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Human Rights in China and U.S. Policy: Issues for the 116th Congress

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SUMMARY

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Human Rights in China and U.S. Policy: Issues for the 116th Congress

This report examines selected human rights issues in the People's Republic of China (PRC) and policy options for Congress. U.S. concern over human rights in China has been a central issue in U.S.-China relations, particularly since the Tiananmen crackdown in 1989. In recent years, human rights conditions in China have deteriorated, while bilateral tensions related to trade and security have increased, possibly creating both constraints and opportunities for U.S. policy on human rights.

After consolidating power in 2013, Chinese Communist Party (CCP) General Secretary and State President Xi Jinping intensified and expanded the reassertion of party control over society that began during the final years of his predecessor, Hu Jintao. Since 2015, the government has enacted new laws that place further restrictions on civil society in the name of national security, authorize greater control over minority and religious groups, and reduce the autonomy of citizens. PRC methods of social and political control are evolving to include the widespread use of sophisticated surveillance and big data technologies.

Government arrests of human rights advocates and lawyers, which intensified in 2015, were followed by party efforts to instill ideological conformity across various spheres of society. In 2016, President Xi launched a policy known as "Sinicization," through which the government has taken additional measures to compel China's religious practitioners and ethnic minorities to conform to Chinese culture, the socialist system, and Communist Party policies and to eliminate foreign influences. In the past decade, the PRC government has imposed severe restrictions on the religious and cultural activities, and increasingly on all aspects of the daily lives, of Uyghurs, a Turkic ethnic group who practice a moderate form of Sunni Islam and live primarily in the far western Xinjiang Uyghur Autonomous Region. Since 2017, government authorities in Xinjiang have detained, without formal charges, up to an estimated 1.5 million Uyghurs out of a population of about 10.5 million, and a smaller number of ethnic Kazakhs, in ideological re-education centers. Some may have engaged in religious and ethnic cultural practices that the government now perceives as extremist or terrorist, or as manifesting "strongly religious" views or thoughts that could lead to the spread of religious extremism or terrorism. Members of the 116th Congress have introduced several bills and resolutions related to human rights issues in China, particularly regarding Tibetans, Uyghurs, and religious freedom.

Successive U.S. Administrations and Congresses have deployed an array of means for promoting human rights and democracy in China, often exercised simultaneously. Policy tools include open censure of China; quiet diplomacy; congressional hearings, legislation, investigations, statements, letters, and visits; funding for rule of law and civil society programs in the PRC; support for human rights defenders and prodemocracy groups; sanctions; bilateral dialogue; internet freedom efforts; international broadcasting; and coordinated international pressure, including through multilateral organizations. Another high-profile practice is the State Department's issuance of congressionally mandated country reports and/or rankings, including on human rights, religious freedom, and trafficking in persons.

Broadly, possible approaches for promoting human rights in China may range from those emphasizing bilateral and international engagement to those conditioning the further development of bilateral ties on improvements in human rights conditions in China; in practice, approaches may combine elements of both engagement and conditionality. Some approaches may reflect a perceived need to balance U.S. values and human rights concerns with other U.S. interests in the bilateral relationship. Others may challenge the assumption that promoting human rights values involves trade-offs with other interests, reflecting instead a view that fostering greater respect for human rights is fundamental to other U.S. objectives.

(This report does not discuss the distinct human rights and democracy issues in the PRC's Hong Kong Special Administrative Region. For information on developments in Hong Kong, see CRS In Focus IF11295, *Hong Kong's Protests of 2019*, by Michael F. Martin.)

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Human Rights Developments in China[1]

Overview

Thirty years after the June 1989 Tiananmen Square crackdown, the Chinese Communist Party (CCP) remains firmly in power. People's Republic of China (PRC) leaders have maintained political control through a mix of repression and responsiveness to some public preferences, delivering economic prosperity to many citizens, co-opting the middle and educated classes, and stoking nationalism to bolster CCP legitimacy. The party has rejected reforms that it perceives might undermine its monopoly on power, and continues to respond forcefully to signs of autonomous social organization, independent political activity, or social instability. The party is particularly wary of unsanctioned collective activity among sensitive groups, such as religious congregations, ethnic minorities, industrial workers, political dissidents, and human rights defenders and activists. Technological advances have enhanced the government's ability to monitor the activities of these groups, particularly Tibetan Buddhists and Uyghur Muslims.

Some experts refer to the PRC model of governance as "responsive authoritarianism" or, in some aspects, "consultative authoritarianism."[2] Despite the government's many repressive policies, some reports indicate that many PRC citizens may appreciate the government's focus on stability, are generally satisfied with the government's performance, and are optimistic about the future, although the depth of their support for the government is unclear.[3] CCP General Secretary and State President Xi Jinping's anti-corruption campaign, in which over 1.5 million party members have been punished and which is viewed by many experts as partly a political purge, appears to have gained widespread popular support.[4]

For part of the leadership term of Hu Jintao, who served as CCP General Secretary and State President from 2002 to 2012, the party tolerated limited public criticism of state policies, relatively unfettered dissemination of news and exchange of opinion on social media on many social topics, and some investigative journalism and human rights advocacy around issues not seen as threatening to CCP control. After consolidating power in 2013, Xi Jinping intensified and expanded the reassertion of party control over society that began during the final years of Hu's term, and strengthened his own control over the party. In high-profile speeches, Xi has repeated

[1] This report does not discuss the distinct human rights and democracy issues in Hong Kong (or in Macau). For information on developments in Hong Kong, see CRS In Focus IF11295, *Hong Kong's Protests of 2019*, by Michael F. Martin; CRS In Focus IF11248, *Hong Kong's Proposed Extradition Law Amendments*, by Michael F. Martin; and CRS In Focus IF10500, *Hong Kong's Legislative Council (Legco)*, by Michael F. Martin.

[2] Maria Repnikova, "China's 'Responsive' Authoritarianism," *Washington Post*, November 27, 2018; Bruce Dickson, *The Dictator's Dilemma*, New York: Oxford University Press, 2016; Li Changyu, "'Consultative Democracy' China's Latest Political Buzzword," *Global Times*, March 3, 2015; Jessica Teets, "Civil Society and Consultative Authoritarianism in China," The 7th Annual Conference on U.S-China Economic Relations and China's Economic Development, Elliot School of International Affairs, George Washington University, November 21, 2014.

[3] Michael D. Swaine and Ryan DeVries, "Chinese State-Society Relations: Why Beijing Isn't Trembling and Containment Won't Work," Carnegie Endowment for International Peace, March 14, 2019; Mike Cummings, "China Uses 'Softer Tools' of Repression, Says Yale Political Scientist," *Yale News*, April 20, 2018; Wenfang Tang, "The 'Surprise' of Authoritarian Resilience in China," *American Affairs Journal*, Vol II, no. 1, (Spring 2018); Bruce Dickson, *The Dictator's Dilemma*, op. cit. A recent study, however, found that some Chinese survey respondents may provide positive responses due to fear that their opinions may become known to authorities. Darrel Robinson and Marcus Tannenberg, "Self-Censorship in Authoritarian States: Response Bias in Measures of Popular Support in China," *Working Paper No. 66*, The Varieties of Democracy Institute, April 2018.

[4] Center for Strategic & International Studies, "Can Xi Jinping's Anti-Corruption Campaign Succeed?" August 11, 2017.

the maxim, "The party exercises overall leadership over all areas of endeavor in every part of the country."[5] In 2018, Xi backed a constitutional amendment removing the previous limit of two five-year-terms for the presidency, clearing the way for him potentially to stay in power indefinitely. Xi also has cultivated what some observers view as a cult of personality, launching far-reaching campaigns for Chinese citizens, beginning with pre-school, to study his political philosophy. Some analysts argue that Xi's efforts to bolster the party and his leadership reflect a heightened sense of insecurity rather than confidence in the CCP's ability to address internal and external threats, and that he and his supporters among the party elite have responded by choosing to "clamp down and not loosen up."[6]

New Laws and Policies

Since Xi's rise to power, the PRC government has introduced laws and policies that enhance the legal authority of the party and state to counteract potential ideological, political, and human rights challenges. In 2013, the CCP issued a directive (Document No. 9) that identified seven "false ideological trends, positions, and activities," largely aimed at reining in the media and liberal academics.[7] In 2015, the government launched a crackdown on over 250 human rights lawyers and activists, detaining many of them and convicting over a dozen of them of "disturbing social order," subversion, and other crimes.[8] PRC authorities targeted, in particular, legal staff of the Fengrui Law Firm in Beijing, which had taken on high profile human rights cases, and revoked the firm's business license in 2018.[9] The government has also placed greater constraints upon environmental activism, which has been a relatively vibrant area of civil society, viewing it as a threat to social stability.[10]

China and U.N. Human Rights Covenants

China is a State party to six core international human rights treaties, including most prominently the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which it ratified in 2001. China has signed (1998), but not ratified, the International Covenant on Civil and Political Rights (ICCPR).

Since 2015, the government has enacted new laws that place further restrictions on civil society in the name of national security, authorize greater control over minority and religious groups, particularly Uyghur Muslims, and reduce the autonomy of citizens. A law regulating foreign non-governmental organizations (NGOs), which took effect in 2017, places such NGOs under the jurisdiction of the Ministry of Public Security, tightens their registration requirements, and

[5] "Full Text of Xi Jinping's Report at the 19th CPC National Congress, October 18, 2017," *Xinhua*, November 4, 2017, http://www.chinadaily.com.cn/china/19thcpcnationalcongress/2017-11/04/content_34115212.htm.

[6] Anna Fifield, "Xi Doubles Down on Strengthening the Party," *Washington Post*, August 4, 2019.

[7] According to the document, topics to be avoided in public discussion include universal values, constitutional democracy, freedom of the press, civil society, civil rights, an independent judiciary, and criticism of the CCP. Asia Society, "Document 9: A ChinaFile Translation," November 8, 2013, http://www.chinafile.com/document-9-chinafile-translation.

[8] Human Rights in China, "Mass Suppression of Lawyers Reveals True Nature of Xi's 'Rule by Law,'" July 14, 2015.

[9] "China Abolishes Top Beijing Law Firm Known for Human Rights Cases," *Radio Free Asia*, November 13, 2018.

[10] Dui Hua Foundation, "From Hu to Xi: China's Grip on Environmental Activism (Parts I and II), *Human Rights Journal*, July 2019.

imposes greater controls on their activities, funding, and staffing.[11] Some international NGOs that specialize in rule of law, rights advocacy, and labor rights have suspended their work in China.[12]

A new Cybersecurity Law, which went into effect in 2017, codifies broad governmental powers to control and restrict online traffic, including for the purposes of protecting social order and national security. The law also places a greater legal burden upon private internet service providers to monitor content and assist public security organs.[13] A new National Intelligence Law, also enacted in 2017, obliges individuals, organizations, and institutions to assist and cooperate with state intelligence efforts.[14]

In 2016, President Xi launched a policy known as "Sinicization," through which the government has taken measures to further compel China's religious practitioners and ethnic minorities to conform to Chinese culture, the socialist system, and Communist Party policies.[15] Many analysts view this strategy as the CCP's response to what it perceives as excessive feelings of separateness and divided loyalties among some religious and ethnic groups. In April 2016, Xi presided over a conference on national religious affairs, the first Chinese president in over ten years to do so. He emphasized that the "legitimate rights of religious peoples must be protected," but also stated, "We must resolutely guard against overseas infiltrations via religious means.... "[16] At the 19th Party Congress in October 2017, Xi emphasized, "We will fully implement the Party's basic policy on religious affairs, uphold the principle that religions in China must be Chinese in orientation, and provide active guidance to religions so that they can adapt themselves to socialist society."[17] The Revised Regulations on Religious Affairs, which took effect in February 2018, place an emphasis on religious and social harmony and the prevention of religious extremism and terrorism.[18]

Freedom of Speech

The PRC Constitution provides for many civil and political rights, including, in Article 35, the freedoms of speech, press, assembly, association, and demonstration, and in Article 36, "freedom of religious belief."[19] Other provisions in China's constitution and laws, however, circumscribe or

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[11] Stanley Lubman, "China's New Law on International NGOs—and Questions about Legal Reform," *Wall Street Journal*, May 25, 2016; Edward Wong, "U.S. Denounces Chinese Law Restricting Foreign Organizations," *New York Times*, April 29, 2016. China Development Brief, "English Translation of China's New Law on Overseas NGOs," May 3, 2016, http://www.chinadevelopmentbrief.cn/articles/the-peoples-republic-of-chinas-law-on-the-management-of-the-activities-of-overseas-ngos-within-mainland-china/.

[12] Ibid.

[13] China Law Translate, "2016 Cybersecurity Law," November 7, 2016, http://www.chinalawtranslate.com/cybersecuritylaw/?lang=en.

[14] Murray Scot Tanner, "Beijing's New National Intelligence Law: From Defense to Offense," *Lawfare*, July 20, 2017. For a translation of the law, see https://npcobserver.com/tag/national-intelligence-law/.

[15] Han Chinese, the majority ethnic group in China, make up about 91% of the country's population and dominate its mainstream culture. Julia Bowie and David Gitter, "The CCP's Plan to 'Sinicize' Religions," *The Diplomat*, June 14, 2018; United States Commission on International Religious Freedom, *2018 Annual Report*, April 25, 2018; Nectar Gan, "Beijing Plans to Continue Tightening Grip on Christianity and Islam as China Pushes Ahead with the 'Sinicization' of Religion," *South China Morning Post*, March 6, 2019.

[16] "China Focus: Xi Calls For Improved Religious Work," *Xinhua*, April 23, 2016.

[17] "Full Text of Xi Jinping's Report at the 19th CPC National Congress, October 18, 2017," op. cit.

[18] United States Commission on International Religious Freedom, *2018 Annual Report*, op. cit.; Library of Congress, Global Legal Monitor, "China: Revised Regulations on Religious Affairs," November 9, 2017, http://www.loc.gov/law/foreign-news/article/china-revised-regulations-on-religious-affairs/.

[19] See the Constitution of the People's Republic of China at https://www.cecc.gov/resources/legal-provisions/chinas-

condition these freedoms, and the state routinely restricts these freedoms in practice. Under Xi's leadership, the government has further closed the space for free speech and silenced independent journalists. Authorities have used criminal prosecution, civil lawsuits, and other forms of harassment and punishment to intimidate and silence journalists and authors.[20]

Since 2013, China has dropped three places, from 173 to 177 (out of 180 countries), on Reporters Without Borders' *World Press Freedom Index*.[21] The recent clampdown includes not only political speech but also "vulgar, immoral, and unhealthy" content.[22] More than 60 journalists and bloggers currently are detained in China.[23] In July 2019, a court in Sichuan province sentenced dissident Huang Qi to 12 years in prison for "providing state secrets to foreign entities." In 1998, Huang had created "64 Tianwang," a website that reported on sensitive topics, including government corruption and human rights violations.[24]

The PRC government, which operates one of the most extensive and sophisticated internet censorship systems in the world, blocks access to over 20% of the world's most trafficked websites, according to one source.[25] Xi also has attempted to place greater controls on the use of censorship circumvention tools, such as virtual private networks (VPNs). Although the government often tolerates the use of VPNs for some purposes, such as academic research and international business, it sometimes punishes people for providing VPN services without authorization or for using VPNs to disseminate sensitive information.[26] The use of VPNs is not widespread, either due to a lack of interest or to inconveniences such as slower browsing speeds.[27]

New Surveillance Technologies

PRC methods of social and political control are evolving to include the widespread use of sophisticated surveillance and big data technologies. Human rights groups and the U.S.

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constitution.

[20] Javier C. Hernandez, "'We're Almost Extinct': China's Investigative Journalists Are Silenced Under Xi," *New York Times*, July 12, 2019; Department of State, *Country Reports on Human Rights Practices for 2018*, March 13, 2019.

[21] Reporters Without Borders, *2019 World Press Freedom Index: China*, https://rsf.org/en/ranking/2019.

[22] Danson Cheong, "China Seen to Tighten Internet Curbs, Target More Content," *Straits Times*, February 27, 2019; Lily Kuo, "China's Weibo Reverses Ban on 'Homosexual' Content after Outcry," *The Guardian*, April 15, 2018; Tal Fox, "China Bans Depictions of Gay People on TV in Crackdown on 'Vulgar, Immoral and Unhealthy Content,'" *Independent*, March 5, 2016.

[23] Ibid.

[24] Experts state that the punishment is "unusually heavy" and that Huang suffers from very poor health after already spending nearly half of the past two decades in prison and state detention. Gerry Shih, "China Sentences Trailblazing Online Activist to 12 Years in Prison," *Washington Post*, July 29, 2019; Lily Kuo, "China's First 'Cyber-Dissident' Jailed for 12 Years," *The Guardian*, July 29, 2019.

[25] Blocked websites include *The New York Times*, Bloomberg, Facebook, Google, Instagram, Twitter, *The Wall Street Journal*, and YouTube. Startup Living China, "List of Websites and Apps Blocked in China (Updated Jan 2019)," January 23, 2019, https://startuplivingchina.com/list-websites-apps-blocked-china/; vpnMentor, "The Complete List of Blocked Websites in China & How to Access Them," https://www.vpnmentor.com/blog/the-complete-list-of-blocked-websites-in-china-how-to-access-them/.

[26] Dui Hua Foundation, "Fortifying the Great Firewall: Criminalization of VPNs (Parts I and II)," *Human Rights Journal*, August 2019; Simon Denyer, "Internet Activists Are Finding Ways Around China's Great Firewall," *Washington Post*, June 14, 2016.

[27] Ibid.; John Gapper, "China's Internet Is Flourishing Inside the Wall," *Financial Times*, November 23, 2016; Bruce Dickson, *The Dictator's Dilemma*, op. cit.; Rebecca MacKinnon, *Consent of the Networked*, New York: Basic Books, 2012.

Department of State argue that these methods, which have not yet been fully deployed nationally, violate rights to privacy, "mental autonomy," and the presumption of innocence, and are used to restrict freedoms of movement, association, and religion.[28] Chinese authorities and companies have installed ubiquitous surveillance cameras, as well as facial, voice, iris, and gait recognition equipment, ostensibly to reduce crime, but likely also to track the movements of ethnic Tibetans and Uyghurs (also spelled "Uighurs") and critics of the regime.[29] In Xinjiang, police and officials reportedly are collecting massive amounts of data and entering it into an "Integrated Joint Operations Platform" (IJOP). The IJOP reportedly flags individuals who exhibit behaviors that authorities view as deviating from the norm or potentially threatening to social stability. Many forms of lawful, peaceful, daily activities may be viewed suspiciously by authorities through the use of this law enforcement tool.[30]

Political and Religious Prisoners

The Dui Hua Foundation, a U.S.-based human rights organization focused on China, has compiled information on approximately 7,350 political and religious prisoners in China as of July 2019. Duihua has identified 682 religious and 3,486 Falun Gong practitioners in PRC prisons in 2018 (not including Uyghurs detained in re-education camps), compared to 731 religious and 3,516 Falun Gong prisoners in 2017.[31] The Congressional-Executive Commission on China (CECC) also maintains a publicly accessible database of political prisoners.[32] China does not provide systematic or aggregated statistics on its political and religious prisoners.

The government is developing a "social credit system" that would not only rate individuals' credit worthiness but also how well they abide by rules and regulations. It involves aggregating data on individuals and "creating measures to incentivize 'trustworthy' conduct, and penalize untrustworthy' conduct."[33] Citizens deemed untrustworthy may be banned from making purchases for travel, prevented from applying for certain types of jobs, or denied educational opportunities for their children. Examples of untrustworthy behavior include traffic violations, smoking in prohibited areas, making repeated purchases that indicate poor character, and posting untruthful news online.[34]

[28] Nathan Vanderklippe, "China Uses Smartphone App to Target People for Investigation: Human Rights Watch," *Globe and Mail*, May 1, 2019.

[29] Comparitech, "The World's Most-Surveilled Cities," August 15, 2019, https://www.comparitech.com/vpn-privacy/the-worlds-most-surveilled-cities/; Robyn Dixon, "China's New Surveillance Program Aims to Cut Crime. Some Fear It'll do Much More," *Los Angeles Times*, October 27, 2018.

[30] Human Rights Watch, "China's Algorithms of Repression," May 1, 2019; Department of State, *Country Reports on Human Rights Practices for 2018*, op. cit.; Robyn Dixon, "China's New Surveillance Program Aims to Cut Crime. Some Fear It'll do Much More," *Los Angeles Times*, October 27, 2018.

[31] Including non-violent political dissidents, religious practitioners, ethnic minorities who are labeled "splittists," and people seeking redress for government malfeasance. These figures exclude the PRC government's detainment, without formal charges, of up to an estimated 1.5 million Uyghurs. The Dui Hua Foundation notes that the database does not account for all political prisoners in China. See Dui Hua Foundation, *Political Prisoner Database*, https://duihua.org/resources/political-prisoners-database/. See also Department of State, "2018 Report on International Religious Freedom: China," June 21, 2019 (citing the Dui Hua Foundation).

[32] The CECC database is accessible at https://www.cecc.gov/resources/political-prisoner-database. For analyses of the CECC database, see Pong Lai, "Who Are China's Political Prisoners? A Human Rights Assessment, 29 Years after the Tiananmen Massacre," *Hong Kong Free Press*, June 10, 2018, and Peter Mellgard, "This Visualization Shows China's Jailed, Murdered and Missing Political Prisoners," *Huffington Post*, March 17, 2017.

[33] Jeremy Daum, "China Through a Glass, Darkly," China Law Translate, December 24, 2017.

[34] Alexandra Ma, "China Has Started Ranking Citizens with a Creepy 'Social Credit' System—Here's What You Can Do Wrong, and the Embarrassing, Demeaning Ways They Can Punish You," *Business Insider*, October 29, 2018.

Labor Rights and Student Activism

The PRC government, which generally restricts the operations of independent labor groups, has been carrying out a year-long suppression campaign against labor activism in Guangdong province, a center for export-oriented manufacturing, and elsewhere. Authorities have harassed, detained, and arrested labor organizers and activists, labor NGOs, social workers, and journalists who attempted to provide support to workers, and students and recent graduates from around the country who advocated for their rights. Workers have protested low pay, unsafe or unhealthy working conditions, and other violations of the China's Labor Law.[35] Over 50 labor activists are in custody or their whereabouts are unknown.[36] In July 2018, workers at Jasic Technology Corporation in Shenzhen attempted to form their own union and went on strike to protest the dismissal of labor organizers.[37] Other labor unrest during this time related to fair wages and the safety and health of working conditions.[38]

Since August 2018, authorities in Beijing have attempted to silence student labor activists at Peking University in Beijing, one of the country's most prestigious institutions of higher learning. At least 21 members of the university's Marxist Society have been placed under house arrest or have disappeared, and many others have been interrogated or surveilled. Although the students are not agitating for Western-style democracy, the CCP appears to fear that the movement could help workers to independently organize and stage protests at a time when labor demonstrations are rising across the country, or ignite other forms of social activism. The government appears particularly sensitive to student movements originating in China's most elite university, a traditional incubator of political activism.[39]

China, Global Human Rights, and the United Nations

In part to defend and promote acceptance of its own principles of human rights, on the global stage, China has rejected notions of universal human rights, supported principles of non-intervention, and emphasized economic development over the protection of individual civil and political rights. A member of the United Nations Human Rights Council (UNHRC) most recently in 2017-2019,[40] China sponsored its first ever UNHRC resolutions in 2017 and 2018, both of which passed, emphasizing national sovereignty, calling for "quiet dialogue" and cooperation rather than investigations and international calls for action, and advocating for the Chinese model of state-led development.[41] In July 2019, China sponsored a UNHRC resolution, which was adopted by a vote of 33 to 13, reaffirming the "contribution of development to the enjoyment of

[35] See Labor Law of the People's Republic of China at https://www.cecc.gov/resources/legal-provisions/labor-law-of-the-peoples-republic-of-china.

[36] Joyce Huang, "Rights Group Demand Immediate Release of 'Labor Three' as China Deepens Crackdown on Labor Activists," *Voice of America*, August 12, 2019.

[37] The government-affiliated All-China Federation of Trade Unions is the only trade union allowed under Chinese law.

[38] Chinese Human Rights Defenders, "China Must Release Detained Labor Rights Advocates," July 25, 2019.

[39] Gerry Shih, "In China, Voices from the Vanished," *Washington Post*, May 26, 2019; Keegan Elmer and Guo Ri, "Three More People Detained as China Continues to Crack Down on Labour Groups," *South China Morning Post*, May 12, 2019; "China Widens Crackdown against Grassroot Activists," *Financial Times*, May 9, 2019.

[40] The Council's 47 members are elected by the General Assembly and serve staggered three-year terms. Members can serve two consecutive terms. For more information on the U.N. Human Rights Council and U.S. participation, see CRS Report RL33608, *The United Nations Human Rights Council: Background and Policy Issues*, by Luisa Blanchfield.

[41] The United States voted "no" on both resolutions before withdrawing from the Human Rights Council in June 2018. Ted Piccone, "*China's Long Game on Human Rights at the United Nations,"* Brookings Institution, September 2018.

human all rights."[42] In a speech given on global Human Rights Day in 2018, President Xi provided his perspective on "people-centered human rights," including a "path of human rights development with Chinese characteristics in line with its own conditions" and emphasizing the "right to subsistence and development as primary basic human rights."[43]

Religious and Ethnic Minority Policies

According to Freedom House, the extent of allowed religious freedom and activity among China's estimated 350 million religious practitioners varies widely by religion, region, and ethnic group, depending on "the level of perceived threat or benefit to [Communist] party interests, as well as the discretion of local officials."[44] The party's Sinicization policy and the 2018 amendments to the government's Regulations on Religious Affairs have affected all religions to varying degrees.[45] New policies further restrict religious travel to foreign countries and contacts with foreign religious organizations and tighten bans on religious practice among party members and state employees and the religious education of minors.[46] Religious venues are required to raise the national flag and teach traditional Chinese culture and "core socialist values," and online religious activities now need approval by the provincial Religious Affairs Bureau.[47]

Christians

Christianity is the second-largest religion in China after Buddhism, and is growing steadily.[48] Between an estimated 70 million and 90 million Chinese Christians worship in both officially-registered and unregistered churches. China's Sinicization campaign has intensified government efforts to pressure churches that are not formally approved by the government, and hundreds reportedly have been shut down in recent years.[49] Since 2014, authorities have ordered crosses removed from nearly 4,000 churches, particularly in Zhejiang and Henan provinces, where there are large and growing Christian populations.[50] The U.S. Commission on International Religious

[42] Lindsay Maizland, "Is China Undermining Human Rights at the United Nations?" Council on Foreign Relations *In Brief*, July 9, 2019; Kristine Lee and Alexander Sullivan, "People's Republic of the United Nations," Center for a New American Century, May 2019. United Nations Human Rights Council, Forty-first session, 24 June-12 July 2019, "The Contribution of Development to the Enjoyment of All Human Rights," A/HRC/41/L.17/Rev.1, July 10, 2019; UNHRC, "41st Session of the Human Rights Council: Resolutions, Decisions and President's Statements," https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Pages/ResDecStat.aspx.

[43] Cao Desheng, "Xi: Human Rights Central to Shared Future Goals," *China Daily*, December 11, 2018.

[44] The Chinese government officially recognizes five main religions: Buddhism, Catholicism, Islam, Protestantism, and Taoism. According to a February 2017 estimate by the international NGO Freedom House, there are more than 350 million religious believers in the country, including 185-250 million Chinese Buddhists, 60-80 million Protestants, 21-23 million Muslims, 7-20 million Falun Gong practitioners, 12 million Catholics, 6-8 million Tibetan Buddhists, and hundreds of millions who follow various folk traditions. Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017.

[45] Library of Congress, Global Legal Monitor, "China: Revised Regulations on Religious Affairs," November 9, 2017, http://www.loc.gov/law/foreign-news/article/china-revised-regulations-on-religious-affairs/.

[46] Department of State, *Country Reports on Human Rights Practices for 2017*, April 23, 2018.

[47] Department of State, "2018 Report on International Religious Freedom: China," op. cit.; Nectar Gan, "Beijing Plans to Continue Tightening Grip on Christianity and Islam as China Pushes Ahead with the 'Sinicization' of Religion," op. cit.

[48] See Ian Johnson, *The Souls of China*, New York: Pantheon Books, 2017.

[49] Lily Kuo, "In China, They're Closing Churches, Jailing Pastors—And Even Rewriting Scripture," *The Guardian*, January 14, 2019.

[50] Carly Read, "Christianity Crackdown: Fury as China Removes Cross from Church, Priest Arrested," *Express*, March

Freedom reported that roughly 1,000 church leaders were detained for brief periods in 2018.[51] In Nanjing, municipal authorities launched a five-year Sinicization campaign that the U.S. Department of State characterized as aiming to incorporate "Chinese elements into church worship services, hymns and songs, clergy attire, and the architectural style of church buildings."[52] (See **Figure 1**)

In September 2018, the PRC government and the Vatican, which have disagreed over the appointment of bishops, religious freedom, and the Vatican's diplomatic ties with Taiwan, reached a breakthrough in negotiations on diplomatic relations. According to a 2018 provisional agreement, Beijing is to recognize the Pope as the head of the Catholic Church in China, the Vatican is to recognize seven excommunicated Chinese bishops appointed by PRC authorities, and China is to appoint future bishops, while the Pope has veto power over their nomination.[53] Some observers have criticized the possible arrangement, which they believe would strengthen state control over Catholics in China.[54] In June 2019, the Vatican asked the PRC government to refrain from harassing Catholic clergy who want to remain loyal to the Pope rather than pledge allegiance to the Chinese Patriotic Catholic Association, the official organization that governs Catholics in China.[55]

Falun Gong

Falun Gong combines traditional Chinese exercise movements with Buddhist and Daoist concepts and precepts formulated by its founder, Li Hongzhi.[56] In the mid-1990s, the spiritual exercise gained tens of millions of adherents across China, including members of the Communist Party.[57] Authorities have harshly suppressed Falun Gong beginning in 1999 after thousands of adherents gathered in Beijing to protest growing restrictions on their activities. Hundreds of thousands of practitioners who refused to renounce Falun Gong were sent to Re-education through Labor (RTL) centers until they were deemed "transformed."[58]

Since the formal dismantling of the RTL penal system in 2014, many Falun Gong detainees reportedly have been sent to "Legal Education Centers" to undergo indoctrination, or to mental health facilities. Overseas Falun Gong groups reported that in 2018, authorities arrested or

8, 2019; "Crackdown on Christians: Chinese Group Says Officials Are Destroying Crosses and Burning Bibles," *Associated Press*, September 10, 2018; Kayla Koslosky, "Chinese Authorities Tear Down Crosses and Close Down Churches in Henan," *Christian Headlines*, September 7, 2018.

[51] United States Commission on International Religious Freedom, *2019 Annual Report*, April 29, 2019; Sam Brownback, Ambassador at Large for International Religious Freedom, "Remarks on Religious Freedom," Foreign Correspondents Club, Hong Kong, March 8, 2019.

[52] Department of State, "2018 Report on International Religious Freedom: China," op. cit.

[53] Other issues, including the Vatican's ties with Taiwan and Vatican-approved Chinese bishops in unregistered churches, remain unresolved. Mimi Lau, "China's Deal with Vatican Faces Key Test with Appointment of First Bishop under New Arrangement," *South China Morning Post*, March 29, 2019.

[54] "Chinese Catholics Remain Split over Vatican Deal," *UCA News*, April 29, 2019; "The Catholic Church Must Not Bow to China," *Washington Post*, October 7, 2018.

[55] "Vatican: China Intimidating Catholics," *Reuters*, June 29, 2019.

[56] Falun Dafa Information Center, "Falun Gong: An Ancient Tradition for Mind, Body, and Spirit," June 2, 2012, http://faluninfo.net/topic/22/.

[57] Estimates of Falun Gong practitioners in China in the late 1990s ranged from several million to 70 million, with widely divergent levels of commitment.

[58] Falun Gong adherents constituted up to one-half of all RETL detainees, according to some estimates. Amnesty International, *Changing the Soup but Not the Medicine: Abolishing Re-education Through Labor in China*, 2013; Department of State, *Country Reports on Human Rights Practices for 2009 (China)*, March 11, 2010.

harassed approximately 9,000 Falun Gong practitioners for refusing to renounce the spiritual exercise.[59] In November 2018, judiciary officials in Changsha, Hunan province suspended the licenses of two lawyers for six months for arguing that Falun Gong was not an illegal cult and for engaging in speech that "disrupted courtroom order."[60] Falun Gong overseas organizations claim that over 4,300 adherents have died in government custody since 1999.[61]

Some reports allege that Falun Gong practitioners held in detention facilities in China were victims of illegal organ harvesting—the unlawful, large-scale, systematic, and nonconsensual removal of body organs for transplantation—while they were still alive, resulting in their deaths. The claims of organ harvesting from Falun Gong detainees are based largely upon circumstantial evidence and interviews.[62] China reportedly has made efforts to reform its organ-transplant system, to outlaw organ trafficking and the use of organs from executed prisoners, create a national organ registry, and encourage voluntary donations.[63] Overseas Falun Gong organizations claim that the practice of organ harvesting continues.[64]

Tibetans

The Tibetan Autonomous Region (TAR) is home to about 2.7 million Tibetans out of China's total ethnic Tibetan population of 6 million. Most of China's remaining ethnic Tibetan population lives in Tibetan autonomous prefectures and counties in bordering provinces.[65] Although some Tibetans advocate independence, the Dalai Lama, the Tibetan Buddhist spiritual leader who has lived with other Tibetan exiles in Dharamsala, India since a failed Tibetan uprising against Chinese rule in 1959, has proposed a "middle way approach," or "genuine autonomy" without independence in Tibet.[66] China's leaders have referred to the middle way as "half independence" or "independence in disguise" and to the Dalai Lama as a "separatist" and a "wolf in monk's robes."[67] Talks between PRC officials and representatives of the Dalai Lama on issues related to Tibetan autonomy and the return of the Dalai Lama have been stalled since 2010.

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[59] Department of State, "2018 Report on International Religious Freedom: China," op. cit. (citing the Dui Hua Foundation).

[60] Dui Hua Foundation, "Administrative Penalties Against Lawyers in China: Another Strike Against Professional Autonomy and Freedom of Religion," *Human Rights Journal*, January 2019.

[61] Sarah Le, "Investigative Report Highlights Heartbreaking Persecution of Falun Gong in China," *Epoch Times*, May 19, 2019.

[62] Freedom House, *The Battle for China's Spirit*: *Religious Revival, Repression, and Resistance Under Xi Jinping*, op. cit.; Ethan Gutmann, *The Slaughter*, Amherst, NY: Prometheus Books, 2014; David Kilgour, Ethan Gutmann, and David Matas, "Bloody Harvest/The Slaughter: An Update," June 22, 2016; Davis Matas and Dr. Torsten Trey, eds., *State Organs: Transplant Abuse in China*, Woodstock (ON): Seraphim Editions, 2012.

[63] Simon Denyer, "China Used to Harvest Organs from Prisoners. Under Pressure, That Practice Is Finally Ending," *Washington Post*, September 14, 2017; Philip Pullella, "China 'Mending Its Ways' on Unethical Organ Transplants, Official Says," *Reuters*, February 7, 2017.

[64] World Organization to Investigate the Persecution of Falun Gong, "A WOIPFG Investigation Report on the Chinese Communist Party's Ongoing Crime of Live Organ Harvesting against Falun Dafa Practitioners (VI)," December 2018.

[65] The Tibetan diaspora community in India, Nepal, and elsewhere is estimated to number around 150,000. Central Tibetan Administration, "The Dilemma Facing a Dwindling Tibetan Population in India," June 9, 2018.

[66] For further information on the "middle way approach," see Central Tibetan Administration, "Message from the Sikyong," https://mwa.tibet.net/read/#.

[67] "China Issues White Paper on Tibet," *Xinhua*, September 6, 2015; Tenzin Monlam, "China Will Never Accept Middle Way Approach," *Phayul.com*, August 27, 2015; "Dalai Lama 'Wolf in Monk's Robes': Official," *China Daily*, March 7, 2011.

Following anti-government protests in 2008, TAR authorities imposed increasingly expansive controls on Tibetan religious life and culture. These include a heightened police presence within monasteries; the ideological re-education of Tibetan Buddhist monks and nuns; the arbitrary detention and imprisonment of Tibetans; strengthened media controls; and greater restrictions on the use of the Tibetan language in schools.[68] Authorities in some Tibetan areas, in an effort to prevent "separatist" thoughts and activities, have inspected private homes for pictures of the Dalai Lama, examined cell phones for Tibetan religious and cultural content, and monitored online posts for political speech.[69]

Tibet Policy Legislation

U.S. policy toward Tibet is guided by the Tibetan Policy Act of 2002 (P.L. 107-228), which requires the U.S. government to promote and report on dialogue between Beijing and Tibet's exiled spiritual leader, the Dalai Lama, or his representatives; to help protect Tibet's religious, cultural, and linguistic heritages; and to support development projects in Tibet. The act requires the State Department to maintain a Special Coordinator for Tibetan Issues. The position has been vacant throughout the Trump Administration. The act also calls on the Secretary of State to "make best efforts" to establish a U.S. consular office in the Tibetan capital, Lhasa; and directs U.S. officials to press for the release of Tibetan political prisoners in meetings with the Chinese government.

More recently, PRC restrictions on access to Tibet for foreigners prompted Congress to pass the Reciprocal Access to Tibet Act (RATA) (P.L. 115-330). Enacted in December 2018, RATA requires the Department of State to report to Congress annually regarding the level of access PRC authorities granted U.S. diplomats, journalists, and tourists to Tibetan areas in China, among other provisions. For further information, see CRS Report R43781, *The Tibetan Policy Act of 2002: Background and Implementation*, by Susan V. Lawrence.

Since 2016, authorities have destroyed religious structures and homes at the Larung Gar and Yanchen Gar monasteries in Sichuan Province, and evicted roughly 11,500 monks and nuns.[70] The PRC government insists that Chinese laws, and not Tibetan Buddhist religious traditions, govern the process by which lineages of Tibetan lamas are reincarnated, and that the state has the right to choose the successor to the current Dalai Lama.[71] U.S. officials and some Members of Congress have expressed support for the right of Tibetans to choose their own religious leaders without government interference.[72] Since 2009, 155 Tibetans within China are known to have self-immolated, many apparently to protest PRC policies or to call for the return of the Dalai Lama, and 123 are reported to have died.[73]

[68] "China Imparting 'Patriotic Education' to Tibetan Monks and Nuns Infuriates Region's Religious Leaders," Central Tibetan Administration, April 8, 2019; "Relentless: Detention and Prosecution of Tibetans under China's 'Stability Maintenance' Campaign," Human Rights Watch, May 22, 2016.

[69] Department of State, *Country Reports on Human Rights Practices for 2018*, op. cit.; "Relentless: Detention and Prosecution of Tibetans under China's 'Stability Maintenance' Campaign," op. cit.

[70] Department of State, *2017 Annual Report on International Religious Freedom*, May 29, 2018.

[71] Tom O'Connor, "China Says Dalai Lama's Reincarnation 'Must Comply with Chinese Laws and Regulations'," *Newsweek*, March 19, 2019. See also China State Religious Affairs Bureau, Order No. 5, "Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism." July 18, 2007. The translation is accessible at https://www.cecc.gov/resources/legal-provisions/measures-on-the-management-of-the-reincarnation-of-living-buddhas-in-0.

[72] Samuel D. Brownback, Ambassador at Large for International Religious Freedom, Department of State, "Remarks on Religious Freedom," March 8, 2019. See also H.R. 4331 and S. 2539.

[73] "Self-Immolations by Tibetans," December 10, 2018, http://www.savetibet.org/resources/fact-sheets/self-immolations-by-tibetans/.

Uyghurs

The Uyghurs are a Turkic ethnic group who practice a moderate form of Sunni Islam and live primarily in the Xinjiang Uyghur Autonomous Region (XUAR).[74] In the past decade, PRC authorities have imposed severe restrictions on the religious and cultural activities of Uyghurs. Ethnic unrest in Xinjiang erupted in 2009, featuring Uyghur violence against Han Chinese and government reprisals.[75] Subsequent periodic clashes between Uyghurs and Xinjiang security personnel spiked between 2013 and 2015, and PRC leaders responded with more intensive security measures, including thousands of arrests.[76]

Following the 2016 appointment of a new Communist Party Secretary to the XUAR, Chen Quanguo,[77] and the implementation of new national security and counterterrorism laws and regulations on religious practice, Xinjiang officials stepped up security measures aimed at the Uyghur population.[78] They included tighter restrictions on movement, the installation of thousands of neighborhood police kiosks, and ubiquitous surveillance cameras.[79] Authorities reportedly have collected biometric data, including DNA samples, blood types, and fingerprints of Uyghur residents, for identification purposes.[80] XUAR authorities also have implemented systems and installed phone apps to register and monitor Uyghurs' electronic devices and online activity for "extremist" content.[81]

The PRC government has instituted policies intended to assimilate Uyghurs into Han Chinese society and reduce the influences of Uyghur, Islamic, and Arabic cultures and languages. The XUAR enacted a regulation in 2017 that prohibits "expressions of extremification," including wearing face veils, growing "irregular" beards, and expanding halal practices beyond food.[82] Authorities reportedly have banned traditional Uyghur wedding and funeral customs and Islamic names for children.[83] Thousands of mosques in Xinjiang reportedly have been demolished as part of a "mosque rectification" or safety campaign.[84] PRC authorities reportedly have conscripted as

[74] Some Uyghurs refer to Xinjiang as "East Turkestan," a term regarded as subversive by PRC leaders. For further information, see CRS In Focus IF10281, *Uyghurs in China*, by Thomas Lum.

[75] Uyghurs once were the predominant ethnic group in the XUAR; they now constitute roughly 45% of the region's population of 24 million, as many Han Chinese have migrated there. Hans constitute 40% of the population of Xinjiang, and a greater proportion if Han nonpermanent residents are included. Department of State, *Country Reports on Human Rights Practices for 2017*, op. cit.

[76] "China Says 13,000 Xinjiang 'Terrorists' Arrested Since 2014," *Associated Press*, March 18, 2019.

[77] Chen Quanguo formerly was Party Secretary of the Tibetan Autonomous Region (2011-2016).

[78] China Law Translate, "Counter-Terrorism Law," December 28, 2015, http://www.chinalawtranslate.com/bilingual-counter-terrorism-law/?lang=en; China Law Translate, "National Security Law," July 1, 2015, http://chinalawtranslate.com/2015nsl/?lang=en.

[79] Tom Phillips, "China Testing Facial-Recognition Surveillance System in Xinjiang—Report," *The Guardian*, January 18, 2018; "Apartheid with Chinese Characteristics," *The Economist*, May 31, 2018.

[80] "China: Minority Region Collects DNA from Millions," Human Rights Watch, December 12, 2017; Mercy A. Kuo, "Uyghur Biodata Collection in China," *The Diplomat*, December 28, 2017; Xinjiang Authorities Take Further Steps Towards Total Digital Surveillance," *Radio Free Asia*, June 29, 2017.

[81] "China Orders Xinjiang's Android Users to Install App That Deletes 'Terrorist' Content," *Radio Free Asia*, July 14, 2017.

[82] Roseann Rife, "Why China Must Scrap New Laws That Tighten the Authorities' Grip on Religious Practice," Amnesty International, August 31, 2017; "Xinjiang Uyghur Autonomous Region Regulation on De-extremification," *China Law Translate*, March 30, 2017.

[83] Department of State, *2017 Annual Report on International Religious Freedom*, op. cit.

[84] "Chinese Authorities Continue to Destroy Mosques in Xinjiang," *Radio Free Asia*, September 7, 2018.

many as a million citizens to live temporarily in the homes of Uyghurs and other Muslim minorities to assess their hosts' loyalty to the Communist Party.[85]

Mass Internment of Uyghurs

Since 2017, Xinjiang authorities have undertaken the mass internment of Turkic Muslims, some of whom may have engaged in religious and ethnic cultural practices that the government now perceives as extremist or terrorist, or as manifesting "strongly religious" views or thoughts that could lead to the spread of religious extremism or terrorism.[86] The government has detained, without formal charges, up to an estimated 1.5 million Uyghurs out of a population of about 10.5 million, and a smaller number of ethnic Kazakhs, in ideological re-education centers.[87] Over 400 prominent Uyghur intellectuals reportedly have been detained or their whereabouts are unknown.[88] Many detainees reportedly are forced to express their love of the Communist Party and Xi Jinping, sing patriotic songs, and renounce or reject many of their religious beliefs and customs.[89] According to former detainees, conditions in the centers are often crowded and unsanitary, and treatment often includes psychological pressure, forced labor, beatings, and food deprivation.[90]

PRC officials describe the Xinjiang camps as "vocational education and training centers" in which "trainees" study Chinese, take courses on PRC law, learn job skills, and undergo "de-extremization" or are "cured of ideological infection."[91] The government states that the centers "have never made any attempts to have the trainees change their religious beliefs."[92] In July 2019, some Chinese officials claimed that most detainees had "returned to society" and to their families, while in August 2019, other officials stated that the "only 500,000 Uyghurs" were held in 68 camps.[93] Some Uyghurs living abroad, however, claim that they still have not heard from missing

[85] Darren Byler, "China's Government Has Ordered a Million Citizens to Occupy Uighur Homes. Here's What They Think They're Doing," Chinafile, October 24, 2018.

[86] Reported activities or characteristics that may warrant re-education include the following: expressing strong religious sentiments; engaging in religious activities outside of officially sanctioned areas; expressing an excessive aversion to pork, alcohol, or smoking; having home-schooled one's children; having spent time abroad; having relatives who live abroad; and having spent prior time in prison for extremist or terrorist crimes but are still assessed as posing a potential threat to society.

[87] Estimates range from 800,000 to more than 2 million. Department of State, "2018 Report on International Religious Freedom: China," op. cit.; Mamatjan Juma, "'At Least One Million People in the Camps Full Time': Deputy Assistant Secretary Scott Busby," *Radio Free Asia*, May 15, 2019; "Apartheid with Chinese Characteristics," op. cit.; Adrian Zenz, "New Evidence for China's Political Re-education Campaign in Xinjiang," *China Brief (Jamestown Foundation)*, May 15, 2018.

[88] Uyghur Human Rights Project, "UHRP Update: 435 Intellectuals Detained and Disappeared in the Uyghur Homeland," May 21, 2019.

[89] Nathan VanderKlippe, "It Is About Xi as the Leader of the World," *The Globe and Mail*, July 3, 2018; "China Runs Region-wide Re-education Camps in Xinjiang for Uyghurs and other Muslims," *Radio Free Asia*, September 11, 2017.

[90] "Inside the Camps Where China Tries to Brainwash Muslims Until They Love the Party and Hate Their Own Culture," *South China Morning Post*, May 17, 2018.

[91] Timothy Grose, "'Once Their Mental State Is Healthy, They Will Be Able to Live Happily in Society,'" *China File*, August 2, 2019; "Full Transcript: Interview with Xinjiang Government Chief on Counterterrorism, Vocational Education and Training in Xinjiang," *Xinhua News Agency*, October 16, 2018.

[92] State Council Information Office of the People's Republic of China, "Vocational Education and Training in Xinjiang," August 2019.

[93] "Skeptical Scholar Says Visit to Xinjiang Internment Camps Confirms Western Media Reports," *Radio Free Asia*, August 29, 2019.

relatives in Xinjiang.[94] Some reports indicate that many of those released from re-education centers have been placed under house arrest or in state-run factories, and continue to be held under close political supervision.[95]

Hui Muslims

The Hui, another Muslim minority group in China who number around 11 million, largely have practiced their faith with less government interference.[96] The Hui are more geographically dispersed and culturally assimilated than the Uyghurs, are generally physically indistinguishable from Hans, and do not speak a non-Chinese language. China's new religious policies have affected the Hui and other Muslims outside of Xinjiang, but less severely than the Uyghurs. Nonetheless, authorities in the Ningxia Hui Autonomous Region have ordered mosques to be "Sinicized"—minarets have been taken down, onion domes have been replaced by traditional Chinese roofs, and Islamic motifs and Arabic writings have been removed. Officials have cancelled Arabic classes in some mosques and private schools, and calls to prayer have been banned in Yinchuan, the capital of Ningxia. In Beijing, authorities have mandated that Arabic signage over Halal food shops be removed.[97]

In August 2018, thousands of Hui Muslims gathered in front of a newly-built mosque in Weizhou, Ningxia, in an attempt to block the government's announced demolition of the building due in part to its Middle Eastern architectural style. While the government backed down on its threat to destroy the mosque, PRC anticorruption investigators have begun investigating local Hui officials who they say have "strayed from the party's leadership and political discipline in religious matters."[98]

[94] "China's Claim that Most Uyghurs Have Been Freed from the Camps 'Devoid of Credibility,'" *Radio Free Asia*, July 30, 2019.

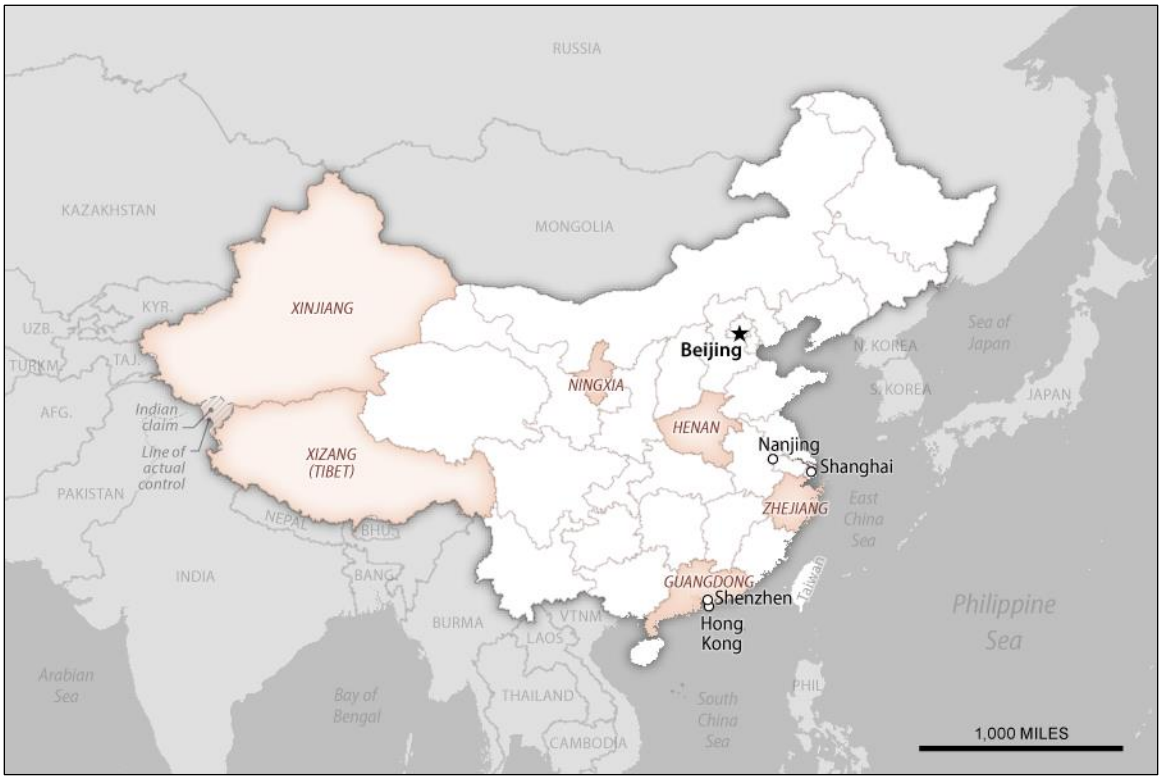
[95] Timothy Grose, op. cit.; Adrian Zenz, "Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang," *SocArXiv Papers*, July 12, 2019.

[96] United States Commission on International Religious Freedom, *2019 Annual Report*, op. cit.

[97] Huizhong Wu, "Sign of the Times: China's Capital Orders Arabic, Muslims Symbols Taken Down," *Reuters*, July 31, 2019; "How China is Trying to Impose Islam with Chinese Characteristics in the Hui Muslim Heartland," *South China Morning Post*, May 14, 2018.

[98] William Zhang, "Chinese Religion Official in Corruption Spotlight 'in Aftermath of Mosque Demolition Protest,'" *South China Morning Post*, July 2, 2019.

Figure 1. Map of China: Selected Places of Notable Reported Human Rights Abuses



Source: Created by CRS. Map information from U.S. Department of State and Esri 2018 Data and Maps.

Notes: This map highlights places discussed in this report.

U.S. Efforts to Advance Human Rights in China

Human Rights and U.S.-China Relations

Human rights conditions in the PRC have been a recurring point of friction and source of mutual mistrust in U.S.-China relations, particularly since the Tiananmen Square crackdown in 1989 and the end of the Cold War in 1991. China's persistent human rights violations, as well as its authoritarian political system, often have caused U.S. policymakers and/or the American public to view the PRC government with greater suspicion. Chinese officials may in turn view expressed human rights concerns by U.S. policymakers, and the broader U.S. democracy promotion agenda, as tools meant to undermine CCP rule and slow China's rise.[99] Frictions over human rights may affect other issues in the relationship, including those related to economics and security. In engaging China on human rights issues, the United States has often focused on China's inability or unwillingness to respect universal civil and political rights, while China prefers to tout its progress in delivering economic development and well-being, and advancing social rights for its people, including ethnic minorities.[100]

[99] Kenneth Lieberthal and Wang Jisi, "Addressing U.S.-China Strategic Distrust," Brookings Institution, March 2012.

[100] "Seeking Happiness for People: 70 Years of Progress on Human Rights in China," State Council Information Office of the People's Republic of China, September 2019. Accessible at http://en.people.cn/n3/2019/0923/c90000-9616720.html.

Selected Notable Laws Related to Human Rights in China (1989 to Present)

P.L. 101-246: Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, Section 902 (Tiananmen Square Sanctions).

P.L. 106-286: Normal Trade Relations for the People's Republic of China (PNTR Act). Title III, Section 301 established the Congressional-Executive Commission on China and authorized human rights and rule of law programs. Title V, Section 511, Title VII, Section 701, and other sections of the act established commercial and labor rule of law programs and made other policy references related to human rights abuses in China.

P.L. 107-228: Tibetan Policy Act of 2002, included in the Foreign Relations Authorization Act, FY2003, Title VI, Sections 611-621).

P.L. 108-333: North Korean Human Rights Act of 2004, Title III (Protecting North Korean Refugees), and subsequent reauthorizations.

P.L. 109-287: The Fourteenth Dalai Lama Congressional Gold Medal Act.

P.L. 115-330: Reciprocal Access to Tibet Act of 2018.

P.L. 115-409: Asia Reassurance Initiative Act of 2018, Title IV (Promoting United States Values in the Indo-Pacific Region).

U.S. Policy Evolution

In the period following the 1989 Tiananmen Square crackdown, the United States sought to leverage China's desire for "most favored nation" (MFN) trade status by linking its annual renewal to improvements in human rights conditions in China.[101] The Clinton Administration ultimately abandoned this direct linkage, however, in favor of a general policy of engagement with China that it hoped would contribute to improved respect for human rights and greater political freedoms for the Chinese people.[102] President Bill Clinton, in his 1999 State of the Union Address, summed up the long-term aspirations of this approach, stating, "It's important not to isolate China. The more we bring China into the world, the more the world will bring change and freedom to China."[103] In the following more than two decades, U.S. Administrations and Congresses employed broadly similar strategies for promoting human rights in China, combining efforts to deepen trade and other forms of engagement to help create conditions for positive change, on the one hand, with specific human rights promotion efforts, on the other.[104] Presidents Bill Clinton, George W. Bush, and Barack Obama held that U.S. engagement with China and encouraging China to respect international norms, including on human rights, would result in mutual benefits, including China's own success and stability.[105]

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[101] John M. Broder and Jim Mann, "Clinton Reverses His Policy, Renews China Trade Status," *Los Angeles Times,* May 27, 1994. See also CRS Report 98-603, *China's Most-Favored-Nation-Status: Congressional Consideration, 1989-1997,* by Kerry Dumbaugh, August 1, 1998 (out of print; available to congressional clients on request).

[102] John M. Broder, "Clinton Defends Engagement with China," *New York Times*, October 25, 1997; "Clinton Defends China Trip, Engagement Policy," *CNN,* June 11, 1998. China's annual MFN renewal process continued to trigger debate in Congress over human rights conditions in China (among other issues) until Congress granted China Permanent Normal Trade Relations (PNTR) in 2000.

[103] President Bill Clinton, *State of the Union Address*, January 19, 1999.

[104] Some analysts now debate the extent to which China's political liberalization was a concrete goal of U.S. engagement with China. For contrasting views, see Alastair Iain Johnston, "The Failures of the 'Failure of Engagement' with China," *The Washington Quarterly*, volume 42, issue 2 (Summer 2019), pp. 99-114; and Hal Brands, "Every President Since Reagan Was Wrong About China's Destiny," *Bloomberg*, July 23, 2019.

[105] Department of State, "Press Conference Following U.S.-China Human Rights Dialogue," Beijing, China, August 2, 2013; Ewen MacAskill and Tania Branigan, "Obama Presses Hu Jintao on Human Rights During White House

Policy tools for promoting human rights have included open censure of China; quiet diplomacy, such as closed-door discussions; congressional investigations, hearings, legislation, statements, letters, and visits; funding for human rights and democracy foreign assistance programs in the PRC; congressionally-mandated reports on human rights in China; support for human rights defenders and pro-democracy groups in China, Hong Kong, and the United States; economic sanctions; efforts to promote Internet freedom; support for international broadcasting; and coordination of international pressure, including through multilateral organizations. In addition, some U.S. officials and Members of Congress have regularly met with Chinese dissidents and with the Dalai Lama and exiled Tibetan officials, in both Washington, D.C. and Dharamsala, India, where the headquarters of the Central Tibetan Administration (sometimes referred to as the Tibetan government-in-exile) is located.[106] Beijing opposes such meetings as encouraging Tibetan independence and contravening the U.S. policy that Tibet is part of China.[107]

Selected Pending Legislation in the 116th Congress

H.R. 649: Uyghur Human Rights Policy Act of 2019. (Smith, Christopher, introduced January 17, 2019)

S. 178: Uyghur Human Rights Policy Act of 2019. (Rubio, agreed to in Senate, September 11, 2019)

H.R. 1025: UIGHUR Act of 2019. (Sherman, introduced February 26, 2019)

H.Res. 393: Remembering the victims of the violent suppression of democracy protests in Tiananmen Square and elsewhere in China on June 3 and 4, 1989, and calling on the Government of the People's Republic of China to respect the universally recognized human rights of all people living in China and around the world. (McGovern, agreed to in House, June 4, 2019)

S.Res. 274: A resolution expressing solidarity with Falun Gong practitioners who have lost lives, freedoms, and other rights for adhering to their beliefs and practices, and condemning the practice of non-consenting organ harvesting, and for other purposes. (Menendez, Introduced July 11, 2019)

S.Res. 221: A resolution recognizing the 30th anniversary of the Tiananmen Square massacre and condemning the intensifying repression and human rights violations by the Chinese Communist Party and the use of surveillance by Chinese authorities, and for other purposes. (Gardner, agreed to in Senate, June 5, 2019)

H.Res. 493: Condemning the persecution of Christians in China. (Hartzler, introduced July 16, 2019)

S. 2386: TIANANMEN Act of 2019 (Targeting Invasive Autocratic Networks, And Necessary Mandatory Export Notifications Act of 2019) A bill to impose sanctions with respect to surveillance in the Xinjiang Uygur Autonomous Region of the People's Republic of China, and for other purposes. (Cruz, introduced July 31, 2019)

H.R. 4331: Tibet Policy and Support Act of 2019 (To modify and reauthorize the Tibetan Policy Act of 2002, and for other purposes). (McGovern, introduced September 13, 2019)

S. 2539: A bill to modify and reauthorize the Tibetan Policy Act of 2002, and for other purposes. (Rubio, introduced September 24, 2019)

Trump Administration Policy

In recent years, policy analysts have increasingly debated the effectiveness of aspects of the U.S. engagement strategy with China, including, in light of China's deepening domestic political repression, its results in securing improvements in Beijing's respect for human rights and political

Welcome," *Guardian.co.uk*, January 19, 2011; "Transcript of Bob Costas' Interview with President George W. Bush," *PRNewsChannel.com*, August 11, 2008; "Bush Woos China on Trade," *BBC News*, May 30, 2001; "Clinton Defends 'Constructive Engagement' of China," *CNN.com*, October 24, 1997.

[106] For example, in August 2019, a delegation of U.S. Congressional Representatives met with the Dalai Lama in Dharamsala, India. Dr. Lobsang Sangay, President of the Central Tibetan Administration, met with Members of Congress during a November 2018 visit to Washington, DC. The Dalai Lama met with President Obama in Washington, DC, in July 2016.

[107] Saibal Dasgupta, "China Objects to US Congress Delegation Meeting Dalai Lama in India," *Times of India*, May 10, 2017.

freedoms.[108] Under President Trump, U.S. policy documents have declared that China's international integration has not liberalized its political or economic system, and the United States has begun to place less emphasis on engagement.[109] The Trump Administration has referred to China as a "revisionist power," a strategic competitor, or even an adversary, and curtailed some government-to-government cooperation.[110] Some critics of the Administration's China policy argue that U.S. effectiveness and credibility on human rights is strengthened when the United States works with allies and within international organizations to promote human rights and democracy globally and in China, while maintaining openness to engaging China's government and society, where appropriate.[111]

A U.S. policy approach that is less concerned with maintaining broad engagement with China may afford greater space and opportunity to push the PRC on human rights concerns. Trump Administration efforts in this area arguably have been uneven to date, with some commentators criticizing the Administration for inconsistency in its commitment to human rights issues as it pursues other priorities with China, particularly on trade.[112] More broadly, the Administration has placed less emphasis on existing multilateral institutions and on multilateral diplomacy in its foreign policy, including with regard to human rights.[113]

The forcefulness of the Administration's public rhetoric on PRC human rights issues has differed between the President and some senior Administration officials. Since 2018, some Administration officials have used increasingly sharp language on China's human rights abuses. Vice President Mike Pence's October 2018 speech on the Administration's China policy, which was critical of China across a broad set of policy areas, cited concern over China's "control and repression of its own people" and referenced "an unparalleled surveillance state."[114] At the announcement of the

[108] For examples of different views on this subject, see Bill Bishop, "Jim Mann Details Why 'Engagement' with China Failed," *Axios*, December 14, 2018; Kurt M. Campbell and Ely Ratner, "The China Reckoning," *Foreign Affairs*, March/April 2018; "Did America Get China Wrong?" *Foreign Affairs*, July/August 2018; and Jeffrey Bader, "U.S.-China Relations: Is It Time to End the Engagement?" *Brookings Institution Policy Brief*, September 2018.

[109] The Trump Administration's December 2017 *National Security Strategy* states, "The United States helped expand the liberal economic trading system to countries that did not share our values, in the hopes that these states would liberalize their economic and political practices … these countries distorted and undermined key economic institutions without undertaking significant reform of their economies or politics." Referring to China in particular, it states, "For decades, U.S. policy was rooted in the belief that support for China's rise and for its integration into the post-war international order would liberalize China. Contrary to our hopes, China expanded its power at the expense of the sovereignty of others." The White House, *National Security Strategy of the United States of America*, December 2017.

[110] Department of Defense, *Indo-Pacific Strategy Report: Preparedness, Partnerships, and Promoting a Networked Region*, June 1, 2019; Robert Delaney, "US Justice Department Official Calls China a 'Foreign Adversary' That Lacks Commitment to Rule of Law," *South China Morning Post*, February 26, 2019; Director of National Intelligence, *National Intelligence Strategy of the United States of America*, January 2019; Jeffrey Bader, "U.S.-China Relations: Is It Time to End the Engagement?" *Brookings Institution Policy Brief*, September 2018; Department of Defense, "Summary of the 2018 National Defense Strategy," January 19, 2018; "Trump Labels China a Strategic 'Competitor,'" *Financial Times*, December 18, 2017.

[111] For examples of arguments along these lines, see James Millward, "We Need a Better Middle Road on China. Here's How We Can Find It," *Washington Post*, August 6, 2019; Kurt M. Campbell and Jake Sullivan, "Competition Without Catastrophe: How America Can Both Challenge and Coexist with China," *Foreign Affairs*, September/October 2019; and M. Taylor Fravel, J. Stapleton Roy, Michael D. Swaine, Susan A. Thornton, and Ezra Vogel, "China is Not an Enemy," *Washington Post*, July 3, 2019.

[112] Washington Post Editorial Board, "Trump Speaks out on China's Human Rights Abuses—When It's Convenient," *Washington Post*, July 12, 2019.

[113] See the "Multilateral Diplomacy" section below.

[114] The White House, "Remarks by Vice President Pence on the Administration's Policy Toward China," October 4, 2018.

Department of State's 2019 release of its annual report on human rights practices around the world, Secretary of State Michael Pompeo stated that China was in a "league of its own" in the area of human rights violations.[115] In July 2019, Pompeo described the situation in Xinjiang in particular as "one of the worst human rights crises of our time," and "the stain of the century."[116]

President Trump generally has not publicly raised the issue of human rights in China and reportedly remains focused largely on trade issues.[117] In July 2019, President Trump met with survivors of religious persecution around the world, including four individuals from China: a Uyghur Muslim, a Tibetan Buddhist, a Christian, and a Falun Gong practitioner.[118] In September 2019 at a United Nations event on religious freedom, the President issued a broad statement calling for an end to religious persecution, but did not mention religious freedom issues in China specifically; his later remarks to the U.N. General Assembly, as they related to China, emphasized trade issues.[119]

The Trump Administration has not attempted to restart the U.S.-China Human Rights Dialogue, which Beijing suspended in 2016.[120] Many other operative elements of U.S. human rights policy toward China, however, reflect continuity with prior administrations; many are statutorily mandated and/or continue to be funded by Congress (as described below). The State Department's most recent "integrated country strategy" for China, released in August 2018, includes an objective to "advocate for and urge China to adhere to the rule of law, respect the individual rights and dignity of all its citizens, and ease restrictions on the free flow of information and ideas to advance civil society."[121]

Policy Options and Tools

Human Rights and Democracy Foreign Assistance Programs

Since 2001, U.S. foreign assistance programs have sought to promote human rights, civil society, democracy, rule of law, and Internet freedom in China. In addition, some programs also have addressed environmental and rule of law issues and focused upon sustainable development, environmental conservation, and preservation of indigenous culture in Tibetan areas of China. U.S.-funded programs do not provide assistance to PRC government entities or directly to Chinese non-governmental organizations (NGOs), and are predominantly awarded in the form of grants to U.S.-based NGOs and academic institutions.

[115] Nick Wadhams, "U.S. Calls Out China's 'Remarkably Awful' Human Rights Abuses," *Bloomberg*, March 13, 2019.

[116] U.S. Department of State, "Secretary of State Michael R. Pompeo Keynote Address at the Ministerial to Advance Religious Freedom," July 18, 2019.

[117] See, for example, Demetri Sevastopulo and Sue-Lin Wong, "Trump Softened Stance on Hong Kong Protests to Revive Trade Talks," *Financial Times*, July 10, 2019.

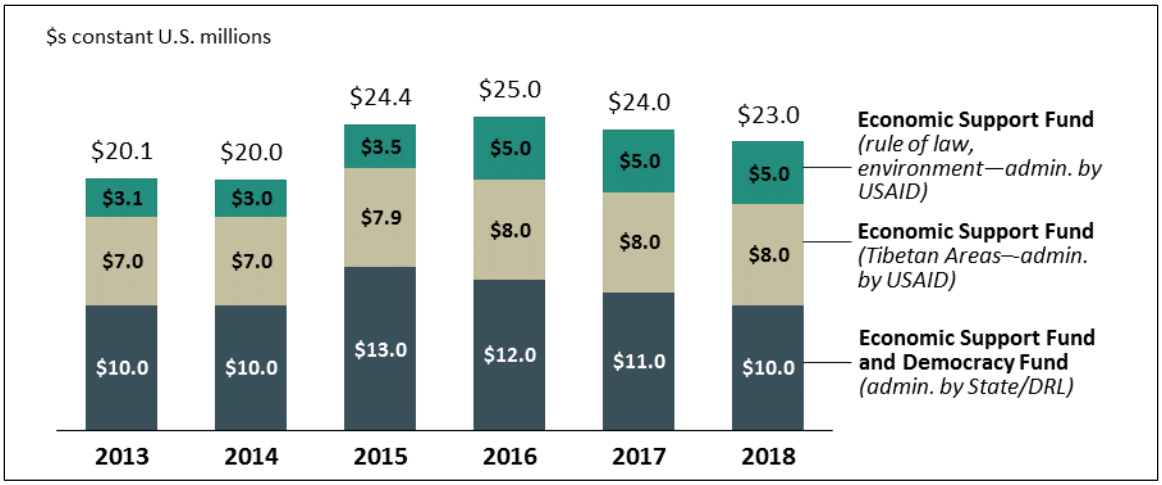
[118] The White House, "Remarks by President Trump in Meeting with Survivors of Religious Persecution," July 17, 2019.

[119] The White House, "Remarks by President Trump at the United Nations Event on Religious Freedom," September 23, 2019; The White House, "Remarks by President Trump to the 74th Session of the United Nations General Assembly," September 25, 2019.

[120] Dui Hua Foundation, "Dui Hua Visits DC for Government, NGO Meetings," *Dui Hua Digest*, July 18, 2016.

[121] U.S. State Department, *Integrated Country Strategy—China*, August 29, 2018. The State Department describes an integrated country strategy as a "four-year strategy that articulates the U.S. priorities in given country," and that is informed by overarching planning documents such as the National Security Strategy. See U.S. State Department, "Integrated Country Strategies," https://go.usa.gov/xVjDe.

Figure 2. U.S. Human Rights, Democracy, and Tibetan Assistance Programs in China (Department of State and USAID), FY2013-FY2018



Source: Created by CRS. Data from U.S. Department of State.

Notes: USAID refers to the United States Agency for International Development; DRL refers to the State Department's Bureau of Democracy, Human Rights, and Labor. FY2018 numbers are estimated. This chart does not include all past and present U.S.-funded programs in China. Other recent U.S. assistance activities in China include HIV/AIDS prevention, care and treatment, criminal justice, and Peace Corps.

The State Department's Bureau of Democracy, Human Rights, and Labor (DRL) has generally administered programs to promote human rights and democracy in China, while the U.S. Agency for International Development (USAID) has administered the aforementioned programs in Tibet and some additional programs in the areas of the environment and rule of law.[122] DRL programs across China have generally supported rule of law development, civil society, labor rights, religious freedom, government transparency, public participation in government, and Internet freedom.[123] Between 2001 and 2018, the U.S. government provided approximately $241 million for DRL programs in China, $99 million for Tibetan programs, and $72 million for environmental and rule of law efforts in the PRC (see **Figure 2** above). Since 2015, Congress has appropriated additional funds for Tibetan communities in India and Nepal ($6 million in FY2019). Since 2018, Congress also has provided $3 million annually to strengthen institutions and governance in the Tibetan exile communities.[124]

National Endowment for Democracy Grants

Established in 1983, the National Endowment for Democracy (NED) is a private, nonprofit foundation "dedicated to the growth and strengthening of democratic institutions around the

[122] A brief description of USAID's China programs is available on USAID's website at https://www.usaid.gov/china.

[123] DRL's most recent public request for China grant proposals described potential projects in numerous broad areas, including improving Chinese citizens' rights awareness and access to justice, as well as promoting freedom of expression, freedom of religion, government transparency, and labor rights. See Department of State, "Bureau of Democracy, Human Rights and Labor Request for Statements of Interest: China Programs," Grants.gov Grant Opportunity # SFOP0005462, October 30, 2018.

[124] The Consolidated Appropriations Act, FY2019 appropriated Economic Support Fund (ESF) account funding of $17 million for human rights and democracy, environmental, and rule of law programs in China (including $1 million for democracy programs in Hong Kong) and $8 million (ESF) for programs in Tibetan areas. See H.Rept. 116-9 to accompany H.J.Res. 31, Consolidated Appropriations Act, FY2019 (P.L. 116-6).

world."[125] Funded primarily by an annual congressional appropriation, NED has played an active role in promoting human rights and democracy in China since the mid-1980s.

A grant-making institution, NED has supported projects in China carried out by grantees that include its four affiliated organizations;[126] Chinese, Tibetan, and Uyghur human rights and democracy groups and media platforms based in the United States and Hong Kong; and a small number of NGOs based in mainland China. Program areas have included efforts related to prisoners of conscience; rights defenders; freedom of expression; civil society; the rule of law; public interest law; Internet freedom; religious freedom; promoting understanding of Tibetan, Uyghur, and other ethnic concerns in China; government accountability and transparency; political participation; labor rights; public policy analysis and debate; and rural land rights, among others.

NED currently describes China as a priority country in Asia in light of the "significant and systemic challenges to democratization" there.[127] NED grants for China (including Tibet and Hong Kong) totaled approximately $7 million in 2017 and $6.5 million in 2018. This support is provided using NED's regular congressional appropriations.

International Broadcasting

The U.S. Agency for Global Media (USAGM; formerly the Broadcasting Board of Governors) utilizes international broadcasting and media activities to "advance the broad foreign policy priorities of the United States, including the universal values of freedom and democracy."[128] It targets resources to areas "most impacted by state-sponsored disinformation" (as well as by violent extremism), and identifies people in China as a key audience.[129] USAGM-supported Voice of America (VOA) and Radio Free Asia (RFA) provide external sources of independent or alternative news and opinion to Chinese audiences. The two media services play small but unique roles in providing U.S.-style broadcasting, journalism, and public debate in China. VOA, which offers mainly U.S. and international news, and RFA, which serves as an uncensored source of domestic Chinese news, often report on important world and local events, including human rights issues.

The PRC government regularly jams and blocks VOA and RFA Mandarin, Cantonese, Tibetan, and Uyghur language radio and television broadcasts and Internet sites, while VOA English services generally receive less interference. VOA and RFA have made efforts to enhance their Internet services, develop circumvention or counter-censorship technologies, and provide access to their programs on social media platforms. USAGM increasingly emphasizes digital and social media content in China, arguing that these are "effective channels for information-seeking people to evade government firewalls." The agency describes RFA Uyghur as the "only Uyghur language news outlet for the Xinjiang Uyghur Autonomous Region," and states that the outlet's social media content is popular among the Uyghur exile community, which shares the content with Uyghurs in Xinjiang.[130]

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[125] National Endowment for Democracy, https://www.ned.org/about/.

[126] These organizations, sometimes referred to as NED's "core institutes," are the National Democratic Institute, the International Republican Institute, the American Center for International Labor Solidarity, and the Center for International Private Enterprise.

[127] National Endowment for Democracy, "Asia," https://www.ned.org/region/asia/.

[128] U.S. Agency for Global Media, *Fiscal Year 2020 Congressional Budget Justification*, released March 18, 2019.

[129] Ibid.

[130] Ibid.

Congressional-Executive Commission on China (CECC)

In 2000, the legislation that granted permanent normal trade relations (PNTR) treatment to China (P.L. 106-286) included provisions to enable Congress to continue to have leverage on human rights in China. The PNTR Act created the Congressional-Executive Commission on China (CECC) to monitor human rights and the rule of law in China and to submit an annual report with recommendations to the President and Congress. In addition to producing this report, the CECC holds hearings and roundtables on rights-related topics, provides news and analysis, tracks pertinent PRC laws and regulations, and maintains a publicly accessible database of political prisoners. Pursuant to the PNTR Act, the Commission is to consist of nine Senators, nine Members of the House of Representatives, five senior Administration officials appointed by the President (Departments of State, Commerce, and Labor), and a professional staff. Congress funds the CECC's operating costs through the Department of State, Foreign Operations, and Related Programs Appropriations Acts, typically at a level of $2 million annually.

Sanctions

China is subject to some U.S. economic sanctions in response to its human rights conditions. The sanctions' effects have been limited, however, and arguably largely symbolic. Many sanctions imposed on China as a response to the 1989 Tiananmen crackdown (including restrictions on foreign aid, military and government exchanges, and export licenses) are no longer in effect.[131] Remaining Tiananmen-related sanctions suspend Overseas Private Investment Corporation programs and restrict export licenses for U.S. Munitions List (USML) items and crime control equipment.[132]

The United States also limits its support for international financial institution (IFI) lending to China for human rights reasons.[133] For example, U.S. representatives to IFIs may by law support projects in Tibet only if they do not encourage the migration and settlement of non-Tibetans into Tibet or the transfer of Tibetan-owned properties to non-Tibetans, due in part to the potential for such activities to erode Tibetan culture and identity.[134] Relatedly, China also has been subject to potential nonhumanitarian and nontrade-related foreign assistance restrictions as a result of its State Department designation as a "Tier 3" (worst) country for combating human trafficking in recent years.[135]

Sanctions on Individuals

The Global Magnitsky Human Rights Accountability Act, enacted as part of the National Defense Authorization Act for FY2017 (P.L. 114-328, Subtitle F, Title XII), authorizes the President to impose both economic sanctions and visa denials or revocations against foreign individuals responsible for "gross violations of internationally recognized human rights."[136] The Trump Administration has thus far sanctioned one Chinese security official, Gao Yan, pursuant to the

[131] For further information, see CRS Report R44605, *China: Economic Sanctions*, by Dianne E. Rennack.

[132] Foreign Relations Authorization Act of 1990-1991 (P.L. 101-246), §902 ("Tiananmen sanctions").

[133] International Financial Institutions Act (P.L. 95-118), §710(a).

[134] The Consolidated Appropriations Act, FY2019 (P.L. 116-6, §7043(g); Tibetan Policy Act of 2002, Foreign Relations Authorization Act, FY2003 (P.L. 107-228), §616.

[135] For further information see CRS Report R44953, *The State Department's Trafficking in Persons Report: Scope, Aid Restrictions, and Methodology*, by Liana W. Rosen.

[136] The Trump Administration is implementing the act through Executive Order 13818, which also invokes the Presidential emergency authorities in the National Emergencies Act and the International Emergency Economic Powers Act. For further information, see CRS In Focus IF10576, *The Global Magnitsky Human Rights Accountability Act*, by Dianne E. Rennack.

Global Magnitsky Act. According to the Treasury Department, Gao headed the Public Security Bureau branch in Beijing at which human rights activist Cao Shunli was held and denied medical treatment; Cao died in March 2014.[137] The executive branch may also utilize Section 7031(c) of the Department of State, Foreign Operations, and Related Appropriations Act, 2019 (Division F of P.L. 116-6) or the broad authorities under Section 212 of the Immigration and Nationality Act (INA) to impose visa sanctions on individuals responsible for human rights abuses.[138]

Numerous human rights advocates and Members of Congress have called on the Trump Administration to sanction Chinese government officials responsible for the human rights abuses occurring in Xinjiang; many have argued for Global Magnitsky sanctions against XUAR Party Secretary Chen Quanguo, in particular.[139] Press reports suggest the Trump Administration has been considering sanctions under the Global Magnitsky Act against Xinjiang officials, but has delayed actions in the midst of the U.S.-China bilateral trade negotiations.[140] In October 2019, the State Department announced visa restrictions against an unspecified number of "Chinese government and Communist Party officials who are believed to be responsible for, or complicit in, the detention or abuse of Uighurs, Kazakhs, or other members of Muslim minority groups" in Xinjiang, and stated that the officials' family members may also be subject to visa restrictions.[141]

Designations and Actions Pursuant to the International Religious Freedom Act

The International Religious Freedom Act of 1998 (IRFA, P.L. 105-292) mandates that the President produce an annual report on the status of religious freedom in countries around the world and identify "countries of particular concern" (CPCs) for "particularly severe violations of religious freedom," and prescribes punitive actions in response to such violations. The law provides a menu of potential sanctions against CPCs, such as foreign assistance restrictions or loan prohibitions, but provides the executive branch with significant discretion in determining which, if any, actions to take.[142]

U.S. reports under IRFA have been consistently critical of China's religious freedom conditions, and the U.S. government has designated China as a CPC in each of its annual designation announcements since IRFA's enactment. Consistent with prior administrations, the Trump Administration has to date chosen not to take new actions against the Chinese government

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[137] U.S. Department of the Treasury, "United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe," December 21, 2017.

[138] For more information, see CRS In Focus IF10905, *Targeting Foreign Corruption and Human Rights Violators in FY2019 Consolidated Appropriations*, by Liana W. Rosen and Michael A. Weber.

[139] For example, see Human Rights Watch, " 'Eradicating Ideological Viruses': China's Campaign of Repression Against Xinjiang's Muslims," September 9, 2018; Jerome A. Cohen, "Xinjiang and the Global Magnitsky Act," August 23, 2018, http://www.jeromecohen.net/jerrys-blog/2018/8/23/xinjiang-the-global-magnitsky-act; Renee Xia and Frances Eve, "China's Ethnic Cleansing Met with US Inaction Under Global Magnitsky Law," China Human Rights Defenders, May 26, 2019; and the April 3, 2019, letter from Senators and Members of Congress to Secretaries Mike Pompeo, Wilbur Ross, and Steven Mnuchin. The letter is accessible at https://www.rubio.senate.gov/public/index.cfm/2019/4/rubio-menendez-colleagues-urge-for-global-magnitsky-sanction-against-xuar-communist-party-officials.

[140] Alan Rappeport and Edward Wong, "In Push for Trade Deal, Trump Administration Shelves Sanctions over China's Crackdown on Uighurs," *New York Times*, May 4, 2019; Nectar Gan and Owen Churchill, "US sanctions over Xinjiang's Uygur Internment Camps Are 'Ready to Go' Except for Treasury Hold-Up Due to Trade War, Sources Say," *South China Morning Post*, June 21, 2019.

[141] U.S. Department of State, "U.S. Department of State Imposes Visa Restrictions on Chinese Officials for Repression in Xinjiang," October 9, 2019.

[142] For further information, see CRS In Focus IF10803, *Global Human Rights: International Religious Freedom Policy*, by Michael A. Weber.

pursuant to IRFA and instead referred to existing, ongoing sanctions to satisfy the law's requirements.[143] These existing sanctions relate to the above-mentioned restrictions on exports of crime control and detection equipment adopted following the Tiananmen crackdown.

Visa Sanctions Pursuant to the Reciprocal Access to Tibet Act

The Reciprocal Access to Tibet Act (RATA, P.L. 115-330), enacted in December 2018, requires that, absent a waiver by the Secretary of State, no individual determined to be "substantially involved in the formulation or execution of policies related to access for foreigners to Tibetan areas" may receive a visa or be admitted to the United States while PRC policies restricting foreigners' access to Tibetan areas of China remain in place. The State Department is to report to Congress annually for five years following RATA's enactment, identifying the individuals who had visas denied or revoked pursuant to the law, and, "to the extent practicable," provide a broader list of the "substantially involved" individuals.[144]

Export Controls

On October 7, 2019, the U.S. Department of Commerce announced that it would add 28 PRC entities to the Bureau of Industry and Security (BIS) "entity list" under the Export Administration Regulations (EAR), asserting that the entities "have been implicated in human rights violations and abuses in the implementation of China's campaign of repression, mass arbitrary detention, and high-technology surveillance against Uighurs, Kazakhs, and other members of Muslim minority groups in the XUAR."[145] The entities to be added include eight technology companies, the XUAR Public Security Bureau (PSB) and eighteen subordinate PSBs, and the PSB-affiliated Xinjiang Police College.[146] The action imposes licensing requirements prior to the sale or transfer of U.S. items to these entities.[147] For each entity, the Commerce Department indicated that there would be a presumption of license denial for all items subject to the EAR, with the exception of certain categories to be subject to a case-by-case review.[148]

Secretary of Commerce Wilbur Ross stated that adding the entities would "ensure that our technologies, fostered in an environment of individual liberty and free enterprise, are not used to repress defenseless minority populations."[149] Previously, Members of Congress had written to

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[143] IRFA provided the President authority (subsequently delegated to the Secretary of State) to refer to existing "ongoing, multiple, broad-based sanctions in response to human rights violations" to satisfy IRFA's requirements. See 22 U.S.C. 6442.

[144] The first such report is due to Congress by December 19, 2019.

[145] U.S. Department of Commerce Bureau of Industry and Security, "Addition of Certain Entities to the Entity List," 84 *Federal Register* 54002, October 9, 2019.

[146] According to the *Federal Register* notice of the Commerce Department decision, the technology companies include Dahua Technology, Hikvision, IFLYTEK, Megvii Technology, SenseTime, Xiamen Meiya Pico Information Co. Ltd., Yitu Technologies, and Yixin Science and Technology Co. Ltd. U.S. Department of Commerce Bureau of Industry and Security, "Addition of Certain Entities to the Entity List," 84 *Federal Register* 54002, October 9, 2019.

[147] §744.11 of the EAR describes how BIS may impose licensing requirements "to entities acting contrary to the national security or foreign policy interest of the United States." See Code of Federal Regulations, 15 C.F.R. 744. For further information, see CRS In Focus IF11154, *Export Controls: New Challenges*, by Ian F. Fergusson.

[148] These categories generally relate to nuclear, biological, and chemical detection and protection, explosives detection and identification, and radiation detection, monitoring, and measurement. See Export Control Classification Numbers (ECCNs) in U.S. Department of Commerce Bureau of Industry and Security, "Addition of Certain Entities to the Entity List," 84 *Federal Register* 54002; and U.S. Department of Commerce, "Export Administration Regulations Downloadable Files," https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear.

[149] U.S. Department of Commerce, "U.S. Department of Commerce Adds 28 Chinese Organizations to Its Entity List,"

Secretary Ross and other senior Administration officials urging them to expand the entity list "to ensure that U.S. companies are not assisting, directly or indirectly, in creating the vast civilian surveillance or big-data predictive policing systems being used in [Xinjiang]."[150] Some observers believe the decision could result in significant adverse business impacts for some of the Chinese technology companies.[151]

Multilateral Diplomacy

The United States also has engaged in multilateral diplomacy to advocate for improved human rights conditions in China. For example, in March 2016, the United States joined 11 other countries to deliver a joint statement at the United Nations Human Rights Council criticizing China's human rights record and calling on China to uphold its human rights commitments.[152]

The Trump Administration has curtailed U.S. participation in some multilateral human rights organizations, most prominently by announcing the U.S. withdrawal from the UNHRC in June 2018, and arguably has placed less emphasis on multilateral diplomacy.[153] The United States reportedly did not sign a 2018 joint letter by 15 foreign ambassadors in Beijing requesting a meeting with XUAR Party Secretary Chen Quanguo to raise concerns over human rights abuses in Xinjiang.[154] On July 8, 2019, 22 nations issued a joint statement to the UNHRC president and the U.N. High Commissioner on Human Rights calling on China to "refrain from the arbitrary detention and restrictions on freedom of movement of Uighurs, and other Muslim and minority communities in Xinjiang," and to "allow meaningful access to Xinjiang for independent international observers."[155] The statement, which was signed by numerous countries that are not current members of the UNHRC, was not signed by the United States.

The Trump Administration has sought some new venues through which to issue multilateral statements on certain PRC human rights issues, particularly on religious freedom. The State Department convened a *Ministerial to Advance Religious Freedom* in July 2018 and July 2019, with participation from foreign delegations and civil society leaders, and each time released a joint statement expressing concern over religious freedom conditions in China. The United States

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October 7, 2019.

[150] The letter is accessible at https://go.usa.gov/xVjDS.

[151] Ana Swanson and Paul Mozur, "U.S. Blacklists 28 Chinese Entities over Abuses in Xinjiang," *New York Times,* October 7, 2019; David Shepardson and Josh Horwitz, "U.S. Expands Blacklist to Include China's Top AI Startups Ahead of Trade Talks," *Reuters,* October 7, 2019.

[152] U.S. Ambassador to the U.N. Human Rights Council Keith Harper, "Joint Statement—Human Rights Situation in China," March 10, 2016.

[153] The Trump Administration had criticized the Human Rights Council on various grounds, including for a perceived disproportionate focus on Israel and for allowing countries with poor human rights records to serve as members. For more information on the U.N. Human Rights Council and U.S. participation, see CRS Report RL33608, *The United Nations Human Rights Council: Background and Policy Issues,* by Luisa Blanchfield.

[154] Philip Wen, Michael Martina, and Ben Blanchard, "Exclusive: In Rare Coordinated Move, Western Envoys Seek Meeting on Xinjiang Concerns," *Reuters,* November 15, 2018.

[155] Nick Cumming-Bruce, "China Rebuked by 22 Nations over Xinjiang Repression, *New York Times,* August 14, 2019. See the text of the letter at https://www.hrw.org/sites/default/files/supporting_resources/190708_joint_statement_xinjiang.pdf. On July 12, 2019, envoys from 37 countries, including over one dozen Muslim-majority countries, co-signed a counter-letter to the UNHRC in support of China's policies in Xinjiang and praising "China's remarkable achievements in the field of human rights." See the text of the letter at https://www.hrw.org/sites/default/files/supporting_resources/190712_joint_counterstatement_xinjiang.pdf. The number of countries signing on to the counter-letter later grew to 50, according to PRC officials. See Ministry of Foreign Affairs of the PRC, "Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference," July 29, 2019, https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1684227.shtml.

was joined in the 2019 statement by Canada, Kosovo, the Marshall Islands, and the United Kingdom.[156] More broadly, the Administration is also working to establish an "International Religious Freedom Alliance" comprised of governments "dedicated to confronting religious persecution around the world," presumably including in China.[157]

Despite its withdrawal from the UNHRC, the United States has also continued to participate in some Council activities in its capacity as a U.N. member state, such as the Universal Periodic Review (UPR) process, including China's most recent UPR.[158] During China's review in November 2018, over one dozen countries, including the United States, raised questions and concerns about China's treatment of Tibetans, Uyghurs, and other minorities, as well as over freedom of religion in China.[159] The United States made four recommendations, including for China to "abolish all forms of arbitrary detention, including internment camps in Xinjiang, and immediately release the hundreds of thousands, possibly millions, of individuals detained in these camps."[160]

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[156] U.S. State Department, "Statement on China," Ministerial to Advance Religious Freedom, July 18, 2019.

[157] The White House, "President Trump Is Committed to Protecting Religious Freedom in the United States and Around the World," September 23, 2019.

[158] All U.N. members undergo a review of their human rights records once every four years. The review includes the participation of Office of the High Commissioner for Human Rights, U.N. member states, independent stakeholders, and the state under review.

[159] "At China's Universal Periodic Review, UN Member States Call for Unfettered Access to Tibet," Central Tibetan Administration, November 6, 2018; "China's UPR: Will Concerns Raised over Ethnic and Religious Repression Lead to Accountability?" Human Rights in China, November 6, 2018.

[160] United Nations Human Rights Council, "Universal Periodic Review—China," https://www.ohchr.org/EN/HRBodies/UPR/Pages/CNindex.aspx. Many countries spoke favorably of China's human rights record, in many cases to avoid jeopardizing their economic relations with the PRC, according to some analysts. See Andrea Worden, "China Deals Another Blow to the International Human Rights Framework at Its UN Universal Periodic Review," China Change, November 25, 2018.

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