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CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2021

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

MARCH 2022

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

Available via the World Wide Web: https://www.cecc.gov

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VII

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

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

†Voted to adopt: Senators Merkley, Feinstein, King, Ossoff, Rubio, Lankford, Cotton, and Daines; and Representatives McGovern, Suozzi, Malinowski, Wexton, Smith, Mast, Hartzler, and Steel.

Not voting: Representative Tlaib.

I. Executive Summary

STATEMENT FROM THE CHAIRS

On July 1, 2021, Chinese President and Communist Party General Secretary Xi Jinping commemorated the 100th anniversary of the Chinese Communist Party with a pugnacious speech touting "the great rejuvenation of the Chinese nation," promoting China as a "new model for human advancement," and threatening that any country challenging China would be met by a "great wall of steel." This Party-led governance model aims to achieve high-functioning authoritarianism in complete disregard of the human spirit. The Party mobilizes the government to silence any threats to its rule by systematically repressing internationally recognized human rights. Globally, the extensive use of economic coercion, strident "Wolf Warrior" diplomacy, and other efforts to amplify the official narratives give the lie to assurances in Xi's July 1 speech that the Chinese government does not seek to bully others.

This year marked another anniversary: the 20th year of the Congressional-Executive Commission on China's assiduous documentation of human rights and the rule of law in China. This report surveys a bleak landscape. In addition to detailing the genocide being perpetrated in the Xinjiang Uyghur Autonomous Region and the crushing of Hong Kong's autonomy, the Commission has over the past year examined the Chinese government and Communist Party's violations of China's Constitution and domestic laws as well as numerous international human rights standards. Commission research also continues to record in its Political Prisoner Database more cases of political and religious imprisonment in China, deaths of political prisoners, and routine torture of detainees. The report also highlights myriad ways the people of China speak out, resist authoritarianism, and advocate for change. From the ongoing #MeToo movement to delivery drivers organizing on social media to Tibetan monks practicing their faith, the people continue to stand up to government repression.

The Commission plays an important role in building a bipartisan response to these abuses, and this report outlines practical recommendations for congressional and executive consideration that we hope will serve as a roadmap for action—together with allies and partners around the globe—to stand up for the victims of human rights abuses. In the 116th Congress, the Commission's efforts advanced numerous legislative initiatives promoting human rights in China that were signed into law, including the Uyghur Human Rights Policy Act, the Hong Kong Human Rights and Democracy Act, the Protect Hong Kong Act, the Hong Kong Autonomy Act, and the Tibetan Policy and Support Act. In the 117th Congress, we plan to build on this work and advance legislation related to the repression of ethnic minorities, providing humanitarian safe haven for those fleeing persecution in China, and countering the Chinese government's economic coercion.

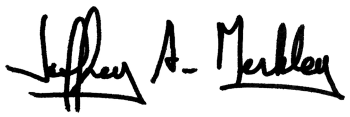
The swift passage and enactment of the Uyghur Forced Labor Prevention Act will send an especially critical signal. This bipartisan legislation ensures that products tainted by the forced labor of oppressed minorities in China are not imported into the United States. American supply chains and businesses cannot be complicit

in modern slavery. American consumers must not be put in the position of inadvertently purchasing the products of slave labor.

We believe the United States can be a force for good, both in our foreign policy and in setting an example by living up to universally recognized human rights standards at home. Just as we will not shy away from calling out the Chinese government and Communist Party's gross violations of these standards, we condemn the rise of anti-Asian hate crimes, including both verbal and physical abuse encouraged by xenophobic and racist rhetoric. We strive to be mindful in our own use of language to ensure that we do not abet discrimination, and we encourage our colleagues to do the same. Our criticism is not of the people of China, whom we stand with regardless of ethnic, religious, or other identity in their quest for fundamental human rights and dignity.

The Commission's task is to shine a light on the abuses described in this report and help foster collective action. Ultimately, we strive to lift up the human spirit in the face of those who would crush it. Few symbols better represent the spirit of global community than the Olympic Games. Tragically, the next Winter Olympic Games are scheduled to begin in Beijing in February in the shadow of some of the world's most egregious human rights abuses. This report should serve as a call to action and a message that the time for business as usual is over.

Sincerely,



Senator Jeffrey A. Merkley
Chair

Representative James P. McGovern
Co-Chair

OVERVIEW

As Beijing prepares to host the 2022 Winter Olympic Games, propaganda cannot divert the world's gaze from the horrors the Chinese government and Communist Party perpetrate against the Chinese people. In 2021, the U.S. State Department called the treatment of Uyghurs and other ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR) by its name: genocide. The members of the Congressional-Executive Commission on China (Commission) unanimously share this judgment and the view that the Chinese government's systematic violations of human rights and failure to fulfill its obligations under international treaties pose a challenge to the rules-based international order, requiring a consistent and coordinated response from the United States and its allies and partners.

Despite the concerted denial of access to the XUAR for independent human rights monitors and restrictions on journalists reporting in the region, the Commission found abundant evidence that Chinese authorities had committed **genocide** as outlined by the Convention on the Prevention and Punishment of the Crime of Genocide. Among other abuses, the Chinese government expanded the footprint of its system of mass internment camps and prisons, in which numerous deaths occurred, and systematically separated ethnic minority children from their families to be placed in state-run orphanages and boarding schools. The scale and nature of the persecution left no doubt about the government's intent to destroy ethnic minority groups and their way of life in the XUAR.

Many of the most egregious abuses in the XUAR targeted women. Disturbing reports emerged of the rape of ethnic minority women by mass internment camp officials and government employees of intrusive homestay programs. Acts of sexual violence further extended to an increase in forced sterilizations, intrauterine device insertions, and abortions intended to forcibly restrict births among ethnic minority women. Alarmingly, coercive measures employed against these populations led to a proportional drop in birth rates in the XUAR larger than in any other location in the world since 1950. This decline stood in stark contrast to government attempts to address a rapidly aging population and shrinking workforce by encouraging higher birth rates nationally, including through a new "three-child policy" announced in May 2021. The Party's emphasis on the need to "improve the quality" of the population raised concerns that these disparate population control policies amounted to eugenics.

The repression of Uyghurs, Kazakhs, and other ethnic minorities also relied on the pervasive and systematic use of **forced labor,** often under the guise of "poverty alleviation" programs that move individuals both inside and outside the XUAR. The prevalence of forced labor in a wide range of industries including cotton harvesting, solar panel production, apparel, electronics, and personal protective equipment implicated supply chains around the world. Some international businesses, seeking to avoid the reputational damage of complicity in crimes against humanity and recognizing the impossibility of performing reliable audits, took steps to distance their brands from association with production in the XUAR.

The U.S. Government, which since 2017 has listed China as one of the worst human trafficking offenders in the world, implemented a series of bans on the import of products linked to forced labor.

This past year, fears that national security legislation the Chinese government unilaterally imposed on **Hong Kong** in June 2020 would further crush Hong Kong's autonomy and destroy the "one country, two systems" model became reality. The security law's vague provisions were used to arrest more than a hundred people for political speech, assembly, and civic engagement. Demonstrating the sweeping extraterritorial reach of the law, the Chinese government invoked it to issue an arrest warrant for an American citizen and to investigate whether to bring charges against Danish politicians who assisted a pro-democracy campaigner in fleeing Hong Kong for Denmark.

The assault on Hong Kong's freedoms reached an unprecedented level. The Hong Kong government took a series of steps to deprive pro-democracy voices of the opportunity to compete in elections, including rewriting the rules for selecting Hong Kong's Chief Executive and Legislative Council, disqualifying nominees for office, and postponing elections. Pressure on independent media also escalated, epitomized not only by the raid and subsequent closure of the pro-democracy newspaper Apple Daily but also the overhaul of the city's public broadcaster, prosecution of a journalist who investigated allegations of police misconduct, and the adoption of policies to constrain the ability of independent journalists to operate freely.

In mainland China, authorities abandoned any pretense that the Chinese government respects religious beliefs and practices or ethnic minority cultures in its years-long campaign of **"sinicization"** requiring greater conformity with officially sanctioned interpretations of Chinese culture. In the Inner Mongolia Autonomous Region, authorities required a substantial reduction in the use of Mongolian-language instruction in schools in favor of Mandarin Chinese, leading to large-scale protests. For the first time, authorities appointed an official of Han Chinese ethnicity with no background in ethnic affairs to head the State Ethnic Affairs Commission.

Threats to religious freedom continued as officials demolished places of worship, denied participation in pilgrimages, intimidated parents and children to deter participation in religious gatherings, and forced some to renounce their beliefs. COVID-19 precautions were used as a pretext to prohibit religious activities, and religious believers continued to be arrested, with credible reports of torture in detention. Efforts to suppress Uyghurs and other Muslims in the XUAR included harsh treatment of Hui Muslims, the third-largest ethnic minority in China, and extended to Muslims elsewhere in China.

Tibetans remained another major target of cultural and religious repression. Contrary to Tibetan Buddhist practice and teachings, the Chinese government continued to insist on its own authority to select the next reincarnation of the Dalai Lama and labeled him a security threat, punishing Tibetans for expressing reverence for him. It has been over 11 years since the Chinese government last conducted negotiations with the Dalai Lama's representatives. Chinese authorities enforced heavy restrictions on

communications into and out of Tibetan areas, treating particularly harshly those who corresponded with Tibetans living outside China. In one notable instance, following the January 2021 death in custody of a Tibetan monk, authorities cracked down on the local community for sharing news of his death on social media.

The Chinese government took dramatic new steps in its **bullying** of critics globally. This campaign targeting governments, corporations, research institutions, academics, journalists, and others sought to chill the expression of political views on a range of issues. After leading researchers exposed evidence related to atrocities in the XUAR, the Chinese government subjected them to various forms of intimidation and harassment, including sanctions, threats against family members still in China, lawsuits, and the spread of defamatory materials on major social media platforms.

In response to actions highlighting human rights abuses in the XUAR and Hong Kong, the Chinese government sanctioned the Commission and two of its members, organizations that support civil society inside mainland China and Hong Kong, and a range of government officials, think tanks, businesses, and private citizens from the United States, Canada, the United Kingdom, and the European Union. The Chinese government also used "hostage diplomacy" to intimidate other governments, exemplified by the detention and March 2021 closed trial of two Canadian citizens on spurious charges.

The Chinese government continued to employ one of its most powerful tools for stifling free expression and shaping discussion of Chinese government actions in the United States and elsewhere: **economic coercion.** This pressure leverages the attraction of the Chinese market as well as the global economy's deep ties to supply chains in China to punish critics and reward self-censorship. In recent years, the Chinese government levied import restrictions on products from countries with which China has bilateral tensions, including Norway, Australia, the Philippines, and South Korea. The Chinese government also repeatedly took or threatened to take economic measures against countries considering restrictions on the Chinese telecommunications national champion Huawei and against companies that sought to protect their supply chains from being tainted by the products of forced labor in the XUAR.

China's economic development at home and promotion of its Belt and Road Initiative abroad continued to negatively impact the **environment** and **public health.** Most notably, the construction of coal-fired power plants led to an increase in carbon emissions and exacerbated air and water pollution.

The Chinese government's technology-based authoritarianism underpins the most pervasive **surveillance state** the world has ever seen. Authorities embraced technologies such as artificial intelligence, blockchain, and cloud computing as part of the high-functioning authoritarianism the Chinese government seeks to promote around the world. These technologies also offer the government and Party an unprecedented degree of control, enabled by the collection of massive amounts of data from cell phones, DNA, security cameras, and more. China, projected to have 540 million surveillance cameras in use in 2021, continued to export these systems globally, enabling other authoritarian states.

Executive Summary

The Chinese government and Communist Party intensified efforts to **control the media** domestically and the China narrative globally, tightening oversight and management of journalism in China and censoring content they found threatening or simply inconsistent with official views. For the third year in a row, the Reporters Without Borders Press Freedom Index ranked China 177th out of 180 countries, following its effective expulsion of more than 20 foreign journalists since August 2019. Both foreign reporters who remain and domestic reporters face persistent campaigns to discredit them, physical obstruction, exit bans, and even assault. Long-time observers of Chinese journalism now see little hope of reviving the investigative journalism that previously scored important scoops on public health emergencies, government corruption, and the environment. Citizen journalists who have taken up the slack were sentenced for reporting on topics deemed sensitive by the Chinese government and Communist Party.

The harm caused by the Chinese government and Communist Party's **active suppression and distortion of information around COVID-19** and its spread has been incalculable in terms of loss of life, economic opportunity, and trust in the government's ability to manage crises. Chinese authorities' obstruction of a full and transparent investigation into the initial outbreak by the World Health Organization severely impeded efforts to determine the origins of the pandemic, imperiling public health globally by making it more difficult to prevent future pandemics.

The space for **civil society,** already tightly restricted, narrowed even further. New limitations impeded the activities of non-governmental organizations, rights advocates, and citizens seeking redress for losses suffered during the COVID-19 outbreak as a result of government censorship and other rights violations. A crackdown on "illegal social organizations" marked a particularly severe stifling of civil society. The repression of civil society may also be a factor in the decline in the number of documented worker strikes for the third consecutive year, in local officials in Shanghai and Chengdu pressuring organizers of LGBTQ Pride activities and intimidating LGBTQ social venues, and in a substantial number of women's rights advocates reporting curtailment of their online activity following a coordinated campaign of harassment. Chinese workers remained unable to organize or join independent trade unions, and faced punishment if they attempted to do so, as seen in the detention of a delivery driver who attempted to organize workers in the gig economy.

While **women in China** continued to face discrimination and harassment, a new Civil Code that became effective in January 2021 codified, for the first time, the kinds of conduct that constitute sexual harassment. Nonetheless, indefinite delays in one of China's most prominent #MeToo cases may lead to fewer sexual harassment victims deciding to come forward. Moreover, several high-profile cases demonstrated the vulnerability of women to severe domestic violence and sparked public outrage and a call for better law enforcement and accountability for domestic violence perpetrators. In political life, women continued to be excluded from positions of power, with no women serving on the Politburo Standing Committee, only one woman serving on the 25-member Communist

Party Central Committee Political Bureau, and few women serving at senior levels of county, municipal, or provincial governments.

As the Party marked its 100-year anniversary in 2021, it launched a series of **ideological initiatives to reinforce central leadership,** demanded obedience from private enterprise, and undertook a widespread campaign to remove "illegal" and "inappropriate" books from schools and destroy religious books and media. Among other steps taken to require loyalty, the National People's Congress amended its own governing law to further formalize its subservience to the Party, and the Supreme People's Court required "Xi Jinping Thought" to "penetrate every lesson" in training for judges and candidates for judicial positions.

Despite official rhetoric touting "rule-based governance," the Chinese government and Communist Party exercised political control using ill-defined criminal charges to suppress human rights advocacy and detain ethnic minorities, critics, and citizens who sought redress for damages caused by official actions. **Arbitrary and extralegal detention** continued unabated. The coordinated crackdown on human rights lawyers and advocates that began in mid-2015 now constitutes what a Chinese law expert called "a permanent, ongoing process."

The violations of human rights, failure to uphold Chinese law, and contravention of international standards documented in this report illustrate the limitations of the Chinese government's model of governance in meeting the needs of the Chinese people and in respecting fundamental rights both in China and globally. This trampling of the human spirit calls for the building of coalitions to reject authoritarianism and provide alternatives that fulfill the aspirations of all people. Only by working together can defenders of freedom achieve a better future.

KEY FINDINGS

FREEDOM OF EXPRESSION

• Chinese Communist Party General Secretary and President Xi Jinping stressed the importance of influencing global public opinion this past year in advance of the Party's centenary in July 2021 and in response to the COVID-19 pandemic. The Party and government leveraged an international media infrastructure to spread positive propaganda about the Party and reduce criticism of senior officials. News and research reports this past year also examined the widespread dissemination of government and Party propaganda and disinformation via social media platforms within China and internationally, including content related to COVID-19.
• Party control of China Global Television Network (CGTN)—a satellite arm of China's Party- and state-run broadcaster China Central Television (CCTV)—and the lack of independent editorial responsibility over CGTN's material were central to the decision in February 2021 by the Office of Communications (Ofcom), the United Kingdom television regulator, to revoke CGTN's license-holder permission to broadcast in the U.K.
• Reporters Without Borders' World Press Freedom Index continued to rank China among the worst countries for press freedom in the world—177 out of 180 for the third year in a row. Chinese laws and regulations restrict the space in which domestic journalists and media outlets may report the news, overseen by a system of censorship implemented by various Party and government agencies. The Cyberspace Administration of China has a leading role in regulatory efforts; this past year, it revised provisions on social media use that targeted citizen journalists and "self-media," the proliferation of which the government has labeled "chaotic."
• The government has expelled—or effectively expelled through visa renewal denials and harassment—at least 20 foreign journalists since August 2019. Those who remain, according to a BBC reporter, face "the grim reality of reporting from China," which includes official harassment, physical obstruction, surveillance, and discrediting.
• Chinese authorities continued to arbitrarily detain, and in some cases try and sentence, Chinese citizens for speech and expression protected by international human rights standards. In December 2020, authorities in Shanghai municipality sentenced citizen journalist **Zhang Zhan** to four years in prison because of her video reports in February 2020 from Wuhan municipality, Hubei province, the epicenter of the COVID-19 outbreak. In another case, as part of a nationwide crackdown that started in 2019, authorities reportedly detained dozens of teenagers and individuals in their twenties in connection with the website Esu Wiki, on which a photo had been posted of Xi Mingze, daughter of Xi Jinping. Authorities sentenced 24 of them to prison terms, the longest of which was the 14-year sentence given to **Niu Tengyu.**
• The international non-governmental organization Freedom House ranked China as the "worst abuser of internet freedom

for the sixth consecutive year" in its 2020 internet freedom assessment. This past year, the Chinese government counteracted the rising popularity of audio files and audio-only platforms that had created openings for speech and cross-border conversation. China's first-ever five-year plan (2020–2025) for the "rule of law" likely will entail even more regulatory measures in information technology, which an observer suggested may be aimed at positioning China as a leading voice in international digital law rulemaking.

Worker Rights

- Chinese authorities continued to restrict the ability of civil society organizations to work on labor issues, by means such as detaining and harassing labor advocates across China. Examples include labor advocate **Chai Xiaoming,** who attempted to organize a trade union in 2018 and was tried for "inciting subversion of state power" in August 2020, and delivery worker and labor advocate **Chen Guojiang,** who conducted online advocacy highlighting the working conditions of delivery workers and was detained in February 2021. In addition, authorities continued to surveil and harass blogger and citizen journalist **Lu Yuyu** after he was released in June 2020.
- The Hong Kong-based non-governmental organization China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 800 strikes and other labor actions in 2020. CLB estimates that they are able to document between 5 and 10 percent of total worker actions. Protests across China against wage arrears included employees of YouWin Education, workers in factories producing masks, and delivery workers. In addition, thousands of factory workers protested as part of a pay dispute with Pegatron, an electronics manufacturing company.
- The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law, and workers are not allowed to establish independent unions. In a joint submission to the UN Committee on Economic, Social and Cultural Rights, the International Federation for Human Rights and China Labor Watch said that local unions under the ACFTU "are often unaware of labor violations, strikes, and accidents that have occurred within their respective jurisdictions, and they are reluctant to provide assistance to workers."

Criminal Justice

- The criminal justice system remained a political instrument used for maintaining social order in furtherance of the Chinese Communist Party's coercive rule. The government punishes criminal acts, but it also targets individuals who pursue universal human rights, particularly when they independently organize or challenge the Party's authority.
- Government officials used extrajudicial and extralegal means—such as mass internment camps, "black jails," and psychiatric hospitals—to detain members of ethnic minorities, po-

litical dissidents, and people who sought redress for damages caused by official actions.

- Arbitrary detention did not abate despite official rhetoric promoting "rule-based governance." Authorities labeled rights advocates and dissidents as criminals, using provisions such as "endangering state security" and other vaguely defined offenses. Also, the government is increasingly arbitrarily detaining foreign citizens in an effort to exert diplomatic pressure on their countries.
- Legally recognized forms of detention—such as "retention in custody" and "residential surveillance at a designated location"—may lend a veneer of legality but were often arbitrarily applied and used by officials as cover for secret detentions. Reports emerged this past year indicating that officials had tortured individuals while holding them in these forms of detention.
- There also was evidence suggesting that authorities had used the criminal justice system for political purposes. In one case, authorities sentenced a financier to death for non-violent crimes and executed him within one month, during which two stages of judicial review allegedly were completed—one by the provincial high court and one by the Supreme People's Court. While the exact reason behind the speedy execution was unclear, the Party's disciplinary commission issued a memorandum saying that the execution could set an example of the consequences of rejecting the Party's leadership.

FREEDOM OF RELIGION

- In the 2021 reporting year, the Chinese government further intensified a sweeping campaign to "sinicize" religion as directed by President and Communist Party General Secretary Xi Jinping. The main imperative of the campaign, wrote one expert, "is to homogenize Chinese Culture to make all parts conform to a Party-led nationalism and to use the full force of the state to control any dissenting voices."
- Building upon the Regulations on Religious Affairs (2018) and the Measures on the Administration of Religious Groups (2020), the National Religious Affairs Administration implemented new Measures for the Administration of Religious Personnel, effective May 1, 2021. The new measures include plans to establish a database of clergy that records their basic information, rewards and punishments, travel for religious work, and religious activities. They require clergy to promote the "sinicization of religion" and to "adhere to the principle of independence and self-management of religion," meaning religious personnel in China must resist "domination" or "infiltration" by "foreign forces," reject unauthorized appointments to leadership positions made by foreign religious groups or institutions, and reject domestic or overseas donations that violate national regulations.
- Chinese authorities used the coronavirus disease 2019 (COVID-19) pandemic as a pretext to shut down religious sites and restrict religious activities, including online activities, even after other normal activities in society had resumed.

• Authorities in several provinces demolished or altered Buddhist, Taoist, and Chinese folk religious temples, sometimes beating local believers who resisted, and destroyed Buddhist literature and punished publishers.
• The Sino-Vatican agreement on the appointment of bishops signed in September 2018, and renewed in 2020, has led to the Holy See's approval of seven Chinese government-appointed bishops and the joint approval of five bishops as of July 1, 2021. In spite of the agreement, the contents of which remain secret, authorities subjected unregistered ("underground") Catholic clergy to detention, surveillance, and removal from active ministry for resisting pressure to sign an agreement of separation (i.e., "independence") from the Holy See and register with the government. Authorities also continued either to demolish church buildings or to "sinicize" them by removing crosses and other religious symbols, and canceled religious activities and pilgrimages under the pretext of COVID-19 precautions.
• As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment, with at least 622 practitioners sentenced for criminal "cult" offenses in 2020, according to Falun Gong news outlet Minghui. Minghui also reported that Chinese authorities continued to torture and mistreat practitioners, and that such abuse, sometimes occurring over several years, caused or contributed to the deaths of dozens of practitioners in 2020 and 2021.
• In addition to committing human rights violations against Uyghurs and other Muslims in the Xinjiang Uyghur Autonomous Region, Chinese authorities, in the name of "sinicizing Islam," expanded their suppression of Muslim groups throughout China to include the Hui, Utsul, and Dongxiang Muslims. Violations included demolishing or altering mosques, or placing surveillance cameras inside them; closing Islamic schools; and restricting Islamic preaching, clothing, and Arabic script.
• Authorities subjected registered Protestant churches to human rights violations similar to those committed against other religious groups and continued to raid and shut down religious gatherings, demolish or alter church buildings, and detain, prosecute, and sentence leaders of unregistered "house churches." Authorities sentenced one Christian online bookseller to seven years in prison.
• Authorities continued to use Article 300 of the PRC Criminal Law, which forbids "organizing and using a cult to undermine implementation of the law," to persecute members of spiritual groups deemed to be illegal or to be "cults" (*xiejiao*), including the Church of Almighty God, Jehovah's Witnesses, and the Association of Disciples.

Ethnic Minority Rights

• During this reporting year, the Chinese Communist Party and government carried out efforts to solidify their control over the cultural and religious identity of the country's ethnic minority groups, in contravention of the PRC Regional Ethnic Autonomy Law and international law. Authorities passed regula-

tions in the Xinjiang Uyghur Autonomous Region (XUAR) and the Inner Mongolia Autonomous Region (IMAR) promoting "ethnic unity," a year after authorities passed similar regulations in the Tibet Autonomous Region (TAR), in what observers criticized as moves aimed at eradicating ethnic minority cultures. The Chinese Communist Party and government, led by President and Party General Secretary Xi Jinping, carried out policies to further the "sinicization" of religions practiced by ethnic minority groups, including Islam and Tibetan Buddhism.

- Officials in areas with large Hui populations continued to implement policies and restrictions limiting Hui Muslims' ability to practice their religion and culture. Authorities demolished mosques serving Hui communities, placed Hui scholars and religious leaders under detention and surveillance, closed Arabic-language schools serving Hui students, and ordered the removal of religious inscriptions written in Arabic on Hui Muslims' homes and businesses. There is evidence that authorities have begun using mass surveillance technologies and systems first implemented in the XUAR in other areas of the country with sizable Hui populations.
- In August 2020, authorities in the IMAR announced that schools throughout the region that previously offered instruction in the Mongolian language would be required, beginning in September, to implement a policy substantially reducing the amount of Mongolian-language instruction in elementary and secondary school classes and replacing it with Mandarin Chinese. Under the new policy, authorities would, using a phased approach, begin requiring teachers to use Mandarin Chinese to teach history, politics, and literature.
- Security authorities responded harshly to those who expressed opposition to the new language policy in the IMAR, including through detaining and beating protesters, issuing "wanted" notices on social media for protesters, and visiting the homes of parents to pressure them to sign pledges committing them to send their children to school. By mid-September 2020, many Mongol parents in the IMAR had begun sending their children back to school because of the threat of punishment by authorities.

Population Control

- Central government authorities rejected calls to end birth restrictions, even though experts raised demographic, economic, and human rights concerns about China's population control policies. In the past, the Chinese government and Communist Party's enforcement of birth limitation policies included forced abortion and sterilization. The Chinese government maintained a birth limit policy and announced a new three-child policy in May 2021. Experts urged the Chinese government to implement policies, including financial incentives and other forms of assistance, to encourage couples to have children. They said that if not adequately addressed, China's decades-long birth limit policies and resultant demographic challenges could undermine China's economy and political stability.

• New research found that beginning in 2015, and increasingly since 2017, Chinese authorities have used draconian population control measures targeting Uyghurs and other ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), including detention in mass internment camps, the threat of internment, forced abortions and infanticide in hospital maternity wards, forced sterilizations, and heavy fines. Such measures resulted in "precipitous" birth rate declines of 48.74 percent in the XUAR as a whole from 2017 to 2019, and over 56 percent in one year (2017 to 2018) in counties with an indigenous population of 90 percent or greater.
• The Chinese government's restrictive population control policies have exacerbated China's sex ratio imbalance, which media reports linked to the trafficking of foreign women in China for purposes of forced marriage and commercial sexual exploitation.

HUMAN RIGHTS VIOLATIONS IN THE U.S. AND GLOBALLY

• During and prior to the Commission's 2021 reporting year, the Chinese government and Communist Party, as well as individuals and entities acting with their encouragement or at their direction, conducted a global campaign to silence criticism or chill the expression of political views considered unacceptable by the Party on a range of issues, including events in Hong Kong, the Xinjiang Uyghur Autonomous Region (XUAR), and Taiwan.
• The effects of this campaign fell heavily on Uyghurs living outside China who chose to speak out about abuses in the XUAR. Uyghurs in the United States and elsewhere reported threats and intimidation as well as threats to family members still inside China.
• During this reporting period, the Commission noted increased efforts by the Party and government to harass and intimidate researchers, journalists, and think tanks overseas, especially those working on issues related to the XUAR.
• The Party and government continued to use informal, undeclared forms of extraterritorial economic coercion and intimidation to silence international criticism of its actions and avoid accountability for human rights violations, particularly the ongoing genocide in the XUAR. This economic coercion included undeclared economic sanctions against countries or individual foreign industries; threats to restrict foreign businesses' or institutions' access to China; and the use of state-controlled media outlets to signal to individuals, businesses, and institutions inside China which foreign targets merit retaliation.
• The Commission also observed increasing use of formal sanctions by the Chinese government to punish criticism of China, particularly criticism of Chinese government policies in the XUAR and Hong Kong. Among those China formally sanctioned during this reporting period were the Commission and two of its members.
• China's new National Security Law for Hong Kong—passed by the National People's Congress in June 2020—contains an

extraterritorial provision potentially criminalizing speech pertaining to Hong Kong, Tibetan areas of China, or the XUAR by persons outside Hong Kong. Following the law's passage, Hong Kong authorities issued a warrant for the arrest of a U.S. citizen for his support of pro-democracy protesters in Hong Kong.
• During this reporting period, the Chinese government and Communist Party continued a longstanding global campaign to discredit universal rights in international institutions, particularly by impeding or redirecting the work of United Nations human rights bodies, in what Human Rights Watch described in 2017 as "a systematic attempt to subvert the ability of the UN human rights system to confront abuses in China and beyond." These activities seek to reshape international consensus around human rights in ways that diminish the power of the individual to seek redress from the state.
• During and immediately prior to this reporting period, the Commission noted the use or threat of economic coercion against countries considering restrictions on Chinese telecommunications firm Huawei. Countries that responded to concerns regarding potential violations of privacy and free expression rights and surveillance vulnerabilities facilitated by the use of Huawei internet equipment and infrastructure in their 5G networks were met with threats of economic retaliation by Chinese government officials, or pressure from their own business communities prompted by the fear of retaliation.

Status of Women

• Despite numerous policies, laws, and regulations aimed at promoting gender equality and eliminating gender-based discrimination, women in China continue to face forced abortion, sterilization, and serious discrimination in many domains, including employment, wages, education, and through the nonenforcement of laws and regulations intended to protect women's rights and interests. Some commentators expected that the already widespread problem of pregnancy-based workplace discrimination was poised to worsen after the government's announcement of its new three-child policy in May 2021.
• According to the List of Issues the UN Committee on the Elimination of Discrimination against Women sent to the Chinese government in March 2021 in advance of its upcoming review, women in China "remain seriously underrepresented in legislative bodies, decision-making positions and public institutions at both the central and local levels."
• The Chinese Communist Party and government tightened control over feminists and others advocating for women's rights to freedom of expression and peaceful assembly and association. Little physical space remained for feminists to organize and protest during the reporting year, so their online presence and community became increasingly important. Many prominent feminists, however, were attacked online during the spring of 2021, and several popular social media platforms shut down their accounts. The Party and government likely played a role, either directly or indirectly, in this move to silence feminists' voices online.

• Although the Chinese government continues to take measures aimed at improving the implementation of the PRC Anti-Domestic Violence Law—such as the Supreme People's Court's release of 10 new "typical cases" warranting personal safety protection orders—protection orders are rarely issued and domestic violence remains a severe problem. Several high-profile cases highlighted the severity of the problem of domestic violence, and new research published in early 2021 relating to divorce courts' handling of domestic violence claims underscored the failure of the legal system and law enforcement authorities to protect women's rights and interests. Some observers in China have expressed concern that the new PRC Civil Code's provision that requires couples seeking a divorce to first go through a 30-day "cooling-off period" could make the situation for women in abusive marriages even more precarious.
• Sexual harassment is widespread in China, and it was only with the recent adoption of the PRC Civil Code (effective January 1, 2021) that a specific definition of sexual harassment was codified, detailing the kinds of conduct that could be considered sexual harassment, creating liability for perpetrators, and obligating employers to institute measures to prevent and stop workplace sexual harassment. The challenges facing victims of sexual harassment who seek redress through the legal system were highlighted in the landmark #MeToo case brought by Zhou Xiaoxuan (also known as Xianzi), a former college intern at CCTV, against a popular CCTV host, Zhu Jun.
• Reports of gender-based violence against ethnic minority women in the Xinjiang Uyghur Autonomous Region (XUAR) continued to emerge during the reporting year. Uyghur and other Turkic Muslim women who were formerly detained in mass internment camps in the XUAR have reported being subjected to coercive birth control measures, including forced implantation of intrauterine devices (IUDs), forced sterilization, and forced abortion. The former detainees also described beatings, systematic rape, and other forms of abuse and torture.

HUMAN TRAFFICKING

• Chinese government-sponsored forced labor is a form of human trafficking under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). A March 2021 Jamestown Foundation report showed how authorities carried out forced labor programs not only for the economic benefit of participating companies, but also for the purpose of diluting the cultural and religious practices of ethnic minority residents of the Xinjiang Uyghur Autonomous Region (XUAR), as well as reducing their population density.
• Since 2017, the U.S. State Department has listed the Chinese government as one of the worst human trafficking offenders in the world. This year, for the second consecutive year, China was also listed as 1 of 11 countries that had a "government policy or pattern" of human trafficking.
• In June 2021, 12 UN human rights experts expressed concern over "credible information" that indicated that "specific

ethnic, linguistic or religious minorities held in detention" in China were targeted for forced organ removal.
- Government policies that contributed to the risk of human trafficking included the following:
  - Government poverty alleviation programs;
  - "Xinjiang Aid" programs;
  - Restrictions on movement imposed by the household registration system;
  - Chinese workers' limited right to freedom of association;
  - Population control policies;
  - Repatriation of North Korean refugees in China to the Democratic People's Republic of Korea; and
  - Hong Kong government policies toward migrant domestic workers.

North Korean Refugees in China

- During the Commission's 2021 reporting year, the Chinese government continued to detain North Korean refugees in China and attempt to forcibly repatriate them to the Democratic People's Republic of Korea (DPRK), where they face severe punishment, including torture, imprisonment, forced labor, and even execution. The forced repatriation of North Korean refugees violates China's obligations under international human rights and refugee law, and may amount to "aiding and abetting crimes against humanity."
- The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries. During the past year, however, border controls resulting from the COVID-19 pandemic dramatically reduced the flow of migrants to China, and onward to third countries. The South Korean government reported that about 229 North Korean refugees escaped to South Korea in 2020, a 78 percent drop from 2019, and a 92 percent drop from the 2009 peak.
- South Korean missionaries and organizations have played a crucial role in assisting and facilitating the movement of North Korean refugees in China. Chinese authorities' crackdown on and expulsion of South Korean missionaries in recent years have undermined refugee rescue work carried out by the missionaries.
- The majority of North Korean refugees leaving the DPRK are women. The Chinese government's refusal to recognize these women as refugees denies them legal protection and exposes them to the risk of being trafficked within China. The Chinese government may also be complicit in the forced labor of women sent by the DPRK government to work in China.
- Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to their lack of legal resident status in China, which constitutes a violation of the PRC Nationality Law and the Convention on the Rights of the Child.

PUBLIC HEALTH

- The Chinese government and Communist Party's public health response to the COVID-19 pandemic exposed authorities' reliance on entrenched patterns of authoritarian control, not only through "cover-up and inaction" at the time of the outbreak but also through ongoing "secrecy and top-down control" over scientific research and information sharing. Researchers this past year also documented the government and Party's widespread promotion of propaganda and misinformation in China and globally in an attempt to shape a positive narrative about the Party's and government's response to the COVID-19 pandemic, as well as to promote misinformation about the origins of SARS-CoV-2.
- Authorities have harassed, detained, and in several cases prosecuted individuals who attempted to document the COVID-19 outbreak or advocate for victims of COVID-19. In December 2020, Shanghai municipality authorities sentenced citizen journalist **Zhang Zhan** to four years in prison for her efforts to document COVID-19 in Wuhan municipality, Hubei province, the epicenter of the outbreak. In May 2021, a court in Beijing municipality tried two anti-censorship advocates, **Cai Wei** and **Chen Mei,** in connection with archiving news reports about the COVID-19 outbreak and epidemic in China.
- Health officials in China reportedly began to vaccinate select groups using domestically produced COVID-19 vaccines in China in July 2020 under an emergency use program, while the vaccines were still undergoing clinical trials. As of June 2021, 622 million people had been at least partially vaccinated in China, covering about 45 percent of the country's population. Numerous factors may have contributed to low vaccination rates, including the lack of publicly available information in China about COVID-19 vaccines, the distribution of the vaccines while they were still in experimental trials, and inequitable access to vaccinations.
- Although the Chinese government rejected calls for an independent, international investigation of the origins of SARS-CoV-2, a joint study with the World Health Organization (WHO) took place in January and February 2021. The government and Party obstructed the joint study during negotiations over its mandate, terms of reference, and timing; restricted access afforded the international experts while they were in China; and influenced findings in the final report of March 2021. The WHO Director-General, multiple governments, and international experts called for further investigation of the origins, including a rigorous examination of the hypothesis that the origins are linked to a lab incident in China. Moreover, the WHO Director-General in July 2021 noted that there had been a premature push to discount the lab theory. In July, the Chinese government categorically rejected the WHO's proposal for a second-phase study that entails laboratory and market audits in Wuhan.
- The Communist Party's and Chinese government's crackdown on civil society engagement in public health advocacy, as

well as on rights defenders and journalists, begun in 2013, indirectly weakened the official response to the COVID-19 outbreak, resulting in serious consequences "not just for China, but for the world," according to three longtime civil society advocates in a November 2020 article for the Diplomat. This past year, authorities detained lawyer **Chang Weiping** and two advocates for vaccine safety, **He Fangmei** and **Hua Xiuzhen. Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong** of Changsha Funeng—a non-governmental organization in Hunan province working to counter discrimination against persons with health conditions—remained in detention for alleged "subversion of state power" for a second year although a closed-door trial reportedly took place in September 2020.

The Environment and Climate Change

- During the Commission's 2021 reporting year, Chinese citizens continued to face problems of water pollution and water scarcity. In its 2020 National Environmental and Ecological Quality Report, the PRC Ministry of Ecology and Environment found that 83.4 percent of tested surface water and 13.6 percent of tested groundwater in China was fit for human consumption. Nine provinces and municipalities in China suffer from water scarcity. In addition, the construction of dams along major rivers in China may have a negative impact on countries downstream.
- China continues to experience high levels of air pollutants, contributing to negative health effects including premature death. For example, exposure to air pollution in Beijing and Shanghai municipalities reportedly resulted in approximately 49,000 premature deaths in the first half of 2020.
- Although the official "Olympic and Paralympic Winter Games Beijing 2022 Carbon Management Plan" lists measures to reduce and offset carbon emissions among its main objectives, doubts remain as to whether measures to reduce air pollution will be sufficient to reduce the risk to Olympic athletes' health, including from pollutants such as carbon, methane, and sulfur.
- Chinese citizens continued to raise concerns about the environment through street-level protests and other forms of public advocacy at the risk of being persecuted. Individuals detained for environmental advocacy during the 2021 reporting year included **Li Genshan, Zhang Baoqi,** and **Niu Haibo.** In addition, authorities briefly detained teenage advocate **Howey Ou Hongyi** after she staged a Global Climate Strike in Shanghai municipality.

Business and Human Rights

- Chinese and international businesses continue to be at risk of complicity in—and of profiting from—the Chinese government and Communist Party's increased use of forced labor to suppress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR). As part of their efforts to dilute the population of Uyghurs in the XUAR, authorities systematically forced pre-

dominantly Muslim ethnic minority individuals, including Uyghurs and others, to engage in forced labor, both in the XUAR and in other parts of China. Reports of forced labor in cotton harvesting, solar panel production, and personal protective equipment production, as well as manufacturing in general, mean that the supply chains of many major brands may now be tainted with forced labor. Firms cannot rely on factory audits to ensure that their supply chains are free of forced labor in the XUAR; several due diligence organizations, labor experts, and U.S. Government agencies pointed to numerous problems with audits conducted in the XUAR.

- Chinese government restrictions on freedom of expression increased this past year, and companies were both targets and enablers of Chinese government censorship. During this reporting year, the Chinese messaging app **WeChat** censored content related to the COVID-19 pandemic; local governments and Party organizations hired private companies to help monitor and censor online public commentary; **Apple** removed apps from its app store that covered sensitive topics such as the Dalai Lama, Tiananmen Square, and Taiwan; and the Party and government threatened corporations with the loss of revenue or other forms of punishment if they voiced their support for addressing forced labor and other human rights violations in the XUAR. Following the backlash against Western brands who expressed concern over cotton produced in the XUAR, Chinese and international companies, including **Anta Sports, Asics, FILA, Kelme, Li Ning, Muji,** and **Peak,** publicly affirmed their continued use of cotton produced in the XUAR.
- Chinese companies continued to assist in the surveillance efforts of the government and Party. Reporting from IPVM and international media implicated Chinese companies such as **Alibaba, Bresee, Dahua, DeepGlint, Hikvision, Huawei, Kingsoft, Maiyuesoft, Megvii, SenseTime, Uniview,** and **Vikor** in the production of technology that can be used for profiling Uyghurs and targeting other marginalized communities in China. The Intercept found that **Oracle** provided surveillance technologies to public security bureaus throughout China.
- The lack of protection of Chinese workers under Chinese law and a lack of enforcement of the rights of Chinese workers allowed for continued abusive practices toward workers in the supply chains of Chinese and international companies. The Commission observed reports of the existence of International Labour Organization (ILO) indicators of forced labor in the supply chains of **Aldi, Apple, BYD** (which sold masks to the state of California), **Chicco, Costco, Fisher-Price, Lidl, Tomy,** and **Wuling Motors.** While corporations continue to rely on audits to vet factories in their supply chains, reporting by the South China Morning Post and Sourcing Journal found that fraudulent practices continued to make factory audits in China unreliable.

CIVIL SOCIETY

- The Chinese Communist Party and government became increasingly repressive during this reporting year, and thus the space for civil society, already tightly restricted, narrowed even further. The Party's focus on total control over Chinese society intensified in light of the Party's 100th anniversary, which was marked on July 1, 2021.
- The Ministry of Civil Affairs, together with 21 other Party and state ministries and departments, issued a new policy aimed at eliminating the tactics and remaining space that unregistered civil society organizations use to operate and survive. In conjunction with the March 2021 announcement of the policy in an order titled "Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations," the government launched a related campaign, scheduled to conclude before the July 1 Party centenary, that targeted five types of "illegal social organizations."
- Chinese civil society groups faced additional constraints from the government's implementation of the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China and the Hong Kong National Security Law, which threatened to obstruct the ability of Hong Kong-based international non-governmental organizations to support rights-related programs and advocacy in mainland China.
- The government and Party continued to arbitrarily detain Chinese citizens who engaged in the peaceful exercise of their rights pursuant to the Universal Declaration of Human Rights and other international human rights standards. The government and Party intimidated and harassed other civil society advocates, including the teen climate activist Ou Hongyi (also known as Howey Ou), who left China for Europe in January 2021.
- Chinese government and Communist Party officials closed organizations and halted activities they had previously tolerated, signaling a greater tightening of civic space. For example, in August 2020, pressure and intimidation from local authorities led to the closure of ShanghaiPRIDE, the longest running gay pride festival and event platform in China. Civic space also decreased as a result of the COVID-19 pandemic.
- Civic space for women's rights advocacy further narrowed this year. In April 2021, a substantial number of feminist activists were effectively denied their main remaining platform in China when Weibo closed their accounts, likely with direct or tacit support from Chinese officials.
- The lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community in China continued to face many challenges—including persistent stigma, widespread discrimination, harassment, and inequities in property rights. Chinese government authorities increased restrictions on LGBTQ advocacy and organizing, as they have done with other advocacy groups. Chinese law neither recognizes same-sex marriage nor otherwise protects same-sex relationships.

• Chinese law does not protect sexual and gender minorities, and a growing number of lawsuits brought by LGBTQ individuals claiming employment discrimination have been filed to raise public awareness and push for change. Despite the narrowing of civil society space in China generally, during this reporting year, LGBTQ legal advocacy organizations held trainings for lawyers, and a non-profit foundation was created to provide legal aid to LGBTQ individuals. In early 2021, LGBTQ advocates expressed concern that a new rule targeting "self-publishing" online could lead to self-censorship and impact the ability to organize online for LGBTQ rights.
• LGBTQ individuals continued to be subjected to "'conversion therapy,' and other forced, involuntary or otherwise coercive or abusive treatments," which the UN Committee against Torture recommended that China ban in a non-binding report.

Institutions of Democratic Governance

• The Chinese Communist Party's efforts to extend control over all sectors of society violate citizens' right to fully participate in public affairs. As the Party's dominance permeates society, the space for institutions of democratic governance diminishes, thereby weakening citizens' ability to hold authorities accountable for human rights violations.
• In anticipation of its centenary, the Party further strengthened its members' political alignment with Party General Secretary Xi Jinping by launching a series of political campaigns with the aim of removing disloyal members from the Party and from political-legal bodies such as the judiciary and procuratorate. For example, the police force, generally regarded as a government body, is overtly being politicized as Xi Jinping conferred on it a new flag with a design symbolizing the Party's leadership.
• The Communist Party Central Committee Political Bureau issued regulations governing the operations of the Party Central Committee. The rules required the Committee, which is one of the two highest political bodies in China, to protect Xi Jinping's position as the core leader, despite the Committee's constitutional duty to appoint the General Secretary, a position currently held by Xi.
• The Party declared that it had eliminated absolute poverty as part of its centenary goal of building a moderately prosperous society. Said declaration, however, does not address poverty and widening income disparity relative to China's overall economic status. Furthermore, centrally imposed economic development plans aiming to alleviate poverty have had negative effects particularly in ethnic minority communities, where environmental damage and forced relocations have harmed their way of life and rendered some homeless.

Access to Justice

• To the extent that citizens rely on courts to protect their rights against state encroachment, political pressure on the court system undermines their ability to access justice. The

Chinese Communist Party goes beyond mere influence and expressly requires absolute loyalty and obedience from the courts.
- Five years after the nationwide, coordinated crackdown on human rights lawyers and advocates, authorities continued to persecute them by such means as imprisonment, detention, and revocation of law licenses.
- The Supreme People's Court required judges and candidates for judicial positions to undergo training that emphasizes political ideology and loyalty. Requiring that Party General Secretary Xi Jinping's ideology "penetrate every lesson," the training goes beyond legal skills to include areas such as public opinion manipulation and strategies to mobilize the masses.
- Central authorities' proposal to further expand legal aid services will not necessarily increase citizens' ability to access justice. For example, citizens from Wuhan municipality, Hubei province, faced harassment, and the court rejected their filings alleging that the government mishandled the COVID-19 outbreak.

XINJIANG

- In 2021, the U.S. State Department found that China had committed genocide and crimes against humanity against Uyghurs and other ethnic and religious minority groups in the Xinjiang Uyghur Autonomous Region (XUAR). The State Department found that acts constituting genocide and crimes against humanity included arbitrary detention, forced abortion and forced sterilization, rape, torture, forced labor, and the violation of freedom of religion, expression, and movement. Parliamentarians in the United Kingdom, Canada, the Netherlands, Lithuania, and the Czech Republic have also determined that Chinese authorities committed genocide in the XUAR. Independent experts on international law also found that authorities had committed genocide and crimes against humanity against Turkic and Muslim peoples in the XUAR.
- International researchers and journalists found evidence during this reporting year that authorities continued to expand detention facilities, including mass internment camps, and built new camps and other detention facilities in recent years, including as recently as January 2020. Reports published this past year indicated that XUAR officials continued to sentence many Turkic and Muslim individuals to prison, often following their detention in a mass internment camp. Observers noted that the recent expansion and construction of prisons, the transfer of prisoners to locations outside the XUAR, and the phenomenon of deferred sentences indicate that the scale of imprisonment in the past several years has been so great that it has overwhelmed the existing prison infrastructure in the XUAR.
- Officials carried out some of the most egregious acts of persecution of ethnic minorities in the XUAR against women. According to survivor and witness testimony, as well as researchers' analysis of official documents and other sources, ethnic minority women in the XUAR have been subjected to rape and

sexual abuse in mass internment camps and as a result of intrusive state-mandated homestay programs.
• Researchers' analyses of population statistics and other documents published by the Chinese government showed that an increase in forced sterilization, intrauterine device (IUD) insertions, and abortions among ethnic minority women, together with an increased rate of detention among ethnic minority populations, led to significant decreases in natural population growth among ethnic minority communities. According to a report published by the Australian Strategic Policy Institute, proportionally, birth rates may have dropped more in the XUAR than in any other location in the world since 1950 between 2017 and 2019—a decline "more than double the rate of decline in Cambodia at the height of the Khmer Rouge genocide."
• Reports published during the past year described authorities' systematic separation of ethnic minority children in the XUAR from their families and their forcible placement in state-run orphanages, welfare centers, and boarding schools. This forcible displacement of children has been carried out in violation of the PRC Law on the Protection of Minors and the United Nations Convention on the Rights of the Child. According to international media reports, many of the children placed in these facilities had at least one parent in detention.

TIBET

• The Commission did not observe any interest or progress on the part of Chinese Communist Party and government officials in resuming formal negotiations with the Dalai Lama's representatives. The last round of negotiations, the ninth, was held in January 2010.
• The Party and government continued to restrict, and seek to control, the religious practices of Tibetans. Officials in Tibetan areas of China continued to enforce restrictions on religious observance or expressions of faith, including by prohibiting individuals from participating in religious events or celebrating holidays.
• The Party and government continued to assert control over the processes of selection and recognition of Tibetan Buddhist reincarnated teachers, including the Dalai Lama. The Dalai Lama and Tibetan Buddhist leaders outside China maintained that the decision to reincarnate, or not, belongs only to the individual in question and members of the Tibetan Buddhist religious community.
• For the first year since 2010, the Commission did not observe any reports of Tibetan self-immolations. A previously unreported self-immolation brought the number of Tibetan self-immolations since 2009 reportedly focusing on political or religious issues to 151. Shurmo self-immolated in a September 2015 protest and died the same day in the hospital.
• In August 2020, top Communist Party leadership convened the Seventh Tibet Work Forum in Beijing municipality. Communist Party leaders attended the two-day symposium, where in an address Party General Secretary and President Xi

Jinping said that the Party's policies on Tibet were "completely correct" and called for the continued "sinicization" of Tibetan Buddhism and increased efforts to shape public opinion to support Party policy on "ethnic unity."
• In contravention of international human rights standards, security officials continued to punish residents of Tibetan areas of China for the exercise of their protected rights, including expression of religious belief, protest against or criticism of government or Party policies, and free speech. Notable cases this past year included those of songwriter **Khadro Tseten,** sentenced to seven years in prison for writing a song praising the Dalai Lama; **Rinchen Tsultrim,** a Bon monk imprisoned for his online writing about Tibetan culture and politics; and **Tenzin Nyima** (or Tame), a 19-year-old Tibetan Buddhist monk who died in January 2021 after severe mistreatment in official custody.

DEVELOPMENTS IN HONG KONG AND MACAU

• Despite repeatedly professing to uphold the "one country, two systems" model, central authorities continued to disregard and effectively nullify Hong Kong's high degree of autonomy, such as by unilaterally passing election reforms for the selection of the Chief Executive and Legislative Council members without any meaningful participation by Hong Kong residents. Among other changes, one election reform reconstituted the election committee by diluting or eliminating seats that traditionally favor the pro-democracy camp.
• Hong Kong authorities continued to enforce the National Security Law (NSL), resulting in over a hundred arrests, the majority of which were for peaceful assembly or engaging in political activities. In January 2021, for example, police arrested more than 50 pro-democracy advocates in connection with their organization of, or participation in, the July 2020 primary election, which was in practice an informal opinion poll designed to improve coordination among pro-democracy candidates to increase the chance of attaining a majority in the Legislative Council. The Hong Kong government, however, alleged that the arrestees had endangered national security.
• The Hong Kong government repressed the media, such as by raiding a pro-democracy newspaper and detaining its founder, and by overhauling the governance of the city's public broadcaster and prosecuting one of its journalists in connection with her investigation into allegations of police misconduct. The Hong Kong Police Force also revised its operational guidelines and adopted a narrower definition of "journalist," which had the effect of excluding many independent journalists from restricted areas and exposing them to potential criminal liability.
• The Hong Kong government exercised unprecedented supervision and suppression of internet activity under the authorities of the NSL. On January 13, 2021, the Hong Kong Broadband Network blocked public access to HKChronicles, a website promoting pro-democracy viewpoints. On January 28, 2021, the Hong Kong Internet Registration Corporation Limited, a company designated by the government to administer

internet domain name registration, enacted a revised "acceptable use" policy that enables it to reject website registration requests that may "promote any illegal activity." On February 12, 2021, internet service providers blocked access in Hong Kong to the Taiwan Transitional Justice Commission website. Additionally, major technology companies including Facebook, Twitter, WhatsApp, and Google have stopped reviewing requests for user data from Hong Kong authorities.

- As obligated by the NSL, the Hong Kong government must promote "national security education in schools and universities." The government implemented a national security-focused curriculum and regulated speech in schools, prohibiting students from singing a protest anthem or expressing political demands. It also instituted a review process for liberal studies textbooks, resulting in the deletion or modification of content concerning the 1989 Tiananmen protests, separation of powers, and the demand for universal suffrage.

Political Prisoner Cases of Concern

Members of Congress and the Administration are encouraged to consult the Commission's Political Prisoner Database (PPD) for credible and up-to-date information on individual prisoners or groups of prisoners. The Cases of Concern in the Commission's 2021 Annual Report highlight a small number of individuals whom Chinese authorities have detained or sentenced for peacefully exercising their internationally recognized human rights. Members of Congress and the Administration are encouraged to advocate for these individuals in meetings with Chinese government and Communist Party officials. For more information on these cases and other cases raised in the Annual Report, see the Commission's Political Prisoner Database.

Name PPD Record No.	Case Summary (as of July 2021)
Sun Qian 2021-00391	**Date of Detention:** February 19, 2017 **Place of Detention:** Beijing Municipality No. 1 PSB Detention Center **Charge(s):** Organizing or using a cult to undermine implementation of the law **Status:** Sentenced to 8 years **Context:** Police detained Sun Qian, a Canadian citizen, health technology company executive, and Falun Gong practitioner, in a February 2017 raid on her Beijing home. In the raid, police seized Falun Gong materials. Following a September 2018 trial, the Chaoyang District People's Court sentenced her on June 30, 2020, to 8 years in prison in connection with her practice of Falun Gong. **Additional Information:** Authorities prevented Sun from obtaining legal counsel of her choice by pressuring her lawyers to withdraw from the case, and abused her in custody by shackling her for extended periods and pepper spraying her. Upon sentencing, Sun allegedly renounced her Canadian citizenship under duress.

Name PPD Record No.	Case Summary (as of July 2021)
Tashpolat Teyip 2019-00064	**Date of Detention:** March 2017 **Place of Detention:** Unknown location in the Xinjiang Uyghur Autonomous Region (XUAR) **Charge(s):** Separatism, possibly bribery **Status:** Unclear; possibly sentenced to death with two-year reprieve **Context:** Xinjiang University president Tashpolat Teyip disappeared in Beijing municipality as he prepared to fly to Germany to attend a conference. A Uyghur geographer who received international acclaim for his environmental research, authorities accused Teyip of being a "separatist," together with 5 other Uyghur intellectuals. Authorities reportedly cracked down on Teyip for being "two-faced," a term Chinese officials use to refer to ethnic minority cadres who pretend to support the Chinese Communist Party. A student of Teyip said his custom of beginning public statements with a Uyghur greeting may have prompted authorities to target him. **Additional Information:** In a January 3, 2020, press conference, however, XUAR authorities said that Urumqi police had detained Teyip in May 2018 on suspicion of accepting bribes, and that his case had gone to trial before the Urumqi Intermediate People's Court in June 2019. His current status is unclear.
Li Yuhan 2017-00361	**Date of Detention:** October 9, 2017 **Place of Detention:** Shenyang Municipal No. 1 PSB Detention Center, Liaoning province **Charge(s):** Picking quarrels and provoking trouble, fraud **Status:** Formally arrested, awaiting trial **Context:** A lawyer, Li previously represented rights lawyer Wang Yu, whom authorities detained in a crackdown on human rights legal professionals that began in mid-2015. **Additional Information:** Li suffers from various health conditions including heart disease, hypertension, and hyperthyroidism. Staff at the detention center reportedly urinated on her food, denied her hot water for showering, denied her medical treatment, and threatened that they would beat her to death. In March 2018, Li went on a hunger strike to protest mistreatment, which prompted detention center officials to force-feed her. Detention center officials have blocked her lawyer from meeting her since January 2020, citing the COVID-19 pandemic.

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Name PPD Record No.	Case Summary (as of July 2021)
Yu Wensheng 2014-00387	**Date of Detention:** January 19, 2018 **Place of Detention:** Xuzhou Municipal PSB Detention Center, Jiangsu province **Charge(s):** Inciting subversion of state power **Status:** Sentenced to 4 years **Context:** On January 18, 2018, rights lawyer Yu Wensheng published an open letter calling for democratic reforms to China's Constitution, including subordinating the Communist Party to constitutional and legal oversight. The next day, Beijing police detained him outside his home. Later that month authorities sent him to Xuzhou, where he was placed under "residential surveillance at a designated location." In May 2019, his wife received a phone call informing her that Yu had been tried several days prior, though neither she nor Yu's lawyers were notified beforehand. The court sentenced Yu over a year later, in June 2020.
Erkin Tursun 2019-00190	**Date of Detention:** March 2018 **Place of Detention:** Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, XUAR **Charge(s):** "Harboring criminal[s]", "inciting national enmity and discrimination" **Status:** Sentenced to 19 years and 10 months **Context:** In March 2018, Ghulja county police detained Erkin Tursun, a Uyghur television producer and journalist for a state broadcaster, later transferring him to the custody of Ghulja city authorities. His detention was reportedly related to an award-winning program he produced in 2017 that covered poverty among Uyghur children. In November 2019, the Chinese government told the UN Working Group on Enforced or Involuntary Disappearances that Tursun had been sentenced in May 2018 to 19 years and 10 months' imprisonment for "harboring criminal[s] and inciting national enmity and discrimination." **Additional Information:** In late 2017, Ghulja authorities detained Tursun's wife Gulnar Telet and held her at a mass internment camp (exact location unknown). She may have been released in 2019.
Renagul Gheni 2021-00393	**Date of Detention:** Unknown date in 2018 **Place of Detention:** Cherchen (Qiemo) county, Bayangol (Bayinguoleng) Mongol Autonomous Prefecture, XUAR **Charge(s):** Unknown **Status:** Sentenced to 17 years **Context:** After Uyghur painter and art teacher Renagul Gheni's sister lost touch with her in 2018, she later learned that authorities detained Renagul on an unknown date the same year and held her in a mass internment camp. Her sister reported that authorities later sentenced Renagul to 17 years in prison for praying at their father's funeral and possessing a Quran.

Name PPD Record No.	Case Summary (as of July 2021)
Wang Yi 2018-00615	**Date of Detention:** December 9, 2018 **Place of Detention:** Jintang Prison, Chengdu municipality, Sichuan province **Charge(s):** Inciting subversion of state power, illegal business activity **Status:** Sentenced to 9 years **Context:** Authorities detained Early Rain Covenant Church pastor and founder Wang Yi one day before officially banning the unregistered Protestant church located in Chengdu municipality, Sichuan. Wang's detention took place amid a broad crackdown on unregistered churches in China. Authorities refused to allow the lawyer hired by Wang's family to represent him at his December 2019 trial and sentencing. Reports this past year described his deteriorating health and said that his cellmates kept him under surveillance. **Additional Information:** In addition to Wang, authorities detained at least 100 Early Rain members beginning in December 2018. Among those whom authorities released, many remained under surveillance, including Wang's wife Jiang Rong. Church members reported that while in detention they were force-fed unknown medication and coerced to confess or to falsely accuse Wang and other church leaders of wrongdoing.
Khadro Tseten 2020-00165	**Date of Detention:** April 26, 2019 **Place of Detention:** Rebgong (Tongren) county, Malho (Huangnan) Tibetan Autonomous Prefecture (TAP), Qinghai province **Charge(s):** Subversion of state power, leaking state secrets **Status:** Sentenced to 7 years **Context:** Authorities in Tsekhog (Zeku) county, Malho TAP, detained three Tibetans in April 2019 for their involvement in making or sharing online a song praising the Dalai Lama. In 2020, an unidentified court sentenced lyricist Khadro Tseten to 7 years in prison and singer Tsego to 3 years, but reportedly released the third person, an unidentified woman who shared the song on WeChat. Khadro Tseten and Tsego were reportedly held in Rebgong county after sentencing.

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Name PPD Record No.	Case Summary (as of July 2021)
Rinchen Tsultrim 2020-00311	**Date of Detention:** August 1, 2019 **Place of Detention:** Mianyang Prison, Sichuan province **Charge(s):** Inciting separatism **Status:** Sentenced to 4 years or 4 years, 6 months **Context:** In August 2019, police in Ngaba (Aba) county, Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan, detained Rinchen Tsultrim, a monk at Nangzhig Monastery, in connection with posts he made on WeChat about political and religious issues in Tibet. In March 2020, the Ngaba State Security Bureau revealed that he was under investigation for "inciting separatism." In March 2021, authorities told Rinchen Tsultrim's family that he had been sentenced; sources variously reported a prison sentence of 4 years, or 4 years and 6 months. **Additional Information:** Prior to his detention, local authorities warned and briefly detained Rinchen Tsultrim after he shared information in WeChat groups and mailed books within Tibet that he had received from abroad.
Niu Tengyu 2021-00062	**Date of Detention:** August 22, 2019 **Place of Detention:** Sihui Prison, Zhaoqing municipality, Guangdong province **Charge(s):** Picking quarrels and provoking trouble; infringing on citizens' personal information; illegal business activity **Status:** Sentenced to 14 years **Context:** In August 2019, public security officials took into custody 20-year-old coder Niu Tengyu and held him in Maoming municipality, Guangdong, as part of a major crackdown on users of the internet site Esu Wiki on which personal information of two relatives of Party General Secretary Xi Jinping allegedly had been published. The court sentenced Niu to serve a total of 14 years in prison and fined him 130,000 yuan. **Additional Information:** From December 10, 2019 to January 22, 2020, authorities held Niu under "residential surveillance at a designated location" to investigate him on a charge of endangering state security. Authorities tortured Niu, including use of the "tiger bench," hanging him by his arms, burning his genitals, pouring saline solution over his injuries, and causing permanent injury to his right hand.

Name PPD Record No.	Case Summary (as of July 2021)
Joshua Wong Chi-fung 2021-00009	**Date of Detention:** November 23, 2020 **Place of Detention:** Shek Pik Prison, Hong Kong, SAR **Charge(s):** Unauthorized assembly; conspiracy to commit subversion **Status:** Sentenced to 13.5 months, awaiting further trial **Context:** Hong Kong authorities have detained Joshua Wong Chi-fung multiple times since 2014 based on at least six sets of factual allegations related to his activism. In one such detention, Wong was remanded to custody on November 23, 2020, after pleading guilty to the charges of organizing, inciting others to take part in, and knowingly taking part in an unauthorized assembly. The charges were related to a protest that took place near the police headquarters in June 2019. On December 2, 2020, the West Kowloon Magistrates' Courts sentenced Wong to 13.5 months in prison. While in prison, Wong was arrested by police in January 2021 for "conspiracy to commit subversion," citing his participation in the non-binding primary election held in July 2020, in which pro-democracy activists tried to improve coordination among themselves in the upcoming Legislative Council election, thereby gaining a majority there.
Zhang Zhan 2020-00175	**Date of Detention:** May 19, 2020 **Place of Detention:** Shanghai Women's Prison **Charge(s):** Picking quarrels and provoking trouble **Status:** Sentenced to 4 years **Context:** On May 14, 2020, unknown individuals "disappeared" citizen journalist Zhang Zhan in Wuhan municipality, Hubei province, the epicenter of the COVID-19 outbreak, in connection with her efforts to document the epidemic on WeChat, Twitter, YouTube, and other social media platforms. The Pudong New District People's Court in Shanghai municipality tried and sentenced Zhang on December 28, 2020. **Additional Information:** After the trial, her then-lawyer Zhang Keke said that Zhang had gone on a hunger strike and appeared to have "lost a significant amount of weight and was almost unrecognizable from even just a few weeks before."

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Name PPD Record No.	Case Summary (as of July 2021)
Jimmy Lai Chee-ying 2020-00323	**Date of Detention:** February 28, 2020 **Place of Detention:** Stanley Prison **Charge(s):** Collusion with a foreign country or with external elements to endanger national security; conspiracy to defraud **Status:** Sentenced to 14 months, awaiting further trial **Context:** Since February 2020, Hong Kong authorities have detained Jimmy Lai Chee-ying based on at least five sets of factual allegations related to his activism. Separately on February 28 and April 18, 2020, police arrested Lai on charges of "unauthorized assemblies" that took place in August and October 2019, releasing him on bail on the same day on both occasions. In April 2021, the West Kowloon Magistrates' Courts convicted Lai, sentencing him to 14 months in prison. On June 11, 2020, police arrested Lai on charges of participating in and inciting others to participate in unauthorized assembly relating to a vigil on June 4, 2020, that commemorated the 1989 Tiananmen protests. On August 10, 2020, Hong Kong police took Jimmy Lai Chee-ying into custody on suspicion of "conspiracy to defraud" and "collusion with a foreign country or with external elements to endanger national security" under the National Security Law (NSL). Lai is the founder of Apple Daily, which media sources have described as a pro-democracy publication. On the same day, police also detained nine other individuals, including Lai's two sons and other democracy advocates and newspaper executives. While in prison, Lai was arrested in February 2021 on allegations that he had helped 12 political activists escape from Hong Kong to Taiwan.
Li Genshan 2020-00248	**Date of Detention:** September 9, 2020 **Place of Detention:** Zhongwei municipality, Ningxia Hui Autonomous Region **Charge(s):** Picking quarrels and provoking trouble, extortion, illegally hunting or killing precious wildlife **Status:** Formally arrested, awaiting trial **Context:** Zhongwei police criminally detained environmental advocate Li Genshan on September 9, 2020, alongside two fellow volunteers, in connection with their advocacy work. By the end of the month, police had detained 14 individuals in total as part of the case, and formally charged eight of them, including Li. Li and several of those detained were volunteers with the Zhongwei Mongolian Gazelle Patrol Team, which sought to protect local wildlife. Li and other members of the patrol team had previously reported corporations for environmental destruction and local forestry police for allegedly protecting poachers.

Name PPD Record No.	Case Summary (as of July 2021)
Carol Ng Man-yee 2021-00489	**Date of Detention:** January 6, 2021 **Place of Detention:** Lo Wu Correctional Institution, Hong Kong, SAR **Charge(s):** Subversion **Status:** Formally arrested, awaiting trial **Context:** On January 6, 2021, in an operation involving over 1,000 officers, Hong Kong police arrested 53 individuals on suspicion of violating the National Security Law. The arrests were connected to their involvement in a non-binding primary election held in July 2020, which aimed at securing a majority in the Legislative Council by improving coordination among candidates in the pro-democracy camp. On January 7, police arrested two other individuals who were serving time for prior convictions, bringing the total number of arrestees to 55. Carol Ng was among those detained on January 6. She quit the Labour Party and resigned as the chairperson of the Hong Kong Confederation of Trade Unions shortly after she was formally charged with "subversion" in March.
Chen Guojiang 2021-00061	**Date of Detention:** February 25, 2021 **Place of Detention:** Chaoyang District PSB Detention Center, Beijing **Charge(s):** Picking quarrels and provoking trouble **Status:** Formally arrested, awaiting trial **Context:** Shortly before delivery worker and labor advocate Chen Guojiang's detention, he called for work stoppages by delivery workers to protest delivery platforms' withholding of New Year bonuses from drivers. Since 2019, Chen has posted videos to social media highlighting the precarious working conditions of delivery workers, and he ran multiple WeChat discussion groups with membership totaling over 14,000 delivery workers. **Additional Information:** After a previous call for a work stoppage, authorities detained Chen for 26 days in October 2019.

GENERAL RECOMMENDATIONS TO CONGRESS AND THE ADMINISTRATION

The Commission makes the following recommendations for Administration and congressional action, recognizing that a shared commitment to the rule of law and international standards of human rights is the foundation on which international security, democratic governance, and prosperity are built.

- **End Forced Labor Imports.** Global supply chains remain at significant risk of containing goods made with forced labor, particularly with the expansion of the Chinese government's "labor transfer" programs in the Xinjiang Uyghur Autonomous Region (XUAR). Congress must take a zero-tolerance approach to the importation of goods suspected to be made with forced labor. Congress should pass the Uyghur Forced Labor Prevention Act (S. 65/H.R. 1155), which prohibits goods made with forced labor in the XUAR, or by entities using forced labor transferred from the XUAR, from entering the U.S. market. In addition, the Administration should:
  - Continue to issue Withhold Release Orders (WROs) through U.S. Customs and Border Protection pursuant to 19 CFR § 12.42(e) targeting companies complicit in the use of forced labor, including those companies using forced labor in the mining and production of polysilicon, a key component in the manufacturing of solar panels;
  - Increase appropriations for U.S. Customs and Border Protection to enforce the prohibition on importation of goods produced with forced labor, including through expanding the existing forensic verification-of-origin testing technology, which can identify trace amounts of cotton and other products and link it to the XUAR;
  - Sanction individuals engaged in significant labor trafficking under section 111 of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7108); and
  - Issue a report on the U.S. Government's procurement process and forced labor with the aim of excluding any companies engaged in the production of goods using the forced labor of ethnic minorities or other persecuted groups in China.
- **Stop Atrocity Crimes.** The Administration, building on its determination that genocide is occurring in the XUAR, should work with Congress to hold Chinese officials and other entities accountable for genocide and crimes against humanity, including by providing legal and technical assistance to groups documenting horrific human rights abuses and by supporting victims seeking damages for human trafficking and atrocity crimes. In addition, the Administration should:
  - Continue to use available sanctions authorities, including those provided by the Global Magnitsky Human Rights Accountability Act (Title XII, Subtitle F of Public Law No. 114–328; 22 U.S.C. § 2656 note) and the Uyghur Human Rights Policy Act (22 U.S.C. 6901 note);
  - Issue new export regulations defining the human rights and national security interests prohibiting the sale of emerging technologies including facial recognition systems, machine

learning, and biometric and artificial intelligence technology, particularly those used for mass surveillance and social control;
- Expand the Commerce Department's Entity List of companies assisting the Chinese government in committing atrocities and other severe human rights abuses in the XUAR;
- Coordinate with allies and partners to advocate for the creation of a mandate for a United Nations special rapporteur on the XUAR, or other mechanisms to address the Chinese government's egregious human rights abuses, and the formation of a UN Commission of Inquiry on the XUAR; and
- Request an open debate or, at the very least, an Arria-formula briefing on the XUAR at the UN Security Council.

• **Support Victims of Persecution.** As long as the Chinese government's human rights abuses continue unabated, Congress and the Administration should ramp up efforts to protect those fleeing persecution, prioritizing steps to:
- Remove barriers to Hong Kong residents in receiving U.S. visas, particularly those attempting to exit Hong Kong for fear of political persecution, and extend Priority 2 refugee status to these individuals;
- Extend Priority 2 refugee status to Uyghurs and other Muslim ethnic minorities and expand use of the T-visa provided for in the Trafficking Victims Protection Act of 2000 (22 U.S.C. Chapter 78) to assist in investigations of both labor trafficking and sexual violence against women in the XUAR;
- Engage with countries with significant populations of Uyghurs and other ethnic minorities fleeing persecution to press those countries to refrain from deporting ethnic minorities to the People's Republic of China, to protect ethnic minorities from intimidation by Chinese authorities, and to protect their freedoms of assembly and expression; and
- Ensure that sufficient funding and authorities are available for psychological and medical support for victims of genocide and crimes against humanity, particularly in countries of first asylum, through programs authorized by the Torture Victim Protection Act (Public Law No. 102–256).

• **Support the People of Hong Kong.** The Administration should work with allies and partners at the UN and other multilateral organizations on statements and other actions, including additional sanctions required by the Hong Kong Human Rights and Democracy Act (Public Law No. 116–76), related to the Hong Kong government's dismantling of Hong Kong's autonomy and rights protections and the Chinese government's violation of the 1984 Sino-British Joint Declaration, an international treaty. In addition:
- The Administration should continue to prohibit sales of police equipment and crowd-control technology to the Hong Kong police, as provided by Public Law No. 116–77, and Congress should pass legislation to extend this ban permanently unless the President certifies that Hong Kong is again sufficiently autonomous to justify special treatment under U.S. law;
- The Administration should implement sanctions against financial institutions as well as individuals determined to be "in-

volved in the erosion of certain obligations of China with respect to Hong Kong" as stipulated in the Hong Kong Autonomy Act of 2020;

- The Administration should use newly appropriated funding to support non-governmental organizations working to promote the rule of law, human rights, civil society development, and democratic freedoms in Hong Kong; and
- Members of Congress should work with fellow parliamentarians on draft laws modeled after the Hong Kong Human Rights and Democracy Act (Public Law No. 116–76) and the Hong Kong Autonomy Act (Public Law No. 116–149).

- **Leverage the 2022 Olympics to Demand Human Rights Improvements.** The Administration and Members of Congress should publicly characterize the Chinese government's egregious human rights abuses, including genocide, and the flouting of international standards as a betrayal of the Olympic Charter and spirit. The International Olympic Committee (IOC), the U.S. Olympic and Paralympic Committee (USOPC), and corporate sponsors and broadcasters of the Olympics should be pressed to use their leverage to address human rights abuses in China, including those surrounding the Olympic Games. Specifically, the Administration and Congress should:
  - Call on the IOC to postpone and reassign the 2022 Winter Olympics if the Chinese government does not end its atrocities in the XUAR, undertake demonstrable improvements in human rights throughout the country, and restore autonomy to Hong Kong;
  - Urge The Olympic Partner (TOP) Programme corporate sponsors, consistent with the UN Guiding Principles on Business and Human Rights, to publicize their human rights due diligence regarding the 2022 Beijing Olympics and take public steps to distance their brands from the 2022 Winter Olympics;
  - Ask the U.S. Olympic and Paralympic Committee to protect American athletes from having to wear or consume products made with forced labor and to educate its officials and athletes about human rights conditions in China, the risk of censorship and surveillance of U.S. athletes during the Olympic Games, and the use of forced labor in the production of Olympic uniforms, gear, and souvenirs;
  - Ask NBCUniversal whether it will give global prime-time coverage during the Olympics to stories about genocide, crimes against humanity, and other gross human rights abuses committed by the Chinese government; and
  - Create a strategy to coordinate with other governments on a diplomatic boycott and other measures to counter Chinese government propaganda efforts around the 2022 Winter Olympics if the IOC refuses to postpone or move the Games from Beijing.
- **Limit Malign Influence Operations.** The economic coercion and malign political influence operations conducted by the Chinese government and Communist Party—part of an increasing global threat posed by authoritarian governments' attempts to stifle basic freedoms and make the world safe for their repressive forms of

governance—pose significant challenges to the United States and countries around the world. To address these challenges, the Administration and Congress should work together to:

- Establish an interagency "China Censorship Monitor and Action Group" to address the impacts of censorship and intimidation of American citizens, legal residents, and companies, and consider expanding such a group globally with allies and partners;
- Develop a multi-stakeholder action plan and code of conduct with universities, foundations, think tanks, film production companies, publishers, non-governmental organizations, and state and local governments so that their interactions with foreign governments or entities uphold standards of academic freedom, corporate ethics, and human rights;
- Require U.S. colleges and universities to publicly report all foreign gifts, contracts, and in-kind contributions that exceed $50,000 in any single year;
- Condition certain Federal assistance to U.S. universities, colleges, and school districts upon their making public their contracts or agreements establishing Confucius Institutes or Confucius Classrooms and on their having clear provisions protecting academic freedom and the civil rights of their Chinese employees and teachers, and granting full managerial authority to the college, university, or school district;
- Increase appropriations to expand Chinese language curriculum development and instruction in American high schools and colleges;
- Require U.S. think tanks and other non-governmental organizations to disclose foreign grants and gifts as part of their tax filings to maintain non-profit status; and
- Update and expand the requirements of the Foreign Agents Registration Act (FARA) to cover individuals and other entities lobbying on behalf of foreign governments, entities, or organizations working on educational or scientific pursuits in order to address their efforts to acquire technologies banned under U.S. export controls and their efforts to limit academic freedom by acting through organizations like the Chinese Students and Scholars Association and Confucius Institutes.

• **Defend Values While Not Abetting Anti-Asian Discrimination or Chinese Propaganda.** The Administration and Congress should create public messaging strategies that communicate clearly to both domestic and international audiences the nature and scope of the Chinese government and Communist Party's challenges to international law and universal human rights standards. These strategies must clearly differentiate the peoples and cultures of China from the Chinese government and Communist Party. The Party has sought to exploit protests in the United States, such as those against anti-Asian discrimination, as well as xenophobic rhetoric, to further its objectives. Poorly designed and communicated U.S. efforts regarding Chinese government policies can fuel propaganda that references instances of intolerance or harassment of people of Chinese descent and other Asian American and Pacific Islander communities, which can frustrate our ability to craft a domestic consensus for a China policy grounded in the principles of

human rights and the rule of law. U.S. officials should always be clear that they stand for human rights and the rule of law, and against discrimination and intolerance of any kind. In addition, the Administration and Congress should work together to:

- Instruct the Department of Justice and the Federal Bureau of Investigation to protect U.S. citizens and residents of Asian and Chinese descent, and Chinese nationals living or studying in the United States, from undue foreign interference and surveillance and ensure that their civil rights are safeguarded, including freedom from coercion or intimidation, freedom of expression, and the freedom of religion; and
- Extend to any U.S. citizen a private right of action to pursue civil litigation for wrongful employment termination or demotion for expressing opinions critical of the Chinese government or Communist Party or for supporting human rights in the People's Republic of China.

- **Address Digital Authoritarianism.** The Chinese government is developing technology and utilizing artificial intelligence (AI) in an effort to expand mass surveillance and social control of its citizens while exporting this technology globally in an effort to undermine democratic institutions. The Administration should work with Congress and like-minded allies and partners to strengthen the current multi-stakeholder internet governance structure and, where appropriate, to:
  - Develop a set of global principles for the use of AI-driven biometric surveillance to ensure that this emerging technology protects privacy and human rights;
  - Launch a digital infrastructure initiative that uses the bipartisan BUILD Act (Public Law No. 116–342) to make information and communications technology a greater priority for overseas development assistance;
  - Champion, with allies and partners, high-standard internet governance principles that support the freedom of expression and the protection of user privacy; and
  - Expand and focus foreign assistance projects on internet freedom and media literacy to help users circumvent China's "Great Firewall," provide digital security training for civil society advocates, and identify and counter foreign government propaganda efforts.

- **Condition Access to U.S. Capital Markets.** Congress should ask the relevant executive branch departments and agencies to identify and list Chinese companies and entities that have provided material support or technical capabilities that violate U.S. laws and facilitate human rights abuses in China, including in the XUAR and Tibetan areas of the People's Republic of China. In addition, Congress should require the Securities and Exchange Commission to strengthen disclosure and auditing requirements for any listed Chinese companies in U.S. capital markets to ensure that American retirement and investment dollars do not fund companies with links to the Chinese government's security apparatus or other malevolent behavior that undermines U.S. interests, or to genocide.

• **CFIUS Expansion.** Congress should amend the Foreign Investment Risk Review Modernization Act (Public Law No. 115–232, sec. 1701 et seq.) to trigger a Committee on Foreign Investment in the United States (CFIUS) review of any foreign company seeking to acquire U.S. assets controlling biometric information of Americans or technology to more efficiently collect and process biometric information. In addition, in coordination with the Department of Justice, CFIUS should report for FARA registration any lobbying firm or other entity accepting funding from a Chinese entity linked to the Chinese government or Communist Party for the purpose of acquiring U.S. companies or technology.

• **Protect Tibetan Identity, Religion, Language, and Culture.** The Administration should use the tools available in the Tibetan Policy and Support Act of 2020 (Public Law No. 116–260, sec. 341 et seq.) to help protect Tibetan culture and identity and Tibet's religious and linguistic diversity from efforts to dilute or destroy them, including through sustained diplomatic efforts to curtail interference in the selection of Tibetan religious leaders and a future 15th Dalai Lama. Members of Congress and Administration officials should interact regularly with the leaders of the Central Tibetan Administration and with parliamentarians globally to build international coalitions to protect Tibetan human rights.

• **Gain Access to Tibet.** The Administration should implement the Reciprocal Access to Tibet Act (Public Law No. 115–330) by issuing robust annual reports, and sanctions for officials responsible for closing off access to Tibetan areas to diplomats, journalists, academics, and tourists. Members of Congress should encourage parliamentarian colleagues globally to pass legislation seeking greater access to Tibet.

• **Develop a Whole-of-Government Human Rights Strategy.** The Administration should issue a policy directive to develop a comprehensive strategy embedding human rights, the rule of law, and democratic governance and development goals into the critical mission strategies of all U.S. Government entities interacting with the Chinese government, both bilaterally and through international organizations, and start an interagency process for implementation to be led by the Under Secretary of State for Civilian Security, Democracy, and Human Rights and the Assistant Secretary of State for Democracy, Human Rights, and Labor.

• **Strengthen International Organizations.** The Administration should compete for influence with the Chinese government in international organizations where rules are being formulated for the international community, including the International Telecommunication Union, the International Labour Organization, Interpol, the World Intellectual Property Organization, and the World Health Organization (WHO). In particular, the Administration should coordinate with like-minded allies and partners to strengthen common positions on internet freedom, human rights norms, and human rights violations and raise these issues repeatedly with Chinese government officials at the UN and other international bodies, including the Human Rights Council, and during reviews of State Parties' compliance with relevant treaties, such as the Committee against Torture (CAT). In addition, the Administration and Congress should work together to:

- Promote representation by leading democracies at UN standards setting and human rights bodies, particularly by coordinating with like-minded countries to advance candidates for leadership positions and support robust staffing at all levels of the organizations;
- Establish an annual report on the Chinese government's malign influence operations in international organizations that details any actions that undermine the principles and purpose of the UN and its various agencies, particularly those related to human rights, internet governance, law enforcement, global health, environmental protection, the development of norms on artificial intelligence and biometric surveillance, labor, standards setting, and freedom of navigation; and
- Support the WHO's efforts to conduct a transparent and credible investigation into the origins of SARS-CoV-2, including a forensic investigation of relevant laboratories in Wuhan, and strengthen the International Health Regulations (IHR) to make clearer the obligations of member states and the consequences for those that fail to provide timely and transparent information about infectious disease outbreaks, including by creating a regular periodic review for compliance of member states with the IHR.

- **Develop Creative Human Rights Programming.** The Administration and Members of Congress should publicly and more broadly support Chinese legal reformers, civil society, independent journalists, human rights defenders, and labor, religious freedom, and democracy advocates, and provide material and other means of support for them. The Administration should work with Congress to:
  - Authorize and appropriate funds for capacity-building initiatives for rights and rule-of-law advocates in settings outside China, given growing restrictions on the funding of civil society organizations inside China and in Hong Kong;
  - Support educational and cultural exchange programs, particularly those not in areas that are sensitive for military and security reasons, in order to preserve these exchanges as a valuable resource and to maintain positive influence channels with the Chinese people; and
  - Develop creative public messaging and programs that prioritize the rights violations that affect the largest numbers of Chinese citizens—workers, families, religious believers, internet users, women, and rural residents.
- **Create a Special Advisor for Political Prisoners.** The Administration should consider creating the position of Special Advisor for Political Prisoners within the State Department's Bureau of Democracy, Human Rights, and Labor and create a diplomatic strategy to gain the release of political and religious prisoners, including unjustly detained American citizens and long-term permanent residents of the United States abroad. The Special Advisor can also serve as a resource to former political prisoners seeking guidance on their travels abroad. The Administration should also work to end the Chinese government's unacceptable use of "exit bans."

- **Advocate for Political Prisoners.** Members of Congress and Administration officials at the highest levels should raise specific political prisoner cases in meetings with Chinese government officials. Experience demonstrates that consistently raising individual prisoner cases and the larger human rights issues they represent can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. Members of Congress are encouraged to consult the Commission's Political Prisoner Database for reliable information on cases of political and religious detention in China, and to "adopt" individual prisoners and advocate on their behalf through the Tom Lantos Human Rights Commission's Defending Freedoms Project.
- **Support Allies Facing Economic Coercion.** The Chinese government has used the threat and execution of trade restrictions and predatory infrastructure loans as leverage to punish countries critical of its human rights record or to pressure countries to change policies viewed as harmful to Chinese interests. The Administration should build a global coalition against China's coercion, to reduce vulnerability to economic pressure and impose costs on the Chinese government for this type of action. The Administration should provide to Congress a strategy for reducing the threat of trade restriction actions or other economic coercion to include:
  - Plans to work in concert with allies and partners at the World Trade Organization or other international financial institutions to challenge boycotts and trade restrictions that undermine the integrity of the rules-based global economic order;
  - Legal authorities needed to create a global reserve fund to assist companies, industries, and municipalities affected by targeted economic coercion;
  - Identification of trade barriers that need to be revised either to impose retaliatory tariffs on Chinese imports as part of joint action with allies and partners or to buy products targeted by the Chinese government for trade restriction actions; and
  - A plan to deploy expert economic response teams to assist countries facing economic coercion or challenges related to debt, human rights, or environmental protection as a result of Belt and Road Initiative projects.

The Commission's mandate is to monitor the behavior of the People's Republic of China against international human rights standards. It is the state that incurs obligations under international law, and thus it is the government that bears responsibility thereunder for the private activities of persons or entities, including parties. Given the Party's increasingly tight control of the Chinese political system, there is decreasing practical difference between party and government when discussing the wielding of power in China. As a matter of monitoring human rights, the Commission must be clear in its reporting both that the Party exercises power over the government and that the government bears the obligation to uphold such rights.

The Commission faces a similar challenge in characterizing Xi Jinping. His power derives from his position as General Secretary of the Chinese Communist Party and as Chairman of the Central Military Commission. Xi Jinping also has the title of "zhuxi," a largely ceremonial post that carries little power but one that makes him head of state. While the U.S. Government translates this title as "President," some Commissioners view it as inaccurate or inappropriate to use this title.

This Annual Report seeks to reflect the Party-state dynamics by listing the Party as the primary actor in cases where it is appropriate to do so. Descriptions of the Party, government, and their leadership do not reflect judgments of the Commission regarding the legitimacy of these entities and individuals. The Commission will continue to evaluate characterizations of the aforementioned leadership dynamics in future annual reports to conform to standards of accuracy, relevance, and consistency with common practice among the community of interest.

II. Human Rights

FREEDOM OF EXPRESSION

Findings

• Chinese Communist Party General Secretary and President Xi Jinping stressed the importance of influencing global public opinion this past year in advance of the Party's centenary in July 2021 and in response to the COVID-19 pandemic. The Party and government leveraged an international media infrastructure to spread positive propaganda about the Party and reduce criticism of senior officials. News and research reports this past year also examined the widespread dissemination of government and Party propaganda and disinformation via social media platforms within China and internationally, including content related to COVID-19.
• Party control of China Global Television Network (CGTN)—a satellite arm of China's Party- and state-run broadcaster China Central Television (CCTV)—and the lack of independent editorial responsibility over CGTN's material were central to the decision in February 2021 by the Office of Communications (Ofcom), the United Kingdom television regulator, to revoke CGTN's license-holder permission to broadcast in the U.K.
• Reporters Without Borders' World Press Freedom Index continued to rank China among the worst countries for press freedom in the world—177 out of 180 for the third year in a row. Chinese laws and regulations restrict the space in which domestic journalists and media outlets may report the news, overseen by a system of censorship implemented by various Party and government agencies. The Cyberspace Administration of China has a leading role in regulatory efforts; this past year, it revised provisions on social media use that targeted citizen journalists and "self-media," the proliferation of which the government has labeled "chaotic."
• The government has expelled—or effectively expelled through visa renewal denials and harassment—at least 20 foreign journalists since August 2019. Those who remain, according to a BBC reporter, face "the grim reality of reporting from China," which includes official harassment, physical obstruction, surveillance, and discrediting.
• Chinese authorities continued to arbitrarily detain, and in some cases try and sentence, Chinese citizens for speech and expression protected by international human rights standards. In December 2020, authorities in Shanghai municipality sentenced citizen journalist **Zhang Zhan** to four years in prison because of her video reports in February 2020 from Wuhan municipality, Hubei province, the epicenter of the COVID-19 outbreak. In another case, as part of a nationwide crackdown that started in 2019, authorities reportedly detained dozens of teenagers and individuals in their twenties in connection with the website Esu Wiki, on which a photo had been posted of Xi Mingze, daughter of Xi Jinping. Authorities sentenced 24 of

them to prison terms, the longest of which was the 14-year sentence given to **Niu Tengyu.**

• The international non-governmental organization Freedom House ranked China as the "worst abuser of internet freedom for the sixth consecutive year" in its 2020 internet freedom assessment. This past year, the Chinese government counteracted the rising popularity of audio files and audio-only platforms that had created openings for speech and cross-border conversation. China's first-ever five-year plan (2020–2025) for the "rule of law" likely will entail even more regulatory measures in information technology, which an observer suggested may be aimed at positioning China as a leading voice in international digital law rulemaking.

Recommendations

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

○ Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists; the denial, threat of denial, or delay of visas for foreign journalists; and the censorship of foreign media websites. Consistently link press freedom to U.S. interests, noting that censorship and restrictions on journalists and media websites prevent the free flow of information on issues of public concern, including public health and environmental crises, and food safety, and act as trade barriers for foreign companies attempting to access the Chinese market.

○ Call on the International Olympic Committee (IOC) to make public the "assurances" on human rights it received from Chinese authorities as regards its role as host of the Winter Olympics in Beijing in February 2022. Given the Chinese government's lack of compliance with its stated promises regarding free press when it hosted the Summer 2008 Olympics, and urge that the IOC work with international journalist associations to establish an independent mechanism to monitor journalists' in-country and online access during the Games, and give real-time reports to the public on rights violations and censorship.

○ Increase media literacy of U.S. citizens with regard to Chinese state-sponsored propaganda, censorship, and disinformation, including greater support and funding to graduate-level area studies programs and language study. Provide forums for scholars, civil society advocates, and journalists to discuss and disseminate "best practices" in Chinese media literacy, including developing online tools that protect the digital communications of students and scholars, and activists and journalists.

○ Urge Chinese officials to end the unlawful detention and official harassment of Chinese rights advocates, lawyers, and journalists subjected to reprisal for exercising their right to freedom of expression. Call on officials to release or confirm the release of individuals detained or imprisoned for exercising

freedom of expression, such as **Cai Wei, Chen Jieren, Chen Mei, Chen Qiushi, Ding Jiaxi, Fang Bin, Geng Xiaonan, Huang Qi, Ke Chengbing, Li Xinde, Niu Tengyu, Wei Zhili, Xu Zhiyong, Zhang Zhan, Yang Zhengjun,** and other political prisoners mentioned in this Report and documented in the Commission's Political Prisoner Database.

FREEDOM OF EXPRESSION

Party Control of the Media

AMPLIFYING THE PARTY'S STORY INTERNATIONALLY

In the months before the Chinese Communist Party's centenary in July 2021 and following a period of more than one year during which the Chinese government expelled (or effectively expelled) approximately 18 foreign journalists,[1] Chinese officials and Party- and state-run media outlets endorsed the late American journalist Edgar Snow (1905–1972) as a model foreign journalist.[2] Little was known internationally about the Party when Snow wrote about Mao Zedong and the Party in his 1937 book Red Star Over China, and the book's positive portrayals have been ascribed to the significant editorial input of Snow's Party liaisons and Mao himself.[3] State media's multiple references to Edgar Snow nearly 85 years after Red Star's publication correspond to what Freedom House media expert Sarah Cook has described as the Chinese leadership's strategic focus on "influenc[ing] public debate and media coverage about China outside of the country . . .."[4] A June 2020 report from the International Federation of Journalists (IFJ) adds to Cook's research, documenting the Chinese government's efforts for at least a decade to influence the news about China through worldwide outreach to journalist associations and media outlets, content produced solely by or jointly with official Chinese outlets, study tours and training in China for members of national journalist associations, and the building of an external media infrastructure.[5] In a follow-on study from May 2021 that looked at China's efforts to produce a worldwide story favorable to China about the COVID-19 pandemic, IFJ reported various ways in which this external media infrastructure had been activated.[6] Sinopsis, a Prague-based project that analyzes political developments in China, previously reported on the Chinese government's outreach since 2014 to foreign media outlets and journalists in order to generate favorable publicity in the countries participating in China's Belt and Road Initiative.[7] News and research reports this past year examined the widespread dissemination of government and Party propaganda and disinformation via social media platforms within China and internationally, including content related to COVID-19.[8]

Party General Secretary and Chinese President Xi Jinping's May 2021 speech to the Party Central Committee Political Bureau (Politburo) addressed international communications efforts, briefly mentioning stratagems that have been in place since the 18th Party Congress in October 2012 to present the Party's perspective on Chinese development.[9] He urged redoubling the work to "strengthen the Chinese Communist Party's propaganda and its interpretation to make foreign peoples aware of the Chinese Communist Party's genuine struggle to achieve happiness and prosperity for the Chinese people, and to understand that the Chinese Communist Party is capable, Marxism is effective, and socialism with Chinese characteristics is good."[10] Xi spoke of making use of high-level experts, international forums, and mainstream foreign media outlets as a platform and channel for such international

communications.[11] Yet he omitted discussion of press freedom or the responsibility of journalists to report news accurately in the interests of the Chinese people and international community.[12]

U.K. Ofcom Revokes CGTN Broadcast License

Party control of China Global Television Network (CGTN)—a satellite arm of China's Party- and state-run broadcaster China Central Television (CCTV)[13]—and the resulting lack of independent editorial responsibility over CGTN's material were central to the decision in February 2021 by the Office of Communications (Ofcom), the United Kingdom television regulator, to revoke CGTN's license-holder permission to broadcast in the U.K.[14] Ofcom's action was prompted by formal complaints that CGTN had aired forced confessions in politically motivated cases.[15] Ofcom rejected a subsequent application to transfer the license to the China Global Television Network Corporation (CGTNC) on the basis that ". . . we consider that CGTNC would be disqualified from holding a licence, as it is controlled by a body which is ultimately controlled by the Chinese Communist Party."[16] In March 2021, Ofcom also fined CGTN for airing the confessions of Gui Minhai, a Swedish national, and Simon Cheng Man Kit, a Hong Kong resident who had worked at the British consulate in Hong Kong.[17] With French broadcast regulations less restrictive, however, CGTN broadcasts continued to be accessible to U.K. viewers,[18] including broadcasts that contained allegedly coerced statements.[19] In March, for example, CGTN Français broadcast an interview with a young Uyghur girl in China—who was allegedly interviewed under duress and reportedly without obtaining her guardian's consent—during which the broadcast accused her Australia-based father of abandonment.[20] [For more information about the plight of the Uyghur community in China, see Section IV—Xinjiang.]

REINFORCING PARTY GUIDANCE OVER NEWS MEDIA PLATFORMS AND JOURNALISTS

Reporters Without Borders' 2021 World Press Freedom Index ranked China the fourth worst country in the world for press freedom (177 out of 180) for the third year in a row.[21] Article 35 of China's Constitution guarantees that Chinese citizens "enjoy . . . freedom of the press," along with other expression-related rights,[22] yet Chinese laws and regulations restrict the space in which domestic journalists and media outlets may exercise those freedoms.[23] The Chinese Communist Party historically designated the news media as its "mouthpiece," providing the Party's version of the news and "guiding" public opinion.[24] While a period of looser restrictions in the 1990s and 2000s in China saw the rise of more market-oriented news outlets[25] and influential investigative journalism,[26] Xi Jinping's ascension to Communist Party General Secretary and Chinese President in October 2012 and March 2013, respectively, saw a renewed focus on journalists' ideological alignment with and loyalty to Party principles[27] articulated in Xi's 2016 comment that the media "must be surnamed Party."[28]

This past year, Chinese authorities continued to take regulatory measures to restrict social media accounts that provide news and public information.[29] Newly amended provisions for social media

account users, released in January 2021 by the Cyberspace Administration of China,[30] purportedly aim to curtail the spread of false information.[31] Yet the provisions target the proliferation of citizen journalism[32] and "self-media" (*zi meiti*)[33]—the latter of which state media has described as "chaotic"[34]—by requiring that users of independent social media accounts that publish news or public information have the relevant certification to allow them to report on the news.[35] David Bandurski, director of the Hong Kong-based China Media Project, observed that "[c]leansing the 'self-media' space, restraining sensitive information and dissenting views, is not sufficient on its own. The way must be cleared for the dominance of CCP-led public opinion."[36] Domestic journalists' use of social media has long been a focus of regulation; in 2014, news regulators placed restrictions on journalists' and news organizations' use of social media accounts, attempting to rein in journalists' use of these accounts to publish reports and articles that had been censored or would have been censored by news organizations.[37] In January 2021, the National Press and Publication Administration added a review of journalist social media usage between December 2, 2019, and January 1, 2021, to journalists' annual press certification.[38] The review thus created a basis to refuse certification to journalists who had used personal social media accounts for alleged unauthorized news reporting; it also "effectively extended official editorial controls from journalists' places of employment to their personal accounts," according to experts.[39]

Official editorial controls in the form of censorship directives from the Cyberspace Administration of China, the Central Propaganda Department, and government entities[40] restrict coverage to "authoritative" content, such as information circulated by the state media agency Xinhua.[41] Leaked directives from the past year, made available and translated by the U.S.-based web portal China Digital Times, demonstrate political sensitivities and a will to control issues that might foster criticism of the Party and government, such as the handling of the COVID-19 outbreak, economic recovery, implementation of rural policies that have led to home demolitions, and the U.S. presidential election.[42]

Harassment and Criminal Detention of Citizen Journalists

China continued to detain the highest number of journalists in the world in 2020, according to the international advocacy group Committee to Protect Journalists (CPJ).[43] Many of the detained Chinese journalists on CPJ's list are considered "citizen journalists" in that some are non-professional or former journalists who document developments outside of the state- and Party-run news system.[44] Citizen journalists in China have challenged official narratives[45] and censorship by monitoring and reporting on the conditions of ethnic minority groups,[46] religious belief,[47] labor protests, occupational health,[48] and rights defense activities.[49] Some new and ongoing cases of concern from the Commission's 2021 reporting year include the following:

- **For reporting on COVID-19.**[50] Authorities in Shanghai municipality sentenced **Zhang Zhan** on December 28, 2020, to four years in prison for "picking quarrels and provoking

trouble" in connection with videos she took in February 2020, which showed conditions in the COVID-19 epicenter of Wuhan municipality, Hubei province.[51] Other cases of individuals detained for reporting on COVID-19 include **Fang Bin,** who was held in incommunicado detention, likely in Wuhan;[52] **Chen Qiushi,** who was restricted to his parents' home and environs in Qingdao municipality, Shandong province;[53] and **Chen Mei** and **Cai Wei,** who were tried on May 11, 2021, by the Chaoyang District People's Court in Beijing municipality on the charge of "picking quarrels and provoking trouble."[54]

- **For reporting on anticorruption.** On January 7, 2021, the Pizhou Municipal People's Court in Xuzhou municipality, Jiangsu province, sentenced **Li Xinde** to five years in prison and his son, **Li Chao,** to one year in prison on the charge of "illegal business activity," in connection with Li Xinde's watchdog journalism website China Public Opinion Supervision Net.[55]
- **For reporting on a variety of rights defense activities.** Despite a need for medical parole due to advanced liver disease and other serious health conditions,[56] **Huang Qi,** founder of the human rights monitoring website 64 Tianwang,[57] continued to serve a 12-year sentence in Bazhong Prison in Bazhong municipality, Sichuan province, on the charges of "stealing, spying, purchasing, and illegally providing state secrets for overseas entities" and "intentionally disclosing state secrets."[58] **Wei Zhili, Ke Chengbing,** and **Yang Zhengjun** of the website iLabour have been in pretrial detention since early 2019 on the charge of "picking quarrels and provoking trouble."[59] Authorities harassed labor rights monitor **Lu Yuyu** following his release from prison in Yunnan province in June 2020, and forced him to leave Guangdong province, where he had been residing.[60]

Foreign Journalists and "The Grim Reality of Reporting from China Today"

The Foreign Correspondents' Club of China (FCCC) 2020 annual work survey and other reports during this past year highlighted the challenges facing independent foreign journalists and media outlets in providing accurate information on China from within China.[61] In spite of these challenges, international correspondents, with their media outlets, were recognized for outstanding reporting on China this past year, including several recipients of and finalists for the Pulitzer Prize in Journalism.[62] In addition to an unprecedented number of journalist expulsions in 2020, the FCCC documented visa restrictions and denials, digital and human surveillance of foreign correspondents, intimidation of Chinese nationals who work as news assistants for foreign media outlets, harassment of interviewees, and restrictions on access to areas where some ethnic minority groups reside.[63]

- **Forced departures.** Starting with the effective expulsion of a Wall Street Journal reporter from China in August 2019,[64] the government has expelled or effectively expelled through visa controls[65] and harassment more than 20 foreign journal-

ists.[66] COVID-19 was cited as the reason for denial of entry or access for some reporters.[67] The Chinese government also justified some visa non-renewals for U.S. citizens as a retaliatory response to the treatment of Chinese journalists in the United States.[68] In some cases, foreign journalists pointed to worsening bilateral tensions with China as a factor in their departures,[69] such as the September 2020 departures of Australian journalists Bill Birtles and Mike Smith.[70] John Sudworth, a British Broadcasting Corporation (BBC) reporter in China, departed China in March 2021 in connection with threats and harassment for his reporting, including coverage of the government's treatment of Uyghurs and other predominantly Muslim ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR).[71] Veteran correspondents raised concerns that there may be fewer investigative reports from China[72] and even an information "vacuum" as a result of these forced departures and assignments in China being curtailed by lack of work visas.[73]

• **Discrediting.** Officials aggressively discredited foreign media organizations, reports, and individual journalists this past year.[74] At a daily press conference in March 2021, Ministry of Foreign Affairs spokesperson Wang Wenbin rejected the findings of the FCCC's 2020 working conditions survey by denying the legitimacy of the FCCC as an organization.[75] Government spokespersons accused the BBC of publishing "fake news" following a BBC report on the sexual abuse of Uyghur women in the XUAR.[76] Individual journalists were targeted for harassment,[77] including **Vicky Xiuzhong Xu,** a Chinese national based in Australia who has reported on rights abuses in the XUAR.[78]

• **Banning broadcasts.** Not long after the U.K. government revoked the broadcasting license of China Global Television Network (CGTN), China's official broadcaster abroad, in February 2021, the Chinese government retaliated by banning BBC television broadcasts within China on the premise that BBC reports on repression in the XUAR violated broadcast rules on content.[79] (The BBC website and newscasts, however, were inaccessible in China for many years because of official censorship.[80])

• **Obstruction and assault.** John Sudworth of the BBC reported instances of being physically obstructed—by officials and unidentified individuals—while on assignment covering the COVID-19 pandemic[81] and the treatment of Uyghurs in the XUAR,[82] both issues that government and Party deem politically sensitive. Local authorities in the Inner Mongolia Autonomous Region briefly detained and assaulted a Los Angeles Times correspondent in September 2020 while she was reporting on a policy change that diminished the use of Mongolian language in primary and tertiary education.[83]

• **Hong Kong.** Press freedom deteriorated dramatically this past year, largely in connection with the new Hong Kong National Security Law, which puts journalists at risk of criminal sanction regardless of the factual accuracy of their reporting.[84] The status of foreign journalists and media outlets in Hong

Kong, which was a longtime beacon of press freedom in Asia, also worsened.[85] The Hong Kong government refused to renew work visas of at least two foreign journalists[86] and delayed visas in other cases.[87] The New York Times moved its digital edition operations from Hong Kong to Seoul, South Korea, as a result of the changed conditions.[88] [For information on the prosecution of Apple Daily publisher Jimmy Lai and Hong Kong journalists and the intimidation of the public broadcaster RTHK, see the press freedom section in Section VII—Developments in Hong Kong and Macau.]

Cases of Detained Foreign Journalists and Chinese Nationals Working with Foreign Media Outlets During 2021 Reporting Year

- **CGTN announcer Cheng Lei.** Cheng, an Australian citizen who was primarily a business anchor for the Party-run broadcaster CGTN for eight years, was detained by authorities in China in August 2020.[89] In February 2021, authorities formally arrested her on suspicion of "stealing, spying, purchasing, and illegally supplying state secrets for overseas entities."[90] Her detention took place in the broader context of deteriorating relations between China and Australia.[91]
- **Bloomberg news assistant Haze Fan.** In December 2020, authorities detained Haze Fan, a Chinese national who worked for Bloomberg News, for alleged national security crimes.[92] Fan reportedly was a close friend of detained Australian reporter Cheng Lei.[93]
- **Voice of America intern Tian Chuang.** To underscore security threats on China's National Security Education Day, in mid-April 2021, state and Party media reported on the detention in 2020 of a journalism student from Hebei province named Tian Chuang, who reportedly had interned for Voice of America.[94]

Using Chinese Law to Punish Free Speech and Other Challenges to Freedom of Expression

International standards on freedom of expression address concerns that governments may place excessive restrictions on speech. Article 19 of the International Covenant on Civil and Political Rights[95]—and its reiteration in a 2011 report by the then-Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression—allows countries to impose certain restrictions or limitations on freedom of expression, if such restrictions are provided by law and are necessary for the purpose of respecting the "rights or reputations of others" or protecting national security, public order, public health, or morals.[96] In April 2020, as the COVID-19 pandemic was spreading around the world, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression reiterated free speech principles, noting that "legality, necessity and proportionality apply across the board; they are not simply discarded in the context of efforts to address the public health threat of COVID-19."[97]

Freedom of Expression

Chinese authorities continued to arbitrarily detain, and in some cases, try and sentence Chinese citizens for speech and expression protected by international human rights standards. A Chinese internet user with an online presence under the Twitter handle @SpeechFreedomCN built a Google spreadsheet that documented more than 2,000 cases of detention for alleged speech crimes from July 2013 through June 2021,[98] ranging from short-term administrative detentions of 2 to 15 days[99] to an 18-year sentence for businessman **Ren Zhiqiang.**[100] The speech for which authorities detained these individuals ranged from insulting traffic police,[101] to support for an exiled businessman,[102] to criticism of the Party,[103] among other content.[104] The internet user @SpeechFreedomCN found 660 cases of individuals detained between January 1, 2020, and June 5, 2021, for expressing opinions or sharing information about COVID-19.[105] Similarly, in the case of legal advocate **Xu Zhiyong**—detained by authorities in February 2020 after he tweeted criticism of Xi Jinping's handling of COVID-19 and weeks after he participated in a private meeting to discuss civil society[106]—the UN Working Group on Arbitrary Detention opined in March 2021 that,

> The Working Group cannot help but notice that Mr. Xu's political views and convictions are clearly at the centre of the present case[. . .]. Indeed, his human rights advocacy appears to be the sole reason for his arrest and detention.[107]

With the broad shift to remote education due to the COVID-19 pandemic this past year, China studies academics outside China raised concerns about the possible criminal sanctions that their students in China might face if the students' written work or online participation included discussion of topics or themes the Chinese government deems politically sensitive.[108] The Party and its history were especially sensitive in the months before the centenary of the Party's founding; in April 2021, the Cybersecurity Administration of China established a hotline for individuals to report instances of "historical nihilism"[109] and in May authorized the deletion of more than 2 million social media posts alleged to "harm" official history.[110] The New York-based non-governmental organization Scholars at Risk reported in its 2020 annual report on academic freedom throughout the world that Chinese authorities detained a Japanese scholar for about two months in China for allegedly collecting historical materials.[111] The scholar, an expert in 20th-century Chinese history, was in China at the invitation of the Chinese Academy of Social Sciences.[112] [For more information on repression this past year of foreign academics and researchers, see Section II—Human Rights Violations in the U.S. and Globally and Section IV—Xinjiang.]

In addition to the cases already mentioned in this chapter and other sections of the 2021 Annual Report, other notable speech cases reported this past year included the following:

- In September 2020, public security officials in Haidian district, Beijing municipality, criminally detained wife and husband **Geng Xiaonan** and **Qin Zhen,** owners of a publishing firm, on suspicion of "illegal business activity."[113] **Xu Zhangrun,** a prominent Party critic and recently fired

Tsinghua University law professor whom authorities detained from July 7 to 12, 2020,[114] for allegedly "consorting with prostitutes," [115] claimed that authorities had detained the couple for Geng's public support of Xu after his detention.[116] Geng had stated that the official allegation against Xu was "just the kind of vile slander that they use against someone they want to silence . . .." [117] In February 2021, the Haidian District People's Court sentenced Geng to three years in prison, and sentenced Qin to two years and six months in prison, suspended for three years.[118]

- In a nationwide crackdown starting in 2019, authorities reportedly detained dozens of teenagers and individuals in their twenties in connection with the website Esu Wiki,[119] on which a photo had been posted of Xi Mingze, daughter of Chinese President and Party General Secretary Xi Jinping.[120] Authorities sentenced 24 of them to prison terms, the longest of which was a 14-year sentence given to **Niu Tengyu,**[121] a coder who had provided technical support to the website.[122] Niu reported that public security officials subjected him to severe torture, including sexual abuse, while in detention.[123]

Selected Internet and Social Media Developments

According to the China Internet Network Information Center (CNNIC), there were 989 million internet users in China as of December 2020,[124] 986 million of whom accessed the internet from mobile phones.[125] As of March 2021, WeChat, a Chinese instant messaging platform, reportedly had more than 1.2 billion monthly active users throughout the world.[126] Sina Weibo, a domestic microblogging platform similar to Twitter, reportedly reached 530 million monthly active users worldwide in March 2021,[127] of whom 230 million are registered in China.[128] The international non-governmental organization Freedom House ranked China as the "worst abuser of internet freedom for the sixth consecutive year" in its 2020 internet freedom assessment.[129]

This past year, the Chinese government counteracted the rising popularity of audio files and audio-only platforms that had created openings for speech and cross-border conversation, by requiring the removal of applications (apps) from app stores. In June 2020, Apple removed the apps for two podcasts with content that Chinese authorities deemed to be politically sensitive.[130] Apple also blocked and removed Signal, an encrypted chat and messaging app that was popular among rights defenders, from its mobile store in China in March 2021.[131] On February 8, 2021, authorities blocked access to the Clubhouse app [132] not long after Clubhouse users from several countries reportedly held discussions about the Chinese government's repressive measures against Uyghurs and other ethnic minority groups in the Xinjiang Uyghur Autonomous Region.[133] The Tuber browser app, which allowed limited access to U.S. social media sites like YouTube, Facebook, and Twitter, appeared and was removed the same day from app stores in October 2020.[134] [For more information on the role of Apple and Chinese companies in implementing censorship on behalf of the government and Party, see Section II—Business and Human Rights.]

INTERNET GOVERNANCE IN CHINA AND INTERNATIONALLY

A February 2021 essay in the Party's theoretical journal Seeking Truth by the head of the Cyberspace Administration of China, Zhuang Rongwen, emphasized the Party's leadership over cybersecurity and information space by citing Party General Secretary and President Xi Jinping's statements regarding strict adherence to the Party's management of the internet.[135] Zhuang also highlighted the Party's ambition to shape global internet governance norms[136] and promote a concept of cyber sovereignty, which a China cybersecurity expert defined as "the state hold[ing] ultimate authority in the digital space."[137] In March 2021, the National People's Congress adopted the 14th Five-Year Plan for National Economic and Social Development and the Outline of Long-Term Goals for 2035 (14th Five-Year Plan),[138] which gives priority to scientific and technological innovation and self-reliance.[139] State media outlet Xinhua reported that the 14th Five-Year Plan proposes "to promote the establishment of a global internet governance system that is multilateral, democratic and transparent . . .,"[140] a plan that implies a limited role for non-governmental stakeholders like industry and civil society organizations.[141] One observer suggested, moreover, that China's first-ever five-year plan (2020–2025) for the "rule of law" likely will entail even more regulatory measures in information technology,[142] and potentially positions China as a leading voice in international digital law rulemaking.[143] [For more information on legal developments regarding data privacy and surveillance, see Section III—Institutions of Democratic Governance.]

THE TURN AGAINST BIG TECH

Chinese authorities launched a campaign against Chinese information technology companies with antitrust and other regulations in fall 2020. In November, the State Administration for Market Regulation published guidelines that addressed anti-competitive behavior in the internet sector,[144] compelling compliance from companies on conduct ranging from monopolistic practices[145] to a failure to adhere to Party policy aims.[146] The campaign reportedly stems from government and Party concern over the increasing power and influence of e-commerce and technology companies,[147] including the expansion of these companies into finance and banking,[148] and their access to users' private data.[149] One of the most visible targets of the government's campaign was Alibaba, which authorities fined US$2.8 billion in April 2021, for allegedly violating antitrust regulations[150] after canceling the initial public offering of its affiliate Ant Group in November 2020.[151] News reports, moreover, linked Alibaba founder and former CEO Jack Ma's criticism of China's financial regulatory sector in October 2020 to his months' long "disappearance" from the public at the end of 2020.[152]

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WORKER RIGHTS

Findings

- Chinese authorities continued to restrict the ability of civil society organizations to work on labor issues, by means such as detaining and harassing labor advocates across China. Examples include labor advocate **Chai Xiaoming,** who attempted to organize a trade union in 2018 and was tried for "inciting subversion of state power" in August 2020, and delivery worker and labor advocate **Chen Guojiang,** who conducted online advocacy highlighting the working conditions of delivery workers and was detained in February 2021. In addition, authorities continued to surveil and harass blogger and citizen journalist **Lu Yuyu** after he was released in June 2020.
- The Hong Kong-based non-governmental organization (NGO) China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 800 strikes and other labor actions in 2020. CLB estimates that they are able to document between 5 and 10 percent of total worker actions. Protests across China against wage arrears included employees of YouWin Education, workers in factories producing masks, and delivery workers. In addition, thousands of factory workers protested as part of a pay dispute with Pegatron, an electronics manufacturing company.
- The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law, and workers are not allowed to establish independent unions. In a joint submission to the UN Committee on Economic, Social and Cultural Rights, the International Federation for Human Rights and China Labor Watch said that local unions under the ACFTU "are often unaware of labor violations, strikes, and accidents that have occurred within their respective jurisdictions, and they are reluctant to provide assistance to workers."

Recommendations

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

- In meetings with Chinese officials, raise the trial of labor advocate **Chai Xiaoming;** the detention of delivery worker and labor advocate **Chen Guojiang;** and the harassment of blogger and citizen journalist **Lu Yuyu.**
- Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining and allow workers to organize and establish independent labor unions. Raise concern in all appropriate trade negotiations and bilateral and multilateral dialogues about the Chinese Communist Party's role in collective bargaining and elections of trade union representatives, emphasizing that wage rates should be determined by free bargaining between labor and management.

- Call on the International Olympic Committee (IOC) to ensure that all official sponsors, including Chinese companies, comply with internationally recognized rights to freedom of association and collective bargaining. Consider specifically requesting that the IOC conduct an investigation of labor abuses involving Chinese companies and their affiliates that have supply chains in the Xinjiang Uyghur Autonomous Region, as well as Alibaba Group and other companies that benefit from workers in the informal economy sector.
- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as freedom of expression, collective bargaining, employment discrimination, occupational health and safety, and wage arrears. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations defending the rights of workers.
- When appropriate, integrate meaningful civil society participation into bilateral and multilateral dialogues, meetings, and exchanges. Invite international unions and labor NGOs and domestic civil society groups from all participating countries to observe relevant government-to-government dialogues.
- Encourage compliance with fundamental International Labour Organization (ILO) conventions. Request that the ILO increase its monitoring of core labor standards in China, including freedom of association and the right to organize.

WORKER RIGHTS

Introduction

In this section, the Commission examines the Chinese government and Communist Party's suppression of the internationally recognized rights of Chinese workers, as well as the status and working conditions of Chinese workers. While this chapter does not examine in detail Chinese government-sponsored forced labor, an examination of forced labor can be found in other sections of this report. [For information on forced labor, see Section II—Human Trafficking, Section II—Business and Human Rights, Section IV—Xinjiang, and Section V—Tibet.]

Absence of Independent Trade Unions

The Chinese government and Communist Party's laws and practices continue to contravene international worker rights standards, including the right to create or join independent trade unions.[1] The Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.[2] Outside the ACFTU, workers are unable to create or join independent trade unions.[3] Workers and others that do seek to create trade unions—even within the ACFTU—have faced retaliation such as detention and disappearance.[4] In addition, observers have critiqued the response of the ACFTU to violations of the rights of Chinese workers.[5] In a joint submission to the UN Committee on Economic, Social and Cultural Rights, the International Federation for Human Rights and China Labor Watch said that local unions under the ACFTU "are often unaware of labor violations, strikes, and accidents that have occurred within their respective jurisdictions, and they are reluctant to provide assistance to workers." [6]

Continued Suppression of Labor Advocacy

During the Commission's 2021 reporting year, Chinese authorities continued to restrict the ability of civil society organizations to work on labor issues, by means such as detaining and harassing labor advocates across China. After a series of nationwide and coordinated crackdowns beginning in 2015,[7] and a subsequent crackdown in 2018 and 2019,[8] Chinese labor non-governmental organizations (NGOs) have been less active,[9] and authorities continued to detain some labor advocates.[10] Labor advocates disappeared or held in detention this past year include the following:

- **Chai Xiaoming.** In August 2020, the Nanjing Intermediate People's Court in Nanjing municipality, Jiangsu province, reportedly tried Chai Xiaoming, former editor of Red Reference (*Hongse Cankao*), on the charge of "inciting subversion of state power," in a closed proceeding.[11] Chai has been an advocate for the rights of factory workers who tried to organize a trade union at Shenzhen Jasic (*Jiashi*) Technology Co. Ltd. (Jasic) in 2018.[12]
- **Chen Guojiang.** In February 2021, police in Chaoyang district, Beijing municipality, detained delivery worker and labor advocate Chen Guojiang, also known as Mengzhu or Xiong Yan, after he conducted online advocacy highlighting the work-

ing conditions of delivery workers and called for a work stoppage to protest against companies' withholding of driver bonuses.[13] Authorities detained Chen on suspicion of "picking quarrels and provoking trouble" and formally arrested him prior to April 2.[14]

In addition, while authorities released blogger and citizen journalist **Lu Yuyu** from prison in June 2020 upon completion of a four-year sentence, police subsequently surveilled and harassed him.[15] In March 2021, security personnel forced him to leave Guangzhou municipality, Guangdong province, where he lived, and asked him to deactivate his Twitter account.[16] Lu's prison sentence was connected with his work documenting protests in China, including wage disputes.[17]

Worker Strikes and Protests

The Chinese government does not publicly report on the number of worker strikes and protests, making it difficult to obtain comprehensive information on worker actions.[18] China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 800 strikes and other labor actions in 2020, compared to 1,385 strikes and other labor actions in 2019, and 1,706 strikes and other labor actions in 2018.[19] CLB estimates that they are able to document approximately 5 to 10 percent of total worker actions, and cautions against drawing firm conclusions from year-to-year comparisons.[20] The majority of the labor actions documented by CLB were small in scale: in 2020, 629 incidents (78.6 percent) involved 100 people or fewer, and only 11 (1.4 percent) involved over 1,000 people.[21] During this reporting year, wage arrears in China continued to be a significant source of worker unrest.[22] In 2020, 660 of the strikes and other labor actions that CLB was able to document (82.5 percent) involved wage arrears.[23]

PERCENTAGE OF WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR

Year	Manufacturing	Construction	Transportation	Services	Other	Total number documented
2020	10.9% (87)	44.8% (358)	19.5% (156)	18% (144)	6.9% (55)	800
2019	13.8% (191)	42.8% (593)	12.3% (171)	23.0% (319)	8.0% (111)	1,385
2018	15.4% (263)	44.8% (764)	15.9% (272)	16.8% (286)	7.1% (121)	1,706
2017	21.1% (265)	41.4% (521)	9.2% (116)	20.7% (261)	7.6% (95)	1,258

Source: China Labour Bulletin. Note that the percentages indicate the percentage of total worker actions documented that year.[24]

While Chinese law does not explicitly prohibit Chinese workers from striking, authorities have accused Chinese workers who participated in legitimate strikes and worker demonstrations of vio-

lating laws that prohibit the disturbance of public order.[25] Examples of strikes and worker actions this past year include the following:

- **Beijing municipality.** Reporting from Caixin, a commercial media outlet known for its investigative reports, CLB, and the South China Morning Post found that beginning in February 2020, staff began to protest wage arrears from the company YouWin Education (YouWin).[26] In October 2020, more than 1,000 protesters—both former staff and customers of YouWin—protested in Beijing municipality against wage arrears and the failure to return tuition fees.[27] According to Caixin, some of the wage arrears have remained unpaid since the summer of 2019.[28]
- **Henan province.** In July 2020, CLB reported that workers in factories of the Shengguang Group in Henan province protested wage arrears after the factories, which produced face masks, suddenly closed.[29] According to CLB, the individuals in charge of the factory disappeared before paying their staff.[30] In 2020, CLB found 8 cases of protests related to wage arrears in factories producing masks throughout China.[31]
- **Shanghai municipality.** In December 2020, Radio Free Asia (RFA) reported that thousands of temporary workers protested as part of a pay dispute with a factory in Shanghai municipality owned by electronics manufacturing company Pegatron.[32] Pegatron had planned on sending workers from its Shanghai factory to a facility in Kunshan municipality, Jiangsu province.[33] Workers who refused the transfer would have their contracts terminated and part of their remuneration packages forfeited.[34] According to RFA, protesters and police clashed before managers agreed to let workers maintain their benefits.[35]
- **Multiple locations in China.** Throughout the reporting year, CLB reported that delivery workers across China protested against wage arrears.[36] In early 2021, a food delivery worker for the Alibaba food delivery website Ele.me set himself on fire after the company withheld his wages when he tried to switch to a new delivery company.[37] A September 2020 article on food delivery workers in the Chinese magazine Renwu highlighted the problems drivers face, such as decreasing wages, delivery times, traffic accidents, and even death.[38]

Social Insurance

The International Labour Organization (ILO) estimates that China has a labor force of approximately 771.25 million workers,[39] and based on government statistics, less than half of these individuals have social insurance coverage. According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, basic health insurance, work-related injury insurance, unemployment insurance, and maternity insurance.[40] Under the law, employers and workers are required to contribute to basic pension, health, and unemployment insurance; in addition, employers are required to contribute to work-related injury and maternity insurance on behalf of workers.[41] According to

the National Bureau of Statistics of China (NBS), the number of people covered by work-related injury insurance increased by 12.91 million in 2020 to a total of 267.7 million.[42] NBS reported that work-related injury insurance coverage increased for migrant workers by 3.18 million people to 89.34 million out of 285.6 million total migrant workers in China.[43] Unemployment and maternity insurance numbers increased to 216.89 million and 235.46 million respectively, for all workers.[44] According to NBS, at the end of 2020, 2.7 million people were receiving unemployment insurance payments.[45]

In 2020, Chinese social insurance funds recorded a deficit for the first time, reportedly because of a temporary reduction in policy premiums paid for by companies during the COVID-19 pandemic.[46] Observers warn that this, along with China's decreasing working-age population and increasing number of retirees, could be a sign of the potential instability of the current social insurance system in China.[47]

Migrant Workers and Youth Face High Unemployment as Overall Unemployment Stabilizes

The National Bureau of Statistics of China (NBS) reported that the overall unemployment situation had stabilized in 2020, with the surveyed urban unemployment rate at 5.2 percent in December, the same as in December 2019.[48] Experts warn, however, that the official unemployment rate significantly undercounts migrant workers and does not include most rural residents and self-employed individuals.[49] According to NBS, 11.86 million new jobs were created in urban areas in 2020, 1.66 million fewer than the previous year, but higher than the official target of 9 million.[50] The national job market was reportedly weaker in the fourth quarter of 2020 than a year earlier, with the number of job offers falling by 17 percent and the number of job applicants falling by 7 percent.[51] Migrant workers reportedly bore the brunt of job losses in China in 2020, with the number of migrant workers dropping by more than five million in 2020, the first reported annual decrease.[52] Jobs available to migrant workers tended to offer low pay, long working hours, and dangerous working conditions, such as in facilities producing face masks.[53] In addition, the unemployment rate for people aged 16 to 24 was 13.1 percent in February 2021, the same rate as in the first quarter of 2020, during the height of the COVID-19 epidemic in China.[54] The unemployment rate rose to 13.8 percent in May 2021,[55] reflecting the pressure young people faced in competing for jobs.

Employment Relationships

This past year, several categories of workers were unable to benefit fully from protections provided under Chinese law.[56] The PRC Labor Law and PRC Labor Contract Law only apply to workers who have an "employment relationship" (*laodong guanxi*) with their employers.[57] Categories of workers who do not have an "employment relationship" with their employers include dispatch and contract workers, student interns, and workers above the retirement age.[58]

DISPATCH LABOR AND CONTRACT LABOR

The Commission continued to observe reports of dispatch labor and contract worker abuse during this reporting year, in violation of domestic laws and regulations.[59] Firms have long used dispatch labor—workers hired through subcontracting agencies—to cut costs, and some firms have replaced dispatch labor with contract labor to further reduce the employee relationship and costs.[60] In one example of dispatch labor abuse, China Labor Watch and Radio Free Asia reported in December 2020 that a Pegatron factory in Kunshan municipality, Jiangsu province, did not pay in full the bonuses promised to dispatch workers.[61] The PRC Labor Contract Law requires that dispatch workers be paid the same as full-time workers doing similar work and that they only perform work on a temporary, auxiliary, or substitute basis.[62]

INTERN LABOR

During this reporting year, reports continued to emerge of labor abuses involving vocational school students working at school-arranged "internships." In one example, China Labor Watch and the Financial Times reported that workers and student interns at Pegatron, a supplier of Apple, faced restricted movement, withheld wages, and threats.[63] Student interns worked in the factory despite regulations against students performing factory work unrelated to their studies.[64] Furthermore, based on documents and interviews with former Apple employees, the Information, a digital media company that provides news reporting on the technology industry, revealed in December 2020 that Apple waited 3 years to end its partnership with Suyin Electronics after the supplier was found to be employing underage workers.[65] According to a former Apple employee interviewed by the Information, despite the breach of Chinese labor laws, Apple was reluctant to shift orders to new suppliers because doing so would have created delays and increased costs.[66]

WORKERS ABOVE THE RETIREMENT AGE

As the number of individuals in China over 60 continued to increase,[67] Chinese workers above the legal retirement age continued to lack certain legal protections afforded to other workers under Chinese law. The PRC Labor Contract Law and its implementing regulations provide that workers' labor contracts are to be terminated once they reach the retirement age or begin receiving pensions.[68] The inability of workers above the retirement age to establish a formal employment relationship with their employers leaves them without the protections provided for in Chinese labor laws in cases of work-related injury, unpaid overtime, and other labor issues.[69] Although in March 2021 the Chinese government announced that it would raise the retirement age,[70] workers above the new age would continue to lack the same protections as workers below the retirement age.[71]

Work Safety and Industrial Accidents

During this reporting year, government data showed a continued decline in workplace deaths, although inadequate safety equipment

and training continued to be a significant problem.[72] According to the National Bureau of Statistics of China, 27,412 people died in workplace accidents in 2020,[73] compared to 29,519 deaths the previous year.[74] In 2020, there were 225 officially reported coal mining deaths,[75] a decrease from 316 in 2019.[76] A November 2020 coal mining accident in Leiyang city, Hengyang municipality, Hunan province, which resulted in the deaths of 13 people, was the second coal mining accident in the city within 40 days and led officials to suspend production at all of the city's coal mines.[77] The accident was one of several major coal mining accidents reported in China in 2020.[78] China Labour Bulletin noted that officials had made few efforts to create a work culture in the coal mining industry that prioritizes safety, and coal mine accidents remained common.[79] In December 2020, the Ministry of Human Resources and Social Security, together with seven other government agencies, jointly issued a five-year plan aimed at preventing work-related injuries, including a reduction of about 20 percent in key industries and a reduction in the incidence of pneumoconiosis.[80]

Management of Chinese companies and factories often did not provide adequate safety equipment or required safety training, and government oversight was often limited. In a December 2020 report, China Labor Watch (CLW) detailed disturbing conditions in two toy factories in Dongguan city, Guangdong province, that make toys for Mattel, Chicco, Fisher-Price, and Tomy, including inadequate pre-job safety training and inadequate safety equipment.[81] Investigators observed workers at the factories who had sustained work-related injuries for which they received no or inadequate treatment, and an investigator burned her own hands because of a lack of training at Chang'an Mattel.[82]

Occupational Health

Although the Chinese government reported a decrease in the number of occupational disease cases, significant concerns remained. In late 2019, the Chinese government announced a new plan expanding work-related injury insurance in industries in which there is a high risk for pneumoconiosis, and requiring local government departments to assess the risks of the disease and provide information about employers in relevant industries.[83] Pneumoconiosis, a group of lung diseases caused by the inhalation of dust that can occur during mining and construction, is the most prevalent type of officially reported occupational disease in China.[84] According to the U.S. Centers for Disease Control and Prevention, "[T]hese conditions are entirely man-made, and can be avoided through appropriate dust control."[85] The Chinese NGO Love Save Pneumoconiosis reported in March 2021 that migrant workers suffering from pneumoconiosis had an average monthly per capita income of 393 yuan (US$61) in 2020, far below the average of 4,072 yuan (US$630) for migrant workers in China.[86] The group estimated that only 3.5 percent of workers with pneumoconiosis had work injury insurance, and said three out of four workers with the disease did not sign labor contracts, which are required for workers seeking to claim work injury insurance.[87] According to the state-funded media outlet the Paper, it is especially difficult for workers with a rural household registration (*hukou*) who are suffering from

pneumoconiosis to obtain documentation that they contracted the disease at the workplace, and to obtain work-related injury insurance.[88] In November 2020, official news outlet Legal Daily reported that workers still faced challenges in obtaining work-related injury insurance payments in advance, with workers having to wait up to five years to receive payment for treatment of their injuries.[89]

Notes to Section II—Worker Rights

[1] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 23(4); International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 19, 1966, entry into force March 23, 1976, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed February 25, 2021. China has signed but not ratified the ICCPR. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8; FIDH and China Labor Watch, "Submission to the United Nations Committee on Economic, Social and Cultural Rights, 68th Session," December 18, 2020, 7.

[2] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 9–11; Freedom House, "China," in *Freedom in the World: Democracy Under Siege,* 2021; China Labour Bulletin, "Holding China's Trade Unions to Account," February 17, 2020; International Labour Organization, Interim Report—Report No. 392, Case No. 3184 (China), Complaint date February 15, 2016, October 2020, para. 481.

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CRIMINAL JUSTICE

Findings

- The criminal justice system remained a political instrument used for maintaining social order in furtherance of the Chinese Communist Party's coercive rule. The government punishes criminal acts, but it also targets individuals who pursue universal human rights, particularly when they independently organize or challenge the Party's authority.
- Government officials used extrajudicial and extralegal means—such as mass internment camps, "black jails," and psychiatric hospitals—to detain members of ethnic minorities, political dissidents, and people who sought redress for damages caused by official actions.
- Arbitrary detention did not abate despite official rhetoric promoting "rule-based governance." Authorities labeled rights advocates and dissidents as criminals, using provisions such as "endangering state security" and other vaguely defined offenses. Also, the government is increasingly arbitrarily detaining foreign citizens in an effort to exert diplomatic pressure on their countries.
- Legally recognized forms of detention—such as "retention in custody" and "residential surveillance at a designated location"—may lend a veneer of legality but were often arbitrarily applied and used by officials as cover for secret detentions. Reports emerged this past year indicating that officials had tortured individuals while holding them in these forms of detention.
- There also was evidence suggesting that authorities had used the criminal justice system for political purposes. In one case, authorities sentenced a financier to death for non-violent crimes and executed him within 1 month, during which two stages of judicial review allegedly were completed—one by the provincial high court and one by the Supreme People's Court. While the exact reason behind the speedy execution was unclear, the Party's disciplinary commission issued a memorandum saying that the execution could set an example of the consequences of rejecting the Party's leadership.

Recommendations

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

- Publicly advocate for political prisoners. Chinese officials have deprived individuals of liberty on unsubstantiated criminal charges and for apparent political reasons. Experience demonstrates that consistently and prominently raising individual prisoner cases—and the larger human rights issues they represent—can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. Specific cases of prisoners can be found in this section and other sections in this report. For additional cases, refer to the Commission's Political Prisoner Database.

○ Prioritize an end to arbitrary detention through diplomatic engagement. The Administration should urge Chinese officials to end all forms of arbitrary detention and raise this issue in all bilateral discussions and in multilateral institutions of which the U.S. and China are members. The Administration should create public diplomacy campaigns and support media efforts to raise global awareness of the detention of political and religious prisoners in "black jails," psychiatric institutions, compulsory drug detoxification centers, police and state security detention centers, and mass internment camps in the Xinjiang Uyghur Autonomous Region. In addition, the Administration should consider funding non-governmental projects that assist individuals with submissions to the UN Working Group on Arbitrary Detention, in order to provide actionable information to the UN High Commissioner for Human Rights and other UN human rights mechanisms, and to accumulate evidence on Chinese officials complicit in the arbitrary detention of political and religious prisoners.
○ Take the necessary steps to ensure that U.S. businesses are not complicit in PRC abuses of police power. The Administration and Members of Congress should take the necessary steps to prohibit the export of U.S. surveillance technologies and equipment to the Chinese police. Members of Congress should hold public hearings and private meetings with companies from their districts to raise awareness of the risk of complicity in human rights abuses and privacy violations that U.S. companies working in China face. Topics of meetings could include complicity in the use of artificial intelligence technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minority groups in China.
○ Engage with reform-minded governments and non-governmental actors. The Administration and Members of Congress should continue, and where appropriate expand, support for programs involving U.S. entities engaging with reform-minded Chinese individuals and organizations that draw on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform individuals and institutions in China that are working toward reducing reliance on confessions, enhancing the role of witnesses at trial, and creating more reliable procedures for reviewing death penalty cases.
○ Voice support for human rights advocates in China. Members of Congress and Administration officials, especially the President, should regularly meet with Chinese civil society and democracy advocates and human rights defenders, as well as other targets of Chinese government repression. The Administration and Members of Congress should discuss the importance of protection for such individuals with their Chinese counterparts in a wide range of bilateral and multilateral discussions.
○ Stress to the Chinese government the need for greater transparency in its use of the death penalty. The Administration and Members of Congress should urge Chinese officials to disclose the number and circumstances of executions. The Admin-

istration and Members of Congress should also urge the Chinese government to ban explicitly, in national legislation, the harvesting of organs from live and executed prisoners, to include prisoners of conscience and prisoners from ethnic and religious minorities.

CRIMINAL JUSTICE

Introduction

During the Commission's 2021 reporting year, Chinese government and Communist Party officials continued to use the criminal justice system and various other forms of detention to arbitrarily detain individuals. As of February 2021, the human rights monitoring group Rights Defense Network documented 1,104 cases of active detention, which the group estimated to be a small fraction of the total number of political and religious prisoners in China.[1] In reviewing China's administration of justice in 2020, a scholar observed the standardization of abusive procedures, such as total isolation and torture of detainees in politically sensitive cases, the scope of which has expanded due to the diminishing space for speech and civil society activities.[2]

The UN Working Group on Arbitrary Detention considers a detention arbitrary if—1) it has no legal basis, 2) it is used to suppress the exercise of universal human rights, 3) the detainee's due process rights are violated, 4) asylum seekers or refugees are subjected to prolonged detention, or 5) the detention is discriminatory on grounds such as religion, ethnicity, sexual orientation, or political opinion.[3] Arbitrary detention violates international human rights standards[4] and China's Constitution, which prohibits unlawful deprivation or restriction of a person's liberty.[5] All forms of arbitrary detention are prohibited under international law, including "detention within the framework of criminal justice, administrative detention, detention in the context of migration and detention in the health-care settings."[6]

Extrajudicial Detention

Chinese authorities used the following forms of extrajudicial detention this past year to arbitrarily detain individuals:

ENFORCED DISAPPEARANCE

Reports of enforced disappearance continued to emerge this past year.[7] "Enforced disappearance" is any form of deprivation of a person's liberty carried out by the government or with its acquiescence, followed by a refusal to acknowledge the detention or to disclose the detainee's whereabouts.[8] In one case, rights lawyer **Gao Zhisheng**'s whereabouts have remained unknown since public security officials took him into custody in 2017.[9] Gao's disappearance came after he wrote a book detailing his experience of being tortured and his outlook on democratization in China.[10]

Enforced disappearance not only violates the victim's rights, it also inflicts upon his or her family members mental anguish amounting to torture.[11] In January 2021, Gao's wife Geng He reported that Gao's elder sister committed suicide in May 2020 on her third attempt due to depression caused by Gao's situation.[12] Geng herself likewise expressed intense worries over Gao's health.[13]

Criminal Justice

BLACK JAILS

The informal term "black jail" refers to buildings such as hotels and training centers that government officials or their agents use to detain people.[14] These extralegal detention facilities operate under different names, including "assistance and service center" or "legal education center."[15] Their existence and use have no legal basis, and people detained at such sites—many of whom are petitioners[16] and Falun Gong practitioners[17]—do not know when they will be released and do not have any procedural protection.[18]

In one example, five government bodies in Aluke'erqin Banner, Chifeng municipality, Inner Mongolia Autonomous Region, jointly issued a notice telling parents that those who resisted the government's fall 2020 reduction of Mongolian language education in schools would be placed in "legal education training,"[19] which victims refer to as being sent to a "black jail."[20] The PRC Legislation Law, however, prohibits any mandatory measure or punishment that deprives or restricts citizens' liberty unless such measure or punishment has been passed by the National People's Congress.[21] The Southern Mongolian Human Rights Information Center characterized the education policy as being part of a cultural genocide campaign, the enforcement of which led to an estimated 8,000 to 10,000 people being placed in some form of police custody between August and October 2020.[22] [For more information on the new language policy in the Inner Mongolia Autonomous Region, see Section II—Ethnic Minority Rights.]

PSYCHIATRIC FACILITIES

Forcibly committing individuals without mental illness to psychiatric facilities (*bei jingshenbing*) for acts such as expressing political opinions or grievances against the government continued during this past year,[23] despite domestic legal provisions prohibiting such abuse.[24] In particular, the UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care provide that a "determination that a person has a mental illness shall be made in accordance with internationally accepted medical standards" and must not be based on "political . . . or any other reason not directly relevant to mental health status."[25]

The Chinese human rights organization Civil Rights & Livelihood Watch (CRLW) observed that *bei jingshenbing* had not abated, although the number of reports of abuse had decreased due to censorship.[26] In its annual report, CRLW detailed a case in which authorities detained **Ou Biaofeng** in December 2020 and criminally charged him with "inciting subversion of state power" after he retweeted two video clips in which *bei jingshenbing* victim **Dong Yaoqiong** clarified that she in fact was not mentally ill.[27] Authorities detained Dong in July 2018 and committed her to a psychiatric hospital in Hunan province after she live-streamed herself throwing black ink on a poster of President and Party General Secretary Xi Jinping on Twitter,[28] a platform banned in China.[29] Following Ou's detention, authorities in February 2021 committed Dong for a third time to a psychiatric facility.[30]

ADMINISTRATIVE DETENTION

Chinese authorities continued to suppress freedoms such as speech,[31] press,[32] and assembly[33] through administrative detention, which is among several types of administrative penalties authorized by the PRC Public Security Administration Punishment Law and the PRC Administrative Penalty Law,[34] and which is referenced in about 90 domestic laws and regulations.[35] Some political detainees are subjected to further criminal detention and prosecution after completion of administrative detention.[36]

In January 2021, the NPC Standing Committee amended the PRC Administrative Penalty Law, adding a number of provisions, some of which concern procedural protection, such as requiring government agencies to make audio or written records and to disclose the legal basis and procedures used during the course of enforcing the law.[37] With an effective date of July 2021, the amendment's impact on human rights practices is still unknown.[38]

RETENTION IN CUSTODY

The PRC Supervision Law (Supervision Law),[39] authorizes the National Supervisory Commission (NSC) to investigate suspected official misconduct[40] using methods including "retention in custody" (*liuzhi*),[41] an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation and denies them the right to be tried.[42] [For information on reports of torture used in retention in custody, see subsection "Torture and Abuse" below.]

MASS INTERNMENT CAMPS

Authorities continued to operate a system of extrajudicial mass internment camps in the Xinjiang Uyghur Autonomous Region in which they have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.[43] As of February 2021, the U.S. Secretary of State and Canada's parliament determined that the Chinese government was committing genocide against Muslim minorities in China.[44] [For more information on arbitrary detention in China's mass internment camps, see Section IV—Xinjiang.]

Abuse of Criminal Provisions

As "law-based governance" remained a theme in official rhetoric,[45] Chinese authorities continued to suppress the exercise of universal human rights through the use of criminal charges. Commonly applied criminal offenses include—

- **Crimes of endangering state security,**[46] a category of 12 offenses that carry a maximum life sentence and that have been lodged against government critics and rights lawyers;[47]
- **Picking quarrels and provoking trouble,**[48] often considered a catch-all offense and encompassing internet activities,[49] which carries a sentence of up to 10 years in prison, and which has been used against anyone the government deems to be a troublemaker;[50]

- **Extortion,**[51] carrying a term of over 10 years' imprisonment depending on the amount of money involved, and which has been applied to individuals who petition the government for redress of grievances;[52]
- **Illegal business activity,**[53] carrying a maximum sentence of over five years, which has been used in cases involving religious and political publications;[54] and
- **Organizing and using a cult to undermine implementation of the law,**[55] with sentences ranging from under three years to life imprisonment, typically used to prosecute individuals considered to be "cult members," such as Falun Gong practitioners,[56] and in connection with which lawyers are prohibited from contesting the government's cult designation in the course of defending the accused.[57]

Cases of note from this past year in which authorities alleged other criminal offenses include—

- Former state-owned enterprise official **Ren Zhiqiang,** who was sentenced to 18 years in prison on September 22, 2020, for "corruption," "bribe acceptance," "embezzlement of public funds," and "abuse of office,"[58] after he criticized Party General Secretary Xi Jinping;[59] and
- Hong Kong democracy advocate **Andy Li,** who was sentenced to seven months in prison for "illegal border crossing," after China's coast guard intercepted in the South China Sea the speedboat that Li and 11 others were using to travel to Taiwan, reportedly to seek asylum relating to their political activities in 2019.[60]

FOREIGN INDIVIDUALS DETAINED UNDER STATE SECURITY CHARGES

This past year, the Chinese government continued to arbitrarily detain foreign individuals as one of several pressure tactics against foreign governments, the use of which has sharply escalated since 2018, as observed by the Australian Strategic Policy Institute (ASPI).[61] In a report published in August 2020, ASPI noted that this type of arbitrary detention often involves "enforced disappearances, unusual trial delays, harsh punishments, prolonged interrogations and lack of transparency to maximise the effects of coercion."[62] Furthermore, Chinese authorities are "known to reinstate Chinese citizenship to detainees to prevent them from being repatriated . . .."[63] Recent examples include the following:

- Chinese authorities detained reporter **Cheng Lei,** an Australian citizen of Chinese descent, in August 2020 for "illegally providing state secrets and intelligence to overseas entities."[64] The non-governmental organization Safeguard Defenders identified this case as an example of "hostage diplomacy," noting Australia's critical stance on China.[65]
- In March 2021, Canadian citizens **Michael Kovrig** and **Michael Spavor** were tried in closed proceedings—also on the charge of "illegally providing state secrets and intelligence to overseas entities"—more than two years after their detention in December 2018.[66] Their detentions are "widely viewed as an act of retaliation against Canada for the arrest of Meng

Wanzhou, an executive at the Chinese tech giant Huawei," according to a Human Rights Watch researcher.[67]

- The UN Working Group on Arbitrary Detention found that the detention of U.S. citizen **Kai Li** was arbitrary because Chinese authorities failed to promptly inform him of the charges against him, denied him the right to seek judicial review of the lawfulness of his detention, and deprived him of the right to legal counsel.[68] In 2018, a court in Shanghai municipality sentenced Li to 10 years in prison for allegedly collecting "state secrets" on behalf of the Federal Bureau of Investigation.[69] The judge presiding over the appeal reportedly admitted to not having any real control over the outcome of the case; the Working Group concluded that this lack of judicial independence violated Li's right to a fair hearing and the presumption of innocence.[70]

[Please refer to other chapters in this annual report for additional specific examples of abuse of the criminal law.]

Prolonged Pretrial Detention

Reports continued to emerge indicating that Chinese authorities subjected political prisoners to prolonged pretrial detention, a violation of the right to a speedy trial under the International Covenant on Civil and Political Rights.[71] The PRC Criminal Procedure Law requires that a decision to formally arrest an individual must be made within 37 days after the initial detention.[72] Thereafter, absent special circumstances, the procuratorate has one month to indict an individual, and the court is required to complete trial and sentencing within two months after receiving the case from the procuratorate.[73] In practice, however, the length of pretrial detention experienced by political prisoners often far exceeds the legal limits.[74]

The human rights organization Frontline Defenders observed that "[m]ost of the defenders convicted in the mainland have been kept under prolonged pretrial detention, often without access to their family and legal counsel of their choice."[75] In one example, rights lawyer **Li Yuhan** remained in pretrial detention for over three years after her initial detention in October 2017.[76] The United States and the European Union have called for her release and expressed concern about her deteriorating health.[77]

Denial of Counsel and Family Visits

The Commission observed cases in which Chinese authorities denied detainees the right to counsel and family visits, in violation of international law.[78] While domestic legal provisions permit counsel and family visits, they do not describe such visits as rights.[79] In particular, the PRC Criminal Procedure Law does not provide for family visits per se but permits visitation only if the family member is acting as a defense representative.[80] The law likewise circumscribes counsel visits during the investigation phase of a case if it involves state security, requiring prior permission by relevant authorities.[81]

In one example, in June 2020, the Public Security Bureau of Linyi municipality in Shandong province denied lawyer Ma Wei's

application to meet with detained legal advocate **Xu Zhiyong** on grounds that the case involved state security, citing Article 39 of the PRC Criminal Procedure Law.[82] Authorities detained Xu and several other democracy advocates after they met in Xiamen municipality, Fujian province, in December 2019.[83] Human rights lawyer **Ding Jiaxi,** who was among those detained, also was denied counsel visit.[84] Xu's family discovered that neither Xu's nor Ding's name was registered in the detention center's computer system, prompting speculation that they were either registered under aliases or not at all.[85] Ding's wife said this practice was tantamount to disappearance.[86]

Other representative examples include—

- Officials at Shaya Prison in Aksu prefecture, Xinjiang Uyghur Autonomous Region, permitted **Zhang Haitao** to meet with his family only three times over a five-year period.[87] Zhang is serving a 19-year sentence on state security charges in connection with his advocacy for ethnic minority rights.[88]
- Qianjiang Prison officials in Hubei province denied **Qin Yongmin** the right to family visits for over six months despite monthly requests.[89] Qin is the founder of the China Democracy Party and is serving a 13-year sentence for "subversion."[90]
- Human rights lawyer **Yu Wensheng,** who is serving a four-year sentence for "inciting subversion" after publishing an essay promoting constitutional reform, was not permitted to meet with his wife for over three years.[91]

Denial of Effective Legal Representation

Reports show that Chinese authorities denied criminal defendants their right to effective legal assistance by a representative of their own choosing, especially in political cases.[92] In one example, **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong,** whom authorities previously held in prolonged pretrial detention on state security charges, were reportedly tried in a closed hearing on an unknown date apparently without legal representation of their own choosing, a violation of international law.[93] The three defendants belonged to a group that promoted government transparency and advocated for the rights of persons with disabilities.[94] In July 2020, Wu Gejianxiong's father Wu Youshui, a lawyer who was representing his son in the case, wrote that authorities told his co-counsel that the three defendants had terminated all six lawyers working on the case on the same day.[95] Wu Youshui expressed doubt that the decision to terminate his representation was made voluntarily.[96]

Torture and Abuse

Reports indicate that the practice of torture and abuse of detainees continued in China, a violation of the Chinese government's international human rights obligations as a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).[97]

Physical Harm

In one report of torture, National Supervisory Commission officials in Changzhou municipality, Jiangsu province, detained **Yang Meng** for 156 days in 2018 under "retention in custody,"[98] which is a form of detention designed to hold Party members who are under investigation for misconduct such as corruption.[99] Authorities detained Yang, a Chinese Communist Party member and retired government worker, after he made multiple reports of collusion between local officials and pharmaceutical companies.[100] When Yang was on trial on corruption charges, he testified that interrogators applied irritants to his eyes, beat and insulted him, limited his drinking water, and restricted bathroom usage.[101] Yang also testified that he was unable to stand up after having been ordered to sit in an interrogation chair for 18 hours a day over a 140-day period.[102] Such torture resulted in blindness in one eye, deafness in one ear, and permanent injury to his right leg.[103] Yang and his legal representative made multiple requests for medical treatment for his injuries but were ignored.[104]

Authorities reportedly also tortured **Niu Tengyu,** who was detained in connection with the leakage of information on Xi Jinping's relatives.[105] According to Niu's mother, because Niu initially refused to confess, officials hung him up by his handcuffs in a dark room and whipped him for one to two hours until he lost consciousness, after which they dropped hot wax onto him.[106] The abuse caused Niu to lose one finger.[107] Niu eventually pleaded guilty, and a court in Guangdong province sentenced him to 14 years in prison.[108]

In February 2021, the BBC published an article detailing "evidence of an organised system of mass rape, sexual abuse and torture" based on statements of former detainees and a guard from mass internment camps in the Xinjiang Uyghur Autonomous Region.[109] Rape is torture and systematic rape constitutes a crime against humanity.[110] [For more information on the torture of detainees in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

In June 2021, 12 UN independent experts reported that they had received credible information that "[f]orced organ harvesting in China appears to be targeting specific ethnic, linguistic or religious minorities held in detention . . .."[111] UN experts had raised the issue of organ harvesting previously, but the Chinese government's failure to disclose relevant data presented "obstacles to the successful identification and protection of victims of trafficking and effective investigation and prosecution of traffickers."[112]

Death in Custody

In January 2021, ethnic Kazakh Akikat Kaliolla, who lived in Kazakhstan, reported that his father, **Qaliolla Tursyn,** had died in custody, possibly in Wusu Prison in Ili (Yili) Kazakh Autonomous Prefecture, Xinjiang Uyghur Autonomous Region.[113] Kaliolla said that authorities detained his father in March 2018 and subjected him to prolonged shackling and severe beatings after his father made complaints against local government officials for having set up extralegal detention facilities that they used to hold people

for periods lasting from three months to over three years.[114] Kaliolla's mother and brothers disappeared in August 2020, which he believed was government officials' attempt to force them to admit that the father had died of natural causes.[115]

Suppression of Reporting on Torture

Chinese authorities have punished individuals who disseminated information about incidents of torture. For example—

- In October 2020, police in Baoji municipality, Shaanxi province, took lawyer **Chang Weiping** into custody six days after he shared a video retelling his experience of being tortured during his incommunicado detention earlier that year.[116]
- In January 2021, the Bureau of Justice in Chaoyang district, Beijing municipality, suspended lawyer **Zhou Ze**'s license for a year on grounds that he "used improper methods to affect lawful case handling" because he posted video footage of an official abusing a criminal defendant.[117]
- In February 2021, police took **Li Qiaochu** into custody in Beijing municipality, one day after she exposed detained legal scholar Xu Zhiyong's experience of being tightly tied to an interrogation chair and deprived of adequate food and water by detention center officials.[118]

Infliction of Psychological Harm

Chinese authorities have used threats of harm and caused actual harm to a person's family members to exert pressure on individuals they intend to target. For instance, detained lawyer **Yu Wensheng** told his wife that public security officials had threatened to detain her and to harm his child when he was detained under "residential surveillance at a designated location."[119]

In another example, Rushan Abbas, a U.S.-based Uyghur and American citizen, reported in December 2020 that Chinese authorities had sentenced her sister **Gulshan Abbas** to 20 years in prison in March 2019 on terrorism-related charges.[120] Rushan Abbas believed that her sister's detention was retaliation by Chinese authorities for her advocacy work in the United States.[121] Gulshan Abbas disappeared in September 2018, soon after Rushan Abbas participated in a panel discussing the mass internment of Uyghurs in the Xinjiang Uyghur Autonomous Region.[122]

Residential Surveillance at a Designated Location

Chinese authorities continued to abuse a form of detention known as "residential surveillance at a designated location" (RSDL), which the PRC Criminal Procedure Law reserves for situations where the detainee does not have a permanent residence or if the case involves state security or terrorism.[123] The law does not provide for the right to family visits, requiring only that the family be notified of the fact of the detention within 24 hours if possible; it also does not require the disclosure of the detention location.[124] The law further subjects counsel visits to approval by the investigation unit.[125] A group of UN experts observed that "these conditions of detention are analogous to incommunicado and secret detention

and tantamount to enforced disappearance." Such conditions heighten the risk of torture and abuse.[126]

Reports show that torture and abuse have taken place during RSDL. In the case of legal scholar **Xu Zhiyong,** police deprived him of sleep over a 10-day period and tied him to an interrogation chair so tightly that he had difficulty breathing.[127] In the case of constitutionalism proponent **Chen Jianfang,** authorities likewise subjected her to sleep deprivation, causing her to lose the sense of time.[128] Chen met with her lawyer for the first time in March 2021, nearly two years after her initial detention; previously, Chen's whereabouts remained undisclosed to her lawyer.[129]

Authorities also enforced RSDL in cases that did not involve state security or terrorism, contrary to the requirements under the PRC Criminal Procedure Law.[130] In two separate cases, concerning labor rights advocate **Ling Haobo** and press freedom defenders **Chen Mei** and **Cai Wei,** public security officials placed them under RSDL even though they were accused of "picking quarrels and provoking trouble." [131]

The Death Penalty

The Chinese government continued to classify statistics relating to the use of the death penalty as a "state secret." [132] Despite official claims that this punishment is reserved for a small number of crimes and only the most serious offenders,[133] human rights group Amnesty International estimated that the Chinese government "executed and sentenced to death thousands of people, remaining the world's leading executioner." [134]

In a case involving non-violent and primarily economic crimes, Chinese authorities imposed the death penalty and carried out execution within a month.[135] On January 5, 2021, the Tianjin Municipality No. 2 Intermediate People's Court sentenced financier **Lai Xiaomin** to death on charges of "receiving bribes," "corruption," and "bigamy." [136] Both his appeal and approval of the death sentence by the Supreme People's Court were completed before January 29, when he was executed.[137] While the reason behind the speedy execution is unclear,[138] the Central Commission for Discipline Inspection and the National Supervisory Commission issued a memorandum on January 18 criticizing Lai for rejecting the Chinese Communist Party's leadership and disregarding Party discipline. The two offices also called for Party building in the financial sector, appealing to the principle of "punishing a very few to educate and save the majority." [139]

Legal Developments Affecting Minors

This past year, the National People's Congress Standing Committee (NPCSC) and the Supreme People's Court (SPC) issued legal documents containing provisions affecting procedure and responsibility in cases involving minors. Among the changes made to the PRC Criminal Law was a provision added by the NPCSC that moves the minimum age for criminal liability from 14 to 12 for homicide and intentional injury to another person causing serious harm, or using especially cruel means.[140]

The amendment also established a "specialized corrective education" system for persons under 16 years old who are not receiving criminal punishment.[141] Simultaneously, the NPCSC amended the PRC Juvenile Delinquency Prevention Law, which describes the "specialized corrective education" system in more detail.[142] The law requires province-level governments to designate at least one "specialized school" at a "specialized facility" to hold juveniles who commit criminal acts but are not receiving criminal punishment because of their age.[143] The law further requires that "corrective work" be carried out by public security and judicial administration departments.[144]

In January 2021, the SPC issued an interpretation of the PRC Criminal Procedure Law containing 40 articles describing procedures for cases involving minors.[145] In the interpretation, the SPC established a trial organization dedicated to handling cases involving offenders or victims who are minors.[146] The interpretation generally exempts victims or witnesses who are minors from making in-person court appearances during trial.[147] In addition, courts are required to assist minor victims who have financial difficulties in applying for legal assistance. Courts are also required to work with government agencies and civil society groups to provide psychological, financial, legal, and education assistance to minor victims of sexual assault or violence, and their families.[148]

Notes to Section II—Criminal Justice

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[2] Chen Yu-Jie, "Human Rights in the Chinese Administration of Justice: Formalizing Ideology in the Political and Legal System and Institutionalizing and Normalizing Human Rights Abuses," trans. Siodhbhra Parkin, *China Human Rights Report 2020,* Taiwan Foundation for Democracy, 2021, 8, 14, 28.

[3] See, e.g., UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session, (19–27 April 2017), A/HRC/WGAD/2017/5, July 28, 2017.

[4] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 9.

[5] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 37.

[6] UN Human Rights Council, Working Group on Arbitrary Detention, Deliberation No. 11 on Prevention of Arbitrary Deprivation of Liberty in the Context of Public Health Emergencies, May 8, 2020, para. 7.

[7] See, e.g., Rights Defense Network, "Shanghai yimiao shouhai shouhaizhe Tan Hua de muqin Hua Xiuzhen wei nu'er weiquan zao dangju pohai tuixiu daiyu bei feifa boduo yi zao qiangpo shizong 7 tian" [Hua Xiuzhen, mother of Shanghai vaccine victim Tan Hua, defends rights for daughter but persecuted by the government, retirement benefits unlawfully stripped, involuntarily disappeared for 7 days], January 19, 2021.

[8] International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly resolution 47/133, December 18, 1992, art. 2.

[9] "Gao Zhisheng shizong zheng sannian qizi huyu Meiguo jiuren" [Gao Zhisheng has disappeared for three full years, wife asks the U.S. to save him], *Radio Free Asia,* August 14, 2020.

[10] "Gao Zhisheng shizong zheng sannian qizi huyu Meiguo jiuren" [Gao Zhisheng has disappeared for three full years, wife asks the U.S. to save him], *Radio Free Asia,* August 14, 2020.

[11] UN Voluntary Fund for Victims of Torture, Interpretation of Torture in the Light of the Practice and Jurisprudence of International Bodies, 25.

[12] "Gao Zhisheng jiejie juewang zisha shengqian huo zai kongju zhong" [Gao Zhisheng's elder sister committed suicide due to hopelessness, she lived in fear before her death], *Radio Free Asia,* January 4, 2021.

[13] "Gao Zhisheng jiejie juewang zisha shengqian huo zai kongju zhong" [Gao Zhisheng's elder sister committed suicide due to hopelessness, she lived in fear before her death], *Radio Free Asia,* January 4, 2021.

[14] "Zhongguo hei jianyu daguan" [Overview of Black Jails in China], *Radio Free Asia,* May 7, 2019.

[15] "Zhongguo hei jianyu daguan" [Overview of Black Jails in China], *Radio Free Asia,* May 7, 2019.

[16] See, e.g., Civil Rights & Livelihood Watch, "Gedi fangmin bei weiwen qingkuang (liu)" [Status of petitioners from different locations being subjected to stability maintenance (6)], March 4, 2021.

[17] See, e.g., "Hebei Xingtai shi fazhi jiaoyu zhongxin jinqi dui Falun Gong xueyuan de pohai" [Recent persecution of Falun Gong practitioners at the legal education center in Xingtai municipality, Hebei], *Minghui,* August 31, 2020.

[18] "Zhongguo hei jianyu daguan" [Overview of Black Jails in China], *Radio Free Asia,* May 7, 2019.

[19] Southern Mongolian Human Rights Information Center, "Southern Mongolia Turns to Police State as Full-blown Cultural Genocide Unfolds," September 14, 2020.

[20] Massimo Introvigne, "Neimenggu: 5000 ren beibu, Zhonggong jiazhuang 'tuoxie'" [Inner Mongolia: 5,000 people detained, Chinese Communist Party pretends to compromise], *Bitter Winter,* September 17, 2020.

[21] *Zhonghua Renmin Gongheguo Lifa Fa* [PRC Legislation Law], passed March 15, 2000, effective July 1, 2000, amended March 15, 2015, arts. 8, 9.

[22] Southern Mongolian Human Rights Information Center, "Southern Mongolia Turns to Police State as Full-blown Cultural Genocide Unfolds," September 14, 2020; Southern Mongolian Human Rights Information Center, "Activists Face Imprisonment and Police Stations in Schools," October 18, 2020.

[23] Civil Rights & Livelihood Watch, "2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2020 annual report on mental health and human rights (forcible psychiatric commitment) situation in China], March 3, 2021.

[24] *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, arts. 27, 29, 30, 32, 75(5), 78(1); Supreme People's Procuratorate, *Renmin Jianchayuan Qiangzhi Yiliao Zhixing Jiancha Banfa (Shixing)* [Measures on the Inspection of Implementation of Compulsory Medical Treatment by People's Procuratorates (Trial)], issued May 13, 2016, effective June 2, 2016, arts. 9, 12.

[25] Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, adopted by UN General Assembly resolution 46/119 of December 17, 1991, principle 4(1), (2).

[26] Civil Rights & Livelihood Watch, "2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2020 annual report on mental health and human rights (forcible psychiatric commitment) situation in China], March 3, 2021.

[27] Civil Rights & Livelihood Watch, "2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2020 annual report on mental health and human rights (forcible psychiatric commitment) situation in China], March 3, 2021.
[28] Rights Defense Network, "'Pomo nu' Dong Yaoqiong shipin kongsu 'bei jingshenbing' hou jingkuang suihou ji bei xiaoyin" ["Ink splash girl" Dong Yaoqing disappears after issuing an accusatory video detailing her situation after "being forcibly committed to a psychiatric hospital"], December 2, 2020.
[29] Kurt Wagner and Peter Martin, "Twitter Locks Out Chinese Embassy in U.S. Over Post on Uighurs," *Bloomberg,* January 20, 2021.
[30] See, e.g, "'Pomo nuhai' Dong Yaoqiong disan du ru jingshen bingyuan" ["Ink splash girl" Dong Yaoqiong committed to psychiatric hospital for the third time], *Radio Free Asia,* February 9, 2021.
[31] See, e.g., "Zhongguo yancha 'weifa buliang xinxi' duoren beiju" [China strictly censors "unlawful and harmful messages," many people detained], *Radio Free Asia*, August 3, 2020.
[32] "Zeng renzhi Niuyue Shibao zuojia Du Bin she xunxin zishi bei juliu" [Previously employed by New York Times, writer Du Bin detained on suspicion of picking quarrels and provoking trouble], *Radio Free Asia,* December 18, 2020.
[33] Tang Huiyun, "Xianggang kangzhengzhe Wang popo bei ruanjin Zhongguo yinian qinshu beipo canyu 'aiguo zhilu' ji xie huiguoshu" [Hong Kong protester Grandma Wong subjected to soft detention in China for a year, personally recounts experience of being forced to go on a "patriotic tour" and write a repentance letter], *Voice of America,* October 18, 2020.
[34] *Zhonghua Renmin Gongheguo Zhi'an Guanli Chufa Fa* [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, art. 10; *Zhonghua Renmin Gongheguo Xingzheng Chufa Fa* [PRC Administrative Penalty Law], passed March 17, 1996, amended January 22, 2021, effective July 15, 2021, art. 9.
[35] Ministry of Public Security, *Weifan Gong'an Xingzheng Guanli Xingwei de Mingcheng ji Qi Shiyong Yijian* [Opinion on the Titles and Applicable Laws for Public Security Administrative Violations], issued August 6, 2020.
[36] See, e.g., Rights Defense Network, "Ningxia Ma Wanjun lushi yinyan huozui bei xingzheng juliu hou zhuan xingshi juliu" [Lawyer Ma Wanjun of Ningxia transferred to criminal detention after being administratively detained due to his speech], July 6, 2020; "Hunan dangju kuasheng weiwen Ou Biaofeng chujing kanyou" [Hunan government goes beyond province borders to maintain stability, Ou Biaofeng's situation is worrying], *Radio Free Asia,* December 16, 2020; Civil Rights & Livelihood Watch, "2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2020 annual report on mental health and human rights (forcible psychiatric commitment) situation in China], March 3, 2021.
[37] *Zhonghua Renmin Gongheguo Xingzheng Chufa Fa* [PRC Administrative Penalty Law], passed March 17, 1996, amended January 22, 2021, effective July 15, 2021, arts. 39, 47.
[38] *Zhonghua Renmin Gongheguo Xingzheng Chufa Fa* [PRC Administrative Penalty Law], passed March 17, 1996, amended January 22, 2021, effective July 15, 2021, arts. 39, 47.
[39] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018.
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FREEDOM OF RELIGION

Findings

• In the 2021 reporting year, the Chinese government further intensified a sweeping campaign to "sinicize" religion as directed by President and Communist Party General Secretary Xi Jinping. The main imperative of the campaign, wrote one expert, "is to homogenize Chinese Culture to make all parts conform to a Party-led nationalism and to use the full force of the state to control any dissenting voices."
• Building upon the Regulations on Religious Affairs (2018) and the Measures on the Administration of Religious Groups (2020), the National Religious Affairs Administration implemented new Measures for the Administration of Religious Personnel, effective May 1, 2021. The new measures include plans to establish a database of clergy that records their basic information, rewards and punishments, travel for religious work, and religious activities. They require clergy to promote the "sinicization of religion" and to "adhere to the principle of independence and self-management of religion," meaning religious personnel in China must resist "domination" or "infiltration" by "foreign forces," reject unauthorized appointments to leadership positions made by foreign religious groups or institutions, and reject domestic or overseas donations that violate national regulations.
• Chinese authorities used the coronavirus disease 2019 (COVID-19) pandemic as a pretext to shut down religious sites and restrict religious activities, including online activities, even after other normal activities in society had resumed.
• Authorities in several provinces demolished or altered Buddhist, Taoist, and Chinese folk religious temples, sometimes beating local believers who resisted, and destroyed Buddhist literature and punished publishers.
• The Sino-Vatican agreement on the appointment of bishops signed in September 2018, and renewed in 2020, has led to the Holy See's approval of seven Chinese government-appointed bishops and the joint approval of five bishops as of July 1, 2021. In spite of the agreement, the contents of which remain secret, authorities subjected unregistered ("underground") Catholic clergy to detention, surveillance, and removal from active ministry for resisting pressure to sign an agreement of separation (i.e., "independence") from the Holy See and register with the government. Authorities also continued either to demolish church buildings or to "sinicize" them by removing crosses and other religious symbols, and canceled religious activities and pilgrimages under the pretext of COVID-19 precautions.
• As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment, with at least 622 practitioners sentenced for criminal "cult" offenses in 2020, according to Falun Gong news outlet Minghui. Minghui also reported that Chinese authorities continued to torture and mistreat practitioners, and that such abuse, some-

times occurring over several years, caused or contributed to the deaths of dozens of practitioners in 2020 and 2021.

- In addition to committing human rights violations against Uyghurs and other Muslims in the Xinjiang Uyghur Autonomous Region, Chinese authorities, in the name of "sinicizing Islam," expanded their suppression of Muslim groups throughout China to include the Hui, Utsul, and Dongxiang Muslims. Violations included demolishing or altering mosques, or placing surveillance cameras inside them; closing Islamic schools; and restricting Islamic preaching, clothing, and Arabic script.
- Authorities subjected registered Protestant churches to human rights violations similar to those committed against other religious groups and continued to raid and shut down religious gatherings, demolish or alter church buildings, and detain, prosecute, and sentence leaders of unregistered "house churches." Authorities sentenced one Christian online bookseller to seven years in prison.
- Authorities continued to use Article 300 of the PRC Criminal Law, which forbids "organizing and using a cult to undermine implementation of the law," to persecute members of spiritual groups deemed to be illegal or to be "cults" (*xiejiao*), including the Church of Almighty God, Jehovah's Witnesses, and the Association of Disciples.

Recommendations

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

- Call on the Chinese government to guarantee freedom of religion to all citizens in accordance with its international human rights obligations. Stress to Chinese authorities that freedom of religion includes the right to freely adopt religious beliefs and engage in religious practices without government interference.
- Stress to the Chinese government that the right to freedom of religion includes the right of Buddhists and Taoists to carry out activities in temples and to select monastic teachers independent of state control; the right of Catholics to be led by clergy who are selected, and who conduct their ministry, in accordance with the standards called for by Catholic beliefs; the right of Falun Gong practitioners to freely practice Falun Gong inside China; the right of Muslims to freely preach, undertake overseas pilgrimages, select and train religious leaders, and wear clothing with religious significance; the right of Protestants to exercise their faith free from state control over doctrine and worship, and free from harassment, detention, and other abuses for public and private manifestations of their faith, including the display of crosses; and the right of members of other religious communities to be free from state control and harassment.
- Call for the release of Chinese citizens confined, detained, or imprisoned for peacefully pursuing their religious beliefs, as well as those confined, detained, or imprisoned in connection with their association with those citizens. The Administration

should use existing laws to hold accountable Chinese government officials and others complicit in religious freedom restrictions, including the sanctions available in the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) and the International Religious Freedom Act of 1998 (Public Law No. 105–292). Ensure that conditions related to religious freedom are taken into account when negotiating trade agreements.

○ Call on the Chinese government to fully implement accepted recommendations from the November 2018 session of the UN Human Rights Council's Universal Periodic Review, including taking necessary measures to ensure that rights to freedom of religion, religious culture, and expression are fully observed and protected; cooperating with the UN human rights system, specifically UN special procedures and mandate holders; facilitating a visit to China by the UN High Commissioner for Human Rights; taking steps to ensure that lawyers working to advance religious rights can practice their profession freely, and promptly investigating allegations of violence and intimidation impeding their work; and considering possible revisions to legislation and administrative rules to provide better protection of freedom of religion.

○ Work with Vatican officials to publicly address increased repression of Catholics in China, offer technical assistance to protect Vatican diplomatic communications from Chinese cyberattacks, and offer diplomatic assistance, as appropriate, to reevaluate the 2018 Sino-Vatican agreement on the appointment of bishops, and advocate for the publication of the original agreement and any negotiated revisions in order to transparently evaluate the Chinese government's compliance.

○ Call on the Chinese government to abolish Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law," and Article 27 of the PRC Public Security Administration Punishment Law, which provides for detention or fines for organizing or inciting others to engage in "cult activities" and for using a "cult" or the "guise of religion" to "disturb social order" or to harm others' health.

○ Advocate for the release of Pastor John Cao, a U.S. lawful permanent resident arbitrarily arrested, sentenced, and imprisoned in China, according to the UN Working Group on Arbitrary Detention, and an alleged example of the Chinese government's willingness to use "hostage diplomacy."

○ Encourage U.S. political leaders to visit religious sites in China to raise awareness of and promote freedom of religion.

FREEDOM OF RELIGION

Introduction

During the 2021 reporting year, the Commission observed the Chinese government's ongoing violations of religious freedom through policies and actions aimed at increased control of believers in both registered and unregistered communities. The government continued to use its policy of "sinicizing religion" to increase its control over the five officially recognized religions—Buddhism, Taoism, Islam, and Christianity (Catholic and Protestant).[1] In recent years authorities have increased their control or suppression of religions that previously enjoyed greater tolerance, such as Islam, or even official support, such as Taoism and Buddhism.[2] In addition to increasing control and surveillance over registered Christians, authorities cracked down harder on unregistered ("underground" or "house church") communities, shutting down churches and pressuring unregistered clergy.[3] Authorities also continued to suppress other religions and spiritual movements,[4] and to crack down on those whose activities they regard as illegal, some of which they also regard as *xiejiao,* translated as "evil cults" or "heterodox teachings."[5] Observers noted that authorities increased their use of advanced surveillance technology to monitor predominantly Muslim ethnic groups,[6] used COVID-19 precautions as a pretext to increase surveillance and detain religious practitioners, and prohibited religious activities while nearby secular activities were allowed to resume.[7] The U.S. State Department also noted that "Christians, Muslims, Tibetan Buddhists, and Falun Gong practitioners reported severe societal discrimination in employment, housing, and business opportunities."[8]

International and Chinese Law on Religious Freedom

Both Chinese and international law guarantee religious freedom. Under international law, freedom of religion or belief encompasses both the right to form, hold, and change convictions, beliefs, and religions—which cannot be restricted—and the right to outwardly manifest those beliefs, which can be limited by certain specific justifications.[9] These principles are codified in various international instruments, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).[10] Article 36 of China's Constitution guarantees citizens "freedom of religious belief" and protection for "normal religious activities."[11] With terms such as "normal" undefined, it is unclear whether China's Constitution intends to protect the same range of beliefs and outward manifestations that is recognized under international law.[12] In any case, China's Constitution and other legal provisions[13] align with the ICCPR in prohibiting discrimination based on religion[14] and loosely parallel the ICCPR's prohibition on coercion[15] by forbidding groups or individuals from compelling citizens to believe or not believe in any religion.[16] China's Constitution prohibits "making use of religion to engage in activities that disrupt social order, impair the health of citizens, or interfere with the educational system of the State."[17]

Regulations and Policies Pertaining to Religious Freedom

Building upon the Regulations on Religious Affairs (2018) and the Measures on the Administration of Religious Groups (2020), the National Religious Affairs Administration implemented new Measures for the Administration of Religious Personnel, effective May 1, 2021.[18] The new measures call for the National Religious Affairs Administration to establish a database of clergy that records their basic information, rewards and punishments, travel for religious work, and religious activities.[19] They further require clergy to promote the "sinicization of religion" and "adhere to the principle of independence and self-management of religion," meaning religious personnel in China must resist "domination" or "infiltration" by "foreign forces," reject unauthorized appointments to leadership positions made by foreign religious groups or institutions, and reject domestic or overseas donations that violate national regulations.[20]

The Chinese government and Communist Party continued to promote the policy of "sinicization" (*zhongguohua*) for the five officially recognized religions (Buddhism, Taoism, Islam, and Catholic and Protestant Christianity) and use it to commit rights violations against at least four of them.[21] Two scholars have observed that the Party employs the term, which means to assimilate to Chinese culture, for political rather than cultural aims.[22] Sociologist Richard Madsen wrote in 2019 that in the "sinicization" campaign, "the main imperative is to homogenize Chinese Culture to make all parts conform to a Party-led nationalism and to use the full force of the state to control any dissenting voices."[23] Yang Fenggang, a scholar of Chinese religions at Purdue University, argued that the Party's use of the English term "sinicization" is inappropriate because in Party usage, "*zhongguohua* is not about cultural assimilation, but political conformity and obedience."[24] One imam in Dunhua city, Yanbian Korean Autonomous Prefecture, Jilin province, compared the atmosphere under the "sinicization of religion" to that of the repressive Cultural Revolution (1966 to 1976).[25]

This past year, authorities increased official restrictions on "illegal" religious activities and organizations. In January 2021, the Party Central Committee and State Council issued an opinion on revitalizing the countryside and modernizing agriculture that proposed "strengthening the crackdown on illegal religious activity in the countryside and outside infiltration, and putting a stop to the exploitation of religion to meddle in rural public affairs."[26] In addition, in March 2021, the Ministry of Civil Affairs (MCA) and 21 other Party and state ministries and departments jointly published a notice on "rooting out the soil for breeding" illegal social organizations and "purifying the ecological space for social organizations."[27] The MCA also announced a "special operation" to further crack down on five categories of "illegal social organizations," including groups "falsely operating under the banner of religion."[28] One published list of "illegal" organizations in Sichuan province included one Buddhist and several Christian organizations.[29] In November 2020, the Ministry of Justice published a draft entitled, "Detailed Rules for the Implementation of the Provisions on the Administration of Foreign Religious Activities in the People's Republic of China."[30] One former official told the Party-run media

outlet Global Times that the rules aimed to "prohibit some forces from infiltrating into China under the guise of religion for terrorist or separatist activities."[31]

Widespread Violations of Religious Freedom

Advocacy groups reported that authorities attempted to suppress and control religious groups and individuals, employing common tactics against multiple groups, including the following examples:

- Authorities in various provinces in recent years have illegally detained Protestant Christians, underground Catholics, and Falun Gong practitioners in secret mobile "transformation" facilities, pressuring them to renounce their faith using brainwashing techniques, confinement in rooms without light or ventilation, beatings, verbal abuse, and mental torture.[32]
- Authorities in multiple cities reportedly ordered census takers to report signs of religious activity in citizens' homes, especially targeting Protestants, Catholics, Falun Gong adherents, and any activity by groups designated as cults (*xiejiao*).[33]
- Authorities in at least 13 provinces cracked down on the printing or possession of religious books or media by Buddhist, Muslim, Christian, and Church of Almighty God believers, burning or destroying books and sentencing publishers to prison terms.[34]
- Authorities in three different regions aimed to prevent youth under age 18 from participating in religious activities, using methods including banning them from religious gatherings, frightening a group of young children, demanding that parents agree in writing not to allow their children into churches, raiding the homes of religious families, and sending a 14-year-old girl to an indoctrination facility and threatening her with negative consequences unless she ceased her religious practice.[35]
- Authorities used COVID-19 precautions and inspections as reasons to close or alter Buddhist, Taoist, Protestant ("Three-Self"), and folk religious sites,[36] and ordered the cancellation of Catholic pilgrimages and other religious activities even though non-religious venues remained open.[37]

Buddhism (Non-Tibetan), Taoism, and Chinese Folk Religion

U.S.-based non-governmental organization Freedom House estimated in 2017 that China has 185 to 250 million Buddhists and hundreds of millions of followers of various folk traditions.[38] The government's relationship with Chinese Buddhists (not including Tibetan Buddhists) and Taoists in recent years has reflected the tension between promotion of these traditions, based on perceived benefits to Party goals, and coercive control.[39] Authorities in recent years have promoted Buddhism, Taoism, and Chinese folk religion as elements of "fine traditional Chinese culture" that counter the perceived detrimental influences of foreign religions, especially Christianity and Islam,[40] while at the same time controlling or suppressing them at the local level.[41] In a 2014 speech, Party General Secretary Xi Jinping referred to Buddhism (which came to China from India) as a model of integration with Chinese culture,

referring to it as "Buddhism with Chinese characteristics."[42] Despite such outward statements of support for Buddhism and Taoism, authorities nevertheless require them to undergo "sinicization" and require adherents to support the leadership of the Party.[43]

Observers reported that government efforts to counter the influence of religion in favor of nationalism under Party leadership[44] included the following actions:

- Authorities in multiple provinces demolished or closed Taoist and Buddhist temples, sometimes converting them into cultural centers with no religious activities, and covered or removed religious statues.[45]
- On September 15, 2020, the Xiushui county government of Jiujiang municipality, Jiangxi province, dispatched more than 100 officials to demolish the Sanye Temple, a folk religious site; some of these officials beat protesters.[46]
- On September 27, 2020, government officials in Ruichang city, Jiujiang municipality, demolished the newly constructed Lingyinguan Taoist Temple.[47]
- On October 17, 2020, more than 20 uniformed law enforcement officers and others at Bailong Temple, a historic Buddhist temple in Jiujiang, beat local believers who resisted the demolition of a newly built courtyard wall.[48]
- Authorities in Fujian province ordered the removal of elderly residents from two nursing homes, one run by a state-approved Buddhist temple and one run by a state-approved Protestant church, and subsequently demolished the building.[49]
- Authorities in several locations confiscated and burned Buddhist books and literature, or ordered their removal from bookstores, often replacing them with books by Party General Secretary Xi Jinping, and prohibited the copying of religious texts.[50]

[For information on religious freedom for Tibetan Buddhists, see Section V—Tibet.]

Islam

The State Council Information Office reported in 2018 that Islam was the majority religion for 10 ethnic minority groups, totaling over 20 million persons.[51]

The Chinese government and Communist Party continued to expand a crackdown on Uyghur and other Muslims in the Xinjiang Uyghur Autonomous Region (XUAR) by heightening restrictions on Hui Muslims, who comprise the third largest ethnic minority in China,[52] and imposing controls on Utsuls, a community in the island province of Hainan with historic ties to Muslims abroad,[53] and Dongxiang Muslims in Gansu province.[54] Los Angeles Times Beijing bureau chief Alice Su wrote that official "sinicization" and "poverty alleviation" campaigns aim to "erase foreign influence and bring religion under state control" and "eradicat[e] poverty through mass resettlement, job training and sending cadres into villages to teach the Communist Party's will."[55] The aim of the campaigns, wrote Su, "is to mold a future patterned after Han-majority China,

with urban jobs, material dreams, and strengthened loyalties to the Party and its leader." [56]

Chinese authorities, under a campaign to "sinicize" Islam, continued to violate the right to freedom of religion for Muslims during this reporting year. Examples include the following:

- Authorities prohibited Muslim religious gatherings in multiple cities and shut down Islamic schools run by Utsuls in Sanya municipality, Hainan province.[57]
- In October 2020, the National Religious Affairs Administration, together with seven other government entities, issued rules preventing many Muslims from making the Hajj pilgrimage to Mecca by only allowing officially arranged trips, and imposing a de facto political test for applicants.[58] According to a Uyghur-American rights advocate, authorities have harassed and tortured persons who made the Hajj pilgrimage independently (which XUAR authorities have prohibited since 2014).[59] He also said that Uyghurs accounted for a small proportion of those making approved Hajj pilgrimages because of official limitations, including difficulty in obtaining passports and a restriction on Uyghur pilgrims under 60 years old.[60]
- Authorities in several locations, including Hebei, Jilin, Henan, and Gansu provinces and the Xinjiang Uyghur and Ningxia Hui Autonomous Regions, destroyed or "rectified" mosques by removing prominent Islamic features such as domes and replacing them with Chinese-style roofs.[61]
- In Gansu, authorities implemented poverty alleviation efforts alongside "sinicization" measures among the Dongxiang minority, a population of around 600,000, offering "improved livelihoods while demanding a shift from religious to political devotion." [62] In recent years, authorities brought housing to the community, but also enforced mandatory schooling in Mandarin and prohibited religious education and fasting among the Dongxiang; community members expressed fear that these would lead to the eradication of the Dongxiang language.[63]
- In Linxia city, Linxia Hui Autonomous Prefecture, Gansu, once known as "little Mecca," Party cadres prohibited Hui minors from entering mosques for Friday prayers.[64] Authorities prohibited the call to prayer as a "public nuisance," even though Linxia's population is 60 percent Muslim, and canceled religion and Arabic classes for Hui children.[65]
- Authorities in multiple locations ordered the removal of halal (meaning permissible under Islam) food signs in Arabic from shops, causing hardship for Muslims seeking to follow dietary rules.[66] Authorities also attempted to prevent Muslim women from wearing headscarves.[67]

In a reversal from previous years, in Sanya municipality, Hainan province, officials targeted the Utsuls, a Muslim community of less than 10,000, as part of a campaign against foreign religions and influence.[68] Sanya authorities ordered local mosque leaders to move loudspeakers used to announce daily prayer from minarets (towers) to the ground and lower the volume.[69] Authorities also stopped the construction of a new mosque to prevent "Arab" architectural features, issued a ban on traditional dress, and barred minors from

studying Arabic.[70] One observer said this situation in Hainan "proves how mentalities have changed" among Chinese authorities.[71] Another observer said, "This is about trying to strengthen state control. It's purely anti-Islam."[72]

Authorities continued to detain, among others, the following Hui Muslims during this reporting year:

- **Jin Dehuai,** 46, a Hui businessman from the XUAR. In 2017, a court in Changji Hui Autonomous Prefecture, XUAR, sentenced Jin to life for "separatism" related to his activities with Tablighi Jamaat, a Muslim religious movement.[73]
- **Nie Shigang,** 51, from Shaanxi province. In 2019, a court in Artush (Atushi) city, Kizilsu (Kezilesu) Kyrgyz Autonomous Prefecture, XUAR, sentenced Nie to five years for "money laundering" after he assisted Uyghurs in transferring funds to Egypt-based relatives.[74]

[For more information on Uyghur, Hui, and other Muslims in the Xinjiang Uyghur Autonomous Region and other locations, see Section IV—Xinjiang, Section II—Ethnic Minority Rights, and the Commission's staff report, "Hui Muslims and the 'Xinjiang Model' of State Suppression of Religion."]

Christianity—Catholic

Unofficial estimates of China's Catholic population vary between 10 and 12 million, including unregistered communities.[75] Authorities have pressured unregistered or "underground" (*dixia*) clergy to register with the state and join the government-run Chinese Catholic Patriotic Association (CCPA), which controls the officially recognized "above ground" (*dishang*) Catholic community.[76] The government and CCPA endorse the idea that the church in China should "adhere to the principles of independence and self-management"[77] and require clergy to sign a document accepting this "principle of independence";[78] one expert explained that the Party regards this "independence" as a "detachment from the Holy See and the universal Church."[79]

Status of the Sino-Vatican Agreement

The Holy See in October 2020 announced a two-year extension of the Provisional Agreement on the appointment of bishops signed in 2018.[80] The renewal came despite the opposition of many inside and outside China.[81] As of February 2021, the state-sanctioned church and the Holy See had jointly approved at least five bishops under the agreement, in addition to the Holy See's approval of seven bishops previously appointed by Chinese authorities.[82]

Status of the Sino-Vatican Agreement—Continued

Religious freedom advocates have largely opposed the agreement, the text of which has not been published,[83] while the Holy See's news outlet, Vatican News, referred to the appointments of two bishops under its framework as a "good start" and said the agreement is "above all the point of departure for broader and more far-sighted agreements."[84] Vatican Secretary of State Cardinal Pietro Parolin noted that not all issues of concern have been resolved by the agreement but that it represented a step in the effort to "normalise the life of the church."[85] The agreement reportedly gives the pope the final decision over bishops' appointments and allows all bishops in China to recognize his authority.[86] Pope Francis said that the agreement's scope was in part "to reestablish and preserve the full and visible unity of the Catholic community in China."[87]

Reports indicate that following the signing of the agreement, Chinese authorities in some places have detained clergy and pressured them to join the Chinese Catholic Patriotic Association (CCPA)[88] and sign a pledge adhering to the principle of an "independent" church; closed unregistered churches; canceled masses and other events; and removed children and youth from church services.[89] Hong Kong Archbishop Emeritus Cardinal Joseph Zen, a vocal opponent of the agreement, said that in the past two years the Chinese Communist Party has used it as a tool to further suppress Chinese Catholics, and that it has exacerbated the division of the Catholic Church in China, adding that some in the underground church now feel betrayed after having been encouraged by the Holy See for years to persist in the underground church.[90]

Examples of authorities violating the rights of Catholics in the past year include the following:

- **Augustine Cui Tai.** Authorities continued to hold underground Bishop Cui Tai of the Xuanhua diocese in Hebei province, detained since June 19, 2020, at an unknown location.[91] Since 2007, he has been detained several times for long intervals.[92]
- **Vincent Guo Xijin.** After refusing to join both the "independent church" and the CCPA and being placed under surveillance,[93] underground Bishop Guo Xijin, of the Mindong diocese, Fujian province, announced his resignation from public life in October 2020, shortly before the renewal of the Sino-Vatican agreement.[94]
- **Liu Maochun.** On September 1, 2020, police in Fujian detained Father Liu Maochun (also of Mindong), who supported Bishop Guo and refused to join the CCPA, for which the government reportedly claims he is "ideologically radical" and tortured him in Fu'an city, Ningde municipality, Fujian, using loud noise, bright light, and sleep deprivation.[95]
- **Lu Genjun.** On November 2, 2020, government officials in Baoding municipality, Hebei province, detained underground priest Father Lu Genjun at an unknown location.[96] Authorities previously detained Lu on multiple occasions for his refusal to join the CCPA.[97]

• **Joseph Zhang Weizhu.** In May 2021, in Hejian city, Cangzhou municipality, Hebei province, police detained underground church bishop Zhang Weizhu after around 100 police detained 10 priests who also refused to join the "independent church" and submit to the Chinese Communist Party's leadership.[98] Authorities held them in solitary confinement, forced them to attend political indoctrination sessions, and dissolved their underground seminary.[99] Thirteen of their students were also detained temporarily and ordered to discontinue their theological studies.[100]

Christianity—Protestant

Freedom House estimated in 2017 that China had between 60 and 80 million Protestant Christians, but the U.S. State Department notes that accurate estimates of the number of Catholics and Protestants are difficult to calculate.[101] Documented violations of the religious freedom of Protestant Christians during this reporting year include the following:

• The detention,[102] torture,[103] prosecution,[104] and sentencing [105] of church leaders and lay believers.[106]
• The demolition,[107] raiding,[108] and forced closure of churches,[109] prohibition of large gatherings and holiday celebrations,[110] and prohibition of conversion to Christianity; [111] and the conversion of a forcibly closed church building into one used for secular purposes.[112]
• The installation of surveillance cameras in churches [113] and the requirement that Christians provide personal information upon entering churches.[114]
• Control over the publication of unapproved audiovisual religious materials.[115]

In December 2018, authorities detained over 100 members of **Early Rain Covenant Church** (Early Rain), an unregistered Protestant church in Chengdu municipality, Sichuan province, and this past year, authorities continued to target religious activities connected with the church.[116] From March until May 2021, police and Party officials in Chengdu detained Early Rain preacher **Wu Wuqing** multiple times.[117] On May 8, Party officials held him for at least a day, reportedly to prevent him from attending Sunday worship, and assaulted church members who waited for him at the police station.[118] **Wang Yi,** the founding pastor of Early Rain, continued to serve a nine-year sentence for allegedly "inciting subversion of state power" and "illegal business activity" in connection with his pastoral work.[119] Authorities reportedly transferred Wang from a detention center to Jintang Prison in Jintang county, Chengdu, after a delay of uncertain duration; authorities denied his parents' multiple requests to visit him, allegedly because of concerns about COVID-19.[120] Authorities also appeared to target the homes of Early Rain members: In January 2021, public security officials from Chengdu raided the shared home of two Early Rain members where children were receiving religious instruction and confiscated personal property from one of the residents.[121] On April 21, 2021, police in Wenjiang district, Chengdu, raided a study session run by Early Rain members and temporarily detained 19 per-

sons, including 12 children.[122] Authorities reportedly held the children at a local police station without their parents.[123]

Additional examples of violations of the religious freedom of Protestant Christians include:

- **Henan province.** In January 2021, authorities in Yuanyang county, Xinxiang municipality, Henan, sentenced house church pastor **Li Juncai** to five years and six months in prison and fined him 50,000 yuan (approximately US$7,700) for opposing the forcible removal of a cross from his church and opposing authorities' demand to change messages posted inside from "Love God, love people" to "Love country, love religion."[124]
- **Zhejiang province.** On September 27, 2020, a court in Zhejiang sentenced **Chen Yu** (aka **Zhang Xiaomai**) to seven years in prison and fined him 200,000 yuan (approximately US$3,100) for "illegal business activity" for running an online Christian bookstore.[125]
- **Hunan province.** On October 13, 2020, the Zhangjiajie Municipal Intermediate People's Court tried house church pastor **Zhao Huaiguo** for "inciting subversion of state power."[126] For years, local authorities had unsuccessfully pressured Zhao to register Bethel House Church with the state-controlled Three-Self Patriotic Movement.[127] Authorities rejected attorneys chosen by Zhao's family, and the procuratorate recommended an 18-month prison sentence.[128]
- **Guangdong province.** On December 9, 2020, a court in Bao'an district, Shenzhen municipality, Guangdong, tried four employees of the **Shenzhen Tree of Life** company on charges of "illegal business activity" for producing audio Bibles and other Christian content.[129] Prosecutors recommended that **Fu Xuanjuan,** the business's legal representative, be sentenced to five years' imprisonment, employees **Deng Tianyong** and **Feng Qunhao** to three years, and employee **Han Li** to one year and six months;[130] as of July 1, 2021, the court had not announced their sentences.
- **Shanxi province.** On December 30, 2020, in Taiyuan municipality, Shanxi, around 40 public security personnel raided the home of house church preacher **An Yankui** of Xuncheng Reformed Church and detained him and others.[131] Police had previously raided the church on November 15 of the same year.[132]

Falun Gong

As in previous years, authorities continued to ban the belief in and practice of Falun Gong, detain practitioners, and subject them to harsh treatment.[133] Because of government suppression, it is difficult to determine the number of practitioners in China.[134] Freedom House estimated in 2017 that there were 7 to 10 million Falun Gong practitioners in China.[135] Chinese authorities continued to prosecute practitioners under Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law."[136] According to Falun Gong-affiliated website Minghui, Chinese officials were responsible for the deaths of dozens of Falun Gong practitioners in 2020,[137] and at least 622

practitioners were sentenced in apparent connection with their practice of Falun Gong, with the largest numbers in Liaoning, Shandong, Sichuan, Hebei, and Jilin provinces.[138]

In addition, the Commission observed the following reports of actions targeting Falun Gong practitioners and other ethnic or religious groups:

- In June 2021 a group of 12 UN human rights experts said they were "extremely alarmed" and "deeply concerned" by credible reports of forced organ harvesting in China that appears to constitute "targeting [of] specific ethnic, linguistic or religious minorities held in detention, often without [explaining] the reasons for arrest or giv[ing] arrest warrants, at different locations."[139] Among the groups targeted, the UN group mentioned "[ethnic] minorities, Falun Gong practitioners, Uyghurs, Tibetans, Muslims, and Christians."[140]
- Minghui also documented violations of religious freedom against Falun Gong practitioners including extralegal detention[141] and deaths that family members suspect were caused by torture.[142]
- Authorities in Hangzhou municipality, Zhejiang province, and several other provinces established "anti-cult theme parks" reportedly designed to teach the "ugliness" of cults and the "beauty of Xi Jinping's rule of law."[143]

Other Religious Communities

According to reporting from the religious freedom magazine Bitter Winter and other sources, the Chinese government has increased its repression of religious communities outside of the five religions subject to official regulation. Authorities have designated certain groups as "cults" or "heterodox teachings" (*xiejiao*), including the Church of Almighty God[144] and the Association of Disciples,[145] and prosecuted adherents under Article 300 of the PRC Criminal Law.[146] Local government authorities in the Inner Mongolia Autonomous Region (IMAR) published a manual for informers targeting individual followers of Falun Gong, the Church of Almighty God, and the Association of Disciples, offering cash rewards to citizens who provided information used in investigations of suspected members of cult organizations.[147] Throughout the year, Chinese authorities also increased anti-cult propaganda through a month-long event in the IMAR,[148] as well as through several theme parks featuring cartoons and "anti-cult" education.[149] Other reported violations of the religious freedom of members of religious communities outside of the five official regulated religions include:

- **Jews in Henan province.** According to the Jerusalem Post and Bitter Winter, this past year authorities in Henan continued to subject the small community of Jews in Kaifeng municipality to increased surveillance, monitoring, destruction of protected cultural sites, and prohibition of religious activities.[150]
- **Church of Almighty God.** Reports indicate that in fall 2020, authorities launched a three-year nationwide crackdown against the Church of Almighty God, leading to over 1,100 detentions within three months from September to November 2020, and prison sentences for some ranging from one year and

six months to nine years under Article 300 of the PRC Criminal Law.[151]

• **Association of Disciples.** In late 2020 and early 2021, authorities in the Ningxia Hui Autonomous Region reportedly detained 181 members of the Association of Disciples, a religious group founded in 1989, under Article 300 of the PRC Criminal Law.[152]

Notes to Section II—Freedom of Religion

[1] U.S. Commission on International Religious Freedom, "USCIRF 2021 Annual Report," April 2021. See also Eleanor Albert and Lindsay Maizland, "The State of Religion in China," Council on Foreign Relations, September 25, 2020; Office of International Religious Freedom, U.S. Department of State, "2020 Report on International Religious Freedom: China (Includes Tibet, Xinjiang, Hong Kong, and Macau)," May 12, 2021.

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ETHNIC MINORITY RIGHTS

Findings

- During this reporting year, the Chinese Communist Party and government carried out efforts to solidify their control over the cultural and religious identity of the country's ethnic minority groups, in contravention of the PRC Regional Ethnic Autonomy Law and international law. Authorities passed regulations in the Xinjiang Uyghur Autonomous Region (XUAR) and the Inner Mongolia Autonomous Region (IMAR) promoting "ethnic unity," a year after authorities passed similar regulations in the Tibet Autonomous Region (TAR), in what observers criticized as moves aimed at eradicating ethnic minority cultures. The Chinese Communist Party and government, led by President and Party General Secretary Xi Jinping, carried out policies to further the "sinicization" of religions practiced by ethnic minority groups, including Islam and Tibetan Buddhism.
- Officials in areas with large Hui populations continued to implement policies and restrictions limiting Hui Muslims' ability to practice their religion and culture. Authorities demolished mosques serving Hui communities, placed Hui scholars and religious leaders under detention and surveillance, closed Arabic-language schools serving Hui students, and ordered the removal of religious inscriptions written in Arabic on Hui Muslims' homes and businesses. There is evidence that authorities have begun using mass surveillance technologies and systems first implemented in the XUAR in other areas of the country with sizable Hui populations.
- In August 2020, authorities in the IMAR announced that schools throughout the region that previously offered instruction in the Mongolian language would be required, beginning in September, to implement a policy substantially reducing the amount of Mongolian-language instruction in elementary and secondary school classes and replacing it with Mandarin Chinese. Under the new policy, authorities would, using a phased approach, begin requiring teachers to use Mandarin Chinese to teach history, politics, and literature.
- Security authorities responded harshly to those who expressed opposition to the new language policy in the IMAR, including through detaining and beating protesters, issuing "wanted" notices on social media for protesters, and visiting the homes of parents to pressure them to sign pledges committing them to send their children to school. By mid-September 2020, many Mongol parents in the IMAR had begun sending their children back to school because of the threat of punishment by authorities.

Recommendations

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

- In cooperation with other UN member states, call upon China to allow UN special rapporteurs who work on minority

issues such as racial discrimination, freedom of religion or belief, and the protection of human rights while countering terrorism to conduct visits to China to assess the status of ethnic minority rights. Push for the establishment of a standing UN monitor to investigate the status of ethnic minority rights in China. In addition, work with other UN member states to issue joint statements condemning violations of ethnic minority rights in China, and work to ensure that critics of China's ethnic minority policies are allowed to freely and safely voice their opinions in UN forums.

○ Urge Chinese authorities to allow Hui and other predominantly Muslim ethnic minority populations to freely engage in Islamic religious rituals, as a matter of their right to religious freedom, and in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as China's Constitution, which prohibits discrimination based on religion.

○ Urge the Chinese government to abide by the protections guaranteed to ethnic minorities to speak, use, and receive an education in their mother tongue, under China's Constitution, the Regional Ethnic Autonomy Law, and international laws such as the International Covenant on Civil and Political Rights and the UN Convention on the Rights of the Child. Urge Chinese authorities to repeal policies that infringe upon the rights of ethnic minorities to teach and learn in their own language. Press Chinese officials to release political prisoners who were detained for their advocacy of language education rights.

○ The U.S. Agency for Global Media should consider establishing a Mongolian language service to provide a reliable, accurate, and timely source of information to Mongols in China.

ETHNIC MINORITY RIGHTS

Party and State Policy Toward Ethnic Minorities

During this reporting year, the Chinese Communist Party and government carried out efforts to solidify their control over the cultural and religious identity of the country's ethnic minority groups, in contravention of the PRC Regional Ethnic Autonomy Law[1] and international law.[2] Authorities passed regulations in the Xinjiang Uyghur Autonomous Region (XUAR)[3] and the Inner Mongolia Autonomous Region (IMAR)[4] promoting "ethnic unity,"[5] a year after authorities passed similar regulations in the Tibet Autonomous Region (TAR),[6] in what observers criticized as moves aimed at eradicating ethnic minority cultures.[7] The Chinese Communist Party and government, led by President and Party General Secretary Xi Jinping, carried out policies to further the "sinicization" of religions practiced by ethnic minority groups, including Islam and Tibetan Buddhism.[8] In December 2020, officials for the first time appointed a Han Chinese individual with no background in ethnic affairs as the head of the State Ethnic Affairs Commission—an appointment Australian scholar James Leibold said signaled the end of the commission's role in implementing regional ethnic autonomy and representing ethnic minorities and their cultures and languages.[9] According to Leibold, Xi has overseen a Party and state approach to ethnic minorities that seeks to assimilate them rather than accommodate their diversity.[10]

Crackdown on Hui Religion and Culture

Officials in areas with large Hui populations continued to implement policies and restrictions limiting Hui Muslims' ability to practice their religion and culture.[11] Authorities demolished mosques serving Hui communities, placed Hui scholars and religious leaders under detention and surveillance, closed Arabic-language schools serving Hui students, and ordered the removal of religious inscriptions written in Arabic on Hui Muslims' homes and businesses.[12] There is evidence that authorities have begun using mass surveillance technologies and systems first implemented in the XUAR among Hui communities in the Ningxia Hui Autonomous Region.[13] [For more information on freedom of religion for Muslims in China, see Section II—Freedom of Religion and Section IV—Xinjiang.]

Protests in the IMAR Over Policy to Reduce Mongolian Language Instruction in Schools

In August 2020, authorities in the IMAR announced that schools throughout the region that previously offered instruction in the Mongolian language would be required, beginning in September, to implement a policy substantially reducing the amount of Mongolian-language instruction in elementary and secondary school classes and replacing it with Mandarin Chinese.[14] Under the new policy, which officials refer to as "bilingual education," authorities would, using a phased approach, begin requiring teachers to use Mandarin Chinese to teach history, politics, and literature.[15] According to 2017 statistics from the bureau of education of the IMAR, there were 520 "ethnic minority" primary and secondary

schools in the IMAR, serving just under 355,000 students.[16] As part of the three-year "bilingual education" plan, authorities also moved to require increased Mandarin-language instruction in schools in ethnic minority-populated areas including Gansu, Jilin, Liaoning, Qinghai, and Sichuan provinces.[17]

According to American scholar Christopher Atwood, central government and Party officials likely pushed for the implementation of the new policy in the IMAR and other areas.[18] According to Atwood and other scholars, the policy likely reflects the "second generation" of ethnic policies promoted by leading Chinese officials and scholars, under which authorities dismantle frameworks of regional and local autonomy and replace them with policies aimed at eroding ethnic minorities' language and identity.[19] The right of ethnic minorities to receive an education in their mother tongue is protected under international law[20] and is also protected under China's Constitution[21] and the PRC Regional Ethnic Autonomy Law.[22]

NEWS OF IMAR LANGUAGE POLICY EMERGES

In or around June 2020, authorities in Tongliao municipality, IMAR, informed local education officials about a requirement to replace some Mongolian-language instruction with Mandarin Chinese in schools.[23] In early July, opponents of the policy began circulating petitions on the social media platform WeChat.[24] On August 17, the bureau of education of the IMAR held non-public meetings to inform local authorities that they would extend the policy throughout the IMAR.[25] On August 23, authorities began to censor online posts on the topic within the IMAR[26] and shut down Bainu, the only Mongolian-language-based social media website based in China.[27] Some users reported being contacted by security personnel regarding their posts criticizing "bilingual education" on WeChat.[28] In late August, IMAR authorities published details of the new policy, stating that it would promote the "high-quality development of ethnic education" and emphasizing the "strategic significance" of providing students with an education in the "national common language."[29]

In late August 2020, tens of thousands of Mongol residents from a broad spectrum of society began protesting in eight banners[30] throughout the IMAR.[31] Parents took part in a boycott and refused to send their children to school; teachers went on strike; and parents, rights advocates, herders, and others participated in demonstrations.[32] Many internet users shared footage of the protests and videos containing their own messages of pride in Mongolian identity.[33] Those who resisted the new language policy included government officials, some of whom were reportedly penalized for refusing to send their children to school;[34] civil servants who quit their jobs to avoid carrying out the policy;[35] and police officers who reportedly refused to help carry out authorities' subsequent crackdown on protesters and boycott participants.[36]

Reports emerged of Mongols in the IMAR who committed suicide after the announcement of the new policy, including **Surnaa,** a 33-year-old Party official in Alxa (Alashan) League, whose relatives said her death was an act of protest;[37] **Ulaan,** a 46-year-old primary school principal in Erenhot (Erlianhaote) city, Xilingol (Xilinguole) League;[38] **Soyolt,** a teacher and poet in Shuluun Huh

(Zhenglan) Banner, Xilingol;[39] and an unnamed middle school student in Horchin (Ke'erqin) Left Center Banner, Tongliao municipality.[40]

OFFICIAL CRACKDOWN ON PROTESTS

Security authorities responded harshly to those who expressed opposition to the new language policy in the IMAR. Reports emerged of authorities detaining and beating protesters,[41] issuing "wanted" notices on social media for protesters, and visiting the homes of parents to pressure them to sign documents agreeing not to criticize the new policy or committing them to send their children to school.[42] Among the thousands[43] authorities detained were Mongol lawyer **Huhbulag** (Chinese: Hu Baolong), who kept his child home from school;[44] **Ulaantuyaa,** a teacher from Zaruud (Zhalute) Banner, Tongliao;[45] musician **Ashidaa,** who faces a possible five-year prison sentence for taking part in the protests;[46] and **Nasanbayar,** who publicly urged others to engage in protest.[47] In addition, authorities reportedly placed veteran Mongol rights advocate **Hada** under home confinement and restricted his freedom of movement and expression.[48] Authorities also used the loss of jobs, expulsion from the Communist Party, the refusal of bank loans, travel restrictions, property confiscation, and other methods to threaten and punish protesters and boycotters.[49] Officials also censored social media posts about the protests,[50] and in September 2020, police in Hohhot municipality detained L.A. Times Beijing bureau chief Alice Su for over 4 hours, reportedly assaulting her in custody before forcing her to board a train to Beijing municipality.[51] By mid-September 2020, many Mongol parents in the IMAR had begun sending their children back to school because of the threat of punishment by authorities.[52] In September 2020, officials announced plans to recruit 1,883 Mandarin-language teachers from across China to teach in rural areas of the IMAR with Mongol communities.[53]

NPCSC Commission's Decision on Language Regulations

In January 2021, Chinese authorities announced a decision that appeared to remove existing legal protections[54] allowing ethnic minorities to receive an education in officially recognized minority languages. In its annual report, presented on January 20, the Legislative Affairs Commission (LAC) of the National People's Congress Standing Committee (NPCSC) concluded that two sets of unnamed local regulations on the teaching of ethnic minority languages in schools were unconstitutional.[55] According to the blog NPC Observer, the IMAR's 2016 Regulations on Ethnic Education was one of only two sets of regulations throughout China that fit the description contained in the LAC's report.[56] The Economist referred to the LAC's decision as "shocking," saying it had used the "bluntest of legal instruments to declare a law unconstitutional" and had failed to refer to the constitutional article that protects ethnic minority languages.[57] Human Rights Watch criticized the decision as a "serious blow to mother-tongue education," as well as to "language, diversity, and cultural rights" in China.[58] The LAC's decision appears to require ethnic minority schools to teach some courses using Mandarin Chinese, rather than simply requiring them to teach Mandarin Chinese as a subject while providing instruction using ethnic minority languages.[59]

The bureau of education of the IMAR took additional steps in December 2020 and January 2021 to narrow the space for Mongol students to learn about Mongolian language and culture. On December 8, the bureau held a special training course providing guidance on promoting a "national communal consciousness" in education, with officials from the State Ethnic Affairs Commission and Ministry of Education in attendance.[60] On January 8, the bureau announced that it had conducted an ideological review of five sets of history textbooks for primary and secondary schools because they promoted "ethnic identity" and "ethnic consciousness."[61] Comments made by President Xi Jinping and Communist Party Central Committee Political Bureau Standing Committee member Wang Yang in the spring of 2021 indicated that national-level officials supported the acceleration of a curriculum centered on Han Chinese culture and Mandarin Chinese in the IMAR.[62]

Notes to Section II—Ethnic Minority Rights

[1] The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of ethnic minority "nationalities" in addition to a system of regional autonomy in designated areas. *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa* [PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001, arts. 10, 11, 21, 36, 37, 47, 49, 53.

[2] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 22, 27; International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 1; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 27; Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of December 18, 1992, arts. 2, 4; Eva Xiao, Jonathan Cheng, and Liza Lin, "Beijing Accelerates Campaign of Ethnic Assimilation," *Wall Street Journal,* December 31, 2020.

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[5] Chinese authorities have used "ethnic unity" policies to promote the assimilation of ethnic minorities and to mandate acceptance and promotion of Communist Party and government ethnic and religious policy. See, e.g., "China Targets Muslim Communities Around the Country with 'Ethnic Unity' Policies," *Radio Free Asia,* February 19, 2021.

[6] *Xizang Zizhiqu Minzu Tuanjie Jinbu Mofan Qu Chuangjian Tiaoli* [Tibet Autonomous Region Regulations on Establishing a Model Area for Ethnic Unity and Progress], passed January 11, 2020, effective May 1, 2020; CECC, 2020 Annual Report, December 2020, 327–328.

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[8] "'Sinicization' Campaigns Target Religious and Ethnic Minorities Across China," *China Digital Times,* February 17, 2021. Historian James Millward equates "sinicization" efforts with "razing mosques, flattening shrines and ripping down domes." James A. Millward, "Notes on Xi Jinping's Speech to the 3rd Xinjiang Central Work Forum, 25–26 September 2020," *Medium* (blog), September 27, 2020.

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POPULATION CONTROL

Findings

- Central government authorities rejected calls to end birth restrictions, even though experts raised demographic, economic, and human rights concerns about China's population control policies. In the past, the Chinese government and Communist Party's enforcement of birth limitation policies included forced abortion and sterilization. The Chinese government maintained a birth limit policy and announced a new three-child policy in May 2021. Experts urged the Chinese government to implement policies, including financial incentives and other forms of assistance, to encourage couples to have children. They said that if not adequately addressed, China's decades-long birth limit policies and resultant demographic challenges could undermine China's economy and political stability.
- New research found that beginning in 2015, and increasingly since 2017, Chinese authorities have used draconian population control measures targeting Uyghurs and other ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), including detention in mass internment camps, the threat of internment, forced abortions and infanticide in hospital maternity wards, forced sterilizations, and heavy fines. Such measures resulted in "precipitous" birth rate declines of 48.74 percent in the XUAR as a whole from 2017 to 2019, and over 56 percent in one year (2017 to 2018) in counties with an indigenous population of 90 percent or greater.
- The Chinese government's restrictive population control policies have exacerbated China's sex ratio imbalance, which media reports linked to the trafficking of foreign women in China for purposes of forced marriage and commercial sexual exploitation.

Recommendations

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

- Highlight the looming demographic challenges currently facing China in bilateral meetings with Chinese government officials—these include a rapidly aging population, shrinking workforce, and sex ratio imbalance; and emphasize that these demographic trends could harm China's economy if not addressed in a timely manner by ending as soon as possible all birth restrictions imposed on families.
- Continue to monitor the government's use of forced abortion and forced sterilization, as the three-child policy still constitutes a birth-limit policy.
- Use authorities provided in the Foreign Relations Authorization Act, Fiscal Year 2000 (Public Law No. 106–113) and the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) to deny entry into the United States to, and impose sanctions on Chinese officials who have been directly involved in the formulation, implementation, or enforcement of China's coercive population control policies, including those

who have forced women to undergo sterilizations and abortions in the Xinjiang Uyghur Autonomous Region (XUAR) and elsewhere.

- Consider supporting the Uyghur Stop Oppressive Sterilizations Act (H.R. 3306) which imposes sanctions on individuals responsible for or complicit in forced sterilizations and forced abortions in the XUAR.
- Call on China's central and local governments to vigorously enforce provisions of Chinese law that establish legal liability for officials and other individuals who abuse their power, violate citizens' personal rights, or engage in malpractice for personal gain while implementing population control policies.
- Publicly link, using supporting evidence, the sex ratio imbalance exacerbated by China's population control policies, with regional humanitarian and security concerns—human trafficking, crime, increased internal and external migration, and other serious social, economic, and political problems—and address these issues in bilateral and multilateral dialogues.

POPULATION CONTROL

Introduction

Despite calls from experts and other observers to remove all birth limits on both demographic and human rights grounds during the Commission's 2021 reporting year, the Chinese government and Communist Party continued to implement coercive population control policies that violate international standards. New research reported that, in a reversal of past practice toward some ethnic minorities that allowed them to have more than one child even under the one-child policy (which ended in 2016),[1] beginning in 2015, and increasingly since 2017, authorities have implemented measures to greatly reduce birth rates among ethnic minority populations throughout the Xinjiang Uyghur Autonomous Region (XUAR), including internment and the threat of internment, forced abortion and infanticide in hospital maternity wards,[2] forced sterilization, and heavy fines. Such measures resulted in "precipitous" birth rate declines of 48.74 percent in the XUAR as a whole from 2017 to 2019, and over 56 percent in one year (2017 to 2018) in counties with an indigenous population of 90 percent or greater.[3] Apart from these violations, the "universal two-child policy" which restricted married couples to having two children and remained in effect for most of this reporting year,[4] continued to violate international standards, as did the previous "one-child policy."[5] [For more information on the Chinese government's abusive population control measures targeting ethnic minority women in the XUAR, see Women Subjected to Forced Sterilizations, IUD Insertions, and Abortions in Section IV—Xinjiang.]

Experts warned of a future demographic crisis—one called it a "long-term time bomb"—resulting from steep declines in birth rates that continued for a fourth straight year.[6] On May 31, 2021, the Chinese Communist Party Central Committee Political Bureau (Politburo) announced a new "three-child policy" allowing all couples to have up to three children, stating that the policy change was being made in response to the problem of China's aging population, to "improve the composition of the population," and to "preserve China's natural advantage in human resources."[7] The Party did not publish documentation of the meeting in which the decision was made, and the official public announcement in state media did not specify when the new policy would take effect nor was it clear whether coercive methods would continue to be used as part of the new policy.[8] Some observers questioned the Party's decision not to remove birth limits altogether.[9] Two authors who published new research on the XUAR observed that even as Party officials are loosening population control rules on Han women, they are simultaneously "cracking down" on the rights of Uyghur and other indigenous nationalities to have children because of "perceived fears of instability and uneven growth."[10]

International Standards and China's Coercive Population Policies

Coercive controls imposed on Chinese women and their families violate standards set forth in the 1995 Beijing Declaration and Platform for Action and the 1994 Programme of Action of the Cairo

International Conference on Population and Development.[11] China was a state participant in the negotiation and adoption of both.[12] Acts of official coercion committed in the implementation of population control policies, such as forced sterilization and abortion, contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[13] which China has signed and ratified.[14]

Demographic Concerns

Population experts, economists, at least one National People's Congress (NPC) delegate, and other observers warned that China's declining birth rates, which according to the National Bureau of Statistics of China (NBS) have dropped for the past four years to new lows in 2020,[15] would bring about negative economic and social consequences.[16] In April 2021, a Financial Times report said the Chinese government was preparing to release census data showing that in 2020 China's overall population had declined for the first time since the Great Famine of 1959 to 1961,[17] but in May the Commissioner of the NBS, Ning Jizhe, said that the population had grown to 1.41 billion persons, up by 72 million from 2019, a 0.53 percent increase.[18] The NBS reported that China had 12.00 million new births in 2020, down from 14.65 million in 2019, an 18 percent decline.[19] One U.S.-based expert, Yi Fuxian, disputed these figures, estimating that the number of births in 2020 was between 8 and 10 million, and asserted that the population has already begun to decline and that the actual population is only 1.26 to 1.28 billion.[20] Yi explained that incentives to inflate current population numbers exist for both local governments and individual census takers[21] and noted a 14-million-person discrepancy in the 0 to 14 age group between 2020 census data and NBS statistics for the same age group from 2006 to 2020.[22]

The Party's announcement of the new three-child policy pointed to the country's aging population as a driver of the policy change.[23] Other observers noted the potential negative economic and social effects of China's declining birth rates, including decreases in the number of women of child-bearing age and in the size of the working-age population, and a rapidly aging population.[24] Experts also worried that China may already have fallen into a "low-fertility trap" characterized by a long-term "continuous birth decline."[25] Sources noted a reluctance to have children because of such concerns as the lack of affordable education, the high cost of living, hindrances to career development, and concerns that having a child would negatively affect work performance.[26]

Government officials have taken some steps to address concerns about demographic changes, including the announcement of the new three-child policy. The NPC in January 2021 required that all province-level jurisdictions conduct comprehensive reviews, make changes to relevant family planning policies, and stop imposing "excessively strict penalties."[27] In addition, the government announced plans to raise the retirement age,[28] which reportedly prompted widespread criticism.[29] The government also announced plans to ease the burdens of giving birth to and raising and educating children.[30] One survey suggested that most young people in China do not want to have three children, and therefore the three-

child policy may only have a slight effect on overall birth rates.[31] One expert proposed recommendations to encourage childbirth. Economist Ren Zeping suggested that the government implement child tax breaks and economic subsidies for parents from the time of pregnancy until children reach age 18, increase the supply of childcare resources, implement childbirth tax incentives for enterprises, improve the protection of women's employment rights, and strengthen the rights of unmarried parents.[32]

Coercive Policies Remained, but Unevenly Enforced

Amid the tension of calls for an end to coercive national-level policies and the government's inaction prior to the May 31 announcement of the new three-child policy, the Commission observed reports of inconsistent enforcement of the two-child policy across China. Apart from the aggressive population control measures enacted in the XUAR, some local authorities imposed heavy fines for exceeding legal birth limits,[33] while officials in other places relaxed the punishment for births exceeding legal limits for some citizens.[34] Sociology professor Wang Feng at the University of California Irvine described local enforcement as "lax and sporadic, varying from locale to locale,"[35] while the Party-run media outlet Global Times reported that "many cities across the nation have . . . tended to relax the regulation in recent years, although . . . fees [for exceeding legal birth limits] are still imposed in many places."[36] For example, officials in Beijing municipality told one businesswoman, surnamed Zhang, after the birth of her third child in 2019 that they lacked the resources to pursue her violation, while officials told a Beijing teacher, surnamed Zhou, who was seven months pregnant with her third child, either to terminate her pregnancy or be fired.[37] An international report detailed similar discrepancies across regions and localities.[38]

In addition, the Commission observed the following developments reported this year involving earlier cases of coercion in the enforcement of population policy; these developments sparked controversy online, with some commenters arguing that any penalties contradict recent changes in Chinese society, and that because of declining birth rates the couples concerned should be rewarded rather than punished.[39]

- The Global Times reported in December 2020 that in March 2019, authorities in Anyue county, Ziyang municipality, Sichuan province, imposed a fine of 718,080 yuan (approximately US$110,000) on a man surnamed Liu and his wife for giving birth to their seventh child ten years earlier, in April 2009, in violation of China's two-child policy.[40] This "social maintenance fee" greatly exceeded the couple's ability to pay.[41] The Anyue County Health Bureau filed an application to the Anyue County People's Court requesting enforcement of the punishment, but the court denied the application claiming the punishment was based on invalid regulations.[42] The health authority was considering re-drafting a new penalty, arguing that the couple should be held accountable,[43] but Liu told reporters in December 2020 that he had not been contacted again for payment.[44]

• In January 2021, the Global Times reported that in May 2020, authorities in Guangzhou municipality, Guangdong province, imposed a "social support fine" of 320,000 yuan (approximately US$50,000) on a couple for having a third child and froze the couple's bank accounts to enforce the punishment.[45] The family's monthly income is only 10,000 yuan (approximately US$1,500), making them unable to pay even in multiple installments as local authorities suggested.[46]

Emphasis on "Quality Population" Discriminates Against Certain Groups

The Chinese Communist Party's 14th Five-Year Plan released in fall 2020 mentioned the need to "optimize birth policy" and "improve the quality of the population."[47] Journalist and academic Leta Hong Fincher expressed concern about this phrasing, saying that Party officials are "effectively emphasizing the role of eugenics in population planning."[48] In 2018 the central government emphasized a policy shift from merely keeping the population under control to managing its "structure and quality," which can refer to health, education levels, religion, age, sex, ethnicity, and other factors.[49] Across the country, regions with large minority populations have experienced "precipitous declines in birth rates," in contrast to the slight rise in birth rates in urban areas with few minorities.[50] In practice, China's relaxation of the one-child policy and adoption of more pro-natalist policies have been especially aimed at persuading ethnic majority Han Chinese women who are college-educated to bear more children.[51] Some middle-class Han women said that they have felt pressured to replenish a shrinking labor force and have noticed an increase in workplace discrimination.[52]

Human Rights and Humanitarian Concerns

In addition to demographic and economic concerns, some experts in China in recent years have pointed out that the government's population control policies violate citizens' fundamental rights. For example, Liang Zhongtang, a retired population expert at the Shanghai Academy of Social Sciences, wrote that government involvement in both suppressing population growth and encouraging more births violates people's freedom with regard to the decision whether or not to have children.[53] Economist Ren Zeping wrote in February 2020 that the Chinese government should respect the rights of citizens to give birth and raise children,[54] coauthoring a recommendation saying that "raising children is everyone's fundamental right, and this right should be returned to families; completely relaxing [birth limits] would respect all people fairly, without discrimination."[55]

Four decades of population control policies have exacerbated demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance.[56] Concern about the aging population has led observers to worry that health care and pensions for the elderly may be inadequate in the coming years, especially for rural elderly persons.[57] Rights advocates noted that China's sex ratio imbalance has contributed to human rights abuses including bride trafficking and would continue to do so un-

less the trend is reversed.[58] Although Chinese authorities continued to implement a ban on "non-medically necessary sex determination and sex-selective abortion," [59] one observer noted that the continuing effects of sex selection were evident in the results of the recent census.[60] According to the Seventh National Population Census, China's overall sex ratio by the end of 2020 was 105.07 males to 100 females, and there were approximately 34.9 million more males than females in China (723.34 million males to 688.44 million females).[61] For years, experts have expressed concerns that the sex ratio imbalance in China could lead to an increase in crime,[62] trafficking of women,[63] and social instability.[64] This past year, media reports continued to suggest a link between China's sex ratio imbalance and the trafficking of foreign women.[65] The Commission observed reports of the trafficking of women and girls in China this past year and in recent years for the purposes of forced marriage or sexual exploitation from **Burma** (Myanmar),[66] **Cambodia,**[67] **Colombia,**[68] **Laos,**[69] **Nepal,**[70] **North Korea,**[71] and **Vietnam.**[72] [For more information on cross-border trafficking, see Section II—Human Trafficking.]

Notes to Section II—Population Control

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Findings

- During and prior to the Commission's 2021 reporting year, the Chinese government and Communist Party, as well as individuals and entities acting with their encouragement or at their direction, conducted a global campaign to silence criticism or chill the expression of political views considered unacceptable by the Chinese Communist Party on a range of issues, including events in Hong Kong, the Xinjiang Uyghur Autonomous Region (XUAR), and Taiwan.
- The effects of this campaign fell heavily on Uyghurs living outside China who chose to speak out about abuses in the XUAR. Uyghurs in the United States and elsewhere reported threats and intimidation as well as threats to family members still inside China.
- During this reporting period, the Commission noted increased efforts by the Party and government to harass and intimidate researchers, journalists, and think tanks overseas, especially those working on issues related to the XUAR.
- The Party and government continued to use informal, undeclared forms of extraterritorial economic coercion and intimidation to silence international criticism of its actions and avoid accountability for human rights violations, particularly the ongoing genocide in the XUAR. This economic coercion included undeclared economic sanctions against countries or individual foreign industries; threats to restrict foreign businesses' or institutions' access to China; and the use of state-controlled media outlets to signal to individuals, businesses, and institutions inside China which foreign targets merit retaliation.
- The Commission also observed increasing use of formal sanctions by the Chinese government to punish criticism of China, particularly criticism of Chinese government policies in the XUAR and Hong Kong. Among those China formally sanctioned during the reporting period were the Commission and two of its members.
- China's new National Security Law for Hong Kong—passed by the National People's Congress in June 2020—contains an extraterritorial provision potentially criminalizing speech pertaining to Hong Kong, Tibetan areas of China, or the XUAR by persons outside Hong Kong. Following the law's passage, Hong Kong authorities issued a warrant for the arrest of a U.S. citizen for his support of pro-democracy protesters in Hong Kong.
- During this reporting period, the Chinese government and Communist Party continued a longstanding global campaign to discredit universal rights in international institutions, particularly by impeding or redirecting the work of United Nations human rights bodies, in what Human Rights Watch described in 2017 as "a systematic attempt to subvert the ability of the UN human rights system to confront abuses in China and beyond." These activities seek to reshape international consensus around human rights in ways that diminish the power of the individual to seek redress from the state.

• During and immediately prior to this reporting period, the Commission noted the use or threat of economic coercion against countries considering restrictions on Chinese telecommunications firm Huawei. Countries that responded to concerns regarding potential violations of privacy and free expression rights and surveillance vulnerabilities facilitated by the use of Huawei internet equipment and infrastructure in their 5G networks were met with threats of economic retaliation by Chinese government officials, or pressure from their own business communities prompted by the fear of retaliation.

Recommendations

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

- Call on officials in the Chinese government and Communist Party to abide by internationally accepted norms on freedom of expression—particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights—and to encourage China-domiciled companies and entities to do the same. Emphasize that failure to respect these widely accepted international norms can erode trust and reduce the appeal of China as a partner and as a market for foreign governments and businesses.
- Prepare a strategy for countering harassment or surveillance by representatives or agents of the Chinese government and other authoritarian governments within the United States, including harassment or surveillance of members of Turkic Muslim communities. This should include the establishment of a dedicated task force within the Federal Bureau of Investigation to collect information on and respond to harassment or surveillance of individuals inside the United States by agents of the Chinese government or other authoritarian governments.
- Develop a strategy to blunt the Chinese government's coercive use of economic power to chill speech globally and avoid accountability for its human rights abuses. This could involve one or more of the following:
  - Coordination with allies and like-minded partner nations to diversify their global economic footprint away from China, to reduce the risk of Chinese economic coercion;
  - The creation of a pool of funds to compensate individuals or entities subject to economic coercion by the Chinese government or entities under its direction; and
  - Other coordinated efforts to assist countries facing economic coercion by China, to reduce the impact of such coercion on targeted companies and industries.
- Continue efforts to encourage other countries to limit or to eliminate their use of Huawei technology in their national wireless networks.
- Ensure broad, sustained U.S. engagement in UN bodies with human rights functions, including the General Assembly, the United Nations Office of the High Commissioner for Human Rights, the Consultative Group, and the Economic and Social

Council's Committee on Non-Governmental Organizations, to ensure that these bodies remain true to their founding principles. This engagement should include putting forth qualified American candidates to serve on these and other UN bodies with human rights functions, as well as encouraging allies and like-minded partner nations to do the same, and building coalitions to support the candidates they put forth.

○ Sustain, and where appropriate expand, programs that incentivize the study of languages spoken within China, the deep study of China's political system, and the Chinese Communist Party's tools of external influence. The ability to anticipate and understand China's human rights violations within the United States and at the UN—and to generate consensus around timely, effective, and culturally appropriate responses—must be informed by greater understanding of China's political and legal system and of the languages, religions, and cultural diversity within China.

Overseas Harassment and Intimidation

HARASSMENT AND INTIMIDATION OF UYGHURS OVERSEAS

During the 2021 reporting year, the Commission continued to observe state-backed harassment and intimidation of Uyghurs living outside China, including those Uyghurs who have chosen to speak out about atrocities committed by the Chinese government in the Xinjiang Uyghur Autonomous Region (XUAR). Uyghur individuals in the United States and other countries have reported threats and intimidation through electronic media, and threats—both direct and implied—to family members still inside China.[1] Since 2017, this intimidation and harassment has taken place alongside the mass persecution of Uyghurs within China, backed by pervasive electronic and physical surveillance and widespread reported incidents of arbitrary detention and torture.[2] [For more information on human rights violations against Uyghurs and other ethnic minority groups in the XUAR, see Section IV—Xinjiang.]

In some cases, the intimidation and harassment of Uyghurs living outside China was conducted by individuals who identified themselves as members of the Chinese government, including police and members of security agencies.[3] In one example, Qelbinur Sedik, a Uyghur woman living in the Netherlands, recorded a video call from a man identifying himself as a police officer, calling from the phone of a sister still in the XUAR.[4] During the call the officer told her, "You must bear in mind that all your family and relatives are with us. You must think very carefully about that fact."[5] He also encouraged her to report on the "friends" she had made abroad, and to proceed to her nearest Chinese embassy for repatriation, telling her that China "opens its arms to you."[6] During and prior to this reporting period, the Chinese government placed many Uyghurs returning to China from overseas into various forms of detention.[7] The Chinese Communist Party and government also used social media platforms banned in China, such as Facebook and Twitter, in their campaign against outspoken Uyghurs overseas.[8]

HARASSMENT AND INTIMIDATION OF RESEARCHERS AND THINK TANKS OVERSEAS

During this reporting period, the Commission noted increased efforts by the Chinese Communist Party and government to harass and intimidate researchers, journalists, and think tanks overseas, especially those working on issues related to the XUAR.[9] These efforts included formal sanctions and visa bans,[10] state media condoning or reposting threats against family members still in China,[11] direct harassment and intimidation through spokespersons and state-controlled media outlets,[12] and a defamation lawsuit against a prominent researcher.[13] The right of academics and researchers to research and write freely is protected by international human rights instruments such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.[14]

In one such case, state media and diplomatic spokespersons targeted German researcher Adrian Zenz for his work on mass intern-

ment camps and birth restrictions in the XUAR.[15] China's Ministry of Foreign Affairs also endorsed a defamation lawsuit brought against Zenz in the XUAR by Chinese companies doing business there,[16] and announced sanctions prohibiting companies and institutions associated with Zenz from doing business with China.[17] In another case, state media and propaganda officials targeted Australia-based researcher Vicky Xu for her research on forced labor in the XUAR, inspiring further attacks on her by ordinary Chinese internet users.[18] The attacks on Xu—which included social media accounts linked to a state propaganda official spreading defamatory materials on major Chinese social media platforms [19]—built on previous rounds of state harassment that included pressure on her family from police.[20]

Chilling of Free Speech Through Informal Economic Coercion and Intimidation

During and prior to this reporting year, the Chinese Communist Party and government have used informal, undeclared forms of extraterritorial economic coercion and intimidation to silence international criticism of their actions and avoid accountability for human rights violations, particularly severe human rights abuses in the Xinjiang Uyghur Autonomous Region (XUAR). These forms of informal coercion included undeclared economic sanctions against countries or individual foreign industries;[21] threats—either stated or implicit—to restrict foreign businesses' or institutions' access to China;[22] and the use of state-controlled media outlets to signal to individuals, businesses, and institutions inside China which foreign targets merit retaliation.[23]

Informal Economic Coercion: Distinct From Traditional Sanctions and Tariffs

"Informal" coercion is distinct from "formal" coercion in that the Chinese government and Communist Party appear to take action to punish targets without a formal declaration—or even acknowledgement—that retaliation is occurring.[24] One study of such practices assessed that the government and Party may prefer the use of informal tools because they offer plausible deniability and flexibility, and because the government and Party's "use of informal measures and selective application of domestic legal regimes match [their] regulatory practice across domestic economic policy."[25] This approach began to take shape under former Party General Secretary Hu Jintao[26] and has been employed with increasing frequency under Party General Secretary Xi Jinping.[27] Both within and outside China, the ambiguity and uncertainty engendered by this approach can chill free expression by encouraging targets to self-censor.[28] Just as is the case within China, the Party and government's use of the tools of "public opinion management" can encourage economic retaliation against overseas targets by Chinese businesses and individuals not directly affiliated with the state, chilling speech overseas without the need for obvious action by the government or Party.[29]

One of the most important tools of informal economic coercion is the use of undeclared economic sanctions against countries that

criticize China, including aspects of its human rights record. In 2010, for example, China instituted a ban on imports of Norwegian salmon after a non-governmental committee in Norway awarded the Nobel Peace Prize to the late Chinese writer, poet, and advocate of political reform Liu Xiaobo.[30] In other instances since then, the government appeared to employ undeclared economic sanctions to encourage collective silence through collective punishment, sanctioning a country's export industries for unrelated criticism of China by its politicians, journalists, and academics, including criticism related to PRC espionage and human rights violations.[31]

In one example during this past year, the Chinese government escalated an ongoing campaign of undeclared economic sanctions against Australia, levied in apparent retaliation for "anti-China" research by Australian think tanks on subjects such as forced labor in the XUAR, "unfriendly or antagonistic" reporting on China by Australian journalists, new Australian laws meant to shield universities and Chinese diaspora communities from covert or coercive PRC interference, and the Australian prime minister's call for a transparent, independent investigation of COVID-19's origins.[32] In another example, the threat of Chinese government retaliation appeared to prompt the Canadian government to tell a major international security forum in Halifax that it would strip the forum of funding if it presented an award to Taiwanese president Tsai Ing-wen.[33]

During and immediately prior to this reporting period, the Commission also noted the repeated use—or threatened use—of economic coercion against countries considering restrictions on the Chinese telecommunications firm Huawei. Media reports have linked Huawei to violations of privacy, free expression, and the right to free political participation in China and in other countries through its business as a supplier of internet equipment and infrastructure, and the U.S. Government has accused the company of close cooperation with Chinese military and intelligence agencies that reportedly surveil and harass Uyghurs, Tibetans, and pro-democracy advocates overseas.[34] In some cases, countries that responded to these and other concerns by limiting the use of Huawei equipment in their 5G networks were met with threats of economic retaliation by Chinese government officials, or pressure from their own business communities prompted by the fear of retaliation. Such incidents included:

- **Germany.** In December 2019, the Chinese Ambassador to Germany appeared to threaten consequences for German businesses in China—including German auto firms—if the German government decided to exclude Huawei from the country's 5G network.[35]
- **United Kingdom.** In July 2020, after the United Kingdom announced it would ban Huawei from its 5G networks, two spokespersons for the Chinese Ministry of Foreign Affairs threatened to retaliate against the United Kingdom, including through worse treatment for U.K. companies in China.[36]
- **Sweden.** In Sweden, the CEO of Ericsson, one of Huawei's largest competitors in the 5G market, told Sweden's trade minister that Ericsson might have to move its headquarters from Sweden to another country over Sweden's decision to ban

Huawei from its 5G networks.[37] The company's CEO lobbied for a reversal of the ban, out of an apparent concern that Ericsson could face retaliatory restrictions in China, one of its largest markets.[38]

Increasing Use of Formal Sanctions Against Individuals and Institutions Overseas

During this reporting period, in addition to undeclared, informal economic pressure, the Commission also observed increasing use of formal sanctions by the Chinese government to punish criticism of China, particularly criticism of Chinese government policies in the Xinjiang Uyghur Autonomous Region (XUAR) and Hong Kong. Among those the government formally sanctioned during this reporting period were the Commission and two of its members during the 116th and 117th Congresses, Senator Marco Rubio and Representative Chris Smith.[39]

Between December 2, 2019 and March 27, 2021, China's Ministry of Foreign Affairs (MFA) announced sanctions on 78 individuals or entities.[40] The sanctions were often, but not always, applied in a one-to-one fashion following foreign countries' imposition of sanctions against China, with China sanctioning one individual or entity in retaliation for each Chinese individual or entity sanctioned.[41] Despite a growing toolkit of PRC laws with extraterritorial dimensions, the MFA did not cite any formal legal basis when announcing any of the sanctions.[42] Three of the sanctions rounds announced by the MFA related to Hong Kong. These were:

- **December 2019** sanctions against five major American nongovernmental organizations (NGOs) in retaliation for the United States' enactment of the Hong Kong Human Rights and Democracy Act.[43] All of the NGOs sanctioned work to monitor human rights abuses or support civil society in China and Hong Kong;[44]
- **August 2020** sanctions against the heads of several major United States-based NGOs that support civil society inside China, and several U.S. lawmakers;[45] and
- **November 2020** sanctions against four employees of Washington, DC-based NGOs with programs fostering civil society in Hong Kong and elsewhere.[46]

Four of the sanctions rounds related to the XUAR. These were:

- **July 2020** sanctions against the Congressional-Executive Commission on China, and four U.S. officials;[47] and
- Three **March 2021** sanctions rounds against officials, think tanks, government entities, businesses, and independent academics from the United States, Canada, the United Kingdom, and the European Union in retaliation for sanctions against China for human rights abuses in the XUAR. Many of the targets are outspoken critics of Chinese government policy, or have conducted research that documents the negative impacts of Chinese government policy in the XUAR and elsewhere.[48]

In an act of collective punishment, the MFA sanctioned the U.K. law firm Essex Court Chambers for an opinion written by four of the firm's barristers, which stated that there was a "credible case" that acts committed in the XUAR might constitute genocide.[49] Fol-

lowing the sanctions, the firm immediately removed the opinion from its website,[50] reportedly experienced difficulty recruiting senior staff, and spun off its Singapore office into a separate firm.[51]

Extraterritorial Application of the Hong Kong National Security Law

The Hong Kong National Security Law (NSL) criminalizes advocacy by persons outside Hong Kong related not only to Hong Kong, but—as described by the Congressional Research Service—to "peaceful actions or speech related to the political status of Hong Kong, and also of Tibet, Xinjiang, and such jurisdictions as Taiwan and disputed maritime territories over which China claims sovereignty."[52] [For more information on the passage and application of the National Security Law in Hong Kong, see Section VI—Hong Kong.]

Since the law's passage, its extraterritorial provision has been invoked on two occasions:

- On **July 31, 2020,** state media reported that Hong Kong police cited the National Security Law in issuing arrest warrants for Nathan Law and Samuel Chu, both of whom were not in China at the time.[53] Chu is an American citizen who has lived and worked in the United States since 1990.[54]
- In **January 2021,** Hong Kong Secretary for Security John Lee confirmed that his department was investigating National Security Law charges against Danish politicians who assisted pro-democracy campaigner Ted Hui in fleeing Hong Kong for Denmark.[55]

The National Security Law's extraterritorial provision also has had a documented chilling effect on speech related to China at universities in the United States and elsewhere. These incidents include:

- Harvard Business School excusing students worried about potential prosecution from discussion of sensitive subjects;[56]
- Professors at the University of Pennsylvania and Princeton University placing warning labels on their courses on Chinese politics, or altering their grading practices to protect the anonymity of students submitting assignments on potentially sensitive subjects;[57] and
- Students from Hong Kong at universities in the United Kingdom expressing hesitance to speak freely in courses related to sensitive subjects, for fear of potential prosecution.[58]

Alongside the National Security Law, the Commission has also observed an emerging body of laws and regulations that could potentially be used to punish criticism or chill speech outside China. These new or amended laws and regulations include the PRC Export Control Law, the Unreliable Entities List, and the Ministry of Commerce's Rules on Counteracting Unjustified Extraterritorial Application of Foreign Legislation and Other Measures.[59] In June 2021, the National People's Congress Standing Committee passed the PRC Anti-Foreign Sanctions Law.[60] The law provides a legal basis for retaliatory measures against individuals and organizations with direct or indirect involvement in the implementation of foreign sanctions; such measures include visa denial, exit bans, and

the confiscation of property and freezing of assets.[61] The law further allows for lawsuits against individuals or organizations that "implement or help implement" such sanctions.[62] Observers interpreted this new law to mean that both domestic and foreign companies could face legal liability within China for complying with export restrictions and other sanctions imposed by foreign countries.[63] According to Hofstra University Law professor Julian Ku, the law "prohibit[s] any companies operating in China from complying with EU or US sanctions."[64]

Impeding UN Human Rights Bodies and Redefining Global Human Rights Norms

During this reporting period, the Chinese government and Communist Party continued a longstanding campaign to impede or redirect the work of United Nations human rights bodies and to reshape international consensus around human rights.[65] These are part of the Party's efforts to build what it calls "international discourse power" (*guoji huayu quan*), a term that scholar Nadège Rolland says reflects the Party leadership's desire "to alter the norms that underpin existing institutions and put in place the building blocks of a new international system coveted by the Chinese Communist Party."[66]

The Commission noted an increase in reports of direct harassment of UN personnel engaged in human rights work objectionable to the Chinese government and its diplomats. The Chinese delegation in Geneva attacked one UN special rapporteur for alleged "racist statements" and "ignorance toward China" after a report on the cultural impacts of COVID-19 globally mentioned China several times.[67] The Chinese delegation also criticized the Special Rapporteur on freedom of religion or belief after his report on global Islamophobia discussed human rights atrocities in the XUAR.[68] The latter exchange led to a Chinese delegate calling for reform of the UN special procedures mechanism by which special rapporteurs are appointed.[69]

Notes to Section II—Human Rights Violations in the U.S. and Globally

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[2] Austin Ramzy and Chris Buckley, "'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times,* November 16, 2019; Adrian Zenz, "'Wash Brains, Cleanse Hearts': Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang's Extrajudicial Internment Campaign," *Journal of Political Risk* 7, no. 11 (November 24, 2019); Adrian Zenz, "China Didn't Want Us to Know. Now Its Own Files Are Doing the Talking.," *New York Times,* opinion, November 24, 2019. See also CECC, *2019 Annual Report,* November 18, 2019, 263–77.

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[4] Joel Gunter, "The Cost of Speaking Up against China," *BBC,* March 30, 2021.

[5] Joel Gunter, "The Cost of Speaking Up against China," *BBC,* March 30, 2021.

[6] Joel Gunter, "The Cost of Speaking Up against China," *BBC,* March 30, 2021.

[7] Alexandra Ma, "From Growing a Beard to Complaining about Porn: Here Are the Flimsy Excuses China Uses to Throw Uighur Muslims into Prison Camps," *Business Insider,* November 25, 2019; Raffi Khatchadourian, "Surviving the Crackdown in Xinjiang," *New Yorker,* April 5, 2021; Amnesty International, "Hearts and Lives Broken: The Nightmare of Uyghur Families Separated by Repression," ASA 17/3798/2021, March 29, 2021.

[8] Rebecca Wright and Ivan Watson, "She Tweeted from Sweden about the Plight of Her Uyghur Cousin. In Xinjiang, the Authorities Were Watching.," *CNN,* December 17, 2020. See also Donie O'Sullivan, "Chinese Hackers Targeted Uyghurs Living in US, Facebook Security Team Finds," *CNN,* March 25, 2021. Even in instances where direct attribution to Chinese officials is difficult, such campaigns often carry the hallmarks of Chinese government priorities: for example, in March 2021 Facebook announced it had disrupted a China-based hacking group targeting Uyghur journalists and advocates in the United States and other countries.

[9] "Chinese Sanctions on Newcastle Academic 'Counter-Productive,'" *BBC,* March 26, 2021; International Federation of Journalists, "Sweden: Chinese Embassy Threatens Swedish Journalist," April 15, 2021; Sébastian Seibt, "Wolf Warriors and a 'Crazed Hyena': French Researcher 'Not Intimidated' after Clash with China Envoy," *France 24,* March 23, 2021; Annabelle Timsit, "Beijing's European Sanctions Are Also a Bid to Control Who Tells the China Story," *Quartz,* March 23, 2021.

[10] Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Announces Sanctions on Relevant EU Entities and Personnel," March 22, 2021; Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Announces Sanctions on Relevant UK Individuals and Entities," March 26, 2021.

[11] Lily Kuo and Gerry Shih, "China Researchers Face Abuse, Sanctions as Beijing Looks to Silence Critics," *Washington Post,* April 7, 2021. See also Jennifer Feller and Susan Chenery, "From 'Perfect Chinese Daughter' to Communist Party Critic, Why Vicky Xu Is Exposing China to Scrutiny," *Australian Broadcasting Corporation,* March 9, 2020.

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[13] Eva Dou, "Academic Faces Chinese Lawsuit for Exposing Human Rights Abuses in Xinjiang," *Washington Post,* March 10, 2021.

[14] UN Committee on Economic, Social and Cultural Rights, "General Comment No. 13: The Right to Education," E/C.12/1999/10, December 8, 1999, paras. 38–39; International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19. China has signed but not ratified the ICCPR. United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed June 28, 2021; "Free to Think 2020," Scholars at Risk Network, November 18, 2020, 15–17.

[15] Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on February 22, 2021," February 22, 2021; "Who Are Those on China's Sanctions List Against EU, and Why These Sanctions Are Justified?," *Global Times,* March 23, 2021.

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[19] Lily Kuo and Gerry Shih, "China Researchers Face Abuse, Sanctions as Beijing Looks to Silence Critics," *Washington Post,* April 7, 2021; Zeyi Yang, "The Anatomy of a Chinese Online Hate Campaign," *Protocol,* April 9, 2021.
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STATUS OF WOMEN

Findings

• Despite numerous policies, laws, and regulations aimed at promoting gender equality and eliminating gender-based discrimination, women in China continue to face forced abortion, sterilization, and serious discrimination in many domains, including employment, wages, education, and through the non-enforcement of laws and regulations intended to protect women's rights and interests. Some commentators expected that the already widespread problem of pregnancy-based workplace discrimination was poised to worsen after the government's announcement of its new three-child policy in May 2021.
• According to the List of Issues the UN Committee on the Elimination of Discrimination against Women sent to the Chinese government in March 2021 in advance of its upcoming review, women in China "remain seriously underrepresented in legislative bodies, decision-making positions and public institutions at both the central and local levels."
• The Chinese Communist Party and government tightened control over feminists and others advocating for women's rights to freedom of expression and peaceful assembly and association. Little physical space remained for feminists to organize and protest during the reporting year, so their online presence and community became increasingly important. Many prominent feminists, however, were attacked online during the spring of 2021, and several popular social media platforms shut down their accounts. The Party and government likely played a role, either directly or indirectly, in this move to silence feminists' voices online.
• Although the Chinese government continues to take measures aimed at improving the implementation of the PRC Anti-Domestic Violence Law—such as the Supreme People's Court's release of 10 new "typical cases" warranting personal safety protection orders—protection orders are rarely issued and domestic violence remains a severe problem. Several high-profile cases highlighted the severity of the problem of domestic violence, and new research published in early 2021 relating to divorce courts' handling of domestic violence claims underscored the failure of the legal system and law enforcement authorities to protect women's rights and interests. Some observers in China have expressed concern that the new PRC Civil Code's provision that requires couples seeking a divorce to first go through a 30-day "cooling-off period" could make the situation for women in abusive marriages even more precarious.
• Sexual harassment is widespread in China, and it was only with the recent adoption of the PRC Civil Code (effective January 1, 2021) that a specific definition of sexual harassment was codified, detailing the kinds of conduct that could be considered sexual harassment, creating liability for perpetrators, and obligating employers to institute measures to prevent and stop workplace sexual harassment. The challenges facing victims of sexual harassment who seek redress through the legal system were highlighted in the landmark #MeToo case brought by

Zhou Xiaoxuan (also known as Xianzi), a former college intern at CCTV, against a popular CCTV host, Zhu Jun.

- Reports of gender-based violence against ethnic minority women in the Xinjiang Uyghur Autonomous Region (XUAR) continued to emerge during the reporting year. Uyghur and other Turkic Muslim women who were formerly detained in mass internment camps in the XUAR have reported being subjected to coercive birth control measures, including forced implantation of intrauterine devices (IUDs), forced sterilization, and forced abortion. The former detainees also described beatings, systematic rape, and other forms of abuse and torture.

Recommendations

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

- Urge the Chinese government to provide the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) with accurate and comprehensive information in response to the questions raised by the Committee in advance of its upcoming periodic review of China's compliance with the CEDAW treaty. Encourage the Chinese government to effectively implement the CEDAW Committee's recommendations from its 2014 review, and engage in good faith with the Committee during the upcoming review.
- Urge the Chinese government to cease the harassment, intimidation, and other forms of mistreatment, offline and online, of women's rights activists. In conjunction with the CEDAW Committee's next review of China, organize a conference and/or UN side event that features Chinese women's rights activists now based outside of China, and provide support, and a platform, for diaspora groups working to improve the human rights situation for women in mainland China and Hong Kong.
- Noting the recent legal developments aimed at promoting women's rights and interests, such as the inclusion of an anti-sexual harassment provision (Article 1010) in the PRC Civil Code that took effect on January 1, 2021, and local government initiatives to address sexual harassment in the workplace, and urge the Chinese government to ratify International Labour Organization (ILO) Convention 190, the Convention Concerning the Elimination of Violence and Harassment in the World of Work (2019).

STATUS OF WOMEN

Introduction

Chinese government and Communist Party authorities—through policy, law, and action—continued to violate women's human rights, including women's rights to freedom of expression, freedom of association and assembly, privacy, and rights relating to familial relations and participation in political and public life. Moreover, by not adequately implementing laws and regulations aimed at protecting women from discrimination, domestic violence, and other practices harmful to women, the government failed to fulfill its obligations under China's domestic laws and policies and its commitments under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which it ratified in 1980.[1]

Political Participation and the Right to Participate in Public Life

As in previous years, women held few positions in the top levels of influence and power in the Chinese government and Communist Party structure.[2] For example, only 25 percent of the delegates appointed to the 13th National People's Congress in 2018 were women.[3] There is only one woman among the 25 members of the Communist Party Central Committee Political Bureau (Politburo), and no women serve on the Standing Committee of the Politburo.[4] Research conducted in late 2020 by ChinaFile found that "[l]ess than 9 percent of Party secretaries and heads of local governments at the provincial, municipal, and county levels are women." [5] Moreover, based on 2018 figures, of the 90 million members of the Chinese Communist Party, only 27 percent were women.[6]

In March 2021, the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), the treaty body of 23 independent experts mandated to monitor compliance of States Parties with the Convention on the Elimination of All Forms of Discrimination against Women (Convention), sent the Chinese government a List of Issues including "major areas of concern" that will serve as a focus for China's upcoming review.[7] With respect to political participation, the CEDAW Committee stated that the data the Chinese government provided in its most recent State Party report demonstrate that women "remain seriously underrepresented in legislative bodies, decision-making positions and public institutions at both the central and local levels," [8] and asked what measures the Chinese government had taken to "accelerate women's full and equal participation in elected and appointed bodies." [9]

The Chinese government and Communist Party continued to violate women's rights to freedom of expression, and freedom of peaceful assembly and association.[10] Since 2015, the government and Party have directly or indirectly (through intimidation and harassment) forced the closure of most grassroots women's rights nongovernmental organizations (NGOs), thereby depriving women's rights advocates of the space and platforms to organize, engage in advocacy, and participate in public life.[11] A rare gathering of at least 100 supporters outside a Beijing municipality courthouse in December 2020 to support Zhou Xiaoxuan (also known as Xianzi),

a plaintiff in a high-profile sexual harassment case, lasted for hours, but not without police harassment and intimidation.[12] [See Landmark #MeToo Case Highlights Challenges in Seeking Redress for Sexual Harassment in this section.]

Women's rights advocacy suffered another blow during the reporting year as intimidation and harassment of those engaged in discussion and advocacy of issues affecting women increased. As a result of shrinking civic space in China over the past several years, social media online platforms such as Weibo have come to play an even more significant role in feminist activism, particularly as the movement has reached across borders to Chinese feminist activists and allies located abroad.[13] In late March 2021, nationalist influencers on Weibo with massive followings targeted a prominent feminist activist, which led to Weibo closing her account and then the accounts of 10 other feminist activists in China and abroad after they defended the original victim.[14] By April 29, Weibo had shut down a total of at least 20 Chinese feminist activists' accounts.[15] Weibo said it closed the accounts after receiving complaints about posts that allegedly included "illegal and harmful information."[16] The Party and government likely played a role, directly or indirectly, in this move to silence feminists' voices online.[17] A Fudan University sociology professor told the Guardian, "it is clear there are no social platforms in China that are friendly to women and women's rights issues."[18] Several of the feminists whose accounts were shut down have filed lawsuits against Weibo.[19]

Discrimination

The Chinese Communist Party and government continued to discriminate against women in multiple domains during this reporting year, including employment,[20] wages,[21] education,[22] and by the nonenforcement of laws and regulations intended to protect women's rights and interests.[23] In addition, rural women continued to face discrimination with respect to their land-use rights and land tenure security.[24] Following the government's announcement of its new three-child policy in May 2021, and its ongoing propaganda effort encouraging women to stay home and raise (more) children, some commentators expected that the already widespread problem of pregnancy-based workplace discrimination would only get worse.[25]

Contrary to its international human rights commitments, the Chinese government still has not defined specifically in legislation the meaning of "discrimination against women."[26] Nor has the government adopted comprehensive anti-discrimination legislation, despite repeated calls by UN treaty bodies and experts for it to do so.[27]

Gender-Based Violence

DOMESTIC VIOLENCE AND DIVORCE

Two of the most pressing problems facing women in China—domestic violence and the difficulty in obtaining a divorce—garnered substantial attention during this reporting year.[28] Several high-profile cases highlighted the severity of the problem of domes-

tic violence and the failure of the legal system and law enforcement authorities to protect women's rights and interests, despite the PRC Anti-Domestic Violence Law (ADVL), which took effect in 2016.[29]

Judges handling contested divorces often fail to adequately implement laws and regulations that were created to protect women's rights, including the ADVL.[30] Chinese courts handle more than 1.5 million contested divorce cases annually, and approximately 70 percent of those cases are initiated by women.[31] According to research recently published by Xin He, a law professor at the University of Hong Kong, claims of domestic violence are often asserted in divorce petitions, but are frequently dismissed or trivialized by judges.[32] Xin He found that institutional concerns and incentives that prioritize efficiency and social stability play a significant role in judicial decision-making, which has resulted in detrimental judgments for female plaintiffs.[33]

Similar institutional incentives, including the perpetuation of cultural biases as a means to efficiently close cases, explain why judges rarely issue personal safety protection orders.[34] During the period from when the ADVL (and its protection order mechanism) took effect on March 1, 2016 until the end of December 2019, judges nationwide had issued only 5,749 protective orders.[35] The Chinese government has not made public data showing how many protective orders were sought during that time period, but Xin He described earlier figures for petitions and approved protective orders as "ludicrously low."[36] Nevertheless, the Chinese government continues efforts to promote the implementation of protection orders.[37] In November 2020, the Supreme People's Court, along with the Chinese Association of Women Judges and the All-China Women's Federation, issued 10 new "typical cases" warranting personal safety protection orders to further clarify and expand its application in certain situations.[38]

Domestic violence is widespread in China.[39] According to an official media report published in 2017, one-quarter of married Chinese women have suffered domestic violence at some point in their marriages.[40] While experts said domestic violence rose substantially during the COVID-19 epidemic due to lockdown orders and rising tensions in households, there is no current official nationwide data available on domestic violence, either before the COVID-19 outbreak and lockdowns, or after.[41]

A particularly shocking case that received widespread attention in 2020 was the killing of Lhamo, a 30-year-old Tibetan farmer and social media personality with hundreds of thousands of followers, who live-streamed short video clips of her daily life on Douyin (the Chinese version of TikTok).[42] One evening in September 2020, while she was live-streaming from her kitchen, her ex-husband—who had abused her for years—appeared, and the screen went black.[43] He then poured gas on her and set her on fire.[44] Lhamo died several weeks later, and a storm of public outrage ensued on Weibo, with internet users calling for better law enforcement and more accountability for domestic violence perpetrators.[45] Lhamo had sought assistance from the local branch of the All-China Women's Federation and the police, but they failed to protect her.[46]

Some observers in China have expressed concern that provisions of the new PRC Civil Code that require couples seeking a divorce to first go through a 30-day "cooling-off period" threaten to make the situation for women in abusive marriages even more precarious.[47] Concerned about declining marriage and birth rates, and a rising divorce rate, the Chinese government included a mandated "cooling-off period" in the new Civil Code, which took effect on January 1, 2021, with the aim of discouraging divorce, keeping more couples together, and ultimately increasing the (Han Chinese) birth rate.[48] Based on the limited data from the first quarter of 2021, it appears to have had some effect: 72 percent fewer divorces were granted from January through March than in the final quarter of 2020.[49] The new "cooling-off period" may lead to the unintended consequence of more young people deciding to forgo marriage entirely.[50]

STATE-SPONSORED GENDER-BASED VIOLENCE AGAINST ETHNIC MINORITY WOMEN

Reports of gender-based violence against ethnic minority women in the Xinjiang Uyghur Autonomous Region (XUAR) continued to emerge during this reporting year.[51] Uyghur, Kazakh, and other Turkic Muslim women who were formerly detained in mass internment camps in the XUAR have reported being subjected to coercive birth control measures, including forced implantation of intrauterine devices (IUDs), forced sterilization, and forced abortion.[52] The former detainees also described beatings, systematic rape, and other forms of abuse and torture.[53] In its List of Issues submitted to the Chinese government, the UN Committee on the Elimination of Discrimination against Women asked the Chinese government to provide information about "measures taken to reduce the number of women in detention, including in extralegal detention facilities and so-called 're-education' camps, and to address gender-based violence and torture against those women."[54] [For more information on forcible population control measures used against ethnic minority women in the XUAR, see Section II—Population Control and Section IV—Xinjiang.]

SEXUAL HARASSMENT AND ASSAULT

Sexual harassment is widespread in the workplace[55] and elsewhere[56] in China. The Chinese #MeToo movement brought greater attention to the issue with several high-profile cases that went viral and prompted widespread discussion of the problem.[57] While Chinese law generally prohibits sexual harassment against women, it was only with the adoption of the PRC Civil Code in May 2020 (effective January 1, 2021),[58] that a specific definition of sexual harassment was codified, detailing the kinds of conduct that could be considered sexual harassment, creating liability for perpetrators, and obligating employers to institute measures to prevent and stop workplace sexual harassment.[59]

Experts and advocates have noted that while the new anti-sexual harassment legislation is an important development, it lacks clarity and specificity with respect to remedies for victims and penalties for offenders.[60] In March 2021, nine government departments in Shenzhen municipality, Guangdong province, jointly took action to

address some of the gaps in the national legislation by releasing an official guidebook that provides "a unified standard for sexual harassment policy at schools and workplaces," [61] and addresses sexual harassment prevention as well as recommended punishments for offenders.[62]

Landmark #MeToo Case Highlights Challenges in Seeking Redress for Sexual Harassment

The high-profile #MeToo case involving Zhou Xiaoxuan, also known by her online alias, Xianzi, highlights the many challenges facing victims of sexual harassment who seek redress through the Chinese legal system.[63] Sexual harassment cases in China rarely make it to court, and this case is particularly challenging because the defendant in Zhou's case is a high-profile, popular TV celebrity, Zhu Jun.[64] Zhu, "a household name" [65] in China, is a host on China's state-run CCTV, where Zhou Xiaoxuan, then a 21-year-old college student, interned in 2014.[66] Many #MeToo supporters have observed that while many women have been inspired by Zhou's pursuit of justice and view her as a role model,[67] the difficulties and delays Zhou has faced since 2018 when she first shared her account of what happened may lead to fewer sexual harassment victims deciding to come forward.[68]

In 2018, Zhou wrote an essay that went viral after a friend posted it on Weibo, in which she accused Zhu of sexually harassing her in 2014.[69] Afterwards, Weibo and other platforms began to censor her story and related posts per government directive,[70] and Zhu sued Zhou for defamation.[71]

Zhou then sued Zhu, claiming an "infringement on personal dignity" rather than sexual harassment, because it wasn't until January 2019 that a sexual harassment cause of action was recognized by the Supreme People's Court.[72] Zhou and her lawyers sought to have her case reclassified under this new cause of action.[73]

During a hearing that lasted more than 10 hours at the Haidian District People's Court in Beijing municipality on December 2, 2020, the court denied Zhou's motion to reclassify her case and made several other evidentiary rulings that disadvantaged Zhou, and adjourned without a verdict.[74] Despite repeated requests that the defendant Zhu appear in court for pre-trial and trial hearings, he never did.[75] The court ruled that his appearance was "not necessary." [76] At least 100 of Zhou's supporters showed up outside the court building holding signs with messages such as "#GoXianzi," "Together we ask history for an answer," and "#MeToo." [77] Many other supporters gathered online, as censors deleted posts with hashtags related to the case and #MeToo.[78]

The court abruptly postponed a second trial hearing in Zhou's case scheduled for May 21, 2021, without explanation and without announcing a new hearing date.[79] Afterwards, Zhou wrote: "When I filed my case in 2018, I was hopeful I would win. Now, in 2021, I still believe in myself when I walk into the court, but I can only hope for some due process and the basic decency that any human being deserves." [80]

Notes to Section II—Status of Women

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[10] The rights to freedom of expression and freedom of peaceful assembly and association are guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 19–20, and the International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21, 22. The Chinese government signed the ICCPR on October 5, 1998, but has yet to ratify the covenant.

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[79] "Translation: 'I Hope That This Cry Is Loud Enough'—by Xianzi," *China Digital Times,* May 26, 2021; Chao Deng, "#MeToo Supporters in China Discouraged as Accuser Faces Court Delay," *Wall Street Journal,* May 22, 2021.

[80] "Translation: 'I Hope That This Cry Is Loud Enough'—by Xianzi," *China Digital Times,* May 26, 2021.

HUMAN TRAFFICKING

Findings

- Chinese government-sponsored forced labor is a form of human trafficking under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). A March 2021 Jamestown Foundation report showed how authorities carried out forced labor programs not only for the economic benefit of participating companies, but also for the purpose of diluting the cultural and religious practices of ethnic minority residents of the Xinjiang Uyghur Autonomous Region (XUAR), as well as reducing their population density.
- Since 2017, the U.S. State Department has listed the Chinese government as one of the worst human trafficking offenders in the world. This year, for the second consecutive year, China was also listed as one of 11 countries that had a "government policy or pattern" of human trafficking.
- In June 2021, 12 UN human rights experts expressed concern over "credible information" that indicated that "specific ethnic, linguistic or religious minorities held in detention" in China were targeted for forced organ removal.
- Government policies that contributed to the risk of human trafficking included the following:
  - Government poverty alleviation programs;
  - "Xinjiang Aid" programs;
  - Restrictions on movement imposed by the household registration system;
  - Chinese workers' limited right to freedom of association;
  - Population control policies;
  - Repatriation of North Korean refugees in China to the Democratic People's Republic of Korea; and
  - Hong Kong government policies toward migrant domestic workers.

Recommendations

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

- Monitor and support the Tier 3 designation for China in the annual U.S. State Department Trafficking in Persons Report. As part of that designation, employ the actions described in Section 110 of the Trafficking Victims Protection Act of 2000 (TVPA) as amended (22 U.S.C. 7107) to address government-sponsored forced labor. Ensure that significant traffickers in persons in China are identified and sanctioned. Traffickers may be sanctioned under Section 111 of the TVPA as amended (22 U.S.C. 7108).
- Support the Uyghur Forced Labor Prevention Act (S. 65/H.R. 1155) prohibiting the importation of goods made in whole or in part in the XUAR, or in factories that recruit workers from the XUAR. Customs and Border Protection (CBP) has already issued Withhold Release Orders (WROs) on goods from the XUAR (including all cotton and tomato products), and has

targeted entire product lines and regions for import bans in the past, including by issuing WROs for the cotton industry of Turkmenistan in 2018 and gold from artisanal small mines in eastern Democratic Republic of the Congo in 2019. Additionally, Congress should consider increasing funding to CBP to bolster CBP enforcement of such WROs.

○ Consider legislation that bolsters supply chain transparency, including requiring country of origin labels for goods purchased and sold online.

○ Facilitate the immigration of refugees who have been victims of human trafficking in the People's Republic of China to safe countries, including the United States, that have no extradition agreement with China. Avenues could include urging the U.S. Department of Homeland Security to streamline applications for the Victims of Trafficking in Persons (T) nonimmigrant visa, or passing new legislation that includes provisions providing refuge for individuals made to partake in Chinese government programs forcing individuals to work in factories and elsewhere, such as poverty alleviation programs (including "labor transfer" programs) in areas populated by ethnic minorities, as well as "Xinjiang Aid" programs.

○ Support U.S. Government efforts to improve human trafficking data collection. Work with regional governments, multilateral institutions, and non-governmental organizations (NGOs) to improve the quality and accuracy of data and to monitor the effectiveness of anti-trafficking measures. Urge the Chinese government to collect and share relevant law enforcement data related to human trafficking. Incorporate language into bilateral and multilateral economic agreements requiring member countries to improve data collection on human trafficking and to take concrete steps toward eliminating human trafficking within their borders.

○ Discuss with Chinese officials in appropriate bilateral and multilateral meetings the importance of protecting worker rights as a means of combating human trafficking for the purpose of forced labor. Stress that when workers are able to organize and advocate for their rights, they are less vulnerable to all forms of exploitation, including forced labor.

HUMAN TRAFFICKING

Defining Human Trafficking

As a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol),[1] China is obligated to enact legislation criminalizing human trafficking as defined by the Palermo Protocol.[2] The definition of human trafficking under the PRC Criminal Law,[3] however, remains inconsistent with Palermo Protocol standards.[4] The Palermo Protocol definition of human trafficking involves three components:

- the action of recruiting, transporting, harboring, or receiving persons;
- the means of coercion, deception, or control; and
- the purpose of exploitation, including sexual exploitation or forced labor.[5]

In contrast, Chinese law focuses on the act of selling a woman or child,[6] rather than the purpose of exploitation.[7] Furthermore, while forced labor is illegal under the PRC Criminal Law,[8] the definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking listed in the Palermo Protocol,[9] including certain types of non-physical coercion,[10] offenses against male victims,[11] and forced labor.[12] Under the Palermo Protocol, crossing international borders is not required to constitute human trafficking, such as in cases of government-sponsored forced labor.[13]

The barriers to conducting due diligence in cases of government-sponsored forced labor,[14] as well as inconsistencies between domestic law and international standards, contribute to the difficulty of assessing the scale of human trafficking in China.[15]

Trends and Developments

Since 2017, the U.S. State Department Office to Monitor and Combat Human Trafficking (J/TIP office) has listed China at the lowest possible status designation of Tier 3, a designation for governments that "do not fully meet the [Trafficking Victims Protection Act's] minimum standards and are not making significant efforts to do so."[16] The J/TIP office also listed China as 1 of 11 countries that had a "government policy or pattern" of human trafficking.[17]

CROSS-BORDER TRAFFICKING

China remains[18] a destination country for human trafficking, particularly of women and children from Southeast Asia,[19] and was a source country for trafficking throughout the world, including to the United States, the United Kingdom, and the Asia-Pacific.[20] In addition, the Commission observed reports highlighting indicators of forced labor among Chinese nationals working overseas,[21] as well as local workers for Chinese mining companies in Zimbabwe.[22]

The Commission observed reports of the trafficking of women and girls in China this past year and in recent years for the purpose of forced marriage and/or sexual exploitation from **Burma** (Myanmar),[23] **Cambodia,**[24] **Colombia,**[25] **Laos,**[26] **Nepal,**[27] **North Korea,**[28] and **Vietnam.**[29] In addition, a report by the Guardian

found that North Korean dispatch workers in China continued to work under conditions that may amount to forced labor.[30]

Forced Labor Onboard Chinese-Flagged Distant-Water Fishing Vessels

The Commission observed reports of likely forced labor, which is a form of human trafficking, onboard distant-water fishing vessels flying Chinese flags.[31] The International Labour Organization (ILO) provides 11 indicators of forced labor to help "identify persons who are possibly trapped in a forced labour situation."[32] During the 2021 reporting year, the Commission observed reports that provided evidence for all 11 ILO forced labor indicators[33] onboard distant-water fishing vessels flying Chinese flags. These indicators are:

- Abuse of vulnerability,[34]
- Deception,[35]
- Restriction of movement,[36]
- Isolation,[37]
- Physical violence,[38]
- Intimidation and threats,[39]
- Retention of identity documents,[40]
- Withholding of wages,[41]
- Debt bondage,[42]
- Abusive working and living conditions,[43] and
- Excessive overtime.[44]

In one case reported by the Guardian, a captain and his officers onboard vessels owned by **Dalian Ocean Fishing Co. Ltd.,** subjected 24 Indonesian crewmembers to 18-hour work days, deprivation of adequate food and water, as well as beatings and threats of beatings.[45] After working under such conditions, several crewmembers fell sick and four crewmembers died from what was likely pneumonia.[46] A doctor diagnosed a crewmember who returned to Indonesia with malnutrition and vitamin B1 deficiency.[47] Under international law, China has jurisdiction over distant-water fishing vessels flying Chinese flags.[48] In May 2021, U.S. Customs and Border Protection (CBP) issued a Withhold Release Order requiring "CBP personnel at all U.S. ports of entry to begin detaining tuna, swordfish, and other seafood harvested by vessels owned or operated by the Dalian Ocean Fishing Co., Ltd."[49] In addition to Dalian Ocean Fishing, a report by Greenpeace and Serikat Buruh Migran Indonesia found evidence that the crews of 16 Chinese companies subjected Indonesian crewmembers to forced labor.[50]

DOMESTIC TRAFFICKING

The Commission observed cases involving Chinese workers who suffered mistreatment that the ILO identifies as indicators of forced labor,[51] including withholding of wages,[52] excessive overtime,[53] restriction of movement,[54] and intimidation and threats.[55]

A November 2020 article from the Chinese media outlet the Paper, reported that in July 2020 the Bengbu Municipality Intermediate People's Court in Anhui province sentenced six individuals, including four doctors, to between 10 and 28 months in prison for "intentionally destroying a corpse."[56] Between 2017 and 2018, the individuals orchestrated the removal of kidneys and livers of 11

deceased individuals.[57] The doctors falsified the Red Cross documents necessary for legitimate organ donation and provided family members of the deceased falsified consent forms.[58] Under the Palermo Protocol, the use of fraud or deception in the removal of organs is a form of human trafficking.[59] In addition, in June 2021, 12 UN human rights experts expressed concern over "credible information" that indicated that "specific ethnic, linguistic or religious minorities held in detention" in China were targeted for forced organ removal.[60]

FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION

Satellite imagery, personal testimony, official documents, and media reports indicate that authorities in the Xinjiang Uyghur Autonomous Region (XUAR) systematically compelled predominantly Muslim ethnic minorities, including Uyghurs and others, to engage in forced labor.[61] Individuals forced to labor faced high levels of surveillance; political indoctrination; and various forms of coercion, such as surveillance by security personnel, threats to family members, and the threat of detention.[62] Chinese government-sponsored forced labor in the XUAR constitutes forced labor under the International Labour Organization's Forced Labour Convention[63] and constitutes human trafficking under the Palermo Protocol.[64]

Since forced labor in association with the XUAR's mass internment camp detention system was first reported in 2018,[65] reports have continued to emerge showing that authorities have:

- forced individuals to work in factories within mass internment camps.[66] According to a BuzzFeed report, authorities continued to build factories within the camps during this reporting year;[67]
- forced individuals released from the camps to work outside the camps in the XUAR and elsewhere;[68] and
- forced individuals from ethnic minority groups to perform labor directly—inside and outside the XUAR—without first sending them to the camps.[69] Based on academic and official sources, a March 2021 Jamestown Foundation report showed that authorities carried out labor transfers not only for the economic benefit of participating companies, but also for the purpose of diluting the cultural and religious practices of ethnic minority residents of the XUAR, as well as reducing their population density.[70]

[For more information on forced labor and other human rights violations in the XUAR, see Section IV—Xinjiang. For more information on companies involved in forced labor in the XUAR, see Section III—Business and Human Rights.]

Government Policies and the Risk of Human Trafficking

The Commission observed the following Chinese government policies that contributed to the risk of human trafficking in China during this reporting year:

- **Government Poverty Alleviation Programs in Ethnic Minority Areas:** Government "poverty alleviation" programs move individuals who are from rural areas to factories as well as cotton fields.[71] Reporting has highlighted the coercive na-

ture of these "labor transfers" of ethnic minorities in the XUAR, and possibly in the Tibet Autonomous Region (TAR), by pointing to government reports that share "'success stories' of village work teams who ceaselessly visit resistant families until they 'agree' to work."[72] Ethnic minority workers in poverty alleviation programs are under close monitoring and control.[73] Ethnic minority individuals in the XUAR who are assigned to work under such programs may be detained for refusing.[74]

• **Xinjiang Aid Program:** The "Xinjiang Aid" (*duikou yuanjiang*)[75] program encourages governments and companies in other parts of China to either invest in factories and industrial parks in the XUAR or recruit ethnic minority workers from the XUAR to work in factories in other parts of China.[76] In a July 2020 document entitled "Xinjiang Supply Chain Business Advisory," four U.S. Government agencies warned that some companies or factories involved in "Xinjiang Aid" programs may make "use of internment camp labor" or workers who "are part of abusive labor programs that require parents to leave children as young as 18 months old in state-run orphanages and other facilities, while the parents are forced or coerced to work full-time under constant surveillance."[77]

• **Restrictions on Movement Created by the *Hukou* System:** Government restrictions on freedom of residence and movement imposed by the *hukou* system increased the vulnerability of migrant workers throughout China. While the National Development and Reform Commission lifted some restrictions on migrant workers,[78] migrant workers continue to have limited access to housing and government benefits because of the lack of official status in their new places of residence which can make them more vulnerable to low wages and poorer working conditions.[79] One longtime China journalist observed that "[a]t its most basic [the *hukou* system] became a mechanism that would ensure China continued to have very low wages. It did that by ensuring that these migrants could never fully integrate themselves into the cities, putting them in a very poor bargaining position when it came to demanding wage rises and better working conditions."[80]

• **Chinese Workers' Limited Freedom of Association:** The Chinese government also limited workers' right to freedom of association by not permitting the formation of independent unions.[81] A September 2016 UN report noted that the failure to protect workers' fundamental right to freedom of association disenfranchises workers and therefore "directly contributes" to human trafficking.[82] [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]

• **Chinese Government Treatment of North Korean Refugees:** The Chinese government continued to treat refugees from the Democratic People's Republic of Korea (DPRK) as illegal economic migrants and maintained a practice of repatriating undocumented North Koreans.[83] A July 2020 UN report found that "the risk of forced repatriation renders people more vulnerable to trafficking and other forms of exploitation."[84] According to the report, many North Korean refu-

gees in China "find themselves trafficked for the purposes of forced marriages, sexual exploitation, or cheap bonded labour."[85] [For more information on Chinese government treatment of North Korean refugees, see Section II—North Korean Refugees in China.]

- **Government Population Control Policies:** Decades of government-imposed birth limits combined with a traditional preference for sons have led to a sex-ratio imbalance in China.[86] This imbalance has created a demand for marriageable women that may contribute to human trafficking for the purpose of forced marriage.[87] [For more information on China's population policies, see Section II—Population Control.]
- **Hong Kong Policies toward Migrant Domestic Workers:** In addition, migrant domestic workers (MDWs) in the Hong Kong Special Administrative Region (Hong Kong) remained[88] particularly at risk of exploitation for forced labor.[89] Two regulations—one requiring MDWs to live with their employers (live-in rule)[90] and another requiring them to leave Hong Kong within 2 weeks of contract termination[91]—contributed to MDWs' risk of exploitation.[92] The live-in rule further exacerbated MDWs' risk of exploitation during the COVID-19 pandemic due to decreased ability for MDWs to leave their place of employment.[93]

Anti-Trafficking Efforts

The National Bureau of Statistics of China reported in December 2020 that in 2019, authorities uncovered 413 cases of child trafficking,[94] down from 606 cases in 2018.[95] All such figures likely include cases of illegal adoption.[96] Chinese state media reported Chinese government cooperation with international governments on combatting human trafficking, as well as anti-trafficking work with UN agencies.[97] In April 2021, the State Council General Office of China's State Council released a ten-year plan to combat human trafficking.[98] The plan called for local governments and ministries to implement sound criminal prevention mechanisms; to combat trafficking and rescue victims of human trafficking; to strengthen the rescue, resettlement, and rehabilitation of trafficking victims; to improve mechanisms for human trafficking legislation and policy; to increase publicity and education in order to combat human trafficking; and to strengthen international cooperation on human trafficking.[99]

Notes to Section II—Human Trafficking

[1] United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, accessed June 10, 2021.

[2] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 5.1. See also UN Human Rights Council, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Maria Grazia Giammarinaro, A/HRC/35/37, March 28, 2017, para. 14.

[3] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240. For a discussion of the human trafficking related provisions of the PRC Criminal Law, see Laney Zhang, "Training Related to Combating Human Trafficking: China," Library of Congress, February 16, 2016.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). Topics that need to be addressed in domestic human trafficking legislation to bring Chinese law into compliance with the Palermo Protocol include the addition of non-physical forms of coercion into the legal definition of trafficking, the trafficking of men, and providing the "purpose of exploitation." For an examination of the ways in which Chinese laws are inconsistent with the Palermo Protocol, see Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 148–77.

[5] UN Office on Drugs and Crime, "What Is Human Trafficking?," accessed July 7, 2021. Note that for children younger than 18 years old, the means described in Article 3(a) are not required for an action to constitute human trafficking. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). For information on how international standards regarding forced labor fit into the framework of the Palermo Protocol, see International Labour Office, International Labour Organization, "Human Trafficking and Forced Labour Exploitation: Guidelines for Legislation and Law Enforcement," 2005, 7–15; International Labour Organization, "Questions and Answers on Forced Labour," June 1, 2012. The International Labour Organization lists "withholding of wages" as an indicator of forced labor. See also Peter Bengsten, "Hidden in Plain Sight: Forced Labour Constructing China," *openDemocracy,* February 16, 2018.

[6] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240. The PRC Criminal Law defines trafficking as "swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim]." In contrast, the purpose of exploitation is a key element of the Palermo Protocol definition of human trafficking. For reports from the Commission's 2021 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale as exploitation, see, e.g., Gao Yuyang, "Gonganbu: jinnian quanli zhenpo guaimai ertong ji'an" [MPS: Full effort this Year to Solve Long-Standing Child Trafficking Cases], *Beijing Youth Daily,* March 16, 2021; Pham Du, "Vietnamese Police Rescue Four Newborns from China Baby Trafficking Ring," *VnExpress International,* February 27, 2021. See also Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 166–67, 170–71.

[7] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a); Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 159. See also UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, para. 28.173; Report of the Working Group on the Universal Periodic Review—China (Addendum), A/HRC/40/6/Add.1, February 15, 2019, para. 2(28.173). In response to a recommendation from Ukraine at China's Universal Periodic Review requesting that China "[e]laborate comprehensive anti-trafficking legislation that provides for the criminalization of all forms of trafficking," the Chinese government stated that the recommendation was "[a]ccepted and already implemented."

[8] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 244. For a discussion of the human trafficking related provisions of the PRC Criminal Law, see Laney Zhang, "Training Related to Combating Human Trafficking: China," Library of Congress, February 2016.

[9] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 151, 166–7; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also UN Office on Drugs and Crime, "What Is Human Trafficking?," accessed July 7, 2020.

[10] Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal

Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003. art. 3(a).

[11] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 160, 166; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). The PRC Criminal Law defines trafficking as "swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim]." See also "Sifa da shuju zhuanti baogao zhi she guai fanzui" [Judicial big data special report on crimes involving trafficking], Supreme People's Court Information Center and Judicial Cases Research Institute, December 22, 2016, 11.

[12] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a).

[13] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a); Anti-Slavery International, "What Is Human Trafficking?," accessed March 25, 2020; Human Rights Watch, "Smuggling and Trafficking Human Beings," July 7, 2015; Rebekah Kates Lemke, "7 Things You May Not Know about Human Trafficking, and 3 Ways to Help," Catholic Relief Services, January 5, 2020. For examples of human trafficking reports that list government-sponsored forced labor in China as part of human trafficking, see Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2020, 10, 153–57; CECC, "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region." March 2020, 9.

[14] See, e.g., Eva Xiao, "Auditors to Stop Inspecting Factories in China's Xinjiang Despite Forced-Labor Concerns," *Wall Street Journal,* September 21, 2020.

[15] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—China," June 2021, 176; Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 166, 177.

[16] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2021, 53–54, 174. See also Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102.

[17] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2021, 46, 47. The 2021 report's individual country narratives also listed Afghanistan, Burma (Myanmar), Cuba, Eritrea, Iran, Democratic People's Republic of Korea, Russia, South Sudan, Syria, and Turkmenistan as having a "government policy or pattern" of human trafficking.

[18] For information on cross-border trafficking to and from China in previous reporting years, see CECC, *2020 Annual Report,* December 2020, 177; CECC, *2019 Annual Report,* November 18, 2019, 160; CECC, *2018 Annual Report,* October 10, 2018, 178–79; CECC, *2017 Annual Report,* October 5, 2017, 186.

[19] See, e.g., "17 Women Trafficked in August," *Eleven,* September 3, 2020; Buth Reaksmey Kongkea, "Five on Trial for Selling Three Women into Sex Slavery in China," *Khmer Times,* July 28, 2020; Nguyen Hai, "Woman Trafficked to China Returns to Vietnam, Repeats Crime," *VnExpress International,* August 4, 2020.

[20] Abigail Abrams, "'I Thought I Was Going to Die.' How Donald Trump's Immigration Agenda Set Back the Clock on Fighting Human Trafficking," *Time,* October 30, 2020; Mahendra Chaudhry, "Human Trafficking," *Fiji Times,* October 10, 2020; "Massage Parlour Operator and Accountants Penalised," *Mirage News,* November 3, 2020; Bethany Dawson, "Couple Found Guilty of Human Trafficking after Chinese Woman Forced into Sex Work," *Independent,* November 27, 2020.

[21] See, e.g., Ivan Franceschini, "Building the New Macau: A Portrait of Chinese Construction Workers in Sihanoukville," *Made in China Journal* 5, no. 3 (September–December 2020): 66–73; Sasa Dragojlo, "'Like Prisoners': Chinese Workers in Serbia Complain of Exploitation," Balkan Insight, January 26, 2021; China Labor Watch, "Silent Victims of Labor Trafficking: China's Belt and Road Workers Stranded Overseas amid Covid-19 Pandemic," April 30, 2021; International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012, 2.

[22] "Rights, Peace, Gender Commissions Petitioned to Deal with Abusive Chinese Employers," *New Zimbabwe,* January 23, 2021; Silas Nkala, "Union Petitions Chinese-Owned Mine over Poor Working Conditions," *MSN,* February 6, 2021.

[23] "17 Women Trafficked in August," *Eleven,* September 3, 2020. See also W. Courtland Robinson and Casey Branchini, "Estimating Trafficking of Myanmar Women for Forced Marriage and Childbearing in China," John's Hopkins Bloomberg School of Public Health, and the Kachin Women's Association Thailand, December 2018.

[24] Matt Blomberg, "Pandemic Seen Fuelling Cambodian 'Bride Trafficking' to China," *Reuters,* December 11, 2020; Buth Reaksmey Kongkea, "Five on Trial for Selling Three Women into Sex Slavery in China," *Khmer Times,* July 28, 2020.
[25] Anastasia Moloney, "Colombia Makes Arrests in Sex Trafficking Plot That Lured Women to China," *Reuters,* September 8, 2020.
[26] "Chinese Police Return Three Female Trafficking Victims to Laos," *Radio Free Asia,* March 4, 2021; "Lao Woman Who Disappeared Is Believed to Have Been Trafficked to China," *Radio Free Asia,* May 18, 2021.
[27] Gajendra Basnet, "With Promises to Marry, Nepali Girls Trafficked to China," *Khabarhub,* January 8, 2021.
[28] "Repatriated North Korean Escapee Asks Police to Send Her Back to Prison," *Radio Free Asia,* September 23, 2020. See also Yoon Hee-soon, "Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China," *Korea Future Initiative,* May 20, 2019.
[29] Nguyen Hai, "Woman Trafficked to China Returns to Vietnam, Repeats Crime," *VnExpress International,* August 4, 2020; Hai Binh, "Man Arrested for Selling Teenage Girl to China," *VnExpress International,* December 25, 2020.
[30] Pete Pattisson, Ifang Bremer, and Annie Kelly, "UK Sourced PPE from Factories Secretly Using North Korean Slave Labour," *Guardian,* November 20, 2020. See also CECC *2020 Annual Report,* December 2020, 180; CECC, *2019 Annual Report,* November 18, 2019, 163.
[31] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a).
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[33] International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012, 2; Greenpeace and Serikat Buruh Migran Indonesia, "Forced Labour at Sea: The Case of Indonesian Migrant Fishers," May 31, 2021, 8, 9, 14–21.
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North Korean Refugees in China

Findings

- During the Commission's 2021 reporting year, the Chinese government continued to detain North Korean refugees in China and attempt to forcibly repatriate them to the Democratic People's Republic of Korea (DPRK), where they face severe punishment, including torture, imprisonment, forced labor, and even execution. The forced repatriation of North Korean refugees violates China's obligations under international human rights and refugee law, and may amount to "aiding and abetting crimes against humanity."
- The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries. During the past year, however, border controls resulting from the COVID-19 pandemic dramatically reduced the flow of migrants to China and onward to third countries. The South Korean government reported that about 229 North Korean refugees escaped to South Korea in 2020, a 78 percent drop from 2019, and a 92 percent drop from the 2009 peak.
- South Korean missionaries and organizations have played a crucial role in assisting and facilitating the movement of North Korean refugees in China. Chinese authorities' crackdown on and expulsion of South Korean missionaries in recent years have undermined refugee rescue work carried out by the missionaries.
- The majority of North Korean refugees leaving the DPRK are women. The Chinese government's refusal to recognize these women as refugees denies them legal protection and exposes them to the risk of being trafficked within China. The Chinese government may also be complicit in the forced labor of women sent by the DPRK government to work in China.
- Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to their lack of legal resident status in China, which constitutes a violations of the PRC Nationality Law and the Convention on the Rights of the Child.

Recommendations

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

- Reauthorize the North Korean Human Rights Act of 2004 (Public Law No. 108–333), currently authorized only through FY2022.
- Appoint and confirm the U.S. Special Envoy on North Korean Human Rights Issues, and encourage the Special Envoy to work with South Korean counterparts to coordinate efforts related to humanitarian assistance and human rights promotion for North Korean refugees in China, in accordance with the North Korean Human Rights Reauthorization Act (Public Law No. 115–198).
- Urge the Chinese government to recognize North Koreans in China as refugees, and more specifically, as refugees *sur place*

who fear persecution upon return to their country of origin regardless of their reason for leaving the DPRK; immediately halt the forced repatriation of North Korean refugees; adopt asylum or refugee legislation and incorporate the principle of non-refoulement into domestic legislation; establish a responsible government institution and mechanism to determine asylee or refugee status for North Koreans seeking international protection in China, in cooperation with the UN High Commissioner for Refugees; and allow North Korean refugees safe passage to another country, including to the Republic of Korea.

○ Consider using the suite of sanctions that are available, where appropriate, against Chinese government agencies and individuals involved in the forced repatriation of North Korean refugees; and press for increased international monitoring of and accountability for the Chinese government's treatment of refugees.

○ Urge Chinese authorities to recognize the legal status of North Korean women who marry or have children with Chinese citizens, and ensure that all such children are granted resident status and access to education and other public services in accordance with Chinese law and international standards.

North Korean Refugees in China

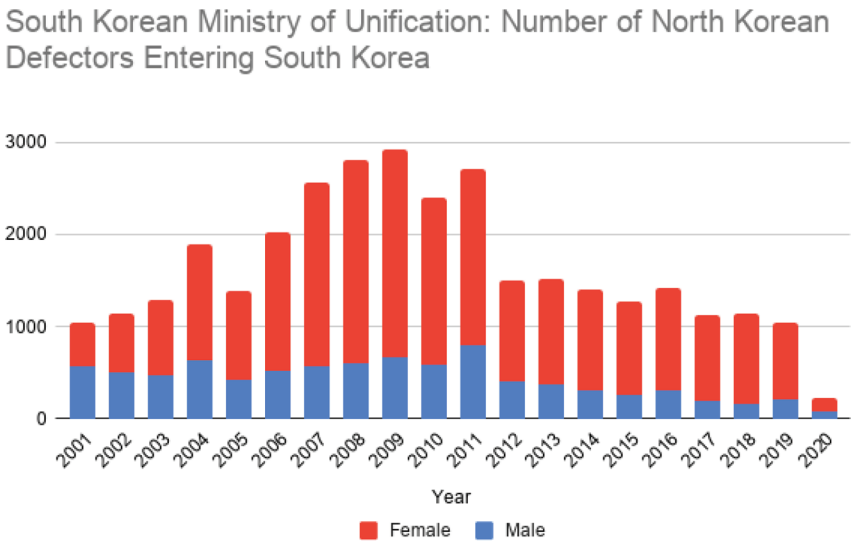
Introduction

The Chinese government regards North Korean refugees in China as illegal migrants and maintains a policy of forcible repatriation based on a 1998 border protocol with the Democratic People's Republic of Korea (DPRK),[1] although the COVID-19 pandemic has halted such forced repatriations during the Commission's 2021 reporting year.[2] Despite the temporary halt to forced repatriations, the government's policy persists in the face of substantial evidence that repatriated North Koreans face torture, imprisonment, forced labor, execution, and other inhuman treatment.[3] The DPRK government's treatment of forcibly repatriated refugees renders North Koreans in China refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK.[4]

The Chinese government's forced repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded.[5] China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from forcibly repatriating persons if there are "substantial grounds for believing that [they] would be in danger of being subjected to torture."[6]

Border Conditions and Forced Repatriation of Refugees

In 2020, 229 North Korean refugees reached South Korea, the lowest total in any year since South Korea's Ministry of Unification began recording arrivals in 1998.[7] The figure represents a 78 percent drop from 2019, and a 92 percent drop from the 2009 peak.[8] Refugee flows had decreased prior to 2020, in part due to the imposition of stricter border controls by Chinese and DPRK authorities,[9] but experts attributed the large further drop in 2020 primarily to the DPRK's decision to seal its borders to forestall the COVID-19 pandemic.[10] Despite the DPRK government's closure of its borders, the Chinese government continued to attempt forced repatriation of North Koreans.[11]



The DPRK began to shut its border with China in January 2020,[12] drastically limiting the flow of both goods and people to prevent the spread of COVID-19,[13] and issued orders for border guards to fire upon anyone discovered within a kilometer of the China-North Korea border, with warning shots to be followed by shots using live ammunition.[14] Despite the adverse effect on the North Korean economy, as of July 1, 2021, the DPRK government had not loosened border controls.[15] One organization that specializes in moving refugees across the border and eventually to South Korea reported that the fees charged by smugglers to facilitate a crossing have climbed so high that even attempts to rescue North Koreans in imminent danger have become difficult.[16] Strengthened border controls between China and Southeast Asian countries—a popular escape route for refugees—have also impeded refugees attempting to reach South Korea, as has a reduced number of flights between South Korea and countries such as Thailand or Laos.[17]

Foreign Aid Work

During this reporting year, the Commission continued to observe reports of Chinese authorities suppressing organizations and individuals, particularly South Korean Christian churches and missionaries, that evangelize North Korean refugees or facilitate their departure from the DPRK. The volume of reports was less than in previous years, likely owing to a number of factors, including:

- The DPRK government's closure of its border with China due to COVID-19;[18]
- A more difficult environment for independent reporting within China;[19]
- Expulsions of a large number of foreign missionaries prior to this reporting year, which one international advocacy group called the largest since 1954.[20]

Chinese authorities also continued to impose harsh penalties on South Korean missionary organizations active inside China, and considered new restrictions that could hamper foreign missionaries' movement into and within China.[21]

Trafficking of North Korean Women

North Korean women who enter China illegally remain particularly vulnerable to human trafficking. Observers have linked the trafficking of North Korean women to a sex-ratio imbalance in China exacerbated by the Chinese government's past population planning policies.[22] Data from South Korea's Ministry of Unification suggest that since 1998, the majority of North Korean refugees leaving the DPRK are women, who reports indicate have been trafficked in China for the purposes of forced marriage and commercial sexual exploitation.[23]

The Chinese government's refusal to recognize these women as refugees denies them legal protection and exposes them to the risk of being trafficked within China.[24] It also leaves the women vulnerable to forcible repatriation to North Korea, where the UN Office of the High Commissioner for Human Rights has found they are likely to be subject to profound abuse as punishment for their escape.[25]

Forced Labor by North Korean Women Inside China

North Korean women who are not refugees, but rather are dispatched to China by the DPRK government are vulnerable to commercial exploitation and forced labor inside China.[26] One investigation by the Guardian newspaper found several Chinese factories near the North Korean border employing "hundreds of North Korean women . . . secretly working in conditions of modern slavery" to produce protective medical clothing for export.[27] The UN has previously found arrangements of this nature to be state-sponsored export of forced labor.[28]

Children of North Korean and Chinese Parents

A lack of legal resident status in China means that many of the children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services. According to some estimates, the total number of children born in China to North Korean women ranges between 20,000 and 30,000.[29] Despite the fact that the PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen,[30] parents of such children are often unable to obtain birth registration or nationality documents.[31] Without this proof of resident status, these children often find it difficult to access education and other public services.[32] The denial of nationality rights and access to education for these children contravenes China's obligations under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.[33]

Notes to Section II—North Korean Refugees in China

[1] UN General Assembly, Report on the Situation of Human Rights in the Democratic People's Republic of Korea, A/74/268, August 2, 2019; UN Office of the High Commissioner for Human Rights, "Committee on the Elimination of Racial Discrimination Reviews the Report of China," August 13, 2018. The UN Committee on the Elimination of Racial Discrimination expressed concern that "China continued to deny refugee status to asylum-seekers from the Democratic People's Republic of Korea and it also continued to forcibly return them to their country of origin, regardless of a serious threat of persecution and human rights violations." Democratic People's Republic of Korea Ministry of State Security and People's Republic of China Ministry of Public Security, *Zhonghua Renmin Gongheguo Gong'anbu Chaoxian Minzhu Zhuyi Renmin Gongheguo Guojia Baoweibu Guanyu Zai Bianjing Diqu Weihu Guojia Anquan He Shehui Zhixu De Gongzuo Zhong Xianghu Hezuo De Yidingshu,* [Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas], signed July 8, 1998, effective August 28, 1998, arts. 4, 9. The protocol commits each side to treat as illegal those border crossers who do not have proper visa certificates, except in cases involving "calamity or unavoidable factors."

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[3] UN General Assembly, Report on the Situation of Human Rights in the Democratic People's Republic of Korea, A/74/268, August 2, 2019; Amnesty International, "North Korea 2020," accessed April 3, 2021; UN Office of the High Commissioner for Human Rights, "'I Still Feel the Pain . . . ' Human Rights Violations against Women Detained in the Democratic People's Republic of Korea," July 28, 2020, paras. 23, 65, 67, 80.

[4] UN High Commissioner for Refugees, "UNHCR, Refugee Protection and International Migration," January 17, 2007, paras. 20–21; Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019; Roberta Cohen, "Legal Grounds for Protection of North Korean Refugees," Brookings Institution, September 13, 2010.

[5] Convention Relating to the Status of Refugees, adopted by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons on July 28, 1951, entry into force April 22, 1954, arts. 1(A)(2), 33(1). Article 1 of the 1951 Convention, as amended by the 1967 Protocol, defines a refugee as someone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . . ." Article 33 of the 1951 Convention mandates that, "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Convention Relating to the Status of Refugees, accessed April 1, 2021. China acceded to the Convention Relating to the Status of Refugees on September 24, 1982. Protocol Relating to the Status of Refugees, adopted by UN General Assembly resolution A/RES/2198 of December 16, 1966, entry into force October 4, 1967, art. 1; United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Protocol Relating to the Status of Refugees, accessed April 1, 2021. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982.

[6] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 3. Article 3 states that, "No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed April 1, 2021. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392d Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 46.

[7] Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed April 7, 2021. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

[8] Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed April 7, 2021. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

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[12] Miriam Berger and Simon Denyer, "North Korea Bans Foreign Tourists as Coronavirus Spreads," *Washington Post,* January 21, 2020.

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[24] United Nations Human Rights Office of the High Commissioner, "Human Rights Violations against Women Detained in the Democratic People's Republic of Korea" July 28, 2020; UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, A/HRC/43/58, February 25, 2020; Human Rights Watch, Phil Robertson, "North Korean Refugees Trapped by China's Expanding Dragnet," September 18, 2017; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 13.
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[33] Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, arts. 2, 7, 28(1)(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also to provide all children with access to education without discrimination on the basis of nationality. International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 24.

PUBLIC HEALTH

Findings

- The Chinese government and Communist Party's public health response to the COVID-19 pandemic exposed authorities' reliance on entrenched patterns of authoritarian control, not only through "cover-up and inaction" at the time of the outbreak but also through ongoing "secrecy and top-down control" over scientific research and information sharing. Researchers this past year also documented the government and Party's widespread promotion of propaganda and misinformation in China and globally in an attempt to shape a positive narrative about the Party's and government's response to the COVID-19 pandemic, as well as to promote misinformation about the origins of SARS-CoV-2.
- Authorities have harassed, detained, and in several cases prosecuted individuals who attempted to document the COVID-19 outbreak or advocate for victims of COVID-19. In December 2020, Shanghai municipality authorities sentenced citizen journalist **Zhang Zhan** to four years in prison for her efforts to document COVID-19 in Wuhan municipality, Hubei province, the epicenter of the outbreak. In May 2021, a court in Beijing municipality tried two anti-censorship advocates, **Cai Wei** and **Chen Mei,** in connection with archiving news reports about the COVID-19 outbreak and epidemic in China.
- Health officials in China reportedly began to vaccinate select groups using domestically produced COVID-19 vaccines in China in July 2020 under an emergency use program, while the vaccines were still undergoing clinical trials. As of June 2021, 622 million people had been at least partially vaccinated in China, covering about 45 percent of the country's population. Numerous factors may have contributed to low vaccination rates, including the lack of publicly available information in China about COVID-19 vaccines, the distribution of the vaccines while they were still in experimental trials, and inequitable access to vaccinations.
- Although the Chinese government rejected calls for an independent, international investigation of the origins of SARS-CoV-2, a joint study with the World Health Organization (WHO) took place in January and February 2021. The government and Party obstructed the joint study during negotiations over its mandate, terms of reference, and timing; restricted access afforded the international experts while they were in China; and influenced findings in the final report of March 2021. The WHO Director-General, multiple governments, and international experts called for further investigation of the origins, including a rigorous examination of the hypothesis that the origins are linked to a lab incident in China. Moreover, the WHO Director-General in July 2021 noted that there had been a premature push to discount the lab theory. In July, the Chinese government categorically rejected the WHO's proposal for a second-phase study that entails laboratory and market audits in Wuhan.

• The Communist Party's and Chinese government's crackdown on civil society engagement in public health advocacy, as well as on rights defenders and journalists, begun in 2013, indirectly weakened the official response to the COVID-19 outbreak, resulting in serious consequences "not just for China, but for the world," according to three longtime civil society advocates in a November 2020 article for the Diplomat. This past year, authorities detained lawyer **Chang Weiping** and two advocates for vaccine safety, **He Fangmei** and **Hua Xiuzhen. Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong** of Changsha Funeng—a non-governmental organization in Hunan province working to counter discrimination against persons with health conditions—remained in detention for alleged "subversion of state power" for a second year although a closed-door trial reportedly took place in September 2020.

Recommendations

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

○ Press for an independent, international investigation into the origins and handling of the COVID-19 outbreak in China, requiring the inclusion of human rights experts in the scientific and medical expert groups that travel to China to carry out this work, and pressuring the Chinese government to release critical scientific data about the outbreak. Urge the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to conduct a mission to China within 12 to 18 months.

○ Increase support to international technical assistance and exchange programs on biosafety and emerging and zoonotic infectious diseases, and global public health preparedness and response. Strengthen information sharing, particularly drawing on the legal framework established in the International Health Regulations (IHR). Contribute to the international community's efforts to improve the IHR provisions and communications channels to effectively respond to public health emergencies.

○ Urge the Chinese government to end the unlawful detention and official harassment of individuals in China who have shared opinions and information about COVID-19. Release or confirm the release of individuals detained, held in home confinement, or imprisoned for exercising freedom of expression, such as **Xu Zhiyong, Fang Bin, Zhang Zhan, Chen Mei, Cai Wei, Ren Zhiqiang, He Fangmei,** and **Hua Xiuzhen.** Amplify the work of Chinese citizen journalists, scientists, and medical professionals in documenting COVID-19 and other public health developments in China.

○ Urge Chinese officials to focus attention on effective implementation of laws and regulations that prohibit health-based discrimination in access to employment and education, and on the development of a barrier-free environment. Where appropriate, share with Chinese officials the United States' ongoing experience and efforts to promote and enhance the rights of persons with disabilities and other health-based conditions.

Expand the number of site visits and exchanges for Chinese non-governmental health advocates, universities, and state-affiliated social work agencies to meet with U.S. rights groups, lawyers, and state and federal agencies to share best practices in outreach to, and services for, vulnerable communities. Release or confirm the release of **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong,** whom authorities detained for public health advocacy. Raise these cases in bilateral dialogues, as well as through multilateral mechanisms such as the UN Working Group on Arbitrary Detention.

PUBLIC HEALTH

COVID-19 Pandemic

During the Commission's 2021 reporting year, the Chinese Communist Party and government's public health response to the COVID-19 pandemic raised concerns worldwide about their unwillingness to share scientific data with the international community or to cooperate with efforts to find the origins of the virus and its transmission among humans. Inside the country, information-control measures were used to silence individuals who criticized the government's handling of the COVID-19 epidemic, including the detention and prosecution of citizen journalists and others who attempted to document the outbreak. The Chinese government continued to use contact tracing, mass testing, and other public health precautions to attempt to prevent the spread of COVID-19.[1] Authorities also responded to what were reported to be small-scale outbreaks in various parts of the country, using lockdowns and other control measures.[2]

UN Special Rapporteurs emphasized that the free flow of information and access to accurate information are crucial to the right to health, noting, "[h]uman health depends not only on readily accessible health care. It also depends on access to accurate information about the nature of the threats and the means to protect oneself, one's family, and one's community."[3] Multiple reports documented that the Chinese central government withheld critical information, such as the earliest samples of the virus and raw epidemiological data, from Chinese citizens and the international community beginning at the start of the outbreak,[4] in violation of the International Health Regulations (IHR)[5] and other international instruments and standards on the right to health.[6] Under the IHR, an international treaty to which China is a State Party and that is overseen by the World Health Organization (WHO), States Parties must "provide to WHO all relevant public health information" whenever there is a public health event within their territory that "may constitute a public health emergency of international concern."[7] A peer-reviewed analysis published in the journal *PLOS Pathogens* estimated that the earliest case of COVID-19 in China occurred on or around November 17, 2019, a finding corroborated by a South China Morning Post report.[8] The study published in *PLOS Pathogens,* moreover, estimated that SARS-CoV-2 may have started spreading in China as early as October 2019.[9] Healthcare professionals in Wuhan reportedly began to report cases of a mysterious respiratory illness in December 2019,[10] with some doctors disclosing information on the messaging platform WeChat about a "SARS-like pneumonia" on December 30, 2019.[11] The Wuhan Municipal Health Commission characterized the illness as a "pneumonia of unknown origin" on December 30, 2019, in a notice sent to hospitals in Wuhan,[12] and posted a media statement about cases of "viral pneumonia" in Wuhan on the Wuhan Health Commission website on December 31, 2019.[13] A genomics company in China, however, had sequenced enough of the genome to determine it was a novel coronavirus related to SARS by December 27, and another lab had sequenced the genome in full by December 29.[14] Communist Party and government officials, public health authorities,

and Wuhan hospital officials have been implicated in delaying information sharing,[15] such as by obstructing the use of China's national infectious disease monitoring network[16] and significantly underreporting COVID-19 cases[17] and fatalities.[18]

According to public health expert Yanzhong Huang, the Chinese government's "cover-up and inaction" in reporting news of the SARS-CoV-2 outbreak were a reminder of its cover-up of the SARS-CoV-1 outbreak in 2002 and 2003.[19] While Chinese authorities eventually admitted to a cover-up of the SARS-CoV-1 outbreak and subsequently made institutional and legislative changes to the public health system,[20] the pattern of the Communist Party's and government's public health response to the COVID-19 pandemic illustrated entrenched "political and institutional" arrangements of authoritarian rule in China.[21] Chinese authorities maintained a prohibition on researchers and medical professionals sharing information about the coronavirus, including samples, without state authorization.[22] The directive, first issued by the National Health Commission on January 3, 2020, required laboratories to destroy samples or transfer them to designated state institutions for storage.[23] Writing in December 2020, the Associated Press (AP) reported robust scientific research on COVID-19 taking place in China, which the AP alleged had not been shared with the international community, citing official regulations from March 2020 that stipulated official vetting of any COVID-19-related scientific research in China before publication.[24] The AP described the vetting as part of "a pattern of government secrecy and top-down control that has been evident throughout the pandemic."[25] In addition, news and research reports this past year examined the widespread dissemination of government and Party propaganda and disinformation via social media platforms within China and internationally, some content of which was related to COVID-19.[26] In one such analysis, journalists analyzed thousands of official documents to explain how Chinese authorities "stage-managed" the online response to COVID-19 in China, aiming to calm fears, "debunk falsehoods," and portray Chinese leadership favorably.[27] Misinformation about COVID-19's origins that issued from the Ministry of Foreign Affairs also was highlighted in several reports.[28]

DOMESTIC VACCINE ROLLOUT

Health officials in China reportedly began to vaccinate select groups using domestically produced COVID-19 vaccines in China in July 2020 under an emergency use program, while the vaccines were still undergoing clinical trials.[29] In the summer and fall of 2020, hundreds of thousands of Chinese citizens were given experimental vaccines,[30] including medical professionals and border workers,[31] vaccine manufacturer employees,[32] people working abroad,[33] airline employees,[34] and students wanting to study abroad.[35] In December 2020, Chinese regulators approved the country's first COVID-19 vaccine for general public use, the vaccine produced by the China National Pharmaceutical Group, or Sinopharm,[36] without releasing phase 3 trial data.[37]

Authorities initially prioritized COVID-19 vaccination for adults under the age of 60, which a top epidemiologist said was aimed at "build[ing] an immune barrier for the rest of society" before au-

thorities provided the vaccine to the elderly and other high-risk populations.[38] As of February 2021, neither of the two domestic vaccines approved by the country's regulators had proven effective in people over 59 years old.[39] Cost was initially an additional prohibitive factor in obtaining a vaccination, with those who qualified for the experimental Sinopharm vaccines reportedly having to pay anywhere from 400 to 8,000 yuan (US$62 to US$1,240), a cost not covered by medical insurance.[40]

China's rate of vaccination initially failed to meet official targets and lagged behind that of other countries.[41] In the spring of 2021, authorities launched a mass vaccination drive, administering hundreds of millions of vaccine doses by the end of May.[42] Chinese officials set a goal of vaccinating 70 percent of the population by the end of 2021.[43] As of June 2021, 622 million people had been at least partially vaccinated in China, covering about 45 percent of the country's population.[44] Numerous factors may have contributed to low vaccination rates,[45] including the lack of publicly available information about COVID-19 vaccines,[46] the distribution of the vaccines while they were still in experimental trials,[47] and inequitable access to vaccinations.[48] In April 2021, human rights lawyer Xie Yanyi published an open letter to the National Health Commission, asking it to compel vaccine manufacturers to provide more information to the public about domestic COVID-19 vaccines in order to enhance public confidence in the vaccines.[49]

Authorities used a combination of incentives and pressure to carry out the country's spring 2021 mass vaccination campaign and accelerate vaccination rates nationwide.[50] Local incentives for getting vaccinated included cash, milk, eggs, laundry detergent, and bags of rice.[51] Small outbreaks of COVID-19, combined with corresponding restrictions and testing requirements, also prompted many people to get vaccinated.[52] Local authorities also mobilized vaccination teams to offices and vaccination clinics and to residential areas, and presented certificates to businesses with high vaccination rates.[53] More aggressive efforts included a government requirement in Haikou municipality, Hainan province, that companies vaccinate 85 percent of their employees, under penalty of possible suspension;[54] some colleges' bans on unvaccinated students from graduating;[55] and some companies' requirements that employees be vaccinated, sometimes without regard to health conditions.[56]

CHINESE GOVERNMENT'S LACK OF TRANSPARENCY AND COOPERATION A BARRIER TO DETERMINING COVID-19 ORIGINS AND TRANSMISSION PATH

Although the Chinese government has claimed a high level of transparency in reporting on the outbreak,[57] it repeatedly rejected calls for an independent investigation into the origins,[58] and only consented to a joint study in China with the WHO following international pressure.[59] In January and February 2021, a joint study was conducted in China by a team comprising Chinese and international members[60] with a mandate—as formulated by the World Health Assembly in May 2020—to "identify the zoonotic source of the virus and the route of introduction to the human population."[61] The team's final report sustained the earlier hypothesis that SARS-

CoV-2 was circulating in the population of Wuhan municipality, Hubei province, no later than early December 2019.[62]

The WHO reportedly faced considerable difficulties in its negotiations with the Chinese government in developing the study's mandate[63] and terms of reference, in arranging and implementing the study,[64] and in agreeing on language used in the final report.[65] As reflected in the joint study's title, "WHO-convened Global Study of Origins of SARS-CoV-2: China Part," the terms of reference denoted that in addition to the "China Part" of the study, examinations of the virus's origins would take place in other parts of the world.[66] News reporting also described months of delay leading up to the travel of the international experts—two of whom were ultimately denied entry into China for allegedly carrying COVID-19 antibodies—and upon arrival in China, the experts spent the first half of the month-long study in quarantine.[67] Ostensibly due to COVID-19 precautions, limited contact between WHO team members and their Chinese counterparts during the two-week in-person part of the study prevented informal discussion of the study.[68] The government limited the WHO experts' access to information, such as refusing to share raw and retrospective data.[69] Chinese authorities imposed restrictions that ensured the WHO team "didn't have the mandate, expertise and access to investigate a potential lab leak."[70] Later, the WHO Director-General Tedros Adhanom Ghebreyesus commented on the release of the joint study report in March 2021, "I expect future collaborative studies to include more timely and comprehensive data sharing."[71] In July, Tedros made an unambiguous public request to the Chinese government to provide raw data and greater transparency.[72]

While the March 2021 joint report reiterated the premise that SARS-CoV-2 "is thought to have had a zoonotic origin . . .," it remained inconclusive about whether the transmission path of SARS-CoV-2 involved an intermediate host facilitating zoonotic transmission, direct zoonotic transmission, cold/food chain ("cold chain") transmission, or transmission due to a lab incident.[73] Chinese health authorities promoted a theory of cold-chain transmission to boost their preferred origins narrative that SARS-CoV-2 came from frozen goods imported into China.[74] Moreover, Chinese state media inaccurately reported that the international team had "ruled out the hypothesis" that the virus leaked from a lab.[75] This evaluation of hypotheses, including the seeming dismissal of the lab incident hypothesis, and the other reported challenges of the joint study, elicited considerable international criticism and prompted calls for a full and independent investigation.[76] The WHO lead of the joint study team later observed that "a different mechanism" than the team's narrow mandate would be required in order to rigorously examine the lab hypothesis.[77] In July 2021, WHO Director-General Tedros stated that there had been a "premature push" to discount the lab incident theory.[78] Tedros proposed a second phase of the WHO-China joint study to entail audits of laboratories and wildlife markets in Wuhan,[79] a proposal that Chinese officials categorically rejected.[80]

HARASSMENT AND DETENTION

In responding to the COVID-19 outbreak and spread in China, the Chinese government and Communist Party used repressive tactics against individuals who provided unauthorized reports or tried to publicly raise grievances about the government's handling of the COVID-19 outbreak. Government-sanctioned coercive tools, such as "media control, obstruction of information, pressuring 'whistleblowers,' and detaining critics" illustrated the Chinese government's approach to handling the COVID-19 emergency even while it promoted the "Chinese model" to contain the virus, observed Germany-based journalist Chang Ping.[81] While the International Covenant on Civil and Political Rights allows governments to impose some restrictions on freedom of expression in cases of public emergencies, such restrictions must meet standards of legality, proportionality, and necessity.[82] The Chinese official response of controlling free speech activity linked to COVID-19 appeared to violate those standards as seen in the following selected cases from this past year.[83] [For more information on repression of speech, see Section II—Freedom of Expression.]

- **Prosecution of citizen journalists Zhang Zhan, Chen Mei, and Cai Wei.** Authorities in Shanghai municipality sentenced Zhang Zhan on December 28, 2020, to four years in prison for "picking quarrels and provoking trouble" in connection with videos she made in February 2020 showing conditions in the COVID-19 epicenter of Wuhan municipality, Hubei province.[84] Zhang posted 122 videos on YouTube, the first of which included a statement on freedom of speech.[85] Chen Mei and Cai Wei were tried on May 11, 2021, by the Chaoyang District People's Court in Beijing municipality on the charge of "picking quarrels and provoking trouble" in connection with their project Terminus 2049, in which they archived news reports about COVID-19.[86] Other cases of individuals detained for reporting on COVID-19 include **Fang Bin,** who was held in incommunicado detention, likely in Wuhan,[87] and **Chen Qiushi,** who reportedly was restricted to his parents' home and environs in Qingdao municipality, Shandong province.[88]
- **Harassment of Fang Fang, author of "Wuhan Diary."** Online attacks—including by state media outlets[89]—against Fang Fang, the pen name of author Wang Fang, continued this past year in connection with her social media diary about the lockdown period in Wuhan.[90] The diary was translated and published in book form in several languages,[91] which reportedly generated "nationalist" backlash that she had portrayed the Chinese government in a negative light. Internet users issued death threats online against Michael Berry, the English language translator of "Wuhan Diary" and a professor of Chinese literature and film at the University of California, Los Angeles.[92] Ai Xiaoming, a prominent intellectual and author of another lockdown diary, commented that Fang Fang's status as a writer "within the system" may have given her some degree of protection against official measures in comparison to citizen journalists whom authorities "disappeared" during the COVID-19 pandemic.[93]

• **Intimidation of Dr. Li Wenliang's family members.** Before Dr. Li Wenliang's death from COVID-19 complications in February 2020, he revealed in a social media post[94] and in an interview with media outlet Caixin on January 30, 2020,[95] that authorities from Wuhan had reprimanded him for sharing information online with fellow doctors about the outbreak of a viral pneumonia. According to the Foreign Correspondents' Club of China, in October 2020, authorities intimidated family members of Dr. Li into not speaking with a journalist from the German magazine Der Spiegel in Wuhan.[96] A group of plainclothes individuals reportedly approached the journalist and Li's family members, one of whom spoke separately with Li's family; appearing "distraught and sobbing," Li's family members informed the journalist that they no longer wanted to speak with him.[97] In January 2021, Radio Free Asia reported that authorities continued to hold Li's wife, children, and elderly parents "under 'stability maintenance' measures."[98]
• **Silencing advocacy for Wuhan COVID-19 victims.** Several families in Wuhan tried to air grievances about local officials' response to the outbreak by calling for accountability, attempting to file lawsuits, networking online among families, and requesting to meet with experts participating in the World Health Organization study in January and February 2021.[99] Authorities cracked down on these efforts,[100] including shutting down one of the social media networks established by the families.[101] In addition, this past year, authorities reportedly harassed Yang Zhanqing, a Chinese civil society advocate based in the United States who facilitated legal and rights defense guidance for COVID-19 victims and their families in China.[102]

Repressing Public Health Advocacy

The Chinese government and Communist Party's crackdown on civil society groups, rights defenders, and journalists, begun in 2013, indirectly weakened its response to the COVID-19 outbreak, resulting in serious consequences "not just for China, but for the world," according to three longtime civil society advocates in a November 2020 article for the Diplomat.[103] They argued that official suppression of civil society networks preempted the kinds of advocacy and information sharing that are critically needed during public health emergencies.[104]

This past year, reports on new and ongoing detentions of individuals who have been involved in rights protection for persons with disabilities and health conditions revealed procedural flaws, such as preventing access to lawyers and family,[105] lengthy pre-trial detention,[106] and use of torture.[107] In October 2020, authorities in Baoji municipality, Shaanxi province, detained lawyer **Chang Weiping** for the second time in one year not long after he accused authorities of having tortured him during the earlier detention in January 2020.[108] Chang has been legal counsel in health discrimination lawsuits, among others.[109] **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong**—the cofounder and two staff members of Changsha Funeng, a non-governmental organization in Changsha municipality, Hunan province, working to counter discrimination

against persons with health conditions—remained in custody for a second year on the charge of "subversion of state power."[110] Authorities held a secret trial for the three men in September 20, 2020, but as of July 1, 2021, no verdict had been announced.[111] Authorities also detained two longtime vaccine safety advocates, **He Fangmei** and **Hua Xiuzhen,** in October 2020 and January 2021, respectively.[112] He Fangmei reportedly had recently protested outside a government building against unsafe vaccines,[113] and Hua's disappearance was linked to the arrival of the WHO expert delegation that was investigating the origins of the COVID-19 outbreak.[114]

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THE ENVIRONMENT AND CLIMATE CHANGE

Findings

- During the Commission's 2021 reporting year, Chinese citizens continued to face problems of water pollution and water scarcity. In its 2020 National Environmental and Ecological Quality Report, the PRC Ministry of Ecology and Environment found that 83.4 percent of tested surface water and 13.6 percent of tested groundwater in China was fit for human consumption. Nine provinces and municipalities in China suffer from water scarcity. In addition, the construction of dams along major rivers in China may have a negative impact on countries downstream.
- China continues to experience high levels of air pollutants, contributing to negative health effects including premature death. For example, exposure to air pollution in Beijing and Shanghai municipalities reportedly resulted in approximately 49,000 premature deaths in the first half of 2020.
- Although the official "Olympic and Paralympic Winter Games Beijing 2022 Carbon Management Plan" lists measures to reduce and offset carbon emissions among its main objectives, doubts remain as to whether measures to reduce air pollution will be sufficient to reduce the risk to Olympic athletes' health, including from pollutants such as carbon, methane, and sulfur.
- Chinese citizens continued to raise concerns about the environment through street-level protests and other forms of public advocacy at the risk of being persecuted. Individuals detained for environmental advocacy during the 2021 reporting year included **Li Genshan, Zhang Baoqi,** and **Niu Haibo.** In addition, authorities briefly detained teenage advocate **Howey Ou Hongyi** after she staged a Global Climate Strike in Shanghai municipality.

Recommendations

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

- Call on the Chinese government to cease harassment of environmental advocates and censorship of environmental reporting and follow international standards on freedom of speech, association, and assembly, including those contained in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and China's Constitution. Highlight to Chinese officials the important role that civil society and independent media, including the foreign media, can play in strengthening environmental monitoring and improving the environment.
- In meetings with international counterparts, develop a coordinated response to reports of both forced labor in the solar power supply chain, and to Chinese government sanctions placed on research institutes and individual scholars, including those that do important environmental work.

The Environment and Climate Change

- In meetings with Chinese officials, raise the detentions of environmental researcher and former Xinjiang University President **Tashpolat Teyip** and environmental protection volunteers **Li Genshan, Zhang Baoqi,** and **Niu Haibo;** and the harassment of climate advocate **Howey Ou Hongyi.**
- Support efforts by Chinese and U.S. groups working to use satellite analysis and remote sensing to monitor environmental problems and supply chains in China.

THE ENVIRONMENT AND CLIMATE CHANGE

Introduction

In his 2018 report introducing the Framework Principles on Human Rights and the Environment, the UN Special Rapporteur on human rights and the environment noted that "[a] safe, clean, healthy and sustainable environment is necessary for the full enjoyment of a vast range of human rights, including the rights to life, health, food, water and development. At the same time, the exercise of human rights, including the rights to information, participation and remedy, is vital to the protection of the environment."[1] During the Commission's 2021 reporting year, Chinese citizens continued to face problems of water pollution and water scarcity; in addition, construction of dams along major rivers in China may have negative impact on countries downstream. China continues to experience high levels of air pollutants, contributing to negative health effects including premature death. China's greenhouse gas emissions increased by 1.5 percent in 2020, due to a surge in emissions following its first coronavirus disease 2019 (COVID-19) lockdown. Chinese citizens continued to raise concerns about health issues related to the environment through street-level protests and other forms of public advocacy, and many faced official harassment and detention for raising these environmental concerns. In addition, a critical report issued by an environmental inspection group this past year documented governmental failures in enforcing environmental standards. Observers noted, however, that the fact that the government conducted such a review and published its findings publicly indicated potential progress.

The Environment and the Right to Health

John H. Knox, then UN Special Rapporteur on human rights and the environment, stated in a July 2018 report that "a healthy environment is necessary for the full enjoyment of human rights, including the rights to life and health."[2] The following subsections describe developments this past year in water pollution, air pollution, and climate change vis-à-vis the right to health.

WATER POLLUTION

According to a 2021 UN Human Rights Council report on human rights and the global water crisis, "[w]ater pollution, water scarcity and water-related disasters have major impacts on a wide range of human rights, including the rights to life, health, water, sanitation, food, a healthy environment, education, an adequate standard of living, development and culture, and on the rights of the child."[3]

Chinese citizens continue to face problems of water pollution and water scarcity. According to a report from the Center for Strategic and International Studies (CSIS), the majority of China's drinking water supply comes from surface water, followed by groundwater sources.[4] In its 2020 Report on the State of the Ecology and Environment, the Ministry of Ecology and Environment found that 83.4 percent of tested surface water and 13.6 percent of tested groundwater in China was fit for human consumption.[5] This represents, respectively, an increase from 74.9 percent and decrease

from 14.4 percent in 2019.[6] The Commission observed reports indicating that some water sources in China had been contaminated by unsafe amounts of metals,[7] nitrates,[8] and other chemicals.[9] Such forms of water pollution are linked with higher rates of disease.[10] In China, water pollution, as well as climate change and urbanization, all threaten to exacerbate the problem of water scarcity.[11] According to CSIS, nine provinces and municipalities suffer from water scarcity.[12]

In addition, China's construction of dams along major rivers may have negative impact on countries downstream.[13] Prior to this reporting year, an April 2020 report found that five upstream dams built in China since 2017 contributed to a "severe lack of water in the Lower Mekong during the wet season of 2019."[14] Upstream dams in China may contribute to flooding, drought, lack of access to freshwater, destruction of fish populations, and loss of sediment in South and Southeast Asian countries.[15]

AIR POLLUTION

China continues to experience high levels of air pollutants, contributing to negative health effects including premature death.[16] David Boyd, UN Special Rapporteur on human rights and the environment, reported in 2019 that the harmful effects of air pollution violate internationally recognized human rights, including the rights to life and health.[17] Environmental researchers estimated that exposure to air pollution in Beijing and Shanghai municipalities resulted in approximately 49,000 premature deaths in the first half of 2020.[18]

In the wake of early 2020 public health measures to contain COVID-19, air pollution levels in China fell, though not uniformly. While some international researchers recorded decreases in early 2020 in air pollutants such as nitrogen dioxide, sulfur dioxide, and fine particulate matter (PM2.5),[19] a U.K.-Chinese study found that pollutant levels dropped modestly, and ozone levels did not decrease despite COVID-19 lockdown measures.[20] As those measures lifted, air pollution levels returned to or exceeded pre-pandemic levels.[21] Observers attributed worsening air quality in areas around Beijing municipality in winter 2020 and spring 2021 to multiple factors, including heavy industrial activity, in particular cement and steel production,[22] as well as dust storms tied to land degradation.[23] In its 2020 report on pollution and the environment in China, the Ministry of Ecology and Environment (MEE) wrote that 202 out of 337 prefecture-level or higher jurisdictions met the 2020 air quality standard for PM2.5 pollution of 35 micrograms per cubic meter.[24] One study indicated, however, that local air quality monitoring in recent years has suffered from manipulation of testing equipment and misreporting of data.[25]

CLIMATE CHANGE

David Boyd, UN Special Rapporteur on human rights and the environment, wrote in 2019 about the effect of global climate change on human rights, and the importance of human rights in addressing climate change.[26] An annex to Boyd's report commended China for being a leader in transitioning to low-carbon technologies, while

noting that China was the world's largest emitter of greenhouse gases.[27]

In 2020, China's carbon dioxide emissions increased by an estimated 1.5 percent compared to 2019,[28] because of a surge in emissions during the second half of the year as the country's coal, oil, and gas consumption increased following its first COVID-19 lockdown.[29] While China experienced a slowdown in the emissions growth rate, the rebound in growth in the second half of the year could mark a setback to emissions reduction goals.[30] High-level economic officials reportedly restricted the initial scope of China's national Emissions Trading Scheme, which entered into force in 2021, in order to prioritize economic growth over the reduction of carbon emissions.[31]

Carbon Emissions and the 2022 Olympics

In June 2019, Chinese authorities released the "Olympic and Paralympic Winter Games Beijing 2022 Carbon Management Plan," which lists measures to reduce and offset carbon emissions among its main objectives.[32] Ma Jun, director of the Institute of Public & Environmental Affairs, noted that authorities face challenges in curbing emissions and controlling air pollution during the Games, particularly because of the potential for severe winter weather and higher emissions from residential and office heating.[33] Madeleine Orr, assistant professor at the State University of New York College at Cortland, questioned whether official measures to reduce air pollution would be sufficient to reduce the risk to Olympic athletes' health, including from pollutants such as carbon, methane, and sulfur.[34]

Suppression of Environmental Advocates and Protests

During the 2021 reporting year, Chinese citizens continued to raise concerns related to the environment through various forms of public advocacy at the risk of detention or harassment. China's Constitution provides for freedom of speech, assembly, and association,[35] as does the International Covenant on Civil and Political Rights (ICCPR)[36] and the Universal Declaration of Human Rights.[37] According to the Framework Principles on Human Rights and the Environment, "[s]tates should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence."[38]

The following cases of harassment and detention, however, reveal an ongoing lack of protection for the rights of citizens when they raise environmental concerns:

- **Environmental Protection in Ningxia.** In September 2020, public security officials in Zhongwei municipality, Ningxia Hui Autonomous Region, criminally detained environmental advocates **Li Genshan,**[39] **Zhang Baoqi,**[40] and **Niu Haibo**[41] for "picking quarrels and provoking trouble," "extortion," and "robbery."[42] Later in September, the Shapotou district procuratorate in Zhongwei approved their formal arrests alongside five others on the same charges, also adding the charge of "illegally hunting or killing precious wildlife."[43] By

the end of September, authorities had detained a total of 14 individuals, 2 of whom were released on bail.[44] Some environmental advocates believed that the group was detained in retaliation for their environmental advocacy.[45] Some of those detained had previously reported corporate waste discharge in the Tengger Desert, the construction of wind farms that disturbed wildlife habitat, and the harboring of poachers by the local forestry police.[46]

• **Climate Activism in Shanghai.** In September 2020, public security officials from Shanghai municipality took into custody teen climate activist **Howey Ou Hongyi** after she staged a Global Climate Strike in Shanghai municipality.[47] According to Ou's Twitter account, officials released her after several hours of questioning and after requiring her to write a letter of "self-criticism."[48] Global Climate Strike is an international event in which thousands of individuals in thousands of locations demand that governments around the world take action against climate change.[49] Previously, public security officers from Guilin municipality, Guangxi Zhuang Autonomous Region, took Ou into custody for questioning in May 2019 after she staged a climate protest for several days in front of a government building.[50] Officials pressured Ou's parents to stop her from posting on Twitter and speaking to foreigners or journalists.[51] Shortly after Ou's climate protest, her internet was disconnected for three days and her phone number was suspended.[52] Additionally, in response to pressure from public security officials because of her climate activism, Ou's high school temporarily prevented her from attending classes.[53] An assistant professor at the school of journalism at the Chinese University of Hong Kong said that the pressure put on Ou is likely due to the fact that any form of collective action in China—even collective action against climate change—is "considered highly sensitive" by Chinese authorities.[54]

Transparency and Enforcement

CEIT ISSUES REPORT CRITICAL OF NEA ON COAL POWER

According to the Framework Principles on Human Rights and the Environment, issued by the UN Special Rapporteur on human rights and the environment in 2018, states should be transparent in providing the public with environmental information, and should ensure that their environmental standards are effectively enforced.[55] A critical report issued by an environmental inspection group this past year documented governmental failures in enforcing environmental standards.[56] Observers noted, however, that the fact that the government conducted such a review and published its findings publicly indicated potential progress.[57]

In January 2021, the Central Environmental Inspection Team (CEIT), an entity administered by both the Communist Party Central Committee and the State Council, issued a report criticizing the National Energy Administration (NEA) for failing to limit the country's coal power capacity, and for other environmental and energy development shortfalls.[58] The CEIT reported that the NEA had been negligent in its supervision of coal mines, with more than

100 mines surveyed during random inspections operating at more than 30 percent above their approved capacity.[59] Ma Jun, director of the Institute of Public & Environmental Affairs, a Beijing municipality-based environmental non-governmental organization (NGO), noted that the NEA had once been an inspector that "supervised others" (such as local governments or state-owned enterprises), but had now, in a significant change, itself become a "subject of inspection."[60]

LACK OF GDP GROWTH TARGET, ENERGY CONSUMPTION CAP IN FIVE-YEAR PLAN

At the annual meeting of the National People's Congress in March 2021, officials for the first time referred to long-term climate targets in a five-year plan.[61] Observers noted, however, that the plan omitted a five-year GDP growth target and a goal to restrict total energy consumption, which had been included in previous five-year plans.[62] According to one climate analyst, while China's GDP growth rate slowed over the past five years, it could potentially accelerate over the next several years, leading to a corresponding acceleration in emissions growth.[63] The analyst also expressed concern that the lack of a cap on total energy consumption meant that carbon emissions growth may not slow down by the year 2025.[64]

DETENTION OF MINE BOSS FOR ILLEGAL MINING IN QINGHAI PROVINCE

In the fall of 2020, following investigative reporting by state-affiliated media outlet Economic Information Daily into illegal mining operations causing environmental damage in the Qilian mountain range in Qinghai province, authorities criminally detained mine company owner Ma Shaowei and placed five local officials under investigation for corruption.[65] Ma's company reportedly mined illegally in Tsonub (Haixi) Mongol and Tibetan Autonomous Prefecture, Qinghai, for 14 years, earning more than 10 billion yuan (approximately US$1.5 billion) in an ecologically sensitive area that feeds the Yellow River and Qinghai Lake.[66] Environmental damage caused by the company's coal mining activities has impacted the livelihood and livestock of local Tibetan residents.[67]

Notes to Section II—The Environment and Climate Change

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Findings

• Chinese and international businesses continue to be at risk of complicity in—and of profiting from—the Chinese government and Communist Party's increased use of forced labor to suppress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR). As part of their efforts to dilute the population of Uyghurs in the XUAR, authorities systematically forced predominantly Muslim ethnic minority individuals, including Uyghurs and others, to engage in forced labor, both in the XUAR and in other parts of China. Reports of forced labor in cotton harvesting, solar panel production, and personal protective equipment production, as well as manufacturing in general, mean that the supply chains of many major brands may now be tainted with forced labor. Firms cannot rely on factory audits to ensure that their supply chains are free of forced labor in the XUAR; several due diligence organizations, labor experts, and U.S. Government agencies pointed to numerous problems with audits conducted in the XUAR.
• Chinese government restrictions on freedom of expression increased this past year, and companies were both targets and enablers of Chinese government censorship. During this reporting year, the Chinese messaging app **WeChat** censored content related to the COVID-19 pandemic; local governments and Party organizations hired private companies to help monitor and censor online public commentary; **Apple** removed apps from its app store that covered sensitive topics such as the Dalai Lama, Tiananmen Square, and Taiwan; and the Party and government threatened corporations with the loss of revenue or other forms of punishment if they voiced their support for addressing forced labor and other human rights violations in the XUAR. Following the backlash against Western brands who expressed concern over cotton produced in the XUAR, Chinese and international companies, including **Anta Sports, Asics, FILA, Kelme, Li Ning, Muji,** and **Peak,** publicly affirmed their continued use of cotton produced in the XUAR.
• Chinese companies continued to assist in the surveillance efforts of the government and Party. Reporting from IPVM and international media implicated Chinese companies such as **Alibaba, Bresee, Dahua, DeepGlint, Hikvision, Huawei, Kingsoft, Maiyuesoft, Megvii, SenseTime, Uniview,** and **Vikor** in the production of technology that can be used for profiling Uyghurs and targeting other marginalized communities in China. The Intercept found that Oracle provided surveillance technologies to public security bureaus throughout China.
• The lack of protection of Chinese workers under Chinese law and a lack of enforcement of the rights of Chinese workers allowed for continued abusive practices toward workers in the supply chains of Chinese and international companies. The Commission observed reports of the existence of International Labour Organization (ILO) indicators of forced labor in the supply chains of **Aldi, Apple, BYD** (which sold masks to the

state of California), **Chicco, Costco, Fisher-Price, Lidl, Tomy,** and **Wuling Motors.** While corporations continue to rely on audits to vet factories in their supply chains, reporting by the South China Morning Post and Sourcing Journal found that fraudulent practices continued to make factory audits in China unreliable.

Recommendations

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

- Support the Uyghur Forced Labor Prevention Act (S. 65/ H.R. 1155) prohibiting the import of goods made in whole or in part in the XUAR, or in factories that recruit workers from the XUAR. This will contribute to the leveling of the playing field for all U.S. companies so that they do not face a competitive disadvantage when extricating their supply chains from the XUAR.
- Work with other governments and legislatures to encourage import bans on products made in whole or in part in the XUAR, or in factories that recruit workers from the XUAR. Potential U.S. import bans will be more effective if other countries enact their own similar bans.
- Consider legislation requiring greater supply chain transparency so that forced labor and other abuses are not hidden by layers of subcontractors and suppliers. A significant number of brands have limited or no visibility beyond their first tier of supply chains, making it difficult to ensure that their supply chains are not exploiting forced labor. U.S. Customs and Border Protection (CBP) should clarify guidelines so that companies importing to the United States can provide adequate evidence that their goods are not produced in whole or in part with forced labor from the XUAR.
- Impose Global Magnitsky sanctions on both Chinese government officials carrying out severe human rights abuses in the XUAR and on the companies directly complicit in those abuses.
- CBP should examine the import of all goods made in whole or in part in the XUAR—or by workers from the XUAR—and determine whether such imports violate section 1307 of the Tariff Act of 1930 (19 U.S.C. § 1307). Congress should consider increasing CBP's funding to bolster CBP's ability to monitor imported goods for forced labor.
- Consider tasking the Congressional Research Service to review whether U.S. state or Federal pension funds invest in any of the Chinese or international firms implicated in crimes against humanity in the XUAR.
- Take the necessary steps to ensure that U.S. companies are not complicit in the Chinese government's abuses of police power. The Administration and Members of Congress should take the necessary steps to prohibit the export of U.S. surveillance technologies and equipment to Chinese police, including biometric identification technologies enabled with artificial intelligence (AI) (e.g., facial, voice, or gait recognition). Congress and the Administration should pay particular attention to legal

loopholes that allow U.S. businesses to invest in and do business with Chinese companies sanctioned by the U.S. Government for human rights abuses.

- Enact legislation that would create incentives to expand solar technology supply chains in the United States, to grow this industry and eliminate reliance on products or inputs made with forced labor.
- Develop appropriate legislation and work with like-minded governments to invest in industries critical to the well-being of the United States and its allies. Such industries include solar panel production and medical equipment. Investing in the development of these industries outside of China may lessen American and global dependence on China, whose domestic industries can use human rights abuses to lower costs and increase market share.
- Members should engage U.S. companies on human rights issues in China such as forced labor in the XUAR, government surveillance, government censorship, and worker rights. Such engagement may include:
  - Encouraging companies in their districts to cease doing business with firms in the XUAR until the Chinese government ends the arbitrary detention of predominantly Muslim ethnic minorities in mass internment camps, the mass imprisonment of ethnic minorities, and government-sponsored forced labor programs;
  - Encouraging companies in their districts to change their approach to conducting due diligence in China, moving beyond codes of conduct and third-party factory audits, which have proven to be ineffective and even harmful; and
  - Holding public hearings and private meetings with companies from their districts to raise awareness of the risk of complicity in human rights abuses and privacy violations that U.S. companies working in China face. Topics of meetings could include complicity in the use of artificial intelligence technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minority groups in China, as well as corporate complicity in Chinese government censorship.

BUSINESS AND HUMAN RIGHTS

Introduction

Domestic and international businesses are directly complicit in or at risk of being complicit in human rights abuses committed by the Chinese government. These abuses include the severe repression of ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR), government surveillance of citizens without adequate privacy protections, government censorship, and lack of legal protection for Chinese workers. In particular, the scale and reach of forced labor among ethnic minority individuals in and from the XUAR potentially implicated global supply chains in crimes against humanity and genocide. The Chinese government may require companies to comply with domestic laws and regulations that infringe on internationally recognized rights such as the right to privacy [1] and freedom of expression.[2] In addition, the lack of enforced legal protection of Chinese workers as well as the lack of independent trade unions increased the risk of international companies being complicit in abuse of Chinese workers.[3] Companies complicit in such abuse are in violation of the UN Guiding Principles on Business and Human Rights, which state that businesses have a responsibility to respect human rights and should seek to avoid "contributing to adverse human rights impacts . . .." [4]

Corporate Involvement in Mass Atrocities in the XUAR

Companies that do business in, source from, or work with companies in the XUAR are at great risk of complicity in the human rights abuses being committed in the region. The actions of the Chinese Communist Party and government in the XUAR constitute crimes against humanity [5] and genocide.[6] Experts have documented the arbitrary detention of up to 1.8 million individuals from predominantly Muslim ethnic minority groups since 2017 in a network of mass internment camps in the XUAR.[7] Authorities have subjected individuals from ethnic minority groups in the XUAR to extreme levels of surveillance; deprivation of freedom of movement and residence; destruction of religious sites; invasive population control methods such as forced sterilization, forced IUD insertion, and forced abortions; forced placement of children in state-run orphanages and boarding schools; and forced labor.[8]

Companies are particularly at risk of complicity in crimes against humanity and genocide in the XUAR if they do business with the Xinjiang Production and Construction Corps (XPCC), its affiliate companies, or any other companies that have close ties to the XPCC.[9] In its 2020 Annual Report, the Commission highlighted the ways in which the XPCC contributed to human rights abuses in the XUAR, including:

- Building and administering extrajudicial mass internment camps;
- Participating in intrusive homestay programs;
- Imprisoning large numbers of ethnic minorities in XPCC-administered detention facilities; [10] and
- Participating in poverty alleviation and "Xinjiang Aid" programs, both of which are associated with forced labor.[11]

Sayari, a corporate data provider and commercial intelligence platform, found that based on publicly available records, "[T]he XPCC has over 862,600 direct and indirect holdings, including minority, majority, control, and non-control positions through its different divisions. These companies touch 147 countries, including the United States . . .." [12] [For more information on human rights violations in the XUAR, see Section IV—Xinjiang.]

STATE-SPONSORED FORCED LABOR IN THE XUAR

Authorities continued to systematically force predominantly Muslim ethnic minorities, including Uyghurs and others, to engage in forced labor—both in the XUAR and in other parts of China—as part of broader efforts to carry out ethnic and religious suppression.[13] In addition to using forced labor in mass internment camps,[14] the Chinese government has implemented several policies that are connected with forced labor. These policies include:

- **Poverty Alleviation Programs.** Chinese government poverty alleviation programs known as "labor transfers" have moved large numbers of ethnic minorities into forced labor in factories and cotton production; [15]
- **Subsidies.** The Chinese government provided subsidies to incentivize companies to open factories near mass internment camps as well as subsidies to companies for each individual ethnic minority worker forced to labor in factories in the XUAR; [16] and
- **Investment and Recruitment Through Xinjiang Aid.** The "Xinjiang Aid" program encourages regional governments and companies in other parts of China, through "financial subsidies and political inducements," to invest in factories in the XUAR and to recruit ethnic minority workers from the XUAR to work in factories in the XUAR and in other parts of China.[17]

Observers found evidence of potential forced labor among ethnic minorities from the XUAR taking place both inside and outside the XUAR, thus directly or potentially implicating the supply chains of industries and products including:

- Construction; [18]
- Cotton and cotton products; [19]
- Electronics; [20]
- Food processing; [21]
- Gloves; [22]
- Masks (personal protective equipment); [23]
- Solar panels (production materials including metallurgical-grade silicon, polysilicon, ingots, wafers, cells, and modules); [24] and
- Tomato products.[25]

Reports continued to potentially link the supply chains of international corporations to forced labor in the XUAR,[26] and products made with forced labor from the XUAR continued to enter the United States in contravention of U.S. law.[27] Labor experts, rights groups, UN human rights experts, U.S. Government agencies, and social compliance audit firms continued to warn companies against sourcing from the XUAR due to the likelihood of complicity in

forced labor and other rights violations taking place in the XUAR.[28]

A June 2021 South China Morning Post report found that U.S. mutual fund provider **Vanguard** invested in companies based in the XUAR—including companies listed in a Vanguard environmental, social, and corporate governance (ESG) fund that considers ethical business practices as a criterion for investment.[29] One of the XUAR-based companies in the Vanguard ESG fund reportedly listed involvement in "ideological re-education of transferred workers" and "vocational training" as part of labor transfer programs.[30] [For more information on how government-sponsored forced labor violates international standards prohibiting human trafficking and forced labor, see Section II—Human Trafficking. For more information on government-sponsored forced labor in the XUAR, see Section IV—Xinjiang.]

FIRMS, AUDITS, AND COMPLICITY IN FORCED LABOR IN THE XUAR

Firms cannot rely on factory audits to ensure that their supply chains are free of forced labor in the XUAR.[31] When sourcing goods alleged to be made in whole or in part by forced labor, international brands often point to their use of audits to ensure compliance with corporate codes of conduct prohibiting forced labor.[32] Several due diligence organizations, labor experts, and U.S. Government agencies, however, pointed to numerous problems with audits conducted in the XUAR.[33] A September 2020 Wall Street Journal (WSJ) report said that auditors have been criticized for "serving corporate interests, rather than holding companies accountable."[34] Furthermore, the WSJ report found that Chinese authorities have detained auditors while they conducted due diligence.[35] A State Department business advisory warned that in the course of conducting due diligence, auditors have been "detained, threatened, harassed, and subjected to constant surveillance."[36] Scott Nova, executive director of Worker Rights Consortium, warned that auditing also puts an unfair burden on workers: "Telling the truth to an auditor would mean accusing the Chinese government of lying . . . [no] worker can be expected to take that risk."[37]

According to the WSJ report, because of difficulties including challenges detecting forced labor in the XUAR, five auditing organizations said they would not "provide labor-audit or inspection services" in the XUAR.[38] In October 2020, the social compliance group Better Cotton Initiative (BCI) announced that it had ceased providing audits and certifications for cotton farms in the XUAR because of an "untenable operating environment."[39] BCI made the decision in part because of restricted access to the XUAR as well as the "risk that poor, rural communities would be coerced into employment linked to [poverty alleviation programs]."[40] In a December 2020 statement, the Fair Labor Association (FLA), a non-profit due diligence organization based in Washington, D.C., announced that "[g]iven the high risk of forced labor, the overwhelming evidence of human rights abuses, and the multiple layers of government sanctions, the FLA is prohibiting sourcing and production (including direct and indirect sourcing of raw materials, inputs, or finished products) from Xinjiang."[41]

Commercial Firms' Role in Government Data Collection and Surveillance Across China

Chinese law allows the government to collect individuals' personal data from companies without adequate protection for the internationally recognized right to privacy.[42] For example, the PRC Cybersecurity Law requires companies to provide technical support to authorities conducting criminal investigations or "protecting state security."[43] While the law does not specify what such technical support entails,[44] in the past Chinese companies have processed bulk data to assist China's intelligence services.[45] The PRC National Intelligence Law similarly requires entities operating in China—including companies—to provide support and assistance to authorities engaged in "intelligence work," without defining what the government considers "intelligence work."[46]

Reporting from technology research and analysis firm IPVM and international media found that Chinese companies created or helped create surveillance technology that can be used for profiling Uyghurs and targeting other marginalized communities in China. Camera manufacturers **Dahua,**[47] **Hikvision,** and **Uniview,** as well as cloud providers **Alibaba** and **Kingsoft,** offered surveillance technology to identify Uyghurs.[48] The Chinese technology company **Huawei** has reportedly worked with **Megvii** to create a system that successfully passed tests such as a "Uyghur Alarm" and the ability to distinguish ethnicity.[49] Huawei has also reportedly partnered with firms such as **DeepGlint, Bresee,** and **Maiyuesoft** on ethnicity identification technology, as well as with companies like **iFlytek** on voice recognition software; **SenseTime** on facial recognition technology used to target Chinese petitioners; and **Vikor** on crowd-detecting software that can alert authorities to possible protests.[50]

American firms continue to do business with Chinese companies involved in such surveillance. For example, **Qualcomm Ventures, IDG Capital, Silver Lake, Tiger Global,** and **Fidelity International** all continue to invest in **SenseTime,** despite the fact that the U.S. Department of State sanctioned SenseTime—along with seven other Chinese firms—in October 2019 for being "implicated in human rights violations and abuses" in the XUAR.[51] SenseTime sold artificial intelligence technology to police in China,[52] sold technology to Chinese authorities for use in other surveillance systems, and assisted authorities in tracking the movement of Uyghurs.[53] In addition, using **Oracle**'s corporate website, marketing materials, and interviews with former employees, the Intercept found that Oracle provided surveillance technology to Chinese public security bureaus (PSBs) throughout China.[54] Furthermore, the Intercept found that Oracle's corporate partners in China included **Great Wall Computer Software and Systems,** which had assisted in the Chinese government's "anti-terrorism" work; **Sinobest,** which provided data-driven policing services to PSBs; and **Huiwen,** which worked with the Xinjiang Production and Construction Corps.[55] [For more information on cases in which public security officials target individuals for expressing their internationally recognized rights, see Section II—Criminal Justice.]

Role of Commercial Firms in Government Censorship

Chinese government restrictions on freedom of expression increased this past year,[56] and companies were both targets and enablers of Chinese government censorship. In January 2021, the Cyberspace Administration of China (CAC) passed provisions requiring holders of public social media accounts that "provide online news service to the public" to obtain an "Internet News Information Service Permit" before publishing content related to breaking news or current affairs.[57] According to the provisions, service providers are required to verify and regulate such accounts,[58] and accounts that violate the provisions may be subject to closure.[59] WeChat issued a notice to its users recommending that accounts that have not obtained an "Internet News Information Service Permit" not "edit, report, or comment on content related to politics, the economy, military, foreign affairs, major emergencies, and other related content."[60] WeChat advised that not complying may hinder one's ability to publish and create content in the future.[61] In March 2021, the New York Times reported that the CAC found "objectionable posts" on **LinkedIn.**[62] LinkedIn was required to perform a "self-evaluation," suspend all new signups in China for 30 days, and submit a report to the CAC.[63] LinkedIn, which is owned by **Microsoft,** reportedly used software algorithms and human reviewers to remove posts that violated local rules.[64] In addition, May 2021 reporting from the New York Times found that **Apple** removed tens of thousands of apps from Chinese app stores[65] and removed apps from its own app store which covered sensitive topics such as the Dalai Lama, Tiananmen Square, and Taiwan.[66]

Companies censored social media groups and content, including content about the COVID-19 pandemic, to comply with government and Party requirements.[67] According to an August 2020 report from the Citizen Lab, a research project based at the University of Toronto,[68] the Chinese messaging app **WeChat** censored more than 2,000 keywords related to COVID-19 between January 2020 and May 2020.[69] The report found that censored content included "how the virus [was] contained in China, international diplomacy . . . tensions between the U.S. and China, the number of confirmed COVID-19 cases and deaths . . . personal protective equipment supplies and medical facilities."[70] In January 2021, family members of individuals who died from COVID-19 in Wuhan municipality, Hubei province, told the Guardian that their WeChat group had been deleted.[71] The deletion of the group used by 80 to 100 family members came less than 2 weeks before a team from the World Health Organization completed quarantine and conducted a joint study with Chinese counterparts into the origins of the COVID-19 pandemic.[72]

In addition, the Chinese government hired companies to manage online commentary, including commentary on COVID-19. Analysis of thousands of government procurement documents revealed that local governments and Party organizations hired private companies to help monitor and censor online public commentary.[73] In one example, the CAC used software from **Urun Big Data Services** (Urun) to scan the internet for keywords such as "virus" and "pneumonia."[74] Urun's software allows users to "track online trends, co-

ordinate censorship activity[,] and manage fake social media accounts for posting comments."[75] [For more information on Chinese government censorship inside China, see Section II—Freedom of Expression. For more information on Chinese government censorship outside of China, see Section II—Human Rights Violations in the U.S. and Globally.]

Corporate Censorship and Xinjiang Cotton

The Chinese Communist Party and government threatened corporations with loss of revenue or other forms of punishment if they voiced their support for preventing forced labor and other human rights violations in the Xinjiang Uyghur Autonomous Region (XUAR). In March 2021, the Chinese Communist Youth League posted on the Chinese microblogging site Weibo a criticism of Swedish clothing company H&M for a September 2020 post on H&M's website.[76] The H&M post said the company was "deeply concerned" regarding reports of forced labor in the XUAR and would work to reduce its exposure in the region.[77] Chinese state media subsequently highlighted calls on social media for Chinese consumers to boycott H&M,[78] and state broadcaster CCTV said H&M "will definitely pay a heavy price for its wrong action."[79] International media reported that H&M was removed from maps and e-commerce sites including **Apple Maps, Baidu Maps, Gaode maps,** the Chinese ridesharing app **Didi,** phone app stores of **Google Android, Xiaomi, Huawei,** and **Vivo,** and e-commerce companies **Alibaba, Pinduoduo, Jingdong, Dianping.com,** and **Tmall.**[80]

The campaign against H&M soon expanded to other international companies affiliated with the social compliance group Better Cotton Initiative (BCI) which in October 2020 announced it would cease all field-level activities in the XUAR.[81] In addition to removing H&M from its platform, the Huawei app store removed content related to Nike and Adidas.[82] Furthermore, **Tencent** removed character outfits designed by Burberry from one of its online games.[83] International media reported that Chinese state media and streaming platforms such as **Tencent Video, Mango TV,** and **iQiyi** blurred or scrubbed Western brands such as Adidas from their programming in what academics said was likely self-censorship in response to state and public nationalism.[84] The urgent appeal coordinator for the garment advocacy network Clean Clothes Campaign said that the backlash against Western firms for distancing themselves from cotton from the XUAR "is driven by nationalist sentiment, amplified by Chinese state media, and is being used to retaliate against increasing international scrutiny on the genocide that is happening in Xinjiang."[85]

Following the backlash against Western apparel companies, companies affiliated with BCI[86] including **H&M, Inditex,**[87] **PVH Corporation,**[88] and **VF Corporation**[89] removed forced labor policies from their websites.[90] In addition, both international and Chinese brands stated their support for the use of cotton from the XUAR.[91] These brands included sportswear companies **Anta Sports,**[92] **Asics,**[93] **FILA,**[94] **Kelme,**[95] **Li-Ning,**[96] and **Peak,**[97] fashion company **Hugo Boss,**[98] and retail company **Muji.**[99]

Worker Exploitation, Corporate Supply Chains, and Limited Legal Right to Freedom of Association

Outside of the XUAR, the lack of protection of Chinese workers under Chinese law, as well as a lack of enforcement of existing Chinese laws, allowed for continued abusive practices toward workers in the supply chains of Chinese and international businesses. The Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law,[100] and Chinese law does not grant Chinese workers the right to freedom of association or permit them to form or join independent unions.[101] In a joint submission to the UN Committee on Economic, Social and Cultural Rights, the International Federation for Human Rights and China Labor Watch (CLW) stated that the "lack of enforcement of labor laws and regulations is the single greatest factor limiting individuals' right to just and favorable conditions of employment. Despite strong legislation, government labor bureaus and labor inspectorates are not equipped to enforce the provisions, giving employers wide latitude to disregard the law."[102]

In this context, the Commission observed reports of abusive labor practices taking place in factories of the supply chains of international and Chinese businesses, including practices that the International Labour Organization classifies as indicators of forced labor:[103]

- In July and August 2020, China Labour Bulletin (CLB) reported that Chinese workers in factories producing masks faced wage arrears, unsafe working conditions, and excessive overtime.[104] CLB highlighted a social media post that linked worker deaths and injuries to excessive overtime at a **BYD Electronics Co., Ltd.** (BYD) factory, in Changsha municipality, Hunan province.[105] In July 2020, the government of California had contracted with BYD to supply 420 million masks to the state.[106]
- In September 2020, CLW highlighted a technical college in Guangxi Zhuang Autonomous Region that threatened to withhold diplomas from students who did not complete their internship in a **Wuling Motors** factory despite unsafe working conditions.[107]
- In November and December 2020, CLW, the Financial Times, and Radio Free Asia found that workers at **Pegatron,** a supplier of **Apple,** faced restricted movement, withheld wages, and threats.[108] Some of the workers were student interns, despite regulations against students performing factory work unrelated to their studies.[109]
- In December 2020, a CLW investigation into the labor practices of **Dongguan Chang'an Mattel Toys Co., Ltd.** and **Dongguan Dongyao Toy Co., Ltd.,** found instances of excessive overtime and abusive working conditions in addition to insufficient provisions for worker safety.[110] Both factories produce toys for **Mattel,** and Dongguan Dongyao Toy Co., Ltd. produces toys for **Chicco, Fisher-Price,** and **Tomy.**[111]

When faced with accusations of labor rights violations in their factories, Western brands have pointed to the use of audits to verify that their supply chains are free of labor violations.[112] Ac-

cording to reporting from the South China Morning Post (SCMP) and Sourcing Journal, however, fraudulent consulting practices continue to exist among factory auditing inspectors.[113] SCMP and Sourcing Journal found that in order to help factories pass inspections, suppliers have:

- Paid consultants who coached workers on how to respond to auditors' questions;
- Provided falsified record books so their factories would appear to be compliant;
- Arranged for an auditor of the consultant's choosing;
- Posed as factory managers;
- Arranged a different factory for inspection; and
- Bribed auditors to obtain a passing score for a factory.[114]

According to Sourcing Journal, from 2011 to 2017, 54 percent of audits conducted in China contained unreliable data.[115] In one example, the SCMP report found that a supplier for **Aldi, Costco,** and **Lidl,** which had been previously accredited in an audit-sharing platform, had factory employees working more than 80 hours a week without overtime pay.[116] Prior to this reporting year, international media and labor experts also raised concerns over the reliability of factory audits in China.[117] [For more information on the right of Chinese workers to form trade unions, see Section II—Worker Rights. For more information on forced labor, see Section II—Human Trafficking.]

Notes to Section II—Business and Human Rights

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[2] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 19.

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[5] Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2002, art. 7; Human Rights Watch, "Break Their Lineage, Break Their Roots," April 19, 2021; Naomi Kikoler, "Simon-Skjodt Center Director Delivers Remarks on China's Systematic Persecution of Uyghurs," United States Holocaust Memorial Museum, March 6, 2020; Gene A. Bunin, "Detainees Are Trickling Out of Xinjiang's Camps," *Foreign Policy,* January 18, 2019; Uyghur Human Rights Project, "Universal Children's Day 2018: China Must Reunite Uyghur Children and Parents. Forcible Placement of Children of Living Parents in State-Run Facilities Constitutes a Crime against Humanity," November 19, 2018. See also CECC, *2020 Annual Report,* December 2020, 300–01.

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[7] See, e.g., Megha Rajagopalan, Alison Killing, and Christo Buschek, "China Secretly Built a Vast New Infrastructure to Imprison Muslims," *BuzzFeed News,* August 27, 2020; Adrian Zenz, "China Didn't Want Us to Know. Now Its Own Files Are Doing the Talking.," *New York Times,* November 24, 2019; Fergus Ryan, Danielle Cave, and Nathan Ruser, "Mapping Xinjiang's 'Re-Education' Camps," International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018. See also CECC, *2020 Annual Report,* December 2020, 298–300; CECC, *2019 Annual Report,* November 18, 2019, 266–75; CECC, *2018 Annual Report,* October 10, 2018, 273–77.

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the XUAR from previous reporting years, see CECC, *2020 Annual Report,* December 2020, 177–79, 237–41, 302–03; CECC, *2019 Annual Report,* November 18, 2019, 162, 205–07, 272–73.

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[19] See, e.g., Adrian Zenz, "Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton," Newlines Institute for Strategy and Policy, December 2020, 13–15; John Sudworth, "China's 'Tainted' Cotton," *BBC,* December 2020; Emma Graham-Harrison and Stephanie Kirchgaessner, "Apple Imported Clothes from Xinjiang Firm Facing US Forced Labour Sanctions," *Guardian,* August 10, 2020; Adrian Zenz, "Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program: A Process-Oriented Evaluation," Jamestown Foundation, March 2021, 18, 66–67.

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Labour Sanctions," *Guardian,* August 10, 2020. It is against U.S. law to import goods made by forced or prison labor. Tariff Act of 1930, 19 U.S.C. § 1307.

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[35] Eva Xiao, "Auditors to Stop Inspecting Factories in China's Xinjiang Despite Forced-Labor Concerns," *Wall Street Journal,* September 21, 2020.

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III. Development of the Rule of Law

CIVIL SOCIETY

Findings

- The Chinese Communist Party and government became increasingly repressive during this reporting year, and thus the space for civil society, already tightly restricted, narrowed even further. The Party's focus on total control over Chinese society intensified in light of the Party's 100th anniversary, which was celebrated on July 1, 2021.
- The Ministry of Civil Affairs, together with 21 other Party and state ministries and departments, issued a new policy aimed at eliminating the tactics and remaining space that unregistered civil society organizations use to operate and survive. In conjunction with the March 2021 announcement of the policy in an order titled "Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations," the government launched a related campaign, scheduled to conclude before the July 1 Party centenary, that targeted five types of "illegal social organizations."
- Chinese civil society groups faced additional constraints from the government's implementation of the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China and the Hong Kong National Security Law, which threatened to obstruct the ability of Hong Kong-based international non-governmental organizations to support rights-related programs and advocacy in mainland China.
- The government and Party continued to arbitrarily detain Chinese citizens who engaged in the peaceful exercise of their rights pursuant to the Universal Declaration of Human Rights and other international human rights standards. The government and Party intimidated and harassed other civil society advocates, including the teen climate activist Ou Hongyi (also known as Howey Ou), who left China for Europe in January 2021.
- Chinese government and Communist Party officials closed organizations and halted activities they had previously tolerated, signaling a greater tightening of civic space. For example, in August 2020, pressure and intimidation from local authorities led to the closure of ShanghaiPRIDE, the longest running gay pride festival and event platform in China. Civic space also decreased as a result of the COVID-19 pandemic.
- Civic space for women's rights advocacy further narrowed this year. In April 2021, a substantial number of feminist activists were effectively denied their main remaining platform in China when Weibo closed their accounts, likely with direct or tacit support from Chinese officials.
- The lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community in China continued to face many challenges—including persistent stigma, widespread discrimination, harassment, and inequities in property rights. Chinese government authorities increased restrictions on LGBTQ advo-

cacy and organizing, as they have done with other advocacy groups. Chinese law neither recognizes same-sex marriage nor otherwise protects same-sex relationships.

- Chinese law does not protect sexual and gender minorities, and a growing number of lawsuits brought by LGBTQ individuals claiming employment discrimination have been filed to raise public awareness and push for change. Despite the narrowing of civil society space in China generally, during this reporting year, LGBTQ legal advocacy organizations held trainings for lawyers, and a non-profit foundation was created to provide legal aid to LGBTQ individuals. In early 2021, LGBTQ advocates expressed concern that a new rule targeting "self-publishing" online could lead to self-censorship and impact the ability to organize online for LGBTQ rights.
- LGBTQ individuals continued to be subjected to "'conversion therapy,' and other forced, involuntary or otherwise coercive or abusive treatments," which the UN Committee against Torture recommended that China ban in a non-binding report.

Recommendations

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

- Call on the Chinese government to release civil society advocates and staffers, in particular **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong** of the public interest NGO Changsha Funeng, veteran human rights defenders **Xu Zhiyong, Ding Jiaxi,** and other civil society and rights advocates detained for peacefully exercising their human rights, especially their rights to freedom of expression, assembly, and association, guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
- Encourage the Chinese government to revise its regulatory framework for civil society organizations, including the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China and the PRC Charity Law, to conform with international human rights standards regarding the rights of freedom of association, assembly, and expression.
- Urge the Chinese government to abide by its international legal obligations with respect to Chinese citizens' rights to freedoms of association, assembly, and expression and cease the unlawful harassment and arbitrary detention of civil society advocates and the closing of civil society organizations and online accounts of advocates.
- Continue to fund, monitor, and support programs globally that promote human rights, democracy, and the rule of law in mainland China and Hong Kong.
- Facilitate the participation of Chinese civil society advocates and human rights defenders in relevant international forums, such as opportunities for civil society engagement offered by the UN Human Rights Council, and support non-profit leadership and advocacy trainings for Chinese, Hong Kong, Tibetan, and Uyghur advocates who are now living outside of China.

Convene a periodic summit of relevant stakeholders regarding the path forward for Chinese civil society, offline and online.
○ Urge the Chinese government to comply with the recommendation made by the UN Committee against Torture and the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity to ban its practice of "'conversion therapy,' and other forced, involuntary or otherwise coercive or abusive treatments."
○ Urge the Chinese government to cooperate with the UN Committee on the Elimination of Discrimination against Women and the UN Committee on Economic, Social and Cultural Rights in connection with their upcoming reviews of China's compliance with the human rights treaties within their remit. Specifically, urge the Chinese government to provide the information the Committees have requested regarding measures taken to combat various forms of discrimination, and their effectiveness.
○ Encourage the Chinese government to provide information about any concrete steps taken to adopt comprehensive anti-discrimination legislation that protects LGBTQ individuals, among other groups.
○ Continue to fund, monitor, and evaluate foreign assistance programs in China that support human rights advocacy, including LGBTQ rights within the context of civil society programming. Consider increasing funding for programs outside of China that focus on rights advocacy, capacity building, and leadership training for Chinese lawyers and human rights advocates, including those who work with the LGBTQ community in China.
○ Continue to organize side events on a range of human rights abuses, including abuses of LGBTQ rights, at the Human Rights Council in Geneva and at UN Headquarters in New York.

CIVIL SOCIETY

Introduction

As the Chinese Communist Party and government became increasingly repressive during this reporting year, the space for civil society, already tightly restricted, narrowed even further. The Party's control "over all aspects of Chinese society"[1] continued unabated, and in the year of the Communist Party's 100th anniversary, total control was paramount.[2] Accordingly, the government and Party further restricted civil society groups, human rights lawyers and defenders,[3] labor and women's rights advocates,[4] unofficial religious organizations,[5] and others attempting to advocate or gather outside Party and government control.[6] [For more information on the persecution of human rights lawyers, see Section II—Criminal Justice. For more information on the targeting of religious organizations in the 2021 campaign against illegal social organizations, see Section II—Freedom of Religion.]

While the regulatory framework for non-governmental organizations (NGOs) became more restrictive with the adoption of the PRC Charity Law[7] in 2016—particularly with respect to unregistered social organizations (*shehui zuzhi*) and non-profits registered as business entities—there still remained some space for NGOs to find workarounds to the stringent registration requirements.[8] A new government and Party policy threatened to close those remaining loopholes, however.[9]

Comprehensive Campaign to Crack Down on "Illegal Social Organizations" and Eliminate Their "Breeding Grounds"

In March 2021, the Ministry of Civil Affairs (MCA), together with 21 other Party and state ministries and departments, issued a new policy aimed at eliminating the tactics and remaining space that unregistered civil society organizations use to operate, despite being considered "illegal social organizations."[10] According to one expert, the order, titled "Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations" (Circular), and a related campaign targeting five types of "illegal social organizations" for rectification, go further than previous crackdowns by targeting not only the organizations themselves, but also "the space and sustenance they need to survive."[11]

The campaign, which was timed to last 14 weeks (apparently so that it would conclude by July 1, the Party's 100th anniversary), and the new policy appeared to have as their short-term goal the maintenance of "social stability" in advance of the Party's centenary.[12] The Circular required all regions and government departments to "further increase their political stance" and contribute "to the creation of a peaceful environment for the 100th anniversary of the Communist Party of China."[13] The "illegal social organizations" the government targeted for rectification in the campaign included, for example, "illegal" groups using the Party's centenary to organize selection and award activities or that have names beginning with words such as "China," "Chinese," or "National";[14] organizations in the fields of economics, culture, and charity conducting

activities in the name of "national strategy"; and organizations engaging in sham activities relating to health, national studies, and mysticism, or which disguise themselves as religious organizations.[15]

The Circular also addresses the people, entities, and services that enable "illegal social organizations" to survive and operate.[16] For example, the Circular prohibits Party members and cadres from participating in the activities of illegal social organizations, and it bans news media from publicizing and reporting on their activities.[17] Public service facilities, transportation services, and venues are prohibited from facilitating the activities of "illegal social organizations," and internet service providers and financial institutions are similarly prohibited from providing services or facilitating the activities of such organizations.[18] The MCA reported in May 2021 that leads relating to a total of 216 "illegal social organizations" had already been investigated and local civil affairs departments had banned a total of 160 such organizations.[19]

Foreign NGO Activity in China

According to the Asia Society's China NGO Project, foreign NGO activity decreased in 2020, which is not surprising given the global COVID-19 pandemic and its disruptions to commerce, travel, work, and public health.[20] In addition to these factors, the Chinese government's antagonistic political stance toward international NGOs (INGOs) working on civil and political human rights issues,[21] and its implementation of the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China,[22] as well as the growing risks for INGOs and their personnel amid a souring international environment, likely contributed to a decrease in INGOs' activities in China.[23]

During the COVID-19 pandemic, the Gates Foundation donated US$5 million and provided technical support to assist China with its response and help control the outbreak.[24] The China NGO Project also noted that 25% of temporary activities filed by foreign NGOs in 2020 were health related, double the percentage in 2019.[25] Yet the government's "sweeping crackdown" on civil society in China since 2013 has substantially weakened the ability of community networks and grassroots public health groups, including those that partnered with INGOs, to respond effectively to public health crises such as the COVID-19 pandemic.[26] As three long-time human rights advocates engaged in and supporting community-based public health advocacy in China argued in a November 2020 essay, "[b]y clamping down on civil society and community groups, the state has weakened public health and repeated the errors committed during the SARS and HIV epidemic[s]. In so doing, the state may have undermined its long-term ability to respond to future infectious disease outbreaks."[27]

The adoption of the Hong Kong National Security Law (NSL)[28] by the National People's Congress Standing Committee in July 2020 raised concerns that INGOs with offices in Hong Kong would no longer be able to safely conduct projects or advocacy related to human rights in mainland China.[29] Vague wording about the management of international NGOs in the legislation has created a chilling effect,[30] inhibiting INGOs from engaging in activities or

advocacy that the Chinese government and Communist Party authorities might deem to implicate national security.[31] In February 2021, Reuters reported that at least two INGOs had left Hong Kong and relocated to Taiwan, specifically citing risks to staff and access to bank accounts.[32] Moreover, sources informed Reuters that "[r]ights groups, including Amnesty International, have become more cautious about signing joint statements, vetting their words carefully to avoid risks . . ." due to the NSL.[33] [For more information about the Hong Kong National Security Law's curtailment of freedoms in Hong Kong and beyond, see Section VI—Developments in Hong Kong and Macau.]

Government Suppression of Civil Society

During the Commission's 2021 reporting year, the Chinese government continued to suppress peaceful protests and civil society activity—through arbitrary detention and other means—violating international standards on freedom of speech, association, and assembly in the Universal Declaration of Human Rights (UDHR) (Articles 19 and 20) and the International Covenant on Civil and Political Rights (Articles 19, 21, and 22) and contravening China's Constitution, which provides for freedom of speech, assembly, association, and demonstration (Article 35).[34] A representative list of detained advocates follows:

- In February 2021, police in Chaoyang district, Beijing municipality, detained **Chen Guojiang,** a delivery driver and labor advocate, on suspicion of "picking quarrels and provoking trouble" and arrested him soon thereafter on the same charge.[35] The authorities reportedly arrested Chen because of his advocacy for delivery driver work stoppages and for exposing drivers' unfair working conditions on social media.[36] [For more information, see Section II—Worker Rights.]
- In September 2020, authorities in Shapotou district, Zhongwei municipality, Ningxia Hui Autonomous Region, detained **Li Genshan,** an environmental advocate and volunteer with the Zhongwei Mongolian Gazelle Patrol Team, and later arrested him on charges of "picking quarrels and provoking trouble," "extortion," and "illegally catching or killing precious wildlife."[37]
- Authorities in Guangzhou municipality, Guangdong province, detained veteran Guangzhou-based democracy advocates **Fan Yiping, Fan Wencheng, Lai Jianjun, Hu Tianfeng,** and **Qiao Lianhong** on suspicion of "subversion of state power" in November 2020.[38] The five advocates were held in residential surveillance at a designated location (RSDL), a form of secret detention.[39] Guangzhou state security officers also separately detained Guangxi Zhuang Autonomous Region-based activist **Wei Yani** in November, who was in Yunnan province at the time, in connection with the crackdown on democracy advocates in Guangzhou.[40] Lai Jianjun was subsequently released from RSDL.[41] As of March 2021, authorities had criminally detained Fan Yiping and Hu Tianfeng for "subversion of state power" and were holding them at the Guangzhou State Security Bureau Detention Center.[42]

- After a private meeting of civil society activists and scholars in Xiamen municipality, Fujian province, in December 2019, authorities detained rights advocates **Xu Zhiyong, Ding Jiaxi, Li Yingjun, Zhang Zhongshun,** and **Dai Zhenya.**[43] As of January 2021, Xu Zhiyong and Ding Jiaxi both faced "subversion of state power" charges.[44] In February 2020, Xu's girlfriend, **Li Qiaochu,** a feminist and labor rights advocate, was detained incommunicado and released on bail in June 2020,[45] at the same time as Dai, Zhang, and Li Yingjun.[46]
- **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong,** co-founder and two staff members of the public interest NGO Changsha Funeng, a group focused primarily on disability rights, promoting the rights of individuals with hepatitis B and HIV/AIDs, as well as women's rights.[47] They were held incommunicado for nearly a year and six months before being secretly tried for "subversion of state power" in a trial that authorities reportedly held in late August and early September 2020.[48] [For more information, see Section II—Public Health and Section II—Criminal Justice.]

Shrinking Civic Space

In addition to government policies that have reduced the space for NGOs in China, the economic impact of the COVID-19 pandemic on NGOs has been severe. According to a March 2021 survey of 399 social organizations in China, 15 to 20 percent reported they were likely to shut down because of financial losses suffered because of the pandemic.[49] Nearly 50 percent of the respondents anticipated a "sharp decline" in revenue in 2021.[50]

Moreover, Chinese government and Communist Party officials closed organizations and halted activities they had previously tolerated, signaling a greater tightening of civic space. For example, in August 2020, pressure and intimidation from local authorities led to the closure of ShanghaiPRIDE, the longest running gay pride festival and event platform in China.[51] In the fall of 2020, according to an activist with Chengdu Rainbow, after police temporarily shuttered prominent gay bars in Chengdu municipality, Sichuan province, purportedly for public health reasons, officers suddenly investigated all of the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) organizations in the unofficially LGBTQ-friendly city.[52]

Chinese government officials even harassed and interrogated a lone teenager, China's first climate striker, Ou Hongyi, also known as Howey Ou, who in May 2019 sought to draw attention to the climate crisis by staging a solo Fridays For Future-inspired school strike in her hometown of Guilin municipality, Guangxi Zhuang Autonomous Region.[53] She was subsequently expelled from school and told she could return only if she gave up her activism.[54] In September 2020, when Ou and three other climate protesters engaged in a "silent resistance" action in Shanghai municipality, local police detained and interrogated them for several hours.[55] Greta Thunberg, a famous climate activist and founder of the Fridays For Future movement, promptly expressed solidarity and support for the detained Chinese activists, tweeting "Activism is not a crime."[56]

In December 2020, Ou told VICE in an interview that she believed she had been "alienated in the local environmentalism circles" and "excluded from events and conferences about climate change in China" because "[m]any NGOs in China are funded by the government," and "tend to be more moderate and wouldn't aggressively challenge the government."[57] Ou left China for Berlin, Germany, in late January 2021.[58]

Civic space for women's rights advocacy also narrowed during this reporting year. In April 2021, a substantial number of feminist activists were effectively denied their main remaining platform in China when Weibo closed their accounts, possibly with direct or tacit support from Chinese officials.[59] According to Lu Pin, a prominent Chinese feminist organizer based in New York, "[w]hile feminists won't simply disappear following the latest crackdown, I believe the goal of this campaign is to make it harder for feminists to gather online."[60] At least three of the feminists whose accounts were shut down have sued Weibo.[61]

Status of LGBTQ Persons

The Chinese government failed to protect and respect the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China, while also suppressing certain efforts by rights defenders and advocacy groups to promote and defend their rights.[62] Unofficial estimates of the number of people in China who identify as LGBTQ range from 60 million to more than 70 million individuals.[63] The LGBTQ community in China continued to face many challenges—including persistent stigma, employment discrimination, harassment, inequities in property rights, and non-recognition of same-sex familial status.[64] While Chinese law does not criminalize same-sex relationships among adults, it does not prohibit discrimination against LGBTQ individuals or grant legal protections to same-sex couples.[65] Rights advocates and lawyers continued to push for incremental improvements in rights protections for LGBTQ individuals and seek ways to advocate and raise awareness despite the shrinking space for in-person and online advocacy in general.[66]

STIGMATIZATION AND GROWING SOCIAL ACCEPTANCE

LGBTQ individuals continued to suffer widespread discrimination in families, schools, workplaces, health care facilities, and public spaces.[67] Although attitudes toward sexual and gender minorities are gradually changing, stigmatization and stereotyping are still prevalent.[68] LGBTQ advocates believe education and public outreach are central to reducing stigma,[69] but their efforts are often stymied by the persistence—and official promotion—of traditional gender roles and increasing restrictions on advocacy and organizing.[70]

In early 2021, LGBTQ rights advocates expressed concern that new rules targeting "self-publishing" online, which require an official license in order to publish content related to current affairs, could lead to self-censorship and impact the ability to organize for LGBTQ rights online.[71]

Status of LGBTQ Persons—Continued

Bullying and harassment of LGBTQ youth in educational settings is widespread.[72] A Beijing Normal University professor expressed concern on Weibo that a new Ministry of Education plan focusing on physical education to bolster "masculinity" in schools "could lead to more bullying of students because of their gender expression, identity or sexual orientation."[73]

DISCRIMINATION, LACK OF LEGAL PROTECTION, RIGHTS ADVOCACY

Chinese law does not provide protection from discrimination against sexual and gender minorities, and a growing number of lawsuits brought by LGBTQ individuals claiming employment discrimination have been filed to highlight the problem, raise public awareness, and push for change.[74] A labor dispute that received widespread attention this past year involved a transgender woman employee of the e-commerce platform Dangdang, who the court found had been illegally terminated.[75] Although the ruling was not based on the employee's claim of discrimination, the judge rejected the employer's basis for not renewing the employee's contract, i.e., that the employee made co-workers uncomfortable, and said that colleagues should "accept her new sex."[76] The wording of the court's ruling was seen by observers as suggestive of acceptance of a broader concept of gender identity in the legal realm.[77]

Chinese law neither recognizes same-sex marriage nor otherwise protects same-sex relationships. The legal system cannot adequately resolve lawsuits involving issues such as property rights, inheritance, child custody, and surrogacy.[78] For example, in a case involving the property rights of a lesbian couple who lived together for more than 50 years, a court in Shenyang municipality, Liaoning province, ruled that their relationship was not legally binding and thus their property was not protected under the PRC Marriage Law.[79] A child custody case in Fujian province highlighted the challenges faced by LGBTQ families in seeking protection under laws that govern custody and surrogacy issues for heterosexual couples.[80]

Transgender individuals continued to be subjected to so-called conversion therapy,[81] and the Chinese government continued to ignore the UN Committee against Torture's recommendation that China ban its practice of "'conversion therapy,' and other forced, involuntary or otherwise coercive or abusive treatments."[82]

Status of LGBTQ Persons—Continued

In advance of its upcoming review of China's compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women,[83] the relevant UN treaty body committee asked the Chinese government to "provide information about the measures taken to combat discrimination against lesbian, bisexual, transsexual and transgender women in employment and education and in terms of access to healthcare services."[84] A separate UN committee that will soon review China's compliance with the International Covenant on Economic, Social and Cultural Rights[85] has also asked the Chinese government to provide information about "any concrete steps taken to adopt comprehensive antidiscrimination legislation" and "measures taken, and their effectiveness, to combat the widespread social stigma and discrimination against disadvantaged and marginalized individuals and groups, including . . . lesbian, gay, bisexual, transgender and intersex persons."[86]

FREEDOM OF ASSOCIATION AND ASSEMBLY

In August 2020, ShanghaiPRIDE, the "oldest and biggest Pride celebration" that attracted thousands of participants abruptly shut down.[87] No clear explanation for the shutdown was given, but mounting pressure and harassment by the local authorities of the team of volunteer organizers had reached the point that, according to a CNN report, "it was disrupting their day jobs and normal lives."[88] The organizers vaguely referred to their decision as having been made in order to "protect the safety of all involved,"[89] and in an open letter posted on the organization's website, titled "The End of the Rainbow," announced that ShanghaiPRIDE—which holds events throughout the year—was "canceling all upcoming activities and taking a break from scheduling any future events."[90] In the fall of 2020, an activist with the non-governmental organization Chengdu Rainbow reported that after temporarily shuttering prominent gay bars in Chengdu municipality, Sichuan province, purportedly for public health reasons, police suddenly investigated all of the LGBTQ organizations in the city.[91] The activist said that "[t]here is some tacit acceptance by the authorities, but it is very delicate."[92]

Despite the narrowing of civil society space generally in China, some LGBTQ-related organizations, for example, those focusing on legal rights such as LGBT Rights Advocacy China, were able to continue their work and hold trainings for lawyers in Chengdu and elsewhere in China.[93] In March 2021, several lawyers and a law professor launched the DF Fund, the first non-profit foundation in China focusing on providing legal aid to LGBTQ individuals and training legal workers.[94]

Notes to Section III—Civil Society

[1] CECC, *2019 Annual Report,* November 18, 2019, 13.

[2] Guo Rui, "China Gears Up for Party Celebrations with Crackdown on 'Illegal' NGOs," *South China Morning Post,* March 23, 2021.

[3] See, e.g., Chinese Human Rights Defenders, *"Defending Human Rights in the Time of COVID-19": Annual Report on the Situation of Human Rights Defenders in China (2020),* March 29, 2021; Emily Chen, "Six Years after Crackdown, China's Rights Lawyers 'Struggling to Exist,'" *Radio Free Asia,* July 8, 2021; William Nee, "China's 709 Crackdown Is Still Going On," *The Diplomat,* July 9, 2021.

[4] See, e.g., China Labour Bulletin, "Food Delivery Worker Activist Accused of 'Picking Quarrels,'" March 25, 2021; William Yang, "China Feminists Face Clampdown, Closure of Online Accounts," *Deutsche Welle,* April 21, 2021.

[5] "Zhongguo daji feifa shehui zuzhi zhuanxiang xingdong manyan boji wu lei tuanti" [China's special campaign targeting illegal social organizations extends to five types of groups], *Radio Free Asia,* March 26, 2021. For information about an earlier crackdown on unregistered Protestant churches, see CECC, *2019 Annual Report,* November 18, 2019, 107–9, 223.

[6] See, e.g., Steven Lee Myers, "Ignored and Ridiculed, She Wages a Lonesome Climate Crusade," *New York Times,* December 4, 2020; Human Rights Watch, "China: Seekers of Covid-19 Redress Harassed: End Intimidation, Surveillance of Those Critical of Government's Response," January 6, 2021.

[7] *Zhonghua Renmin Gongheguo Cishan Fa* [PRC Charity Law], passed March 16, 2016, effective September 1, 2016.

[8] Holly Snape, "Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State Approved Social Organisations," *Made in China Journal* 6, no. 1 (January–April 2021): 54–59. For more information on the regulatory framework for social organizations, see CECC, *2019 Annual Report,* November 18, 2019, 222, 226.

[9] Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021.

[10] Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021. See also the following unofficial translation: "Notice on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations," translated in *China Law Translate* (blog), March 23, 2021; Holly Snape, "Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State Approved Social Organisations," *Made in China Journal,* April 29, 2021.

[11] Holly Snape, "Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State Approved Social Organisations," *Made in China Journal* 6, no. 1 (January–April 2021): 54–59. For information on other recent crackdowns on "illegal social organizations," see, e.g., "China Shuts Down Illegal Social Organizations' Websites," *Xinhua,* May 7, 2019; "China Launches Crackdown on Illegal Cultural Organizations," *Xinhua,* May 18, 2018; CECC, *2019 Annual Report,* November 18, 2019, 226. See also Sheena Chestnut Greitens, "The *Saohei* Campaign, Protection Umbrellas, and China's Changing Political-Legal Apparatus," *China Leadership Monitor* 65 (Fall 2020), September 1, 2020.

[12] Guo Rui, "China Gears Up for Party Celebrations with Crackdown on 'Illegal' NGOs," *South China Morning Post,* March 23, 2021; Holly Snape, "Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State Approved Social Organisations," *Made in China Journal* 6, no. 1 (January–April 2021): 54–59.

[13] "Notice on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations," translated in *China Law Translate* (blog), March 23, 2021, para. 7; Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021.

[14] The MCA released a new list of eight suspected illegal social organizations on June 7, 2021, all but one of which started with a word denoting "China" (*i.e., Zhongguo, Zhonghua*). The MCA urged the public to be vigilant, and to report any leads they might have about the organizations and their personnel. Ministry of Civil Affairs, "Minzhengbu gongbu 2021 nian di wu pi shexian feifa shehui zuzhi mingdan" [MCA announces fifth batch of suspected illegal social organizations in 2021], June 7, 2021.

[15] Han Bingzhi, "Wu lei feifa shehui zuzhi jiang bei zhongdian zhengzhi" [Five types of illegal social organizations to be focus of rectification], *Zhongguo Jingji Wang* [*China Economic Net*], March 21, 2021.

[16] Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021, paras. 1–6.

[17] Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021, paras. 2–3.

[18] Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., Guanyu Chanchu Feifa Shehui Zuzhi Zisheng Turang Jinghua Shehui Zuzhi Shengtai Kongjian de Tongzhi [Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations], March 20, 2021, paras. 4–6.

[19] "Minzhengbu: yi paicha feifa shehui zuzhi xiansuo 35 pi 216 jia" [MCA: 35 batches of leads relating to 216 illegal social organizations have already been investigated], *China News,* May 8, 2021.

[20] "A Look Back at Foreign NGOs in China in 2020," *China NGO Project, ChinaFile,* Asia Society, January 25, 2021.

[21] See, e.g., Lin Xiaoyi, "DPP Collusion with Hostile US 'NGOs' Open as Ever," *Global Times,* November 9, 2020; "Splashing $10m a Year to Split and Subvert China, US Govt-Backed Foundation Unabashedly Reveals Funding Scheme," *Global Times,* March 9, 2021.

[22] *Zhonghua Renmin Gongheguo Jingwai Feizhengfu Zuzhi Jingnei Huodong Guanli Fa* [PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China], passed April 28, 2016, effective January 1, 2017.

[23] "A Look Back at Foreign NGOs in China in 2020," *China NGO Project, ChinaFile,* Asia Society, January 25, 2021; Jessica Batke, "'The New Normal' for Foreign NGOs in 2020," China NGO Project, ChinaFile, Asia Society, January 3, 2020; Lin Xiaoyi, "DPP Collusion with Hostile US 'NGOs' Open as Ever," *Global Times,* November 9, 2020; "Splashing $10m a Year to Split and Subvert China, US Govt-Backed Foundation Unabashedly Reveals Funding Scheme," *Global Times,* March 9, 2021.

[24] Tracy Qu, "The Bill and Melinda Gates Foundation Is Spending Millions in China, a Fraction of Its Total Funding," *South China Morning Post,* May 6, 2021.

[25] "A Look Back at Foreign NGOs in China in 2020," *China NGO Project, ChinaFile,* Asia Society, January 25, 2021. See also Sara L.M. Davis, Shen Tingting, and Lu Jun, "To Fight the Next Pandemic, the World Needs Chinese Activists," *The Diplomat,* November 13, 2020.

[26] Sara L.M. Davis, Shen Tingting, and Lu Jun, "To Fight the Next Pandemic, the World Needs Chinese Activists," *The Diplomat,* November 13, 2020.

[27] Sara L.M. Davis, Shen Tingting, and Lu Jun, "To Fight the Next Pandemic, the World Needs Chinese Activists," *The Diplomat,* November 13, 2020.

[28] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020.

[29] Laura Westbrook, "National Security Law: Human Rights NGOs Dreading Impact of Legislation in Hong Kong Slammed for Fearmongering," *South China Morning Post,* June 21, 2020; Pak Yiu, "Exclusive: Two Rights Groups Quit Hong Kong as Security Law Sends Shudders through NGOs," *Reuters,* February 26, 2021. See also Dinah Garner, AmCham Taiwan, "Taiwan Reaches Out to International Media and NGOs," *Taiwan Business TOPICS,* February 17, 2021.

[30] Thomas Kellogg and Alison Sile Chen, "Is Hong Kong About to Get Its Own Foreign NGO Law in the Name of 'National Security'?," *China NGO Project, ChinaFile,* Asia Society, June 13, 2020.

[31] "Hong Kong Security Law Prompts International Organizations to Consider Relocating," *Voice of America,* July 21, 2020.

[32] Pak Yiu, "Exclusive: Two Rights Groups Quit Hong Kong as Security Law Sends Shudders through NGOs," *Reuters,* February 26, 2021.

[33] Pak Yiu, "Exclusive: Two Rights Groups Quit Hong Kong as Security Law Sends Shudders through NGOs," *Reuters,* February 26, 2021.

[34] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 19, 20; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21, 22. China has signed, and stated its intent to ratify the ICCPR. See also *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

[35] China Labour Bulletin, "Food Delivery Worker Activist Accused of 'Picking Quarrels,'" March 25, 2021. For more information on Chen Guojiang, see the Commission's Political Prisoner Database record 2021-00061.

[36] China Labour Bulletin, "Food Delivery Worker Activist Accused of 'Picking Quarrels,'" March 25, 2021; Chinese Human Rights Defenders, "China: Immediately Release Frontline Delivery Worker Chen Guojiang," March 18, 2021.

[37] "Guanyu gongkai zhengji Li Genshan, Zhang Baoqi, Niu Haibo, deng ren weifa fanzui xiansuo de tonggao" [Announcement regarding the public solicitation of leads relating to the illegal crimes of Li Genshan, Zhang Baoqi, Niu Haibo et al.], *The Paper,* September 10, 2020; Li You, "Ningxia Conservationists Detained for 'Picking Quarrels,'" *Sixth Tone,* September 10, 2020; "Ningxia Zhongwei shi Shapotou qu Renmin Jianchayuan dui Li Genshan deng 8 ming fanzui xianyi ren pizhun daibu" [People's Procuratorate of Shapotou District, Zhongwei municipality, Ningxia, approved the arrest of 8 suspects including Li Genshan], *Tencent News,* September 30, 2020. For more information on Li Genshan, see the Commission's Political Prisoner Database record 2020-00248.

[38] "China Detains Five Prominent Democracy Activists in Guangzhou Crackdown," *Radio Free Asia,* November 24, 2020. For more information, see the Commission's Political Prisoner Database records 2004-04528 on Fan Yiping, 2021-00052 on Fan Wencheng, 2021-00053 on Lai Jianjun, 2021-00051 on Hu Tianfeng, and 2021-00054 on Qiao Lianhong.

[39] "Guangzhou '11.12 Da Zhuabu' shijian: Fan Yiping lushi huijian quan bei boduo, Lai Jianjun jianshi juzhu manqi shifang" [Guangzhou 'November 12 Big Seizure' incident: Fan Yiping's lawyer deprived of his right to meet his client, Lai Jianjun released from residential surveillance after his time period was finished], *Radio Free Asia,* March 17, 2021; "Police Detain Guangxi Activist in China's Yunnan, near Myanmar Border," *Radio Free Asia,* January 1, 2021.

[40] "Police Detain Guangxi Activist in China's Yunnan, near Myanmar Border," *Radio Free Asia,* January 1, 2021.
[41] "Guangzhou '11.12 Da Zhuabu' shijian: Fan Yiping lushi huijian quan bei boduo, Lai Jianjun jianshi juzhu manqi shifang" [Guangzhou 'November 12 Big Seizure' incident: Fan Yiping's lawyer deprived of his right to meet his client, Lai Jianjun released from residential surveillance after his time period was finished], *Radio Free Asia,* March 17, 2021.
[42] Rights Defense Network, "Guangzhou 11.12 Da Zhuabu qingkuang tongbao: Fan Yiping de daili lushi shenqing huijian zaoju, Lai Jianjun yu zhiding jianshi juzhu qiman hou yi shifang" [Briefing update on Guangzhou's 11.12 Big Seizure: Fan Yiping's lawyer's application for an attorney-client meeting denied; Lai Jianjun released after completing residential surveillance at a designated location], March 16, 2021.
[43] Amnesty International, "China's Detention of Activist Shows Unrelenting Assault on Freedom of Expression," February 17, 2020; Mimi Lau, "Rights Activist Ding Jiaxi Investigated for 'Incitement of Subversion,'" *South China Morning Post,* February 17, 2020. For more information, see the Commission's Political Prisoner Database records 2005-00199 on Xu Zhiyong, 2013-00307 on Ding Jiaxi, 2020-00011 on Dai Zhenya, 2020-00012 on Zhang Zhongshun, and 2020-00013 on Li Yingjun.
[44] "Xiamen juhui an: Xu Zhiyong he Ding Jiaxi zao shengji zhikong 'dianfu'" [Xiamen gathering case: charges against Xu Zhiyong and Ding Jiaxi elevated to "subversion"], *Radio Free Asia,* January 20, 2021.
[45] Javier C. Hernández, "China Detains Activist Who Accused Xi of Coronavirus Cover-Up," *New York Times,* February 17, 2020; Li Qiaochu, "120 Days in Secret Detention," translation in *China Change,* January 12, 2021. For more information on Li Qiaochu, see the Commission's Political Prisoner Database record 2020-00129.
[46] Civil Rights & Livelihood Watch, "'Xiamen juhui an' Zhang Zhongshun deng si ren qubao" [In the "case of the Xiamen gathering," Zhang Zhongshun among four released on bail], June 20, 2020.
[47] Elaine Lu, "'I Feel Like I Am Committing Crimes': A Q&A with Legal Rights Advocate Yang Zhanqing," *China NGO Project, ChinaFile,* Asia Society, March 23, 2020.
[48] "Wife, Daughter of Jailed Changsha Rights Activist Arrive in US," *Radio Free Asia,* April 9, 2021; Chinese Human Rights Defenders, "[Briefing] NGO Staffers and Xi Jinping Critic Put on Trial While Publisher Detained," September 14, 2020; "Changsha gongyi zuzhi 3 chengyuan dianfu zui bei pibu" [The arrest of three staff of a Changsha public interest organization for subversion has been approved], *Radio Free Asia,* August 27, 2019; Freedom House, "China: Government Should Release Disability Rights, Internet Activists," July 28, 2019. For more information, see the Commission's Political Prisoner Database records 2019-00300 on Cheng Yuan, 2019-00301 on Liu Dazhi, and 2019-00302 on Wu Gejianxiong.
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INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

- The Chinese Communist Party's efforts to extend control over all sectors of society violate citizens' right to fully participate in public affairs. As the Party's dominance permeates society, the space for institutions of democratic governance diminishes, thereby weakening citizens' ability to hold authorities accountable for human rights violations.
- In anticipation of its centenary, the Party further strengthened its members' political alignment with Party General Secretary Xi Jinping by launching a series of political campaigns with the aim of removing disloyal members from the Party and from political-legal bodies such as the judiciary and procuratorate. For example, the police force, generally regarded as a government body, is overtly being politicized as Xi Jinping conferred to it a new flag with a design symbolizing the Party's leadership.
- The Communist Party Central Committee Political Bureau issued regulations governing the operations of the Party Central Committee. The rules required the Committee, which is one of the two highest political bodies in China, to protect Xi Jinping's position as the core leader, despite the Committee's constitutional duty to appoint the General Secretary, a position currently held by Xi.
- The Party declared that it had eliminated absolute poverty as part of its centenary goal of building a moderately prosperous society. Said declaration, however, does not address poverty and widening income disparity relative to China's overall economic status. Furthermore, centrally imposed economic development plans aiming to alleviate poverty have had negative effects particularly in ethnic minority communities, where environmental damage and forced relocations have harmed their way of life and rendered some homeless.

Recommendations

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

- Support U.S. research programs that document and analyze the governing institutions and ideological campaigns of the Chinese Communist Party, as well as its relationship with companies, government agencies, legislative and judicial bodies, and non-governmental organizations (NGOs).
- Employ a "whole-of-government" approach to encourage Chinese authorities to ratify the International Covenant on Civil and Political Rights and release individuals detained or imprisoned for exercising their rights to freedom of speech, association, and assembly.
- Support and pass Senate bill S. 413, 117th Congress (2021) (a bill to establish the China Censorship Monitor and Action Group) or similar legislation aimed at monitoring and protecting political speech of U.S. citizens and companies from censorship and other restrictions by the Chinese government.

Institutions of Democratic Governance

○ Call on Chinese officials to stop and reverse Party encroachment on grassroots-level elections. Support joint U.S.-China cooperative programs to develop independent village committee and people's Congress election monitoring systems. Encourage central and local Party and government leaders to implement free and fair elections across China. Continue to fund, monitor, and evaluate the effectiveness of democracy promotion and rule of law programs in China. Support organizations working in and outside China that seek to work with local governments and NGOs to improve transparency, especially with regard to efforts to expand and improve China's open government information initiatives. Urge Party officials to further increase the transparency of Party affairs.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Introduction

China's one-party authoritarian political system remains out of compliance with the standards defined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.[1] The Chinese Communist Party and government—with Party General Secretary and President Xi Jinping at the apex of political power—employs a top-down system of governance that exerts control over the population through advanced digital technologies.[2] Official rhetoric promoting rule-based governance is premised on the Party's leadership role in the drafting and interpretation of the law, including China's Constitution.[3] Reports from the Commission's 2021 reporting period continue to indicate that the Party seeks to control every sector of society, exert ideological control, suppress political activity, surveil citizens, and violate their fundamental rights.

Party's Centenary and Continued Expansive Control

The year 2021 marks the centenary of the Chinese Communist Party.[4] This past year, authorities launched a series of ideological initiatives in anticipation of the centenary, such as delivering political study classes intended to exert tighter ideological control over cadres, proposing rules for Party building in high schools, and establishing a hotline for citizens to report internet users who "distort" the Party's history.[5] A new version of the Party's history was published in February 2021 with a strong focus on Xi's ideology.[6]

The Chinese Communist Party likewise continued to expand and strengthen its control in different sectors of society. It did so partly through its "united front work," which aims to co-opt domestic and foreign non-Party elements of society and to prevent the independent organization of civil society.[7] In January 2021, the Party amended and finalized the provisional Regulations on the Chinese Communist Party United Front Work.[8] The amendments emphasized the Party's centralized leadership, specifically referenced General Secretary Xi Jinping's ideology on united front work, and added two groups of targeted sectors, namely, overseas individuals and persons from new social strata (such as freelancers and workers from private businesses and new media).[9]

Examples of the Party's attempts to consolidate Party control over different sectors of society include the following:

BUSINESS SECTOR

- The Central Commission for Discipline Inspection and National Supervisory Commission issued a memorandum in January 2021 calling for stronger "Party building" in the financial sector, using the corruption conviction and death sentence of business executive Lai Xiaomin as an example of "punishing very few to educate and save the majority."[10] The term "Party building" refers to a multi-faceted approach for enhancing the Party's governance capabilities through ideological, organizational, and disciplinary means.[11] The Party's General Office similarly demanded the obedience of private enterprises to the

Party, and called for Party building in the private enterprise sector.[12]

• In November 2020, the Shanghai Stock Exchange postponed the initial public offering of Ant Technology Group, citing the fact that the company's executives—including Jack Ma Yun—had been summoned by regulators for talks over unspecified matters.[13] The postponement came shortly after Ma advocated for more relaxed financial regulation in a speech that appeared to have contradicted Vice President Wang Qishan's position.[14] After his speech, Ma disappeared from public view for nearly three months, during which authorities launched an antitrust investigation into Alibaba Group Holding, Ltd., an e-commerce company founded by Ma.[15] In March 2021, the Wall Street Journal reported that Chinese authorities had ordered Alibaba to divest its media assets, including the Hong Kong-based news outlet South China Morning Post, which had "published stories that appeared unfavorable to the Chinese leadership."[16]

EDUCATION

• Reuters reported in July 2020 that educators in 30 out of 33 province-level jurisdictions had removed "illegal" and "inappropriate" books from schools pursuant to a Ministry of Education directive issued in October 2019.[17] A political analyst quoted by Reuters said that "[t]his is the first movement targeted at libraries since the Cultural Revolution."[18] The directive requires educators to use a list of recommended books when selecting books and identifies "illegal books" as those that would endanger state security or damage social stability and further defines "inappropriate books" as including those that contravene core socialist values.[19]

• In October 2020, the Party Central Committee and the State Council jointly issued a plan to reform the evaluation system for schools, educators, and students with the goal of actualizing the Party's comprehensive leadership.[20] In particular, obedience to the Party and "inheritance of the red gene" are listed as areas of a student's moral education.[21] Following the plan, the Ministry of Education issued an opinion in December discouraging philosophers and social scientists from using international data and publishing materials that would "vilify" China.[22] This plan followed a September meeting of the Central Committee for Deepening Comprehensive Reform, in which Party leaders decided to further regulate the development of private compulsory education in order to implement the Party's education objectives.[23]

ENTERTAINMENT INDUSTRY

• Authorities issued documents aimed at regulating the morality and ideology of performing artists. In February 2021, the state-supervised China Association of Performing Arts issued the provisional Measures on Managing the Self-Discipline of Performers in the Performance Industry.[24] Among the requirements were performers' support of the Party and adherence to core socialist values.[25] The measures further prohibit per-

formers from engaging in conduct that would harm social morals or damage the Nation's traditions.[26] Violations are subject to review by the newly established "moral-building committee," which may result in reprimand, disqualification from receiving awards, and potentially permanent industry-wide boycott.[27] In March, the National Radio and Television Administration solicited public comments for the draft PRC Television Broadcast Law, which contains similar political and moral restrictions on television shows.[28]

[For information on the Party's control over civil society organizations, religious groups, and ethnic minority communities, see Section II—Freedom of Religion, and Ethnic Minority Rights, Section III—Civil Society, Section IV—Xinjiang, and Section V—Tibet.]

Intra-Party Governance

In a move that may further consolidate Xi Jinping's political power, the Party launched a campaign to remove members considered politically disloyal. It also adopted internal regulations containing provisions that may infringe on Party members' right to political speech and opinion.

- In July 2020, the Communist Party Central Committee Political and Legal Affairs Commission launched a campaign for the education and rectification of the political-legal system.[29] The term "political-legal" generally refers to institutions in the judiciary, procuratorate, public security, state security, and judicial administration, all of which are under the supervision of the Party's political-legal committee at the corresponding level.[30] The campaign's first stated objective is to remove disloyal Party members, with a target completion date of the first quarter of 2022.[31]
- In August 2020, Xi Jinping conferred upon the People's Police a new flag with a design representing the Party's absolute and comprehensive leadership.[32] The Ministry of Public Security, however, is a government agency, not a political body.[33] A senior writer for Nikkei Asia speculated that the flag conferral symbolized Xi's taking direct control of a branch of law enforcement, as he did with the People's Armed Police in 2018.[34] Shortly after the flag conferral ceremony, Vice Minister of Public Security Wang Xiaohong published an article calling for "resolutely removing 'two-faced people,'" referring to people who outwardly obey but secretly resist orders from the Party.[35]
- The Communist Party Central Committee Political Bureau (Politburo) issued regulations in October 2020 governing the operations of the Party Central Committee, which is one of the two highest political bodies in China.[36] Among its political mandates, the Party Central Committee is required to protect General Secretary Xi Jinping's position as the core leader and to align with him.[37] This requirement is in conflict with the Party's constitution, which provides that the general secretary (the position currently held by Xi Jinping) is selected by the Party Central Committee.[38]
- In February 2021, the Chinese Communist Party Politburo Standing Committee issued the trial Provisions on Handling

Matters within the Organization, which govern how the Party handles cadres' misconduct through measures such as suspension, demotion, or removal.[39] Besides corrupt practices and poor performance, the regulations also target actions that may indicate disloyalty to the Party, such as speech inconsistent with the Party's ideology, wavering faith in Marxism, and failure to align with the Central Committee's position.[40] The Chinese human rights organization Civil Rights & Livelihood Watch observed that the provisions discriminated against Party members and violated their right to free speech, free thought, and religious freedom as protected by China's Constitution.[41]

Lack of Genuine Political Participation

The Chinese Communist Party holds exclusive political power, and China's Constitution contains language that effectively prohibits acts that would damage the Party's leadership.[42] Eight satellite parties are formally recognized, but their funding and operations are controlled by the Chinese Communist Party.[43] Although the Party declares that it represents "the fundamental interests of the greatest possible majority of the Chinese people," [44] citizens' direct electoral participation is limited to sub-provincial legislative bodies [45] and village and residents committees,[46] the latter of which are semi-autonomous grassroots bodies outside of the state bureaucracy.[47] Elections for these local offices, however, are subject to political interference, such as through candidate selection and harassment of independent candidates.[48]

The October 2020 amendment of the PRC Election Law of the National People's Congress and Local People's Congresses adds seats to local legislative bodies but does not improve political plurality.[49] The amendment increases the number of seats for people's congresses at the county and township levels, with a stated goal of increasing the representative ratio from 1 delegate per 530 persons in 1997 to 1 delegate per 490 persons.[50] However, the amendment adds language requiring that election work must unwaveringly support the Party's leadership.[51]

Radio Free Asia observed that fraudulent practices are frequently reported in grassroots-level elections.[52] In one instance, the Party secretary of Shangdong village in Huizhou municipality, Guangdong province, reportedly ordered candidate Tian Ruidi to withdraw from the village group election to ensure that an officially designated candidate could be re-elected.[53] Local police summoned Tian for questioning, prompting her to go into hiding for fear of being detained.[54] Previously, Tian had been critical of the village group leader for being opaque in managing the village's resources.[55]

Amendment of the PRC Organic Law of the National People's Congress

China's legislative body, the National People's Congress (NPC) amended the PRC Organic Law of the National People's Congress in March 2021—the first time since the law was passed in 1982—in a manner that further formalizes the NPC's subservience to the

Chinese Communist Party.[56] While the amended law reiterates the constitutional provision that the NPC is the highest office of state power, it adds that the NPC must steadfastly support the Party's leadership.[57] This amendment was made pursuant to a Party document requiring that Party leadership be written into laws.[58]

The amended law additionally may contain unconstitutional provisions. In particular, whereas China's Constitution grants the NPC Standing Committee (NPCSC) authority to determine appointments and removals of positions up to the rank of minister, the amended law's language has the effect of expanding this authority above the minister position to include state councilors and vice premiers.[59] In contrast to the NPC, which has 2,980 delegates and generally convenes once a year, the NPCSC is a smaller body consisting of 175 delegates and may convene at any time the NPC is not in session.[60] The amendment thus allows for a smaller number of state leaders to make more frequent personnel changes involving high-ranking State Council officials, which is an arrangement not reflected in China's Constitution.[61]

Technology-Based Social Control: Surveillance, Data Collection, and Big Data

In its 14th Five-Year Economic and Social Development Plan, the State Council reiterated plans to continue the development of smart cities, digital villages, and a "safe China"—a concept encompassing state, social, and economic security—through the use of technologies such as artificial intelligence, blockchain, cloud computing, and a centralized big data system.[62] Chinese authorities in the Xinjiang Uyghur Autonomous Region have employed these technologies to monitor citizens' activities and movement through a surveillance system consisting of networks of cameras and thousands of security checkpoints and surveillance hubs (also known as "convenience police stations").[63] In addition, Chinese authorities used the COVID-19 pandemic as an opportunity to employ increasingly invasive surveillance measures in different parts of China.[64] These developments have prompted concerns that systems similar to those in the XUAR are being expanded to other parts of China and exported globally, enabling states to exert social control and stifle political freedom.[65]

The number of surveillance cameras in China continued to increase. In a report updated in July 2020, the U.K.-based website Comparitech found that 18 of the 20 cities with the most surveillance cameras were located in China, which was estimated to have approximately 415.8 million cameras, with projected growth to 540 million in 2021.[66] While Chinese authorities have cited crime reduction as the justification for the use of surveillance cameras, the report found that an increase in surveillance cameras only minimally correlates to a reduced crime rate.[67]

Companies with ties to the Chinese government are collecting data on individuals, domestically and abroad. For example, in September 2020, several media outlets obtained information that China Zhenhua Electronics Group (a company indirectly owned by a state-owned enterprise) had collected information on approximately 2.4 million individuals of different nationalities.[68] While the database was mainly based on public information, some of it was

obtained from non-public sources, according to a scholar who had reviewed the data.[69] In another example, Reuters reported in August 2020 that BGI Group (formerly Beijing Genomics Institute) had sold 35 million COVID-19 test kits to 180 countries, and called on researchers to deposit patient samples in the National GeneBank, a Chinese government-funded "biorepository of 20 million plant, animal and human genetic samples."[70] A BGI Group subsidiary and dozens of companies also collected DNA samples for public security bureaus in China.[71] The Australian Strategic Policy Institute concluded that the Chinese government's nationwide DNA collection campaign that began in 2017 "violates Chinese domestic law and global human rights norms."[72] The Institute further warned that "when combined with other surveillance tools, it will increase the power of the Chinese state and further enable domestic repression in the name of stability maintenance and social control."[73]

While Chinese authorities proposed legislation relating to privacy and data security, it is unlikely that it will provide adequate protection for the right to privacy and freedom from government intrusion.[74] The draft PRC Data Security Law, published in July 2020, obligates government agencies to collect and store data securely and do so within the agency's legally defined scope of duties.[75] The draft PRC Personal Information Protection Law, published in October, contains similar provisions applicable to personal information.[76] A lawyer noted, however, that the law may have limited practical effect since authorities are in a position to both define and interpret the scope of the government's authority.[77]

Social and Development Policies

POVERTY ALLEVIATION

As the Chinese Communist Party approached its centenary, General Secretary Xi Jinping declared that China had become a "moderately prosperous society," one aspect of which is poverty elimination.[78] Some experts acknowledged improvements in the livelihood of a large number of people in China, but they also recognized the limited scope of the stated accomplishment, urging sustained efforts in this area.[79] Among the factors experts highlighted are that the Chinese government targeted only rural poverty, overlooked worsening income inequality, forcibly relocated of rural populations, and applied an income benchmark too low for China's economic status.[80] In March 2021, central authorities declared in the 14th Five-Year Social and Development Plan that over 55 million of the rural poor had escaped poverty and that the problem of absolute poverty had been completely solved.[81]

The government's economic development schemes have negatively impacted ethnic minority communities, according to a series of articles published by Radio Free Asia in November 2020.[82] One such scheme is called "poverty alleviation through relocation," wherein, according to an official report, the government relocates people away from inhospitable areas and does so with their informed consent and full consideration.[83] However, in the Xinjiang Uyghur Autonomous Region, for example, authorities forced Uyghurs to work in factories away from their homes, which, ac-

cording to an NGO worker, had the effect of keeping them in poverty by rendering them homeless.[84] The Los Angeles Times reported incidents in which officials in Gansu province used violence to force villagers to sign land transfer contracts.[85] In another example, a non-governmental organization (NGO) worker said that authorities in the Inner Mongolia Autonomous Region constructed large-scale pig farms and ordered herders to resettle in cities in the name of poverty alleviation, thereby damaging the environment and the nomadic culture.[86]

DEVELOPMENT POLICY AND FORCIBLE DEMOLITION

The 14th Five-Year Social and Development Plan also laid out schemes for rural and urban development that discourage large-scale demolition and construction.[87] It is unclear, however, whether policy pronouncement will be effective in ending the longstanding practice of forcible demolition of citizens' residences.[88] This past year, multiple reports emerged showing that citizens across China lost their homes because of demolition actions that they said were unlawful.[89] Some incidents involved the use of physical threats, termination of utilities, and the participation of men wearing black outfits who refused to identify themselves.[90]

Forced demolitions violates the universal right to adequate housing, which entails "legal protection against forced eviction, harassment and other threats."[91] Under Chinese law, authorities may not cutoff utilities as a way to enforce administrative decisions; they are further required to compensate a person affected by demolition if the person was a bona fide purchaser of a property that was constructed pursuant to an approval erroneously issued in violation of zoning regulations.[92] In a model case issued in July 2020, the Supreme People's Court further illustrated the principle that the government must obtain court approval and compensate the affected person before demolition may take place, even if the affected person has been relocated or has no legal basis to resist relocation.[93]

GOVERNMENT TRANSPARENCY AND ACCOUNTABILITY

The Chinese Communist Party's sustained censorship and control over the government are inconsistent with "the right to truth, the right to justice, and the right to an effective remedy and reparation," which are essential to holding the government accountable for human rights violations.[94] The Plan for Building a Rule-Based China (2020–2025)—issued by the Party Central Committee and the State Council in January 2021—calls for improvement of accountability systems for administrative agencies, the judiciary, and the procuratorate, but it prioritizes political compliance and is silent on private actions against public entities.[95] The plan also describes transparency as a criteria for achieving rule-based governance, specifically urging government bodies to welcome media and public oversight.[96] Nevertheless, reports of persecution of government critics, journalists, and social activists continued to emerge this past year.[97]

In February 2021, over 300 citizens signed an open letter urging the passage of a "government law" to prevent wrongful convictions and to hold officials accountable for misconduct.[98] The co-signers included citizens from across China who suffered mistreatment in

the course of unsuccessfully seeking redress from the government.[99] A scholar noted that the joint letter underscored the systemic problem of political influence over the judiciary.[100] [For more information on persecution of government critics, journalists, and social activists, see other sections of this report, such as Section II—Freedom of Expression, The Environment and Climate Change, and Section III—Civil Society.]

Notes to Section III—Institutions of Democratic Governance

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ACCESS TO JUSTICE

Findings

- To the extent that citizens rely on courts to protect their rights against state encroachment, political pressure on the court system undermines their ability to access justice. The Chinese Communist Party goes beyond mere influence and expressly requires absolute loyalty and obedience from the courts.
- Five years after the nationwide, coordinated crackdown on human rights lawyers and advocates, authorities continued to persecute them by such means as imprisonment, detention, and revocation of law licenses.
- The Supreme People's Court required judges and candidates for judicial positions to undergo training that emphasizes political ideology and loyalty. Requiring that Party General Secretary Xi Jinping's ideology "penetrate every lesson," the training goes beyond legal skills, to include areas such as public opinion manipulation and strategies to mobilize the masses.
- Central authorities' proposal to further expand legal aid services will not necessarily increase citizens' ability to access justice. For example, citizens from Wuhan municipality, Hubei province, faced harassment, and the court rejected their filings alleging the government mishandled the COVID-19 outbreak.

Recommendations

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

- Highlight and discuss with Chinese officials the report in which the UN Working Group on Arbitrary Detention found human rights lawyers **Li Yuhan** and **Yu Wensheng** to have been arbitrarily detained. Call attention to the arbitrary detention of other rights lawyers such as **Chang Weiping, Chen Wuquan, Ding Jiaxi, Xia Lin, Chen Jiahong, Qin Yongpei, Zhang Zhan,** and **Hao Jinsong.** Urge the Chinese government to unconditionally exonerate the above-named lawyers and other similarly situated lawyers.
- Highlight and discuss with Chinese officials cases of human rights lawyers such as **Xu Zhiyong, Yang Bin, Peng Yonghe, Wang Yu,** and **Xie Yang,** whose law licenses were revoked or whose ability to practice law was otherwise restricted because of their legal representation and advocacy in cases that Chinese authorities deem politically sensitive.
- Continue to designate and impose sanctions under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note) on Chinese officials responsible for arbitrarily detaining or otherwise persecuting petitioners, human rights lawyers, and advocates.
- Urge the Chinese government to protect the fundamental civil and professional rights of China's lawyers, investigate all allegations of abuse against them, and ensure that those re-

sponsible for such abuse are brought to justice. Urge the Chinese government to end all forms of harassment or persecution of family members of human rights lawyers and advocates, including surveillance and restrictions on their freedom of movement.

ACCESS TO JUSTICE

Introduction

The International Covenant on Civil and Political Rights (ICCPR), which China signed and expressed its intention to ratify,[1] provides that all persons are equal before the courts; it also obligates a State Party to ensure that people have enforceable legal remedies for any violation of the rights and freedoms recognized in the convention, even if the violation has been committed by an official.[2] While China's Constitution recognizes certain universal human rights,[3] citizens do not have any legal channel through which to assert or protect them.[4] Moreover, the Chinese government and Party's political control over the judiciary and the legal profession, and their ongoing persecution of human rights lawyers, which the Commission observed during the 2021 reporting year, are inconsistent with the relevant ICCPR provisions.

Political Control Over the Judiciary

China's judiciary remained part of a network of institutions designed to maintain the social and political order for perpetuating the Chinese Communist Party's political primacy.[5] Reinforcing this structure, the Party strengthened centralized control in part by requiring judges to undergo ideological training and by minimizing local officials' influence on the judiciary.

NEW REQUIREMENT FOR IDEOLOGICAL TRAINING

The Supreme People's Court (SPC) required judges and candidates for judicial positions to undergo training that emphasizes political ideology and loyalty to Party leadership. In August 2020, the SPC issued the Regulations on the Education and Training of Judges, which focuses on three areas: political ability, professional ethics, and judicial ability.[6] Party General Secretary Xi Jinping's ideology and "socialism with Chinese characteristics" are listed as required fields of study for the first two areas.[7] In addition, the training for judicial character goes beyond legal skills to cover topics such as risk management, tactics for steering public opinion, and mass line strategy (a Maoist method for organizing and mobilizing the people).[8] Candidates for judicial positions must undergo one year of training, and incumbent judges must undergo continuing education.[9] To this end, in April 2021 the SPC issued the Implementing Measures for Training Judges for Promotion to the Senior Ranks, emphasizing that Xi Jinping's ideology must "be the first training lesson, be the guiding principle for every lesson, and penetrate every lesson."[10]

PREVENTING CASE INTERFERENCE WHILE MAINTAINING PARTY LEADERSHIP

The Party reasserted its centralized control by attempting to effectively minimize local officials' influence over the judiciary. In January 2021, the Supreme People's Court Party Branch issued an opinion reiterating rules previously laid out in three documents, with the stated purpose of correcting ineffective implementation.[11] While the full text of the opinion was not available at the time of

this writing, a summary of the opinion published on the SPC website states that court personnel are required to record and report case interference to the Party committee and the Party political-legal committee at the same administrative level, and to the court above.[12] The opinion is applicable to personnel both inside and outside the court system, encompassing conduct such as requesting to alter case handling and receiving gifts or commissions from a lawyer.[13] In reference to one set of rules covered by the opinion, a Chinese judge said that the effectiveness of implementation would depend in part on whether the court is administratively and financially independent from the body exerting influence;[14] said independence, however, would call for an institutional restructuring not reflected in the opinion's summary.[15]

In another example illustrating political control, the SPC Party Branch issued a report in November 2020 detailing the progress of implementing suggestions given by the No. 4 Central Inspection Tour Team, which is tasked with ensuring court officials' compliance with political directives.[16] The report emphasized that the court must use examinations and inspections to screen court officials for political character and must unwaveringly uphold the Party's absolute leadership over the judiciary,[17] a theme repeatedly echoed by SPC President Zhou Qiang.[18]

Persecution of Human Rights Lawyers and Advocates

July 2020 marked the fifth anniversary of the July 2015 nationwide crackdown on human rights lawyers and rights defenders (also known as the "709 Crackdown").[19] An expert in Chinese law observed that although the crackdown had not intensified since then, it "has now [become] a permanent, ongoing process," probably because the original crackdown had not completely wiped out its targets.[20] This past year, Chinese authorities continued this process by arbitrarily detaining the following human rights lawyers and advocates or by undermining their ability to render legal help:

- **Zhou Shifeng, Hu Shigen,** and **Wu Gan,** whom authorities detained during the 709 Crackdown, continued to serve their sentences ranging from seven to eight years on state security charges.[21]
- As authorities continued to hold **Li Yuhan** in prolonged pretrial detention despite significant health issues, **Yu Wensheng** was sentenced to four years in prison following a closed trial.[22] Both Li and Yu had worked on rights defense cases and represented individuals detained in the July 2015 crackdown.[23]
- Other legal professionals whom authorities arbitrarily detained for their rights advocacy include **Chang Weiping, Chen Wuquan, Ding Jiaxi, Xia Lin, Chen Jiahong, Qin Yongpei, Zhang Zhan,** and **Hao Jinsong.**[24]
- In addition, authorities used license revocation as a means to suppress rights defense work performed by lawyers, including **Yang Bin, Peng Yonghe, Wang Yu,** and **Xie Yang.**[25] **Liu Xiaoyuan,** a lawyer affected by this practice, explained that despite applicable legal provisions, local justice bureau officials would set up roadblocks to make it practically impossible for rights lawyers to reinstate their law licenses after rev-

ocation.[26] Liu additionally observed an upward trend in the number of rights lawyers whose licenses were revoked.[27]

Citizen Petitioning

The petitioning system (*xinfang*), also known as the "letters and visits system," is a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person.[28] The petitioning system is accessible in terms of the low financial cost to use it,[29] but it can be inefficient due to staff shortages and the large number of petitions.[30] Additionally, a structural conflict of interest exists wherein local governments have police power over petitioners who bring claims against them and have used such power to prevent petitioners from asserting their rights.[31]

This past year, the Commission continued to observe examples of petitioners being subjected to different kinds of control and mistreatment by local authorities, such as criminal prosecution and commitment to psychiatric hospitals.[32] "Stability maintenance" efforts intensified during commemorative events such as National Day on October 1, 2020, and during meetings of the National People's Congress and the Chinese People's Political Consultative Conference held in March 2021, when authorities systematically detained petitioners in Beijing municipality for airing their grievances or prevented them from traveling there to do so.[33]

Citizens' Access to the Court System

As Chinese citizens attempted to use the court system to resolve disputes, including those involving contemporary social issues,[34] many were denied access to court. For example, families in Wuhan municipality, Hubei province, filed at least five lawsuits with the Wuhan Municipal Intermediate People's Court against the provincial government on grounds that their relatives had died as a result of the authorities' concealing and mishandling of the COVID-19 outbreak.[35] The court rejected the lawsuits, informing the families via telephone.[36] Agence France-Presse reported that "dozens of others face pressure from authorities not to file, and lawyers are being warned against helping them . . .."[37]

Legal Aid

Central authorities proposed legislation to further expand the legal aid system, but its actual benefits would depend on whether authorities observe the law. In January 2021, the National People's Congress (NPC) Standing Committee deliberated on the draft PRC Legal Aid Law.[38] An NPC official explained that legislation was necessary since the existing Legal Aid Regulations issued in 2003 by the State Council could no longer adequately address the demand for legal aid given the increased scope and diversity of disputes that people face.[39] For civil matters, the draft legislation expands legal aid to cover claims such as food safety or medical incidents, spousal support, child support, workers' compensation, and wage arrears.[40] For criminal matters, the draft law proposes to provide individuals with legal aid when seeking judicial review of

a death sentence, thereby clarifying a legal uncertainty in the existing legal regime.[41]

Expanded legal aid programs, however, may present funding difficulties for local governments.[42] Legal aid lawyers are paid by the government in the form of subsidies, which are lower than regular lawyer fees on average, according to a legal aid office director in Jiangsu province.[43] An NPC Standing Committee delegate said that other forms of compensation should be provided in addition to subsidies, and another NPC official opted to defer to the State Council to address the specific funding needs of local governments after the law's passage.[44] A Chinese legal scholar acknowledged the law's potential benefits to people at the grassroots level, but he cautioned that expanded legal aid services would have limited impact unless the Chinese Communist Party and government themselves observe the law.[45]

Promulgation and Implications of the New Civil Code

The promulgation of the new PRC Civil Code was a positive legal development, but an independent judiciary is required to impartially and freely apply the law to promote justice. After its passage in May 2020 by the National People's Congress, the PRC Civil Code went into effect on January 1, 2021.[46] As described by a state-funded news outlet, the PRC Civil Code is "a collection of laws related to civil affairs, including property, marriage, family, personal rights, and inheritance," and is "aimed at better protecting individuals' personal information and property, making it easier to sue for divorce or sexual harassment, and delineating a clearer boundary between markets and the government."[47] The SPC, fulfilling a political directive of Xi Jinping, published a series of documents covering procedural and substantive issues with the goal of facilitating the transition to the new legal regime and harmonizing existing judicial interpretations affected by the Civil Code.[48] Official media touted the Civil Code as a milestone in China's rule-of-law development, while some legal experts opined that the law's impact would depend on enforcement and on courts' "capacity to test the power of the code in practice."[49]

Some other observers expressed concerns that state interests would trump contractual and other private rights under the Civil Code.[50] As an example, several entertainers terminated contracts with their sponsor companies after the companies boycotted products containing cotton produced in the Xinjiang Uyghur Autonomous Region.[51] Under the PRC Civil Code, "parties to a civil legal relationship must not exercise their civil rights abusively so as to harm state interests, social and public interests, or the legal rights and interests of other people."[52] These observers conjectured that the sponsor companies likely would not prevail in an action against the entertainers for breach of contract, since courts would broadly interpret the term "state interests" to align their decisions with the political stance of the government, which condemned the boycotting companies.[53]

Judicial Transparency

Online judicial disclosure platforms continued to operate this past year, although some documents were concealed either by law or by the actions of officials, thereby undermining the goals of the platforms. In 2013, the SPC began to publicize judicial information relating to court proceedings, judgments, and enforcement through three online platforms, with the stated goal of improving judicial transparency and encouraging public oversight.[54] This past year, one of the three platforms, China Judgements Online continued to release a large number of court documents; beginning in September 2020, however, it required registration using a mobile phone number.[55] The U.S.-based Dui Hua Foundation noticed an improvement in the system's performance when using the database, surmising that the new requirement had reduced the volume of bot crawler activities.[56] But the requirement also prompted concerns about government surveillance, causing a chilling effect on users who, for example, are preparing for lawsuits against the government or are researching human rights abuses in China.[57] The Dui Hua Foundation also noted that cases involving state security are exempt from disclosure, and that some cases are withdrawn from publication without any stated reason, undermining the usefulness of the database.[58]

In one example, in March 2021, the judgment in a case involving misconduct by public security officials disappeared from China Judgements Online after a lawyer had reposted it on social media.[59] Local government officials reportedly contacted the lawyer within minutes after the posting and demanded that he delete it from his account.[60] The judgment had been published on the official database but was later taken down; according to an article covering the incident, however, the case did not fall under any of the legal exceptions to the general rule requiring disclosure.[61] The article also highlighted another corruption case originating from the same locality where the judgment was taken down from China Judgements Online after it had been published.[62]

Renewed Emphasis on Mediation

In a report published in February 2021, the Supreme People's Court emphasized the development of a mediation system in China, noting such a system's roots in the Maoist principle that requires "all local governments to mobilize and rely on the masses to resolve disputes on the spot so that no conflicts are passed on to the higher authorities."[63] According to a Supreme People's Court official, as of the end of 2020, over 13.6 million cases had been settled through online mediation within the 3-year period after the platform began to operate.[64] The platform is slated to further expand to villages and communities and is part of the social governance goal of reducing and eventually eliminating litigation.[65] This policy is similar to the "political rectification of the Chinese judiciary" that, as one Chinese law expert observed, began in 2003 when Chinese authorities revived earlier mediation practices that maintain social stability by "addressing cases that attract significant social attention or that generate petitions by disgruntled parties."[66]

Notes to Section III—Access to Justice

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IV. Xinjiang

Findings

• In 2021, the U.S. State Department found that China had committed genocide and crimes against humanity against Uyghurs and other ethnic and religious minority groups in the Xinjiang Uyghur Autonomous Region (XUAR). The State Department found that acts constituting genocide and crimes against humanity included arbitrary detention, forced abortion and forced sterilization, rape, torture, forced labor, and the violation of freedom of religion, expression, and movement. Parliamentarians in the United Kingdom, Canada, the Netherlands, Lithuania, and the Czech Republic have also determined that Chinese authorities' actions in the XUAR constitute genocide. Independent experts on international law also found that authorities had committed genocide and crimes against humanity against Turkic and Muslim peoples in the XUAR.
• International researchers and journalists found evidence during this reporting year that authorities continued to expand detention facilities, including mass internment camps, and built new camps and other detention facilities in recent years, including as recently as January 2020. Reports published this past year indicated that XUAR officials continued to sentence many Turkic and Muslim individuals to prison, often following their detention in a mass internment camp. Observers noted that the recent expansion and construction of prisons, the transfer of prisoners to locations outside the XUAR, and the phenomenon of deferred sentences indicate that the scale of imprisonment in the past several years has been so great that it has overwhelmed the existing prison infrastructure in the XUAR.
• Officials carried out some of the most egregious acts of persecution of ethnic minorities in the XUAR against women. According to survivor and witness testimony, as well as researchers' analysis of official documents and other sources, ethnic minority women in the XUAR have been subjected to rape and sexual abuse in mass internment camps and as a result of intrusive state-mandated homestay programs.
• Researchers' analyses of population statistics and other documents published by the Chinese government showed that an increase in forced sterilization, intrauterine device (IUD) insertions, and abortions among ethnic minority women, together with an increased rate of detention among ethnic minority populations, led to significant decreases in natural population growth among ethnic minority communities. According to a report published by the Australian Strategic Policy Institute, proportionally, birth rates may have dropped more in the XUAR than in any other location in the world since 1950 between 2017 and 2019—a decline "more than double the rate of decline in Cambodia at the height of the Khmer Rouge genocide."
• Reports published during the past year described authorities' systematic separation of ethnic minority children in the XUAR from their families and their forcible placement in state-run or-

phanages, welfare centers, and boarding schools. This forcible displacement of children has been carried out in violation of the PRC Law on the Protection of Minors and the United Nations Convention on the Rights of the Child. According to international media reports, many of the children placed in these facilities had at least one parent in detention.

- In June 2021, 12 UN human rights experts stated that they were "extremely alarmed" by reports that Chinese authorities had targeted Uyghur detainees and other minorities in detention for forced organ removal. The experts cited "credible information" that authorities forced such detainees to undergo blood tests and other medical examinations without their informed consent and that the results of these tests are placed in a database used for organ allocation.

Recommendations

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

- Call on the Chinese government to end the mass arbitrary detention of predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others, in mass internment camps, and release those currently detained. Call on Chinese officials to end the formal imprisonment of ethnic minority XUAR residents for political reasons. Call on Chinese officials to allow U.S. officials, diplomatic representatives of other countries, UN officials, humanitarian organizations, and international journalists to visit the XUAR and independently investigate reports of arbitrary detention and imprisonment for political reasons.
- Push for the establishment of a United Nations commission of inquiry to investigate human rights abuses in the XUAR, identify perpetrators of these abuses, and make recommendations to hold perpetrators accountable.
- Prioritize engagement with other governments, multilateral organizations, and international non-governmental organizations to address the mass atrocity crimes being perpetrated against predominantly Muslim ethnic minorities in the XUAR. Coordinate with these entities to compile relevant information regarding specific XUAR officials responsible for the mass arbitrary detention and abuse of individuals in mass internment camps in preparation for possible sanctions under the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) and similar parallel sanctions by like-minded partners. Seek engagement and conduct public diplomacy with governments and civil society groups of Muslim-majority countries who are concerned about China's treatment of Muslim ethnic minorities.
- Pass legislation prioritizing the resettlement of Uyghurs, Kazakhs, and other Turkic and Muslim refugees in the United States, and granting them Priority 2 status in the United States' refugee program. Urge other like-minded countries to implement similar refugee resettlement programs for Turkic and Muslim refugees from China. Identify countries likely to

deport Turkic and Muslim refugees from China and engage these countries through diplomatic channels to prevent such deportations.

○ Urge Chinese authorities to immediately cease all coercive "homestay" programs, such as the "Becoming Family" program, as well as other initiatives in the XUAR implemented to surveil ethnic minorities in their communities.

○ Urge Chinese authorities to immediately cease all placement of children in orphanages, welfare centers, and boarding schools without the consent of a parent or guardian. Call on Chinese authorities to allow children who are ethnic minority residents of the XUAR to leave China to be reunited with their parents and other family members living abroad, in accordance with Chinese and international law.

○ Urge Chinese authorities to immediately cease all programs involving the forced labor of mass internment camp detainees and prisoners in the XUAR, as well as programs involving the forced labor of other ethnic minority individuals within and outside the XUAR.

○ Direct the U.S. State Department and USAID to create programming to provide care for former mass internment camp detainees, to include such psychosocial counseling and other assistance as may be necessary to address the trauma these detainees have faced.

Genocide and Crimes Against Humanity in the XUAR

In March 2021, the U.S. State Department stated that "genocide and crimes against humanity occurred during the year against the predominantly Muslim Uyghurs and other ethnic and religious minority groups" in the Xinjiang Uyghur Autonomous Region (XUAR).[1] The State Department found that acts constituting genocide and crimes against humanity included arbitrary detention, forced abortion and forced sterilization, rape, torture, forced labor, and the violation of freedom of religion, expression, and movement.[2] This finding is consistent with the determination issued by the State Department in January 2021 that genocide was ongoing against Uyghurs and other ethnic and religious minority groups in the XUAR and that authorities had committed crimes against humanity against these groups since at least March 2017.[3] Parliamentarians in the United Kingdom,[4] Canada,[5] the Netherlands,[6] Lithuania,[7] and the Czech Republic[8] have also determined that Chinese authorities' actions in the XUAR constitute genocide. Article 6 of the Rome Statute of the International Criminal Court provides a list of five acts, any one of which may constitute genocide when it is "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."[9] China and the United States have both ratified the Convention on the Prevention and Punishment of the Crime of Genocide.[10]

During this reporting year, independent experts on international law also published findings that authorities had committed genocide and crimes against humanity against Turkic and Muslim peoples in the XUAR. These included:

- The Newlines Institute for Strategy and Policy and the Raoul Wallenberg Centre for Human Rights, in consultation with dozens of international experts, which found evidence that China had committed genocide against the Uyghur people in "each and every act prohibited in Article II(a) through (e)" of the Genocide Convention;[11]
- Four lawyers affiliated with the London-based Essex Court Chambers, who argued that "there is a very credible case that acts carried out by the Chinese government against the Uyghur people in [the] XUAR amount to crimes against humanity and the crime of genocide";[12]
- In a joint letter led by the Global Centre for the Responsibility to Protect, 51 human rights and genocide prevention organizations and individual practitioners addressed the international community, stating evidence of official policies toward Turkic Muslims in the XUAR "strongly suggests that crimes against humanity and genocide are taking place";[13]
- In April 2021, Human Rights Watch, together with Stanford Law School's Human Rights & Conflict Resolution Clinic, found that authorities had committed "a range of abuses against Turkic Muslims" in the XUAR that constitute crimes against humanity;[14] and
- A legal analyst, writing in a report published by the Jamestown Foundation, who found that authorities' transfer of ethnic

minority laborers to locations outside the XUAR constitutes the crimes against humanity of "forcible transfer" and "persecution." [15]

Officials Signal Continuation of Harsh Policies in the XUAR

During the 2021 reporting year, Chinese President and Communist Party General Secretary Xi Jinping and other top-ranking government officials made comments indicating that official policies carried out in the past several years in the XUAR had been successful in bringing stability to the region.[16] At the third Xinjiang Central Work Forum in September 2020, Xi said the Communist Party's policies in the XUAR had been "totally correct" and "must be held to for the long term." [17] While Xi did not mention detention facilities in the XUAR during the Work Forum and made little mention of security in the region, international observers argued that his remarks likely indicated support for the widespread arbitrary detention, surveillance, and other measures officials have carried out in the region since around 2017.[18] Xi also stressed the importance of promoting a common Chinese identity in order to "[m]ake a shared awareness of Chinese nationhood take root deep in the soul." [19] He further urged cadres to promote the "sinicization of Islam," [20] a sentiment that was echoed in the Chinese government's draft Five-Year Plan that was released at the March 2021 annual meeting of the National People's Congress.[21] Chinese officials have used the promotion of "sinicization" to heighten official control over religion and restrict religious freedom, including in the XUAR.[22] During a four-day trip to the XUAR in March 2021, Wang Yang, a member of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo), also emphasized the need to promote the "sinicization of Islam" in the region, through the training of religious personnel and other efforts, and to guide Islam in the region to conform to socialism.[23]

Authorities Block Information About Conditions in the XUAR

Lack of access for independent scholars, reporters, and other observers to the XUAR, combined with a lack of publicly available information from within the region, have hindered the ability of the international community to learn about current developments in the region.[24] While authorities have promoted an official narrative that ethnic minorities in the XUAR enjoy freedom and prosperity,[25] officials have blocked information about human rights conditions in the region from reaching the international community.[26] According to Yale University historian Timothy Snyder, "lack of information or the presence of disinformation" is one of the historical preconditions of mass atrocities.[27] During this reporting year, authorities acted to restrict and surveil international journalists attempting to report on issues such as mass internment camps and forced labor in the XUAR.[28] Authorities increasingly removed information previously available online that documented the mass internment camp system and other repressive policies,[29] and have forced the departure of foreign reporters who investigated the mass internment camp system and other rights abuses in the XUAR, including, in March 2021, BBC reporter John Sudworth.[30] In spite of official

restrictions on access to the XUAR, observers have been able to provide information about human rights abuses through satellite imagery analysis,[31] Chinese government documents,[32] onsite reporting,[33] and testimony from survivors and victims' relatives.[34] [For more information on officials' suppression of information in China, see Section II—Freedom of Expression.]

Reports Reveal Abuses, Harsh Conditions in Mass Internment Camps

International researchers and journalists found evidence during this reporting year that authorities continued to expand detention facilities, including mass internment camps, and built new camps and other detention facilities in recent years, including as recently as January 2020.[35] Some low-security camps appeared to have been scaled back or decommissioned, and about half of the detention facilities mapped by the Australian Strategic Policy Institute appeared to be "prison-style facilities."[36] While it is unclear how many of these "prison-style facilities" served as sites of formal imprisonment, this trend may corroborate reports that officials have been carrying out large-scale formal imprisonment and shifting camp detainees into prisons, where they serve fixed or life terms of imprisonment.[37] According to the New York Times, "the continued growth of detention sites across Xinjiang suggests that the authorities are determined to transform and subdue Uighur society for generations to come."[38] In December 2020, BuzzFeed reported that, based on official documents, interviews, and its analysis of satellite imagery, more than 100 newly built mass internment camps and prisons contained onsite factories used for detainee forced labor.[39] In November 2020, Radio Free Asia (RFA) reported that a crematorium and cemetery appeared to be located in between two mass internment camps in Aksu prefecture, XUAR, possibly indicating that authorities sought to hide information about deaths that occurred in camps.[40]

Reports published throughout the year documented authorities' continued use of torture and other forms of mistreatment against camp detainees.[41] As in the past reporting year,[42] reports emerged documenting the deaths of individuals in mass internment camps or after they were detained in camps or prisons. Examples include the following:

- **Qurbanjan Abdukerim,** a 54-year-old Uyghur textile trader who died in February 2021, several days after being released from a mass internment camp, where he had lost more than 100 pounds during his three-year detention.[43]
- **Abdulghafur Hapiz.** In September 2020, in response to a formal inquiry from the UN Working Group on Enforced or Involuntary Disappearances, Chinese authorities confirmed the death of Hapiz, a retired Uyghur driver from Kashgar prefecture, XUAR, saying he had died of pneumonia and tuberculosis in November 2018.[44] Hapiz's Australia-based daughter expressed doubt about the cause of death provided by Chinese officials and said she believed authorities had detained him in a mass internment camp.[45] Chinese officials did not indicate whether or not Hapiz was detained at the time of his death.[46]

• **Qaliolla Tursyn,** a 71-year-old ethnic Kazakh legal consultant, reportedly died in 2020 in Wusu Prison in Shixo (Wusu) city, Tarbaghatay (Tacheng) prefecture, Ili (Yili) Kazakh Autonomous Prefecture, XUAR, where he was serving a 20-year prison sentence.[47] Authorities reportedly refused to allow Tursyn's family members access to his body, and Tursyn's Kazakhstan-based son expressed concern that his father's death may have been caused by torture or ill-treatment in detention.[48]

High Rates of Imprisonment, Lengthy Prison Terms for Ethnic Minorities in the XUAR

Reports published this past year indicated that XUAR officials continued to sentence many Turkic and Muslim individuals to long prison terms, sometimes following their detention in a mass internment camp.[49] Observers noted that the recent expansion and construction of prisons, the transfer of prisoners to locations outside the XUAR, and the phenomenon of deferred sentences indicate that the scale of imprisonment in the past several years has been so great that it has overwhelmed the existing prison infrastructure in the XUAR.[50] Reports also documented authorities' use of pretrial detention centers to hold detainees beyond the limits defined by law, as well as the prevalence of torture and other ill treatment in the centers.[51] Since 2017, authorities held a number of Uyghur and Kazakh detainees, sometimes for years, in either pretrial detention centers or at home, under heavy surveillance, whose formal imprisonment had been deferred to a later date, possibly indicating that prisons were overcrowded.[52] American researcher Gene Bunin highlighted additional ways in which XUAR authorities have not adhered to legal requirements in formally imprisoning Turkic and Muslim individuals, including lack of transparency in criminal and judicial procedures; criminal trials carried out inside detention facilities instead of in courts; and failure to provide defendants with legal representation.[53]

Former officials and civil servants have been among those ethnic minority individuals sentenced to lengthy prison terms, often after authorities criticized them for being "two-faced."[54] These individuals include:

• Retired regional forestry bureau head and former mayor of Korla (Ku'erle) city, Bayangol (Bayinguoleng) Mongol Autonomous Prefecture, **Memet Abdulla.**[55] Authorities sentenced 75-year-old Abdulla, a Uyghur, to life in prison in December 2019 for bribery and "separatism."[56] Abdulla's family members believe authorities imprisoned him in part due to the fact that two of his children lived in the United States, and because they viewed him as "two-faced."[57]

• Retired Uyghur government official **Ruqiye Osman.**[58] Authorities sentenced Osman to 17 years in prison in 2019 for having listened to a sermon at a wake she attended more than a decade earlier.[59] Osman, 73, spent 30 years working as a family planning official in Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, XUAR, where she won awards for her work ethic.[60]

• Uyghur **Shirzat Bawudun.**[61] In April 2021, official media outlet CGTN released a video featuring Bawudun, the former head of the regional justice department.[62] According to the video, Bawudun had used his position to support terrorist activity.[63] In April 2021, officials announced that they had sentenced Bawudun to death with a two-year reprieve on charges including "separatism" and accepting bribes.[64]

Chinese authorities' lack of transparency often makes it difficult for relatives of detained Turkic Muslims to obtain confirmation of their sentences and other information.[65] At a December 31, 2020 press conference, a Ministry of Foreign Affairs spokesman confirmed that authorities had sentenced retired Uyghur doctor **Gulshan Abbas** to prison.[66] Relatives of Abbas, citing an unnamed source, reported on December 30, 2020, that Chinese authorities had sentenced her to 20 years in prison in March 2019.[67] Authorities initially detained Abbas in Urumqi municipality, XUAR, in September 2018, six days after her sister Rushan Abbas spoke at a think tank in Washington, D.C. about Uyghur rights issues.[68]

Additional cases of Uyghurs sentenced to long-term imprisonment include:

• **Mirzat Taher.**[69] Taher, 30, a Uyghur and an Australian permanent resident who is married to an Australian citizen, was sentenced to 25 years in prison in April 2021 on the charge of "separatism" in Qumul (Hami) municipality, XUAR.[70] According to Taher's wife, the "separatism" charge was connected to time Taher spent in Turkey in 2014 and 2015.[71]

• **Ehtem Omer.**[72] An Urumqi court sentenced Omer, a well-known Uyghur author, to 20 years in prison in late 2018, possibly on charges related to "separatism," reportedly in connection with his funding of his nephew's studies in Egypt, or for engaging in religious activities.[73] Authorities reportedly burned several of his books in 2020 because they contained "separatist content."[74]

• **Ablikim Kelkun.**[75] In fall 2020, Radio Free Asia reported that in late 2019, authorities in the XUAR had sentenced Kelkun, a popular Uyghur entertainer, to 18 years in prison for "religious extremism" and other charges.[76] Officials reportedly alleged that two of his songs were evidence of his "separatism" and "religious extremism," and may have also sentenced him because of his close relationship with some religious figures and his past travel to Turkey, a country Chinese officials have flagged for "religious extremism."[77]

• **Renagul Gheni.**[78] According to Renagul Gheni's sister, who lives in the United States, authorities sentenced Gheni, a Uyghur painter and art teacher, to 17 years in prison for praying during their father's funeral and reading the Quran.[79] Prior to her formal imprisonment, authorities reportedly detained Gheni in a mass internment camp or camps in Cherchen (Qiemo) county, Bayangol (Bayinguoleng) Mongol Autonomous Prefecture, XUAR.[80]

Uyghurs Targeted for Forced Organ Removal

In June 2021, 12 UN human rights experts stated that they were "extremely alarmed" by reports that Chinese authorities had targeted Uyghur detainees and other minorities in detention for forced organ removal.[81] The experts cited "credible information" that authorities forced such detainees to undergo blood tests and other medical examinations without their informed consent and that the results of these tests are placed in a database used for organ allocation.[82]

Forced Labor Involving Turkic and Muslim XUAR Residents

During this reporting year, authorities in the XUAR continued to maintain a system of forced labor that involved former mass internment camp detainees and other Turkic and Muslim individuals throughout the XUAR.[83] A March 2021 Jamestown Foundation report outlined authorities' implementation of large-scale, coercive, and highly securitized transfers of ethnic minority laborers to regions outside the XUAR.[84] These labor programs constitute forced labor under the International Labour Organization's Forced Labour Convention and are a form of human trafficking under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.[85] The Jamestown Foundation report estimates that up to 1.6 million of these laborers were at risk of being subjected to forced labor.[86] Based on a paper published by Nankai University in Tianjin municipality and other academic and official sources, the report showed that authorities carried out labor transfers not only for the economic benefit of participating companies, but also for the purpose of diluting the cultural and religious practices and population density of ethnic minority residents of the XUAR.[87] In addition, the report showed that authorities forced hundreds of thousands of ethnic minority farmers to give up their land and become industrial laborers, while officials also worked to bring 300,000 Han Chinese people, mostly from outside the XUAR, to live in southern areas of the XUAR long populated primarily by Uyghurs.[88] Legal analysis provided in the report argues that the transfer of ethnic minority laborers to locations outside the XUAR constitutes the crimes against humanity of "forcible transfer" and "persecution."[89]

Reports published by the BBC and the Newlines Institute for Strategy and Policy in December 2020 indicate that in 2018 and 2019, authorities compelled hundreds of thousands of ethnic minority residents of the XUAR to pick cotton, under labor transfer and "poverty alleviation" programs.[90] The conditions under which workers were employed were reportedly coercive and were achieved through labor transfers carried out by officials to meet government quotas.[91] On January 13, 2021, U.S. Customs and Border Protection (CBP) issued a region wide Withhold Release Order (WRO) prohibiting the import of all cotton products and tomato products produced in the XUAR.[92] CBP said it issued the WRO "based on information that reasonably indicates the use of detainee or prison labor and situations of forced labor."[93]

FORCED LABOR OF TURKIC MUSLIMS IN THE SOLAR INDUSTRY

Reports published this past year documented the use of forced labor in the solar energy industry in the XUAR, where four of the world's five largest polysilicon producers are located.[94] According to the New York Times, a report drafted by the Horizon Advisory consulting firm provided evidence that major solar companies supplying more than one-third of the world's polysilicon have used the forced labor of ethnic minorities in the XUAR.[95] Polysilicon produced in the XUAR has been used in solar panels sold in the United States and Europe.[96] Research published in May 2021 by the Helena Kennedy Centre for International Justice indicates that labor transfer programs using workers from the XUAR were pervasive in the solar panel production industry, and at least one solar panel supplier was located in the same industrial complex as detention facilities likely to employ forced labor.[97] According to the Centre's report, all four XUAR-based polysilicon producers either employed forced labor directly or through their sourcing of raw materials.[98] [For more information on forced labor involving Turkic and Muslim XUAR residents, see Section II—Business and Human Rights.]

Persecution of Ethnic Minority Women in the XUAR: Rape, "Homestay" Programs and Population Control

ACCOUNTS OF RAPE IN MASS INTERNMENT CAMPS

According to a report published in March 2021 by the Newlines Institute for Strategy and Policy and the Raoul Wallenberg Centre for Human Rights, "rape, sexual abuse, exploitation, and public humiliation, at the hands of camp officials and Han cadres assigned to Uyghur homes under Government-mandated programs" constitute the act of genocide of "causing serious bodily or mental harm to members of the group" as defined by the Genocide Convention.[99] According to a February 2021 report published by the BBC, several former mass internment camp detainees and a former camp guard described experiencing or witnessing rape, sexual abuse, and torture in camps.[100] An ethnic Kazakh woman formerly detained in a mass internment camp told Radio Free Asia (RFA) that men at the camp, including camp leaders, frequently raped female detainees.[101] Qelbinur Sidik, an ethnic Uzbek woman whom authorities forced to teach Mandarin Chinese at two mass internment camps, heard and saw evidence of rape, sexual assault, and torture during her time at one of the camps.[102]

INTRUSIVE HOMESTAY PROGRAMS

During this reporting year, reports continued to emerge about intrusive homestay programs in the XUAR, under which authorities assign cadres and government workers, usually of Han Chinese ethnicity, to live with ethnic minority families in their homes to conduct surveillance and compile information on family members.[103] These programs, known as "*jiedui renqin*" or "pairing relatives,"[104] leave families, and particularly women, vulnerable to sexual violence and other types of abuse.[105] Visiting "relatives" have monitored their hosts for "extremist behavior," including the

expression of resentment toward coercive population control measures.[106] According to Qelbinur Sidik, she was the victim of sexual harassment committed by a Han Chinese male "relative" assigned to live in her home.[107] Sidik also provided the account of an acquaintance who told her she heard male cadres speak about raping female host "relatives" in rural areas of the XUAR.[108] According to University of Nottingham scholar Rian Thum, ethnic minority host families ". . . live in fear, under the system in which they are subject to political judgment in every aspect of their own home."[109]

Women Subjected to Forced Sterilizations, IUD Insertions, and Abortions

During this reporting year, the Commission observed reports of abusive population control measures targeting ethnic minority women in the XUAR. Researchers' analyses of population statistics and other documents published by the Chinese government showed that an increase in forced sterilization, intrauterine device (IUD) insertions, and abortions among ethnic minority women, together with an increased rate of detention among ethnic minority populations, led to significant decreases in natural population growth among ethnic minority communities.[110] At the same time as authorities heightened population control measures among ethnic minority women in the XUAR, officials throughout China had relaxed the enforcement of population control measures for the majority Han Chinese population, and the natural population growth of the Han Chinese population in the XUAR increased.[111] Authorities threatened with arbitrary detention those ethnic minority women who refused to comply with forced population control measures.[112] According to at least one mass internment camp survivor, women in the camps were also subjected to forced abortions and forced IUD insertions.[113]

A May 2021 report published by the Australian Strategic Policy Institute (ASPI) found that due to authorities' campaigns to decrease the birth rate, using forced sterilization and IUD insertions, in the southern part of the XUAR beginning in April 2017, the birth rate in the XUAR decreased by nearly half between 2017 and 2019.[114] According to the authors of the ASPI report, the biggest decreases occurred in counties with the largest ethnic minority populations.[115] The report's authors found that proportionally, birth rates in the XUAR may have dropped more than in any other location in the world since 1950 during this time period—a decline "more than double the rate of decline in Cambodia at the height of the Khmer Rouge genocide."[116]

Women Subjected to Forced Sterilizations, IUD Insertions, and Abortions—Continued

Research and analysis of official data and other materials conducted by scholar Adrian Zenz showed that by 2019, XUAR authorities planned to force at least 80 percent of women of childbearing age in four southern prefectures mainly populated by ethnic minorities to undergo IUD insertions or sterilizations.[117] According to Zenz's research, the natural population growth rates of these four prefectures declined by 72.9 percent between 2015 and 2018, and these rates continued to decline in 2019, falling to at or just above zero in several counties.[118] Based on Zenz's analysis of projected population growth in southern areas of the XUAR, following official plans to continue to suppress birth rates in these areas, the estimated population loss for ethnic minority populations, compared to population growth rates without substantial government interference, could fall between 2.6 and 4.5 million people by the year 2040.[119]

Forcible Displacement of Ethnic Minority Children

Reports published during the past year described authorities' systematic separation of ethnic minority children in the XUAR from their families and their forcible placement in state-run orphanages, boarding schools, or other facilities.[120] This forcible displacement of children has been carried out in violation of the PRC Law on the Protection of Minors[121] and the United Nations Convention on the Rights of the Child.[122] Many of the children placed in these facilities reportedly had at least one parent in detention,[123] and authorities placed some children as young as 18 months in orphanages or other state-run facilities while forcing or coercing their parents to work.[124] Reports indicated that authorities often placed children in such facilities without the consent of their families.[125] Amnesty International called on Chinese officials to end the placement of Uyghur and other Turkic Muslim children in state institutions.[126] In their March 2021 report asserting that China had committed genocide against the Uyghur population in the XUAR, the Newlines Institute for Strategy and Policy and the Raoul Wallenberg Centre for Human Rights stated that Chinese authorities had committed the act of "forcibly transferring children of the group to another group," by separating children from their families and placing them in state-run facilities.[127]

According to government statistics, the number of students at boarding schools that teach grades one through nine in the XUAR grew from nearly half a million in 2017 to 880,500 in 2019, an increase of almost 77 percent.[128] While this figure is not exclusively comprised of ethnic minority students, the significant increase in students during the time of mass internment camp detentions in the XUAR, and in areas with large ethnic minority populations, signifies that many of the students were members of ethnic minority groups.[129] Human Rights Watch noted that parents' opposition to the placement of their children in full-time boarding schools put those parents at risk of being sent to mass internment camps.[130]

Chinese authorities have reportedly acted to prevent the reunification of ethnic minority children with their family members who

have relocated abroad, and have restricted the ability of parents living in exile to communicate with or obtain information about their children who remain in the XUAR.[131] In one example, Canada-based Uyghur Dilnur has been unable to contact XUAR-based family members or obtain information about what has happened to her son and daughter, whom she left in the care of her parents, since April 2017.[132] Before she left China in 2016, police reportedly told her they had denied her application for her seven-year-old son's passport because "they believed she would not come back to China if they issued a passport to him."[133] Mihriban Kader and Ablikim Memtimin fled to Italy in 2016 to avoid forced abortion and detention after Mihriban became pregnant outside of state-mandated birth limits, and left four of their children in the care of Mihriban's parents.[134] After police detained Mihriban's mother and her father was hospitalized, the children were left without a caretaker.[135] In June 2020, authorities in Shanghai municipality detained the four children and sent them to a state-run orphanage in the XUAR after they traveled alone across the country and attempted to enter the Italian consulate in Shanghai to obtain visas for Italy to rejoin their parents.[136]

Repressive Surveillance Technology and Security Measures

Reports published this past year documented the ways in which authorities in the XUAR have used surveillance technology to maintain control over Turkic and Muslim residents.[137] American scholar Darren Byler referred to the surveillance infrastructure in the XUAR as a "digital enclosure system" that, together with the fear of arbitrary detention, "holds Uyghurs and Kazakhs in place and creates endemic conditions of unfreedom."[138] Ethnic minority residents of the XUAR have been subjected to frequent checks of their mobile phones for "suspicious" content[139] and to involuntary face scans at public places that authorities matched to individual identification documents and the biometric data linked to these documents.[140] Officials sometimes installed cameras in or near peoples' homes to surveil them more closely.[141] Security officials also flagged individuals for additional scrutiny if they did not have a mobile phone in their possession, had switched off their phone, or had not been active on social media.[142]

Officials integrated data gathered from surveillance technology and other forms of policing into a system called the Integrated Joint Operations Platform (IJOP), which automatically identified people for detention.[143] Human Rights Watch analyzed a leaked list of more than 2,000 mass internment camp detainees from a predominantly Uyghur part of Aksu prefecture, XUAR, from 2018, and found that the IJOP system determined who should be detained and who should remain in detention based on a number of legal, nonviolent behaviors authorities considered suspicious.[144] These behaviors included wearing a burqa or veil or having a long beard; having more children than allowed by government policy; using software deemed suspicious; traveling to countries considered "sensitive"; or being young.[145]

In January 2021, news outlet the Intercept reported on its findings from a leaked police database based in Urumqi municipality, XUAR, comprised of millions of files, which also showed how secu-

rity authorities integrated online surveillance, data from checkpoint stops, facial recognition technology, home visits, and auxiliary policing to control and monitor local Muslim residents.[146] According to the Intercept's analysis, the Urumqi police database showed that authorities labeled former residents who had obtained asylum abroad as terrorists; monitored, investigated, and detained the relatives and friends of Uyghurs who had traveled abroad, in order to guard against "foreign ideas"; and even ordered the inspection of phones and computers of workers who had visited relatives outside of Urumqi.[147] The Intercept report also showed how authorities used rewards and pressure to compel ordinary citizens to provide information about neighbors, and compelled both ordinary citizens and auxiliary police to monitor their communities in highly intrusive and regimented ways.[148]

Freedom of Religion

XUAR government and Party officials curtailed Muslim residents' freedom to practice their religious beliefs, including by implementing restrictions on prayer,[149] defacing and destroying mosques and cemeteries,[150] and detaining individuals for practicing or possessing materials about Islam.[151] As in previous reporting years,[152] XUAR officials reportedly imposed controls on Muslims' observance of Ramadan.[153] On Eid al Fitr, the holiday marking the end of Ramadan, authorities forced some Turkic Muslim residents in the XUAR to sing propaganda songs, and to dance in front of the Id Kah mosque in Kashgar prefecture.[154]

Reports published this past year showed that authorities have specifically targeted Turkic Muslim religious figures in the XUAR, including state-sanctioned imams, for detention in both mass internment camps and prisons.[155] The Uyghur Human Rights Project (UHRP) and Justice For All documented more than 600 cases of Muslim clerics who were detained since 2014 that likely represented a much larger number of detained religious figures in the region.[156] UHRP and Justice For All found that officials began widespread detention of Muslim clerics in the XUAR before they began the mass detention of the general population, likely due to the high degree of influence the clerics had in their communities.[157] Officials often charged clerics with offenses related to "extremism," "separatism," or taking part in "illegal" religious activities, based on such activities as praying outside of a state-approved mosque, preaching at weddings and funerals, or traveling abroad.[158] In May 2021, Kyodo News reported that in 2017, authorities detained a former imam at the prominent Id Kah mosque and sentenced him to 15 years in prison for "having spread extremism."[159] The case of Uyghur farmer **Ismail Sidiq,** who was sentenced to an additional 11 years in prison in 2018 on charges including taking part in "illegal religious activities" for praying in a prison dormitory and taking other unapproved actions, shows that officials punish detainees for observing their religious faith inside detention facilities.[160]

NEW RESEARCH REVEALS SCOPE OF MOSQUE AND SHRINE DESTRUCTION

Observers have noted that authorities' destruction of mosques, shrines, and other sacred sites maintained by Muslim ethnic minorities in the XUAR has been designed to erase the religious and cultural practices they observe that differentiate them from the Party and state's vision of an ideal Chinese society.[161] Article 6 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief mandates that member states must protect places where people "worship or assemble in connection with a religion or belief," including cemeteries and shrines.[162] New research based on satellite imagery and onsite reporting showed that, mostly since 2017, authorities demolished or damaged around 16,000 mosques in the XUAR and demolished or damaged more than half of the region's other religious sites, such as shrines and cemeteries.[163] [For more information on official restrictions on Muslims' right to practice their faith throughout China, see Section II—Freedom of Religion.]

Notes to Section IV—Xinjiang

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V. Tibet

Findings

- The Commission did not observe any interest or progress on the part of Chinese Communist Party and government officials in resuming formal negotiations with the Dalai Lama's representatives. The last round of negotiations, the ninth, was held in January 2010.
- The Party and government continued to restrict, and seek to control, the religious practices of Tibetans. Officials in Tibetan areas of China continued to enforce restrictions on religious observance or expressions of faith, including by prohibiting individuals from participating in religious events or celebrating holidays.
- The Party and government continued to assert control over the processes of selection and recognition of Tibetan Buddhist reincarnated teachers, including the Dalai Lama. The Dalai Lama and Tibetan Buddhist leaders outside China maintained that the decision to reincarnate, or not, belongs only to the individual in question and members of the Tibetan Buddhist religious community.
- For the first year since 2010, the Commission did not observe any reports of Tibetan self-immolations. A previously unreported self-immolation brought the number of Tibetan self-immolations since 2009 reportedly focusing on political or religious issues to 151. Shurmo self-immolated in a September 2015 protest and died the same day in the hospital.
- In August 2020, top Communist Party leadership convened the Seventh Tibet Work Forum in Beijing municipality. Communist Party leaders attended the two-day symposium, where in an address Party General Secretary and President Xi Jinping said that the Party's policies on Tibet were "completely correct" and called for the continued "sinicization" of Tibetan Buddhism and increased efforts to shape public opinion to support Party policy on "ethnic unity."
- In contravention of international human rights standards, security officials continued to punish residents of Tibetan areas of China for the exercise of their protected rights, including expression of religious belief, protest against or criticism of government or Party policies, and free speech. Notable cases this past year included those of songwriter **Khadro Tseten,** sentenced to seven years in prison for writing a song praising the Dalai Lama; **Rinchen Tsultrim,** a Bon monk imprisoned for his online writing about Tibetan culture and politics; and **Tenzin Nyima** (or Tame), a 19-year-old Tibetan Buddhist monk who died in January 2021 after severe mistreatment in official custody.

Recommendations

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

- Work with government officials, parliamentarians, and non-governmental organizations in like-minded countries to pressure the Chinese government and Communist Party to respect, as a matter of the right to religious freedom and as recognized under Chinese and international law, that it is the right of Tibetan Buddhists to identify and educate all religious teachers, including the Dalai Lama, in a manner consistent with Tibetan Buddhist practices and traditions. Urge the Chinese government to cease treating the Dalai Lama as a security threat, and encourage the resumption of genuine dialogue, without preconditions, between the Chinese government and the Dalai Lama or his representatives.
- In interactions with Chinese officials, call for the release of Tibetan political prisoners currently detained or imprisoned for the peaceful exercise of their human rights. The records of detained Tibetans in the Commission's Political Prisoner Database provide a useful resource for such advocacy. Urge the Chinese government and its law enforcement and security forces to end the use of arbitrary detention, disappearance, beatings, torture, and intimidation to suppress and punish Tibetans for the peaceful exercise of their rights.
- Urge the Chinese government to invite representatives of international organizations to meet with **Gedun Choekyi Nyima,** whom the Dalai Lama recognized as the 11th Panchen Lama, and his parents, all three of whom disappeared shortly after his recognition as Panchen Lama in 1995.

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

During the Commission's 2021 reporting year, the Commission did not observe any interest on the part of Chinese Communist Party and government officials in resuming formal negotiations with the Dalai Lama's representatives, the last round of which, the ninth, was held in January 2010. Chinese government and Communist Party officials denounced the Dalai Lama and his representatives in public statements.[1]

Tibetan Self-Immolation

The Commission did not observe reports of Tibetan self-immolations occurring during the 2021 reporting year, the first year since 2010 in which no self-immolations were reported. In January 2021, the Tibetan government-in-exile shared news of a previously unreported self-immolation from 2015, attributing the delay in reporting to "repressive policies and internet censorship . . . in Tibet."[2] On September 17, 2015, **Shurmo** self-immolated in a protest in Xiaqu (Shagchu or Shagchukha) town, Biru (Driru) county, Naqu (Nagchu) prefecture, Tibet Autonomous Region.[3] Police reportedly seized him at the scene and took him to a local hospital, where he died the same day.[4] Police reportedly detained three of Shurmo's relatives, but further information about them or their detentions was not available.[5] Shurmo's death brings the number of self-immolations since 2009 in Tibetan areas of China reported to focus on political or religious issues to 151.[6] Of these self-immolations, 133 were reportedly fatal.[7]

Religious Freedom for Tibetans

The Chinese Communist Party and government continued to restrict, and seek to control, the religious practices of Tibetans, particularly practitioners of Tibetan Buddhism. International observers and rights advocacy groups expressed concern that Chinese religious policy and its implementation continue to violate international human rights standards, including the right to freely worship and to choose one's own religion.[8] The management of Tibetan Buddhism formally falls under the jurisdiction of the Buddhist Association of China, one of five state-controlled religious organizations, while Chinese Communist Party and government officials exercise supervision and guidance over Tibetan Buddhist monastic and educational institutions through the United Front Work Department's National Religious Affairs Administration. [For more information on religion in China, see Section II—Freedom of Religion.]

During the 2021 reporting year, Party and government organizations, including United Front Work Department branches and monastic management committees,[9] continued to target Tibetan Buddhist monks and nuns with propaganda on Party and government policy on ethnic and religious issues in ideological education sessions held at monastic institutions and other sites.[10] These propaganda efforts incorporate into monastic curricula[11] the study of

Chinese legal provisions, including the Measures on the Management of the Reincarnation of Living Buddhas,[12] the PRC National Security Law,[13] and the PRC Anti-Secession Law; [14] and Party ethnic and religious policy initiatives, including the "sinicization" of religion [15] and the Seventh Tibet Work Forum.[16] The International Campaign for Tibet noted that such propaganda efforts "require the monastic community to hold the Communist doctrine and leaders as [a] higher authority than [Buddhist] canons even on spiritual matters," posing a "threat to the survival of . . . Tibetan Buddhism and Tibetan culture." [17]

RESTRICTIONS ON RELIGIOUS PRACTICE

During the 2021 reporting year, authorities in Tibetan areas restricted access to Tibetan Buddhist religious institutions, including monasteries and temples, and issued prohibitions on forms of religious worship, particularly during major religious events or around the times of politically sensitive anniversaries.

- In July 2020, authorities ordered monasteries in Gansu, Qinghai, and Sichuan provinces to be closed to visitors to prevent gatherings celebrating the Dalai Lama's July 6 birthday.[18]
- Officials in Lhasa municipality, Tibet Autonomous Region (TAR), limited Tibetan Buddhist pilgrims' and worshippers' access to the Jokhang temple, a major Tibetan Buddhist temple, and surrounding areas of the city, while allowing tourist groups to visit.[19]
- Local officials in Lhasa municipality issued a notice in July 2020 reducing the amount of burnt smoke offerings allowed to be made at Lhasa religious sites.[20] Officials reportedly cited increasing levels of air pollution in the city as the reason for the restrictions.[21] Local residents reportedly feared that the restrictions could be extended across all of the TAR.[22]
- In March 2021, police in Zaduo (Dzatoe) county, Yushu (Yulshul) Tibetan Autonomous Prefecture, Qinghai, interrogated four Tibetan men after they climbed a mountain to burn incense and perform prayers.[23] Authorities released three of them, but continued to hold **Thubten Phuntsog** on unknown charges.[24]
- Around the time of the Tibetan New Year (*Losar*) in February 2021, authorities in some Tibetan areas, including Qinghai and Sichuan provinces and the Tibet Autonomous Region, closed or limited access to major cultural and religious sites to pilgrims and visitors.[25]
- Shortly after the Tibetan New Year, officials responsible for monasteries in Gansu, Qinghai, and Sichuan provinces prohibited worshippers from gathering at the monasteries to observe a major religious festival, Monlam Chenmo.[26] Authorities reportedly cited public health concerns over the ongoing COVID-19 pandemic as cause for the orders.[27]

DEATH OF DZA BONPO MONK TENZIN NYIMA

Following a series of public protests in late 2019 near Wenbo (Bonpo) town, Shiqu (Sershul) county, Ganzi (Kardze) Tibetan Au-

tonomous Prefecture, Sichuan province, local authorities detained local residents and dozens of monks at Wenbo's Dza Bonpo Monastery.[28] In August 2020, authorities detained Dza Bonpo monk **Tenzin Nyima** (or Tame) again after he reportedly shared news of the detentions online.[29] In October, authorities released him to his family in critical condition after severe mistreatment in custody.[30] Tenzin Nyima died on January 19, 2021, at the age of 19.[31]

After international reports on his death emerged, local authorities reportedly cracked down on Wenbo residents. International rights organizations published reports on the crackdown, in which a local Party secretary led an inspection visit to Wenbo[32] and a counterterrorist detachment of the People's Armed Police (PAP) raided residents' homes.[33] PAP officers detained an unknown number of local residents in connection with sharing news of Tenzin Nyima's death on the social media platform WeChat.[34] Officials confiscated images of the Dalai Lama, replaced them with images of Chinese Communist Party leaders, and in a March 17 town meeting, ordered residents to sign an agreement not to keep pictures of the Dalai Lama.[35] Officials also forced local residents to download software to their phones that would allow authorities access to their data.[36]

The Dalai Lama and Reincarnation

The Chinese Communist Party and government seek to exercise control over the selection and recognition of reincarnated Tibetan Buddhist religious figures, particularly major reincarnated lineages such as the Dalai Lama. The 14th Dalai Lama, Tenzin Gyatso, who in July 2021 reached the age of 86, has lived in India since fleeing into exile in 1959.[37] Chinese officials have denounced the Dalai Lama and his followers as "separatists" seeking to "split the motherland."[38]

Chinese officials claim legal authority to recognize and select reincarnated Tibetan Buddhist teachers, including the Dalai Lama, under the provisions of the 2007 Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism.[39] The Dalai Lama issued a statement in September 2011 describing the religious foundations of reincarnation and the historical context of Tibetan Buddhist reincarnation, and outlining his own plans for reincarnating, stressing that reincarnation is a matter only for the individual in question, in consultation with the religious community of Tibetan Buddhists, not the Chinese Communist Party or government.[40] In the statement, the Dalai Lama explicitly rejected the Chinese government's claim that it has authority over the recognition and validation of reincarnated teachers.[41]

At an August 2020 meeting of the Tibet Autonomous Region (TAR) Communist Party Committee's National Security Committee, TAR Party Secretary Wu Yingjie named the 14th Dalai Lama as a threat to political security in Tibet.[42] Wu called on Party cadres to focus on fighting separatism as part of efforts to ensure political security.[43] Wu also called for greater emphasis on using education to instill loyalty to the Party among Tibetans and "exposing and criticizing" the Dalai Lama and the "Dalai clique" as "reactionaries" in order to urge Tibetans to distance themselves from the Dalai Lama.[44]

In January 2021, Zhu Weiqun, director of the Chinese People's Political Consultative Conference's Ethnic and Religious Affairs Committee and former deputy director of the United Front Work Department, said that the Dalai Lama alone did not have the authority to determine the circumstances of his reincarnation or who a subsequent Dalai Lama would be.[45] In his remarks, Zhu responded to the December 2020 passage of the Tibetan Policy and Support Act (Public Law No. 116–260), denouncing what he described as U.S. interference in China's internal affairs and collusion between the United States and the "Dalai clique."[46] Chinese officials continued[47] to require that applicants for some civil service or government-affiliated positions denounce the Dalai Lama to be eligible for hiring.[48]

Chinese authorities continued to penalize Tibetans for expressions of reverence for the Dalai Lama through criminal and other punishments:

- In July 2020, Chinese officials sentenced two Tibetan songwriters to prison in connection with their writing and sharing online of songs praising the Dalai Lama. Authorities in Zeku (Tsekhog) county, Huangnan (Malho) Tibetan Autonomous Prefecture (TAP), Qinghai province, initially detained lyricist **Khadro Tseten,** singer **Tsego,** and an unidentified woman in April 2019 after they posted the songs to the social media platform WeChat.[49] The court sentenced Khadro Tseten to seven years in prison and Tsego to three years on charges of "subversion of state power" and "leaking state secrets."[50]
- Also in July 2020, public security officials in Maqin (Machen) county, Guoluo (Golog) TAP, Qinghai, detained **Lhundrub Dorje** for sharing recordings of the Dalai Lama's teachings and content related to the Tibetan government-in-exile on social media platforms WeChat and Weibo.[51] Authorities reportedly accused him of sharing content related to "Tibetan independence" around the time of the March 10 anniversary of the 1959 Tibetan uprising.[52] In December 2020, the Guoluo TAP Intermediate People's Court sentenced him to one year in prison for "inciting separatism."[53]
- In October 2020, Qinghai authorities sentenced **Tashi Gyal** to imprisonment in connection with his past use of WeChat to share audiovisual content, including teachings given by the Dalai Lama, the Tibetan flag, and the Tibetan government-in-exile. Maqin county officials first detained Tashi Gyal in May 2020 over photographs and videos he shared in WeChat groups in 2014 and 2015.[54] The Guoluo TAP Intermediate People's Court sentenced him to one year in prison on the charge of "inciting separatism."[55]

The 11th Panchen Lama

In a June 2020 letter published in August 2020, five United Nations human rights experts wrote to the Chinese government to demand more information on the whereabouts and condition of **Gedun Choekyi Nyima,** recognized by the Dalai Lama in 1995 as the 11th Panchen Lama, and to "express grave concern" over his continued disappearance.[56] Three days after the Dalai Lama announced the 1995 recognition, Chinese authorities detained Gedun Choekyi Nyima and his parents, and have held them incommunicado at an unknown location or locations since.[57] In response to the UN experts' letter, the Chinese delegation to the UN wrote that the Dalai Lama's recognition of Gedun Choekyi Nyima as Panchen Lama "was illegal and without effect" and claimed that he and his parents wished to avoid "interference in their current, normal lives."[58]

GYALTSEN NORBU

During the 2021 reporting year, the Chinese Communist Party and government continued to promote the public profile of Gyaltsen Norbu, whom Chinese authorities claim as the 11th Panchen Lama. Gyaltsen Norbu, who has served as a vice president of the Buddhist Association of China since 2010 and member of the Chinese People's Political Consultative Conference Standing Committee since 2013,[59] undertook a tour of the Tibet Autonomous Region in summer 2020,[60] and in September 2020 chaired a meeting of the TAR branch of the Buddhist Association of China.[61] In public remarks, Gyaltsen Norbu spoke in support of Party policy on religion in Tibet, calling for further "sinicization" of Tibetan Buddhism[62] and continued education campaigns targeting monastic institutions,[63] and praising Party governance for improving the lives of local residents.[64]

The Seventh Tibet Work Forum

In August 2020, the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo) convened the Seventh Tibet Work Forum in Beijing municipality. In remarks delivered at the forum, Chinese Communist Party General Secretary and President Xi Jinping declared that Party policies in Tibetan areas were "completely correct."[65] Xi called for the continuing "sinicization" of Tibetan Buddhism, and for Tibetan Buddhism to be "guided to adapt to socialist society."[66] In calling for Party and government policies toward Tibetan areas to focus on "ethnic unity," Xi stressed the importance of shaping public understanding of Tibet as an integral part of China—in line with Party and government doctrine that Tibet has historically been part of China—as well as broadening "public participation in opposing separatism" and "strengthening all ethnic groups' identification with the great motherland (*weida zuguo*), the Chinese nation (*minzu*), the Chinese culture, the Chinese Communist Party, and socialism with Chinese characteristics."[67] The Sixth Tibet Work Forum took place in 2015.[68] Continuing the practice begun with 2010's Fifth Work Forum, the Seventh Work Forum also covered Tibetan areas out-

side of the Tibet Autonomous Region, in Gansu, Qinghai, Sichuan, and Yunnan provinces.[69]

Reports of Mass Labor Training and Transfer Programs in the Tibet Autonomous Region

In September 2020, researcher Adrian Zenz and Reuters independently published reports on the existence of large-scale labor training and transfer programs operating in the Tibet Autonomous Region (TAR).[70] Both Zenz and Reuters referred to TAR government documents and official reports setting out plans targeting farmers and pastoralists for large-scale transfer to state-organized job placements in both the TAR and other locations across China.[71] Zenz wrote that the training programs had "numerous coercive elements,"[72] including military-style drills and political education and a focus on marginalized sectors of the population,[73] though some Tibet experts cautioned that without further evidence, reports of coerced labor could not be confirmed.[74] At an October press conference, TAR Party Secretary Wu Yingjie and TAR government chairman Qizhala (Che Dralha in Tibetan) referred to the labor training and transfers as part of "poverty alleviation" efforts.[75] [For more information on "poverty alleviation" and reports of forced labor, see Section II—Business and Human Rights and Section IV—Xinjiang.]

Control of Expression and the Free Flow of Information

CONTROL OF EXPRESSION

Authorities in Tibetan areas of China sought to regulate and control expression in Tibetan areas, in particular targeting speech critical of the Chinese government and Communist Party or their policies. In November 2020, three government agencies in the Tibet Autonomous Region (TAR) jointly issued a notice prohibiting the use of internet communications for "separatist activities or activities that harm national unity."[76] The notice does not provide for new criminal penalties or new types of prohibited activities, but reiterates TAR authorities' focus on residents' use of telecommunications networks to discuss politically unacceptable topics or engage in expression characterized by Chinese authorities as criminal.[77]

RESTRICTIONS ON THE FREE FLOW OF INFORMATION

Chinese authorities continued to monitor or restrict contact between Tibetans in Tibetan areas of China and individuals or groups abroad, including by detaining those found to have contact with Tibetans in exile in India or who have shared information within Tibetan areas about Tibetans living abroad. Representative examples of Tibetans detained for sharing information follow.

- In June 2020, authorities in Lhasa municipality, TAR, detained Tibet University student **Kunsang Gyaltsen.**[78] Sources initially published in December 2020 reported that police detained him in connection with sharing "unauthorized" publications about Tibetan history and politics.[79]

• Police in Chenduo (Tridu) county, Yushu (Yulshul) Tibetan Autonomous Prefecture (TAP), Qinghai province, detained **Dokyab** and **Dragpa** in October 2020 in connection with a WeChat discussion group they ran.[80] The two reportedly created and managed a WeChat group dedicated to Tibetan culture and traditional crafts.[81]
• Reports emerged in November 2020 about the case of **Rinchen Tsultrim,** a Bon monk at Nangzhig Monastery in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province.[82] Authorities detained him in August 2019 in connection with posts he made on online forums and his personal website about Tibetan politics, culture, and history.[83] Security officials had previously detained Rinchen Tsultrim and placed him under surveillance because of his contacts with Tibetans living in India and his distribution within Tibetan areas of religious writings he had received from abroad.[84] An unknown court later sentenced him to a prison term of 4 years or 4 years and 6 months.[85]
• Police in Qumalai (Chumarleb) county, Yushu TAP, detained **Kakho** and **Namyag** in January 2021.[86] The two ran a WeChat discussion group, and shortly before their detentions reportedly shared information in the group regarding elections for the Tibetan government-in-exile.[87]
• Chenduo county police detained three teenagers, **Sanggye Tso, Dradul,** and **Kansi,**[88] in February 2021 reportedly because they failed to register with local authorities a WeChat group they ran.[89] Police reportedly tortured Dradul in custody, breaking his legs and beating him, resulting in his hospitalization.[90]

ACCESS TO TIBETAN AREAS

During the Commission's 2021 reporting year, Chinese authorities continued to enforce heavy restrictions on access to Tibetan areas, particularly the Tibet Autonomous Region (TAR), with foreign journalists and diplomats facing especially stringent limits. The TAR remains the only province-level administrative division with restrictions on tourist entry, and it is also the only province-level administrative division to require all foreigners to apply for approval to visit.[91] The U.S. Department of State, in its report to Congress on reciprocal access to Tibet and Tibetan areas, found that Chinese officials "systematically impeded travel" and "regularly denied requests by international journalists, diplomats, and other officials" to visit these areas.[92] The Foreign Correspondents' Club of China's annual report found that central Chinese officials tightly controlled foreign journalists' ability to independently report in Tibetan areas by limiting access to only state-organized reporting trips, and requiring all journalists to apply for approval to visit the TAR.[93]

Language and Cultural Rights

Although China's Constitution and laws contain provisions affirming the freedom of ethnic minorities to "use and develop"[94] their languages, authorities continued to threaten linguistic rights

in Tibetan areas, including through active efforts to institute policies promoting or enforcing the use of Mandarin instead of Tibetan, as well as policies of neglect with regard to minority languages. Chinese ethnic policy ignores unrecognized linguistic communities, including in Tibetan areas of China,[95] and users of languages without official recognition lack access to official support in education and other government services.[96]

During the Commission's 2021 reporting year, authorities in Tibetan areas continued to expand the role of Mandarin and shrink the space for Tibetan or other languages in educational settings, in line with developments in other ethnic autonomous areas of China.[97] In many Tibetan areas, education is offered almost entirely using Mandarin as the language of instruction,[98] while in some areas authorities prohibit private instruction in Tibetan.[99] Observers criticized the continuing erosion of Tibetan-language instruction as part of policies meant to coercively assimilate Tibetans into the Han majority.[100] The UN Convention on the Rights of the Child, to which China is a State Party,[101] recognizes and protects the rights of ethnic and linguistic minority groups to use their languages.[102] Observers expressed concern over a work report issued in January 2021 by the Legislative Affairs Commission of the National People's Congress Standing Committee (NPCSC)[103] that found the use of ethnic minority languages in teaching to be unconstitutional.[104] [For more information on the NPCSC report and ethnic minority language education, see Section II—Ethnic Minority Rights.]

In January 2021, Chinese authorities released Tibetan language rights advocate **Tashi Wangchug** from prison upon completing a five-year sentence on the charge of "inciting separatism."[105] Authorities detained him in 2016 and sentenced him in 2018 after he spoke with the New York Times about his advocacy for Tibetan-language education; prosecutors used his interview with the New York Times as evidence against him at trial.[106] Observers and rights organizations expressed concern that even after release from prison, Tashi Wangchug would not truly be free, because of a five-year post-imprisonment term of deprivation of political rights as part of his sentence.[107]

Development Policy in Tibetan Areas

This past year, Chinese Communist Party and government officials touted the results of a national "poverty alleviation" campaign, culminating in President and Party General Secretary Xi Jinping's declaration in February 2021 that China had achieved "complete victory" over poverty,[108] although some experts called into question the official claims.[109] In October 2020, Tibet Autonomous Region (TAR) Party Secretary Wu Yingjie announced that the TAR had seen a "major victory" in the campaign, saying that as of the end of 2019, "poverty alleviation" policies had lifted 628,000 individuals out of poverty and removed 74 county-level administrative divisions from official classification as impoverished.[110]

While officials celebrated economic development achievements in Tibetan areas as improving residents' material quality of life, reports indicated a continuing pattern of Chinese authorities implementing development policy without taking into account local Ti-

betans' wishes, and in some cases punishing Tibetan opposition. Authorities continued resettlement programs for nomads and herders as part of "poverty alleviation" efforts.[111] In at least one case authorities placed residents who complained in short-term detention.[112]

- **Development as a tool to secularize Tibetan society.** Officials in Tibetan areas tied economic development policy to religious policy, suggesting that Tibetans' religious practice was at odds with improved material well-being.[113] In October 2020, TAR Party Secretary Wu Yingjie called for Party development policy to "treat religion rationally" and "dilute the negative influence of religion."[114] As an example of societal problems that "poverty alleviation" efforts were meant to address, TAR government chairman Qizhala (Che Dralha) referred to "the negative influence of religion that emphasizes the next life."[115]
- **Forced relocation from national parks.** Authorities continued work on establishing a system of national parks, with some parks located in Tibetan areas in Qinghai, Gansu, and Sichuan provinces. Although state media reported that projects like the national parks system promoted economic development for resident herders and farmers by providing new job opportunities,[116] authorities forcibly relocated Tibetan pastoralists in order to accommodate official development goals.[117]
- **Continued railway construction.** Construction began on a segment of the railway line planned to link Lhasa municipality, TAR, and Chengdu municipality, Sichuan province.[118] The segment under construction, between Linzhi (Nyingtri) municipality, TAR, and Ya'an municipality, Sichuan, is scheduled for completion in 2030.[119] It would be the second major rail link connecting the TAR to the Chinese rail network, after the Qinghai-Tibet railway, completed in 2006.[120]
- **Detentions.** Chinese authorities in Tibetan areas continued to punish Tibetans for expressing opposition to government policy regarding local development. In one example, in August 2020, police in Yushu (Yulshul) Tibetan Autonomous Prefecture (TAP), Qinghai province, detained two men, **Dokyab** and his nephew **Gyaltsen,** after Dokyab organized Tibetan residents to oppose local government development initiatives.[121] Dokyab reportedly warned herders against giving up their tenure rights to grazing land at a public meeting in Qumalai (Chumarleb) county, Yushu TAP, organized by local officials to promote the land transfers.[122]

Notes to Section V—Tibet

[1] See, e.g., "Changzhu Rineiwa daibiao tuan fayan ren Liu Yuyin jiu Meiguo changzhu tuan juban shezang xianshang huodong fabiao tanhua" [Permanent mission at Geneva spokesperson Liu Yuyin issues comments on U.S. permanent mission holding online activities on Tibet], Ministry of Foreign Affairs, December 4, 2020.

[2] Central Tibetan Administration, "2015 Tibetan Self-Immolation Protest News Surfaces More than 5 Years Later," January 12, 2021.

[3] Central Tibetan Administration, "2015 Tibetan Self-Immolation Protest News Surfaces More than 5 Years Later," January 12, 2021.

[4] Central Tibetan Administration, "2015 Tibetan Self-Immolation Protest News Surfaces More than 5 Years Later," January 12, 2021.

[5] Central Tibetan Administration, "2015 Tibetan Self-Immolation Protest News Surfaces More than 5 Years Later," January 12, 2021.

[6] This cumulative total does not include six deaths by self-immolation of Tibetans in 2012 and 2013. "CECC Update: Tibetan Self-Immolations," Congressional-Executive Commission on China, January 10, 2017. See also International Campaign for Tibet, "Self-Immolations," last updated January 13, 2021.

[7] CECC, *2018 Annual Report,* October 10, 2018, 294–95; CECC, *2019 Annual Report,* November 18, 2019, 295; CECC, *2020 Annual Report,* December 2020, 327.

[8] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18.

[9] International Campaign for Tibet, "Party Above Buddhism: China's Surveillance and Control of Tibetan Monasteries and Nunneries," March 2021. Monastic management committees are organized as joint monastic-official bodies to monitor resident monks and nuns at monastic institutions.

[10] See, e.g., "Rikaze shi Zhashi Lunbu si guan wei hui zuzhi kaizhan minzu tuanjie ji aiguo zhuyi jiaoyu xilie huodong" [Shigatse municipality's Tashi Lhunpo monastery management committee organizes events on ethnic unity and patriotic education], Tashi Lhunpo Monastery Management Committee, reprinted in Tibet Autonomous Region United Front, September 28, 2020; "Qinghai quansheng Zangchuan Fojiao nigu 'ai dang ai guo ai shehui zhuyi' zhuti jiaoyu peixun ban zai Guide kaiban" [Qinghai province-wide training and education session on "Love the Party, love the country, love socialism" held for Tibetan Buddhist nuns in Trika], United Front Work Department, May 26, 2021; International Campaign for Tibet, "Party Above Buddhism: China's Surveillance and Control of Tibetan Monasteries and Nunneries," March 2021; Human Rights Watch, "China: New Political Requirements for Tibetan Monastics," October 30, 2018.

[11] International Campaign for Tibet, "Party Above Buddhism: China's Surveillance and Control of Tibetan Monasteries and Nunneries," March 2021, 13, 16, 17.

[12] See, e.g., "Naqu shi Suo xian Nimalin si guanweihui kaizhan 'Zangchuan Fojiao Huofo Zhuanshi Guanli Banfa' xuanjiang huodong" [Sog county, Nagchu municipality's Nyimaling monastery holds propaganda events on "Measures on the Management of the Reincarnation of Living Buddhas"], Sog County United Front, August 5, 2020; "Linzhi shi zhengxie weiyuan xuanjiang tuan xu Bomi xian Quzong si xuanjiang Zhongyang Diqi ci Xizang Gongzuo Zuotanhui jingshen Dang de Shijiu jie Wu Zhongquanhui jingshen ji 'Zangchuan Fojiao Huofo Zhuanshi Guanli Banfa'" [Nyingchi municipal political consultative conference propaganda team visit Bomi county's Quzong monastery to teach about spirit of the Seventh Central Tibet Work Forum, spirit of the Fifth Plenum of the Nineteenth Party Congress, and "Measures on the Management of the Reincarnation of Living Buddhas"], Bomi County Committee United Front, November 13, 2020.

[13] See, e.g., "Changdu shi Luolong xian Xiapu si guanweihui zuzhi kaizhan 'Zhonghua Renmin Gongheguo Guo'an Fa' he 'Xianggang Guo'an Fa' xuanjiang huodong" [Lhorong county, Chamdo municipality's Xiapu monastery management committee organizes "PRC National Security Law" and "Hong Kong National Security Law" propaganda activities], Tibet Autonomous Region United Front, December 25, 2020; "Diebu xian wei tongzhan bu kaizhan 'Guojia Anquan Jiaoyu Ri' xuanchuan jiaoyu huodong" [Tewo county committee UFWD holds "National Security Education Day" propaganda and education events], Gansu United Front Work Department, April 19, 2021.

[14] See, e.g., "Diebu xian wei tongzhan bu kaizhan 'Guojia Anquan Jiaoyu Ri' xuanchuan jiaoyu huodong" [Tewo county committee UFWD holds "National Security Education Day" propaganda and education events], Gansu United Front Work Department, April 19, 2021.

[15] See, e.g., "Rikaze shi Zhashi Lunbu si guanweihui dangzu shuji, zhuren Nima Qiongla shenru Sangzhuzi qu Hao si Jiangluo si Sangzhu Quxiang si xuanjiang Zhongyang Diqi ci Xizang Gongzuo Zuotanhui jingshen" [Shigatse municipality's Tashi Lhunpo monastery management committee Party organization secretary and chair Nima Qiongla deepens propaganda on spirit of the Seventh Central Tibet Work Forum at Samdrubzhe district's Hao monastery, Jiangluo monastery, and Sangzhu Quxiang monastery], Shigatse Municipal Committee United Front, reprinted in Tibet Autonomous Region United Front, October 29, 2020.

[16] See, e.g., "Rikaze shi Zhashi Lunbu si guanweihui dangzu shuji, zhuren Nima Qiongla shenru Sangzhuzi qu Hao si Jiangluo si Sangzhu Quxiang si xuanjiang Zhongyang Diqi ci Xizang Gongzuo Zuotanhui jingshen" [Shigatse municipality's Tashi Lhunpo monastery management committee Party organization secretary and chair Nima Qiongla deepens propaganda on spirit of the Seventh Central Tibet Work Forum at Samdrubzhe district's Hao monastery, Jiangluo monastery, and Sangzhu Quxiang monastery], Shigatse Municipal Committee United Front, reprinted in Tibet Autonomous Region United Front, October 29, 2020; "Linzhi shi zhengxie weiyuan xuanjiang tuan xu Bomi xian Quzong si xuanjiang Zhongyang Diqi ci Xizang Gongzuo Zuotanhui jingshen Dang de Shijiu jie Wu Zhongquanhui jingshen ji 'Zangchuan Fojiao

Huofo Zhuanshi Guanli Banfa'" [Nyingchi municipal political consultative conference propaganda team visits Bomi county's Quzong monastery to teach about spirit of the Seventh Central Tibet Work Forum, spirit of the Fifth Plenum of the Nineteenth Party Congress, and "Measures on the Management of the Reincarnation of Living Buddhas"], Bomi County Committee United Front, November 13, 2020; "Diqing Deqian: Yanmenxiang siyuan guanliju zuzhi chuanda xuexi Zhongyang Diqi ci Xizang Gongzuo Zuotanhui jingshen" [Deqian, Diqing: Yanmenxiang monastery management bureau organizes study of spirit of Seventh Central Tibet Work Forum], Deqian County Committee United Front, reprinted in Yunnan United Front, November 25, 2020.

[17] International Campaign for Tibet, "Party Above Buddhism: China's Surveillance and Control of Tibetan Monasteries and Nunneries," March 2021, 2, 3.

[18] "Tibetan Monasteries Closed to Outside Visitors on Dalai Lama's Birthday," *Radio Free Asia,* July 10, 2020; Tibet Watch, "Authorities Order Tibetan Monasteries to Close on Dalai Lama's Birthday," August 14, 2020.

[19] Tibet Watch, "Tibetans Blocked from Buddhist Sites in Lhasa While Chinese Tourists Allowed In," August 12, 2020; "Worship Area in Front of Lhasa's Jokhang Temple Closed Following Repairs," *Radio Free Asia,* October 2, 2020.

[20] "China Bans Smoke Offerings outside Lhasa's Jokhang Temple," *Radio Free Asia,* November 17, 2020; Zhamo, "Zhonggong dangju yi 'huanbao' mingyi fengbi Xizang Lasa duochu weisanglu" [CCP authorities shutter many Lhasa, Tibet, offering furnaces in the name of "environmental protection"], *Voice of Tibet,* November 17, 2020.

[21] "China Bans Smoke Offerings outside Lhasa's Jokhang Temple," *Radio Free Asia,* November 17, 2020; Zhamo, "Zhonggong dangju yi 'huanbao' mingyi fengbi Xizang Lasa duochu weisanglu" [CCP authorities shutter many Lhasa, Tibet, offering furnaces in the name of "environmental protection"], *Voice of Tibet,* November 17, 2020.

[22] Zhamo, "Zhonggong dangju yi 'huanbao' mingyi fengbi Xizang Lasa duochu weisanglu" [CCP authorities shutter many Lhasa, Tibet, offering furnaces in the name of "environmental protection"], *Voice of Tibet,* November 17, 2020.

[23] Tibet Watch, "Tibetans Detained and Interrogated for Burning Incense," April 16, 2021. For more information, see the Commission's Political Prisoner Database record 2021-00066 on Thubten Phuntsog.

[24] Tibet Watch, "Tibetans Detained and Interrogated for Burning Incense," April 16, 2021.

[25] "Curfew Imposed in Tibetan Areas of Qinghai Ahead of Lunar New Year," *Radio Free Asia,* February 1, 2021; "China COVID-19 Restrictions Close Temples in Lhasa for Tibetan New Year," *Radio Free Asia,* February 10, 2021; "Gatherings Banned in Tibetan Areas of China During Lunar New Year," *Radio Free Asia,* February 16, 2021.

[26] "China Tightens Restrictions on Tibetan New Year Events, Citing COVID-19 Concerns," *Radio Free Asia,* February 23, 2021; Tibet Watch, "Tibetan Monasteries Barred from Organising Religious Festival," March 5, 2021.

[27] "China COVID-19 Restrictions Close Temples in Lhasa for Tibetan New Year," *Radio Free Asia,* February 10, 2021; "China Tightens Restrictions on Tibetan New Year Events, Citing COVID-19 Concerns," *Radio Free Asia,* February 23, 2021; Tibet Watch, "Tibetan Monasteries Barred from Organising Religious Festival," March 5, 2021.

[28] CECC, *2020 Annual Report,* December 2020, 328–29.

[29] Human Rights Watch, "China: Tibetan Monk Dies from Beating in Custody," January 21, 2021; Free Tibet, "19-Year-Old Tibetan Monk Tenzin Nyima Dies from Injuries after Police Detention," January 22, 2021.

[30] Human Rights Watch, "China: Tibetan Monk Dies from Beating in Custody," January 21, 2021; Free Tibet, "19-Year-Old Tibetan Monk Tenzin Nyima Dies from Injuries after Police Detention," January 22, 2021.

[31] Human Rights Watch, "China: Tibetan Monk Dies from Beating in Custody," January 21, 2021; Free Tibet, "19-Year-Old Tibetan Monk Tenzin Nyima Dies from Injuries after Police Detention," January 22, 2021.

[32] People's Government of Wenbo Town, Shiqu County (@wbzrmzf), "Zhou renda fu zhuren, xian wei shuji Yuan Mingguang yixing gongzuo zu shenru wozhen jiancha zhidao gongzuo" [Prefectural people's congress vice chair and county [Party] committee secretary Yuan Mingguang and work team deepen [Wenbo] town's inspection and guidance work], WeChat post, accessed April 13, 2021.

[33] Human Rights Watch, "Counterterrorism Police 'Clean Up' after Tibetan Monk's Death," April 7, 2021; Tibet Watch, "Search Operations Conducted to Find the Source of Tenzin Nyima's News," April 9, 2021.

[34] Lobsang Tenchoe, "China Equates Possession of Dalai Lama's Portrait to Illegal Possession of Arms," *Tibet Express,* April 9, 2021; Human Rights Watch, "Counterterrorism Police 'Clean Up' after Tibetan Monk's Death," April 7, 2021; Tibet Watch, "Search Operations Conducted to Find the Source of Tenzin Nyima's News," April 9, 2021.

[35] Human Rights Watch, "Counterterrorism Police 'Clean Up' after Tibetan Monk's Death," April 7, 2021; Tibet Watch, "Search Operations Conducted to Find the Source of Tenzin Nyima's News," April 9, 2021.

[36] Human Rights Watch, "Counterterrorism Police 'Clean Up' after Tibetan Monk's Death," April 7, 2021.

[37] Office of His Holiness the Dalai Lama, "Brief Biography," accessed May 9, 2020.

[38] See, e.g., Central People's Government, "Xinwen ban jiu Xizang Zizhiqu 'jiaqiang minzu tuanjie jianshe meili Xizang' juxing fabu hui" [Information office holds press conference on Tibet Autonomous Region's "strengthen ethnic unity, build a beautiful Tibet"], September 12, 2019; "Changzhu Rineiwa daibiao tuan fayan ren Liu Yuyin jiu Meiguo changzhu tuan juban shezang xianshang huodong fabiao tanhua" [Permanent mission at Geneva spokesperson Liu Yuyin issues comments on U.S. permanent mission holding online activities on Tibet], Ministry of Foreign Affairs, December 4, 2020.

[39] State Administration for Religious Affairs, *Zangchuan Fojiao Huofo Zhuanshi Guanli Banfa* [Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism], issued July 18, 2007, effective September 1, 2007.
[40] Office of His Holiness the Dalai Lama, "Reincarnation," September 24, 2011.
[41] Office of His Holiness the Dalai Lama, "Reincarnation," September 24, 2011.
[42] Chang Chuan and Chen Yuejun, "Wu Yingjie: Hen zhua jiding weiwen cuoshi luoshi quebao shehui daju hexie wending" [Wu Yingjie: Fiercely take charge of implementing the established stability maintenance measures, ensure society's general harmony and stability], *Tibet Daily,* reprinted in *Chinese Communist Party News,* August 26, 2020.
[43] Chang Chuan and Chen Yuejun, "Wu Yingjie: Hen zhua jiding weiwen cuoshi luoshi quebao shehui daju hexie wending" [Wu Yingjie: Fiercely take charge of implementing the established stability maintenance measures, ensure society's general harmony and stability], *Tibet Daily,* reprinted in *Chinese Communist Party News,* August 26, 2020.
[44] Chang Chuan and Chen Yuejun, "Wu Yingjie: Hen zhua jiding weiwen cuoshi luoshi quebao shehui daju hexie wending" [Wu Yingjie: Fiercely take charge of implementing the established stability maintenance measures, ensure society's general harmony and stability], *Tibet Daily,* reprinted in *Chinese Communist Party News,* August 26, 2020.
[45] Lu Mei, "Zhongguo jidian mian dui mian: Mei 'shezang fa'an' wuquan ganshe Zangchuan Fojiao Huofo zhuanshi shiwu" [China focus face to face: U.S. "Tibet Act" has no right to interfere in Tibetan Buddhist Living Buddha reincarnation matters], *China News Service,* January 14, 2021.
[46] Lu Mei, "Zhongguo jidian mian dui mian: Mei 'shezang fa'an' wuquan ganshe Zangchuan Fojiao Huofo zhuanshi shiwu" [China focus face to face: U.S. "Tibet Act" has no right to interfere in Tibetan Buddhist Living Buddha reincarnation matters], *China News Service,* January 14, 2021.
[47] CECC, *2020 Annual Report,* December 2020, 327.
[48] See, e.g., "2020 nian Xizang ji shaoshu minzu gaoxiao biyesheng kaolu quwai gongwuyuan gonggao" [Announcement for 2020 Tibetan ethnic minority higher education graduates on testing to be public servants outside the region], Tibet Autonomous Region Party Committee Organization Department, reprinted in Tibet Autonomous Region Human Resources and Social Security Department, October 9, 2020; "Xizang Zizhiqu gewutuan wudao yanyuan zhaopin gonggao" [Recruiting announcement for Tibet Autonomous Region song and dance troupe performers], Tibet Autonomous Region Human Resources and Social Security Department, December 1, 2020; "Motuo xian Renmin Yiyuan shouci mianxiang shehui zhaopin zhuanye jishu renyuan," [Motuo [Metog] County People's Hospital makes first public recruitment for expert technical staff], Motuo County People's Government, December 3, 2020.
[49] Sanggye Dondrub, "Bod mi gnyis la btson 'jug khrims thag bcad" [Two Tibetans sentenced to prison], *Tibet Times,* July 13, 2020; Yangchen Dolma, "Two Tibetans Jailed over a Song Praising His Holiness the Dalai Lama of Tibet," *Tibet Post International,* July 13, 2020; International Campaign for Tibet, "Two Tibetans Imprisoned for a Song Praising the Dalai Lama," July 15, 2020.
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VI. Developments in Hong Kong and Macau

Findings

• Despite repeatedly professing to uphold the "one country, two systems" model, central authorities continued to disregard and effectively nullify Hong Kong's high degree of autonomy, such as by unilaterally passing election reforms for the selection of the Chief Executive and Legislative Council members without any meaningful participation by Hong Kong residents. Among other changes, one election reform reconstituted the election committee by diluting or eliminating seats that traditionally favor the pro-democracy camp.
• Hong Kong authorities continued to enforce the National Security Law (NSL), resulting in over a hundred arrests, the majority of which were for peaceful assembly or engaging in political activities. In January 2021, for example, police arrested more than 50 pro-democracy advocates in connection with their organization of, or participation in, the July 2020 primary election, which was in practice an informal opinion poll designed to improve coordination among pro-democracy candidates to increase the chance of attaining a majority in the Legislative Council. The Hong Kong government, however, alleged that the arrestees had endangered national security.
• The Hong Kong government exerted pressure on the media, such as by raiding a pro-democracy newspaper and detaining its founder, and by overhauling the governance of the city's public broadcaster and prosecuting one of its journalists in connection with her investigation into allegations of police misconduct. The Hong Kong Police Force also revised its operational guidelines and adopted a narrower definition of "journalist," which had the effect of excluding many independent journalists from restricted areas and exposing them to potential criminal liability.
• The Hong Kong government exercised unprecedented supervision and suppression of internet activity under the authorities of the NSL. On January 13, 2021, the Hong Kong Broadband Network blocked public access to HKChronicles, a website promoting pro-democracy viewpoints. On January 28, 2021, the Hong Kong Internet Registration Corporation Limited, a company designated by the government to administer internet domain name registration, enacted a revised "acceptable use" policy that enables it to reject website registration requests that may "promote any illegal activity." On February 12, 2021, internet service providers blocked access to the Taiwan Transitional Justice Commission website in Hong Kong. Additionally, major technology companies including Facebook, Twitter, WhatsApp, and Google have stopped reviewing requests for user data from Hong Kong authorities.
• As obligated by the NSL, the Hong Kong government must promote "national security education in schools and universities." The government implemented a national security-focused curriculum and regulated speech in schools, prohibiting students from singing a protest anthem or expressing political demands. It also instituted a review process for liberal studies

textbooks, resulting in the deletion or modification of content concerning the 1989 Tiananmen protests, separation of powers, and the demand for universal suffrage.

Recommendations

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

- Continue to advocate for Hong Kong pro-democracy advocates who have been charged, detained, or imprisoned under the National Security Law or for other political reasons, including—**Joshua Wong, Agnes Chow, Jimmy Lai, Albert Ho, Cyd Ho, Lee Cheuk-yan, Leung Kwok-hung, Benny Tai, Claudia Mo, Tam Tak-chi, Tiffany Yuen, Lester Shum, Andy Li,** and **Tony Chung.**
- Urge Hong Kong government officials to establish a genuinely independent entity to investigate allegations of police brutality and other misconduct and abide by the recommendations of such entity. Further extend legislation banning export of crowd control weapons to the Hong Kong Police Force (Public Law 116–77, as amended by Public Law 116–283).
- Urge Hong Kong and Macau government officials to reverse measures on the cities' respective public broadcasters that negatively impact press freedom, to cease all prosecution against journalists for conducting legitimate investigative reporting, to discontinue the practice of preventing Hong Kong people from freely expressing themselves online, and to amend the police's operational guidelines to undo restrictions on journalists' access.
- The U.S. Administration should conduct an urgent discussion on Hong Kong at the UN Human Rights Council. Inquire as to the implementation status of measures suggested by 50 independent United Nations human rights experts in a joint letter dated July 2020, which include creating a special session to evaluate China's human rights violations; establishing an impartial and independent mechanism to monitor, analyze, and report on China's practices; and engaging in dialogue with China to demand that it fulfill its human rights obligations.
- Call on the UN High Commissioner for Human Rights to request that the Hong Kong government update its periodic report, previously submitted in September 2019 under article 40 of the International Covenant on Civil and Political Rights (ICCPR), to address issues postdating the submission, such as the arbitrary detention of democracy advocates, enforcement of the National Security Law, and the implementation of the electoral reforms imposed by the Chinese central government.

Hong Kong

This past year, the Commission observed the rapid deterioration of human rights in Hong Kong. The Hong Kong government arrested over a hundred people under the vaguely defined provisions of the new National Security Law, creating a chilling effect on political speech and civic engagement. Central authorities also imposed electoral reforms designed to enhance their control over the selection process of the Chief Executive and Legislative Council members. These measures were adopted without any meaningful participation by Hong Kong residents and have had a significant impact on their fundamental rights, including the rights to assembly, speech, due process, and education.

Hong Kong's Autonomy: Legal Framework and China's Position

The Hong Kong Special Administrative Region (SAR) was established on July 1, 1997, when the United Kingdom restored Hong Kong to China pursuant to the 1984 Sino-British Joint Declaration (Joint Declaration).[1] At the same time, the Basic Law of the Hong Kong Special Administrative Region (Basic Law) became effective.[2] Under the Basic Law, Hong Kong may "exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power" except for foreign affairs and defense.[3] According to "the principle of 'one country, two systems,' the socialist system and policies will not be practised in [Hong Kong]."[4] Beginning in 2014, Chinese authorities—while continuing to restate the "one country, two systems" principle—have asserted comprehensive jurisdiction (*quanmian guanzhi quan*) over Hong Kong and have unilaterally announced that the Joint Declaration had been void since the handover.[5] Recent official rhetoric emphasized patriotism and "governing Hong Kong by patriots" which, according to one observer, signaled a shift toward direct governance by central authorities.[6]

Official Actions Affecting Hong Kong's Autonomy

PASSAGE OF THE NATIONAL SECURITY LAW

The PRC Law on Safeguarding National Security in the Hong Kong SAR (National Security Law), drafted and passed by mainland central authorities without genuine participation by Hong Kong residents, effectively nullifies Hong Kong's high degree of autonomy and has far-reaching negative effects on fundamental freedoms in the city.[7] On June 30, 2020, the National People's Congress (NPC) Standing Committee passed the National Security Law, effective on the same day.[8] The new law, incorporated into Annex III of Hong Kong's Basic Law (the city's constitutional document),[9] is designed to "safeguard national security" and criminalizes "secession," "subversion," "terrorist activities," and "collusion with a foreign country or with external elements to endanger national security."[10] The law requires Hong Kong's Chief Executive to handpick judges in national security cases,[11] confers jurisdiction to the PRC central government under some circumstances,[12] and orders the Hong Kong SAR government to "strengthen propaganda,

guidance, supervision, and administration" over "schools, social groups, media, and the internet." [13]

Seven United Nations experts issued a joint letter in September 2020 observing that the law "implicates both serious concerns of legality as well as undue limitations on freedom of opinion, expression and peaceful assembly." [14] The experts concluded that the crimes under the law are vaguely defined and can be used to punish people for what they think (or what they are perceived to think), rather than for their actions.[15] They also found the provision allowing the transfer of individuals to mainland China to be problematic because China is not a party to the International Covenant on Civil and Political Rights (ICCPR), which protects due process rights during the criminal process.[16]

IMPOSITION OF ELECTORAL REFORMS

During the reporting period, mainland central authorities rewrote the rules for selecting Hong Kong's Chief Executive and members of the Legislative Council (LegCo) in a manner that diminished the power of the city's pro-democracy political parties, drawing international criticism. In March 2021, the National People's Congress (NPC) Standing Committee revised Annexes I and II of the Hong Kong Basic Law concerning the processes for selecting the Chief Executive and members of the Legislative Council.[17] The imposed reforms reshape the election committee responsible for selecting the city's chief executive in several ways that strengthen the position of pro-government politicians.[18] The enactment adds 300 seats to the election committee, expanding it to a 1,500-member body.[19] Simultaneously, it creates seats reserved for government-appointed positions to replace the subsector previously designated for the district council—a directly elected community-level body that had been dominated by pro-democracy politicians since the election of November 2019.[20] The revision also reduces seats or dilutes them with nominations by government-controlled groups in sectors that were previously dominated by the pro-democracy camp, such as the medical, public health, social work, and legal sectors.[21]

Changes to the committee's composition also would impact the legislative council, since the revision reserves 40 seats in the LegCo for election committee members.[22] Under the new law, candidates for Chief Executive, LegCo, and election committee positions must be screened by the newly created Candidate Eligibility Review Committee based on reports prepared by the Committee for Safeguarding National Security, the decisions of which are not subject to judicial review.[23]

Central authorities' changes to Hong Kong's electoral system prompted some critical voices inside and outside Hong Kong. The chairperson of the Hong Kong Democratic Party said the new rules would make it much harder for public opinions to reach the legislative system,[24] the UN Secretary General expressed that "the will of the people of Hong Kong needs to be respected," and the U.K. Foreign Secretary declared China's move to be a breach of the Joint Declaration.[25]

NEW OATH REQUIREMENT FOR CIVIL SERVANTS

In two circulars issued in October 2020 and January 2021, the Hong Kong government required all civil servants to uphold the Basic Law and declare allegiance to the Hong Kong SAR.[26] As of May 2021, 129 of 170,000 civil servants in Hong Kong had refused to sign the declaration and later resigned or were either suspended or terminated.[27] One of two civil servants interviewed by BBC said that the government did not seek public comment prior to enforcing the new requirement and that she found the content of the oath to be vague.[28] The other interviewee expressed concerns that civil servants might be forced to carry out political tasks, citing an example where she believed the Customs and Excise Department had selectively enforced a labeling regulation against a pro-democracy retail chain.[29]

Arrest of Pro-Democracy Advocates

Circumstances surrounding mass arrests of pro-democracy politicians suggest that they were politically motivated, despite official denial.

CRACKDOWN ON PRO-DEMOCRACY NEWSPAPER AND RELATED ARRESTS IN AUGUST 2020

- On August 10, 2020, Hong Kong police arrested 10 democracy advocates and news media executives on a range of criminal charges, including "collusion with external elements" under the National Security Law.[30] About 200 police officers raided the office building of Next Digital, the parent company of the pro-democracy news outlet Apple Daily, seizing 25 boxes of materials.[31] Among those arrested in the raid were Next Media's founder **Jimmy Lai Chee-ying** and executives **Cheung Kim-hung, Royston Chow Tat-kuen, Kith Ng Tat-kong,** and **Wong Wai-keung.**[32] Police blocked several media outlets—including Reuters, the Associated Press, and Agence France-Presse—from attending a press briefing on the incident, allowing only "local, relatively well-established" outlets that "would not obstruct police work."[33] The Foreign Correspondents' Club condemned the police's actions, saying that giving police discretion "to decide who counts as a legitimate journalist . . . will mark the end of press freedom in Hong Kong . . .."[34]
- Police also arrested Jimmy Lai's sons **Timothy Lai Kin-yang** and **Ian Lai Yiu-yan,** as well as democracy advocates **Agnes Chow Ting, Andy Li Yu-hin,** and **Wilson Li Chung-chak.**[35] The arrests of the latter three were believed to be related to their operation of an organization that advocated for imposing sanctions on Hong Kong officials, and police alleged that unspecified media executives had supported the organization through overseas accounts.[36] Three days earlier, on August 7, the U.S. Government announced its decision to impose "sanctions on 11 [Chinese government officials] for undermining Hong Kong's autonomy and restricting the freedom of expression or assembly of the citizens of Hong Kong."[37]

ARRESTS OVER THE MAY 2020 LEGCO FRAY

• In November 2020, Hong Kong police arrested eight pro-democracy politicians for "contempt and interference with [LegCo] members," alleging that they "had either dashed toward the chairperson's desk and bumped into security guards, or thrown papers from the public gallery" during a fight in the LegCo chamber between pro-democracy and pro-establishment legislators in May.[38] The dispute was over the chairperson of the LegCo House Committee, who decides when to bring bills to a final vote.[39] Pro-establishment member Starry Lee previously stepped down from her position as the committee's chair in order to run for re-election, which meant pro-democracy member Dennis Kwok became interim chair.[40] A meeting was later convened in which Lee was "unanimously" re-elected, after pro-democracy LegCo members were ejected.[41] Police did not arrest any pro-establishment members despite at least one of them having used physical force on another lawmaker.[42]

ARRESTS OVER THE JULY 2020 PRIMARY

• Hong Kong police targeted democratic advocates who organized and participated in a primary election in anticipation of the Legislative Council elections. On January 6 and 7, 2021, the National Security Department of the Hong Kong Police Force arrested 55 democracy advocates.[43] Police released them on bail, requiring them to report to authorities periodically, with the next reporting date set to April.[44] However, police advanced the reporting date, requiring them to appear on February 28, 2021, at which point police arrested 47 of them, charging them with "conspiracy to commit subversion" under the National Security Law.[45] The arrests took place about a week before the NPC announced the decision to reform the city's electoral system.[46] A defense lawyer questioned "why police had 'rushed' to press charges . . . some 5 weeks earlier than originally scheduled."[47]

• Police said the arrests were connected to a July 2020 non-legally binding primary election organized by pro-democracy advocates and held in July 2020, two months ahead of the LegCo election originally scheduled for September.[48] Among the 47 individuals arrested were five leading organizers and coordinators of the primary, namely, **Benny Tai Yiu-ting, Au Nok-hin, Andrew Chiu Ka-yin, Ben Chung Kam-lun,** and **Gordon Ng Ching-hang,** according to one media outlet.[49] Other arrestees included 12 former LegCo members, 18 current district councillors, and 12 activists.[50] Under the National Security Law,[51] a principal offender of subversion may be sentenced to 10 years to life in prison, and an active participant may be sentenced to 3 to 10 years.[52] The international human rights organization Human Rights Watch regarded the mass arrests as part of the Chinese government's "escalating campaign to end competitive elections in Hong Kong and its crackdown on the territory's freedoms."[53]

[For more information on the July 2020 primary election, see subsection "Interference in Primary Election" below.]

CONVICTION AND SENTENCING OF PROMINENT PRO-DEMOCRACY FIGURES FOR JOINING PEACEFUL MARCH

- On April 16, 2021, a court convicted and sentenced 10 democracy advocates to terms of imprisonment ranging from 8 to 18 months, with five defendants receiving suspended sentences: **Leung Kwok-hung, Jimmy Lai, Lee Cheuk-yan, Au Nok-hin, Cyd Ho, Albert Ho, Margaret Ng, Martin Lee Chu-ming, Yeung Sum,** and **Leung Yiu-chung.**[54] They were found guilty of "unauthorized assembly" in connection with their roles in pro-democracy protests held in August 2019.[55] Although the judge found that the August 18 protest was peaceful, deterrent punishment was deemed appropriate given a "latent risk of possible violence."[56]
- On May 6, 2021, a court convicted and sentenced democracy advocates **Joshua Wong** and district councillors **Lester Shum, Tiffany Yuen,** and **Jannelle Leung** to prison terms ranging between 4 and 10 months for taking part in the commemoration of the 1989 Tiananmen protests in June 2019, which the Hong Kong police refused to authorize for public health reasons.[57]
- On May 28, 2021, a court convicted and sentenced 10 pro-democracy leaders for participating in an "unauthorized assembly" on October 1, 2019, National Day: **Albert Ho, Lee Cheuk-yan, Leung Kwok-hung,** and **Figo Chan** were sentenced to 18 months in prison, **Jimmy Lai, Cyd Ho, Yeung Sum,** and **Avery Ng** received 14 months, and **Sin Chung-kai** and **Richard Tsoi** received suspended sentences. In justifying what she called "deterrent" sentences, the judge noted that it was "naive and unrealistic" for the defendants to believe violence would not break out given the prevailing situation at that time.[58]

Detention of Hong Kong Residents in Mainland China

During the reporting period, mainland Chinese officials detained several Hong Kong residents in mainland China for their participation in pro-democracy protests in Hong Kong. One of the individuals detained in China was also taken into custody by Hong Kong officials for suspected violations of the National Security Law upon his return to the territory.

Detention of Hong Kong Residents in Mainland China—Continued

DETENTION OF ALEXANDRA WONG

Chinese authorities arbitrarily detained and mistreated Hong Kong resident **Alexandra Wong Fung-yiu** (also known as "Grandma Wong") over her protest activities that did not take place in mainland China. A Hong Kong resident and regular protest participant, Wong said that Chinese authorities arrested her at the Hong Kong-mainland border in August 2019 when she was traveling from Hong Kong to her home in Shenzhen municipality, Guangdong province.[59] Authorities held Wong under administrative and criminal detention for a total of 45 days, further subjecting her to long periods of interrogation and making her stand in front of the Chinese flag for hours at a time.[60] Wong was ordered to renounce her activism and to declare on camera that she had not been tortured and that she would not join any protests or give media interviews.[61] Officials additionally took Wong on a "patriotic tour" to Shaanxi province, ordering her to sing the Chinese national anthem and photographing her waving the Chinese flag.[62] Thereafter, authorities ordered Wong to remain in Shenzhen and did not permit her to return to Hong Kong until October 2020.[63]

In general, the PRC Criminal Law is applicable to cases in which the conduct in question took place in China,[64] which, for the purpose of determining criminal jurisdiction, does not include Hong Kong or Macau given the "one country, two systems" arrangement, as explained by the National People's Congress in 2002.[65]

DETENTION OF 12 HONG KONG RESIDENTS FOR BORDER-CROSSING

The detention of 12 Hong Kong residents illustrates a range of procedural violations including denial of access to legal counsel of a person's own choosing, a practice that may have extended to Hong Kong, as illustrated in the case of **Andy Li.** On August 23, 2020, China's coast guard intercepted a speedboat in the South China Sea and arrested 12 individuals who were allegedly fleeing from Hong Kong to Taiwan to seek asylum relating to their participation in the series of pro-democracy protests that began in 2019.[66] Chinese authorities held the detainees at the Yantian District PSB Detention Center in Shenzhen municipality, Guangdong province, formally arresting them on September 30 for "illegally crossing the border."[67] Authorities reportedly denied legal counsel visits and pressured lawyers hired by family members to withdraw representation, resulting in at least five withdrawals.[68] While authorities said that the 12 individuals had retained government-appointed lawyers, they refused to disclose information about these lawyers.[69]

Lawyers Ren Quanniu and Lu Siwei, who tried unsuccessfully to represent some of the detainees, subsequently had their law licenses revoked by officials.[70] Three of the 12 detainees have existing health concerns, but whether they are receiving adequate medical treatment is unknown, because authorities denied family and legal counsel visits.[71] Except for two minor detainees (whom officials returned to Hong Kong in the same month), the Yantian District People's Court in December sentenced the defendants to terms of imprisonment ranging from seven months to three years, following a closed trial in December 2020.[72]

Detention of Hong Kong Residents in Mainland China—Continued

Andy Li Yu-hin, one of the detainees, returned to Hong Kong in March 2021 after completing his sentence.[73] According to people familiar with the case, Hong Kong police took him into custody upon his arrival for alleged violations of the National Security Law, holding him at a maximum security psychiatric hospital in solitary confinement.[74] Li's family was unable to confirm Li's detention location because Hong Kong authorities denied having any record of it.[75] The Correctional Services Department noted that "individual detainees may 'decline' to inform their family of their location," as reported by Radio Free Asia.[76] According to one source, Li was in good physical health and was of sound mind such that he did not need to be committed to a psychiatric hospital.[77]

Li's sister said that authorities did not permit the lawyer hired by the family to meet with Li during his detention in Hong Kong.[78] In one court hearing, Li was represented by a lawyer.[79] The lawyer issued a statement through his firm saying that he had not been appointed by the authorities, but the family had no knowledge of this representation.[80] In April, Li made a court appearance, represented by another lawyer.[81] The lawyer did not deny that Li was held at a psychiatric hospital but refused to disclose the conditions of his detention, saying that it was "Li's 'will.'" [82] The lawyer added that Li was applying for legal aid but did not say who was paying his current legal fees.[83]

Authorities' Attempts to Curb Civic Engagement

INTERFERENCE IN PRIMARY ELECTION

In June 2020, several pro-democracy activists and the political group Power for Democracy organized and coordinated an unofficial and non-binding primary election (*i.e.,* a de facto opinion poll) to select candidates to run for the LegCo election.[84] The pro-democracy camp intended to use the primary to improve coordination among the candidates, increasing the chance that the pro-democracy coalition would secure a majority in the LegCo.[85]

Despite the primary's non-binding nature, Secretary for Constitutional and Mainland Affairs Erick Tsang (a top Hong Kong government official who liaises with Chinese authorities) warned that the primary could violate the National Security Law on grounds that co-organizer Benny Tai had mentioned the use of the budgetary process to "paralyze" the government if the pro-democracy camp gained control of the LegCo.[86]

In a move likely intended to intimidate the pro-democracy camp, authorities carried out a raid on an organization connected with the primary election. On the eve of the primary, police raided the office of the Hong Kong Public Opinion Research Institute, which designed and set up the voting system for the primary.[87] Co-organizer Au Nok-hin said the raid "was very likely related to the primary vote, to create a threatening effect." [88]

Nevertheless, the two-day primary took place as planned and concluded on July 12, with a turnout of over 610,000 people, representing 13.8 percent of registered voters.[89] The primary's results, announced on July 15, showed widespread support among primary

voters for candidates who had been visibly active during the protests in 2019, including those facing rioting charges.[90] [For information on the arrests of individuals who organized and coordinated the primary election, see subsection "Arrests Over the July 2020 Primary" above.]

INTERFERENCE IN LEGISLATIVE COUNCIL ELECTION

On July 30, 2020, elections officials invalidated the nominations of 12 individuals for the LegCo election[91] originally scheduled for September 6,[92] on the grounds that they had solicited intervention by foreign governments in Hong Kong affairs, opposed the National Security Law, and advocated a change in Hong Kong's status as a special administrative region.[93] The disqualified nominees have been described by media sources as "pro-democracy" and included incumbent LegCo members, district councillors, and activists.[94] The Hong Kong government, however, denied political censorship.[95]

The next day, the Hong Kong government announced it would postpone the LegCo election by one year, citing public health concerns amid the COVID-19 pandemic.[96] The Hong Kong Bar Association expressed "serious doubts about the legal and evidential basis of the Government's decision" and further noted that the Basic Law specifies a LegCo term to be four years and that the length of postponement permissible under the law should not exceed 14 days.[97] Some observers said that the disqualifications and the postponement were the government's reaction to the pro-democracy camp's overwhelming success in district council elections in November 2019,[98] with activist Joshua Wong (who was among those disqualified) calling the measures government interference.[99]

DISQUALIFICATION OF LEGISLATIVE COUNCIL MEMBERS

The National People's Congress Standing Committee issued a decision in November 2020, promulgating a rule that would immediately disqualify a LegCo member for endangering state security, such as by advocating Hong Kong independence, denying China's sovereignty over Hong Kong, or asking a foreign country to interfere in Hong Kong affairs.[100] The decision requires that the determination be made "in accordance to legal procedures," but it did not specify the applicable legal procedures.[101] Immediately after the issuance, the Hong Kong government announced the disqualification of four pro-democracy LegCo members: **Alvin Yeung Ngok-kiu, Dennis Kwok Wing-hang, Kwok Ka-ki,** and **Kenneth Leung Kai-cheong.**[102] In protest, 15 pro-democratic LegCo members resigned together, resulting in a LegCo controlled almost entirely by pro-establishment members.[103] A scholar questioned if the rule of law still existed in Hong Kong when LegCo members could be disqualified at will, and pointed out that the NPC Standing Committee's decision was in conflict with Article 79 of the Basic Law, which requires that disqualification on the basis of misconduct must be based on censure by "a vote of two-thirds of the members of the Legislative Council present."[104]

SUPPRESSION OF PROTEST

On September 6, 2020, thousands of people joined a march to protest the postponement of the LegCo election.[105] The Hong Kong government, in addition to characterizing the assemblies as unlawful, highlighted the fact that the protesters were chanting "slogans connoting Hong Kong independence."[106] Police conducted widespread stops and searches and arrested nearly 300 people, mostly for "unauthorized assembly," with at least one person facing charges under the National Security Law.[107] Three activists—**Figo Chan, Raphael Wong,** and **Leung Kwok-hung**—who held up protest placards, received citations for violating COVID-19 restrictions on group gatherings,[108] and were later arrested by police when they continued to protest.[109] A Hong Kong police officer told the Washington Post on condition of anonymity that "mass arrests are a tactic frequently deployed to scare pro-democracy protesters and their sympathizers and to deter further protests."[110]

Restrictions on Information and Media Freedom

Hong Kong's ranking in the 2021 World Press Freedom Index continued to drop.[111] The compiler of the index, Reporters Without Borders, noted that the National Security Law allows the Chinese government to "arbitrarily punish what it regards as 'crimes against the state,' [which] is especially dangerous for journalists."[112] The index cited the arrest of **Jimmy Lai,** the founder of the pro-democracy newspaper Apple Daily, as an example of such arbitrary punishment.[113] In addition, the Immigration Department delayed the processing of visa applications filed by foreign journalists and denied at least two of them without providing any reason, which prompted concerns that these applications were subject to review by the department's new national security unit.[114] Other examples of actions taken by the Hong Kong government having a negative effect on media freedom include the following:

CHANGE OF POLICE OPERATION GUIDELINE TO EXCLUDE ACCESS BY MANY JOURNALISTS

In September 2020, the Hong Kong Police Force amended operational guidelines—the Police General Orders—to adopt a narrower definition of the term "media representative."[115] In effect, police generally would cease to recognize press accreditations issued by local media groups or journalist associations.[116] This change would limit access to restricted areas and press briefings by a substantial portion of journalists, particularly student journalists and online media workers.[117] In addition, a South China Morning Post article noted that the new guidelines could expose unrecognized journalists to criminal charges "including attending an illegal assembly or violating social-distancing rules."[118] In reaction to the amendment, eight journalist associations and unions issued a joint letter criticizing the change as de facto implementation of a government licensing system and an infringement on press freedom guaranteed by the Basic Law.[119]

CRIMINAL PROSECUTION OF JOURNALISTS

The Hong Kong government continued to use criminal prosecution to crack down on dissent, particularly that of investigative journalists.[120] For example, police arrested Radio Television Hong Kong (RTHK) journalist **Choy Yuk-ling** in November 2020 for "breaching the law for accessing a public database of car registrations" [121] when she obtained car registration information to prepare for a documentary investigating the police's failure to prevent a mob attack on protesters in July 2019.[122]

In another example, police arrested a reporter who they said had refused to comply with orders to stop photographing.[123] The reporter said that she started photographing when she saw five or six police officers zip-tying two females as she entered a public bathroom.[124] She further said that police pepper-sprayed her, stepped on her back, knelt on her neck, and pressed her head down with a police baton, causing incontinence and loss of consciousness.[125] The reporter said she was wearing a reflective vest and a press identification card at the time.[126]

OVERHAUL OF PUBLIC BROADCASTER'S GOVERNANCE

Authorities overhauled Hong Kong's public broadcaster RTHK in a manner that restricted its editorial autonomy.[127] Fully funded by the government, RTHK came under increasing pressure for its independent approach to covering pro-democracy protests, which resulted in the government suspending two of its programs.[128] In August 2020, the broadcaster removed an interview with democracy advocate Nathan Law, citing the National Security Law.[129] In January 2021, the Hong Kong Journalists Association (HKJA) issued a statement alleging political interference in an RTHK personnel matter concerning the treatment of reporter **Nabela Qoser,** who was known to ask government officials tough questions during the 2019 protests.[130] In February 2021, after conducting a six-month review of the broadcaster, the Hong Kong government placed an administrative officer with no broadcast experience in charge of RTHK.[131] This prompted the resignation of three of RTHK's senior employees and a protest by union representatives, who demanded that the new leadership provide editorial autonomy.[132] In May, RTHK told Qoser that it would not award her a civil servant contract, which had the practical effect of forcing her to leave the organization.[133] [For more information on the arrest of Jimmy Lai and the raid of Apple Daily's headquarters, see subsection "Crackdown on Pro-Democracy Newspaper and Related Arrests in August 2020" above.]

RESTRICTIONS ON INTERNET ACTIVITY

The Hong Kong government exercised unprecedented supervision and suppression of internet activity under the authorities of the NSL. On January 13, 2021, the Hong Kong Broadband Network blocked public access to HKChronicles, a website promoting pro-democracy viewpoints.[134] On January 28, 2021, the Hong Kong Internet Registration Corporation Limited, a company designated by the government to administer internet domain name registration, enacted a revised "acceptable use" policy that enables it to re-

ject website registration requests that may "promote any illegal activity."[135] On February 12, 2021, internet service providers blocked access to the Taiwan Transitional Justice Commission website in Hong Kong.[136] Additionally, major technology companies including Facebook, Twitter, WhatsApp, and Google have stopped reviewing requests for user data from Hong Kong authorities.[137]

Pressure on the Education Sector

The Hong Kong government directly or indirectly regulated political content of books, restricted speech in schools, and further exerted pressure on educators by means including termination and disciplinary measures.

POLITICAL CONTENT IN TEXTBOOKS SUBJECT TO REVIEW

In August 2020, media sources reported that new editions of liberal studies textbooks had modified or deleted discussions on topics including the 1989 Tiananmen protests, separation of powers, and the demand for universal suffrage.[138] Earlier, in September 2019, the Education Bureau instituted "professional consultancy services" to review liberal studies textbooks in light of allegations that some teachers did not present political issues in an "impartial" manner.[139] While publishers were not required to use the services, and there was not a recommended textbook list, the Education Bureau disseminated to schools "the requirements and criteria for selecting learning and teaching resources" and required teachers "to select quality learning and teaching resources which are in line with the curriculum aims and objectives."[140]

POLITICAL CONTROL IN PUBLIC SCHOOLS

The Hong Kong government implemented a national security-focused curriculum and regulated speech in schools. In a written reply to a question submitted by the LegCo representative for the Education constituency, dated July 8, 2020, Secretary for Education Kevin Yeung said that "[schools] should not be used as a venue for anyone to express their political demands" and further instructed that schools must ban students from singing the pro-democracy protest anthem "Glory to Hong Kong" and should dissuade students from engaging in activities that would "carry strong political messages."[141] The Education Bureau further implemented a national security curriculum beginning in primary school and disciplined school teachers for preparing coursework deemed inconsistent with the officially promulgated narratives.[142]

PROFESSOR FIRED FOR POLITICAL ACTIVITIES

On July 28, 2020, the University of Hong Kong terminated associate professor of law **Benny Tai Yiu-ting.**[143] In reaction, international observers criticized the termination as repression of academic freedom.[144] The university's decision came shortly after the Chinese government's Liaison Office in Hong Kong criticized Tai's role in organizing non-official "primary election" ahead of the September Legislative Council election.[145] In particular, the Liaison Office made reference to Article 22 of the National Security Law on "subversion" and characterized the "primary" as an attempt to

manipulate the election.[146] In 2019, Tai was sentenced to one year and four months in prison on public nuisance charges for organizing a series of peaceful protests in 2014 (known as the "Umbrella Movement" or "Occupy Central"); he was later granted bail pending appeal.[147]

Macau

Events of note concerning the Macao Special Administrative Region include the following:

- In March 2021, the executive committee of Macau's public broadcaster Teledifusão de Macau (TDM) issued guidelines to reporters requiring them to promote patriotism and to withhold information or opinion inconsistent with government policies.[148] The guidelines further provided that noncompliance would lead to termination of employment.[149] Non-governmental organization Reporters Without Borders criticized the move as editorial interference and a violation of Macau residents' right to access information.[150]
- The Judiciary Police (PJ) was established in October 2020 to prevent and investigate crimes against national security.[151] The Legislative Assembly granted PJ officers anonymity, drawing criticism that the agency would be authorized to operate as "secret police."[152] The government, however, argued that the legislation was intended to protect the personal safety of PJ officers.[153]

Notes to Section VI—Developments in Hong Kong and Macau

[1] Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, adopted December 19, 1984, items 1–3.

[2] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997.

[3] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, arts. 2, 12, 13, 18.

[4] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, preamble, art. 5.

[5] State Council, "Zhonghua Renmin Gongheguo guominjingji he shehui fazhan dishisi ge wu nian guihua he 2035 nian yuanjing mubiao gangyao" [Outline of the 14th Five-Year Plan on the PRC Economic and Social Development and Long-Term Goals for 2035], March 13, 2021, chap. 61; Foreign and Commonwealth Office, House of Commons, "Oral Answers to Questions," United Kingdom Parliament, Column 135, December 2, 2014; State Council Information Office, "Implementation of 'One Country, Two Systems' in Hong Kong Special Administrative Region," June 2014; Cao Siqi and Yang Sheng, "Central Govt Stresses Full Governance over Hong Kong," *Global Times,* November 2, 2019.

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VII. Additional Views of Commission Members

Additional Views of Senator James Lankford

I wholeheartedly support the important work of the Congressional-Executive Commission on China (CECC) in monitoring human rights and rule of law in the People's Republic of China (PRC). Much of this year's Annual Report ("the Report") effectively addressed the most concerning trends in the PRC. However, I see it necessary to address certain aspects of the Report that raise concerns.

With respect to the citation of reports by United Nations Treaty Monitoring bodies or Independent Experts, these reports constitute non-binding recommendations and do not mandate a response by States. Parties are, however, obliged to carry out specific commitments contained in treaties which they have duly ratified. The inclusion of these non-binding reports divert attention away from China's failure to meet its hard-law obligations.

The Report identifies United States insistence and PRC cooperation on the adoption of human rights legislation as a solution to changing human rights situations in China. By directing the Report's criticism away from deliberate policies of the PRC that are directly opposed to international human rights standards, the Commission does a disservice. The PRC routinely uses the absence of rule of law to cover up human rights abuses and deny their existence.

It is essential that we focus on the most serious and egregious human rights abuses, such as the ongoing genocide against Uyghurs and other predominantly Muslim ethnic groups in the Xinjiang Autonomous Uyghur Region. The CECC should prioritize documenting the CCP's unspeakable crimes against Uyghurs, Tibetans, Falun Gong practitioners, Christians, journalists, defense lawyers, and others who suffer grave abuses for China's forced assimilation policies.

For these reasons, I vote in favor of the report with the inclusion of this statement.