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China Primer: Human Rights

Overview

The U.S. Department of State describes the People's Republic of China (PRC, or China) as an "authoritarian state in which the Communist Party of China [CPC] is the paramount authority." Some analysts argue China has been moving in a totalitarian direction, as it is characterized by a leadership that is dominated by one person, CPC General Secretary Xi Jinping, increasing enforcement of ideological conformity, and greater party-state control over society enhanced by the use of digital technologies. In October 2022, the 20th Central Committee of the CPC selected Xi to serve a norm-breaking, third, five-year term.

The U.S. government employs various policy tools to support human rights in China, and has increasingly imposed relevant visa, economic, and trade-related sanctions and restrictions, particularly in response to reports of mass detentions and forced labor of ethnic Uyghur and other Muslims in the Xinjiang Uyghur Autonomous Region (XUAR). Recent legislation includes the Uyghur Forced Labor Prevention Act (UFLPA; P.L. 117-78), which restricts XUAR-related imports. The United States and some other countries have condemned China's policies and actions in Xinjiang, stating that they constitute crimes against humanity and genocide.

Anti-Government Protests

Sporadic protests related to Xi Jinping's stringent Coronavirus Disease 2019 (COVID-19) policies emerged in spring 2022. For several days beginning on November 26, 2022, Chinese university students and others participated in demonstrations in Shanghai, Beijing, and over a dozen other cities in China. The gatherings apparently were triggered by a deadly apartment fire in Urumqi, Xinjiang that demonstrators blamed on "zero-COVID" measures, including the blocking of entrances and exits of residential buildings. Many participants demanded the government loosen COVID-19 controls. Some articulated broader political demands around issues such as free expression and democracy.

The demonstrations were highly unusual in China for being national in character and scope, directly challenging the CPC and Xi Jinping, and galvanizing a relatively broad swath of society. Some observers compared them to the 1989 democracy movement, which ended in a violent military crackdown. The government deployed police patrols, detained and interrogated some protesters (possibly with the aid of cell phone location data and facial recognition cameras), spot-checked people's phones for politically-related content and unapproved apps, and censored social media except for commentary critical of the demonstrations. The CPC vowed to "resolutely crack down

on infiltration and sabotage activities by hostile forces," while abandoning strict COVID-19 control measures.

Selected Human Rights Issues

Under Xi's leadership, China has further restricted and suppressed civil society, religious groups, human rights defenders, speech, the press, and academic discourse. The party-state has closed much of the space that had previously existed for limited social activism. The PRC oversees one of the most extensive and stringent internet censorship systems in the world, which includes blocking major foreign news and social media sites, censoring domestic social media platforms, and banning foreign messaging apps. A locally-produced online video ("Voices of April") depicting the 2022 COVID-19 lockdown in Shanghai circulated widely before authorities blocked it.

Further Reading: CRS Report R46750, *Human Rights in China and U.S. Policy: Issues for the 117th Congress*; CRS In Focus IF10281, *China Primer: Uyghurs*; CRS Report R43781, *The Tibetan Policy Act of 2002: Background and Implementation*; and CRS In Focus IF10803, *Global Human Rights: International Religious Freedom Policy*. For information on Hong Kong, see CRS In Focus IF12070, *China Primer: Hong Kong*.

According to the Department of State, "[PRC] law grants public security officers broad administrative detention powers and the ability to detain individuals for extended periods without formal arrest or criminal charges" and police target religious leaders, rights lawyers and activists, independent journalists, and former political prisoners and their family members for arbitrary detention or arrest. The nonprofit Dui Hua Foundation compiled a list of over 7,600 cases of political and religious prisoners in China in 2022. PRC leaders long have asserted that human rights standards vary by country, that economic development is a key human right, and that a country's human rights policies are an "internal affair."

Religious and Ethnic Minority Policies

In 2016, Xi Jinping launched a policy known as "Sinicization," by which China's religious and ethnic minorities are required to "assimilate" or conform to majority Han Chinese culture as defined by the CPC and adhere to "core socialist values." The PRC government has implemented policies in Tibetan areas, Xinjiang, and Inner Mongolia requiring that nearly all primary school courses be taught in Mandarin rather than in minority languages. Since 2018, new regulations require religious organizations to obtain government permission for nearly every aspect of their operations, submit to greater state supervision, and register all clergy in a national database. The government has continued to pressure unofficial Christian congregations to register with the state and to persecute practitioners of the Falun Gong spiritual exercise. The State Department has consistently designated China as a "Country of

Particular Concern” for “particularly severe violations of religious freedom” under the International Religious Freedom Act of 1998 (P.L. 105-292).

Authorities have weakened the role of monasteries in Tibetan society, resettled Tibetan nomads and farmers in towns, and employed many in factories, according to the State Department and other sources. The CPC insists that PRC laws, and not Tibetan Buddhist religious traditions, govern the process by which lineages of Tibetan lamas are reincarnated, and that the state has the right to choose the successor to the Tibetan spiritual leader, the 87-year-old 14th Dalai Lama, who lives in exile in India.

Uyghurs

Between 2017 and 2019, XUAR authorities arbitrarily detained over 1 million ethnic Uyghur and other Muslims in reeducation centers. Detainees generally were not accused of crimes, but rather were held on the basis of past religious, cultural, scholarly, social, and online activities, as well as travel, that the government later deemed “extremist” or potentially terrorist. Detainees were compelled to renounce many of their Islamic beliefs and customs as a condition for their release. Treatment in the centers reportedly included food deprivation, psychological pressure, sexual abuse, medical neglect, torture, and forced labor. Since 2019, the XUAR government appears to have released some detainees, prosecuted many as criminals, and sent others to factory labor. In 2022, the Xinjiang government reported it had prosecuted 540,826 people since 2017; human rights groups presume many were convicted on political charges. Tens of thousands of Uyghurs have been coercively employed as agricultural or factory labor in Xinjiang and elsewhere in China.

In August 2022, the United Nations Office of the High Commissioner for Human Rights determined that China’s counterterrorism and counter-“extremism” strategies have led to “interlocking patterns of severe and undue restrictions on a wide range of human rights” and may constitute crimes against humanity. It called on China to “release all individuals arbitrarily deprived of their liberty” and “urgently repeal” all discriminatory laws and policies against Uyghurs and other Muslim minorities in the XUAR.

Congressional Considerations

The PRC appears to have generally resisted outside pressure to change policies that many observers say violate human rights. At the same time, some policy experts argue that forceful responses, including targeted sanctions, can moderate PRC behavior. Members may conduct oversight of implementation of the UFLPA and other relevant laws, assess the impact of these and other policy tools, and evaluate the implications of any additional actions. Considerations may include whether/how to bolster punitive measures against the PRC government; coordinate greater international pressure on China to abide by international human rights standards; promote greater access to Tibet and Xinjiang; or strengthen support for civil society and censorship circumvention efforts. In light of events of November 2022, U.S. government officials may consider ways to support the rights of people in China to demonstrate peacefully, while being cognizant that PRC

authorities have often sought to delegitimize expressions of discontent as being the product of foreign meddling.

Selected U.S. Policy Tools

- **Democracy and Human Rights Programs:** Since 2001, congressional appropriations have funded efforts to promote human rights, democracy, the rule of law, civil society, and internet freedom in China, as well as programs to promote sustainable development, environmental conservation, and preservation of indigenous culture in Tibetan areas. These include programs administered by relevant agencies as well as by the National Endowment for Democracy, a nongovernmental foundation funded primarily by congressional appropriations.
- **International Media:** U.S. government-funded Voice of America (VOA) and Radio Free Asia (RFA) provide external sources of independent or alternative news and opinion to audiences in China. Both media outlets broadcast in Mandarin, Cantonese, and Tibetan, and RFA provides a Uyghur language service.
- **Targeted Legislation:** Congress has enacted numerous laws to respond to human rights developments and related issues in Tibet and Xinjiang specifically. U.S. policy toward Tibet is largely guided by the Tibetan Policy Act of 2002 (Foreign Relations Authorization Act, FY2003, P.L. 107-228). Recent Tibet-related legislation includes the Reciprocal Access to Tibet Act of 2018 (P.L. 115-330) and the Tibetan Policy and Support Act of 2020 (Division FF, Title III, Subtitle E of P.L. 116-260). Recent Xinjiang-focused legislation includes the Uyghur Human Rights Policy Act of 2020 (P.L. 116-145) and the Uyghur Forced Labor Prevention Act (UFLPA, P.L. 117-78).
- **Targeted Sanctions:** The Global Magnitsky Human Rights Accountability Act (Title XII, Subtitle F of P.L. 114-328), as implemented under Executive Order 13818, authorizes the President to impose economic sanctions and visa denials or revocations against foreign individuals responsible for human rights abuses or corruption. Other authorities also provide for visa sanctions, including against the immediate family members of human rights violators.
- **Export Restrictions:** The United States may impose restrictions on the sale or transfer of certain U.S. goods and services to PRC entities on the basis of national security or foreign policy interests, including human rights, under the Export Administration Regulations.
- **Forced Labor Import Restrictions:** Section 307 of the Tariff Act of 1930 (19 U.S.C. §1307) forbids the importation of “goods, wares, articles, and merchandise” into the United States that were produced with forced labor. UFLPA in part creates a rebuttable presumption that Xinjiang-related imports are made with forced labor.

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