



Human Rights in China: Trends and Policy Implications

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January 25, 2010

Congressional Research Service

7-5700

www.crs.gov

RL34729

Summary

Human rights has been a principal area of U.S. concern in its relations with the People's Republic of China (PRC), particularly since the violent government crackdown on the Tiananmen democracy movement in 1989. Some policy makers contend that the U.S. policy of engagement with China has failed to produce meaningful political reform. Others argue that U.S. engagement has helped to accelerate economic and social change and build social and legal foundations for democracy and human rights in the PRC. This report analyzes China's mixed record on human rights – major human rights issues, PRC human rights legislation, and the development of civil society, legal awareness, and social and political activism. This report discusses major areas of interest but does not provide an exhaustive account of all human rights abuses or related incidents.

Fear of social unrest appears to be a large factor behind the PRC government's resistance toward major political reform. The PRC government has attempted to respond to public grievances and popular calls for redress while subduing activists who attempt to organize mass protests and dissidents who openly call for fundamental change. This approach has both produced incremental improvements in human rights conditions and allowed for continued, serious abuses. Major, ongoing problems include excessive use of violence by security forces or their proxies, unlawful detention, torture, arbitrary use of state security laws against political dissidents, coercive family planning policies, state control of information, and religious and ethnic persecution. Tibetans, ethnic Uighur (Uygur) Muslims, and Falun Gong adherents have been singled out for especially harsh treatment.

China's leadership has addressed rising public expectations through a combination of economic growth policies and carrot-and-stick political tactics. In so doing, it has planted seeds of potential change. China's developing legal system, while plagued by corruption and political interference, has provided activists with new means of defending 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 farmers. 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.

On July 5, 2009, a peaceful demonstration involving hundreds of Uighur residents in Urumqi, Xinjiang region, turned into an anti-government and inter-ethnic riot after armed police attacked the demonstrators. The state media reported over 200 deaths and nearly 1,700 injuries, mostly ethnic Han Chinese, while Uighur residents claimed that many Uighur deaths were not reported. PRC authorities reportedly arrested 400 people, predominantly Uighur, and imposed death sentences upon 17.

The U.S. government's efforts to promote human rights and democracy in China have included open or formal criticisms of PRC human rights conditions, bilateral dialogue, sanctions, and congressionally sponsored legislation, hearings, and investigations. Members of the 111th Congress have called upon the PRC leadership to release political prisoners, cease persecution of Falun Gong and "house churches," and respect the rights of ethnic minorities; introduced various resolutions supporting human rights in China; and passed legislation upholding Tibetan rights, commemorating the 1989 democracy movement, and supporting human rights activists. The U.S. government also provides funding for rule of law, civil society development, participatory government, labor rights, Tibetan culture, Internet access, and other programs in the PRC.

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Overview

Human rights conditions in the People's Republic of China (PRC) remain a central issue in U.S.-China relations. For many U.S. policy-makers, progress in this area represents a test of the success of U.S. engagement with the PRC, particularly since permanent normal trade relations (PNTR) status was granted to China in 2000. Many observers argue that legal restrictions on freedoms and cases of political and religious persecution have increased, the leadership remains a dictatorship, and that economic development has strengthened rather than weakened the Communist government.¹ Some policy-makers have pointed to the U.S. Department of State's annual reports on human rights practices in China, which have not noted major improvements in human rights conditions since the democracy movement of 1989.² Other analysts and many Chinese citizens contend that economic and social freedoms as well as limitations on governmental controls over most aspects of people's lives have grown considerably during the past two decades. This trend has even allowed for the emergence of occasional, fragile outbursts of "people power." Disagreements over whether progress has been made often stem from differences over which variables are focused on, such as central government policies, local government actions, civil society, social activism, or short-term versus long-term trends. In many cases, both growing government restrictions and greater assertion of civil rights have occurred simultaneously.

Successive U.S. administrations since 1989 have employed broadly similar strategies for promoting human rights in China. Some analysts have referred to the U.S. foreign policy principle of promoting democracy in China through diplomatic and economic engagement and without directly challenging Communist Party rule as a strategy of "peaceful evolution."³ Nonetheless, experts and policy makers have sharply disagreed over what level of emphasis to place on human rights in relation to other concerns in the bilateral relationship, whether open criticism and sanctions or quiet diplomacy and dialogue are more effective, and whether the U.S. objective should be fundamental political change in China or incremental progress in such areas as the rule of law, civil society, and local elections. Some human rights advocates have charged that the Obama Administration has emphasized bilateral cooperation on global economic, environmental, and security concerns at the expense of human rights in its policy toward China. Other analysts have suggested that Sino-U.S. cooperation in these areas creates greater and more favorable opportunities for promoting human rights.

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."⁴ Beijing has striven to become more populist, accountable, and law-based. However, the government has rejected far-reaching political reforms. In response to public calls

¹ For a variation of this view, see James Mann, *The China Fantasy: How Our Leaders Explain Away Chinese Repression*, New York: Viking, 2006.

² Hon. Thaddeus McCotter and John J. Tkacik, Jr. "The China Delusion," *The Heritage Foundation*, August 28, 2008.

³ Warren Christopher, Secretary of State under the Clinton Administration (1993-97), stated: "Our policy will seek to facilitate a peaceful evolution of China from communism to democracy by encouraging the forces of economic and political liberalization in that great country." Warren Christopher, Statement before the Senate Foreign Relations Committee, January 13, 1993.

⁴ For example, see Robert P. Weller, "Responsive Authoritarianism," in Bruce Gilley and Larry Diamond, eds., *Political Change in China: Comparisons with Taiwan*, Boulder: Lynne Rienner Publishers, 2008.

for democracy in late 2008, PRC leaders reaffirmed the Communist Party's leading role and rejected multi-party democracy and separation of powers.⁵ On the one hand, the government 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. On the other hand, in practice, Communist Party and government officials have retained a large degree of arbitrary authority, particularly over political dissent.

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, especially by those who face economic hardship or uncertainty. 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 “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 rights 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 have 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.

Summary Observations

- The PRC government has compromised little, if at all, on human rights issues that it perceives to represent challenges to its authority. Serious human rights abuses continue in many areas, including political dissent, freedom of speech, independent social and religious organizations, Tibet, Uighurs, Falun Gong, and the official verdict of the 1989 Tiananmen democracy movement.
- Chinese citizens have experienced some marginal improvements in human rights protections while human rights activities have increased. These changes have come about through both government policies and social activism. The government has enacted laws to prevent some of the most egregious violations of human rights and abuses of power, has strengthened the legal system, and often publicly sympathized with aggrieved citizens. Social groups have engaged in protests to defend their rights, often aided by journalists, lawyers, and activists whose activities put them at risk of physical harm, losing their professional licenses, or imprisonment.
- Although there is little movement toward fundamental political reform in China, some factors may help to accelerate change. These include a shift in public emphasis on local political issues toward national ones; the growth of social protest activity that would include not only socially and economically marginalized groups such as farmers,

⁵ Christopher Bodeen, “China Drives Home Rejection of ‘Western’ Democracy,” *Associated Press*, March 9, 2009.

workers, and migrants but also the urban middle class, professionals, and private entrepreneurs; and the development of new communications technologies.

- The Internet has provided Chinese citizens with unprecedented amounts of information and opportunities to express opinions publicly. Due to government censorship and other policies and to the non-political nature of most Web activity in China, the Internet has proven to be less of a political factor than many observers had expected or hoped. Nonetheless, the Internet has made it impossible for the government to restrict information as fully as before. In many cases, news disseminated independently online has helped to hold government officials more accountable than in the past.
- The U.S. government has developed a comprehensive array of tactics and programs aimed toward promoting democracy, human rights, and the rule of law in China, but their effects have been felt primarily along the margins of the PRC political system. Some experts argue that these policies have had little effect, and are constrained by the overarching policy of U.S. diplomatic and economic engagement with China. Others contend that U.S. human rights and engagement policies have helped to set conditions in place that are necessary for progress.

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) and local governments reportedly also have considered or taken minor steps toward abolishing the re-education through labor system or *laojiao*, making elections more competitive, and providing rural migrants in urban areas with official residency status and the same rights as city dwellers.

Two events in 2008, the Beijing Olympics and the Sichuan earthquake, helped to demonstrate both the power of the state and the potential of China's fledgling civil society. In 2007, many Chinese political activists took advantage of the Olympics' promise of increased openness to make public appeals for political reforms.⁶ However, the PRC 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

⁶ 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.

government began suppressing protests regarding shoddy construction of school buildings that collapsed during the disaster and killed an estimated 10,000 children.⁷

Selected Highlights from the State Department's Human Rights Report for 2008

The State Department's annual *Country Reports on Human Rights Practices* stated that China's human rights record remained poor in 2008 and worsened in some areas.⁸ According to the report, the PRC remains an authoritarian state in which the permanent leadership role of the Chinese Communist Party is inscribed 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 2008, tighter restrictions on rights were imposed in Tibet and Xinjiang, upon the mass media, toward dissidents and petitioners seeking redress, and on social or non-governmental organizations (NGOs). According to the State Department, major human rights abuses committed by the state in 2008 included the following:

- **Unlawful or Politically-Motivated Killings:** There were reports of unlawful killings by security forces or their agents during the year.⁹
- **Torture:** Despite government efforts to reduce the practice, reports indicated widespread physical abuse and the use of torture against criminal suspects and political activists under detention.
- **Re-education through Labor (RETL):** The RETL system, or *laogai*, 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 a government 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 either "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, and other unlawful government actions against individuals, some of which triggered protests.¹⁰

⁷ Edward Wong, "Grieving Chinese Parents Protest School Collapse," *International Herald Tribune*, July 16, 2008.

⁸ U.S. Department of State, 2007 Country Reports on Human Rights Practices – China (March 11, 2008) and 2008 Country Reports on Human Rights Practices – China (February 25, 2009).

⁹ In the first three months of 2009, 15 cases of "suspicious deaths" in Chinese jails were reported. In April 2009, the PRC government announced a plan to educate police on proper jail procedures. Austin Ramzy, "In China, Suspicious Jail Deaths on the Rise," *Time.com*, April 30, 2009.

¹⁰ 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.

- **Censorship:** Public discussion, speech, or reporting of sensitive or controversial political topics were forbidden. Such topics included the Tiananmen events of 1989, Taiwan, Tibet, Falun Gong, and criticism of 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 assault, 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 were reported in some areas, and repression and persecution 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.¹¹ 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 political 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 research institutes. They also collaborate with non-state elites and actors, such as social organizations and private entrepreneurs, who often sponsor research projects. Although nearly all of China’s think tanks are linked to government 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 upon their activities remain.¹²

In other areas, the range of sensitive topics, such as social unrest, government corruption, and the abuse of power, particularly at the local level, that can be reported or discussed publicly has grown. Religious activity overall, in both sanctioned and unsanctioned places of worship, has increased. Freedom of movement, both within the country and abroad, also has 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.¹³

¹¹ “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.

¹² He Li, “The Role of Think Tanks in Chinese Foreign Policy,” *Problems of Post-Communism*, Vol. 49, no. 2 (March/April 2002).

¹³ 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.

Social Organizations¹⁴

Beijing has expressed both an appreciation for the public contributions of social organizations and a wariness toward their potential autonomy and intentions. According to various estimates, there are over 400,000 officially-registered civil society organizations in China, and over one million in total, including over 200 international non-profit entities.¹⁵ Environmental groups have been at the forefront of the development of the non-profit sector in China. Other areas of non-state activity include poverty alleviation, rural development, public health, education, and legal aid. According to many experts, most of the registered social organizations are sponsored by a government body, and 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 Chinese social organizations while expressing suspicions toward foreign involvement. The government was especially fearful of the potential of foreign NGOs to help foment a “color revolution,” and reportedly established an office to monitor foreign NGOs and their Chinese partners. In July 2009, the Beijing government closed Open Constitution Initiative, a legal research center focusing on civil rights, while its founder and financial manager were temporarily detained.¹⁶ Although these and other government actions have not resulted in a broad crackdown on social organizations in China, they reportedly have sent a chill through the non-profit community and discouraged such groups from taking on politically daring projects.¹⁷

Human Rights Legislation

While the Hu-Wen government has proven to be politically conservative – placing more emphasis upon maintaining social stability than either major economic or political reforms – it has enacted several major laws that may reduce some of the most egregious patterns of human rights abuse. In 2004, for example, 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 criminal suspects be video-recorded. These regulations followed a 2004 law forbidding the use of torture to obtain confessions. 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.¹⁸ In November 2009, the PRC government announced a new draft

¹⁴ Many analysts refer to non-state organizations in China as non-governmental organizations (NGOs), social organizations, or non-profit groups. Because most non-state organizations in China have an official sponsor, they are referred to in this report as social organizations or non-profit groups.

¹⁵ <http://www.chinadevelopmentbrief.com/>; <http://www.chinadevelopmentbrief.com/> Ying Ma, “China’s Stubborn Anti-Democracy,” *Policy Review*, February/March 2007; The World Bank, “The World Bank and Civil Society in China,” September 17, 2009.

¹⁶ In May 2009, Open Constitution Initiative released a report rejecting the government’s assertion that the Tibetan unrest of March 2008 was primarily instigated by the Dalai Lama, and pointing to causes related to social, cultural, and economic policies in the region. Congressional Executive Commission on China Newsletter, No. 4, 2009.

¹⁷ Paul Mooney, “How to Deal with NGOs—Part 1, China,” *YaleGlobal Online*, August 1, 2006.

¹⁸ Zhu He, “‘Right to be Silent’ May Be Granted,” *China Daily*, May 18, 2007.

law stipulating that detainees would be entitled to visits from lawyers and family and not subject to forced labor.¹⁹

- **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."²⁰ An effort to reduce the death penalty may have been responsible for a reduction in the use of capital punishment (from roughly 15,000 annually a decade ago to 6,000, according to some estimates).²¹
- **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 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. The global recession that began in 2008 reportedly has reduced government incentives to enforce the law.²²
- **Property Rights:** In March 2007, the NPC passed a constitutional amendment designed to protect property rights that had been debated since 2002. Although the new Property Law would preserve the state's ownership of all land, 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 seizure by government-backed real-estate developers.²³ In October 2008, the government issued new measures allowing farmers to lease and transfer or sell rights to use the property allocated to them by the state.²⁴
- **Government Transparency:** In April 2007, the PRC government announced new rules, to take effect in 2008, requiring greater disclosure of official information.²⁵ In addition, institutional and legal mechanisms were set up to provide for greater government responsiveness and accountability. In part, these measures represented attempts to compel local governments to reveal financial accounts related to land takings in rural areas.²⁶
- **Organ Transplants:** In 2006 and 2007, PRC 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 growing evidence

¹⁹ Ng Tze-wei, "Lawyers Hail Detention Law," *South China Morning Post*, November 11, 2009.

²⁰ Zhao Yuanxin and Xie Chuanjiao, "No Turning Back on Death Rule," *China Daily*, March 15, 2007.

²¹ Peter Ford, "Amid Human Rights Protests, A Look at China's Record," *Christian Science Monitor*, April 10, 2008.

²² "China Rocked by Labor Disputes Due to Legal Reforms, Inflation Fears," *Nikkei Weekly*, July 14, 2008.

²³ Edward Cody, "Lawmakers Approve Measure to Protect Private Property," *Washington Post*, March 16, 2007.

²⁴ 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.

²⁵ Edward Cody, "China Announces Rules to Require Government Disclosures," *Washington Post*, April 24, 2007.

²⁶ 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.

and international criticism of a booming and unregulated international trade in organs of executed Chinese prisoners, including what one report said were “large numbers” of Falun Gong practitioners.²⁷

Other Policy Developments

Re-education through Labor

Re-education through labor (RTL), an administrative measure, empowers the police to sentence persons guilty of minor or non-criminal offenses such as petty theft, prostitution, unlawful religious activity, and “disrupting social order” to a maximum of three to four years in detention. Approximately 300 RTL (*laojiao*) 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 in the early 2000s.²⁸ According to some estimates, between 2% and 10% of those in the penal system were detained for political reasons.²⁹

Many policy reformers and citizens in China have argued for an overhaul of the *laojiao* system. 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 sentencing, shorten terms, improve conditions at such centers, and provide better protections of the legal rights of “minor offenders.”³⁰ At the end of 2008, the CCP reportedly indicated that it would fundamentally reform the *laojiao* system to possibly involve shorter sentences and incorporate judicial oversight.³¹

In the Provinces: Renewed Talk of Reform

Policy proposals aimed at more responsive, accountable, and limited government have been broached on and off for two decades, particularly in the provinces. Although such ideas have not produced major political reforms, they continue to reappear. For example, 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

²⁷ David Matas and David Kilgour, “Bloody Harvest: Revised Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China,” January 2007; Ethan Gutmann, “China’s Gruesome Organ Harvest,” *The Weekly Standard*, November 20, 2008. The PRC government denied that organs were taken without prisoners’ permission and rejected allegations that organs were removed from Falun Gong detainees while they were still alive. 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. 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.” U.S. Department of State Daily Press Briefing, April 14, 2006.

²⁸ 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.

²⁹ 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.

³⁰ Debate on reform of the *laojiao* system was suspended from 1999 to 2003, during the crackdown on the Falun Gong group, and then tabled again in 2005. Wu Jiao, “New Law to Abolish Laojiao System,” *China Daily*, March 1, 2007.

³¹ Jerome Cohen, “Legal Reform Can Promote Harmony,” *South China Morning Post*, December 25, 2008.

make elections to the legislative body 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.³²

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 its monopoly on power, such discussion may refer to greater public supervision of government.³³

China Human Rights Action Plan

In April 2009, the PRC State Council released a two-year "action plan" that pledged an increased commitment to human rights, including farmers' rights over land use, freedom from torture, due process, and expanded citizen participation and consultation. The government declared that its policy was designed to help bring China up to international standards as prescribed in the PRC Constitution, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights.³⁴ Many observers, while welcoming the government's acknowledgement of the need for improvement, remained skeptical about the plan's potential impact.³⁵ Others suggested that the plan represented a step forward from previous efforts because it appeared to involve the input of academics and other civil society actors. Furthermore, they argued, reformers in the government may use the plan as a platform for promoting democratic change.³⁶

The Twentieth Anniversary of the Tiananmen Square Crackdown

In the months leading up to the twentieth anniversary of the military suppression of the 1989 democracy movement, human rights groups reported an intensified level of surveillance, harassment, intimidation, and arbitrary detentions of social activists, rights defenders, and others. Those affected included people asserting housing, land, and labor rights, lawyers, petitioners, political dissidents, signers of the Charter '08 call for democracy, participants in the 1989 demonstrations, and victims' families. Ding Zilin, the mother of a 17-year-old boy who was killed on June 4, 1989, in Beijing, reportedly was told to leave the capital until the 20th anniversary had passed, although she refused to do so.³⁷ Ding is a driving force behind Tiananmen Mothers, a network of about 150 family members of Chinese citizens killed in the crackdown that seeks a truthful, public accounting and an official reassessment of the event as well as government compensation for the deaths and assistance for those injured or maimed. According to other reports, the PRC government also clamped down on Internet traffic, including blogging, file

³² Edward Cody, "Pioneering City Offers Peek at Political Ferment," *Washington Post*, June 30, 2008.

³³ Wu Zhong, "Party Time for China," *Asia Times* <http://www.atimes.com>, September 10, 2008.

³⁴ The PRC has signed, but not ratified, the International Covenant on Civil and Political Rights.

³⁵ "China's 'Human Rights Action Plan': Long Awaited, Short in Substance," Chinese Human Rights Defenders, April 20, 2009 http://crd-et.org/Article/Class9/Class15/200904/20090421033141_15049.html.

³⁶ "China Releases First Human Rights Action Plan," *Associated Press*, April 13, 2009.

³⁷ "China Targets Activists Ahead of Tiananmen Anniversary," *States News Service*, April 30, 2009; Jane Macartney, "Mother Told Not To Honour Son," *The Times*, May 20, 2009.

sharing, and social networking sites such as Google's blog service, YouTube, Twitter, and Facebook.³⁸

Selected Human Rights Issue Areas

Persecution of Political Dissent

China's state security law is used liberally and often arbitrarily against political dissidents. According to PRC government data, in 2007, 742 people were arrested for "endangering state security," the highest number since 1999.³⁹ In 2008, this number more than doubled, to 1,600.⁴⁰ According to the Congressional-Executive Commission on China, in 2008, more than 900 persons were serving prison terms for activities related to expression, assembly, spiritual practice, and religious worship.⁴¹ About 30 people are believed to remain in jail in connection with their involvement in the 1989 Tiananmen demonstrations.⁴² Furthermore, during the past year, there have been numerous reports indicating that some dissidents and human rights activists were tortured in government custody while others were harassed by police or assaulted by unidentified assailants believed to be linked to the government or business interests. Sentences or harassment of prominent dissidents in 2008-2009 included the following:

- Zheng Enchong, a lawyer and housing rights activist, has faced harassment from local security personnel since his release from prison in 2006, particularly after he gave an interview for Voice of America in April 2009 discussing Shanghai housing policies.
- Gao Zhisheng, a rights lawyer who defended Falun Gong practitioners and others,⁴³ was detained and allegedly tortured for a period in 2007. PRC authorities apprehended Gao in February 2009. His whereabouts are unknown.
- Huang Qi, a human rights advocate, was sentenced to three years in prison in November 2009. A PRC court convicted Huang for "possessing state secrets" after posting appeals and complaints online of families whose children had been killed in school buildings during the Sichuan earthquake of May 2008.
- Liu Xiaobo, a critic of the PRC government who was active in the 1989 democracy movement, helped to draft Charter '08, a document calling for democracy and disseminated online in December 2008. In December 2009, A Beijing court sentenced Liu to 11 years in prison for "inciting subversion of state power."

³⁸ "Hong Kong Paper Says China Blocking Google, YouTube," *BBC Monitoring Asia Pacific*, May 20, 2009.

³⁹ Ford, "Amid Human Rights Protests, A Look at China's Record," op. cit.

⁴⁰ Dui Hua Foundation, March 25, 2008.

⁴¹ <http://www.cecc.gov>.

⁴² "Tensions Rise in China ahead of Tiananmen Massacre Anniversary," *Kyodo News*, May 14, 2009.

⁴³ Gao Zhisheng, *A China More Just*, San Diego, Broad Press, 2007.

State Control of the Press

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, the PRC government exercises less control over news and information than it did a decade ago. One scholar characterizes state control of the media as evolving from one of “omnipresence to selective enforcement.”⁴⁴ 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 be 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.⁴⁵

Increasingly commercialized media outlets negotiate a delicate balance between responding to growing public demands for information and remaining within the bounds of what authorities will allow and advertisers will support. Under the economic reform policies of the past two decades, a burgeoning private media industry has developed, compelling many newspapers and television stations as well as Internet service companies to push the limits of cultural, social and, to a small extent, political content. State media also have had to provide more probing and provocative fare in order to attract readers, stay competitive, and respond to news and public opinion appearing on the Internet. Nearly all media organizations in China rely upon subscriptions and ad sales to help sustain themselves financially. One study suggests that, on the one hand, the commercialization of the media has propelled an unprecedented flow of information and helped to bolster the media’s role as a government watchdog. On the other hand, many profitable media enterprises may be reluctant to take risks, fearing government sanctions and the loss of advertising revenue.⁴⁶

Beijing has remained vigilant toward media activities that challenge CCP authority. At the end of 2007, 29 journalists and 51 cyber-dissidents reportedly remained in detention for political reasons.⁴⁷ In 2008, the Committee to Protect Journalists documented the cases of 28 imprisoned journalists while the PEN American Center reported that 19 persons remained in prison for politically sensitive postings and other activities online.⁴⁸

In October 2008, the central government permanently adopted the Olympics-related temporary regulations that had expanded press freedoms for foreign journalists. These include permitting foreign journalists to travel within the country and to interview Chinese subjects without official permission.⁴⁹ However, although the Foreign Correspondent’s Club of China noted improvements

⁴⁴ 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 38-31, 2008.

⁴⁵ Ariana Eunjung Cha, “Public Anger over Milk Scandal Forces China’s Hand,” *Washington Post*, September 19, 2008.

⁴⁶ Hongying Wang and Xueyi Chen, “Globalization and the Changing State-Media Relations in China,” *op. cit.*; Christopher Walker and Sarah Cook, “China’s Commercialization of Censorship,” *Far Eastern Economic Review*, May 2, 2009.

⁴⁷ 2007 Country Reports on Human Rights Practices – China, *op. cit.*

⁴⁸ 2008 Country Reports on Human Rights Practices – China, *op. cit.*

⁴⁹ Human Rights Watch, “China: Extend New Media Rules to Chinese Reporters,” October 21, 2008.

in government access and transparency, the new regulations did little to prevent state interference and harassment in many circumstances.⁵⁰ Furthermore, in February 2009, the PRC government issued a code of conduct for Chinese news assistants of foreign news agencies (Chinese journalists are forbidden from working for foreign media). According to human rights groups, the code represented a setback for press freedom in China. For example, it prohibits news assistants from engaging in independent reporting.⁵¹

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 voices have pushed back with increasing frequency, though such movements remain fleeting. In addition, growing numbers of Internet users reportedly are chafing against information controls and expressing such frustrations online.⁵²

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.⁵³ 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 Severe Acute Respiratory Syndrome (SARS) virus. However, the weekly eventually resumed its muckraking efforts.

In June 2008, *Southern Weekend* published an extensive article on the Sichuan earthquake and one school's substandard construction. In September 2008, a *Southern Weekend* 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 it from investigating the story further.⁵⁴ Another leading investigative publication, *Caijing*, has reported upon politically sensitive issues and stories such as official corruption, corporate fraud, the government's handling of the SARS outbreak in 2002-2003, and the Xinjiang unrest of 2009. The magazine was temporarily shut down in late 2008 by the government, which claimed that it had violated media regulations, after *Caijing* exposed suspicious cash transfers at the Agricultural Bank of China.⁵⁵ In November 2009, the editor, Hu Shuli, resigned, along with 70 employees, following several months of discord between the magazine and its government affiliates or sponsors.⁵⁶

⁵⁰ 2008 Country Reports on Human Rights Practices – China, op. cit.

⁵¹ Human Rights Watch, "China: New Restrictions Target Media," March 18, 2009.

⁵² Howard W. French, "Great Firewall of China Faces Online Rebels," *New York Times*, February 4, 2008.

⁵³ 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.

⁵⁴ 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.

⁵⁵ Christopher Walker and Sarah Cook, "China's Commercialization of Censorship," op. cit.

⁵⁶ Jonathan Ansfield, "A Casualty of Beijing's Pervasive Intrigue; Editor of Tough Magazine Moves on after Political and Financial Wrangling," *International Herald Tribune*, November 10, 2009.

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 regulations, enacted in March 2005, protect the rights of registered religious groups to publish literature, collect donations, possess property, and train and approve clergy. The State Administration for Religious Affairs (SARA) also 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.⁵⁷ Many experts assert that these laws grant the government broad latitude to determine what religious groups are lawful and to deny civil liberties 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 ten consecutive years (2000-2009). 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.⁵⁸

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 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.

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.⁵⁹ Membership in official Christian churches alone has grown by 50% in the past decade, according to the government. Some studies have suggested that Christianity’s rise in China, as well as the growth of other religions, reflects

⁵⁷ The religion with the largest number of followers in the PRC, at roughly 100 million, is Buddhism.

⁵⁸ United States Commission on International Religious Freedom, *Annual Report 2006*, May 2006.

⁵⁹ 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.

greater freedom and affluence among some Chinese, and the need to cope with dramatic social and economic changes among others.⁶⁰

Many government abuses of Christian worshippers involve ambiguities over which groups are required to register – small home gatherings are officially tolerated – or disputes over which side—the church or the government—has failed to abide by registration guidelines. Many Chinese Protestants have rejected the official church, also known as the Three Self Patriotic Movement, for political or theological reasons, while some congregations have claimed that their applications have been rejected by the local religious affairs bureau.⁶¹ Government officials have argued that some foreign Christian groups have discouraged unofficial churches, often referred to as “house churches,” from registering with the state.⁶² House churches lack legal protections, and remain highly vulnerable to the often-unchecked authority of local officials. In some regions and cities, particularly in the more affluent southeast, unofficial congregations generally 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 reportedly have experienced regular harassment by local authorities and their leaders have been beaten, detained, and imprisoned.⁶³

The China Aid Association (CAA), a U.S.-based non-profit organization that monitors religious freedom in China, reported over 2,000 incidents in which house churches were persecuted by the government in 2008, compared to 788 in 2007. CAA also reported 764 cases of Chinese Christians detained or arrested in 2008, up 10% compared to 2007, and 35 cases of Christians sentenced to prison terms, more than double that of the previous year.⁶⁴ Police released most detainees after sessions said to involve interrogation, intimidation, and sometimes torture. The U.S. State Department reported that in 2009, the government “detained, arrested, or sentenced to prison terms many religious leaders and adherents for activities related to their religious practice; however, the Government denied detaining or arresting anyone solely because of his or her religion.”⁶⁵ In January 2010, dozens of underground or house church worshippers reportedly were detained.⁶⁶

Beijing and the Vatican, which broke diplomatic ties in 1951, have engaged in a 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.⁶⁷ According to the State Department, as of 2008, an estimated 90% of bishops in the official Catholic Church in China (the Chinese Catholic Patriotic Association) have reconciled with the Vatican and a large majority of them have been approved by the Holy See.⁶⁸ However, government harassment and detentions of unregistered Catholic

⁶⁰ Associated Press, “Poll Shows 300M in China ‘Religious,’” *South China Morning Post*, February 7, 2007.

⁶¹ “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.

⁶² Brookings Institution, “Religion in China: Perspectives from Chinese Religious Leaders,” September 11, 2008.

⁶³ 2008 Country Reports on Human Rights Practices – China, op. cit.

⁶⁴ China Aid Association USA, Annual Report of Persecution by the Government on Christian House Churches within Mainland China, January 2009.

⁶⁵ U.S. Department of State, *International Religious Freedom Report 2009 – China* (October 26, 2009).

⁶⁶ Verna Yu, “Christians’ Detention Sparks Concern,” *South China Morning Post*, January 11, 2010.

⁶⁷ U.S. Department of State, *International Religious Freedom Report, 2008 – China* (September 2008).

⁶⁸ 2008 Country Reports on Human Rights Practices – China, op. cit.

bishops, priests, and laypersons have continued and progress in talks between the two sides reportedly have stalled.⁶⁹ In May 2008, the Shanghai government imposed new restrictions on Chinese Catholics making the annual pilgrimage to the Marian shrine of Sheshan. According to some analysts, the PRC government feared possible social unrest or political implications from such large gatherings of Chinese Catholics from the official and unofficial Churches as well as from Hong Kong.⁷⁰

Tibet

The PRC government has continued to carry out policies restricting Tibetan religious practices, which has helped to fuel local resentment toward the influx of Han Chinese, the majority ethnic group in China, in 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 a 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 benefited 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 Gyaltsen Gyari, described the new regulations as a blow against "the heart of Tibetan religious identity."⁷¹

Lhasa Demonstrations

On March 11, 2008, the 49th anniversary of the Tibetan uprising against Chinese rule, 300 Buddhist monks 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."⁷²

Official PRC news sources reported that 19 persons died in the riots and emphasized Chinese casualties, while Tibetan groups suggested that roughly 200 persons were killed by paramilitary troops in several Tibetan areas in western China, where approximately 100 protests broke out during the following weeks. A PRC 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 several hundred to over one thousand. In addition, the

⁶⁹ Marianne Barriaux, "China's Catholics Celebrate Easter amid Familiar Tensions," *Agence France Presse*, April 11, 2009.

⁷⁰ The Hong Kong diocese canceled its pilgrimage due to the restrictions. "Government Attack against Sheshan Bears Fruit, Number of Pilgrims Cut by Half," *AsiaNews.it*, May 8, 2008.

⁷¹ "The Question of Tibet," *International Debates (Congressional Digest)*, May 2008.

⁷² See CRS Report RL34445, *Tibet: Problems, Prospects, and U.S. Policy*, by Kerry Dumbaugh.

Municipal Intermediate People's Court in Lhasa reportedly sentenced two Tibetans to death for committing arson resulting in deaths during the riots and handed down two suspended death sentences.⁷³ The government also 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.⁷⁴ Some Chinese lawyers were disbarred for offering to defend Tibetans arrested for taking part in the demonstrations.⁷⁵ The eighth round of dialogue between Beijing and envoys of the Dalai Lama since 2002, which took place in November 2008, failed to bring about any fundamental progress on the issue of greater autonomy for Tibet. The ninth round is scheduled for late January 2010. Some reports indicate that Beijing's revised economic development plans for the region may be aimed at reducing economic grievances of Tibetans but do not address issues related to autonomy, religious freedom, or ethnic identity.⁷⁶

Uighur Muslims

Estimates of China's Muslim population range from 20 million to 30 million people. According to some experts, most Muslim communities in the western provinces of Ningxia, Gansu, Qinghai, and Yunnan coexist relatively peacefully with non-Muslims and experience little conflict with local authorities.⁷⁷ However, social and political tensions and harsh religious policies have long plagued China's far northwestern Xinjiang Uighur Autonomous Region (XUAR). The XUAR is home to 8.5 million ethnic 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 links to Central Asian countries and foreign Islamic organizations, including terrorist groups. The East Turkestan Islamic Movement, a Uighur organization that advocates the creation of an independent Uighur Islamic state and that Beijing alleges to have ties to Al Qaeda, is on the United States' and United Nations' lists of terrorist organizations.⁷⁸

Due to perceived national security-related concerns, the PRC government has imposed stern ethnic and religious policies in Xinjiang. Such policies include restricting the training and role of imams, Uighur and Arabic language, literature, and education, public access to mosques, the celebration of Ramadan, contacts with foreigners, travel abroad, and participation in the *hajj*. Uighur children and youth (under 18) are forbidden from entering mosques and government workers are not allowed to practice Islam. More recent Uighur grievances have included a perceived loss of ethnic and cultural identity, a lack of consultation by the government, and economic discrimination as large numbers of Han (China's ethnic majority) have migrated to the region. Government efforts to demolish the old city of Kashgar, ostensibly to build new housing and improve public safety, has angered many Uighurs. Many long time Kashgar residents, who say they have not been adequately consulted on the redevelopment plans, argue that the policy is

⁷³ Vaclav Havel, El Hassan Bin Talal, and Desmond Tutu, et al. "Death in Lhasa," *Cyprus Mail*, April 23, 2009.

⁷⁴ John Ruwitch, "China Condemns Dalai Lama Ahead of Planned Talks," *Reuters*, May 3, 2008.

⁷⁵ Edward Cody, "China Sanctions Lawyers Offering to Help Tibetans," *Washington Post*, June 3, 2008.

⁷⁶ Kristine Kwok, "Beijing to Resume Talks on Tibet," *South China Morning Post*, January 26, 2010.

⁷⁷ Ben Blanchard, "Religion, Politics Mix Awkwardly for China's Muslims," *Washington Post*, May 26, 2006.

⁷⁸ See CRS Report RL33001, *U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy*, by Shirley A. Kan.

aimed at controlling the local population. By contrast, many Han believe that Uighurs receive special economic treatment due to PRC special policies toward minority groups.

Urumqi Unrest

On July 5, 2009, according to various reports, several hundred to a few thousand Uighur demonstrators gathered peacefully in Urumqi, the capital of Xinjiang, to demand that PRC authorities prosecute those responsible for the deaths of at least two Uighur men involved in a brawl between Han and Uighur factory workers in Guangdong province. Paramilitary police reportedly attacked the demonstrators after they refused to disperse, which eventually provoked a Uighur riot and acts of violence against government property, Han residents, and shops. In response, bands of Han sought retribution against Uighurs. Despite the arrival of 20,000 troops in the city, small-scale protests and clashes between Uighurs and Han using homemade weapons continued for several days.

The PRC government blamed Uighur “separatists” and exile groups for planning the riots, particularly the World Uyghur Congress led by exiled Uighur leader and former political prisoner Rebiya Kadeer.⁷⁹ The XUAR government reported nearly 200 deaths, about two-thirds of them Han, and 1,600 people injured. Roughly 400 people, predominantly Uighur, have been arrested in connection with the unrest, including 17 who have been sentenced to death, while over 40 remain missing.⁸⁰ Internet, long distance telephone, and text messaging services were blocked for several months.

Nearly two dozen Uighurs who fled China after the turmoil applied for political asylum at the United Nations High Commissioner for Refugees office in Phnom Penh, Cambodia.⁸¹ The Cambodian government deported the individuals, whom the PRC leadership regards as criminals, in December 2009. Chinese officials denied that the deportation was linked to the generous economic assistance that China provides to Cambodia.⁸²

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 or “evil” cult, has largely diminished as a social or political force in China. Nonetheless, ongoing government vigilance against Falun Gong indicates that some followers continue to practice or refuse to disavow their beliefs. Overseas Falun Gong organizations assert that intensified government suppression of the group began before the 2008 Beijing Olympics

⁷⁹ Two of Kadeer’s sons, Alim Abdireyim and Ablikim Abdireyim, are serving jail sentences for tax evasion and “engaging in secessionist activities.”

⁸⁰ “China Says 237 ‘Formally Arrested’ for Xinjiang Ritos,” *Kyodo News*, September 11, 2009; “China Says It Detains 94 Who Fled After Ethnic Rioting In Far West,” *The Canadian Press*, December 9, 2009; Michael Wines, “Group Says Many Detainees Have Disappeared in China,” *New York Times*, October 22, 2009.

⁸¹ Anna Cara, “China Says Uighur Asylum Seekers Are Criminals,” *Associated Press*, December 15, 2009.

⁸² “Cambodia Returns Uighurs to China, Receives Aid,” *Wall Street Journal*, December 22, 2009.

and continued through 2009.⁸³ They also have reported many cases of torture and abuse of adherents under detention or serving jail sentences. Since 1999, estimates and claims of the number of Falun Gong adherents who died in state custody have ranged from several hundred to a few thousand.⁸⁴ The PRC government has acknowledged that deaths in custody have occurred but denied that they were caused by mistreatment.⁸⁵ In June 2009, H.Res. 605 was introduced, recognizing the continued persecution of Falun Gong in China and calling for an end to the government campaign to persecute the group.

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, since the early 1990s, the CCP leadership has displayed an unprecedented level of unity on major policy issues while two decades of rapid economic growth have helped to legitimize the party's authority. Some potential, incremental improvements in human rights conditions in China are likely to stem from government policy. Chinese leaders have displayed a 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 co-opting members of the intellectual, professional, and entrepreneurial classes to selectively harassing, intimidating, arresting, and punishing dissidents, activists, and ethnic and religious leaders. 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 far-reaching reforms. 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 and direct or competitive elections beyond the lowest administrative levels. Nor has it allowed for the press, human rights lawyers, and activists to act as true watchdogs or advocates. 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

⁸³ Andrew Jacobs, "China Still Presses Crusade Against Falun Gong," *New York Times*, April 28, 2009; Falun Dafa Information Center, *2008 Annual Report on Falun Gong*.

⁸⁴ <http://faluninfo.net>; *2008 Country Reports on Human Rights Practices – China*, op. cit. For further information, see CRS Report RL33437, *China and Falun Gong*, by Thomas Lum.

⁸⁵ M2 Presswire, "Amnesty International: China—Falun Gong Deaths in Custody Continue to Rise as Crackdown Worsens," December 20, 2000.

have been the source of many human rights abuses and mass protests during 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 often have demonstrated against 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 protesters while allowing police to detain or arrest protest leaders.⁸⁶ The central government has applied a relatively 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.⁸⁷ Some analysts argue that mass pressures for greater human rights protections by way of fundamental political reform may gather strength only as more of the public perceives local problems and activism in national political terms.

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 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 institutions for exercising political rights and holding the government accountable.⁸⁸ 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 toward the state, many of today's legal activists have managed to survive in a gray area in which the state grudgingly acknowledges the legitimacy of their claims.⁸⁹

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 Chinese government enshrined the protection of human rights in the PRC constitution. Chinese citizens increasingly are turning to the courts to assert claims and even to sue public officials.⁹⁰ More than 150,000 cases are filed annually against the government, although the rate of success remains low. Some reports point to a 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

⁸⁶ Edward Cody, "China Announces Rules to Require Government Disclosures," *op. cit.*

⁸⁷ Edward Cody, "China's Local Leaders Hold Absolute Power," *Washington Post*, June 10, 2008.

⁸⁸ 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.

⁸⁹ Paul Mooney, "Beijing Silences 'One-Man Rights Organization'," *South China Morning Post*, January 27, 2008.

⁹⁰ 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.

rarely successful, these cases often draw temporary publicity through the mass media and help to further spread legal consciousness.⁹¹

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 6,000 in Japan and every 300 in the United States.⁹²

In 2008, an amended Law on Lawyers went into effect. Although new provisions provide some protections for lawyers and their clients, the law reserves the government's right to punish lawyers for harming national security, slander, and other offenses, while state interference in the legal process remains a serious problem. Legal reforms include permitting 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; reducing restrictions on access to case files and obtaining evidence; and exempting statements made by lawyers in the courtroom from prosecution. The PRC court system also has implemented programs to strengthen the competence and professionalism of judges and the effectiveness of the judicial system.⁹³

Despite reforms around the edges, the legal and judicial systems in China remain flawed in basic ways. Although there appears to be an increasing number of cases that are dismissed by PRC courts due to insufficient evidence, the government continues to place 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 instances, police, prosecutors and judges disregard the protections that Chinese law does offer.⁹⁴ In criminal and political cases, sentences are decided not by judges but by a court committee named by the Party.

China's changing legal environment has provided an opening for human rights attorneys, albeit one that is fraught with personal risks. Since 2000, several dozen lawyers in China have made names for themselves by taking on sensitive rights cases against government entities or economic enterprises with government connections.⁹⁵ However, law firms and lawyers who have pursued politically sensitive cases have faced a range of troubles from the government, including closure of offices, disbarment, house arrest, kidnappings, and prison sentences. Many human rights and defense lawyers have been harassed by officials or beaten by agents of local governments or economic interests. Others reportedly have been falsely accused of committing slander, perjury, fabrication of evidence, or the graver crimes of subversion and revealing state secrets.

In February 2009, Beijing authorities shut down the Yitong law firm, which had taken on human rights cases, allegedly for allowing an unlicensed lawyer to practice. In June 2009, the PRC

⁹¹ 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).

⁹² 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; Kana Inagaki, "Japan Expecting Flood of New Lawyers," *Associated Press*, August 20, 2006.

⁹³ Benjamin L. Liebman, "China's Courts: Restricted Reform," *The China Quarterly*, no. 191 (September 2007); Eva Pils, "Law: China's Troubled Legal Profession," *Far Eastern Economic Review*, June 6, 2008.

⁹⁴ Jim Yardley, "Desperate Search for Justice: One Man vs. China," *New York Times*, November 12, 2005.

⁹⁵ Edward Cody, "China Uses Heavy Hand Even with Gadflies," *Washington Post*, April 9, 2008.

government's Legal Affairs Bureau declined to renew the annual licenses of approximately 20 human rights attorneys.⁹⁶ Several lawyers and legal rights advocates, including Chen Guangcheng, who challenged illegal family planning practices, and Hu Jia, an activist for the environment and HIV/AIDS patients, are serving prison sentences, while Gao Zhisheng, a human rights attorney, has been missing since February 2009.

Social Unrest

Economic changes have created new social 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 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 factory and construction 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 homeowners opposing forcible evictions related to urban development. In cases of land confiscation and home evictions, much popular anger has been directed at collusive deals between local officials and private investors and the lack of fair compensation. Relatively new sources of social unrest have included farmers movements to claim ownership of land; the closing of thousands of factories due to climbing labor and energy costs, the rising value of the Chinese currency, and the global economic crisis; unemployment among recent college graduates (an estimated 15%-50% cannot find work); consumer price inflation; and coercive enforcement of the one-child policy.⁹⁷ So far, however, protests largely have targeted local officials, policies, or companies but have not joined forces to form broad-based movements or challenged the PRC political system.

PRC data on social unrest provide glimpses into the government's preoccupation with social stability but often are conflicting or incomplete. In 2006, the Ministry of Public Security announced that 87,000 "public order disturbances" had occurred in 2005, an increase of 6.6% compared to the previous year. Many of these cases involved criminal or individual acts rather than social protests, according to some analysts. The government also has reported significant, but declining, numbers of "mass incidents" or large protests, which peaked at 74,000 in 2004.⁹⁸ Central government policies designed to decrease tax burdens on farmers and labor abuses in factories reportedly have reduced some forms of social grievance. However, many analysts argue that mass incidents have been on the rise rather than on the decline as official data suggest.⁹⁹

Many observers noted an alarming rise in mass protests in late 2008 and 2009. The global recession's impact on China reportedly pushed unemployment rates up to 9% in the cities and nearly 20% in rural areas, with disproportionate impact on the poor. Labor disputes reportedly

⁹⁶ Congressional-Executive Commission on China, *Annual Report*, October 10, 2009; Robert Fulford, "Is China Regressing?" *National Post*, December 5, 2009.

⁹⁷ 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.

⁹⁸ "China Looks for Solution to a Few Problems in Rural Areas," *People's Daily Online*, March 1, 2006; "China's Security Officials Urge Stability for Upcoming CPC Congress, Olympics," *People's Daily Online*, April 18, 2007.

⁹⁹ Luis Ramirez, "Mass Disturbances Increasing in China," *VOAnews.com*, January 19, 2006; Willy Lam, "Hu Jintao's Great Leap Backward," *Far Eastern Economic Review*, vol. 172, no. 1 (Jan-Feb 2009).

doubled in 2008, according to an official source.¹⁰⁰ The loss of an estimated 20 million urban jobs for rural migrants compelled millions of them to return to their home villages where economic opportunities were already limited.¹⁰¹ Compounding the problem, the enforcement of new laws designed to protect labor rights and the environment slackened in order to reduce costs on struggling companies.¹⁰²

According to some analysts, social unrest has stemmed from not only economic hardship and anger over abuses of power by and collusion among government 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 advancing human rights are likely to continue.

Mainstream Protests

The CCP leadership deeply fears disparate social groups—wage laborers, farmers, entrepreneurs, urban homeowners, intellectuals, and others—linking up to form a broad-based political movement. According to many analysts, the state in China has remained strong in relation to society largely because such groups have remained divided or been co-opted by the state. However, while the PRC has experienced over a decade of social unrest among socially and politically marginalized groups such as wage laborers and farmers, in recent years, protest activities have begun to sprout among more affluent, urban Chinese. These incidences may signal new trends in protest activity that could have political implications. They have been less isolated and reflected greater organizational capacity. Grievances have been less about participants' livelihoods and more about quality of life issues and the lack of government consultation.¹⁰³ The government's responses have been relatively restrained. The following are examples of recent middle class 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 people. 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 publicly oppose plans to construct a maglev (magnetic levitation) high-speed train line through their neighborhoods. These protests can be viewed on YouTube.¹⁰⁴ The city government delayed the line's

¹⁰⁰ Saibal Dasgupta, "Labour Disputes Double in China," *The Times of India*, May 11, 2009.

¹⁰¹ Ariana Eunjung Cha, "As China's Jobless Numbers Mount, Protests Grow Bolder," *Washington Post*, January 13, 2009; Ariana Eunjung Cha, "In China, Despair Mounting among Migrant Workers," *Washington Post*, March 4, 2009.

¹⁰² Lauren Keane, "Protest-Hit China Says Job Stability Top Priority," *Washington Post*, November 20, 2008; "A Great Migration into the Unknown," *Economist.com*, January 29, 2009.

¹⁰³ Edward Wong, "In China March, Hints of a Movement: Protest of Pollution Is Latest in a Series," *International Herald Tribune*, May 6, 2008.

¹⁰⁴ <http://www.youtube.com/watch?v=-7iikjHOOsA>

construction and in March 2009 it was reported that the project was suspended indefinitely. Many analysts attribute the city's decision largely to the demonstrations.¹⁰⁵

- 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 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.¹⁰⁶
- In November 2008 in Sichuan province, 9,000 taxi drivers in Chongqing went on strike to protest the proliferation of illegal taxis, excessive fees, difficulties of obtaining gasoline, and other issues after the municipal government and taxi companies failed to address their complaints. That same week, 1,000 teachers in the province walked off their jobs to protest lack of pay.¹⁰⁷
- In May 2009, university students in Nanjing demonstrated after security personnel enforcing regulations toward street vendors allegedly attacked stalls run by students. Thousands of students reportedly clashed with police.

New Social Agents of Change?

Some 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 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 according to some calculations, "do think and act in accordance with democratic principles."¹⁰⁸ Other observations suggest, however, that many members of China's rising middle

¹⁰⁵ Rowan Callick, "China's Middle-Class Protesters Derail New Train Link," *The Australian*, March 13, 2009.

¹⁰⁶ "Post-Olympic Stress Disorder," *Economist.Com*, September 11, 2008.

¹⁰⁷ Ariana Eunjung Cha, "With Strikes, China's New Middle Class Vents Anger," *Washington Post*, December 17, 2008.

¹⁰⁸ 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).

class, a product of economic reforms, have displayed either a lack of interest in politics or a preference for political stability rather than rapid reform. They have been careful not to jeopardize their hard-won economic gains, and have expressed some fear of grassroots democracy.¹⁰⁹

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 are satisfied with the current, slow pace of change, which has largely served their interests.¹¹⁰

China's critical intellectuals, another potential agent of change, have been relatively quiescent. The crackdown upon the China Democracy Party in 1998-99 crushed nearly all hope of fundamental change for a decade, while growing opportunities for making money, travel, academic career development, and even policy input have helped to dampen the urgency of reform. The PRC government has co-opted many intellectuals, tying the success of their careers to the continuity of CCP policy.¹¹¹ Furthermore, many educated and politically-aware Chinese are not as enamored of Western political models as they were during the late 1980s, for various reasons, including the suspicion that Western efforts to promote democracy in China may be part of an effort to weaken the PRC; fears that radical political change would undermine economic development or bring about difficulties similar to those facing other post-communist countries, such as Russia; and the decline of U.S. standing as a global leader since the Iraq war and U.S. financial crisis.¹¹² Among the younger generations of Chinese, many reportedly are liberal in outlook and assertive regarding their rights, but also are career-oriented, politically pragmatic, and fiercely patriotic. Although Chinese youth often are critical of their own government, many are quick to reject Western criticism of their country.¹¹³

Charter '08

On December 10, 2008, over 300 Chinese citizens signed and posted online a document entitled "Charter '08," inspired by "Charter 77," the Czechoslovakian democratic movement that began in 1977, and commemorating the 60th anniversary of the United Nations' adoption of the Universal Declaration of Human Rights. The 2008 manifesto supported human rights and called for

¹⁰⁹ See Willy Wo-Lap Lam, *Chinese Politics in the Hu Jintao Era*, M.E. Sharpe: Armonk, NY, 2006.

¹¹⁰ 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.

¹¹¹ Lam, *Chinese Politics in the Hu Jintao Era*, op. cit.

¹¹² For examples, see Pew Global Attitudes Project, "Global Unease With Major World Powers," June 27, 2007.

¹¹³ Teresa Wright, "Disincentives for Democratic Change in China," *East-West Center Asia Pacific Issues*, No. 82, February 2007; Brookings Institution, "Understanding China's 'Angry Youth': What Does the Future Hold," April 29, 2009.

fundamental changes in China's political system, including a new constitution, separation of powers, an independent judiciary, direct elections, and freedoms of assembly, expression, and religion. It also recommended that a commission be established to investigate past government abuses of human rights.

The Charter represented a bold departure from the incremental approach to reform subscribed to by many liberal intellectuals and reform-minded officials during the past decade. Furthermore, the document was especially provocative regarding Beijing's dealings with Taiwan, Tibet, Hong Kong, and other special jurisdictions, proposing a "federation of democratic communities" and flexibility toward national minority areas. Finally, in what may instill the greatest fears within the PRC leadership of political unrest, the Charter was eventually signed by over 8,000 citizens representing a cross-section of Chinese society, including not only dissidents and public intellectuals but also workers, farmers, entrepreneurs, professionals, local officials, and others.¹¹⁴ However, according to some analysts, the Charter, despite its symbolic appeal, had little short-term impact as a catalyst for a broad-based, democratic movement.¹¹⁵

The PRC government detained one of the document's drafters, prominent democratic activist Liu Xiaobo, and shut down the Charter's website. Over 1,000 intellectuals reportedly signed an online petition calling for Liu's release. In February 2009, 16 members of the Communist Party old guard reportedly signed an open letter addressed to President Hu Jintao and the CCP Standing Committee calling for political reform, freedom of assembly and press.¹¹⁶ The government has been careful not to arouse further public anger and international condemnation, and has limited its crackdown. Roughly 100 signatories to the Charter reportedly were harassed or interrogated and some lost career-related privileges, but only Liu was sentenced to a prison term.¹¹⁷

The Internet

China has surpassed the United States in terms of the number of Internet users, with roughly 330 million people online, including 70 million bloggers. Despite its revolutionary qualities as a communications medium, the Internet has not opened the floodgates of political discourse in China, and some analysts argue that the Internet has enhanced government propaganda and surveillance capabilities.¹¹⁸ However, the Web has made it impossible for the government to restrict information as fully as before. Furthermore, Internet and cell phone technologies have enhanced the abilities of groups to assemble and to document large protests. A reported increase in arrests for political crimes since 2006 has reflected both a government clampdown on dissent and growing political activism, including 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."¹¹⁹

¹¹⁴ Merle Goldman, "Clinton's Missed Opportunity in China," *Boston Globe*, February 26, 2009.

¹¹⁵ Rebecca MacKinnon, "What Does the '08 Charter Mean? Too Soon to Tell ...," *rconversation.blogs.com*, January 20, 2009; "Party Leaders 'Split' over Democracy Campaign," *South China Morning Post*, February 24, 2009.

¹¹⁶ "Reformist Party Elders Urge Beijing to Take Steps Towards Political Reform," *BBC Monitoring Asia Pacific*, February 21, 2009.

¹¹⁷ "Beijing Blinks at 'Charter '08,'" *Christian Science Monitor*, December 26, 2008; Michael Wines, "A Manifesto on Freedom Sets China's Persecution Machinery in Motion," *New York Times*, May 1, 2009; "'Charter' Democrats in China," *Wall Street Journal*, March 31, 2009.

¹¹⁸ John J. Tkacik, Jr., "China's Orwellian Internet," *Heritage Foundation Backgrounder #1806*, October 8, 2004.

¹¹⁹ Maureen Fan, "'State Security' Arrests in China Doubled in '06, Group Reports," *Washington Post*, November 29, (continued...)

The PRC government employs a variety of methods to control online content and expression, including website blocking and keyword filtering; regulating and monitoring Internet service providers, Internet cafes, and university bulletin board systems; registering websites and bloggers; and occasional arrests of high profile “cyber dissidents.”¹²⁰ Some analysts argue that the PRC government cannot control all Internet content and use, but its selective targeting creates an undercurrent of fear and promotes self-censorship. The state blocks many websites as well as social networking, micro blogging, and file sharing sites, including Radio Free Asia, international human rights websites, many Taiwan newspapers, Facebook, Twitter, and YouTube. The government reportedly also has hired thousands of students to express pro-government views on websites, bulletin boards, and chat rooms.¹²¹

Nonetheless, bulletin and comment boards, chat rooms, blogs, and other outlets have allowed for an unprecedented amount of information and public comment on social issues. In the middle of the last 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. After the government required BBS participants to register their real names with forum hosts, BBS activity fell dramatically, while blogs surged in popularity.¹²² 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 different perspectives.¹²³ In the Xiamen University protests of 2007, local residents sent text messages about the demonstrations to bloggers in other cities, who posted reports on the Web, thus keeping “one step ahead of the censors.”¹²⁴

Although the state has the capability to block news of events or to partially shut down the Internet, as it did in Xinjiang immediately following the ethnic unrest that erupted there in July 2009, it often cannot do so before such events are publicized, if only fleetingly, online.¹²⁵ The threat of public exposure or condemnation through the Internet reportedly has compelled some government officials to conduct affairs more openly. For Chinese Internet users in search of censored information, circumventing government controls is made possible by way of “proxy servers” or “virtual private networks” using special software.¹²⁶ Such methods have enabled the number of Twitter accounts in China to grow from 30,000 to 50,000 in the past year, despite the government’s censorship of the site.¹²⁷ Furthermore, many major U.S. online news sites, such as the *Washington Post.com*, *New York Times.com*, and *CNN.com*, are generally available. Since the

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2007.

¹²⁰ Some experts estimate that the PRC government has employed 30,000 “Internet police.” “On the Wrong Side of Great Firewall of China,” *New Zealand Herald*, November 27, 2007.

¹²¹ David Bandurski, “China’s Guerrilla War for the Web,” *Far Eastern Economic Review*, July/August 2008.

¹²² “Chinese Bloggers Are Really Edgy,” *Wall Street Journal*, June 14, 2008.

¹²³ See also Rebecca MacKinnon, “Flatter World and Thicker Walls? Blogs, Censorship and Civic Discourse in China,” *Public Choice*, Vol. 134 (January 2008).

¹²⁴ Edward Cody, “Text Messages Giving Voice to Chinese,” *Washington Post*, June 28, 2007.

¹²⁵ Loretta Chao and Jason Dean, “Analysis: China is Losing a War over Internet,” *Wall Street Journal*, December 31, 2009.

¹²⁶ Such software is available internally and through foreign sources, including the U.S. government.

¹²⁷ David Pierson, “Scaling the Great Firewall; More of China’s Web Users Find Ways Around Aggressive Censorship,” *Los Angeles Times*, January 16, 2010.

end of the Beijing Olympics, Voice of America's website generally has been allowed, although it is still subject to selective blocking.

However, the Internet has proven to be less of a political factor than many observers had expected or hoped, although vast areas for social and cultural expression have opened up online. Those who mine the Internet for political information reportedly make up a small minority, and according to one study, less than 8% of Internet users in China access proxy servers "sometimes" or "frequently."¹²⁸ For many of China's educated elite who frequent English language sites, the availability of foreign news to a minority of Chinese citizens is not nearly as critical as the ability to foment political change on the basis of such information. Such ability remains substantially curtailed. Furthermore, some analysts suggest that the limited amount of Internet freedom in China defuses political activism by allowing people to vent their opinions online.¹²⁹ 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.¹³⁰

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.¹³¹ A university professor described the ongoing 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.¹³²

Recent Developments

The PRC government has displayed a growing nervousness about the Internet's influence on Chinese society and politics, but it has been reluctant to provoke the ire of China's online population or to reduce the attractiveness of China's business environment for foreign investors. In June 2009, the PRC government issued a directive requiring "Green Dam Youth Escort" software, designed to block harmful Internet content toward children, on all computers sold after July 1, 2009, including those imported from abroad. The edict created an international uproar. Many Chinese Internet users, international human rights activists, foreign governments (including the U.S. Departments of State, Treasury, and Commerce), international business councils, and multinational corporations in China openly opposed the policy, arguing that the software would undermine computer operability, that it could be used to expand censorship to include political

¹²⁸ Rebecca MacKinnon, "Bloggers and Censors: Chinese Media in the Internet Age," *China Studies Center*, May 18, 2007.

¹²⁹ Andrew Jabocs, "China's Web Wild Card: Economic Downturn Crisis a Threat to Censors' Tight Control," *International Herald Tribune*, February 6, 2009.

¹³⁰ Rebecca MacKinnon, "Is Web 2.0 a Wash for Free Speech in China," *RConversation*, <http://rconversation.blogs.com>.

¹³¹ "Isaac Mao and Michael Anti at Hong Kong U.," April 17, 2007, http://rconversation.blogs.com/rconversation/2007/04/isaac_mao_and_m.html.

¹³² Howard W. French, "Chinese Discuss Plan to Tighten Restrictions on Cyberspace," *New York Times*, July 4, 2006.

content, and that it may incorporate pirated software and weaken Internet security.¹³³ On June 30, 2009 the PRC government announced that mandatory installation of the software would be delayed for an indefinite period, and on August 14, Minister of Industry and Information Technology Li Yizhong acknowledged that the policy had lacked public input and created misunderstandings.¹³⁴

Following the unsuccessful launch of “Green Dam,” the PRC government has continued to tighten controls over Internet content and use, but in a quieter manner. In September 2009, PRC authorities issued orders that new users must register their true identities; however, this regulation reportedly has not been well enforced.¹³⁵ In December 2009, new restrictions aimed at cracking down on pornography and media piracy, as well as threats to national security and stability, resulted in the closing of hundreds of websites, many of them entertainment-oriented. Furthermore, the China Internet Network Information Center announced that individuals could no longer apply for “.cn” domain names (China’s country code), which it would now limit to registered business enterprises. Some observers warned that these policies may dampen the vibrancy and richness of Web content and activity in China and provoke a public backlash.¹³⁶ On October 15, 2009, Internet Human Rights Day, 15 Chinese intellectuals issued a Declaration of Internet Human Rights, calling for freedom of opinion, speech, and publication online.¹³⁷

U.S. Efforts to Advance Human Rights in China

In the past two decades, successive U.S. administrations cumulatively have developed a comprehensive array of tactics and programs aimed toward promoting democracy, human rights, and the rule of law in China, but their effects have been felt primarily along the margins of the PRC political system. The U.S. government has 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 political reforms. Washington 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.

Some experts argue that economic and diplomatic engagement with China have failed to set any real political change in motion. In this context, some contend, U.S. efforts to promote democracy and human rights have been largely ineffectual. Many policy makers argue that tangible

¹³³ In January 2010, a U.S. software firm filed a lawsuit against the Chinese government for copyright infringement, unfair competition, and other legal violations in connection with the Green Dam program. Agence France-Presse, “U.S. Software Firm Sues Chinese Government for US\$2.2 Billion,” *South China Morning Post*, January 6, 2010.

¹³⁴ “Green Dam Laugh ‘Not Handled Well,’” [www.chinaview.cn], August 14, 2009.

¹³⁵ The government can still track down individuals through their IP addresses.

¹³⁶ Rebecca MacKinnon, “China Tightens Internet Controls in the Name of Fighting Porn, Piracy, and Cybercrime,” *Rconversation*, December 14, 2009, [rconversation.blogs.com]; Sharon LaFraniere, “China Imposes New Internet Controls,” *New York Times*, December 18, 2009; Steven Mufson, “China Faces Backlash from ‘Netizens’ if Google Leaves,” *Washington Post*, January 13, 2010.

¹³⁷ Rebecca MacKinnon, “Happy Internet Human Rights Day,” *Rconversation*, <http://rconversation.blogs.com/rconversation/2009/10/happy-internet-human-rights-day.html>, October 10, 2009.

improvements in PRC human rights policies should be a condition for full economic and diplomatic relations with China as well as cooperation on other issues. Others counter that U.S. engagement policies have helped to set conditions in place that are conducive for progress, and that sanctions and linking bilateral cooperation to PRC improvements in human rights have not been very effective.¹³⁸

The Obama Administration

The Obama Administration has pursued an approach toward China that combines the goals of maintaining stable bilateral ties, advancing diverse U.S. and global interests through the relationship, and promoting human rights. In February 2009, on her first visit to China as Secretary of State, Hillary Clinton stated that disagreements on human rights “cannot block the possibility of significant cooperation” on issues related to the global economy, climate change, and international security threats. In December 2009, Clinton described the Administration’s human rights policy toward China as one informed by “principled pragmatism.” This policy is based upon the premise that tough but quiet diplomacy is both less disruptive to the overall relationship and more effective in producing change than public censure.¹³⁹ Nonetheless, the U.S. government has continued to make public pronouncements regarding human rights issues in China. In December 2009, the U.S. State Department firmly urged the PRC government to release dissident Liu Xiaobo, and in January 2010, Secretary Clinton called upon China to thoroughly investigate the alleged cyberattacks on Google’s China operations aimed at human rights activists.

Many policy observers have accused the Obama Administration of de-emphasizing human rights, and were particularly troubled when the President postponed a meeting with the Dalai Lama until after his November 2009 visit to China. Furthermore, according to some analysts, U.S. policy toward Beijing has appeared more conciliatory while the PRC leadership has displayed less willingness to make concessions, including those related to human rights. During his visit to China, President Obama briefly spoke about human rights and Internet freedom during a town hall meeting with university students in Shanghai. Some Chinese rights activists criticized Obama’s words as too mild and were disappointed that the PRC government did not release any dissidents from prison as a gesture of goodwill toward the U.S. president, as it had done in past summits. Furthermore, more than 30 activists were detained or placed under house arrest during the summit, according to human rights groups. However, although the broadcast of the town hall meeting was limited to Shanghai and transcripts on the Internet were censored, thousands of Chinese reportedly accessed the White House website and cheered Obama’s appeal for Internet freedom.¹⁴⁰

¹³⁸ 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); “Not So Obvious: The Secretary Of State Underestimates The Power Of Her Words,” *Washington Post*, February 2009; “A Bow to Reality, Not China,” *USA Today*, February 27, 2009; Thomas J. Christensen, “Shaping the Choices of a Rising China: Recent Lessons for the Obama Administration,” *The Washington Quarterly*, July 2009; William F. Schulz, “Strategic Persistence: How the United States Can Help Improve Human Rights in China,” *Center for American Progress*, January 2009.

¹³⁹ Glenn Kessler, “In China, Clinton Says Human Rights ‘Can’t Interfere’ with Talks,” *Washington Post*, February 20, 2009; Elise Labott, “Clinton Defends Stance on Human Rights,” *CNN.com*, March 11, 2009; Charley Keyes, “U.S. is ‘Pragmatic’ with China, Russia,” *CNN.com*, December 15, 2009.

¹⁴⁰ Charles Hutzler and Jennifer Loven, “Analysis: Obama’s China Trip Shows Power Shifting,” Associated Press, November 17, 2009; Charles Hutzler and Jennifer Loven, “Obama’s Visit to China Yields Few Concessions,” (continued...)

Openly Criticizing China

Some analysts argue that the U.S. government should take principled stands against China's human rights abuses more frequently, openly, and forcefully, while others believe that such methods can undermine human rights efforts. Many prominent dissidents or former prisoners of conscience have claimed that international pressure or attention protected them from harsher treatment by PRC authorities. While some members of civil society groups have welcomed a more assertive U.S. human rights policy, others have cautioned that the Chinese government often has restricted their activities when they were viewed as tied to foreign governments. In some cases, the PRC government has made small concessions in order to help reduce or avoid open U.S. or global criticism. Some analysts suggested that Beijing's decision to restart the U.S.-PRC human rights dialogue in 2008 was linked to the U.S. government's decision not to include China in a list of "worst human rights violators," although the State Department continued to harshly criticize China's record in its annual report. In other cases, the Chinese leadership has reacted angrily or responded in a "tit for tat" manner when the U.S. government publicly denounced its human rights policies, as when Beijing suspended the dialogue in 2004 after the Bush Administration sponsored an unsuccessful U.N. resolution criticizing China's human rights record.¹⁴¹

Congressional actions have included numerous non-binding resolutions condemning or calling upon the PRC government to improve various human rights policies. These include the imprisonment and detention of prominent political, religious, and ethnic figures; persecution of Tibetans and Uighurs; control over the Internet and other mass media; the one-child policy; and treatment of North Korean refugees. Other bills would restrict U.S.-China trade on the basis of PRC human rights abuses.

Members of the 111th Congress have introduced resolutions supporting Charter '08 and calling for the release of dissident Liu Xiaobo (H.Res. 156, S.Res. 24), urging the PRC government to cease committing human rights violations against the Uighur people (H.Res. 624, S.Res. 155), and calling upon the government of China to end persecution of Falun Gong (H.Res. 605). In March 2009, the House passed H.Res. 226, recognizing the plight of the Tibetan people. In June 2009, the House and Senate passed H.Res. 489 and S.Res. 171, respectively, commemorating those who demonstrated for democracy or died in the military crackdown in 1989 in Beijing and expressing continued support for human rights and democracy activists in China. In July 2009, House Speaker Nancy Pelosi issued a statement on the outbreak of violence in Urumqi, blaming the social unrest on the Chinese government's "harsh policies" that have "increased tension and resentment" among the Uighur people.¹⁴² In November 2009, the House passed H.Res. 877, expressing support for human rights activists Huang Qi and Tan Zuoren.

(...continued)

Associated Press, November 18, 2009; "China Tightens Control over (Dissidents) During Obama's Visit – HK Daily," BBC Monitoring Asia Pacific, November 18, 2009; Francois Bougon, "Obama's Visit Leaves Dissidents Disappointed," Agence France-Presse, November 19, 2009.

¹⁴¹ Melinda Lu, "Saying No to Bush," *Newsweek*, November 22, 2005.

¹⁴² "U.S. House Speaker Urges Beijing/Uighur Dialogue," *Agence France Presse*, July 8, 2009.

Human Rights Dialogue

The U.S.-China human rights dialogue was established in 1990. Beijing suspended the dialogue for the second time in 2004 after the Bush Administration sponsored an unsuccessful U.N. resolution criticizing China's human rights record. The talks resumed in 2008. In November 2009, during President Barack Obama's state visit to China, the two sides agreed to hold the fourteenth round in February 2010 in Washington, DC. Some human rights experts suggest that the PRC government has been able to deflect international criticism on human rights by holding talks without having made real improvements in its policies and practices. For example, in July 2008, as Secretary of State Condoleezza Rice met with PRC Foreign Minister Yang Jiechi in Beijing and hailed the resumption of joint discussions on human rights, a group of Chinese human rights attorneys reportedly were detained as they attempted to meet with two visiting Members of Congress.¹⁴³ Others argue that while the dialogue may produce only limited short-term results, the absence of such dialogue reduces the overall effectiveness of U.S. human rights policies toward China.¹⁴⁴

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. Some experts argue that foreign-funded rule of law and civil society efforts in China have produced limited gains due to PRC political constraints. Others contend that such programs have helped to build social foundations for political change and have bolstered reform-minded officials in the PRC government.

Between 2000 and 2008, the United States government authorized or made available roughly \$182 million for programs in China, of which \$159 million was devoted to human rights and democracy activities and to Tibetan communities. The U.S. Congress has played a leading role in supporting these and related programs, appropriations for which have grown from an annual average of \$11.1 million during the 2000-2004 period to \$31.5 million during the 2005-08 period.¹⁴⁵ 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 exchange programs or law degree programs in China. 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 800 Chinese legal professionals, including officials and prosecutors, law professors, and legal staff.¹⁴⁶ According to some experts, U.S. law programs in China provide relatively secure settings for the discussion of sensitive legal and related political topics.¹⁴⁷

¹⁴³ Jill Drew and Edward Cody, "Chinese Lawyers Arrested before Meeting with Congressmen," *Washington Post*, July 1, 2008.

¹⁴⁴ Kristine Kwok, "Resume Rights Talk, China and U.S. Urged," *South China Morning Post*, April 17, 2008.

¹⁴⁵ For further information, see CRS Report RS22663, *U.S.-Funded Assistance Programs in China*, by Thomas Lum.

¹⁴⁶ Temple University School of Law, *Rule of Law Projects in China: 2007-08 Annual Report*.

¹⁴⁷ Jen Lin-Liu, "The Paper Chase Comes to China," *The Chronicle of Higher Education*, May 14, 2004.

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. NED programs constituted over one-third of all U.S. democracy funding in China during the 1999-2003 period, and continue to play a significant role.¹⁴⁸ 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."¹⁴⁹ 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. NED's non-governmental status affords it greater ease and flexibility with which to support relatively overt democratic groups.

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 U.S. educational and cultural exchange programs 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, 409 U.S. citizens and 696 PRC citizens participated in U.S. educational and cultural and exchange programs.¹⁵⁰

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, this analyst maintains that U.S. public diplomacy efforts should help to persuade the emerging PRC middle class that democracy, stability, social development, and economic growth are mutually reinforcing.¹⁵¹

Internet Freedom

U.S. Government Efforts

The U.S. government has funded programs to help Internet users in China circumvent censorship, established a task force to deal with Internet freedom issues, and called upon both the PRC government and U.S. Internet companies that have entered the Chinese market to promote human rights. The Broadcasting Board of Governors' International Broadcasting Bureau supports

¹⁴⁸ General Accounting Office, "Foreign Assistance: U.S. Funding for Democracy-Related Programs," February 2004.

¹⁴⁹ 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).

¹⁵⁰ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Advancing Freedom and Democracy Reports—2008: China*, May 23, 2008; Interagency Working Group, *FY2007 U.S. Government-Sponsored International Exchanges & Training*.

¹⁵¹ Ying Ma, "China's Stubborn Anti-Democracy," *op. cit.*

counter-censorship technologies (approximately \$2 million per year) that help enable Internet users in China, Iran, and other countries to access Voice of America and other censored U.S. governmental and non-governmental websites and to receive VOA e-mail newsletters. The Consolidated Appropriations Act for FY2008 (P.L. 110-161) allocated \$15 million out of the Human Rights and Democracy Fund for an Internet freedom initiative to expand access and information in Asia, the Middle East, and elsewhere.¹⁵² In 2006, the Bush Administration established the Global Internet Freedom Task Force (GIFT). GIFT's duties are to monitor Internet freedom around the world; respond to challenges to Internet freedom; and expand global access to the Internet.¹⁵³

While visiting Shanghai during his state visit to China in November 2009, President Barack Obama expressed support of unrestricted Internet access and disapproval of censorship. On January 21, 2010, in a policy speech on Internet freedom, Secretary of State Hillary Clinton urged U.S. Internet companies to oppose censorship in their overseas operations and announced that GIFT would be reinvigorated. She also called upon the PRC government to conduct a thorough investigation of the December 2009 cyberattacks upon U.S. companies in China and to make its results transparent. Beijing denied involvement in the attacks and defended its Internet policies.¹⁵⁴

Congressional committees and commissions have held hearings on the topics of global Internet freedom and the roles of U.S. Internet and technology companies in China's censorship regime.¹⁵⁵ The Global Online Freedom Act of 2009 (H.R. 2271), introduced in May 2009, would establish an Office of Global Internet Freedom (OGIF) in the Department of State. The act also would prohibit U.S. companies that provide Internet services in countries that restrict the free flow of information from providing personal user information to the governments of such countries and assisting such governments in the censorship of information.

U.S. Internet Companies

Several U.S. companies that have been at the forefront of China's Internet development have been embroiled in human rights issues. Some U.S. policy makers have maintained that they are either cooperating with PRC censorship efforts or helping China develop censorship capabilities.¹⁵⁶ Some U.S. companies have argued that despite censorship, they nonetheless have expanded the volume of information available in China, and can better press for freedom of expression and the right to privacy while located in these countries. They have contended that that they have not actively cooperated or collaborated with the PRC government or tailored their products to suit PRC censorship requirements, and that without their presence, the Internet in China would be easily occupied by Chinese, Asian, and European competitors. Some Chinese "cyber dissidents"

¹⁵² "State Department Gets Funds to Fight Internet Censorship," *Federal Times*, January 14, 2008.

¹⁵³ U.S. Mission to the United Nations in Geneva, "Press Release: Secretary of State Establishes New Global Internet Freedom Task Force," February 14, 2006.

¹⁵⁴ "Clinton Urges Global Internet Freedom," *VOA News.com*, January 21, 2010; Gillian Wong, "China Denies Involvement in Google Hackings," *Washington Post*, January 25, 2010.

¹⁵⁵ Tom Lantos Human Rights Commission, "The State of Global Internet Freedom," June 18, 2009; Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, *Global Internet Freedom: Corporate Responsibility and the Rule of Law*, May 20, 2008; House Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations and Subcommittee on Asia and the Pacific, *The Internet in China: A Tool For Freedom or Suppression?*, February 15, 2006.

¹⁵⁶ Human Rights Watch, "'Race to the Bottom:' Corporate Complicity in Chinese Internet Censorship," August 2006.

and others have asserted that, on balance, U.S. Internet companies in China have helped to accelerate information flow and provide more opportunities for free expression, despite their operating within the Chinese system.¹⁵⁷ In response to human rights concerns, in December 2008, Yahoo!, Microsoft, and Google established the Global Network Initiative, a set of guidelines for Internet companies confronted with issues related to censorship and privacy in countries such as China.

Many human rights groups were especially critical of Yahoo! due to its reported role in the arrests of at least four Chinese Internet users by providing e-mail account information to PRC authorities. In the most high-profile case, in 2004, Yahoo!'s Hong Kong office was accused of having provided information about the identity of a Chinese journalist and Yahoo! e-mail account holder, Shi Tao. Shi reportedly had forwarded information about state policy regarding the 15th anniversary of the Tiananmen demonstrations via his Yahoo! e-mail account to an overseas democracy group. In March 2005, a PRC court sentenced Shi to 10 years in prison for "leaking state secrets." In August 2005, Yahoo! bought a 39% stake in China's *Alibaba* Group and turned over its PRC operations to the Chinese company.

In 2005, Microsoft shut down the MSN Spaces site of Chinese political blogger Zhao Jing (a.k.a. Michael Anti) at the request of the PRC government, after Zhao had expressed support in his blog of a boycott of *Beijing News* following the firing of one of its editors. Human rights activists also criticized Microsoft for blocking words such as "democracy" from MSN Spaces. Microsoft was China's leading blog service provider at the time and remains one of the most popular. Recently, Microsoft's new search engine, Bing, also has been accused of cooperating with China's censorship regulations and policies.

Cisco Systems, Juniper Networks, Nortel of Canada, and Alcatel of France reportedly were involved in upgrading China's Internet infrastructure, filtering, and surveillance systems in the early 2000s. According to some reports, Cisco Systems has sold several thousand routers to China, which has helped enable the PRC government to censor Internet content and monitor Internet users.¹⁵⁸ Others allege that Cisco has sold technology to China's police force that can be used in the collection and use of data regarding personal background and imaging information, Web browsing history, and e-mail.¹⁵⁹

Google and Cyberattacks

Google's activities in China have reflected an attempt by the company to comply with PRC policies while limiting its role in censorship. Google's Chinese search engine, Google.cn, reportedly is the second most widely used information-gathering service in China after that of *Baidu*, a Chinese company, and is the least censored, according to one study.¹⁶⁰ Google.cn

¹⁵⁷ "Isaac Mao and Michael Anti at Hong Kong U.," April 17, 2007. http://rconversation.blogs.com/rconversation/2007/04/isaac_mao_and_m.html.

¹⁵⁸ Jonathan Mirsky, "China's Tyranny Has the Best Hi-Tech Help Censoring the Internet," *International Herald Tribune*, January 16, 2006.

¹⁵⁹ Steven Mufson, "China Turning to Technology to Hold onto Power," *Washington Post*, April 16, 2006; U.S. Congress, House Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations, *The Internet in China: A Tool For Freedom or Suppression?*, 109th Cong., 2nd sess., February 15, 2006, Serial No. 109-157 (Washington: GPO, 2006).

¹⁶⁰ Google's Chinese service, with roughly 80 million customers and 30 million Gmail accounts, has captured 20%-30% of the PRC market, compared to *Baidu*, which has over 60%. Tom Krazit, "Google's Censorship Struggles (continued...)"

provides a message stating that a website is unavailable due to “local laws, regulations, and policies,” suggesting to the user that greater information exists, but that it is not permitted. In 2006, Google reportedly moved its search records outside of the PRC in order to prevent the government from accessing the data without the company’s consent, and does not host Gmail and Blogger services in China in order to protect the privacy of Chinese account holders.¹⁶¹

In January 2010, Google threatened to cease censoring its Chinese search engine or to pull out of China, asserting that in December 2009, Chinese hackers had attacked its Gmail service and corporate network as well as the computer systems of many other large U.S. corporations in the PRC.¹⁶² Hackers appeared to have targeted the Gmail accounts of Chinese human rights activists, the intellectual property, including “source codes” or programming languages, of Google and other companies, and information on U.S. weapons systems. In a statement, Google’s chief legal officer announced the company would no longer censor results on Google.cn, even if that meant having to shut down the search engine, and potentially its offices in China.¹⁶³ Yahoo!, which was also hit by Chinese hackers, expressed support for Google’s actions, thereby provoking an angry response by its PRC partner, *Alibaba*. Chinese discussion boards and micro blog postings indicated that a small majority of China’s online population – and perhaps a large majority of the most active Internet users – wanted Google to stay in China, with some supporting Google’s challenge to the PRC government. A significant minority adopted pro-government stance or interpreted Google’s move as profit-oriented.¹⁶⁴

Sanctions

Many U.S. sanctions on the PRC in response to the Tiananmen military crackdown in 1989 remain in effect, including some foreign aid-related restrictions, such as required “no” votes or abstentions by U.S. representatives to international financial institutions regarding loans to China (except those that meet basic human needs).¹⁶⁵ Congress also has required that U.S. representatives to international financial institutions support projects in Tibet only if they do not encourage the migration and settlement of non-Tibetans (majority Han Chinese) into Tibet or the transfer of Tibetan-owned properties to non-Tibetans, which some fear may erode Tibetan culture and identity.

(...continued)

Continue in China,” *news.cnet.com*, June 16, 2009; Steven Mufson, “China Faces Backlash from ‘Netizens’ if Google Leaves,” *op. cit.*

¹⁶¹ Robert McMillan, “Google Moving Search Records Out of China,” *InfoWorld*, March 1, 2006; Rory Cellan-Jones, “China and Google: What’s Going On,” *BBC – Dot.Life*, June 25, 2009; James Mulvenon, “The Rule of Law in China: Incremental Progress,” *The China Balance Sheet in 2007 and Beyond*, Center for Strategic and International Studies, May 2007.

¹⁶² Estimates of the number of U.S. information technology, finance, defense, and other companies targeted in this attack ranged from 20 to 34.

¹⁶³ Google representatives stated that two Gmail accounts appeared to have been accessed but that the content of e-mail communications of these accounts had not been breached. “Statement from Google: A New Approach to China,” *Washington Post*, January 12, 2010.

¹⁶⁴ Jessica E. Vascellaro and Aaron Back, “Fallout from Cyber Attack Spreads – Google Investigates China Employees; Rift Emerges Between Yahoo and Alibaba,” *Wall Street Journal*, January 19, 2010; Rebecca MacKinnon, “Google Puts Its Foot Down,” *RConversation*, <http://rconversation.blogs.com/rconversation/china/index.html>, January 13, 2010.

¹⁶⁵ See CRS Report RL31910, *China: Economic Sanctions*, by Dianne E. Rennack.

The U.S. government suspended funding for the United Nations Population Fund (UNFPA) from 2002 through 2008 because of the UNFPA's programs in China, where the State Department determined that coercive family planning practices had occurred. In February 2009, the Obama Administration announced that it would restore U.S. funding for the UNFPA. The Omnibus Appropriations Act, FY2009 (P.L. 111-8), allocated \$50 million for the Population Fund. However, none of these funds may be used for a country program in China.¹⁶⁶

Labor Rights

The U.S. government has promoted PRC adherence to international labor standards. U.S. officials monitor PRC compliance with the 1992 U.S.-China Memorandum of Understanding and 1994 Statement of Cooperation on the issue of prison labor. In 2000, the measure granting permanent normal trade relations (PNTR) status to China (P.L. 106-286) authorized the Department of Labor to establish a program to promote worker rights and related rule of law training. The United States and China have conducted exchanges on coalmine safety, dispute resolution, occupational safety and health, wage and hour (payroll) administration, and pension programs.¹⁶⁷

Congressional-Executive Commission on China

Between 1989 and 1999, the U.S. Congress sought to monitor and hold the PRC government accountable for human rights violations through the annual renewal of “most favored nation” (MFN) trading status. P.L. 106-286, the measure granting permanent normal trade relations (PNTR) treatment to China, ended this mechanism, but included provisions on human rights. The PNTR act 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.¹⁶⁸ 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 and analysis, keeps track of pertinent PRC laws and regulations, and maintains a database of political prisoners.¹⁶⁹ Since its inception, the CECC has held roughly 80 public hearings and roundtables on rights-related topics, including the following: the Beijing Olympics, rule of law development, social unrest, religious freedom, ethnic minorities, political reform, labor conditions, mass media, property rights, and the Internet in China. It has an annual operating budget of approximately \$2 million.

U.N. Human Rights Council

The United Nations Human Rights Council was formed in 2006 to replace the U.N. Commission on Human Rights (UNCHR), which had been criticized for being unduly influenced by non-democratic countries. The United States sponsored several resolutions at the Commission

¹⁶⁶ The “Kemp-Kasten” amendment to the FY1985 Supplemental Appropriations Act (P.L. 99-88) bans U.S. assistance to organizations that support or participate in the management of coercive family planning programs. For further information, see CRS Report RL32703, *The U.N. Population Fund: Background and the U.S. Funding Debate*, by Luisa Blanchfield.

¹⁶⁷ Bureau of Democracy, Human Rights, and Labor, *Advancing Freedom and Democracy Reports—2008*, op. cit.

¹⁶⁸ P.L. 106-286, Title III, Section 301.

¹⁶⁹ <http://www.cecc.gov>.

criticizing China's human rights record, but none were successful; China was able to thwart voting on most resolutions through "no-action motions."¹⁷⁰ The United Nations established the Universal Periodic Review (UPR) mechanism by which the Human Rights Council assesses the human rights records of all U.N. members once every four years.¹⁷¹

The UPR Working Group conducted a periodic review of China in February 2009. Representatives of some countries, including Australia, Canada, the Czech Republic, Germany, the Netherlands, the United Kingdom, and New Zealand, voiced serious concerns about China's human rights conditions, while other representatives, including those from many developing or non-democratic countries, expressed support of China's practices.¹⁷² Some human rights advocates criticized the United States government for not voicing concerns or suggestions at the review.¹⁷³ State Department officials responded that the Obama Administration did not want to participate in the review until it had formulated a policy on the Council, which the U.S. government under the Bush Administration had refused to join. In May 2009, the Obama Administration sought and was granted a seat on the 47-member Council.

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- Ying Ma, "China's Stubborn Anti-Democracy," *Policy Review*, February/March 2007.

¹⁷⁰ Since the U.S. government began sponsoring resolutions criticizing China's human rights record in 1991, they have been blocked by "no action" motions nearly every time. Only one, in 1995, was considered by the UNCHR, but lost by one vote. The last such U.S. resolution was introduced in 2004.

¹⁷¹ See CRS Report RL33608, *The United Nations Human Rights Council: Issues for Congress*, by Luisa Blanchfield.

¹⁷² Human Rights in China (HRIC), "China's UN Human Rights Review: New Process, Old Politics, Weak Implementation Prospects," February 9, 2009.

¹⁷³ "U.S. Concerned about Chinese Blogger," *CNN.com*, February 10, 2009.

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 list is not exhaustive and is intended to provide examples of prominent rights defenders, government critics, journalists, and religious figures who are reported to have been imprisoned or detained by the PRC government or denied civil rights. The names are drawn from the Congressional-Executive Commission on China’s Political Prisoner Database and other sources.

Table A-I. Profiles of Selected Imprisoned Dissidents and Activists¹⁷⁴

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, 2006, of “inciting subversion of state power” and handed a suspended sentence. In February 2009, Gao was taken by government authorities to an undisclosed location. In September 2009, Beijing police told a family member that Gao was “missing,” often interpreted as a euphemism for death. However according to an unnamed source quoted by the <i>Sydney Morning Herald</i> in January 2010, Gao was not missing and “still alive at present....”
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.”

¹⁷⁴ 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.

- Guo Quan** Guo Quan, a former Nanjing University professor and prominent political blogger, was arrested in December 2008 on the charge of “subversion of state power” and in October 2009 was sentenced to 10 years in prison. In December 2007, Guo founded the New People’s Party to represent “dispossessed ordinary people,” including petitioners and former military personnel.
- 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” and in November 2009 he was sentenced to three years in prison.
- Liu Xiaobo** Liu Xiaobo, a critic of the PRC government who was active in the 1989 Tiananmen Square democracy movement, was detained for his participation in the drafting of Charter ’08, a written call for democracy signed by 300 Chinese intellectuals and disseminated online in December 2008. In December 2009, Liu was convicted of the crime of “inciting subversion of state power” and sentenced to 11 years in prison.
- 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. In 2007, he was awarded the Golden Pen of Freedom, the annual press freedom prize of the World Association of Newspapers and News Publishers.
- 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.

- Tan Zuoren** Tan Zuoren, a writer and environmental activist, was prosecuted on charges of subverting state power after he published his findings concerning the collapse of school buildings in the 2008 Sichuan earthquake. He was also prosecuted for giving interviews to foreign media after the Sichuan earthquake, distorting the Party's handling of the 1989 Tiananmen protests, and contacting a 1989 student leader now in the United States. He was tried in August 2009 but has not received a sentence.
- 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, in 2005, Tenzin's sentence was commuted to life in prison.
- 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.

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