

JAN/MAR 2017

Foreign NGOs Law Enforced

On 1 January, the controversial Law on the Management of Foreign NGOs' Activities within Mainland China came into force. To clarify matters in the midst of legal and procedural uncertainty—the list of agencies allowed to supervise foreign organisations and the areas these organisations can work in was only released at the end of December—in early January the Ministry of Public Security (MPS) published an online manual in Chinese on how to register foreign NGOs. Roughly at the same time, thirty-six Chinese lawyers formed a legal service group to advise foreign NGOs and their local partners on matters related to the new legislation. Still, in early March only three dozen organisations had been able to complete the registration process. These included the World Economic Forum, Save the Children, the Bill and Melinda Gates Foundation, as well as several chambers of commerce. Many foreign NGOs simply adopted an attitude of wait and see, suspending their activities in China until they could observe how other organisations would fare in the registration process. Still, according to some observers, this difficult start did not warrant excessive pessimism. In the words of civil society scholar Shawn Shieh: 'In my experience working with Chinese and foreign NGOs in China is that both are quite creative and persistent and as long as there are pressing social needs for their work, they will find ways to work through or around the NGO Law.' *IF*

(Sources: **China Development Brief; China Law Translate; The Diplomat; NGOs in China; South China Morning Post**)

Further Job Cuts in the Coal and Steel Industry Announced

China's annual economic growth in 2016 reached the expected target of 6.7 percent, with the creation of more than thirteen million new jobs in cities and towns. Still, at the beginning of 2017 the employment prospects remained worrying, as China continued to rein in its overcapacity in heavy industries such as steel and coal. In a press conference held on 1 March, Yin Weimin, the Chinese Minister of Human Resources and Social Security, explained that arrangements were made in 2016 for 726,000 workers who had lost their jobs in the steel and coal industry. Moreover, he announced that an extra 500,000 workers would need similar arrangements in 2017. To facilitate this process, the authorities proposed four approaches: workers whose skills are applicable to other positions within their factories would be reassigned internally; workers with skills incompatible to other roles in the same factory would be relocated to other places, with the government providing them with job training and guidance; workers within five years of retirement would be encouraged to retire early; finally, a special effort would be made to ensure the livelihoods of disadvantaged and older workers who did not belong to the first three categories. *JL*

(Sources: **Caixin 1; Caixin 2; Renminwang**)

Authors can be identified by their initials at the end of each brief: Ivan Franceschini (IF), Kevin Lin (KL), Jamie Liu (JL), Nicholas Loubere (NL), and Elisa Nesossi (EN). The content of the briefs is based on news that has been widely reported on in various media outlets and on social media. Below each brief we list some of the outlets that have published on the topic, and in the electronic version of the volume we provide links to some of the articles.

Talks about Migrant Workers at the Two Sessions

In early March, the annual ‘Two Sessions’ of the National People’s Congress (NPC) and the Chinese People’s Political Consultative Congress (CPPCC) convened in Beijing. On 5 March, Prime Minister Li Keqiang addressed the NPC. In his speech he reiterated once again the determination of the government to tackle the issue of wage arrears besetting migrant workers. The beleaguered situation of migrant workers also drew much attention from representatives. Some delegates contended that inadequate legislation on wage payment, lenient punishment for companies violating laws, and weak law enforcement are some of the main reasons for the persistence of wage arrears in China. They thus suggested that the government should reinforce its supervision of the labour market—for instance by creating a blacklist of law-violating companies and imposing stiff penalties on them. Wage arrears aside, a special personal income tax scheme was proposed, which would take into consideration the seasonal fluctuations in migrant workers’ wages and therefore help increase their disposable income. Moreover, it was recommended that the government, in cooperation with firms, provide more vocational training to migrant workers to help them survive in the era of automation. *JL*

(Sources: **Gongren Ribao**; **Xinhua 1**; **Xinhua 2**; **Zhonggongwang**)

Supreme People’s Court Boasts about Arrest of Lawyer

During the ‘Two Sessions’, Zhou Qiang—the President of the Supreme People’s Court—presented his annual report about developments in the work of the courts over the past year and plans for the year to come. In the very first section of the speech—entitled ‘ensuring state security, punishing crime, and protecting human rights’—Zhou Qiang singled out the sentencing, ‘according to the law’, of *weiquan* lawyer Zhou Shifeng to seven years in jail as one of the key achievements in the protection of state security in 2016. This happened in concurrence with media reports about the issue of torture in relation to Chinese lawyers caught up in the ‘709 incident’—the crackdown against the ‘rights protection’ (*weiquan*) community that took place in July 2015. In January, the legal team of human rights lawyer Xie Yang, who was detained in Hongjiang, Hunan, on 11 July 2015, released the transcript of a conversation they had with their client to protest the decision of the authorities not to release him. In it, Xie described the details of the physical and mental abuse he had been subjected to while in detention. The transcript resonated with other similar incidents, particularly human rights lawyer Li Chunfu, who emerged from nearly seventeen months in police custody on 21 January in a shattered state, suffering from violent bouts of paranoia and with a diagnosis of schizophrenia. In an unprecedented move, on 1 March, China’s official media responded to Xie’s allegations, claiming that his torture was a story fabricated in order to attract international attention. State media accused disbarred lawyer Jiang Tianyong—himself detained since November 2016—of making up ‘fake news’, and featured interviews with him admitting to fabricating Xie’s claims of torture. Chinese media reported that an ‘independent’ investigation by the authorities found that Xie had not been tortured. *EN*

(Sources: **South China Morning Post**; **The New York Times**; **Global Times**; **Minnan Network**; **The Independent**; **Guanchazhe**; **Xinhua**)

Grisly Murder Brings Back Haunting Memories

In March, the Chinese media reported that in December 2016 a court in Beijing handed a suspended death sentence to two migrant workers from a village in Sichuan province, while three others were given jail terms ranging from fifteen years to life imprisonment for the premeditated murder of a colleague in August 2014. They had killed him on a construction site in Shunyi district, Beijing, and then used his corpse to stage a fake accident in order to claim compensation from the construction company by posing as relatives of the victim. Such grisly deeds are not unheard of in China. In May 2016, prosecutors in Inner Mongolia announced the indictment of seventy-four people for the killing of seventeen mine workers in order to blackmail mine owners running unlicensed operations into paying reparations. In 2009, the police discovered that several residents of a village in Leibo county, Sichuan province, were involved in buying or kidnapping people with severe mental problems to sell them as slaves or to kill them in mines to get compensation by posing as relatives. A similar situation was famously portrayed few years earlier in Li Yang's haunting movie *Blind Shaft*. *IF*

(Sources: [Caixin English](#); [The New York Times](#))



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Chinese-Born Australian Scholar Prevented from Leaving China

Over the weekend of 25 March, Feng Chongyi, a Chinese-born professor who has been teaching for over a decade at the University of Technology Sydney, was stopped at immigration checkpoints in Guangzhou while he was attempting to board a flight back to Australia. For a week, he was prevented from leaving China and remained in a hotel room, subject to interrogation by state security agents because of his alleged involvement in a threat to national security. He was allowed to leave the country on 1 April. Professor Feng, who is known for having repeatedly expressed critical views about the Chinese government and its political dealings in Australia, was in China to conduct research on *weiquan* lawyers during one of the worst crackdowns in years. The ‘incident’ happened while Prime Minister Li Keqiang was on an official visit in Australia to negotiate several trade deals, and when the Australian Parliament was on the verge of ratifying an extradition treaty long in the making with China. On 28 March, facing rising public concerns about China's record of abuse of national security charges to quash political dissent, Australian Prime Minister Malcolm Turnbull called off the vote on the extradition treaty. This incident followed the disappearance of Lee Ming-cheh, a Taiwanese human rights activist, the week before. According to friends and relatives, on 19 March, Lee had boarded a flight from Taipei to Macau, but he never emerged from the arrivals gate. *IF*

(Sources: [The Guardian](#); [Reuters](#); [The New York Times 1](#); [The New York Times 2](#); [The New York Times 3](#))

APR/JUN 2017

Amnesty International Releases Report on Death Penalty in China

In April, Amnesty released a report on the death penalty in China entitled ‘China’s Deadly Secrets’. In spite of the near absolute secrecy over the Chinese death penalty system, Amnesty estimated that in 2016 China carried out more executions than all other countries combined. The Report also objected to the unverifiable claims by the Chinese government that the country has been ‘killing fewer, killing cautiously’ (*shaosha shensha*). To *The Guardian*, Amnesty International East Asia Director Nicholas Bequelin explained that without concrete statistics there is no way to verify such claims, and demanded that China ‘stop being a rogue state in the international community with respect to the death penalty and finally allow the Chinese people to have a proper, informed debate about capital punishment in the country.’ Commenting on the Report for *The New York Times*, Professor Susan Trevaskes, an expert on the death penalty in China, claimed that the number of people executed annually is probably in the ‘low thousands’ and that the Chinese government has significantly reduced the use of capital punishment since the mid-2000s. According to the Report on China released by Amnesty International, a partial dataset of cases shows that farmers and the unemployed constitute the majority of people given death sentences. *EN*

(Sources: **Amnesty International Global Report; Amnesty International China Report; The Guardian; Quartz; The New York Times**)

Beijing Offers Rewards for Reporting Spies

On 10 April, the Beijing State Security Bureau released a set of Measures on Rewards for Citizens Reporting Leads on Espionage Conduct. These regulations promised informants who reported on spies rewards ranging between 10,000 and 500,000 yuan, depending on the relevance and usefulness of the information provided. The new regulations were accompanied by the online publication of a cartoon in which a young boy donning the red scarf of a Communist Young Pioneer reports a bearded foreigner wearing a bandit’s mask. This was not the first sign of an increasing concern with matters of national security among the Chinese leadership. Back in 2013, President Xi Jinping established a new, secretive National Security Commission of the Communist Party of China in an apparently successful attempt to consolidate the political leadership of all the components of the country’s fragmented security apparatus. In November 2014, the Chinese government passed a Counter-espionage Law, followed a few months later by a National Security Law. In November 2015, Jilin province was the first to introduce a hotline for residents to report possible spies. Since the passing of the National Security Law, the Chinese government has declared 15 April ‘National Security Education Day’, i.e. a day for raising public awareness of national security issues. That these concerns remain paramount to the Chinese leadership was also highlighted by the unusually brief round of discussions that preceded the adoption of the new National Intelligence Law—which regulates the activities of state security bodies—on 27 June. *IF*

(Sources: **China Law Translate 1; China Law Translate 2; Reuters; The New York Times 1; The New York Times 2; The Paper**)

Salaries of Executives in State-Owned Enterprises Linked to Party-Building Effort

On 17 April, Premier Li Keqiang told a meeting of top state-owned enterprise (SOE) executives at the State-owned Assets Supervision and Administration Commission in Beijing that the government was reconsidering a 2015 policy capping their pay, and promised more competitive rates tied to performance. According to a Xinhua report, executives' pay and other rewards or punishments will be linked to how well individuals carry out 'Party building' work. This was part of the government's attempt to reform SOE management in order to restructure, modernise, and internationalise the state sector. At the time, the news was seen as an effort to re-establish the role of the Party in China's state industry, and retain loyal and talented managers. Since 2013, President Xi Jinping has been pushing for China's state sector—whose worth is estimated at twenty trillion USD—to embrace structural reforms while reining in state sector managers' pay. In 2017, China once again pushed forward state-enterprise reform, with ten large state-owned enterprises started selling stakes in their units. However, the pace of the reform has remained slow, and concern over unrest by laid-off state workers has similarly stalled reforms of state-owned steel and coal enterprises. *KL*

(Sources: Bloomberg; Reuters; South China Morning Post; Xinhua News)



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National Bureau of Statistics Releases Annual Report on Migrant Workers

At the end of April, China's National Bureau of Statistics (NBS) released its latest annual report on Chinese migrant workers. According to the NBS, in 2016 there were 281,710,000 migrants in China—1.5 percent more than the previous year. Chinese workers appeared to be increasingly reluctant to migrate far away from their hometowns. In 2016, 112,370,000 workers migrated within the boundaries of their town (*xiangzhen*) of permanent residence—3.4 percent more than the previous year—compared to 169,340,000 who moved away, an increase of barely 0.3 percent. Significantly, 88.2 percent of the new migrant workers did not leave their towns of permanent residence. Inter-provincial migration was also dropping: 76,660,000 workers migrated to another province in 2016, 1 percent less than the previous year. Other significant trends included: a) an increase in the percentage of female migrants, who constituted 35.5 percent of the total migrant workforce in 2016; b) the progressive aging of migrant workers, with the average age in 2016 being thirty-nine, 0.4 years older than the previous year; and c) an improvement in the educational level, with the percentage of migrant workers holding a high school diploma—17 percent—growing by 1.2 percent. Data related to the protection of labour rights were mixed. In 2016, migrants worked an average of 24.9 days a month and 8.5 hours a day, with 64.4 percent working more than eight hours a day, a decrease of 0.4 percent compared to the previous year. The contractualisation rate was 35.1 percent—1.1 percent less than the previous year. 2,369,000 migrant workers were owed back wages—a drop of 14.1 percent compared to 2015. In general, salaries were still on the rise. In 2016, migrant workers received an average of 3,275 yuan—or 203 yuan more than the previous year—a growth rate of 6.6 percent. However, the growth rate for wages slowed by 0.6 percent. *IF*

(Sources: Caixin; National Bureau of Statistics; Sixth Tone)

Fan Yusu Highlights Plight of Domestic Workers

In late April, Fan Yusu, a forty-four-year-old female migrant worker from Hubei province, was propelled to literary stardom when her essay entitled ‘I am Fan Yusu’ went viral. Fan’s writing recounted a life marked by patriarchy, domestic abuse, and raising children singlehandedly. She detailed her feelings of isolation, and the challenges she faced living as a domestic migrant worker in Beijing. Fan also reflected on her experiences of exploitation at the hands of employers, and the unequal treatment she had faced as a migrant due to government policies, stressing the need for solidarity between marginalised and exploited people. In the wake of her success, Fan was offered book deals and media appearances, but she shunned the spotlight, reportedly leaving Beijing and going into hiding until the unwanted attention subsided. *NL*

(Sources: [China Digital Times](#); [Los Angeles Review of Books](#); [Sixth Tone](#); [The Paper](#))



“My life is a book that’s unbearable to read, and my fate has made the binding on that book extremely clumsy. I am from Xiangyang, Hubei. When I was twelve, I started teaching at the village school. If I never left my hometown, I’d have continued, and would have become a formal teacher there. But I couldn’t bear to stay in the countryside viewing the sky from the bottom of a well, so I went to Beijing. I wanted to see the world. I was twenty that year.”

Fan Yusu (translated by China Digital Times)

Li Heping Is Sentenced, Lee Ming-cheh and Lu Yuyu Face Trial

At the end of April, the ordeal of Li Heping, a prominent lawyer who was caught up in the ‘709 crackdown’ against the *weiquan* community that took place in July 2015, came to an end. After being detained for almost two years, Li, who is well known to the international community for his overt rights activism, was convicted of ‘subversion of state power’. In a secret trial, a court in Tianjin sentenced him to three years in prison with a four-year reprieve, meaning that he was to be released but could still be arrested again at any time. The court ruled that since 2008, Li Heping repeatedly used the Internet and foreign media interviews to discredit and attack China’s state power and the legal system. The court also accused Li of accepting foreign funding and employing paid defendants. For many others the ordeal continued. On 26 May, the Chinese authorities formally announced that Lee Ming-cheh, the human rights advocate from Taiwan who had disappeared on arrival to Macao Airport in March, was under arrest on a charge of ‘subverting state power’. Finally, on 23 June former migrant worker and blogger Lu Yuyu—who was detained in Yunnan province in June 2016 along with his partner Li Tingyu for his work of meticulously recording details of public protests online (see Manfred Elfstrom’s chapter in the present volume)—stood trial for ‘picking quarrels and provoking troubles’, facing three to five years in jail. Li Tingyu was tried in April and later released without a verdict. *EN*

(Sources: [BBC](#); [Hong Kong Free Press](#); [The Guardian](#); [The New York Times](#); [The Wall Street Journal](#); [Weibo](#))

Undocumented Chinese Workers Protest in Saipan

On 22 March, a Chinese construction worker died from a fall at the Imperial Pacific Casino construction site in the American Pacific island of Saipan. Soon after, Federal Bureau of Investigation agents raided the construction site and discovered hundreds of undocumented Chinese construction workers employed by a company named Suzhou Gold Mantis Construction and Decoration. They had been brought to Saipan illegally under a tourist visa programme, after being enticed by the false promises of the labour contractors. In April, United States prosecutors filed criminal charges against individuals connected to the Chinese labour contractors for illegally employing these workers, and the construction projects soon stalled. Investigators also discovered substandard working and living conditions. Out of job since early April, the undocumented workers fought for unpaid wages, staging public protests in front of the casino. On 16 May, over ninety unpaid workers received their salaries and placement fees, and flew back to China. On 1 June, another group of thirty-five Chinese workers staged a protest at the construction site to demand unpaid wages and reimbursement for medical fees for workplace injuries. Again on 22 June, forty-three unpaid workers protested at the same place against unpaid wages. After rejecting an offer of five thousand USD each from the company, the protesting workers insisted that unless all workers are paid the full wages owed to them, they will not return to China. Only in March 2018, following persistent efforts by the workers and as part of the investigation of the US Department of Labour, four Chinese construction companies agreed to pay 13.9 million USD in back wages and damages to 2,400 Chinese workers employed for the construction of the casino. *KL*

(Sources: **Saipan Tribune 1; Saipan Tribune 2; Saipan Tribune 3; The New York Times; The Paper**)

Labour Activists Detained While Investigating Ivanka Trump's Manufacturer

In late May, Hua Haifeng, Su Heng, and Li Zhao—three labour activists working for the New York-based advocacy group China Labor Watch (CLW)—were detained by the police in Ganzhou, Jiangxi province, while investigating labour conditions at factories making designer shoes for global brands. In particular, they were inspecting a supplier of Ivanka Trump's fashion brand. Earlier in May, CLW had issued an interim report that alleged forced overtime and a monthly salary of 2,500 yuan in this factory. The three investigators were charged on suspicion of illegal eavesdropping, and given limited access to lawyers. According to Li Qiang, the organisation's Executive Director, CLW had been conducting investigations in China for seventeen years, but this was the first time that its investigators have been detained. Ivanka Trump's brand has sought to distance itself from its Chinese supplier. On 5 June, Alicia Edwards, a spokeswoman for the US State Department, declared that the American government was concerned by the arrests, and added that the investigations carried out by Chinese labour activists help American companies to understand conditions in their supply chains in order to hold manufacturers accountable. In response, on 6 June Hua Chunying, spokeswoman for the Chinese Ministry of Foreign Affairs, said that the activists were being investigated on suspicion of using illegal 'professional surveillance equipment'. She added that the case was being dealt with according to the law and that no foreign country had the authority to interfere in China's judicial process. Relatives of the activists reported being harassed by the public security. On 27 June, the three investigators were released on bail. *KL*

(Sources: **Associated Press; BBC; Bloomberg; The New York Times; The Paper**)

JUL/SEP 2017

Liu Xiaobo Passes Away and Liu Xia Goes Missing

On 13 July, the activist and Nobel laureate Liu Xiaobo passed away at the age of sixty-one in the First Hospital of China Medical University in Shenyang. Much to the anger of his friends and supporters, his ashes were buried at sea, off the coast of Dalian. Liu had been imprisoned since 2009 for ‘inciting state subversion’, but in June was paroled to receive treatment for advanced liver cancer. Requests from Liu and his family to receive medical treatment outside of China were denied. After the funeral, Liu’s wife—the artist Liu Xia—went missing for over a month, only appearing in a Youtube video to say she was mourning her husband’s death outside of Beijing. The disappearance of Liu Xia, who has been under house arrest since 2010, sparked further international condemnation of the Chinese government. Chinese authorities denied detaining Liu Xia, claiming that she was a ‘free citizen’, and suggesting that she had not communicated with family or friends due to her grief. In early September, Liu Xia was reported to have returned to her Beijing home. However, her supporters remained concerned about her mental health, as she was reportedly suffering from depression induced by years of captivity, surveillance, and the death of her husband. *NL*

(Sources: **BBC; South China Morning Post 1; South China Morning Post 2; The Guardian; The Washington Post**)

Continuing Repression of Human Rights Lawyers and Activists

During the summer, the Chinese government continued its repression of human rights activists and lawyers. During a conference at the National Judges College in Beijing at the end of August, Minister of Justice Zhang Jun called on lawyers to refrain from engaging in protests, criticising judges and courts, and speaking or acting for personal gain or to boost their reputation. A couple of weeks later, the Ministry of Justice launched investigations into the conduct of several lawyers and law firms across China, including the firm of prominent human rights lawyer Mo Shaoping. In August, human rights lawyer Jiang Tianyong and online activist ‘Super Vulgar Butcher’ Wu Gan went on trial for their crimes of ‘subversion of state power’. On 11 September, Taiwanese activist Lee Ming-cheh went on trial and pleaded guilty to charges of subversion in a televised confession. Lawyer Gao Zhisheng, under house arrest since 2014, was once again reported as missing and was believed to be in police custody. Labour activists did not fare any better. After initially being detained in May 2015, labour activist Liu Shaoming was sentenced to four and a half years in prison for ‘inciting subversion of state power’ in July. Similarly, in August, Lu Yuyu was sentenced to four years in prison on charges of ‘picking quarrels and provoking trouble’. On a more positive note, human rights lawyer Xu Zhiyong and labour activist Meng Han were both released from prison, after serving sentences of four years and twenty-one months respectively for ‘gathering crowds to disturb public order’. *EN*

(Sources: **BBC; China Labour Bulletin; Front Line Defenders; Human Rights Watch; Ministry of Justice; Radio Free Asia 1; Radio Free Asia 2; South China Morning Post; The Australian; The New York Times**)

University Apologises for Forced Internships

In July, Shenyang Urban Construction University offered a public apology to a second-year student pressured by the university into a three-month internship at a Foxconn factory in Yantai, Shandong province. The university had told her that, had she refused to comply, she would not have been able to graduate. To deal with rising labour costs, in recent years Taiwanese electronics manufacturer Foxconn has struck several deals with Chinese secondary vocational schools and universities to hire students as paid interns in its factories. This young workforce has often voiced dissatisfaction about cramped accommodations, inadequate meals, and a type of work that they consider to be unrelated to their studies. Since the apology, the Department of Education in Liaoning province—the area where the University is located—has ordered an investigation and halted such internships at public universities. Foxconn has also issued a statement, saying that the company had fully complied with the existing laws and regulations, and that interns had been fully informed about the programme and had the right to leave at any time. However, the company has a history of hiring interns that goes back at least a decade (see Jenny Chan's chapter in the present volume). Back in 2012, the Taiwanese manufacturer was criticised by labour rights groups for exploiting forced internship labour, but the company denied all allegations of wrongdoing. Only one year later, in 2013, as more evidence from investigations emerged, Foxconn was forced to admit that student interns worked overtime and night shifts at its Yantai factory. Even at that time, students reported that they had no choice but to take part in the factory internship programme if they wanted to graduate. *KL*

(Sources: **Financial Times**; **Ministry of Education**; **South China Morning Post**; **The New York Times**; **Sina**)

Village in Beijing Charges Migrant Workers

In July, the rural village of Qiuxian in Beijing's Daxing district announced plans to start charging migrant residents 2,000 yuan (about 295 USD) per month. The document released by the village leadership stated that the fees collected would be used to pay for public sanitation, tap water, public security, and electricity, but also made it clear that the levy would 'fulfil the target of having zero migrants in our village'. Those who did not pay would be denied services and evicted. As would become evident with the mass eviction of migrant workers from Beijing later in the year, the village's decision is best understood in the context of the government's policy to place further restrictions on the migrant population in the Chinese capital. In April, the authorities indicated their intention to cap the city's population—now at twenty-two million—at twenty-three million 'long-term residents' by 2020. In recent years, the capital has also started moving its secondary bureaucracies and university campuses to cities in neighbouring Hebei province. Moreover, in 2016 alone, thirty million square metres of small shops, restaurants, and fruit stands considered to be 'illegal constructions' were dismantled, with plans to dismantle another forty million square metres in 2017. Schools for migrant children on the outskirts of Beijing have been forced to close, and car-sharing services have been restricted to local drivers, thus excluding migrants. While China is pursuing migrants' integration and urbanisation as an engine for economic growth in the transition away from low-end manufacturing, rural migrants are encouraged to stay away from mega-cities like Beijing and Shanghai, and instead settle in second-tier and provincial cities. *KL*

(Sources: **Caixin Global 1**; **Caixin Global 2**; **Caixin (Chinese)**; **Financial Times**; **South China Morning Post**)

Maternal Leave Extended in Thirty Provinces

Since the amended Population and Family Planning Law in January 2016 universally allowed married couples to have a second child, in September 2017 thirty provinces and regions required employers to extend paid maternity leave. In these areas, on top of the nationally mandated ninety-eight days, female employees are now entitled to an additional leave of one to three months. In more prosperous municipalities such as Beijing and Shanghai, as well as provinces like Zhejiang and Jiangsu, female employees are now given 128 days paid leave after the birth of a child. A number of provinces such as Hebei, Liaoning, Sichuan, and Shandong allowed female employees 158 days of paid maternity leave. While Henan and Hainan provinces saw the largest increase, from ninety-eight days to 190 days, the longest leave can be found in the Tibet Autonomous Region where female employees are now given one year of paid maternity leave. While this was good news for millions of female workers, *Beijing News* reported that many women still face difficulties in claiming this right, as many companies have adopted internal policies aimed at restricting the frequency and timing of pregnancies, and have imposed hefty financial penalties for violators. *KL*

(Sources: **Beijing News (Chinese)**; **Los Angeles Times**; **Shanghai Daily**; **SupChina**)

Beijing Attempts to Censor Foreign Academic Publications

In mid-August, Cambridge University Press (CUP) conceded that it had acted on a request from Chinese authorities to block 315 articles from the Chinese website of *The China Quarterly*, one of the most prestigious and long-running international China Studies journals. CUP's decision prompted outrage in the academic community and beyond. After a few days of petitions and threats of an academic boycott, CUP reversed its decision and agreed to make all the censored articles available free of charge worldwide. While the scholarly community was successful in pressuring CUP, this incident exposed the serious challenges facing academic publishers operating in the lucrative Chinese market. It was subsequently revealed that LexisNexis, a provider of legal, regulatory, and business information, withdrew content in China at the request of the authorities. Moreover, in anonymous interviews at the Beijing International Book Fair in late August, other commercial publishers admitted to engaging in self-censorship in order to retain access to the Chinese market. Meanwhile, other disturbing revelations showed that censors were systematically deleting historical articles from Chinese journals that did not toe the current ideological line. Beijing responded defiantly to the international condemnation, inviting Western institutions to leave China if they did not want to follow Chinese rules, and warning that all imported publications 'must adhere to Chinese laws and regulations'. *NL*

(Sources: **Global Times**; **Reuters 1**; **Reuters 2**; **South China Morning Post 1**; **The China Collection**; **The Guardian 1**; **The Guardian 2**)



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OCT/DEC 2017

Chinese Communist Party Holds Nineteenth National Congress

Between 18 and 24 October, the Chinese Communist Party (CCP) held its Nineteenth National Congress. In his three-hour-long Report, General Secretary Xi Jinping heralded the dawn of a new era for socialism with Chinese characteristics, an age in which the contradiction between ‘unbalanced and inadequate development and the people’s ever-growing needs for a better life’ has replaced that between ‘the ever-growing material and cultural needs of the people and backward social production’. While not directly referring to workers, the Report went to great lengths to highlight the many achievements of the CCP in improving people’s livelihoods (*minsheng*). Xi cited as evidence of these improvements the fact that government policies have lifted sixty million people out of poverty. He also recognised that employment is key to people’s livelihoods, citing the steady creation of thirteen million urban jobs per year. The Report recommended policies to facilitate and improve the quality of employment, including expanding skills training and encouraging entrepreneurship. Since urban citizens have seen their incomes increase at a faster rate than China’s economic growth, with the ‘middle-income’ group continuing to expand, the CCP called upon the government to play a role in income redistribution to narrow income disparity. Furthermore, Xi pointed to the success of establishing a better social security

system, with efforts to expand the coverage of healthcare, pensions, unemployment insurance, and affordable housing. Xi concluded this section of the Report by pointing out that because of these efforts, society is stable and national security is strengthened as a result.

Despite the Report’s claim that China is led by the working class in alliance with the peasantry, references to workers were few and far between. In the entire text, ‘migrant workers’ (*nongmingong*) were mentioned only once, in a passage that encouraged migrants to maintain multiple avenues for finding employment. The Report also made no mention of the household registration system (*hukou* or *hujū*), a fundamental issue for rural migrants. References to ‘workers’ (*gongren*) were only made to state that the country is led by the working class, and to call on the CCP to expand membership among many groups, including workers. There was one further, brief reference to ‘employees’ (*zhigong*) in relation to improving the old-age pension system for urban employees.

The most explicit reference to labour relations came in a section on the tripartite collective negotiation mechanism. This tripartite system has been promoted since the 1990s, but has only taken on a sense of urgency in the last decade, as more and more workers have organised to demand higher pay and better conditions. The Report stated that a tripartite mechanism in which the government, official union (representing workers), and enterprises negotiate wages and labour conditions will contribute to a more just and orderly income distribution, as well as to more harmonious industrial relations. However, it must be noted that the push for tripartite collective negotiation has stalled in recent years and that the Report made only one reference to trade unions, where it demanded that mass organisations became more political, progressive, and mass-based, in order to more effectively serve as transmission belts between the Party and workers. In sum, it appears that even in the new era there will be very little that is new for China’s working class.

KL

(Sources: **Party Congress Report in Chinese;**
Party Congress Report in English)

The Good Samaritan Law Comes into Effect

On 1 October, the General Rules of Civil Law—a collection of general principles of Civil Law—came into effect. Article 184 is generally referred to as the ‘Good Samaritan Law’, stating that those who attempt to aid others in emergency situations will not be liable under any circumstances. This clause aims at solving the dilemma of people who, after helping an injured person, end up falsely accused by the victim of having caused the injury in the first place. The scope of the article was the subject of numerous discussions that have resulted in Chinese legislators producing different drafts of the rule over the years. The core of the controversy concerned the definition of gross negligence in the process of rescue, and the general tendency of Chinese law to look at anyone connected to a loss to share that loss, regardless of their level of fault. The provision came in the wake of a number of incidents widely reported by the Chinese media, in which either bystanders showed egregious indifference to suffering, or victims who had received assistance sued their helpers. One of the most iconic cases took place in Nanjing in 2006. That year, a young man named Peng Yu helped an old woman to get to the hospital after she was injured while getting off a bus. In return, he was sued for his troubles. In that case, the court decided against him, stating that ‘no one would in good conscience help someone unless they feel guilty’, causing a public furore (although in 2012 it turned out that Peng was actually guilty). In 2011, China was shocked by the case of Wang Yue, a two-year-old toddler who passed away after having been run over by two vans while being ignored by passersby. More recently, in June 2017, a video went viral in China, in which a woman was hit by a vehicle and was then left unaided until a second vehicle killed her. *EN*

(Sources: **BBC**; **Caixin**; **China Digital Times**; **National People’s Congress**; **The China Collection**; **The New York Times**; **Xinhuanet**;)

Human Rights with Chinese Characteristics?

On 7 December 2017, about three hundred participants from over fifty mostly developing countries gathered in Beijing for the ‘South-South Human Rights Forum’. In his opening address, President Xi Jinping reiterated that ‘human rights must and can only be promoted in light of specific national conditions and people’s needs.’ The initiative took place after another string of harrowing events. In early November, the police in Liaoning province formally arrested human rights lawyer Li Yuhan for ‘picking quarrels and provoking trouble’. On 7 November, dissident writer Yang Tongyan, who had been in detention since 2006 and had nearly completed a twelve-year sentence for subversion, died from a brain tumour barely three months after having been released on medical parole. Later the same month, two more activists—lawyer Jiang Tianyong and Taiwanese human rights activist Lee Ming-che—were respectively sentenced to two and five years imprisonment on subversion charges. At that time, there was little reaction from the international community. In late October, foreign media reported that a human rights panel at the United Nations had called on China to release and compensate three prominent human rights activists—Christian church leader Hu Shigen (condemned to seven and half years in detention), and lawyers Zhou Shifeng (condemned to seven years in detention) and Xie Yang. On 10 December, international Human Rights Day, the European Union Delegation and United States Embassy to China both released statements expressing concern about ‘China’s ongoing denial of human rights and fundamental freedoms’. *IF*

(Sources: **China Change**; **China Digital Times**; **China News Service**; **EU Delegation to China**; **South China Morning Post 1**; **South China Morning Post 2**; **The Guardian 1**; **The Guardian 2**; **The New York Times**)

China Continues to Extend Influence over Foreign Publishing and Universities

In the months following the uproar caused by the Cambridge University Press censorship fiasco, the Chinese government continued to exert pressure on foreign publishers operating in the country. In late October, it was revealed that Springer Nature, one of the largest commercial academic publishers in the world, had capitulated to the Chinese censors, blocking access to at least one thousand ‘politically sensitive’ articles on their Chinese website. The publisher defended the decision by saying that only 1 percent of total content had been ‘limited’, and claiming that it was necessary to comply in order to avoid wider restrictions. In mid-November, Australian academic Clive Hamilton went public saying that Allen & Unwin withdrew his forthcoming book *Silent Invasion: How China Is Turning Australia into a Puppet State*, due to fears of defamation litigation. In late November, SAGE Publishing warned that they might be required to censor content or be pushed out of the Chinese market. The increasing assertiveness of Chinese censors and their zeal to push foreign publishers to self-censor in order to access the large Chinese market resulted in numerous headlines and petitions. However, despite the high-profile coverage, the response from the wider academic community outside of China-focussed social sciences remained largely apathetic. Beijing’s efforts to influence foreign academia were not limited to the publishing sphere. In mid-November, over two thousand foreign-funded joint venture universities in China were instructed to set up party units and give the new party secretaries a role in decision making through seats on institutional boards. This decision came at the end of a year filled with continuous controversy about Chinese influence in higher-education institutions abroad. *NL*

(Sources: **BBC; Financial Times 1; Financial Times 2; Financial Times 3; Reuters; The New York Times**)

Beijing Evicts ‘Low-end Population’

On 18 November, a fire broke out in the basement of an apartment block inhabited mostly by migrant workers in Beijing’s Daxing district, killing nineteen and injuring eight. Around four hundred people lived in cramped conditions in the two-story structure. In the aftermath of the tragedy, the city authorities launched a forty-day campaign to inspect and demolish buildings that unlawfully mixed residential and industrial facilities, as well as overcrowded apartments. This led to a wave of evictions that mostly affected the migrant population of the Chinese capital, with thousands of migrants forced out of their residences and left homeless in spite of the cold temperatures. As part of the campaign, officials also shut down small plants, shops, and restaurants, in some cases going as far as to cut electricity and water without any notice. While state censors were quick to take control of the media narrative, for a few days Chinese social media was abuzz with discussions and denunciations of how the crackdown was targeting Beijing’s ‘low-end population’ (*diduan renkou*), a term that first appeared in official debates a few years ago referring to those who work in low-end service and manufacturing jobs, and that more recently has come back in vogue in relation to plans to cap the capital’s population at twenty-three million by 2020. From the beginning of the campaign, the crackdown drew widespread condemnation from the Chinese public. Some migrant communities took to the streets in an attempt to resist, and more than one hundred intellectuals signed an open letter demanding an end to the evictions. Even some state media were unusually critical. On 27 November, Beijing Communist Party Chief Cai Qi declared that the campaign should not have been carried out in a simplistic and hasty manner, and that those evicted should have been given time to move out. *IF*

(Sources: **BBC; Caixin Global; China Digital Times; China Media Project; People’s Daily; Quartz; Reuters; South China Morning Post 1; South China Morning Post 2**)

Foxconn Entangled in Another Scandal

On 21 November, Foxconn came once again under the spotlight following a media investigation into its forced use of seasonal student interns. The *Financial Times* uncovered that three thousand high school students from the local Urban Rail Transit School had been forced to work eleven-hour shifts at the company's plant in Zhengzhou, Henan province, to produce the new iPhone X. While admitting the violation of the rules regarding overtime, the company insisted that student internships were voluntary, a fact that was contradicted by the *Financial Times* investigation. The next day, on 22 November, Foxconn announced it had taken immediate action to address the violations. However, by that time, as the busy season from August to December was coming to an end, the use of student interns had already become unnecessary. Such practices have been found across electronics manufacturers. In October, the Hong Kong-based labour rights group, Students and Scholars Against Corporate Misbehaviour (SACOM), reported that vocational school students were forced to work also at Quanta Computer, which supplies global brands such as Apple, Acer, Hewlett-Packard, and Sony. Local governments have been complicit in allowing such practices to prevent businesses from relocating to other regions where labour is cheaper and more flexible. *KL*

(Sources: **Financial Times**; **Sina News**; **The Guardian**)

New Implementation Rules for the Counter-espionage Law Released

On 6 December, the State Council released the Implementation Rules for the Counter-espionage Law that had come into force earlier in November 2014. The new Rules significantly enhance the powers of the State Security, which had already gained significant clout under the original legislation. In particular, Article 8 grants the State Security the power to investigate acts of subversion that are not necessarily related to espionage, including situations involving 'fabricating or distorting facts, publishing or disseminating text or information that endangers national security, or creating, transmitting, or publishing a/v products or other publications that endanger national security'; 'using religion to carry out activities endangering national security'; and 'foreign individuals [violating] the relevant provisions, not [heeding] discouragement, and, without authorisation, [meeting] with mainland persons who have conduct endangering national security or who are strongly suspected of having conduct endangering national security'. Article 6 also expands the concept of 'funding' espionage to include providing funding to those who engage in espionage even if the money is not used for that aim and the funder is not aware of the illegal conduct. This significantly reinforces the hand of the State Security in dealing with activists and NGOs working in politically sensitive areas, and also serves to intimidate their foreign donors. *IF*

(Sources: **China Law Translate 1**; **China Law Translate 2**; **South China Morning Post 1**; **South China Morning Post 2**)



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