see, e.g., “China Rescues 23 Abducted Children Destined for New Families, Arrests 12 Trafficking Suspects,” *Associated Press*, reprinted in *Washington Post*, 29 March 12; Shangguan Jiaoming, “In Hunan, Family Planning Turns to Plunder,” *Caixin*, 10 May 11.

⁷¹Shangguan Jiaoming, “In Hunan, Family Planning Turns to Plunder,” *Caixin*, 10 May 11; “China Babies ‘Sold for Adoption,’” *BBC*, 2 July 09.

⁷²See, e.g., 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; “2,000 Abducted Children Identified Via DNA Bank,” *Xinhua*, reprinted in *China Daily*, 1 March 12; Zhu Shanshan, “Shandong Baby Trafficking Ring Taken Down,” *Global Times*, 4 November 11; John Leland, “One Answer to Adoption’s Difficult Questions,” *New York Times*, 26 September 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, Fall 2008; Beth Loyd, “China’s Lost Children,” *ABC News*, 12 May 08; Peter S. Goodman, “Stealing Babies for Adoption,” *Washington Post*, 12 March 06.

⁷³See, e.g., “8 Sentenced for Abducting, Murdering Children in China as Govt Tries To Combat Trafficking,” *Associated Press*, reprinted in *Washington Post*, 15 August 11.

⁷⁴Philip P. Pan, “Who Controls the Family?” *Washington Post*, 27 August 05; Hannah Beech, “Enemies of the State?” *Time*, 12 September 05; Michael Sheridan, “China Shamed by Forced Abortions,” *Times of London*, 18 September 05. See also Congressional-Executive Commission on China, “Population Planning Official Confirms Abuses in Linyi City, Shandong Province,” 3 October 05.

⁷⁵Chen Guangcheng was held under extralegal detention in his home from the time of his release in prison in September 2009 to the time of his escape from home in April 2012. Chinese Human Rights Defenders, “Activist Chen Guangcheng Released After Serving Full Sentence,” 9 September 10; ChinaAid, “Detained Blind Activist Chen Guangcheng’s Wife Reveals Details of Torture,” 16 June 11; Keith B. Richburg, “Blind Chinese Lawyer-Activist Escapes House Arrest,” *Washington Post*, 27 April 12.

⁷⁶ChinaAid, “Details of Brutal Beating & Torture of Blind Legal Activist Chen Guangcheng Emerge,” 27 October 11; Chinese Human Rights Defenders, “China Human Rights Briefing October 21–26, 2011,” 26 October 11; ChinaAid, “Urgent! Chen and Wife Beaten Severely, Chinese Citizens Appeal to America,” 10 February 11; ChinaAid, “Detained Blind Activist Chen Guangcheng’s Wife Reveals Details of Torture,” 16 June 11; ChinaAid, “Exclusive Video Shows Ill Treatment & Illegal Detention of Blind Activist Chen Guangcheng,” 9 February 11. For Commission analysis, see “Chen Guangcheng, Wife Reportedly Beaten After Release of Video Detailing Official Abuse,” Congressional-Executive Commission on China, 11 March 11. See also CECC, 2011 Annual Report, 10 October 10, 116.

⁷⁷“Chen Guangcheng, Wife Reportedly Beaten After Release of Video Detailing Official Abuse,” Congressional-Executive Commission on China, 11 March 11; ChinaAid, “Exclusive

Video Shows Ill Treatment & Illegal Detention of Blind Activist Chen Guangcheng,” 9 February 11.

⁷⁸Chinese Human Rights Defenders, “China Human Rights Briefing October 21–26, 2011,” 26 October 11. According to CHR, “Chen Guangcheng’s daughter, Chen Kesi . . . began attending class on September 16.” In a February 2011 video that Chen and Yuan released, Yuan mentioned that Kesi had not been permitted to attend school, which presumably started in September 2010. ChinaAid, “Exclusive Video Shows Ill Treatment & Illegal Detention of Blind Activist Chen Guangcheng,” 9 February 11.

⁷⁹Chinese Human Rights Defenders, “China Human Rights Briefing January 31–February 6, 2012,” 8 February 12.

⁸⁰“Batman’ Star Bale Punched, Stopped From Visiting Blind Chinese Activist,” CNN, 16 December 11; “Authorities Loosen Some Restrictions on Chen Guangcheng and Family, Continue To Hold Them Under Tight Control,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 2; “Chen Supporters Attacked,” Radio Free Asia, 19 September 11; “‘Chased With Guns’ on Chen Visit,” Radio Free Asia, 5 October 11; “Dozens of People Beaten While Attempting To Visit Blind Legal Advocate Chen Guangcheng,” Human Rights in China, 31 October 11; Foreign Correspondents’ Club of China, “Warning: Reporting on Chen Guangcheng,” 17 February 11; ChinaAid, “Government Retaliation Continues, Foreign Journalists Mistreated in Wake of Smuggled Video by Blind Activist Chen Guangcheng,” 15 February 11.

⁸¹Josh Rogin, “U.S. Officials Feared Chen Guangcheng Had Cancer While in Embassy,” Foreign Policy, 7 May 12; Keith B. Richburg et al., “Chinese Activist Chen Leaves U.S. Embassy for Hospital, Is Surrounded by Police,” Washington Post, 3 May 12.

⁸²Thomas Kaplan et al., “Dissident From China Arrives in U.S., Ending an Ordeal,” New York Times, 19 May 12.

⁸³Gillian Wong, “Blind Activist: China Says It’ll Investigate Abuse,” Associated Press, reprinted in Yahoo! News, 8 May 12.

⁸⁴“Chen Says Beijing Broke Promise,” Radio Free Asia, 1 August 12; Erik Eckholm, “Even in New York, China Casts a Shadow,” New York Times, 18 June 12. See also “Chen Nephew Faces Murder Trial,” Radio Free Asia, 7 August 12.

⁸⁵“Fears for Chen Family, Supporters,” Radio Free Asia, 8 May 12; Human Rights in China, “Family of Chen Kegui Rejects Officially Appointed Lawyers,” 25 July 12.

⁸⁶Human Rights in China, “Family of Chen Kegui Rejects Officially Appointed Lawyers,” 25 July 12.

⁸⁷“Guards Return to Chen’s Village,” Radio Free Asia, 24 August 12.

Notes to Section II—Freedom of Residence and Movement

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² Kam Wing Chan, “Crossing the 50 Percent Population Rubicon: Can China Urbanize to Prosperity?” *Eurasian Geography and Economic*, Vol. 53, No.1 (2012), 67–68.

³ *Ibid.*, 66–67.

⁴ *Ibid.*, 67.

⁵ 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); 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.

⁶ Kam Wing Chan, “Crossing the 50 Percent Population Rubicon: Can China Urbanize to Prosperity?” *Eurasian Geography and Economics*, Vol. 53, No.1 (2012), 68–69; Tom Holland, “Third of China’s City-Dwellers Are Still Second Class Citizens,” *South China Morning Post*, 4 April 12; Feng Ya, “National Development and Reform Commission Official: The Household Registration System Cannot Be Simply Abolished” [Fagaiwei guanyuan: huji zhidu buneng jianfan quxiao liaozhi], *China National Radio*, reprinted in *Xinhua*, 26 June 12.

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⁹ Raymond Li, “Migrants’ Children Learn of Education Inequality,” *South China Morning Post*, 6 March 12; “A Wound in Society, Left-Behind Children Struggle With the Law,” *Xinhua*, 30 May 12; Gao Hanbing, “No Hukou or Housing Permit Make It Difficult for Migrant Children To Attend School” [Mei hukou mei fang zheng, nongmingong zidi shangxue nan], *Dongbei News Net*, 5 July 12. According to a 2012 National Population and Family Planning Commission report on migrants, the percentage of migrant children in Beijing (3.5 percent), Shanghai (5.1 percent), and Guangzhou (5.3 percent) who do not attend school is higher than the national average (2.1 percent). Sun Tiexiang, “Population and Family Planning Commission Releases ‘2012 Development Report on China’s Floating Population’” [Renkou jisheng wei fabu “zhongguo liudong renkou fazhan baogao 2012”], *Xinhua*, 6 August 12, reprinted in *China Development Gateway*, 7 August 12.

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¹³ Yin Pumin, “Breaking the Lock,” *Beijing Review*, 22 March 12.

¹⁴ See, e.g., State Council General Office, Circular Regarding the Active and Sound Implementation of Household Registration System Reform [Guowuyuan bangongting guanyu jiji wentuo tuijin huji guanli zhidu gaige de tongzhi], 26 February 12; State Council, Circular Regarding Issue of the National “12th Five-Year” Plan for Population Development [Guowuyuan guanyu yinfa guojia renkou fazhan “shi er wu” guihua de tongzhi], 23 November 11, art. 3(4); “Authorized Release: The Outline for the PRC’s 12th Five Year Plan for National Economic and Social Development” [Shouquan fabu: zhonghua renmin gongheguo guomin jingji he shehui fazhan di shi er ge wu nian guihua gangyao], *Xinhua*, 16 March 11.

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²⁰See, e.g., “Progressive Reform: Shenzhen Advances Household Registration Reform” [Gaige jinxing shi: shenzhen tuijin huji gaige], *CCTV Economic News Broadcast*, reprinted in *World of Finance*, 7 April 12; “Deciphering Hangzhou Floating Population Service Management Regulations’ Educational Barriers Cited as Concern in Applying for Hangzhou Residency Permit” [Jiedu “hangzhou shi liudong renkou fuwu guanli tiaoli” hangzhou shengqing juzhuzheng she xuehi menkan yin guanzhu], *Land Resources Net*, 1 June 12; Yang Fang, “Shandong Will Abolish Temporary Residence Permit System, Floating Population Can Enjoy Residential Benefits” [Shandong jiang quxiao zanzhuzheng zhidu liudong renkou ke xiangyou shimin daiyu], *Shandong Business News*, reprinted in *Xinhua*, 21 June 12.

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²⁴PRC 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).

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⁴⁶Simon Leys, “He Told the Truth About China’s Tyranny,” New York Review of Books, 9 February 12; “Liu’s Parole Rumors Rejected,” Radio Free Asia, 29 August 12.

Notes to Section II—Status of Women

¹Convention 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.

²Convention 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, art. 7.

³The 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 quanqi baozhang fa], enacted 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], enacted 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10, art. 6.

⁴State Council Information Office, National Human Rights Action Plan of China (2012–2015), reprinted in Xinhua, 11 June 12, sec. III(2); PRC State Council, "PRC Outline for the Development of Women" [Zhongguo funu fazhan gangyao], issued 30 July 11, sec. 3(4).

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⁶The 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," United Nations Publications, reprinted in Bnet, June 1990.

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⁹Jen-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 News, 23 June 11.

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¹¹"Number of Deputies to All the Previous National People's Congresses" [Lijie quanguo renmin daibiao dahui daibiao renshu], China Statistical Yearbook 2011, 2011, Table 23–1.

¹²He Dan, "Women Deputies Call for Greater Female Voice," Xinhua, 8 March 12.

¹³See, e.g., "Women Village Officials All Too Rare," Southern Daily, reprinted in Women's Watch-China, 30 November 11.

¹⁴"More Chinese Women Elected Village Cadres," China News Center, 6 March 12.

¹⁵PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhi fa], passed 4 November 98, amended 28 October 10, art. 6, 25.

¹⁶Women's Watch-China, "2009 Women's Watch-China Annual Report," 23 August 10, 12. See also Leta Hong Fincher, "Marriage Laws in Modern China Still Leave Women Behind," Women News Network, 24 August 12. According to the Women News Network report, "The All China Women's Federation says the most urgent problem facing rural women in China is the absence of property rights. In theory, women in China have had legally recognized rights to land and property. But in practice, they have lost land rights mainly through marriage, divorce, inheritance, widowhood and urban migration."

¹⁷Didi Kirsten Tatlow, "Chinese Law Could Make Divorced Women Homeless," New York Times, 7 September 11.

¹⁸Ibid.; Leta Hong Fincher, "Marriage Laws in Modern China Still Leave Women Behind," Women News Network, 24 August 12. According to official statistics cited in the Women News Network report, "According to the latest government statistics from the All China Women's Federation, . . . in China in 2005 . . . 80 percent of household heads were men. The vast majority of residential property in China is registered to the 'household head,' which is usually the man . . . household heads almost always control the property, deciding whether or when to sell it and how to use it."

¹⁹Shenzhen Municipal National People's Congress Standing Committee, "Shenzhen Special Economic Zone Gender Equality Promotion Regulations" [Shenzhen jingji tequ xingbie pingdeng cunjin tiaoli], passed 28 June 12, issued 10 July 12, effective 1 January 13; You Chunliang and Hui Zhen, "Shenzhen Comes Out With First National Gender Equality Regulations, Protects Women's Lawful Rights and Interests" [Shenzhen chutai guonei shoubu xingbie pingdeng tiaoli baohu nuxing hefa quanqi], Legal Daily, reprinted in People's Daily, 2 July 12.

²⁰Shenzhen Municipal National 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; “Shenzhen Passes China’s First Anti-Gender Discrimination Law,” China Briefing, 23 August 12.

²¹Shenzhen Municipal National 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, arts. 22–24, 29. For a definition of gender discrimination, see Articles 4 and 5. For guidelines on analyzing and assessing gender equality, see Article 11. For provisions on assessing and eliminating gender discrimination in education, see Article 14. For provisions on gender discrimination in media advertising, see Article 21. For provisions on handling gender discrimination disputes, see Article 28. For provisions on sexual harassment, see Articles 22, 23, and 29. For provisions on domestic violence, see Articles 24 and 25.

²²International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 7. China signed the ICESCR on October 27, 1997, and ratified it on March 27, 2001. See also PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], enacted 30 August 07, effective 1 January 08, art. 3.

²³PRC Labor Law [Zhonghua renmin gongheguo laodong fa], enacted 5 July 94, effective 1 January 95, amended 10 October 01, arts. 12, 13; 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, arts. 22–27; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], enacted 30 August 07, effective 1 January 08, art. 3.

²⁴PRC State Council, “PRC Outline for the Development of Women” [Zhongguo funu fazhan gangyao], issued 30 July 11, sec. 3(3). The outline calls for officials to “ensure females may enjoy an equal right to work,” and to “eliminate gender discrimination in employment.”

²⁵He Dan, “Women Still Face Bias on the Job, Survey Finds,” China Daily, 22 October 11; PRC Central People’s Government, “All-China Women’s Federation Pays Close Attention to the Problem of Discrimination Against Chinese Females in Some Areas” [Quanguo fulian feichang guanzhu zhongguo nuxing zai yixie fangmian shou qishi wenti], 21 October 11.

²⁶He Dan, “Women Still Face Bias on the Job, Survey Finds,” China Daily, 22 October 11.

²⁷“Report: Discrimination Prevalent in Civil Service Hiring,” Caixin, 21 November 11.

²⁸Ibid.

²⁹Beijing Yirenping Center, “Letter of Opinion Regarding Revising or Cancelling the Gynecological Exam Requirement in the ‘Commonly Used Standards for Physical Examinations in Civil Servant Hiring’” [Guanyu xiugai huo quxiao “gongwu yuan luyong tijian tongyong biaozhun” zhong fuke tianyan xiangmu de jianyi xin], 19 March 12. See also “Women Workers in China Standing Up to Discrimination,” China Labour Bulletin, 19 April 12.

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³¹“Women in the Labor Force in China,” Catalyst, last visited 4 September 12. To arrive at this number, Catalyst analyzed statistics from the World Economic Forum’s 2011 “Global Gender Gap Report,” which ranked China 61st in the world. See also Ricardo Hausmann, Laura D. Tyson, and Saadia Zahidi, Global Gender Gap Report: 2011, World Economic Forum, 2011.

³²“Guangdong Female Employee Dismissed While on Maternity Leave, Files a Lawsuit for Employment Discrimination on Women’s Day” [Guangdong nugong xiu chanjia zao citui funujie qisu gongsi xingbie qishi], Guangdong News Net, 9 March 12. See also “Women Workers in China Standing Up to Discrimination,” China Labour Bulletin, 19 April 12.

³³“Guangdong Female Employee Dismissed While on Maternity Leave, Files a Lawsuit for Employment Discrimination on Women’s Day” [Guangdong nugong xiu chanjia zao citui funujie qisu gongsi xingbie qishi], Guangdong News Net, 9 March 12; “Women Workers in China Standing Up to Discrimination,” China Labour Bulletin, 19 April 12.

³⁴PRC 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. 27.

³⁵PRC State Council, Special Provisions for the Work Protection of Female Employees [Nu zhigong laodong baohu tebie guiding], issued and effective 28 April 12.

³⁶Ibid., art. 5.

³⁷PRC State Council, Provisions on the Work Protection of Female Employees [Nu zhigong laodong baohu guiding], issued 21 July 88, effective 1 September 88, art. 8.

³⁸PRC State Council, Special Provisions for the Work Protection of Female Employees [Nu zhigong laodong baohu tebie guiding], issued and effective 28 April 12, art. 7.

³⁹Currently, 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. “China’s Compulsory Retirement Age for Males and Females Challenged for Violating Constitution” [Woguo nannu tuixiu nianling guiding beitiqing weixian shencha], China Law Education, 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 12.

⁴⁰Chen Xin, “Retirement Age Will Be Pushed Back: Minister,” China Daily, 22 March 12.

⁴¹Ibid.

⁴²“Women Should Retire at 60 Under Proposal,” China Daily, reprinted in Women’s Watch-China, 5 March 12.

⁴³Chen Xin, “Retirement Age Will Be Pushed Back: Minister,” China Daily, 22 March 12.

⁴⁴PRC 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], enacted 10 September 80, effective 1 January 81, amended 28 April 01, art. 3; 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. 234, 236, 260.

⁴⁵See, e.g., “Law on Domestic Violence,” *China Daily*, 8 May 12. According to All-China Women’s Federation statistics from 2011, approximately one in four Chinese women have experienced domestic violence. See also “More Than Half Chinese Suffer Domestic Violence: Survey,” *CRIEnglish*, 14 May 12. According to an online survey released by the Maple Women’s Psychological Counseling Center in May 2012, of 1,858 respondents (both male and female), 54.6 percent had experienced some form of domestic violence—including “vocal or sexual abuse, restraints on freedom, beating, and even scalding and knife attacks.”

⁴⁶PRC 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], enacted 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 “All-China Women’s Federation Strongly Promotes Anti-Domestic Violence Law” [Quanguo fulian litui fan jiating baoli fa], *People’s Representative News*, 31 December 09; Women’s Watch-China, “Proposal for Law on Prevention and Curbing of Domestic Violence Comes Out” [Yufang he zhizhi jiating baoli fa jianyi gao chulu], 28 November 09; “China Scholars Call for Attention to ‘Anti-Domestic Violence Legislation’” [Zhongguo xuezhe huyu guanzhu “fan jiating baoli” lifa], *Radio Free Asia*, 13 January 10. See also “All-China Women’s Federation Proposes, Highlights Need for Draft Anti-Domestic Violence Legislation,” *Congressional-Executive Commission on China*, 2 February 10.

⁴⁷See CECC 2011 Annual Report, 10 October 11, 124; CECC 2010 Annual Report, 10 October 10, 132; CECC 2009 Annual Report, 10 October 09, 168.

⁴⁸“Advisor Calls for Domestic Violence Law,” *Xinhua*, reprinted in *China Daily*, 10 March 12; “85% of People Favor Law Against Domestic Violence,” *Xinhua*, reprinted in *China Daily*, 13 March 12; Valerie Tan, “China Considers Law Against Domestic Violence,” *Channel News Asia*, 18 November 11.

⁴⁹All-China Women’s Federation, “Child Abuse Highlights Need for Anti-Domestic Violence Laws,” 11 June 12; Yan Shuang, “Crazy English Founder Threatened To Kill Me, Says Wife,” *Global Times*, 13 April 12; “Advisor Calls for Domestic Violence Law,” *Xinhua*, 10 March 12.

⁵⁰He Dan, “Domestic Violence Law Should Be Broad,” *China Daily*, 12 March 12.

⁵¹State Council Information Office, *National Human Rights Action Plan of China (2012–2015)*, reprinted in *Xinhua*, 11 June 12, sec. III(2).

⁵²Convention 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.

⁵³PRC 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, arts. 40, 58; PRC 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.

⁵⁴PRC 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, arts. 40, 58; PRC 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; Women’s Watch-China, “Annual Report 2008,” 23 October 09, 30.

⁵⁵Women’s Watch-China, “2009 Women’s Watch-China Annual Report,” 23 August 10, 24.

⁵⁶Tang Yu, “Sexual Harassment in the Workplace, What Difficulties Exist in Defending One’s Rights” [Zhichang xing saorao weiquan heqi nan], *China Worker Net*, 7 January 11; Gao Zhuyuan, “The Evil of Sexual Harassment,” *China Daily*, 2 June 11. See also Luo Wangshu and Cao Yin, “More Sexual Assault at Work Reported,” *China Daily*, 5 January 12.

⁵⁷See, e.g., Therese Hesketh et al., “The Consequences of Son Preference and Sex-Selective Abortion in China and Other Asian Countries,” *Canadian Medical Association Journal*, 14 March 11, 1–2; 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 (2008), 19171. According to this study, “The root of the [sex ratio] problem lies in a 2,500-year-old culture of son preference.” See also Chu Junhong, “Prenatal Sex Determination and Sex-Selective Abortion in Rural Central China,” *Population and Development Review*, Vol. 27, No. 2 (2001), 260; Joseph Chamie, “The Global Abortion Bind: A Woman’s Right To Choose Gives Way to Sex-Selection Abortions and Dangerous Gender Imbalances,” *Yale Global*, 29 May 08. For discussion of the continued practice of sex-selective abortion and its impact, see “Ban on Sex Testing To Help Balance Girl-Boy Ratio,” *Xinhua*, reprinted in *Global Times*, 25 May 12.

⁵⁸See “China’s Sex Ratio at Birth Dropping,” *North Side Net*, translated in *Women of China*, 12 July 12. According to this 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.”

⁵⁹State Commission for Population and Family Planning, Ministry of Health, State Food and Drug Administration, *PRC 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 jianing he xuanze xingbie de rengong zhongzhi renshen de guiding], issued 29 November 02, effective 1 January 03. For a discussion of these regulations, see “China Bans Sex-Selection Abortion,” *Xinhua*, reprinted in *China Net*, 22 March 03.

⁶⁰Mikhail 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 (2008), 19171; 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; 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 jiu you 1 ge guanggun], 27 January 10.

⁶¹PRC 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).

⁶²State Council Information Office, *National Human Rights Action Plan of China (2012–2015)*, reprinted in *Xinhua*, 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.

⁶³“China Gender Gap Fuelling Human Trafficking: Report,” Agence France-Presse, reprinted in *China Post*, 22 September 10. See also Human Rights Watch, “World Report 2012: China,” January 2012; 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,” *Fordham International Law Journal* Vol. 32, No. 3 (2009), 752; Therese Hesketh et al., “The Effect of China’s One-Child Family Policy After 25 Years,” *New England Journal of Medicine*, Vol. 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 Eberstadt’s report, “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).”]

⁶⁴Human Rights Watch, “World Report 2012: China,” January 2012.

Notes to Section II—Human Trafficking

¹The specific phrase used to describe the concept of trafficking in Chinese government documents, including the National Plan of Action on Combating Trafficking in Women and Children (2008–2012), as well as related regulations, circulars, and opinions, is *guaimai funu ertong*, which literally means “the abduction and sale of women and children.” See, for example, State Council General Office, “Circular on the State Council General Office’s Issuance of China’s National Plan of Action on Combating Trafficking in Women and Children (2008–2012)” [Guowuyuan bangongting guanyu yinfa zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian) de tongzhi], 13 December 07. See also Ministry of Public Security, “Qinghai Province Implementing Rules and Regulations for the Plan of Action on Combating Trafficking in Women and Children (2008–2012)” [Qinghai sheng fandui guaimai funu ertong xingdong jihua shishi xize (2008–2012 nian)], 22 December 09; Ministry of Public Security, Zhuzhou Municipal People’s Government, “Zhuzhou Municipal People’s Government Office Circular Regarding the Issuance of Zhuzhou Municipality’s Action Plan on Combating Trafficking in Women and Children” [Zhuzhou shi renmin zhengfu bangongshi guanyu yinfa zhuzhou shi fandui guaimai funu ertong xingdong jihua de tongzhi], 31 December 09; Bazhong Municipal People’s Government, “Opinion of Bazhong Municipal People’s Government Office Regarding the Implementation of China’s National Action Plan on Combating Trafficking in Women and Children (2008–2012)” [Bazhong shi renmin zhengfu bangongshi guanyu guanche guowuyuan “zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian)” de shishi yijian], 30 September 09.

²“China’s Top Legislature Ends Bimonthly Session, Adopts Tort Law,” Xinhua, 26 December 09; 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.

³The 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], passed 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.

⁴PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 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, 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 2012—China,” 19 June 12, 118. According to this report, “[I]t remains unclear whether [articles 240, 358, and 244] prohibit the use of common non-physical forms of coercion, such as threats and debt bondage, as a form of ‘forcing workers to labor’ or ‘forced prostitution’ and whether acts such as recruiting, providing, or obtaining persons for compelled prostitution are covered.”

⁵PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 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, 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 2012—China,” 19 June 12, 119. “[I]t remains unclear whether, under Chinese law, children under the age of 18 in prostitution are victims of trafficking regardless of whether force is involved.”

⁶The 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], passed 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.

⁷PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 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, 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.”

⁸UN 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.”

⁹The 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], passed 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.

¹⁰Zhu Shanshan, “Shandong Baby Trafficking Ring Taken Down,” *Global Times*, 4 November 11; “178 Kids Rescued in China Human Trafficking Bust,” *CBS News*, 7 December 11; “2,000 Abducted Children Identified via DNA Bank,” *Xinhua*, reprinted in *China Daily*, 1 March 12; “Chinese Police ‘Smash’ Trafficking Gang, Frees 181,” *BBC*, 6 July 12; Chen Xin, “Police Pledge To Fight Child Trafficking,” *China Daily*, reprinted in *People’s Daily*, 7 July 12; 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. An official quoted in the *Legal Daily* report suggested that the human trafficking buyer market can be broken down into three main categories: 1) purchasing children for the purpose of adoption, 2) purchasing women for the purpose of marriage, and 3) abducting or purchasing women or children for the purpose of forced prostitution or child begging. The official recommended additional punishments for the purchasers in these cases as well as adjustments to national family planning policies in order to remedy China’s sex ratio imbalance.

¹¹The 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).

¹²CECC, 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, “Human Smuggling and Trafficking,” 20 January 10.

¹³United Nations Office on Drugs and Crime, “Trafficking in Persons and Migrant Smuggling,” last visited 6 September 12.

¹⁴*Ibid.*

¹⁵Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 120.

¹⁶*Ibid.*; Human Rights Watch, “World Report 2012—North Korea,” 22 January 12.

¹⁷Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 118. See also CECC, 2008 Annual Report, 31 October 08, 118. As documented and defined internationally, major forms of human trafficking include forced labor, bonded labor, involuntary domestic servitude, child soldiers, forced prostitution, children exploited for commercial sex, child sex tourism, and debt bondage and involuntary servitude among migrant laborers.

¹⁸Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 118.

¹⁹*Ibid.* See also, Alisha Hassan, “Malaysia Arrest 6 Chinese Women in Sex Trafficking Raid,” *Bikya Masr*, 14 July 12; “Woman Kidnapped and Trafficked Through 10 Countries,” *BBC*, 9 May 12; “Chinese Madam Jailed for Trafficking in Ulster,” *News Letter*, 6 July 12; Mark Fisher, “CNN Freedom Project Airing Reports of CA Human Trafficking Task Force This Week,” *Examiner*, 11 June 12; “Chinese Police Free 24,000 Abducted Women and Children,” *BBC*, 11 March 12.

²⁰Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 118. See also, for example, Phil Thornton, “Kachin Women Sold as Chinese Brides,” *South Asia Wired*, reprinted in *Radio Netherlands Worldwide*, 26 January 12; “Nepali Girls Being Trafficked to China,” *Republica*, reprinted in *Xnepali*, 30 January 12; “Trafficking of Ugandan Women to Asia on the Rise,” *Voice of America*, 16 February 12; George Thomas, “North Korean ‘Bride Slaves’ Sold Into Misery,” *CBN News*, 19 February 12; Hanna Hindstrom, “Female Migrants See Dark Side of China’s Border,” *Democratic Voice of Burma*, 24 February 12; “Vietnam Arrests 6 for Allegedly Trafficking Women,” *Associated Press*, reprinted in *Straits Times*, 20 March 12.

²¹See, for example, “Kunming Families of Group of Disappeared [Children] Report to the Police, Denounced by Police for Starting Rumors” [Kunming lianhuan shizong an jiashu baojing bei jingfang chi wei zaoyao], *East Net*, reprinted in *CCVIC.com*, 9 May 12; “23 Men Abduct and Sell 15 Mentally Disabled Women, Oldest Criminal Suspect Is 79,” *Yangcheng Nightly News*, reprinted in *Sina*, 14 February 12; Zhou Wenting, “Factory Caught Using Child Labor,” *China Daily*, 14 February 12; “Police Rescue 41 Women From Forced Prostitution,” *Xinhua*, reprinted in *CR1english*, 17 March 12. See also, Human Rights Watch, “World Report 2012—China,” 22 January 12; “Chinese Netizens Join Efforts To Save Abused Boy,” *Xinhua*, 13 July 12; Madison Park, “Bullied Chinese Boy Recovering From Assault,” *CNN*, 16 July 12; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 118.

²²Office 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.”

²³“Tibet Battles Women Trafficking,” *Radio Free Asia*, 24 August 12.

²⁴UN 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.

²⁵Zhang Yan, “More Women Kidnapped for Brides,” *China Daily*, 3 December 11. Chen Shiqu, director of the anti-trafficking office under the Ministry of Public Security, reported in December 2011 that “[t]he number of foreign women trafficked to China is definitely rising.”

²⁶The *China Daily* reported in March 2012 that China’s sex ratio at birth “stands at exactly 117.78 males born for every 100 females” and “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 jiu you 1 ge guanggun], 27 January 10.

²⁷Mikhail 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.

²⁸See, e.g., SOS Children's Villages Canada, "Young Women Fleeing Myanmar Trafficked in China as Brides," 5 November 11. See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2012—China," 19 June 12, 119. According to the U.S. State Department report, "The Director of the Ministry of Public Security's Anti-Trafficking Task Force stated in the reporting period that "[t]he number of foreign women trafficked to China is definitely rising" and that "great demand from buyers as well as traditional preferences for boys in Chinese families are the main culprits fueling trafficking in China."

²⁹"Chinese Women Taught To Avoid People-Traffickers," Xinhua, reprinted in China Daily, 8 March 10.

³⁰Kathleen 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."

³¹"30 Persons With Mental Disabilities Rescued From Slave Labor in Illegal Brick Kilns in Henan, Returned Home Without Accompaniment" [Henan hei zhuan yao 30 ming zhizhang nugong huo jiejiu fanxiang wuren peihu], Beijing Times, reprinted in China News Net, 7 September 11.

³²Human Rights Watch, "World Report 2012 – China," 22 January 12.

³³"More Women Trafficked to China as Brides," Xinhua, reprinted in Global Times, 3 December 11.

³⁴"Child Labor Claim at Electronics Plant Probed," Shanghai Daily, reprinted in China Internet Information Center, 13 February 12; Zhou Wenting, "Factory Caught Using Child Labor," China Daily, 14 February 12.

³⁵"Kunming Families of Group of Disappeared [Children] Report to the Police, Denounced by Police for Starting Rumors" [Kunming lianhuan shizong an jiashu baojing bei jingfang chi wei zaoyao], East Net, reprinted in CCVIC.com, 9 May 12.

³⁶"China's Top Legislature Ends Bimonthly Session, Adopts Tort Law," Xinhua, 26 December 09; 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(a).

³⁷PRC 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. 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.

³⁸UN 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(a).

³⁹PRC Criminal Law [Zhonghua renmin gongheguo xingfa], issued 1 July 79, effective 1 October 97, art. 244; 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. 244. See also CECC, 2011 Annual Report, 10 October 11, 129.

⁴⁰Topics 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 art. 6.3), addition of non-physical forms of coercion into the legal definition of trafficking (see UN TIP Protocol art. 3(a)), commercial sexual exploitation of minors, (see UN TIP Protocol Art. 3(c and d)), and trafficking of men (see UN TIP Protocol Art. 3(a)). 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; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2012—China," 19 June 12, 119.

⁴¹"UNIAP—Trafficking Victims Protection Training Seminar" [Lianheguo fanguai jigou jian xiangmu (UNIAP)—baohu guaimai shouhairen peixun yantaohui], China Development Brief, 10 April 12; "Social Welfare [Organization] and International Organization on Migration Hold Symposium, Strike Hard Against Human Trafficking, Protect Rights and Interests of Workers Abroad" [Shehui fuli yu guoji yimin zuzhi zhaokai yantaohui yanda renkou guaimai baohu wailao quanyi], Jinbian Nightly News, 14 March 12.

⁴²Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report 2012—China," 19 June 12, 120.

⁴³Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 124.

⁴⁴Zhang Yan, “More Women Kidnapped for Brides,” China Daily, 3 December 11; Zhang Yan, “Cross-Border Human Trafficking Cases Rising,” China Daily, 12 August 11.

⁴⁵Zhang Yan, “More Women Kidnapped for Brides,” China Daily, 3 December 11.

⁴⁶Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 121.

⁴⁷Ibid., 120. See, e.g., “Ministry of Public Security Launches ‘Anti-Trafficking’ Hotline” [Gonganbu kaishe ‘daguai’ rexian], Xunqin Net, 13 November 11.

⁴⁸Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 120.

⁴⁹State Council Information Office, National Human Rights Action Plan of China (2012–2015), reprinted in Xinhua, 11 June 12, sec. III(2).

⁵⁰Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 118.

⁵¹Ibid. For information on the significance of the tier placements see, Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—Tier Placements,” 19 June 12. According to the U.S. Department of State, countries placed on the Tier 2 Watch List are “[c]ountries whose governments do not fully comply with the [Trafficking Victim Protection Act’s] minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND: a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.”

⁵²Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 118.

Notes to Section II—North Korean Refugees in China

¹ See, e.g., “China Defends Repatriation of N. Koreans,” *Caijing*, 29 February 12; “China Returns Refugees to N. Korea,” *Agence France-Presse*, reprinted in *South China Morning Post*, 24 February 12; Song Sang-ho, “N.K. Defectors in China Face Repatriation,” *Korea Herald*, 14 February 12; “China ‘Repatriates’ 15 N. Korean Defectors,” *Chosun Ilbo*, 10 October 11.

² The Commission observed numerous reports describing China’s longstanding policy position that North Korean refugees are illegal economic migrants. See, e.g., Ministry of Foreign Affairs, “Foreign Ministry Spokesperson Hong Lei’s Regular Press Conference on February 22, 2012” [2012 nian 2 yue 22 ri waijiaobu fayanren hong lei juxing lixing jizhehui], 22 February 12; “South Korea Passes Resolution on North Korean Refugees,” *BBC*, 27 February 12; “China Halts Repatriation of N. Korean Defectors,” *Chosun Ilbo*, 19 April 12.

³ 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 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 the UN High Commissioner for Refugees, Protection Information Section, January 2005, 13.

⁴ “China To Repatriate ‘Hundreds’ of N.Koreans,” *Chosun Ilbo*, 27 February 12; “China Departs 5,000 N.Korea Refugees Annually: Activists,” *Agence France-Presse*, reprinted in *Google*, 1 November 11.

⁵ Donald Kirk, “North Korean Women Are Being Sold Into ‘Slavery’ in China,” *Christian Science Monitor*, 11 May 12. Other estimates put the total number of North Korean refugees living in China between 10,000 and 40,000. Due to the difficulty of accurately measuring the number of North Korean refugees living in China, no reliable statistics are available. Andrei Lankov, “Underground Railroad Faces Barriers,” *Asia Times*, 16 March 12.

⁶ UN Convention relating to the Status of Refugees (1951 Convention), adopted by UN 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.

⁷ These activities appear to be focused in the Chinese provinces bordering North Korea and include the installation of new security equipment, crackdowns on illegal border crossers, and increased identification checks. “Jilin, Yanbian To Clear Out Foreigner ‘Three Illegals,’ Ministry of Foreign Affairs Denies Xenophobic Charges” [Jilin yanbian qingli “sanfei” waiguoren wajiaobu founen paiwai], *Oriental Morning Post*, 25 May 12; Mok Yong Jae, “New Law To Add to Defection Risk,” *Daily NK*, 2 July 12.

⁸ “China Installs Silent Alarm System Against N.K. Defectors,” *Yonhap*, 23 March 12; “China Installs Alarm System To Grab Refugees: Report,” *Agence France-Presse*, reprinted in *Economic Times*, 23 March 12.

⁹ Zhang Liang, “‘Three Illegal’ Personnel’s ‘Hidden’ Crimes Difficult To Investigate and Deal With” [“Sanfei” renyuan “yinshen” weifa fanzui nan chachul], *Legal Daily*, 25 May 12; “What’s Behind China’s Fresh Crackdown on N.Koreans?” *Chosun Ilbo*, 26 May 12.

¹⁰ One media report alleged the increase in arrests of North Korean refugees in China stemmed from a January 2012 agreement between North Korea and China “to step up efforts to uncover and detain defectors in their [Chinese] jurisdictions.” Lee Seok Young, “More Defections, More Arrests,” *Daily NK*, 17 February 12. It is unclear whether North Korean agents were operating in China under agreements made with the Chinese government. Lee Seok Young, “NSA Flying Ever Higher Still,” *Daily NK*, 31 January 12; Lee Beom Ki, “50 NSA Agents Cross Sino-NK Border at Sanhe,” *Daily NK*, 27 February 12; “N. Korean Soldiers Shoot Refugee in China: Activist,” *Agence France-Presse*, reprinted in *Google News*, 6 November 11.

¹¹ John M. Glionna, “North Korea’s Kim Jong Un Wages Defector Crackdown,” *Los Angeles Times*, 5 January 12; “[Editorial] U.N. Focus on Defectors,” *Korea Herald*, 22 February 12.

¹² “Chinese Policy on North Korean Defectors Decried,” *Los Angeles Times*, reprinted in *San Francisco Chronicle*, 15 February 12; UN High Commissioner for Refugees, “UNHCR Urges Humanitarian Solution for Detained North Koreans,” 24 February 12; Song Sang-ho, “N.K. Defectors in China Face Repatriation,” *Korea Herald*, 14 February 12; “29 N.Korean Defectors ‘Face Repatriation,’” *Chosun Ilbo*, 14 February 12.

¹³ Lee Chi-dong, “Clinton Urges China To Stop Repatriation of N. Korean Defectors,” *Yonhap*, 9 March 12; Paula Hancocks, “China Has Repatriated North Korean Defectors,” *South Korean Official Says*, *CNN*, 9 March 12.

¹⁴ U.S. Committee for Refugees and Immigrants, “World Refugee Survey 2009: China,” (2010); David Hawk, Committee for Human Rights in North Korea, “The Hidden Gulag,” Second edition (2012), 118.

¹⁵ U.S. Committee for Refugees and Immigrants, “World Refugee Survey 2009: China,” (2010).

¹⁶Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Report on Human Rights Practices—2011, China (Includes Tibet, Hong Kong, and Macau),” 24 May 12.

¹⁷Human Rights Watch, “World Report 2012: North Korea,” January 2012; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Report on Human Rights Practices—2011, China (Includes Tibet, Hong Kong, and Macau),” 24 May 12.

¹⁸Sanghee Bang et al., Citizens’ Alliance for North Korean Human Rights, “Survival Under Torture: Briefing Report on the Situation of Torture in the DPRK,” NKHR Briefing Report No. 2, September 2009, 24–31; UN 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,” 21 February 11, para. 65; Yoonok Chang et al., Peterson Institute for International Economics, “Migration Experiences of North Korean Refugees: Survey Evidence From China,” Working Paper No. 2008–4, March 2008, 10.

¹⁹Stephen Haggard and Marcus Noland, East-West Center, “Repression and Punishment in North Korea: Survey Evidence of Prison Camp Experiences,” Politics, Governance, and Security Series, No. 20, 5 October 09, 11–12.

²⁰Yoonok Chang et al., Peterson Institute for International Economics, “Migration Experiences of North Korean Refugees: Survey Evidence From China,” March 2008, 6; Tom O’Neill, “Escape From North Korea,” National Geographic, February 2009; David Hawk, Committee for Human Rights in North Korea, “The Hidden Gulag,” Second edition (2012), 119, 121; Kim Hee-jin, “One-Time Defectors Say Repatriation Could Be Fatal,” Korea JoongAng Daily, 24 February 12.

²¹Under 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, (b) paras. 94–105; UN 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,” 21 February 11, para. 65.

²²Lee Hae Young, Committee for Human Rights in North Korea, “Lives for Sale: Personal Accounts of Women Fleeing North Korea to China,” 1 October 09, 46–49; Yoonok Chang et al., Peterson Institute for International Economics, “Migration Experiences of North Korean Refugees: Survey Evidence From China,” March 2008, 15.

²³Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 120.

²⁴Lee Tae-hoon, “Female North Korean Defectors Priced at \$1,500,” Korea Times, 5 May 10; Melanie Kirkpatrick, “North Korea: Human Traffickers and the Chinese Market for Brides,” Daily Beast, 20 August 12.

²⁵Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—China,” 19 June 12, 120.

²⁶Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2012—Korea, Democratic People’s Republic of,” 19 June 12, 209.

²⁷Donald Kirk, “North Korean Women Sold Into ‘Slavery’ in China,” Christian Science Monitor, 11 May 12.

²⁸Lee Hae Young, Committee for Human Rights in North Korea, “Lives for Sale: Personal Accounts of Women Fleeing North Korea to China,” 1 October 09, 28–33; “North Korean Trafficked Brides,” Radio Free Asia, 30 April 09; Melanie Kirkpatrick, “North Korea: Human Traffickers and the Chinese Market for Brides,” Daily Beast, 20 August 12.

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³⁰“Women Tricked, Trafficked Into China,” Radio Free Asia, 4 March 11.

³¹Lee Hae Young, Committee for Human Rights in North Korea, “Lives for Sale: Personal Accounts of Women Fleeing North Korea to China,” 1 October 09, 20–21; Lee Tae-hoon, “Female North Korean Defectors Priced at \$1,500,” Korea Times, 5 May 10; Melanie Kirkpatrick, “North Korea: Human Traffickers and the Chinese Market for Brides,” Daily Beast, 20 August 12.

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³³Nam You-Sun, “N.Korean Women Up for Sale in China: Activist,” Agence France-Presse, reprinted in Google, 12 May 10; The Rising Stakes of Refugee Issues in China, Staff Roundtable of the Congressional-Executive Commission on China, 1 May 09, Testimony of Suzanne Scholte, President, Defense Forum Foundation; Song Sang-ho, “China Blamed for Defector Abuse,” Korean Herald, reprinted in AsiaOne, 31 May 12.

³⁴Lee Hae Young, Committee for Human Rights in North Korea, “Lives for Sale: Personal Accounts of Women Fleeing North Korea to China,” 1 October 09, 33–36; The Rising Stakes of Refugee Issues in China, Staff Roundtable of the Congressional-Executive Commission on China, 1 May 09, Testimony of Suzanne Scholte, President, Defense Forum Foundation; Melanie Kirkpatrick, “North Korea: Human Traffickers and the Chinese Market for Brides,” Daily Beast, 20 August 12.

³⁵UN Convention relating to the Status of Refugees (1951 Convention), adopted by UN General Assembly resolution 429 (V) of 14 December 50, arts. 1, 31–33; 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.

³⁶Protocol 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 UN General Assembly resolution A/RES/55/25 of 15 November 00, entry into force 29 September 03, art. 7.

³⁷ Article 9 of the UN TIP Protocol provides that “States Parties shall establish comprehensive policies, programmes and other measures: (a) To prevent and combat trafficking in persons; and (b) To protect victims of trafficking in persons, especially women and children, from revictimization.” 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 UN General Assembly resolution A/RES/55/25 of 15 November 2000, entry into force 29 September 03, art. 9. Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women provides that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.” 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, art. 6.

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⁴⁰ “Four South Koreans Being Held in China,” Voice of America, 15 May 12; “FM Pledges Swift Release of S. Korean Activists Detained in China,” Korea Herald, 17 May 12.

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Notes to Section II—Public Health

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²Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, arts. 9–19; Yu Fangqiang, “Challenges for NGOs in China,” *Asia Catalyst*, 26 June 09.

³State Administration of Foreign Exchange, Circular on Issues Concerning the Management of Foreign Exchange Donated to or by Domestic Institutions [Guojia waihui guanli ju guanyu jingnei jigou juanzeng waihui guanli youguan wenti de tongzhi], issued 30 December 09, effective 1 March 10. See also Verna Yu, “Beijing Tightens Rules on Foreign Funding of NGOs,” *South China Morning Post*, 12 March 10; Cara Anna, “NGOs in China Say Threatened by New Donor Rules,” Associated Press, reprinted in Google, 12 March 10; Chinese Human Rights Defenders, “China Human Rights Briefing March 9–15, 2010: Prominent NGO Raise [sic] Concern Over New Regulations on Receiving Foreign Funding,” 16 March 10.

⁴See, e.g., Yu Fangqiang, “Challenges for NGOs in China,” *Asia Catalyst*, 2 June 09. See also CECC, 2011 Annual Report, 10 October 11, 151; CECC, 2010 Annual Report, 10 October 10, 147–48.

⁵He Dan and Huang Yuli, “NGOs Get Boost From Shenzhen Register Reforms,” *China Daily*, 21 August 12.

⁶“Police Warn China Activist Against Speaking Out,” *Agence France-Presse*, reprinted in Google, 16 October 11. Police warnings reportedly followed Hu’s public criticism of proposed changes to the PRC Criminal Law as well as his advocacy on behalf of fellow rights advocate Chen Guangcheng.

⁷“Hu Jia Takes Risks, Fights Again for the Rights and Interests of People Living With AIDS” [Hu jia maoxian zai wei aizibing ren zhengqu quanyi], *Radio Free Asia*, 24 November 11.

⁸“Dissidents Under Pressure Over Holiday,” *Radio Free Asia*, 17 January 12. Upon his return home, Hu Jia reported that officials’ interrogation “focused on my vocal support for other [dissidents],” noting that officials “want to suppress such discussion.” Hu has used his microblog as a platform to advocate on behalf of other advocates, including HIV/AIDS advocate Tian Xi. For more information on Tian Xi’s case, see “Tian Xi: ‘As Long as I Am Living, I Will Not Gullibly Believe the Government’s Promises’” [Tian xi: “wo hai huozhe, buyao qingxin xiang zhengfu de chengnuo”], *Radio Free Asia*, 11 July 12.

⁹Josh Chin and Brian Spegele, “Dissidents Report Renewed Pressures,” *Wall Street Journal*, 3 May 12; Matthew Robertson, “Chinese Dissident Hu Jia Arrested,” *Epoch Times*, 12 June 12.

¹⁰Mark MacKinnon, “Love, Dissident-Style: The Saga of Hu Jia and Zeng Jinyan,” *Globe and Mail*, 20 April 12. According to this report, officials have deployed “16 people—eight at the gates of [Hu’s apartment complex] Freedom City, eight more who wait 24 hours a day in two unmarked cars” to monitor Hu Jia’s activities.

¹¹Wang Kala and Di Dongnuo, “Beijing Huiling Applies for ‘Regularization’; Refused Three Times in One Day” [Beijing huiling shenqing “zhuanzheng” yiri bei ju san ci], *Beijing News*, 29 February 12; He Dan and Guo Rui, “Charity Law ‘Vital’ for Sector To Grow,” *China Daily*, 14 March 12.

¹²Wang Kala and Di Dongnuo, “Beijing Huiling Applies for ‘Regularization’; Refused Three Times in One Day” [Beijing huiling shenqing “zhuanzheng” yiri bei ju san ci], *Beijing News*, 29 February 12. *Beijing News* reported in February that, “In three months, Beijing Huiling faces ‘running out of food,’ the money in their account is only enough to pay three more months of wages.” See also Chinese Human Rights Defenders, “China Human Rights Briefing March 6–12, 2012,” 14 March 12. For additional information on the difficulties Huiling and other NGOs have faced in registration, see “The Embarrassment of ‘Grassroots’ Civil Society Public Interest Organizations” [“Caogen” minjian gongyi zuzhi de gangai], *Legal Weekly*, 12 July 12.

¹³“Hebei Demands Every Social Organization Register With Civil Affairs Bureau or Be Banned” [Hebei yaoqiu ge shehui zuzhi dao minzheng bumen zhuce fouze jiang bei qudi], *Radio Free Asia*, 30 March 12.

¹⁴Liu Hongqiao, “Hebei Directed To Tighten Up Management of Social Organizations, Grassroots Organizations May Be Banned” [Hebei bei zhi shoujin shetuan guanli caogen zuzhi huo bei qudi], *Caixin*, 28 March 12.

¹⁵PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuYe cujin fa], passed 30 August 07, effective 1 January 08, arts. 29, 30; PRC Law on the Protection of Disabled Persons [Zhonghua renmin gongheguo canjiren baozhang fa], passed 28 December 90, amended 24 April 08, effective 1 July 08, arts. 3, 25, 30–40; PRC Law on the Prevention and Control of Infectious Diseases [Zhonghua renmin gongheguo chuanranbing fangzhi fa], issued 21 February 89, amended 28 August 04, effective 1 December 04, art. 16. See also Ministry of Education, “Circular Regarding Further Standardizing Physical Examinations [Prior to] School Enrollment or Employment To Protect the Rights of Hepatitis B Surface Antigen Carriers to School Enrollment or Employment” [Guanyu jinyibu guifan ruxue he jiuYe tijian xiangmu weihu yigan biaomian kangyuan xiedaizhe ruxue he jiuYe quanli de tongzhi], issued 10 February 10.

¹⁶Tan Zongyang, “Campaign To End Discrimination and Help Disabled Become Teachers,” *China Daily*, 13 September 11; “640 People Send Letter to Taiwan Headquarters of Inventec, Protesting Discrimination” [640 ren zhixin yingye da taiwan zongbu kangyi qishi], XGO.com.cn, 2 November 11; Wan Jing, “Hepatitis B Carrier Who Fought for the ‘Right To Eat in a Dining Hall’ Wins Case Today, Compensated 20,000 Yuan” [Yigan xiedaizhe taoyao “jiucanquan” jinri huopei liangwan yuan], *Legal Daily*, reprinted in *Legal Risk*, 19 December 11.

¹⁷“HIV-Positive Teachers Urge China To End Discrimination,” *BBC*, 28 November 11; “Report: Discrimination Prevalent in Civil Service Hiring,” *Caixin*, 21 November 11; “HIV Positive Teachers To Petition China Government,” *Agence France-Presse*, reprinted in *China Digital*

Times, 29 November 11. For information on the results of one successful discrimination case, see Wan Jing, "Hepatitis B Carrier Who Fought for the 'Right To Eat in a Dining Hall' Wins Case Today, Compensated 20,000 Yuan" [Yigan xiedaizhe taoyao "jiucanquan" jinri huopei liangwan yuan], Legal Daily, reprinted in Legal Risk, 19 December 11.

¹⁸ Yu Fangqiang, "[Commentary] China's First Lawsuit on Discrimination Against a Person Living With HIV/AIDS," Asia Catalyst, 25 October 11.

¹⁹ Ibid.

²⁰ Ibid. According to Yu Fangqiang, "[T]he civil service has a physical examination manual which describes HIV/AIDS as follows: 100% of people with HIV will spread the disease, and without treatment, most people who have HIV will die within two years. Therefore, when an HIV-positive diagnosis is made, the physical examination is immediately declared 'unsatisfactory.'"

²¹ "Report: Discrimination Prevalent in Civil Service Hiring," Caixin, 21 November 11. According to this article, "[The China University of Political Science and Law report] took China's civil service to task for only allowing people under the age of 35 to sit for its exam, as well as for barring people with AIDS or diabetes from taking the test." See also "HIV/AIDS Discrimination in Workplace," CNTV, reprinted in Xinhua, 1 December 11.

²² Hepatitis B Foundation, "Hepatitis B Carriers Need Not Apply: Discrimination in China," 1 September 11.

²³ "Report: Discrimination Prevalent in Civil Service Hiring," Caixin, 21 November 11.

²⁴ Human Rights Watch, "World Report 2012: China," 22 January 12; Beijing Yirenping Center, "Many Activities on Human Rights of People With Disability Were Carried Out at the Beginning of 2012," 30 January 12; "State Agencies Fall Short of Regulations in Proportion of Disabled Persons Hired" [Guojia jiguan zhaolu canjiren bili diyu falu guiding], Legal Daily, reprinted in Beijing Youth Net, 17 January 12; Cheng Yingqi, "Colorblind Man Seeks Help From Blind Justice," China Daily, 7 April 12.

²⁵ For the Anhui province case, see "HIV-Infected Man Appeals Ruling," Radio Free Asia, 27 April 11; "Courts Hear China's First HIV/AIDS Employment Discrimination Cases," Congressional-Executive Commission on China, 31 March 11.

²⁶ For the Sichuan province case, see "Experts Call for Amendments to Civil Servant Physical Examination Standards, Do Away With AIDS Employment Discrimination" [Zhuanjia huyu xiugai gongwuyuan tujian biao zhun xiaochu aizi jiuye qishi], Worker Daily, reprinted in Sichuan Online, 6 July 11.

²⁷ Human Rights Watch, "World Report 2012: China," 22 January 12. According to the Human Rights Watch report, "On September 8 an HIV-positive school teacher launched a wrongful dismissal suit against the Guizhou provincial government after it refused to hire him on April 3 due to his HIV status." For the outcome of the Guizhou case, see "HIV-Positive Teachers Urge China To End Discrimination," BBC, 28 November 11. According to the BBC report, "A third lawsuit was filed in Guizhou province, but the judge is said to have refused to accept it."

²⁸ For a report discussing the outcomes of all three cases, see Jin Jianyu, "HIV-Positive Civil Service Applicants Appeal for Employment Rights," Global Times, 29 November 11. "According to media reports, two of the applicants, who are from the provinces of Anhui and Sichuan, lost their cases during their second trials, while the third person's case, which was to be heard in Guizhou Province, was never accepted." See also CECC, 2011 Annual Report, 10 October 11, 136.

²⁹ "China Fights Against AIDS Discrimination," CNTV, 3 March 12.

³⁰ Human Rights Watch, "World Report 2012: China," 22 January 12.

³¹ "China Fights Against AIDS Discrimination," CNTV, 3 March 12. According to this report, "Xiao Duan believes the biggest challenge facing those living with HIV is discrimination, especially, and surprisingly, from the doctors meant to treat them. He said, 'Now society shows much more understanding than before. But we still feel discriminated against, when we go to hospital as many refuse to accept HIV positive people. As a result, many of us cannot get treatment.'"

³² "AIDS Patient Fights Discrimination in China," Agence France-Presse, reprinted in Youtube, 23 July 12. According to one Chinese expert quoted in this video, "Even if their conditions deteriorate or they display more severe symptoms, they won't go get checked out."

³³ Wei Na, "Blind Ambition Blocked," Global Times, 30 September 11; Beijing Yirenping Center, "Yirenping Launched Advocacy Campaigns on the Visually Disabled Persons' Equal Right to Education Together With Hundreds of People With Visual Handicap," 30 October 11.

³⁴ Beijing Yirenping Center, "Yirenping Launched Advocacy Campaigns on the Visually Disabled Persons' Equal Right to Education Together With Hundreds of People With Visual Handicap," 30 October 11. According to this report, "Yirenping submitted a proposal letter to [the Self-Study Examination Instruction Group of the National Higher Education Committee] recommending specific rules be created for people with visual disabilities to take self-study examinations. One blind volunteer carried out a survey showing that only Guangdong Province allows the visually disabled to take self-study exams. Four activists with visual handicap submitted a proposal letter signed by 101 disabled people calling on BEEI to protect blind persons' equal rights to taking self-study exam. And one student, who practiced in Yirenping this summer, helped Yirenping to contact with [Hong Kong Blind Union] hoping for its backing. All these activities were in part based on the events that took place in September that Dong Lina, a girl with visual impairment, was refused to take the self-study examination held in Beijing because of her disability."

³⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXII) of 16 December 66, entry into force 3 January 76, art. 12(1). China signed the ICESCR on 27 October 97 and ratified it on 27 March 01.

³⁶ "State Council Legislative Affairs Office Solicits Opinions on the 'Mental Health Law (Draft)' Full Text" [Guowuyuan fazhiban jiu "jingshen weisheng fa (caoran)" zheng yijian], China News Net, reprinted in NetEase, 10 June 11.

³⁷National People's Congress, "Mental Health Law (Draft) Text and Explanation of Draft" [Jingshen weisheng fa (caoran) tiaowen ji caoran shuoming], 29 October 11.

³⁸Wang Shu, "Draft Mental Health Law Second Review: Some of the More Controversial Provisions Have Been Deleted" [Jingshen weisheng fa caoran ershen, shanchu bufen zhengyi jiaoda tiaokuan], Beijing News, 28 August 12.

³⁹"Call for End to 'Psychiatric' Detention," Radio Free Asia, 27 October 11.

⁴⁰See, e.g., Calum MacLeod, "Chinese Put in Mental Hospitals To Quiet Dissent," USA Today, 29 December 11. See also "Officials Review Second Draft of Mental Health Law, Final Draft Expected in 2012," Congressional-Executive Commission on China, 19 March 12.

⁴¹Convention on the Rights of Persons with Disabilities, adopted by UN General Assembly resolution A/61/611 of 6 December 06, arts. 22, 24–28. See also "Officials Review Second Draft of Mental Health Law, Final Draft Expected in 2012," Congressional-Executive Commission on China, 19 March 12; Wang Shu, "Draft Mental Health Law Second Review: Some of the More Controversial Provisions Have Been Deleted" [Jingshen weisheng fa caoran ershen, shanchu bufen zhengyi jiaoda tiaokuan], Beijing News, 28 August 12; Zhao Yanan, "Mental Patients May Access Courts," China Daily, 28 August 12; Chinese Human Rights Defenders, "The Darkest Corners: Abuses of Involuntary Psychiatric Commitment in China," 6 August 12.

⁴²China signed the Convention on March 30, 2007, and ratified it on August 1, 2008.

⁴³See "Officials Review Second Draft of Mental Health Law, Final Draft Expected in 2012," Congressional-Executive Commission on China, 19 March 12.

⁴⁴Chinese Human Rights Defenders, "The Darkest Corners: Abuses of Involuntary Psychiatric Commitment in China," 6 August 12. Chinese Human Rights Defenders submitted this report to the UN monitoring body of the Convention on the Rights of Persons with Disabilities in advance of China's session on its compliance scheduled for September 2012.

⁴⁵As for unofficial statements, one domestic observer, Huang Xuetao, director of the Equity & Justice Initiative—a Shenzhen-based non-governmental organization that coordinates projects on mental health—was cited in a December 2011 USA Today report saying that the law is expected to be finalized sometime in 2012. See Calum MacLeod, "Chinese Put in Mental Hospitals To Quiet Dissent," USA Today, 29 December 11.

⁴⁶"Ministry of Health Promises To Abolish Prisoner Organ Donations" [Weishengbu chengnuo quxiao siqiu qiguan juanxian], Sina, 23 March 12; "China To Abolish Transplanting Organs From Condemned Prisoners Within 3–5 Years," Xinhua, 22 March 12.

⁴⁷Regulations on Human Organ Transplants [Renti qiguan yizhi tiaoli], passed 21 March 07, effective 1 May 07.

⁴⁸"China Launches Organ Donation System," Xinhua, 25 August 09. See also CECC, 2009 Annual Report, 10 October 09, 188.

⁴⁹PRC 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. 234.

⁵⁰"Illegal Kidney Trade Trial Concludes in Central China," Xinhua, 10 August 12; Yang Jinghao, "10 Mln Yuan Organ Case Set for Trial in Beijing," Global Times, reprinted in People's Daily, 1 March 12.

⁵¹Tom Phillips, "Chinese Organ Trafficking Ring Dismantled," Telegraph, 5 August 12; "China Nabs 137 for Organizing Organ Sale," Xinhua, 4 August 12.

⁵²"Chinese Experts Urge Transparent Organ Donation System," Xinhua, 23 March 12; Guo Jiali, "Lifting the Lid on China's Illegal Kidney Trade," China Internet Information Center, 27 March 12.

⁵³"Police Crack Underground Organ-Trade Criminal Ring," Global Times, 27 October 11; Clifford Coonan, "Clampdown on China's Black Market for Organs," Irish Times, 1 November 11; Xu Kai and Sun Tao, "Caijing Investigates Illegal Organ Transplant Trading Network," Caijing, 14 February 12; Yang Jinghao, "10 Mln Yuan Organ Case Set for Trial in Beijing," Global Times, reprinted in People's Daily, 1 March 12; Guo Jiali, "Lifting the Lid on China's Illegal Kidney Trade," China Internet Information Center, 27 March 12.

⁵⁴UN Committee against Torture, "Consideration of Reports Submitted by States Parties Under Article 19 of the Convention: Concluding Observations of the Committee against Torture—China," 21 November 08, 10; David Matas and David Kilgour, *Bloody Harvest: Revised Report Into Allegations of Organ Harvesting of Falun Gong Practitioners in China*, 31 January 07, 40–44. See also CECC, 2009 Annual Report, 10 October 09, 188.

⁵⁵Damien Gayle, "An Organ Is Sold Every Hour, WHO Warns: Brutal Black Market on the Rise Again Thanks to Diseases of Affluence," Daily Mail, 27 May 12. See also Denis Campbell and Nicola Davison, "Illegal Kidney Trade on Rise as Demand Outstrips Supply," Sydney Morning Herald, 29 May 12; Nicola Davison, "In China, Criminals Fill the Kidney Donor Deficit," Guardian, 27 May 12.

⁵⁶Damien Gayle, "An Organ Is Sold Every Hour, WHO Warns: Brutal Black Market on the Rise Again Thanks to Diseases of Affluence," Daily Mail, 27 May 12.

Notes to Section II—The Environment

¹Ministry of Environmental Protection, “2011 Bulletin on China’s Environmental Conditions” [2011 nian zhongguo huanjing zhuangkuang gongbao], 6 June 12. The bulletin notes progress in reducing some pollutants, including carbon oxygen demand (COD) and sulfur dioxide, among others.

²Yale University Yale Center for Environmental Law and Policy et al., “Towards a China Environmental Performance Index (CEPI),” January 2012, 1.

³“Former Deputy Director of the Ministry of Environmental Protection: Last Year China’s Losses Due to Pollution Exceeded Two Trillion” [Yuan huanbao zongju fujuzhang: qunian zhongguo huanjing wuran sunshi chao 2 wanyi], Xinhua, 13 March 12. According to the Xinhua story, a former deputy minister of the Ministry of Environmental Protection estimated that environmental losses had reached 5 to 6 percent of the GDP. He also calculated that environmental pollution caused losses amounting to 2.35 to 2.82 trillion yuan (US\$371 to \$445 billion) in 2011.

⁴Wang Qian and Li Jing, “Groundwater Gets Worse, Land Agency Says,” China Daily, 21 October 11. According to the China Daily article, authorities reportedly classified as bad more than 57 percent of the groundwater monitored in 182 cities. Jin Zhu, “Taking Aim on Water Quality Woes,” China Daily, reprinted in People’s Daily, 17 February 12; Gong Jing, “China’s Bohai Sea Drowns in Discharged Waste,” Caixin, 14 September 11; “Nearly 80 Pct of China’s Wetlands Poorly Protected: Survey,” Xinhua, 2 February 12.

⁵Zheng Xin and Li Jing, “Industries Top Cause of Pollution,” China Daily, 16 December 11; “Dust and Haze To Become the Leading Cause of Lung Cancer” [Huimai jiang chengwei feiai zhibing touhao yuanyong], Huashangbao, 27 November 11.

⁶Yu Dawei, “Chinese Waste: The Burning Issue,” New Century Weekly, reprinted in Chinadialogue, 26 January 12; Wang Jiuliang, “Beijing Besieged by Garbage,” Cross-Currents E-Journal, University of California, Berkeley, December 2011.

⁷Ministry of Environmental Protection, “2011 Bulletin on China’s Environmental Conditions” [2011 nian zhongguo huanjing zhuangkuang gongbao], 6 June 12; Zhang Fan, “Sweeping Pollution Under the Rug,” Caixin, 9 April 12.

⁸Ministry of Environmental Protection, “2011 Bulletin on China’s Environmental Conditions” [2011 nian zhongguo huanjing zhuangkuang gongbao], 6 June 12; Tan Siying, “A Heavy-Metal Burden,” Chinadialogue, 18 April 12; Ye Tiegiao, “Heavy Metal Pollution Incidents Occur in Succession” [Zhongjinshu wuran shijian pinfa], China Youth Daily, 1 February 12; Friends of Nature et al., “The Other Side of Apple II,” 31 August 11, 3.

⁹Wu Wencong, “State Sounds Battle Cry Against Pollution,” China Daily, reprinted in People’s Daily, 21 March 12; Li Jing, “China Still Targeting Heavy-Metal Polluters,” Xinhua, 4 March 12.

¹⁰Jin Zhu, “Rapid Growth Triggers Environmental Accidents,” China Daily (USA), 7 February 12. The article cited Ministry of Environmental Protection (MEP) statistics.

¹¹Chen Jia, “Two-thirds of Chinese Cities Face Water Shortages” [Woguo 2/3 chengshi qeshui jiang shixing zui yange shui ziyuan guanli], Southern Metropolitan Daily, 17 February 12.

¹²Bao Xiaodong and Zhang Xinyuan, “Building on ‘Toxic Land,’” Southern Weekend, reprinted in Chinadialogue, 12 January 12.

¹³Ye Tiegiao, “Heavy Metal Pollution Incidents Occur in Succession” [Zhongjinshu wuran shijian pinfa], China Youth Daily, 1 February 12; Wang Hairong, “Thwarting Dirty Migration,” Beijing Review, No. 6, 9 February 12; “Inner Mongolia Halts 467 Mining Projects,” Xinhua, reprinted in China Daily, 18 February 12. According to the Xinhua report, expanding mining operations in Inner Mongolia have been part of a mining boom, but have contributed to ecological damages and led to disputes with local populations. “Ministry of Environmental Protection: Rural Pollution Emissions Account for Half of the Country’s Pollution” [Huanbaobu: nongcun wuran paifang yi zhan zhongguo “banbi jiangshan”], China Youth Daily, 3 June 11. According to the June 2011 China Youth Daily article, environmental protection efforts in rural areas lag far behind those in urban areas. Institute of Public and Environmental Affairs (IPE) and Natural Resources Defense Council, “Open Environmental Information: Taking Stock,” 16 January 12, 26–27. The IPE study indicates the level of information disclosure is lower in central and western provinces than it is in eastern areas.

¹⁴National People’s Congress, “Environmental Protection Law Revisions (Draft) Articles” [Huanjing baohufa xiuzheng’an (caoan) tiaowen], 31 August 12.

¹⁵Ibid., item 22. According to the draft revisions, Article 35 says “the State Council and local people’s governments will include completion of environmental protection objectives in evaluations of lower level governments and environmental protection administrative departments at the same level, and other responsible parties. The evaluation results shall be open to the public.” Other segments of the Article’s language that had strengthened incentives was previously reported to have been removed. See Xu Chao and Ren Zhongyuan, “Environmental Protection, Endangered,” Caixin, 8 December 11; “Wrestling Over Revisions to Environmental Law Transforms Environmental Conditions From Bad to Worse” [Jueli huanbaofa xiuding gaibian huanjing meikuang yuxia jumian], Caixin, reprinted in Tencent, 6 December 11; “Environmental Protection Law Draft Revisions: Authorities Remove Language Regarding Strengthening Public Participation, Accountability, and Transparency,” CECC, China Human Rights and Rule of Law Update, No. 2, 18 May 12, 3.

¹⁶National People’s Congress, “Environmental Protection Law Revisions (Draft) Articles” [Huanjing baohufa xiuzheng’an (caoan) tiaowen], 31 August 12. According to the draft revisions, authorities made no changes to Article 6, which in a previous draft contained additional language regarding support for public participation. For more information about the language authorities removed from previous drafts regarding public participation, see the following articles: Xu Chao and Ren Zhongyuan, “Environmental Protection, Endangered,” Caixin, 8 December 11; “Wrestling Over Revisions to Environmental Law Transforms Environmental Conditions From

Bad to Worse” [Juei huanbaofa xiuding gaibian huanjing meikuang yuxia jumian], Caixin, reprinted in Tencent, 6 December 11. See also “Environmental Protection Law Draft Revisions: Authorities Remove Language Regarding Strengthening Public Participation, Accountability, and Transparency,” CECC, China Human Rights and Rule of Law Update, No. 2, 18 May 12, 3.

¹⁷Ministry of Environmental Protection, Letter Regarding Soliciting Comments on Environmental Protection Standards “Environmental Impact Assessment Technical Guidelines on Public Participation (Draft for Comment)” [Guanyu zhengqiu guojia huanjing baohu biao zhun “huanjing yingxiang pingjia jishu daoze gongzhong canyu” (zhengqiu yijiangao) yijian de han], reprinted in China Environmental Standards Net, 16 February 11. As of [June 2012], authorities had not yet passed the guidelines.

¹⁸Wang Wei, “Analysis of ‘Serious Environmental Accident Crime’ Article of Criminal Law 8th Revision” [Xingfa xiuzheng an ba “zhongda huanjing wuran shiguzui” xiuding jiedu], China Environment News, reprinted in Dongfang Fayan, 20 March 11.

¹⁹State Council, Opinion Regarding Strengthening Key Environmental Protection Work [Guowuyuan guanyu jiaqiang huanjing baohu zhongdian gongzuo de yijian], 20 October 11. The Opinion includes the general directives to improve prominent environmental health problems and reform the environmental protection system and mechanisms.

²⁰State Council, Circular Regarding Issue of the National “Twelfth Five-Year” Plan for Environmental Protection [Guowuyuan guanyu yinfa guojia huanjing baohu “shierwu” guihua de tongzhi], 15 December 11. The 12th Five-Year Plan included language about the establishment of a “social action system” (*shehui xingdong tixi*) through which “all people” may participate (in environmental protection) (section 2.2(4)). Related aims in the Plan include: Establishing mechanisms through which society can participate in emergency management (section 5.1(2)); supporting environmental public interest suits (section 8.11); and strengthening open government information and public supervision, including disclosure of information about polluting enterprises and nuclear safety, as well as the establishment of a mandatory enterprise toxic and hazardous substance disclosure system (section 8.11).

²¹“Our Country’s Water Resources Indicators To Be Included in Local Government Officials’ Evaluation System” [Woguo shui ziyuan zhibiao jiang naru difang guanyuan kaohe tixi], Economic Information Report (Xinhua), 17 February 12. The Economic Information Report article cites an official source who indicated that official assessment, and evaluation and accountability systems for county-level and above government officials, will be modified to include indicators related to balanced water resource development, use, conservation, and protection. “State Council Implements Most Stringent Water Resource Management System, Establishes Three Red Lines” [Guowuyuan shixing zui yange shui ziyuan guanli zhidu quelì sanhongxian], Huagu Finance and Economics, 16 February 12. According to the Huagu article, the Opinion stipulates “three red lines,” or three overarching objectives: Reducing overall water use; decreasing industrial water usage and increasing the efficiency of irrigation; and reducing pollution in rivers and lakes. See also “Most Stringent Water Resource Management System Will Be Implemented, Three Red Lines Will Become Evaluation Criteria” [Zui yange shui ziyuan guanli zhidu jiang zhixing san hongxian cheng kaohe zhibiao], China Youth Daily, reprinted in Xinhua, 21 February 12.

²²Ministry of Environmental Protection, Circular Regarding Further Strengthening Hydroelectric Power Project Environmental Protection Work [Guanyu jinyibu jiaqiang shuidian jianshe huanjing baohu gongzuo de tongzhi], 6 January 12. The Circular prohibits development of areas clearly protected by environmental laws and regulations, and it maintains the public’s right to know, to participate, and to derive benefits.

²³Ministry of Environmental Protection, “Environmental Standards Putting Into Effect as of Sept. 1, 2011,” 8 September 11. According to this article, the two guidelines are: The Technical Guideline for Environmental Impact Assessment—Ecological Impact (HJ 19–2011) and the Guideline for Technical Review of Environmental Impact Assessment on Construction Projects (HJ 616–2011).

²⁴Ministry of Environmental Protection, Certain Opinions Regarding Initiation of Environmental Pollution Damage Assessment Work [Guanyu kaizhan huanjing wuran sunhai jian ding pinggu gongzuo de ruogan yijian], 25 May 11. The Opinions outline steps to establish a system to estimate pollution damages. (Such a system is useful in environmental tort cases when determining how much compensation citizens should receive.)

²⁵Ministry of Environmental Protection, Guidelines for Drafting Corporate Environmental Reports [Qiyehuanjing baogaoshu bianzhi daoze], issued 24 June 11, effective 1 October 11. The Guidelines, if implemented, may help improve enterprise pollution information disclosure.

²⁶State Council Information Office, “National Human Rights Action Plan of China (2012–2015),” 11 June 12, item 7. The plan stipulates that “China will strengthen its environmental protection work to guarantee the public’s environmental rights focusing on serious environmental pollution affecting the people’s life, like heavy metal pollution, drinking water pollution, and air, soil and marine contamination.” It also states authorities will, among other actions, amend the PRC Environmental Protection Law, improve water and air quality in some areas, expand nature reserves and forest coverage, intensify prevention and control of radioactive waste pollution, enforce strict monitoring and control over dangerous chemicals, and improve “environmental monitoring and supervision mechanisms,” the “cooperative mechanisms for the enforcement of environmental laws,” and the “accountability system for major environmental pollution and accidents.”

²⁷Xia Jun, “China’s Courts Fail the Environment,” Chinadialogue, 16 January 12; Wang Hairong, “Thwarting Dirty Migration,” Beijing Review, No. 6, 9 February 12. The Beijing Review article discusses local protectionism (leading to lax enforcement). “Decline in Local Green Priorities Warned,” China Daily, 6 July 12. The China Daily article notes a warning by a Ministry of Environmental Protection vice minister who said that “pollution worsened and supervision loosened in some regions [in the first half of 2012] as some local authorities relaxed re-

strictions on emissions.” China’s western region reportedly was predominantly affected. “MEP Finds Rampant Violations on Nature Reserves,” *Caixin*, 9 March 12. The March 9 *Caixin* article above notes non-compliance with regulatory measures, i.e., it notes that an official Chinese report found that the boundaries of national nature reserves in 40 of the 303 reserves studied were permanently shrunk because of illegal construction projects. The report also detailed the illegal activities occurring in two nature reserves, including unlawful mineral and oil extraction, oil pipelines, logging, and road building. Andrew Jacobs, “China Says It Curbed Spill of Toxic Metal in River,” *New York Times*, 30 January 12; “Cadmium Pollution Exposes Lax Regulations,” *Xinhua*, 3 February 12. The *New York Times* and *Xinhua* articles detail companies’ non-compliance with environmental laws in a case linked to a major cadmium spill in the Longjiang River in Guangxi Zhuang Autonomous Prefecture. The *Xinhua* article notes lax implementation of environmental laws and regulations in the case. “Large Enterprises and Projects Unabashedly Flout Environmental Laws” [Da qiye da xiangmu huanjing weifa diqi shizul], *Legal Daily*, 5 June 12. The *Legal Daily* article notes non-compliance with environmental laws by several central-level enterprises and projects, including airports.

²⁸Wang Jin and Yan Houfu, “Barriers and Solutions to Better Environmental Enforcement in China,” paper presented at the Ninth International Conference on Environmental Compliance and Enforcement, 20–24 June 2011, 497–98.

²⁹*Ibid.*, 495–98; Yin Pumin, “Heavy Metal Danger,” *Beijing Review*, No. 8, 23 February 12; Wang Hairong, “Thwarting Dirty Migration,” *Beijing Review*, No. 6, 9 February 12.

³⁰Wang Jin and Yan Houfu, “Barriers and Solutions to Better Environmental Enforcement in China,” paper presented at the Ninth International Conference on Environmental Compliance and Enforcement, 20–24 June 2011, 497–98; Xia Jun, “China’s Courts Fail the Environment,” *Chinadialogue*, 16 January 12; Yang Dazheng et al., “China Deluged by Toxic Sludge,” *Southern Daily Group*, reprinted and translated in *Chinadialogue*, 17 August 12.

³¹Hou Shasha, “Last Year 4,843 Government Officials at County/Section Level or Above Were Investigated” [Qunian 4843 ming xianchu ji yishang guanyuan bei chachu], *Beijing Daily*, 7 January 12.

³²Xia Jun, “China’s Courts Fail the Environment,” *Chinadialogue*, 16 January 12. According to the author, if courts do not accept environmental lawsuits, then citizens reportedly have little legal recourse to gain compensation for harms, and companies have fewer incentives to comply with environmental laws.

³³Zhao Yanan, “Draft Limits Scale of Class-Action Lawsuits,” *China Daily*, 25 April 12; Linden Ellis, “Giving the Courts Green Teeth: Current Developments in Environmental Enforcement in China,” *Woodrow Wilson International Center for Scholars, China Environment Forum*, 22 October 09; Gao Jie, “Yunnan Province Announces Plan To Expand Environmental Protection Courts and Guide Public Interest Litigation,” *Greenlaw*, 21 May 09.

³⁴Wang Hairong, “Thwarting Dirty Migration,” *Beijing Review*, No. 6, 9 February 12. According to the *Beijing Review* article, an official at the All-China Environment Federation noted that most of the public interest suits the group filed were rejected by courts for inappropriate legal standing. Other reasons for not accepting the cases reportedly include concerns about a flood of environmental litigation, and local protectionism. Xia Jun, “China’s Courts Fail the Environment,” *Chinadialogue*, 16 January 12. According to the *Chinadialogue* article, other reasons why courts do not accept cases include local government interference, inadequate guidelines for assessing environmental damages, and “social stability.”

³⁵“Chinese Fishermen File Lawsuit in US Court Against ConocoPhillips Over 2011 Oil Spills,” *Associated Press*, reprinted in *Washington Post*, 2 July 12.

³⁶PRC Civil Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 9 April 91, amended 28 October 07, 31 August 12, art. 55. For information regarding various drafts of the article and related commentary on the article’s language, see, e.g., Qie Jianrong, “Open Letter Issued Calling on Legislative Entities To Redesign Legal Provisions: Environmental Organizations Say That This May Block Their Entrance to Participating in Environmental Public Interest Lawsuits” [Fa gongkaixin yuqing lifa bumen chongxin sheji falu tiaokuan: huanbao zuzhi cheng qi canyu huanjing gongyi susong damen huo bei fengdu], *Legal Daily*, 16 August 12. The provision states only “organs and relevant social organizations stipulated by law” may file lawsuits. “Civil Procedure Law Draft Receives Consideration, Committee Members Suggest Law Include Language About Public Interest Lawsuits” [Minsufa caoan shou shen yi weiyuan jianyi jiang wen bao naru gongyi susong], *Phoenix Net*, 28 April 12; “Civil Procedure Law Amendments (Draft) Explanation of Provisions and Draft,” *National People’s Congress Net*, reprinted in *Legal Daily*, 17 December 11.

³⁷“At the Start Standing Is Not Obvious, Probably Few Public Interest Lawsuits for the Time Being” [Qidong zhuti buminglang gongyi susong huo zhanshi bu duo], *Legal Daily*, 4 September 12; “Expert Opinion: Public Interest Lawsuit Procedural System Still Not Independent” [Zhuanjia guandian: gongyi susong chengxu zhidu youdai duli], *Legal Daily*, 4 September 12; Chen Liping, “Wang Shengming: Standing in Public Interest Lawsuits Could Be Clarified by Relevant Laws” [Wang shengming: gongyi susong zhuti ke you xiangguan falu mingque], *Legal Daily*, 4 September 12.

³⁸Qie Jianrong, “Chromium Slag Pollution Case for 10 Million in Damages Already Formally Accepted by Court” [Yin gezha wuran suopei qianwan an yi zhengshi lian], *Legal Daily*, 20 October 11; “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*, reprinted in *Sina*, 16 April 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 in July and August. For more information, see Cao Yin and Guo Anfei, “Talks Begin in Landmark NGO Environment Case,” *China Daily*, 24 May 12; Friends of Nature, “Green Protests on the Rise in China,” 14 August 12.

³⁹Yan Zhijiang, “All-China Environment Federation in Guiyang Wins Environment Public Interest Litigation Case” [Zhonghua huanbao lianhehui guiyang daying huanjing gongyi

sunong'an], Legal Daily, 4 January 11; "First Local Environmental Public Interest Litigation Case Trial Opened December 30" [Bentu huanjing gongyi susong diyi an 12 yue 30 ri kaiting shenli], Guiyang News Net, reprinted in Guiyang Public Environmental Education Center, 31 December 10; "Guizhou First Non-Governmental Organization Filed Environmental Public Interest Lawsuit Enters Judicial Process" [Guizhou shouli minjian huanbao zuzhi tiqi de huanjing gongyi susong jinru sifa chengxu], Guiyang Public Environmental Education Center, 23 November 10.

⁴⁰"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, reprinted in Sina, 16 April 12.

⁴¹"Power Plant Activist Detained," Radio Free Asia, 16 August 12.

⁴²Ibid.

⁴³"Controversy Surrounding Hainan 'Environmental Crusader'—Southern Weekend First To Voice Support for Liu Futang" [Zhengyi hainan "huanbao doushi" nanfang zhounuo shou wei liu futang fasheng], Maopu Forum, 11 August 12.

⁴⁴Ibid.

⁴⁵Ibid.

⁴⁶"Chinese Activist Defies Officials in Fight To Save Lake," Agence France-Presse, reprinted in Taipei Times, 3 October 11. Wu Lihong is the environmental advocate who exposed pollution in the Lake Tai area for many years and was later imprisoned for three years on trumped-up charges for extortion and fraud. Upon his release, Wu reported mistreatment by officials while in detention and in prison. "Environmental Activist Wu Lihong Released, Alleges Abuse," CECC China Human Rights and Rule of Law Update, 4 June 10, 2; CECC, 2007 Annual Report, 10 October 07, 138; Robert Saiget, "China Environmentalist Alleges Brutal Jail Treatment," Agence France-Presse, 11 May 10.

⁴⁷"Chinese Activist Defies Officials in Fight To Save Lake," Agence France-Presse, reprinted in Taipei Times, 3 October 11.

⁴⁸"Environmentalist Zhang Changjian Ends Flight" [Huanbao renshi zhang changjian jieshu taowang], Radio Free Asia, 4 August 11. For more information on this incident, see Chinese Human Rights Defenders, reprinted in Blogspot, "Fujian Province, Pingnan Police Return Some Confiscated Items to Zhang Changjian" [Fujian pingnan jingfang tuihuan zhang changjian bufen bei kouya de wupin], 2 August 11; Chinese Human Rights Defenders, "China Human Rights Briefing July 13–19, 2011," 19 July 11. For more information on Zhang Changjian, his unsuccessful attempts to register the environmental group "Pingnan Green Home," and Zhang's previous successful efforts to assist more than 1,700 people in several local villages to win an environmental damages tort case against a local polluting chemical plant in 2002, see the August 4 Radio Free Asia report above, and "Eight Cases That Mattered," Chinadialogue, 26 July 11.

⁴⁹"Environmentalist Zhang Changjian Ends Flight" [Huanbao renshi zhang changjian jieshu taowang], Radio Free Asia, 4 August 11.

⁵⁰Tibetan Centre for Human Rights and Democracy, "Four Tibetan Environmental Activists Detained in Tawu," 15 March 12; "Tibetan NGOs Must 'Register' or Close," Radio Free Asia, 3 May 12.

⁵¹"Villagers Complain About Hunan Coal Mine Pollution for Ten Years With No Result" [Hunan meikuang wuran cunmin shi duo nian tousu wumen], BBC, 16 November 11.

⁵²Large-scale demonstrations erupted in Deqing county, Huzhou municipality, Zhejiang province, in June 2011, after years of citizen complaints over pollution from a chemical company that purportedly was operating without approval from environmental officials. Authorities arrested, charged, and sentenced Song Laifa and Lu Songbai, who represented the citizens in negotiations with the factory, for extortion. Authorities found them guilty but exempted them from punishment and released them. Sun Xuyang, "Villagers Sue Factory, Are Sued for Blackmail," Southern Metropolitan Daily, reprinted in China Green News, 20 October 11; "No Jail Time for Chemical Plant Protesters," Caixin, 13 December 11. For more information, see also "Publicize Deqing Lu Songbai Environmental Protection Rights Case Indictment" [Gongbu deqing lu songbai huanbao weiquan an qisu shu], Ding Jinkun's Caixin blog, 29 September 11; "Zhejiang Deqing Chemical Enterprise Pollution, Villager Rights Defender Accused of Extorting Compensation" [Zhejiang deqing huagong qiye wuran cunmin weiquan suopei beikong lesuo], Caixin, 20 October 11; "Zhejiang Deqing Villager Rights Defender Found Guilty Without Criminal Punishment" [Zhejiang deqing weiquan cunmin bei mianyu xingshi chufa], Caixin, 9 December 11.

⁵³In Gutian county, Ningde city, Fujian province, in September 2011, authorities reportedly clashed with more than 1,000 citizens protesting water pollution that citizens believed had caused a large fish kill, and during the conflict five villagers were injured. "More Than 1,000 Rural Residents Block Road, Protest Pollution" [Yu qian cunmin dulu kangyi wuran], Mingpao, reprinted in Sina Hong Kong, 5 September 11. For more information, see also "Min River Polluted Resulting in Fish Losses Worth 1.5 Billion Yuan" [Minjiang shuizhi shou wuran yu huo sunshi da 1.5 yi yuan], Radio Free Asia, reprinted in Boxun, 5 September 11; "Officials Claim Large Scale Fish Kill in Min River Due to Lack of Oxygen, Fishermen Suspect Due to Factory Pollution" [Minjiang daguimo si yu guanfang cheng yin queyang yumin yi qiye paiwu], Beijing Morning Post, reprinted in Chinanews.com, 7 September 11.

⁵⁴Shi Jiangtao, "Truth About Pollution Still Shrouded by Secrecy," South China Morning Post, 27 January 12. The SCMP article notes an official estimate of a 30 percent increase in pollution-related protests annually. Wang Jin, "China's Green Laws Are Useless," Chinadialogue, 23 September 10. The Chinadialogue article notes a Peking University professor estimated in 2010 that disputes over pollution had been increasing by 20 to 25 percent annually since 1996.

⁵⁵"Shantou Lian River Pollution Serious, Villagers Gather in Protest" [Shantou lianjiang wuran yanzhong, cunmin jizhong kangyi], Shantou Civil Law Net, 31 January 12; "Shantou, Guangdong 50,000 People Demonstrate, 'Occupy' Government Building" [Shantou 5 wanren shiwei "zhanling" zhengfulou], Mingpao, reprinted in Sina, 21 December 11. The Mingpao article

provides an estimate of 50,000 participants. “More Than 10,000 People Protest Against Construction of Power Plant in Haimen, Guangdong” [Guangdong haimen yu wan minzhong kangyi fandui jian dianchang], BBC, 20 December 11; Gillian Wong, “Thousands Protest China Town’s Planned Coal Plant,” Associated Press, reprinted in Guardian, 20 December 11. The Associated Press article presents one citizen’s estimate of participants at 20,000 people. “Chinese Police Fire Tear Gas at Power Station Protesters,” Reuters, reprinted in Guardian, 22 December 11.

⁵⁶Ministry of Environmental Protection, Department of Environmental Impact Assessment, Circular Regarding Deferment of Examination and Approval of the Environmental Impact Assessment Report for the First Stage Construction of Units #3 and #4 of the Huaneng Power Plant in Haimen, Shantou [Guanyu zhanhuan shenpi huaneng shantou haimen dianchang yiqi gongcheng 3 hao, 4 hao jizu huanjing yingxiang baogaoshu de tongzhi], 29 November 11. According to this Circular, the local environmental protection bureau ordered the company to halt construction at two of the units at the station, but the company continued construction on one of the units. The national-level Ministry of Environmental Protection then issued a Circular regarding temporarily deferring the EIA approval.

⁵⁷Gillian Wong, “Thousands Protest China Town’s Planned Coal Plant,” Associated Press, reprinted in Guardian, 20 December 11; “Haimen Protesters Reveal Inside Story of Protests to BBC” [Haimen shiweizhe xiang BBC jieshi kangyi neimu], BBC, 22 December 11; “More Than 10,000 People Protest Against Construction of Power Plant in Haimen, Guangdong” [Guangdong haimen yu wan minzhong kangyi fandui jian dianchang], BBC, 20 December 11; “Chinese Police Fire Tear Gas at Power Station Protesters,” Reuters, reprinted in Guardian, 22 December 11; “Shantou, Guangdong 50,000 People Demonstrate, ‘Occupy’ Government Building” [Shantou 5 wanren shiwei “zhanling” zhengfulou], Mingpao, reprinted in Sina, 21 December 11; “Revolt Spreading in Guangdong,” Agence France-Presse, reprinted in Taipei Times, 21 December 11.

⁵⁸“Chinese Police Fire Tear Gas at Power Station Protesters,” Reuters, reprinted in Guardian, 22 December 11; Gillian Wong, “Thousands Protest China Town’s Planned Coal Plant,” Associated Press, reprinted in Guardian, 20 December 11; “Haimen Tensions Persist,” Radio Free Asia, 22 December 11; Malcolm Moore, “Reassessing the Wukan ‘Revolution,’” World Today, Vol. 68, No. 3, April 2012. The World Today article noted that, as of April, officials continued to hold at least three people in detention.

⁵⁹International Federation of Journalists, “IFJ Press Freedom in China Campaign Bulletin: January 8 2012,” 8 January 12; “China Police Fire Teargas, TV Shows Confessions,” Reuters, reprinted in New York Times, 23 December 11.

⁶⁰Malcolm Moore, “Reassessing the Wukan ‘Revolution,’” World Today, Vol. 68, No. 3, April 2012.

⁶¹“10,000 Yinggehai Town Residents Oppose Construction of Factory, Protest to the End for Fear Pollution Will Harm Environment,” Radio Free Asia, 11 March 12. According to the March 11 RFA article, the protest erupted after officials moved forward with construction despite a written petition in opposition with 8,000 signatures. “Large Number of Armed Police Fire Tear Gas To Suppress Thousands of People Demonstrating in Hainan” [Hainan wanren shiwei dapi wujing chudong cuileidan zhenya], Apple Daily, reprinted in China Gate, 12 March 12; “Hainan Clash Between Police and Citizens Continues, More Than a Thousand Paramilitary Police Seal Village” [Hainan jingmin chongtu chixu yu qian wujing fengcun], Radio Free Asia, 12 April 12. According to the April RFA article, during the April protest, citizens reportedly stormed government buildings, causing damage. The same report alleges that authorities detained 17 people. One citizen told RFA reporters that tens of residents were injured. Reports have not provided further details about those detained or the reason for their detention. Ning Yuan and Ren Mingchao, “Hainan Yinggehai Township Power Plant ‘Shifted’ to the North 2 Km Because of Residents’ Opposition” [Hainan yinggehai zhen dianchang yin jumin fandui xiang bei “nuo” 2 gongli], China Youth Daily, reprinted in Sohu, 17 April 12. According to the reprinted China Youth Daily article, authorities reportedly planned to move the power plant project two kilometers from its location because of the residents’ “attitude.”

⁶²Tania Branigan, “Anti-Pollution Protesters Halt Construction of Copper Plant in China,” Guardian, 3 July 12. The Guardian article notes large differences in the estimated numbers of participants in the demonstration, ranging from thousands to tens of thousands. “Worries Over Industrial Pollution Lead to Large-Scale Clash Between Police and Citizens in Sichuan” [Gongye wuran youlu yinfa sichuan da guimo jingmin chongtu], Voice of America, 3 July 12. The VOA article notes municipal police officials posted a notice prohibiting illegal demonstrations and demanded that people who organized the protest should turn themselves in within three days or face harsh punishment.

⁶³“China Copper Project Suspended After Protest,” Caijing, 3 July 12.

⁶⁴Fiona Tam, “Rally of Thousands Forces Factory Halt,” South China Morning Post, 3 July 12.

⁶⁵Tania Branigan, “Anti-Pollution Protesters Halt Construction of Copper Plant in China,” Guardian, 3 July 12.

⁶⁶“Gag on Writer Li Chengpeng After Surveying Shifang” [Canyu shifang diaocha zuojia li chengpeng zao jinyan], Deutsche Welle, 5 July 12. For information on how the Chinese media covered the Shifang incident, see David Bandurski, “In China’s Papers, Sichuan Unrest Is Just a Business Story,” China Media Project, 5 July 12.

⁶⁷“Firm Pledges Clean-Up After Riots,” Radio Free Asia, 19 September 11. According to this article, the solar panel factory had apologized for mismanagement leading to pollution problems that triggered the protests. The report noted citizen complaints that Haining authorities ignored the concerns villagers had about the health impacts of pollution linked to the New York-listed Jinko Solar Holding Co. Jonathan Watts, “Solar Panel Factory Protests Tarnish China’s Clean-Tech Efforts,” Guardian, 18 September 11. The Guardian article notes an environmental official said the factory had not met pollution standards since April 2011, despite official admonitions.

⁶⁸Royston Chan, “China Quells Village Solar Pollution Protests,” Reuters, 18 September 11.

⁶⁹“Firm Pledges Clean-Up After Riots,” Radio Free Asia, 19 September 11; Royston Chan, “Villagers Protest China Plant Pollution,” Reuters, 18 September 11; Jonathan Watts, “Solar Panel Factory Protests Tarnish China’s Clean-Tech Efforts,” Guardian, 18 September 11.

⁷⁰Harold Thibault, “Environmental Activism Gains a Foothold in China,” *Le Monde*, reprinted in Guardian, 21 August 12; “Chinese City Halts Waste Project After Thousands Protest,” Bloomberg News, 29 July 12.

⁷¹Mark McDonald, “Taking It to the Street in China,” *New York Times*, 29 July 12.

⁷²“Chinese City Halts Waste Project After Thousands Protest,” Bloomberg News, 29 July 12.

⁷³Carlos Tejada, “China Move Reflects Sensitivity on Pollution,” *Wall Street Journal*, 30 July 12; Fiona Tam, “Pupils Harassed Over Plant Protest in Qidong,” *South China Morning Post*, 25 July 12.

⁷⁴“Asahi Shimbun Correspondent Beaten by Chinese Police,” *Asahi Shimbun*, 29 July 12.

⁷⁵“Tibetan Shot Dead in Anti-Mining Protest in Markham,” Phayul, 16 August 12; “Tibetan Shot Dead in Protest,” Radio Free Asia, 16 August 12.

⁷⁶“Tibetan Shot Dead in Protest,” Radio Free Asia, 16 August 12.

⁷⁷“Disclosure of Environmental Information Is Ice-Breaking Journey That Still Needs Legal ‘Escort’” [Huanjing xinxi gongkai pobing zhi lu rang xu falu “huhang”], *Legal Daily*, 27 April 12. Premier Wen said “promote proactive disclosure of environmental impact assessments and other information related to projects, expand efforts to disclose information about monitoring of pollution that exceeds standards, and make public information about the management of large environmental incidents in a timely manner.”

⁷⁸Institute of Public and Environmental Affairs and Natural Resources Defense Council, “Open Environmental Information: Taking Stock,” April 2012, 2–3. According to the report, the number of cities with a score of more than 60 points (considered a “passing” score) increased from 11 in 2009–2010 to 19 in 2011 (p. 13). The study noted that “environmental information disclosure has already put pressure on emitting industries in a number of cities . . .” (p. 31). The report notes, however, that 65 out of 113 cities were below the minimum scores for making public company compliance records (p. 16). The report also notes that, while the number of city government agencies responding to and providing information related to citizen requests continued to increase, channels to request information remain obstructed in a number of cities (p. 17).

⁷⁹*Ibid.*, 2, 26.

⁸⁰For information on PM_{2.5}, see U.S. Environmental Protection Agency, “Fine Particle (PM_{2.5}) Designations: Basic Information,” last visited 14 September 12.

⁸¹Ministry of Environmental Protection, Technical Regulation on Ambient Air Quality Index (Provisional) [Huanjing kongqi zhiliang zhi shu (AQI) jishu guiding (shixing)], issued 29 February 12, effective 1 January 16; “Pollution Measures for Public Feedback,” *China Daily*, reprinted in *Xinhua*, 17 November 11.

⁸²Ministry of Environmental Protection, “Circular Regarding Implementation of ‘Environmental Air Quality Standards’” [Guanyu shishi “huanjing kongqi zhiliang biaoqun” (GB3095–2012) de tongzhi], 29 February 12. The notice outlines when certain cities will begin to include PM_{2.5} in environmental monitoring and air quality reports.

⁸³Angel Hsu, “Clearing the Haze,” *Chinadialogue*, 19 October 11; Jeremy Page, “Under Public Pressure, Beijing Opens Up Air Quality Monitoring Center,” *Wall Street Journal*, 9 November 11; Shi Jiangtao, “Access to Full Smog Data Still Out of Sight,” *South China Morning Post*, 17 November 11.

⁸⁴Jeremy Page, “Microbloggers Pressure Beijing To Improve Air Pollution Monitoring,” *Wall Street Journal*, 8 November 11; “PM_{2.5} in Air Quality Standards, Positive Response to Net Campaign,” *Xinhua*, 1 March 12.

⁸⁵Gu Ruizhen, “Environmental Protection Ministry: General Public in Favor of Inclusion of PM_{2.5} Standards” [Huanbaobu: gongzhong pubian zancheng jiang PM_{2.5} naru biaoqun], *Xinhua*, 7 December 11; Gu Ruizhen, “Ministry of Environmental Protection Officials Asked Questions by Reporter in Solicitation of Public Comment on ‘Environmental Air Quality Standards’” [Huanbaobu guanyan jiu “huanjing kongqi zhiliang biaoqun” gongkai zhengqiu yijian qingkuang da jizhe wen], *Xinhua*, 16 November 11.

⁸⁶“Beijing Officials Mum on Air Quality Readings,” *Caixin*, 6 December 11; Zheng Shuzhou, “Beijing Netizens Application for Disclosure of PM_{2.5} Data Refused” [Beijing wangyou shenqing gongkai PM_{2.5} shuju zaoju], *Southern Metropolitan Daily*, 22 November 11; Wang Xing, “Disclosing PM_{2.5} Data Application Trials” [Gongkai PM_{2.5} shuju de shenqing shiyan], *Southern Metropolitan Daily*, 11 January 12.

⁸⁷Te-Ping Chen, “Following Beijing, Hong Kong Releases PM_{2.5} Pollution Data,” *Wall Street Journal*, 9 March 12. Beijing began to release PM_{2.5} data in late January, and Guangdong and Hong Kong began releasing data in March. Cai Wenjun, “Release of All PM_{2.5} Readings Starts Today,” *Shanghai Daily*, reprinted in *People’s Daily*, 27 June 12. Shanghai began releasing daily PM_{2.5} data to the public in June 2012.

⁸⁸Wan Jing, “Survey Reveals: Half Provincial-Level Environmental Protection Departments Did Not Provide List of Companies That Caused a Problem” [Diaocha xianshi: banshu shengji huanbaoting bu tigong zhaoshi qiye mingdan], *Legal Daily*, 20 February 12. For information on the Chinese Academy of Social Science’s survey, see Wan Jing, “China’s Open Government Information Annual Report (2011) Issued” [Zhongguo zhengfu toumingdu niandu baogao (2011) fabu], *Legal Daily*, 20 February 12.

⁸⁹Yin Pumin, “Heavy Metal Danger,” *Beijing Review*, No. 8, 23 February 12.

⁹⁰“Pang Hurui: Guangxi Cadmium Pollution Incident Reflects ‘Shortcomings’ in Open Government Information” [Pang hurui: guangxi ge wuran shijian zheshe zhengfu xinxi gongkai “duanban”], *People’s Daily*, 14 February 12; Andrew Jacobs, “China Fires 7 Officials After Spill,” *New York Times*, 4 February 12. According to the *New York Times* article, authorities removed an environmental protection official along with at least six other officials from their jobs for not reporting the spill in a timely manner and for making mistakes in the cleanup process.

⁹¹Ministry of Environmental Protection General Office, Letter Regarding Soliciting Suggestions on “Environmental Monitoring Management Regulations” (Draft for Comment) [Guanyu zhengqiu “huanjing jiance guanli tiaoli” (zhengqiu yijian gao) yijian de han], 27 April 09.

⁹²Qie Jianrong, “Urge Revisions of ‘Environmental Monitoring Management Regulation’” [Huyu xiugai “huanjing jiance guanli tiaoli”], Legal Daily, 19 February 12.

⁹³Regulations of the People’s Republic of China on Open Government Information [Zhonghua renmin gongheguo zhengfu xinxi gongkai tiaoli], issued 5 April 07, effective 1 May 08. For more information, see “China Commits to ‘Open Government Information’ Effective May 1, 2008,” CECC China Human Rights and Rule of Law Update, May 2008, 2. The State Environmental Protection Administration passed its version of the OGI regulations in April of 2007. State Environmental Protection Administration, Measures on Open Environmental Information (Trial) [Huanjing xinxi gongkai banfa (shixing)], issued 11 April 07, effective 1 May 08. For more information, see “SEPA Issues Measures on Open Environmental Information,” CECC China Human Rights and Rule of Law Update, January 2008, 5.

⁹⁴Ministry of Environmental Protection, “Ministry of Environmental Protection 2011 Annual Open Government Information Report” [Huanjing baohubu zhengfu xinxi gongkai gongzuo 2011 niandu baogao], 23 March 12.

⁹⁵Ibid.

⁹⁶Lei Cheng, “An Environmental Organization Open Information Request Regarding Financials for Yunnan Company Involved in Chromium Pollution Refused” [Yi huanbao zuzhi shenqing gongkai yunnan ge wuran qiye rongzhi xinxi bei ju], China Youth Daily, 17 February 12. The environmental organization filed the requests with two government ministries and a bank.

⁹⁷Ibid.

⁹⁸Ibid. The three organizations discussed in the article refused to grant the Open Government Information requests for three different reasons: The information was a “company secret,” the “information requested is not within the scope of the organization,” and the information had not been shared first with the company involved (because of “network technology limitations”).

⁹⁹Liu Xiaoxing, “Open Government Information Impossible?” [Gongkai xinxi fei deng sifa jiuji buke?], China Environmental News, 15 February 12. According to this article, when the local environmental protection bureau (EPB) did not provide the information, the All-China Environmental Federation (ACEF) filed an administrative reconsideration request with the EPB at the next highest level, but the county EPB did not respond. The ACEF filed a court case with the Qingzhen City Intermediate People’s Court and won the case.

¹⁰⁰Wang Junxiu, “Enterprise Environmental Monitoring Reports Are Commercial Secrets?” [Qiyehuanjing jiance baogao shi shangye mimi?], China Youth Daily, 7 June 12.

¹⁰¹Ibid.; Elizabeth Balkan, “Dirty Truth About China’s Incinerators,” Chinadialogue, 4 July 12.

¹⁰²Elizabeth Balkan, “Dirty Truth About China’s Incinerators,” Chinadialogue, 4 July 12.

¹⁰³Wang Junxiu, “Enterprise Environmental Monitoring Reports Are Commercial Secrets?” [Qiyehuanjing jiance baogao shi shangye mimi?], China Youth Daily, 7 June 12; Elizabeth Balkan, “Dirty Truth About China’s Incinerators,” Chinadialogue, 4 July 12.

¹⁰⁴Ibid.

¹⁰⁵International Energy Agency, “Global Carbon-Dioxide Emissions Increase by 1.0 Gt in 2011 to Record High,” 24 May 12.

¹⁰⁶State Council Information Office, “China’s Policies and Actions for Addressing Climate Change,” reprinted in Xinhua, 22 November 11, secs. I and II. In addition to this white paper, the China National Climate Center and the Chinese Academy of Social Sciences issued a book titled “Climate Change Green Paper: Report on Addressing Climate Change (2011)—Urban Dilemma and China’s Strategic Choices.” Wang Qian, “Climate Change Green Paper: Report on Addressing Climate Change (2011) Released” [Qihou bianhua lupishu: yingdui qihou bianhua baogao (2011) fabu], Xinhua, reprinted in China Central Government Net, 11 November 11.

¹⁰⁷State Council, “Circular Regarding 12th Five-Year Greenhouse Gas Emissions Control Work Plan” [Guowuyuan guanyu “shier wu” kongzhi wenshi qiti paifang gongzuo fang’an de tongzhi], 13 January 12, item 5. For more information on the carbon trading market, including problems already encountered, see Wang Tao, “China’s Carbon Market Challenge,” Chinadialogue, 21 May 12. For more information on the newly established think tank tasked with designing the carbon trading system, see Lan Lan, “China Launches Climate Change Think Tank,” China Daily, 11 June 12.

¹⁰⁸State Council Information Office, “China’s Policies and Actions for Addressing Climate Change,” reprinted in Xinhua, 22 November 11, sec. IV (1–2, 4). The white paper listed numerous lifestyle choices made by individuals. According to the white paper, the actions by non-governmental organizations (here the paper refers to professional organizations and associations, and social organizations directly affiliated with government agencies) include experiments, contests, media forums, training, information provision, and education campaigns.

¹⁰⁹Renmin University, “China Human Development Report 2009/10, China and a Sustainable Future: Towards a Low Carbon Economy and Society,” Commissioned by the United Nations Development Program, April 2010, 86. “Where public participation does exist, it is often on inequitable terms or does not provide adequate opportunity for public inputs. Little information on procedures and timing for public participation is available.” Bruce Gilley, “Authoritarian Environmentalism and China’s Response to Climate Change,” Environmental Politics, Vol. 21, No. 2 (March 2012), 291–92.

¹¹⁰State Council Information Office, “China’s Policies and Actions for Addressing Climate Change,” reprinted in Xinhua, 22 November 11, sec. IV(2). According to the white paper, the organizations engaging in these types of activities include the China Energy Conservation Association and the All-China Federation of Trade Unions. For information about the direct links between these two organizations and government agencies or the Party, see China Energy Conservation Association, “Instructions on Becoming a Member” [Ruhui shuoming], 8 October 11

(this article notes the China Energy Conservation Association is “directed” by the National Development and Reform Commission and the State Quality Inspection Administration); All-China Federation of Trade Unions, “Main Duties of the All-China Federation of Trade Unions” [Zhonghua quanguo zong gonghui zhuyao zhize], last visited 20 March 12 (this article notes that the All-China Federation of Trade Unions is a “mass organization” “led” by the Chinese Communist Party).

¹¹¹Barbara Finamore, Natural Resources Defense Council, “China’s Domestic Climate Commitments Reach a Global Audience in Tianjin,” Natural Resources Defense Council Switchboard Blog, 7 October 10. Vice Chair of the National Development and Reform Commission Xie Zhenhua reportedly said that China would do its utmost to “increase the transparency of its actions in terms of tackling climate change and integrating our measure into global efforts.”

¹¹²Melissa M. Chan, “Are China’s Carbon Emissions Understated?” China Digital Times, 12 June 12. The China Digital Times cited a Washington Post article based on a study in the journal *Nature Climate Change*, noting that researchers postulated two reasons for the discrepancies, both related to coal consumption data.

¹¹³Axel Michaelowa and Perspectives GmbH, “Rule Consistency of Grid Emission Factors Published by CDM Host Country Authorities,” 14 February 11, 7–10, 16. According to this international report, Chinese authorities do not provide sufficient information about the sources of data they use to assess increased energy efficiency that may result from Clean Development Mechanism (CDM) projects. (CDM projects involve investments by developed countries for which the investing country would receive certified emission credits toward national greenhouse gas (GHG) emission reduction targets.)

¹¹⁴Wenran Jiang and Zining Liu, Jamestown Foundation, “Energy Security in China’s 12th Five-Year Plan,” China Brief, Vol. 11, No. 11 (17 June 11); National Development and Reform Commission, “Medium and Long-Term Development Plan for Renewable Energy in China (Abbreviated Version),” China Net, September 2007, secs. 3.2, 4, 4.1.

¹¹⁵“Dam Eviction Activist Detained,” Radio Free Asia, 20 February 12. For more information on previous major protests in 2010 and 2004 related to the construction of the Pubugou dam, see CECC, 2010 Annual Report, 10 October 10, 152.

¹¹⁶“Large-Scale Protest Brewing With 100,000 People in the Huaihua Dam Area After 6 Years of Unsuccessful Rights Defense Work” [Huaihua kuqu 10 wan minzhong 6 nian weiquan buguo yunliang da guimo kanyi youxing], Radio Free Asia, 2 February 12.

¹¹⁷Ibid.

¹¹⁸UN Human Rights Council, reprinted in UN Office of the High Commissioner for Human Rights, Report of the Special Rapporteur on the Right to Food, Olivier De Schutter, Addendum, Mission to China, A/HRC/19/59/Add.1, 20 January 12.

¹¹⁹Ibid. According to the report, the Special Rapporteur urged Chinese authorities to suspend non-voluntary resettlement of nomadic herders and “allow for meaningful consultations” with impacted communities. In addition, according to the report, the reasoning behind the “return grazing land to grassland” (*tuimu huancao*) campaign “puts much more emphasis on the role of overgrazing than do the internationally accepted standards in grasslands science,” possibly contributing to an overemphasis on herder relocation programs.

¹²⁰Ibid.

Notes to Section III—Civil Society

¹ Shawn Shieh, The International Center for Not-for-Profit Law, “NGO Law Monitor: China,” last visited 30 August 12.

² Thomas von Hippel and Knut Benjamin Pissler, “Nonprofit Organizations in the People’s Republic of China,” in *Comparative Corporate Governance of Non-Profit Organizations*, eds. Klaus J. Hopt and Thomas von Hippel (Cambridge: Cambridge University Press, 2010), 14, 22.

³ 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.

⁴ Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, art. 3; Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises [Minban fei qiye danwei dengji guanli zanzing tiaoli], issued and effective 25 October 98, art. 3; Regulations on the Management of Foundations [Jijinhui guanli tiaoli], issued 8 March 04, effective 1 June 04, art. 9. Social organizations (SOs) are voluntary organizations; they include academic, professional, or trade organizations, as well as voluntary associations of individuals with a common interest. Non-governmental, non-commercial enterprises (NGNCEs) are non-governmental service providers, including schools, hospitals, sports organizations, or employment service organizations. Foundations are non-profit and non-governmental organizations managed through the use of funds voluntarily donated by foreign and domestic social organizations. Foundations often promote the development of scientific research, culture, education, social welfare, and social services. For more information, see “Chinese Civil Society Organizations,” Congressional-Executive Commission on China, 12 August 05. For a comprehensive overview of the legal framework for civil society organizations in China, see Thomas von Hippel and Knut Benjamin Pissler, “Nonprofit Organizations in the People’s Republic of China,” in *Comparative Corporate Governance of Non-Profit Organizations*, eds. Klaus J. Hopt and Thomas von Hippel (Cambridge: Cambridge University Press, 2010), 428–77.

⁵ Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, art. 3; Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises [Minban fei qiye danwei dengji guanli zanzing tiaoli], issued and effective 25 October 98, art. 3; Regulations on the Management of Foundations [Jijinhui guanli tiaoli], issued 8 March 04, effective 1 June 04, art. 9.

⁶ Ministry of Civil Affairs, Circular Regarding Who May Serve as a Sponsor Organization [Guanyu chongxin queren shehui tuanti yewu zhuguan danwei de tongzhi], issued February 00, arts. 2–4. A review of national social organizations (SOs) approved in 2011 shows that sponsor organizations continue to be government or Party bureaus and mass organizations. The review was conducted on the chinanpo.gov.cn Web site set up by the Ministry of Civil Affairs. The Web site allows users to access the annual review results for approved national organizations, including SOs; non-governmental, non-commercial enterprises; and foundations for 2011. The list of corresponding sponsor organizations includes many government ministries, such as the Ministry of Culture, and mass organizations, such as the All-China Federation of Trade Unions.

⁷ Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, art. 28; Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises [Minban fei qiye danwei dengji guanli zanzing tiaoli], issued and effective 25 October 98, art. 20; Regulations on the Management of Foundations [Jijinhui guanli tiaoli], issued 8 March 04, effective 1 June 04, art. 35.

⁸ Thomas von Hippel and Knut Benjamin Pissler, “Nonprofit Organizations in the People’s Republic of China,” in *Comparative Corporate Governance of Non-Profit Organizations*, eds. Klaus J. Hopt and Thomas von Hippel (Cambridge: Cambridge University Press, 2010), 84.

⁹ Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, art. 13(2); Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises [Minban fei qiye danwei dengji guanli zanzing tiaoli], issued and effective 25 October 98, art. 11(3).

¹⁰ Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, arts. 10(1), (5).

¹¹ Temporary Measures on the Suppression of Illegal Civil Society Organizations [Qudi feifa minjian zuzhi zanzing banfa], issued and effective 6 April 00, art. 2.

¹² “Ganzi Tibetan Autonomous Prefecture Civil Affairs Bureau Announcement on Unregistered Social Organizations and the Launch of Annual Inspection Activities” [Ganzi zangzu zizhizhou minzheng ju guanyu dui shehui zuzhi weijing dengji zhuce he niandu jiancha kaizhan huodong xiangguan shixiang de gonggao], *Ganzi Daily*, 27 April 12; “Sichuan Ganzi Prefectural Government To Conduct a Thorough Investigation of Civil Society Organizations, Tibetan Autonomous Region Implements Real-Name Internet System” [Sichuan ganzi zhou zhengfu yanfa minjian zuzhi, xizang zizhiqiu shixing hulian wang shiming zhi], *Radio Free Asia*, 6 May 12.

¹³ “Hebei Demands Civil Society Groups Register With Civil Affairs Bureau or Face Prohibition” [Hebei yaoqiu ge shehui zuzhi dao minzheng bumen zhuce fouze jiang bei qudi], *Radio Free Asia*, 30 March 12.

¹⁴ Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued and effective 25 October 98, art. 31; Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises [Minban fei qiye danwei dengji guanli zanzing tiaoli], issued and effective 25 October 98, art. 23; Regulations on the Management of Foundations [Jijinhui guanli tiaoli], issued 8 March 04, effective 1 June 04, art. 36.

¹⁵ Fiona Tam, “NGOs Say Easing of Registration Rules Is Limited,” *South China Morning Post*, 2 April 12.

¹⁶Shen Tingting, “Opportunities and Challenges—Women’s NGOs in China,” *Asia Catalyst*, 3 May 12; Liu Haiyang, “As Foreign Funding Dries Up, Gansu NGOs Find It Harder To Survive,” *China Development Brief*, No. 51 (2011), 12 June 12.

¹⁷State Administration of Foreign Exchange, Circular on Relevant Issues Concerning the Administration of Donations in Foreign Exchange by Domestic Institutions [Guojia waihui guanliju guanyu jingnei jigou juanzeng waihui guanli youguan wenti de tongzhi], issued 25 December 09, effective 1 March 10, arts. 3, 5(3). For a discussion of these rules, see CECC, 2010 Annual Report, 10 October 10, 163.

¹⁸Fiona Tam, “NGOs Say Easing of Registration Rules Is Limited,” *South China Morning Post*, 2 April 12.

¹⁹Shen Xinwang, “Ministry of Civil Affairs Official: There Have Been No Instances of ‘Social Organizations Opposing the Government’” [Minzheng bu guanyuan: “shehui zuzhi duikang zhengfu” qingkuang meiyou chuxian], *China News Net*, 21 May 12.

²⁰Ibid.

²¹Ibid.

²²Wang Kala and Di Dongnuo, “Beijing Huiling Applies for ‘Regularization’; Refused Three Times in One Day” [Beijing huiling shenqing “zhuanzheng” yiri bei ju san ci], *Beijing News*, 29 February 12.

²³Ibid.

²⁴“Hebei Demands Civil Society Groups Register With Civil Affairs Bureau or Face Prohibition” [Hebei yaoqiu ge shehui zuzhi dao minzheng bumen zhuce fouze jiang bei qudi], *Radio Free Asia*, 30 March 12.

²⁵Shen Tingting, “Opportunities and Challenges—Women’s NGOs in China,” *Asia Catalyst*, 3 May 12.

²⁶He Dan and Guo Rui, “Charity Law ‘Vital’ for Sector To Grow,” *China Daily*, reprinted in *People’s Daily*, 14 March 12.

²⁷“China Demands More Transparency From Charity Foundations,” *Xinhua*, reprinted in *People’s Daily*, 25 April 12.

²⁸Ministry of Civil Affairs, Solicitation for Public Comment of “Certain Regulations Concerning Standards of Foundation Behavior (Trial)” [Guanyu guifan jijinhui xingwei de ruogan guiding (shixing) gongkai zhengqiu yijian], 24 April 12; Shawn Shieh, *The International Center for Not-for-Profit Law*, “NGO Law Monitor: China,” last visited 30 August 12.

²⁹Narada Foundation, “Feedback From Some Foundations for ‘Certain Regulations Concerning Standards of Foundation Behavior (Trial)’” [Bufen jijinhui dui “guanyu guifan jijinhui xingwei de ruogan guiding (shixing)” de fankui yijian], 4 May 12.

³⁰Ministry of Civil Affairs, Certain Regulations Concerning Standards of Foundation Behavior (Trial) [Guanyu guifan jijinhui xingwei de ruogan guiding (shixing)], art. 1(11).

³¹Shawn Shieh, *The International Center for Not-for-Profit Law*, “NGO Law Monitor: China,” last visited 30 August 12.

³²“Guangdong Labor NGOs Cleared Out, Social ‘Spring Breeze’ Has Brought Forth a Severe Winter” [Yue laogong NGO zao qingsuan “shelai chunfeng chuilai handong”], *Mingpao*, 9 June 12; Zhang Zhiru, “Guangdong Labor NGOs Face Big Purge, Government Equally Incorporates With One Hand and Suppresses With the Other” [Guangdong laogong NGO mianlin dazhengsu, zhengfu shoubian he daya liang shou bingzhong], *China Worker Rights Net*, 8 June 12; Deng Jingyin, “Forced To Close, NGOs Win Sympathy,” *Global Times*, 10 September 12; “Many Shenzhen Labor Rights NGOs Are Forced To Move Following Inspections” [Shenzhen duojia laogong weiquan jigou zao jiancha hou bei qiangzhi yaoqiu banqian], *Radio Free Asia*, 10 September 12.

³³Deng Jingyin, “Forced To Close, NGOs Win Sympathy,” *Global Times*, 10 September 12; “Many Shenzhen Labor Rights NGOs Are Forced To Move Following Inspections” [Shenzhen duojia laogong weiquan jigou zao jiancha hou bei qiangzhi yaoqiu banqian], *Radio Free Asia*, 10 September 12.

³⁴Zhang Zhiru, “Guangdong Labor NGOs Face Big Purge, Government Equally Incorporates With One Hand and Suppresses With the Other” [Guangdong laogong NGO mianlin dazhengsu, zhengfu shoubian he daya liang shou bingzhong], *China Worker Rights Net*, 8 June 12.

³⁵Shen Xinwang, “Ministry of Civil Affairs Official: There Have Been No Instances of ‘Social Organizations Opposing the Government’” [Minzheng bu guanyuan: “shehui zuzhi duikang zhengfu” qingkuang meiyou chuxian], *China News Net*, 21 May 12.

³⁶Ibid.

³⁷Ibid.

³⁸Ibid.

³⁹Ibid.; Shawn Shieh, *The International Center for Not-for-Profit Law*, “NGO Law Monitor: China,” last visited 30 August 12.

⁴⁰Beijing Municipal People’s Congress Standing Committee, *Zhongguancun National Innovation Demonstration Zone Ordinance* [Zhongguancun guojia zizhu chuangxin shifan qu tiaoli], issued and effective 23 December 10, art. 16; Tong Shuquan, “Four Major Types of Social Organizations Registration About To Be Completely Open” [Si dalei shehui zuzhi dengji shenpi jiang quanbu fangkai], *Beijing Daily*, 26 February 11.

⁴¹Hunan Province, Changde City, Jinshi District Bureau of Civil Affairs, “Civil Affairs Ministry and Shanghai City Signed Cooperative Agreement To Formally Initiate the Building of a National Model Modern Civil Administration” [Minzhengbu yu shanghai shi qianshu hezuo xieyi zhengshi qidong guojia xiandai minzheng shifan qu jianshe], 5 July 10.

⁴²Ministry of Civil Affairs and Shenzhen Municipal People’s Government, *Cooperative Agreement on Pushing Forward With Integrated Reforms of Civil Affairs Undertakings* [Tuijin minzheng shiye zonghe peitao gaige hezuo xieyi], 25 August 11, art. 11; CECC, 2010 Annual Report, 10 October 10, 163–64.

⁴³Lian Huiling, “Yunnan CSOs Will Be Able To Apply for Direct Registration With MCA This Year” [Yunnan shehui zuzhi jinnian ke zhijie xiang minzheng shenqing dengji], Yunnan Net, 26 February 12.

⁴⁴Fifth People’s Congress Standing Committee of Shenzhen City, Ordinance for the Promotion of Social Construction in the Shenzhen Special Economic Zone [Shenzhen jingji tequ shehui jianshe cujin tiaoli], issued 12 January 12, effective 1 March 12, art. 43.

⁴⁵Huang Yuli, “Shenzhen Tests Reforms of Social Organizations,” China Daily, 29 February 12.

⁴⁶Shenzhen Municipal Communist Party Committee and Shenzhen Municipal People’s Government General Office, Opinion Concerning the Further Development and Standardization of Local Civil Society Organizations [Guanyu jinyibu fazhan he guifan wo shi shehui zuzhi de yijian], issued 24 September 08, reprinted in Shenzhen Ministry of Civil Affairs, 28 September 11, art. 5.

⁴⁷Li Qiang, “Guangdong Civil Society Organizations Can Directly Apply To Be Established” [Yue shehui zuzhi ke zhijie shenqing chengli], Nanfang Daily, reprinted in Department of Civil Affairs of Guangdong Province, 2 July 12; Xiang Songyang, “Guangdong Opens Gates for Civil Society Organization Registration, Loosening Restrictions Anticipate Stricter Controls” [Guangdong shehui zuzhi dengji kaizha kuanjin zhihou geng dai yanguan], Nanfang Daily, 5 July 12.

⁴⁸Lu Yi et al., “Guangdong Publicly Issues First Government Catalogue for the Procurement of Services, Includes Aid to the Elderly and Disabled, Among Others” [Guangdong gongbu shoupi zhengfu goumai fuwu mulu, baochan zhu lao zhu can deng], Southern Daily, reprinted in China Law Info, 15 August 12.

⁴⁹Michael Standaert, “Government Crackdown on Labor Groups Worsens in South China,” Global Post, 2 September 12.

⁵⁰Wan Yanhai, “New Guangdong Civil Society Law Falls Back on Convention” [Wan yanhai pinglun: guangdong shehui zuzhi xin zheng luoru sutao], Radio Free Asia, 13 June 12.

⁵¹Zhu Fengjun, “When Will Government Procurement of Services Extend to Ordinary NGOs?” [Zhengfu caigou fuwu, he shi luoru xunchang NGO jia?], Southern Metropolitan Daily, 11 June 12.

⁵²Ministry of Civil Affairs Working Group on Regulating Seminar and Forum Activities, Circular Concerning the Issuance of “Measures for the Administration of Seminar and Forum Activities by Social Organizations” [Guanyu yinfa “shehui zuzhi juban yantaohui luntan huodong guanli banfa” de tongzhi], 23 March 12, arts. 4, 8, 9(2); Chen Qiao, “Beijing Regulation Prohibits Posing as ‘Social Organization’ in Order To Hold Seminars and Charge Fees” [Beijing guiding shehui zuzhi yanjin zhi guaming heban luntan huo shouqu feiyong], Jinghua Times, 9 June 12.

⁵³Ministry of Civil Affairs Working Group on Regulating Seminar and Forum Activities, Circular Concerning the Issuance of “Measures for the Administration of Seminar and Forum Activities by Social Organizations” [Guanyu yinfa “shehui zuzhi juban yantaohui luntan huodong guanli banfa” de tongzhi], 23 March 12, art. 4.

⁵⁴Zheng Jinran and Xu Jingxi, “Govt Plans To Give All NGOs Equal Treatment,” China Daily, 8 May 12.

⁵⁵Ibid.

⁵⁶State 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, art. 1.

⁵⁷Ibid.

⁵⁸Ibid., art. 2, para. 2(2).

⁵⁹Ibid., arts. 1, 2(1).

⁶⁰State Council Information Office, “National Human Rights Action Plan of China (2012–2015),” 11 June 12, sec. II, art. 6.

⁶¹“China Amends Civil Procedure Law Following Third Reading,” Xinhua, 31 August 12; Jin Jianyu, “Experts Call for Clarity on Lawsuit Amendment,” Global Times, 1 September 12; Wu Jiang, “‘Relevant Organizations’ Can Raise Public Interest Litigation” [“Youguan zuzhi” ke ti gongyi susong], Beijing News, 1 September 12.

⁶²Qie Jianrong, “Open Letter Issued Calling on Legislative Entities To Redesign Legal Provisions: Environmental Organizations Say That This May Block Their Entrance to Participating in Environmental Public Interest Lawsuits” [Fa gongkaixin yuqing lifa bumen chongxin sheji falu tiaokuan: huanbao zuzhi cheng qi canyu huanjing gongyi susong damen huo bei fengdu], Legal Daily, 16 August 12.

⁶³PRC Civil Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 4 April 91, amended 28 October 07, 31 August 12, art. 55. For information regarding various drafts of the article and related commentary on the article’s language, see, e.g., Qie Jianrong, “Open Letter Issued Calling on Legislative Entities To Redesign Legal Provisions: Environmental Organizations Say That This May Block Their Entrance to Participating in Environmental Public Interest Lawsuits” [Fa gongkaixin yuqing lifa bumen chongxin sheji falu tiaokuan: huanbao zuzhi cheng qi canyu huanjing gongyi susong damen huo bei fengdu], Legal Daily, 16 August 12. The draft article stated that only “organs and relevant social groups stipulated by law” may file lawsuits. Shang Xi, “Civil Procedure Law Draft Receives Consideration, Committee Members Suggest Law Include Language About Public Interest Lawsuits” [Minsufa caoan shou shenqi weiyuan jianyi jiang wen bao naru gongyi susong], Beijing Times, reprinted in Phoenix Net, 28 April 12; “Civil Procedure Law Amendments (Draft) Explanation of Provisions and Draft,” National People’s Congress Net, reprinted in Legal Daily, 17 December 11.

⁶⁴Wu Jiang, “‘Relevant Organizations’ Can Raise Public Interest Litigation” [“Youguan zuzhi” ke ti gongyi susong], Beijing News, 1 September 12; Chen Liping, “Wang Shengming: Standing

in Public Interest Lawsuits Could Be Clarified by Relevant Laws” [Wang shengming: gongyi susong zhuti ke you xiangguan falu mingque], Legal Daily, 4 September 12.

⁶⁵Jin Jianyu, “Experts Call for Clarity on Lawsuit Amendment,” Global Times, 1 September 12. National People’s Congress Standing Committee Legislative Affairs Commission Deputy Director Wang Shengming notes that, “according to the Ministry of Civil Affairs, there were 462,000 ‘social organizations’ (*shehui zuzhi*) registered in 2011; among them, 250,000 were designated as ‘social groups’ (*shehui tuanti*) and 200,000 as ‘non-governmental and non-commercial enterprises’ (*minban feiqiye danwei*).” Wu Jiang, “Relevant Organizations’ Can Raise Public Interest Litigation” [“Youguan zuzhi” ke ti gongyi susong], Beijing News, 1 September 12.

Notes to Section III—Institutions of Democratic Governance

¹“Xi Jinping, Continuously Adhere to and Bring Into Full Play the Party’s Unique Advantage” [Xi Jinping: shizhong jianchi he chongfen fahui dang de dute youshi], Seeking Truth, reprinted in Communist Party of China News Net, 1 August 12.

²“At the End of 2009 Total Number of Party Members Reaches 77,995,000 Nationally” [Jiezhì 2009 niandi quanguo dangyuan zongshu da 7799.5 wan ming], Chinese Communist Party News Net, 28 June 10. There are 6,629 urban street Communist Party organizations, 34,224 town organizations, 80,000 residential committees, and 598,000 village committees.

³Ibid. At the end of 2009, out of the country’s 570,000 public service organizations, 471,000 have Party organizations.

⁴Ibid. At the end of 2009, the breakdown of the number of Party members in various organizations is as follows: Out of 13,000 eligible “social organizations” (*shehui tuanti*), 12,000 have Party organizations, and out of 16,000 eligible “nonprofit enterprises” (*minban feiqiye*), 15,000 have Party organizations.

⁵J. David Goodman, “Journalists Should Be Government Mouthpieces, Chinese Media Leader Says,” New York Times, 5 December 11. The President of state broadcaster China Central Television, Hu Zhanfan reportedly said, “[t]he first social responsibility and professional ethic of media staff should be understanding their role clearly and be a good mouthpiece.” “Beijing Issues Microblog Management Regulation: Announces 11 Types of Illegal Content” [Beijingshi chutai weibo guanli guiding: fabu shiyi lei neirong weifa], Beijing Evening News, reprinted in Xinhua blog, 16 December 11. According to the Xinhua report above, Beijing issued a regulation outlawing 11 types of content. “China Wants To Ban Movie Content That Disturbs Social Stability in Latest Tightening of Media,” Associated Press, reprinted in Washington Post, 14 December 11. According to the AP article above, a State Council draft law would ban 13 types of content in films.

⁶Lester Ross et al., “Chinese Communist Party Central Committee Tightens Controls on Cultural Industry,” WilmerHale Law Firm, 28 October 11. Authorities reportedly took measures to safeguard “national cultural security” and develop “socialist culture with Chinese Characteristics” by strengthening political education and traditional Chinese culture.

⁷Du Rong, “Launch the Year of Grassroots Development While Striving for Excellence and Innovation in Activities—Central Organization Department Spokesperson Answers Journalists’ Questions” [Zai chuanguan zhengyou huodong zhong kaizhan jiceng zuzhi jianshe nian—zhongyang zuzhibu fuzeren da jizhe wen], 8 February 12.

⁸Zhao Yang, “To Obtain a License To Practice, a Lawyer Must Take an Oath Within Three Months” [Huo lushi zhiye xuke sange yue nei ying xuanshi], Legal Daily, 21 March 12. According to the Legal Daily, the Ministry of Justice is requiring that new applicants or lawyers renewing their license take an oath of loyalty to the Party, the country, and the people of China within three months of obtaining a lawyers’ license. Ministry of Justice, “Ministry of Justice Issues Notice of Decision To Establish Lawyer’s Oath of Allegiance System” [Sifabu xiafa jianli lushi xuanshi zhidu jue ding de tongzhi], 21 March 12; “China Says Lawyers Must Take Oath of Loyalty to Communist Party To Raise Their Moral Quality,” Associated Press, reprinted in Washington Post, 21 March 12.

⁹Peter Simpson, “China’s Vice President Orders More Thought Control Over Students,” Telegraph, 5 January 12; Tang Jingli et al., “The 20th National University Party Building Work Meeting Closes” [Di ershici quanguo gaoxiao dangjian gongzuo huiyi bimul], Ministry of Education, 6 January 12. According to the Ministry of Education article above, in January, education ministry Party officials told university Party members that Party building in institutions of higher education was of great significance this year, and called on them to strengthen development of ideological and political theory curriculum.

¹⁰“Make Effort To Fill the Three Gaps in Party Building in Private Businesses” [Nuli tianbu feigong dangjian sange kongbai dian], Xinhua, reprinted in United Front Work Department, 25 May 12; “Chinese VP Stresses Party Role in Non-Public Sector,” Xinhua, 21 March 12; Zhongshan City People’s Government, Zhongshan City Communist Party Committee and Zhongshan City People’s Government, Implementing Opinion Regarding Strengthening Social Construction and Innovation in Social Management [Zhonggong zhongshan shiwei zhongshanshi renmin zhengfu guanyu jiaqiang shehui jianshe chuanguan shehui guanli de shishi yijian], 1 September 11, art. 19.

¹¹“Chinese Official Urges Greater Social Management Efforts To Foster Cultural Construction,” Xinhua, 25 October 11. According to the Xinhua article, Zhou Yongkang, a member of the Standing Committee of the Political Bureau of the Communist Party Central Committee, stated that authorities needed to deepen research and management of social organizations to promote their healthy development. Numerous local governments issued opinions stipulating authorities should strengthen Party building within social organizations. See, e.g., Zhongshan City People’s Government, Zhongshan City Communist Party Committee, Zhongshan City People’s Government Implementing Opinion Regarding Strengthening Social Construction and Innovation in Social Management [Zhonggong zhongshan shiwei zhongshanshi renmin zhengfu guanyu jiaqiang shehui jianshe chuanguan shehui guanli de shishi yijian], 1 September 11, art. 19; “Changde Office Issues Document (2011) No. 6, Changde Communist Party Committee Office and Changde City People’s Government Office Opinion Regarding Strengthening Social Organization Development and Management” [Changban fa (2011) 6 hao zhonggong changde shiwei bangongshi changdeshi renmin zhengfu bangongshi guanyu jiaqiang shehui zuzhi jianshe guanli de yijian], 9 January 12, art. 3.

¹²“Chinese President Hu Jintao Stresses Communist Party Control Over Fast-Modernizing Military,” Associated Press, reprinted in Washington Post, 28 January 12; Minnie Chan, “Party Steps Up Efforts To Keep Generals in Line,” South China Morning Post, 22 March 12. According to the SCMP, two newspapers published a series of commentaries reminding the army to remain loyal to Hu Jintao. “Chinese Premier Wen Reasserts Communist Party Control Over Military

in Speech to Legislature,” Associated Press, reprinted in Washington Post, 5 March 12. See also Michael S. Chase, “Army Day Coverage Stresses PLA’s Contributions and Party Control,” China Brief, Vol. XII, No. 16, Jamestown Foundation, 17 August 12, 3–6.

¹³International 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, this 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); 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).

¹⁴International 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 ICCPR was one 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 linked 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).

¹⁵Universal 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.”

¹⁶“Chinese Communist Party Issues Document Requiring Strengthening Dynamics of Official Positions for Non-Party Members” [Zhonggong fawen yaoqiu jiaqiang dangwai ganbu zhanbu zhuren lidu], Caixin, 16 April 12. For example, as of June 2012, only 2 central-level ministry directors and 10 vice-directors were non-Communist Party members.

¹⁷“Hu Jintao’s Report at the Chinese Communist Party 17th Party Congress Meeting” [Hu Jintao zai zhongguo gongchandang di shiqici quanguo daibiao dahuishang de baogao], People’s Daily, 15 October 07.

¹⁸“Central Committee on Comprehensive Order Adds 11 Member Units, Will Engage in Special Security Work” [Zhongyang zongzhiwei zeng 11 chengyuan danwei, jiang zuohao zhian deng zhuanxiang gongzuo], Xinhua, reprinted in China Economic Net, 9 October 11. The original organization was called the Central Committee for Comprehensive Management of Social Order. (This organization also has been referred to as the Central Committee for Comprehensive Management of Public Security.)

¹⁹“Peaceful Road With Chinese Characteristics Out of 20 Years of Comprehensive Management” [Zongzhi 20 nian zouchu yitiao zhongguo tese pingan zhilu], Legal Daily, 1 March 11. For more information, see “Resolving Social Management Risks: Social Strata Mobility Maintains Balance in Society” [Jiesi fengxian shehui guanli: jiecheng liudong shi shehui baochi pingheng], Outlook Weekly, 8 January 11.

²⁰“Central Committee on Comprehensive Order Adds 11 Member Units, Will Engage in Special Security Work” [Zhongyang zongzhiwei zeng 11 chengyuan danwei jiang zuohao zhian deng zhuanxiang gongzuo], Xinhua, reprinted in China Economic Net, 9 October 11; “The Chinese Communist Party Maintains Stability With Innovative Thinking: Control Through a Strong Shift to Multi-Management” [Zhonggong weiben siwei yu shi chuangxin: you qiangli kongzhi xiang duoyuan guanli zhuanbian], China News Net, reprinted in People’s Daily, 27 September 11.

²¹Chen Baocheng, “18 Provinces Complete Provincial-Level Comprehensive Order Name Change” [18 sheng fen wancheng shengji zongzhi wei gengming], Caixin, 11 April 12.

²²“The Chinese Communist Party Maintains Stability With Innovative Thinking: Control Through a Strong Shift to Multi-Management” [Zhonggong weiben siwei yu shi chuangxin: you qiangli kongzhi xiang duoyuan guanli zhuanbian] China News Net, reprinted in People’s Daily, 27 September 11; “Central Committee on Comprehensive Order Adds 11 Member Departments, Will Engage in Special Security Work” [Zhongyang zongzhiwei zeng 11 chengyuan danwei jiang zuohao zhian deng zhuanxiang gongzuo], Xinhua, reprinted in China Economic Net, 9 October 11. According to the Xinhua article, the Committee will conduct research, coordinate actions, and promote policies and mechanisms in eight main areas: One, specialized population management work; two, service management work for new types of economic and social organizations; three, management work of “special populations” (which includes released prisoners, targets of community corrections, and drug addicts); four, specialized work in maintaining social order (which includes cracking down on organized crime and eliminating “evil” elements, and investigating and remediating social order in key areas and prominent security problems); five, specialized work in preventing juvenile delinquency; six, specialized work in keeping social order in and around schools; seven, specialized work in jointly protecting roads, railways, communication and electric power transmission lines, oil and gas pipelines, and telecommunications, radio,

and television facilities; eight, specialized work in perfecting and strengthening social management laws, regulations, and policies.

²³Ed Zhang, “‘Social Management’ Unlikely To Offer Much in the Way of Justice,” *South China Morning Post*, 16 October 11.

²⁴Yu Keping, “A Shift Towards Social Governance in China,” *East Asia Forum*, 9 September 11.

²⁵“Hu Jintao’s Report at the Chinese Communist Party 17th Party Congress Meeting” [Hu jintao zai zhongguo gongchandang di shiqici quanguo daibiao dahuishang de baogao], *People’s Daily*, 15 October 07, item 8.6. Regarding “social management” and “social stability,” President Hu Jintao said the following: “[We should] improve social management and safeguard social stability and unity. Social stability is the common aspiration of the people and an important prerequisite for reform and development. [We should] improve the structure of social management comprising Party committee leadership, government responsibility, nongovernmental support, and public participation, and improve the system of social management at the primary level. [We should] . . . maximize factors conducive to harmony, and minimize those detrimental to it. We should properly handle contradictions among the people, improve the system for handling complaints in the form of letters and visits from the public, and strengthen the mechanism for safeguarding the rights and interests of the people in which the Party and government play the leading role.”

²⁶Yu Keping, “A Shift Towards Social Governance in China,” *East Asia Forum*, 9 September 11.

²⁷Ibid.

²⁸Ibid.

²⁹Ibid. According to the article by Yu Keping, the Party seeks to improve “social management” and improve government capacity to deliver public services by improving laws and regulations.

³⁰“Hu Jintao: Solidly Improve Scientific Social Management, 8 Comments on How To Improve Social Management” [Hu jintao: zhazhashishi tigao shehui guanli kexuehua shuiping tichu 8 tiao yijian gaishan shehui guanli], *People’s Daily*, 19 February 11. The phrase “under the leadership of the Party, with responsibilities delegated to the government, with coordination by society, and with participation from the public” is repeated in many other documents. See, e.g., “The Outline of the People’s Republic of China’s 12th Five-Year Plan for National Economic and Social Development” [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], issued 16 March 11, chap. 37 (1); Yu Keping, “A Shift Towards Social Governance in China,” *East Asia Forum*, 9 September 11; “Guangdong Central Party Committee and the Guangdong People’s Government Decision Regarding Strengthening Social Construction (Summary)” [Zhonggong guangdong shengwei guangdong sheng renmin zhengfu guanyu jiaqiang shehui jianshe de jue ding (gangyao)], *Southern Net*, 20 July 11.

³¹Xu Lin and Zhao Yang, “Understanding the Riddle of Guangdong’s Social Affairs Committees” [Jiemei guangdong shehui gongzuo weiyuanhui], *Southern Daily*, 9 August 11. According to the *Southern Daily* article, the social affairs committee in Guangdong province is comprised of members of 24 Party and government organizations. The committee reportedly is the “working department” for the provincial Party committee and the “functional mechanism” for the provincial government. The committee is responsible for researching and handling the major problems in social affairs work. All cities and counties (including county-level cities and districts) in Guangdong are to establish similar social affairs mechanisms at the local level.

³²Joseph Fewsmith, “‘Social Management’ as a Way of Coping With Heightened Social Tensions,” *China Leadership Monitor*, No. 36 (Winter 2012), 1. Fewsmith discusses Zhou Yongkang’s statements about “social coordination.” See also Wang Hongru, “China Social Innovation and Management Opinion Issued, Limits Readership to County and Group-Level Officials or Higher” [Zhongguo shehui chuangxin guanli yijian chutai xian xian tuanji yishang ganbu yuedu], *China Net*, 20 September 11. According to the *China Net* article, “social coordination” (*shehui xietong*) also refers to nurturing and managing social organizations. Zhao Yimei, “Shanghai Pudong: Professionalized ‘Stability Preservation Mothers’” [Shanghai pudong: zhuanyehua de “weiwēn mama”], *Southern Weekend*, 4 January 12. The *Southern Weekend* article indicates that authorities will delegate some “social stability” tasks to mass organizations or social groups.

³³Zhao Yimei, “Shanghai Pudong: Professionalized ‘Stability Preservation Mothers’” [Shanghai pudong: zhuanyehua de “weiwēn mama”], *Southern Weekend*, 4 January 12. The article describes some of the All-China Women’s Federation work maintaining “social stability,” including convincing petitioners to abandon their petitioning activities.

³⁴The CPC Central Committee General Office, Office of the State Council, Opinion Regarding Strengthening and Improving Development of Urban Residence Committees [Guanyu jiaqiang he gaijin chengshi shechu jumin weiyuanhui jianshe de yijian], issued 9 November 10. The preface of this Opinion emphasized the “more prominent [residence committee] function of safeguarding social stability, the increasing importance of community residence committees to take on social management tasks, and the more urgent service demands of community resident committees by citizens.”

³⁵Charles Hutzler, “Watching Dissidents Is a Booming Business in China,” *Associated Press*, reprinted in *Huffington Post*, 28 May 12. According to the *Associated Press* article, local authorities in conjunction with school employees monitored and restricted the movements of democracy advocate Yao Lifa on a day-to-day basis.

³⁶“China: Student Informant System To Expand, Limiting School Autonomy, Free Expression,” *Open Source Works*, reprinted in *Central Intelligence Agency Directorate of Intelligence*, 23 November 10.

³⁷“Beijing Addresses New Challenges in Social Management, Makes Innovations in Comprehensive Management Work Mechanisms” [Beijing yingdui shehui guanli xin tiaozhan chuangxin zongzhi gongzuo xin tizhi], *Xinhua*, 18 June 10.

³⁸Zhao Yimei, “Shanghai Pudong: Professionalized ‘Stability Preservation Mothers’” [Shanghai pudong: zhuanyehua de “weiwēn mama”], *Southern Weekend*, 4 January 12. In one example,

in one area of Pudong district in Shanghai municipality, over 5,000 All-China Women's Federation members and volunteers from society reportedly would contact every household as part of "5-level network" to conduct "rights defense and stability maintenance" tasks. See also Charles Hutzler, "Watching Dissidents Is a Booming Business in China," Associated Press, reprinted in Huffington Post, 28 May 12.

³⁹See, e.g., "Zhou Yongkang Emphasized: To Strengthen and Innovate Social Management, It Must Be Implemented at the Grassroots Level" [Zhou yongkang qiangdiao: jiaqiang he chuangxin shehui guanli yao luoshi dao jiceng], Xinhua, 2 November 11; "Thoroughly Advance Comprehensive Pilot Projects for Social Management Innovations and as a Whole Raise the Scientific Level of Social Management Standards" [Shenru tuijin shehui guanli chuangxin zonghe shidian cong zhengti shang tigao shehui guanli kexuehua shuiping], Xinhua, 7 February 12 (Open Source Center, 7 February 12). The February Xinhua article notes 37 pilot projects in "innovating social management" at the local level. "Communities Half Full, Should Organize a Residents' Committee Election" [Shequ ruzhu guoban, ying zuzhi juweihui xuanju], People's Daily, 5 September 11. According to the People's Daily article, Beijing authorities consider communities the "first line of defense" in maintaining social harmony and stability. "China Trains Grassroots Party Officials To Boost Social Management," Xinhua, 4 June 11. According to the June Xinhua article, Party secretaries from 40,000 township and neighborhood committees and 680,000 village and community Party organizations began to attend training sessions in Beijing in May 2011. The sessions will last for a year.

⁴⁰"Summary of National Activities Launched To Send Party Cadres Down to the Grassroots Across the Country" [Quanguo gedi kaizhan dangyuan ganbu xia jiceng huodong zongshu], Xinhua, 25 March 12. According to the March 25 Xinhua article, authorities sent cadres to remote areas, places where citizens needed assistance, places with large-scale problems, and areas with many conflicts. See also "From the Center to the Local, National Widespread Activities To Send Party Cadres to Grassroots" [Cong zhongyang dao difang quanguo guangfan kaizhan dangyuan ganbu xia jiceng huodong], China News Net, 9 April 12. According to the China News Net article, authorities sent approximately 20,000 cadres to the countryside in Tibet, and in Hebei, they sent 14,000. "Zhou Yongkang's Instructions and Requirements Regarding Ministry of Public Security Launch of 'Three Visits Three Appraisals' To Deepen the 'Big Visits' Activities" [Zhou yongkang jiu gong'anbu bushu kaizhan "sanfang sanping" shenhua "dazoufang" huodong pishi yaoqiu], China Police Net, 10 January 12. According to the China Police Net article, the current "Three Appraisals" activities are a deepening of the previous "Big Visits" campaign. Song Zhijing, "Hebei 15,000 Cadres Sent Down to Countryside" [Hebei 15,000 ganbu xiaxiang], Beijing News, 29 February 12. According to the Beijing News article, Hebei provincial Party authorities sent down 15,000 cadres to 5,010 villages. The cadres reportedly will live in the villages for eight months to assist with economic development and at the same time conduct work on maintaining stability to ensure that no large-scale mass incidents occur prior to October 2012 when the program concludes. According to the article, if the cadres do not complete their tasks, they cannot return home.

⁴¹"Focus on Social Management's Difficult Problems, Really Resolving Contradictions Requires Putting People First" [Jujiao shehui guanli nanti yiren weiben caineng zhenzheng huaqie maodun], Xinhua, reprinted in People's Daily, 19 February 11. According to the Xinhua article, in an economic development zone in Hefei city, Anhui province, 119 responsible personnel would "learn about the affairs of 100 households" in the city's 21 communities, engaging in "face-to-face" service provision and coordinating social management work. In Dongcheng district, Beijing municipality, "network management" personnel work to set up a database with information on "people, land, property, matters, and sentiments."

⁴²"From the Center to the Local, National Widespread Activities To Send Party Cadres to Grassroots" [Cong zhongyang dao difang quanguo guangfan kaizhan dangyuan ganbu xia jiceng huodong], China News Net, 9 April 12. See also "Tibet Supervision Head: For the First Time in Tibet's History Work Teams Are Stationed in Every Village" [Xizang jianchazhang: xizang lishishang shouci suoyou cun dou paizhu gongzuodui], China Net, reprinted in Phoenix Net, 8 March 12. According to the China Net article, the work teams went door to door to carry out surveys to discover the needs of households and to do research. The teams conducted stability maintenance work, resolved some disputes over resources, and worked on historical problems, especially focusing on rural anti-splittism. Tian Zhilin, "Qi Zhala Visits Cadres Stationed in Curpu Monastery and Nenang Monastery Emphasizing Vigorous Implementation and Good Innovative Monastery Management Work" [Qi zhala zai kanwang weiben chubusi nailangsi zhushi ganbu shi qiangdiao], China Tibet News, 31 January 12 (Open Source Center, 15 February 12). According to the China Tibet News article, the Party also stationed work groups in monasteries and strove for the objective of "no major, moderate, or even minor incidents," and to enhance and make innovations in monastery management. "Tibet Issues Emergency Notification: Cadres Absent or Shirking Responsibilities Will Be Terminated on the Spot" [Xizang fa jinji tongzhi: ganbu lin zhen tuisuo yilu judi mianzhi], Tibet Daily, reprinted in Auyi News.com, 6 February 12. According to the Tibet Daily report, officials in the Tibetan Autonomous Region Party Discipline Inspection Commission reportedly issued two "urgent" circulars calling upon officials at all levels to strengthen political awareness and social stability work. One announcement indicated cadres who fail to maintain social stability would be punished.

⁴³"China Boosts Police Presence in Xinjiang Region Amid Concern Over Religious Extremism," Associated Press, 30 January 12. According to the AP article, a regional official urged local authorities to "further improve their capabilities for maintaining social stability and amplify the crackdown on religious extremist activities."

⁴⁴CECC, 2011 Annual Report, 10 October 11, 159.

⁴⁵Charles Hutzler, "Watching Dissidents Is a Booming Business in China," Associated Press, reprinted in Huffington Post, 28 May 12.

⁴⁶Ibid.

⁴⁷Ibid.; Michael Wines, “Prominent Chinese Dissident Hu Jia Is Released From Jail,” *New York Times*, 26 June 11; United States Commission on International Religious Freedom, “4/27/2011: USCIRF: Easter Detentions Show Need for Religious Freedom Priority in U.S.-China Relations,” 27 April 11.

⁴⁸Chinese Human Rights Defenders, “Chen Wei ‘Crime of Inciting Subversion of State Power’ Full Text of Sentencing Document” [Chen wei “shandong dianfu guojia zhengquan zui” panjue shu quanwen], 12 January 12; Chinese Human Rights Defenders, “Veteran Democracy Activist Chen Wei Gets 9 Years for Speech Crime,” 23 December 11; Michael Wines, “China Jails Human Rights Activist for 9 Years,” *New York Times*, 23 December 11.

⁴⁹Gillian Wong, “China Activist Given 10 Years’ Jail for Subversion,” *Associated Press*, reprinted in Google, 26 December 11.

⁵⁰Ibid.; Chinese Human Rights Defenders, “Guizhou Human Rights Defender Chen Xi Sentenced to 10 Years, 3 Years Deprivation of Political Rights” [Guizhou renquan han weizhe chen xi bei panchu youqi tuxing 10 nian, boquan 3 nian], 26 December 11.

⁵¹Chinese Human Rights Defenders, “China Human Rights Briefing, February 21–27, 2012,” 29 February 12.

⁵²Ibid.

⁵³ChinaAid, “Hangzhou Intermediate Court February 10, 2012, Sentences Zhu Yufu to Seven Years in Prison” [Hangzhou zhongyuan 2 yue 10 ri (2012) kaiting panjue zhu yufu tuxing 7 nian], 10 February 12; “Activists: Chinese Dissident Writer Sentenced to 7 Years’ Jail for Poem Deemed Subversive,” *Associated Press*, reprinted in the *Washington Post*, 10 February 12.

⁵⁴Chinese Human Rights Defenders, “China Human Rights Briefing, March 20–26, 2012,” 28 March 12; CHRD notes that the charges against Xue may be linked to a letter he jointly wrote to bring attention to the suspicious death of Qian Yunhui, a village leader from Zhejiang province. Chinese Human Rights Defenders, “Activist Xue Mingkai Sentenced to Four Years’ Imprisonment for ‘Subverting State Power’” [Yiyi renshi xue mingkai beikong “dianfu guoji zhengquan zui” huoxing 4 nian], 26 March 12. According to the March 26 CHRD article, Xue was initially charged with “inciting subversion of state power” when officials detained him in February 2011 as part of the crackdown after on-line calls for “Jasmine” protests. It is unknown why authorities modified his charges. For more information on Xue, see Chinese Human Rights Defenders, “Summary of Xue Mingkai,” 28 February 10.

⁵⁵Chinese Human Rights Defenders, “Liu Xianbin Case Trial Oral Judgment Announcement of 10 Years, Family and Lawyers Cannot Visit” [Liu xianbin an fating koutou xuanpan shi nian xingqi, jiaren lushi wufa huijian], 25 March 11.

⁵⁶“Guo Quan Case: Jiangsu Provincial High People’s Court Criminal Judgment” [Guo quan an: jiangsu sheng gaoji renmin fayuan xingshi caidingshu], Boxun, 4 January 10.

⁵⁷Edward Wong, “Lawyer Says Hong Kong Violated Chinese Dissident’s Rights,” *New York Times*, 26 January 10.

⁵⁸“Hunan Democracy Party Member Xie Changfa Receives Heavy Sentence of 13 Years at Trial” [Hunan minzhudang chengyuan xie changfa yishen bei zhongpan shisannian], *Civil Rights and Livelihood Watch*, 1 September 09.

⁵⁹Chinese Human Rights Defenders, “China Human Rights Briefing, August 10–15, 2011,” 16 August 11.

⁶⁰Chinese Human Rights Defenders, “Chongqing City Citizen Huang Chengcheng Sent to RTL Because of ‘Jasmine Speech’” [Chongqing shimin huang chengcheng yin “molihua yanlun” bei laojiao], 15 August 11. According to the sentencing document, Huang asked others to meet him and said that he would be carrying flowers or “jasmine tea.”

⁶¹Charles Hutzler, “Watching Dissidents Is a Booming Business in China,” *Associated Press*, reprinted in *Huffington Post*, 28 May 12.

⁶²Ibid.

⁶³Ibid.

⁶⁴Zheng Zhiwen, “People’s Daily: Political Restructuring Steadily Progressing” [Renmin ribao: zhengzhi tizhi gaige wenbu tuijin], *People’s Daily*, 14 May 12.

⁶⁵“China Premier Calls for Political Reforms,” *Al Jazeera*, 14 March 12.

⁶⁶Michael Wines, “Wen Calls for Political Reform but Sidesteps Details,” *New York Times*, 14 March 12.

⁶⁷“Wen Jiabao: Five Key and Difficult Points With China’s Future Political Structural Reforms” [Wen jiabao: zhongguo weilai zhengzhi tizhi gaige you 5 da zhongdian he nandian], *Caijing*, 14 September 11. In his September 2011 speech, Wen Jiabao reportedly said China should reform the Party and national leadership systems.

⁶⁸Zhu Jingruo and Wang Minghao, “Beijing Clean Government Risk Prevention and Control Highlights ‘Separation of Powers’” [Beijing lianzheng fengxian fangkong aoxian “fenquan”] *Beijing News*, reprinted in *People’s Daily*, 28 November 11.

⁶⁹State Council Information Office, “National Human Rights Action Plan of China (2012–2015),” 11 June 12, part II, no. 8. The plan states that the “government will make unremitting efforts to improve the system of supervision, strengthen restraints on and supervision over the exercise of power, and earnestly guarantee citizens’ right of democratic supervision.” Among other items, the plan describes the sectors and areas in which supervision will be strengthened and states that people’s congresses’ powers of supervision will be strengthened and those of the Chinese People’s Political Consultative Conference will be given “full play.”

⁷⁰“Seven Chinese Provinces, Regions Conclude Lawmaker Elections at County, Township Legislatures,” *Xinhua*, 19 October 11.

⁷¹National People’s Congress, *Election Law of the National People’s Congress and the Various Levels of Local People’s Congresses of the People’s Republic of China* [Zhonghua renmin gongheguo quanguo renmin daibiao dahui he difang geji renmin daibiao dahui xuanjufa], passed 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10, art. 2.

⁷²Ibid., art 2.

⁷³Ibid., art. 29. Candidates also may be nominated by either a political party, local people's congress delegates, or a "mass organization."

⁷⁴Wei Huanhuan, "Beijing Election Observation" [Beijing xuanju guancha], New Citizen Law Net, reprinted in China Elections and Governance, 29 November 11. For example, the New Citizen Law Net article noted that in one voting district in Beijing municipality, only candidates nominated by "small groups" would be allowed on the candidate list. See also Chinese Human Rights Defenders, "Independent Candidates Face 'Filter' of 'Consultation Brewing'" [Duli canxuanren zaoyu "xieshang yunniang" de "guoluwang"], 27 October 11.

⁷⁵"President Hu Gains Votes, No Independent Candidates are Elected" [Hu zong you de piao duli canxuanren wu de xuan], Mingpao, reprinted in Sina, 9 November 11; Chinese Human Rights Defenders, "China Human Rights Briefing, November 2–7, 2011," 15 November 11; What "Democracy" Means in China After Thirty Years of Reform, Staff Roundtable of the Congressional-Executive Commission on China, 22 May 09, Testimony of Melanie Manion, Professor of Public Affairs and Political Science, University of Wisconsin-Madison. See also "Officials Discourage and Prevent 'Independent Candidates' From Getting on Official Ballots in Local People's Congress Elections," CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3.

⁷⁶Song Wei and Zhu Anqi, "Procuratorial Sector To Supervise Full Process of 2011–2012 Term-Change Elections (Hot Topic Follow-Up)" [Jiancha jiguan quancheng jiandu huanjie xuanju (redian zhuizong)], People's Daily, 24 August 11. A national directive indicated that under the direction of the Party, officials from procuratorate agencies would coordinate with discipline inspection commissions, [Party] organization departments, and election agencies to inspect and supervise end-of-term elections for local people's congresses, Party committees, people's congresses, and people's political consultative conferences at the provincial, city, county, and township levels. See also "Sichuan Conducts Specific Inspection To Ensure Honesty, Decency in Local Term-Change Elections" [Sichuan kaizhan zhuanxiang ducha quebao huanjie gongzuo fengqing qizheng], China Discipline Inspection Paper, reprinted in People's Daily, 2 August 11.

⁷⁷Song Wei and Zhu Anqi "Procuratorial Sector To Supervise Full Process of 2011–2012 Term-Change Elections (Hot Topic Follow-Up)" [Jiancha jiguan quancheng jiandu huanjie xuanju (redian zhuizong)], People's Daily, 24 August 11.

⁷⁸Hai Zhen, "This Year, Township and Town People's Congress End-of-Term Elections Will Optimize Structure of Representatives" [Jinnian xiangzhen renda huanjie xuanju jiang youhua daibiao jigou], Hohhot Daily, 20 September 11. The Standing Committee of the People's Congress in Hohhot city, Inner Mongolia planned to "optimize" (*youhua*) the mix of deputies on township/town congresses by adding additional representatives who are workers, farmers, herdsmen, and technical professionals. Chinese Human Rights Defenders, "Independent Candidates Face 'Consultation Brewing' 'Filter'" [Duli canxuanren zaoyu "xieshang yunniang" de "guoluwang"], 27 October 11. According to the CHR article, in the Haidian election in Beijing, the election committee reportedly thought that the candidate should be an outstanding female, non-party member, who previously has held office. Sharon LaFraniere, "In China, Political Outsiders Turn to Microblog Campaigns," New York Times, 31 October 11. According to the NYT article, an election committee in Guangzhou municipality initially dictated they wanted a female worker who was not a Party member to be a candidate. The committee reportedly later rescinded the order. According to Article 6 of the PRC Election Law cited below, "[d]eputies to people's congresses at the national and local levels shall be broadly representative. There shall be appropriate numbers of deputies at the grassroots level, particularly from among workers, farmers, and intellectuals. There shall be appropriate numbers of female deputies, and their proportions shall be increased gradually." The law does not specify the definition of "broadly representative"; nor does it indicate how such representation is to be achieved. National People's Congress, Election Law of the National People's Congress and the Various Levels of Local People's Congresses of the People's Republic of China, passed 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10.

⁷⁹Chinese Human Rights Defenders, "Guizhou Human Rights Defender Chen Xi Sentenced to 10 Years, 3 Years Deprivation of Political Rights" [Guizhou renquan hanweizhe chen xi bei panchu youqi tuxing 10 nian, boquan 3 nian], 26 December 11. According to the December 26 CHR article, authorities detained, arrested, and sentenced Chen Xi to 10 years in prison after he announced his intention to seek nominations to run in the local people's congress elections. For more information on Chen's case, see Gillian Wong, "China Activist Given 10 Years' Jail for Subversion," Associated Press, reprinted in Google, 26 December 11. Authorities also arrested Hong Maoxuan; for more information see the following articles: Chinese Human Rights Defenders, "China Human Rights Briefing, August 29–September 6, 2011," 7 September 11; "Urgent Attention: Henan Shangcheng County Detention Center Purposefully Allows Farmer Leader Hong Maoxuan's Illness To Continue To Worsen" [Jinji guanzhu: henan shangchengxian kanshouuo you yi rang nongmin lingxiu hong maoxuan de bingqing jixu ehua], Canyu, reprinted in Boxun, 4 November 11; Chinese Human Rights Defenders, "Villager Leader Hong Maoxuan Arrested on Suspicion of 'Obstructing Official Business,' Lawyer Visit Prohibited" [Nongmin lingxiu hong maoxuan bei yi "fanghai gongwu zui" daibu lushi huijian zaoju], 1 September 11.

⁸⁰Louisa Lim, "Tweeting to Electoral Victory in China? Maybe Not," National Public Radio, 14 September 12; "Candidates Pressured Ahead of Poll," Radio Free Asia, 21 October 11.

⁸¹Chinese Human Rights Defenders, "Fourteen Types of Repressive Tactics Suffered by China's Independent Candidates" [Zhongguo duli canxuanren zaoyu de shisi zhong yazhi shouduan], 31 October 11; Chinese Human Rights Defenders, "Because Chengdu Independent Candidate Li Shuangde Participated in Elections, His Mother Was Warned and Threatened by the Police" [Chengdu duli houxuanren li shuangde yin jingxuan lianlei muqin shoudao jingdao weixie], 19 November 11; "Candidates Pressured Ahead of Poll," Radio Free Asia, 21 October 11.

⁸²Wei Huanhuan, "Beijing Election Observation" [Beijing xuanju guancha], New Citizen Law Net, reprinted in China Elections and Governance, 29 November 11; Sharon LaFraniere, "In China, Political Outsiders Turn to Microblog Campaigns," New York Times, 31 October 11; Chinese Human Rights Defenders, "As Guiyang Election Day Draws Near, All Candidates and Their Supporters Disappear on Vacation" [Guiyang xuanju ri linjin, ge duli houxuanren he zhichizhe bei shizong luyou], 6 November 11; "Candidates Pressured Ahead of Poll," Radio Free Asia, 21 October 11; Chinese Human Rights Defenders, "Record of 13 Beijing Civic Election Candidates' Fifth Time in Promoting the Law" [Beijing 13 ming gongmin canxuanren xuanju pufa xuanchuan diwuzhan jishi], 2 October 11.

⁸³"Directives From the Ministry of Truth: July 5–September 28, 2011," China Digital Times, 20 October 11. Beijing propaganda authorities prohibited news about "independent candidates" or election workshops and Guangdong propaganda officials disallowed reports about "independent candidate" Liang Shuxin. Sharon LaFraniere, "In China, Political Outsiders Turn to Microblog Campaigns," New York Times, 31 October 11. Beijing officials reportedly gave an order to media authorities to censor news of independent candidates. Chinese Human Rights Defenders, "Fourteen Types of Repressive Tactics Suffered by China's Independent Candidates" [Zhongguo duli canxuanren zaoyu de shisi zhong yazhi shouduan], 31 October 11. Officials in one location posted election signs and lists of candidates in concealed locations. "Clampdown on Eve of Poll," Radio Free Asia, 7 November 11. Many candidates found their messages to voters on microblogs had been removed or their microblogs blocked.

⁸⁴"Democracy Candidates Barred From Beijing Elections," Voice of America, 8 November 11; Peter Foster, "China Bars Democracy Activists From Elections," Telegraph, 7 November 11.

⁸⁵Priscilla Jiao, "Candidates Harassed As Voters Go to Polls," South China Morning Post, 9 November 11.

⁸⁶"Voters 'Misled' at Polls," Agence France-Presse, reprinted in Radio Free Asia, 8 November 11; "Sun Wenguang's Election Speech Repeatedly Suppressed, Fairness of NPC Elections Called Into Question" [Sun wenguang canxuan yanjiang zao lianfan daya renda xuanju gongzhengxing shou zhiyi], 12 December 11; Chinese Human Rights Defenders, "China Human Rights Briefing, November 8–14, 2011," 28 November 11.

⁸⁷Chinese Human Rights Defenders, "Sun Wenguang: Not Allowed To Vote on Election Day" [Sun wenguang: toupiaori bu de toupiao], 13 December 11.

⁸⁸"Election Protest in Chengdu," Radio Free Asia, 21 November 11; Chinese Human Rights Defenders, "China Human Rights Briefing, February 28–March 5, 2012," 7 March 12.

⁸⁹PRC Organic Law of the Villagers' Committees, issued and effective on 4 November 98, amended 28 October 10. According to Article 2 of this amended law, a village committee is "a mass organization of self-government at the grassroots level, in which villagers administer their own affairs, educate themselves and serve their own needs and in which elections are conducted, decisions adopted, administration maintained and supervision exercised by democratic means." "A villagers' committee shall manage the public affairs and public welfare undertakings of the village, mediate disputes among villagers, help maintain the public order, and convey villagers' opinions and demands and make suggestions to the people's government. A villagers' committee shall be responsible and report to the villagers' assembly or the villagers' representatives' assembly." According to Article 4 of the amended law, the Party branches at the village level should play "the core leading role" [in village governance].

⁹⁰Evan Osnos, "Campaign 2012 With Chinese Characteristics," New Yorker, Letter From China Blog, 24 February 12; "Wang Xubing: Research on Problems With Village Committee Democratic Elections" [Wang xubing: cumin weiyuanhui minzhu xuanju wenti yanjiu], China Reform, 14 March 12; "Report Declares Guangzhou Village Grassroots Election Bribery Relatively Common" [Baogao cheng guangzhou nongcun jiceng xuanju huixuan xianxiang jiao wei pubian], Southern Metropolitan Daily, reprinted in Xinhua, 18 October 11. According to the Southern Metropolitan Daily article, the Guangzhou Academy of Social Sciences conducted a report on village elections in Guangzhou that included a survey of vote buying. Researchers found that vote buying in village committee elections in the municipality was "relatively common."

⁹¹Wang Guoliang, "Village Committee End-of-Term Elections Basically Complete" [Cunweihui huanjie xuanju jiben wancheng], Anhui Daily, 4 November 11; Zhu Lei and Zhou Ran, "Must Those Elected to Village Committees Be High School Graduates and Under 35?" [Xuan cunwei bixu gaozhong xueli 35 sui yixia?], People's Daily, 10 October 11 (Open Source Center, 11 October 11). According to the People's Daily article, in one case, candidates who had won preliminary elections in five villages were asked to step out of the races because they were over 35 or they were not high school graduates. A township official reportedly said that the decision was based on a document issued by higher level officials. An Anhui Provincial People's Congress official denied that the Congress had issued such a rule.

⁹²Zhou Hucheng, "Expert: Bribery Problems No Reason To Give Up on Village Democracy in China" [Qing yi fazhan de yanguang kandai nongcun jiceng huixuan], Shanghai Dongfang Zaobao, 21 October 11 (Open Source Center, 21 October 11); Evan Osnos, "Campaign 2012 With Chinese Characteristics," New Yorker, Letter From China Blog, 24 February 12.

⁹³Chai Yanfei and Zhao Yejiao, "220,000 Chinese University Students Sent Down as Village Officials in the Field Sowing the Seeds of the Future" [Zhongguo 22 wan daxuesheng cunqian tianjian ditou bozhong weilai], China News Net, 14 December 11. For information on some areas that passed incentive measures to entice students to remain in villages as officials, see Liu Changjian, "College Student Village Officials Can Participate in Village Committee Elections" [Daxuesheng cunqian ke canjia cunweihui xuanju], Hebei Daily, 26 July 11.

⁹⁴"Promote Reforms and Expand Democracy, Guangxi's 2011 Village and Township Party Committee End-of-Term Elections Conclude" [Tuijin gaige kuoda minzhu guangxi 2011 nian xiang zhen dangwei huanjie jieshu], Guangxi News Net, 21 July 11; CECC, 2011 Annual Report, 10 October 11, 164.

⁹⁵"More Chinese Women Elected Village Cadres," Xinhua, 6 March 12; Mao Cuixiang, "Haidong Prefecture's County and Township People's Congress Delegate Term-Change Elections

End Smoothly” [Haidong diqu xian xiang renda daibiao xuanju gongzuo xunli wancheng], Qinghai Daily, reprinted in Qinghai News Net, 10 August 11; Zhang Yue, “Women in Each Area Proactively Participate in ‘Two Committee’ End-of-Term Elections” [Gedi funu jiji canyu cun “liangwei” huanjie], Anhui News, 4 August 11; Zhou Lin and Shen Zu, “Elect New Teams, Produce New Vitality, Bring a New Attitude” [Xuanchu xinbanze huanchu xin huoli daichu xin fengqi], Fujian Daily, 6 August 11.

⁹⁶ PRC Organic Law of the Villagers’ Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued and effective 4 November 98, amended 28 October 10, art. 32; Tong Shuquan, “Our City To Complete Construction of All 3,943 Village Affairs Supervision Committees by Year’s End, Village Affairs Supervision Committees To Supervise Collective Economies” [Benshi niandi wancheng quanbu 3943 ge cunwu jiandu weiyuanhui jianshe cunwu jiandu weiyuanhui jiang jiancha jiti jingji], Beijing Daily, 14 August 11; Hou Jing, “Establish ‘Village Affairs Supervisory Committee’ To Closely Watch Collective ‘Money Bags’” [Sheli “cun jianwei” kanjin jiti “qian daizi”], Sichuan Daily, 1 August 11.

⁹⁷ Xiao Zhitao, “More Than 50,000 Cases of Misconduct or Illegal Behavior by Rural Village Grassroots Party Members and Cadres Investigated and Handled Nationally in 2011” [2011 nian quanguo chachu nongcun jiceng dangyuan ganbu weiji weifa anjian chao 5 wan jian], China National Radio, reprinted in People’s Daily, 6 January 12.

⁹⁸ Hou Jing, “Establish ‘Village Affairs Supervisory Committee’ To Closely Watch Collective ‘Money Bags’” [Sheli “cun jianwei” kanjin jiti “qian daizi”], Sichuan Daily, 1 August 11. News reports do not indicate how “supervisory committees” accomplished this goal.

⁹⁹ Malcolm Moore, “Reassessing the Wukan ‘Revolution,’” The World Today, Vol. 68, No. 3, April 2012.

¹⁰⁰ “No Institutional Innovation in Wukan Election: Official,” Xinhua, reprinted in China Internet Information Center, 6 March 12.

¹⁰¹ PRC Organic Law of the Villagers’ Committees (2010 Revision), 28 October 10 (Open Source Center, 28 October 10).

¹⁰² “Wukan Self-Autonomy,” Caijing, 26 February 12; “Organic Law of the Villagers’ Committees of the People’s Republic of China (2010 Revision),” Open Source Center, 28 October 10, art. 12. According to the Caijing article, the Wukan government reportedly wanted to choose the election committee as per Article 12(1) of the PRC Organic Law of the Villagers’ Committees, which stipulates that the Villager Assembly, Village Representative Assembly, or Small Group meetings choose the members of the election committee. The villagers, however, wanted to use a different method, and they prevailed. The villagers directly nominated 100 villagers, a number reduced to 50 candidates through a process not detailed in the news story. All eligible voters voted for the 11-member election committee through secret ballots at a Villager Assembly meeting on February 1. The villagers elected to be on the election committee could not also run for village committee positions, as is stipulated in Article 12(2) of the PRC Organic Law of the Villagers’ Committees.

¹⁰³ “31 Provincial-Level [Organizations] Proactively Disclose 28,850,000 Government Information Items” [31 ge shengji zhudong gongkai zhengfu xinxi 2885 wan duo tiao], Legal Daily, reprinted in Xinhua, 1 March 12. According to the Xinhua article, authorities set up 100 county-level pilot projects experimenting with electronic access to open government affairs and government services. In addition, authorities further emphasized the construction of mechanisms to combine open government affairs and government services by continuing to build administrative service centers across the country at all levels. As of the end of 2011, authorities at provincial-level administrative areas had built 2,912 service centers; at the county level, they had built 2,534 centers; and at the township and street levels, they had built 30,377 centers. The story below points out, however, that in some cases, basic information about these centers and their services, such as their addresses, was not publicized. Wan Jing, “Survey Reveals: Administrative Examination and Approval in Nearly 70% of Government Departments Not Transparent” [Diaocha xianshi: jin qicheng zhengfu bumen xingzheng shenpi bu touming], Legal Daily, 20 February 12.

¹⁰⁴ “Wen Jiabao Chairs Opening of State Council Standing Committee Meeting” [Wen jiabao zhuchi zhaokai guowuyuan changwu huiyi], Xinhua, 18 April 12. In April, the State Council Standing Committee reiterated that disclosure of information should be a basic principle.

¹⁰⁵ Ren Hang, “2011 Political Circle Corruption: Breakthroughs and Prospects” [2011 Zhengtan fanfu: tupo yu zhanwang], People’s Forum Political Forum Bi-Weekly, reprinted in Study Times, 7 February 12. Measures to improve the transparency of Party affairs included county Party committee transparency trial pilot projects in each provincial-level area. Several provincial and city governments instituted measures to improve open government affairs and transparency at lower administrative levels. Liu Changjian, “Our Province Plans Legislation To Establish Village Affairs Supervisory Organizations” [Wosheng ni lifa jian cunwu jiandu jigou], Hebei Daily, 26 July 11 (Open Source Center, 26 July 11); Tang Qianhao, Ministry of Supervision, “Guangxi Deepens Open Government Affairs and Elevates Grassroots Government Services” [Guangxi shenhua zhengwu gongkai tisheng jiceng fuwu shuiping], 27 July 11; “1,518 Towns and Villages in Jiangxi Province Practice Disclosure of Government Affairs” [Jiangxisheng 1,518 ge xiangzhen quanbu shixing zhengwu gongkai], Jiangxi Daily, reprinted in People’s Daily, 18 May 11; Xuan Wanming, “Village Affairs ‘Basking in the Light,’ ‘Household Property’ Known for Thousands of Kilometers” [Wangshang “shai” cunwu qianli zhi “jiadi”], Anhui Daily, reprinted in Anhui News, 19 August 11.

¹⁰⁶ “31 Provincial-Level [Organizations] Proactively Disclose 28,850,000 Government Information Items” [31 ge shengji zhudong gongkai zhengfu xinxi 2885 wan duo tiao], Legal Daily, reprinted in Xinhua, 1 March 12.

¹⁰⁷ Ibid.

¹⁰⁸ “Supreme Court Presiding Judge: Half of All Publicized Lawsuit Cases Refused at Courts’ Door” [Zuigao fatingzhang: banshu xinxi gongkai susong’an bei fayuan ju zhi menwai], China Youth Daily, reprinted in Legal Daily, 28 November 11. When authorities released the measure

for public comment, they reportedly received “several hundred” responses. The China Youth Daily article reported that many of the responses included questions regarding proposed Article 11, which outlined conditions under which information should not be disclosed.

¹⁰⁹Ibid. The measure is titled “Provisions Regarding Certain Questions in Trying Open Government Information Cases.”

¹¹⁰Lin Yunshi, “Wen Jiabao: All Provincial-Level Governments To Disclose Official Information in ‘Three Areas’ Within Two Years” [Wen jiabao: shengji zhengfu liangnian nei quanmian gongkai “sangong”], Caixin, 18 April 12.

¹¹¹Office of the State Council, Circular Regarding the Distribution of the 2012 Open Government Information Key Work Plan [2012 zhengfu xinxi gongkai zhongdian gongzuo anpai], 28 April 12.

¹¹²US-China Business Council, “China Regulatory Transparency Scorecard,” updated April 2012, 3.

¹¹³Ibid., 4. The report measures rules and regulations in two ways using a narrow and a broad definition. Under the narrow definition, the State Council published 120 (73 percent) out of 164 documents on its Web site. Authorities posted an additional 16 documents (10 percent) on various other ministry Web sites. Less than half (77 documents) posted on these Web sites were posted for the full 30-day period. Under the broad definition, the State Council published 50 percent of documents (130 out of 259) on a designated State Council Legislative Affairs Office Web site and an additional 12 percent (31 more documents) on various ministry Web sites. More than half of those posted were posted for the full 30 days (87 out of 161). These figures are an improvement over the last reporting period. More detailed information on compliance during the previous US-China Business Council reporting period may be found in the US-China Business Council, “PRC Transparency Tracking,” updated April 2011.

¹¹⁴Wan Jing, “China’s Open Government Information Annual Report (2011) Issued” [“Zhongguo zhengfu toumingdu niandu baogao (2011)” fabu], Legal Daily, 20 February 12. According to the Legal Daily article, the report titled “Annual Report on Chinese Government Transparency (2011)” (Zhongguo zhengfu toumingdu niandu baogao (2011)) features results from surveys sent to 59 national State Council departments, 26 provincial government departments, and 43 large city government departments.

¹¹⁵Ibid.

¹¹⁶Wan Jing, “Survey Reveals: Formulation Processes for Over 50% of Ministry and Commission Provisions Not Transparent” [Diaocha xianshi: chao 5 cheng buwei guifanxing wenjian zhiding guocheng bu touming], Legal Daily, 20 February 12. The CASS report also found that the information provided regarding regulatory documents was not up to date.

¹¹⁷Zhao Yanan, “Govt Bodies Flunk ‘Transparency’ Test,” China Daily, 29 September 11. According to the China Daily article, the Peking University’s Center for Public Participation Studies and Supports issued the report based on a survey of 200 government departments based on 2010 information. The report also found that better information disclosure continued to be associated with higher levels of economic development.

¹¹⁸Zhang Lujing, “Tsinghua Issued Report Saying Only 7 Out of 81 City Governments Met Financial Transparency Requirements” [Qinghua fabu baogao cheng 81 ge shi zhengfu caizheng toumingdu jin 7 ge jige], China Economic Weekly, reprinted in Phoenix Net, 12 June 12.

¹¹⁹Center for Public Participation Studies and Supports, Peking University, “China Government Transparency Watch,” Vol. 2, 29 February 12, 7; Ng Tze-wei, “Court Websites Fail Transparency Test,” South China Morning Post, 1 March 12. According to the South China Morning Post, the study reportedly examined Web site transparency related to the following issues: The staff and administrative structure of the court, litigation guidelines, news about trials and court judgments, judgment enforcement actions, and general information about the court’s work. According to the same article, 26 provincial-level higher court and 43 city-level intermediate court Web sites “lagged” behind government department Web sites. “The study reportedly found that only 1/5 of the courts disclosed information on enforcement actions or provided information about court judgments.”

¹²⁰Wan Jing, “China’s Open Government Information Annual Report (2011) Issued” [“Zhongguo zhengfu toumingdu niandu baogao (2011)” fabu], Legal Daily, 20 February 12.

¹²¹Liao Shuinan, “How Many ‘Internal Documents’ Will Never See the Light?” [You duoxiao “neibu wenjian” buneng jianguang], Shenzhen Commercial News, 6 January 12.

¹²²Lei Cheng, “An Environmental Organization Open Information Request Regarding Financials for Yunnan Company Involved in Cadmium Pollution Refused” [Huanbao zuzhi shenqing gongkai yunnan ge wuran qiye rongzi xinxi bei ju], China Youth Daily, 17 February 12. According to this article, two government organizations and a bank refused to grant the OGI request filed by an environmental group about lending to the company linked to the dumping case.

¹²³Yao Jianli, “Report Finds That the Degree of Governmental Financial Transparency Depends a Great Deal on Promotional Efforts of Higher Level Governments” [Baogao renwei caizheng toumingdu gaodi henda chengdushang qujue yu shangji zhengfu tuidong lidu], 21st Century Business Herald, 30 May 12.

¹²⁴Lei Cheng, “An Environmental Organization Open Information Request Regarding Financials for Yunnan Company Involved in Cadmium Pollution Refused” [Huanbao zuzhi shenqing gongkai yunnan ge wuran qiye rongzi xinxi bei ju], China Youth Daily, 17 February 12.

¹²⁵Wan Jing, “China’s Open Government Information Annual Report (2011) Issued” [“Zhongguo zhengfu toumingdu niandu baogao (2011)” fabu], Legal Daily, 20 February 12.

¹²⁶Chinese Human Rights Defenders, “Public Government Information Considered Irrelevant, Nantong City Planning Department Loses First Trial Case” [Zhengfu xinxi gongkai wen buduiti, nantongshi gui huaju yishen baisu], 16 December 11. In this example, in December the Chongchuan District People’s Intermediate Court in Nantong city, Jiangsu province, ruled in favor of resident Hu Suixiang, who filed an open government information request about land development plans and approvals to the city planning bureau, which denied his request.

¹²⁷Will Clem, "Open Information Law Will Be Overhauled, Judge Says," South China Morning Post, 29 November 11. Courts reportedly "refused to handle" 30 percent of the cases and just turned down others before they got to court.

¹²⁸Wen Jiabao, "Make Authority Operate in the Light" [Rang quanli zai yangguang xia yunxing], Seeking Truth, 16 April 12, 3. Wen Jiabao noted that, to improve governance, local officials should not use "red letter documents" (local official documents) to impose additional responsibilities or duties on citizens, enterprises, or other social groups not included in national laws.

¹²⁹"Survey Regarding Village Collective 'Three Resources' Management" [Guanyu nongcun jiti "sanzi" guanli de diaoyan], China Discipline Inspection Press, 26 September 11 (Open Source Center, 13 December 11). According to the China Discipline Inspection Press article, Sichuan provincial authorities conducted surveys of village finances and collectively owned funds and resources and made suggestions about how to introduce more financial accountability. "Jiangxi: Carry Out Village Committee Members' End-of-Term Economic Responsibility Audits" [Jiangxi: cunweihui chengyuan renqi liren tuixing jingji zeren shenji], People's Daily, 10 October 11 (Open Source Center, 13 December 11); Mai Zhengwei, "Conduct Economic Responsibility Audits of Outgoing Village (Residents') Committee Members" [Dui cun (ju) weihui chengyuan jinxing liren jingji zeren shenji], Tibet Daily, 9 October 11 (Open Source Center, 13 December 11). According to the People's Daily and Tibet Daily articles, at least two provinces introduced mid-and end-of-term auditing practices for officials to evaluate an official's management of village finances and transparency of village affairs. Zhu Zhang'an, "Hengshan 'Village Officials' Compete To Fulfill Election Promises" [Hengshan "cunguan" jingxiang duixian jingxuan chengnuo], Hunan Daily, 16 August 11. In several locations, authorities established "top-down" mechanisms to supervise and evaluate village Party and village committee candidate election pledges.

¹³⁰"There Is a Chance That Administrative Procedure Law Revisions Will Be Included in Next Year's Legislative Plan" [Xingzheng susongfa xiugai youwang lieru mingnian lifa jihua], Xinhua, reprinted in China News Net, 31 December 11.

¹³¹PRC Administrative Procedure Law [Zhonghua renmin gongheguo xingzheng susong fa], adopted 4 April 89, effective 1 October 90, art. 2; Zhang Wei, "Scholar Says Administrative Procedure Lawsuits Scope Too Narrow, Needs Substantial Revision" [Xuezhe cheng xingzheng susongfa shouan fanwei guozhai xuyao dafudu xiugai], Legal Daily, reprinted in China News Net, 4 May 11; Jiang Ming'an, "Commentary Analyzing Six Major Unresolved Problems in Administrative Procedure Law Revisions" [Pinglun xi xingzheng susongfa xiugai liu da nanti daijie], Legal Daily, reprinted in China News Net, 30 November 11.

¹³²"China To Address Social Problems in Rural Areas," Xinhua, 28 February 12.

¹³³Michael Wines, "A Village in Revolt Could Be a Harbinger for China," New York Times, 25 December 11.

¹³⁴"Pay Attention to Grassroots Governance: Move Away From Errors of 'Selective Governance'" [Guanzhu jiceng zhili: zouchu "xuanzexing zhili" wuqu], Xinhua, 27 October 11.

¹³⁵Human Rights Watch, "Beat Him, Take Everything Away: Abuses by China's Chengguan Para-Police," 23 May 12, 2.

¹³⁶Ibid., 2, 4.

¹³⁷Ibid., 9, 41–43.

¹³⁸"Newspaper Lashes Out at Political 'Falsehoods,'" Xinhua, 13 February 12.

¹³⁹Communist Party Central Committee General Affairs Office, Party and Government Leading Cadres Selection and Appointment Work Responsibility Investigation Measure (Provisional) [Dangzheng lingdao ganbu xuanbo renyong gongzuo zeren zhuijiu banfa (shixing)], issued 31 March 10; Office of the Party Central Committee, Office of the State Council, Provisional Measure Regarding Carrying Out Party and Government Leading Cadre Accountability [Guanyu shixing dangzheng lingdao ganbu wenze de zhanxing guiding], issued and effective 12 July 09, art. 10. The measure indicates that a dismissed Party or government leading cadre cannot resume a post with the equivalent of his former duties for a period of one year. It does not indicate if or when a dismissed official may assume a different post with different duties.

¹⁴⁰Chen Xiao, "Scholars Claim Almost 100% of Officials Held Accountable Resume Office, Seems Like Removed Officials Are on Paid Leave" [Xuezhe cheng wenti guanyuan jihu 100% fuchu mianzhi ru tong daixin xiujia], Legal Daily, 14 December 11; "Why Can't Investigations of Officials 'Get to the Bottom?' Improve Official Responsibility System" [Weihe guanyuan zhuize "bujian" wanshan dui guanyuan de zhuize zhidu], Southern Metropolitan Daily, 30 December 11. According to the Southern Metropolitan Daily article, the scope of the responsibility system is not wide enough to be able to take action against officials who direct a lower level official to take the fall for them with the promise of a higher level position at a later time. "Officials Removed From Posts Resume Duties: Accountability Should Not Be 'Facetious Forthrightness'" ["Mianzhi guanyuan fuchu" wenze bu yao "wei haoshuang"], China Youth Daily, 7 December 11; "Several Officials Who Are Held Accountable and Punished for the Sanlu Incident Resume Duties or Are Promoted" [Duo ming yin sanlu shijian shouchu guanyuan fuchu huo bei tibo], Chongqing Evening News, reprinted in People's Daily, 28 December 09; "Revelation: Official Accountability Is Not 'On Leave Treatment'" [Qiyue: guanyuan wenze bushi "xiujiashi zhiliao"], Economic Monitor Net, 11 February 12; "Luoyang Environmental Official Removed From Post Because of Pollution Incident Resumes Office Within Two Months" [Luoyang huanbao guanyuan yin wuran shijian ting zhi bu zu liang yue fuchu], Dahe Net, 16 February 12; "Officials Who Are Held Accountable and Then Resume Their Duties Generate Debate" [Bei wenze guanyuan fuchu yinfa zhengyi], Sichuan Legal Bulletin, 11 December 11. "Incidents in Which Officials Were Found Accountable and Then Quietly Resumed Office Have Occurred One After Another, Scholars Say It Is Harmful to Popular Sentiment" [Wenze guanyuan xiaoran fuchu shijian pinfa xuezhe cheng shangle minxin], Zhejiang Daily, reprinted in China News Net, 5 January 12.

¹⁴¹Chen Xiao, "Scholars Claim Almost 100% of Officials Held Accountable Resume Office, Seems Like Removed Officials Are on Paid Leave" [Xuezhe cheng wenti guanyuan jihu 100% fuchu mianzhi ru tong daixin xiujia], Legal Daily, 14 December 11. The Legal Daily article ar-

gues there are no clear criteria stipulating when a dismissed official may resume duties in the civil service.

¹⁴² Ibid.: “Officials Removed From Posts Resume Duties: Accountability Should Not Be ‘Face-tious Forthrightness’” [“Mianzhi guanyuan fuchu” wenzhe bu yao “wei haoshuang”], *China Youth Daily*, 7 December 11; “Unscathed by Scandals, Official Promoted,” *Caixin*, 18 April 12. According to the *Caixin* article, in one case, a citizen noted that Meng Xuenong, who was dismissed first for his role in the coverup of the 2003 SARS epidemic and a second time for covering up news of mudslides in Shanxi in 2008, obtained a position on a committee under the Party Central Committee that is responsible for the management of Party officials and grassroots organizations nationally. Also see, e.g., “Several Officials Who Are Held Accountable and Punished for the Sanlu Incident Resume Duties or Are Promoted” [Duo ming yin sanlu shijian shouchu guanyuan fuchu huo bei tibo], *Chongqing Evening News*, reprinted in *People’s Daily*, 28 December 09; “Luoyang Environmental Official Removed From Post Because of Pollution Incident Resumes Office Within Two Months” [Luoyang huanbao guanyuan yin wuran shijian ting zhi bu zu liang yue fuchu], *Dahe Net*, 16 February 12; “Officials Who Are Held Accountable and Then Resume Their Duties Generate Debate” [Bei wenzhe guanyuan fuchu yinfa zhengyi], *Sichuan Legal Bulletin*, 11 December 11; “Incidents in Which Officials Were Found Accountable and Then Quietly Resumed Office Have Occurred One After Another, Scholars Say It Is Harmful to Popular Sentiment” [Wenzhe guanyuan xiaoran fuchu shijian pinfa xuezhe cheng shangle minxin], *Zhejiang Daily*, reprinted in *China News Net*, 5 January 12.

¹⁴³ “First Instance Verdict Announced in Case of Wang Lijun Bending the Law for Selfish Ends, Defecting, Abusing One’s Power, and Accepting Bribes” [Wang lijun xunsi wangfa, pantao, lanyong zhiquan, shouhui an yishen xuanpan], *Xinhua*, 24 September 12.

¹⁴⁴ “In Accordance With the Law Wang Lijun Indicted for Bending the Law for Selfish Ends, Defection, Abuse of Power, and Accepting Bribes” [Wang lijun xunsiwangfa, pantao, lanyong zhiquan shouhui an yifa tiqi gongsu], *Xinhua*, 5 September 12; Jeremy Page, “Police Chief in Bo Scandal Faces Charges in Chengdu,” *Wall Street Journal*, 6 September 12; Ian Johnson and Jonathan Ansfield, “Key Figure in Scandal That Felled Bo Xilai Is Charged,” *New York Times*, 6 September 12.

¹⁴⁵ “The Dignity of the Law Cannot Be Easily Trampled—Eyewitness Account of the Trial of Bogu Kailai and Zhang Xiaojun for Suspected Intentional Homicide” [Falü de zunyan burong jianta—bogu kailai, zhang xiaojun shexian guyi sharen an tingshen jishi], *Xinhua*, reprinted in *People’s Daily*, 10 August 12; “Bogu Kailai Sentenced to Death With Reprieve,” *China Daily*, 21 August 12. The *China Daily* article also contains information on the sentences of public security officers involved in covering up the case. Yuan Yuan, “A Gripping Murder Case: Bogu Kailai Confesses to Murder,” *Beijing Review*, 21 August 12.

¹⁴⁶ “Beijing Blocks Online Talk of Gu Case,” *Agence France-Presse*, reprinted in *South China Morning Post*, 27 July 12.

¹⁴⁷ Christina Larson, “China’s Fishy Show Trial,” *Foreign Policy*, 20 August 12; Yanzhong Huang, “Gu Kailai Trial: Drama Ended?” *Council on Foreign Relations*, 20 August 12; Andrew Jacobs, “China Defers Death Penalty for Disgraced Official’s Wife,” *New York Times*, 20 August 12. According to the *New York Times* article, Bogu’s family asserted authorities forced her to accept government-appointed lawyers.

¹⁴⁸ Christina Larson, “China’s Fishy Show Trial,” *Foreign Policy*, 20 August 12; Ho Pin, “A Chinese Murder Mystery, Far From Solved,” *New York Times*, 15 August 12; Yanzhong Huang, “Gu Kailai Trial: Drama Ended?” *Council on Foreign Relations*, 20 August 12; “Chinese Politics on Trial,” *Wall Street Journal*, 20 August 12.

¹⁴⁹ Andrew Jacobs, “China Defers Death Penalty for Disgraced Official’s Wife,” *New York Times*, 20 August 12; Andrew Jacobs, “In China, Gu Kailai’s Reprieve Reinforces Cynicism,” *New York Times*, 20 August 12.

¹⁵⁰ “Chongqing Municipal Party Committee Alters Principal Comrade in Charge” [Chongqing shiwei zhuyao fuze tongzhi zhiwu tiaozheng], *Xinhua*, 15 March 12.

¹⁵¹ “Exclusive Release: Chinese Communist Party Central Authorities To Investigate Bo Xilai for Serious Discipline Violations” [Shouquan fabu: zhonggong zhongyang jue ding dui bo xilai tongzhi yanzhong weiji wenti li’an diaocha], *Xinhua*, 10 April 12.

¹⁵² “Chinese Communist Party Central Committee Decides To Expel Bo Xilai From the Party, Discharge Him From His Public Offices, and Take Disciplinary Action” [Zhonggong zhongyang jue ding jiyu bo xilai kaichu dangji, kaichu gongzhi chufen], *Xinhua*, 28 September 12. “Bo Xilai Expelled From CPC, Public Office,” *Xinhua*, 28 September 12. According to the *Xinhua* articles, authorities suspect that Bo abused his power in relation to the Wang Lijun and Bogu Kailai cases, used his office to profit others, accepted bribes, “violated organizational and personal discipline,” and had “improper sexual relationships” with women, among other crimes.

¹⁵³ “Firmly Uphold Correct Decision of the Party Central Committee” [Jianjue yonghu dang zhongyang de zhengque jue ding], *Xinhua*, reprinted in *Sina*, 11 April 12; “Rule of Law, Purity of Party Highlighted in Handling Bo’s Case,” *Xinhua*, 16 April 12.

¹⁵⁴ “People’s Daily Commentator: Firmly Uphold Correct Decision of the Party Central Committee” [Renmin ribao pinglunyan: jianjue yonghu dang zhongyang de zhengque jue ding], *People’s Daily*, 11 April 12; “Chongqing Residents From All Walks of Life Firmly Support the Decision of the Central Party” [Chongqing gejie biaooshi jianjue yonghu dang zhongyang zhengque jue ding], *Xinhua*, reprinted in *Caijing*, 11 April 12; “Cadres and the Public Across the Country Believe the Central Decision Reflects Strict Administration of the Party and Firm Determination To Adhere to Rule of Law” [Gedi ganbu chunzhong renwei, zhongyang jue ding tixianle cong yan zhidang, yi fazhi guo de jue ding jue xin], *Caixin*, 11 April 12.

¹⁵⁵ “People’s Daily Calls for Stability After Bo’s Case Exposed,” *Xinhua*, 12 April 12; Teddy Ng, “PLA Is Target of Bo Media Blitz,” *South China Morning Post*, 17 April 12; “Be Highly Conscious of Political Discussion and Consider Overall Observance of Discipline” [Gaodu zijuede jiangzhengzhi gu daju shou jilu], *People’s Liberation Army Daily*, reprinted in *People’s Daily*, 27 March 12.

¹⁵⁶Wen Jiabao, “Make Authority Operate in the Light” [Rang quanli zai yangguang xia yunxing], Seeking Truth, 16 April 12.

¹⁵⁷“Premier Wen Promises Improved Administrative Transparency,” Xinhua, 26 March 12.

¹⁵⁸Wen Jiabao, “Make Authority Operate in the Light” [Rang quanli zai yangguang xia yunxing], Seeking Truth, 16 April 12.

¹⁵⁹“A Number of Provinces Establish Corruption Prevention Bureaus; Anticorruption Legislation Has Become a Priority in China” [Duo sheng chengli yufang fubai ju zhongguo fanfu lifa yicheng dangwu zhiji], Southern Metropolitan Daily, reprinted in Xinhua, 11 October 11.

¹⁶⁰“China Launches Anti-Corruption Campaign Targeting Rural Development,” Xinhua, 22 February 12.

¹⁶¹Becky Koblitz and James M. Zimmerman, “China Corruption & White Collar Crimes Watch: China Strengthens Supervision Over Civil Servants,” Martindale, 8 March 12.

¹⁶²“‘Citizen Watch’ Founder Guo Yongfeng Without Freedom After Release” [“Gongmin jianzheng” faqizhe guo yongfeng huoshi hou reng wu ziyou], Deutsche Welle, 5 September 11; Chinese Human Rights Defenders, “Shenzhen Dissident Guo Yongfeng Is Harassed and Threatened by National Security Forces” [Shenzhen yijian renshi guo yongfeng bei guobao saorao weixie], 17 January 12.

¹⁶³Chinese Human Rights Defenders, “China Human Rights Briefing June 12–19, 2012,” 20 June 12.

¹⁶⁴Tibetan Centre for Human Rights and Democracy, “Tibetans Beaten, Arrested for Protesting Official Corruption,” 17 April 12. “Villagers Attacked for Protesting Graft,” Radio Free Asia, 17 April 12.

¹⁶⁵“Sichuan Officials Suspected of Gobbling Up Relief Donations Trigger Demonstration by Nearly 1,000 People” [Sichuan guanyuan yi tun shankuan yinfa jin qian ren shiwei], Radio Free Asia, 26 April 12.

¹⁶⁶David Bandurski, “No Power for Media, No Power for Citizens,” China Media Project, 3 July 12.

Notes to Section III—Commercial Rule of Law

¹ China became a member of the World Trade Organization (WTO) on December 11, 2001. A list of members and their dates of membership is available on the WTO Web site.

² A complete and up-to-date compilation of information on China's participation in the World Trade Organization (WTO), including principal accession documents (Working Party Report, Protocol of Accession, General Counsel decision), schedules, trade policy reviews, and dispute case documents can be found on the WTO Web site. China's commitments are outlined in these documents, as well as in those WTO agreements that are applicable to all members, such as the General Agreement on Tariffs and Trade (GATT 1947) and the Trade-Related Aspects of Intellectual Property Rights (TRIPS).

³ WTO: Will China Keep Its Promises? Can It? Hearing of the Congressional-Executive Commission on China, 6 June 02, Testimony of Grant D. Aldonas, Under Secretary of Commerce for International Trade.

⁴ Doug Palmer, "China Drift Toward More State Control 'Troubling': U.S.," Reuters, 30 November 11; Stanley Lubman, "China's State Capitalism: The Real World Implications," Wall Street Journal, 1 March 12.

⁵ Office of the United States Trade Representative, "2011 Report to Congress on China's WTO Compliance," December 2011, 2.

⁶ *Ibid.*, 60–61.

⁷ *Ibid.*, 61, citing State Council, Guiding Opinions on Promoting the Adjustment of State-Owned Assets and Restructuring of State-Owned Enterprises. State Council Guiding Opinions on Promoting the Adjustment of State-Owned Assets and Restructuring of State-Owned Enterprises [Guanyu tuijin guoyou ziben tiaozheng he guoyou qiye chongzu de zhidao yijian], issued 5 December 06. For information on the seven strategic sectors, see also, "China Defines Key National Economic Sectors," Xinhua, reprinted in PRC Central People's Government, 18 December 06.

⁸ Derek Scissors, Heritage Foundation, "The Facts About China's Currency, Chinese Subsidies, and American Jobs," 4 October 11.

⁹ Office of the United States Trade Representative, "2011 Report to Congress on China's WTO Compliance," December 2011, 2.

¹⁰ U.S. Department of Commerce, "22nd U.S.-China Joint Commission on Commerce and Trade Fact Sheet," 21 November 11. "Strategic, newly-emerging industries" include "high-end equipment manufacturing, energy-saving and environmentally-friendly technologies, biotechnologies, new generation information technologies, alternative energy, advanced materials and new energy vehicles."

¹¹ World Trade Organization, Report of the Working Party on the Accession of China, WT/ACC.CHN/49, 1 October 01, para. 46.

¹² Office of the United States Trade Representative, "2011 Report to Congress on China's WTO Compliance," December 2011, 60.

¹³ World Bank and State Council Development Research Center, "China 2030: Building a Modern, Harmonious, and Creative High-Income Society," World Bank (2012), xv.

¹⁴ "Shattering the Facade," Economist, 14 April 12.

¹⁵ See, e.g., Office of the United States Trade Representative, "2011 Report to Congress on China's WTO Compliance," December 2011, 60, for a discussion of China's WTO obligations and the Chinese government's intervention in the activities of the state-owned and state-invested enterprises.

¹⁶ World Bank and State Council Development Research Center, "China 2030: Building a Modern, Harmonious, and Creative High-Income Society," World Bank (2012), xv.

¹⁷ *Ibid.*, xvi, 27.

¹⁸ Gao Liang, "Confidently Have Larger and Stronger SOEs" [Lizhi qi zhuang de zuoda zuoqiang guoyou qiye], Red Flag, 26 March 12; Qian Jin, "The Key to Reform Is To Distinguish State-Owned Enterprises From Public Enterprises" [Gai ge de guanjian shi qufen guoyou qiye yu gongying qiye], Seeking Truth, 30 March 12. See also "Establish a Modern State-Owned Enterprise System With Chinese Characteristics" [Goujian zhongguo tese xiandai guoyou qiye zhidu], Study Times, 26 March 12.

¹⁹ Teddy Ng, "Push To Privatise SOEs 'a Foreign Plot,'" South China Morning Post, 11 April 12.

²⁰ See, e.g., Mark MacKinnon, "Bo's Fall a Victory for China's Reformers," Globe and Mail, 21 April 12.

²¹ "Authorized Release: CPC Central Committee To File Case To Investigate the Issue of Comrade Bo Xilai's Serious Violations" [Shouquan fabu: zhonggong zhongyang jue ding dui bo xilai tongzhi yanzhong weiji wenti li'an diaocha], Xinhua, 10 April 12.

²² "Shattering the Facade," Economist, 14 April 12. See also Evan Osnos, "China's Crisis," New Yorker, 30 April 12.

²³ State Council, Several Opinions To Encourage and Guide the Healthy Development of Private Investment [Guowuyuan guanyu guli he yindao minjian touzi jiankang fazhan de ruogan yijian], 7 May 10. See also State Council General Office, Circular on the Division of Work on Important Tasks in Encouraging and Guiding the Healthy Development of Private Investment [Guowuyuan bangongting guanyu guli he yindao minjian touzi jiankang fazhan zhongdian gongzuo fengong de tongzhi], 22 July 10.

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³⁷ American Chamber of Commerce in China, *American Business in China 2012 White Paper* (2012), 10.

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⁸²See, e.g., PRC Constitution, enacted and effective 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 quyü zizhifa], issued 31 May 84, effective 1 October 84, amended 28 February 01, art. 9; PRC Labor Law [Zhonghua renmin gongheguo laodongfa], issued 5 July 94, effective 1 January 95, art. 12; PRC Employment Promotion Law [Zhonghua renmin gongheguo juyue cunjifa], 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, 3; Kashgar Job Recruitment Net, “Kashgar Minxin Supermarket/Cashiers” [Kashi minxin chaoshi/shouyinyuan], 22 May 12; Xinjiang Meizhoutuo Investment Company, “Xinjiang Meizhoutuo Investment Company Seeks Cashiers (Urgent)” [Xinjiang meizhoutuo touzi guanli gongsi zhaopin shouyinyuan (jipin)], reprinted in 01hr.com, 16 July 12; Xinjiang University College of Humanities, “Xinjiang Changji Vocational and Technical College 2012 Personnel Recruitment Notice” [Xinjiang changji zhiye jishu xueyuan 2012 nian rencai zhaopin qishi], 15 March 12; “Table for 2012 Xinjiang Civil Servant Posts” [2012 xinjiang gongwuyuan luyong zhiwei biao], reprinted in Baidu, 4 June 12 (Baidu does not identify the source of the table). 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.

⁸³Wang Xiaojuan, “Xinjiang Formally Implements ‘Employment Promotion Law’ Measures” [Xinjiang shishi ‘juyue cunjifa’ banfa zhengshi shishi], Xinjiang Net, reprinted in Xinjiang Education Information Net, 8 February 12; Yunshui Chanxin, “XUAR To Implement the Employment Promotion Law To Stabilize People’s Livelihood” [Xinjiang weiwuer zizhiqi shishi juyue cunjifa wengü minsheng zhi ben], Tianshan Net, reprinted in Xinhua, 9 March 12. For the text of the law, see Measures for the XUAR To Implement the National Employment Promotion Law [Xinjiang weiwuer zizhiqi shishi zhonghua renmin gongheguo juyue cunjifa banfa], passed 1 December 11, effective 1 February 12. For earlier state media reporting on the draft version of the measures, see Pan Congwu, “Employing Units Must Not Stipulate Discriminatory Hiring Conditions” [Yongren danwei bude guiding juyue qishixing tiaojian], Legal Daily, 9 October 11.

⁸⁴See, e.g., PRC Employment Law [Zhonghua renmin gongheguo juyue cunjifa], issued 30 August 07, effective 1 January 08, and analysis in “Xinjiang Draft Legal Measures Promote Hiring Ethnic Minorities, Against Track Record of Employment Discrimination,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 4.

⁸⁵For a description of the draft measures, see Pan Congwu, “Employing Units Must Not Stipulate Discriminatory Hiring Conditions” [Yongren danwei bude guiding juyue qishixing tiaojian], Legal Daily, 9 October 11. For comparison with the PRC Employment Promotion Law, see, e.g., PRC Employment Law [Zhonghua renmin gongheguo juyue cunjifa], issued 30 August 07, effective 1 January 08, arts. 3, 26, 28, as well as analysis in “Xinjiang Draft Legal Measures Promote Hiring Ethnic Minorities, Against Track Record of Employment Discrimination,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 4.

⁸⁶For information on discriminatory hiring practices in past years and applicable laws in this area, see, e.g., CECC, 2011 Annual Report, 10 October 11, 203–4, and 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, 11 March 09, 3.

⁸⁷See, e.g., “Estimate of the Number of Those Employed Through Transfer of Rural Excess Labor Force in Xinjiang Reaches 2.2 Million” [Xinjiang nongye fuyu laodongli zhuanyi juyue renshu yuji dadao 220 wan], Xinjiang Metropolitan News, reprinted in Xinhua, 9 December 11, for reference to this phrase.

⁸⁸“In 2011, Xinjiang Achieved the Transfer and Employment of 2.58 Million Rural Surplus Laborers” [2011 nian xinjiang shixian nongcun fuyu laodongli zhuanyi juyue 258 wan ren], Xinjiang Daily, reprinted in PRC Central People’s Government, 22 March 12; Chinese Communist Party Xinjiang Uyghur Autonomous Region Committee Agricultural Work Office, “200 Million Surplus Rural Laborers To Be Transferred by the XUAR This Year” [Jinnian zizhiqi jiang zhuanyi nongcun fuyu laodongli 200 wan ren], 22 March 12. A previous estimate of figures for 2011 included an estimation of 150,000 people from the region who had been transferred to jobs in other areas of China, out of a total of 2.2 million people transferred to jobs outside their immediate home area (see “Estimate of the Number of Those Employed Through Transfer of Rural Excess Labor Force Reaches 2.2 Million” [Xinjiang nongye fuyu laodongli zhuanyi juyue renshu yuji dadao 220 wan], Xinjiang Metropolitan News, reprinted in Xinhua, 9 December 11; Li Min, “2.2 Million Occurrences of Transfer of Rural Excess Labor Force in 2011 in Xinjiang” [2011 nian xinjiang zhuanyi nongcun fuyu laodongli 220 wan ren ci], Tianshan Net, 9 December 11. The central government figures issued in March did not provide this breakdown.

⁸⁹CECC, 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.

⁹⁰See, e.g., “Xinjiang Nileke Urges Transfer of Surplus Labor; Over 300 Workers Head Off for Work” [Xinjiang nileke licu fuyu laodongli zhuanyi juyue 300 yu ren waichu wugong],

Xinjiang News Net, reprinted in Ministry of Human Resources and Social Security, 17 July 12; Wu Yunhua, "Rural Labor Transfer Brings New Hope for Prosperity" [Laodongli zhuan yi da lai zhifu xin xiwang], Xinjiang Today, 14 May 12.

⁹¹For general background on the project, see "Demolition of Kashgar's Old City Draws Concerns Over Cultural Heritage Protection, Population Resettlement," CECC China Human Rights and Rule of Law Update, No. 3, 2009, 2. For more information on concerns regarding the resettlement of Old City residents and the project's impact on Uyghur cultural heritage, see Uyghur Human Rights Project, "Living on the Margins: The Chinese State's Demolition of Uyghur Communities," 2 April 12.

⁹²"In Kashgar Nearly 20,000 Households of Old City Residents Go Into New Homes" [Kashi shi jin liangwan hu laochengqu jumin hui qian xinju], Kashgar Daily, reprinted in Huaxia, 4 November 11.

⁹³Stefan Geens, "The Last Days of Old Kashgar—An Update," Ogleearth.com, 24 February 12.

⁹⁴"Chinese Western Border City Kashgar Has Cracked the World-Class Problem of the Transformation of the Old City" [Zhongguo xibu biancheng kashi pojie laocheng gaizao shijie ji nanti], Xinhua, 13 September 09.

⁹⁵See, 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).

⁹⁶Uyghur Human Rights Project, "Living on the Margins: The Chinese State's Demolition of Uyghur Communities," 2 April 12, 29–54.

⁹⁷Ye Xiaomin, "Xinjiang Peaceful Resident, Prosperous Citizen Project To Start in Late March" [Xinjiang anju fumin gongcheng 3 yuedi luxu kaigong], Tianshan Net, 2 March 12; Wang Yuanyuan, "By the End of the '12th Five-Year' Plan, Xinjiang Will Have Completed the Construction of 1.5 Million Peaceful Resident, Prosperous Citizen Houses" ["Shierwu" mo xinjiang jiang wancheng 150 wan hu anju fumin fang de jianshe], Xinjiang Net, reprinted in Xinhua, 2 March 12.

⁹⁸"Two More Uyghurs Get Life Sentences," Radio Free Asia, 27 January 12.

⁹⁹Ibid.

¹⁰⁰Zhou Yingfeng and Cui Qingxin, "Our Country Busts Major Terrorist Group Case, Details on Public Security Bureau Announcement" [Woguo pohuo zhongda kongbu zuzhi an gonganbu gongbu xiangqing], Xinhua, 24 June 10 (Open Source Center, 24 June 10).

¹⁰¹See CECC, 2010 Annual Report, 10 October 10, 212–13.

¹⁰²United Nations High Commissioner for Refugees, "The Exclusion Clauses: Guidelines on Their Application," December 1996, II(i)(10). See also Monette Zard, "Exclusion, Terrorism and the Refugee Convention," Forced Migration Review, June 2002; CECC, 2010 Annual Report, 10 October 10, 213.

¹⁰³Uyghur American Association, "Reports: Uyghur Asylum Seekers Deported From Cambodia Sentenced to Life, 17 Years in Prison," 26 January 12.

¹⁰⁴Ibid.

Notes to Section V—Tibet

¹Office 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) for the “ninth round of dialogue.”

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.”

³China Directory 2012, ed. Radiopress (Tokyo: JPM Corporation, Ltd., December 2011), 17.

⁴*Ibid.*, 27.

⁵“Official: Dalai Lama ‘Stubborn in Talks, Not True to His Word,’” People’s Daily, 26 March 09. 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.” “Press Conference on Central Govt’s Contacts With Dalai Lama (Text),” China Daily, 11 February 10. According to the article, Zhu Weiqun presided at the State Council Information Office press conference to provide a briefing on the January 2010 (ninth) round of dialogue. “Kalon Tripa Accepts Resignations of Special Envoy Lodi G. Gyari and Envoy Kelsang Gyaltzen,” Tibetan Government-in-Exile, 3 June 12. Without naming Zhu Weiqun, the article refers to him as “[o]ne of the key Chinese interlocutors in the dialogue process.”

⁶“Zhu Weiqun Talks About Dalai and Other Issues With EU Officials, Scholars, and Reporters” [Zhu weiqun yu oumeng guanyuan, xuezh, jizhe tan dalai deng wenti], China Tibet Online, 29 December 11 (translated in Open Source Center, 12 January 12). United Front Work Department Executive Deputy Head Zhu Weiqun told a gathering in Brussels that included European Union officials, “[We] want to talk about things like the Dalai Lama stopping all separatist and sabotage activities as well as recognizing Taiwan as part of China under the premise of satisfying the central government’s basic requirements on him, such as recognizing that Tibet has been an inalienable part of China since ancient times.”

⁷“Zhu Weiqun Talks About Dalai and Other Issues With EU Officials, Scholars, and Reporters” [Zhu weiqun yu oumeng guanyuan, xuezh, jizhe tan dalai deng wenti], China Tibet Online, 29 December 11 (translated in Open Source Center, 12 January 12); “State Council Information Office Holds News Conference on Contacts and Discussions Between Concerned Central Departments and the Dalai Lama’s Private Representatives,” Xinhua, 2 February 10 (translated in Open Source Center, 3 February 10) (Zhu stated that if the Dalai Lama fulfills preconditions, then Chinese officials can have a “discussion” about the Dalai Lama’s “personal future and the future of those around him”); “Press Conference on Central Govt’s Contacts With Dalai Lama (Text),” China Daily, 11 February 10 (referring to the Dalai Lama’s envoys, Zhu stated, “What they can do is to talk with us about things related to the future of the Dalai Lama and, at most, a small party around him, . . .”). For additional information on Communist Party preconditions on the Dalai Lama, see, e.g., “China Demands That the Dalai Lama Fulfill Additional Preconditions to Dialogue,” Congressional-Executive Commission on China, 30 July 08.

⁸Office of His Holiness the Dalai Lama, “Statement of His Holiness the Dalai Lama on the 52nd Anniversary of the Tibetan National Uprising Day,” 10 March 11. The Dalai Lama stated: “The Chinese government claims there is no problem in Tibet other than the personal privileges and status of the Dalai Lama. The reality is that the ongoing oppression of the Tibetan people has provoked widespread, deep resentment against current official policies.”

⁹For 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 TAPs (approximately 1.02 million square kilometers), and 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. 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. Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics, and Department of Economic Development, State Ethnic Affairs Commission, Tabulation on Nationalities of 2000 Population Census of China (Beijing: Ethnic Publishing House, September 2003), Tables 10–1, 10–4; 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.

¹⁰Office of the Spokesperson, U.S. Department of State, “Statement by Special Coordinator for Tibetan Issues Maria Otero,” 24 January 12. Under Secretary Otero also serves as the U.S. Special Coordinator for Tibetan Issues.

¹¹“Kalon Tripa Accepts Resignations of Special Envoy Lodi G. Gyari and Envoy Kelsang Gyaltzen,” Tibetan Government-in-Exile, 3 June 12. The article attributes the quoted remarks to the envoys’ resignation letter.

¹²Ibid. The article attributes the quoted remarks to the envoys’ resignation letter.

¹³For additional information and analysis on Tibetan self-immolation, see CECC, “Special Report: Tibetan Self-Immolation—Rising Frequency, Wider Spread, Greater Diversity,” 22 August 12.

¹⁴The Commission has not enumerated as a political, religious, or cultural protest the reported June 27, 2012, self-immolation of Dekyi Choezom in Yushu (Yulshul) Tibetan Autonomous Prefecture, Qinghai province. According to reports, she committed self-immolation to protest against property expropriation. See, e.g., “Tibetan Woman Sets Herself Afloat,” Radio Free Asia, 2 July 12. According to the report, a local resident, speaking on condition of anonymity, said, “She moved to the area a couple of years ago and the self-immolation was in protest against the confiscation of her residence.”

¹⁵For information on the self-immolations prior to December 2011, see CECC, “Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion,” 24 January 12. (There are two prefectural-level areas of ethnic Tibetan autonomy in Sichuan province: Ganzi (Kardze) Tibetan Autonomous Prefecture and Aba (Ngaba) Tibetan and Qiang AP. For a map and additional information on Tibetan autonomous prefectures, see CECC, “Special Topic Paper: Tibet 2008–2009,” 22 October 09, 22–24.)

¹⁶As of August 27, 2012, eight self-immolations took place in Qinghai province: International Campaign for Tibet, “Tibetan Self-Immolations Continue and Spread in Tibet Into 2012,” 9 January 12 (self-immolation in Dari (Darlag) county, Guoluo (Golog) TAP); “Tibetan Monk Self-Immolates in Yushu,” Voice of America, 10 February 12 (self-immolation in Chenduo (Tridu) county, Yushu (Yulshul) TAP); “Monk Burns To Protest Monastery Intrusion,” Radio Free Asia, 17 February 12 (self-immolation in Tianjun (Themchen) county, Haixi (Tsonub) Mongol and Tibetan Autonomous Prefecture); “Tibetan Monk Self-Immolates in Rebkong, Thousands Gather To Pray and Protest,” Voice of America, 14 March 12 (self-immolation in Rebgong (Tongren) county, Huangnan (Malho) TAP); “Farmer Dies in New Burning Protest,” Radio Free Asia, 17 March 12 (self-immolation in Tongren county, Huangnan TAP); International Campaign for Tibet, “Hundreds of Tibetans Face Down Police To Gather for Cremation of Tibetan Who Self-Immolated Today,” 15 June 12 (self-immolation in Jianzha (Chentsa) county, Huangnan TAP); “Two Tibetans Set Themselves on Fire in West China,” Associated Press, 21 June 12, reprinted in Huffington Post (two self-immolations in Chenduo county, Yushu TAP). (There are six prefectural-level areas of ethnic Tibetan autonomy in Qinghai province: Haibei (Tsojjang) Tibetan Autonomous Prefecture (TAP), Hainan (Tsolho) TAP, Haixi (Tsonub) Mongol and Tibetan AP, Huangnan (Malho) TAP, Guoluo (Golog) TAP, and Yushu (Yulshul) TAP. For a map and additional information on Tibetan autonomous prefectures, see CECC, “Special Topic Paper: Tibet 2008–2009,” 22 October 09, 22–24.) For additional information and analysis on Tibetan self-immolation, see CECC, “Special Report: Tibetan Self-Immolation—Rising Frequency, Wider Spread, Greater Diversity,” 22 August 12.

¹⁷As of August 27, 2012, two self-immolations took place in Gansu province: “Tibetan School Girl Dies in Self-Immolation Protest,” Voice of America, 5 March 12 (self-immolation in Maqu (Machu) county, Gannan (Kanlho) TAP); “Mother of Two Burns Herself and Dies in Eastern Tibet,” Voice of America, 7 August 12 (self-immolation in Hezuo (Tsoe) city, Gannan TAP). (There is one prefectural-level area of ethnic Tibetan autonomy in Gansu province: Gannan (Kanlho) Tibetan Autonomous Prefecture. For a map and additional information on Tibetan autonomous prefectures, see CECC, “Special Topic Paper: Tibet 2008–2009,” 22 October 09, 22–24.) For additional information and analysis on Tibetan self-immolation, see CECC, “Special Report: Tibetan Self-Immolation—Rising Frequency, Wider Spread, Greater Diversity,” 22 August 12.

¹⁸As of August 27, 2012, four self-immolations took place in the TAR: International Campaign for Tibet, “First Self-Immolation in Tibet Autonomous Region; Former Monk Sets Himself on Fire,” 1 December 11 (self-immolation in Changdu (Chamdo) county, Changdu prefecture); Tibetan Centre for Human Rights and Democracy, “China Confirms Twin Self-Immolation in Lhasa,” 28 May 12 (two self-immolations in Lhasa city, TAR). According to the TCHRD report, one of the May 27 Lhasa self-immolators (Dargye) hailed from Aba county, Aba T&QAP, Sichuan province; the other May 27 Lhasa self-immolator (Dorje Tseten) hailed from Xiahe (Sangchu) county, Gannan (Kanlho) TAP, Gansu province. Tibetan Centre for Human Rights and Democracy, “Tibetan Dies of Self-Immolation in Damshung,” 11 July 12 (self-immolation in Dangxiong (Damshung) county, Lhasa municipality). For additional information and analysis on Tibetan self-immolation, see CECC, “Special Report: Tibetan Self-Immolation—Rising Frequency, Wider Spread, Greater Diversity,” 22 August 12.

¹⁹For information on the crackdown at Kirti Monastery following monk Phuntsog’s self-immolation in February 2009, see “After Monk’s Suicide: Coerced Removal and ‘Education’ for Monks; Possible Murder Charges,” Congressional-Executive Commission on China, 17 August 11.

²⁰For reports characterizing self-immolators’ protests during the period beginning October 2011 (in chronological order according to the date of self-immolation), see, e.g., International Campaign for Tibet, “17 Year Old Tibetan Monk From Kirti Monastery Self-Immolates in New Protest,” 3 October 11 (Kalsang Wangchug “carried a photo of the Dalai Lama and was shouting slogans against the Chinese government”); “Two Tibetan Youths Self-Immolate,” Radio Free Asia, 7 October 11 (Choephel and Khayang shouted, “Tibet has no freedom,” and, “Invite the Dalai Lama back to Tibet”); “Teenager Torch Hisself in Protest,” Radio Free Asia, 15 October 11 (Norbu Dradul shouted, “Freedom for Tibet” and “Let the Dalai Lama Return to Tibet”); “Tibetan Woman Sets Herself on Fire,” Voice of America, 17 October 11 (Tenzin Wangmo “called

for the return of . . . the Dalai Lama and freedom for Tibet"); Sherab Wooser, "Fire Spreads in Tibet—Monk Self Immolates in Kardze," Phayul, 25 October 11 (Dawa Tsering "shouted slogans for the return of His Holiness the Dalai Lama . . . and the re-unification of the Tibetan people"); "Second Nun Dies in Protest," Radio Free Asia, 3 November 11 (Palden Choetso chanted "Free Tibet," "Long live His Holiness the Dalai Lama," and "Let His Holiness return to Tibet"); Tendar Tsering, "Tenzin Phuntsok Passes Away in Chinese Hospital, Wife Feared Arrested," Phayul, 9 December 11 (witnesses reportedly heard Tenzin Phuntsok "shouting freedom slogans"); "Tsultrim, Tenyi, and Norbu Damdul All Succumb to Injuries," Phayul, 10 January 12 (eyewitnesses reportedly heard Tennyi and Tsultrim shout slogans including, "We want the return of His Holiness the Dalai Lama to Tibet"); "Thousands Attend Sopa Rinpoche's Funeral; Protests Reported," Phayul, 17 January 12 (Zoepa reportedly shouted slogans "calling for Tibet's freedom and the long life of . . . the Dalai Lama"); International Campaign for Tibet, "New Information on Latest Self-Immolation, Tibetans Critically Injured by Police," 18 January 12 (Lobsang Jamyang called for "the long life of the Dalai Lama and for freedom in Tibet"); "Tibet in Flames: Rigzin Dorje Dies in Hospital, Lobsang Kunchok's Limbs Amputated," Phayul, 4 March 12 (Rigzin Dorje "set his body on fire raising slogans against the Chinese government"); "18-Year-Old Tibetan Nun Dies After Self-Immolation," Voice of America, 12 February 12 (Tenzin Choedron "shouted slogans against the Chinese government when [she] set herself ablaze"); "Another Tibetan Self-Immolation From Restive Ngaba," Voice of America, 13 February 12 (Lobsang Gyatso "shouted slogans against China when he set himself ablaze"); "Monk Burns To Protest Monastery Intrusion," Radio Free Asia, 17 February 12 (Damchoe Zangpo "had objected to the cancelling by Chinese authorities of a traditional prayer festival at the monastery and to the presence of Chinese security forces"); Tendar Tsering, "Monks Fleeing Monastery Fearing Persecution," Phayul, 24 February 12 (Nangdrol "called for freedom in Tibet and return of the Dalai Lama from exile"); "Tibetan School Girl Dies in Self-Immolation Protest," Voice of America, 5 March 12 (Tsering Kyi had told friends, "We should do something—life is meaningless if we don't do something for Tibet."); International Campaign for Tibet, "Tibetan Student and Widowed Mother Self-Immolate in Tibet," 5 March 12 (Rinchen shouted slogans including "Return His Holiness to Tibet" and "We need freedom"); "Tibet Continues To Burn: Third Self-Immolation in Three Days," Phayul, 5 March 12 (Dorje "raised slogans protesting the Chinese government's policies in Tibet"); Free Tibet, "Jamyang Palden," last visited 4 May 12 (Jamyang Palden shouted, "Let His Holiness return!" and, "Freedom for Tibet and the Tibetan language!"); "Monk Burns Himself Amid Mass Protests," Radio Free Asia, 16 March 12 (Lobsang Tsultrim shouted "slogans against Chinese rule"); Free Tibet, "Largest Protest in Living Memory in Rebkong After Father Sets Himself on Fire," 17 March 12 (Sonam Dargyal shouted, "Let His Holiness the Dalai Lama return to Tibet"); "Fire Rages on: Tibetan Monk Dies in Fiery Protest," Phayul, 29 March 12 (Sherab shouted "protests against Chinese government repression"); Tibetan Centre for Human Rights and Democracy, "Twin Self-Immolation in Barkham County," 30 March 12 (Tenpa Dargyal and Chime Palden "set themselves on fire while shouting slogans against the Chinese government"); Tendar Tsering, "Restore Freedom in Tibet' Demands Twin Self-Immolators in Last Message," Phayul, 24 April 12 (Choephag Kyab and Sonam reportedly left a voice message stating that their self-immolations were "for the protection of [Buddhism] in Tibet and for the 'restoration of Tibet's freedom'"); Tibetan Centre for Human Rights and Democracy, "Two Tibetan Youngsters Self-Immolate in Jyekundo, One Dies," 20 June 12 (sources: "The two youngsters were carrying Tibetan national flags and shouted slogans, calling for freedom in Tibet, return of [the Dalai Lama] and for the long life of [the Dalai Lama]"); Tibetan Centre for Human Rights and Democracy, "Tibetan Dies of Self-Immolation in Damshung," 11 July 12 (sources: Tsewang Dorje "walked some distance and called for the long life of [the Dalai Lama]"); "18-Year-Old Monk Sets Himself on Fire, Latest in Spate of Tibetan Self-Immolations," Voice of America, 17 July 12 (source: Lobsang Lozin "took up to 80 steps towards government buildings while still ablaze and shouted slogans"); "Self-Immolator Identified as Kirti Monk Lobsang Tsultrim," Phayul, 7 August 12 ("[with] flames leaping out of his body, [Lobsang Tsultrim] was heard raising slogans, but they were [unintelligible]"); "Mother of Two Burns Herself and Dies in Eastern Tibet," Voice of America, 7 August 12 (sources: Drolkar Tso "shouted slogans calling for freedom in Tibet and return of the [Dalai Lama]"); "Self-Immolator Choepa Passes Away," Phayul, 11 August 12 (sources: Choepa "while engulfed in high flames had raised slogans"); International Campaign for Tibet, "Local Tibetans Beaten Following Three More Self-Immolations in Tibet," 15 August 12 (sources: While burning, Lungtog and Tashi were "shouting protest slogans on the Ngaba street leading from Kirti monastery to the town"); "Two Ngaba Self-Immolators Succumb to Their Injuries," Voice of America, 27 August 12 (Lobsang Kalsang and Damchoe reportedly "shouted slogans against Chinese policies in Tibet while engulfed in flames").

²¹For Commission analysis of Chinese government regulatory intrusion upon Tibetan Buddhist affairs, see, e.g., 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; "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, 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 huofu zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07.

²²International Campaign for Tibet, "Where is China Heading on Tibet?—Remarks by Lodi Gyaltzen Gyari to the Council on Foreign Relations Washington, DC, April 23, 2012," 23 April 12. In prepared testimony, Lodi Gyari, Special Envoy of His Holiness the Dalai Lama, stated, "I am not here today to give you a report on my progress because there is nothing new to say

on that front.” Referring to the “volatile situation in Tibet,” he said, “The Chinese government’s failure to grasp the reality of this situation and to act responsibly is of serious concern to many governments.”

²³Gillian Wong, “Tibetan Immolations, Largely Unnoticed, Among History’s Biggest Waves of Suicide-by-Fire,” Associated Press, 2 April 12, reprinted in Star Tribune (“this is one of the biggest waves of self-immolation in the last six decades”); Michael Biggs, “Self-Immolation by Tibetans,” Oxford University Press blog, 9 April 12. According to the article, the only larger wave of self-immolations in “the last half century” was “in India in 1990, when over a hundred students killed themselves or attempted suicide to protest against affirmative action for lower castes.”

²⁴See, e.g., “Monks’ Radical Moves in Tibet Opposed,” Xinhua, 15 March 12 (remark attributed to Premier Wen Jiabao: “China opposes radical moves taken by a number of Tibetan monks such as self-immolation, as these actions disturb and undermine social harmony.”); “Zhu Weiqun Talks About Dalai and Other Issues With EU Officials, Scholars, and Reporters” [Zhu weiqun yu oumeng guanyuan, xuezh, jizhe tan dalai deng wenti], China Tibet Online, 29 December 11 (translated in Open Source Center, 12 January 12) (Zhu Weiqun: “The Dalai Lama wants to turn Tibetan Buddhism into a religion of suiciders and self-immolators”); “Investigations Show Political Motive Behind Self-Immolations in Tibetan-Populated Regions,” Xinhua, 7 March 12 (Wu Zegang, head of the Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture government: “[The Dalai Clique] . . . are leading Tibetan Buddhism onto the track of extremism . . . and are not hesitant to use terrorism to reach their objectives”). For additional information and analysis, see CECC, “Special Report: Tibetan Self-Immolation—Rising Frequency, Wider Spread, Greater Diversity,” 22 August 12.

²⁵See, e.g., “Religious Activities Remain Normal in Sichuan,” Xinhua, reprinted in China Daily, 12 October 11 (Foreign Ministry Spokesman Liu Weimin said, “the Dalai Clique’ . . . openly embellished and played [self-immolation] up, and spread rumors to incite [more self-immolations]”); “A Self-Immolation Incident Occurs in Sichuan’s Daofu County” [Sichuan daofu xian fasheng yiqi zifen shijian], Xinhua, 3 November 11 (translated in Open Source Center, 5 November 11) (according to “a county official,” “initial investigations . . . showed that the event was another radical event that took place with the Dalai clique’s orchestration, instigation and support”); “Zhu Weiqun Talks About Dalai and Other Issues With EU Officials, Scholars, and Reporters” [Zhu weiqun yu oumeng guanyuan, xuezh, jizhe tan dalai deng wenti], China Tibet Online, 29 December 11 (translated in Open Source Center, 12 January 12) (Zhu Weiqun: “The Dalai Lama wants to turn Tibetan Buddhism into a religion of suiciders and self-immolators in order to serve his own political purpose;”); “FM Warns US on Exploiting Tibet Issues,” China Daily, 12 January 12 (the article attributed to the MFA spokesperson the observation that self-immolations “were organized, premeditated and instigated by overseas groups and people”).

²⁶See, e.g., “Investigations Show Political Motive Behind Self-Immolations in Tibetan-Populated Regions,” Xinhua, 7 March 12 (Wu Zegang, head of the Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture government: “[The Dalai Clique instigates] people to emulate this behavior and are not hesitant to use terrorism to reach their objectives”); “A Self-Immolation Incident Occurs in Sichuan’s Daofu County” [Sichuan daofu xian fasheng yiqi zifen shijian], Xinhua, 3 November 11 (translated in Open Source Center, 5 November 11) (county official: The “Dalai Clique’s” intention is to “promote separatist activities through employing brutal and terrorist acts in disguise”); “China: Dalai Lama Stance on Suicides Is Terrorism,” Associated Press, 19 October 11, reprinted in Yahoo!.

²⁷See, e.g., “Investigations Show Political Motive Behind Self-Immolations in Tibetan-Populated Regions,” Xinhua, 7 March 12 (the head of the Aba T&QAP government described some self-immolators as “secularized monks with criminal records”); “Self-Immolation Truth,” Xinhua, 25 June 12, reprinted in China Internet Information Center (the article described two “secularized monks” who self-immolated on September 6, 2011, as thieves).

²⁸See, e.g., “Self-Immolation Truth,” Xinhua, 25 June 12, reprinted in China Internet Information Center (the article cited a psychologist stating that persons aged 18–22 are “most prone to copycat suicides”); “China Paints Self-Immolators as Distressed Criminals, Terrorists,” Voice of America, 7 March 12 (the head of the Aba T&QAP reportedly accused “the Dalai clique” and others of “inciting more clerics and lay people to engage in copycat incidents”).

²⁹China Directory 2012, ed. Radiopress (Tokyo: JPM Corporation, Ltd., December 2011, 17, 27). Zhu Weiqun is the Executive Deputy Head of the Party’s United Front Work Department and Director of the General Office of the Party’s Central Coordinating Group for Tibet Affairs.

³⁰“Zhu Weiqun Talks About Dalai and Other Issues With EU Officials, Scholars, and Reporters” [Zhu weiqun yu oumeng guanyuan, xuezh, jizhe tan dalai deng wenti], China Tibet Online, 29 December 11 (translated in Open Source Center, 12 January 12).

³¹See, e.g., “Xinhua Insight: Who Can Put an End to Self-Immolation Tragedy?” Xinhua, 22 June 12 (Open Source Center, 22 June 12) (reports Tabe is “undergoing functional rehabilitation in a private hospital room suite” but does not identify the hospital); “Tibetan Monk Admits Spreading Shooting Rumors,” Xinhua, reprinted in China Daily, 5 March 09; Tendar Tsering, “Tabey Is Alive but Crippled: Woesser,” Phayul, 17 December 11; International Campaign for Tibet, “Monk in Tibet Sets Himself on Fire; Shot by Police During Protest,” 27 February 09.

³²See, e.g., “1st Ld-Writethru: Tibetan Monk Jailed 11 Years for Murder in Self-Immolation Case,” Xinhua, reprinted in China Daily, 29 August 11; International Campaign for Tibet, “Chinese Authorities Confirm Death of Monk After Self-Immolation; Military Crackdown at Kirti,” 17 March 11; “Protest Monk Dies,” Radio Free Asia, 17 March 11.

³³See, e.g., “Monk Sets Himself on Fire in SW China,” Xinhua, 15 August 11, reprinted in China Internet Information Center; “Tibetan Monk Sets Himself Ablaze,” Radio Free Asia, 15 August 11; Free Tibet, “Monk Dies After Setting Himself on Fire in Protest in Tibet,” 15 August 11.

³⁴ See, e.g., “Self-Immolation Truth,” Xinhua, 25 June 12, reprinted in China Internet Information Center (the article provided the survivors’ names as “Katrang” and “Konchok Tenpa”); “Tibet in Flames: Rigzin Dorje Dies in Hospital, Lobsang Kunchok’s Limbs Amputated,” Phayul, 4 March 12; “Two More Monks Self-Immolate,” Radio Free Asia, 26 September 11; International Campaign for Tibet, “Two More Tibetan Monks From Kirti Monastery Set Themselves on Fire Calling for Religious Freedom,” 26 September 11.

³⁵ See, e.g., International Campaign for Tibet, “17 Year Old Tibetan Monk From Kirti Monastery Self-Immolates in New Protest,” 3 October 11; Free Tibet, “Today’s Fifth Self-Immolation in Tibet Establishes Unprecedented Trend,” 3 October 11; “Self-Immolation a ‘Worrying’ Trend,” Radio Free Asia, 4 October 11.

³⁶ See, e.g., “Two Tibetans Injured in Self-Immolation,” Xinhua, reprinted in China Daily, 8 October 11; Free Tibet, “Teenage Faces of Tibetan Protest,” 13 December 11; “Two Tibetan Youths Self-Immolate,” Radio Free Asia, 7 October 11; International Campaign for Tibet, “Two Tibetan Teenagers Set Fire to Themselves in Latest Protest in Ngaba; ICT Calls for Urgent Actions by Governments,” 7 October 11.

³⁷ See, e.g., “Tsultrim, Tenyi, and Norbu Damdul All Succumb to Injuries,” Phayul, 10 January 12; “Teenager Torches Himself in Protest,” Radio Free Asia, 15 October 11; International Campaign for Tibet, “Self-Immolations Continue in Tibet; 8th Young Tibetan Man Sets Fire to Himself in Ngaba,” 16 October 11.

³⁸ See, e.g., “Tibetan Woman Sets Herself on Fire,” Voice of America, 17 October 11; Sherab Woesser, “A Tibetan Nun Dies After Self-Immolation, Situation in Tibet Spiraling Out of Control,” Phayul, 17 October 11; Edward Wong, “Ninth Tibetan, a Nun, Immolates Herself in Anti-China Protest,” New York Times, 17 October 11.

³⁹ See, e.g., Sherab Woesser, “Fire Spreads in Tibet—Monk Self-Immolates in Kardze,” Phayul, 25 October 11; International Campaign for Tibet, “11th Self-Immolation in Tibet; Kardze Monk Sets Fire to Himself During Religious Ceremony,” 28 October 11; “Burned Monk Refuses Treatment,” Radio Free Asia, 8 November 11.

⁴⁰ See, e.g., Yuan Jian, “A Self-Immolation Incident Occurs in Sichuan’s Daofu County” [Sichuan daofu xian fasheng yiqi zifen shijian], Xinhua, 3 November 11 (translated in Open Source Center, 5 November 11); “Tibetan Nun Dies of Self-Immolation,” Xinhua, reprinted in China Daily, 3 November 11; “Second Nun Dies in Protest,” Radio Free Asia, 3 November 11; International Campaign for Tibet, “Tibetan Nun Self-Immolates Today in Kardze: Continued Resistance Despite Chinese Crackdown,” 3 November 11.

⁴¹ See, e.g., “Farmer in Stable Condition After Setting Himself on Fire,” Xinhua, reprinted in China Daily, 2 December 11; “Tibetan in New Self-Immolation Protest,” Radio Free Asia, 1 December 11; International Campaign for Tibet, “First Self-Immolation in Tibet Autonomous Region; Former Monk Sets Himself on Fire,” 1 December 11; Tendar Tsering, “Tenzin Phuntsok Passes Away in Chinese Hospital, Wife Feared Arrested,” Phayul, 9 December 11.

⁴² See, e.g., “Self-Immolation Truth,” Xinhua, 25 June 12, reprinted in China Internet Information Center (the article provided the names as “Tsering” and “Darle” and represented Darle as a survivor); “Two Tibetans Set Themselves Ablaze,” Radio Free Asia, 6 January 12; “Tsultrim, Tenyi, and Norbu Damdul All Succumb to Injuries,” Phayul, 10 January 12.

⁴³ See, e.g., “Tibetan Monk Dies From Self-Immolation,” Xinhua, reprinted in China Daily, 9 January 12; International Campaign for Tibet, “Tibetan Self-Immolations Continue and Spread in Tibet Into 2012,” 9 January 12; “Thousands Attend Sopa Rinpoche’s Funeral; Protests Reported,” Phayul, 17 January 12; “Dead Lama Urged Unity,” Radio Free Asia, 20 January 12.

⁴⁴ See, e.g., “Self-Immolation Truth,” Xinhua, 25 June 12, reprinted in China Internet Information Center (the article provided the name as “Lhorang Jamyang”); “New Footage Depicts Self-Immolation in Tibet,” Voice of America, 17 April 12; International Campaign for Tibet, “New Information on Latest Self-Immolation, Tibetans Critically Injured by Police,” 18 January 12; “No Regret for Loss: Mother,” Radio Free Asia, 18 January 12.

⁴⁵ See, e.g., “Tibet Officials ‘Prepare for War,’” Global Times, 10 February 12; International Campaign for Tibet, “Tibetan Who Self-Immolated in Ngaba Was 19-Year Old Former Monk,” 10 February 12; “Tibet in Flames: Rigzin Dorje Dies in Hospital, Lobsang Kunchok’s Limbs Amputated,” Phayul, 4 March 12.

⁴⁶ See, e.g., “Tibetan Monk Self-immolates in Yushu,” Voice of America, 10 February 12; “Tibet Continues To Burn: Another Self-Immolation Reported—Updated,” Phayul, 10 February 12; International Campaign for Tibet, “Self-Immolation Fact Sheet,” updated 15 June 12.

⁴⁷ See, e.g., “Tibetan Monk Sets Himself on Fire in SW China,” Xinhua, reprinted in China Daily, 14 February 12; “18-Year-Old Tibetan Nun Dies After Self-Immolation,” Voice of America, 12 February 12.

⁴⁸ See, e.g., “Tibetan Monk Sets Himself on Fire in SW China,” Xinhua, reprinted in China Daily, 14 February 12; “Another Tibetan Self-Immolation From Restive Ngaba,” Voice of America, 13 February 12; International Campaign for Tibet, “Nineteen Year Old Kirti Monk Sets Fire to Himself in Ngaba,” 13 February 12.

⁴⁹ Although multiple reports place Damchoe Zangpo’s self-immolation in Tianjun (Themchen) county, Haixi (Tsonub) Mongol and Tibetan Autonomous Prefecture, a reliable, Tibetan-language map indicates that Bongtag Monastery is in neighboring Wulan county, Haixi M&TAP. See Ate-lier Golok, Tibet and Adjacent Areas Under Chinese Communist Occupation [Rgyal dmar gyi btsan ’og tu gnas pa’i—bod dang sa ’brel khog] (Dharamshala: Amnye Machen Institute, 1998). See, e.g., “Monk Burns To Protest Monastery Intrusion,” Radio Free Asia, 17 February 12; “Tibetan Monk Dies of Self-Immolation,” Voice of America, 17 February 12; International Campaign for Tibet, “Self-Immolation Fact Sheet,” updated 15 June 12.

⁵⁰ See, e.g., International Campaign for Tibet, “Tibetans Gather in Dzamthang for Vigil After Self-Immolation: Lhasa Crackdown Deepens in Buildup to Tibetan New Year,” 19 February 12; “Monks Thwart Attempt To Snatch Body,” Radio Free Asia, 19 February 12; Tendar Tsering, “Another Self-Immolation Days Ahead of Losar,” Phayul, 19 February 12.

⁵¹ See, e.g., Lian Zhenxiang and Huang Wenxin, "The Incident of the Student's Self-Immolation in Maqu, Gansu, Has Been Made Clear by Investigation" [Gansu sheng maqu xuesheng zifen shijian yi chaming], Xinhua, 6 March 12 (translated in Open Source Center, 13 March 12); "Tibetan School Girl Dies in Self-Immolation Protest," Voice of America, 5 March 12; International Campaign for Tibet, "Tibetan Student and Widowed Mother Self-Immolate in Tibet," 5 March 12.

⁵² See, e.g., "Two Female Tibetans Burn to Death," Radio Free Asia, 4 March 12; Free Tibet, "Tibetan Mother Dies," 4 March 12; International Campaign for Tibet, "Tibetan Student and Widowed Mother Self-Immolate in Tibet," 5 March 12.

⁵³ See, e.g., "Third Self-Immolation in Three Days," Radio Free Asia, 5 March 12; Free Tibet, "Third Self-Immolation in Tibet in as Many Days," 5 March 12; "Tibet Continues To Burn: Third Self-Immolation in Three Days," Phayul, 5 March 12.

⁵⁴ See, e.g., "18-Year-Old Self-Immolates on Tibetan Uprising Day," Voice of America, 12 March 12; Free Tibet, "Tibet Anniversary Marked With Teen Self-Immolation," 12 March 12; International Campaign for Tibet, "Kirti Monk Who Self-Immolated on March 16 Dies in Custody; 18-Year Old Monk Dies on March 10 in Self-Immolation Protest," 20 March 12.

⁵⁵ See, e.g., "Xinhua Insight: Who Can Put an End to Self-Immolation Tragedy?" Xinhua, 22 June 12 (Open Source Center, 22 June 12) (reports medical care in "makeshift hospital ward" at Rongbo Monastery); "Self-Immolation as Students Protest," Radio Free Asia, 14 March 12; "Tibetan Monk Self-Immolates in Rebkong, Thousands Gather To Pray and Protest," Voice of America, 14 March 12; International Campaign for Tibet, "Tensions Escalate in Qinghai: Rebkong Self-Immolation, Student Protest, Monks Commemorate March 10," 14 March 12.

⁵⁶ See, e.g., Tibetan Centre for Human Rights and Democracy, "Self-Immolation Protests Continue: Tibetan Monk Sets Self on Fire," 16 March 12; "Monk Burns Himself Amid Mass Protests," Radio Free Asia, 16 March 12; International Campaign for Tibet, "Kirti Monk Who Self-Immolated on March 16 Dies in Custody; 18-Year Old Monk Dies on March 10 in Self-Immolation Protest," 20 March 12.

⁵⁷ See, e.g., "Xinhua Insight: Who Can Put an End to Self-Immolation Tragedy?" Xinhua, 22 June 12 (Open Source Center, 22 June 12) (reports decedent's name as "Sonam Dargye"); Free Tibet, "Largest Protest in Living Memory in Rebkong After Father Sets Himself on Fire," 17 March 12; "Farmer Dies in New Burning Protest," Radio Free Asia, 17 March 12; "Thousands Protest in Rebkong, Sonam Dhargey Cremated," Phayul, 17 March 12.

⁵⁸ See, e.g., "Kirti Monk Self-Immolates, Dies," Radio Free Asia, 28 March 12; Free Tibet, "Fires of 'Tibetan Spring' Continue," 28 March 12; International Campaign for Tibet, "Tibetan Self-Immolations and Their Impact Expand," 29 March 12.

⁵⁹ See, e.g., "Self-Immolation Truth," Xinhua, 25 June 12, reprinted in China Internet Information Center (the article provides the decedents' names as "Chimed Palden" and "Nganlam"); International Campaign for Tibet, "Self-Immolation of Two Tibetan Monks From Tsodun Monastery, Ngaba," 30 March 12; "Monk Dies a Week After Burning," Radio Free Asia, 7 April 12; "Self-Immolation Death Toll Rises to 25 in Tibet, Tenpa Darje Passes Away," Phayul, 8 April 12.

⁶⁰ See, e.g., "Two Tibetan Cousins Self-Immolate," Radio Free Asia, 19 April 12; International Campaign for Tibet, "Two Young Tibetan Men Die After Self-Immolation Protest in Ngaba Region," 19 April 12; Tendar Tsering, "'Restore Freedom in Tibet' Demands Twin Self-Immolators in Last Message," Phayul, 24 April 12.

⁶¹ See, e.g., Xu Tianran, "Tibet Officials Condemn Latest Self-Immolation," Global Times, 29 May 12 (apparently misreports Dorje Tseten's name as Tobgye Tseten; origin Xiahe county [in Gannan Tibetan Autonomous Prefecture, Gansu province]; deceased); Tibetan Centre for Human Rights and Democracy, "China Confirms Twin Self-Immolation in Lhasa," 28 May 12 (provides name Dorje Tseten); International Campaign for Tibet, "Detentions, Fear After Lhasa Self-Immolations; Prayer Gathering in Dzamthang," 1 June 12 (age 19, left Gansu home after high school and moved to Lhasa).

⁶² See, e.g., Xu Tianran, "Tibet Officials Condemn Latest Self-Immolation," Global Times, 29 May 12 (Dargye, origin Aba county [Aba T&QAP, Sichuan]); Tibetan Centre for Human Rights and Democracy, "China Confirms Twin Self-Immolation in Lhasa," 28 May 12 (provides name Dorje Tseten, age 22); International Campaign for Tibet, "Detentions, Fear After Lhasa Self-Immolations; Prayer Gathering in Dzamthang," 1 June 12 (age 25; former Kirti Monastery monk; worked as cashier in Lhasa restaurant).

⁶³ See, e.g., "Self-Immolation Truth," Xinhua, 25 June 12, reprinted in China Internet Information Center (the article provided the name as "Rechok"); Free Tibet, "Latest Self-Immolation in Tibet," 30 May 12 (provides name as "Rechog"); "Thousands Honor Burned Mother," Radio Free Asia, 31 May 12 (provides name "Rikyo," age 33, mother of three); International Campaign for Tibet, "Detentions, Fear After Lhasa Self-Immolations; Prayer Gathering in Dzamthang," 1 June 12 (from nomadic family); Tibetan Centre for Human Rights and Democracy, "Tibetan Mother of Three Dies After Self-Immolation," 1 June 12.

⁶⁴ See, e.g., "1 Dies in Self-Immolation in NW China," Xinhua, 15 June 12, reprinted in China Internet Information Center; International Campaign for Tibet, "Hundreds of Tibetans Face Down Police To Gather for Cremation of Tibetan Who Self-Immolated Today," 15 June 12; Tibetan Centre for Human Rights and Democracy, "A Tibetan Nomad Dies After Burning Self," 15 June 12.

⁶⁵ See, e.g., Tibetan Centre for Human Rights and Democracy, "Two Tibetan Youngsters Self-Immolate in Jyekundo, One Dies," 20 June 12 (Tenzin Khedrub disrobed in 2006; Ngawang Norphel hailed from Aba county, Aba T&QAP); "Two Young Tibetans Self-Immolate," Radio Free Asia, 20 June 12; "Two Tibetans Set Themselves on Fire in West China," Associated Press, 21 June 12, reprinted in Huffington Post (Xinhua reportedly described Tenzin Khedrub as a local herder and Ngawang Norphel as a migrant from Aba prefecture); "Self-Immolator Hospitalized," Radio Free Asia, 21 June 12 (Ngawang Norphel reportedly was initially hospitalized in Xining); Tendar Tsering, "Ngawang Norphel Passes Away in a Chinese Hospital," Phayul, 30 July 12

(Ngawang Norphel reportedly died on July 30, 2012, in a hospital; he hailed from Nielamu (Nyalam) county, Rikaze (Shigatse) prefecture, Tibet Autonomous Region, not from Aba county as initially reported).

⁶⁶See, e.g., “Man Self-Immolates Near Lhasa,” Radio Free Asia, 9 July 12 (“a resident of Damshung’s Chode village”); “Self-Immolating Youth Identified as Tsewang Dorjee, All Witnesses Arrested,” Phayul, 10 July 12 (describes the self-immolator as “a 22-year-old nomad”); Tibetan Centre for Human Rights and Democracy, “Tibetan Dies of Self-Immolation in Damshung,” 11 July 12.

⁶⁷See, e.g., International Campaign for Tibet, “Teenage Monk and Model Student Self-Immolates in Tibet,” 17 July 12; Tibetan Centre for Human Rights and Democracy, “Teenage Tibetan Monk Burns Self to Death in Ngaba,” 17 July 12; “18-Year-Old Monk Sets Himself on Fire, Latest in Spate of Tibetan Self-Immolations,” Voice of America, 17 July 12.

⁶⁸See, e.g., “Monk in New Burning Protest,” Radio Free Asia, 6 August 12; “Self-Immolator Identified as Kirti Monk Lobsang Tsultrim,” Phayul, 7 August 12; “Lobsang Tsultrim Passes Away, Self-Immolation Death Toll Reaches 37,” Phayul, 8 August 12 (Lobsang Tsultrim “passed away shortly after arriving at a hospital” in Ma’erkang (Barkham), the Aba Tibetan and Qiang Autonomous Prefecture capital).

⁶⁹See, e.g., “Tibetan Woman Dies of Self-Immolation,” Xinhua, 8 August 12, reprinted in China Internet Information Center (Xinhua cited a written statement released by the Gannan Tibetan Autonomous Prefecture Communist Party Committee and provided Drolkar Tso’s name as “Drung Gertso”); “Mother of Two Burns Herself and Dies in Eastern Tibet,” Voice of America, 7 August 12; “Woman Strips, Self-Immolates,” Radio Free Asia, 7 August 12 (Drolkar Tso reportedly died as monks took her from Tso Monastery to her home).

⁷⁰See, e.g., Tibetan Centre for Human Rights and Democracy, “Young Tibetan Nomad Sets Himself on Fire,” 10 August 12; “Third Burning Death in a Week,” Radio Free Asia, 11 August 12 (RFA sources: “Choepa died as he was [taken] away by Chinese security forces”); “Self-Immolator Choepa Passes Away,” Phayul, 11 August 12 (Tibetan monk living in India: “Martyr Choepa passed away at around 3 pm (local time) the very day of his protest”).

⁷¹See, e.g., International Campaign for Tibet, “Local Tibetans Beaten Following Three More Self-Immolations in Tibet,” 15 August 12; “Protest Against Police Brutality,” Radio Free Asia, 14 August 12; “Top Monks Summoned,” Radio Free Asia, 15 August 12; “2 Tibetans Die in Self-Immolation Protest in China’s Sichuan,” Voice of America, 15 August 12.

⁷²See, e.g., International Campaign for Tibet, “Two Tibetan Teenage Relatives Self-Immolate in Ngaba,” 28 August 12 (provides name of the former monk as Lobsang Damchoe); “Two Ngaba Self-Immolators Succumb to Their Injuries,” Voice of America, 27 August 12 (provides name of the former monk as Damchoe); “Two Tibetans Self-Immolate,” Radio Free Asia, 27 August 12 (provides name of the former monk as Damchoe).

⁷³The protests and reported shootings were on January 23, 2012, in Luhuo (Draggo) county, Ganzi (Kardze) Tibetan Autonomous Prefecture; on January 24 in Seda (Serthar) county, Ganzi TAP; and on January 26 in Rangtang (Dzamthang) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture. See, e.g., “Six Believed Killed in Protests,” Radio Free Asia, 23 January 12 (shooting in Luhuo); “Uprising in East Tibet Left 6 Killed, Scores Wounded,” Tibet Express, 23 January 12 (shooting in Luhuo); “Gathering and Beating and Smashing Incident Occurs in Sichuan’s Luhuo County” [Sichuan luhuo xian fasheng juji, da za shijian], Xinhua, 24 January 12 (translated in Open Source Center, 24 January 12) (shooting in Luhuo); International Campaign for Tibet, “‘New Year of Mourning’ in Tibet: Police Again Open Fire Killing Tibetan,” 25 January 12 (shootings in Luhuo and Seda); “China Boosts Security in Tibet, Sichuan,” Radio Free Asia, 25 January 12 (shootings in Luhuo and Seda); “Fresh Police Station Attack Leaves One Rioter Dead, 14 Police Officers Injured in SW China,” Xinhua, 25 January 12, reprinted in Open Source Center (shooting in Seda); “Police Fire Again on Tibetans,” Radio Free Asia, 26 January 12 (shooting in Rangtang); International Campaign for Tibet, “Tibetan Student Killed, Several Injured, After Police Open Fire in Ngaba; News of Two More Prayer Vigils for New Year,” 27 January 12 (shooting in Rangtang).

⁷⁴For the Luhuo protest, see, e.g., Tibetan Centre for Human Rights and Democracy, “One Tibetan Shot Dead in Drango Protest in Kandze,” 23 January 12 (Luhuo: “leaflets and posters that warned of more Tibetan self-immolations if the Chinese government did not listen to Tibetan concerns”); “Six Believed Killed in Protests,” Radio Free Asia, 23 January 12 (Luhuo: Unsigned poster said, “[O]n the occasion of Chinese New Year, I am going to self-immolate”); “Fresh Police Station Attack Leaves One Rioter Dead, 14 Police Officers Injured in SW China,” Xinhua, 25 January 12 (reprinted in Open Source Center) (Luhuo: “clash was fueled by a rumormonger claiming ‘three monks would set themselves on fire’”). For the Seda protest, see, e.g., “Five More Shot Dead,” Radio Free Asia, 24 January 12 (Seda: “sparked off from protests that began on Monday with posters calling for more self-immolations”); International Campaign for Tibet, “‘New Year of Mourning’ in Tibet: Police Again Open Fire Killing Tibetan,” 25 January 12 (Seda: “leaflets or posters had been disseminated . . . encouraging Tibetans not to celebrate the New Year but to mark it by mourning [self-immolators]”). For the Rangtang protest, see, e.g., International Campaign for Tibet, “Tibetan Student Killed, Several Injured, After Police Open Fire in Ngaba; News of Two More Prayer Vigils for New Year,” 27 January 12 (Rangtang: “leaflets . . . stating that the self-immolation protests . . . were calls for Tibetan freedom and for the return of the Dalai Lama, and that the self-immolations would continue until authorities met these demands”); “Police Fire Again on Tibetans,” Radio Free Asia, 26 January 12 (Rangtang: “poster declared that ‘Tibetans will never abandon their struggle and will continue to organize more campaigns until the demands of Tibetans who have self-immolated are met’”).

⁷⁵“Government Workers Warned Over Protests,” Radio Free Asia, 6 February 12 (“three counties in Sichuan province where Tibetans held protests . . . during which rights and exile groups believe at least six were killed and 60 injured”); “Report Says 3 More People Set Themselves

on Fire in China To Protest Its Tibet Policies,” Associated Press, 5 February 12, reprinted in Washington Post (“Tibetan activist groups say at least six Tibetans were killed in the clashes”).

⁷⁶The Commission observed official Chinese media reports on the incidents in Luhuo (Draggo) and Seda (Serthar), but not in Rangtang (Dzangthang). For the Luhuo protest, see, e.g., “Gathering and Beating and Smashing Incident Occurs in Sichuan’s Luhuo County” [Sichuan luhuo xian fasheng juji, da za shijian], Xinhua, 24 January 12 (translated in Open Source Center, 24 January 12) (Luhuo: “Some of them carried knives, threw stones at civil policemen and armed policemen on duty, stormed a public security station, smashed and destroyed two police vehicles and two fire engines”); “Two Die in Assaults on Police in Sichuan,” China Daily, 1 February 12 (Luhuo: “The first riot started at about noon on Jan 23 . . . when a group of people . . . unloaded rocks, batons and blades from vehicles and began to march along the street, shouting slogans for Tibet independence.”). For the Seda protest, see, e.g., “Fresh Police Station Attack Leaves One Rioter Dead, 14 Police Officers Injured in SW China,” Xinhua, 25 January 12, reprinted in Open Source Center (Seda: “[The mob] stormed the police station and attacked police with gasoline bottles, knives and stones. They also opened fire at us, injuring 14 police officers.”); “Two Die in Assaults on Police in Sichuan,” China Daily, 1 February 12 (Seda: “Another mob attacked a police station in Seda county, 154 km from Luhuo, the next afternoon, also firing flamed gas bottles at police officers and injuring 14 policemen”).

⁷⁷For examples of international media and advocacy group reports on the Luhuo protest, see “Six Believed Killed in Protests,” Radio Free Asia, 23 January 12. According to the report on the Luhuo (Draggo) protest, a source said, “Initially, a group of a few hundred shouted slogans calling for freedom for Tibet and the return of exiled spiritual leader the Dalai Lama When the protesters arrived in front of the local Chinese police, the police opened fire.” The same source noted, “The protest began in the morning,” but by mid-afternoon, “The protesters have done serious damage, and have destroyed Chinese shops and other Chinese facilities in the area.” For the Seda protest, see, e.g., International Campaign for Tibet, “New Year of Mourning in Tibet: Police Again Open Fire Killing Tibetan,” 25 January 12. According to the report on the Seda (Serthar) protest, Tibetan sources living in exile said, “[Hundreds] of Tibetans gathered peacefully, and armed police did not take any immediate action. But after some time, tear-gas was fired and police started shooting into the crowd.” For the Rangtang protest, see, e.g., International Campaign for Tibet, “Tibetan Student Killed, Several Injured, After Police Open Fire in Ngaba; News of Two More Prayer Vigils for New Year,” 27 January 12. According to the report on the Rangtang (Dzangthang) protest, “[When] police attempted to detain the . . . author of the leaflets . . . and were taking him away . . . they were met by a crowd . . . who attempted to block their way, and warned the police that [the] detention would provoke a larger protest. . . . [Police] responded by opening fire into the crowd”

⁷⁸See CECC, “Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion,” 24 January 12.

⁷⁹For additional information, see CECC, “Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion,” 24 January 12.

⁸⁰The two unprecedented instances are the establishment within each Tibet Autonomous Region monastery of a Monastery Management Committee that includes government officials and Party members who reside within the monastery, and the opening of the Tibetan Buddhism Theological Institute in the TAR. See, e.g., Zou Le, “Committees To Ensure Stability in Tibet’s Monasteries,” Global Times, 15 February 12 (“Tibet began establishing monastery committees in November last year and managed to expand them to the regions’ 1,787 monasteries early this year”); Chang Chuan, “Tibetan 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 Qoigy 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) (Tibetan Buddhism Theological Institute is “first of its kind”).

⁸¹See, e.g., Li Chengye, “While Speaking at the Regional Buddhist Association Forum, Chen Quanguo Stresses That It Is Necessary To Take a Clear-Cut Stand, Center on the Overall Picture, Educate, Guide, and Strengthen Services, Increase Accomplishment, and Make Contributions to Guiding Tibetan Buddhism To Adapt Itself to Socialist Society” [Chen quanguo zai yu zizhiq fojiao xiehui zuotan shi qiangdiao qizhixianming weirao daju jiaoyu yindao qianghua fuwu zengjin xiuyang wei yindao zangchuan fojiao yu shehuizhuyi shehui xiang shiying zuo gongxian], Tibet Daily, 29 October 11, reprinted in China Tibet Information Center (translated in Open Source Center, 31 October 11) (Chen Quanguo told TAR Buddhist Association Forum attendees to “promote the standardization and legalization of the management, service, and education” in monasteries and nunneries); 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 Qoigy 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) (Chen Quanguo’s “instructions” included, e.g., “strengthen and innovate management of temples and monasteries by making it a key feature to routinely station cadres in temples and monasteries”; “implement in its entirety the party’s basic principles on religious work as well as state laws and decrees on managing religious affairs”; “concentrate on remedying the problem of migrating clergy”; “straighten out and regulate religious activities”; “more effectively manage the reincarnation of Living Buddha[s]”; and “reinforce social management and control as an effective approach to make sure that stability maintenance measures are implemented in all places”).

⁸² See, e.g., 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” [Chen quanguo jiu jinyibu zuohao zhushi gongzuo zuochu zhongyao pishi rang aiguo aijiao sengni ganshoudao dang he zhengfu de guanxin aihu zijue wei goujian hexie xizang ping’an xizang zuochu gengda gongxian], Tibet Daily, 2 February 12, reprinted in China Tibet Online (translated in Open Source Center, 10 February 12) (Chen called for “the broad ranks of cadres stationed in monasteries” to provide monks and nuns “greater solicitude and loving care” so they “become an important force in loving their country, loving their religion, observing regulations, abiding by laws, safeguarding stability, and building harmony”); 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 Qoigy 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’rdeni—queji jiebu zhi hexin], Tibet Daily, 21 October 11, reprinted in China Tibet Information Center (translated in Open Source Center, 26 October 11) (among the priorities Zhu Weiqun listed for the development of Tibetan Buddhism at the Tibetan Buddhism Theological Institute: “Firmly struggle against the Dalai clique”; “steadfastly safeguard the motherland’s reunification and ethnic unity”; and “consciously accept the government’s management according to law”).

⁸³ The Communist Party does not acknowledge Tibetan religious devotion to the Dalai Lama, only that he influences Tibetans negatively. See, e.g., Li Chengye, “While Speaking at the Regional Buddhist Association Forum, Chen Quanguo Stresses That It Is Necessary To Take a Clear-Cut Stand, Center on the Overall Picture, Educate, Guide, and Strengthen Services, Increase Accomplishment, and Make Contributions to Guiding Tibetan Buddhism To Adapt Itself to Socialist Society” [Chen Quanguo zai yu zizhi qu fojiao xiehui zuotan shi qiangdiao qizhixianming weirao daju jiaoyu yindao qianghua fuwu zengjin xiuyang wei yindao zangchuan fojiao yu shehuizhuyi shehui xiang shiyang zuo gongxian], Tibet Daily, 29 October 11, reprinted in China Tibet Information Center (translated in Open Source Center, 31 October 11) (Chen Quanguo: “We should resolutely eliminate the reactionary influence of 14th Dalai [Lama] . . .”).

⁸⁴ The Commission is not aware of a similar institution elsewhere in the Tibetan areas of China. 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 Qoigy 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’rdeni—queji jiebu zhi hexin], Tibet Daily, 21 October 11, reprinted in China Tibet Information Center (translated in Open Source Center, 26 October 11).

⁸⁵ China Directory 2012, ed. Radiopress (Tokyo: JPM Corporation, Ltd., December 2011), 17, 27.

⁸⁶ 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 Qoigy 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’rdeni—queji jiebu zhi hexin], Tibet Daily, 21 October 11, reprinted in China Tibet Information Center (translated in Open Source Center, 26 October 11).

⁸⁷ Zou Le, “Committees To Ensure Stability in Tibet’s Monasteries,” Global Times, 15 February 12.

⁸⁸ See, e.g., 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 junmian—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 fenuichang 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; . . .”).

⁸⁹ Zou Le, “Committees To Ensure Stability in Tibet’s Monasteries,” Global Times, 15 February 12 (the article described Monastery Management Committees as “[headed] by government workers”).

⁹⁰ Chinese government and Party officials have provided 1,787 as the number of monasteries and nunneries in the TAR since at least 1996. Zou Le, “Committees To Ensure Stability in Tibet’s Monasteries,” *Global Times*, 15 February 12 (the article refers to “the regions’ 1,787 monasteries”); Shen Kaiyun, “Actively Guide Religion To Accommodate Itself to Socialist Society,” *Tibet Daily*, 4 November 96 (translated in Open Source Center, 4 November 96) (in the TAR “there are 1,787 monasteries”).

⁹¹ 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).

⁹² Chen Run’e, “Be a Close Friend to Monks and Nuns” [Zuo sengni de tiexin ren], *Tibet Daily*, 18 April 12, reprinted in China Tibet News. According to the report, cadres posted to monasteries “must establish and perfect records on monks and nuns who hold professional religious personnel certification, detailing and recording their individual information and their family circumstances.”

⁹³ *Ibid.*

⁹⁴ 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).

⁹⁵ “List of Autonomous Region’s Harmonious Model Monasteries and Patriotic Law-Abiding Advanced Monks and Nuns” [Zizhiqie hexie mofan simiao he aiguo shoufa xianjin sengni mingdan], *Tibet Daily*, 3 May 12, reprinted in China Tibet News.

⁹⁶ Chinese government and Party officials have provided 46,000 as the approximate number of monks and nuns in the TAR since at least 1996. State Council Information Office, White Paper: Sixty Years Since Peaceful Liberation of Tibet, *Xinhua*, 11 July 11, reprinted in Chinaview (the TAR has “about 46,000 monks and nuns”); Shen Kaiyun, “Actively Guide Religion To Accommodate Itself to Socialist Society,” *Tibet Daily*, 4 November 96 (translated in Open Source Center, 4 November 96) (in the TAR there are “over 46,000 nuns and monks”).

⁹⁷ Liu Xiangrui and Daqiong, “Tibetan Monasteries Cited for Contributions to Harmony,” *China Daily*, 20 April 12.

⁹⁸ See CECC, 2011 Annual Report, 10 October 11, 211–12; “Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures,” Congressional-Executive Commission on China, 10 March 11. See also Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, approved and effective 24 September 09, arts. 22–23; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, approved and effective 31 July 09, arts. 18–21; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, effective 22 March 10, arts. 11(3), 35, 42(9), 43–45; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, approved and effective 30 September 10, arts. 7(5), 17–19; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, effective 3 June 10, art. 17.

⁹⁹ “Township governments guide selection of Masses Supervision and Appraisal Committee (MSAC) members from among village residents, herders, and monastery staff.” CECC, 2011 Annual Report, 10 October 11, 211. See also “Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures,” Congressional-Executive Commission on China, 10 March 11; Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, approved and effective 24 September 09, art. 22; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, approved and effective 31 July 09, art. 19; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, effective 22 March 10, art. 43; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, approved and effective 30 September 10, art. 18; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, effective 3 June 10, art. 17.

¹⁰⁰ Masses Supervision and Appraisal Committees (MSACs) may supervise and appraise monastic management and submit periodic reports to township- and county-level governments. See CECC, 2011 Annual Report, 10 October 11, 212; “Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures,” Congressional-Executive Commission on China, 10 March 11. See also Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, approved and effective 24 September 09, art. 23(6); Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, approved and effective 31 July 09, art. 21(3); Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, effective 22 March 10, art. 44(5); Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou

zangchuan fojiao shiwu tiaoli], passed 22 March 10, approved and effective 30 September 10, art. 19; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, effective 3 June 10, art. 17 (does not detail reporting requirements).

¹⁰¹None of the regulations contain provisions authorizing or instructing non-monastic MSAC members (e.g., village residents or herders) to reside within a monastery or nunnery. See, e.g., CECC, 2011 Annual Report, 10 October 11, 211–12; “Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures,” Congressional-Executive Commission on China, 10 March 11. See also Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 4 September 09, approved and effective 24 September 09, art. 22; Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 July 09, approved and effective 31 July 09, art. 19; Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 12 January 10, approved 18 March 10, effective 22 March 10, art. 43; Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 22 March 10, approved and effective 30 September 10, art. 18; Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzu zangzu zizhizhou zangchuan fojiao shiwu tiaoli], passed 8 March 10, approved 27 May 10, effective 3 June 10, art. 17.

¹⁰²Office of His Holiness the Dalai Lama, “Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation,” 24 September 11. See also “Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3.

¹⁰³For information on the Chinese government’s claim to a historical basis for supervising the identifications of reincarnated Tibetan Buddhist teachers, see, e.g., “Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3; “The Dalai Lama Pursues ‘Tibetan Independence’ by Manipulating ‘Reincarnation’” [Dalai cao nong “zhuanshi” huati yi zai “zangdu”], People’s Daily, 31 October 11 (translated in Open Source Center, 9 November 11); Ministry of Foreign Affairs, “The Reincarnation of the Living Buddhas,” 15 November 00; Ministry of Foreign Affairs, “Did Tibet Become an Independent Country After the Revolution of 1911?” 15 November 00.

¹⁰⁴See, e.g., State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07.

¹⁰⁵“New Legal Measures Assert Unprecedented Control Over Tibetan Buddhist Reincarnation,” Congressional-Executive Commission on China, 22 August 07.

¹⁰⁶Office of His Holiness the Dalai Lama, “Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation,” 24 September 11. See State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07.

¹⁰⁷The Dalai Lama referred to the measures as “Order No. 5.” State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], passed 13 July 07, issued 18 July 07, effective 1 September 07.

¹⁰⁸Office of His Holiness the Dalai Lama, “Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation,” 24 September 11.

¹⁰⁹Ibid. “[The] person who reincarnates has sole legitimate authority over where and how he or she takes rebirth It is particularly inappropriate for Chinese communists, who explicitly reject even the idea of past and future lives, . . . to meddle in the system of reincarnation”

¹¹⁰Ibid. “Such brazen meddling contradicts [Communist] political ideology and reveals their double standards. Should this situation continue in the future, it will be impossible for Tibetans and those who follow the Tibetan Buddhist tradition to acknowledge or accept it.”

¹¹¹Office of His Holiness the Dalai Lama, “A Brief Biography,” last visited 10 May 12. The Dalai Lama was born in 1935.

¹¹²Office of His Holiness the Dalai Lama, “Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation,” 24 September 11. “When I am about ninety I will consult the high Lamas of the Tibetan Buddhist traditions, the Tibetan public, and other [Tibetan Buddhists], and re-evaluate whether the institution of the Dalai Lama should continue or not.”

¹¹³Ibid. “If it is decided that . . . there is a need for the Fifteenth Dalai Lama to be recognized, responsibility . . . will primarily rest on . . . the Dalai Lama’s Gaden Phodrang Trust.” (The Commission has not observed information about the Trust or references to it that predate the statement.)

¹¹⁴Ibid. “[Officers of the Trust] should seek advice and direction from [certain Tibetan Buddhist leaders and other entities] and carry out the procedures of search and recognition in accordance with past tradition. I shall leave clear written instructions about this.”

¹¹⁵CECC Staff Analysis. The assessment is based on observations in Tibetan areas of China by a Commission staffer over a period of years. See also “Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3.

¹¹⁶“Thoroughly Cleanse Our Region’s Social Environment and Religion Environment” [Qieshi jinghua wo qu shehui huanjing zongjiao huanjing], Tibet Daily, 7 December 11, reprinted in China Tibet News, 8 December 11 (the article does not refer to monks and nuns (*sengni*)).

¹¹⁷CECC Staff Analysis. Farmers prefer to go on pilgrimage after harvest; nomads prefer to go after establishing grazing animals at winter pasture. The period around the full moon of the fourth Tibetan lunar month (late May or June), when Tibetan Buddhists observe the birth and enlightenment of the historical Buddha, is also an important time for pilgrimage. See also, e.g., Daniel J. Miller, *Drokpa: Nomads of the Tibetan Plateau and Himalaya* (Kathmandu: Vajra Publications, 2008), 118, 125–26, 130; International Campaign for Tibet, “When the Sky Fell to Earth: The New Crackdown on Buddhism in Tibet,” 2004, 59.

¹¹⁸CECC Staff Analysis. A Commission staffer observed farmers and nomads on pilgrimage in numerous locations from the mid-1980s to the mid-1990s.

¹¹⁹“Controls Slapped on Pilgrims,” Radio Free Asia, 2 February 12 (“Hundreds of Tibetan pilgrims returning from a religious gathering . . . are being detained, interrogated, and subjected to political ‘re-education’”); “Pilgrims May Be Held for Months,” Radio Free Asia, 10 February 12 (source: “There must be at least 700 or 800 of them detained in . . . Lhasa”); International Campaign for Tibet, “Lockdown in Lhasa at Tibetan New Year; Unprecedented Detentions of Hundreds of Tibetans After Dalai Lama Teaching in Exile,” 22 February 12 (“hundreds of Tibetans have been detained upon their return from a major religious teaching”).

¹²⁰“Beijing’s Pilgrim ‘Flexibility’ Puzzling,” Radio Free Asia, 9 January 12 (“Chinese government allows up to 10,000 Tibetan pilgrims to travel to India to see the Dalai Lama at the ‘Kalachakra’ ritual”); “Controls Slapped on Pilgrims,” Radio Free Asia, 2 February 12 (“China had earlier allowed about 9,000 Tibetans to travel to India to take part in the ten-day Kalachakra”); International Campaign for Tibet, “Lockdown in Lhasa at Tibetan New Year; Unprecedented Detentions of Hundreds of Tibetans After Dalai Lama Teaching in Exile,” 22 February 12 (“7–8,000 Tibetans from inside Tibet attended a major religious ceremony, the Kalachakra”).

¹²¹“Pilgrims May Be Held for Months,” Radio Free Asia, 10 February 12 (“Tibetans returning from a major Buddhist ritual in India may be held for up to four months”; source: “[they] were put in the hotels and forced to do ‘political study’ and confession.”); International Campaign for Tibet, “Lockdown in Lhasa at Tibetan New Year; Unprecedented Detentions of Hundreds of Tibetans After Dalai Lama Teaching in Exile,” 22 February 12 (“Tibetans detained following the Kalachakra have been held in detention centers, including one created in a school and one in an army camp”; “[detainees] are being compelled to undergo ‘legal education.’”); “Pilgrims Freed After Two-Month Ordeal,” Radio Free Asia, 3 April 12 (“pilgrims returning to areas in and around Lhasa were placed in hotels and other detention centers for ‘political reeducation’”).

¹²²“Pilgrims Freed After Two-Month Ordeal,” Radio Free Asia, 3 April 12. According to the report, “authorities . . . on Tuesday [April 3] released hundreds of pilgrims detained more than two months ago.” The released detainees were “the last of a group that had been held in . . . Lhasa,” but “a group of 200” remained detained in Shannan (Lhoka) prefecture, TAR.

¹²³Reports observed by the Commission referred to detainees undergoing “patriotic education” or “legal education”; none of the reports addressed specifically whether Tibetans had applied for and received official permits for travel to India, which are notoriously difficult for ethnic Tibetan citizens of China to obtain. See, e.g., Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, July–December, 2010 International Religious Freedom Report: China (Includes Tibet, Hong Kong, Macau), 13 September 11. According to the report: “In many areas during the reporting period, Public Security Bureaus (PSB) refused the passport applications of Tibetans. . . . Many Tibetans sought to travel to India for religious purposes Some attributed the passport restrictions to an official effort to hinder travel for those purposes. There were also instances in which authorities confiscated previously issued passports of Tibetans.”

¹²⁴“Monks, Nuns Abandon Monasteries,” Radio Free Asia, 31 January 12. The report provided monastery names as Driru, Pekar, Choeling, Tagmo, and Dronrna, and the nunnery name as Jana.

¹²⁵“Tibetans Injured in Grenade Attack,” Radio Free Asia, 19 March 12. The report named the men as Karma Tharlam, Siga, Dzomlha Kar, Drukdrak (Drugdrag), and Tsegon.

¹²⁶Yu Zhen, “Tibetan Buddhist Monasteries in the Entire Region To Deepen the Carrying Out of Rule-of-Law Propaganda-Themed Education Activities” [Quan qu zangchuan fojiao simiao shenru kaizhan fazhi xuanchuan zhuti jiaoyu huodong qidong], Tibet Daily, 11 May 12, reprinted in China Tibet News, 12 May 12.

¹²⁷Ibid. For additional information on Baima Chilin’s work on the campaign, see “Biru County Convenes Tibetan Buddhist Monastery In-Depth Development in Order To Promote Successive Generations of Senior Monks’ Virtues of ‘Patriotic Love To Teach; Law-Abiding Compliance; Abandon Evil and Promote Good and Harmony; Pray for Peace,’ as the Theme of Law Publicity and Education Activities Meeting” [Biru xian zhaokai zai simiao sengni zhong shenru kaizhan yi hongyang lidai gaoseng dade “aiguo aijiao, zunji shoufa, qi’e yangshan, chongshang hexie, qiqiu heping” wei zhuti de fazhi xuanchuan jiaoyu huodong dongyuan dahui], Tibet Naqu News Agency, 2 July 12.

¹²⁸China Directory 2012, ed. Radiopress (Tokyo: JPM Corporation, Ltd., December 2011), 17, 27.

¹²⁹Zhu 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: “Touching on the issue of ethnic development trend, we must talk about the issue of ethnic mingling and amalgamation.”

¹³⁰Ibid. Zhu quoted Zhou Enlai as saying: “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.”

¹³¹Zhu 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) (“not adding any more localities with regional autonomy for ethnic minorities”).

¹³²Zhu 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) (“I am personally predisposed to removing the ‘ethnicity’ box from the residence identification card. . .”).

¹³³Zhu 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) (“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.”

¹³⁴Ibid. 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.”

¹³⁵See, e.g., PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, arts. 4, 116, 121.

¹³⁶PRC Regional Ethnic Autonomy Law (REAL) [Zhonghua renmin gongheguo minzu quyu zizhifa], issued 31 May 84, effective 1 October 84, amended and effective 28 February 01, arts. 10, 19–21.

¹³⁷Liu Ling, Chinese Academy of Social Sciences Institute of Ethnology and Anthropology, “Persist in the Basic Political System, Resolve Ethnic Issues Through Development—An Outline of the Chinese Ethnic Theory Association Symposium” [Jianchi jiben zhengzhi zhidu-zai fazhan zhong jieju minzu wenti—zhongguo minzu lilun xuehui zuotanhui jiyao], 23 February 12.

¹³⁸Ibid.

¹³⁹Ai Feng, “Tibet Supervision Head: For the First Time in Tibet’s History, Work Teams Are Stationed in Every Village” [Xizang jiancha zhang: xizang lishi shang shouci suoyou cun dou paizhu gongzuodui], China Net, 8 March 12, reprinted in Phoenix Net (“We mainly focused on five tasks determined by the Party Committee: one, strengthen the grass roots organization; . . .”); Li Chengye and Huang Zhiwu, “Cordial Concern, Tremendous Encouragement—Sidelights on General Secretary Hu Jintao Joining Tibet Delegation in Breakout Session Deliberations” [Qinqie de guanhuai juda de guwu—hu jintao zongshuji canjia xizang daibiaotuan fenzu shenyi ce jil], Tibet Daily, 12 March 12 (translated in Open Source Center, 17 March 12) (“helped to build strong village-level party organizations”).

¹⁴⁰Zou Le, “Committees To Ensure Stability in Tibet’s Monasteries,” Global Times, 15 February 12 (the article refers to “the regions’ 1,787 monasteries”).

¹⁴¹Ai Feng, “Tibet Supervision Head: For the First Time in Tibet’s History, Work Teams Are Stationed in Every Village” [Xizang jiancha zhang: xizang lishi shang shouci suoyou cun dou paizhu gongzuodui], China Net, 8 March 12, reprinted in Phoenix Net. According to the article, “NPC delegate and Supervision Department Head” Weise (Woeser, Oezer) said it was “the first time in history that work teams had been posted to every village in Tibet” and that it would last “three years until the end of 2014, but maybe it’ll go longer depending on conditions.” According to China Directory 2012, Weise is Director of the TAR Supervision Department. China Directory 2012 (Tokyo: Radiopress, December 2011), 435.

¹⁴²Li Chengye and Huang Zhiwu, “Cordial Concern, Tremendous Encouragement—Sidelights on General Secretary Hu Jintao Joining Tibet Delegation in Breakout Session Deliberations” [Qinqie de guanhuai juda de guwu—hu jintao zongshuji canjia xizang daibiaotuan fenzu shenyi ce jil], Tibet Daily, 12 March 12 (translated in Open Source Center, 17 March 12).

¹⁴³Li Chengye, “Speaking at a Video-Teleconference on the Work of Maintaining Social Stability in the Whole Region, Chen Quanguo Stresses That It Is Necessary To Keep the Warning Bell Ringing Long, Ensure No Danger of Anything Going Wrong, Do a Good Job in Carrying Out Practical Measures, Perform Well the Duties and Functions, and Further Consolidate and Develop the Good Situation of Harmony and Stability in the Region” [Chen quanguo zai quan qu weihu shehui yiwending gongzuo dianshi dianhua huiyi shang qiangdiao—jingzhong changming wanyu yishi yong hao shi zhao jin hao zhize—jinyibu gonggu fazhan quan qu hexie wending de hao jumian], Tibet Daily, 28 September 11 (translated in Open Source Center, 5 October 11).

¹⁴⁴“Tibetan Singer Detained,” Radio Free Asia, 23 April 12; “Tibetan Singer Arrested Over ‘Independence,’” Phayul, 23 April 12. Based on the reports, public security officials detained Lolo (Lo Lo) in Yushu (Yulshul) TAP, Qinghai province, on April 19, 2012, several months after he released an album containing pro-independence lyrics. See the Commission’s Political Prisoner Database, record 2012–00181, for more information on the case.

¹⁴⁵“Tibetan Culture Advocate ‘Detained,’” Radio Free Asia, 13 February 12; “Building Bombed in Sichuan,” Radio Free Asia, 29 February 12. Based on the reports, in early February 2012, security officials detained “Tibetan culture advocate” Dawa Dorje in Lhasa city, TAR, after he convened a gathering of Tibetans in Chengdu city, Sichuan province, to encourage “songs with themes that would promote the Tibetan language, race, and culture.” See the Commission’s Political Prisoner Database, record 2012–00074, for more information on the case.

¹⁴⁶“Tibetan Singer, Others Sentenced,” Radio Free Asia, 3 April 12; Tibetan Centre for Human Rights and Democracy, “Tibetan Singer Sentenced for Patriotic Songs,” 5 April 12. Based on the reports, in February 2012 public security officials detained singer Urygen Tenzin after he released a DVD containing “songs promoting Tibetan national identity” (RFA); a court in Qinghai province sentenced him to two years’ imprisonment around March 20. See the Commission’s Political Prisoner Database, record 2012–00144, for more information on the case.

¹⁴⁷“Popular Tibetan Writer Detained,” Radio Free Asia, 18 February 12; Tibetan Centre for Human Rights and Democracy, “Three Tibetan Writers Detained, One Sentenced,” 20 February 12. Based on the reports, on February 15, 2012, security officials detained writer and school teacher Drubpa Kyab in Seda (Serthar) county, Ganzi (Kardze) TAP, Sichuan province; he had published compositions with titles such as “Pain of This Era” (RFA). See the Commission’s Political Prisoner Database, record 2012–00092, for more information on the case.

¹⁴⁸“Tibetan Comedian Detained,” Radio Free Asia, 24 February 12. Based on the report, in early February 2012, security officials detained shopkeeper and satirist Athar in Litang (Lithang) county, Ganzi (Kardze) TAP, Sichuan province, prior to his planned release of a “video criticizing Chinese rule in Tibetan-populated regions.” See the Commission’s Political Prisoner Database, record 2012–00182, for more information on the case.

¹⁴⁹Tendar Tsering, “No Let Up in Kirti, Two More Monks Detained,” Phayul, 25 November 11. Based on the report, on November 21, 2011, public security officials detained Kirti Monastery monk Gyatso in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province; his “compositions had appeared in regional magazines and newspapers.” See the Commission’s Political Prisoner Database, record 2011–00798, for more information on the case.

¹⁵⁰Tibetan Centre for Human Rights and Democracy, “Arbitrary Arrest of a Tibetan in Taktse,” 18 November 11. Based on the report, on November 1, 2011, security officials detained farmer Lhaten in Dazi (Tagtse) county, Lhasa municipality, TAR; he was “suspected of having a connection” with imprisoned Tibetan documentary filmmaker Dondrub Wangchen. See the Commission’s Political Prisoner Database, record 2011–00783 for more information on Lhaten, and record 2008–00586 on Dondrub Wangchen.

¹⁵¹Brionie Pereira, “Scholar and Writer Jailed for Three Years in Tibet, Another Arrested,” Tibet Post International, 29 October 11; Tibetan Centre for Human Rights and Democracy, “Writer Meycheh Arrested,” 28 October 11. Based on the reports, on October 19, 2011, public security officials detained Choepa Lugyal (Meche) in Daowei (Dobi) Tibetan township, Xunhua (Yadzi) Salar Autonomous County, Haidong prefecture, Qinghai province; he was “known for his prolific writing and insightful political commentary” (TPI). See the Commission’s Political Prisoner Database, record 2011–00752, for more information on the case.

¹⁵²P. Sloyan, “Young Tibetan Singer Choegon Arrested,” Tibet Post International, 12 October 11. Based on the report, on September 25, 2011, public security officials detained singer Choegon while he was en route from Jiangda (Jomda) county, Changdu (Chamdo) prefecture, TAR, to Lhasa city; authorities may have suspected that Choegon’s music had a “pro-Tibetan political agenda.” See the Commission’s Political Prisoner Database, record 2011–00720, for more information on the case.

¹⁵³“Tibetan Writer Sentenced,” Radio Free Asia, 28 October 11; “Tibetan Man From Ngaba Arrested in Chengdu,” Phayul, 5 October 10. Based on the reports, on October 1, 2010, public security officials in Chengdu city, the Sichuan province capital, detained writer and school teacher Dawa (Joleb Dawa), a resident of Aba county, Aba T&QAP, Sichuan (Phayul); a court in Ma’erkang (Barkham), the Aba prefecture capital, sentenced Dawa to three years’ imprisonment (RFA). See the Commission’s Political Prisoner Database, record 2010–00471, for more information on the case.

¹⁵⁴For information on large-scale Tibetan student protests in Qinghai against policy changes that would reduce the status and use of Tibetan language in October 2010, see CECC, 2011 Annual Report, 10 October 11, 214–16.

¹⁵⁵Free Tibet, “Hundreds of Students Join Tibet Protest,” 8 March 12. According to the report, the protesters were students at the Tongren (Rebgong) County National Middle School and the Chinese-language textbooks replaced Tibetan-language textbooks on politics, history, geography, mathematics, biology, chemistry, and physics.

¹⁵⁶International Campaign for Tibet, “Tensions Escalate in Qinghai: Rebkong Self-Immolation, Student Protest, Monks Commemorate March 10,” 14 March 10 (the Zeku students marched to the county government offices); “Language Policy Comes Under Scrutiny,” Radio Free Asia, 14 March 12 (students called for “equality for all nationalities [and] freedom of language.”).

¹⁵⁷Free Tibet, “Hundreds of Students Join Tibet Protest,” 8 March 12.

¹⁵⁸“Language Policy Comes Under Scrutiny,” Radio Free Asia, 14 March 12.

¹⁵⁹“Tibetan Teachers Fired From Jobs,” Radio Free Asia, 6 June 12. The report stated that the dates of the firings were unknown.

¹⁶⁰“China Closes Tibetan Schools,” Radio Free Asia, 15 May 12. According to the report’s source, Lama Gewa is a former monk who instructed students on use of “pure Tibetan language”; the curriculum included “daily religious recitations and prayers for the long life of exiled spiritual leader the Dalai Lama.” A report of a two-year sentence at a site near Xining, the Qinghai province capital, is “not confirmed.” See the Commission’s Political Prisoner Database, record 2012–00194, for more information on Lama Gewa’s case.

¹⁶¹“School Closed, Teachers Detained,” Radio Free Asia, 18 April 12 (“established in 1987 . . . with approval from Kardze . . . county authorities”; “efforts toward preserving Tibetan language and culture had annoyed the local authorities”); Tibetan Centre for Human Rights and Democracy, “Tibetan School Forcibly Closed, Teachers Arrested,” 19 April 12 (“Khadrok Jamtse Rokten School”; “offered classes in Tibetan language and culture for the last 20 years”; “Kardze County Public Security Bureau officers arrested the school’s director, Nyendak and a teacher, Yama Tsering”); Tibetan Centre for Human Rights and Democracy, “Chinese Government Notification Restricts Tibetan NGOs in Kardze,” 2 May 12 (“school founded in 1989”; “set up 20 years ago with full approval from the local authorities”; “classes in Tibetan language and culture”). See the Commission’s Political Prisoner Database, records 2012–00176 on Nyandrag and 2012–00177 on Yama Tsering, for more information on the cases.

¹⁶²“China Closes Tibetan Schools,” Radio Free Asia, 15 May 12; Tendar Tsering, “China Closes Tibetan Orphanage School in Amdo,” Phayul, 14 May 12. According to the RFA report, the facility’s director, Atsun Tsondu Gyatso, “disappeared” in January 2011 after local officials questioned him several times. See the Commission’s Political Prisoner Database, records 2012–00178 on Sanggye Dondrub, 2012–00179 on Jamyang, and 2012–00180 on Atsun Tsondu Gyatso, for more information on the cases.

¹⁶³Xu Chang’an, “News Observer: Political Bureau Done Mapping Out New General Strategy for Governing Tibet, Tibet Finishes Painting ‘Warm Spring Picture’ of New Year” [Xinwen

guancha: zhengzhiju mou ding zhi zang xin fang lue, xizang hui jiu xinnian “nuan chun tu”, Xinhua, 10 January 10 (translated in Open Source Center, 10 January 10). For CECC analysis, see “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.

¹⁶⁴“The CPC Central Committee and the State Council Hold the Fifth Tibet Work Forum” [Zhonggong zhongyang guowuyuan zhaokai diwu ci xizang gongzuo zuotanhui], Xinhua, 22 January 10 (translated in Open Source Center, 25 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.

¹⁶⁵For information on the Fifth Tibet Work Forum implications for Tibetans in the Tibetan autonomous areas of China, see 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; “The CPC Central Committee and the State Council Hold the Fifth Tibet Work Forum” [Zhonggong zhongyang guowuyuan zhaokai diwu ci xizang gongzuo zuotanhui], Xinhua, 22 January 10 (translated in Open Source Center, 25 January 10).

¹⁶⁶Chen 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 changzhijuan er tuanjie fendou], Tibet Daily, 18 November 11, reprinted in China Tibet Information Center (translated in Open Source Center, 4 December 11).

¹⁶⁷Zhu 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).

¹⁶⁸Ibid. Zhu stated: “For instance, mixed habitation has become more widespread for more people of all nationalities Our policy orientation should be to go along with this trend in depth and make it irreversible”

¹⁷⁰Ibid. Zhu stated: “In other words, economic support should give more emphasis to the geographical factors, such as hardship in natural environment and the masses living in poverty, as the criteria . . . rather than overly emphasizing support for a specific nationality. Using the geographical factor as the major focus point, the state will still implement most of its support among the minority people, but it will produce different results in social and political direction.”

¹⁷¹Ibid. Zhu stated: “In other words, for every economic investment in the minority area, we should consider its significance to increasing unity, safeguarding stability, and consolidating national unification, and should consider how it can produce economic and political results.”

¹⁷²For more information on the network of railways the Chinese government plans to build on the Tibetan plateau, see CECC, “Special Topic Paper: Tibet 2008–2009,” 22 October 09, 46–53; CECC, 2009 Annual Report, 10 October 09, 283–86; CECC, 2010 Annual Report, 10 October 10, 223; CECC, 2011 Annual Report, 10 October 11, 217–18. See also “Qinghai-Tibet Railway To Get Six New Lines,” China Daily, 17 August 08. According to the report, “The six new tracks include one from Lhasa to Nyingchi [Linzhi] and one from Lhasa to Xigaze [Rikaze], both in the Tibet autonomous region. Three tracks will originate from Golmud in Qinghai province and run to Chengdu in Sichuan province, Dunhuang in Gansu province, and Kuerle [Ku’erle] of the Xinjiang Uygur Autonomous Region. The sixth will link Xining, capital of Qinghai, with Zhangye in Gansu.” “Qinghai-Tibet Plateau To Embrace 6 More Railway Lines by 2020,” Xinhua, 3 December 08.

¹⁷³Chen 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 changzhijuan er tuanjie fendou], Tibet Daily, 18 November 11, reprinted in China Tibet Information Center (translated in Open Source Center, 4 December 11).

¹⁷⁴Tian Zhilin, “Speed Up Process, Strive To Start Construction of Lhasa-Linzhi Segment of Sichuan-Tibet Railway This Year” [Jiakuai jin Cheng zhengqu chuan zang tielu la lin duan niannei kaigong jianshe], Tibet Daily, 19 April 12, reprinted in China Tibet News.

¹⁷⁵Ministry of Railways, “Long-Term Railway Network Plan (2008 Revision)” [Zhong chang qi tielu wang guihua tu (2008 nian tiaozheng)], last visited 13 June 12. The Web page displays a graphic image of a map. The map key indicates existing railways, planned high-speed railways, (other) planned railways, planned electrification of railways, and railway plans under investigation.

¹⁷⁶“Full Speed Ahead for Tibet Railway Extension,” Xinhua, 17 January 12.

¹⁷⁷“Tibet’s New Railway To Open in 2014,” China Daily, 2 September 11.

¹⁷⁸“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.”

¹⁷⁹Zhou Hongwu, “Actively Build Harmonious Railway Construction” [Jiji gou jian hexie tielu jianshe], Tibet Daily, 22 April 12, reprinted in China Tibet News. The report referred to the need “to better protect the legitimate rights and interests of railway constructors and to actively and effectively serve peaceful and harmonious railway construction,” and noted that railway staff gave construction workers copies of laws including the “Contract Labor Law,” the ‘Civil Law,’ the ‘Criminal Law,’ the ‘Law on Administrative Punishment,’ and the ‘Law on Petitioning.’”

¹⁸⁰“China’s Railways Ministry Auctions 30 Bln-Yuan Bonds,” Xinhua, 8 November 11.

¹⁸¹Qi Yongdong, Aba Prefecture Government Information Work Office, “First Revenues for the Aba Prefecture Section of the Chengdu-Lanzhou Railway Enter the Coffers” [Chenglan tielu aba

zhou duan gongcheng shou bi shuikuan zhengshou ruku], reprinted in Aba Tibetan and Qiang Autonomous Prefecture People's Government, 27 March 12. For information on the railway's route to Aba prefecture via Shifang city in Deyang municipality, Sichuan province, see Shifang City Post-Disaster Reconstruction Office, "Chengdu-Lanzhou Railway Moves Toward a Schematic Map" [Chenglan tielu xianlu zouxiang shiyifu], 28 November 11.

¹⁸²Aba Government Information Work Office, "China Railway Second Department Specialist Group Travels to Mao County To Perform On-Site Survey of Lanzhou Railway's Mao County Section Mainline Line Type and To Choose Railway Station Address" [Zhong tie er yuan zhuanjia zu dao maoxian takan chenglan tielu maoxian duan ganxian xian xingji chezhan xuan zhi], reprinted in Aba Tibetan and Qiang Autonomous Prefecture People's Government, 20 August 10.

¹⁸³Ministry of Railways, "Long-Term Railway Network Plan (2008 Revision)" [Zhong changqi tielu wang guihua tu (2008 nian tiaozheng)], last visited 13 June 12. The Ministry of Railways map marks only two sites along the Chengdu-Lanzhou route: Jiuzhaigou, the seat of Jiuzhaigou county in Aba T&QAP, and Hadapu town, located in Dangchang county, Longnan municipality, Gansu province. Zhouqu (Drugchu) county is between Jiuzhaigou and Hadapu.

¹⁸⁴Lurong Zhandui and Yang Minghong, "Building Housing for the People a Violation of Human Rights?" [Gei laobaixing xiujian zhufang qinfang le shenme renquan?], People's Daily, 27 January 12 (translated in Open Source Center, 31 January 12). The report said, "According to statistics, 1.85 million [of those involved in agriculture and those half involved in agriculture and half involved in herding], 61% of Tibet's total population, had settled down by 2011." See also "Over 1 Million Tibetan Nomads Choose Settlement," Xinhua, 6 July 12, reprinted in People's Daily (Qinghai official: "More than 270,000 nomads have settled in Qinghai . . . in the three years since the campaign accelerated in 2009"). See CECC, 2011 Annual Report, 10 October 11, 217 (based on official TAR statistics on forced settlement of nomadic herders and resettlement of farmers, the government had settled or resettled "1.43 million farmers and herds-men"—nearly two-thirds of the TAR rural population); CECC, 2010 Annual Report, 10 October 10, 224 (official TAR statistics on forced settlement of nomadic herders and resettlement of farmers totaled approximately 1.33 million, about half the TAR Tibetan population).

¹⁸⁵State Council General Office, Several Opinions on Promoting and Speeding Up Sound Development in Grazing Areas [Guowuyuan guanyu cujin muqu you hao you kuai fazhan de ruogan yijian], reprinted in PRC Central People's Government, 9 August 11.

¹⁸⁶Tibetan Centre for Democracy and Human Rights, "Four Tibetan Environmental Activists Detained in Tawu," 15 March 12. The report referred to but did not name a fourth detainee. See the Commission's Political Prisoner Database, records 2012-00173 on Lubum, 2012-00174 on Dragpa, and 2012-00175 on Dawa, for more information on the cases.

¹⁸⁷"Tsang Monastery on Security Watch," Radio Free Asia, 22 March 12. According to the report, the posters appeared on March 15, 2012, in multiple locations around Tsang Monastery.

¹⁸⁸For the purpose of calculating average sentences, the Commission's Political Prisoner Database provides 20 years as a nominal length of a life sentence. Official Chinese information about the actual average time served by prisoners sentenced to life imprisonment is not available.

¹⁸⁹In addition to the 597 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, 2012, an additional 715 Tibetan political prisoners detained or imprisoned on or after March 10, 2008, who are known or presumed to have been released, or who reportedly escaped or died.

¹⁹⁰For the purpose of calculating average sentences, the Commission's Political Prisoner Database provides 20 years as a nominal length of a life sentence. Official Chinese information about the actual average time served by prisoners sentenced to life imprisonment is not available.

¹⁹¹Ibid.

Notes to Section VI—Developments in Hong Kong and Macau

¹Hong Kong Legislative Council, Chief Executive (Amendment) Bill 2010, introduced 10 December 10, passed 3 March 11, and Chief Executive Election (Amendment) Ordinance 2011, enacted 11 March 11. For details of the 2011 revision, see CECC, 2011 Annual Report, 10 October 11, 221.

²Hong Kong Legislative Council, Legislative Council (Amendment) Bill 2010, introduced 10 December 10, passed 5 March 11; Hong Kong Legislative Council, Legislative Council (Amendment) Ordinance 2011, enacted 11 March 11.

³Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, enacted by the National People's Congress 4 April 90, effective 1 July 97, chap. IV, art. 45 (selection of the chief executive), art. 68 (selection of Legislative Council), and chap. 1, art. 2 ("high degree of autonomy").

⁴Tanna Chong, "Xi Calls for End to Chaos and Mud-Slinging," *South China Morning Post*, 9 March 12.

⁵Te-Ping Chen, "Hong Kong's Scandalous Election Too Much for China," *Wall Street Journal*, 13 March 12.

⁶"The Worst System, Including All the Others," *Economist*, 31 March 12.

⁷"The Worst System, Including All the Others," *Economist*, 31 March 12; Te-Ping Chen, "Hong Kong's Scandalous Election Too Much for China," *Wall Street Journal*, 13 March 12; "Xi Jinping Makes a Decision on Chief Executive Battle; Leung Chun-Ying To Be Elected by 700 Votes in One Go," *Apple Daily*, 3 March 12 (Open Source Center, 3 March 12); "Beijing Lobbies in Push for a Leung Victory," *South China Morning Post*, 21 March 12.

⁸Te-Ping Chen, "Hong Kong's Scandalous Election Too Much for China," *Wall Street Journal*, 13 March 12; Cheung Chi-fai, "Ip, Wong Demand Clarity on Exco Rule," *South China Morning Post*, 19 March 12.

⁹"The Worst System, Including All the Others," *Economist*, 31 March 12.

¹⁰"Xi Jinping Makes a Decision on Chief Executive Battle; Leung Chun-Ying To Be Elected by 700 Votes in One Go," *Apple Daily*, 3 March 12 (Open Source Center, 3 March 12). The final result was 689 votes for Leung, 285 for Tang, and 76 for Ho. Government of the Hong Kong Special Administrative Region, "The Fourth Term Chief Executive Election: Election Result," 25 March 12. Xi Jinping is the likely future leader of China. See, e.g., White House Press Office, "Press Briefing on the Upcoming Visit of Chinese Vice President Xi Jinping to the United States," 10 February 12.

¹¹"Beijing Lobbies in Push for a Leung Victory," *South China Morning Post*, 21 March 12. Some of those who were lobbied refused, including tycoon Li Ka-shing, whom Xi Jinping asked directly to support Leung. Gary Cheng et al., "Tycoon Won't Be Swayed—He's Backing Tang," *South China Morning Post*, 22 March 12.

¹²Keith Bradsher, "Pro-Beijing Candidates Outmaneuver Opponents as Hong Kong Votes," *New York Times*, 10 September 12.

¹³Te-Ping Chen, "Hong Kong Election Widens Political Divide," *Wall Street Journal*, 10 September 12.

¹⁴*Ibid.* Lai Ying-kit, "Pan Democrats Declare Narrow Victory, as Radical Candidates Gain Supporters," *South China Morning Post*, 10 September 12.

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