



# Human Rights in China and U.S. Policy: Issues for the 113<sup>th</sup> Congress

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## Summary

This report examines human rights issues in the People's Republic of China (PRC), including ongoing rights abuses, legal reforms, and the development of civil society. Major events of the past year include the PRC leadership transition, the Wukan protests over land expropriation, the negotiations that allowed legal advocate Chen Guangcheng to leave China, and the Tibetan self-immolations. Ongoing human rights problems include excessive use of force by public security forces, unlawful detention, torture of detainees, arbitrary use of state security laws against political dissidents and ethnic groups, coercive family planning practices, persecution of unsanctioned religious activity, state control of information, and mistreatment of North Korean refugees. Tibetans, Uighur Muslims, and Falun Gong adherents continue to receive especially harsh treatment. For additional information and policy options, see CRS Report R41007, *Understanding China's Political System*; the Congressional-Executive Commission on China's *Annual Report 2012*; and the U.S. Department of State's *Country Reports on Human Rights Practices for 2011*.

China's leadership transition has so far provided few indications of a fundamental policy shift on human rights. Nonetheless, many analysts refer to a legitimacy crisis and possible "turning point" after three decades of rapid but uneven economic growth. Some observers sense a shift in public attitudes from an emphasis on economic development and social stability to an eagerness for political reform that would have implications for human rights in China.

Although the ruling Chinese Communist Party (CCP) opposes political pluralism, Chinese society has become more diverse and assertive. Non-governmental organizations are playing a larger role in providing social services and policy input. Social protests are frequent, numerous, and widespread. Economic, social, and demographic changes have given rise to labor unrest. PRC citizens have become increasingly aware of their legal rights, while emerging networks of lawyers, journalists, and activists have advanced the causes of many aggrieved individuals and groups. The media continues to push the boundaries of officially approved discourse, and the Internet has made it impossible for the government to restrict information as fully as before. Some Chinese refer to microblog (*weibo*) sites as the most important public sphere for free speech.

The PRC government has attempted to respond to some popular grievances, develop the legal system, and cautiously support the expansion of civil society. However, it continues to suppress many activists who try to organize mass protests and dissidents who openly question sensitive policies or call for fundamental political change. Many lawyers who take on politically sensitive cases face government reprisals.

Some notable changes to the PRC criminal justice system were announced in the past year. Amendments to the Criminal Procedure Law, which are to go into effect in 2013, reportedly provide for greater protections against torture and coerced confessions, expanded access to legal defense, longer trial deliberations, mandatory appellate hearings, more rigorous judicial review, and greater government oversight of the legal process. In January 2013, the government stated that it planned reforms related to the notorious Re-education Through Labor camps, which hold citizens without trial for non-criminal offenses. Some experts caution that, given China's weak legal system, it is too early to predict whether these reforms will result in significant improvements in rights protections in these areas.

The United States government has developed an array of policy tools aimed at promoting democracy and human rights in China, including sanctions, open criticism of PRC human rights policies, diplomacy, and bilateral dialogue. U.S.-funded Voice of America and Radio Free Asia have made efforts to upgrade their Internet offerings and ensure access in China. Congress has funded democracy, human rights, rule of law, and Internet freedom programs and efforts in China and Tibetan areas of the PRC. Some policy makers contend that U.S. engagement with China has failed to produce meaningful political reform and improvements in human rights conditions. Other experts argue that U.S. engagement has helped to advance economic and social change in China, to develop legal and social foundations for democracy and human rights, and to open channels through which to directly communicate U.S. concerns.

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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, China's political development represents a test of the success of U.S. policy toward China. Some analysts contend that the U.S. policy of cultivating diplomatic, economic, and cultural ties with the PRC has failed to produce meaningful political reforms, and that without fundamental progress in this area, the bilateral relationship will remain rocky. They add that U.S. efforts to promote human rights and democracy in the PRC are constrained by the overarching policy of U.S. engagement with China, which includes other U.S. interests and values. The U.S. government has developed a comprehensive array of tactics and programs aimed at promoting democracy, human rights, and the rule of law in China, although their effects have been felt primarily along the margins of the PRC political system. Other experts argue that U.S. engagement has helped to accelerate economic and social change and create the necessary conditions for political reform in China. They hold that Washington has little direct leverage over Beijing's internal policies, and that sanctions and efforts to link the bilateral relationship to improvements in human rights in China have not been very effective.<sup>1</sup>

Many observers argue that violations of civil liberties and cases of political and religious persecution in China have increased in recent years, the leadership remains authoritarian, and economic development, based in part upon trade with the United States, has strengthened the Communist government rather than empowered the people. Other analysts and many Chinese citizens contend that, at the same time, economic and social freedoms have grown considerably, the government's control over most aspects of people's lives has receded, opportunities for providing opinions on policy have increased, and rights activism has sprouted. Disagreements over whether progress has been made often stem from differences over which indicators are emphasized, such as central government policies, local government actions, civil society, or short-term versus long-term trends. In many ways, growing government restrictions on political, religious, and other freedoms and greater assertion of civil rights have occurred simultaneously.

## Assessing Human Rights Conditions in China

Human rights conditions in the PRC reflect multiple and conflicting trends. The government is led by the Chinese Communist Party (CCP), whose rule is referenced in the preamble to China's Constitution, and the legislative and judicial branches of government lack real power to check the CCP and the state. The PRC Constitution (Article 35) guarantees many rights, including the freedoms of speech, press, assembly, demonstration, and religious belief. However, the government restricts these rights in practice. The CCP regards these rights as subordinate to its own authority and to the policy goals of maintaining social stability and state security, promoting economic development, and providing for economic and social rights. The PRC leadership frequently denounces foreign criticisms of its human rights policies as interference in China's

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<sup>1</sup> 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.

internal affairs, and asserts that perspectives on human rights vary according a country's level of economic development and social system.

During the past decade, the PRC government has developed along the lines of what some scholars call "responsive authoritarianism."<sup>2</sup> It has striven to become more legalistic, accountable, and responsive. The government has made some progress in enacting laws aimed at curbing some of the most egregious human rights abuses. In the past year, the state enacted new laws that may provide better protections for some criminal defendants and pledged to reform the notorious Re-education Through Labor camps.

However, the government has rejected political reforms that might undermine its monopoly on power, and continued to respond forcefully to signs and instances of social instability, autonomous social organization, and independent political activity. The state has continued to crack down upon unsanctioned religious, ethnic, and labor activity and organizations, political dissidents, and rights lawyers. Government authorities have imposed particularly harsh policies against Tibetans, Uighurs, and Falun Gong adherents. Chinese leaders have tolerated some public criticism and protest against government officials and policies, particularly at the local level, but have also arrested protest leaders. Communist Party and state officials retain a significant degree of arbitrary authority, and corruption has negated many efforts to improve governance.

## **Citizen Activism**

Awareness of civil and legal rights among Chinese citizens, in some ways promoted by the government, continues to grow, while a small but increasing number of activists, lawyers, journalists, and others have continued to champion human rights causes.<sup>3</sup> Despite strict controls on civil and political rights, many Chinese citizens have become more assertive in claiming rights that exist on paper and have developed a greater sense of political efficacy. Some of them have engaged in public demonstrations against mistreatment by local authorities and employers, invoking the rule of law and expressing their views on the Internet. They have taken advantage of new opportunities to utilize the legal system, comment on public policies, and participate in civil society. According to one specialist, "broad public participation in activist causes has become one of the most potent political dynamics in China today."<sup>4</sup>

China's rising middle class has become more demanding of government. The middle class's growing involvement in demonstrations on local issues is particularly significant, given its effectiveness in articulating interests and its importance to the central government's legitimacy. Nonetheless, the government is unlikely to support radical political change in the near future, some experts say. Surveys show that urban Chinese, the core of the middle class, feel strongly about clean and responsive government, support civil liberties, and are politically aware. However, in many ways, they are dependent upon the state for their material well-being and may be somewhat politically conservative. Most urban residents are not prone to agitate for democracy if they perceive that their economic needs are being met. They have been careful not to jeopardize their hard-won economic gains, and have expressed some fear of grassroots democracy.<sup>5</sup> A survey

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<sup>2</sup> 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.

<sup>3</sup> Linda Yeung, "Reform School," *South China Morning Post*, November 28, 2010.

<sup>4</sup> Sophie Richardson, "Let a Hundred Volunteers Bloom," *Foreign Affairs*, October 11, 2012.

<sup>5</sup> Jie Chen, "Attitudes toward Democracy and the Behavior of China's Middle Class," in Cheng Li, ed. *China's* (continued...)

commissioned by the Pew Research Center found that Chinese perceptions of the U.S.-China relationship are significantly more negative in 2012 than in 2010. However, a slightly greater percentage likes or admires “American ideas about democracy” in 2012 (52%) than in 2010 (48%). This is especially true of urban, young, educated, and affluent Chinese.<sup>6</sup>

## **A “Turning Point?”**

China’s once-in-a-decade leadership transition, which was completed in March 2013, has provided few indications of a policy shift on human rights. Most analysts agree that it is unlikely that there will be significant changes soon, as the new leaders, Party Secretary Xi Jinping and Premier Li Keqiang, consolidate their power. Two Party leaders considered to be political reformers, Wang Yang and Li Yuanchao, were not selected as members of the leadership core, the seven-member Standing Committee of the Politburo, although Li Yuanchao was awarded the largely ceremonial post of state vice president. As incidents of social protest continue, the government has expanded funding for public security and emphasized the need to improve “social management.” However, some observers argue that due to the greater political assertiveness of the Chinese people compared to a decade ago, the government likely will seek to avoid a popular backlash, by limiting repressive actions largely to selected key activists, dissidents, and groups.

Many analysts refer to a legitimacy crisis and possible “turning point” for the CCP after three decades of rapid but uneven economic growth. Some observers sense a shift in public attitude from an emphasis on economic development and social stability to a readiness for political reform.<sup>7</sup> Disagreements reportedly exist within the Party regarding how to address problems related to economic inequality, political development, corruption, social welfare, and the environment. In the past year, Party members, intellectuals, lawyers, and journalists issued several high-profile demands for political change, including calls for constitutional government, an open letter signed by 72 scholars urging democratic reform within the existing political system, and a petition to the National People’s Congress supporting ratification of the International Covenant on Civil and Political Rights.<sup>8</sup>

## **Selected Events and Developments of the Past Year**

A number of events of the past year indicate the evolving relationship between the PRC state and a changing society. As incidents of social protest have increased, the government has bolstered funding and staff for social control efforts. In many cases of public protest against violations of economic rights, such as property and labor rights, the central government has attempted to strike a neutral or sympathetic tone, particularly when corrupt local officials were involved. However, it

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*Emerging Middle Class*, Washington: Brookings Institution Press, 2010.

<sup>6</sup> “Growing Concerns in China about Inequality, Corruption,” *Pew Research Center Global Attitudes Project*, October 16, 2012.

<sup>7</sup> “Changes and Challenges for China in 2013,” *Council on Foreign Relations*, December 26, 2012; Cary Huang, “Reform or Perish,” *Journal Warns Communist Party*, *South China Morning Post*, October 19, 2012.

<sup>8</sup> Shi Jiangtao, “Mainland Scholars Petition Communist Party for Change,” *South China Morning Post*, December 27, 2012; Verna Yu, “China Petition Urges Rights Reforms,” *South China Morning Post*, February 27, 2013.



has not directly addressed the concentrations of power which lie at the root of the problems. Although direct elections for village committees, instituted in the 1980s, sowed the seeds for a modicum of democratic decision-making in China, their progression to higher levels of government has stalled for over two decades.<sup>9</sup> Recent efforts by citizens to rejuvenate the process illustrated how many Chinese embrace the notion of grassroots democracy, and how wary the CCP is of losing political control. The events surrounding blind legal advocate Chen Guangcheng in May 2012 showed how the PRC government has attempted to silence outspoken rights advocates and dissidents, but also how activist networks have managed to survive in its shadow. (For more on Chen's case, see "Chen Guangcheng" below.) Finally, the Tibetan immolations reflect Beijing's hard line against some ethnic and religious groups, despite demonstrating some flexibility in other areas.

## **Social Management**

Public protests occur on a daily basis in China, although they largely focus on local economic issues rather than national political ones. Estimates of the number "mass incidents" vary, from roughly 90,000 to 180,000 annually during the past several years.<sup>10</sup> Typical sources of unrest include forcible evictions of urban residents, poor factory conditions and unpaid wages, farmers facing environmental degradation brought about by industrial development, migrants experiencing physical abuse by "urban management officers" (*chengguan*), and arbitrary or heavy-handed treatment of small enterprises. According to some analysts, activism reflects an increasingly assertive citizenry, armed with an understanding of the law and empowered by social media and other forms of online communication and news.<sup>11</sup> Other groups who demonstrated during the past year include women, gays and lesbians, the disabled, sex workers, and advocates for HIV/AIDS awareness.

In recent years, PRC leaders have focused on strengthening institutions that address social unrest. In 2011, the Central Commission for Comprehensive Social Management, which oversees public security, expanded its presence from 29 party and government departments and agencies to 40.<sup>12</sup> The Chinese government increased funding for "public safety" by 9% in 2013, to \$124 billion.<sup>13</sup> During the period of the CCP Congress in November 2012, in which the next generation of leaders was announced, human rights groups reported a crackdown on petitioners, dissidents, academics, and activists. They asserted that up to 100,000 people were affected, and two petitioners—ordinary citizens seeking official redress of their grievances—were thought to have died in custody.<sup>14</sup>

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<sup>9</sup> Former Premier Wen Jiabao expressed support for expanding direct elections for executive positions to the country and township levels, as part of a gradual process. Keith Richburg, "China's Premier Again Calls for Political Reform," *Washington Post*, March 14, 2011; Ministry of Foreign Affairs of the People's Republic of China, "Premier Wen Jiabao Meets the Press," March 15, 2012.

<sup>10</sup> Sui-Lee Wee, "China Village Ends Protests after Government Compromise," *Reuters*, December 21, 2011; Tom Orlik, "Unrest Grows as Economy Booms," *Wall Street Journal*, September 26, 2011. The PRC government no longer issues official statistics on mass incidents.

<sup>11</sup> Nicholas Bequelin, "Does the Law Matter in China?" *International Herald Tribune*, May 14, 2012.

<sup>12</sup> Congressional-Executive Commission on China, *Annual Report 2012*, October 10, 2012.

<sup>13</sup> Henry Sanderson and Michael Forsythe, "China Boosts Defense Spending as Military Modernizes Arsenal," *Bloomberg News*, March 5, 2013.

<sup>14</sup> "China Activists Die in Custody During Stability Sweep," *Agence France-Presse*, November 19, 2012.

## Wukan

The seven-month-long unrest in Wukan, Guangdong province, symbolized the heavily skewed power structure in China, growing incidents of mass protest, and the range of responses from the PRC government. The province's Party Secretary at the time, Wang Yang, received praise for helping to resolve the tensions in a relatively flexible and sympathetic manner, unlike many government responses elsewhere, and in way that could be seen as an example for other disputes.<sup>15</sup> In September 2011, Wukan villagers protested the taking of agricultural land for development and the lack of adequate compensation. They stormed government offices, resulting in the Party Secretary and other leaders fleeing the village. The local government offered to negotiate, but subsequently arrested protest leaders and attempted to forcibly take control of the village. The death of a protest leader in custody (Xue Jinbo) further inflamed passions. Village authorities asserted that he died of heart failure while family members claimed that he had been severely beaten. Villagers then blocked roads and engaged in a 10-day standoff with security forces. The provincial government stepped in, promising to investigate the land dispute, release the remaining three leaders, and to allow free and open elections for the village committee, which has power over the sale of collectively owned land. In a sign of growing international interest, the U.S. government sent an observer to the poll. In March 2012, Wukan villagers elected an entirely new committee, complaining that the former members had been involved the corrupt development schemes and ruled like "local emperors."<sup>16</sup> A year after the unrest began, however, some villagers complained to the foreign media that local authorities still had not returned their land.<sup>17</sup>

## Local Elections

PRC citizens can directly elect officials to village committees and assemblies and to the more powerful township, county, and municipal district people's congresses. By law, any organization or group of ten persons or more can nominate a candidate to the local people's congress. Although voters generally have a choice of candidates and candidates are not required to be Communist Party members, CCP election committees may disqualify candidates at any level, and they effectively control most candidate lists. A growing number of citizens have run as "independent" candidates for township and district people's congresses, including academics, college students, journalists, bloggers, leaders of non-governmental organizations (NGOs), private entrepreneurs, lawyers, and farmers. Many of them have conducted their election campaigns through such media as the Internet and microblogging (*weibo*). Many candidates have experienced government harassment, such as surveillance, intimidation, or detention, thus forcing them to quit. Local authorities reportedly also pressured nominators, family members, and employers.<sup>18</sup>

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<sup>15</sup> Wang, a contender for a position on the Standing Committee of the Political Bureau, was not selected at the Party Congress in 2012, thus disappointing many of his supporters.

<sup>16</sup> "Wukan Claims Success as First Election Ends," *Agence France-Presse*, March 5, 2012; "'Opportunity for Democracy': Rebel Chinese Village Votes" *Reuters*, March 3, 2012.

<sup>17</sup> Brian Fung, "Wukan Revisited: No, China's Village Experiment in Democracy Isn't Over," *The Atlantic*, September 23, 2012.

<sup>18</sup> Yizhen Zheng, "Carrying Out Grassroots Democracy in China: Two Local Experiments in Governance," China Elections and Governance (The Carter Center ), March 3, 2011; Keith B. Richburg, "More Independents Running in China," *Washington Post*, September 10, 2011; Congressional—Executive Commission on China, op. cit. For further information, see CRS Report R41007, *Understanding China's Political System*, by Susan V. Lawrence and Michael F. (continued...)

## **Chen Guangcheng<sup>19</sup>**

The case of the blind legal advocate Chen Guangcheng exemplifies China's treatment of political activists, including Chen's prolonged house arrest, lack of due process, and torture. Chen, a self-trained legal advocate, challenged local authorities to uphold China's laws and regulations in the areas of disability rights and family planning. In 2005, he attempted to organize a class-action lawsuit on behalf of victims of forced abortions and sterilizations. Local authorities ultimately charged Chen with disturbing public order and disrupting traffic. In 2006, Chen, who had no legal representation at his trial, was sentenced to over four years in prison. After Chen completed his sentence in 2010, he was placed under extra-judicial house arrest. His wife's movements also were restricted. The couple's son was sent to live with the parents of Chen's wife, and, for a time, their young daughter was prevented from attending school. Cell phone communication to and from their home was blocked. In 2011, security agents allegedly beat Chen and his wife in their house after they smuggled out a video, later posted online, in which they described the conditions of their forced confinement.

In the early morning of April 22, 2012, after 19 months of confinement in his home, Chen, by now well-known in China and abroad, escaped his heavily guarded home and village under cover of darkness. Rights activists and others, including He Peirong and Guo Yushan, allegedly helped transport Chen from his village in Yinan County, Shandong province to Beijing. Chen was reported to be under the protection of the U.S. Embassy on April 27, days before then-Secretary of State Hillary Clinton was to arrive in the PRC capital to attend the annual U.S.-China Security and Economic Dialogue. Chen stayed at the U.S. Embassy for six days before being transferred to a Beijing hospital to get treatment for a broken foot, sustained during his escape, and a stomach ailment. After three weeks of tense negotiations over his fate, Chinese leaders agreed to allow the legal advocate to leave the country with his wife and children for the United States to study law. He now holds the title of Distinguished Visitor in the U.S.-Asia Law Institute at New York University.

In November 2012, the People's Court of Yinan County sentenced Chen Kegui, Chen Guangcheng's nephew, to 39 months in prison for injuring a government official during the morning of April 22. Chen Kegui alleged that he was defending himself and his parents as the official and government agents violently stormed his house in search of his uncle. Chen Kegui reportedly was denied legal counsel of his choice and other forms of due process.<sup>20</sup>

## **Tibetan Self-Immolations**

The PRC government has maintained an increased security presence in the Tibet Autonomous Region (TAR) and other Tibetan areas of China since the Tibetan unrest of 2008. Since 2009, more than 100 Tibetans within China reportedly have set fire to themselves to protest PRC policies, and 88 of them are known to have died. Approximately one fifth of the self-immolators were associated with the heavily policed Kirti Monastery in Aba County, Sichuan Province. PRC

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<sup>19</sup> For further information, see CRS Report R42554, *U.S.-China Diplomacy Over Chinese Legal Advocate Chen Guangcheng*, by Susan V. Lawrence and Thomas Lum.

<sup>20</sup> "Prominent Chinese Activist Blasts Nephew's Conviction," *CNN*, December 1, 2012.

leaders have blamed the Dalai Lama, Tibetan separatists, and other alleged instigators for fanning the flames of unrest in Tibetan areas and encouraging self-immolations. An opinion issued by PRC law enforcement bodies stated that citizens involved in self-immolations would be held criminally liable. Official reports claimed that a Tibetan monk confessed to following instructions from the Dalai Lama.<sup>21</sup> In February 2013, police in Gansu province reportedly arrested five Tibetans, who they alleged persuaded three people to set themselves on fire “at the behest of foreign forces.”<sup>22</sup> In a statement, the U.S. Special Coordinator for Tibetan Issues Maria Otero asserted that “The United States is deeply concerned and saddened by the continuing violence in Tibetan areas of China and the increasing frequency of self-immolations by Tibetans. . . . We call on the Chinese government to permit Tibetans to express their grievances freely, publicly, peacefully, and without fear of retribution.”<sup>23</sup>

## Ongoing Human Rights Issues

As discussed above, major, ongoing human rights violations in China include the following: excessive use of violence by security forces and their proxies; unlawful and abusive detention; torture; arbitrary use of state security laws against political dissidents; coercive family planning policies; and state control of information. Other violations include harassment and persecution of people involved in unsanctioned religious activities, including worship in unregistered Protestant “house churches” and Catholic churches that express loyalty to the Pope; and mistreatment and deportation of North Korean refugees.

The following, some of which are discussed at greater length elsewhere in this report, represent a selection of specific human rights issues in China:<sup>24</sup>

- Harassment, beatings by public security forces and plainclothes agents, house arrest, and unlawful detentions of petitioners, protest leaders, human rights attorneys, journalists, dissidents, and others.
- Unlawful killings of persons in state custody.
- Physical abuse and the use of torture by the state against political detainees and criminal suspects, often resulting in forced confessions or renunciations of faith.
- Arbitrary use of state security laws against political dissidents, Tibetans, Uighur Muslims, Internet bloggers, and others.
- Sporadic reports of coercive abortions, forced sterilizations, and other related, unlawful government actions against women.

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<sup>21</sup> The court sentenced the monk to death (with a two-year reprieve) and his nephew to ten years in prison. “China Sentences Two Tibetans for ‘Inciting Self-Immolations,’” *Reuters*, January 31, 2013.

<sup>22</sup> “Burning in Tibet,” *The Toronto Sun*, December 16, 2012; “China Outlines Criminal Punishments for Tibetan Self-Immolations,” Dui Hua Foundation, December 5, 2012; “China Arrests Five Tibetans for ‘Inciting’ Immolation,” *Associated Press*, February 28, 2013.

<sup>23</sup> U.S. Department of State, Statement by the Special Coordinator for Tibetan Issues Maria Otero, December 5, 2012.

<sup>24</sup> For more complete descriptions of human rights abuses, see Congressional-Executive Commission on China, *Annual Report 2012*, October 10, 2012, and Department of State, *Country Reports on Human Rights Practices for 2011 (China)*, May 2012.

- Strict controls over and punishments for public speech, discussion, and reporting of politically sensitive topics, such as the Tiananmen events of 1989, Taiwan relations, Tibet, Falun Gong, and the legitimacy of the Chinese Communist Party.
- Harassment and arrests of Christians worshipping in unofficial churches.
- Persecution of Falun Gong adherents.
- Repatriation of North Korean nationals residing in China, who likely face severe forms of punishment after returning North Korea, in violation of the U.N. Refugee Convention and its protocols.

## **Prisoners of Conscience and Extrajudicial Detention**

The Dui Hua Foundation, a non-profit organization that aims to bring clemency and better treatment to at-risk detainees through the promotion of universally recognized human rights and dialogue with China, estimates that there are 20,000 to 30,000 political and religious prisoners or prisoners of conscience in the PRC.<sup>25</sup> They are held in prisons, Re-education Through Labor camps, and forms of arbitrary detention. Principal categories of detainees include those deemed guilty of “endangering state security” (ESS), members of “cults” such as Falun Gong, Tibetans, and Uighurs. The number of people tried for endangering state security in 2011 (974) represented a decline of 20% compared to 2010. Nonetheless, ESS levels remain high compared to the years prior to 2008-2009, when social unrest erupted in Tibet and Xinjiang.<sup>26</sup>

### **Re-education Through Labor**

Re-education Through Labor (RETL), an administrative measure, empowers police to sentence persons found 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 labor camps without trial. According to some estimates, between 2% and 10% of the RETL population is sent there for political reasons. Many Falun Gong adherents were sent to RETL camps during the height of the crackdown on their group a decade ago, at one time reportedly constituting from one-quarter to one-half of all detainees.<sup>27</sup> Estimates of the RETL population vary, from roughly 160,000 to 260,000 persons.<sup>28</sup> According to one source, drug offenders constitute the largest group in the RETL system, or about 200,000 people.<sup>29</sup>

For the past decade, many Chinese scholars and government officials have openly advocated reforming the RETL system. In 2012, Tang Hui, the mother of an 11-year old rape victim, was sentenced to 18 months in an RETL facility in Hunan province after she protested the conduct of local officials in the resolution of her daughter’s case. The story provoked an outpouring of public

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<sup>25</sup> Dui Hua Foundation, January 2013. Dui Hua Foundation experts caution that it is difficult to determine how many political and religious prisoners there are in China due to limited data and varied definitions.

<sup>26</sup> “Chinese State Security Arrests Stay High, Trials Soar,” *Dui Hua Foundation*, November 19, 2012.

<sup>27</sup> U.S. Department of State, *2009 Human Rights Report: China*, March 11, 2010; Falun Gong organizations have placed the number as far higher.

<sup>28</sup> Maya Wang, “Rights Group: China May Not Be Ready for Labor Camp Reforms,” *CNN*, January 16, 2013; 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.

<sup>29</sup> Dui Hua Foundation, January 2013.

support for both Tang and reform of RETL.<sup>30</sup> Reforms may include establishing some procedural rights, providing for access to counsel, and limiting sentences, according to some experts. In November 2011, pilot reform projects were launched in four Chinese cities. In February 2013, the Yunnan provincial government eliminated some offenses considered grounds for RETL detention, including “causing unrest while making complaints about government officials” and “smearing the image of top officials.” The removal of these offenses appears to reduce the risks of punishment for people who criticize the government.<sup>31</sup>

In January 2013, Meng Jianzhu, the newly appointed head of the CCP Political and Legal Affairs Committee, reportedly declared in a meeting of judicial officials that the government would stop sending people to RETL camps by the end of the year. However, the state press then changed the wording of the announcement to “reform” of the system.<sup>32</sup> According to some analysts, the state’s backtracking on Meng’s remarks reflects a concern about how to handle current detainees as well as future offenders and politically troublesome cases, and disagreement among the Chinese leadership about how to proceed. Some human rights experts fear that reforms may be largely cosmetic. They argue that the government may criminalize hitherto non-criminal acts, resulting in an increase in the formal prison population. Furthermore, other forms of informal detention may still be used.<sup>33</sup>

### **“Black Jails” and Other Forms of Arbitrary Detention**

China’s system of formal and informal prisons and detention centers reportedly perpetrates some of the most egregious human rights violations, particularly toward citizens who actively opposed government actions and policy. Many political dissidents accused of violating state security laws have been held incommunicado for long periods. Many petitioners—generally people from rural areas who travel to Beijing to seek redress for local government abuses and misconduct—have been sent to secret detention centers, or “black jails,” where they lack legal protections and face a variety of abuses. Many of these centers are operated by the governments of the petitioners’ home provinces in an attempt to prevent them from taking their complaints to the central government. Many petitioners, rights activists, Falun Gong practitioners, underground religious worshippers, and others also have been held in psychiatric (*ankang*) hospitals for the criminally insane, where they reportedly have been forced to take medications and subjected to other human rights violations. In 2011, the Beijing municipal government reportedly launched a crackdown on black jails. In December 2012, tens of thousands of petitioners reportedly were suddenly released from a detention center in Beijing.<sup>34</sup> In February 2013, a Beijing court sentenced ten people who operated a black jail for the Henan provincial government to prison.<sup>35</sup>

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<sup>30</sup> Tang was released after the story broke. Dui Hua Foundation, “Consensus Building on RTL Reform, Cases Highlight Abuse,” September 24, 2012; Zhang Pinghui, “Projects Hint at Reform of Mainland’s Re-education Through Labor Policy,” *South China Morning Post*, September 4, 2012.

<sup>31</sup> “Yunnan Stops Some Terms of ‘Re-education Through Labour’ Camps,” *Agence France-Presse*, February 7, 2013.

<sup>32</sup> William Wan, “In China, Labor Camps Face an Uncertain Future,” *Washington Post*, March 4, 2013.

<sup>33</sup> “China: Fully Abolish Re-education Through Labor,” *Human Rights Watch Asia*, January 8, 2013.

<sup>34</sup> Ami Li, “Beijing Black Jail ‘Releases Thousands of Petitioners,’” *South China Morning Post*, December 5, 2012.

<sup>35</sup> Peter Ford, “Is China Cleaning Up Its Illegal ‘Black Jails’?” *Christian Science Monitor*, February 4, 2013.

## **Imprisoned Nobel Laureate Liu Xiaobo**

In October 2010, the Nobel Committee awarded Liu Xiaobo, a longtime political dissident, activist, and writer, the Nobel Peace Prize for his “long and non-violent struggle for fundamental human rights.” In December 2008, Liu helped draft “Charter ’08” commemorating the 60<sup>th</sup> anniversary of the United Nations’ adoption of the Universal Declaration of Human Rights.<sup>36</sup> The document, signed by 300 Chinese citizens and posted on the Internet, called for human rights and fundamental changes in China’s political system. The Charter eventually garnered roughly 10,000 additional signatures online. The PRC government shut down the Charter’s website, reportedly harassed, interrogated, and denied career opportunities to dozens of signatories, and arrested Liu. In December 2009, a Beijing court sentenced Liu to 11 years in prison on charges of “inciting subversion of state power.” He is the world’s only imprisoned Nobel laureate. Although she has been accused of no crimes, Liu Xiaobo’s wife, Liu Xia, remains under house arrest in Beijing.

## **Americans Imprisoned in China**

The cases of two American citizens convicted of national security-related crimes in China have caused friction in the U.S.-China relationship. Xue Feng, a naturalized U.S. citizen born in China, was arrested in Beijing in 2007 on charges related to his acquisition of a Chinese database on China’s oil industry, while working for an American firm. In July 2010, after having been held incommunicado for a period and allegedly tortured, Xue was sentenced to eight years in prison for providing state secrets to foreigners. Xue’s term was reduced by ten months in 2012; he is due to be released in January 2015.<sup>37</sup> Xue stated that he had believed the database to be commercially available. Another naturalized U.S. citizen, David Wei Dong, was arrested in 2003 and sentenced in 2005 to 13 years in prison on the charge of espionage (spying for Taiwan). Dong’s sentence was reduced by 18 months in 2010. Said to be in poor health, he is scheduled to be released in 2014.

## **Rights Attorneys and the Rights of the Accused**

Lawyers who take on politically sensitive cases often face reprisals, including the forced closure of law offices, suspension or cancellation of law licenses, and unlawful detention, beatings by plain-clothes agents, house arrest, and prison terms. In 2012, new regulations required attorneys to take an oath of allegiance to the Communist Party when applying for or renewing licenses, and since 2008, the CCP has established cells in most law firms.<sup>38</sup> Jiang Tianyong, an attorney who defended Chen Guangcheng in 2005, reportedly was apprehended by security agents, detained, and beaten when he tried to visit Chen during the diplomatic standoff over Chen’s fate in May 2012. Ni Yulan, a rights lawyer specializing in land rights and the legal defense of home owners facing eviction, was sentenced to two years and eight months in prison in 2012 for fraud and “picking quarrels and provoking trouble,” while her husband was sentenced to two years in jail. Ni allegedly was permanently disabled while in police custody for rights activism in 2008, and is confined to a wheel chair.

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<sup>36</sup> “Charter ’08” was inspired by “Charter 77,” the Czechoslovakian democratic movement.

<sup>37</sup> Dui Hua Foundation, *Prisoner Update*, February 28, 2013.

<sup>38</sup> Elizabeth Lynch, “I Pledge Allegiance to the CCP...,” *China Law and Policy*, March 22, 2012.

Despite amendments to the PRC Law on Lawyers in 2008, which removed some restrictions on lawyers' access to clients and allowed for greater confidentiality between attorneys and their clients, the legal system remains heavily biased against criminal defendants and their counsel. There is no presumption of innocence and a heavy reliance on confessions to establish guilt, often leading to physical abuse, although recent criminal justice reforms may offer some rights protections. Roughly 70% of criminal defendants in China go to trial without a lawyer, and the conviction rate for criminal defendants is over 99%, according to recent reports.<sup>39</sup> Defense lawyers complain of the "three difficulties" of gaining access to detained clients, reviewing prosecutors' case files, and collecting evidence. Article 306 of China's Criminal Law, which makes it a crime to fabricate evidence or induce a witness to change his testimony, often has been invoked to deter defense lawyers from gathering evidence and to prosecute attorneys who had advised clients to recant confessions obtained through torture.<sup>40</sup>

## Religious Freedom

The extent of religious freedom and activity in China varies widely by religion, region, and jurisdiction. Hundreds of millions of Chinese openly practice one of five officially recognized religions (Buddhism, Protestantism, Roman Catholicism, Daoism, and Islam). Article X of 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." Religious organizations in China are playing growing roles in providing social and charitable services. However, the PRC government has imposed especially strict policies and measures upon many unofficial Christian churches, Tibetan Buddhists, Uighur Muslims, and Falun Gong practitioners, largely due to the potential for these groups to become independent social forces or cultivate foreign support. The Department of State has identified China as a "country of particular concern" (CPC) for "particularly severe violations of religious freedom" for 13 consecutive years (2000-2012). In February 2012, the PRC government reportedly denied a request by the U.S. Commission on International Religious Freedom to visit China.<sup>41</sup>

## Christians

Christian worship in China, both within official bodies and outside of them, has continued to grow. According to some estimates, roughly 30 million Chinese Christians worship in state-sanctioned churches, while over 70 million Chinese Christians practice their faith in unregistered, mostly Protestant congregations. Many Chinese Protestants have rejected the official church, known as the Three Self Patriotic Movement, for political or theological reasons, while some house churches claim that their attempts to apply for official status have been rejected by local Religious Affairs Bureaus.<sup>42</sup> Although in many localities, unsanctioned religious congregations may receive little state interference, they still are vulnerable to arbitrary restrictions. In many areas, independent or "house" churches face harassment by government authorities, their leaders have been beaten, detained, and imprisoned, and their properties have been destroyed.

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<sup>39</sup> Department of State, *Country Reports on Human Rights Practices for 2011*, op. cit.

<sup>40</sup> "'Big Stick 306' and China's Contempt for the Law," *New York Times*, May 5, 2011.

<sup>41</sup> See United States Commission on International Religious Freedom, <http://www.uscirf.gov/reports-and-briefs/annual-report.html>; "China: Should Religious Freedom Be a 'Core Interest'?" *Forum 18 News Service*, February 7, 2013.

<sup>42</sup> "Three Self" refers to self-governance, self-support, and self-propagation, or independence from foreign missionary and other religious groups and influences.



A number of high profile cases illustrate the tensions between the state and unregistered religious organizations. Local governments have attempted to forcibly prevent followers of the 50,000-member Linfen Church in Shanxi province and the 1,000-member Shouwang church in Beijing from gathering and building or renting their own places of worship. Members of these congregations have experienced arrest, detention, and punishment at work. In 2012, members of the Hotan church in Xinjiang were forcibly prevented from gathering. The local public security bureau reportedly raided the church and seized church property, and harassed and temporarily detained church leaders. Local officials stated that this was due to “Xinjiang’s special situation.”<sup>43</sup>

Catholics in China are divided between those who follow the Pope and those who belong to the official Chinese Catholic Patriotic Association (CCPA), which does not recognize Papal authority. Beijing and the Vatican have long been at odds regarding which side has the authority to appoint bishops. Most Chinese bishops have received approval from both Beijing and the Holy See, but since 2010, the CCPA has ordained five bishops without Rome’s approval, further aggravating relations between Beijing and the Vatican. A controversy erupted in July 2012, when Ma Daqin, a new bishop approved by both Beijing and the Vatican, renounced his ties to the CCPA in his first sermon. The PRC government responded by placing Ma under house arrest and stripping him of his title. At least 40 unregistered Chinese bishops reportedly are under surveillance, in hiding, being detained, confined to their homes, or have disappeared, according to the Congressional-Executive Commission on China (CECC).<sup>44</sup>

China Aid Association, an organization that monitors human rights abuses against Christians in the PRC, reported that the persecution of Christians has worsened in the past several years. Beginning in 2010, China’s State Administration for Religious Affairs renewed government efforts to weaken independent Christian churches by bringing their members into state-sanctioned churches, preventing large congregations from gathering, and restricting the movements and activities of their leaders. According to China Aid, in 2011, 1,200 Christians were detained and four were sentenced.<sup>45</sup>

## **Tibetans<sup>46</sup>**

Although the PRC has controlled the Tibetan Autonomous Region (TAR) and other Tibetan areas since 1951, it continues to face resistance to its rule, with some Tibetans viewing Chinese government policies as a challenge to their religion, culture, and identity. Increasingly expansive controls on Tibetan religious life and practice have served to further feed discontent. These policies include a heightened official and security presence within monasteries, continued “patriotic education” campaigns that require monks to denounce Tibet’s exiled spiritual leader, the Dalai Lama, and restrictions on the mass media, movement, and travel abroad. The State Department reports “serious human rights abuses including extrajudicial killings, torture, arbitrary arrests, extrajudicial detention, and house arrests” in the region.<sup>47</sup> The CECC has

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<sup>43</sup> “2012’s Top 10 Cases of Persecution of Churches and Christians in China,” *China Aid Association*, January 16, 2013.

<sup>44</sup> Congressional-Executive Commission on China, *op. cit.*

<sup>45</sup> ChinaAid Association, *2011 Annual Report: Chinese Government Persecution of Christians and Churches in Mainland China*, February 2012.

<sup>46</sup> Portions of this section were written by Susan Lawrence, Specialist in Asian Affairs.

<sup>47</sup> Department of State, *Country Reports on Human Rights Practices for 2011*, *op. cit.*

obtained records of 626 Tibetan political prisoners and detainees, the vast majority of whom were apprehended following the civil unrest of March 2008.<sup>48</sup>

Other sources of grievance for many Tibetans are the domination of the local economy by Han Chinese (the majority ethnic group in China) and the adverse environmental effects of Beijing's development projects in the region. Hans form a minority in the TAR, 8% of the total population of three million people, according to official Chinese census figures, but constitute about half of the population of Lhasa, the Tibetan capital.<sup>49</sup> Many Han Chinese believe that the PRC government has brought positive economic and social development to the region.

### ***2008 Protests and Their Aftermath***

On March 11, 2008, the 49<sup>th</sup> anniversary of the 1959 Tibetan uprising against Chinese rule, approximately 300 Buddhist monks demonstrated peacefully to demand the release of Tibetan prisoners of conscience. These demonstrations sparked other protests by monks and other Tibetans demanding independence from China or greater autonomy. On March 15, demonstrations in Lhasa turned violent as Tibetan protesters confronted PRC police and burned shops and property owned by Hans. Other Tibetan protests erupted in Tibetan areas of neighboring provinces.

The PRC government has maintained an increased security presence in the TAR and other Tibetan areas of the PRC since 2008. Crackdowns have been particularly intense during politically sensitive periods, including the 90<sup>th</sup> anniversary of the founding of the CCP and the 60<sup>th</sup> anniversary of the "peaceful liberation" of Tibet, both in 2011. China's leaders have bolstered efforts to spur economic development in Tibet, provide greater economic opportunities for Tibetans, and improve social services. However, they have displayed little, if any, flexibility on the questions of greater autonomy and religious freedom.

As mentioned above, since 2009, more than 100 Tibetans have set fire to themselves to protest PRC policies, and 88 of them are known to have died.<sup>50</sup> PRC leaders have blamed the Dalai Lama, Tibetan separatists, and other alleged instigators for fanning restiveness in Tibetan areas and encouraging self-immolations. Chinese courts have arrested nearly 20 people for allegedly inciting Tibetans to set themselves on fire. The Dalai Lama has described the self-immolations as "very, very sad" and the product of "a very desperate situation," but declined either to endorse or condemn them.<sup>51</sup>

### ***Beijing-Dalai Lama Dialogue***

The ninth round of talks between Beijing and representatives of the Dalai Lama since 2002, which took place in January 2010, failed to bring about any fundamental progress on the issue of

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<sup>48</sup> Congressional-Executive Commission on China, *op. cit.*

<sup>49</sup> Based upon PRC data. "Tibet's Population Tops 3 Million; 90% Are Tibetans," *Xinhua*, May 4, 2011. Some observers believe that the number of Han Chinese in Tibet is far higher.

<sup>50</sup> International Campaign for Tibet, *Self-Immolations in Tibet*, February 27, 2013, <http://www.savetibet.org/resource-center/maps-data-fact-sheets/self-immolation-fact-sheet>.

<sup>51</sup> Central Tibetan Administration, *NBC Interviews His Holiness the Dalai Lama on Self-immolation Tragedy in Tibet*, October 22, 2013, <http://tibet.net/2012/10/23/nbc-interviews-his-holiness-the-dalai-lama-on-self-immolation-tragedy-in-tibet/>.

greater autonomy for Tibet. The Dalai Lama's representatives pledged respect for the authority of the PRC central government, but continued to push for "genuine autonomy" for the Tibetan people. Both sides acknowledged that the meetings produced no breakthroughs. Lodi Gyari, the Special Envoy of the Dalai Lama who led nine rounds of talks between 2002 and 2010, resigned in 2012, citing frustration at the lack of progress or a "positive response" by the Chinese government. However, he continued to view the dialogue process as the "only way forward for Tibet, in the absence of other viable options."<sup>52</sup>

In April 2011, Tibetan exiles in India elected a Harvard academic, Lobsang Sangay, as their new prime minister. He assumed some of the political duties of the Dalai Lama, who remains as the Tibetan spiritual leader but relinquished his political role. The Chinese government has vowed not to conduct any talks with the new prime minister and his government, arguing that they represent an illegal organization.

### **U.S. Policy Toward Tibet**

The Tibetan Policy Act of 2002 (P.L. 107-228) directs the Executive Branch to encourage the PRC government to enter into a dialogue with the Dalai Lama or his representatives, call for the release of Tibetan political and religious prisoners in China, support economic development, cultural preservation, environmental sustainability, and other objectives in Tibet, and carry out other activities to "support the aspirations of the Tibetan people to safeguard their distinct identity."<sup>53</sup> In July 2011, President Obama met with the Dalai Lama for the second time at the White House, despite strong objections from Beijing. The President emphasized the importance of the human rights of Tibetans in China as well as their unique religious, cultural, and linguistic traditions. He stressed that Tibet is a part of China, praised the Dalai Lama's commitment to nonviolence and his "Middle Way" approach, and encouraged dialogue between the Dalai Lama's representatives and Beijing, while also emphasizing the importance of U.S.-China cooperation.

### **Uighur Muslims**

In the past decade, Chinese authorities have carried out especially harsh religious and ethnic policies against Uighurs, a predominantly Muslim Turkic ethnic group living primarily in China's far northwestern Xinjiang Uighur Autonomous Region (XUAR).<sup>54</sup> Once the predominant ethnic group in the region, Xinjiang's 8.5 million Uighurs now constitute an estimated 40% of the population as many Han have migrated there, particularly to the regional capital, Urumqi.<sup>55</sup> The PRC government asserts that many Muslims in China, including Uighurs, receive preferential treatment due to special policies toward minority groups, that PRC economic policies have benefitted Uighurs, and that firm religious and ethnic policies are necessary to prevent terrorism. In 2010, China's top leadership held the first "work forum" focused on the XUAR. The forum produced an ambitious economic development plan for the region, but did not address longstanding Uighur political and religious grievances.

The PRC government has often conflated the religious and cultural practices of Uighurs in Xinjiang with subversive activities or the "three evils of religious extremism, splittism, and terrorism." It claims that the East Turkestan Islamic Movement (ETIM), a Uighur organization

<sup>52</sup> "Lodi Gyari: No Progress in Sino-Tibet Dialogue under Hu Jintao," *Phayul.com*, January 1, 2013.

<sup>53</sup> For further information, see CRS Report R41108, *U.S.-China Relations: Policy Issues*, by Susan V. Lawrence and David MacDonald.

<sup>54</sup> Many Uighur exile groups prefer the name East Turkestan rather than the Chinese name of Xinjiang.

<sup>55</sup> Preeti Bhattacharji, "Uighurs and China's Xinjiang Region," *Council on Foreign Relations Backgrounder*, July 6, 2009.

that advocates the creation of an independent Uighur Islamic state, was responsible for terrorist attacks in China and has ties to Al Qaeda.<sup>56</sup> In 2011, Xinjiang courts tried 414 cases of endangering state security, up 10% over the previous year.<sup>57</sup> In June 2012, the official press announced that police had arrested six Uighurs in connection with an attempted hijacking aboard a plane travelling from Hotan, Xinjiang to Urumqi. Representatives of the World Uyghur Congress countered that the onboard disturbance was not a hijacking attempt but rather a “brawl over a seat dispute.”<sup>58</sup>

Uighur and human rights groups have long complained of PRC religious policies that constrain the training and role of imams, the celebration of Ramadan, and participation in the hajj. According to these groups, Uighur children are forbidden from entering mosques and studying the Koran and government workers and teachers are not allowed to openly practice Islam. Other grievances include the loss of ethnic identity, including restrictions on Uighur-language education, economic discrimination, and the lack of consultation on policy. Government efforts to rebuild the ancient heart of Kashgar have angered many Uighurs. Although PRC officials argue that redevelopment is designed to improve public sanitation, provide modern structures, and create better housing, many Kashgar residents say that the new plan is aimed at controlling the local population and will result in the further destruction of Uighur culture.<sup>59</sup>

### ***2009 Ethnic Unrest***

On July 5, 2009, an estimated several hundred to a few thousand Uighur demonstrators gathered peacefully in the capital of the XUAR, Urumqi, to demand that PRC authorities prosecute those responsible for the deaths of 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 riot and acts of violence against government property, Han residents, and Han shops. In response, bands of Han sought retribution against Uighurs.

Following the 2009 civil strife, the regional government implemented a “Religious Strike Hard Campaign” and further restricted religious activity, speech, assembly, information, and international communication in Uighur areas of western China. The government blocked Internet traffic in the XUAR for ten months. Beijing blamed Uighur “separatists” and exile groups for plotting the turmoil, particularly the World Uyghur Congress led by exiled Uighur businesswoman, leader, and former political prisoner Rebiya Kadeer, who now lives in the United States. Two of Kadeer’s sons, Alim Abdireyim and Ablikim Abdireyim, are serving jail sentences in Xinjiang for tax evasion and “engaging in secessionist activities.”<sup>60</sup>

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<sup>56</sup> ETIM is on the United States’ and United Nations’ lists of terrorist organizations.

<sup>57</sup> Congressional-Executive Commission on China, *op. cit.*

<sup>58</sup> “6 Uighur Men Arrested for Plane Hijack in China,” *Associated Press*, June 30, 2012.

<sup>59</sup> Ishaan Tharoor, “Tearing Down Old Kashgar: Another Blow to the Uighurs,” *Time*, Wednesday, July 29, 2009.

<sup>60</sup> Alim Abdireyim and Ablikim Abdireyim were sentenced by a Xinjiang court in 2006 and 2007 to seven and nine years in prison, respectively.

## Falun Gong

Falun Gong combines an exercise regimen with meditation, moral values, and spiritual beliefs. The practice is derived from *qigong*, a set of movements said to stimulate the flow of *qi*—vital energies or “life forces”—throughout the body, Buddhist and Daoist concepts, and precepts formulated by Falun Gong’s founder Li Hongzhi.<sup>61</sup> The spiritual exercise reportedly gained tens of millions of adherents across China in the late 1990s. On April 25, 1999, thousands of adherents 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 roughly two years, the group, which the government labeled a dangerous or evil cult, ceased to practice or agitate in the open. Nonetheless, practitioners continued to gather in secret and the state continued to suppress them. Although the group reportedly declined in importance as a security risk after 2004, overseas Falun Gong organizations claimed that public security forces intensified their persecution of Falun Gong during the 2008 Beijing Olympics, the 2009 Shanghai World Expo, and the 2010 Asian Games in Guangzhou.<sup>62</sup> In 2010, PRC authorities reportedly launched a three-year campaign (2010-2012) to “transform” Falun Gong adherents, calling upon local governments, Party organizations, businesses, and individuals to step up efforts to reeducate practitioners and persuade or compel them to renounce their beliefs.<sup>63</sup>

According to the Dui Hua Foundation, Falun Gong adherents and other “cult” followers constitute an estimated two-thirds of all prisoners and detainees of conscience in China, or over 15,000 people.<sup>64</sup> Estimates of the number of Falun Gong practitioners who died in custody have ranged from several hundred to a few thousand. Falun Gong groups claim to have documented nearly 3,500 deaths in custody between 1999 and 2012, and they assert that the number of undocumented cases could be much higher.<sup>65</sup> Some groups allege that tens of thousands of Falun Gong prisoners were victims of illegal, non-consensual organ harvesting. Allegations of large-scale organ harvesting have not been independently verified.<sup>66</sup>

## Gao Zhisheng

PRC authorities reportedly have harassed and detained lawyers who attempted to defend Falun Gong practitioners. Gao Zhisheng, a prominent rights lawyer who advocated for those whose homes or land had been seized by developers without fair compensation as well as for Falun Gong adherents, has been detained on and off since 2006. In late 2011, Gao reportedly began serving a three-year prison term that was handed down in 2006, but suspended for five years.

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<sup>61</sup> Li Hongzhi is believed to live in the United States.

<sup>62</sup> James W. Tong, Prepared Statement, “Falun Gong in China: Review and Update,” Congressional-Executive Commission on China, Roundtable, December 18, 2012.

<sup>63</sup> “Communist Party Calls for Increased Efforts to ‘Transform’ Falun Gong Practitioners as Part of Three-Year Campaign,” Congressional-Executive Commission on China, March 22, 2011.

<sup>64</sup> Dui Hua Foundation, January 2013.

<sup>65</sup> See Falun Dafa Information Center, <http://www.faluninfo.net/>.

<sup>66</sup> The principal sources supporting the allegations of large-scale organ harvesting of Falun Gong prisoners include the following: David Matas and David Kilgour, *Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China*, July 6, 2006; David Matas and David Kilgour, *Revised Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China*, January 31, 2007; Ethan Gutmann, “China’s Gruesome Organ Harvest,” *The Weekly Standard*, November 11, 2008; David Matas and David Kilgour, *Bloody Harvest*, Woodstock (ON): Seraphim Editions, 2009; David Matas and Dr. Torsten Trey, eds., *State Organs: Transplant Abuse in China*, Woodstock (ON): Seraphim Editions, 2012.

During his periods of detention, security personnel allegedly have tortured Gao, denied him access to legal counsel and regular visits from his family, and withheld information about his location. Family members reportedly visited Gao in March 2012 and January 2013 at a prison in China's far western Xinjiang region. Government authorities reportedly warned them not to speak publicly about Gao or his condition.<sup>67</sup>

## **China's Family Planning Policies**

China's "One-Child Policy," launched in 1980 to curb population growth, promotes an ideal of one child per family. Each province has its own family planning guidelines. Many jurisdictions allow for more than one child for ethnic minorities, rural couples in which the first child is a girl, couples in which both parents are only children, and in various other circumstances. China's 2002 Population and Family Planning Law does not explicitly condone abortion as a means of dealing with violations of the One-Child Policy, stating that "Family planning shall be practiced chiefly by means of contraception."<sup>68</sup> However, the national law does authorize other penalties for violators of the policy, including heavy fines and job-related sanctions, as well as the denial of public health and education benefits to offspring beyond the first child. The policy has led to many human rights abuses by local level officials attempting to enforce the law, including forced contraception, sterilization, and abortion. According to the CECC, in the past year, "authorities in a wide range of localities implemented population planning enforcement campaigns that employed coercive measures to prevent or terminate 'out-of plan' pregnancies."<sup>69</sup>

Although the central government has not proposed any fundamental changes to the One-Child Policy, it has tolerated a growing, public clamor for reform, particularly from Chinese demographic experts. Chinese family planning rules have contributed to not only sharply lower fertility rates, but also to an accelerated aging of the population and added strains on the social welfare system. Furthermore, the policy, along with a historical preference for boys based upon cultural and economic factors, has spurred the illegal but widespread practice of sex-selective abortions, particularly in rural areas, and resulted in a skewed gender ratio nationally. Chinese census data show that in 2011, 118 baby boys were born for every 100 baby girls, down from a peak of 121 boy babies for every 100 girl babies in 2008, but well above the normal global range of 103 to 107 boys per 100 girls.<sup>70</sup> In 2012, a Chinese government-affiliated think tank recommended that the government immediately relax the One-Child Policy, urging it to allow two children per family in some provinces by 2015 and to drop all birth limits by 2020.<sup>71</sup> Some analysts believe that the policy will likely be adjusted to allow most Chinese two children per household in the near future.<sup>72</sup> A 2012 case in China's Shaanxi Province, in which government officials forced a 22-year-old mother, Feng Jianmei, to undergo an abortion of her seven-month-old female fetus, renewed debate in China about family planning policies. The case came to light

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<sup>67</sup> Edward Wong, "Family's Visit Pierces Silence on Jailed Chinese Dissident," *New York Times*, January 24, 2013.

<sup>68</sup> Population and Family Planning Law of the People's Republic of China (Order of the President No.63), Chapter III, Article 19, [http://english.gov.cn/laws/2005-10/11/content\\_75954.htm](http://english.gov.cn/laws/2005-10/11/content_75954.htm).

<sup>69</sup> Congressional-Executive Commission on China, op. cit.

<sup>70</sup> "China's Gender Imbalance Still Grave," *Xinhua News Agency via China Daily*, March 29, 2012.

<sup>71</sup> "Chinese Government Think Tank Urges End to One-Child Policy," *Associated Press*, October 31, 2012.

<sup>72</sup> "China's One-Child Policy May Be Coming to an End," *Reuters*, January 22, 2013.

when the mother's outraged family posted photographs on the Internet of her in her hospital bed with her dead fetus by her side.<sup>73</sup>

## **Labor Issues**

Labor unrest in China reflects a changing relationship between workers, enterprises, and the government. Wage pressures—caused by economic development, a shortage of young workers due to demographic changes, the rising value of China's currency, the *renminbi*, and greater enforcement of the 2008 Labor Contract Law—coupled with widening income disparities, a growing awareness of rights, and rising expectations among China's new generation of workers, have helped to fuel the unrest. In 2010, China experienced a surge in labor disputes, including three dozen strikes at Foxconn, Honda, Hyundai, and other foreign-owned factories in Guangdong province, one of China's principal manufacturing regions. In addition, many less-noticed labor incidents occurred “everywhere” and in “all kinds of enterprises.”<sup>74</sup> At Taiwan electronics giant Foxconn, reportedly China's largest private employer and known as the world's largest supplier of components for global brands such as Apple, Microsoft, and Hewlett-Packard, strikes in some of its factories in China were preceded by the suicides of 11 Chinese employees earlier in the year. Many observers and labor activists attributed the suicides to highly demanding and stressful working conditions.<sup>75</sup>

Most labor protesters sought higher wages, improved working conditions, and enforcement of PRC labor laws, including limits on overtime, although some workers also demanded the right to elect their own union representatives or form their own unions. Some Chinese labor experts and officials expressed support for a greater advocacy role for China's official union, the All-China Federation of Trade Unions (ACFTU), and the process of collective bargaining. Some legislative proposals at the provincial and national levels supported the right to strike.<sup>76</sup>

Compared to past labor movements in China, the strikes of 2010 were unusual for several reasons: the official media covered them; they resulted in positive results for many workers, such as substantial pay raises; labor organizers skillfully used Internet social networking tools; and, in some cases, management negotiated directly with strike leaders.<sup>77</sup> However, as in the past, the activism of workers did not represent a national labor or political movement. For the most part, workers did not organize on a long-term basis or build linkages between enterprises, and their aims were narrow or focused on wages and working conditions. China's leaders, meanwhile, remained vigilant against the development of a national labor movement and continued to forbid the formation of independent unions.

Labor protests continued in 2011 and 2012, and one labor rights advocate reportedly died while in custody. In March 2012, the Washington, DC-based Fair Labor Association (FLA) documented poor working conditions at three factories owned by Foxconn. Foxconn and Apple agreed to take

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<sup>73</sup> David Barboza, “China Suspends Family Planning Workers after Forced Abortion,” *New York Times*, June 14, 2012.

<sup>74</sup> Elaine Kurtenbach, “Companies Brace for End of Cheap Made-in-China Era,” *Associated Press*, July 8, 2010; Keith Richburg, “Labor Unrest in China Reflects Changing Demographics, More Awareness of Rights,” *Washington Post*, June 7, 2010.

<sup>75</sup> Foxconn reportedly operates more than 20 factories in China and 920,000 employees. Frederik Balfour and Tim Culpan, “Inside Foxconn,” *Businessweek*, September 19, 2010.

<sup>76</sup> According to PRC law and policy, there is no constitutional right to strike.

<sup>77</sup> Li Qiaoyi, “Labor Issues Top the Agenda,” *Global Times*, June 28, 2010.

remedial measures, allow ongoing assessments by the FLA, and “ensure elections of worker representatives without management interference.”<sup>78</sup> In 2012, new national laws governing labor dispute resolution went into effect, which may provide more ways for workers to present their grievances. Authorities in Guangdong province instituted secret ballot elections for trade union representatives in some factories in Shenzhen, but also harassed some labor NGOs, including destroying or cutting utilities to their offices or preventing them from renting spaces. Roughly ten labor NGOs in Shenzhen were forced to close, ostensibly because they did not meet proper registration requirements.<sup>79</sup> Other labor NGOs were encouraged to join a government-organized Federation of Social Service Organizations for Guangdong Workers, which is affiliated with the Guangdong ACFTU.<sup>80</sup> Nationally, little progress has been made in the areas of collective bargaining and the right to strike.

## Civil Society

Chinese non-state entities play a small but growing role in social welfare, policy-making, and political discourse, although many of them rely upon the state for their economic or political survival. In 2012, the PRC government acknowledged the importance of civil society while attempting to harness its capabilities for its own ends, according to some observers. Some experts argue that this approach broadens the space for civil society while assuming a government role in shaping it. An editorial in the official *Global Times* opined that civil society plays a significant role in addressing and diluting social conflicts. Another commentary upheld Chinese NGOs as important partners in the government’s social management and “social innovation” efforts.<sup>81</sup> In other cases, civil society actors have pushed the boundaries of permissible social activity at great personal risk. Lawyers, journalists, and activists have been at the forefront in helping to protect and promote human rights and the public interest, although many of them have faced government harassment and deprivation of their freedoms.

## Social Organizations

Non-governmental organizations have become important players in Chinese society. Environmental groups have been at the forefront of the development of the NGO sector in China. Other areas in which non-state organizations operate include legal aid, public health, education, rural development, poverty alleviation, charity/philanthropy, and policy research. In the past year, some NGOs reportedly put forward legislative proposals to the National People’s Congress and Chinese People’s Political Consultative Conference, a government advisory body.<sup>82</sup>

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<sup>78</sup> Fair Labor Association, “Independent Investigation of Apple Supplier, Foxconn,” March 2012, [http://www.fairlabor.org/sites/default/files/documents/reports/foxconn\\_investigation\\_report.pdf](http://www.fairlabor.org/sites/default/files/documents/reports/foxconn_investigation_report.pdf)

<sup>79</sup> Congressional-Executive Commission on China, op. cit.; “Hired Thugs Attack NGO,” *Radio Free Asia*, August 31, 2012.

<sup>80</sup> This organization reportedly brings together associations representing both labor and industry. China Development Brief, “Local Initiatives and Incremental Measures,” *Policy Brief No. 7* (July/August 2012).

<sup>81</sup> Chen Chenchen, “Civil Society Solid Base for Nation’s Future,” *Global Times*, November 4, 2012; Yu Keping, “Growing Importance of Social Innovation,” *China Daily*, February 8, 2012.

<sup>82</sup> Guo Ting, “NGOs Join Forces to Submit Legislative Proposals,” *China Development Brief No. 52* (Spring 2012).



Although in recent years PRC leaders have expressed an appreciation for the public contributions of NGOs (also known as social or civil society organizations),<sup>83</sup> they also have conveyed a wariness about their potential autonomy, intentions, and foreign contacts. In the middle of the last decade, after allowing nearly a decade of steady growth, Beijing began to tighten restrictions on social organizations. The government is especially fearful of the potential for Chinese civil society, in partnership with foreign NGOs, to help foment political unrest. Some PRC officials in charge of China's civil society organizations have complained that excessive constraints on the NGO sector have stifled its growth unnecessarily.<sup>84</sup>

Many Chinese social or civil society organizations face daunting and complicated challenges related to their legality, financing, and political survival. Social organizations are required to register with an official or quasi-official sponsor, such as a state agency or educational institution. Many groups experience difficulties finding an official organization willing to accept them or meeting financial requirements. Unregistered social organizations are more vulnerable to arbitrary government policies, including closure, and are not eligible for tax exemptions. Some civil society groups that cannot secure a sponsor choose to register as businesses. Some PRC sources indicate that China has over 460,000 registered social organizations, compared to 244,000 a decade ago. According to one estimate, three to four million groups operate without official status.<sup>85</sup>

In 2012, requirements for NGOs to gain legal status were simplified in some major cities and regions. In various pilot programs, most types of social organizations were no longer required to find an official sponsor, and were allowed to apply directly with the local Civil Affairs Department. In some cities, a registered social organization would be regarded as “an independent legal entity responsible for its own behavior.”<sup>86</sup> However, as mentioned above, Guangdong province, which leads the nation in NGO sector reforms, reportedly shut down a number of civil society organizations dedicated to migrant workers. Some observers believe this move reflected the provincial government's fear of labor unrest, despite its professed embrace of NGOs.<sup>87</sup>

## **The Internet and Other Media Developments**

China has the world's largest number of Internet users, estimated at 564 million people, including an estimated 309 million people with accounts on Twitter-like microblogging sites.<sup>88</sup> China also has one of the most thorough and aggressive Internet censorship systems in the world. Human rights organizations report that 78 Chinese citizens are serving prison sentences for writing about politically sensitive topics online and 32 journalists are serving jail terms. The PRC has among

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<sup>83</sup> Chinese commentators often prefer to use the term “social organization” rather than “non-governmental organization” in order to avoid suggesting an adversarial relationship between society and the state. Some Western analysts use the term “civil society organization” rather than “non-governmental organization” to reflect Chinese NGOs' lack of real autonomy.

<sup>84</sup> Congressional-Executive Commission on China, *op. cit.*

<sup>85</sup> *Ibid.* Estimates of the number of Chinese social organizations vary due to differing definitions.

<sup>86</sup> Xu Jingxi, “Guangzhou Eases Way for Social Organizations,” *China Daily*, May 7, 2012.

<sup>87</sup> China Development Brief, “The 18<sup>th</sup> Party Congress and China's Civil Society,” *Special Policy Brief No. 10* (November 2012); Mike Frick, “Grassroots Advocacy in China: Year in Review,” *Asiacatalyst.org*, December 2012.

<sup>88</sup> China Internet Network Information Center, *31<sup>st</sup> Statistical Report on Internet Development in China*, January 15, 2013.

the lowest levels of Internet and “new media” freedom in the world and is one of the lowest ranked countries for press freedom.<sup>89</sup>

Despite government efforts to limit the flow, Chinese Internet users are able to access unprecedented amounts of information. The Web has served as a lifeline for political dissidents, social activists, and civil society actors. “Netizens” have helped to curb some abuses of government authority and compelled some officials to conduct affairs more openly.<sup>90</sup> The Web also has enabled the public to occasionally engage in civil discourse on a national level. In the short space of three years, microblog sites (*weibo*), similar to Twitter, have become the most important source of news, “most prominent place for free speech,” and the country’s “most important public sphere.”<sup>91</sup> Although Twitter is blocked in China, many Chinese, particularly those with international connections, find ways to access the service. Dissident artist Ai Weiwei continues to be an avid user of Twitter, despite efforts by state authorities to silence him. Both *weibo* and Twitter helped to keep Chinese supporters and foreign reporters apprised of Chen Guangcheng’s status during the diplomatic standoff over his fate. The state has the capability to block news of events and to partially shut down the Internet. As noted above, in Xinjiang, the government blocked the Internet for ten months following the ethnic unrest in 2009. Nonetheless, politically sensitive news often gets disseminated, if only fleetingly, due to the sheer volume of information on the Internet.<sup>92</sup>

The PRC government employs a variety of methods to control online content and expression. These include website or IP address blocking and keyword filtering by routers at the country’s eight Internet “gateways,” telecommunications company data centers, and Internet portals; regulating and monitoring Internet service providers, Internet cafes, and university bulletin board systems; and occasional arrests of high-profile “cyber dissidents.” To comply with government directives, large Internet portals and blogging services are estimated to each employ hundreds of people to filter online discussion.<sup>93</sup> In May 2011, the PRC government created a new central body, the State Internet Information Office, to better coordinate the myriad agencies that oversee the Internet in China.

Blocked websites, social networking sites, and file sharing sites include Radio Free Asia, Voice of America (Chinese language), international human rights websites, many Taiwanese news sites, Facebook, Twitter, and YouTube. Online English language news sites, including the Voice of America, the *New York Times*, and the *Washington Post*, are generally accessible or only occasionally or selectively censored. Commonly barred Internet searches and microblog postings include those with direct and indirect or disguised references to Tibet; the Tiananmen suppression

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<sup>89</sup> Committee to Protect Journalists, December 1, 2012, <http://www.cpj.org/imprisoned/2012.php>; Reporters without Borders, *2013 Press Freedom Index*, <http://en.rsf.org/press-freedom-index-2013,1054.html>; Freedom House, *Freedom on the Net 2012*, September 24, 2012, <http://www.freedomhouse.org/sites/default/files/resources/FOTN%202012%20Summary%20of%20Findings.pdf>.

<sup>90</sup> Yanqi Tong and Shaohua Lei, “Creating Public Opinion Pressure in China: Large-Scale Internet Protest,” East Asian Institute (Singapore) Background Brief No. 534, June 17, 2010.

<sup>91</sup> Mary Kay Magistad, “How Weibo Is Changing China,” *Yale Global Online*, August 9, 2012; Kathrin Hile, “China’s Tweeting Cops Blog to Keep Peace,” *Financial Times*, December 5, 2011; Keith B. Richburg, “In China, Microblogging Sites Become Free-Speech Platform,” *Washington Post*, March 27, 2011; Ed Zhang, “Does Blogs’ Blooming Mean Schools of Thought Can Contend?” *South China Morning Post*, December 4, 2011.

<sup>92</sup> Loretta Chao and Jason Dean, “Analysis: China Is Losing a War over Internet,” *Wall Street Journal*, December 31, 2009.

<sup>93</sup> Rebecca MacKinnon, *Consent of the Networked*, Basic Books: New York, 2012.

of 1989; Falun Gong; PRC leaders and dissidents who have been involved in recent, politically sensitive events, scandals, or issues; democracy; highly charged foreign affairs issues; and sexual material. The government reportedly also has hired thousands of students and other Internet commentators to express pro-government views on websites, bulletin boards, and chat rooms.<sup>94</sup>

For Chinese Internet users in search of blocked information from outside the PRC's Internet gateways, or "Great Firewall," circumventing government controls (also known as *fanqiang* or "scaling the wall") is made possible by downloading special software. These methods mainly include proxy servers, which are free but somewhat cumbersome, and virtual private networks (VPNs), which are available at a cost (roughly \$40.00), but also enable secure communication.<sup>95</sup> Proxy servers and VPNs enable some motivated Internet users to avoid censorship, but impose just enough inconvenience to keep foreign information out of the reach of most Chinese users. The use of these tools is often tolerated by the government as long as it remains politically manageable, according to some observers.

In addition to the effectiveness of censorship, some studies show that the vast majority of Internet users in China do not engage the medium for political purposes. Although a small community of dissidents and activists use the Web to broach political topics, they reportedly make up a small minority—less than 10% of all users according to some estimates. Between 1% and 8% of Web users in China access proxy servers and virtual private networks to get around government-erected Internet firewalls to access censored content—both political and non-political. Moreover, many Chinese reportedly accept the government's justification that it regulates the Internet in order to control illegal, harmful, or dangerous online content, services, and activities, such as pornography, gambling, slander, cyberattacks, and social networking by criminal organizations.<sup>96</sup>

Since Internet use became widespread in China in the mid-2000s, the government and Chinese netizens have engaged in a game of cat and mouse, with new communications technologies and services and novel censorship circumvention methods challenging the government's efforts to control the Web, followed by crackdowns or new regulations, and then a repeat of the cycle. In the latest round of the struggle, in December 2012, the government enacted a new law requiring those who apply for an Internet or mobile service account to use their real names. Related legislation calls for service providers to delete posts that are deemed illegal. Beijing reportedly also has increased interference with circumvention tools used by many users to surmount the Great Firewall.<sup>97</sup>

The new measures have raised anger and concern among both netizens and Internet companies. Some Internet users have proclaimed that the requirements reduce the space for free expression. Sina Weibo, which offers a Twitter-like microblogging service, reportedly has resisted past government pressures to register real names. The company reportedly expressed alarm about the

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<sup>94</sup> For further information, see CRS Report R42601, *China, Internet Freedom, and U.S. Policy*, coordinated by Thomas Lum.

<sup>95</sup> Amy Nip, "HK Firms Help Mainlanders Get Around the 'Great Firewall'," *South China Morning Post*, March 15, 2011.

<sup>96</sup> Ed Zhang, "Does Blogs' Blooming Mean Schools of Thought Can Contend?" *South China Morning Post*, December 4, 2011; Rebecca MacKinnon, "Bloggers and Censors: Chinese Media in the Internet Age," *China Studies Center*, May 18, 2007; John Pomfret, "U.S. Risks Ire with Decision to Fund Software Maker Tied to Falun Gong," *Washington Post*, May 12, 2010; MacKinnon, *Consent of the Networked*, op. cit.

<sup>97</sup> Joe McDonald, "China Requires Internet Users to Register Names," *Associated Press*, December 28, 2012.

new laws, suggesting that they will result in service disruptions and the decline of its user base.<sup>98</sup> The government claims that these measures are part of its efforts to improve Web security, including protecting Internet users' personal information, reducing online rumors and harassment, preventing libel, cracking down on spam e-mail, and combating pornography. An opinion piece published by the government news agency argued that the new laws would not restrict freedom of speech nor hamper the use of the Internet to expose official corruption.<sup>99</sup>

## Protests for Press Freedom

In January 2013, journalists, press freedom advocates, and citizens across the country took to *weibo* to protest government actions at two newspapers—the reform-minded *Southern Weekly* and the *Beijing News*. The Guangzhou-based *Southern Weekly's* editors planned to publish a commentary in support of constitutional government, which was replaced, some Chinese journalists say, by a tribute to the Communist Party written by the provincial propaganda chief. The interference by higher authorities reportedly triggered a strike by staff at the newspaper and demonstrations in front of its headquarters, although the protest was quelled in time for the next issue of the paper to come out on time. The *Beijing News* publisher, Dai Zigeng, reportedly threatened to resign rather than print the government's version of these events, which blamed the conflict at the *Southern Weekly* on “hostile foreign forces.” Some experts opined that the protests were a unique example of both journalists and ordinary people expressing support for free speech, and that more protests were likely in the future.<sup>100</sup>

## Human Rights Reforms/Legislation

During the past several years, the PRC government has enacted some laws aimed at reducing some of the most serious patterns of human rights abuse. New measures designed to protect or promote human rights include those related to criminal defendants, the use of torture, organ transplants, the death penalty, labor conditions, and private property. The lack of transparency, enforcement, and oversight mechanisms prevent many legal protections from having a significant impact. However, the reforms may provide some basis for citizens to claim their rights under the law. Major laws related to rights protections include the following:

- **Criminal Procedure Law:** Amendments to the Criminal Procedure Law, which went into effect in January 2013, provide for greater protections against torture and coerced confessions, expanded access to legal defense, longer trial deliberations, mandatory appellate hearings, more rigorous judicial review, and greater government oversight of the legal process. Other changes in the law are designed to improve the treatment of juveniles, women, and people on death row. However, the revised law also sanctions the use of “residential surveillance” or

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<sup>98</sup> Catherine Shu, “Proposed Chinese Law May Force Sina Weibo to Implement Real-Name Registration,” *Tech Crunch*, December 23, 2012; Josh Ong, “It’s Done. China Makes It Mandatory for All Internet Users to Register with Their Real Names,” *The Next Web*, December 28, 2012.

<sup>99</sup> Gui Tao and Huang Xin, “China Voice: Nothing to Fear from New Internet ID Policy,” *English news.cn*, December 28, 2012.

<sup>100</sup> Calum MacLeod, “Deal Reached at Chinese Newspaper That Defied Authorities,” *USA Today*, January 10, 2013; Keith Richburg, “Chinese Journalists Choose Quiet Defiance, Not Mass Strike, to Protest Censorship,” *Washington Post*, January 10, 2012.

secret detention centers (for up to six months) for suspects in cases involving state security. Many analysts argue that this practice leaves detainees, particularly political dissidents, highly vulnerable to arbitrary treatment and abuse by security personnel.<sup>101</sup>

- **Organ Transplants:** In 2007, the Ministry of Health implemented regulations requiring written consent from organ donors, banning the sale of human organs, restricting organ donors mainly to family members of those needing transplants, and limiting the number of hospitals performing transplants. In 2011, the PRC Criminal Law was revised to include organ trafficking as a crime. In 2012, the government announced its intention to end the illegal trade in organs and to phase out the transplantation of organs from executed prisoners within five years.<sup>102</sup> These restrictions followed international criticism of an allegedly booming, unregulated international trade in organs of executed Chinese prisoners.
- **The Death Penalty:** The number of executions in China has declined, to around 3,000 per year, according to some estimates.<sup>103</sup> In 2010, the National People's Congress amended the Criminal Law to reduce the number of crimes punishable by death from 68 to 55. In May 2011, the Supreme People's Court instructed lower courts to suspend death sentences for two years for "all cases that do not require immediate execution."<sup>104</sup>
- **State Secrets Law:** In 2010, the PRC government amended the Law on Guarding State Secrets. The changes, while tightening government control over the Internet, also reduced the scope of the law, clarified its terms, and promised greater transparency. Some observers hoped that the amendments would reduce the number of prosecutions of people accused of stealing or leaking state secrets. However, according to most experts, the law remains vague and still can be used broadly against political dissidents and others.<sup>105</sup>
- **State Compensation Law:** In 2010, the National People's Congress approved amendments to the State Compensation Law, which would grant citizens greater powers to obtain compensation when the state is found to have violated their rights or acted negligently.
- **Labor Rights:** The Labor Contract Law of 2008 provided for greater protections of the rights of workers and stronger enforcement of regulations related to working conditions. The law reportedly spurred a dramatic rise in labor dispute arbitration cases and strikes, and was a catalyst for the surge in labor unrest in 2010.

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<sup>101</sup> Ibid; Dui Hua Foundation, *Annual Report*, May 1, 2012; "China Bans Forced Confessions in Investigations," *Xinhua*, December 26, 2012; Chris Buckley, "China Parliament Unveils Dissident Detention Powers," *Reuters*, March 8, 2012.

<sup>102</sup> "Prisoner Organ Donation to Be Phased Out," *South China Morning Post*, March 23, 2012; "China Accelerates Plan to Phase Out Prisoner Organ Harvesting," *Dow Jones Global Equities News*, November 2, 2012.

<sup>103</sup> Dui Hua Foundation, "China Under the Microscope: The Second Universal Periodic Review," February 28, 2013.

<sup>104</sup> Michael Bristow, "China Orders Suspension of Death Sentences," *BBC News*, May 25, 2011.

<sup>105</sup> Zhao Ran, "China Amends Law on State Secrets," *Global Times*, September 27, 2010; Jonathan Ansfield, "China Passes Tighter Information Law," *New York Times*, April 29, 2010.

- **Property Rights:** In 2007, the National People's Congress passed a constitutional amendment designed to protect property rights that had been debated since 2002. The new property law aimed to protect private entrepreneurs, urban home owners, and farmers whose crop lands often risk seizure by government-backed real estate developers. In 2008, the government issued new measures allowing farmers to lease and sell rights to use the property allocated to them by the state.<sup>106</sup>
- **Government Transparency:** In 2007, the PRC government announced new rules requiring greater disclosure of official information.<sup>107</sup> In addition, institutional and legal mechanisms were established 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.<sup>108</sup>

## U.S. Efforts to Advance Human Rights in China

Many experts and policy makers have sharply disagreed over the best policy approaches and methods to apply toward human rights issues in China. Differing U.S. goals include promoting fundamental political change in the PRC and supporting incremental progress. A perennial challenge is how to balance U.S. values against sometimes incompatible U.S. interests in the relationship. Possible approaches range from placing human rights conditions upon bilateral ties to inducing democratic change through bilateral and international engagement.

Since the end of the 1980s, successive U.S. administrations have employed broadly similar strategies for promoting human rights in China. Some analysts have referred to the U.S. foreign policy approach of promoting democracy in China through diplomatic and economic engagement, without directly challenging Communist Party rule, as a strategy of “peaceful evolution.”<sup>109</sup> President Bill Clinton referred to this policy as “constructive engagement”—furthering diplomatic and economic ties while pressing for open markets and democracy, calling it “our best hope to secure our own interest and values and to advance China’s.”<sup>110</sup> President George W. Bush also came to view U.S. engagement as the most effective means of promoting U.S. interests and freedom in China.<sup>111</sup> As China’s importance in global economic, security, environmental, and other matters has grown, the Obama Administration, like the Bush Administration, has attempted

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<sup>106</sup> 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.

<sup>107</sup> Edward Cody, “China Announces Rules to Require Government Disclosures,” *Washington Post*, April 24, 2007.

<sup>108</sup> 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.

<sup>109</sup> Warren Christopher, Secretary of State under the Clinton Administration (1993-1997), 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.

<sup>110</sup> “Clinton Defends ‘Constructive Engagement’ of China,” *CNN.com*, October 24, 1997.

<sup>111</sup> “Transcript of Bob Costas’ Interview with President George W. Bush,” *PRNewsChannel.com*, August 11, 2008; “Bush Woos China on Trade,” *BBC News*, May 30, 2001.

to forge bilateral cooperation on many fronts, while disagreeing with Beijing on many human rights issues. In his remarks during the summit with PRC President Hu Jintao in January 2011, President Obama referred to the universality of the freedoms of speech, assembly, and religion, a point frequently made by President Clinton. Echoing a theme evoked by George W. Bush in his second term, Obama also suggested that greater respect for human rights in China would benefit China's success and global stability.<sup>112</sup>

## **Congressional Actions**

The U.S. Congress has been at the forefront of U.S. human rights policy toward China, through such measures and efforts as sanctions, resolutions, hearings, and foreign assistance in support of human rights and democracy in China and in Tibetan areas of the PRC. Congress imposed sanctions following the Tiananmen military crackdown in 1989 and has withheld support for United Nations Population Fund programs in China. Members of Congress have introduced resolutions calling attention to human rights abuses in the PRC, including the imprisonment and detention of political and religious figures; persecution of Tibetans, Uighurs, and Falun Gong adherents; censorship of the Internet and other mass media; coercive abortions; and the deportation of North Korean refugees. Foreign operations appropriations measures have authorized and funded democracy, human rights, rule of law, and Internet freedom programs in China and economic, cultural, and environmental programs in Tibet and Tibetan areas.

In recent years, the following committees have held hearings related to human rights in China: the House Committee on Foreign Affairs; the Africa, Global Health, Global Human Rights, and International Organizations and the Asia and the Pacific subcommittees of the House Committee on Foreign Affairs; and the Subcommittee on Immigration Policy and Enforcement of the House Committee on the Judiciary. Topics have included the Congressional-Executive Commission on China annual report; the China Democracy Promotion Act; the crackdown on dissent in 2011; the one-child policy; Internet censorship; Chinese rights defenders; the repatriation of North Korean refugees; labor conditions; and U.S. foreign assistance to China. The CECC, the Tom Lantos Human Rights Commission, the U.S. Commission on International Religious Freedom, and other congressional and congressionally mandated bodies and fora have also investigated, publicized, and reported on human rights conditions in China.

## **Selected Policy Tools**

Many U.S. experts and policy makers have disagreed over the best methods to apply toward promoting democracy and human rights in China. The U.S. government has often employed a range of means simultaneously. Policy tools include sanctions; open criticism of PRC human rights policies; quiet diplomacy; international pressure; bilateral dialogue; foreign assistance programs; Internet freedom efforts; public diplomacy; and support of dissident and pro-democracy groups in China and the United States.

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<sup>112</sup> Ewen MacAskill and Tania Branigan, "Obama Presses Hu Jintao on Human Rights During White House Welcome," *Guardian.co.uk*, January 19, 2011; Helene Cooper and Mark Landler, "Obama Pushes Hu on Rights but Stresses Ties to China," *New York Times*, January 19, 2011.

## **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 in international financial institutions on loans to China (except those that meet basic human needs).<sup>113</sup> Since 2004, Congress 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 into Tibet or the transfer of Tibetan-owned properties to non-Tibetans, which some policymakers fear may further erode Tibetan culture and identity.<sup>114</sup> Foreign operations appropriations measures prohibit assistance to the United Nations Population Fund from being used to support programs in China.<sup>115</sup>

## **Openly Criticizing China**

Some analysts argue that the U.S. government should take principled stands against China’s human rights abuses more openly, forcefully, and frequently, while other experts believe that more overt efforts can undermine human rights objectives. Many prominent Chinese dissidents have claimed that international pressure or attention protected them from harsher treatment by PRC authorities. Other observers suggest that open criticism of PRC human rights policies by the U.S. government can both hearten reform-minded Chinese and provoke hardliners in the PRC leadership or create greater suspicion of foreign influences and ties.

## **Principled Pragmatism**

During the Obama Administration’s first term, former Secretary of State Hillary Clinton described the Administration’s human rights policy as one of “principled pragmatism.” This notion 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. Clinton’s approach also may have played a role in the efforts by U.S. diplomats to secure the release of rights advocate Chen Guangcheng from Chinese authorities so that he could study law in the United States, while simultaneously participating in the bilateral Strategic and Economic Dialogue (S&ED) in May 2012.<sup>116</sup>

The Obama Administration has openly pressed China on human rights issues in a number of cases. During his visit to China in November 2009, President Obama briefly spoke about human rights and Internet freedom during a town hall meeting with university students in Shanghai. Although the broadcast of the speech was limited to Shanghai and transcripts on the Internet were censored, thousands of Chinese reportedly accessed the White House website and cheered

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<sup>113</sup> Pursuant to §902 of the Foreign Relations Authorization Act of 1990-1991 and §710(a) of the International Financial Institutions Act.

<sup>114</sup> See H.Rept. 112-331, §7044(a).

<sup>115</sup> See H.Rept. 112-331, §7085(c). 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 RL33250, *International Family Planning Programs: Issues for Congress*, by Luisa Blanchfield.

<sup>116</sup> 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; Steve Lee Myers and Mark Landler, “Behind Twists of Diplomacy in the Case of a Chinese Dissident,” *New York Times*, May 9, 2012.



Obama's appeal for Internet freedom.<sup>117</sup> Former Secretary Clinton spoke out on human rights issues, including criticizing China's Internet censorship and alleged hacking of U.S. companies in January 2010, demanding Nobel laureate Liu Xiaobo's release from prison in October 2010, calling for the freedom of dissident artist Ai Weiwei in April 2011, and discussing China's human rights record, calling it "deplorable," in a June 2011 interview.<sup>118</sup> Vice-President Joe Biden, on a trip to China in 2011 to meet then-PRC Vice-President Xi Jinping, told his Chinese hosts that "allowing for greater human rights would make China, like the U.S., more stable and strong, rather than harming its economic progress."<sup>119</sup>

In May 2012, at the conclusion of the S&ED in Beijing, former Secretary Clinton spoke on several key bilateral issues, including cooperation on addressing international issues such as the North Korean and Iranian nuclear programs, the civil war in Syria, and human rights in China. She stated, "We raise specific matters of individuals and situations whenever necessary because we cannot ignore our areas of difference in the comprehensive relationship that we are building." PRC State Councilor Dai Bingguo responded that "no country can claim to be perfect," and that human rights should not be used as an "excuse to interfere in the internal affairs of countries."<sup>120</sup>

## **United Nations 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 faulted for being unduly influenced by non-democratic countries. The United States had sponsored several resolutions at the UNCHR criticizing China's human rights record, but none were successful; China was able to thwart voting on most resolutions through "no-action motions."<sup>121</sup> The PRC has often been able to employ its soft power—diplomatic and economic influence—in global fora in order to reduce international pressure to improve its human rights conditions. The Bush Administration opposed the formation of the Council and declined to become a member, arguing that it did not offer improvements over the UNCHR and that it would place too much focus on Israel. The Obama Administration sought and was granted a seat on the Human Rights Council in June 2009.<sup>122</sup>

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. The UPR Working Group conducted a periodic review of China in February 2009. Representatives of some countries voiced serious concerns about China's human rights record, while representatives of some developing and non-democratic countries expressed support of

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<sup>117</sup> 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," *Associated Press*, November 18, 2009; Francois Bougon, "Obama's Visit Leaves Dissidents Disappointed," *Agence France-Presse*, November 19, 2009.

<sup>118</sup> Jeffrey Goldberg, "Danger: Falling Tyrants," *The Atlantic*, June 2011.

<sup>119</sup> Richard Wolf, "Biden Tackles Trade, Human Rights in China Visit," *USA Today*, August 21, 2011.

<sup>120</sup> Matthew Lee, "Hillary Clinton Presses China on Human Rights, Iran, Other Challenges," *Associated Press*, May 4, 2012.

<sup>121</sup> 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.

<sup>122</sup> See CRS Report RL33608, *The United Nations Human Rights Council: Issues for Congress*, by Luisa Blanchfield.

China.<sup>123</sup> China's next review is scheduled for October-November 2013. The PRC reportedly has not fulfilled several recommendations that it agreed to during its first review, including ratifying the International Covenant on Civil and Political Rights and accepting a visit by the U.N. Office of the High Commissioner for Human Rights. The United States, which was an observer but not yet a member of the Human Rights Council in February 2009, is expected to take a much more active and critical approach during China's next review.<sup>124</sup>

## **Human Rights Dialogue**

The U.S.-China human rights dialogue was established in 1990. It is one of eight government-to-government dialogues between China and other countries on human rights. Beijing formally suspended the process in 2004 after the Bush Administration sponsored an unsuccessful U.N. resolution criticizing China's human rights record. The talks were resumed in May 2008, after a gap of six years. The Obama Administration has participated in three rounds between 2010 and 2012, co-chaired by then U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner and PRC Ministry of Foreign Affairs, Department of International Organizations Director General Chen Xu.

The 17<sup>th</sup> round of the dialogue took place in July 2012 in Washington, DC. The meetings also included a visit to the United States Supreme Court and U.S. nongovernmental and media organizations. U.S. officials brought up a number of individual cases, including those of Chinese dissidents, rights activists, lawyers, journalists, bloggers, NGO leaders, and religious figures. U.S. interlocutors reportedly raised the case of Chen Kegui, the nephew of Chen Guangcheng, and Feng Jianmei of Shaanxi Province, who had been detained and forced to have a late-term abortion. Other concerns included the persecution of Uighurs in Xinjiang and Chinese policies that may have contributed to the self-immolations in Tibet.<sup>125</sup>

Some experts have criticized the bilateral human rights dialogue for providing both governments with opportunities for claiming achievements on human rights issues in China, without establishing benchmarks for progress or imposing penalties for failing to produce results. They have expressed concern that separating the human rights dialogue from the S&ED has marginalized human rights issues, and that the dialogue lacks coordination with other U.S. agencies. Furthermore, they say, the human rights dialogue is not sufficiently transparent and does not include participation from other stakeholders, including Members of Congress, non-governmental organizations, and human rights activists.<sup>126</sup>

Administration officials respond to critics by explaining that the human rights dialogue is an important means by which to regularly express U.S. positions on human rights, and not an arena for negotiation. U.S. participants aim to "amplify" the voices of Chinese citizens on human rights issues, and to discuss them in greater depth. U.S. officials contend that the human rights dialogue is one of many channels of communication on human rights and not intended to remove the topic

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<sup>123</sup> Human Rights in China (HRIC), "China's UN Human Rights Review: New Process, Old Politics, Weak Implementation Prospects," February 9, 2009.

<sup>124</sup> Dui Hua Foundation, "China Under the Microscope: The Second Universal Periodic Review," op. cit.

<sup>125</sup> Department of State, "Conclusion of the U.S.-China Human Rights Dialogue," July 24, 2012; Department of State, "Briefing on the 17<sup>th</sup> U.S.-China Human Rights Dialogue," July 25, 2012.

<sup>126</sup> Li Xiaorong, "What I Told Obama About Beijing's Human Rights Problem," *The New York Review of Books*, January 18, 2011; Human Rights Watch, "China/US: Dialogue Needs to Produce Results," July 20, 2012.

of human rights from the S&ED. They argue that the talks enable the U.S. government to focus on human rights within one forum, and suggest that, given the deep disagreements on human rights and other contentious issues, the holding of the bilateral dialogue and the agreement to continue them represent positive steps.<sup>127</sup> Furthermore, some observers contend, the absence of the dialogue would undermine other U.S. efforts to promote human rights in China.

A related bilateral dialogue, the Legal Experts Dialogue (LED), was launched in 2003. The Obama Administration convened the fourth round in 2011, the first since 2005. The LED is designed to serve as a forum to discuss the means of implementing an effective system of law. At the April 2012 LED, the U.S. delegation was headed by Harold Koh, Legal Adviser of the Department of State, and Assistant Secretary Michael Posner. The PRC side included members of the Supreme People's Court and National People's Congress, officials from the Ministry of Justice, Ministry of Public Security, and Supreme People's Procuratorate, and representatives of the Chinese Academy of Social Sciences and the All China Lawyers' Association. The four main agenda items were community corrections, the role of lawyers, legal aid, and counterterrorism and human rights.<sup>128</sup>

### **Rule of Law and Civil Society Programs**

Since 2001, foreign operations appropriations measures have funded democracy and human rights programs in China. Between 2001 and 2012, the United States government authorized or made available \$338 million for Department of State and U.S. Agency for International Development (USAID) foreign assistance efforts in the PRC, including Peace Corps programs. Of this amount, \$279 million was devoted to democracy, human rights, rule of law, and related activities; Tibetan communities; and the environment. Program activities have included developing democratic norms and institutions; training legal professionals; building the capacity of judicial institutions; reforming the criminal justice system; and supporting sustainable livelihoods and cultural preservation in Tibetan communities. The direct recipients of State Department and USAID grants have been predominantly U.S.-based non-governmental organizations and universities. Some Chinese NGOs, universities, and government entities have participated in, collaborated with, or indirectly benefited from U.S. programs and foreign aid

#### **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. In 2000, the legislation that granted permanent normal trade relations (PNTR) treatment to China (P.L. 106-286), ended this mechanism, but included provisions on human rights. The PNTR Act created 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.<sup>129</sup> Title III of the act provides that the Commission shall consist of nine Senators, nine Members of the House of Representatives, five senior Administration officials appointed by the President, and a staff of ten. The Commission holds hearings and roundtables on rights-related topics, provides related news and analysis, keeps track of pertinent PRC laws and regulations, and maintains a database of political prisoners. The CECC has an annual operating budget of approximately \$2 million.<sup>130</sup>

<sup>127</sup> Department of State, "Briefing on the 17<sup>th</sup> U.S.-China Human Rights Dialogue," op. cit.

<sup>128</sup> Community Resources for Justice, "John Larivee Travels to China with US State Department for US- China Legal Experts Dialogue," <http://www.crj.org/news/entry/john-larivee-travels-to-china-with-us-state-department-for-us-china-legal-e>.

<sup>129</sup> P.L. 106-286, Title III, Section 301.

<sup>130</sup> See <http://www.cecc.gov>.

grantees. Appropriations for Department of State and USAID programs in China reached a peak in FY2010, totaling \$46.9 million. Funding decreased by nearly 15% in FY2011, to an estimated \$39.7 million. Congress further reduced appropriations in FY2012, to \$28.3 million, resulting in the discontinuation of a number of rule of law and environmental programs.<sup>131</sup>

## **Internet Freedom**

The U.S. government has undertaken efforts to promote global Internet freedom. In 2006, the Bush Administration established the Global Internet Freedom Task Force (GIFT). Continued under the Obama Administration as the NetFreedom Task Force, the group's duties are to coordinate policy within the State Department on Internet freedom efforts, monitor Internet freedom around the world, respond to challenges to Internet freedom, and expand global access to the Internet. Congress appropriated \$50 million for U.S. government global Internet freedom efforts between FY2008 and FY2010, \$20 million in FY2011, and \$25 million in FY2012. Program areas include censorship circumvention technology, Internet and mobile communications security training, media and advocacy skills, and public policy. The primary target countries of such efforts, particularly circumvention and secure communications programs, have been China and Iran.

U.S. congressional committees and commissions have held hearings on the Internet and China, including the roles of U.S. Internet companies in China's censorship regime, cyber security, free trade in Internet services, and intellectual property rights. The Global Internet Freedom Caucuses, founded in 2010 and currently chaired in the House by Representative Chris Smith and in the Senate by Senators Chris Coons, Mark Kirk, and Bob Casey, Jr., aim to promote online freedom of information and expression. The Global Online Freedom Act (GOFA), first introduced in 2006, has evolved through four Congresses. The most recent version of the bill in the 113<sup>th</sup> Congress, The Global Online Freedom Act of 2013 (H.R. 491), aims to "prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet..."<sup>132</sup>

## **Public Diplomacy**

U.S. public diplomacy programs aim to expose Chinese participants, many of them young and/or educated, to U.S. politics, society, culture, and academia; sponsor exchanges; and promote mutual understanding. According to the Department of State, approximately one-third of all Chinese citizens participating in U.S.-sponsored professional exchange programs work in fields related to democracy, rights, and religion.<sup>133</sup> In 2011, 733 U.S. citizens and 959 PRC citizens participated in exchange programs sponsored by the State Department's Bureau of Educational and Cultural Affairs.<sup>134</sup>

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<sup>131</sup> For further information, see CRS Report RS22663, *U.S. Assistance Programs in China*, by Thomas Lum.

<sup>132</sup> For further information, see CRS Report R42601, *China, Internet Freedom, and U.S. Policy*, coordinated by Thomas Lum.

<sup>133</sup> Department of State, Bureau of Democracy, Human Rights, and Labor, *Advancing Freedom and Democracy Reports*, May 2010.

<sup>134</sup> Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training, *FY2011 U.S. Government-Sponsored International Exchanges & Training Regional Report—East Asia and Pacific*. These totals (continued...)

## **International Broadcasting**

The Voice of America (VOA) and Radio Free Asia (RFA) provide external sources of independent or alternative news and opinion to Chinese audiences. The two media services play small but unique roles in providing tastes of U.S.-style broadcasting, journalism, and public debate in China. VOA, which offers mainly U.S. and international news, and RFA, which serves as an uncensored source of domestic Chinese news, often report on critical world and local events to Chinese audiences. The PRC government regularly jams and blocks VOA and RFA Mandarin, Cantonese, Tibetan, and Uighur language broadcasts and Internet sites, while VOA English services receive less interference. Both VOA and RFA are making efforts to upgrade their Internet services and circumvention or counter-censorship technologies. VOA “Special English” international news programs, aimed at intermediate learners of English, are popular with many young, educated, and professional Chinese.

## **National Endowment for Democracy**

Established by the U.S. government in 1983 to promote freedom around the world, the National Endowment for Democracy (NED) is a private, non-profit organization that receives an annual appropriation from Congress. NED has played a major role in promoting democracy in China since the mid-1980s. Activities of NED and its core institutes include supporting Chinese pro-democracy organizations in the United States and Hong Kong, helping to advance the rule of law in China, promoting the rights of workers and women in the PRC, and assisting the development of Tibetan communities. The Endowment’s China programs have received support through the annual foreign operations appropriation for NED (an estimated \$118 million in FY2012) and congressional earmarks to NED for democracy-related programs in the PRC and in Tibet. In addition, the Department of State has provided direct grants to NED’s core institutes.<sup>135</sup>

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include the following programs: Post-Generated Exchange and Training; Citizen Exchange; Fulbright; Global Educational; International Visitor Leadership; Special Academic Exchange; Special Professional and Cultural Exchange; and U.S. Speaker/Specialist.

<sup>135</sup> 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). For further information, see CRS Report RS22663, *U.S. Assistance Programs in China*, by Thomas Lum.