

CRS Report for Congress

Human Rights in China: Trends and Policy Implications

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Summary

In the past two decades, human rights has been a principal area of U.S. concern regarding the People's Republic of China (PRC), along with security and bilateral trade. Some U.S. leaders argue that U.S. policies of engagement with China, particularly since granting the PRC normal trade relations status in 2000, have helped to accelerate economic and social change and build social and legal foundations for human rights progress in the PRC. Others contend that U.S. engagement has failed not only to produce meaningful political reform but also to set any real change in motion. This report analyzes China's mixed human rights record of the past several years — major human rights problems, new human rights legislation, and the development of civil society, legal awareness, and social activism. It also discusses factors that may help shape trends during the next several years.

In the past decade, PRC government has attempted to respond to public grievances and popular calls for redress while subduing activists who attempt to organize mass protests. This approach has produced both incremental improvements in human rights and allowed for continued, serious abuses. Major, ongoing problems include unlawful killings by security forces, torture, unlawful detention, the excessive use of state security laws to imprison political dissidents, coercive family planning policies, state control of information, and religious and ethnic persecution. Tibetans, ethnic Uighur Muslims, and Falun Gong adherents have been singled out for especially harsh treatment. This report discusses major areas of concern but does not provide an exhaustive account of all human rights abuses in the PRC.

China's leadership has addressed rising public expectations through a combination of economic growth policies and carrot-and-stick political tactics. In so doing, however, it also has planted seeds of potential change. China's developing legal system, while still plagued by corruption and political interference, has provided activists in China with a tool with which to promote human rights. Although generally supportive of the status quo, the urban middle class has begun to engage in narrowly-targeted protests against local government policies, following over a decade of social unrest among wage laborers and rural residents. Despite a massive censorship effort, the Internet and other communications technologies have made it impossible for the government to clamp down on information as fully as before.

The United States government has attempted to promote human rights in China through a multi-faceted approach. U.S. efforts include formal criticism of the PRC government, official bilateral dialogue, public diplomacy, and congressionally-sponsored legislation, hearings, visits, and research. The U.S. government also provides funding for rule of law, civil society development, participatory government, labor rights, preserving Tibetan culture, Internet access, and other related programs in China. This report will not be updated.

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Human Rights in China: Trends and Policy Implications

Overview

Many observers disagree over whether human rights conditions in the People's Republic of China (PRC) have improved or gotten worse over the past several years. For many U.S. policy-makers, China's progress in this area represents a test of the success of U.S. engagement with the PRC, particularly since permanent normal relations status (PNTR) was granted in 2000. Some observers, including some Members of Congress, have noted the growth of PRC legal restrictions on freedoms and cases of political and religious persecution. Some have pointed to the U.S. Department of State's annual report on human rights practices, which has not noted major improvements in human rights conditions since the democracy movement of 1989.¹ Other analysts, including many Chinese citizens, have contended that economic and social freedoms have expanded rapidly in the past two decades while the government's controls over most aspects of people's lives have diminished considerably. This trend has even allowed for the emergence of occasional, fragile outbursts of "people power."

Under the leadership of President Hu Jintao and Premier Wen Jiabao, both in office since 2003, the PRC government has developed along the lines of what some analysts call "responsive authoritarianism." Beijing has striven to become more populist, accountable, and law-based. However, the government has rejected far-reaching or immediate political reforms.² It has sympathized with segments of the population who have been left out of the economic boom. The central leadership also has formally acknowledged human rights as a concern of the state, continued to develop legal institutions, and implemented limited institutional restraints on the exercise of state power. However, in practice, government and Communist Party officials have retained a large degree of arbitrary authority.

The PRC government faces a quandary — how to improve governance and reduce sources of social and political instability through anti-corruption campaigns and the implementation of incremental political reforms without unleashing mass pressures for greater change. PRC leaders have expressed the fear that China's fledgling civil society, combined with foreign "democracy assistance" and the involvement of international non-governmental organizations, could bring about a

¹ Hon. Thaddeus McCotter and John J. Tkacik, Jr. "The China Delusion," *The Heritage Foundation*, August 28, 2008.

² Ting Shi, "Finding a Balance for Left and Right: China's Latest Property Reforms Seek to Secure the Middle Ground, Say Analysts," *South China Morning Post*, March 19, 2007.

“color revolution.” “Color revolutions” refer to peaceful democratic movements involving mass demonstrations that have toppled several post-communist authoritarian governments in former Soviet States such as Georgia, Ukraine, and Kyrgyzstan. The Chinese government has enacted legislation aimed at preventing human rights abuses, but without protecting the activities of human rights activists or “defenders.” It has tolerated protests against official policies, particularly at the local level, but has arrested protest leaders. Public and semi-public discourse on a wide variety of topics has become routine, but politically sensitive issues remain off-limits. Meanwhile, economic and social tensions have combined with growing rights consciousness and social activism. Many efforts by citizens to express grievances and demand redress, having been met by government inaction, have erupted into large-scale public protests.

A Mixed Picture

The past few years have witnessed a mixed picture on progress in human rights conditions in China. On the one hand, the U.S. State Department’s annual human rights reports have stated that China’s record has “remained poor.” None of the groups suffering the greatest persecution have experienced notable improvement in overall treatment, according to the reports. These include Tibetan Buddhist monks and ethnic Uighur Muslims, leaders of unsanctioned Christian churches, Falun Gong practitioners, political dissidents, and “human rights defenders.” On the other hand, the PRC government has enacted laws aimed at reducing some of the most egregious human rights abuses, protecting property rights, and promoting government transparency, and continued to develop mechanisms for consulting with non-state policy experts. The Chinese Communist Party (CCP) reportedly also has debated abolishing the re-education through labor system or *laojiao*, reducing restrictions on migrants, and expanding direct elections.

Two recent events, the Beijing Olympics and the Sichuan earthquake, helped to demonstrate both the overwhelming power of the state and the potential of China’s young civil society. In 2007, many Chinese political activists took advantage of the Olympics’ promise of increased openness to make public appeals for political and policy reforms.³ However, the leadership, rather than act upon President Hu’s repeated references to “democracy” at the 17th Party Congress in October 2007, stifled most dissenting voices during the several months leading up to the games. In the immediate aftermath of the May 2008 earthquake, China experienced an unprecedented outburst of unfiltered press coverage and volunteer activity and organization. But in June 2008, the PRC government began suppressing protests regarding shoddy construction of school buildings that collapsed during the disaster and killed an estimated 10,000 children.⁴

³ Edward Cody, “Chinese Dissidents to Appeal to Government on Human Rights,” *Washington Post*, August 7, 2007; Maureen Fan, “In China, Rights Activists Use Olympics to Push for Reforms,” *Washington Post*, March 24, 2008.

⁴ Edward Wong, “Grieving Chinese Parents Protest School Collapse,” *International Herald Tribune*, July 16, 2008.

Selected Highlights from the State Department's Human Rights Report for 2007

The State Department's annual *Country Reports on Human Rights Practices* stated that China's human rights record remained poor in 2007.⁵ According to the report, the PRC remains an authoritarian state in which the permanent leadership role of the Chinese Communist Party is etched in the Constitution, while the legislative and judicial branches lack the power to check the CCP and the state. Many political rights remain severely curtailed. In 2007, further restrictions on rights were imposed in Tibet and Xinjiang, upon the mass media, and toward petitioners seeking redress in Beijing. According to the State Department, major human rights abuses committed by the state in 2007 included the following:

- **Unlawful or Politically-Motivated Killings:** Several persons died in detention as a result of torture, and 18 Uighur Muslims were killed in a "counter-terrorist" police raid.
- **Torture:** The use of torture appeared to be common method used against Falun Gong adherents, Tibetans, Uighur Muslims, and other prisoners of conscience and criminal suspects. The United Nations' Special Rapporteur on Torture, Manfred Nowak, reported that Falun Gong practitioners accounted for about two-thirds of victims of alleged torture while in government custody.
- **Re-education through Labor (RETL):** The RETL system, in which individuals are held in administrative detention for anti-social activity, without formal charges or trial, for a period of up to four years, remained a central feature of social and political control in China.
- **Unlawful Detention:** Unlawful detention and house arrest remained widespread, particularly against scores of human rights activists, lawyers, journalists, and leaders of unofficial Christian churches. According to an official Chinese survey, between 2003 and 2007, 33,643 persons were detained for periods longer than that allowed by law.
- **Political Prisoners:** Several thousand persons were serving jail time for "endangering state security" or the former political crime of "counter-revolution."
- **Coercive Family Planning:** China's "one child policy" continued with sporadic reports of coercive abortions, forced sterilizations,

⁵ U.S. Department of State, *2007 Country Reports on Human Rights Practices — China* (March 11, 2008).

and other unlawful government actions against individuals, some of which triggered anti-government protests.⁶

- **Censorship:** Critical public discussion, speech, or reporting of sensitive or controversial topics were forbidden. Such topics included the Tiananmen events of 1989, Taiwan, Tibet, Falun Gong, and the CCP leadership. The government continued to control political content of print media, jam some foreign radio broadcasts, and censor Internet sites, Web logs (blogs), and e-mail. Many journalists, editors, and freelance writers, including Internet authors, who broached dissenting views on sensitive political issues, faced harassment, physical assaults, detention, or imprisonment.
- **Religious Persecution:** The extent of religious freedom continued to vary widely within the country. Crackdowns against unregistered Protestants and Catholics, as well as Tibetans and Uighur Muslims in Xinjiang, were reported in some areas, and repression of Falun Gong continued. Freedom to participate in officially sanctioned religious activity continued to increase in most areas, however.

The Birth of Civil Society

Although the PRC leadership remains the final, undisputed authority, non-state actors play a tiny but growing role in policy-making, political discourse, and social activity.⁷ In some cases, the state has encouraged social participation, either as a way to improve governance or to allow people to “let off steam.” In other cases, social actors have pushed the boundaries of permissible activity at great personal risk.

Some academics and intellectuals have reported greater involvement in policy-making through the government’s consultation of expert opinion and think tanks. They also collaborate with other non-state elites and actors, such as non-governmental organizations (NGOs) and private entrepreneurs, who often sponsor research projects. Although nearly all of China’s think tanks are government-sponsored institutions, their funding sources and clientele, academic backgrounds, and areas of expertise have become increasingly diverse. They also have become more autonomous, although many budgetary and political constraints remain.⁸

In other areas, the range of sensitive topics, such as social unrest, government corruption, and the abuse of power, that can be reported or discussed publicly has grown. Religious activity overall, in both sanctioned and unsanctioned places of

⁶ Exceptions to the one-child rule are made for ethnic minorities, couples whose first child was a girl (in rural areas) or one with a disability, and couples who agreed to pay a “social compensation fee” or fine.

⁷ “Non-state” actors in China, such as academics, NGOs, and private entrepreneurs, while they do not perform political or bureaucratic functions, are tied to the state in myriad significant ways, unlike their American counterparts.

⁸ He Li, “The Role of Think Tanks in Chinese Foreign Policy,” *Problems of Post-Communism*, Vol. 49, no. 2 (March/April 2002).

worship, has increased. Freedom of movement, both within the country and abroad, has also expanded. Lawyers, journalists, and activists have been at the forefront in helping to protect and promote human rights and the public interest. They may form the beginnings of a small, loosely organized, and still largely latent human rights movement, in which “civil elites” work with grass roots groups to safeguard human rights.⁹

Non-Governmental Organizations. Beijing has expressed both an appreciation for the social contributions of NGOs and suspicion of their potential autonomy and intentions. According to various estimates, there are over 300,000 registered NGOs in China, and over one million in total, including over 200 international organizations.¹⁰ Environmental groups have been at the forefront of NGO development in China. Other areas of NGO activity include poverty alleviation, rural development, public health, education, and legal aid. According to many experts, most of the registered NGOs are government-sponsored, while those that truly advocate social causes or policy changes account for a very small percentage of all non-profit groups.

After nearly a decade of steady proliferation, in 2005, Beijing began to tighten restrictions on non-governmental organizations while airing voices critical of foreign involvement. The government was especially fearful of the potential of foreign NGOs in China to help foment a “color revolution,” and established an office to monitor foreign NGOs and their domestic partners or grantees. Although the investigations did not result in a broad crackdown on non-governmental organizations, they reportedly have discouraged NGOs from taking on more politically daring projects.¹¹

Human Rights Legislation

While the Hu-Wen government has proven to be politically conservative — placing more emphasis upon reducing social tensions and maintaining social stability than either major economic or political reform — it has enacted several important laws that may reduce some of the most egregious patterns of human rights abuse. In 2004, the phrase, “the State respects and protects human rights” was added to the PRC Constitution. Laws and regulations designed to protect human rights include those related to the use of torture, the death penalty, labor conditions, private property, and government transparency.

- **Rights of the Accused:** In July 2006, the state enacted prohibitions on specific acts of torture and requirements that interrogations of

⁹ Paul Mooney, “Beijing Silences ‘One-Man Rights Organization’,” *South China Morning Post*, January 27, 2008; Edward Cody, “In Chinese Uprisings, Peasants Find New Allies,” *Washington Post*, November 26, 2005.

¹⁰ Ying Ma, “China’s Stubborn Anti-Democracy,” *Policy Review*, February/March 2007; [<http://www.chinadevelopmentbrief.com>].

¹¹ Paul Mooney, “How to Deal with NGOs — Part 1, China,” *YaleGlobal Online*, August 1, 2006.

suspects of major crimes be video-recorded. These regulations followed a 2004 law forbidding the use of torture to obtain confessions. The United Nations' Special Rapporteur on Torture, Manfred Nowak, after a visit to China in November 2005, stated that torture was "on the decline but still widespread" and that the heavy reliance on obtaining confessions to indict suspects encouraged the use of torture.¹² In March 2007, the Standing Committee of the National People's Congress (NPC) debated a law that would grant suspects the right to remain silent.¹³

- **The Death Penalty:** In March 2007, the Supreme People's Court was granted sole power to review and ratify all death sentences, following four years of discussion among the CCP leadership. Xiao Yang, president of the Supreme People's Court, stated that the death penalty would be exercised "more cautiously for only a small number of extremely serious offenders with hard evidence."¹⁴ An effort to reduce the death penalty may have been responsible for a reduction in the use of capital punishment (from 15,000 annually a decade ago to 6,000, according to some estimates).¹⁵
- **Labor Rights:** In 2006, the NPC issued a report that highlighted China's labor rights abuses. In March 2007, China's legislature passed a Labor Contract Law. The law, which went into effect in January 2008, reportedly has spurred a dramatic rise in labor dispute arbitration cases and lawsuits as well as strikes for higher wages and benefits. However, workers still do not have the right to strike or form their own unions.¹⁶
- **Property Rights:** In March 2007, the NPC passed a constitutional amendment designed to protect property rights that had been debated since 2002. Although the Property Law would preserve the state's ownership of all land, it nonetheless was opposed by some who believed that it had gone too far. Backers of the law argued that it would help to protect not only private entrepreneurs but also urban families who own apartments and farmers whose crop lands risk

¹² "Torture Behind Nearly Every Wrong Conviction in China: Official," *South China Morning Post*, November 20, 2006.

¹³ Zhu He, "'Right to be Silent' May Be Granted," *China Daily*, May 18, 2007.

¹⁴ Zhao Yuanxin and Xie Chuanjiao, "No Turning Back on Death Rule," *China Daily*, March 15, 2007.

¹⁵ Peter Ford, "Amid Human Rights Protests, A Look at China's Record," *Christian Science Monitor*, April 10, 2008.

¹⁶ "China Rocked by Labor Disputes Due to Legal Reforms, Inflation Fears," *Nikkei Weekly*, July 14, 2008.

seizure by government-backed real-estate developers.¹⁷ In October 2008, the government issued new measures allowing farmers to lease and transfer or sell rights to the property allocated to them by the state, in order to help strengthen their control over their land.¹⁸

- **Government Transparency:** In April 2007, the PRC government announced new rules, to take effect in 2008, requiring greater disclosure of official information.¹⁹ In addition, institutional and legal mechanisms have been set up to provide for greater government responsiveness and accountability. In part, these measures represent attempts to compel local governments to reveal financial accounts related to land takings in rural areas, and to avoid negative stories in the press and other media channels.²⁰
- **Organ Transplants:** On May 1, 2007, regulations banning trade in human organs went into effect. They also stipulated that the donation of organs for transplant be free and voluntary. These restrictions followed claims that organs of executed prisoners, including many Falun Gong members, had been removed without their prior consent and sold in a booming domestic and foreign market for organ transplants.²¹ In 2006, U.S. officials visited a site alleged to be a concentration camp and organ harvesting center for Falun Gong prisoners, the Sujiatun Thrombosis Hospital in Shenyang city. While expressing ongoing concern about human rights abuses against Falun Gong, they “found no evidence that the site is being used for any function other than as a normal public hospital.”²²

¹⁷ Edward Cody, “Lawmakers Approve Measure to Protect Private Property,” *Washington Post*, March 16, 2007.

¹⁸ While the state owns all land in China, farmers are granted rights of use via long term (30-year) contracts with the state. Maureen Fan, “China to Allow Land Leasing, Transfer,” *Washington Post*, October 20, 2008.

¹⁹ Edward Cody, “China Announces Rules to Require Government Disclosures,” *Washington Post*, April 24, 2007.

²⁰ Suisheng Zhao, “Political Reform in China: Toward Democracy or a Rule of Law Regime,” *Asia Program Special Report No. 131*, Woodrow Wilson International Center for Scholars, June 2006; Richard Baum, “The Limits of Consultative Leninism,” *Asia Program Special Report No. 131*, Woodrow Wilson International Center for Scholars, June 2006.

²¹ David Matas and David Kilgour, “Bloody Harvest: Revised Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China,” January 2007; Gregory M. Lamb, “China Faces Suspicions about Organ Harvesting,” *Christian Science Monitor*, August 3, 2006; Glen McGregor, “China Buffs Image with Transplant Rules,” *Ottawa Citizen*, November 27, 2007.

²² U.S. Department of State Daily Press Briefing, April 14, 2006.

Other Policy Developments

Re-education through Labor. In March 2007, the Standing Committee of the National People's Congress resumed deliberation on legislation, which had been tabled for two years, that would restrict the use of re-education through labor (*laojiao*) sentencing, shorten terms, improve conditions at such centers, and provide better protections of the legal rights of "minor offenders."²³ Re-education through labor (RETL), an administrative measure, empowers the police to sentence persons guilty of minor and non-criminal offenses such as petty theft, prostitution, unlawful religious activity, and "disrupting social order" to a maximum of three or four years in detention. Approximately 300 RETL centers in China, which can hold roughly 300,000 persons in total, have absorbed large numbers of individuals deemed by the state to undermine social or political stability, such as thousands of Falun Gong adherents earlier this decade.²⁴ According to some estimates, between 2% and 10% of those in the *laojiao* system were detained for political reasons.²⁵

In the Provinces: Renewed Talk of Reform. In June 2008, Communist Party leaders in Shenzhen, the pioneering Special Economic Zone bordering Hong Kong, drafted a reform plan that would expand the powers of the municipal people's congress and make legislative elections more competitive. The two-year plan also would provide for greater judicial independence and intra-party democracy. However, some local government officials and political commentators expressed concern that there was insufficient support from the central government, and too much resistance from local power holders, to carry out such a proposal.²⁶ Such reforms have been broached on and off since the late 1980s.

On August 31, 2008, Communist Party Secretary of Hunan province, Zhang Chunxian, stated in a televised conference that the focus of China's reforms should turn from economic to political empowerment. Some observers interpreted his remarks as referring to political rights (*quan*). While the CCP is not contemplating relinquishing power, such discussion may refer to greater public "supervision" of government.²⁷

²³ Debate on reform of the *laojiao* system was suspended from 1999-2003 during the crackdown on the Falun Gong group, then suspended again in 2005. Wu Jiao, "New Law to Abolish *Laojiao* System," *China Daily*, March 1, 2007.

²⁴ The State Department's 2007 Report on Human Rights Practices states that, according to some observers, more than half of re-education through labor detainees were first time or returning Falun Gong practitioners.

²⁵ Minnie Chan, "Kinder Face for Notorious Re-education Camps," *South China Morning Post*, February 21, 2007; Jim Yardley, "Issue in China: Many Jails Without Trial," *New York Times*, May 9, 2005.

²⁶ Edward Cody, "Pioneering City Offers Peek at Political Ferment," *Washington Post*, June 30, 2008.

²⁷ Wu Zhong, "Party Time for China," *Asia Times*, [<http://www.atimes.com>], September 10, 2008.

Recent Hopes and Disappointments

17th Party Congress. President Hu Jintao's calls for more "people's democracy" and intra-party democracy at the 17th Party Congress in October 2007 caused a hopeful stir among some reform-minded officials and intellectuals. However, the government's open tone took a hardline turn following the March 2008 protests in Lhasa, Tibet. During the Olympic torch relay and the aftermath of the Sichuan earthquake, nationalistic fervor filled the mass media while talk of reform was pushed to the sidelines.²⁸

Pre-Olympics Crackdown. Many Chinese activists used the spirit of the Beijing Olympics to attempt to pressure the government to adopt reforms more quickly. Some Chinese journalists expressed optimism that the Olympics would, at least temporarily, provide them with greater freedom to report, which may in turn help to further "chip away" at the government's ability to censor news. In August 2007, a group of prominent Chinese dissidents sent an open letter to Party leaders, calling upon the government to honor its human rights commitments as the Olympics host.²⁹ In 2007, land rights activist Yang Chunlin penned a letter, signed by over 10,000 citizens, mostly farmers, entitled "We Want Human Rights, Not the Olympics." However, during the year leading up to the games, many activists spoke of a crackdown and sweep of potential "trouble makers," including Falun Gong, Tibetan and Uighur "separatists," and democratic forces with foreign connections. In March 2008, Yang Chunlin, who reportedly had been tortured in detention, was sentenced to five years in prison for "inciting subversion of state power."³⁰ Other examples of the toughening government attitude toward its critics included the following:

- From August to October 2007, when the CCP held its 17th Party Congress, PRC authorities reportedly carried out dozens of arrests, beatings, and abductions of lawyers, human rights activists, petitioners, and Christian leaders in what some observers called the "worst crackdown in five years."³¹ According to some sources, the government detained 44 dissident writers.³²
- The government reported that, in 2007, 742 people were arrested for "endangering state security," a catch-all offense for political crimes, the highest number since 1999.³³

²⁸ Willy Lam, "China's Reforms Buried under Rubble," *Far Eastern Economic Review*, vol. 171, no. 5 (June 2008).

²⁹ Edward Cody, "Chinese Dissidents to Appeal to Government on Human Rights," op. cit.

³⁰ Anita Chang, "China Rights Activist Sentenced to Jail," *USA Today*, March 24, 2008.

³¹ "Chinese Activists Arrested, Beaten in 'Worst Crackdown in Five Years,'" *BBC Monitoring Asia Pacific*, October 12, 2007.

³² Jill Drew, "China's Silencing Season," *Washington Post*, July 10, 2008.

³³ Ford, "Amid Human Rights Protests, A Look at China's Record," op. cit.

- In 2008, reports of detentions or harassment of dissidents included the following: Human rights activist Hu Jia was sentenced to 3 ½ years in prison for “inciting subversion of state power;” Zheng Enchong, a human rights activist, and Gao Zhisheng, a lawyer who became famous for defending Falun Gong practitioners, remain under heavy police surveillance or house arrest; Guo Feixiong remains in jail (since 2006) for helping to lead farmers in protests against local officials.
- Prior to the Beijing Olympics, the PRC government tightened controls over NGOs, especially those with foreign funding or those promoting grassroots democracy and human rights. During the lead up to the games, the government launched what one Chinese NGO leader referred to as a “systematic crackdown on the voices of civil society,” while harassing and shutting down some large NGOs, including the most prominent NGO magazine and clearinghouse, “China Development Brief.”³⁴
- In September 2007, Beijing authorities demolished several buildings that had provided housing for petitioners who had come to the capital to submit formal complaints about official misconduct. According to Human Rights Watch, the “petitioner village” held roughly 4,000 persons.³⁵
- The construction of Olympic venues forced tens of thousands of Beijing residents from their homes, often without adequate notice, due process, or fair compensation, according to human rights activists. Some housing rights activists, such as attorney Ni Yulan, were harassed or detained. Ni was disbarred and served a jail term in 2002 for her involvement in helping Beijing residents petition the government over evictions. In 2008, she was arrested for allegedly obstructing the demolition of her own home. Ni reportedly was beaten while under detention in both 2002 and 2008.³⁶
- In August 2008, international journalists arriving at the state-of-the-art Olympic press facilities in Beijing found some sensitive Internet sites blocked, including those related to the Dalai Lama and the 1989 Tiananmen military crackdown. The PRC government unblocked

³⁴ Peter Ford, “China Cracks Down on NGOs,” *The Christian Science Monitor*,” December 6, 2007.

³⁵ Human Rights Watch, “China: Petitioners’ Village Faces Demolition,” September 6, 2007.

³⁶ “China: Beaten Activist to Be Tried on Eve of Olympics,” Human Rights Watch Asia [<http://hrw.org/english/docs/2008/07/29/china19494.htm>].

some websites, such as those of Amnesty International, Voice of America, and the BBC, after foreign reporters protested.³⁷

The Sichuan Earthquake and Civil Society

In the weeks following the 7.9 magnitude earthquake that occurred on May 12, 2008, in Sichuan province, China witnessed an unprecedented burst of volunteer organization and activity and a level of unfettered press coverage that was rare for a natural disaster. One Chinese expert on NGO development stated that the government was “more open and more friendly to NGOs than before.”³⁸ Although PRC authorities reportedly first tried to control news from the epicenter, they could not stop the flow of information, aided by cell phone communications and the Internet. For a few weeks, authorities did not interfere with the coverage of the disaster. Some observers surmised that improved access to information reflected the recent enactment of new “Open Government Information” regulations.

This relatively open atmosphere was soon replaced by government surveillance of NGOs, censorship, travel restrictions, and prohibitions on demonstrations and petitioning by parents of children killed in school buildings. Huang Qi, founder of a human rights website, was detained while investigating allegations of shoddy construction that had contributed to the collapse of schools. He was formally charged with “possessing state secrets” on July 18, 2008, and is under detention awaiting trial.³⁹

Selected Human Rights Issue Areas

Persecution of Political Dissent

China’s state security law is used liberally and often arbitrarily against political dissidents. In 2007, the number of convictions under this law reportedly was 20% greater than 2006, which was double that of 2005.⁴⁰ According to the Congressional-Executive Commission on China, more than 900 persons are serving prison terms for activities related to expression, assembly, spiritual practice, and religious worship.⁴¹ Once charged with crimes such as subversion, the accused are rarely acquitted, while conditions in prison continue to be described as harsh and inhumane. During the past year, there were numerous reports of torture of human rights activists and other

³⁷ Maureen Fan, “Journalists Say China Is Not Living up to Openness Pledge,” *Washington Post*, August 3, 2008.

³⁸ Peter Ford, “China Quake: Controls Cautiously Lifted on Flood of Volunteers,” *The Christian Science Monitor*, May 29, 2008.

³⁹ Klaudia Lee, “Lawyers Finally Allowed to See Arrested Dissident Campaigner Denied Access to Legal Counsel for Two Months,” *South China Morning Post*, September 24, 2008.

⁴⁰ Derrick Z. Jackson, “Prisoners of Sentencing Politics,” *Boston Globe*, March 15, 2008.

⁴¹ [<http://www.cecc.gov>]

dissidents while in prison. Other activists claim to have been harassed by police or assaulted by unidentified assailants also described as “hired thugs.”

State Control of Information

The state still directly controls the largest mass media outlets, pressures other media regarding major or sensitive stories, and imposes severe measures against its critics. However, overall, it exercises less control over news and information than it did a decade ago. One scholar characterizes state control of the media as evolving from “omnipresence to selective enforcement.”⁴² The greater volume of news reporting has not translated into significant advances in freedom of expression, but nor has an increase in regulations affecting journalists and other critical voices significantly curbed the flow of information, thanks in large part to the Internet. In some cases, the government has supported journalistic efforts to expose official corruption and incompetence, particularly at the local level. According to some observers, a recent tactic of the central government appears to have been to allow relatively open reporting on social crises, such as the scandal over tainted baby formula and milk, as long as it assigns blame to economic enterprises or lower level officials.⁴³

Beijing has remained vigilant toward media activities that challenge CCP authority.⁴⁴ At the end of 2007, 29 journalists and 51 cyber-dissidents reportedly remained in detention for political reasons.⁴⁵ Reporters Without Borders, an advocacy group for press freedom, stated that 24 journalists, cyber dissidents, and other “free expression activists” were arrested or sentenced to jail terms during the first half of 2008.⁴⁶ However, in October 2008, the central government permanently adopted the Olympics-related temporary regulations that had expanded press freedoms for foreign journalists. These include the ability of foreign journalists to travel within the country and to interview Chinese subjects without official permission.⁴⁷

Increasingly commercialized media outlets negotiate a delicate balance of responding to growing public demand for information while remaining within the bounds of what authorities will allow. Under the economic reform policies of the past two decades, a vibrant private media industry has developed, and market

⁴² Hongying Wang and Xueyi Chen, “Globalization and the Changing State-Media Relations in China,” Paper Prepared for Presentation at the 2008 Annual Conference of the American Political Science Association, August 30-31, 2008.

⁴³ Ariana Eunjung Cha, “Public Anger over Milk Scandal Forces China’s Hand,” *Washington Post*, September 19, 2008.

⁴⁴ Fan, “Journalists Say China Is Not Living up to Openness Pledge,” *op. cit.*

⁴⁵ U.S. Department of State, *2007 Country Reports on Human Rights Practices*, *op. cit.*

⁴⁶ “Increase in Pre-Olympic Repression, with at Least 24 Journalists and Cyber-Dissidents Arrested or Sentenced since January,” *Canada Newswire*, June 27, 2008.

⁴⁷ Human Rights Watch, “China: Extend New Media Rules to Chinese Reporters,” October 21, 2008.

considerations have compelled many newspapers and television stations as well as Internet outlets to push the envelope of cultural, social, and, to a lesser extent, political content. Nearly all media organizations in China rely upon sales to sustain themselves. State media also have had to provide more probing social and political fare in order to attract readers, stay competitive, and to respond to news and public opinion appearing on the Internet. One study suggests that, on the one hand, media commercialization has opened up an unprecedented amount of space for free information flow and helped to bolster the media's role as government watchdog. On the other hand, many domestic and foreign media outlets in China have been able to make profits without broaching political issues.⁴⁸

The tug-of-war between society's demand for news and information and the state's attempts to maintain social and political control is likely to continue. The central government has employed a two-pronged approach, relying on traditional coercive tactics such as intimidation and incarceration of critics as well as adapting to both society's growing expectations and innovations in communications technologies. Meanwhile, China's media and online political community have pushed back with increasingly frequency, though such movements remain fleeting. Growing numbers of young Internet users reportedly are chafing against information controls and expressing such frustrations online.⁴⁹

The government closure in January 2006 of the politically provocative supplement "Freezing Point" in the relatively progressive *China Youth Daily* provoked an angry response by Chinese writers, academics, lawyers, and other citizens, particularly via the Internet.⁵⁰ In April 2004, the senior editor and other executives of Guangzhou-based *Southern Weekend*, a weekly known for investigative journalism, were sentenced to prison terms on charges of embezzlement, reportedly provoking an anti-government petition by dozens of prominent journalists and academics. The real reason for the crackdown, many believed, was the newspaper's reporting of a suspected re-emergence of the SARS virus. However, the weekly eventually resumed its muckraking efforts. In June 2008, it published an extensive article on the Sichuan earthquake and one school's substandard construction. In September 2008, an editor reportedly wrote in his blog that prior to the Beijing Olympics, the newspaper had received information about tainted milk supplies, and implied that the state had forbade *Southern Weekend* from investigating the story further.⁵¹

⁴⁸ Hongying Wang and Xueyi Chen, "Globalization and the Changing State-Media Relations in China," op. cit.

⁴⁹ Howard W. French, "Great Firewall of China Faces Online Rebels," *New York Times*, February 4, 2008.

⁵⁰ Edward Cody, "Chinese Media Lash Out at Government's Censure," *Washington Post*, January 8, 2008; Chris Buckley, "Chinese Outcry Against Censorship Will Grow," *Reuters News*, January 26, 2006.

⁵¹ Howard W. French, "China Tries Again to Curb Independent Press in South," *New York Times*, April 15, 2004; Iain Marlow, "The Disaster that Finally Shook Up China's Media," *The Independent*, June 16, 2008; Frank Ching, "China Must Open Up to Restore its Reputation," *New Straits Times*, October 9, 2008.

Religious and Ethnic Issues

According to many sources, the extent of religious freedom varies widely within the country. Participation in *officially sanctioned* religious activity has increased in most areas. The PRC Constitution protects “normal” religious activities and those that do not “disrupt public order, impair the health of citizens or interfere with the educational system of the state.” New PRC regulations, enacted in March 2005, protect the rights of registered religious groups to publish literature, collect donations, possess property, and train and approve clergy. In the past year, the State Administration for Religious Affairs (SARA) set up a new unit to supervise folk religions as well as religions outside the five officially-recognized major religions (Buddhism, Protestantism, Roman Catholicism, Daoism, and Islam), including the Eastern Orthodox Church and the Church of Jesus Christ of Latter-day Saints. Many experts assert that these laws grant the government continued broad latitude to determine what religious groups are lawful and to deny protections to others.

The religious and religious-ethnic groups that have clashed the most with the state in the past decade have been unregistered Protestant and Catholic congregations, Tibetan Buddhists, and Uighur-minority Muslims in the Xinjiang Uighur Autonomous Region (XUAR). The International Religious Freedom Act of 1998 (P.L. 105-292) established the United States Commission on International Religious Freedom (USCIRF) to monitor religious freedom around the world and make policy recommendations to the President and Congress. Based largely upon the Commission’s reports, the Department of State has identified China as a “country of particular concern” (CPC) for “particularly severe violations of religious freedom” for nine consecutive years (1999-2007). This designation has subjected the PRC to U.S. sanctions pursuant to P.L. 105-292 (a ban on the U.S. export of crime control and detection instruments and equipment to China). In August 2005, the USCIRF traveled to China for the first time. The Commission made what may be described as informative but superficial or controlled visits to significant religious places, and lamented the lack of access allowed in their investigation.⁵²

Christians in China. Overall, Christians in China find increasing acceptance in society and, within limits, from the government. The PRC leadership has begun to acknowledge the enduring, positive role that Christianity can play in promoting social development, yet remains deeply suspicious and fearful of its potential power as a source of autonomous organization. A meeting on religion convened by top Party leaders in December 2007 that seemed to welcome the role of religion in China’s development was seen by some observers as grounds for hope regarding a more tolerant religious policy.⁵³

⁵² United States Commission on International Religious Freedom, *Annual Report 2006*, May 2006.

⁵³ China Aid Association, “Annual Report of Persecution by the Government on Christian House Churches within Mainland China: January 2007-December 2007,” February 2007.

By some estimates, the number of Christians in China ranges from 40 million to over 60 million, with nearly two-thirds gathering in unofficial churches.⁵⁴ Membership in official Christian churches alone has grown by 50% in the past decade, according to the government. The religion with the largest number of followers in the PRC, at roughly 100 million, is Buddhism. Some studies have suggested that Christianity's rise in China, as well as the growth of other religions, reflects greater freedom and affluence among some Chinese, and the need to cope with dramatic social and economic changes among others.⁵⁵

However, many unofficial Protestant churches, also known as “house churches” or “home gatherings” by the government, lack legal protections, and remain highly vulnerable to the often unchecked authority of local officials. According to reports, in some regions and large cities, particularly in the south, unregistered congregations meet with little or no state interference, while in other areas, particularly in Henan and Shandong provinces and in many rural areas, such independent gatherings experience regular harassment by local authorities and their leaders have been beaten, detained, and imprisoned.

Many Chinese Protestants reject the official church, also known as the Three-Self Patriotic Movement, for political or theological reasons.⁵⁶ The government claims that it has encouraged such churches to register with the state, but that many of them have been discouraged from doing so by foreign Christian groups.⁵⁷ The China Aid Association, a U.S.-based non-profit organization that monitors religious freedom in China, reported 788 incidents in which house churches were persecuted by the government in 2007, up 18.5% from 2006; 693 cases of Chinese Christians detained or arrested, up 6.6%; and 16 cases of the faithful sentenced to prison terms, down 5.9% from the previous year.⁵⁸ Most detainees reportedly were released after sessions involving interrogation, intimidation, and sometimes torture by police. In the year leading up to the Olympics, according to some reports, the government tightened restrictions, arresting leaders of house churches, harassing members of congregations, shutting down places of worship, and denying visas to foreign missionaries.⁵⁹

⁵⁴ Because many Chinese worship in unsanctioned churches, it is difficult to determine the number. “Survey Finds 300M China Believers,” *BBC News*, February 7, 2007; Central Intelligence Agency, *The World Factbook — China*, August 2008.

⁵⁵ Associated Press, “Poll Shows 300M in China ‘Religious’,” *South China Morning Post*, February 7, 2007.

⁵⁶ “Three Self” refers to independence from foreign missionary or other religious influence — self-governance, self-support (i.e., financial independence from foreigners) and self-propagation.

⁵⁷ Brookings Institution, “Religion in China: Perspectives from Chinese Religious Leaders,” September 11, 2008.

⁵⁸ China Aid Association USA, *Annual Report of Persecution by the Government on Christian House Churches within Mainland China, January 2007-December 2007*, February 2008.

⁵⁹ Maureen Fan, “Beijing Curbs Rights it Says Citizens Have to Worship,” *Washington Post*, (continued...)

Beijing and the Vatican, which broke ties in 1951, have engaged in dialogue in the past few years toward improving relations. One of the key obstacles to normalizing ties is China's rejection of the Holy See's authority to appoint bishops. In a May 2007 "Letter to Chinese Catholics," Pope Benedict conveyed greater flexibility toward Catholic churches that are registered with the government, while the PRC leadership was relatively muted in its response to the letter. In September 2007, the state-sanctioned Catholic Patriotic Association appointed two bishops with the Vatican's blessing. Although government harassment of unregistered Catholic bishops, priests, and lay persons continues, the diminishing dichotomy between the unofficial and official Catholic churches in China has helped to reduce conflicts with the state.⁶⁰

Tibetan Protests. During the past year, policies restricting Tibetan religious practices continued, while local resentment simmered regarding the influx of Han Chinese, the majority ethnic group in China, to Lhasa, capital of the Tibet Autonomous Region (TAR). According to official Chinese statistics, Tibet's resident population is 2.84 million (2007). Han Chinese form small minority in the TAR (4%), but constitute half of Lhasa's population. Many Han Chinese believe that the PRC government has brought positive economic and social development to the region. By contrast, many Tibetans claim that such development has not benefitted them economically and has accelerated the erosion of their traditional culture. In September 2007, the State Administration for Religious Affairs issued a set of regulations that required all Tibetan lamas wishing to reincarnate to obtain prior government approval through the submission of a "reincarnation application." The Dalai Lama's Special Envoy to the United States, Lodi Gyaltzen Gyari, described the new regulations as a blow against "the heart of Tibetan religious identity."⁶¹

On March 11, 2008, the anniversary of the Tibetan uprising of 1959, 300 Buddhist monks reportedly demonstrated peacefully to demand the release of Tibetan prisoners of conscience. These demonstrations sparked others by monks and ordinary Tibetans demanding independence from China or greater autonomy, one of the most sensitive political issues for Beijing. On March 15, demonstrations in Lhasa turned violent as Tibetan protesters confronted PRC police and burned shops and property owned by Han Chinese. From exile in India, the Dalai Lama, the Tibetan spiritual leader, denied involvement and appealed to both the Chinese government and his followers to refrain from violence. The PRC government blamed the Dalai Lama for instigating the riots and labeled his followers "separatists."⁶²

Official PRC news sources reported that 19 persons died in the riots and emphasized Chinese casualties, while Tibetan groups suggested that roughly 200

⁵⁹ (...continued)
August 10, 2008.

⁶⁰ U.S. Department of State, *International Religious Freedom Report, 2008* — China (September 2008).

⁶¹ "The Question of Tibet," *International Debates (Congressional Digest)*, May 2008.

⁶² For further information, see CRS Report RL34445, *Tibet: Problems, Prospects, and U.S. Policy*, by Kerry Dumbaugh.

persons were killed by paramilitary troops in several Tibetan areas in western China, where approximately 100 protests broke out during the following weeks. A Chinese court sentenced 30 Tibetans, including six Buddhist monks, to jail terms ranging from three years to life in prison for their alleged roles in the Lhasa riots, according to state media. Estimates of the number of monks and nuns detained during the aftermath of the unrest range from hundreds to over one thousand. The government also has expanded and intensified the already widespread “patriotic education” campaigns in monasteries and nunneries.

PRC leaders and representatives of the Dalai Lama met in May 2008 to help defuse the crisis while the PRC government continued to publicly demonize the exiled Tibetan leader.⁶³ At least two lawyers were disbarred for offering to defend Tibetans arrested for taking part in the demonstrations.⁶⁴ The eighth round of talks since 2002 between Beijing and envoys of the Dalai Lama was scheduled to commence in late October 2008 to discuss issues related to Tibetan autonomy.

Uighur Muslims. Estimates of China’s Muslim population range from 20 million to 30 million persons. Most Muslim communities in the western provinces of Ningxia, Gansu, Qinghai, and Yunnan reportedly coexist peacefully with non-Muslims and local authorities under relatively flexible religious policies.⁶⁵ However, social and political tensions and harsh religious policies have long plagued China’s far northwestern Xinjiang Uighur Autonomous Region. The XUAR is home to 8.5 million Uighur Muslims (45% of the region’s population), one of several Turkic ethnic groups in the region. The PRC government fears not only Uighur demands for greater religious and cultural freedom but also their linkages to Central Asian countries and independent Islamic organizations, including terrorist groups. The East Turkestan Islamic Movement, a Uighur organization with alleged ties to Al Qaeda that advocates the creation of an independent Uighur Islamic state, is on the United States’ and United Nations’ lists of terrorist organizations.

Because of perceived national security-related concerns, the PRC government monitors and imposes restrictions upon Uighur society more stringently than it does most other religious and ethnic groups, focusing on Uighur religious leaders and practices. Such restrictions include those related to the training and duties of imams, Uighur and Arabic language, literature, and education, public access to mosques, the celebration of Ramadan, contacts with foreigners, travel abroad, and the *hajj*. Uighur children and youth (under 18) are forbidden from entering mosques and government workers are not allowed to practice Islam. According to Amnesty International, in

⁶³ John Ruwitch, “China Condemns Dalai Lama Ahead of Planned Talks,” *Reuters*, May 3, 2008.

⁶⁴ Edward Cody, “China Sanctions Lawyers Offering to Help Tibetans,” *Washington Post*, June 3, 2008.

⁶⁵ Ben Blanchard, “Religion, Politics Mix Awkwardly for China’s Muslims,” *Washington Post*, May 26, 2006.

2007, Uighurs were the only known group in China to be sentenced to death for political crimes such as “separatist activities.”⁶⁶

In March 2008 in northwestern Xinjiang, PRC authorities suppressed demonstrations involving an estimated 600 ethnic Uighurs who were calling upon the government to scrap a proposed ban on head scarves, grant greater autonomy to Uighur-populated regions, and release political prisoners. The protests reportedly were triggered by the death in custody of a prominent Uighur businessman. In April 2008, PRC authorities claimed to have broken up two terrorist cells that allegedly had plotted to bomb hotels during the Beijing Olympics.⁶⁷

Falun Gong. Falun Gong combines an exercise and meditation regimen derived from *qigong* with spiritual beliefs. It reportedly gained millions of adherents across China in the late 1990s. On April 25, 1999, thousands of practitioners gathered in Beijing to protest the government’s growing restrictions on their activities. Following a crackdown that began in the summer of 1999 and deepened in intensity over a period of about two years, the group, which the government labeled a dangerous cult, has largely diminished as a social or political issue in China. Nonetheless, the continuation of government vigilance against Falun Gong indicates that some followers continue to practice or refuse to recant. Since the crackdown, estimates and claims of the number of Falun Gong adherents who have died in state custody have ranged from several hundred to a few thousand.⁶⁸ U.S.-based Falun Gong organizations have reported many cases of torture and abuse of adherents under detention or serving jail sentences. The PRC government has acknowledged that deaths while in custody have occurred but denied that they were caused by mistreatment.⁶⁹

Variables of Change

The PRC government has been adept at employing a seemingly ad hoc combination of coercive and non-coercive approaches toward human rights issues. In addition, two decades of rapid economic growth have helped to legitimate CCP authority. Some potential, incremental improvements in human rights conditions in China are likely to stem from government policy. Chinese leaders have displayed a

⁶⁶ *Amnesty International Report 2008*, May 5, 2008.

⁶⁷ Edward Cody, “During Crackdown in Tibet, Uighurs Pursued Own Protest,” *Washington Post*, April 3, 2008; Michael Bristow, “China Confirms Xinjiang Protests,” *BBC News*, April 2, 2008; Martin I. Wayne, “Al Qaeda’s China Problem,” PacNet Newsletter [pacnet@hawaiiibiz.rr.com], February 3, 2007; Annual Report of the United States Commission on International Religious Freedom (May 2007); Edward Wong, “Wary of Islam, China Tightens Vice,” *New York Times*, October 19, 2008.

⁶⁸ [http://faluninfo.net/]; U.S. Department of State, *2007 Country Reports on Human Rights Practices*, op. cit.. For further information, see CRS Report RL33437, *China and Falun Gong*, by Thomas Lum.

⁶⁹ M2 Presswire, “Amnesty International: China — Falun Gong Deaths in Custody Continue to Rise as Crackdown Worsens,” December 20, 2000.

willingness and eagerness to improve government performance and accountability and to solicit some non-state input on policy issues, while economic reforms, new communications technologies, and related social changes have created new spaces for free expression and social activism. However, the state also has used other means to reduce or squelch public discourse and activity that have political relevance. Such methods range from manipulating the mass media and coopting members of the intellectual, professional, and entrepreneurial classes to selectively harassing, physically intimidating, arresting, and punishing dissidents and activists. The re-education through labor system remains a key component of the state's capacity for removing large numbers of disaffected people from society. Whether the PRC government can continue on its present course may depend upon the outcomes of several ongoing developments in Chinese politics and society.

Central vs. Local Governments

Many analysts assign partial blame for human rights abuses in China to local officials. On the one hand, local and provincial level misconduct often has complicated or undermined central government efforts at reducing human rights abuses. On the other hand, much of the problem has arisen from the Chinese leadership's unwillingness to institute more far-reaching reforms and its emphasis on maintaining social harmony. Although the central government has made some progress in enacting laws aimed at curbing the most egregious human rights abuses, it has not created institutions that would help enforce these laws, such as checks and balances or direct elections for executive office beyond the lowest administrative levels. Nor has it allowed for independent watchdog or advocacy entities or groups, such as the press, human rights lawyers, and activists. Meanwhile, many local governments have experienced revenue shortfalls under the economic reforms of the past two decades, thereby reducing their ability to provide public services and driving them into collusive relationships with private developers. These conditions have been the source of many human rights abuses and mass protests of the past several years.

The PRC leadership thus far has been able to avoid much of the blame in many conflicts related to land seizures, public health threats, environmental pollution, and other sources of public anger and protest. Rather than focusing their attention on larger, systemic problems, aggrieved citizens generally have blamed corrupt local officials for not acting in accordance with the law, while viewing central leaders as well-intentioned. Beijing often has openly criticized or punished local officials and expressed sympathy for aggrieved residents while allowing police to detain or arrest protest leaders.⁷⁰ The central government has applied a flexible approach toward mass demonstrations especially in cases in which the press, Internet, or local television stations have generated widespread publicity in favor of the protesters.⁷¹ Some analysts argue that mass pressures for greater human rights protections by way of fundamental political reform may gather strength only as the public begins to perceive local problems and activism in national political terms.

⁷⁰ Edward Cody, "China Announces Rules to Require Government Disclosures," *op. cit.*

⁷¹ Edward Cody, "China's Local Leaders Hold Absolute Power," *Washington Post*, June 10, 2008.

Rights Awareness and Legal Activism

China's legal system has made significant strides since the Cultural Revolution (1966-1976), when the court system was severely weakened and heavily politicized. According to some analysts, PRC legal and institutional reforms could ultimately provide foundations for far reaching social and political changes, by nurturing public consciousness of rights and the rule of law and providing a framework for the exercise of political rights and government accountability.⁷² The state still wields disproportionate power against citizens and legal activists and continues to interpret the law arbitrarily in many cases. However, unlike overt and large scale political movements of the past, such as the democracy movement of 1989, which the PRC leadership ultimately viewed as hostile, many of today's legal activists have managed to survive in a gray area in which narrow aims receive grudging or partial legitimacy from the state.⁷³

Although some experts suggest that most Chinese still do not place much faith in the nation's courts, other analysts contend that PRC citizens have rising expectations that the state will honor basic legal rights. According to many reports, rising legal awareness and the development of laws have resulted in the growth of legal activity, especially since 2004, when the PRC government enshrined the protection of human rights in the constitution. Chinese citizens are increasingly turning to the courts to assert claims and even to sue public officials.⁷⁴ More than 150,000 cases are filed annually against the government, although the rate of success remains low. Some reports point to a continuing trend of modest growth in cases and a more dramatic growth in the number of appeals. PRC lawyers also have begun to file "public interest" cases in growing numbers. Though rarely successful, these cases often draw temporary publicity through the mass media and help to further spread legal consciousness, according to some experts.⁷⁵

China's legal profession has grown quickly, albeit from a small base. The country reportedly has 122,000-130,000 full-time lawyers, a third of them practicing in Beijing. This number translates to one attorney for every 10,000 citizens, compared to about one for every 300 in the United States.⁷⁶ In 2008, the PRC Law on Lawyers was amended to provide limited protections for lawyers and their clients,

⁷² Jamie P. Horsley, "The Rule of Law in China: Incremental Progress," *The China Balance Sheet in 2007 and Beyond (Phase II Papers)*, Center for Strategic and International Studies, May 2007.

⁷³ Paul Mooney, "Beijing Silences 'One-Man Rights Organization'," *South China Morning Post*, January 27, 2008.

⁷⁴ Tim Johnson, "A Legal Revolution," *Knight Ridder Foreign Service*, November 9, 2003; "Constitutional Change Giving New Momentum to China Protests," *Kyodo News*, April 24, 2004.

⁷⁵ Joseph Kahn, "When Chinese Sue the State, Cases Are Often Smothered," *New York Times*, December 28, 2005; John L. Thornton, "Long Time Coming," *Foreign Affairs*, Vol. 87, no. 1 (January/February 2008).

⁷⁶ Geoffrey A. Fowler, Sky Canaves, and Juliet Ye, "Chinese Seek A Day in Court — With New Faith in Rule of Law, More Citizens File Suits," *Wall Street Journal*, July 1, 2008.

although potential state interference in the legal process remains a serious problem. These reforms include allowing defense lawyers to meet with clients without first seeking permission from judicial authorities, although only after defendants have been interrogated alone; banning police from observing conversations between lawyers and clients; and exempting statements made by lawyers in the courtroom from prosecution, except those that “harm national security, intentionally slander others, or seriously disrupt courtroom order.” The PRC court system also has implemented programs to strengthen the competence and professionalism of judges and the effectiveness of the judicial system.⁷⁷

Despite reforms around the edges, the legal and judicial systems in China remain flawed in basic ways. The government places a heavy emphasis on establishing the guilt of defendants: there is no adversary system, no presumption of innocence, no protection against double jeopardy, and no law governing the type of evidence that may be introduced. In many cases, police, prosecutors and judges disregard the protections that Chinese law does offer.⁷⁸ In criminal and political cases, sentences are decided not by judges but by a court committee named by the Party. In March 2006, the state-sanctioned All China Lawyers Association (ACLA) issued guidelines on the handling of “mass cases” (10 or more plaintiffs), in part strengthening the supervisory roles of local lawyers associations and judicial offices. The ACLA argued that these guidelines protect lawyers’ rights and enhance their abilities in such cases, while human rights activists charged that they “sharply curtail the ability of plaintiffs to be meaningfully assisted or represented by lawyers when they seek justice.”⁷⁹

China’s changing legal environment has provided an opening for human rights attorneys, but one that is fraught with risks for citizens and lawyers. Some analysts argue that China’s fledgling human rights and defense lawyers are key agents of change. During the past several years, several dozen lawyers in China have made names for themselves by taking on sensitive cases against government entities or economic enterprises with government connections.⁸⁰ In January 2006, a group of prominent Chinese attorneys and legal scholars announced the establishment of an Association of Human Rights Attorneys for Chinese Christians, whose purpose is to educate and defend house church leaders regarding their rights.

Chinese lawyers who have pursued politically sensitive cases have faced a range of troubles, including intimidation, disbarment, kidnaping, house arrest, and prison sentences. Many human rights and defense lawyers have been harassed by officials or beaten by plain-clothes agents of local state agencies or economic interests.

⁷⁷ Benjamin L. Liebman, “China’s Courts: Restricted Reform,” *The China Quarterly*, no. 191 (September 2007).

⁷⁸ Jim Yardley, “Desperate Search for Justice: One Man vs. China,” *New York Times*, November 12, 2005.

⁷⁹ Human Rights Watch, “China: ‘A Great Danger to Lawyers’ — New Regulatory Curbs on Lawyers Representing Protesters,” December 2006.

⁸⁰ Edward Cody, “China Uses Heavy Hand Even with Gadflies,” *Washington Post*, April 9, 2008.

Others have been falsely accused of committing slander, perjury, fabrication of evidence, or the graver crimes of subversion or revealing state secrets. Shanghai attorney Zheng Enchong, for example, who represented families claiming that they had been forcibly evicted from their homes or had received inadequate compensation by the state, was convicted in 2003 of “supplying state secrets to foreigners” and sentenced to three years in prison.⁸¹ Gao Zhisheng, an attorney who publicly criticized the government’s treatment of Falun Gong practitioners, was convicted of subversion in December 2006 but granted a suspended sentence. Lawyers who had publicly offered to defend Tibetan protesters in 2008 were warned not to get involved or they would face disciplinary action.⁸²

Social Unrest

Economic and social changes have created economic classes and widening disparities of income and power. Because legal, judicial, and enforcement mechanisms have largely failed to protect the economic and political rights of many disadvantaged Chinese, social protest has become a common form of expression and means of resolving grievances. In the past several years, major types of social unrest have included state-owned enterprise workers demonstrating against layoffs; migrant industrial laborers protesting lack of pay; farmers objecting to unfair taxation and usurious fees, confiscation of land for development projects, and loss of agricultural land due to environmental degradation; and urban homeowners opposing forcible evictions related to urban renewal. In cases of land confiscation and home evictions, much popular anger has been directed at collusive, lucrative deals between local officials and private investors and the lack of fair compensation.

Since 2005, official government data have pointed to a decline in “mass incidents” or protests involving “mass participation,” while other studies have reported an increase in “public order disturbances” — from 87,000 in 2005 to 95,000 in 2006 and 100,000 in 2007.⁸³ Central government policies designed to decrease tax burdens on farmers and labor abuses in factories have reduced some forms of large-scale protest. In recent years, new sources of social unrest have included budding farmers’ movements to claim ownership of land; the closing of thousands of factories due to climbing labor and energy costs and the rising value of the Chinese currency; unemployment among college graduates; consumer price inflation; and coercive enforcement of the one-child policy.⁸⁴

⁸¹ Amnesty International UK Press Release, January 23, 2006.

⁸² For more information on the plight of legal practitioners in China, see “Walking on Thin Ice: Control, Intimidation and Harassment of Lawyers in China,” *Human Rights Watch*, 2008.

⁸³ Richard S. Williamson, “Growing Social Unrest Will Force China to Reform,” *Chicago Sun Times*, January 30, 2007; Jamil Anderlini, “A Restive Peasantry Calls on Beijing for Land Rights,” *FT.com*, February 19, 2008.

⁸⁴ Bill Powell, “China’s At-Risk Factories,” *Time*, April 28, 2008; Edward Cody, “Farmers Rise in Challenge to Chinese Land Policy,” *Washington Post*, January 14, 2008.

Social unrest has stemmed from not only economic hardship and anger over abuses of power by and collusion among officials and private developers, but also the growing popular awareness and understanding of legal rights. The PRC government has applied a carrot-and-stick approach toward disgruntled social groups, often sympathizing with them and pressuring local authorities to give in to some demands while arresting protest leaders and intimidating social activists. The developing legal consciousness of many Chinese citizens, combined with small but vital networks of lawyers, journalists, and activists attracted to human rights causes, has assured that social pressures for human rights are likely to continue.

Mainstream Protests. While the PRC has experienced over a decade of social unrest among relatively marginalized groups such as wage laborers and farmers, in the past two years, protest activities have begun to appear among more affluent, urban Chinese. These incidences may signal new trends in protest activity: They have been less isolated and displayed greater organizational capacity; the government's responses have been relatively restrained; grievances have been less about participants' livelihoods and more about quality of life issues and the lack of government consultation.⁸⁵ Many analysts suggest that the government most fears disparate groups — wage laborers, farmers, urban homeowners, and intellectuals — linking up to form a broad-based movement. The following are examples of recent protest activities:

- In May 2007, students and professors at Xiamen University in Fujian Province reportedly sent out a million text messages calling on city residents to assemble to protest the planned construction of a Taiwan-financed petro-chemical plant. Estimates of the number protesters, whose march was video-recorded, range from 7,000 to 20,000 persons. Construction of the plant was temporarily halted.
- In January 2008, thousands of suburban homeowners in Shanghai gathered at People's Square and embarked on a raucous protest walk through some of the city's main thoroughfares to protest plans to construct a maglev (magnetic levitation) high-speed train line through their neighborhoods. The protests can be viewed on YouTube.⁸⁶ The Mayor's office reportedly announced that the project would be delayed by at least a year in which to review concerns about health effects and noise.
- In June 2008, tens of thousands of people — estimates range from 10,000 to 30,000 — rioted and torched government buildings in Weng'an County in Guizhou province. The protest was sparked by the drowning of a 17-year old girl, which local police declared was a suicide. Her parents and many residents suspected that she had been raped and killed, and that local officials were protecting the true perpetrators. The protest was remarkable because it was

⁸⁵ Edward Wong, "In China March, Hints of a Movement: Protest of Pollution Is Latest in a Series," *International Herald Tribune*, May 6, 2008.

⁸⁶ [<http://www.youtube.com/watch?v=-7iikjHOOsA>].

reported in the official media, citizen commentary online was widespread, and central and local officials acknowledged “legitimate” grievances that may have contributed to the people’s distrust of government, including the demolition of homes and forced relocations to make way for development. Local police officials were replaced following the riots.

- At the end of August 2008, one week after the closing ceremonies of the Olympic games, hundreds of Beijing residents living near a newly built waste-fueled thermal power plant protested against the fumes emanating from the facility. No arrests were reported.⁸⁷

New Agents of Democracy?

Some Western political theorists and policy makers have argued that the growth of the middle and entrepreneurial classes in developing market economies creates pressures for democracy. According to these hypotheses, demands for rights protections and democracy stem from emerging class desires to protect economic interests and political influence, a growing sense of entitlement, and confidence in their capacity to affect or participate in government decision-making. However, many studies of China’s changing society show how some social groups who have benefitted greatly from economic reforms value incremental over dramatic political change.

One study concludes that the Chinese middle class, which constitutes about 15% of the total population, “do think and act in accordance with democratic principles.”⁸⁸ Other observations, however, suggest that many members of the rising middle class, a product of economic reforms, have displayed either a lack of interest in politics or a preference for political stability rather than rapid democratization. They have been careful not to jeopardize their hard-won economic gains, and have expressed some fear of grassroots democracy.⁸⁹

Rather than asserting its independence from the state, China’s business sector has remained heavily dependent upon it, and often seeks close relations with, relevant government agencies. The CCP, in turn, has welcomed business persons into the Party. The PRC government wields influence over the private sector not only through its jurisdiction over business transactions, but also through its control over many other areas of the economy, such as finance and property. Furthermore, the weakness of China’s legal system means that many business persons must seek relations with government officials in order to protect their assets or enforce contracts. According to several studies, private entrepreneurs favor strengthening the rule of law and support long-term political reform, but also value social stability and

⁸⁷ “Post-Olympic Stress Disorder,” *Economist.Com*, September 11, 2008.

⁸⁸ Jie Chen and ChunLong Lu, “Does China’s Middle Class Think and Act Democratically?” *Journal of Chinese Political Science*, Vol. 11, no. 2 (Fall 1996).

⁸⁹ See Willy Wo-Lap Lam, *Chinese Politics in the Hu Jintao Era*, M.E. Sharpe: Armonk, NY, 2006.

are satisfied with the current, slow pace of political reforms, which have largely served their interests.⁹⁰

China's public intellectuals, another potential agent of change, have been relatively quiescent during the past decade. The formation and crackdown upon the China Democracy Party in 1998-99 crushed nearly all hope for fundamental change, while growing opportunities for making money, travel, academic career development, and even policy input have helped to dampen the urgency of political reform. Some analysts state that the PRC government has coopted most intellectuals.⁹¹ Furthermore, many Chinese intellectuals reportedly are not as enamored of democracy as they once were, for various reasons, including the view that Western efforts to promote democracy in China may be part of an effort to weaken the PRC and pessimistic perspectives on political and economic developments in other post-communist countries, such as Russia. According to one analyst, since 1989, only a tiny group of mostly middle-aged and older intellectuals has actively pursued major democratic reform.⁹²

New Communications Technologies

The PRC government's efforts at censoring the Internet have been strenuous and effective, but not fully successful. In 2008, China overtook the United States in terms of the number of Internet users, with over 220 million people online. Despite its revolutionary qualities as a communications medium, the Internet has not opened the floodgates of political discourse in China as some had hoped or envisioned. Nonetheless, the Internet has made it impossible for the government to clamp down on information as fully as before, despite a rise in arrests for political crimes since 2006. These arrests reflect the rise of "a new generation of dissenters who are increasingly well informed about their scant legal rights and more inclined to spread their views using the Internet."⁹³

Beijing has employed a variety of "hard" and "soft" techniques and approaches to control online content and behavior, including electronic filtering, regulation of Internet Service Providers, monitoring of Internet cafes, and intimidation through the arrests of high profile "cyber dissidents."⁹⁴ According to some analysts, the

⁹⁰ Bruce J. Dickson, "Integrating Wealth and Power in China: The Communist Party's Embrace of the Private Sector," *The China Quarterly*, no. 192, December 2007; Kellee S. Tsai, "China's Complicit Capitalists," *Far Eastern Economic Review*, January/February 2008; Bruce J. Dickson and Jie Chen, "Engaging the State: Political Activities of Private Entrepreneurs in China," Paper Prepared for Presentation at the 2008 Annual Conference of the American Political Science Association, August 38-31, 2008.

⁹¹ Lam, op. cit.

⁹² Teresa Wright, "Disincentives for Democratic Change in China," *East-West Center Asia Pacific Issues*, No. 82, February 2007.

⁹³ Maureen Fan, "'State Security' Arrests in China Doubled in '06, Group Reports," *Washington Post*, November 29, 2007.

⁹⁴ Some experts estimate that the PRC government has employed 30,000 "Internet police."
(continued...)

government cannot control all Internet content and use, but its selective targeting creates an undercurrent of fear and promotes self censorship. The government also has attempted to sway online debates by entering the chat room fray. An estimated 280,000 “Web commentators” — many of them university students — reportedly are employed by state entities to “guide public opinion” or steer discussion online.⁹⁵

To some extent, the Internet has proven to be less of a political tool than many observers had expected or hoped, although vast areas for cultural and social expression have opened up online. Those who mine the Internet for political information reportedly make up a small minority of all users. Greater political information is available for Chinese who use “proxy servers,” which help circumvent government electronic filtering, or those who frequent English language sites. However, according to one study, less than 8% of Internet users in China access proxy servers “sometimes” to “frequently.”⁹⁶ Chinese online chat rooms and blogs also have been hotbeds of ultra-nationalist sentiment.

Many major U.S. online news sites, such as the *Washington Post*, *New York Times*, and *CNN.com*, are frequently available. Since the end of the Beijing Olympics, Voice of America’s website generally has been allowed, although it is still subject to selective blocking. However, for many of China’s educated elites who are proficient in English as well as government officials concerned about political control, it is not the availability of foreign news to a minority of Chinese citizens that is important, but rather the ability to foment political change on the basis of such information. Such ability remains substantially curtailed. Finally, many Chinese Internet users support the idea of censorship, particularly the government’s efforts to ban online pornography, gambling, illegal commerce, phishing, and spam.⁹⁷

In the middle of the decade, bulletin board systems (BBS) and blogs burst onto the online scene, providing forums for Chinese to express opinions publicly and often anonymously. BBS and blogs became the principal medium for political discourse in China. One study found that 61% of blogs carried “critical” opinions, including those related to society, government, corporations, and public figures, while 36% of blogs demonstrated “pluralism” or two or more opposing perspectives.⁹⁸ After the government required BBS participants to register their real names with forum hosts, BBS activity fell dramatically, while blogs surged in popularity.⁹⁹ In the Xiamen University protests of 2007, local residents sent text messages about the

⁹⁴ (...continued)

“On the Wrong Side of Great Firewall of China,” *New Zealand Herald*, November 27, 2007.

⁹⁵ David Bandurski, “China’s Guerrilla War for the Web,” *Far Eastern Economic Review*, Vol 171, no. 5 (July/August 2008).

⁹⁶ Rebecca MacKinnon, “Bloggers and Censors: Chinese Media in the Internet Age,” *China Studies Center*, May 18, 2007.

⁹⁷ Rebecca MacKinnon, “Is Web 2.0 a Wash for Free Speech in China,” *RConversation* [<http://rconversation.blogs.com>].

⁹⁸ “Chinese Bloggers Are Really Edgy,” *Wall Street Journal*, June 14, 2008.

⁹⁹ See also Rebecca MacKinnon, “Flatter World and Thicker Walls? Blogs, Censorship and Civic Discourse in China,” *Public Choice*, Vol 134 (January 2008).

demonstrations to bloggers in other cities, who posted reports on the Web, thus keeping “one step ahead of the censors.”¹⁰⁰

Some experts on the Internet in China have acknowledged government repression while remaining optimistic about the medium’s power. One political blogger stated that although media controls had multiplied under President Hu Jintao, they had not translated into less freedom overall, thanks to the Internet.¹⁰¹ A university professor described the constant struggle with government censors this way:

I have noted the life span of new forms on the Internet here has been about one or two years. Bulletin boards were very free, and after one or two years, they were restricted. Then we saw the emergence of personal Web sites, and after one or two years they were restricted. Then we had blogs. After a year or two, they moved to restrict them, too. I think the Internet in China will always find a way forward, because of technology and other factors. I am actually very optimistic.¹⁰²

U.S. Efforts to Advance Human Rights in China

The United States government has employed a comprehensive approach toward promoting democracy, human rights, and the rule of law in China, but its effects likely have been felt primarily along the margins of the PRC political system. Some experts argue that U.S. policies of political and economic engagement with China have created necessary conditions in which progress in democracy and human rights can be, and to a limited but significant extent has been, made. Others suggest that U.S. engagement policies have failed not only to produce a political transformation but also to set any real change in motion.¹⁰³ In this context, some contend, U.S. efforts to promote democracy and human rights, especially through quiet diplomacy, have been largely ineffectual.

The Bush Administration and Congress have pressured China from without through openly criticizing the country’s human rights record and calling upon the PRC leadership to honor the rights guaranteed in its own constitution, bring its policies in line with international standards, release prisoners of conscience, and undertake major political reforms. President George W. Bush has appealed personally to President Hu Jintao to allow more religious freedom and has met with Chinese independent Christian leaders at the White House. Members of the 110th

¹⁰⁰ Edward Cody, “Text Messages Giving Voice to Chinese,” *Washington Post*, June 28, 2007.

¹⁰¹ “Isaac Mao and Michael Anti at Hong Kong U.,” April 17, 2007. [http://rconversation.blogs.com/rconversation/2007/04/isaac_mao_and_m.html].

¹⁰² Howard W. French, “Chinese Discuss Plan to Tighten Restrictions on Cyberspace,” *New York Times*, July 4, 2006.

¹⁰³ For recent debate on the topic, see David M. Lampton, “‘The China Fantasy,’ Fantasy,” *The China Quarterly*, No. 191 (September 2007); James Mann, “Rejoinder to David M. Lampton,” *The China Quarterly*, No. 191 (September 2007).

Congress have sponsored nearly 20 resolutions aimed at promoting human rights in China. The U.S. government also has provided funding for programs within China that help strengthen the rule of law, civil society, government accountability, and labor rights. It has supported U.S.-based non-profit organizations and Internet companies that monitor human rights conditions in China and help enable Chinese Web users to access Voice of America (VOA), Radio Free Asia, and other websites that are frequently blocked by the PRC government (see below).

Openly Criticizing China

Some analysts argue that the U.S. government should take principled stands against China's human rights policies more frequently and openly, while others believe that such methods can undermine human rights efforts in some situations. The PRC government generally has reacted angrily when the U.S. government has publicly denounced its policies or defied its wishes for reasons related to human rights. In some cases, China has made small or token concessions in order to help reduce or avoid open U.S. criticism.¹⁰⁴ Some analysts suggest that China's decision to restart the U.S.-PRC human rights dialogue in 2008 was related to the U.S. State Department's excluding China from its annual list of "worst human rights violators," while continuing to harshly criticize its record. In other cases, Beijing has responded to perceived U.S. insults in a "tit for tat" manner. Some observers surmise, for example, that the PRC's sudden denial of a port of call to the USS Kitty Hawk in November 2007 represented, at least in part, a response to the U.S. legislature awarding the Congressional Gold Medal to the Dalai Lama the previous month.

The U.S. government has sponsored resolutions criticizing China's human rights record at the annual United Nations Commission on Human Rights (UNCHR) meeting four times in the past decade.¹⁰⁵ Members of Congress also have sponsored numerous non-binding resolutions condemning or calling upon the PRC government to cease or make improvements to various human rights policies. These include the imprisonment and detention of prominent political, religious, and ethnic figures; persecution of Tibetans and Uighurs; lack of progress in the dialogue between Beijing and the Dalai Lama; the crackdown on political voices prior to the Beijing Olympic games; control over the Internet and other mass media; the one-child policy; and treatment of North Korean refugees. Related House bills include those that would restrict U.S.-China trade on the basis of PRC human rights abuses or prohibit U.S. funding to American officials attending the opening ceremonies of the Beijing Olympic.

¹⁰⁴ Melinda Lu, "Saying No to Bush," *Newsweek*, November 22, 2005.

¹⁰⁵ The UNCHR, which had been criticized for including some of the world's worst human rights abusers, was terminated in 2006 and replaced by the United Nations Human Rights Council. The U.S. government, citing a continuation of problems similar to those of the UNCHR, has refrained from seeking a seat on the Human Rights Council. Since the U.S. government began sponsoring such resolutions in 1991, they have been blocked by "no action" motions nearly every time. Only one, in 1995, was considered by the Commission, but lost by one vote.

Human Rights Dialogue

The human rights dialogue between the United States and China was set into motion by President Clinton and President Jiang Zemin in 1998 but has been held only in 2001 and 2002. Beijing formally suspended the dialogue in 2004 after the Bush administration sponsored an unsuccessful U.N. resolution criticizing China's human rights record. In February 2008, while Secretary of State Condoleezza Rice was in Beijing and prior to the release of the State Department's annual human rights report, the PRC government announced that it would resume the human rights dialogue with the United States. In May 2008, the two sides held "constructive and productive" discussions on a wide range of issues. Assistant Secretary of State for Democracy, Human Rights, and Labor David Kramer told reporters that the talks included the following topics: prisoners of conscience, freedom of religion, the situation in Tibet, the Muslim majority in Xinjiang, and media and Internet freedom.¹⁰⁶ Some observers argue that while such talks help to produce a positive atmosphere, they result in few if any real changes on the ground. For example, as the bilateral discussions commenced in Beijing, a group of Chinese human rights attorneys were detained as they attempted to meet with two visiting Members of Congress.¹⁰⁷ Others suggest that while the dialogue may produce limited short-term results, the absence of such dialogue reduces the overall effectiveness of U.S. human rights policies in China.¹⁰⁸

Rule of Law and Civil Society Programs

United States foreign operations appropriations for China chiefly have supported democracy-related programs, particularly rule of law development. They also have assisted Tibetan communities. The U.S. Congress has played a leading role in funding these and related programs, which has grown from \$10 million in FY2002 to an estimated \$23 million in FY2008. Major program areas include legal training, legal aid, criminal defense, labor rights, civil society development, media reform, participatory government, and preserving Tibetan culture. Congress also has provided financial support to U.S. educational institutions for exchange programs with Chinese universities. Several American law schools now offer law degree programs in China or exchange programs. Temple University's Beasley School of Law, which has received USAID assistance, offers a Masters of Laws program in conjunction with Tsinghua University in Beijing. The program reportedly has graduated 650 legal professionals, including Chinese officials and prosecutors, law professors, and legal staff.¹⁰⁹ According to some experts, U.S. law programs in China

¹⁰⁶ "U.S. Says Human Rights Talks with China 'Constructive'" *AFP*, May 27, 2008.

¹⁰⁷ Jill Drew and Edward Cody, "Chinese Lawyers Arrested before Meeting with Congressmen," *Washington Post*, July 1, 2008.

¹⁰⁸ Kristine Kwok, "Resume Rights Talk, China and U.S. Urged," *South China Morning Post*, April 17, 2008.

¹⁰⁹ Temple University School of Law, Rule of Law Projects in China (Executive Summary), March 2007.

have provided relatively secure settings for the discussion of sensitive legal and related political topics.¹¹⁰

The National Endowment for Democracy (NED) is a private, non-profit organization created in 1983 and funded by the United States government to promote democracy around the world. According to one study, NED programs constituted over one-third of all U.S. democracy funding in China in the 1999-2003 period.¹¹¹ The Endowment's programs in China, administered through its "core institutes," have included legal aid, labor rights, investigative reporting, HIV/AIDS awareness, and "activist training."¹¹² NED also funds several U.S.-based organizations that monitor human rights conditions in China, including Tibet and Xinjiang, research and publish newsletters and journals on democracy-related topics, and disseminate political works from China.

Public Diplomacy

The U.S. government aims to influence the hearts and minds of progressive-minded Chinese educated elites through its public diplomacy programs. According to the Department of State, nearly half of all PRC citizens participating in educational and cultural exchanges in the United States are engaged in activities related to democracy, human rights, and religious freedom. Both the Fulbright Scholarship and Humphrey Fellowship exchange programs devote significant resources for rule of law studies. The U.S. International Visitor Leadership Program sponsors U.S. speakers to travel to China to discuss rule of law issues and brings PRC counterparts to the United States. In 2007, 398 U.S. citizens and 552 PRC citizens participated in U.S. government educational and cultural and exchange programs with China.¹¹³

In the two decades since the Tiananmen military crackdown in 1989, many Chinese have come to equate democracy with political instability or view it as harmful to economic growth. One analyst suggests that, rather than touting the virtues of freedom and democracy as abstract ideas, the U.S. government should bolster public diplomacy efforts as a means toward addressing Chinese doubts about democracy. In particular, U.S. public diplomacy efforts should help to persuade the

¹¹⁰ Jen Lin-Liu, "The Paper Chase Comes to China," *The Chronicle of Higher Education*, May 14, 2004. For further information, see CRS Report RS22663, *U.S.-Funded Assistance Programs in China*, January 28, 2008.

¹¹¹ General Accounting Office, "Foreign Assistance: U.S. Funding for Democracy-Related Programs," February 2004.

¹¹² National Endowment for Democracy Asia Program Grants (China): [<http://www.ned.org/grants/07programs/grants-asia07.html#china>]. NED's core institutes or grantees are the International Republican Institute (IRI); the American Center for International Labor Solidarity (ACILS); the Center for International Private Enterprise (CIPE); and the National Democratic Institute for International Affairs (NDI).

¹¹³ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Advancing Freedom and Democracy Reports — 2008: China (includes Tibet)*, May 23, 2008; U.S. Department of State, Office of Public Diplomacy and Public Affairs.

emerging PRC middle class that democracy, stability, social development, and economic growth are mutually reinforcing.¹¹⁴

Internet Freedom

The U.S. government has funded programs to help circumvent PRC Internet censorship and called upon U.S. Internet providers that have entered the Chinese market to promote human rights. The International Broadcasting Bureau funds anti-jamming technologies (approximately \$1 million per year) to help enable Internet users in China, Iran, and other countries to access Voice of America and other censored U.S. government and non-government websites, and to receive VOA e-mail newsletters. The Consolidated Appropriations Act for FY2008 (P.L. 110-161) appropriated \$15 million for an Internet freedom initiative to “expand access and information in closed societies.” The funds are to be used to develop software to broaden access in countries where the Web is heavily censored, particularly China and Iran. The \$15 million is part of the “Human Rights and Democracy Fund” (HRDF), for which Congress allocated \$164 million in 2008.¹¹⁵

In May 2008, the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law held a hearing entitled “Global Internet Freedom: Corporate Responsibility and the Rule of Law.” Representatives from Google, Yahoo, and Cisco Systems testified before the subcommittee regarding their operations in China. Many U.S. observers have accused U.S. information technology corporations of either cooperating with PRC censorship systems or supplying China with censorship technology. Yahoo’s China operations have been especially singled out for criticism by human rights groups. In 2004, Yahoo’s Hong Kong office provided information to PRC authorities about the identity of a Chinese Yahoo e-mail account holder, Shi Tao. Shi, a journalist, reportedly had forwarded information about a state directive regarding the 15th anniversary of the Tiananmen demonstrations to an overseas democracy organization. In March 2005, a PRC court sentenced Shi to 10 years in prison for “leaking state secrets.”

In August 2008, Google, Yahoo, and Microsoft reached an agreement in principle on a voluntary code of conduct for their activities in China as well as other countries that restrict Internet use. The code, to be completed in 2008, is to regulate the behavior of U.S. Internet companies operating in these countries in order to help protect human rights and resist censorship. The Global Online Freedom Act of 2007, introduced on January 5, 2007, would establish an Office of Global Internet Freedom; prohibit U.S. Internet companies from locating their servers in “Internet-restricting” countries such as China; forbid U.S. companies from censoring content or providing personal user information to the government in such countries; and establish civil and criminal penalties for companies and individuals who violate provisions of the act. Some Chinese “cyber dissidents,” however, have argued that on balance, U.S. Internet companies in China have helped to accelerate information flow and provide

¹¹⁴ Ying Ma, op. cit.

¹¹⁵ “State Department Gets Funds to Fight Internet Censorship,” *Federal Times*, January 14, 2008.

more opportunities for free expression, despite their operating within the country's censorship regime.¹¹⁶

Labor Rights

The U.S. government has promoted PRC adherence to international labor standards. U.S. officials monitor compliance with the 1992 U.S.-China Memorandum of Understanding and 1994 Statement of Cooperation on Prison Labor and investigate allegations of forced child labor. The United States and China conduct exchanges on coal mine safety, dispute resolution, occupational safety and health, wage and hour (payroll) administration, and pension programs. The U.S. government also funds programs that help develop the capacity of local Chinese organizations involved in rights protection and legal aid for workers.¹¹⁷

Congressional-Executive Commission on China

On October 10, 2000, President Bush signed into law P.L. 106-286, which authorized the President to grant Permanent Normal Trade Relations (PNTR) to China. The law established 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.¹¹⁸ The body consists of nine Senators, nine Members of the House of Representatives, five senior Administration officials appointed by the President, and a staff of ten. On its website, the Commission provides human rights-related news, keeps track of pertinent PRC laws and regulations, and maintains a database of political prisoners.¹¹⁹ Since its inception, the CECC has held nearly 80 public hearings and roundtables on rights-related topics, including the following: the Beijing Olympics, rule of law development, religious freedom, ethnic minorities, criminal justice, political reform, village elections, labor conditions, mass media, international trade issues, public health (SARS, avian influenza, and HIV/AIDS), property rights, and the Internet in China. It has an annual operating budget of approximately \$2 million.

¹¹⁶ Human Rights Watch, “‘Race to the Bottom:’ Corporate Complicity in Chinese Internet Censorship,” August 2006.

¹¹⁷ Bureau of Democracy, Human Rights, and Labor, *Advancing Freedom and Democracy Reports — 2008*, op. cit.

¹¹⁸ On October 30, 2000, the Floyd D. Spence National Defense Authorization Act for 2001 (P.L. 106-398) established the U.S.-China Economic and Security Review Commission to monitor, investigate, and submit to congress an annual report on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

¹¹⁹ [<http://www.cecc.gov>]

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Appendix

A number of jailed or detained rights defenders have gained national and international attention for their efforts on behalf of causes involving aggrieved citizens. Some of them have been harassed or denied civil liberties by Chinese authorities off and on over a period of several years. Many of these activists are experts on PRC law and have targeted specific violations by local officials, rather than challenging the PRC leadership or broad policy. The government has charged these individuals with various crimes, including “subversion of state power,” “supplying state secrets to foreigners,” and illegal business practices. In most cases, their punishments have been less severe than those of past dissidents who had attempted to organize or represent political or religious groups on a national scale and those of many Tibetan and Uighur activists.

The following selected list provides examples of prominent rights defenders, government critics, journalists, and religious figures who are reported to have been imprisoned or detained by the government or denied civil rights. The names are drawn from the Congressional-Executive Commission on China’s Political Prisoner Database and other sources. It is not exhaustive and is intended to illustrate or provide a sampling of the plight of many political activists and dissidents in China.

Profiles of Selected Imprisoned Dissidents and Activists¹²⁰

- | | |
|------------------------|---|
| Chen Guangcheng | Chen Guangcheng, a legal rights advocate, is best known for his efforts in 2005 challenging illegal family planning practices in Linyi county, Shandong province. PRC authorities arrested Chen in June 2006. A local court sentenced him to four years and three months in prison for “intentional destruction of property” and “gathering people to disturb traffic order.” |
| Gao Zhisheng | Gao Zhisheng, a human rights attorney, has represented numerous individuals, activists, writers, and religious leaders. On October 18, 2005, Gao wrote an open letter to President Hu Jintao and Premier Wen Jiabao, urging an end to persecution of Falun Gong practitioners. He was convicted on December 22, 2007, of “inciting subversion of state power” and was handed a three-year jail sentence, which has been suspended for five years. |
| Guo Feixiong | Guo Feixiong, a rights activist, assisted residents of Taishi village, Guangdong province, who had been involved in an effort to recall their village chief because of his alleged graft. On November 14, 2007, PRC authorities sentenced Guo to five years in prison for “illegal operation of a business.” |

¹²⁰ Compiled by Hannah Fischer, Information Research Specialist. All profiles were developed using the Political Prisoner Database of the Congressional-Executive Commission on China [<http://www.cecc.gov>], along with other media sources.

- Hu Jia** Hu Jia has advocated on behalf of HIV/AIDS patients, other rights defenders, and environmental issues. Hu was placed under surveillance in 2006 for his support of legal advocate Chen Guangcheng. On April 3, 2008, Hu was sentenced to three years, six months' imprisonment for "inciting subversion of state power." In October 2008, the European Parliament awarded Hu the Sakharov Prize for Freedom of Thought.
- Huang Qi** Huang Qi, an Internet activist, maintained a website, [<http://www.64tianwang.com>], devoted to finding missing persons, including trafficked girls. In 2008, Huang visited the Sichuan earthquake zone and published articles online criticizing the government's response to the disaster. Huang was imprisoned from 2003 to 2005 for "inciting subversion of state power." In 2008, he was arrested and charged with "possessing state secrets."
- Shi Tao** Shi Tao, an editor, was sentenced to 10 years' imprisonment on April 27, 2005, for "disclosing state secrets to foreigners." Shi reportedly had e-mailed information about a government order regarding the 15th anniversary of the Tiananmen student demonstrations to an overseas democracy organization.
- Su Zhimin** Su Zhimin, the underground bishop of Baoding city, Hebei province (whose position is not recognized by the PRC government), was detained briefly in 1996. He was again arrested in October 1997, after he reportedly wrote an open letter to the National People's Congress urging religious freedom. Since then, with the exception of a reported sighting in 2003 at a hospital in Baoding, his whereabouts have remained unknown.
- Tenzin Delek** Tenzin Delek, a Tibetan Buddhist leader and monk, was sentenced to death with a two-year reprieve in 2003 on charges of separatism and on alleged involvement in a bombing. Due to international pressure, Tenzin's sentence was commuted to a life sentence in 2005.
- Wang Bingzhang** Wang Bingzhang, a Chinese dissident and permanent U.S. resident, established the pro-democracy *China Spring* magazine in 1982 in Canada. In 1998, while in China, Wang helped found the China Democracy Party, for which he was deported by PRC authorities. In 2002, Wang reportedly was apprehended while meeting with Chinese labor leaders in Hanoi. He was repatriated to China where he faced charges of espionage and "organizing and leading a terrorist group." In February 2003, a Shenzhen court sentenced Wang to life in prison.
- Yang Chunlin** Yang Chunlin, a land rights activist, was arrested in August 2007 and sentenced to five years in prison for "inciting subversion of state power." Yang was accused of writing essays critical of the Communist Party and accepting money from a "hostile" foreign group. In 2007, he wrote an open letter to the government entitled "We Want Human Rights, Not the Olympics." It was signed by over 10,000 citizens, mostly farmers.