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Summary

This report examines human rights issues in the People's Republic of China (PRC), including ongoing rights abuses, and legal developments. Major events of the past two years include a clampdown on political dissent and civil society and an escalation of violence in Xinjiang, which many experts attribute at least in part to repressive government policies. Some observers view the closing of the "Re-education Through Labor" penal system as a potentially positive development, although many PRC citizens still are subject to various forms of extra-legal detention. Other, ongoing human rights problems in China include the following: arbitrary use of state security laws against political dissidents; torture of persons in custody; persecution of unsanctioned religious activity; state controls on expression and the flow of information; coercive family planning practices; and mistreatment of North Korean refugees. Tibetans, Uighur Muslims, and Falun Gong adherents continue to receive especially harsh treatment from authorities. For additional information, including policy recommendations, see CRS Report R41007, *Understanding China's Political System*; the Congressional-Executive Commission on China's *Annual Report 2014*; the U.S. Department of State's *Country Reports on Human Rights Practices for 2014*; and other resources cited below.

Human rights conditions in China reflect contradictory trends. In recent years, the ruling Chinese Communist Party (CCP) has implemented some reforms that may help to reduce some human rights abuses, while rejecting concepts related to universal values, individual rights, and constitutional democracy. In 2014, the CCP announced some measures aimed at reducing government influence over the courts, particularly at the local level. However, the Party leadership has not fundamentally altered the institutions that permit the Party and its policies to remain above the law. Xi Jinping, who became General Secretary of the CCP in 2012, has carried out a crackdown on dissent and activism that has surprised many observers for its scope and severity, including the detentions and arrests of hundreds of government critics, human rights lawyers, well-known bloggers, investigative journalists, outspoken academics, civil society leaders, and ethnic minorities. Indictments for state security crimes, which often are political in nature, rose in 2013 to 1,384 cases, the highest level since the Tibetan unrest of 2008. The government has imposed growing restrictions on Chinese microblogging and mobile text services, which have become important sources of news for many Chinese people and platforms for public opinion. During the past several months, the Chinese government has passed or considered new laws that appear to do the following: strengthen the role of the state security apparatus in overseeing a wide range of social activities, including those of foreign non-governmental organizations; place additional restrictions on defense lawyers; and authorize greater governmental controls over the Internet.

The PRC government's aim of maintaining social stability gradually has become more complicated, according to many observers. Chinese society has become more diverse and individuals and groups have become more assertive regarding their interests. 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. Public protests are frequent and widespread, although they predominantly are focused on local or economic issues rather than national political ones. Economic, social, and demographic changes and other factors have fueled labor unrest. The Internet has made it impossible for the government to restrict information as fully as before.

Many experts and policymakers have sharply disagreed over the best policy approaches and methods to apply toward human rights issues in China. The United States Congress has been at the forefront of U.S. human rights policy toward China, and has formed the legislative pillars of

that policy. Possible approaches range from supporting incremental progress and promoting human rights through bilateral and international engagement to conditioning the further development of bilateral ties on improvements in human rights in China. Congress and the executive branch have developed an array of policy tools aimed at promoting democracy and human rights in China, including the following: open censure of China; quiet diplomacy; congressional hearings; U.S. support for rule of law and civil society programs in the PRC; support for dissidents and pro-democracy groups in China and the United States; sanctions; coordinating international pressure; bilateral dialogue; Internet freedom efforts; and public diplomacy.

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Introduction

Human rights conditions in the People's Republic of China (PRC) remain a central issue in U.S.-China ties. Different perceptions of human rights are an underlying source of mutual misunderstanding and mistrust. Frictions on human rights issues affect other issues in the bilateral relationship, including those related to economics and security. China's weak rule of law and restrictions on information affect U.S. companies doing business in the PRC. People-to-people exchanges, particularly educational and academic ones, are often hampered by periodic Chinese government campaigns against "Western values."

For many U.S. policymakers, human rights conditions in China represent a test of the success of overall U.S. policy toward the PRC. Some analysts contend that the U.S. policy of cultivating diplomatic, economic, and cultural ties with China has failed to promote meaningful political reform, and that without fundamental progress in this area, mutual trust and cooperation in other areas will remain difficult to achieve. They add that U.S. efforts to support human rights and democracy in the PRC are constrained by the overarching policy of U.S. engagement with China, which reflects other U.S. interests, particularly economic ones. Many U.S. and Chinese human rights advocates have urged the Obama Administration to place a higher priority upon human rights in the bilateral relationship, and to forge deeper contacts with Chinese reformers, activists, and dissidents.[1] Other experts argue that change in China will come mostly from within, and that Washington has little direct leverage over Beijing's policies. They contend that U.S. engagement has helped to accelerate economic and social transformations and create the necessary conditions for political reform in China, particularly over the long term. Some observers add that public censure and efforts to condition further development of the bilateral relationship upon improvements in human rights in China have not been very effective.[2] Some experts suggest that U.S. human rights policies should seek common ground and appeal as much as possible to China's own interests.[3]

The U.S. government has employed an array of efforts and tactics 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. Many analysts have observed that China's leaders have become less responsive to international pressure on human rights in recent years.[4] Policy tools include open criticism of PRC human rights policies; quiet diplomacy; hearings; foreign assistance programs; support for dissidents and pro-democracy groups in China and the United

[1] Daniel Blumenthal, "Tiananmen's Anniversary is a Chance for Obama to Fight for Human Rights in China," *Foreign Policy*, June 4, 2014; Joint Letter to President Obama on Forthcoming China Visit, October 10, 2014, http://www.hrw.org/sites/default/files/related_material/Joint%20Letter%20to%20President%20Obama%20on%20Forthcoming%20China%20Visit.pdf.

[2] 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; Simon Denyer, "Will the U.S.-Cuba Opening Mirror Engagement with China?" *Washington* Post, December 20, 2014; Robert Daly, "China 101 Series: Human Rights and Social Change," U.S. China Working Group and the U.S.-Asia Institute, July 14, 2014.

[3] Winston Lord, Former U.S. Ambassador to the People's Republic of China, Testimony before the Congressional-Executive Commission on China, "Tiananmen at 25: Enduring Influence on U.S.-China Relations and China's Political Development," May 20, 2014.

[4] See John Kamm, Dui Hua Foundation, "China's Human Rights Diplomacy: Past, Present, Future," Center for Strategic and International Studies, March 28, 2014.

States; sanctions; international pressure; bilateral dialogue; Internet freedom efforts; and public diplomacy.

Assessing Human Rights Conditions in China

The PRC government is led by the Chinese Communist Party (CCP), whose rule is referenced in the preamble to China's Constitution. The legislature and judiciary lack powers to check the CCP and the state. The PRC Constitution guarantees many civil and political rights, including, in Article 35, the freedoms of speech, press, assembly, demonstration, and religious belief. However, the state restricts these rights in practice. China's leaders view these rights as subordinate to their own authority and to the policy goals of maintaining state security and social stability, promoting economic development, and providing for economic and social rights. They assert that perspectives on human rights vary according to a country's level of economic development and social system, implying that human rights are not "universal" as some statements by U.S. government officials have emphasized. PRC leaders frequently denounce foreign criticisms of China's human rights policies as interference in China's internal affairs.

Over 25 years since the 1989 demonstrations for democracy in Beijing and elsewhere in China and the subsequent military crackdown, the Communist Party remains firmly in power. Many Chinese citizens have attained living standards, educational and travel opportunities, access to information, and a level of global integration that few envisioned in 1989. However, little progress has been made in the areas of political freedom and civil liberties. China's leaders have rejected institutional reforms that might undermine the Party's monopoly on power, and continue to respond forcefully to signs and instances of social instability, autonomous social organization, and independent political activity. They seek to prevent the development of linkages among individuals, social groups, and geographical regions that have potential political impact. The government maintains severe restrictions on unsanctioned religious, ethnic, and labor activity and groups, political dissidents, and rights lawyers. Government authorities have imposed harsh policies against Tibetans and Uighurs, and continue efforts to eliminate the spiritual practice of Falun Gong.

Human rights conditions in China reflect contradictory trends. The ruling Chinese Communist Party (CCP) has implemented some reforms that may help to reduce some human rights abuses and bolster its legitimacy, but the state has arrested hundreds of critics of government policy since 2013. Rights awareness among the general public, rights activism, and civil society have developed, although many Chinese place greater importance upon political stability than change. Public protests and demonstrations occur on a daily basis through the country, but they predominantly are focused on local economic issues rather than national political ones. Although some observers have referred to CCP General Secretary and State President Xi Jinping as the most forceful Chinese leader since Deng Xiaoping, he faces daunting domestic challenges, including internal party disputes; political corruption; a slowing national economy; a high level of income inequality; violent unrest in Xinjiang; a national religious resurgence; severe environmental pollution; and rising popular expectations.[5]

[5] David Ignatius, "China's Xi Jinping Consolidates Power and Brings Stability," *Washington* Post, February 28, 2014; Willy Lam, "Xi Consolidates Power at Fourth Plenum, But Sees Limits," *China* Brief, vol. 14, no. 22, November 20, 2014; Jamil Anderlini, "How Long Can the Communist Party Survive in China?" *Financial Times*, September 20, 2013; David Shambaugh, Brookings Institution, "Obama in China: Preserving the Balance," transcript, November 5, 2014, http://www.brookings.edu/~/media/events/2014/11/05%20obama%20apec/20141105_obama_china_transcript.pdf.

In some ways, the Chinese central government has continued to demonstrate a measure of sensitivity toward popular opinion, reflecting a style of rule that some experts refer to as "responsive authoritarianism."[6] The CCP has striven to meet the demands and expectations of many Chinese citizens for competent and accountable governance and fair application of the law, while policymaking processes have become more inclusive. In recent years, the PRC government has implemented some legal and institutional reforms aimed at preventing some rights abuses and making government more transparent and responsive. Changes include criminal justice reforms, formally abolishing the "Re-education Through Labor" penal system (RETL), a reduction in the use of the death penalty, and the loosening of the one-child policy. The state has limited repressive measures largely to selected key individuals and groups, although the scope of those targeted has widened under President Xi.

China and U.N. Human Rights Covenants

China has signed (1997) and ratified (2001) the International Covenant on Economic, Social and Cultural Rights (ICESCR) and signed (1998), but not ratified, the International Covenant on Civil and Political Rights (ICCPR).

Xi Jinping has carried out a campaign against corruption, a key source of popular discontent, and investigated and punished thousands of officials. However, this effort has shown little regard for due process or procedural protections provided in China's constitution and laws, and has not addressed the political sources of corruption, according to experts.[7] In 2014, the government announced some measures aimed at reducing government influence over the courts, including reducing the role and influence of the Party Central Committee's Political and Legal Affairs Commission in "most legal cases." Yet the Plenum did not fundamentally alter the institutions that permit the Party and its policies to remain above the law.[8] Commenting on the 25th anniversary of the 1989 Tiananmen events, Jerome Cohen, an expert on Chinese law and politics, stated, "economic and social progress, enactment of better legislation, improvements in legal institutions, and reformist official policy statements do not guarantee either the enjoyment of civil and political rights or the protection of political and religious activists and their lawyers against the arbitrary exercise of state and party power."[9]

After a period of cautious optimism as Xi Jinping took over the reins of power in 2012 and early 2013, many observers have expressed deep disappointment over the PRC government's human rights policies. During the leadership transition period, there was talk in well-connected intellectual circles about the need for political reform and how to address these issues.[10] However, President Xi has carried out a crackdown on political dissent and civil society. Many citizens who had openly discussed political issues, engaged in political or civic activism, attempted to defend dissidents or rights activists in court, or tried to expose corrupt officials have been punished.[11]

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[6] For example, see Robert P. Weller, "Responsive Authoritarianism," in Bruce Gilley and Larry Diamond, eds., *Political Change in China: Comparisons with Taiwan*, Boulder: Lynne Reinner Publishers, 2008; David M. Lampton, "How China Is Ruled: Why It's Getting Harder for Beijing to Govern," *Foreign Affairs*, January/February 2014.

[7] Euan McKirdy, "China Slips Down Corruption Perception Index, Despite High-Profile Crackdown," *CNN*, December 3, 2014.

[8] Sui-Lee Wee and Li Hui, "With Legal Reforms, China Wants Less Interference in Cases, Fewer Death Penalty Crimes," *Reuters*, March 9, 2014; Li Yang, "Road Map for Promoting the Rule of Law," *China Daily*, November 12, 2014.

[9] Jerome Cohen, "After June 4, China Is Still Fumbling Towards Respect for Rights of All," *South China Morning Post*, June 2, 2014.

[10] Anderlini, op. cit.

[11] Robert Daly, "China in 2014: The Three Rs," *CNN.com Blogs*, December 16, 2013; Zachary Keck, "Four Things

Public Protests

Awareness of legal rights among Chinese citizens, in some ways promoted by the government, continues to rise. At the same time, a small but increasing number of activists, journalists, lawyers, and others have championed human rights causes.[12] 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 and plans of action on the Internet.[13] Despite the risks, the number of lawyers taking on human rights cases continues to grow. By one estimate, roughly 200 attorneys refer to themselves as human rights lawyers. They are becoming increasingly assertive about their own rights and protecting members of their profession.[14] Public protests occur on a daily basis in China and are growing in frequency. Estimates of the number of "mass incidents" vary—there are between roughly 110,000 to nearly 200,000 public protests annually, according to reports.[15] Common sources of protest include the following: labor disputes; land seizures and forcible evictions; misconduct by government officials, police, and "urban management officers" (*chengguan*); environmental degradation brought about by development projects and industrial enterprises; violations of legal rights; and failures to enforce procedural protections provided under China's constitution and laws.

The political impact of public protests has been limited. Protests largely have focused on local, economic, and environmental issues rather than national political ones. The PRC government takes action to prevent participants in such protests from forging organizational links with other movements or across cities and regions. In recent years, China's 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.[16] The Chinese government reportedly increased funding for "public safety" by 9% in 2013, to $124 billion, a level that exceeded the formal defense budget. It did not release full domestic security budget numbers in 2014.[17]

Freedom House Special Report on Human Rights in China

A 2015 study by Freedom House, *The Politburo's Predicament*, assesses the CCP's evolving methods of political control. The report concludes that the overall degree of repression in China has increased under the leadership of

China Learned from the Arab Spring," *The Diplomat*, January 4, 2014.

[12] Linda Yeung, "Reform School," *South China Morning Post*, November 28, 2010; Sophie Richardson, "Let a Hundred Volunteers Bloom," *Foreign Affairs*, October 11, 2012.

[13] Nicholas Bequelin, "Does the Law Matter in China?" *International Herald Tribune*, May 14, 2012.

[14] Congressional-Executive Commission on China, *Annual Report 2014*, October 9, 2014; Malcolm Moore, "Chinese Lawyers Warn Communist Party Will Target Legal Teams," *The Telegraph*, January 28, 2014; Chinese Lawyers Setting Up Mutual Defence Pacts As Communist Party Targets Dissidents' Representatives," *The Telegraph Online*, January 28, 2014.

[15] Joseph A. Bosco, "The Implications of China's Anti-Corruption Drive," *The Diplomat*, July 15, 2014; Human Watch, *World Report 2014: China*, January 2014.

[16] Congressional-Executive Commission on China, *Annual Report 2012*, October 10, 2012.

[17] Henry Sanderson and Michael Forsythe, "China Boosts Defense Spending as Military Modernizes Arsenal," *Bloomberg News*, March 5, 2013; Ben Blanchard and John Ruwitch, "China Hikes Defense Budget, to Spend More on Internal Security," *Reuters*, March 5, 2013; "China Withholds Full Details of 2014 Domestic Security Budget," *South China Morning Post*, March 5, 2014.

General Secretary Xi Jinping. However, it says Xi's policies also have fueled resentment, while "fear of the regime appears to be diminishing." Part IV of the report provides a list of recommendations for policymakers.[18]

Public Attitudes

Many experts have argued that economic development will lead to democratization in China in the long term.[19] Some of them posit that the growing Chinese middle class, a manifestation of such development, will likely be a key agent of political change.[20] However, China's burgeoning middle class has not yet become a catalyst for democracy, despite its rising awareness of its own interests, greater demands placed on the government, and growing participation in public protests.[21] Surveys show that urban Chinese, the leading edge of China's 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.[22]

According to some surveys, Chinese in more economically developed cities tend to place less trust in government, particularly at the local level, and are more democratic in orientation. However, in one public opinion poll, 40.5% of those surveyed supported a multi-party political system, while 51.3% did not.[23] According to another set of surveys, most members of the Chinese middle class "are vigilant about the individual rights that are closely related to their own interests." However, they are reluctant to engage in public demonstrations or to organize to protect their rights if doing so would disrupt social stability. The middle class may even be less supportive of some key democratic principles and institutions than the lower income groups.[24] Furthermore, while protests and distrust aimed at local governments may be on the rise, support for the national government appeared to remain high through 2014, according to some polls. A

[18] Freedom House, *The Politburo's Predicament: Confronting the Limitations of Chinese Communist Party Repression*, January 2015, https://freedomhouse.org/report/china/politburo-predicament. Freedom House is an advocacy organization for human rights and democracy. The organization publishes an annual report, *Freedom in the World*, which classifies countries around the world based upon political rights and civil liberties.

[19] Seymour Martin Lipset, "Some Social Requisites of Democracy," *American Political Science Review*, vol. 53, no. 1 (1959). Lipset argued that socioeconomic development, including higher levels of wealth, industrialization, urbanization, and education, are correlated with democracy.

[20] Henry S. Rowen, "When Will the Chinese People Be Free," in Andrew J. Nathan, Larry Diamond, and Marc F. Plattner, eds, *Will China Democratize?* Baltimore: Johns Hopkins University Press, 2013; Stapleton Roy, Former U.S. Ambassador to the People's Republic of China, Testimony before the Congressional-Executive Commission on China, "Tiananmen at 25: Enduring Influence on U.S.-China Relations and China's Political Development," May 20, 2014.

[21] According to one study, China's "upper middle class"—with annual household incomes of between $17,350 and $37,500—accounted for 14% of urban Chinese households in 2012 but will account for 54% of households in less than a decade. Anderlini, op. cit.

[22] Jie Chen, "Attitudes Toward Democracy and the Behavior of China's Middle Class," in Cheng Li, ed. *China's Emerging Middle Class*, Washington: Brookings Institution Press, 2010.

[23] Yang Zhong, "Do Chinese People Trust Their Local Government and Why?" *Problems of Post-Communism*, vol. 61, no. 3, May-June 2014; Bruce Dickson, "Economic Growth and Political Trust," The 7th Annual Conference on U.S-China Economic Relations and China's Economic Development," Elliot School of International Affairs, George Washington University, November 21, 2014.

[24] Jie Chen, *A Middle Class without Democracy*, New York: Oxford University Press, 2013.

Pew study found that in China, nearly 9 people in 10 were satisfied with "the way things are going in our country."[25]

Selected Developments

Less than one year into the 2012 leadership transition that brought Xi Jinping to power, PRC authorities began to carry out a clampdown on political dissent, civil society, free expression, and religious practice. The government abolished the "Re-education Through Labor" penal system, although many citizens still are subject to various forms of extra-legal detention. The state also imposed restrictive measures on new social media, which had become vibrant platforms for expression. These policies emerged despite the government's encouragement of civil society's role in providing public services and grudging appreciation of the value of the Internet in helping to expose government corruption, particularly during the final years of the leadership term of Hu Jintao, Xi's predecessor. In Xinjiang, violent protests and attacks allegedly carried out by Uighur Muslims (see section on "Uighur Muslims," below), but reportedly often provoked by human rights abuses and excessive security measures in the region, led to even more repressive measures and hundreds of deaths.

Political Dissent

While the PRC government has engaged in cycles of reform and repression during the post-1989 era, recent security measures have been striking for their scope and severity, according to many observers. The crackdown has included detentions and arrests of well-known bloggers, investigative journalists, outspoken academics, civil society leaders, human rights attorneys, and ethnic minorities. Many of them had no apparent political agenda, or for years had avoided criminal charges. An estimated 160-200 activists were arrested or detained in 2013, and this trend accelerated in 2014.[26] In May 2013, the CCP issued a classified directive (Document No. 9) identifying seven "false ideological trends, positions, and activities," largely aimed at the media and liberal academics. According to the document, topics to be avoided in public discussion include universal values, constitutional democracy, freedom of the press, civil society, civil rights, an independent judiciary, and criticism of the CCP.[27] Universities have been warned against using textbooks that spread "Western values" and making remarks that "defame the rule of the Communist Party."[28] In May 2014, Beijing authorities detained several organizers of a small gathering to discuss the events of June 4, 1989, in which the participants reportedly called for a public inquiry into the military crackdown.[29] The U.S. government urged China to release public

[25] "Global Public Downbeat about Economy," *Pew Research Global Attitudes Project*, September 9, 2014.

[26] See "Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China," March 15, 2015, http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/; Rachel Chang, "Security Dragnet in China Tightens," *Straits Times*, May 13, 2014; Andrew Jacobs and Chris Buckley, "Beijing Goes After Grass-Roots Activists; Many Who Applauded a Call to End Corruption Are Now Behind Bars," *New York Times (International)*, January 17, 2014; Fred Hiatt, "A Courageous Chinese Lawyer Urges His Country to Follow its Own Laws," *Washington Post*, November 6, 2013.

[27] Asia Society, "Document 9: A ChinaFile Translation," November 8, 2013, http://www.chinafile.com/document-9-chinafile-translation http://www.chinafile.com/document-9-chinafile-translation.

[28] Linda Yeung, "Campus Crackdown on 'Western Values'," *University World News*, February 6, 2015.

[29] "Chinese Activist Denied Lawyer amid Widening Clampdown on Dissent," *Legal Monitor Worldwide*, May 13, 2014.

interest lawyer Pu Zhiqiang and other activists involved in the meeting. Pu was arrested in June 2014 on the charges of subversion and fanning ethnic hatred, among other crimes.[30]

Arrests of Lawyers

In July 2015, roughly 300 human rights lawyers and activists were arrested, detained, or put under surveillance. Some analysts say these arrests are unprecedented in scale, surpassing the crackdown on rights lawyers in 2011.[31] Many of the lawyers were released after receiving warnings to cease their activities, but over 20 remain in detention or their whereabouts remain unknown. Chinese authorities accused lawyers of the Fengrui Law Firm in Beijing, which had represented Ilham Tohti and taken on other sensitive cases, of disrupting public order, spreading rumors, and paying people to engage in demonstrations.[32] Prominent missing rights attorneys include Wang Yu and Zhou Shifeng of the Fengrui Law Firm; Li Heping, who had represented activist Cheng Guangcheng; and Guangzhou-based Sui Muqing.[33] In July 2015, the trial of rights attorney Tang Jingling, arrested in 2014 on the charge of subversion of state power, resumed. The U.S. government called for the immediate release of lawyers still being held, and stated that "such a widespread attack against the legal profession threatens one of the few conduits Chinese citizens have for peaceful redress of grievances, whether they are concerned about corruption or environmental problems or property rights or any other issue."[34]

New Legislation

National Security Law

During the past several months, the Chinese government has passed or considered new laws that appear to strengthen the role of the state security apparatus over a wide range of social activities, including those of foreign non-governmental organizations, place additional restrictions on defense lawyers, and authorize greater government controls over the Internet. In July 2015, the National People's Congress passed a new National Security Law that provides legal grounds for greater and more proactive scrutiny and control of social activities. Article 9 emphasizes "putting prevention first" in the preservation of national security and calls for "widely mobilizing citizens and organizations to guard against and punish conduct endangering national security." According to the law, the state shall guard against "negative cultural influences," punish "activities dividing ethnicities," and oppose "foreign influences" that interfere with domestic religious affairs, among other provisions. The National Security Law brings control of the Internet, including "the dissemination of unlawful and harmful information," under its purview.[35] Article 62 establishes a national security crisis management and control system. Some critics argue that the law's expansiveness and vague wording may allow the government space to violate human rights in "almost every domain of public life" in the name of national security, and that the law will bolster

[30] "U.S. Calls on China to Free Tiananmen Anniversary Activists," *Reuters*, May 7, 2014; Didi Tang, "Chinese Rights Lawyer Pu Denies All Police Charges," *Associated Press*, December 10, 2014.

[31] "Mass Suppression of Lawyers Reveals True Nature of Xi's 'Rule by Law,'" Human Rights in China, July 14, 2015, http://www.hrichina.org/en/press-work/mass-suppression-lawyers-reveals-true-nature-xis-rule-law.

[32] Cao Yin, "Lawyers 'Tried to Influence Verdicts,'" *China Daily*, July 13, 2015.

[33] "Chinese Lawyers, Activists Call for a Rights Dialogue with Teeth," *Radio Free Asia*, August 12, 2015.

[34] Department of State, "On-the-Record Briefing on the 19th U.S.-China Human Rights Dialogue," August 13, 2015.

[35] China Law Translate, "National Security Law," July 1, 2015, http://chinalawtranslate.com/2015nsl/?lang=en.

the new National Security Commission led by Xi Jinping.[36] The Department of State expressed concern that "the broad scope of the new National Security Law is being used as a legal facade to commit human rights abuses." It urged the PRC government to "respect the rights of all of its citizens and to release all those who have recently been detained for seeking to protect the rights of Chinese citizens."[37]

Draft Overseas NGO Management Law

Draft legislation on the management of foreign and overseas nongovernmental organizations (NGOs) would place them and their activities under the oversight of Public Security departments and impose greater limitations or controls upon their supervision, funding, and staffing.[38] The draft law tightens registration requirements on foreign organizations in China, mandating that they find a government agency ("professional supervisory unit") to sponsor them.[39] Many of them have been operating without official ties or status and have been loosely supervised by the Ministry of Civil Affairs. A Ministry of Public Security official stated that the bill aims to regulate and protect foreign NGOs and to provide a legal basis for the government to investigate funding activities, while a Chinese NGO expert suggested that the law would prevent NGOs that had "political agendas." There are an estimated 1,000 foreign NGOs in China, many of them American, and up to 6,000 foreign NGOs if short-term activities or projects are included.[40]

Critics assert that the proposed legislation reflects Xi Jinping's perception of foreign NGOs as a security threat. Chinese NGO leaders fear that the law would give the government and the state security apparatus expanded legal powers over civil society. While it may be selectively enforced, some argue, the "vague and broad" provisions would leave foreign NGOs, particularly those working in politically sensitive areas, vulnerable to arbitrary applications of the law. Human rights groups say that the law would deal "a very severe blow" to foreign NGOs and the domestic NGOs that they often partner with.[41] During a public consultation period that closed on June 4, 2015, Chinese civil society leaders, academics, and lawyers, and foreign governments, human rights groups, and NGOs, including international business groups and the American Bar Association, criticized the law and expressed their concerns.[42] A bipartisan group of U.S. Senators, in a letter to President Obama, urged him to raise concerns about human rights and civil society in China during President Xi's visit to Washington, DC, in September 2015. They asked Obama to call on the Chinese leader to release detained lawyers and activists and to protect the

[36] Edward Wong, "Chinese Security Laws Elevate the Party and Stifle Dissent. Mao Would Approve," *New York Times*, May 29, 2015; Ankit Panda, "The Truth About China's New National Security Law," *The Diplomat*, July 1, 2015; Council on Foreign Relations, "National Security Law of the People's Republic of China," July 1, 2015; Edward Wong, "China Approves Sweeping Security Law, Bolstering Communist Rule," *New York Times*, July 1, 2015.

[37] Department of State, "U.S. Condemns Detention of Human Rights Defenders in China," July 12, 2015.

[38] The law applies to NGOs from foreign countries, Hong Kong, and Macau.

[39] China Development Brief, "CDB English Translation of the Overseas NGO Management Law (Second Draft)," May 8, 2015, http://chinadevelopmentbrief.cn/articles/cdb-english-translation-of-the-overseas-ngo-management-law-second-draft/.

[40] Catherine Wong Tsoi-lai, "New Draft Law Strengthens Overseas NGO Oversight," *Global Times*, December 23, 2014.

[41] Simon Deyer, "In China, Civic Groups May Face New Controls," *Washington Post*, March 25, 2015; Human Rights Watch, "China: Scrap Repressive Foreign Organizations Law," June 2, 2015.

[42] "NGOs in China: Public Consultation and Party Creep," *China Digital Times*, June 3, 2015; "30 Lawyers' Proposal to National People's Congress on Halting the Enactment of Foreign NGO Management Law," *China Digital Times*, June 3, 2015.

gains made by Chinese civil society, in partnership with American NGOs, calling the rise of civil society "one of the only human rights success stories of the past two decades."[43]

Other Proposed Legislation

Human rights advocates argue that some proposed amendments to the Criminal Law would provide the government with greater legal means with which to silence defense lawyers. Article 36 would penalize lawyers for "insulting, defaming, or threatening judicial personnel" and engaging in other acts deemed disruptive to the court.[44] Some Chinese lawyers and legal experts worry that the terms as drafted could be used broadly and arbitrarily against lawyers, particularly in politically sensitive cases.[45]

Provisions of the draft Cybersecurity Law give the government broad powers to control the flow of information online, including granting local governments the authority to cut off access to the Internet "to fulfill the need to protect national security and social public order." Article 9 of the bill requires that those using the Internet "observe public order and respect social morality," and "not use the network to engage in activities harming national security, propagating terrorism and extremism, inciting ethnic hatred and ethnic discrimination, disseminating obscene and sexual information, slandering or defaming others, upsetting social order, [or] harming the public interest...." Article 40 requires network operators to "strengthen management of information published by users, and where discovering information that the law or administrative regulations prohibits the publication or transmission of, they shall immediately stop transmission of that information...."[46] According to some analysts, the bill may not significantly add to existing restrictions on Internet use and operation. Rather, it provides a legal framework for better coordination of China's Internet controls, and elevates local and economic regulations to the level of national law.[47]

Nongovernmental Organizations

In recent years, the impact of nongovernmental organizations, also known as social or civil society organizations, on Chinese society has grown.[48] China has over 500,000 registered NGOs, roughly double the number of a decade ago, and an estimated 1.5-2 million unregistered NGOs.[49]

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[43] "Senators Urge President Obama to Raise Human Rights Concerns during upcoming September Visit by Chinese President Xi Jinping to the United States," August 11, 2015, http://www.cardin.senate.gov/newsroom/press/release/senators-urge-president-obama-to-raise-human-rights-concerns-during-upcoming-september-visit-by-chinese-president-xi_jinping-to-the-united-states-

[44] People's Republic of China Criminal Law Amendment (9) (Second reading draft), *China Law Translate*, July 7, 2015, http://chinalawtranslate.com/criminallawam92/?lang=en

[45] Dui Hua Foundation, "Draft Law Amendment Takes Aim at Defense Lawyers in China," *Human Rights Journal*, August 18, 2015.

[46] China Law Translate, "Cybersecurity Law (Draft)," July 6, 2015, http://chinalawtranslate.com/cybersecuritydraft/?lang=en.

[47] Austin Ramzy, "What You Need to Know about China's Draft Cybersecurity Law," *New York Times*, July 9, 2015.

[48] PRC commentators often prefer to use the term "social organization" rather than "nongovernmental 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 "nongovernmental organization" to reflect Chinese NGOs' lack of real autonomy.

[49] According to some estimates, China may have up to several million NGOs, including government organized NGOs (GONGOs); social associations; private, non-commercial enterprises; foundations; business entities; and grassroots organizations. Kristie Lu Stout, "People Power in the People's Republic of China," *CNN*, June 26, 2014; Congressional-Executive Commission on China, Annual Report 2014, op. cit. See also Ministry of Civil Affairs, "2013

Chinese non-state entities play a small but growing role in the provision of social welfare services, policymaking, and advocacy. Environmental NGOs have been at the forefront of this growth, and other types of social organizations have emerged in the areas of legal aid, public health, education, rural development, poverty alleviation, policy research, and gay and lesbian rights.

The PRC government has acknowledged the importance of civil society in helping to address social and environmental problems. In 2012, commentary in China's official press upheld NGOs as important partners in the government's social management and "social innovation" efforts. An editorial in the *Global Times* opined that civil society played a significant role in addressing and reducing social conflicts.[50] The emergence of cooperative arrangements between the government and NGOs in some areas of public policy has produced a new model of governance referred to as "consultative authoritarianism," according to some scholars.[51] The government has encouraged the involvement of social organizations in charitable activities and increasingly has contracted the provision of social services to NGOs. In January 2015, the Supreme People's Court announced rules that would better enable social organizations to sue firms and individuals that violate China's environmental protection laws.[52]

Although NGOs have established a presence in Chinese society, many social organizations continue to face daunting and complicated challenges related to their legality, financing, and political survival. Most social organizations are required to secure an official or quasi-official sponsor, such as a state agency or educational institution, in order to register with the government. Many groups experience difficulties finding an official organization willing to back them. 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.

In 2013, the PRC government announced that the process by which many NGOs could register would be simplified, allowing them to apply to the Bureau of Civil Affairs and acquire legal status without also obtaining an official sponsor.[53] One Chinese social scientist heralded the new registration policy as "the partial realisation of freedom of association."[54] Implementation of the new policy has been incremental and inconsistent, however; generally it does not apply to social organizations in Tibetan areas and Xinjiang or to NGOs engaged in rights advocacy, particularly religious, ethnic, and labor rights.[55] The government has continued to shut down organizations that it considers to be politically threatening. Furthermore, Chinese social organizations remain

Social Services Development Statistics Bulletin," June 17, 2013, http://www.mca.gov.cn/article/zwgk/mzyw/201406/20140600654488.shtml

[50] Yu Keping, "Growing Importance of Social Innovation," *China Daily*, February 8, 2012; Chen Chenchen, "Civil Society Solid Base for Nation's Future," *Global Times*, November 4, 2012.

[51] China Development Brief, Policy Brief No. 13 (September 2013): "On the Eve of the Third Plenum, Are We Seeing a Depoliticization of the NGO Sector?" September 17, 2013; Jessica Teets, "Civil Society and Consultative Authoritarianism in China," The 7th Annual Conference on U.S-China Economic Relations and China's Economic Development," Elliot School of International Affairs, George Washington University, November 21, 2014.

[52] "China Encourages Environmental Groups to Sue Polluters," *The Guardian*, January 7, 2015.

[53] The new policy would apply to industry associations, science and technology organizations, charities, and community service groups.

[54] "Chinese Civil Society: Beneath the Glacier," *The Economist*, April 12, 2014; Shawn, Shieh, "The Changing Contours of Civil Society in China: The Growth of Grassroots NGOs and Public Advocacy," Wilson Center, Kissinger Institute on China and the United States, July 18, 2013.

[55] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, April 19, 2014, and Department of State, *Country Reports on Human Rights Practices for 2014 (China)*, June 25, 2015.

constrained by laws that prevent them from raising money publicly and establishing branches in different provinces.

PRC leaders have displayed a growing wariness about the potential autonomy, intentions, and foreign contacts of many Chinese social organizations. In 2014, many NGOs, particularly those with foreign support, reportedly experienced more frequent and aggressive monitoring by authorities. Many U.S.-based and other international NGOs engaged in rule of law, civil society, political participation, and advocacy work in China have faced increasing scrutiny. Some civil society activists fear that the increasing difficulties of accepting foreign support will increase their reliance upon government funding, reducing their independence, and discouraging risk taking and rights advocacy. As a result, "social conflicts will become worse."[56] Although the number of civil society organizations may be growing, the "space in which civil society may operate is actually shrinking," according to a Hong Kong expert.[57]

The Internet[58]

The PRC is ranked near the bottom in the world for media and Internet freedom, according to human rights organizations. The government, however, exercises less control over news and information than it did a decade ago, due to the commercialization of the press, the development of the Internet, and the rise of social media.[59] In 2014, 44 Chinese journalists were imprisoned, according to the Committee to Protect Journalists (CPJ), compared to 33 in 2013. CPJ and other sources attribute the rise of arrests in recent years to crackdowns on Tibetans, Uighurs, dissidents, and investigative reporters.[60]

China has the world's largest number of Internet users, estimated at over 630 million people. The number of Internet users in China has reached about 47% of the population, compared to 87% in the United States.[61] Some analysts view Internet communication as one of the main political challenges to the CCP. The Web has served as a lifeline for political dissidents, activists, and civil society actors. "Netizens" have helped to curb some abuses of government authority and compelled some officials to conduct affairs more openly.[62]

With one of the most thorough and aggressive Internet censorship systems in the world, the PRC government has attempted to control and monitor Internet use in China, with mixed results. Internet users have developed ways to circumvent censorship, and politically sensitive news and opinion often get widely disseminated, if only fleetingly, due to the sheer volume of online traffic. 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

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[56] Simon Deyer, "China Taking the Putin Approach to Democracy," *Washington Post*, October 1, 2014; Josh Chin, "Beijing Aims to Blunt Western Influence in China," *Dow Jones*, November 12, 2014.

[57] "Chinese Civil Society: Beneath the Glacier," op. cit.

[58] Christopher Scott, Master's Candidate, Hopkins-Nanjing Center, provided research and analysis for this section.

[59] See Reporters without Borders, *World Press Freedom Index 2014*, January 31, 2014, http://rsf.org/index2014/data/index2014_en.pdf; Freedom House, *Freedom on the Net 2014*, https://freedomhouse.org/sites/default/files/resources/FOTN%202014%20Summary%20of%20Findings.pdf.

[60] Bob Dietz, "In China, Mainstream Media As Well As Dissidents under Increasing Pressure," Committee to Protect Journalists, December 17, 2014, https://cpj.org/blog/2014/12/China-mainstream-media-as-well-as-dissidents-under-incre.php#more

[61] Michael Kan, "China's Internet Adoption Sags to Levels Not Seen in 8 Years," *PCWorld*, July 21, 2014.

[62] 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.

challenging the government's technological and human efforts to control the Web, followed by new government regulations and counter efforts, and then a repeat of the cycle.

The state has the capability to block news of events and to partially shut down the Internet. In Xinjiang, the government blocked the Internet for 10 months following the ethnic unrest in 2009 and it continues to do so in selected areas of the country from time to time.[63] The monitoring and disruption of telephone and Internet communications reportedly were widespread in Xinjiang and Tibetan areas in 2013.[64] Google services, including Gmail, were intermittently blocked in 2014. Censorship of microblog posts reportedly increased five-fold during the height of the Hong Kong democracy protests in September 2014.[65]

Continuously blocked websites, social networking sites, and file sharing sites include Radio Free Asia, Voice of America (Chinese language), international human rights websites, including those related to Tibet and Falun Gong, many Taiwanese news sites, Facebook, Twitter, and YouTube. Many English language news sites, including the *Washington Post* and the *Wall Street Journal*, are generally accessible or occasionally or selectively censored. The *New York Times* and Bloomberg websites have been blocked since 2012 after they reported on the personal wealth of Chinese leaders. In 2014, access to the BBC was interrupted.

Commonly barred Internet searches and microblog postings include those with direct and indirect or disguised references to Tibetan policies; the Tiananmen suppression of 1989; Falun Gong; PRC leaders and dissidents who have been involved in recent scandals, events, or issues that authorities deem to be politically sensitive; discussions of democracy; sensitive foreign affairs issues; and sexual material. Other major areas that authorities target for occasional censorship include the following: controversial policies and government wrongdoing; public health and safety; foreign affairs; civil society; and media and censorship policies.[66] In addition to the effectiveness of censorship, some studies have shown that the majority of Internet users in China do not engage the medium for political purposes, or that they accept the government's justification that it regulates the Internet in order to control illegal, harmful, or dangerous online content, services, and activities.[67]

A reported 2 million censors, mostly young college graduates, are employed as "public opinion analysts" in the government and at major Internet service providers to scan messages already screened by computer and delete or block posts with sensitive or inappropriate political or social content.[68] The government reportedly also has employed tens of thousands of students and other Internet commentators, known as the "50 Cent Army," to post pro-government comments and express views critical of the United States and democracy on websites, bulletin boards, and chat

[63] Loretta Chao and Jason Dean, "Analysis: China Is Losing a War over Internet," *Wall Street Journal*, December 31, 2009; Simon Denyer, "China's Clampdown on Islam Stokes Resentment and Violence," *Washington Post*, September 20, 2014.

[64] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.

[65] In terms of the number of *weibo* posts that could not be accessed, Patrick Boehler, "Record Censorship of China's Social Media as References to Hong Kong Protests Blocked," *South China Morning Post*, September 29, 2014.

[66] Sarah Cook, Freedom House, Testimony before the U.S.-China Economic and Security Review Commission, "Stability in China: Lessons from Tiananmen and Implications for the United States," May 15, 2014.

[67] 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*, Basic Books: New York, 2012.

[68] Katie Hunt and CY Xu, "China 'Employs 2 Million to Police Internet," *CNN*, October 7, 2013.

rooms.[69] Despite its focus on words it deems to be sensitive, the government appears to be chiefly concerned about netizens using the Internet to organize or engage in collective action, according to some experts. Limited discussion of political issues and political debate is considered valuable by the government for three reasons, according to analysts: to allow citizens to "let off steam"; to monitor public opinion; and to garner public support for some policy decisions.[70]

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 for a small fee, but also enable secure communication.[71] Proxy servers and VPNs allow some motivated Internet users to avoid censorship, but impose just enough inconvenience and financial cost to discourage most Chinese Internet users from using them. According to some observers, Chinese authorities have tolerated circumvention tools as long as they do not pose political problems, and occasionally have attempted to curtail their use. In January 2015, major VPN providers reported customer access problems due to government efforts to disrupt VPN access.[72]

During the past two years, China's leaders have renewed efforts to assert greater controls over the Internet, some of which are said to have had a "chilling effect on online discourse."[73] In December 2012, the government enacted a new law requiring those who apply for Internet, mobile service, and social networking accounts to use their real names.[74] In 2013, the Supreme People's Court issued a judicial interpretation by which bloggers can face up to three years in prison if content deemed defamatory is reposted 500 times or viewed 5,000 times. Many observers viewed this policy as an attempt to protect government officials from allegations of corruption by ordinary citizens. Prominent online political commentators and whistle-blowers have been harassed, arrested or temporarily detained, including over 100 microbloggers in the past year.[75] In 2014, China's leaders established an Internet security and development task force headed by President Xi Jinping.

Weibo and WeChat

Although Twitter and Facebook are blocked in China, Chinese versions of microblogging services (*weibo*) similar to Twitter and social networking sites have become important sources of news and platforms for public opinion. An estimated 70% of Chinese social-media users rely upon the

[69] Chinese Internet users have dubbed them the "50 Centers" because they allegedly are paid 50 cents per post. Christina Sterbenz, "China Banned the Term '50 Cents' to Stop Discussion of an Orwellian Propaganda Program," *Business Insider*, October 17, 2014.

[70] "Secretive World of the Young, Low-Paid Weibo Censors Is Revealed," *South China Morning Post*, September 12, 2013; Andrea Chen, "Chinese Internet Censors Target Collective Activities More Than Sensitive Subjects, Says Harvard Report," *South China Morning Post*, August 23, 2014.

[71] Amy Nip, "HK Firms Help Mainlanders Get Around the 'Great Firewall,'" *South China Morning Post*, March 15, 2011.

[72] Michael Kan, "China Signals Censors Will Continue to Crack Down on VPN Services," *PCWorld*, January 27, 2015.

[73] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.; "China Threatens Tough Punishment for Online Rumor Spreading," *Reuters*, September 9, 2013.

[74] Joe McDonald, "China Requires Internet Users to Register Names," *Associated Press*, December 28, 2012. The Supreme People's Court approved this policy in 2014. Angela Meng, "China's Top Court Puts Tighter Grip on Internet and Social Media," *South China Morning Post*, October 10, 2014.

[75] Congressional-Executive Commission on China, *Annual Report 2014*, op. cit.

medium as their main source of news, compared to 9% of Americans.[76] Between roughly 2009 and 2012, Sina Corp's *weibo* quickly became the "most prominent place for free speech," and the country's "most important public sphere," where netizens posted both news and commentary.[77] Many Chinese, including political activists with international contacts, also communicate via Twitter and Facebook using censorship circumvention methods.

Due in part to growing restrictions affecting blogging, *weibo* has declined significantly in popularity, while Tencent Holdings' *weixin* ("microchannel"), also known as WeChat, has gained widespread use. WeChat, an instant messaging app launched in 2011, offers its users a platform for posting messages and photographs, voice and video chats, following celebrities, e-commerce, and online gaming. It differs from *weibo* in that it primarily is a service that connects an account holder with a private circle of friends rather than a public audience. It thus initially raised less government scrutiny because of its limited reach.

Nonetheless, two years after it was released, China's leaders became alarmed as some of WeChat's nearly 400 million users began posting politically sensitive comments and news stories. Some users owning public accounts designed for companies and celebrities gained millions of followers. In 2014, dozens of public accounts were shut down by authorities.[78] New regulations mandated that microblogging and instant messaging services could only repost news on current events, and only after they obtained a permit from the State Internet Information Office. Only authorized news agencies and websites could publish original news content.[79]

Re-education Through Labor (RETL)

Established in the mid-1950s, China's Re-education Through Labor (*laojiao*) penal system was long used to detain citizens who posed a threat to social stability or political control, but whose offenses were not serious enough to warrant criminal prosecution. RETL, an administrative measure that did not involve courts or judicial processes, empowered the police to sentence persons deemed guilty of minor or non-criminal offenses to a maximum of three to four years in labor camps without trial. These offenses included petty theft, illegal drug possession, and prostitution, as well as activities that authorities deemed to be politically sensitive, such as participating in unauthorized religious groups and alleged cults such as Falun Gong, disrupting social order, presenting formal complaints against the government (petitioning), and rights advocacy. Estimates of the RETL population vary, from roughly 160,000 to 260,000 detainees at any time in roughly 350 centers in recent years[80] According to some estimates, the facilities held up to 300,000 to 400,000 prisoners at their peak, especially when they swelled with Falun Gong practitioners during the mid-2000s.[81]

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[76] Evan Osnos, *Age of Ambition: Chasing Truth and Faith in the New China*, New York: Farrar, Straus and Giroux, 2014.

[77] 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.

[78] G. E., "A Crackdown on WeChat," *The Economist*, March 14, 2014.

[79] Adrian Wan, "China Regulates Original News Feeds on Messenger Apps Such as WeChat," *South China Morning Post*, August 8, 2014.

[80] 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.

[81] Julie Makinen, "China's Closure of Labor Camps Gets Qualified Applause," *Los Angeles Times*, January 18, 2014;

According to some estimates, in recent years, between 2% and 10% of the RETL population were political prisoners.[82] Despite calls for abolishing the system, the question about what to do with Falun Gong detainees may have delayed closing them for several years. According to one source, in 2013, drug offenders constituted the largest group in the RETL system, or about 200,000 people.[83] Although RETL conditions and sentences were in many cases less severe than prison terms, human rights groups reported many abuses in RETL centers, including forced labor, beatings, psychological torment, sexual assaults, lack of proper food, and inadequate access to medical care, in some cases resulting in death.[84]

Following the government's formally abolishing the RETL system, some camps have closed, but many have been converted into drug rehabilitation facilities. Many analysts believe that public security bureaus continue to administratively detain many citizens for minor political offenses, often in extra-legal and quasi-legal forms of detention, such as "black jails"; Legal Education Centers, said to hold many Falun Gong members; "community correction" centers; and criminal detention. These forms of incarceration deprive detainees of procedural protections provided for under China's constitution and laws, and can be more secretive than the RETL facilities.[86] Some detainees who have resisted being "reformed," particularly Falun Gong adherents, are reported to have been sent to drug rehabilitation centers or mental health (*ankang*) facilities.[87] Nonetheless, some observers contend that the formal abolishment of the RETL system indicates the government's recognition of its abuses and thus represents a symbolic victory. An editorial in the *Global Times*, a state-backed daily, acknowledged that Legal Education Centers for Falun Gong members were not well-defined in the law and that further reforms were necessary. However, it argued that four lawyers who had been detained for leading a protest against the detention of Falun Gong adherents had "incited illegal activities rather than offering legal assistance through legitimate channels."[88]

Forms of Administrative Detention

Black jails: unofficial, secretive detention centers in various unmarked places such as hotels, residences, government offices, and abandoned buildings.

Legal Education Centers: Purpose-built and ad hoc locations often used to "transform" Falun Gong practitioners or to persuade or coerce them to renounce their beliefs.

Community Correction Centers: Under this system, parolees, juveniles, and other minor offenders are restricted in traveling but generally live in their own residences while attending classes on "public morality," current affairs, and the law, and taking part in social service activities.[85]

Changing the Soup but Not the Medicine: Abolishing Re-education Through Labor in China, Amnesty International, 2013.

[82] Falun Gong adherents at one time constituted up to one-half of all RETL detainees, according to some estimates. Department of State, *Country Reports on Human Rights Practices for 2009*, March 11, 2010; Falun Gong organizations have placed the number as far higher.

[83] Dui Hua Foundation, January 2013.

[84] *Changing the Soup but not the Medicine: Abolishing Re-education through Labor in China*, op. cit.; Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.

[85] Dui Hua Foundation, "Community Correction Expands as RTL Contracts," December 19, 2013; Dui Hua Foundation, "Criminal Detention as Punishment in Post-RTL Era," January 22, 2014.

[86] "11 Detained after Protesting 'Black Jail' in China," *NYT Blogs*, April 1, 2014; Frank Langfitt, "China Ends One Notorious Form of Detention, But Keeps Others," *NPR*, February 5, 2014.

[87] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.

[88] "11 Detained after Protesting 'Black Jail' in China," NYT Blogs, April 1, 2014; "Radical Lawyers Undermine Legal Authority," *Global Times*, April 4, 2014.

Selected Human Rights Issues

The following list provides a selection of human rights issues in China, some of which are discussed at greater length elsewhere in this report. For more detailed descriptions of human rights topics, see the Congressional-Executive Commission on China (CECC), *Annual Report 2014* and the Department of State, *Country Reports on Human Rights Practices for 2014*.[89] Many of these issues relate to civil, political, and other legal rights, particularly political speech and independent organization, unapproved religious practice and association, ethnic autonomy, criminal justice, and civil society. Major, ongoing human rights violations in China include the following: excessive use of violence by security forces or plain-clothes agents; unlawful and abusive detention; arbitrary use of state security and other laws against political dissidents and Uighurs; coercive implementation of family planning policies; and harassment and persecution of people involved in some religious activities. The government appears to have attempted to reduce rights violations in some of these areas and to exercise political control more judiciously. However, the lack of checks on state power at all levels and the CCP's subordination of the law to its objective of maintaining authority lead to human rights abuses and violations of China's own constitution. According to the State Department, the CECC, and human rights groups, major problems include the following:

- Harassment, unlawful detention, beatings, house arrest, and residential surveillance of protest leaders, civil society activists, journalists covering sensitive stories, petitioners, and political dissidents and their family members.
- Arbitrary use of state security and social stability laws against political dissidents.
- Holding dissidents incommunicado for long periods and failing to comply with legal provisions that require authorities to notify family members of their detention.
- Strict controls and punishments for public gatherings and speech that authorities deem to be politically sensitive; heavy censorship of online communication and expression.
- Forced closure of law offices and suspension or revocation of law licenses; unlawful detention, physical assaults, house arrest, and prison terms of attorneys who take on politically sensitive cases.
- Physical abuse and the use of torture by the state against criminal suspects and administrative detainees, often resulting in forced confessions; unlawful killings of persons in state custody.
- Harsh religious and ethnic policies and the arbitrary use of state security laws against Tibetans and Uighurs; punishment of monasteries, villages, and family members related to or associated with Tibetan self-immolators.
- Harassment and arrests of some Christians worshipping in unregistered churches; demolition or forced alterations of church properties in some localities.
- Detention of Falun Gong adherents and forced denunciations of their beliefs.

[89] Congressional-Executive Commission on China, *Annual Report 2014*, op. cit. and Department of State, *Country Reports on Human Rights Practices for 2014 (China)*, op. cit.

- Reports of coercive abortions, forced sterilizations, and other related, unlawful government actions against women.
- Repatriation of North Korean nationals residing in China, who commonly face severe forms of punishment after returning to North Korea, in violation of U.N. conventions; mistreatment of North Korean female refugees and their children.[90]
- Government harassment and intimidation of independent or non-CCP candidates and their supporters in local elections; manipulation of ballots and electoral procedures in order to exclude independent candidates.[91]

Prisoners of Conscience

The number of political prisoners in China is difficult to determine. The Dui Hua Foundation, a U.S.-based human rights organization that focuses on the treatment of prisoners as well as criminal justice and women's rights in China, estimated that there were 5,500-7,000 "core political prisoners," or those charged with state security crimes, in 2014.[92] According to the State Department, tens of thousands of Chinese prisoners are incarcerated for their political or religious views.[93] In 2013, Dui Hua estimated that 15,000-20,000 Chinese were being held in RETL facilities for following what Chinese authorities deem to be "cults," particularly Falun Gong.[94] According to Dui Hua, the number of reported cult cases—estimated to be a fraction of the total—dropped by 25% between 2012 and 2014, due to a number of factors.[95]

According to Dui Hua, indictments for state security crimes, which often are political in nature, rose in 2013 to 1,384 cases, the highest level since the Tibetan unrest of 2008, although the total number of arrests has decreased.[96] In addition, the government increasingly has used prosecutions for non-political crimes, such as "gathering a crowd to disturb public order," "picking quarrels and provoking trouble," and illegal assembly to punish citizens for political reasons. The Congressional-Executive Commission on China's Political Prisoner Database contains

[90] The U.N. Refugee Convention and the U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Many North Korean female refugees in China are victims of trafficking for the purposes of sexual exploitation or forced marriage. Many of the estimated 20,000 children born to North Korean women in China remain largely ineligible for basic social services, including education and health care. Many lack official documents or legal status of birth for fear that their mothers will be extradited. United Nations, Human Rights Council, 25th Session, "Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea," February 7, 2014.

[91] PRC citizens can directly elect officials to village committees and assemblies and to the larger township, county, and municipal district People's Congresses. Although voters generally have a choice of candidates, who are not required to be Communist Party members, CCP election committees may disqualify candidates at any level, and they effectively control most candidate lists.

[92] Dui Hua Foundation, May 2014.

[93] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.

[94] Dui Hua Foundation, January 2013. Under Article 300 of the Criminal Law, individuals who participate in cult organizations may be charged with "organizing/using a cult to undermine implementation of the law."

[95] Dui Hua Foundation, January 2013 and May 2014. According to experts, this decline may be attributable to the decreasing number of Falun Gong adherents who have not recanted their beliefs, a relaxation of the crackdown on Falun Gong practitioners, and/or the increasing difficulty of verification. 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.

[96] Dui Hua Foundation, "State Security Indictments, Cult Trials Up in Xi Jinping's 2013," *Human Rights Journal*, January 7, 2015; Dui Hua Foundation, "A Safer, More Harmonious China?" March 11, 2014; Dui Hua Foundation, *Annual Report 2013*, http://duihua.org/wp/wp-content/uploads/2014/05/2013ar_eng.pdf.

information on 1,275 cases of political and religious prisoners known or believed to be detained or imprisoned, and notes that the actual total is much higher.[97] The number of people who remain in prison for crimes committed during the 1989 demonstrations is estimated to be less than a dozen.[98]

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 60th anniversary of the United Nations' adoption of the Universal Declaration of Human Rights.[99] 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. In December 2009, a Beijing court sentenced Liu to 11 years in prison on charges of "inciting subversion of state power." Although she has not been accused of any crimes, Liu Xia, Liu Xiaobo's wife, was placed under house arrest after the announcement of her husband's Nobel prize and her movements remain severely restricted. In June 2013, a court outside of Beijing sentenced Liu Hui, Liu Xia's brother, to 11 years in prison for fraud, which some observers view as a trumped-up charge. In December 2014, Secretary of State John Kerry referred to Liu Xiaobo as a "courageous and eloquent spokesperson recognized throughout the world for his long and non-violent advocacy for human rights and democracy in China" and called on the PRC government to release Liu and remove all restrictions on Liu Xia.[100]

Gao Zhisheng

Gao Zhisheng, a prominent rights lawyer, was named one of China's top 10 lawyers by the Ministry of Justice in 2001. However, as his rights advocacy expanded to protect citizens who had run afoul of policies that authorities deemed to be sensitive, including family planning, religious practice, and Falun Gong, Gao was detained numerous times. In late 2011, he reportedly began serving a three-year prison term that had been handed down in 2006, but was suspended for five years. During his periods of detention, prison officials reportedly tortured him, denied him access to legal counsel and regular visits from his family, and withheld information about his location.[101] Authorities released Gao in August 2014 but he remains under house arrest and constant surveillance by security agents.[102]

Xu Zhiyong

In January 2014, constitutional rights advocate Xu Zhiyong was tried and convicted of "gathering a crowd to disturb public order" and sentenced to four years in prison. Xu, a lawyer, scholar, district people's congress deputy, and rights activist, helped found the New Citizen's Movement,

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[97] Dui Hua Foundation, January 2013; Congressional-Executive Commission on China, http://ppdcecc.gov/.

[98] Dui Hua Foundation, "China Releases Last June 4 Counterrevolutionary Imprisoned in Beijing," May 30, 2013; Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.

[99] "Charter '08" was inspired by "Charter 77," the Czechoslovakian democratic movement that began in 1976.

[100] U.S. Department of State, Office of the Spokesperson, "Kerry on 5th Anniversary of Liu Xiaobo's Conviction," December 24, 2014.

[101] Edward Wong, "Family's Visit Pierces Silence on Jailed Chinese Dissident," *New York Times (International)*, January 24, 2013.

[102] "Chinese Rights Lawyer's Phone Calls Limited Under House Arrest," *Agence France Presse*, January 8, 2015.

a loosely organized network numbering roughly 5,000 people that promoted the rule of law, government transparency, citizens' rights, civic engagement, and social justice. Its members, some of whom also have been arrested, reportedly met informally across the country to discuss politics and engaged in small street rallies in 2012 and 2013.[103] The Open Constitution Initiative, which Xu also helped organize, was a nongovernmental legal research and aid organization that the government shut down in 2009, ostensibly for tax evasion.[104] In January 2014, the State Department issued a statement expressing deep disappointment in Xu's sentence, and called on Chinese authorities to release Xu and other political prisoners immediately.[105]

Religious Freedom and Ethnic Minority Issues

The extent of religious freedom and activity in the People's Republic of China (PRC) varies widely by religion, region, ethnic group, and jurisdiction. Hundreds of millions of PRC citizens openly practice one of five officially recognized religions (Buddhism, Protestantism, Roman Catholicism, Daoism, and Islam), although Communist Party members are required to be nominally atheist. 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 often harsh and arbitrary policies and measures upon many unregistered Christian churches, Tibetan Buddhists, Uighur Muslims, and Falun Gong practitioners. This is largely due to the potential for these groups to become independent, organized social forces or cultivate foreign support. The Department of State's *International Religious Freedom Report for 2013* stated that during the year, "the government harassed, assaulted, detained, arrested, or sentenced to prison a number of religious adherents for activities reported to be related to their religious beliefs and practices."[106] Critics say the Chinese government often has conflated the religious and cultural activities of Tibetan Buddhists and Uighur Muslims with "extremist," "separatist," and "terrorist" activities. In Tibetan and Uighur regions, the government largely has focused on social and economic development, with associated employment opportunities often going disproportionately to Han Chinese, while frequently violating political rights and civil liberties, often to a greater degree than elsewhere in China. The government also has severely restricted access by foreign journalists and diplomats to Tibetan areas, making it difficult to determine accurately human rights conditions.

The Department of State has identified China as a "country of particular concern" (CPC) for "particularly severe violations of religious freedom" for 14 consecutive years (2000-2013). Due

[103] Didi Kirsten Tatlow, "Chinese Court Sentences 4 Activists to Jail," *New York Times Blogs*, April 18, 2014.

[104] Andrew Jacobs and Chris Buckley, "China Sentences Xu Zhiyong, Legal Activist, to 4 Years in Prison," *New York Times (International)*, January 26, 2014; Xu Zhiyong Tried for Advocacy of Education Equality and Official Transparency," Congressional-Executive Commission on China, January 24, 2014.

[105] U.S. Department of State, Office of the Spokesperson, "State Department on Conviction of Xu Zhiyong in China," January 26, 2014.

[106] Department of State, Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report for 2013*, July 28, 2014. The International Religious Freedom Act of 1998 (P.L. 105-292) established an Office of International Religious Freedom within the Department of State and the United States Commission on International Religious Freedom (USCIRF), an independent, bipartisan U.S. government commission dedicated to defending the universal right to freedom of religion or belief abroad. The Department of State and USCIRF publish annual reports on international religious freedom pursuant to the act. See also U.S. Commission on International Religious Freedom, *Annual Report 2014*, April 30, 2014, http://www.uscirf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf.

to China's designation as a CPC, the U.S. government restricts the U.S. export of crime control and detection equipment to the PRC.[107] In April 2013, U.S. Ambassador at Large for International Religious Freedom Suzan Johnson Cook traveled to China to discuss religious freedom issues.[108] The Administration also has raised religious freedom issues through various other channels, including the annual U.S.-China Strategic and Economic Dialogue (S&ED) and the bilateral Human Rights Dialogue. In 2013, then-U.S. Ambassador to China Gary Locke made separate trips to Tibet and Xinjiang. Locke visited Xinjiang University where he gave a speech emphasizing the importance of ethnic diversity in the United States. In Lhasa, the capital of the Tibet Autonomous Region, the U.S. Ambassador spoke of the importance of preserving Tibetan culture and urged Chinese authorities to open the region to foreign diplomats, journalists, and tourists.[109]

Christians

According to various estimates, between 40 million and 70 million Chinese Christians (over three-fourths are Protestant and the rest are Catholic) worship in officially registered and unregistered churches. Membership in both types of churches continues to grow steadily and somewhat haphazardly, according to observers.[110] Many Chinese Protestants have rejected the official church, known as the *Three Self Patriotic Movement*, for political or theological reasons. Some independent or "house" church leaders claim that they have attempted to apply for official status and been rejected by local government Religious Affairs Bureaus.[111] Although in many localities, unsanctioned religious congregations may receive little state interference, they still are vulnerable to arbitrary restrictions. Many house churches have faced harassment by government authorities, their leaders have been beaten, detained, or imprisoned, and their properties have been confiscated or demolished. Beijing authorities have attempted forcibly to prevent members of the Shouwang church in Beijing, who number over 1,000, from gathering en masse. They have restricted the movements of Shouwang pastor Jin Jianming and regularly detained members. The U.S.-based China Aid Association reported worsening levels of persecution in 2013, including 1,470 detentions and 12 criminal sentences of Chinese Christians.[112]

Increasingly, local authorities have clashed with registered churches. In July 2014, a Henan provincial court sentenced pastor Zhang Shaojie to 12 years in prison for fraud and "gathering a crowd to disrupt social order," charges that his lawyer called "without foundation." Zhang, president of the local Three Self branch, reportedly was arrested after he attempted to help local parishioners in a dispute with county officials over land for a new church.[113] The U.S.

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[107] International Religious Freedom Act of 1998 (P.L. 105-292). This restriction originally was imposed as part of the "Tiananmen sanctions" following the 1989 Chinese military crackdown on pro-democracy demonstrators in Beijing.

[108] Cook's predecessor, John V. Hanford III, visited China in 2008.

[109] Embassy of the United States, "Gary F. Locke, United States Ambassador to China, Xinjiang University," April 25, 2013, http://beijing.usembassy-china.org.cn/20130425ambassador-locke-remarks-at-xinjiang-university.html; "U.S. Ambassador to China Gary Locke Makes Rare Visit to Tibet, Urges Beijing to Open Region Up," *Associated Press*, June 27, 2013.

[110] Pew Research Center, *The Global Religious Landscape*, December 2012, http://www.pewforum.org/files/2014/01/global-religion-full.pdf; Brookings Institution, *Christianity in China: Force for Change?* June 3, 2014; Zachary Keck, "Is Communist China Christianity's Future?" *The Diplomat*, April 26, 2014.

[111] "Three Self" refers to self-governance, self-support, and self-propagation, or independence from foreign missionary and other religious groups and influences.

[112] ChinaAid Association, *2013 Annual Report: Chinese Government Persecution of Christians and Churches in Mainland China, January-December 2013*, February 2014.

[113] Didi Kirsten Tatlow, "Christian Pastor Sentenced to 12 Years in Chinese Prison," *New York Time (International),*

government called on Chinese authorities to release Zhang and end harassment of his family members and congregants, and allow all Chinese citizens to worship freely in accordance with China's laws.[114]

Since 2013, authorities in Zhejiang province, where there is a large and growing Christian population, and some other locations have carried out efforts against "excessive religious sites" and "illegal" structures. Zhejiang officials reportedly ordered crosses to be removed from churches located near prominent roadways. According to some reports, roughly 400 churches in the province have been forced to remove crosses or have been destroyed. One church, the officially registered, privately financed Sanjiang Church in Wenzhou in southeastern Zhejiang, was demolished after a month-long standoff between authorities and parishioners.[115]

Catholics in China often are divided between remaining loyal to the Pope and heeding the official *Chinese Catholic Patriotic Association (CCPA)*, which does not recognize Papal authority. Most Chinese bishops have received approval from both Beijing and the Holy See; however since 2010, the CCPA has ordained several bishops without Rome's consent, which has been a key point of contention between Beijing and the Vatican. In July 2012, Thaddeus Ma Daqin, a new bishop approved by both Beijing and the Vatican, renounced his ties to the CCPA. The government stripped Ma of his title and confined him to a seminary outside Shanghai. In April 2015, a Chinese bishop was ordained in Guangdong province with the tacit consent of the Vatican. Beijing and Pope Francis have expressed interest in improving relations. Obstacles remain, however, particularly regarding the appointment of bishops, the Vatican's diplomatic ties with Taiwan, and the Vatican's stances on religious freedom in China.[116]

Tibetans[117]

Although Beijing has controlled Tibet since 1951, it continues to face resistance to its rule, with some Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas in China viewing Chinese government policies as hostile to their religion, culture, and identity. The TAR, formally established in 1965, constitutes just under half of the area that Tibetan exile groups consider to be historical Tibet.[118] It is home to just under half of the ethnic Tibetans in China, 2.7 million of an ethnic Tibetan population of 6 million.[119] Tensions between the PRC government and many Tibetans have been high, while talks between the Tibetan spiritual leader, the 14th Dalai Lama Tenzin Gyatso, and Beijing have stalled, the last round taking place in early 2010. China's leaders convened the Sixth Work Forum on Tibet and issued a white paper on Tibet in August and

July 8, 2014.

[114] U.S. Department of State, Daily Press Briefing, July 7, 2014.

[115] This government action reportedly drew the criticism of official Chinese church leaders. Ian Johnson, "Church-State Clash in China Coalesces around a Toppled Spire," *New York Times (International)*, May 29, 2014; Laura Zhou, "More Zhejiang Churches to Be Torn Down in Demolition Campaign," *South China Morning Post*, June 20, 2014; Robert Marquand, "In 'China's Jerusalem,' Party Members Must Now Profess Atheism," *Christian Science Monitor*, February 3, 2015.

[116] "China Urges the Vatican for Better Ties—Xinhua," *BBC*, January 21, 2015.

[117] Portions of this section were written by Susan Lawrence, Specialist in Asian Affairs, Congressional Research Service.

[118] The Tibet Autonomous Region is a provincial-level, ethnic minority administrative region. The PRC also established ethnic Tibetan-majority, Tibetan Autonomous prefectures and counties in other PRC provinces.

[119] National Bureau of Statistics of the People's Republic of China, 西藏自治区2010年第六次全国人口普查主要数据公报 (*Public Notice of Important Statistics from the 2010 Sixth National Census in the Tibet Autonomous Region*) (in Chinese), February 28, 2012, http://www.stats.gov.cn/tjsj/tjgb/rkpcgb/dfrkpcgb/201202/t20120228_30406.html.

September of 2015, both of which touted PRC achievements in Tibet, reaffirmed PRC policies, and condemned the Dalai Lama's "separatist activities" and "Middle Way approach."[120]

Increasingly expansive government controls on Tibetan religious life and practice have caused or contributed to discontent in Tibetan areas, particularly since a period of unrest in the spring of 2008.[121] These policies include a heightened official and security presence within monasteries, increased surveillance of cultural and religious activities, political education campaigns in monasteries and villages, including pressure to denounce the Dalai Lama, and limitations on use of the Tibetan language in schools (despite provisions in China's constitution and laws that appear to offer some limited protections for religious, cultural, and linguistic rights). In the past year, authorities reportedly searched some Tibetan private homes and businesses for photographs of the Dalai Lama, examined cell phones for "reactionary music" from India, and monitored correspondence.[122]

The State Department reported "serious human rights abuses" of Tibetans in 2014, including extrajudicial detentions and killings, arbitrary arrests, and severe mistreatment, torture, and deaths of Tibetan detainees and prisoners of conscience. Tibetan religious leaders, academics, writers, and activists using social media have been especially targeted.[123] The State Department also noted "severe repression of Tibet's unique religious, cultural, and linguistic heritage by, among other means, strictly curtailing the civil rights of China's ethnic Tibetan population, including the freedoms of speech, religion, association, assembly, and movement," including domestic and foreign travel. It added, "The government routinely vilified the Dalai Lama and blamed the 'Dalai clique' and 'other outside forces' for instigating instability...." As of September 2014, the Congressional-Executive Commission on China (CECC) had identified 639 Tibetan political prisoners and detainees, the vast majority of whom were apprehended following the 2008 unrest.[124] In January 2015, 15 Communist Party officials in central Tibet reportedly were accused of assisting a Tibetan independence organization and punished for violating party discipline.[125]

China's leaders have cited social and economic development in the TAR, including economic growth and progress in the areas of infrastructure, public health and education, the environment, cultural preservation, and religion. However, according to the CECC, the PRC government has failed "to respond to Tibetan grievances in a constructive manner or accept any accountability for Tibetan rejection of Chinese policies."[126] In addition to chafing at religious controls, many Tibetans complain of the domination of the local economy by Han Chinese, particularly in urban areas; forced resettlement; cultural preservation that amounts to cultural regulation; and the adverse environmental effects of Beijing's development projects in the region. Officially, Han

[120] "China Issues White Paper on Tibet," *Xinhua*, September 6, 2015; Tenzin Monlam, "China Will Never Accept Middle Way Approach," *Phayul.com*, August 27, 2015. The Dalai Lama has proposed a "middle way" or "genuine autonomy" without independence, while Beijing has referred to the middle way as "independence in disguise."

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

[122] Department of State, *Country Reports on Human Rights Practices for 2014 (Tibet)*, June 25, 2015.

[123] Ibid.

[124] Congressional-Executive Commission on China, *Annual Report 2014*, October 9, 2014. The actual number of Tibetan prisoners is likely to be much higher. Of the 621 Tibetan political prisoners who were detained on or after March 10, 2008, 251 were believed or presumed to be detained or imprisoned in Sichuan province, 202 in the TAR, 103 in Qinghai province, 64 in Gansu province, and one in the Xinjiang Uighur Autonomous Region, according to the CECC.

[125] Edward Wong, "Communist Officials in Tibetan Region Punished for Separatism, China Says," *New York Times*, January 28, 2015.

[126] Ibid.

Chinese, the country's majority ethnic group, form a minority in the TAR, or about 8% of the region's total population, according to Chinese census figures.[127] However, some observers believe that Han people actually constitute over half of the population of the TAR capital, Lhasa, as many Han laborers, business persons, officials, police, and para-military forces have migrated there while remaining registered as residents of other parts of China.[128]

Since 2009, at least 141 Tibetans within China are known to have self-immolated, many apparently to protest PRC policies or to call for the return of the Dalai Lama; 114 are believed to have died.[129] Several additional self-immolations by Tibetans have occurred in India and Nepal. The PRC government has implemented policies that punish relatives, friends, and other associates of self-immolators. Between 2012 and 2014, 11 Tibetans were sentenced to prison terms or death on "intentional homicide" charges for allegedly "aiding" or "inciting" others to self-immolate, according to the State Department.[130] The Dalai Lama has declined either to endorse or condemn the self-immolations publicly, describing them as "very sad," and saying that they "probably had little effect" on Chinese policy.[131] Dr. Lobsang Sangay, elected head (Sikyong) of the Dharamsala, India-based Central Tibetan Administration and leader of the Tibetan exile community, said that "[w]e have consistently and categorically urged the Tibetan community not to resort to any kind of drastic action, including self-immolations," and blamed PRC repression.[132]

The Chinese Communist Party has sought to control the reincarnation process for Tibetan spiritual leaders. After Tibet's exiled spiritual leader, the Dalai Lama, identified Gedhun Choekyi Nyima as Tibetan Buddhism's 11th Panchen Lama, or second-highest leader, in 1995, Chinese authorities placed him in "protective custody" and named a different boy to be the 11th Panchen Lama. Gedhum Choekyi Nyima's whereabouts have remained unknown for two decades.[133] Beijing also has asserted that the government has the prerogative to determine the reincarnation of the Dalai Lama, while the 14th Dalai Lama has suggested that he may not be reincarnated at all. The U.S. government has criticized Beijing's involvement in reincarnation matters. In June 2015 remarks, Under Secretary of State Sarah Sewall, who serves as the U.S. government's Special Coordinator for Tibetan Issues, stated that, "The basic and universally recognized right of religious freedom demands that any decision on the next Dalai Lama must be reserved to the current Dalai Lama, Tibetan Buddhist leaders, and the Tibetan people."[134]

The Obama Administration has sought to show its support for religious freedom for Tibetans in China through presidential meetings with the Dalai Lama; other meetings with Tibetan religious and cultural figures; official visits to the TAR; statements; and a blog post by First Lady Michelle Obama during a visit to China in 2014, in which she noted that, "The Tibetan people have struggled to preserve their unique religious and cultural traditions...."[135] Presidential meetings

[127] Hans constitute 92% of the population in the PRC, according to numerous sources.

[128] Ananth Krishnan, "Trust Deficit in Tibet," *India Today*, July 2, 2015.

[129] International Campaign for Tibet, "Self Immolations by Tibetans," June 1, 2015, http://www.savetibet.org/resources/fact-sheets/self-immolations-by-tibetans/.

[130] Department of State, *Country Reports on Human Rights Practices for 2014 (Tibet)*, op.cit.

[131] Frank Jack Daniel, "Interview—Back-Channel Talks with China Go On, Says Tibetan Leader-in-Exile," *Reuters News*, June 5, 2014; Rick Gladstone and Henrik Pryser Libell, "Dalai Lama Urges Outside Inquiry into Spate of Self-Immolations Among Tibetans," *New York Times (International)*, May 9, 2014.

[132] Anuradha Sharma, "Interview: Lobsang Sangay," *The Diplomat*, April 7, 2014.

[133] Gyaincain Norbu is the 11th Panchen Lama as recognized by the Chinese government.

[134] U.S. Department of State, "Under Secretary Sewall at the 'Lockdown in Tibet' Event," June 15, 2015, http://www.humanrights.gov/dyn/2015/06/under-secretary-sewall-at-the-lockdown-in-tibet-event/.

[135] The White House, "The First Lady's Travel Journal: A Taste of Tibetan Culture," March 26, 2014,

with the 14th Dalai Lama have been the most high-profile expressions of U.S. support for religious freedom for Tibetans. President Barack Obama has met three times with the Dalai Lama, in 2010, 2011, and 2014. In the February 2014 meeting, the President reportedly expressed his "strong support for the preservation of Tibet's unique religious, cultural, and linguistic traditions and the protection of human rights for Tibetans in the People's Republic of China." He also explicitly "reiterated the U.S. position that Tibet is part of the People's Republic of China and that the United States does not support Tibet independence."[136] After the 2014 meeting, Chinese Vice-Foreign Minister Zhang Yesui expressed China's "strong indignation and firm opposition."[137] A Chinese Foreign Ministry spokesman described the Tibetan spiritual leader as "a political exile who has long been engaged in anti-China separatist activities under the cloak of religion" and accused him of "essentially pursuing 'independence in disguise.'"[138] In February 2015, the Dalai Lama attended the National Prayer Breakfast, where President Obama called the Tibetan spiritual leader a "good friend."[139]

U.S. Policy Toward Tibetan Areas of China

The Tibetan Policy Act of 2002, incorporated into the Foreign Relations Authorization Act, FY2003 (P.L. 107-228, Title VI, Subtitle B), 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." For further information, see CRS Report R43781, *The Tibetan Policy Act of 2002: Background and Implementation*, by Susan V. Lawrence, and CRS Report RS22663, *U.S. Assistance Programs in China*, by Thomas Lum.

Chinese officials and representatives of the Dalai Lama participated in nine rounds of talks between 2002 and January 2010 on issues related to Tibetan autonomy and the return of the Dalai Lama. The ninth round failed to bring about any fundamental progress. 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, while a senior Chinese official dismissed the proposal as tantamount to "half independence." In 2012, the two envoys who represented the Dalai Lama in the talks, Lodi Gyari and Kelsang Gyaltsen, resigned from their positions. U.S. officials, including President Obama, have regularly called for a resumption of the dialogue, but Beijing so far has declined to schedule a tenth round of talks.

Uighur Muslims[140]

The Xinjiang Uighur Autonomous Region (XUAR), referred to by some Uighurs as East Turkestan, has experienced a rise in violent attacks against government institutions and civilians allegedly perpetrated by ethnic Uighur Muslims in recent years.[141] Human rights groups have argued that the Chinese government's pervasive controls on Uighurs, a Turkic ethnic group that

http://www.whitehouse.gov/blog/2014/03/26/first-ladys-travel-journal-taste-tibetan-culture.

[136] The White House, "Readout of the President's Meeting with His Holiness the XIV Dalai Lama," February 21, 2014, http://www.whitehouse.gov/the-press-office/2014/02/21/readout-president-s-meeting-his-holiness-xiv-dalai-lama.

[137] "China Expresses 'Strong Indignation, Firm Opposition' Against Obama-Dalai Lama Meeting," *Xinhua*, February 22, 2014; "China Voices Strong Indignation, Objection to Obama-Dalai Meeting," *Xinhua*, July 17, 2011.

[138] Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Qin Gang's Remarks on US President Obama's Tibet-related Comments When Meeting with the Dalai Lama," February 23, 2014.

[139] David Jackson, "Obama Praises Dalai Lama at Prayer Breakfast," *USA Today*, February 5, 2015.

[140] For additional information, see CRS In Focus IF10281, *Uyghurs in China*, by Thomas Lum and Gabriel M. Nelson.

[141] Many Uighur exile groups prefer the name East Turkestan rather than the Chinese name of Xinjiang.

traditionally has practiced a moderate form of Sunni Islam, have exacerbated tensions in Xinjiang. By contrast, another large Muslim minority group in China, the Hui, who are geographically dispersed and more culturally assimilated than the Uighurs, reportedly engage in some Islamic religious practices with less government interference. Hui Muslims number an estimated 11 million in China.[142]

In the past decade, Chinese authorities have carried out especially harsh religious and ethnic policies against Uighurs. Once the predominant ethnic group in the XUAR, Xinjiang's roughly 10 million Uighurs now constitute less than half of the region's population of 22 million as many Han Chinese have migrated there, particularly to Urumqi, the capital.[143] Uighurs have complained of restrictions on religious and cultural practices, the regulation and erosion of ethnic identity, economic discrimination, arbitrary harassment by PRC public security forces, and a lack of consultation on regional policies. Government restrictions affect the training and role of imams, the celebration of Ramadan, participation in the hajj, and use of the Uighur language. Uighur children are forbidden from entering mosques or studying the Koran while CCP members, civil servants, and teachers are not allowed to openly practice Islam and are discouraged from fasting during Ramadan. In December 2014, the Urumqi government banned the wearing of veils in public areas. The XUAR government's redevelopment of the ancient heart of Kashgar, a center of Islamic and Uighur history and culture, also has angered many Uighurs.[144]

PRC leaders often have conflated the religious and cultural practices of Uighurs in Xinjiang with criminal and subversive activities or the "three evils of religious extremism, splittism, and terrorism." Local police reportedly have targeted and regularly harassed young men, perceived as potential anti-government militants or terrorists. Official reports say that arrests in the XUAR nearly doubled in 2014, while the number of criminal trials grew by 40%.[145] According to some experts, crimes related to unauthorized religious activity and to challenges to China's ethnic harmony policies likely accounted for a large share of the increase in trials.[146] The Dui Hua Foundation estimated that there were 3,850-5,600 Uighurs serving prison sentences for endangering state security in 2014.[147] Some observers say that government attempts to discourage or abolish Uighur religious and cultural traditions have backfired, and instead fueled trends toward more conservative Islam and popularized some Muslim practices, such as the wearing of veils.[148]

The PRC government has blamed the East Turkestan Islamic Movement (ETIM) and the Turkestan Islamic Party (TIP) for violent attacks in China since the 1990s.[149] ETIM and TIP are

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[142] The Hui number an estimated 11 million in China. Hannah Beech, "If China Is Anti-Islam, Why Are These Muslims Enjoying a Faith Revival?" *Time.com* August 12, 2014; Department of State, *International Religious Freedom Report for 2013*, op. cit.

[143] Uighurs make up 46% and Hans constitute 39% of the population of Xinjiang. "Up to 23 Dead in Xinjiang Clash: Reports," *Agence France Presse*, August 29, 2013. The ratio of Uighurs to Hans in Urumqi is now 2 to 8, compared to 8 to 2 roughly two decades ago. Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.

[144] Ishaan Tharoor, "Tearing Down Old Kashgar: Another Blow to the Uighurs," *Time*, Wednesday, July 29, 2009.

[145] "Arrests in China's Xinjiang Nearly Doubled in 2014: Report," *Agence France Presse*, January 22, 2015.

[146] Dui Hua Foundation, "Xinjiang State Security Trials Flat, Criminal Trials Sour in 2014," March 10, 2015.

[147] Dui Hua Foundation, May 2014.

[148] Dan Levin, "Uighurs' Veils Signal Protest Against China's Restrictions," *New York Times (International)*, August 7, 2014; Ting Shi, "China's Ban on Islamic Veils Sends Uighurs Westward to Pray," *Bloomberg News*, January 6, 2015.

[149] The United States designated ETIM as a terrorist organization under Executive Order 13224 in 2002 (to block terrorist financing) and placed it on the Terrorist Exclusion List in 2004 (to prevent entry of terrorists). ETIM also is on

Uighur groups that advocate the creation of an independent Islamic state in Xinjiang, are believed to be based in Afghanistan and Pakistan, and have had some ties to Al Qaeda and the Taliban. PRC officials assert that Islamic fundamentalism, jihad, and terrorist techniques, much of it promoted over the Internet, have contributed to violence in Xinjiang, and have referred to Islamist-inspired attacks as "the greatest threat since the founding of the PRC."[150] They also claim that 100-300 Uighur Muslims have been identified among ISIS fighters.[151]

In Xinjiang, a cycle of violence has emerged involving Uighur protests and attacks against security forces, government offices, and civilians, on the one hand, and police actions against unarmed Uighur demonstrators and Uighur assailants, on the other. Often reports of these incidents give conflicting accounts, and PRC authorities have prevented independent reporting of them. Clashes between Uighurs and police have resulted in hundreds of deaths in the past two years, including those of Uighurs alleged to be plotting or preparing to carry out attacks.[152] In July 2014, a clash between Uighur protesters and police in Kashgar prefecture reportedly resulted in the deaths of 96 people, including 59 assailants who allegedly had attacked a police station, government offices, and passing cars, and 37 others (35 Hans and 2 Uighurs). The state media described the event as a terrorist attack while Uighur groups claimed that tensions flared out of control after police fired upon townspeople protesting harsh government measures during Ramadan.[153] In recent years, hundreds, and possibly thousands, of Uighurs reportedly have fled China via trafficking rings, many to escape persecution and seek political asylum.[154]

In 2013 and 2014, several attacks purportedly involving Uighur perpetrators were carried out in public places in cities in China, killing over 80 civilians and prompting tighter security measures. No groups, including ETIM and TIP, claimed responsibility.[155] According to some experts, despite apparently growing levels of planning, there has been little, if any, evidence to back PRC government claims directly linking violent incidents to organized terrorist groups within or outside China. Other observers, including Chinese experts speaking privately, have argued that PRC security campaigns and U.S. counterterrorism efforts against Al Qaeda and the Taliban have significantly hampered the ability of Uighur groups in the PRC to organize attacks or to develop linkages to the outside.[156] Deadly incidents include the following:

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the United Nations' lists of terrorist organizations.

[150] Vice Foreign Minister Zhang Yesui, remarks before a U.S. congressional delegation, Beijing, August 11, 2014.

[151] Simon Denyer, "China Faces Jihadist Threat at Home and Abroad," *Washington Post*, September 18, 2014; "About 300 Chinese Said Fighting Alongside Islamic State in Middle East," *Reuters*, December 15, 2014.

[152] According to various reports, there were roughly 300 deaths between April 2013 and September 2014, including Uighurs, security personnel, and others. Gillian Wong, "Killings by China Anti-Terror Cops Raise Concerns," *Associated Press*, September 8, 2014; Tom Hancock, "Blasts in China's Xinjiang Kill Two, Injure 'Many': Govt," *Agence France Presse*, September 22, 2014; Anne Steele, "Ilham Tohti: Why Chinese Court Gave Life Sentence to Muslim Uighur Scholar," *Christian Science Monitor*, September 23, 2014; "China Says 50 Dead, 54 Injured in Sunday Terror Attacks in Restive Xinjiang," *South China Morning Post*, September 26, 2014.

[153] According to official figures. Barbara Demick, "Deadly Clash in China: An Ambush by Uighurs or a Government Massacre?" *Los Angeles Times*, August 7, 2014; Simon Denyer, "China's Clampdown on Islam Stokes Resentment and Violence," *Washington Post*, September 20, 2014.

[154] Tetsuya Abe, "Terrorists Without Borders: Have Hundreds of China's Uighurs Joined Islamic State?" *Nikkei Report*, December 17, 2014; Jeremy Page and Emre Peker, "As Muslims Flee, China Sees Jihad Risk; As Homeland Grows Violent, Some Uighurs Seek Haven in Turkey," *Wall Street Journal*, February 1, 2015. Major Uighur migration routes reportedly include traveling from China through Vietnam to Thailand and Malaysia. Many Uighurs extend their journeys onto Indonesia and Turkey.

[155] ETIM took responsibility for two attacks in 2011 targeting government officials. Beina Xu, "The East Turkestan Islamic Movement (ETIM)," *Council on Foreign Relations*, December 3, 2013.

[156] CECC staff, June 2014. "Uighur Attacks in China Likely To Be Opportunistic Rather than Planned and Will Not

- In October 2013, a family identified as Uighur reportedly drove into a crowd near Tiananmen Square, killing 2 tourists and 3 occupants of the car and injuring 40.[157]
- On March 1, 2014, five Uighurs allegedly carried out a knife attack at a train station in Kunming, killing 29 people.[158]
- In April 2014, assailants identified as Uighur engaged in a bomb and knife attacks at Urumqi South railway station. Three people (including two attackers) were killed and 79 were injured.[159]
- On May 22, 2014, two "off road" vehicles purportedly driven by Uighurs plowed into an Urumqi street market filled with ethnic Hans while explosives from the vehicles were thrown at morning shoppers. Around a dozen bombs detonated and one vehicle also exploded. The vehicles and explosives reportedly killed 39 people and injured over 90. Police stated that four Uighur assailants were killed in the attack, and one was captured.[160]
- In September 2014, 50 people, including 40 assailants, were killed in an attack involving multiple explosions and a police counterattack in Luntai county, Xinjiang. Some Uighur witnesses claimed that the violence stemmed from local anger over forced mass evictions of Uighurs to make way for Han migrants.[161]
- On November 29, 2014, 4 civilians reportedly were killed and 14 injured in an attack in a street lined by food stalls by men armed with knives and explosives in Shache county, near the city of Kashgar. In addition, 11 of the assailants reportedly were killed by police.[162]

The Obama Administration appears to have been cautious about referring to incidents of violence allegedly involving Uighur perpetrators as acts of terrorism, noting that PRC authorities often have failed to provide detailed evidence of terrorist involvement and have restricted the ability of foreign journalists and international observers to verify Chinese government accounts independently. The State Department's Country Reports on Terrorism reported that in 2014, the U.S. government "identified sufficient evidence to consider" three incidents of violence as "terrorist attacks."[163] The report also stated that U.S.-China cooperation on global counterterrorism efforts "remained limited." Beijing has criticized Washington for applying a

Significantly Raise Terrorism Risks," *IHS Global Insight Daily Analysis*, March 31, 2014; Gillian Wong, "China Train Station Blast Seen as Suicide Attack," *Associated Press*, May 2, 2014; "China Seeking Alleged Terrorist Organizer behind Deadly Train Station Attack Last Month," *Associated Press*, May 19, 2014; Didi Kirsten Tatlow, "Attack in Xinjiang Kills 31 and Injures 94," *New York Times Blogs*, May 21, 2014; "Suspects Behind Xinjiang Attacks 'Belonged to Terrorist Groups'," *South China Morning Post*, June 6, 2014.

[157] Peter Ford, "SUV Plows into Tiananmen Square: Attack or Accident?" *Christian Science Monitor*, October 28, 2013.

[158] Ralph Ellis, "Knife-Wielding Attackers Kill 29, Injure 130 at China Train Station," *CNN*, March 2, 2014.

[159] "Deadly China Blast at Xinjiang Railway Station," *BBC News*, April 30, 2014.

[160] Didi Kirsten Tatlow, "Attack in Xinjiang Kills 31 and Injures 94," *New York Times Blogs*, May 21, 2014; "31 Killed, Scores Injured in Xinjiang 'Terrorist' Attack," *South China Morning Post*, May 22, 2014.

[161] "China Says 50 Dead, 54 Injured in Sunday Terror Attacks in Restive Xinjiang," *South China Morning Post*, September 26, 2014; "China Now Says 50 Were Killed in Xinjiang Blasts," *Today (Singapore)*, September 27, 2014.

[162] "China Says 15 Killed in 'Terrorist Attack' in Xinjiang," *Agence France Presse*, November 29, 2014.

[163] Department of State, *Country Reports on Terrorism 2014*, April 2015.

"double standard" to Uighur acts of violence by not publicly labeling many of them as "terrorist."[164]

The PRC government has implemented a three-pronged strategy in response to Uighur grievances and unrest: (1) carrying out a "strike hard" campaign against "religious extremism," "separatism," and "terrorism"; (2) developing the XUAR economy; and (3) introducing policies to assimilate Uighurs into Han society. In 2014, the Xinjiang government announced plans to increase the public security budget by 24%, including doubling spending on counterterrorism activities.[165] Xinjiang authorities reportedly have organized networks of informers, set up surveillance systems, and bolstered police forces, which carry out house-to-house inspections in various trouble spots. In 2010, following the Uighur unrest of 2009, China's top leadership held the first "central work forum" focused on Xinjiang. The forum produced an ambitious economic development plan for the region. The PRC government reportedly is spending $5.5 billion over three years to construct infrastructure and industrial projects.[166] At the second central work forum, held in May 2014, President Xi Jinping pledged to alleviate poverty and protect "legal religious activities" while "helping religion adapt to socialist society." Xi urged all ethnic groups to "show mutual understanding" while advocating bilingual education, interethnic interaction, and a "more integrated social structure."[167] Assimilation policies include placing greater emphasis on Mandarin language instruction in schools, providing monetary incentives for mixed Uighur-Han marriages, and promoting the migration of Uighur workers to other provinces. According to critics, the PRC government has not addressed long-standing Uighur religious, ethnic, and political grievances, and Uighurs accused of criminal acts have been deprived of procedural protections provided under China's constitution and laws. Some contend that assimilation policies may contribute to the erosion of Uighur identity and breed further resentment.[168]

Ilham Tohti

In September 2014, a Beijing court sentenced Ilham Tohti, a Uighur economics professor, to life in prison for the state security crime of separatism.[169] Tohti was known abroad as a moderate advocate for Uighur rights who promoted dialogue and mutual understanding between Hans and Uighurs and did not call for the creation of an independent East Turkestan. However, Uighur Online, a website that he established in 2005 to serve as a platform for Uighur issues, interviews that he gave to the foreign press, and articles that he published critical of the government's ethnic policies, caused alarm among PRC leaders and eventually led to his arrest in January 2014. For several years, Tohti was subjected to harassment by authorities, interrogations, and restrictions on travel.[170]

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[164] Hannah Beech, "China Reacts to Terrorism 'Double-Standard' After Kunming Mass Murder," *Time*, March 3, 2014.

[165] Congressional-Executive Commission on China, *Annual Report 2014*, op. cit.; "Xinjiang Doubles Terror Fight Budget," *China Daily*, January 17, 2014.

[166] "China Defends Life Sentence for Uighur Scholar," *Associated Press*, September 25, 2014.

[167] Megha Rajagopalan, "China's Xi Vows to Address Poverty, Ethnic Unity in Troubled Xinjiang," *Reuters*, May 30, 2014; "Central Govt Pledges Better Governance in Xinjiang," *China Daily*, May 20, 2014.

[168] Eric Meyer, "China Offers Work Placements and Mixed Marriage Incentives as Solutions for Its Xinjiang Problems," *Forbes Asia*, November 13, 2014.

[169] The charges against Tohti included advocating separatism, voicing support for terrorism, inciting ethnic hatred, and attacking the government's ethnic and religious policies. Simon Deyer, "China Sentences Moderate Uighur Scholar to Life in Prison for Advocating Separatism," *Washington Post*, September 23, 2014.

[170] "Timeline of Ilham Tohti's Case," Human Rights Watch, September 15, 2014.

Tohti's lawyers argued that none of the scholar's positions, interviews, articles, or lectures advocated separatism or incited terrorism. They claimed that prosecutors manipulated evidence and violated proper judicial procedures.[171] A PRC State Ethnic Affairs Commission official responded that the case was handled according to Chinese law, and that the decision was a matter of punishing a violator of Chinese law rather than safeguarding the rights and interests of minorities.[172] A prominent Chinese human rights lawyer stated that the verdict "would only exacerbate the conflict in Xinjiang."[173] In December 2014, seven of Tohti's students (six Uighur and one a member of the Yi minority) who had worked on his website received jail sentences of three to eight years on charges of separatism.[174] Secretary of State John Kerry stated that "Mr. Tohti and those like him are indispensable in helping resolve the underlying causes of unrest and violence. Silencing them can only make tensions worse.... Differentiating between peaceful dissent and violent extremism is vital to any effective efforts to counter terrorism." Secretary Kerry reportedly raised Tohti's case during the U.S.-China Strategic and Economic Dialogue in July 2014, and U.S. Ambassador to China Max Baucus called for Tohti's release during a September 2014 visit to Xinjiang.[175]

Falun Gong

Falun Gong ("law wheel practice") combines an exercise regimen with meditation, belief in the virtues of truthfulness, compassion, and forbearance, and belief in the benefits that the system brings to the body and mind. 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. In 1995, Li published the book *Zhuan Falun*, which describes the principles of Falun Gong.[176] Falun Gong, also referred to as *Falun Dafa*, is described by its members as "an advanced practice of self-cultivation." Practitioners who have reached a high level of self-cultivation say that they have attained "true health," a higher level of being, and freedom from worldly attachments.[177] Some adherents may believe that suffering helps to develop spiritually. During the mid-1990s, the spiritual exercise gained tens of millions of adherents, including members of the Communist Party, across China.[178]

Amid growing tensions between the group and the government, on April 25, 1999, thousands of Falun Gong adherents gathered in Beijing, near *Zhongnanhai,* the Chinese leadership compound, to protest the government's growing restrictions on their activities. The CCP established an office, which became known as the "610" office because it was founded on June 10, 1999, to coordinate and administer the eradication of Falun Gong. Following a crackdown on the group

[171] Andrea Chen, "Ilham Tohti's 'Separatist' Videos Released by Chinese State Media after Controversial Conviction," *South China Morning Post*, September 25, 2014; Minnie Chan, "Ilham Tohti to Appeal Separatism Conviction and Jailing for Life, Lawyers Say," *South China Morning Post,* September 24, 2014.

[172] Tom Hancock, "China Uighur Scholar Jailed over Lecture: Xinhua," Agence France Presse, September 25, 2014.

[173] Deyer, "China Sentences Moderate Uighur Scholar to Life in Prison for Advocating Separatism," op. cit.

[174] "Seven Chinese Students of Outspoken Uyghur Scholar Ilham Tohti Jailed for Separatism," *Associated Press,* December 9, 2014.

[175] John Kerry, Secretary of State, "Press Statement: Conviction and Sentencing of Ilham Tohti," September 23, 2014.

[176] Li Hongzhi is believed to live in the United States.

[177] "Falun Gong: An Ancient Tradition for Mind, Body, and Spirit," Falun Dafa Information Center, June 2, 2012, http://faluninfo.net/topic/22/.

[178] Estimates of Falun Gong practitioners in China in the late 1990s ranged from several million to 70 million, with widely divergent levels of commitment.

that began in summer 1999 and deepened in intensity over a period of roughly two years, adherents ceased to practice or agitate in the open. Nonetheless, deeply committed practitioners attempted to gather in secret, counter government propaganda about them covertly and overtly, and stage small demonstrations in Beijing.[179]

In 2002 and 2005, Falun Gong members reportedly were responsible for over a dozen cases involving the interruption of television broadcasting in China and the temporary insertion of their own programs.[180] In the United States, Falun Gong and affiliated groups have documented the persecution of adherents in China, staged demonstrations, distributed literature on their activities, and sponsored cultural events such as the Shen Yun Performing Arts performances. In addition, Falun Gong is affiliated with several mass media outlets in the United States, such as the *Epoch Times* and New Tang Dynasty Television.

After 1999, tens of thousands of practitioners who refused to renounce Falun Gong were sent to prisons or RETL camps until they were deemed "transformed." According to human rights groups, Falun Gong members have constituted a large portion, and at times a majority, of detainees in RETL centers.[181] According to one source, in 2013, Falun Gong adherents made up an estimated two-thirds of all prisoners and detainees of conscience in China, or roughly 15,000 people.[182] Many adherents who remained "non-transformable" spent multiple terms in RETL centers, and many continue to be held in Legal Education Centers as RETL facilities have closed. There have been numerous reports of abuse, force-feeding of hunger strikers, torture, and deaths of Falun Gong prisoners, especially during the height of the crackdown.[183] Falun Gong organizations claim to have documented 3,700 deaths of Falun Gong adherents during custody or shortly after release, as of June 2014.[184]

Although the group reportedly declined in importance as a perceived security risk by the government after 2004, many members have remained committed to the practice, and have continued to perform Falun Gong exercises in private and disseminate Falun Gong literature.[185] Overseas Falun Gong organizations claim 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.[186] Since 2010, PRC authorities have launched two consecutive, three-year campaigns to "transform" Falun Gong adherents, calling it a "decisive battle."[187]

In 2013, *Lens*, a Chinese magazine, published an expose on abuses and torture of female inmates at Masanjia, an RETL camp near Shenyang, where many Falun Gong practitioners were held. Du Bin, a journalist, soon after released a documentary video online about the detention center. Both

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[179] Ethan Gutmann, *The Slaughter*, Amherst, NY: Prometheus Books, 2014.

[180] "China Condemns Alleged Falun Gong Satellite 'Attack,'" *Dow Jones International News*, July 6, 2005.

[181] *Changing the Soup but not the Medicine: Abolishing Re-education through Labor in China*, op. cit.

[182] The Dui Hua Foundation, January 2013.

[183] Department of State, *International Religious Freedom Report 2003*, December 18, 2003.

[184] Iris Cooper, "Falun Dafa Continues to Thrive Despite 15 Years of Persecution: The Story in Numbers," Minghui.org, July 20, 2014, http://en.minghui.org/html/articles/2014/7/20/2132p.html; *Changing the Soup but Not the Medicine: Abolishing Re-education through Labor in China*, op. cit.

[185] "11 Dead after Protesting 'Black Jail' in China," *New York Times Blogs*, April 1, 2014; Gutmann, op. cit.

[186] James W. Tong, Prepared Statement, "Falun Gong in China: Review and Update," Congressional-Executive Commission on China, December 18, 2012.

[187] "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; Congressional-Executive Commission on China, *Annual Report 2014*, op. cit.

the report and documentary were banned in China. Du, who also published a book on the Tiananmen crackdown which was published in Hong Kong, was detained for over a month and continues to be monitored by police.[188] In March 2014, four human rights lawyers who had attempted to investigate claims that Falun Gong practitioners were being held in a black jail, or extrajudicial detention center, were detained for periods of up to two weeks and reportedly physically abused.[189]

Organ Harvesting

Some reports allege that tens of thousands of Falun Gong detainees were victims of organ harvesting—the illegal, large-scale, systematic, and non-consensual removal of body organs for transplantation—while they were still alive.[190] There also have been allegations that Tibetan and Uighur prisoners have been a source of human organs, but to a much lesser degree.[191] The claims' backers argue that the number of organ transplants in China—roughly 10,000 per year—cannot be fully accounted for by executed prisoners or the small number of volunteer donors, and that Falun Gong detainees have been the likely primary source. They contend that the number of executions in China has been declining and many prisoners are not viable candidates for organ transplants, while many Chinese hold the traditional belief that the bodies of the deceased should remain intact and are unwilling to donate the organs of family members who have died. The claims of organ harvesting from Falun Gong detainees are based largely upon circumstantial evidence, interviews, and the large number of allegedly healthy Falun Gong detainees, particularly during the 2000 to 2008 period.[192] Evidence includes claims of suspicious physical examinations and disappearances by former Falun Gong prisoners, statements from three Chinese sources,[193] and purported recordings of Chinese hospital officials who acknowledged the practice.[194]

Allegations of large-scale organ harvesting have not been independently verified by international human rights organizations. In 2006, U.S. embassy and consular officials in China visited a hospital in Shenyang that Falun Gong groups claimed was a site of organ harvesting of Falun Gong prisoners. They "found no evidence that the site is being used for any function other than as a normal public hospital."[195] In their most recent reports on human rights conditions in China, the

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[188] "China Detains Photographer Who Exposed Labour Camp Abuses," Amnesty International, June 14, 2014.

[189] "China Falun Gong Trial Lawyer Hits Out at Police Security Cordon," *Radio Free Asia*, December 17, 2014.

[190] 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; Davis Matas and Dr. Torsten Trey, eds., *State Organs: Transplant Abuse in China*, Woodstock (ON): Seraphim Editions, 2012.

[191] Julia Duin, "Chinese Accused of Vast Trade in Organs," *Washington Times*, April 27, 2010.

[192] Ethan Gutmann interviewed over 100 Falun Gong practitioners, former detainees, and others. Other witnesses included a Uighur doctor, PRC public security personnel, and Falun Gong investigators and organ transplant doctors based outside China. See Ethan Gutmann, *The Slaughter*, op. cit.

[193] These sources are a woman who worked at a hospital purported to perform organ transplants, a military doctor, and a journalist.

[194] "China Announcement on Organ Harvesting a Ploy," *Falun Dafa Information Center*, December 6, 2014.

[195] U.S. officials visited the hospital and surrounding site on two occasions—the first time unannounced and the second with the cooperation of PRC officials. "U.S. Finds No Evidence of Alleged Concentration Camp in China—Repression of Falun Gong, Reports of Organ Harvesting Still Worry Officials," *Washington File*, April 16, 2006.

Department of State and the Congressional-Executive Commission on China noted that organ harvesting from executed prisoners and claims of transplantation from Falun Gong practitioners continued.[196] PRC government officials have denied that organ harvesting has occurred, claiming that human organs used in PRC transplantation programs have been taken largely from executed prisoners with their consent.

House Resolution 343 (114th Congress)

In the 114th Congress, a bill, H.Res. 343, has been introduced (Ros-Lehtinen, 6/25/15), "Expressing concern regarding persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People's Republic of China, including from large numbers of Falun Gong practitioners and members of other religious and ethnic minority groups." The bill, in part, calls on the government of China to end the practice of organ harvesting from all prisoners of conscience, allow an independent investigation into organ transplant abuses, and end the persecution of Falun Gong. H.Res. 343 also "calls on the United States Department of State to conduct a more detailed analysis on state-sanctioned organ harvesting from non-consenting prisoners of conscience in the annual Human Rights Report, and report annually to Congress on the implementation of section 1182f of title 8, United States Code, barring provision of visas to Chinese and other nationals engaged in coerced organ or bodily tissue transplantation."

In response to foreign and domestic pressure, some PRC officials admitted that the transplantation of organs from executed prisoners had been prone to abuses, and announced measures to address the problems. In 2011, the PRC Criminal Law was revised to include organ trafficking as a crime, and in 2012 the government announced that China would phase out the transplantation of organs from executed prisoners and end the illegal trade in human organs within five years.[197] In December 2014, the head of a central government committee on organ donations announced that no organs from executed prisoners would be permitted beginning in 2015. However, some observers say that the voluntary donation rate in China remains low and the sources of transplants remain undisclosed.[198] Executed prisoners reportedly have remained a major source—over half of transplanted organs—and allegations of organ harvesting of Falun Gong adherents have continued as well.[199]

China's Family Planning Policies

China's "One-Child Policy" was launched in 1980 to curb population growth. It has led to many human rights abuses as well as demographic problems, such as an accelerated aging of the population and a skewed gender ratio. The policy, along with a historical preference for boys based upon cultural and perceived economic factors, has spurred the illegal but widespread practice of sex-selective abortions, particularly in rural areas. 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.[200]

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[196] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.; Congressional-Executive Commission on China, *Annual Report 2014*, op. cit.

[197] "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.

[198] "China To Stop Harvesting Executed Prisoners' Organs," *BBC News*, December 4, 2014; Katie Hunt, "Why China Will Struggle To End Organ Harvesting From Executed Prisoners," *CNN*, December 5, 2014.

[199] Congressional-Executive Commission on China, *Annual Report 2014*, op. cit.

[200] "China's Gender Imbalance Still Grave," *China Daily*, March 29, 2012; "No Timetable for Full Relaxation on One-

Many jurisdictions long have allowed some couples to have more than one child, for example ethnic minorities, rural couples for whom the first child is a girl, and couples in which both parents are an only child. In 2013, reforms to the policy, which are to be implemented incrementally, would allow couples to have two children if either parent is an only child. Although many urban Chinese couples eligible to have two children reportedly have opted to have one child due to the costs of raising a child, many Chinese have supported reforms and long decried the policy's abuses.[201] In August 2014, a Chinese academic published an editorial calling for further loosening of the policy, stating that "The right to reproduce is a basic human right and public power should protect rather than trample upon private rights."[202]

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."[203] However, the national law authorizes 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. According to the CECC, in the past year, some local officials continued to employ coercive family planning practices, including forced abortions, forced sterilizations, and forced contraceptive use.[204] In 2013, two provinces continued to have laws requiring women who violate family planning policies to "terminate" their pregnancies.[205]

Labor Unrest

Labor tensions have risen steadily in the past decade. Chinese Communist Party rhetoric long has championed the working class. At the same time, party leaders have warily viewed factory workers as a potential source of organized political opposition. The government has attempted to address labor grievances and unrest with ad hoc measures and incremental reforms while tightly restricting autonomous labor activity and containing news about labor unrest. State authorities and enterprise managers often have yielded to some demands of labor protesters but also harassed and detained strike leaders and labor activists. In 2010, after a period of relative quiet during the global financial crisis, China began to experience a surge in labor disputes in both domestic and foreign enterprises, particularly in Guangdong province.[206] There were an estimated 50 strikes per month in 2013, compared to 10 per month in 2011, according to a study.[207] In 2014, there were over 100 labor disturbances per month, according to a labor rights group based in Hong Kong.[208]

Child Policy," *China Daily*, November 5, 2014.

[201] Le Li, "Despite Changes to One-Child Policy, Chinese Parents Say Having Two Kids Is Too Expensive," *NBC News*, November 30, 2013.

[202] Mu Guangzong, "A Two-Child Policy for All," *China Daily*, August 11, 2014.

[203] 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.

[204] Congressional-Executive Commission on China, *Annual Report 2014*, op. cit.

[205] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.

[206] 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.

[207] Stanley Lubman, "Labor Pains: A Rising Threat to Stability in China," *Wall Street Journal*, June 10, 2014; Mary E. Gallagher, "China's Workers Movement and the End of the Rapid-Growth Era," *Daedalus*, Vol. 143, no. 2 (Spring 2014).

[208] Alexandra Harney, "China's Workforce: Smaller, More Savvy, More Restive," *Reuters*, April 16, 2014; John

However, labor activism so far has not sparked a national labor or political movement. For the most part, workers have not organized on a long-term basis or developed linkages between enterprises, or have been prevented by the government from doing so, and their aims have been focused on wages and working conditions.

Experts attribute the rise in labor unrest to a number of factors, including the following: stronger labor laws since the Labor Contract Law was promulgated in 2008; a growing awareness of labor rights; greater leverage exercised by workers due to a national labor shortage; the emergence of labor advocacy groups; rising expectations among workers, and greater sophistication in organizing and staging protests, aided by the use of social media.[209] Workers have engaged in strikes and protests related to wage arrears and insufficient pay, poor working conditions, factory closures and the lack of severance pay, and lack of enforcement of PRC labor laws. Due to upward wage pressures, a growing problem is the employment of workers that lack legal protections, such as underage workers, student interns, and "dispatch labor" sent from labor agencies.[210]

PRC law does not allow independent labor unions, and although strikes occur, the right to strike is not explicitly protected in the law. The government-affiliated All-China Federation of Trade Unions (ACFTU) and its subsidiary organizations have a membership of 280 million.[211] Although some official labor leaders are committed to protecting the interests of workers, trade union committees often are dominated by company management. After signs of progress in 2010-2012, the development of collective bargaining procedures, the legal right to strike, and direct elections of union representatives reportedly have stalled.[212]

Legal Reforms

Some experts argue that calling on China to abide by its own laws is one of the most effective ways for international actors to promote human rights in the PRC. During the past several years, the Chinese government has enacted some legal measures aimed at reducing arbitrary applications of the law and some patterns of human rights abuse. New laws, some of which are detailed below, include those related to criminal defendants, the use of torture, organ transplants, the death penalty, labor conditions, and private property. The CCP remains above the law, however, and legal reforms often are blunted by the lack of judicial independence, adequate enforcement, and government transparency. Nonetheless, the new laws may provide some basis on which citizens may claim their rights.

- **Judicial Interference:** In 2014, China announced some policies aimed at reducing government influence over central and local courts. The Party reduced the role of the Party Political and Legal Affairs Commission, which is in charge of law enforcement, in "most legal cases," according to some reports.[213] The 18th

Ruwitch, "Labor Movement 'Concertmaster' Tests Beijing's Boundaries," *Reuters*, December 6, 2014; Christina Larson, "China's Workers Are Getting Restless," *Bloomberg Businessweek*, October 15, 2014.

[209] Manfred Elfstrom, Sarosh Kuruvilla, *The Changing Nature of Labor Unrest in China*, ILR Review (Industrial and Labor Relations Review), Vol. 67, no. 2, April 2014.

[210] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.; Congressional-Executive Commission on China, *Annual Report 2014*, op. cit.

[211] "China's Trade Unions Have 280 Million Members," *Global Times*, October 11, 2013.

[212] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.

[213] Sui-Lee Wee and Li Hui, "With Legal Reforms, China Wants Less Interference in Cases, Fewer Death Penalty

Central Committee of the CCP announced reforms aimed at reducing the direct influence of local officials and procuratorates, or prosecutor's offices, on local courts. The changes would transfer power over budgets and personnel appointments of basic level courts from local to provincial governments.[214]

- **Government Lawsuits:** 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. In 2014, the National People's Congress passed an amendment to the Administrative Litigation Law enabling legal proceedings against the government in 12 areas, including land and housing compensation, illegally restricting one's freedom of movement, and abuse of administrative power.[215]
- **Criminal Procedure Law:** Amendments to the Criminal Procedure Law (CPL), 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 were designed to improve the treatment of juveniles, women, and people on death row.[216] The Ministry of Public Security reportedly is in the process of drafting a Detention Center Law that aims to reduce abuses in pre-trial detention centers.[217]
- **Torture:** In 2013, the Supreme People's Court issued guidelines demanding an end to the practice of extracting confessions through torture, although human rights activists emphasized that they applied to the courts but not to the police or prosecutors, and that there were no sanctions for non-compliance.[218]
- **The Death Penalty:** The number of executions in China has declined, due in part to a 2007 mandate that all death sentences must be reviewed by the Supreme People's Court. The Dui Hua Foundation estimated that 2,400 people were executed in China in 2013, down 20% from the previous year.[219] By comparison, Dui Hua estimates that approximately 5,000 people were executed in 2008 and 10,000 in 2003. The government reduced the number of crimes punishable by death from 68 to 55 in 2011, and reportedly is considering removing nine other

Crimes," *Reuters*, March 9, 2014.

[214] Stanley Lubman, "Power Shift: Hopeful Signs in China's Legal Reform," *Wall Street Journal*, July 10, 2014; Andrew Jacobs and Chris Buckley, "China Moves to Enact Rule of Law, with Caveats," *New York Times (International)*, October 23, 2014; Ren Jin, "Judicial Reform Enforces Rule of Law," *China Daily*, December 4, 2014.

[215] Adrian Wan, "Revised Law Means It's Now Easier to Sue than Petition Governments," *South China Morning Post*, November 2, 2014.

[216] Dui Hua Foundation, *Annual Report 2012*, http://duihua.org/wp/wp-content/uploads/2013/05/AR2012/2012AR_Eng_web.pdf; "China Bans Forced Confessions in Investigations," Xinhua, December 26, 2012.

[217] Dui Hua Foundation, "Is Detention Center Law Enough to Prevent Police Abuse?" *Human Rights Journal*, July 2, 2014.

[218] Keith Zhai, "China's Supreme People's Court Calls for End to Torture in New Guidelines," *South China Morning Post*, November 22, 2013; Stanley Lubman, "China Legal Reform Promises Cause for Cautious Optimism," *Wall Street Journal*, November 20, 2013.

[219] "China Considers Ending the Death Penalty for 9 Crimes," *Associated Press*, October 27, 2014.

crimes from the list. Recent declines are likely to be offset, however, by increases in the executions of Uighurs.[220]

- **Government Transparency:** In 2008, the PRC government adopted new Open Government Information (OGI) regulations regarding the disclosure of official information.[221] Under the regulations, governments at various levels are required to publish information on policies that have public interest, and individuals also may submit requests for information. Implemented first by the Ministry of Environmental Protection, these measures also in part represented an attempt to compel local governments to reveal financial accounts related to land takings in rural areas. In 2012, the Guangdong provincial government launched a pilot program requiring party and government officials to report their assets publicly. However, in 2014, several citizens were sentenced to jail terms for their roles in organizing and participating in demonstrations advocating the disclosure of officials' assets.[222]

U.S. Efforts to Advance Human Rights in China

Many experts and policymakers have sharply disagreed over the best policy approaches and methods to apply toward human rights issues in China. Possible approaches range from supporting incremental progress and promoting human rights through bilateral and international engagement to placing human rights conditions upon improvements in bilateral ties. Some approaches attempt to balance U.S. values and human rights concerns with other U.S. interests in the bilateral relationship. Other approaches challenge the underlying assumption that U.S. values and human rights concerns necessarily are in tension with other U.S. interests, arguing instead that human rights are fundamental to other U.S. interests.

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 human rights and democracy in China through diplomatic and economic engagement, without directly challenging Communist Party rule, as a strategy of seeking China's "peaceful evolution."[223] President Bill Clinton referred to this approach 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."[224] President George W. Bush also came to view U.S. engagement as the most effective means of promoting U.S. interests as well as freedom in China.[225] Another theme of both

[220] Dui Hua Foundation, "China Executed 2,400 People in 2013," October 20, 2014.

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

[222] Department of State, *Country Reports on Human Rights Practices for 2013 (China)*, op. cit.; Congressional-Executive Commission on China, *Annual Report 2014*, op. cit.; "The Right to Know," *The Economist*, May 3, 2014.

[223] 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.

[224] "Clinton Defends 'Constructive Engagement' of China," *CNN.com*, October 24, 1997.

[225] "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.

the Bush and Obama Administrations has been to emphasize that China's respect for international human rights norms would benefit China's success and stability.[226]

As China's importance in global economic, security, environmental, and other matters has grown, the Obama Administration has attempted to forge bilateral cooperation on many fronts, while disagreeing with Beijing on many human rights issues. During President Obama's first term, then-Secretary of State Hillary Clinton described the Administration's human rights policy as one of "principled pragmatism." This approach was 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. Nonetheless, Clinton and Secretary of State Kerry have publicly criticized China's human rights policies on several occasions.[227] In remarks at a joint press conference following discussions on the sidelines of the Asia Pacific Economic Cooperation meeting in November 2014, President Obama emphasized a number of key issues, including trade, climate change, and international security, as well as human rights, stating that "America's unwavering support for fundamental human rights of all people will continue to be an important element of our relationship with China."[228]

Some activists argue that the United States should take principled stands against China's human rights abuses more openly, forcefully, and frequently. Many prominent Chinese dissidents have emphasized that international pressure and attention has protected them from harsher treatment by PRC authorities.[229] Other experts believe that more overt efforts may undermine human rights objectives. Some observers contend that U.S. open criticism of PRC human rights policies can strengthen hardliners in the PRC leadership or create greater suspicion of foreign influences and ties.[230]

Selected Policy Tools

Many U.S. experts and policymakers have disagreed over the best methods to apply toward promoting democracy and human rights in China. Congress and successive administrations often have employed a range of means simultaneously. Policy tools include open criticism of PRC human rights policies and practices; quiet diplomacy; hearings; foreign assistance programs; support for dissident and pro-democracy groups in China and the United States; sanctions; coordination of international pressure; bilateral dialogue; Internet freedom efforts; and public diplomacy. Some experts recommend a "whole-of-government" strategy whereby human rights

[226] 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; Department of State, *Press Conference Following U.S.-China Human Rights Dialogue*, Beijing, China, August 2, 2013.

[227] Jeffrey Goldberg, "Danger: Falling Tyrants," *The Atlantic*, June 2011; "China Says U.S. Has No Right to Comment on Fate of Activists," *Reuters*, December 10, 2013; Scott Stearns, "Kerry Talks Human Rights, N. Korea in China," *Voice of America*, February 14, 2014; "US Condemns China Jail Term for Uighur Scholar Ilham Tohti," *BBC News*, September 23, 2014.

[228] The White House, Office of the Press Secretary, *Remarks by President Obama and President Xi Jinping of China in Joint Press Conference*, Great Hall of the People, Beijing, China, November 12, 2014.

[229] Sophie Richardson, "Underestimating Bad Faith," Human Rights Watch, July 9, 2014; Sophie Richardson, "EU Brings Some Transparency to Dialogue with China," Human Rights Watch, December 9, 2014.

[230] Robert Daly, "China 101 Series: Human Rights and Social Change," op. cit.; Susan Shirk, *China: Fragile Superpower*, Oxford: Oxford University Press, 2007.

policies are coordinated across U.S. government departments, agencies, and delegations to China.[231]

Congressional Actions

Congress has been at the forefront of U.S. human rights policy toward China. Related congressional activities have included sponsoring legislation, holding hearings, and authorizing reports that call attention to human rights abuses in the PRC, writing letters to the Administration and to PRC leaders in support of human rights in China and Chinese prisoners of conscience, and inviting Chinese human rights attorneys and other members of Chinese civil society to Capitol Hill for staff briefings. Members of the 113th Congress introduced resolutions on human rights violations in China and related concerns, including China's membership on the United Nations Human Rights Council; political prisoners; freedom of expression, assembly, and religion; organ harvesting; the 25th anniversary of the 1989 Tiananmen demonstrations and suppression; and the 2014 pro-democracy demonstrations in Hong Kong (see **Appendix**).

Notable Legislation Related to Human Rights in China

P.L. 101-246: Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, Section 902 (Tiananmen Square Sanctions).

P.L. 102-383: The U.S.-Hong Kong Policy Act of 1992.

P.L. 105-292: The International Religious Freedom Act of 1998 (amended by P.L. 106-55, P.L. 107-228, and P.L. 112-75). Established an Office of International Religious Freedom within the Department of State and the United States Commission on International Religious Freedom, an independent, bipartisan U.S. federal government commission.

P.L. 106-286: Normal Trade Relations for the People's Republic of China (PNTR Act). Title III, Section 301 established the Congressional-Executive Commission on China and authorized human rights and rule of law programs. Title V, Section 511, Title VII, Section 701, and other sections of the act established commercial and labor rule of law programs and made other policy references related to human rights abuses in China.

P.L. 107-228: Foreign Relations Authorization Act, FY2003, Title VI, Section 611 (Tibetan Policy Act of 2002).

P.L. 109-287: The Fourteenth Dalai Lama Congressional Gold Medal Act.

P.L. 108-333: North Korean Human Rights Act of 2004, Title III (Protecting North Korean Refugees).

P.L. 110-346: North Korean Human Rights Reauthorization Act of 2008.

During the 113th Congress, the Africa, Global Health, Global Human Rights, and International Organizations subcommittee of the House Committee on Foreign Affairs held four hearings focused on PRC human rights.[232] In 2013, the Subcommittee on East Asia and Pacific Affairs of the Senate Foreign Relations Committee held a hearing on the Obama Administration's rebalance-to-Asia policy and the role of democracy and human rights, in which China was

[231] See "Recommendations for U.S. Policy" (China), U.S. Commission on International Religious Freedom, *Annual Report 2014*, op. cit.

[232] Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations: "Chen Guangcheng and Gao Zhisheng: Human Rights in China," April 9, 2013, http://foreignaffairs.house.gov/hearing/subcommittee-hearing-chen-guangcheng-and-gao-zhisheng-human-rights-china; "Tiananmen 25 Years Later: Leaders Who Were There," May 30, 2014, http://foreignaffairs.house.gov/hearing/subcommittee-hearing-tiananmen-25-years-later-six-leaders-who-were-there; "Guo Feixiong and Freedom of Expression in China," October 29, 2013, http://foreignaffairs.house.gov/hearing/subcommittee-hearing-guo-feixiong-and-freedom-expression-china; "Their Daughters' Appeal to Beijing: 'Let Our Fathers Go!,'" December 5, 2013, http://foreignaffairs.house.gov/hearing/subcommittee-hearing-their-daughters-appeal-beijing-let-our-fathers-go.

prominently featured.[233] The Congressional-Executive Commission on China, Tom Lantos Human Rights Commission, U.S. Commission on International Religious Freedom, and other congressional and congressionally mandated bodies and fora investigated, publicized, and reported on human rights conditions in the PRC. The CECC held hearings on the government crackdown on rights advocates and Uighurs, the 25th Anniversary of the Tiananmen events, democracy in Hong Kong, and working conditions in Chinese toy factories. Topics of CECC roundtables included Re-education Through Labor system reforms, corruption, and the treatment of foreign journalists in China.

Congressional-Executive Commission on China (CECC)

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. 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. 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 (Departments of State, Commerce, and Labor), and a professional staff. 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 publicly accessible database of political prisoners. The CECC has an annual operating budget of approximately $2 million.[234]

Rule of Law and Civil Society Programs

Since 2001, congressional foreign operations appropriations legislation has funded democracy, human rights, rule of law, and Tibetan programs in the PRC. Between 2001 and 2014, the U.S. government allocated $390 million for the Department of State's foreign operations or aid programs in China, of which $320 million was devoted to human rights, democracy, rule of law, and related activities, Tibetan communities, and the environment.[235] Nearly $200 million in programming was administered by the Department of State's Bureau of Democracy, Human Rights and Labor. Program areas supported by U.S. assistance have included the following: civil liberties; government transparency and accountability; legal training and awareness; access to legal counsel; capacity building of nongovernmental organizations; criminal justice reform; labor rights; private sector competitiveness, job skills training, and support to traditional artisans in Tibetan areas of China; and the prevention, care, and treatment of HIV/AIDS. The direct recipients of State Department and USAID grants have been predominantly U.S.-based nongovernmental organizations and universities. Reduced appropriations since 2010 have resulted in the discontinuation of a number of rule-of-law and environmental programs.[236]

Some policymakers assert that the U.S. government should not support foreign assistance programs in China because the PRC has significant financial resources of its own and can manage its own development needs. Other critics argue that U.S. democracy, rule-of-law, environmental, and related programs have had little effect in China. Some experts counter that U.S. programs in China aim to promote U.S. interests in areas where the PRC government has lacked the expertise

[233] See Ellen Bork, The Foreign Policy Initiative, Testimony before the Senate Foreign Relations Committee, Subcommittee on East Asia and Pacific Affairs, March 21, 2013.

[234] See http://www.cecc.gov.

[235] Including Peace Corps programs.

[236] For further information, see CRS Report RS22663, *U.S. Assistance Programs in China*, by Thomas Lum.

or will to make greater progress. They contend that U.S. assistance activities in China have helped to develop protections of some rights, build foundations for civil society and the rule of law, and bolster reform-minded officials in the PRC government.

National Endowment for Democracy

Established in 1983, the National Endowment for Democracy (NED) is a private, nonprofit foundation "dedicated to the growth and strengthening of democratic institutions around the world."[237] Funded primarily by an annual congressional appropriation, NED has played an active role in promoting democracy and human rights in China since the mid-1980s. A grant-making institution, the Endowment has supported projects carried out by grantees that include its "core institutes"; Chinese, Tibetan, and Uighur human rights and democracy groups based in the United States and Hong Kong; and a small number of NGOs based in mainland China.[238] NED grants for China programs (including Tibetan areas and Hong Kong) averaged roughly $6.7 million per year between 2007 and 2013 and totaled $7.2 million in 2014. Program areas include civil society, defense of prisoners of conscience, freedom of expression, government transparency, Internet freedom, labor rights, promoting understanding of Tibetan, Uighur and other ethnic concerns in China, public interest law, public policy analysis and debate, religious freedom, and rural land rights.

Sanctions

China is subject to some U.S. human rights sanctions, but their effects are largely symbolic.[239] Many U.S. sanctions on China imposed as a response to the 1989 Tiananmen military crackdown remain in effect, including some economic and foreign aid restrictions, such as required "no" votes or abstentions by U.S. representatives of international financial institutions on loans to China (except those that meet basic human needs).[240] Due to China's designation as a *country of particular concern* for religious freedom violations since 1999, the U.S. government continues to restrict the U.S. export of crime control and detection equipment to the PRC.[241] Since 2002, Congress has required that U.S. representatives to international financial institutions support projects in Tibet only if, among other conditions, 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.[242] U.S. contributions to the United Nations Population Fund (UNFPA) may not be used for a country program in the PRC due to China's coercive family planning practices.[243]

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[237] National Endowment for Democracy, http://www.ned.org/about.

[238] NED's core institutes 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).

[239] See CRS Report RL31910, *China: Economic Sanctions*, by Dianne E. Rennack.

[240] Pursuant to the Foreign Relations Authorization Act of 1990-1991 (P.L. 101-246), §902 (Tiananmen Square sanctions) and International Financial Institutions Act (P.L. 95-118), §710(a).

[241] Pursuant to the International Religious Freedom Act of 1998 (P.L. 105-292). This restriction originally was imposed under the Tiananmen Square sanctions.

[242] Pursuant to the Foreign Relations Authorization Act, FY2003 (P.L. 107-228), Title VI, Subtitle B (Tibetan Policy Act of 2002). See also the Consolidated Appropriations Act, 2014 (P.L. 113-76), Division K, §7043(f)(1).

[243] 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, *U.S. International Family Planning Programs: Issues for Congress*, by Luisa

United Nations Human Rights Council

The 47-member United Nations Human Rights Council (UNHRC) was created in 2006 to replace the U.N. Commission on Human Rights (UNCHR), which had been faulted for being unduly influenced by countries widely perceived as having poor human rights records.[244] The United States sponsored several resolutions at the UNCHR criticizing China's human rights record, but none was successful; China was able to thwart voting on nearly all such resolutions through "no-action motions."[245] The PRC continues to employ its soft power—diplomatic and economic influence—in global fora in order to reduce international pressure to improve its human rights conditions.

Members of the UNHRC are elected by a majority vote in the U.N. General Assembly for three-year terms and may not be reelected for more than two consecutive terms. The United States was elected to the Human Rights Council in 2009 and was reelected in 2012. In 2014, China began its third term as a member of the Council since 2006. Some Members of Congress have opposed China's membership on the UNHRC.[246] In 2013, over 200 rights activists in Shanghai signed a statement urging the General Assembly not to support China's membership on the Council.[247]

As part of the restructuring related to the formation of the UNHRC, the U.N. General Assembly established the Universal Periodic Review (UPR), a mechanism by which the human rights records of all U.N. members are assessed once every four years. In addition, every member of the Human Rights Council is required to undergo a review while a member. The review is based upon reports compiled by the Office of the High Commissioner for Human Rights (OHCHR), including input from independent experts and NGOs, and a report submitted by the state under review. On the day of the review, U.N. member countries and the state under review participate in an interactive dialogue. The UPR Working Group reports on the proceedings, including the responses of the state under review to the recommendations made during the dialogue. Some observers have complained that the UPR process provides countries with poor human rights records with opportunities to criticize those with good records, the recommendations are nonbinding, and the input of NGOs often is restricted. Other experts have expressed support for the UPR, contending that it highlights human rights issues and produces pledges from countries under review to address them, and that the process is a more transparent and inclusive exercise than bilateral dialogues.[248]

The first periodic review of China was conducted in 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 for China's policies.[249] The United

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Blanchfield. See also the Consolidated Appropriations Act, 2014 (P.L. 113-76, Division K, §7063(c)).

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

[245] 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 it lost by one vote. The last such U.S. resolution was introduced in 2004.

[246] H.Res. 327 (Representative Bentivolio, introduced August 2, 2013) expressed the sense of the House of Representatives that the United States should vote against China's membership on the UNHRC, citing China's human rights violations, failure to comply with 71 of 138 UNHRC recommendations from its first Universal Periodic Review (2009), and resistance to efforts supported by the United States to monitor or reduce human rights abuses in other countries.

[247] "Rights Defenders Oppose China's Membership in UN Human Rights Council," Human Rights in China, October 25, 2013.

[248] Calum MacLeod, "Chinese Human Rights under U.N. Scrutiny," *USA Today*, October 23, 2013.

[249] Human Rights in China, "China's UN Human Rights Review: New Process, Old Politics, Weak Implementation

States was an observer but not yet a member of the Human Rights Council when the first review of China was conducted.

During China's second UPR, held in October 2013, many U.N. member states urged China to ratify the International Covenant on Civil and Political Rights (ICCPR). Some countries called on China to ensure greater protections of the rights of ethnic minorities, particularly Tibetans, Uighurs, and Mongolians, although other countries supported China's ethnic policies. Austria, Slovakia, and Switzerland recommended that China facilitate a visit by the U.N. High Commissioner for Human Rights—the last time the High Commissioner visited China was in 1998. Some European states urged China to reduce or abolish its use of the death penalty. The United States reportedly was the only participant in the UPR dialogue to provide names of Chinese citizens when raising the issue of human rights abuses against dissidents and civil society activists.[250]

Chinese officials asserted that Beijing was willing to work with other countries on human rights "as long as it was in the spirit of mutual respect" and that ethnic minority groups were treated fairly, adding that it was China's priority to reduce poverty. The PRC government declined to set a timetable for ratifying the ICCPR and agreed to meet with the U.N. High Commissioner for Human Rights "at a mutually convenient time."[251] Of the recommendations made by the Human Rights Council at the UPR, China adopted 204 of them and rejected 48. A number of recommendations that China rejected related to human rights activists, extra-judicial detention, freedom of belief, freedom of expression, and the rights of ethnic minorities. PRC authorities barred three Chinese rights activists from traveling to Geneva to take part in the review process.[252]

Human Rights Dialogue

The U.S.-China Human Rights Dialogue was established in 1990. It is one of several government-to-government human rights dialogues between China and other countries; China also has a human rights dialogue with the European Union. After hosting the dialogue in 2002, Beijing formally suspended the dialogue in 2004 after the Bush Administration sponsored an unsuccessful U.N. resolution criticizing China's human rights record. The talks were resumed in 2008. The Obama Administration participated in five rounds between 2010 and 2015 at locations in the United States and the PRC. In 2014, Beijing suspended the U.S.-China Human Rights Dialogue presumably in retaliation for President Obama's meeting with the Dalai Lama.[253]

The 18th round of the dialogue was held in Kunming, China, in July 2013. U.S. officials visited a women's prison and a Hui minority mosque. They raised many issues of concern, including the crackdown on rights activists and journalists, continuing repression and unrest in Tibetan areas and Xinjiang, the status of high profile political prisoners, and harassment of the family members

Prospects," February 9, 2009.

[250] Dui Hua Foundation, "Looking for Universality at China's Second UPR," November 5, 2013.

[251] ibid.; Stephanie Nebehay and Sui-Lee Wee, "West Criticizes, China Defense Human Rights Record at U.N.," *Reuters*, October 22, 2013.

[252] Human Rights in China, "Summary Charts: China's Responses to Recommendations Advanced by Hunan Rights Council Member and Observer States, 2nd Universal Periodic Review of China," February 27, 2014, http://www.hrichina.org/sites/default/files/upr_2013_recommendations_and_chinas_responses.pdf

[253] Some analysts speculate that Beijing initially blocked the long-planned port visit of the USS *Kitty Hawk* to Hong Kong in November 2007 in retaliation for the meeting between President George W. Bush and the Dalai Lama in October 2007 in Washington, DC, and the presentation of the Congressional Gold Medal to the Dalai Lama.

of activists and dissidents. The 19th round took place in Washington, DC, in August 2015. Assistant Secretary of State for Democracy, Human Rights, and Labor Tom Malinowski and Li Junhua, Director-General of the Department of International Conferences and Organizations of the PRC Ministry of Foreign Affairs, led the two delegations. The dialogue included a visit to a detention center in Maryland, a meeting with senior staffers of the Senate Foreign Affairs Committee, and a roundtable with human rights groups. The roundtable reportedly marked the first time that a Chinese delegation to the talks engaged critics from civil society.[254]

Malinowski reportedly expressed concerns regarding the crackdown on human rights lawyers, referred to 16 PRC citizens who had been jailed, detained, or denied freedom of movement, and presented a list of over 100 "cases of concern."[255] Other issues reportedly raised by the U.S. side included the following: the new National Security law, draft foreign NGO law, and other legislative proposals; freedom of expression, including press and Internet freedom; and the campaign to remove crosses from some Christian churches and demolish others in Zhejiang province and elsewhere. The U.S. delegation "discussed the dangers" of conflating peaceful expressions of dissent and religious practices with subversive and terrorist activities, particularly in Xinjiang and Tibet, and urged China to resume its dialogue with representatives of the Dalai Lama. U.S. representatives raised the issues of restricted access for U.S. journalists, diplomats, and academics and the lack of "fair and equitable treatment for U.S. news outlets" in China. They pressed Chinese officials to release journalist and press freedom advocate Gao Yu.[256] In 2015, Gao, who is 71 years old and said to be suffering from a heart condition, was sentenced to seven years in prison for "leaking state secrets" to the foreign media. The Chinese side publicly noted human rights problems in the United States, including racial discrimination, excessive use of force by police, and the "violation of the human rights of other countries through massive surveillance activities."[257]

The Chinese government has become increasingly resistant to making concessions on human rights through diplomatic engagement. Since 2013, the PRC rarely has accepted prisoner lists or requests for information on cases of concern from foreign governments, although the U.S. government and NGOs continue to press China for information and leniency related to key prisoners of conscience. Furthermore, Chinese delegations have responded to U.S. concerns by criticizing what they view as human rights abuses in the United States. Some experts suggest that Chinese authorities remain relatively supportive of narrowly focused, governmental and non-governmental rule-of-law exchanges, which often are less politically sensitive, and which have had some success in promoting reforms, particularly in the area of criminal justice.[258]

Some observers have criticized the U.S.-China and other human rights dialogues for providing both governments with opportunities for claiming achievements on human rights in China through the talks themselves, without establishing benchmarks for progress, offering incentives for producing results, or imposing penalties for failing to do so. They have expressed concern that separating the Human Rights Dialogue from the U.S.-China Strategic and Economic Dialogue has marginalized human rights issues, and reduced opportunities for linking human rights to other

[254] Dui Hua Foundation, "US-China Human Rights Dialogue Reconvenes in Washington," *Dui Hua Digest,* September 2015.

[255] Ibid.

[256] Ibid.; Department of State, "On-the-Record Briefing on the 19th U.S.-China Human Rights Dialogue," op. cit.

[257] "China, U.S. Hold 19th Human Rights Dialogue," *Xinhua,* August 16, 2015.

[258] John Kamm, op. cit.; see also U.S. Department of State, *Congressional Budget Justification for Foreign Operations, Fiscal Year 2015*.

areas of the bilateral relationship. Critics also have urged that the talks be more transparent and open to a greater number of stakeholders, particularly non-governmental participants.[259]

Administration officials have responded to critics by arguing 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 also aim to "amplify" the voices of Chinese citizens on human rights issues. U.S. officials contend that the talks enable the U.S. government to focus on human rights within one forum. It is one of many channels of communication on human rights, they argue, including the S&ED. They also suggest that, given the deep disagreements with China on human rights and other issues, holding the dialogue represents a positive step.[260] Some Chinese activists believe that the dialogue has long-term benefits through raising human rights awareness in China.[261]

A related bilateral dialogue, the Legal Experts Dialogue (LED), was launched in 2003. The Obama Administration convened the fourth round in 2011, after a six-year hiatus. The LED brings together governmental and nongovernmental legal experts from the United States and China. It is designed to serve as a forum to discuss the benefits and practical implementation of the rule of law. The fifth LED was held in Beijing in April 2012. The sixth round was held in Charlottesville, VA, in November 2013. Then-U.S. Acting Assistant Secretary of State for Democracy, Human Rights, and Labor Uzra Zeya and Principal Deputy Legal Adviser Mary McLeod led the U.S. delegation. PRC Supreme People's Court Senior Judge Hu Yunteng led the Chinese side.[262] The seventh LED is scheduled to take place in Beijing in October 2015.

Global Online Freedom Act

The Global Online Freedom Act (GOFA), first introduced in 2006, has been reintroduced in four Congresses. The purpose of the 113th Congress's version of the bill, H.R. 491 (Representative Smith, introduced February 4, 2013), The Global Online Freedom Act of 2013, was "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...." H.R. 491 sought to promote human rights due diligence among U.S. companies located in "Internet-restricting countries" such as China, and greater transparency regarding how such companies comply with government policies related to the personal information of Internet users and censorship. The legislation would have prohibited the export of U.S. goods or technology that would "serve the primary purpose of assisting a foreign government in acquiring the capability to carry out censorship, surveillance, or any other similar or related activity through means of telecommunications, including the Internet...."

[259] 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; William Wan, "Human Rights Abuses Worsening in China, U.S. Diplomats Say," *Washington Post,* August 2, 2013.

[260] Department of State, "On-the-Record Briefing on the 19th U.S.-China Human Rights Dialogue," op. cit.; Department of State, "Briefing on the 17th U.S.-China Human Rights Dialogue," July 25, 2012.

[261] Dui Hua Foundation, "US-China Rights Dialogue: An Exercise in Insanity?" *Dialogue,* no. 52 (Summer 2013).

[262] U.S. Department of State, Office of the Spokesperson, "U.S.-China Legal Experts Dialogue," November 5, 2013. See also U.S.-Asia Law Institute, "The U.S. State Department Invites USALI Executive Director Ira Belkin to Participate in U.S.-China Legal Experts Dialogue," November 11, 2013. U.S.-Asia Law Institute Executive Director Ira Belkin led a discussion about the role of lawyers in promoting the rule of law and emphasized the need to protect the ability of lawyers to represent unpopular causes and unpopular clients.

Internet Freedom

The U.S. government has undertaken efforts to promote global Internet freedom. 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, cybersecurity, free trade in Internet services, and intellectual property rights. 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. Between 2008 and 2012, Congress appropriated approximately $95 million for State Department and USAID global Internet freedom efforts. In 2013-2014, the Administration reportedly awarded $43 million to groups working to advance Internet freedom in the following areas: counter-censorship and secure communications technology; training in secure online and mobile communications practices; advocacy; and policy research.[263] The primary target countries for such efforts, particularly censorship circumvention and secure communications programs, have been China and Iran.

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 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. VOA "Learning English" international news programs, aimed at intermediate learners of English, are popular with many young, educated, and professional Chinese. In 2014, the Broadcasting Board of Governors noted that RFA Mandarin service would launch a blog featuring a daily compilation of posts by Chinese "celebrity bloggers" that had been deleted by state censors. The PRC government regularly jams and blocks VOA and RFA Mandarin, Cantonese, Tibetan, and Uighur language radio and television broadcasts and Internet sites, while VOA English services have received less interference. VOA and RFA have made efforts to improve their Internet services, upgrade their circumvention or counter-censorship technologies, and raise their profiles on social media platforms such as *weibo*. In the past year, VOA also strengthened satellite television transmissions and programming in Mandarin.[264]

VOA Documentary on Tibetan Self-Immolations

In 2013, Voice of America produced *Fire in the Land of Snow: Self Immolations in Tibet.* The documentary, broadcast in Mandarin, Tibetan, and English on satellite and VOA websites, examines the causes behind the wave of self-immolations that have occurred since 2009. The film uses footage taken by journalists in China and smuggled to VOA.

[263] Bureau of Economic and Business Affairs, "Internet Freedom," http://www.state.gov/e/eb/cip/netfreedom/index.htm; Department of State, Bureau of Democracy, Human Rights and Labor, *Internet Freedom Annual Program Statement*, June 2, 2014, http://www.state.gov/j/drl/p/227048.htm.

[264] Broadcasting Board of Governors, *Fiscal Year 2015 Congressional Budget Request*, March 25, 2014, http://www.bbg.gov/wp-content/media/2014/03/FY-2015-BBG-Congressional-Budget-Request-FINAL-21-March-2014.pdf.

Appendix. Selected Legislation Related to Human Rights in China

114th Congress[265]

- **H.Res. 343**: Expressing concern regarding persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People's Republic of China, including from large numbers of Falun Gong practitioners and members of other religious and ethnic minority groups (Ros-Lehtinen, 6/25/2015).
- **H.Res. 337** (*Passed on 7/8/2015*): Calling for substantive dialogue, without preconditions, in order to address Tibetan grievances and secure a negotiated agreement for the Tibetan people (Engel, 6/24/2015).
- **H.R. 2621**: China Human Rights Protection Act of 2015 (Smith, 6/2/2015).
- **H.R. 2242**: World Press Freedom Act of 2015 (Smith, 5/5/2015).
- **H.R. 1159**: Hong Kong Human Rights and Democracy Act (Smith, 2/27/2015).
- **H.R. 1112**: Reciprocal Access to Tibet Act of 2015 (McGovern, 2/26/2015).
- **H.Res. 105**: Calling for the Protection of Religious Minority Rights and Freedoms Worldwide (Bridenstine, 2/11/2015).
- **S.Res. 69**: A resolution calling for the protection of religious minority rights and freedoms worldwide (Inhofe, 2/5/2015).
- **H.R. 624**: Global Magnitsky Human Rights Accountability Act: To impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, and for other purposes (Smith, 1/30/15).
- **S. 284**: Global Magnitsky Human Rights Accountability Act: To impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, and for other purposes (Cardin, 1/28/15).

113th Congress

- **H.R. 5696**: Hong Kong Human Rights and Democracy Act (Smith, 11/13/2014).
- **S. 2922**: Hong Kong Human Rights and Democracy Act (Brown, 11/13/2014).
- **H.R. 5379**: China Human Rights Protection Act of 2014 (Smith, 7/31/2014).
- **S.Res. 482**: A resolution expressing the sense of the Senate that the area between the intersections of International Drive, Northwest Van Ness Street, Northwest International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, should be designated as "Liu Xiaobo Plaza" (Cruz, 6/24/2014).
- **H.R. 4851**: Reciprocal Access to Tibet Act of 2014 (McGovern, 6/12/2014).
- **H.Res. 599** (*Passed on 5/28/2014*): Urging the Government of the People's Republic of China to respect the freedom of assembly, expression, and religion and all fundamental human rights and the rule of law for all its citizens and to

[265] As of September 2015.

- stop censoring discussion of the 1989 Tiananmen Square demonstrations and their violent suppression (Smith, 5/27/2014).
- **S.Res. 451** (*Passed on 6/4/2014*): A resolution recalling the Government of China's forcible dispersion of those peaceably assembled in Tiananmen Square 25 years ago, in light of China's continued abysmal human rights record (Barrasso, 5/15/2014).
- **S.Res. 361** (*Passed on 4/8/2014*): A resolution recognizing the threats to freedom of the press and expression in the People's Republic of China and urging the Government of the People's Republic of China to take meaningful steps to improve freedom of expression as fitting of a responsible international stakeholder (Cardin, 2/24/2014).
- **H.Res. 327**: Expressing the sense of the House of Representatives regarding China's membership in the United Nations Human Rights Council (UNHRC) (Bentivolio, 8/2/2013).
- **H.Res. 281**: Expressing concern over persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience, in the People's Republic of China, including from large numbers of Falun Gong practitioners imprisoned for their religious beliefs, and members of other religious and ethnic minority groups (Ros-Lehtinen, 6/27/2013).
- **H.Res. 245**: Recognizing the 24th anniversary of the Tiananmen Square massacre, calling for the release of Dr. Wang Bingzhang, and for other reasons (Bentivolio, 6/4/2013).

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