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Summary

This report examines human rights conditions in the People’s Republic of China (PRC) and policy options for Congress. The PRC government under the leadership of Chinese Communist Party General Secretary and State President Xi Jinping has implemented a clampdown on political dissent, civil society, human rights activists and lawyers, and the religious, cultural, and linguistic practices of Tibetans and Uyghurs. Other major human rights violations in China include the practice of incommunicado detention, torture of persons in custody, censorship of the Internet, and restrictions on the freedoms of religion, association, and assembly.

The era of Hu Jintao, Xi’s predecessor, who was China’s leader from 2002 to 2012, was marked by serious human rights abuses, but also by an emerging civil society of nongovernmental organizations and advocacy groups, a growing number of human rights activists and lawyers, and the rise of limited investigative reporting and public discourse on social media platforms. Despite moving forward with some policies aimed at reducing rights abuses and making the government more transparent and responsive, Xi has implemented new laws that appear to strengthen the role of the Communist Party and the state over a wide range of social and civil society activities in the name of national security, and instated greater government controls over the media and the Internet. Since July 2015, over 250 human rights lawyers and activists have been temporarily detained, arrested, sentenced to prison terms, or placed under heavy surveillance in what is known as the “7-09 Crackdown.”

Human rights conditions in the PRC long have been a central issue in U.S.-China ties. According to some analysts, the Trump Administration has indicated a partial departure from the Obama Administration’s approach toward human rights in China, which some analysts say suggests less emphasis on human rights in U.S. dealings with Beijing. The issue of human rights is not among the “four pillars” of the new U.S.-China Comprehensive Dialogue that was established during discussions between President Trump and President Xi at Mar-a-Lago in April 2017. In a speech to State Department employees in May 2017, Secretary of State Rex Tillerson stated that “guiding all of our foreign policy actions are our fundamental values: our values around freedom, human dignity, the way people are treated.” He also said, “If we condition too heavily that others must adopt this value that we’ve come to over a long history of our own, it really creates obstacles to our ability to advance our national security interests, our economic interests.”

Congress and successive Administrations have developed an array of means for promoting human rights and democracy in China, often deployed simultaneously. Policy tools include open censure of China; quiet diplomacy; congressional hearings and legislation; funding for rule of law and civil society programs in the PRC; support for dissidents and pro-democracy groups in China and the United States; sanctions; bilateral dialogue; Internet freedom efforts; public diplomacy; and coordinating international pressure. Another high-profile policy practice is the U.S. government issuance of congressionally mandated country reports, including reports on human rights, religious freedom, and trafficking in persons.

Many experts and policymakers have sharply disagreed over the best policy approaches and methods to apply toward human rights issues in China. Possible approaches range from supporting incremental progress and promoting human rights through bilateral and international engagement, to conditioning the further development of bilateral ties on improvements in human rights in China. Some approaches attempt to balance U.S. values and human rights concerns with other U.S. interests in the bilateral relationship. Other approaches challenge the underlying assumption that U.S. human rights values and policies may involve trade-offs with other U.S. interests, arguing instead that human rights are fundamental to other U.S. objectives.
For additional information, including policy recommendations, see CRS Report R41007, *Understanding China’s Political System*; the Congressional-Executive Commission on China’s *Annual Report 2016*; the U.S. Department of State’s *Country Reports on Human Rights Practices for 2016*; and other resources cited in the report.
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Introduction

Human rights conditions in the People’s Republic of China (PRC) long have been a central issue in U.S.-China relations. The two governments’ different perceptions of human rights are an underlying source of mutual misunderstanding and mistrust. Frictions over human rights issues affect other issues in the bilateral relationship, including those related to economics and security. China’s weak rule of law and restrictions on the Internet affect U.S. companies doing business in the PRC. People-to-people exchanges, particularly educational and academic ones, and collaboration among U.S. and PRC nongovernmental organizations (NGOs) are hampered by periodic Chinese government campaigns against “Western values” and restrictions on foreign NGOs, as well as on the freedoms of speech, association, and assembly.

For some U.S. policymakers, human rights conditions in China represent a test of the success of overall U.S. policy toward the PRC. They argue that the U.S. policy of cultivating diplomatic and economic ties with China has failed to promote meaningful political reform and improvements in human rights, and that without progress in these areas, China’s foreign policy is likely to become more aggressive, and mutual trust and cooperation in other areas of the bilateral relationship will remain difficult to achieve. They contend, furthermore, that the long-standing, overarching policy of U.S. engagement with China, which they say focuses on other U.S. interests, particularly economic ones, at times acts at cross purposes with U.S. efforts to support human rights. Others opine that U.S. economic engagement with China has helped to strengthen the communist regime through the legitimacy and resources that economic development has provided, and thereby lessened the impetus for fundamental political reform. Other experts, by contrast, maintain that U.S. engagement has helped to accelerate economic and social transformations that create the necessary conditions for political reform and improvements in rights protections in China, particularly over the long term. They add that change in China’s human rights policies will come mostly from within, and that Washington has little direct leverage over such developments and Beijing’s actions.

Since the end of the 1980s, following the 1989 military suppression of prodemocracy demonstrators in and around Tiananmen Square in Beijing, successive U.S. Administrations have employed broadly similar strategies for promoting human rights in China. Some analysts have referred to the U.S. foreign policy approach of promoting human rights and democracy in China through diplomatic and economic engagement, without directly challenging Communist Party rule, as a strategy of seeking China’s “peaceful evolution.” PRC leaders long have been

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4 Bruce Dickson, The Dictator’s Dilemma, New York: Oxford University Press, 2016; Warren Christopher, Secretary of State under the Clinton Administration (1993-1997), stated: “Our policy will seek to facilitate a peaceful evolution of China from communism to democracy by encouraging the forces of economic and political liberalization in that great country.” Warren Christopher, Statement before the Senate Foreign Relations Committee, January 13, 1993.
suspicious of any U.S. efforts that they perceive as part of a long-term plan to subvert their rule through “peaceful evolution.” President Bill Clinton favored an approach that he and members of his Administration called “constructive engagement”—furthering diplomatic and economic ties while pressing for open markets, human rights, and democracy—calling it “our best hope to secure our own interest[s] and values and to advance China’s.” President George W. Bush also came to view U.S. engagement as the most effective means of promoting U.S. interests as well as freedom in the PRC.

Both Bush and President Barack Obama emphasized that China’s respect for international human rights norms would benefit China’s own success and stability. The Obama Administration attempted to forge bilateral cooperation on many fronts, while “managing differences” with China on issues including human rights. Then-Secretary of State Hillary Clinton described the Administration’s human rights policy as one of “principled pragmatism.” This approach was based upon the premise that tough but quiet diplomacy is both less disruptive to the overall relationship and more effective in producing change than public censure. Nonetheless, the Obama Administration publicly criticized China’s human rights policies on many occasions.

Some human rights groups and policymakers have criticized the Trump Administration’s “transactional” focus on U.S. security and economic interests in foreign affairs, while appearing to downplay human rights issues or preferring to raise them quietly. They criticized Secretary of State Rex Tillerson for not appearing in person as his predecessors had done to publicly announce the release of the Department of State’s annual Country Reports on Human Rights Practices in March 2017, and the Trump Administration for not signing a joint letter, signed by 11 other countries, that denounced China over its alleged torture of detained human rights lawyers and activists. In a speech to State Department employees on May 3, 2017, Tillerson stated that “guiding all of our foreign policy actions are our fundamental values: our values around freedom, human dignity, the way people are treated.” He also stated, “If we condition too heavily that others must adopt this value that we’ve come to over a long history of our own, it really creates obstacles to our ability to advance our national security interests, our economic interests.”

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11 See, for example, The White House, Office of the Press Secretary, “Remarks by President Obama and President Xi Jinping of China in Joint Press Conference,” Great Hall of the People, Beijing, China, November 12, 2014.
observers criticized this approach. In an opinion piece published on May 8, 2017, for example, Senator John McCain stated:

In a recent address to State Department employees, Secretary of State Rex Tillerson said conditioning our foreign policy too heavily on values creates obstacles to advance our national interests.... To view foreign policy as simply transactional is more dangerous than its proponents realize. Depriving the oppressed of a beacon of hope could lose us the world we have built and thrived in. It could cost our reputation in history as the nation distinct from all others in our achievements, our identity and our enduring influence on mankind. Our values are central to all three.  

In March 2017, Tillerson, on his first official trip to China, stated in closing remarks that he was there to forge a “constructive and results-oriented relationship between the United States and China” and that he “made clear that the United States will continue to advocate for universal values such as human rights and religious freedom.” Senators Ben Cardin and Marco Rubio, in a letter to the Secretary of State, noted that Tillerson made “only one public mention of human rights concerns in the context of the bilateral relationship” during his visit to Beijing, and urged him to make human rights a “top priority” in discussions with PRC officials during the meeting between President Trump and President Xi in April 2017 at Mar-a-Lago. Secretary Tillerson, in a briefing to reporters following the Trump-Xi meeting, stated that during the talks, which some observers described as “coldly transactional,” Trump “noted the importance of protecting human rights and other values deeply held by Americans.” While no mention was made of specific issues, Tillerson added that human rights “occupied a core of all of our discussions.” The issue of human rights, however, was not listed among the “four pillars” of the new U.S.-China Comprehensive Dialogue that was established during the discussions.

During his March 2017 visit to Beijing, Secretary Tillerson reportedly pressed Chinese officials on the case of U.S. citizen Sandy Phan-Gillis, who had been detained in China since March 2015 on espionage charges. A few weeks after the April 2017 meeting between Trump and Xi, Phan-Gillis, a business consultant and cultural ambassador from Houston who had made frequent trips to China, was sentenced by PRC authorities to three-and-a-half years in prison and then deported to the United States. Some observers believe that the case of Phan-Gillis may signal a shift in U.S. human rights policy that may emphasize U.S. citizens detained in China and focus less on Chinese dissidents and prisoners of conscience. In February 2017, U.S. officials reportedly

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18 “A Coldly Transactional China Policy; Donald Trump’s First Meeting with Xi Jinping Was All About Business,” op. cit.
19 “Briefing by Secretary Tillerson, Secretary Mnuchin, and Secretary Ross on President Trump’s Meetings with President Xi of China,” White House Press Releases and Documents, Palm Beach, Florida, April 7, 2017. The four pillars of the newly established U.S.-China Comprehensive Dialogue are: the diplomatic and security dialogue; the comprehensive economic dialogue; the law enforcement and cybersecurity dialogue; and the social and cultural issues dialogue.
assisted the family of Chinese human rights attorney Xie Yang, whose youngest daughter is a U.S. citizen by birth, as his wife and two daughters were attempting to leave Thailand for the United States.

The U.S. government has employed an array of efforts and tactics aimed at promoting human rights, democracy, and the rule of law in China. The effects of these efforts primarily have been evident along the margins of the PRC political system. Congressional policy tools include open letters to the Administration and to Chinese leaders in support of human rights or critical of PRC policies; hearings; funding for foreign assistance programs in China and U.S.-based groups that promote human rights; meetings with Chinese dissidents and human rights lawyers; raising human rights issues during official visits to China; and sanctions. Executive branch options include diplomatic negotiations and formal dialogues focused on human rights issues; public diplomacy programs; international broadcasting; and coordination of international pressure.

Another high-profile practice is the issuance of congressionally mandated country reports, including reports on human rights, religious freedom, and trafficking in persons. Many analysts have observed that China’s leaders have become less responsive to international pressure on human rights in recent years.23 Other experts, however, have emphasized that the treatment of some prominent Chinese dissidents and rights activists by PRC authorities may have been less severe than it might otherwise have been in part as a result of international attention and pressure.24

Assessing Human Rights and Democracy in China

The PRC government is led by the Chinese Communist Party (CCP), whose rule is referenced in the preamble to China’s Constitution. The PRC Constitution provides for many civil and political rights, including, in Article 35, the freedoms of speech, press, assembly, association, and demonstration. Other provisions in China’s constitution and laws circumscribe or condition these rights and freedoms, however, and the state restricts these freedoms in practice. China’s leaders typically view these rights as subordinate to their own authority and to the policy goals of maintaining state security and social stability, promoting economic development, and providing for economic and social rights. They assert that perspectives on human rights vary according to a country’s level of economic development and social system, implying that human rights are not “universal,” in contrast to statements by some U.S. government officials that have emphasized “universal rights.” PRC leaders frequently denounce foreign criticisms of China’s human rights record and policies as interference in China’s sovereign, internal affairs.25

Nearly 30 years after the 1989 demonstrations for democracy in Beijing and elsewhere in China and the subsequent military crackdown, the Communist Party remains firmly in power, through both coercive measures and highly publicized efforts to improve governance. Many Chinese citizens have attained living standards, educational and travel opportunities, access to information, and a level of global integration that few envisioned in 1989. Little progress, however, has been made in most areas of political freedom and civil liberties. China’s leaders have rejected institutional reforms that they perceive might undermine the CCP’s monopoly on

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power, and continue to respond forcefully to signs and instances of autonomous social organization, independent political activity, and social instability. They seek to prevent the development of linkages among individuals, social groups, and geographical regions that they perceive as having potential political impact. The government maintains severe restrictions on unsanctioned religious, ethnic, and labor activity and groups, political dissidents, and human rights lawyers. Government authorities have imposed harsh policies against Tibetans, Uyghurs, and practitioners of Falun Gong.

As CCP General Secretary and State President Xi Jinping took over the reins of power in 2012 and early 2013, there was a period of cautious optimism and discussion in intellectual circles in China about the need for political reform and how to address these issues. However, Xi has carried out a crackdown on political dissent and civil society, reversing what appeared to some observers to be a trend toward increased tolerance of mild criticism of government policies, the exchange of some news and opinion on social media, some advocacy by nongovernmental organizations (NGOs), and legal actions against officials on behalf of some aggrieved citizens.

Many citizens who had openly discussed political issues, engaged in political or social activism, attempted to defend dissidents or human rights activists in court, or tried to expose some corrupt officials have been punished. Xi’s focus on national security and the perception of civil society as a threat to Communist Party rule appear to be driven in part by the daunting political challenges that he faces, including persistent political corruption; a slowing national economy; rising popular expectations; severe environmental pollution; unrest in Tibet and violent clashes in Xinjiang; and the growing popular attraction to organized religions, which some of China’s leaders contend may undermine their authority.

In some ways, the PRC central government has continued to demonstrate a measure of responsiveness toward popular and expert opinion, reflecting a style of rule that some experts refer to as “responsive authoritarianism” or “consultative authoritarianism,” and what PRC leaders refer to as “consultative democracy.” The CCP has striven to meet the demands and expectations of many Chinese citizens for competent and accountable governance and fair application of the laws, while some policymaking processes have become more inclusive.

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recent years, the PRC government has implemented some legal and institutional reforms aimed at preventing some rights abuses and making the government more transparent and responsive. The state has limited repressive measures largely to selected key individuals and groups, although the scope of those targeted has widened under President Xi. Many citizens continue to enjoy “everyday freedoms” and appear to remain supportive of the regime. Although public protests in China are common, they largely are focused upon local economic and environmental issues rather than national political ones.

Public Opinion and Democracy

Some experts believe that, over the long term, economic development will lead to democratization in China, as it already has in other East Asian societies, such as South Korea and Taiwan. They posit that the growing urban middle class, a manifestation of such development, will likely be a key agent of political change. According to other analysts, however, China’s burgeoning middle class has not yet become a catalyst for democracy, despite its members’ growing awareness of their interests and in some cases their participation in public protests.

### Third National Human Rights Action Plan of China (2016-2020)

In the Vienna Declaration and Programme of Action, adopted in June 1993, the World Conference on Human Rights recommended that all countries develop national action plans identifying steps whereby they would strive to improve the promotion and protection of human rights. The PRC released its first human rights action plan in 2009. The third action plan was released in September 2016. The plan includes sections on economic, social, and cultural rights, civil and political rights, and the rights of specific groups, including ethnic minorities and women. Part II, Civil and Political Rights, addresses some of China’s most pressing human rights issues. It includes commitments toward preventing torture in police and administrative custody, abiding by the rules and regulations on places of surveillance, reducing judicial interference, and implementing the principle of presumption of innocence. Part II also includes the objectives of expanding citizens’ right to know and enlarging public involvement in legislation.

Some public opinion polling suggests that in China, economic development has been weakly correlated with democracy, and that Chinese define democracy differently from most Americans.

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33 Bruce Dickson, *The Dictator’s Dilemma*, op. cit.; Seymour Martin Lipset, “Some Social Requisites of Democracy,” *American Political Science Review*, vol. 53, no. 1 (1959). Lipset argued that socioeconomic development, including higher levels of wealth, industrialization, urbanization, and education, are correlated with democracy.


In a study published in 2016, one U.S. scholar found that a plurality (27%) of Chinese respondents in a survey viewed democracy as government that is “governed by and for the people,” but fewer than 40% perceived of democracy in terms of either competitive elections, rights and freedoms, or equality and justice.\textsuperscript{39} In many ways, according to some studies, members of China’s middle class are dependent upon the state for their material well-being and are not prone to agitate for democracy if they perceive that their economic needs are being met. They value social and political stability, which they believe the Communist Party can provide, and have expressed some fear of grassroots democracy.\textsuperscript{40} Many Chinese reportedly are generally satisfied with the level of democracy in their country and are optimistic that the level of democracy they enjoy will rise in the future. This sentiment causes some Chinese to resent foreign criticism of human rights conditions and to withhold sympathy for democracy activists.\textsuperscript{41}

### U.S. Policy Questions and Options

Debates about what policies the U.S. government should pursue in order to promote human rights in China tend to revolve around the following principal sets of questions:

- To what extent should the U.S. government expend time and resources promoting human rights in other countries, including China? How do such efforts relate to and advance U.S. interests and policy objectives?

- Which human rights issues and developments in China most warrant U.S. attention, and why? Should human rights issues be prioritized? How might improvements in some human rights lead to improvements in other human rights?

- Approaches to promoting human rights vary. Some are more (or less) confrontational, public, or punitive. Which approaches have been more effective in promoting human rights in China? How have U.S. approaches changed over time?

- What is the range of possible policy tools for promoting human rights in China? Which options are the most effective, and over what time frame are they most effective?

- How much importance should the United States attach to multilateral efforts to promote human rights in China? Should international approaches be focused on the United Nations, or be coordinated directly with like-minded governments?

- How are possible U.S. human rights policies constrained, if at all, by other U.S. policies and interests related to China? How are they constrained, if at all, by the institutions and mechanisms that form the basis of U.S.-China relations?

- Should the United States’ interest in human rights be the subject of negotiation, and, if so, should the United States be willing to match improvements in China’s human rights conditions with actions valued by China? In what areas might such matching “action for action” be explored?

\textsuperscript{39} Bruce Dickson, \textit{The Dictator’s Dilemma}, op. cit.


\textsuperscript{41} Bruce Dickson, \textit{The Dictator’s Dilemma}, op. cit.
• Should the U.S. government press China to abide by international human rights standards and covenants in a separate bilateral human rights dialogue, or as part of other dialogues?

Some human rights advocates argue that promoting human rights in China should be viewed as a national interest and elevated to first order importance in U.S. policy toward China. They contend that U.S. foreign policy should be more values-focused, and that other areas of the bilateral relationship, such as security and trade, would benefit from prioritizing human rights. Some experts recommend a “whole-of-government” approach, whereby human rights policy is coordinated among all agencies dealing with China, and suggest that the Administration and Congress work together to consider legislative and other measures. They favor placing human rights conditions upon Beijing before satisfying China’s desire for international cooperation in many areas, and imposing sanctions when necessary.

Other specialists contend that open censure and efforts to place human rights-related conditions upon further development of the bilateral relationship have not been very effective. They suggest that it is more useful, particularly in the long run, to take a more cooperative and flexible approach toward promoting human rights in China. In this way, U.S. policies to promote human rights in the PRC are less likely to meet resistance among CCP hardliners and more likely to find agreement among Chinese governmental and nongovernmental leaders who also may be pursuing human rights and related objectives. A less confrontational approach, they add, is also more compatible with the myriad ongoing forms of U.S. engagement and cooperation with China. They urge U.S. policymakers to seek common ground with their Chinese counterparts and to appeal as much as possible to China’s own interests on human rights issues.

The following are possible steps put forward by a diverse group of experts that the U.S. government and other actors could take, or that Congress could mandate or otherwise require, to promote human rights in the PRC. The U.S. government has attempted to put some of these recommended policies and efforts into practice. For a discussion of U.S. government human rights activities related to China, see “U.S. Efforts to Advance Human Rights in China,” below.

• Support congressional hearings, legislation, resolutions, letters, and statements expressing concerns about human rights developments in China and individuals and groups persecuted in China for exercising internationally recognized human rights that are protected in the PRC Constitution.

• Increase U.S. government support for rule of law, civil society, and political participation programs in China. Provide funding to the National Endowment for Democracy to support human rights and democracy groups based in the United States and Hong Kong.

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43 Sophie Richardson, “How to Deal with China’s Human Rights Abuses,” ChinaFile, September 1, 2016.


45 Wilson Center, op. cit.; Winston Lord, op. cit.
• Support nongovernmental actors, including umbrella organizations that coordinate the efforts of disparate groups focused on human rights issues in China.\textsuperscript{46} Formulate a code of conduct for U.S. civil society organizations, including think tanks, universities, and cultural-exchange entities, for interacting with Chinese officials and policies when faced with human rights restrictions.\textsuperscript{47}

• Provide financial assistance to dissidents and victims of religious and ethnic persecution in China and Chinese political and religious refugees.

• Support research and documentation of human rights conditions and abuses in China.

• Link U.S. economic and human rights policies.
  • Impose restrictions upon Chinese trade and investment ties with the United States unless human rights conditions improve.\textsuperscript{48}
  • Link permanent normal trade relations (PNTR) status and low import tariffs with improvements in human rights conditions in China.
  • Challenge Chinese security regulations and restrictions on Internet use as barriers to trade under the World Trade Organization (WTO).
  • Tighten U.S. export controls in response to human rights violations or reduce the export of U.S. technologies and services that can be used to violate human rights, such as Internet, surveillance, and law enforcement products and equipment.
  • Encourage U.S. companies in China to speak out against policies that affect both business interests and human rights.\textsuperscript{49}

• Impose sanctions on China and PRC officials in response to Chinese human rights abuses.
  • Deny U.S. visas to, or freeze the U.S. banks accounts of, Chinese officials responsible for severe human rights violations (see “Global Magnitsky Act,” below).
  • Apply provisions of the International Religious Freedom Act that deny U.S. visas to foreign officials responsible for particularly severe violations of religious freedom.\textsuperscript{50}

• Impose penalties on PRC officials for human rights violations, including placing holds on their foreign bank accounts.


\textsuperscript{50} P.L. 105-292, §604.
- Suspend U.S. engagement and exchanges with China’s Ministry of Justice and Ministry of Public Security until all human rights lawyers are released from detention or prison or their constitutional rights are restored.
- Suspend U.S. engagement and exchanges with Chinese officials from provinces where egregious incidents of religious persecution have been reported.\textsuperscript{51}
- Noting the rise in detentions of some U.S. citizens and green card holders in China, some advocacy groups urge the State Department to issue a travel advisory, warning U.S. citizens and green card holders that there is a risk of arbitrary detention if they travel to China.
- Invoke the principle of reciprocity as a means of promoting human rights in China.
  - Demand that U.S. journalists, academics, and media outlets enjoy the same level of access to China that Chinese journalists, academics, and media outlets have in the United States.\textsuperscript{52}
  - Call for mutual treatment in issuing visas for journalists and oppose the PRC government’s denial of visas to U.S. and other foreign journalists who write critically of CCP leaders or sensitive policy issues.
  - Grant the PRC an additional consulate in the United States if and only if the PRC government agrees to a U.S. consulate in Lhasa, Tibet.\textsuperscript{53}
- Raise human rights in bilateral interactions.
  - Raise human rights issues, not only in State Department-led dialogues and meetings with Chinese officials, but also in discussions and meetings led by other U.S. departments and agencies.
  - Support a separate U.S.-China human rights dialogue.
  - Make official human rights discussions more transparent, and open them up to include representatives from civil society, including human rights organizations.
  - Include civil society representatives in human rights discussions.
- Bolster international efforts.
  - Field a larger and more active U.S. delegation at the United Nations Human Rights Council (UNHRC). Hold China to its UNHRC Universal Periodic Review commitments.
  - Coordinate with Asian and European democracies in engaging in diplomatic and other forms of pressure on the Chinese government to improve human rights conditions.


\textsuperscript{52} For example, see H.R. 1112, Reciprocal Access to Tibet Act of 2015 (McGovern, introduced on February 26, 2015, but did not become law) and H.R. 2899, Chinese Media Reciprocity Act of 2011 (Rohrabacher, introduced on September 12, 2011, but did not become law).

• Back internet freedom efforts.
  • Increase funding to the Department of State and Broadcasting Board of Governors for the development of software applications that enable Chinese Internet users to circumvent censorship.
  • Support efforts aimed at enabling Chinese audiences to circumvent Internet censorship and access Voice of America (VOA) and Radio Free Asia (RFA) online programming.
  • Oppose the PRC government’s efforts to promote the concept of “Internet sovereignty,” by which each country applies its own rules on issues of Internet freedom.

• Strengthen public diplomacy.
  • Provide greater funding for VOA and RFA broadcast and online programs in Mandarin, Cantonese, Tibetan, Uyghur, and English.
  • Strengthen the International Visitor Leadership Program, which brings established and potential leaders from China to the United States for short-term stays that include study tours in the areas of government, media, education, economics, environment, labor, and rule of law.54

Crackdown on Dissent

Less than one year into the 2012 leadership transition that brought Xi Jinping to power, PRC authorities began to carry out a clampdown on political dissent, free expression, and civil society. While the PRC government has engaged in many cycles of reform and repression in the nearly three decades since the 1989 Tiananmen military crackdown, recent security measures have been striking for their scope and severity, say observers. Xi’s policies have included detentions and arrests of hundreds of human rights attorneys, investigative journalists, prominent bloggers, members of ethnic minorities, and civil society leaders. Freedom House reported that in China, which it deems to be among the bottom 20 “unfree” countries in the world, “[a] renewed push for party supremacy and ideological conformity has undermined rule of law reforms and curtailed civil and political rights.”55 In May 2013, the CCP issued a classified directive (Document No. 9) identifying seven “false ideological trends, positions, and activities,” largely aimed at the media and liberal academics. According to the document, topics to be avoided in public discussion include universal values, constitutional democracy, freedom of the press, civil society, civil rights, an independent judiciary, and criticism of the CCP.56

In 2016, a liberal journal, Yanhuang Chunqiu, under pressure from conservatives within the Communist Party, ceased publication. For 25 years, the periodical reportedly had been a mouthpiece for political reformers and exercised relative independence, as long as it did not broach the most sensitive political topics. A former editor stated that its patrons in the Party “had grown politically weak under the current leadership.”57 In January 2017, Beijing authorities shut

57 Philip Wen, “The Final Stand of Yanhuang Chunqiu, Torchbearer of Chinese Liberal Thought,” Sydney Morning (continued...)
down two websites run by a liberal Chinese think tank, reportedly after its founder criticized the Supreme People’s Court’s top judge for publicly rejecting the ideal of judicial independence.\(^5^8\)

**Arrests of Rights Lawyers and Activists**

Since July 2015, over 250 human rights lawyers and activists have been detained, arrested, or placed under surveillance or house arrest in what is known as the “7-09 Crackdown.” Launched on July 9, 2015, some observers say this campaign against the growing number of human rights lawyers in China has been unprecedented in scale.\(^5^9\) PRC authorities have targeted, in particular, staff of the Fengrui Law Firm in Beijing, which had represented Uyghur rights advocate Ilham Tohti, dissident artist Ai Weiwei, Falun Gong practitioners, and victims of alleged government misconduct.

Of the hundreds of rights lawyers and activists whom Chinese authorities have detained, most have been released, although from 15 to over 30 have been sentenced to prison terms, released on bail, or given suspended sentences usually of three years of home detention.\(^6^0\) At least two rights lawyers and one activist—Xia Lin, Zhou Shifeng, and Hu Shifeng—have received lengthy prison terms. Some lawyers and activists who were released on bail or suspended sentences reportedly have disappeared.\(^6^1\) Some rights attorneys reportedly suffered torture and psychological abuse by security personnel, were held incommunicado or at unknown locations, or were coerced into making televised confessions. Some have had their freedom of movement restricted or been prevented from travelling abroad.\(^6^2\) Spouses of detained lawyers have been subjected to surveillance and restrictions on movement and travel. Authorities reportedly have installed cameras or posted guards at spouses’ homes, cut off their telephone service, frozen their bank accounts, and warned them not to give interviews.\(^6^3\)

**Selected Prominent Cases**

- **Guo Feixiong** is the pen name of Yang Maodong, a legal rights advocate arrested in 2013 for demonstrating against the censorship of a progressive publication, *Southern Weekend*. In 2015, Guo was sentenced to six years in prison for “gathering a crowd to disrupt social order.” In December 2016, Chinese

\(^{\text{(...continued)}}\)


authorities suspended the legal license of Li Jinxing, Guo’s defense lawyer, for one year allegedly for “interfering with court proceedings.”

- **Guo Hongguo**, a rights activist and member of an unregistered Christian church, was convicted of subversion and given a three-year suspended sentence.

- **Hu Shigen**, a democracy advocate and Christian church leader with ties to the Fengrui Law Firm, was detained in July 2015 and formally arrested in January 2016 on the charge of subverting state power. He was convicted in August 2016 and sentenced to seven-and-one-half years in prison. Hu had formerly served a 16-year sentence for spreading information about the June 4, 1989, military crackdown in Beijing.

- **Jiang Tianyong**, a human rights lawyer who had legally defended or assisted Falun Gong practitioners, Tibetans, and other rights lawyers and advocates, including Xie Yang, Chen Guangcheng, and Gao Zhisheng, was detained in November 2016 and held incommunicado for six months. In May 2017, Jiang was formally charged with subversion of state power.

- **Li Heping**, an attorney and antitorture advocate who had represented Falun Gong practitioners, members of unregistered Christian churches, and environmental activists, and had provided assistance to Chen Guangcheng and Gao Zhisheng, was held incommunicado between July 2015 and January 2016. In April 2017, a Tianjin Court, in a closed trial, sentenced Li to a three-year suspended jail term for subverting state power.

- **Pu Zhiqiang**, a human rights lawyer and government critic, was detained in 2014, along with other attendees of a small gathering to mark the 25th anniversary of the 1989 military crackdown. In 2015, a Beijing court handed Pu a three-year suspended sentence for the crimes of “inciting ethnic hatred” and “disturbing public order,” based in part on comments that he had made online.

- **Wang Quanzhang**, a member of the Fengrui Law firm, defended Falun Gong practitioners, human rights lawyers, and victims of illegal land takings. After being detained during a trial reportedly for refusing a judge’s command, Wang wrote a legal manual on judicial detention for other rights lawyers. Wang was

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held incommunicado for 18 months and indicted on subversion charges in January 2017.\textsuperscript{70}

- **Wang Yu**, a rights lawyer at the Fengrui Law Firm who had defended Uyghur scholar Ilham Tohti as well as Chinese feminists, was detained in July 2015 and charged with subversion in January 2016. Wang was released on bail in August 2016 after she gave a televised confession that included a denunciation of her colleagues, which observers believe was coerced.\textsuperscript{71} Wang’s husband and colleague, Bao Longjun, and their son, Bao Zhuoxuan, were detained in July 2015 as they attempted to board a flight for Australia so that Bao Zhuoxuan could attend high school there.

- **Xia Lin**, an attorney who had assisted human rights lawyers such as Pu Zhiqiang and government critics such as Ai Weiwei, was found guilty of fraud and sentenced to 12 years in jail in September 2016. At his trial, Xia’s lawyers raised numerous legal and procedural violations in his case.\textsuperscript{72}

- **Xie Yang**, an attorney who defended rights advocates, was detained in July 2015. In January 2017, Xie’s lawyers released a transcript of him describing various forms of torture that he stated he had endured during a period in which he was held incommunicado. During a court hearing on May 8, 2017, Xie, in what supporters say was a forced confession, pleaded guilty to charges of inciting subversion of state power, and denied that he had been tortured.\textsuperscript{73} Xie was released on bail on May 9, 2017, before a verdict was announced.\textsuperscript{74}

- **Zhai Yanmin**, a rights activist who worked for the Fengrui Law Firm, was convicted of subversion and handed a three-year suspended sentence in August 2016.\textsuperscript{75}

- **Zhou Shifeng** headed the Fengrui law firm, which had taken on many politically sensitive cases. In August 2016, Zhou was found guilty of subverting state power and sentenced to seven years in prison.\textsuperscript{76}


Civil Society

In the past decade, the impact of nongovernmental organizations, also known in China as “social organizations” or “civil society organizations,” has grown. The PRC government increasingly has contracted the public provision of social services to NGOs, and nonstate entities have played a small but growing role in social advocacy and policy input. Environmental groups were at the forefront of civil society development, and some of them were met with resistance or repression by state authorities. Other types of social organizations have emerged in the areas of public health, education, rural development, legal aid, and policy research. China has over 650,000 registered NGOs, according to the Ministry of Civil Affairs, while the number of unregistered NGOs ranges from 1 million to 7 million. In addition, in 2016, several thousand foreign NGOs operated in China, of which about 1,000 had an established presence and 4,000-6,000 engaged in short-term projects, according to official and unofficial Chinese sources. In 2013, the PRC government announced that the process by which domestic NGOs could register to operate would be simplified, allowing them to apply directly to the Bureau of Civil Affairs to acquire legal status without also obtaining an official sponsor or supervisory unit. The government released draft legislation allowing direct registration for some types of NGOs in 2016.

Many experts view civil society broadly—the nonstate, nonbusiness component or “third sphere” of society that includes NGOs, grass-roots groups, religious congregations, academia, trade unions, political and other organizations—as a vital agent through which human rights and democracy are defended and exercised. Under Xi Jinping, the PRC government increasingly has tried to manage civil society, which he and other leaders apparently view as a potential security threat, while attempting to harness its value. Many individuals and NGOs working in areas previously deemed acceptable or even praiseworthy by the government have faced growing restrictions. Many U.S.-based and other international NGOs in China, particularly those engaged in rule of law programs and social advocacy work, have faced increasing scrutiny, and new regulations have placed additional constraints on foreign NGOs. Although the number of civil society organizations may still be growing, according to one expert, the “space in which civil society may operate is actually shrinking.”

In January 2016, state security officers detained and then deported Peter Dahlin, a Swedish national who had cofounded the Beijing-based Chinese Urgent Action Working Group, which provided legal aid and trained Chinese rights defenders. In a later interview, Dahlin stated, “I think the era for effecting change in China seems to be over for NGOs.”

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77 PRC commentators often prefer to use the term “social organization” rather than “nongovernmental organization” in order to avoid suggesting an adversarial relationship between society and the state. Some Western analysts use the term “civil society organization” rather than “nongovernmental organization” to reflect Chinese NGOs’ lack of real autonomy.


New PRC Laws

At the end of the Fourth Plenum of the CCP’s 18th Party Congress, held in October 2014, the CCP Central Committee issued a communique proclaiming that it was essential to “comprehensively advance the law-based governance of the country,” including the need to “improve the system for ensuring independent and impartial exercise of judicial and procuratorial powers in accordance with the law.” The statement, however, also stressed that “[u]pholding the Party’s leadership is fundamental to socialist rule of law....”83 Although the PRC government under Xi Jinping has furthered the development of the law in some areas related to human rights and civil society, such as criminal justice, domestic violence, and philanthropy, it largely has developed the law to strengthen CCP rule. The National People’s Congress (NPC) has passed new laws that appear to strengthen the role of the state over a wide range of social activities in the name of national security, place additional restrictions on defense lawyers, and authorize greater government controls over the Internet and ethnic minority groups. According to one analyst, “Under Xi Jinping the government is creating a more coherent legal framework to enforce the preservation of the party-state.”84 In January 2016, the ambassadors of the United States, Canada, Germany, Japan, and the European Union, in a “rare joint response,” signed a letter to China expressing concerns about the new laws. The letter stated, “While we recognize the need for each country to address its security concerns, we believe the new legislative measures have the potential to impede commerce, stifle innovation, and infringe on China’s obligation to protect human rights in accordance with international law.”85

National Security Law

In July 2015, China’s National People’s Congress passed a new National Security Law that provides legal grounds for greater scrutiny and state control over many social, ethnic, and cultural activities as well as speech. Some critics argue that the law’s expansiveness and vague wording may grant the government the authority to violate human rights in “almost every domain of public life” in the name of national security.86 According to the law, the state resists “negative cultural influences,” punishes “activities dividing ethnicities,” and opposes “foreign influences” that interfere with domestic religious affairs, among other mandates.87 Article 25 establishes a system for securing the Internet, including preventing illegal activity such as network attacks, cybertheft, and the dissemination of unlawful and harmful information.88

88 Ibid.
Cybersecurity Law

In November 2016, the NPC passed the Cybersecurity Law. A Chinese government official stated, “The law fits international trade protocol and its purpose is to safeguard national security.”89 Analysts say that while most policies promoted by the law are not new, the law provides a legal framework for the centralization and coordination of China’s efforts to control the Internet.

The cybersecurity law gives the government broad powers to control the flow of online traffic, including blocking the dissemination of unlawful information and temporarily restricting network communications for the purposes of protecting social order or national security.90 Its detractors say that the law establishes categories of illegal Internet use that can be interpreted broadly for political purposes. While Article 12 provides that the state “protects the rights of citizens, legal persons, and other organizations to use networks in accordance with law,” it outlaws activities in a number of vague areas that may result in infringements upon freedom of speech. Prohibited online activities include those that endanger “national security, national honor and interests”; incite “subversion of national sovereignty,” “the overthrow of the socialist system,” “separatism,” and “ethnic hatred and ethnic discrimination”; undermine “national unity”; advocate “terrorism or extremism”; and create or disseminate “false information to disrupt the economic or social order.”91 The law also places greater legal burdens upon private Internet service providers (“network operators”) to monitor content, obtain information on the real identity of their customers, participate in the state’s network security protection system, and assist public security organs.

Counterterrorism Law

New counterterrorism legislation, passed in December 2015, contains provisions that critics say potentially may be used to stifle free speech, particularly among Uyghur Muslims. In particular, some analysts note that the definition of terrorism contained in the law includes not only actions but also “propositions.”92 Article 19 restricts media coverage of terrorist incidents, and “where information with terrorist or extremist content is discovered, its dissemination shall immediately be halted.” Although Article 6 states that counterterrorism efforts “be conducted in accordance with law” and “respect and protect human rights,” some analysts assert that the law grants “enormous discretionary powers” to the state and that the government has not passed corresponding safeguards against potential human rights violations.93

91 Ibid.
92 Article 3 states: “‘Terrorism’ as used in this Law refers to propositions and actions that create social panic, endanger public safety, violate person and property, or coerce national organs or international organizations, through methods such violence, destruction, intimidation, so as to achieve their political, ideological, or other objectives.” China Law Translate, “Counter-Terrorism Law,” December 28, 2015, http://www.chinalawtranslate.com/bilingual-counter-terrorism-law/?lang=en.
Overseas NGO Law

A new law regulating foreign and overseas nongovernmental organizations, which went into effect in January 2017, has raised international concern. Foreign observers believe that the law reflects the PRC leadership’s suspicion of foreign influences on civil society, by placing overseas NGOs under the jurisdiction of the Ministry of Public Security, and no longer the Ministry of Civil Affairs. The new law tightens registration requirements on foreign NGOs, many of which have been operating without official ties and status, by mandating that they find a government agency (“professional supervisory unit”) to sponsor them. New regulations also impose greater supervision and potentially greater controls upon their activities, funding, and staffing. Experts contend that PRC leaders fear the kinds of political uprisings, aided by civil society and the support of foreign NGOs and governments, that they perceive fueled popular demonstrations and toppled governments in Eastern Europe and Central Asia in the early 2000s and the Middle East in 2010-2011.

Many observers say the foreign NGO law’s vague and broad provisions have created an air of uncertainty. Some experts argue that while local authorities may enforce the law with flexibility, foreign NGOs that fail to comply potentially may face civil or criminal penalties. Furthermore, foreign NGOs that work in politically sensitive areas may be especially vulnerable to arbitrary applications of the law. Article 47, for example, prohibits NGOs from engaging in any act that “endangers national security” or “harms national interests.” Other illegal activities under the law include engaging in or funding political or religious activities.

Human rights groups assert that the law may deal “a very severe blow” to foreign NGOs and the domestic NGOs with which they often support, train, and partner, thus causing a “ripple effect” throughout Chinese civil society. Some foreign NGOs have suspended or ceased operations, while domestic social organizations have reported a drop in foreign funding. Some observers contend that the new law may prove too burdensome or pose too many risks for many foreign NGOs, particularly smaller ones or those involved in human rights and related activities. Others worry that the law may hamper people-to-people exchanges, including cultural, business, and professional interactions. Some fear that many foreign NGOs may have difficulties finding appropriate professional supervisory units, or that official PRC entities may decline to partner with foreign NGOs due to possible political risks.

In response to U.S. government and other criticism of the foreign NGO law, an NPC official asserted that “We have always held a welcoming and supportive attitude toward overseas NGOs that are engaged in friendly activities.”

94 The law applies to NGOs from foreign countries as well as “overseas” Hong Kong and Macau.
in China.... But an extremely small number of NGOs attempt to, or have already engaged in, activities that endanger China’s social stability and state security. Therefore, we need to apply the rule of law to overseas NGOs’ activities in China.\footnote{Simon Denyer, “China Passes Law Tightening Regulation of Foreign NGOs,” \textit{Washington Post}, April 29, 2016; Press Conference of the Standing Committee of the National People’s Congress, April 28, 2016, translated by China Law Translate, May 4, 2016, http://www.chinalawtranslate.com/fngo-law-presser/?lang=en.}

**Charity Law**

In 2016, the NPC passed China’s first Charity Law.\footnote{China Development Brief, “The Charity Law of the People’s Republic of China,” http://chinadevelopmentbrief.cn/wp-content/uploads/2016/04/Charity-Law-CDB-Translation.pdf.} The law eases registration requirements for charitable organizations and allows them to engage in public fundraising, but also strengthens government oversight. Backers of the legislation say that tougher reporting requirements are designed to improve transparency, protect donors, and improve public trust in charitable organizations. Some human rights groups have expressed concern that provisions of the law prohibiting the funding of activities that contravene national security may be used broadly against politically sensitive activities. Some critics contend that the law potentially restricts informal fund-raising, such as online crowdsourcing, which has become a means by which some citizens have provided financial support to Chinese dissidents and their families.\footnote{“China Approves Law on Charities, NGOs,” \textit{Voice of America}, March 26, 2016; “China’s New Charity Law Makes Donating Easier, Tightens Control,” \textit{Deutsche Presse-Agentur}, September 1, 2016; Laura E. Butzel and David J. O’Connell, “China’s New Laws on Foreign and Domestic NGOs,” Exemptorgresource.com, May 19, 2016.}

**Family Violence Law**

China’s first national law on domestic violence, the culmination of years of efforts by Chinese women’s rights advocates, went into effect in March 2016. The Anti-Domestic Violence Law covers physical and mental abuse between family members and cohabitating couples. It provides stronger legal mechanisms by which to protect women from domestic abuse. Although the legislation was heralded as a “significant step forward” in the area of women’s rights, the government has placed some restrictions on women’s rights advocates during the recent crackdown on civil society. In 2016, authorities ordered the closure of the Beijing Zhongze Women’s Legal Counseling and Service Center, reportedly without providing a reason. The Center had provided services in the areas of anti-domestic violence litigation and rural women’s land rights for over two decades.\footnote{Chen Tingting, The Asia Foundation, “Battling Domestic Violence in China,” \textit{In Asia}, June 29, 2016; Didi Kirsten Tatlow, “China Said to Force Closure of Women’s Legal Aid Center,” \textit{New York Times}, January 29, 2016; Department of State, \textit{Country Reports on Human Rights Practices for 2016} (China), op. cit.}

**Frequently Raised Human Rights Issues**

The following sections discuss prominent human rights concerns that frequently have been raised by human rights organizations and some Members of Congress. The bullet points below provide selected examples of ongoing human rights issues in China, some of which are discussed at greater length elsewhere in this report. For more detailed descriptions of human rights topics, see the Congressional-Executive Commission on China, \textit{Annual Report 2016} and the Department of State, \textit{Country Reports on Human Rights Practices for 2016}.\footnote{Congressional-Executive Commission on China, \textit{Annual Report 2016}, op. cit., and Department of State, \textit{Country Reports on Human Rights Practices for 2016} (China), op. cit. (continued...)}
attempted to reduce rights violations in some of these areas. However, the lack of checks on state power and the CCP’s subordination of the law to its objective of maintaining its authority and “social stability” continue to lead to human rights abuses and violations of China’s own constitution. Jerome Cohen, an expert on Chinese law and politics, suggests that although China has made progress in some legal areas, fundamental human rights problems endure:

The lesson of the past twenty-five years seems to be that economic and social progress, enactment of better legislation, improvements in legal institutions, and reformist official policy statements do not guarantee either the enjoyment of civil and political rights or the protection of political and religious activists and their lawyers against the arbitrary exercise of state and party power.107

Ongoing Human Rights Issues: Selected Examples108

- Harassment, detention, house arrest, prison terms, and residential surveillance of protest leaders, civil society activists, journalists covering stories that authorities deem to be politically sensitive, petitioners, and political dissidents and their family members.
- Arbitrary use of state security and “social stability” laws against political dissidents.
- Holding dissidents incommunicado for long periods and failing to comply with legal provisions that require authorities to notify family members of their detention.
- Strict controls and punishments for speech that authorities deem to be politically sensitive; heavy censorship of online communication and expression.
- Forced closure of law offices and suspension or revocation of attorneys’ law licenses; physical assaults, detention, house arrest, prison terms, and residential surveillance of attorneys who take on cases authorities deem to be politically sensitive.
- Physical and mental abuse against criminal suspects and administrative detainees, in some cases resulting in forced confessions and sometimes resulting in death.
- Harsh religious and ethnic policies and the arbitrary use of state security laws against Tibetans and Uyghurs.
- Harassment and arrests of some Christians worshipping in unregistered churches; demolition or forced alterations of church properties in some localities.
- Detention of Falun Gong adherents and forced renunciations of their beliefs.
- Repatriation of North Korean nationals residing in China, who may face severe forms of punishment after returning to North Korea, in violation of U.N. conventions.

(...continued)

• Government harassment, intimidation, and obstruction of independent or non-CCP candidates and their supporters in local elections; alleged manipulation of ballots and electoral procedures in order to exclude independent candidates.\(^{109}\)

• Violations of international labor rights, including the right to form independent labor unions, limitations on collective bargaining, and arrests of strike leaders and labor activists.\(^{110}\)

• Constraints on foreign journalists in China, including restrictions on movement and cases of harassment and intimidation by state security agents when journalists attempt to report on events that authorities deem to be politically sensitive or interview local citizens.\(^{111}\)

• Trafficking in persons, including reports of forced labor in Xinjiang, drug rehabilitation facilities, and administrative and extrajudicial detention centers, forced labor and sex trafficking, and the forced labor in China and forcible repatriation of North Koreans. In 2017, the Department of State downgraded China to Tier 3, for not “fully meet[ing] the minimum standards for the elimination of trafficking” and “not making significant efforts to do so.”\(^{112}\)

**Rule of Law**

Many experts believe that strengthening the rule of law is a key means of protecting human rights and an important area of U.S. engagement in China. The lack of judicial independence, adequate legal protections, and due process guarantees for many dissidents, protest leaders, rights lawyers, activists, journalists, and ordinary aggrieved citizens, as well as the people and interests that they represent, undermines progress in human rights conditions in the PRC. Some policy experts argue that calling on PRC leaders to abide by provisions in China’s own constitution and laws is one of the most effective ways for international actors to promote human rights in the PRC. In recent years, the Chinese government has enacted some measures aimed at reducing arbitrary applications of the law and some patterns of human rights abuse as well as making the government more transparent. However, the Communist Party and its main policy objectives generally remain above the law, particularly in areas that China’s leaders deem politically sensitive.

Since 2014, the PRC government has announced some policies aimed at reducing government influence over the courts, particularly at the local level. Reforms include transferring power over budgets and personnel appointments of basic level courts from local to provincial governments.\(^{113}\) In 2015, the Supreme People’s Court (SPC) issued an opinion directing judges to record instances

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\(^{109}\) PRC citizens can directly elect officials to village committees and assemblies and to the larger township, county, and municipal district People’s Congresses. Although voters generally have a choice of candidates, who are not required to be Communist Party members, CCP election committees may disqualify candidates at any level, and they may effectively control candidate lists.


\(^{112}\) Department of State, *Trafficking in Persons Report*, June 2017.

of Party and state interference. In addition, the SPC has made efforts to retry cases of wrongful conviction and reduce the rate of pretrial detention.114 Some experts contend, however, that China’s leaders may want to reduce corruption of the judicial branch at the local level, but not to subject the national government to judicial oversight.115 In January 2017, Zhou Qiang, President of China’s Supreme People’s Court, who is known as a reformer, publicly denounced the “Western” notion of judicial independence. Some experts say that Zhou’s speech reflected pressure from Xi Jinping.116

**Government Transparency**

In 2016, the government published new guidelines promoting the “open government information” (OGI) system, which obliges government agencies to publish official materials on matters that are of public interest and allows citizens to submit requests for government information. Areas for public disclosure include major policies, assessments and audits of policies in force, government-held records, and government agencies’ administrative powers and responsibilities. The guidelines exempt some kinds of information from disclosure, including information that might “endanger state security, public security, and social stability.”117 According to some studies, many requests go unanswered, although some citizens have taken their cases to the courts, claiming that local governments are not complying with the law.118 In 2015, the Supreme People’s Court began to provide information on trials, verdicts, and the implementation of court decisions online. In 2016, China’s court system launched a website, China Open Trial Network, which airs selected criminal, administrative, and civil proceedings, as part of a move to expand people’s trust in the judicial system, according to experts.119

**Criminal Justice**

China’s criminal justice system remains rife with abuses, especially in human rights cases. The rate of legal representation remains low, the role of lawyers is severely constrained, and there is a heavy presumption of guilt and alleged reliance upon forced confessions. In recent years, government funding for legal aid has increased, and access to legal counsel reportedly has improved. However, the rate of legal representation in criminal cases has dropped to roughly 20%, and although the acquittal rate has increased, the conviction rate remains at over 99% in criminal trials.120 Judges retain significant discretion over whether witnesses or accusers must appear in court, and only a small percentage of trials reportedly involve witnesses, thus weakening the defense in many cases.121

In 2015, the government announced new regulations to “safeguard lawyers’ rights,” including the rights for lawyers to meet with their clients and collect evidence. Legal experts say, however, that

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other revisions to the law further curtail the role of defense lawyers in sensitive cases. Under new laws and regulations, lawyers may face penalties for “insulting, defaming, or threatening judicial officers,” “severely disrupting courtroom order,” disclosing client or case information to the media, or using the media and other public means to influence court decisions. Some Chinese lawyers openly opposed the changes.

**Forms of Detention**

The PRC government practices various forms of detention in violation of China’s obligations under international law and in some cases its own laws. The Criminal Procedure Law permits suspects of serious crimes, including “endangering state security” and terrorism, to be placed at a “designated location” (residential surveillance) for up to six months, and the law does not require the family to be notified of the place of detention (Article 73). Although the government formally abolished the Re-education Through Labor (RETL) system in 2013, in practice public security bureaus continue to administratively detain many citizens for minor political offenses, such as “creating a disturbance and causing trouble,” without trial. Many people are held in quasilegal and extralegal forms of detention, such as “Legal Education Centers,” said to hold many Falun Gong members; psychiatric (ankang) facilities; and “black jails.” These and other forms of incarceration can be even more secretive and prone to abuses than the former RETL facilities. In April 2016, the U.N. Working Group on Arbitrary Detention criticized Chinese authorities for their detention and treatment of U.S. citizen Sandy Phan-Gillis, stating that they had violated “international norms relating to the right to a fair trial and to liberty and security.”

**Torture**

China’s criminal justice system has continued to utilize torture, particularly as a means to extract confessions. Amendments to the Criminal Procedure Law (CPL), which went into effect in 2013,

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126 PRC citizens can be administratively detained for such activities as participating in demonstrations or petitioning the government.
prohibit the use of confessions obtained under torture as evidence and require audio or video recordings of interrogations in major criminal cases.  The United Nations Committee against Torture concluded in late 2015, however, that despite these legal reforms, China had failed to eliminate torture and numerous other forms of ill treatment, particularly during the pretrial period and in cases of extralegal detention. The committee also expressed concern over the lack of a legal guarantee for the right of detained persons to immediately meet with a lawyer.

### Re-education Through Labor System (RETL)

Established in the mid-1950s, China’s Re-education Through Labor (laogai) penal system was long used to detain citizens who were perceived to pose a threat to “social stability” or political control, but whose offenses were not considered serious enough to warrant criminal prosecution. RETL, an administrative measure that did not involve courts or judicial processes, empowered the police to sentence persons deemed guilty of minor or noncriminal offenses to a maximum of three to four years in labor camps without trial. These offenses included petty theft, illegal drug possession, and prostitution, as well as activities that authorities deemed to be politically sensitive, such as participating in unauthorized religious groups and alleged cults such as Falun Gong, “disrupting social order,” presenting formal complaints against the government (petitioning), and rights advocacy. Estimates of the RETL population vary, from roughly 160,000 to 260,000 detainees at any time in roughly 350 centers before they were abolished.

According to some estimates, the facilities held up to 300,000 to 400,000 prisoners at their peak, especially when they swelled with Falun Gong practitioners during the mid-2000s. According to some estimates, in recent years, drug offenders constituted the largest group in the RETL system, and between 2% and 10% of the RETL population were political prisoners. Although RETL conditions and sentences were in many cases less severe than prison terms, human rights groups reported many abuses in RETL centers, including forced labor, beatings, psychological torment, sexual assaults, lack of proper food, and inadequate access to medical care, in some cases resulting in death.

In 2016, a joint statement issued by China’s judicial, procuratorial, and public security bodies reiterated that suspects must not be forced into confessing crimes and that any evidence collected through coercion should be excluded from their cases. The Ministry of Public Security issued disciplinary regulations aimed at holding police officers accountable for misconduct, including for obtaining confessions through torture, and subjecting them to criminal, administrative, and disciplinary punishments. However, reports of torture, including some that have caused public outrage, have continued. The Communist Party’s internal disciplinary system, known as

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134 Dui Hua Foundation, January 2013.


137 Margaret K. Lewis, Professor of Law, “China’s Pervasive Use of Torture,” Testimony before the Congressional-Executive Commission on China, April 24, 2016.

shuanggui, has swelled with cases as part of Xi Jinping’s anticorruption drive. Human rights groups and relatives of CCP members subjected to the process, in which the accused do not have the right to legal counsel, have alleged widespread use of torture to extract confessions.  

Prisoners of Conscience

The number of political prisoners in China is difficult to determine, although thousands of citizens are estimated to have been detained and incarcerated for exercising internationally recognized freedoms of speech and assembly, engaging in religious activities that are not officially approved, or promoting ethnic minority rights in cases involving grievances against the state. The Dui Hua Foundation, a U.S.-based human rights organization that focuses on the treatment of prisoners, criminal justice reforms, and women’s rights in China, estimated that there were 6,700 political and religious prisoners as of June 2016. These numbers include practitioners of Falun Gong and many Tibetans and Uyghurs. The Congressional–Executive Commission on China (CECC) maintains a Political Prisoner Database that contains information on over 1,400 cases of political and religious prisoners known or believed to be detained or imprisoned, noting that there are considerably more cases than those documented in the database. According to the Department of State, those held in prison or administrative detention in China for reasons related to politics and religion number in the tens of thousands. Some of the most prominent cases are discussed below.

Liu Xiaobo


On December 8, 2008, a day before Charter 08 was published online, Liu was detained by the Beijing police, and on December 25, 2009, a Chinese court sentenced him to 11 years in prison for “inciting subversion of state power” for his writings and use of the Internet, including coauthoring, signing, and distributing the Charter. Liu’s indictment also included reference to six


political essays that he wrote between 2005 and 2007. In October 2010, the Nobel Committee awarded Liu the Nobel Peace Prize for his “long and non-violent struggle for fundamental human rights.” PRC authorities barred members and representatives of Liu's family from traveling to Oslo in December 2010 to accept his Nobel award, and placed Liu Xia, Liu Xiaobo’s wife, effectively under house arrest.

Liu earned a reputation as an incisive critic of the Chinese Communist Party, an eloquent commentator on the harmful and “cruel” effects of many CCP policies on PRC society and citizens, and a supporter of gradual political reform driven “from below” through the raising of popular awareness about democracy. He had undergone other periods of incarceration and house arrest for his writings and activism, including a 20-month sentence in prison following his participation in the 1989 Tiananmen demonstrations for democracy and three years in a Re-education Through Labor camp (1996-1999). Liu advocated for the families of those killed in the Tiananmen military crackdown and for an official reassessment of the events of June 1989.

In May 2017, Liu Xiaobo was granted medical parole, having been diagnosed with advanced-stage liver cancer. Liu Xiaobo’s family asked the PRC government for permission for both Liu Xiaobo and Liu Xia, who also reportedly is ill, to seek medical treatment abroad. Chinese authorities did not reduce Liu’s sentence nor allow him to travel abroad for treatment, although they agreed to invite foreign medical experts to join a team of Chinese doctors treating Liu. A German and an American doctor who examined Liu on July 8, 2017, stated at that time that they believed Mr. Liu could be safely transported to Germany or the United States for treatment “with appropriate medical evacuation care and support, while Chinese authorities asserted that Liu’s condition made him too ill for such a trip. U.S. government officials urged Beijing to allow Liu to travel abroad for medical treatment and to free Liu Xia from house arrest and to allow her to go abroad as well.

Following Liu Xiaobo’s death, Secretary of State Rex Tillerson called on the Chinese government “to release Liu Xia from house arrest and allow her to depart China, according to her wishes.” Tillerson also stated that “I join those in China and around the world in mourning the tragic passing of 2010 Nobel Peace Prize Laureate Liu Xiaobo, who died while serving a lengthy prison


148 M.D. Anderson Cancer Center, “Recommendation for the Further Treatment of Chinese Nobel Prize Laureate Liu Xiaobo: Joint Statement from Dr. Joseph M. Herman, Clinical Research Director, Department of Radiation Oncology, The University of Texas MD Anderson Cancer Center, and Dr. Markus Büchler, Chairman, Department of Surgery, University of Heidelberg,” July 8, 2017, https://www.mdanderson.org/newsroom/2017/07/recommendation-for-the-further-treatment-of-chinese-nobel-prize-.html.

sentence in China for promoting peaceful democratic reform. Mr. Liu dedicated his life to the betterment of his country and humankind, and to the pursuit of justice and liberty. Several members of the Congressional-Executive Commission on China released statements that they were “deeply saddened” by the loss of Liu Xiaobo and expressed their continued support for the promotion of human rights and peaceful democratic change in China, which Liu had advocated. They urged the PRC government to grant Liu Xia permission to leave China for a country of her choosing. Following and prior to Liu’s death, some Members of Congress introduced resolutions honoring Liu’s life and legacy, urging the PRC government to allow Liu Xiaobo and Liu Xia to seek medical treatment abroad, and designating the vicinity of the Chinese Embassy in Washington, DC, “Liu Xiaobo Plaza” (see Appendix).

Gao Zhisheng

Gao Zhisheng, a prominent rights lawyer, was named one of China’s top 10 lawyers by the Ministry of Justice in 2001. However, as his rights advocacy expanded to protect citizens who had run afoul of policies that authorities deemed to be sensitive, including family planning, religious practice, and Falun Gong, Gao was detained numerous times. In late 2011, he reportedly began serving a three-year prison term that had been handed down in 2006, but was suspended for five years. During his periods of detention, prison officials reportedly tortured him, denied him access to legal counsel and regular visits from his family, and withheld information about his location. Authorities released Gao in August 2014 but he remains under house arrest and constant surveillance by security agents.

Xu Zhiyong

In January 2014, constitutional rights advocate Xu Zhiyong was tried and convicted of “gathering a crowd to disturb public order” and sentenced to four years in prison. Xu, a lawyer, scholar, Haidian district people’s congress deputy, and rights activist, helped found the New Citizen’s Movement, a loosely organized network numbering roughly 5,000 people that promoted the rule of law, government transparency, citizens’ rights, civic engagement, and social justice. Its members, some of whom also have been arrested, reportedly met informally across the country to discuss politics and engaged in small street rallies in 2012 and 2013. The Open Constitution Initiative, which Xu also helped organize, was a nongovernmental legal research and aid organization that the government shut down in 2009, ostensibly for tax evasion.

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Media Freedom

Most major media outlets in China are owned or controlled by the government. Although in some ways the government exercises less direct control over news and information than it did in the early 2000s, due to the commercialization of the media, private financing of some media companies, and the rapid growth of popular use of the Internet and social media, the Chinese government continues to severely restrict the press, broadcasting, publishing, and online communication. China ranked 176th out of 180 countries on Reporters Without Borders’ 2017 World Press Freedom Index, and nearly 40 journalists and dozens of “netizens” reportedly were incarcerated in 2016. According to the CECC, the Chinese government has “used a variety of legal and extralegal measures to target journalists, editors, and bloggers who covered issues authorities deemed to be politically sensitive,” including cyberattacks, dismissal or disciplinary action, harassment, physical violence, detention, and prison sentences. Publications that broach topics related to political reform have faced growing harassment by state authorities and the independent reporting of official corruption and misconduct has been curtailed. Under an amendment to the PRC Criminal Law that became effective in November 2015, journalists may be held criminally liable for “fabricating false reports” in their coverage of “hazards, epidemics, disasters, and situations involving police.” Meanwhile, the trend toward the commercialization of the press has begun to reverse, according to some analysts, while reliance upon government support, particularly by the print media, has increased.

The Internet

China has the world’s largest number of Internet users, estimated at over 700 million people, and one of the most extensive Internet censorship systems in the world, although its implementation remains uneven. At times, the Internet has served as an outlet for many citizens to express opinions and “let off steam,” provided a lifeline to political dissidents and liberal thinkers, enabled social activists to organize, and helped to publicize corrupt practices and negligent behavior on the part of government officials. Internet users have developed ways to circumvent censorship, and politically sensitive news and opinion sometimes get widely disseminated, if only fleetingly, online. Under Xi Jinping, the Chinese government has treated the Internet, like civil society, as a rising security threat. Since 2014, President Xi has attempted to established greater, centralized control over the Internet with the formation of the Central Leading Group for Cyber Security and Informatization, which he heads.

159 Congressional-Executive Commission on China, Annual Report 2016, op. cit.
The Chinese government reportedly blocks access to 172 out of 1,000 of the world’s top websites, according to the nonprofit countercensorship service GreatFire.org, including 8 of the 25 most trafficked global sites. Continuously inaccessible websites, social networking sites, and file sharing sites include Radio Free Asia, Voice of America (Chinese language), international human rights websites, including those related to Tibet and Falun Gong, many Taiwanese news sites, Facebook, Pinterest, Twitter, and YouTube. Some English language news sites, including the Washington Post, the Voice of America (English), and Yahoo homepage, are generally accessible or occasionally censored. The Wall Street Journal and Wikipedia are blocked. The New York Times and Bloomberg websites have been inaccessible since 2012, when they reported on the personal wealth of Chinese leaders. Google services, including Gmail, have been intermittently blocked since 2014.

In addition to international websites, the government often shuts down Chinese websites that broach sensitive topics. The state also has blocked news of major events and shut down the Internet almost entirely in some places. Authorities blocked nearly all Internet traffic in Xinjiang for 10 months following unrest in 2009 and continue to do so in selected areas of the country from time to time.

Commonly filtered keywords, Internet searches, and microblog and social media postings include those with direct and indirect or disguised references to Tibetan policies; the Tiananmen crackdown of 1989; Falun Gong; PRC leaders and dissidents who have been involved in recent scandals or issues that authorities deem to be politically sensitive; and discussions of democracy. Other areas that authorities occasionally have targeted for censorship include the following: controversial government policies and cases of misconduct; public health and safety; sensitive foreign affairs issues; and media and censorship policies. The government reportedly has employed or enlisted students, public employees, and volunteers to post progovernment comments online and to divert public discussion from politically sensitive topics.

For Chinese Internet users in search of information beyond the PRC’s Internet gateways, or “Great Firewall,” accessing filtered sites is made possible by downloading special software applications, such as virtual private networks (VPNs). The government occasionally has attempted to disrupt VPN services or impose new restrictions, but either has allowed, or has not been able to stop, the continuation of many circumvention efforts. In 2015, the PRC

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government launched a cyberattack on some countercensorship sites, which disrupted access to them.\textsuperscript{169} In January 2017, the Ministry of Industry and Information Technology announced that domestic VPN services would require government approval, although some observers say that the new regulations may be implemented flexibly.\textsuperscript{170}

According to some experts, the Chinese government does not intend for its censorship of the Internet to be total. Many foreigners staying in China for business, academic and cultural exchanges, international development programs, and other purposes, as well as their Chinese counterparts, depend upon VPNs to access the global Internet. Chinese leaders view limited online discussion of political and social issues as valuable for monitoring public opinion and providing people a “safety valve” through which to air their views. According to some experts, China’s leaders appear to be especially worried about the Internet as a tool for engaging in collective action, and are relatively less concerned about it as a medium for sensitive words.\textsuperscript{171}

VPNs allow some motivated Internet users to bypass censorship, but impose just enough inconvenience, such as slower browsing speeds and in some cases a small financial cost, to discourage most Chinese Internet users from utilizing them. The number of Chinese netizens who utilize VPNs has grown rapidly in the past several years, from under 5% to 29%, according to a 2015 survey of Chinese Internet users.\textsuperscript{172} Some studies have shown, however, that the vast majority of Internet users in China do not go online for political purposes, and that many of them accept the government’s justifications for regulating the Internet or do not feel unduly affected by censorship.\textsuperscript{173} In one Chinese survey, 6% of respondents answered that they both “encountered censorship” and “were angry about it.”\textsuperscript{174}

**Weibo and WeChat**

Chinese versions of microblogging services (\textit{weibo}), similar to Twitter, and social networking sites became important sources of news and platforms for public opinion until the government imposed restrictive measures on them. Between around 2009 and 2012, Sina Corporation’s \textit{weibo} quickly became the “most prominent place for free speech,” and the country’s “most important public sphere,” where netizens posted both news and commentary.\textsuperscript{175} Due in part to growing restrictions on blogging, including government harassment against bloggers with large


\textsuperscript{174} “Only 15 percent of respondents encountered censorship, and of these, only 40 percent were angry about it ...” Bruce Dickson, \textit{The Dictator’s Dilemma}, op. cit., p. 258.

followings, weibo declined significantly in popularity and influence and become more
entertainment-oriented, while Tencent Holdings’ weixin ("microchannel"), also known as
WeChat, exploded in popularity. WeChat, an instant messaging app launched in 2011, offers its
users a platform for voice and video chats, posting messages and photographs, e-commerce,
online gaming, and following celebrities. Unlike weibo, WeChat connects an individual account
holder with a private circle of friends rather than a public audience, and thus has less potential
political impact.  

Less than two years after it was released, however, China’s leaders became alarmed as some of
WeChat’s users began posting politically sensitive comments and news stories, and some users
with public accounts designed for companies and celebrities gained millions of followers. In
December 2012, the government enacted a new law requiring those who apply for Internet,
mobile service, and social networking accounts to use their real names. In 2013, the Supreme
People’s Court issued a judicial interpretation by which bloggers can face up to three years in
prison if content deemed defamatory is reposted 500 times or viewed 5,000 times. These policies
reportedly had a “chilling effect on online discourse.” Several dozen WeChat public accounts
were shut down by authorities, and prominent online political commentators and whistle-blowers
were harassed, detained, or arrested. New regulations in 2014 mandated that microblogging
and instant messaging services as well as web portals could only repost, and not report, news on
current events, and only after they obtained a permit from the State Internet Information Office.
Other regulations placed restrictions on WeChat groups, such as limiting the number of people
belonging to a group chat. According to one observer, “Critical voices are still there, but it is
less likely they will coalesce into a broader form of protest.”

Religious Freedom and Ethnic Minority Issues

The extent of religious freedom and activity in China varies widely by religion, region, ethnic
group, and jurisdiction, largely depending on “the level of perceived threat or benefit to party
interests, as well as the discretion of local officials.” Article X of the PRC Constitution
guarantees freedom of “religious belief,” but not freedom of religious practice as it explicitly
protects only “normal” religious activities and those that do not “disrupt public order, impair the
health of citizens or interfere with the educational system of the state.” At a conference on
“religious work” in April 2016, President Xi Jinping emphasized that the “legitimate rights of
religious peoples must be protected,” but also stated, “We must resolutely guard against overseas
infiltrations via religious means and prevent ideological infringement by extremists.”

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177 Joe McDonald, “China Requires Internet Users to Register Names,” Associated Press, December 28, 2012. The
Supreme People’s Court approved this policy in 2014. Angela Meng, “China’s Top Court Puts Tighter Grip on Internet
and Social Media,” South China Morning Post, October 10, 2014.
178 Department of State, Country Reports on Human Rights Practices for 2013 (China), op. cit.; “China Threatens
Tough Punishment for Online Rumor Spreading,” Reuters, September 9, 2013.
180 Only authorized news agencies and websites may publish original news content. Adrian Wan, “China Regulates
Original News Feeds on Messenger Apps Such as WeChat,” South China Morning Post, August 8, 2014.
181 Bruce Dickson, The Dictator’s Dilemma, op. cit.
182 Simon Denyer, “Online, in China, the Communist Party and Military Are at War with Ideas,” op. cit.
contrast, Xi has been relatively supportive of Chinese Buddhism and folk religions, Daoism, and Confucian philosophy, which China’s leaders apparently perceive to be more compatible with CCP rule.186

Some observers say that, despite government restrictions and the avowed atheism of the PRC’s Communist leaders, religious life in China continues to grow, due in part to a yearning for spirituality in Chinese society. An estimated 350 million PRC citizens openly practice one of five officially recognized religions (Buddhism, Protestantism, Roman Catholicism, Daoism, and Islam).187 Furthermore, religious organizations in China are playing growing roles in providing social and charitable services. A 2017 report by Freedom House on religious practice and government policies in China states that since Xi came to power, “authorities have intensified many of their restrictions,” including codifying previously informal restrictions and increasing measures to prevent children from participating in religious activities. The report emphasizes, however, that “believers have responded with a surprising degree of resistance....”188

The PRC government often has imposed harsh and arbitrary policies and measures upon many unregistered Christian churches, Tibetan Buddhists, Uyghur Muslims, and Falun Gong practitioners. This is largely due to the perceived potential for these groups to become independent, organized social forces or cultivate foreign support. Chinese authorities increasingly have persecuted Tibetan Buddhists and Uyghur Muslims for carrying out religious and cultural activities that they have regarded as “extremist,” “separatist,” and “terrorist” acts.

The Department of State has identified China as a “country of particular concern” (CPC) for “particularly severe violations of religious freedom” for 16 consecutive years (2000-2015). Due in part to China’s designation as a CPC, the U.S. government restricts the U.S. export of crime control and detection instruments and equipment to the PRC.189 In 2016, the Department of State reported that “there continued to be reports that the government physically abused, detained, arrested, tortured, sentenced to prison, or harassed adherents of both registered and unregistered religious groups for activities related to their religious beliefs and practices.”190 In April 2017, the USCIRF recommended that the Department of State again designate China as a CPC for 2016.191

In August 2015, then-U.S. Ambassador at Large for International Religious Freedom David Saperstein traveled to China to discuss religious freedom issues with government officials,

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188 Ibid.
189 International Religious Freedom Act of 1998 (P.L. 105-292). This restriction originally was imposed as part of the “Tiananmen sanctions” following the 1989 Chinese military crackdown on prodemocracy demonstrators in Beijing. See Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (P.L. 101-246, §902(a)(4)).
religious leaders, and civil society representatives. While in China, Saperstein called for an end to the campaign of cross removals and church demolitions in Zhejiang province, urged Chinese authorities to “reassess counterproductive policies,” particularly restrictions on Tibetan Buddhist and Uyghur Muslim religious practices, and expressed deep concern over detentions of religious leaders and human rights defenders. Saperstein also noted some positive developments, including the growth in numbers of religious adherents and activities and faith-based charitable and social services organizations.

**Christians**

Christianity is the second-largest religion in China after Buddhism. Between 70 million and 90 million Chinese Christians worship in officially registered and unregistered churches, split roughly evenly between the two. Membership in both types of churches continues to grow steadily and somewhat haphazardly, according to observers. Some experts estimate that about one-quarter of China’s human rights lawyers are Christian.

Many Chinese Protestants have rejected the official church, known as the *Three Self Patriotic Movement*, for political or theological reasons. “Three Self” refers to “self-governance,” “self-support,” and “self-propagation,” or independence from foreign missionary and other religious groups and influences. Some independent or “house” church leaders claim that they have attempted to apply for official status and been rejected by local government Religious Affairs Bureaus. Although in many localities, unsanctioned religious congregations reportedly experience little state interference, many house churches have faced harassment by government authorities, their leaders have been harassed, detained, or imprisoned, and their properties have been confiscated or demolished. The U.S.-based China Aid Association reported worsening levels of persecution in 2016, including 303 Christians who were sentenced to prison. The government issued new religious regulations in 2016 that impose restrictions on Chinese contacts with overseas religious organizations and require government approval for religious schools and websites. The new rules also officially allow Chinese religious organizations to set up charities and provide social services.

Since 2014, authorities in Zhejiang province, where there is a large and growing Christian population, have carried out efforts against “excessive religious sites” and “illegal” structures. Zhejiang officials, apparently fearful of the influence and foreign connections of Christian groups, reportedly have ordered crosses to be removed from more than 1,200 churches, or an estimated 90% of all church crosses, and 20 church structures have been destroyed as part of a provincial crackdown. Although many churches had received government approvals in the past,

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194 Over three-fourths of China’s Christians are Protestant and the rest are Catholic. Yuan Ren, “China’s Quiet Christians,” *The Spectator*, November 12, 2016.
local officials stated that they did not comply with zoning regulations. This policy has been met by resistance among not only parishioners of unregistered churches but also leaders of some registered churches.

Catholics in China are divided among those expressing allegiance to the Pope and those heeding the government-affiliated Chinese Catholic Patriotic Association (CCPA), which does not recognize Papal authority. Tensions between the Vatican and Beijing include disagreements over the appointment of bishops, religious freedom, and the Vatican’s diplomatic ties with Taiwan. Most Chinese bishops have received approval from both Beijing and the Holy See; however, since 2010, the CCPA has ordained several bishops without Rome’s consent, which has been a key source of contention between the Vatican and Beijing. The two sides resumed dialogue in 2014 with the aim of improving relations, and some bishops have received joint approval since 2015. Under a draft agreement reported in October 2016, the PRC government would select candidates for bishops, and the Pope would then choose among those candidates. However, the Vatican and the PRC government have not resolved issues related to 30 Vatican-approved Chinese bishops in unregistered churches and 8 bishops ordained by the Chinese government without the Vatican’s permission. In 2012, Thaddeus Ma Daqin, a new bishop approved by both the Vatican and Beijing, renounced his ties to the CCPA. The government stripped Ma of his title and confined him to a seminary outside Shanghai, and in 2016 reportedly shut down his microblogging account.

**Tibetans**

Although Beijing has controlled Tibet since 1951, Tibetan grievances over Beijing’s rule persist, with some Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas in China viewing PRC government policies as hostile to their religion, culture, language, and identity. The TAR, formally established in 1965, constitutes just under half of the area that Tibetan exile groups consider to be historical Tibet, and it is home to about 2.7 million out of China’s total ethnic Tibetan population of 6 million. Most of China’s remaining ethnic Tibetan population (just over 3 million) lives in Tibetan autonomous prefectures and counties outside the TAR, in Sichuan and Yunnan provinces, which border the TAR, and in Qinghai province.

Tensions between the PRC government and many Tibetans have been high, particularly since a period of unrest in 2008, when waves of protest swept across the Tibetan plateau. At the same time, talks between envoys of the Tibetan spiritual leader, the 14th Dalai Lama Tenzin Gyatso, and Beijing have stalled. PRC officials and representatives of the Dalai Lama participated in nine rounds of talks between 2002 and 2010 on issues related to Tibetan autonomy and the return of the Dalai Lama. The ninth round reportedly failed to bring about fundamental progress. The Dalai Lama’s envoys pledged respect for the authority of the PRC central government, but continued to

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202 For further information, see CRS Report R43781, The Tibetan Policy Act of 2002: Background and Implementation, by Susan V. Lawrence.

203 The Tibet Autonomous Region is a provincial-level, ethnic minority administrative region. The PRC also established ethnic Tibetan-majority, Tibetan Autonomous prefectures and counties in other PRC provinces.

push for “genuine autonomy” for the Tibetan people, while a senior Chinese official dismissed the proposal as tantamount to “half independence.” China’s leaders have emphasized social and economic development in Tibet and continued to condemn the Dalai Lama’s “separatist activities” and “Middle Way approach.”

A heightened police presence in the TAR and the imposition of more intensive controls on Tibetan religious life and culture have exacerbated grievances in Tibetan areas, according to some observers. The Department of State reported “severe repression of Tibet’s unique religious, cultural, and linguistic heritage by, among other means, strictly curtailing the civil rights of China’s ethnic Tibetan population, including the freedoms of speech, religion, association, assembly, and movement.” Government measures include political education campaigns in monasteries and villages and limitations on use of the Tibetan language in schools, despite a provision in China’s Regional Ethnic Minority Law that stipulates that schools with a majority of ethnic minority students “should, whenever possible, use textbooks in their own languages and use these languages as the media of instruction” (Article 37). In recent years, authorities in Tibetan areas reportedly have searched some Tibetan homes and businesses for photographs of the Dalai Lama, examined cell phones for “reactionary music” from India, and monitored correspondence and Internet posts for political content.

Tibetan religious and community leaders, academics, writers, artists, and those involved in social and cultural activities have been targeted for persecution, including arbitrary arrests and extrajudicial detentions and killings by state agents. Many Tibetans have been detained for participating in protests, disseminating information or images online, and engaging in other activities that previously were tolerated or are considered relatively minor offenses in other parts of China. The CECC has documented the cases of 650 Tibetan political prisoners and detainees as of August 2016, the vast majority of whom were apprehended following the 2008 protests.

In addition, many Tibetans complain of the domination of the local economy by Han Chinese, particularly in urban areas; forced resettlement; and the adverse environmental effects of Beijing’s development projects in the region. Officially, Hans, the country’s majority ethnic group, form a minority in the TAR, or about 8% of the region’s total population, according to Chinese census figures. However, some observers believe that Han people actually constitute over half of the population of Lhasa, the TAR capital, as many Han laborers, business persons,
officials, police, and paramilitary forces have migrated there, many of whom remain registered as residents of other parts of China.\textsuperscript{215}

**Larung Gar**

In the past year, authorities continued efforts to demolish structures and homes of the Larung Gar Buddhist Academy in Sichuan Province, restrict the number of Tibetan Buddhists living there, and install surveillance equipment. The government states that it intends to make Larung Gar “more orderly, beautiful, safe and peaceful.”\textsuperscript{216} Some local residents say that the government fears a loss of social control and aims to reduce the number of lay and monastic practitioners living there, including Tibetan Buddhist monks and nuns, Han Chinese, and foreign students, from 20,000 to 5,000 people.\textsuperscript{217} Founded in 1980, the religious center has become known as one of the world’s largest and most important centers for the study of Tibetan Buddhism.\textsuperscript{218} In November 2016, six U.N. special rapporteurs on human rights issues issued a joint statement, sent to the PRC government, expressing “deep concern” about expulsions of monks and nuns and demolitions of monastic dwellings at Larung Gar and Yachen Gar in Sichuan Province.\textsuperscript{219}

**Self-Immolations**

Since 2009, about 150 Tibetans within China are known to have self-immolated, many apparently to protest PRC policies or to call for the return of the Dalai Lama, and 119 are known to have died.\textsuperscript{220} Most of the self-immolations were committed during 2012-2013 in Tibetan areas in China outside the TAR. Additional self-immolations by Tibetans have occurred in India and Nepal. The PRC government has implemented policies that punish relatives, friends, and other associates of self-immolators, including prison terms or death on “intentional homicide” charges for allegedly “aiding” or “inciting” others to self-immolate.\textsuperscript{221} Dr. Lobsang Sangay, elected head (Sikyong) of the Dharamsala, India-based Central Tibetan Administration and a leader of the Tibetan exile community, stated that “[w]e have consistently and categorically urged the Tibetan community not to resort to any kind of drastic action, including self-immolations,” and blamed PRC repression.\textsuperscript{222} Although PRC officials often have blamed the Dalai Lama and “hostile foreign forces,” self-immolations have not been limited to Tibetans. Other PRC citizens, including farmers protesting land takings by the government, have self-immolated as well.\textsuperscript{223}

\textsuperscript{217} Congressional-Executive Commission on China, Annual Report 2016, op. cit.
\textsuperscript{218} “Han Chinese, Western Students of Buddhism Also Forced from Larung Gar,” Government Publications and Press Releases, December 29, 2016.
\textsuperscript{221} Department of State, Country Reports on Human Rights Practices for 2016 (Tibet), op.cit.
\textsuperscript{222} Anuradha Sharma, “Interview: Lobsang Sangay,” The Diplomat, April 7, 2014.


U.S. Policy on Tibetan Issues

The U.S. government has expressed support for Tibetan people’s rights and traditions while recognizing that “Tibet is a part of China.”\(^\text{224}\) Presidential and congressional meetings with the 14\(^{th}\) Dalai Lama have been among the most high-profile expressions of U.S. support for Tibetans.\(^\text{225}\) Presidents Bill Clinton and George W. Bush met with the Dalai Lama on several occasions. Barack Obama met with the Dalai Lama four times during his presidency, and expressed support for the Tibetan spiritual leader’s “commitment to peace and nonviolence” and “Middle Way” approach.\(^\text{226}\) China’s Foreign Ministry expressed Beijing’s opposition to Obama’s meetings with the Dalai Lama, objecting to U.S. interference in China’s internal affairs. After President Obama’s 2016 meeting, China said the Dalai Lama is “not simply a religious figure but a political figure in exile who has been conducting secessionist activities internationally under the pretext of religion....”\(^\text{227}\)

### Tibetan Policy Act of 2002

The Tibetan Policy Act of 2002, incorporated into the Foreign Relations Authorization Act, FY2003 (P.L. 107-228, Title VI, Subtitle B), directs the executive branch to encourage the PRC government to enter into a dialogue with the Dalai Lama or his representatives; call for the release of Tibetan political and religious prisoners in China; support economic development, cultural preservation, environmental sustainability, and other objectives in Tibet; and carry out other activities to “support the aspirations of the Tibetan people to safeguard their distinct identity.” For further information, see CRS Report R43781, The Tibetan Policy Act of 2002: Background and Implementation, by Susan V. Lawrence.

The Dalai Lama and exiled Tibetan officials have regularly met with Members of Congress, many of whom have openly expressed support for Tibetan aspirations. In 2016, the Tom Lantos Human Rights Commission (TLHRC), in letters to the Chinese Ambassador to the United States, urged the PRC government to repeal policies related to the demolitions at Larung Gar and the persecution of relatives and communities associated with self-immolators.\(^\text{228}\) In August 2016, Representative Jim McGovern, TLHRC cochair, sponsored a letter, signed by 72 Members of Congress, calling on the U.S. government to “redouble efforts in support of the Tibetan people.”\(^\text{229}\) In November 2015, a congressional delegation led by House Minority Leader Nancy Pelosi travelled to Beijing, the TAR, and Hong Kong. While in Tibet, members of the delegation raised issues related to human rights, the preservation of Tibetan religious and cultural traditions,

\(^{224}\) The White House, Office of the Press Secretary, “Readout of the President’s Meeting with His Holiness the XIV Dalai Lama, June 15, 2016.” See also CRS In Focus IF10421, President Obama’s June 2016 Meeting with Tibet’s Dalai Lama, by Susan V. Lawrence.


greater autonomy for Tibetan areas, the environment, the Dalai Lama, and renewing the dialogue between representatives of the Dalai Lama and PRC authorities. In May 2017, Pelosi led a congressional delegation to Dharamsala, India, where they met with the Dalai Lama and spoke in support of human rights and greater autonomy in Tibetan areas in China. In April 2017, Senator Steve Daines led a congressional delegation to China and Japan, including a visit to Lhasa, Tibet.

Uyghur Muslims

In the past decade, Chinese authorities have carried out harsh religious and ethnic policies against Uyghur Muslims, exacerbating tensions in the Xinjiang Uyghur Autonomous Region (XUAR) in China’s northwest, according to many human rights experts. Uyghurs, who speak a Turkic language and practice a moderate form of Sunni Islam, have complained of arbitrary harassment by public security forces, restrictions on religious and cultural practices, the regulation and erosion of their ethnic identity, economic discrimination, and a lack of consultation on regional policies. The PRC government’s encouragement of Han migration also has intensified grievances among many Uyghurs. Once the predominant ethnic group in the XUAR, Uyghurs now number around 10.5 million or roughly 45% of the XUAR’s population of 24 million, as many Han Chinese have migrated there, particularly to Urumqi, the capital. According to many observers, economic development in Xinjiang has disproportionately benefitted Hans more than Uyghurs.

Official repression of many freedoms of Uyghurs in the XUAR, including of religion, speech, Internet communication, association, assembly, and movement, is more severe than that of other groups and in other parts of China. Although the government stated that it “opposes linking terrorism with specific ethnic groups,” it has justified many repressive measures on security grounds. The XUAR reportedly accounts for the largest proportion of “endangering state security” trials of any region in the PRC. International human rights organizations say that many Uyghurs accused of criminal acts have been deprived of procedural protections provided under China’s constitution and laws.

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233 Many Uyghur exile groups prefer the name East Turkestan rather than the Chinese name of Xinjiang. See CRS In Focus IF10281, Uyghurs in China, by Thomas Lum.
234 Hans constitute 40% of the population of Xinjiang, and a greater proportion if Han nonpermanent residents are included. The ratio of Uyghurs to Hans in Urumqi now is 2 to 8, compared to 8 to 2 two decades ago. Department of State, Country Reports on Human Rights Practices for 2016 (China), op. cit.
235 Ibid.
Human rights groups describe excessive government restrictions on Uyghur religious and ethnic traditions and practices, including the training and role of Muslim clerics, observance of Ramadan, and use of the Uyghur language. Uyghur children and minors may be forbidden from entering mosques or studying the Koran, while CCP members, civil servants, teachers, and students are not allowed to openly practice Islam or participate in some religious customs, such as fasting during Ramadan. Uyghurs, including those wishing to make the pilgrimage to Mecca, frequently are denied permission to travel abroad. In 2016, Xinjiang authorities required residents to turn in their passports for “annual review.”

In March 2017, the XUAR government passed laws prohibiting the wearing of veils in public places and the growing of long or “abnormal” beards.

Many experts contend that current tensions stem from events of July 2009, in which police reportedly attacked Uyghur demonstrators in Urumqi, which led to rioting. Uyghur attacks on Han people, roughly 200 deaths, and a harsh security crackdown. In 2013 and 2014, clashes involving Uyghurs and Xinjiang public security personnel resulted in hundreds of deaths, the majority of them of Uyghurs, while several attacks purportedly or in some cases confirmed to have been carried out by Uyghurs killed roughly 80 people in China, mostly Han civilians.

Since 2015, roughly one dozen reported violent incidents, including raids by security forces and purported Uyghur attacks, have resulted in the deaths of over 100 people, including Uyghurs, Hans, alleged Uyghur perpetrators, and police, in the XUAR. PRC authorities claim that public security officers responded to Uyghurs engaged in separatist activities or carrying out or preparing to launch terrorist attacks on government property, public security facilities, and civilian targets. Human rights groups assert that many incidents began as peaceful Uyghur protests against repressive state policies or coercive police actions. In recent years, hundreds, and possibly thousands, of Uyghurs reportedly have fled China, many to escape persecution and seek political asylum.

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**Hui Muslims**

The Hui, another Muslim minority group in China who number around 11 million, generally have practiced their faith with less government interference than the Uyghurs. Unlike Uyghurs, ethnic Hui Muslims do not speak a non-Chinese language and generally are physically indistinguishable from Han Chinese. The Hui are more geographically dispersed and culturally assimilated than the Uyghurs, and they do not claim to have a homeland that is separate from China.

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244 Jeremy Page and Emre Peker, “As Muslims Flee, China Sees Jihad Risk; As Homeland Grows Violent, Some Uighurs Seek Haven in Turkey,” Wall Street Journal, February 1, 2015. Major Uyghur migration routes reportedly include traveling from China through Vietnam to Thailand and Malaysia. Many Uyghur extend their journeys into Indonesia and Turkey.
PRC officials assert that Islamic fundamentalism, jihad, and terrorist techniques, much of it promoted over the Internet, have contributed to violence in Xinjiang and elsewhere in China. The Chinese government has blamed the East Turkestan Islamic Movement (ETIM) for terrorist attacks in China since the 1990s.\textsuperscript{245} PRC and international sources estimate that between 100 and 300 Uyghur Muslims have joined ISIS in the Middle East, while the Syrian government claims that over 4,000 Uyghurs have joined various jihadist groups in Syria.\textsuperscript{246}

New PRC counterterrorism legislation expands police authority under broad definitions of terrorism, say human rights experts. The XUAR government, furthermore, has passed regional measures that are more stringent than the national law, including harsher punishments and more explicit prohibitions related to the use of the Internet and social media to disseminate information that officials deem to be extremist or terrorist.\textsuperscript{247} For example, the XUAR government has implemented regulations that punish netizens for spreading “false information” online, especially content “advocating religious fanaticism or undermining religious harmony.”\textsuperscript{248}

The PRC government has implemented a three-pronged strategy in response to Uyghur grievances and unrest: developing the XUAR economy; carrying out a “strike hard” campaign against religious extremism, separatism, and terrorism; and introducing policies to assimilate Uyghurs into Han society. In 2016, thousands of new police stations reportedly were set up in the XUAR, furnished with antiriot and high-tech surveillance equipment and manned by tens of thousands of police recruits.\textsuperscript{249} Assimilation policies include placing greater emphasis on Chinese language instruction in schools, providing monetary incentives for mixed Uyghur-Han marriages, and promoting the migration of Uyghur workers to other provinces.\textsuperscript{250} Some experts contend that assimilation policies may contribute to the erosion of Uyghur identity and breed further resentment.\textsuperscript{251} Others say that government attempts to discourage or abolish Uyghur religious and cultural traditions have backfired, and instead fueled trends toward more conservative Islam, such as Salafism, and popularized some Muslim practices, such as the wearing of veils.\textsuperscript{252}

\textsuperscript{245} ETIM is a Uyghur organization that advocates the creation of an independent Islamic state in Xinjiang, is believed to be based in Afghanistan and Pakistan, and reportedly has had ties to Al Qaeda and the Taliban. The United States designated ETIM as a terrorist organization under Executive Order 13224 in 2002 (to block terrorist financing) and placed it on the Terrorist Exclusion List in 2004 (to prevent entry of terrorists into the United States). ETIM also is on the United Nations’ lists of terrorist organizations.


\textsuperscript{247} Department of State, Country Reports on Terrorism 2015, June 2016; Congressional-Executive Commission on China, Annual Report 2016, op. cit.


\textsuperscript{249} James Leibold and Adrian Zenz, “Beijing’s Eyes and Ears Grow Sharper in Xinjiang,” Foreign Affairs, December 23, 2016.


**Ilham Tohti**

In September 2014, a Beijing court sentenced Ilham Tohti, a Uyghur economics professor, to life in prison for the state security crime of separatism.\(^{253}\) Tohti was known abroad as a moderate advocate for Uyghur rights who promoted dialogue and mutual understanding between Hans and Uyghurs and did not call for the creation of an independent East Turkestan. However, Uyghur Online, a website that he established in 2005 to serve as a platform for Uyghur issues, interviews that he gave to the foreign press, and articles that he published critical of the government’s ethnic policies, appear to have prompted PRC leaders to order his arrest in January 2014.\(^{254}\)

**Falun Gong**

Falun Gong combines an exercise regimen with meditation and the stated aim of attaining the virtues of “truthfulness, compassion, and forbearance.” Practitioners believe that the spiritual practice brings benefits to the body and mind. Falun Gong is derived from traditional Chinese *qigong*, a set of movements said to stimulate the flow of *qi*—vital energies or “life forces”—throughout the body. The practice also combines Buddhist and Daoist concepts, and precepts formulated by Falun Gong’s founder Li Hongzhi.\(^{255}\) Practitioners who have reached a high level of “self-cultivation” say that they have attained “true health,” a higher level of being, and freedom from worldly attachments.\(^{256}\) Some adherents also may believe that suffering helps them to develop spiritually. During the mid-1990s, the spiritual exercise gained tens of millions of adherents across China, including members of the Communist Party.\(^{257}\)

On April 25, 1999, thousands of Falun Gong adherents gathered in Beijing, near Zhongnanhai, the Chinese leadership compound, to protest the government’s growing restrictions on their activities. Apparently in an effort to preempt the development of a fervent, broad-based social movement, the CCP established an office, which became known as the “610” office because it was established on June 10, 1999, to coordinate and administer the eradication of Falun Gong. In October 1999, the Supreme People’s Court issued interpretations by which Falun Gong activities were punishable under Article 300 of the PRC Criminal Law, which makes organizing “superstitious sects, secret societies, and evil religious organizations” (sects) or using them for illegal purposes a crime.\(^{258}\) In 2015, an amendment to the PRC Criminal Law increased the maximum possible sentence for cult crimes from 15 years to life in prison.\(^{259}\)

Hundreds of thousands of practitioners who refused to renounce Falun Gong were sent to Re-education Through Labor (RETL) centers until they were deemed “transformed.” Falun Gong members constituted a large portion, and at times a majority, of detainees in RETL facilities,  

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\(^{255}\) Li Hongzhi is believed to live in the United States.


\(^{257}\) Estimates of Falun Gong practitioners in China in the late 1990s ranged from several million to 70 million, with widely divergent levels of commitment.


where there were allegations of abuse, force-feeding of hunger strikers, and torture. Many adherents who remained “non-transformable” spent multiple terms in RETL facilities. Since the formal dismantling of the RETL system was announced in 2014, many Falun Gong detainees reportedly have been sent to Legal Education Centers to undergo indoctrination, or to mental health facilities. Roughly 900 practitioners reportedly have been sentenced to prison terms since Xi Jinping assumed power. Falun Gong overseas organizations claim that over 3,800 adherents died in custody between 1999 and 2015, and 80 died in 2016.

Some recent reports indicate that enforcement of the CCP’s objective to eliminate Falun Gong, whose numbers are estimated now to range from a few million to 20 million adherents, has loosened. Reported examples include fewer government directives restricting Falun Gong, and some practitioners being allowed to practice Falun Gong while in detention, released from detention after a short period, or dealt with leniently by police officers. The Dui Hua Foundation suggests that a recent joint interpretation by the Supreme People’s Court and Supreme People’s Procuratorate raises the criteria for serious offenses under Article 300, which may result in a larger number of relatively minor cases of cult activity and thus lighter penalties.

Organ Harvesting Allegations

Some reports allege that Falun Gong practitioners held in detention facilities of various kinds were victims of illegal organ harvesting—the unlawful, large-scale, systematic, and nonconsensual removal of body organs for transplantation—while they were still alive, resulting in their deaths. There also have been reports that Tibetan and Uyghur prisoners have been sources for organ harvesting, but to a lesser degree. Some advocates argue that the number of transplanted organs in China in recent years—roughly 10,000 annually based on official reports and many more according to other estimates—cannot be fully accounted for by other purported sources of organs, such as executed prisoners and volunteer donors, and that Falun Gong detainees are the likely primary source. They contend that many prisoners on death row are not viable candidates for organ donation, and that the number of executions in China has been declining. They argue, furthermore, that the high number of people in China in need of organs, estimated to be about

300,000 people, compared to the supply of organs from other sources, helps fuel the ongoing practice of organ harvesting from Falun Gong detainees.266

The claims of organ harvesting from Falun Gong detainees are based largely upon circumstantial evidence and interviews.267 Advocates point to purportedly large numbers of apparently healthy Falun Gong detainees and their disappearances, suspicious physical examinations and regular blood testing of detainees, short wait times for transplants, and telephone recordings of Chinese hospital officials acknowledging the practice. In their most recent research, the authors of several publications alleging organ harvesting in China assert that the number of transplants performed in the PRC has been much higher than officially reported and previously believed—between 60,000 to 100,000 per year since 2000—and that the discrepancy between the probable number of transplants and donations by executed prisoners and voluntary donors “leads us to conclude that there has been a far larger slaughter of practitioners of Falun Gong for their organs than we had originally estimated.”268 They cite indications of a surge in organ transplantation facilities and surgeries throughout the country.269

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267 Ethan Gutmann writes that he interviewed over 100 Falun Gong practitioners. Other witnesses purportedly include a Uyghur doctor, a PRC military doctor, a Chinese journalist, a PRC soldier, Chinese police personnel, a woman who worked at a hospital said to perform organ transplants, and Falun Gong investigators and organ transplant doctors based outside China. See Ethan Gutmann, The Slaughter, Amherst, NY: Prometheus Books, 2014.


269 Ibid. According to these studies, the number of transplantation surgeries performed by three PRC hospitals alone exceed the official number of annual transplantation surgeries performed in the entire country. The estimates of the number of transplantation surgeries were calculated through hospital websites and official sources and media, including information on organ transplant capacities, bed utilization rates, growth trends, comments by PRC transplantation experts, and other data and analysis.
In 2017, Freedom House reported that there was “credible evidence suggesting that beginning in the early 2000s, Falun Gong detainees were killed for their organs on a large scale.”270 Other international human rights groups have neither confirmed nor denied the existence of organ harvesting from Falun Gong practitioners. An investigation by the Department of State in 2006 cast some doubt on allegations of a Falun Gong concentration camp and organ harvesting center in Shenyang, Liaoning Province.271

PRC officials have admitted problems in China’s organ donation and transplantation practices, but denied the existence of organ harvesting from Falun Gong practitioners. In 2006, in response to foreign and domestic pressure, some Chinese authorities acknowledged that the transplantation of organs from executed prisoners had been prone to abuses, including nonconsensual removal, and announced measures to reform China’s organ transplantation system. Regulations enacted in 2007 created national oversight mechanisms and banned transplant tourism.272 In 2011, the PRC Criminal Law was revised to declare organ trafficking a crime, and in 2012 the government announced that China would phase out the use of organs from executed prisoners. In 2014, Huang Jiefu, director of the China Organ Donation and Transplantation Commission, announced that no organs from executed prisoners would be permitted beginning in 2015.273

Some foreign observers have raised doubts about China’s pledge to end organ transplants from executed prisoners. According to some reports, Chinese prisoners have continued to be a source of organs, classified as “citizen donations,” although some PRC officials have denied this.274 Some international human rights and medical groups have raised concerns about how the right of death-row prisoners to consent to organ donation is ensured in China. They have urged the PRC government to provide greater transparency regarding its organ donation and transplantation systems, and to permit independent verification that China is carrying out its policies as stated.275

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271 In 2006, U.S. embassy and consular officials in China visited a hospital in Shenyang that Falun Gong groups claimed was a site of organ harvesting of Falun Gong prisoners. They visited the hospital and surrounding site on two occasions—the first time unannounced and the second with the cooperation of PRC officials—and “found no evidence that the site is being used for any function other than as a normal public hospital.” “U.S. Finds No Evidence of Alleged Concentration Camp in China—Repression of Falun Gong, Reports of Organ Harvesting Still Worry Officials,” *Washington File*, April 16, 2006.
Other international experts have noted a decrease in organs from inmates and a commitment to reform among PRC transplantation and medical experts. The number of voluntary, nonprisoner organ donors in China is growing, but remains small compared to other countries. The traditional Chinese value placed upon the deceased’s body remaining intact and popular distrust of the country’s medical system continue to hinder government efforts to promote organ donation. Experts estimated that China would have 4,000 voluntary donors and 15,000 organ transplants in 2016.

China’s Family Planning Policies

China’s “One-Child Policy” began in 1980 to curb population growth. It led to many human rights abuses as well as demographic and related problems, including a skewed gender ratio and a surplus in men, trafficking in women, and an accelerated aging of the population. Implementation of the policy varied somewhat by province. Many jurisdictions long have allowed some couples to have more than one child, for example, ethnic minorities, rural couples for whom the first child is a girl, and couples in which both parents are an only child. In response to demographic trends and popular pressure, reforms to the policy began in 2013. In December 2015, the National People’s Congress amended the PRC Population and Family Planning Law to allow all married couples to have two children. However, human rights groups have continued to express concerns about the persistence of coercive family planning measures.

China’s Population and Family Planning Law does not explicitly condone abortion as a means of dealing with violations of policy, stating, “Family planning shall be practiced chiefly by means of contraception” (Article 19). However, the One-Child Policy led to many abuses by local officials attempting to enforce the law, including forced contraceptive use and sterilizations and coercive abortions, in some cases late-term abortions. Furthermore, the law authorized other penalties for violators of the policy, including heavy fines (“social compensation fees”) and job-related sanctions, as well as the denial of public health and education benefits to offspring beyond the first child.

The amended Population and Family Planning Law, which allows married couples to have two children, contains a provision stating that government officials “may not infringe upon the legitimate rights and interests of citizens.” Punishable actions by state personnel involved in implementing the law include “infringing on a citizen’s personal rights,” “abusing [one’s] power,” “demanding or accepting bribes,” and misappropriating social compensation fees. Social compensation fees are to remain, however, for most couples who have more than two children,

(...continued)


279 The Decision of the Standing Committee of the National People’s Congress on Revising the Population and Family Planning Law of the People’s Republic of China, December 27, 2015, Articles 4 and 39.
and human rights groups fear that coercive measures may persist for those who violate the new two-child policy.\footnote{Congressional-Executive Commission on China, “Statements by CECC Chairs on Announced Revision to China’s ‘One-Child Policy,’” October 30, 2015.}

The one-child policy, along with a historical preference for boys based upon cultural and economic influences, spurred the illegal but widespread practice of sex-selective abortions, particularly in rural areas. By the mid-2000s, according to Chinese census data, 121 boy babies were born for every 100 girl babies.\footnote{Manya Koetse, “China Now Has 33.5 Million More Men Than Women,” \textit{What’s on Weibo}, January 22, 2017; Zhuang Pinghui, “Gender Imbalance in China Exaggerated, Research Suggests,” \textit{South China Morning Post}, December 1, 2016; Lin Ping, “Chinese Men Outnumber Women by 33 Million after Decades of Gender Bias,” \textit{Radio Free Asia}, January 22, 2015.} In part due to greater enforcement of the ban on sex-selective abortions and relaxations of the one-child policy, the gender imbalance has declined to 115 boys for every 100 girls born in China, compared to the global ratio of 103 to 100.\footnote{Central Intelligence Agency, \textit{The World Factbook}, 2016 estimates.} Despite the loosening of the law, however, many Chinese couples, especially in urban areas, have chosen to limit their families to one child, due to the high costs of raising children, the commitments of both parents toward their careers, and the difficulty of finding childcare.

**U.S. Efforts to Advance Human Rights in China**

Congress and successive Administrations have developed an array of means for promoting human rights and democracy in China, often deploying them simultaneously. Principal policy tools include open criticism of PRC human rights policies and practices; quiet diplomacy; hearings; foreign assistance; support for dissident and pro-democracy groups in China and the United States; sanctions; bilateral dialogue; Internet freedom efforts; public diplomacy; and the coordination of international pressure. In the past year, human rights advocates praised two milestone U.S. efforts aimed at promoting human rights globally and in China: legislation that would impose penalties upon foreign individuals considered to have committed egregious human rights violations and a collective international statement critical of China’s human rights record.

**Legislation and Hearings**

During the 114th Congress, subcommittees of the House Committee on Foreign Affairs held hearings on global religious freedom, organ harvesting in China, and PRC influence on academic freedom in U.S. universities. The CECC has held over 10 hearings on a range of topics related to human rights in China since 2014. The Tom Lantos Human Rights Commission held hearings on Tibet in 2015 and 2017 and on the United Nations Human Rights Council in 2016. The CECC, Tom Lantos Human Rights Commission, U.S. Commission on International Religious Freedom, and other congressional and congressionally mandated bodies and fora investigated, publicized, and reported on human rights conditions in the PRC.

Global Magnitsky Act

In December 2016, Congress passed the Global Magnitsky Human Rights Accountability Act, as part of the National Defense Authorization Act for Fiscal Year 2017 (P.L. 114-328). Some human rights activists reportedly have begun to collect information on PRC officials who allegedly have committed egregious human rights violations, in order to invoke sanctions under the new law. The act, hailed as “groundbreaking” by its supporters, was named after Russian lawyer Sergei Magnitsky, who in 2008 spoke out against Russian government corruption and died in prison one year later. The law grants the President authority to prohibit or revoke U.S. entry visas to foreign individuals deemed guilty of targeting whistle-blowers, and freezing or prohibiting those individuals’ U.S. property transactions. The act allows the President to impose such sanctions on foreign persons for whom credible evidence exists showing that they are

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responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights, committed against individuals in any foreign country who seek to expose illegal activity carried out by government officials or promote internationally recognized human rights and freedoms.\footnote{290 “U.S. Congress Passes Groundbreaking Legislation to Fight the Impunity of Human Rights Abusers Worldwide,” International Campaign for Tibet, December 8, 2016.}

### Notable Legislation Related to Human Rights in China (1989 to Present)

<table>
<thead>
<tr>
<th>Act</th>
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<tr>
<td>P.L. 106-286</td>
<td>Normal Trade Relations for the People’s Republic of China (PNTR Act). Title III, Section 301 established the Congressional-Executive Commission on China and authorized human rights and rule of law programs. Title V, Section 511, Title VII, Section 701, and other sections of the act established commercial and labor rule of law programs and made other policy references related to human rights abuses in China.</td>
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### Human Rights, Rule of Law, and Civil Society Programs

The U.S. government does not provide assistance to Chinese government entities or directly to Chinese NGOs. The direct recipients of State Department and USAID grants have been predominantly U.S.-based nongovernmental organizations (NGOs) and universities. U.S. foreign assistance efforts in China primarily have aimed to promote sustainable development and environmental conservation and preserve indigenous culture in Tibetan areas in China and to support human rights, democracy, rule of law, and environmental programs in the PRC.\footnote{291 See CRS Report RS22663, U.S. Assistance Programs in China, by Thomas Lum.}

Between 2001 and 2016, the United States government provided an estimated $78 million for Tibetan programs; $77 million for rule of law and environmental efforts in the PRC; $220 million for programs administered by the Department of State’s Bureau of Democracy, Human Rights, and Labor (DRL); and $6.2 million for criminal justice reform. DRL has administered programs that support the development of the legal profession, civil society, government transparency, public participation in government, and Internet Freedom.

Some policymakers assert that the U.S. government should not support foreign assistance programs in China because the PRC has significant financial resources of its own and can manage its own development needs. Other critics argue that U.S. democracy and governance programs have had little effect in China. Some human rights activists state that some U.S. stakeholders involved in assistance programs may refrain from supporting tougher U.S. approaches toward China’s human rights abuses in order to protect their programs and policy interests.\footnote{292 Human Rights Watch, December 2014.}
proponents of U.S. programs in China point out that U.S. assistance does not provide support to the PRC government, and contend that U.S. programs benefit U.S. interests, and they operate in areas where the PRC government has lacked sufficient capacity or commitment. Others assert that U.S. efforts in the PRC have responded to broad public interest and support, helped to build foundations for the rule of law and civil society, promoted the protections of some rights, and tempered the effects of periodic political crackdowns.293

National Endowment for Democracy

Established in 1983, the National Endowment for Democracy (NED) is a private, nonprofit foundation “dedicated to the growth and strengthening of democratic institutions around the world.” Funded primarily by an annual congressional appropriation, NED has played an active role in promoting human rights and democracy in China since the mid-1980s. A grant-making institution, the endowment has supported projects carried out by grantees that include its core institutes; Chinese, Tibetan, and Uyghur human rights and democracy groups based in the United States and Hong Kong; and a small number of NGOs based in mainland China. NED grants for China and Tibetan programs have averaged about $6.7 million per year during the past decade. This support was provided using NED’s regular congressional appropriations (an estimated $170 million in FY2016), apart from some additional congressionally directed funding.294 Program areas include the following: rule of law; public interest law; civil society; prisoners of conscience; rights defenders; freedom of expression; Internet freedom; religious freedom; government accountability and transparency; political participation; labor rights; promoting understanding of Tibetan, Uyghur, and other ethnic concerns in China; public policy analysis and debate; and rural land rights.

Sanctions

China is subject to some U.S. economic sanctions in response to its human rights conditions. Their effects, however, have been limited and largely symbolic. Many U.S. sanctions imposed upon China as a response to the 1989 Tiananmen military crackdown are no longer in effect.295 Remaining Tiananmen-related sanctions suspend Overseas Private Investment Corporation (OPIC) programs and restrict export licenses for U.S. Munitions List (USML) items and crime control equipment.296 Originally imposed under the Tiananmen sanctions, the U.S. government maintains restrictions on U.S. exports of crime control and detection equipment to the PRC due to China’s designation as a “country of particular concern” for religious freedom.297

Foreign operations appropriations legislation also may impose restrictions or conditions. For example, U.S. representatives to international financial institutions by law may support projects in Tibet only if they do not encourage the migration and settlement of non-Tibetans into Tibet or the transfer of Tibetan-owned properties to non-Tibetans, due in part to the potential for such

293 John Kamm, op. cit.; U.S. Department of State, Congressional Budget Justification for Foreign Operations, Fiscal Year 2015.
294 Congress provided directed funding out of the Democracy Fund to NED for programs in China between 2001 and 2007 and Tibetan areas between 2004 and 2009. Such funding supplemented resources available for China through NED’s regular budget.
activities to erode Tibetan culture and identity. In addition, countries, such as China, that the Department of State designates as “Tier 3” in its Trafficking in Persons Report may be subject to restrictions on U.S. assistance, in particular nonhumanitarian and nontrade-related foreign assistance. The United States limits its support for international financial institution lending to China for human rights reasons. Other U.S. laws that can be invoked to deny foreign assistance on human rights grounds include Sections 116 and 502B of the Foreign Assistance Act of 1961 (P.L. 87-195).

The Trump Administration, invoking the Kemp-Kasten amendment, has ceased U.S. contributions to the United Nations Population Fund (UNFPA), due to its determination that the UNFPA supports PRC family planning policies, which allegedly have involved coercive abortion and involuntary sterilization. The Obama Administration provided funding to the UNFPA under the Kemp-Kasten amendment. At the same time, Congress enacted legislation requiring that no U.S. funding to the UNFPA could be used for a country program in China, and that for the UNFPA to receive U.S. funding, it could not fund abortions.

Human Rights Dialogue

The 19th and most recent round of the U.S.-China Human Rights Dialogue took place in Washington, DC, in August 2015. Beijing suspended the human rights dialogue in 2016, possibly in response to the U.S.-led joint statement at the UNHRC criticizing China’s human rights record. The issue of human rights is not among the “four pillars” of the new U.S.-China Comprehensive Dialogue that was established during talks between President Trump and President Xi in April 2017. Secretary of State Rex Tillerson stated that human rights are “embedded in every discussion,” and that “I don't think you have to have a separate conversation, somehow separate our core values around human rights from our economic discussions, our military-to-military discussions, or our foreign policy discussions.”

The U.S.-China Human Rights Dialogue, established in 1990, has never been fully embraced by Beijing. It is one of several government-to-government human rights dialogues between China and other countries; China also conducts a human rights dialogue with the European Union. The Obama Administration participated in five rounds between 2010 and 2015. The PRC government

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299 Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), §110(a); Department of State, Trafficking in Persons Report, June 2017.
300 International Financial Institutions Act (P.L. 95-118), §710(a).
301 Section 502B applies to security assistance.
302 Nurith Aizenman, “Citing Abortions in China, Trump Cuts Funds for U.N. Family Planning Agency,” NPR, April 4, 2017. The “Kemp-Kasten” amendment, which has been included in annual foreign operations appropriations since FY1985, bans U.S. assistance to organizations that, as determined by the President, support or participate in the management of coercive family planning programs. Under Kemp-Kasten, Presidents Reagan, George H. W. Bush, and George W. Bush suspended contributions to the UNFPA due to concerns about coercive family planning practices in China. See CRS Report R41360, Abortion and Family Planning-Related Provisions in U.S. Foreign Assistance Law and Policy, by Luisa Blanchfield.
303 See, most recently, §7082 in Division K of the Consolidated Appropriations Act, 2016 (P.L. 114-113), approved December 18, 2015, and continued into FY2017 by P.L. 114-223. P.L. 114-113 also specified that “U.S. contributions to UNFPA be kept in an account segregated from other UNFPA accounts and not be commingled with other sums.”
305 “Briefing by Secretary Tillerson, Secretary Mnuchin, and Secretary Ross on President Trump’s Meetings with President Xi of China,” op. cit.
suspended the human rights dialogue in 2014, presumably in retaliation for former President Obama’s meeting with the Dalai Lama, and in 2016. Beijing previously had suspended the dialogue in 2004 after the George W. Bush Administration sponsored an unsuccessful U.N. resolution criticizing China’s human rights record. The Chinese government has become increasingly resistant to making concessions on human rights through diplomatic engagement, and more assertive about raising human rights violations in the United States, according to experts. Since 2013, PRC officials rarely have accepted prisoner lists or requests for information on cases of concern from foreign governments.306

The 19th dialogue included a meeting with senior staffers of the Senate Foreign Relations Committee and a roundtable with human rights groups. The roundtable reportedly marked the first time that a Chinese delegation to the talks engaged critics from civil society.307 Then-Assistant Secretary of State for Democracy, Human Rights, and Labor Tom Malinowski expressed concerns regarding the crackdown on human rights lawyers and presented a list of over 100 “cases of concern.”308 Other issues reportedly raised by the U.S. side included China’s new foreign NGO law, the campaign to remove crosses from Christian churches in Zhejiang province, repression in Tibet and Xinjiang, and restrictions on U.S. and other foreign journalists in China.309 The PRC delegation, led by Li Junhua, Director-General of the Department of International Conferences and Organizations of the PRC Ministry of Foreign Affairs, noted human rights problems in the United States, including racial discrimination, excessive use of force by police, and the “violation of the human rights of other countries through massive surveillance activities.”310

During the Obama Administration, some experts criticized the human rights dialogue for providing both governments with opportunities for claiming progress on human rights in China through the talks themselves, without establishing benchmarks for progress, offering incentives for producing results, or imposing penalties for failing to do so. They argued that separating the human rights dialogue from the main U.S.-China Strategic and Economic Dialogue marginalized human rights issues, and reduced opportunities for linking human rights to other areas of the bilateral relationship. Critics also urged that the talks be more transparent and open to a greater number of stakeholders, particularly nongovernmental participants.311

Obama Administration officials responded to critics by arguing that the Human Rights Dialogue was an important means of regularly expressing U.S. positions on human rights, and not an arena for negotiation. They argued that the talks enabled the U.S. government to focus on human rights within one forum, and did not preclude the raising of human rights in other fora.312 Even some critics of the dialogue have suggested that the talks nonetheless may effectively be used to press the PRC government on human rights issues prior to bilateral summits and other events.313 Some

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308 Ibid.
313 Congressional-Executive Commission on China, “CECC Chairs Say Human Rights Dialogue ‘Critical Opportunity’ (continued...)
U.S.-based human rights groups have contended that the dialogue “remains the best forum for raising the cases of imprisoned activists.” Some Chinese rights activists believe that the dialogue has had long-term benefits through raising human rights awareness in China. A related bilateral dialogue, the Legal Experts Dialogue (LED), was launched in 2003. The Obama Administration convened the fourth round in 2011, after a six-year hiatus. The LED brings together governmental and nongovernmental legal experts from the United States and China. It is designed to serve as a forum to discuss the benefits and practical implementation of the rule of law. The seventh LED took place in Beijing in October 2015. Topics of discussion included Chinese lawyers’ access to clients, interrogation techniques used by police officers, and administrative law reforms.

**Internet Freedom**

The U.S. government has undertaken efforts to promote global Internet freedom. U.S. congressional committees and commissions have held hearings on the Internet and China, including the roles of U.S. Internet companies in China’s censorship system, market access for U.S. Internet companies, intellectual property rights, and cybersecurity. The George W. Bush Administration established the Global Internet Freedom Task Force, continued under the Obama Administration as the NetFreedom Task Force, whose mission was to coordinate policy within the State Department on Internet freedom efforts. The Department of State’s Bureau of Democracy, Human Rights, and Labor administers Global Internet Freedom programs in the following areas: counter censorship and secure communications technology; training in secure online and mobile communications practices; advocacy; and policy research. The primary target countries for such efforts, particularly censorship circumvention and secure communications programs, have been China and Iran. Congress appropriated $13 million for DRL Internet freedom efforts in FY2016.

**International Broadcasting**

The Broadcasting Board of Governors (BBG) identifies China as one of five “critical areas” for investment in the area of international broadcasting. Voice of America (VOA) and Radio Free Asia (RFA) provide external sources of independent or alternative news and opinion to Chinese audiences. The two media services play small but unique roles in providing U.S.-style broadcasting, journalism, and public debate in China. VOA, which offers mainly U.S. and international news, and RFA, which serves as an uncensored source of domestic Chinese news, often report on important world and local events. VOA “Learning English” international news programs, aimed at intermediate learners of English, are popular with many young, educated, and professional Chinese.

(...continued)

to Discuss China’s ‘Abysmal Human Rights Record’ Ahead of Xi Visit,” Congressional-Executive Commission on China, August 13, 2015.


The PRC government regularly jams and blocks VOA and RFA Mandarin, Cantonese, Tibetan, and Uyghur language radio and television broadcasts and Internet sites, while VOA English services have received less interference. VOA and RFA have made efforts to enhance their Internet services, develop circumvention or counter-censorship technologies, and provide access to their programs on social media platforms such as weibo and WeChat. In 2014, RFA Mandarin launched a blog featuring a daily compilation of posts by Chinese “celebrity bloggers” that had been deleted by state censors. 318

**United Nations Human Rights Council (UNHRC)**

The 47-member United Nations Human Rights Council (UNHRC) was created in 2006 to replace the U.N. Commission on Human Rights (UNCHR), which had been faulted for being unduly influenced by countries widely perceived as having poor human rights records. 319 The United States had sponsored several resolutions at the UNCHR criticizing China’s human rights record, but none were successful; China was able to thwart voting on nearly all such resolutions through “no-action motions.”320 The PRC continues to employ its soft power—diplomatic and economic influence—in global fora in order to reduce international pressure to improve its human rights conditions.

Members of the UNHRC are elected by a majority vote in the U.N. General Assembly for three-year terms and may not be reelected for more than two consecutive terms. The United States was elected to the Human Rights Council in 2009 and was reelected in 2012 and 2016. China has been elected to the UNHRC four times (2006, 2009, 2013, and 2016). Some Members of Congress have opposed China’s membership on the UNHRC. 321

As part of the restructuring related to the formation of the UNHRC, the U.N. General Assembly established the Universal Periodic Review (UPR), a mechanism by which the human rights records of all U.N. members are assessed once every four years. In addition, every member of the Human Rights Council is required to undergo a review while a member. The review is based upon reports compiled by the Office of the High Commissioner for Human Rights (OHCHR), including input from independent experts and NGOs, and a report submitted by the state under review. Some observers complain that the UPR process provides countries with poor human rights records with opportunities to criticize those with good records, the recommendations are nonbinding, and the input of NGOs often is restricted. Supporters of the UPR contend that it highlights human rights issues and produces pledges from countries under review to address them, and that the process is a more transparent and inclusive exercise than bilateral dialogues. 322

The first UPR of China was conducted in 2009 and the second one was held in October 2013. During China’s second UPR, many U.N. member states urged China to ratify the International

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320 Since the U.S. government began sponsoring resolutions criticizing China’s human rights record in 1991, they have been blocked by “no action” motions nearly every time. One, in 1995, was considered by the UNCHR; it lost by one vote. The last such U.S. resolution was introduced in 2004.

321 H.Res. 327 (Representative Bentivolio, introduced August 2, 2013) expressed the sense of the House of Representatives that the United States should vote against China’s membership on the UNHRC, citing China’s human rights violations, failure to comply with 71 of 138 UNHRC recommendations from its first Universal Periodic Review (2009), and resistance to efforts supported by the United States to monitor or reduce human rights abuses in other countries.

Covenant on Civil and Political Rights (ICCPR). Some countries called on China to ensure greater protections of the rights of ethnic minorities, particularly Tibetans, Uyghurs, and Mongolians, although other countries supported China’s ethnic policies. Austria, Slovakia, and Switzerland recommended that China facilitate a visit by the U.N. High Commissioner for Human Rights. The United States reportedly was the only participant in the UPR dialogue to provide names of Chinese citizens when raising the issue of human rights abuses against dissidents and civil society activists. China’s next periodic review is to take place in November 2018.

Of the recommendations made by the Human Rights Council at its second UPR, China adopted 204 of them and rejected 48. A number of recommendations that China rejected related to human rights activists, extrajudicial detention, freedom of belief, freedom of expression, and the rights of ethnic minorities. PRC officials asserted ethnic minority groups were treated fairly, adding that China’s priority was to reduce poverty. They stated that Beijing was willing to work with other countries on human rights "as long as it was in the spirit of mutual respect.” The PRC government declined to set a timetable for ratifying the ICCPR and agreed to meet with the U.N. High Commissioner for Human Rights “at a mutually convenient time.” China’s National Human Rights Action Plan for 2016-2020 pledges to implement recommendations of its first and second UPRs and to “conduct exchanges and cooperation” with the OHCHR. The Network of Chinese Human Rights Defenders reported “large discrepancies” between China’s 2013 promises and its implementation of UPR recommendations. The Network found that 43 recommendations were partially implemented and only 3 were fully implemented. The New York-based organization Human Rights in China (HRC) submitted a mid-term assessment in which it noted a “steep deterioration of rights” in the PRC and provided recommendations to the PRC government in order for it to meet its UPR commitments. HRC also made recommendations to U.N. member states to encourage China to comply with international human rights processes and meet universal human rights standards.

Joint Statement on Human Rights in China

In March 2016, a group of 12 countries, led by the United States, openly expressed serious concerns about human rights abuses in China at a gathering of the United Nations Human Rights Council. The declaration was the first collective statement on China in the history of the council. It expressed concerns about China’s “deteriorating human rights record,” including the

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327 The fully implemented recommendations were those related to the abolition of the Re-education Through Labor system. Catherine Lai, “China Failing to Deliver on Human Rights Promises,” Hong Kong Free Press, November 24, 2016.
329 The countries who signed the declaration were Australia, Denmark, Finland, Germany, Iceland, Ireland, Japan, the Netherlands, Norway, Sweden, the United Kingdom, and the United States.
arrests of rights activists, civil society leaders, and lawyers for “peacefully exercising their freedom of expression or for lawfully practicing their profession.”

Appendix. Selected Legislation Related to Human Rights in China

115th Congress

- **H.Res. 445**: Honoring the Life and Legacy of Liu Xiaobo (Meadows, introduced July 13, 2017).
- **H.Con.Res. 67**: Urging the Government of the People’s Republic of China to unconditionally release Liu Xiaobo, together with his wife Liu Xia, to allow them to freely meet with friends, family, and counsel and seek medical treatment wherever they desire (Smith (NJ), introduced June 28, 2017).
- **S.Con.Res. 21**: Urging the Government of the People’s Republic of China to unconditionally release Liu Xiaobo, together with his wife Liu Xia, to allow them to freely meet with friends, family, and counsel and seek medical treatment wherever they desire. (Rubio, introduced June 29, 2017).
- **H.R. 2537**: To designate the area between the intersections of International Drive Northwest and Van Ness Street Northwest and International Drive Northwest and International Place Northwest in Washington, District of Columbia, as “Liu Xiaobo Plaza,” and for other purposes (Meadows, introduced May 18, 2017).
- **S. 1187**: To designate the area between the intersections of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, as “Liu Xiaobo Plaza,” and for other purposes (Cruz, May 18, 2017).
- **H.Res. 65**: Urging the President to seek an independent investigation into the death of Tibetan Buddhist leader and social activist Tenzin Delek Rinpoche and to publicly call for an end to the repressive policies used by the People’s Republic of China in Tibet (Capuano, introduced January 27, 2017).

114th Congress

- **H.R. 4452** (Not passed): To designate the area between the intersections of International Drive Northwest and Van Ness Street Northwest and International Drive Northwest and International Place Northwest in Washington, District of Columbia, as “Liu Xiaobo Plaza,” and for other purposes (Meadows, February 3, 2016).
- **S. 2451** (Not passed): A bill to designate the area between the intersections of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, as “Liu Xiaobo Plaza,” and for other purposes (Cruz, January 20, 2016).
- **H.Res. 584** (Not passed): Urging the President to seek an independent investigation into the death of Tibetan Buddhist leader and social activist Tenzin
Delek Rinpoche and to publicly call for an end to the repressive policies used by the People’s Republic of China in Tibet (Capuano, January 11, 2016).

- **H.Res. 343 (Passed on June 13, 2016):** Expressing concern regarding persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People’s Republic of China, including from large numbers of Falun Gong practitioners and members of other religious and ethnic minority groups (Ros-Lehtinen, June 25, 2015).

- **H.Res. 337 (Passed on 7/8/2015):** Calling for substantive dialogue, without preconditions, in order to address Tibetan grievances and secure a negotiated agreement for the Tibetan people (Engel, June 24, 2015).

- **H.R. 2621 (Not passed):** China Human Rights Protection Act of 2015 (Smith (NJ), June 2, 2015).


- **H.Res. 105 (Not passed):** Calling for the protection of religious minority rights and freedoms worldwide (Bridenstine, February 11, 2015).

- **S.Res. 69 (Not passed):** A resolution calling for the protection of religious minority rights and freedoms worldwide (Inhofe, February 5, 2015).


### 113th Congress

- **H.R. 5379 (Not passed):** China Human Rights Protection Act of 2014 (Smith (NJ), July 31, 2014).

- **S.Res. 482 (Not passed):** A resolution expressing the sense of the Senate that the area between the intersections of International Drive, Northwest Van Ness Street, Northwest International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, should be designated as “Liu Xiaobo Plaza” (Cruz, June 24, 2014).

- **H.R. 4851 (Not passed):** Reciprocal Access to Tibet Act of 2014 (McGovern, June 12, 2014).

- **H.Res. 599 (Passed on 5/28/2014):** Urging the Government of the People’s Republic of China to respect the freedom of assembly, expression, and religion and all fundamental human rights and the rule of law for all its citizens and to stop censoring discussion of the 1989 Tiananmen Square demonstrations and their violent suppression (Smith (NJ), May 27, 2014).

• **S.Res. 361** (*Passed on 4/8/2014*): A resolution recognizing the threats to freedom of the press and expression in the People’s Republic of China and urging the Government of the People’s Republic of China to take meaningful steps to improve freedom of expression as fitting of a responsible international stakeholder (Cardin, February 24, 2014).

• **H.Res. 327** (Not passed): Expressing the sense of the House of Representatives regarding China’s membership in the United Nations Human Rights Council (UNHRC) (Bentivolio, August 2, 2013).

• **H.Res. 281** (Not passed): Expressing concern over persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience, in the People’s Republic of China, including from large numbers of Falun Gong practitioners imprisoned for their religious beliefs, and members of other religious and ethnic minority groups (Ros-Lehtinen, June 27, 2013).

• **H.Res. 245** (Not passed): Recognizing the 24th anniversary of the Tiananmen Square massacre, calling for the release of Dr. Wang Bingzhang, and for other reasons (Bentivolio, June 4, 2013).

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