



# 2017 ANNUAL REPORT

Advancing Rights Through Dialogue



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## CONTENTS

1	MISSION & APPROACH
2	EXECUTIVE DIRECTOR'S LETTER
3	POLITICAL & RELIGIOUS PRISONERS
5	JUVENILE JUSTICE
7	WOMEN IN PRISON
7	DEATH PENALTY
8	COMMUNITY & ENGAGEMENT
9	CONTRIBUTIONS & SUPPORT
10	FINANCIAL STATEMENTS
11	CONTRIBUTORS

# DUI HUA 对话 MEANS DIALOGUE

**WE ARE** a nonprofit humanitarian organization seeking clemency and better treatment for at-risk detainees through the promotion of universally recognized human rights in well-informed, mutually respectful dialogue with China.

**WE FOCUS ON** political and religious prisoners, juvenile justice, women in prison, and issues in criminal justice. Our work rests on the premise that positive change is realized through constructive relationships and exchange.



## OUR APPROACH

**ADVOCACY** through respectful, well-informed dialogue with China both directly and via the UN and government bodies.

**RESEARCH** into Internet and library resources to uncover relevant cases, regulations, and trends.

**PUBLICATIONS** on prisoner cases and analysis of developments in criminal justice and human rights.

**EXPERT EXCHANGE** among criminal justice practitioners and experts, including China's Supreme People's Court.

**COMMUNITY ENGAGEMENT** to apprise the global community of research findings and practical experience.

# EXECUTIVE DIRECTOR'S LETTER

Dear Friends,

Human rights groups working to promote respect for human rights and rule of law in China faced daunting challenges in 2017, and Dui Hua was no exception.

Donald Trump assumed the presidency of the United States in January 2017. During his first year in office he showed little interest in human rights in China, preferring to focus on trade and the nuclear crisis in North Korea. At his summits with Chinese president Xi Jinping in April, at Mar-a-Lago, and November, in Beijing, he heaped praise on Xi, and throughout the year he repeatedly lauded the Chinese leader as a friend. President Trump has not mentioned human rights in China in any of his tweets, nor has he mentioned it in any of his speeches. As 2017 ended, key positions dealing with human rights – including the Assistant Secretary of State for Democracy, Rights, and Labor – remained vacant.

Meanwhile, Xi Jinping cemented his power by having “Xi Jinping Thought in the New Era of Socialism with Chinese Characteristics” inserted into the Constitution of the Chinese Communist Party. During the year, reports of serious human rights abuses, especially in Xinjiang province, multiplied. The Chinese government showed little interest in engaging with foreign countries on human rights. Only one United Nations Special Procedure visited China in 2017.

Despite this environment, Dui Hua registered important gains in its mission to help at-risk detainees in China. The foundation submitted 28 lists with 160 names to its Chinese government interlocutors, and received written responses on 68 prisoners. We recorded acts of clemency and better treatment for 33 prisoners named on our lists. Bolstered by intense research into cases on the Supreme People’s Court (SPC) judgment website, Dui Hua’s Political Prisoner Database ended 2017 with files on 37,217 prisoners.

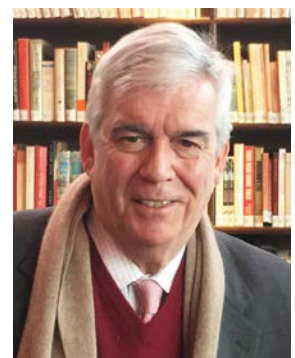
A highlight of the year was the US-China Juvenile Trial System Reform Seminar jointly held with the SPC in Shenzhen in November. The Seminar – the first temporary activity between the SPC and a foreign NGO since the *Foreign NGO Management Law* came into effect on January 1, 2017, was a great success. The program marked the fifth expert exchange between the SPC and Dui Hua on juvenile justice, a high priority of the Chinese government.

Dui Hua ended the year in strong financial shape, thanks to the generous support of governments and individuals.

*I am grateful to all our supporters for helping make possible the work recorded in this Annual Report.*



John Kamm  
Executive Director



# POLITICAL & RELIGIOUS PRISONERS

In 2017, Dui Hua raised the names of 160 prisoners of conscience with the Chinese government. These 160 names were featured on 28 prisoner lists that were submitted in meetings held with Chinese government interlocutors in Beijing, Hong Kong, and San Francisco. Of the 28 lists, 26 were submitted directly to Chinese government interlocutors and two were submitted indirectly through foreign governments. In return, Dui Hua received written responses on 68 prisoners. This is an increase from 2016, when Dui Hua received written responses on 55 prisoners.





In difficult times for US-China relations as well as for NGOs seeking to make an impact in China, Dui Hua came out strong. The foundation learned of 33 acts of clemency and better treatment for prisoners on its lists. Dui Hua welcomed the arrival of filmmaker and activist Dhondup Wangchen (当知项欠) to the United States in December. Wangchen was convicted of inciting splittism and sentenced to six years followed by three years of deprivation of political rights. He was reunited with his family in San Francisco on Christmas Day after ten years of being held incommunicado, detained, imprisoned, and subjected to deprivation

of political rights in China. The foundation included Wangchen on 28 lists submitted to the Chinese government.

Earlier in the year, American businesswoman Sandy Phan-Gillis was released from prison and deported to the United States. On April 20, 2016, the United Nations Working Group on Arbitrary Detention (WGAD) determined that Ms. Phan-Gillis had been arbitrarily detained in violation of international law. The WGAD decision, which was announced on June 29, 2016, marked the first time in its 25-year history that this group of experts determined that an American citizen had been arbitrarily detained by the Chinese government.

Key to Dui Hua's advocacy work is its in-depth research. Dating back to 2000, the Political Prisoner Database ended the year with records on 37,217 prisoners, with new records totaling 2,307. Of these new records, 762 involved male prisoners and 932 involved female prisoners; the gender for some records is not always known. Dui Hua has been pioneering in utilizing court judgment websites to

## In 2017

	<b>Names Added to the Political Prisoner Database</b>	<b>2,307</b>
	<b>Prisoner Names Raised</b> with the Chinese government	<b>160</b>
	<b>Responses to Prisoner Lists</b> from the Chinese government	<b>68</b>
	<b>Acts of Clemency Granted</b> for prisoners on Dui Hua's lists	<b>32</b>

support its research. We are the only organization systematically monitoring these untapped open-sources. In 2017, 40 percent of entries in the Political Prisoner Database came from information discovered on court websites. The foundation added 699 records to its Mass Incident Database in 2017. The year ended with data on 13,515 incidents in the database, which tracks instances of social unrest. Access to information on protests and social unrest

in China was difficult to obtain in 2017, as many journalists working in the field faced detention and imprisonment.

In 2017, Dui Hua met with Chinese officials to discuss specific cases on 25 occasions. Meetings were held in Beijing, Hong Kong, San Francisco, Washington D.C., and Geneva. ■

## 2017 Selected Sentence Reductions & Releases

Name	Details	Sentence	Lists*	Clemency
<b>IN PRISON</b>				
Zhao Fengsheng (赵枫生)	Zhao penned an open letter calling on the Turkestan Islamic Party to direct criticisms towards government officials instead of innocent citizens.	4 yrs; 3 yrs DPR**	3	7 months
Sonam Gonpo (四龙公布)	Gonpo distributed pro-Tibetan independence pamphlets.	Life	1	Commutated to 19 years and 6 months; reduced by 2 years and 8 months
Lai Yiwa (赖亦瓦)	Almighty God member, Lai, printed and distributed books about Noah's Ark.	7 yrs	4	Reduced by 1 year and 2 months
<b>RELEASED</b>				
Sandy Phan-Gillis (潘婉芬)	American businesswoman, Phan-Gillis, was accused of spying for the United States while on a trade delegation in Guangxi.	3.5 yrs	3	Immediate deportation
Dhondup Wangchen (当和项欠)	Wangchen is an independent Tibetan filmmaker and the producer of the documentary, "Leaving Fear Behind."	6 yrs; 3 yrs DPR**	28	Arrived in the US in December 2017
Su Jianming (苏建明)	Su is a Falun Gong practitioner.	10 yrs	2	Reduced by 2 years

\* The number of lists of cases of concern including the individual's name that Dui Hua has drafted for submission to the Chinese government.

\*\* The Deprivation of Political Rights (DPR) is an accessory punishment designed to limit a convicted person's right to be involved in political activities.

# JUVENILE JUSTICE

In 2017, Dui Hua carried out its fifth juvenile justice exchange with the Supreme People’s Court (SPC) on the reform of the juvenile trial system. The exchange was a success on multiple fronts. In January 2017, China’s *Foreign NGO Management Law* came into effect. Under this new law, all foreign NGO activity has come under the scrutiny of China’s Ministry of Public Security. Dui Hua’s exchange was the first “temporary activity” that the SPC had conducted with a foreign NGO since the new law came into effect.

The exchange brought together more than forty Chinese juvenile judges and juvenile justice practitioners from over fifteen provinces and municipalities in China alongside seven leading juvenile justice experts from the United States. The Chinese delegation was made up of representatives from the SPC, including the Director General of the Research Department, Head of the Juvenile Trial Office under the Research Department, and a representative of the International Cooperation Department. The American delegation included:

- The Honorable Leonard Edwards, a leading expert on juvenile justice
- Patricia Lee, Managing Attorney for the Juvenile Unit of the San Francisco Public Defender’s Office
- Judge Roger Chan, San Francisco Superior Court Judge and former Executive Director of the East Bay Children’s Law Offices
- John Tuell, Executive Director of the Robert F. Kennedy National Resource Center for Juvenile Justice
- Shay Bilchick, founder and Director of the Center for Juvenile Justice Reform at Georgetown University.

The Honorable Julie Tang and Judge Elizabeth Lee of the San Mateo Superior Court, both former Dui Hua juvenile justice exchange participants, attended the exchange as expert observers. Dui Hua Director

## 10 YEARS OF EXCHANGES



Magdalen Yum also joined the delegation as an observer.

Discussion between the American and Chinese delegation was lively, with conversation spilling into the hallways in between sessions. Both sides agreed on the importance of promoting education and non-custodial measures in juvenile cases and stressed its overall long-term benefit in lowering juvenile delinquency and recidivism. The American delegation noted the willingness among the Chinese participants to improve outcomes for delinquent youth. Professor Shay Bilchick commended the Chinese delegates for expressing an overarching goal to “treat the juvenile offender as a child rather than as a criminal.” Judge Leonard Edwards observed that improving outcomes for delinquent youth in China was “not a political issue,” but is rather “fundamental to the progress the Chinese wish to make in their society.”

On November 9, the participants conducted site visits to the Juvenile Delinquent Assist and Education Campus of Baoan District. The Campus hosted the Juvenile Trial Court of Baoan District, a Social

Worker Center, and a Psychological Guidance Center; it is a model campus in China that aims to provide comprehensive rehabilitation support for juvenile delinquents. The Campus' Social Worker Center provides support to juvenile delinquents during and throughout pre- and post-trial periods. The staff showed the visitors shelves where juvenile offenders' sealed records were located; the files included judgments, social investigation reports, psychological assessment reports, and other documents, in neatly bound books. Addressing questions from American delegates, staff from the Campus noted that the reports are only accessible by the social workers or judges; even juveniles themselves cannot access their own records. This practice is different from the American system, where the records of juvenile cases belong to the juvenile involved.

The American delegates were then received at the Shenzhen Intermediate People's Court where they participated in a roundtable discussion on juvenile justice reform in Shenzhen with a group of senior court officials. Owing to Shenzhen's large migrant worker population, more than 90 percent of delinquents who come before Shenzhen's juvenile courts are from outside Shenzhen. Shenzhen juvenile judges introduced the concept of "social worker stations" located inside courts that are staffed by social workers trained in providing youth psychological examinations. However, members of the Chinese delegation also expressed the view that more work



Social workers demonstrate record sealing protocol at the Social Worker Center.

needs to be done in this field. Judges are often left to conduct the "social investigation reports" on their own, leaving them with inadequate time to preside over the juvenile court cases.

In his concluding remarks at the exchange, Judge Jiang Ming of the SPC praised the exchange for its **enhancement of mutual trust and for the sincere, engaging, and in-depth exchange of ideas**. The success of the exchange was owed to the American and Chinese participants' shared belief in the importance, as well as their roles, in fostering a rehabilitative over a punitive juvenile justice system. The SPC is committed to continuing the momentum built on this program and to planning another juvenile justice exchange with Dui Hua. ■



Delegation members of the 2017 US-China Juvenile Trial System Reform Seminar.



# WOMEN IN PRISON

Since mid-2015, China has stopped releasing data on the number of women in prison. As of mid-2015, China had more than 107,000 women in prison, up more than 50 percent since 2003. In 2017, Dui Hua published a number of articles in its *Human Rights Journal* on the issue of women in prison, with a special focus on the implementation of China's *Anti-Domestic Violence Law* and the impact of non-custodial measures in reducing recidivism among women in prison.

On March 1, 2016 China's *Anti-Domestic Violence Law* came into effect. Since then it has received criticism for its shortcomings in fully protecting victims of domestic violence. Women's rights groups in China have expressed disappointment in law enforcement and judicial handling of domestic violence cases. Domestic violence is a major contributing factor to crime among women, as women who fight back against their abusers can receive severe prison sentences and heavy criminal charges. Female prisoners are also more likely to suffer from mental

health disorders, substance abuse, and are more likely to serve time for non-violent crimes than their male counterparts. The connection between targeted non-custodial measures that include mental health treatment, addiction recovery, and family support and the reduction in recidivism is well established in empirical research. ■



A woman stands near videos from an exhibition on domestic violence in China. Image Credit: The Guardian

# DEATH PENALTY

Dui Hua maintains an internal log of death sentences and executions. The log, which tracks death sentences back to 2009, expanded in 2017. During the period from 2009 to 2017, Dui Hua recorded over 4,500 death sentences handed down in trials of the first instance. Information was found on over 260 death sentences passed in 2017 alone. In 2017, Dui Hua recorded information on more than 160 executions.

Where available, the log records names, gender, ethnicity, crimes for which the death sentence was imposed, location, date of sentencing, outcome of appeals, and date of execution.

In March 2017, China's Chief Justice Zhou Qiang announced in a report to the national legislature that China only used the death penalty in "an extremely small number of criminals for extremely serious offenses in the past ten years." Dui Hua estimated that there were 2,000 executions in 2016. It believes the number has held steady since then, although it has received one report that the number of executions increased in 2017 due to the anti-terrorism campaign in Xinjiang. ■

# COMMUNITY ENGAGEMENT

Raising awareness about the current human rights situation in China is an important part of Dui Hua's mission. We continue to engage and inform the public about our work through media interviews, outreach events, and publications distributed to our supporters as well as journalists and government officials.

Media coverage was high in 2017. Dui Hua's work was mentioned in 1,095 articles spanning over sixty countries, up from 464 mentions in 2016. Media coverage included news on:

- Dui Hua's [estimation on the number of executions](#) in China. Dui Hua estimated that 2,000 executions were carried out in 2016.
- The release and deportation of [Sandy Phan-Gillis](#), a case Dui Hua had been closely working on.
- Executive Director Kamm was featured in a program on the passing of Nobel Peace Prize Laureate [Liu Xiaobo](#) on *PBS Newshour* in July.
- Dui Hua's [juvenile justice](#) seminar program held in Shenzhen in November was carried by regional and national Chinese news outlets.

Dui Hua participated in outreach events and delivered speeches to audiences in the United States, Europe, and Hong Kong. In February, Kamm took part as a panelist at a roundtable on "Expert Forecast: Doing Business in China," organized by the Financial Women of San Francisco, Asia Society of Northern California, and the California-Asia Business Council. The discussion focused on the economic and political landscape in China and US-China relations.

In May, Kamm made his fifth appearance at San Francisco's Commonwealth Club. Kamm briefed audience members on where things stood in both the official and unofficial human rights dialogue with China and discussed lesser known cases of American



Kamm speaks at a panel discussion on the economic and political landscape in China and US-China relations.

prisoners and prisoners with American connections in China.

In San Francisco, Kamm delivered a lecture to students at UC Berkeley's Contemporary Chinese Society Class in the fall. Kamm introduced the work and mission of Dui Hua and the operational climate and challenges facing foreign NGOs seeking to work on human rights and rule of law issues in China. In November, Kamm kicked off his visit to Hong Kong by speaking to members of the Vision 2047 Foundation. Dui Hua Director Thomas Gorman chaired the talk.

In December, Publications and Programs Officer Xandra Xiao and Programs and Development Manager Yin Yu attended the Adult and Juvenile Female Offenders Conference (AJFCO) in Santa Clara. AJFCO is the only conference focused on women and girls in the criminal justice system.

Throughout 2017, Dui Hua continued to hold gatherings for its supporters and friends. In celebration of the Year of the Rooster, Dui Hua held a Spring Festival Town Hall at its San Francisco office. Attendees included Professor Chen Taihe, one of

the lawyers detained during the “709” crackdown in 2015. In December, Dui Hua supporters gathered in San Francisco for the foundation’s Annual Friends of Dui Hua holiday reception to celebrate the success of Dui Hua’s fifth juvenile justice exchange. Honorable guests included members of the American delegation to the exchange. Judge Leonard Edwards, who led the American delegation, briefed guests with a special presentation on the exchange. ■



Judge Leonard Edwards gives a special presentation to Dui Hua’s local supporters at the annual holiday celebration.

## In 2017



Media Mentions

1,905



Visits to Dui Hua’s Websites

66,000

# CONTRIBUTIONS & SUPPORT

The generosity and support of our donors, whether they be individuals, foundations, corporations, or governments, play an indispensable part in supporting our work to obtain clemency and better treatment for at-risk detainees in China.

In 2017, Dui Hua received support from the European Union, Smith Richardson Foundation, and the governments of Denmark, the Netherlands, Norway, Sweden, Switzerland, and the United States. Individual

donations from 195 people exceeded \$410,000, accounting for 33 percent of Dui Hua’s unrestricted revenue in 2017.

We would like to extend our sincere gratitude to all supporters of Dui Hua. Our generous contributors are recognized on page 11.

For more ways to support, please visit [www.duihua.org/support](http://www.duihua.org/support) ■

# Summarized Audited Financial Statements

These statements are summarized from the financial statements audited by Lindquist, von Husen & Joyce LLP, San Francisco, California. All amounts are in US dollars.

## STATEMENT OF FINANCIAL POSITION

(as of December 31, 2017)

	Assets	Liabilities & Net Assets
Cash & cash equivalents	864,150	
Deposits & prepaid expenses	33,695	
Contributions receivable	1,332,132	
Property and equipment - net	2,745	
Accounts payable & refundable advance		57,803
Net assets		2,174,919
Unrestricted	680,164	
Board-designated reserve fund	300,000	
Undesignated	380,164	
Temporarily restricted	1,494,755	
<b>Total</b>	<b>2,232,722</b>	<b>2,232,722</b>

## STATEMENT OF ACTIVITIES

(year ended December 31, 2017)

	Unrestricted	Temporarily Restricted	Total
Support & revenue:			
Government & foundation grants	219,277	1,188,214	1,407,491
Individual & corporate contributions	411,976	-	411,976
Program service fees	13,433	-	13,433
Other income	(189)	-	(189)
Foreign currency exchange net realized gain	3,841	5,931	9,772
Foreign currency exchange net unrealized gain (loss)	(202)	29,874	29,672
Net assets released from restrictions	596,611	(596,611)	-
	<u>1,244,747</u>	<u>627,408</u>	<u>1,872,155</u>
Expenses:			
Program services	880,614	-	880,614
Supporting services:			
Management & general	160,375	-	160,375
Fundraising	93,797	-	93,797
	<u>1,134,786</u>	<u>-</u>	<u>1,134,786</u>
<b>Change in net assets</b>	<b>109,961</b>	<b>627,408</b>	<b>737,369</b>
<b>Net assets, start of year</b>	<b>570,203</b>	<b>867,347</b>	<b>1,437,550</b>
<b>Net assets, end of year</b>	<b>\$680,164</b>	<b>\$1,494,755</b>	<b>\$2,174,919</b>

# OUR GENEROUS CONTRIBUTORS

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\* *Dui Hua Sustainer who gives recurring donations.*

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