

## FREEDOM IN THE WORLD

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# China

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## OVERVIEW:

**With a sensitive change of leadership approaching in 2012 and popular uprisings against authoritarian regimes occurring across the Middle East, the ruling Chinese Communist Party showed no signs of loosening its grip on power in 2011. Despite minor legal improvements regarding the death penalty and urban property confiscation, the government stalled or even reversed previous reforms related to the rule of law, while security forces resorted to extralegal forms of repression. Growing public frustration over corruption and injustice fueled tens of thousands of protests and several large outbursts of online criticism during the year. The party responded by committing more resources to internal security forces and intelligence agencies, engaging in the systematic enforced disappearance of dozens of human rights lawyers and bloggers, and enhancing controls over online social media.**

The Chinese Communist Party (CCP) took power in mainland China in 1949. Party leader Mao Zedong subsequently oversaw devastating mass-mobilization campaigns, such as the Great Leap Forward (1958–61) and the Cultural Revolution (1966–76), which resulted in tens of millions of deaths. Following Mao's death in 1976, Deng Xiaoping emerged as paramount leader. Over the next two decades, he maintained the CCP's absolute rule in the political sphere while initiating limited market-based reforms to stimulate the economy.

The CCP signaled its resolve to avoid democratization with the deadly 1989 assault on prodemocracy protesters in Beijing's Tiananmen Square and surrounding areas. Following the crackdown, Jiang Zemin replaced Zhao Ziyang as general secretary of the party. Jiang was named state president in 1993 and became China's top leader following Deng's death in 1997. He continued Deng's policy of rapid economic growth, recognizing that regime legitimacy now rested largely on the CCP's ability to boost living standards. In the political sphere, Jiang maintained a hard line.

Hu Jintao succeeded Jiang as CCP general secretary in 2002, state president in 2003, and head of the military in 2004. Many observers expected Hu and Premier Wen Jiabao to implement modest political reforms to address pressing socioeconomic problems, including a rising income gap, unemployment, the lack of a social safety net, environmental degradation, and corruption. The government proved moderately more responsive to certain constituencies—especially the urban middle class—and undertook economic reforms with some redistributive effects. However, in the political sphere, the CCP tightened control over key institutions and intensified repression of perceived threats to its authority.

In March 2008, the National People's Congress bestowed additional five-year terms on Hu and Wen, while Shanghai party boss Xi Jinping was appointed vice president, setting the stage for him to succeed Hu as CCP general secretary in 2012 and head of state in 2013. Xi's position as heir apparent was reinforced in October 2010, when he was appointed as deputy chair of the Central Military Commission. Intraparty power struggles related to the upcoming 2012 leadership transition and the 90th anniversary of the CCP's establishment in July 2011 appeared to strengthen hard-liners. This was reflected in an upsurge of quasi-Maoist propaganda and a continued trend of heightened political repression that had begun in 2008.

Popular uprisings against authoritarian regimes in Tunisia, Egypt, and elsewhere in early 2011 led to even greater CCP hostility toward manifestations of domestic dissent. Nevertheless, growing public anger over corruption, abuse of power, and injustice fueled tens of thousands of protests during the year. Bloggers, journalists, scholars, legal professionals, workers, and religious believers tested the limits of permissible activity, sometimes effectively challenging local-level abuses of power, outpacing censors, and forcing government concessions regarding rights violations. In response, the party committed more resources to internal security forces and intelligence agencies, engaged in the systematic enforced disappearance of dozens of human rights lawyers and bloggers, enhanced controls over online social media, and increased societal surveillance. Some observers expressed concerns about

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the destabilizing effect of the CCP's retreat from reforms related to the rule of law in particular, as a growing number of citizens took to the streets to deal with grievances. Conditions in Tibet and Xinjiang, both home to restive ethnic and religious minorities, remained highly repressive in 2011.

After surpassing Japan in 2010 to become the world's second-largest economy, China's economy continued to expand in 2011, but inflation and signs of a slowdown toward year's end fed widespread uncertainty about the strength of future growth. Meanwhile, Chinese officials continued to demonstrate a penchant for strong-arm tactics in international relations during the year. Under apparent Chinese pressure, suppression of Tibetan refugees in Nepal intensified, and Falun Gong practitioners in Indonesia and Vietnam were jailed for broadcasting uncensored news about China. In the run-up to elections in Taiwan scheduled for January 2012, Chinese officials made various public comments warning Taiwanese voters that recently improved cross-strait economic ties could be damaged if they brought the opposition party to power.

## POLITICAL RIGHTS AND CIVIL LIBERTIES:

China is not an electoral democracy. The CCP has a monopoly on political power, and its nine-member Politburo Standing Committee sets government policy. Party members hold almost all top posts in the government, military, and internal security services, as well as in many economic entities and social organizations. The 3,000-member National People's Congress (NPC), which is elected for five-year terms by subnational congresses, formally elects the state president for up to two five-year terms, and confirms the premier after he is nominated by the president. However, the NPC is a largely symbolic body. Only its standing committee meets regularly, while the full body convenes for just two weeks a year to approve proposed legislation. In an effort to expand representation at the grassroots level, dozens of independent candidates attempted in 2011 to compete for seats in the lowest tier of subnational congresses, with most campaigning via social media. The authorities responded with a variety of obstructions, including fraud, censorship, intimidation, and detention, causing most to abandon their campaigns or lose to CCP-backed candidates under questionable circumstances.

Opposition groups like the China Democracy Party (CDP) are suppressed, and members are imprisoned. Democracy advocate and 2010 Nobel Peace Prize winner Liu Xiaobo remained in prison in 2011, having been sentenced in December 2009 to 11 years for his role in creating the prodemocracy manifesto Charter 08. His wife, Liu Xia, was under strict house arrest in Beijing throughout the year, with communications to the outside world cut off. Similarly, two veteran democracy activists from Sichuan Province, Liu Xianbin and Chen Wei, were sentenced to 10 and 9 years in March and December, respectively. In October, the U.S. Congressional-Executive Commission on China published a partial list of over 1,400 political prisoners. The San Francisco-based Dui Hua Foundation estimated that 1,045 new arrests for "endangering state security" were made in 2010, and that over 10,000 people have been arrested and indicted for such political crimes since 1997. Tens of thousands of other people are thought to be held in extrajudicial forms of detention for their political or religious views.

Corruption remains endemic despite increased government antigraft efforts, generating growing public resentment. Each year tens of thousands of officials are investigated and punished by government or CCP entities, but prosecution is selective, with informal personal networks and internal CCP power struggles influencing the choice of targets. Party members accused of corruption are subject to a system of extralegal, incommunicado detention known as *shuanggui*. One of the most prominent cases of 2011 was the arrest of Railroads Minister Liu Zhijun on corruption charges in February, just a few months before a high-speed train crash in July that left 40 people dead and hundreds injured, sparking public outrage as efforts were made to cover up the cause. A government report in December placed much of the blame on Liu and 50 other officials and pledged to correct design flaws in rail equipment, but did not call for any systemic change in oversight. Also during the year, the authorities worked to prevent citizens from independently identifying corrupt officials, leading to the closure of several popular bribery-reporting websites.

CCP officials increasingly seek input from academics and civic groups, though without relinquishing control over the decision-making process. New open-government regulations took effect in 2008, but implementation has been incomplete. Some agencies and local governments have been more forthcoming in publishing accounting details or official regulations, but many continue to withhold vital public information, including on topics such as food safety, home demolitions, and smog levels. The state-run Chinese Academy of Social Sciences found in February 2011 that 51 of 59 national administrative agencies and 70 percent of 43 selected city governments failed to pass an administrative transparency evaluation; the National Bureau of Corruption Prevention was among the worst performers. Courts have hesitated to enforce citizens' information requests, and an August 2011 Supreme People's Court ruling—on when courts should accept lawsuits by citizens over rejected requests—left wide discretion for agencies to classify information. China was ranked 75 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

Despite relative freedom in private discussion and citizens' efforts to push the limits of permissible speech, China's media environment remains extremely restrictive, and 2011 featured one of the worst crackdowns on freedom of expression activists in recent memory. Routinely taboo topics include calls for greater autonomy in Tibet and Xinjiang, relations with Taiwan, the persecuted Falun Gong spiritual group, and any criticism of CCP leaders. Specific party directives in 2011 curbed reporting on uprisings in the Middle East, an oil spill, public health issues, labor unrest, and particular human rights activists, journalists, and lawyers. Journalists who fail to comply with official guidance are harassed, fired, or jailed. Chinese leaders also appeared to retreat in 2011 from a policy of allowing greater commercialization and competition in the media sector, and instead strongly emphasized

propaganda value over commercial viability and audience demand. Sharp new restrictions were imposed on television entertainment programming, and several periodicals known for investigative journalism faced closure, dismissals, or tighter supervision.

According to international watchdog groups, China jailed 27 journalists in 2011, including many Uighurs and Tibetans. At least 70 online activists remained behind bars at year's end for disseminating proscribed information, though the actual number was likely much higher. One journalist was killed during 2011: Li Xiang, a television reporter in Henan, was stabbed to death in September by unidentified thugs after exposing a food-safety scandal. In a growing trend, other journalists, bloggers, and online activists were subjected to violence and arbitrary detention under harsh conditions. Beginning in February, after calls for a Tunisian-style "Jasmine Revolution" in China appeared online, security forces carried out a campaign of abductions and disappearances targeting dozens of bloggers, activists, and lawyers. The most prominent was artist and blogger Ai Weiwei, who was abducted in April and held incommunicado for over 80 days. In November he was forced to pay 8.7 million yuan (\$1.3 million) as part of an apparently politically motivated tax case against him; the final results of the case were pending at year's end. In custody, many of these detainees were reportedly beaten, deprived of sleep, and forcibly medicated. As a condition of release, they were forced to commit to limiting their public statements and advocacy, particularly via social media. The harsh extralegal crackdown generated a significant chilling effect.

Local officials continue to block, harass, and sometimes assault foreign reporters while intimidating their Chinese sources and assistants. Some international radio and television broadcasts, including the U.S. government-funded Radio Free Asia, remain jammed.

China's population of internet users, estimated at over 500 million in 2011, remained the world's largest. However, the government maintains an elaborate apparatus for censoring and monitoring internet and mobile-telephone communications. The authorities block websites or force deletion of content they deem politically threatening, and detain those who post such information. Although Twitter remains blocked in China and domestic microblogging services engage in government-directed censorship of certain political and social issues, the domestic services have grown rapidly in influence as a source of news and an outlet for public opinion, with the number of Chinese microblog users surpassing 200 million in 2011. In response to several public outcries and online campaigns that outpaced censors, in late 2011 top officials intensified pressure on microblogging services to upgrade existing controls. Deletions and arrests for spreading "rumors" reportedly increased, and in December authorities in Beijing, Shanghai, and other major cities announced rules requiring microblog users to register with their real names. Also during the year, the authorities temporarily imposed internet blackouts in restive areas—in Inner Mongolia in May, and in the Guangdong Province village of Wukan in December. Despite the government's controls, factors including the technology's flexibility, circumvention tools, and the large volume of online communications have allowed many users to access censored content, expose official corruption, mobilize protests, and circulate banned political texts.

Religious freedom is sharply curtailed, and religious minorities remained a key target of repression during 2011. All religious groups must register with the government, which regulates their activities and guides their theology. Some faiths, such as Falun Gong and certain Buddhist and Christian sects, are forbidden, and their members face harassment, imprisonment, and torture. Other unregistered groups, such as unofficial Protestant and Roman Catholic congregations, operate in a legal gray zone, and state tolerance of them varies from place to place. An apparent escalation in the persecution of unregistered Christians continued in 2011. Beginning in April, hundreds of members of the Shouwang church in Beijing were briefly detained or placed under house arrest after they sought to gather outside because the owner of their place of worship had reportedly been pressured not to allow them to meet. In May, a vice president of the unregistered Chinese House Church Alliance was sentenced to two years in a labor camp. Meanwhile, the CCP continued a three-year nationwide drive to "transform" Falun Gong adherents, a coercive process aimed at forcing them to renounce their beliefs. In some areas, officials established numerical targets and extralegal detention centers for such transformations. The efforts led to the deaths of several detainees in 2011, according to the Falun Dafa Information Center.

Academic freedom remains restricted with respect to politically sensitive issues. The CCP controls the appointment of university officials, and many scholars practice self-censorship to preserve their positions and personal safety. Political indoctrination is a required component of the curriculum at all levels of education.

Freedoms of assembly and association are severely restricted. In early 2011, hypervigilant security forces swarmed the locations proposed in anonymous, online calls for Tunisian-style prodemocracy protests, and no such demonstrations took place. Local officials face penalties if they fail to limit the flow of petitioners traveling to Beijing to report injustices to the central government. As a result, petitioners are routinely intercepted, harassed, detained in illegal "black jails," or sent to labor camps. Detained petitioners are reportedly subject to beatings, psychological abuse, and sexual violence. Despite such repression, workers, farmers, and others held tens of thousands of protests during 2011, reflecting growing public anger over wrongdoing by officials, especially regarding land confiscation, corruption, pollution, and fatal police beatings. In several instances, violent responses by the authorities and hired thugs drove protesters to attack symbols of authority, such as police cars and government buildings. In other cases, officials tolerated demonstrations or agreed to protesters' demands. In August, after over 10,000 residents of Dalian gathered to protest pollution from a chemical plant, officials announced it would be shuttered. In December, after months of demonstrations over land disputes and the death in custody of a village representative, villagers in Wukan, Guangdong Province, drove out local Communist Party officials. Security forces blockaded the village, but provincial officials eventually intervened and granted villagers' demands to release protest leaders, investigate the death, and hold new village elections.

Nongovernmental organizations (NGOs) are required to register and follow strict regulations, including vague prohibitions on advocating non-CCP rule, “damaging national unity,” or “upsetting ethnic harmony.” Groups seeking more independence organize informally or register as businesses, though they are vulnerable to closure at any time. In December 2011, authorities banned the unregistered Guizhou Human Rights Forum, which had organized discussions on human rights topics, shortly after detaining 11 members. Forum member Chen Xi was sentenced to 10 years in prison for his activism and online writings. While the number of organizations whose work is not politically sensitive continues to expand, restrictions have tightened on human rights advocacy and even previously tolerated activism on issues like public health. Regulations that took effect in March 2010 increased obstacles for grassroots NGOs to receive foreign donations.

The only legal labor union is the government-controlled All-China Federation of Trade Unions. Collective bargaining is legal but does not occur in practice, and independent labor leaders are harassed and jailed. Nevertheless, workers have increasingly asserted themselves informally via strikes, collective petitioning, and selection of negotiating representatives. In 2011, workers staged a series of strikes over low pay or other grievances, particularly at the factories of foreign companies. Three labor laws that took effect in 2008 were designed to protect workers, counter discrimination, and facilitate complaints against employers, while also empowering CCP-controlled unions. However, implementation has been undermined by the lack of independent arbitration bodies, a growing backlog of complaints, and the authorities’ increased use of informal channels of negotiation. In December, new regulations set to take effect in January 2012 required the establishment of mediation committees at all large companies to monitor compliance with labor laws and handle disputes internally, to ease pressure on labor tribunals. Dangerous workplace conditions continue to claim lives, with many tens of thousands of deaths reported each year. Forced labor, including by inmates in “reeducation through labor” camps and juveniles in government-sanctioned “work-study” programs, remains a serious problem.

The CCP controls the judiciary and directs verdicts and sentences, especially in politically sensitive cases. Even in commercial litigation and civil suits involving private individuals, previous minor progress toward the rule of law has stalled or been reversed, particularly since the appointment of a CCP veteran with no formal legal training as chief justice in 2008. Judges have been increasingly pressured to resolve civil disputes through mediation, sometimes forced, rather than actual adjudication. There have been a number of high-profile convictions of people who obtained seemingly ordinary commercial information related to state-owned enterprises that was later labeled a “state secret.” In February 2011, a Beijing court upheld an eight-year prison sentence on such charges for U.S. citizen and geologist Xue Feng, who had obtained information related to the oil industry that would be publicly available in most countries.

The government continued its crackdown on civil rights lawyers, law firms, and NGOs offering legal services in 2011. Many of those abducted and abused in the Jasmine Revolution–related crackdown were lawyers, some of whom had previously faced disbarment for taking human rights cases. Prominent lawyer Gao Zhisheng remained “disappeared” and at severe risk of torture following his abduction by security forces in 2009. In December, state media announced that he would be sent to a prison in Xinjiang to serve a three-year term imposed in 2006, but as of year’s end no family members had been allowed to meet him and confirm his whereabouts. Self-trained, blind lawyer Chen Guangcheng remained under strict house arrest after completing a four-year prison term in 2010, having helped victims of forced abortions to file a class-action suit. Throughout 2011, local authorities violently suppressed efforts by fellow activists and foreign journalists to visit Chen. Prominent Beijing activist Hu Jia was released in June from a 3.5-year prison term for speaking out about human rights abuses in the run-up to the 2008 Beijing Olympics; he too was placed under strict house arrest, where he remained at year’s end.

Trials in China, which often amount to mere sentencing announcements, are frequently closed to the public. Torture remains widespread, coerced confessions are routinely admitted as evidence, and there is impunity for suspicious deaths in custody. Many suspects—including a large proportion of political and religious prisoners—are detained by bureaucratic fiat in “reeducation through labor” camps. The use of various forms of extralegal detention has grown in recent years, including secret jails and psychiatric arrest of petitioners and dissidents. In August 2011, the National People’s Congress published proposed legal amendments that, among other changes, would allow the secret detention of suspects in politically sensitive cases for up to six months, essentially legalizing the increasingly common practice of enforced disappearances; at year’s end the amendments had not yet been enacted. Overall, detention facilities are estimated to hold three to five million people. Conditions are generally harsh, with reports of inadequate food, regular beatings, and deprivation of medical care; the government generally does not permit visits by independent monitoring groups.

Legal amendments passed in March 2011 reduced the number of capital crimes to 55, including nonviolent offenses, though in recent years few individuals had been executed for the removed offenses. The number of executions each year is a state secret, but in December 2011 a scholar from the Chinese Academy of Social Sciences estimated that the number had been halved since the Supreme People’s Court was given authority to review all death penalty cases. The San Francisco–based Duihua Foundation consequently put the number of executions in 2011 at 4,000, though that would still be the world’s largest. In 2009, state media reported that executed prisoners “provide the major source of [organ] transplants in China.” Some experts have raised concerns and preliminary evidence that those imprisoned for their religious beliefs or ethnic identity have also been used as sources for organs.

Security forces work closely with the CCP at all levels. During 2011, the CCP continued to expand its apparatus for “stability maintenance,” a term that encompasses maintaining law and order, suppressing peaceful dissent, and closely monitoring the populace. Key components of this apparatus include state intelligence agencies, such as the Public Security Bureau; paramilitary forces like the People’s Armed Police; and extralegal CCP-based

entities like the 610 Office and stability-maintenance units at the grassroots level. In March 2011, the government announced that it would allocate 624 billion yuan (\$95 billion) that year for internal security forces, an increase of over 13 percent from 2010. The new total surpassed the country's military budget for the first time.

In the Xinjiang Uighur Autonomous Region, tightened restrictions that followed ethnic clashes in July 2009 remained in place for much of 2011, including round-the-clock street patrols and tighter monitoring of ethnic Uighur residents. Many of those abducted in large-scale "disappearances" in 2009 remained unaccounted for, and in January 2011 a court official revealed that 376 related trials for "endangering state security" were held in 2010. Existing political indoctrination programs, curbs on Muslim religious practice, policies marginalizing use of the Uighur language in education, and government efforts to alter the region's demography continued throughout 2011, and in some instances grew worse. From May to August, under pressure from Beijing, at least 19 Uighur asylum seekers were forcibly repatriated from Kazakhstan, Thailand, Pakistan, and Malaysia despite human rights groups' warnings that they were at risk of torture and imprisonment.

Minorities, the disabled, and people with HIV/AIDS or Hepatitis B face widespread societal and official discrimination, including in access to employment and education. A hukou (household registration) system remains in place, mostly affecting China's 150 million internal migrants. Some local governments have experimented with reforms, but citizens continue to face restrictions on changing employer or residence, and many migrants are unable to fully access social services, such as education for their children. Among other restrictions on freedom of movement, dissidents, human rights defenders, and certain scholars are prevented from traveling abroad or placed under house arrest. Law enforcement agencies continue to seek out and repatriate North Korean refugees, who face imprisonment or execution upon return.

Property-rights protection remains weak in practice, and all land is formally owned by the state. Tens of thousands of forced evictions and illegal land confiscations occurred in 2011. Residents who resist eviction, seek legal redress, or organize protests often face violence at the hands of local police or hired thugs. In January, the government issued new regulations that could offer greater protections against expropriation in urban areas by defining "public interest," requiring compensation at market value, and allowing for administrative review. However, implementation remained uncertain given the lack of independent courts and local governments' incentives to develop land as a key source of operating revenue and a driver of economic growth statistics. The new regulations do not apply to rural land, which lies at the center of most land conflicts.

Despite increasing discussion of potential reforms, China's population controls remain in place. In urban areas, only one child per couple is permitted, while many rural families are limited to two children. Compulsory abortion and sterilization, though less common than in the past, still occur fairly frequently. According to the Congressional-Executive Commission on China, regulations in 18 of 31 provincial-level administrative units explicitly endorse mandatory abortions as an enforcement tool. Officials who fail to meet birth and sterilization quotas risk disciplinary action, and relatives of unsterilized women or couples with unapproved pregnancies were subjected to high fines, job dismissal, and detention in 2011. These controls and a cultural preference for sons have led to sex-selective abortion and a general shortage of females, exacerbating the problem of human trafficking.

Domestic violence affects one-quarter of Chinese women, according to statistics published in October 2011 by the CCP-controlled All-China Women's Federation. That month, the group submitted a draft for a national law that would identify domestic violence as a crime; it is currently addressed inadequately via scattered provisions in other laws. Several laws bar gender discrimination in the workplace, and gender equality has reportedly improved over the past decade, but a March 2011 survey by the New York-based Center for Work-Life Policy found that 48 percent of female respondents had scaled back their career ambitions or considered quitting their jobs because of perceived discrimination.

#### **TREND ARROW:**

China received a downward trend arrow due to increased Communist Party efforts to restrict public discussion of political, legal, and human rights issues, including through the systematic disappearance of dozens of leading social-media activists and lawyers and growing online censorship among domestic social-networking services.

#### **EXPLANATORY NOTE:**

The numerical ratings and status listed above do not reflect conditions in Hong Kong or Tibet, which are examined in separate reports.

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