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Freedom in the World 2009 - China

Capital: Beijing

Population: 1,324,700,000

Political Rights Score: 7

Civil Liberties Score: 6

Status: Not Free

Explanatory Note

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

Overview

Despite expectations that it would enact at least symbolic human rights improvements during its year as host of the Olympic Games, the Chinese government in 2008 increased restrictions on online writers, human rights lawyers, democracy activists, migrant workers, and individuals seeking to petition the central government on abuses by local officials. Religious and ethnic minorities were also subjected to stepped-up repression, including a number of high-profile deaths. While it passed promising labor legislation and extended regulations allowing greater freedom of movement for foreign journalists, the ruling Communist Party generally sought to tighten control over the judiciary and domestic media coverage. Grassroots activists and intellectuals defied this government hostility, raising increasingly bold calls for reform during the year.

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

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

Hu Jintao succeeded Jiang as party general secretary in 2002, state president in 2003, and head of the military in 2004. Many observers expected Hu and Premier Wen Jiabao to implement modest political reforms to address pressing socioeconomic problems that had emerged in the course of China's modernization, including a rising income gap, unemployment, the lack of a social safety net, environmental degradation, and corruption. The new leadership instead renewed its commitment to maintaining the CCP's monopoly on power. While it proved moderately more responsive to certain constituencies – especially the urban middle class – the government continued to exercise tight control over key institutions and intensified repressive measures against those perceived as threats to the party's authority.

The CCP held its 17th Party Congress in October 2007. Changes to the Politburo Standing Committee, the country's foremost policymaking body, were the focus of the gathering, and one of those joining the committee was Shanghai party boss Xi Jinping. In March 2008, the National People's Congress plenary session confirmed Hu and Wen in their positions for the next five years, while Xi was appointed vice president, setting the stage for him to succeed Hu.

In August 2008, China hosted the Olympic Games in Beijing. The authorities failed to uphold pledges of an open media environment during the games, and expectations that the CCP would enact broader reforms or make gestures toward improved human rights also proved unfounded. Furthermore, the government carried out large-scale evictions; increased restrictions on movement; heightened surveillance; and cracked down on rights activists, petitioners, and religious and ethnic minorities to suppress internal dissent and project an image of efficiency and harmony in its organization of the games.

At the same time, the trend from recent years of growing rights consciousness among the public and an expanding nonprofit sector continued, accompanied by increasingly bold calls by citizens for protection of legally enshrined rights and in some cases, wholesale political reform. Citizens mobilized for relief and investigation efforts after a massive earthquake in May in Sichuan province, lawyers continued to push legal reform from the bottom up, and taxi drivers and teachers initiated a series of strikes. In December, a coalition of 300 prominent individuals published a manifesto dubbed Charter 08, which called for multiparty democracy, a free press, and an independent judiciary; it gained over 7,000 signatures by year's end. The *Nine Commentaries*, a collection of editorials published in 2004 by the *Epoch Times* that analyzes the history of the CCP and encourages an end to its rule, continued its underground circulation in 2008, according to the Wei Jingsheng Foundation and official websites citing crackdowns on its distribution in several cities. The authorities also responded to these activities with censorship of online communications and detentions targeting some participants.

Also during the year, the earthquake in Sichuan province led to the deaths of an estimated 70,000 people. The government's initial openness to news coverage and nongovernmental relief efforts received international praise, but its later efforts to cover up the disproportionate toll on shoddily constructed school buildings highlighted the party's reluctance to permit genuine public scrutiny. Separately, the belated discovery that large quantities of baby formula had been tainted with melamine raised concerns over widespread corruption and the dearth of independent oversight of both state-owned and private enterprises. As the year drew to a close, the global economic downturn began to be felt in China, with tens of thousands of firms closing and unemployment rising. On the international scene, with the victory of the Kuomintang in Taiwanese elections, relations between the governments on the two sides of the strait became closer, and a number of agreements were signed facilitating economic and tourist exchanges.

Political Rights and Civil Liberties

China is not an electoral democracy. The CCP possesses a monopoly on political power, and the party's nine-member Politburo Standing Committee makes most important political decisions and sets government policy. Party members hold almost all top posts in government, the military, and the internal security services, as well as in many

economic entities and social organizations. The CCP also exercises control over government and society through networks of party committees at all levels.

The 3,000-member National People's Congress (NPC) is China's largely symbolic parliament. It remains subordinate to the party in practice, serving primarily to approve proposed legislation, though members sometimes question bills before passing them. The country's only competitive elections are for village committees and urban residency councils, neither of which are formal units of government. The nomination of candidates remains a tightly controlled process, and fraud, violence, corruption, and attacks on independent candidates have marred many elections. The majority of village chiefs are still party members.

The state uses an opaque State Secrets Law to justify the detention of those who engage in political activity without CCP approval. Opposition groups like the China Democracy Party are suppressed, and members are imprisoned. Guo Quan, an online writer and professor who launched the China New People's Party in 2007, was arrested in November 2008 on charges of "subversion of state power." In December, democracy activist and Charter 08 drafter Liu Xiaobo was detained shortly before the manifesto's public release; he remained in custody at year's end. According to official statistics obtained by the Duihua Foundation, the number of arrests for "endangering state security" more than doubled from 2007 to 2008, reaching a total of 1,623 new detentions.

Corruption remains endemic, and according to some observers it has risen in recent years, despite increased government anticorruption efforts. The problem is most concentrated in sectors with extensive state involvement, such as construction, land procurement, and banking. While multiple government bodies track and prosecute corruption, there is no independent anticorruption agency, and the accuracy of official statistics is questionable. Nonetheless, tens of thousands of cases were investigated at all levels in 2008. From November 2007 to November 2008, some 151,000 party officials and members were reportedly disciplined; prosecution may be selective, however, as informal personal networks often influence who is pursued by the authorities. New open-government regulations came into effect in May 2008, but courts hesitated to accept lawsuits seeking to compel the disclosure of information by local officials. China was ranked 72 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press remains extremely restricted, despite constitutional free speech guarantees and comparative freedom in private discussion. During 2008, the authorities employed more sophisticated means to control news reporting about events in the country, particularly on potentially sensitive topics. This included proactively setting the agenda by allowing key state-run media outlets to cover events in a timely but selective manner, followed by requirements that other media and internet portals restrict their reporting to such versions. Media coverage of criticism of top leaders, past CCP rights abuses, and repression of minorities is censored, and party directives in 2008 curbed information related to public health, the financial crisis, and other topics. Journalists who fail to comply with official guidance are harassed, fired, or jailed. During the year, at least 11 journalists, cyberdissidents, and other citizens were sentenced to prison or labor-camp terms of up to seven years for disseminating information on a range of issues. In several particularly prominent cases, *Southern Metropolis Weekly* deputy editor Chang Ping was removed from his post for a commentary on Tibet, AIDS activist Hu Jia was sentenced to 3.5 years in prison, and land rights activist Yang Chunlin was sentenced to five years. Four journalists or commentators were released from prison, including Cheong Ching, a well-known Hong Kong journalist.

Material in virtually every medium requires state approval for publication, and violators face fines or imprisonment; pirated and underground copies circulate in practice, however. Regulations allowing greater freedom of movement for foreign journalists, first put in place in January 2007, remained in effect during the Olympic Games in August 2008 and were permanently extended in October. Nevertheless, local officials continued to block, harass, and sometimes assault foreign reporters, while Human Rights Watch reported an increase in the intimidation of Chinese sources. Some international radio and television broadcasts remain jammed; in June 2008, the French company

Eutelsat stopped broadcasts of the Falun Gong-affiliated overseas satellite station New Tang Dynasty TV, apparently under pressure from the Chinese authorities.

Although access to digital media has grown exponentially in recent years, the government routinely cracks down on internet users and monitors personal communications, including text messaging via mobile telephones. The authorities block websites they deem politically threatening and detain those responsible for posting the content. As of June 2008, 49 cyberdissidents were serving prison terms. Foreign and domestic internet companies cooperate with the Chinese government on censorship enforcement. In 2008, control over online video content was tightened under new regulations requiring that providers be state-owned or state-controlled. Starting in October, government surveillance was increased in internet cafes, with users obliged to register with their real name and submit to photographs before getting online.

Though constitutionally recognized, religious freedom is sharply restricted. It deteriorated further in 2008 as the CCP used the pretext of ensuring Olympic security to crack down on minorities. All religious groups are required to register with the government, which regulates their activities via state-sponsored associations. Members of unauthorized groups face harassment, imprisonment, and torture. Though some local governments tolerate Protestant and Catholic congregations, many members of "underground" churches were affected by a series of raids and detentions in 2008. According to the Congressional-Executive Commission on China, repression of the Falun Gong spiritual group also intensified following central government directives. The crackdown included increased propaganda efforts to vilify the group, restrictions on movement, arrests, and sentencing of adherents to "reeducation through labor" camps and prisons, with terms of up to eight years. In one high-profile case, Beijing musician Yu Zhou died in custody 11 days after being detained for possessing Falun Gong literature in late January; his wife, Xu Na, was sentenced in November to three years in prison. In the Xinjiang Autonomous Region, repression of ethnic Uyghurs and curbs on Muslim religious practice intensified, with large-scale detentions, restrictions on fasting during Ramadan, and new regulations prohibiting activities such as praying in public. Public executions and deaths in custody were also reported, including the death of Mutellip Hajim, a jade merchant and prominent community member, after his arrest in January; the incident sparked protests in March that were forcefully broken up. A state-run propaganda campaign, joined by the Daoist association's leader, to vilify Tibetans following protests in Tibetan areas in March led to increased discrimination against members of that minority.

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

Freedoms of assembly and association are severely restricted. None of the 77 people who applied to demonstrate in three designated "protest zones" during the Olympics were approved, and at least six were detained. The authorities also increased harassment of petitioners – individuals seeking to appeal to senior officials on injustices at the local level; 12.7 million such petitions were reported in 2007. Hundreds of petitioners were detained in and around Beijing ahead of the Olympics, while some provincial authorities reportedly confined them to mental hospitals or illegal detention centers termed "black jails." Despite such repression, workers, farmers, and others have held tens of thousands of public protests in recent years over wrongdoing by local officials, especially land confiscation, corruption, and fatal police beatings. Security agencies or hired thugs sometimes use excessive force to put down such unrest, as when 70 young men reportedly used knives and clubs to attack villagers resisting eviction in Hubei province in January 2008. In other cases, officials tolerate demonstrations as an outlet for pent-up frustration or agree to protesters' demands, as with a taxi-driver strike in Chongqing in November.

Nongovernmental organizations (NGOs) are required to register with the government and follow strict regulatory guidelines, including vague prohibitions on advocating nonparty

rule, "damaging national unity," or "upsetting ethnic harmony." Many groups, including those working on health issues like HIV/AIDS, reported heightened harassment and surveillance in the period surrounding the Olympics. The Sichuan Union Relief Office, which had been coordinating the work of over 100 NGOs in the earthquake zone, announced in May that it would discontinue its efforts after it was unable to register and received harassing visits from police.

The only legal labor union is the government-controlled All China Federation of Trade Unions, and independent labor leaders are harassed and jailed. Collective bargaining is legal but does not occur in practice. Three new labor laws took effect in 2008; they were designed to protect workers, counter discrimination, and facilitate complaints against employers, while empowering CCP-controlled unions. Initial promising signs on implementation – including a sharp rise in the number of labor-dispute cases filed by workers – were overshadowed at year's end by the bleak economic environment, a lack of independent arbitration bodies, and a growing backlog of complaints. Though workers have no legal right to strike, there was an increase in labor unrest during the year. Dangerous workplace conditions continued to claim lives. Chinese officials reported that the number of workplace accidents fell by 10 percent from 2007 to 2008, setting the year's death toll at 91,172.

The CCP controls the judiciary and directs verdicts and sentences, particularly in politically sensitive cases. In 2008, a party veteran with no formal legal training was appointed as chief justice. Despite recent criminal procedure reforms, trials – which often amount to mere sentencing hearings – are frequently closed, and few criminal defendants have access to counsel in practice. Torture remains widespread, with coerced confessions routinely admitted as evidence, and police conduct searches without warrants. Endemic corruption exacerbates the lack of due process in the judicial system. Many suspects are deprived of court hearings altogether, detained instead by bureaucratic fiat in "reeducation through labor" camps. These facilities are estimated to hold between 300,000 and three million detainees, with a majority in some camps reported to be political and religious prisoners. The use of various forms of extralegal detention has also increased in recent years, including secret jails and psychiatric arrest of petitioners and dissidents. Some 65 crimes – including nonviolent offenses – carry the death penalty in China, and human rights groups estimated that as many as 6,000 people were executed in 2007, though exact figures remain a state secret. Nonetheless, a recent reform enabling the Supreme People's Court to review capital cases has apparently led to a modest reduction in executions, with the court stating that it overturned about 15 percent of death sentences in the first half of 2008.

Though in most cases security forces are under direct civilian control, they work closely with the party leadership at each level of government, which contributes to frequent misuse of authority. Cases of extrajudicial and politically motivated murder, torture, and arbitrary arrest continue to be reported. Ahead of the Olympics in 2008, authorities detained or placed under house arrest dozens of online writers, human rights defenders, and other dissidents, including the wife and young daughter of activist Hu Jia. Civil rights lawyers have faced increasing harassment in recent years, along with their families, and some have been detained. Lawyer Teng Biao was abducted in March, and his law-license renewal was refused in May; several other lawyers were threatened with similar punishment or fired from their law firms for advocating democratic elections to the Beijing Bar Association. Gao Zhisheng was severely tortured in custody, and Li Heping's car was attacked as he drove his son to school.

Minorities, the disabled, and people with HIV/AIDS face severe bias in mainstream society. New legal provisions enabled successful lawsuits in Guangdong and Shanghai in 2008 by individuals who had faced employment discrimination for carrying Hepatitis B. A household registration, or *hukou*, system remains in place, mostly affecting China's population of 150 million internal migrants. Officials intensified inspections under the system ahead of the Olympics. Some local governments have experimented with reforms to allow greater mobility, but citizens continue to face restrictions on changing employers or residence, and many migrants are unable to fully access social services. Other restrictions on freedom of movement intensified during the Olympics, including the confiscation of passports and restrictions on air travel for Uyghur Muslims and human

rights defenders. Law enforcement agencies near the border with North Korea stepped up efforts to locate refugees, and hundreds of people were reportedly repatriated, facing imprisonment or execution upon return.

Despite a growing body of legislation outlining property rights – including a 2007 Property Rights Law – protection remains weak in practice, and all land is formally owned by the state. Tens of thousands of forced evictions in urban centers and illegal land confiscations in rural areas take place each year, often with inadequate compensation. Individuals who resist eviction, seek legal redress, or organize protests face physical violence at the hands of local police or thugs hired by property developers. The Center on Housing Rights and Evictions estimated that 1.5 million people had been displaced in Beijing since 2001, including hundreds of thousands in 2008, often due to construction efforts surrounding the Olympics. In October, party leaders announced possible reforms that would loosen restrictions on rural land-use contracts, but all land would continue to be owned by the state and managed by village committees.

China's policy of allowing only one child per couple remains in place, though it is less stringently enforced in rural areas. Compulsory abortion or sterilization by local officials still occurs but is illegal and far less common than in the past. Serious human rights violations against women and girls continue. The one-child policy and cultural preference for boys over girls have led to sex-selective abortion and a general shortage of females, which exacerbates the problem of human trafficking. Domestic violence and sexual harassment are growing concerns in Chinese society. In July 2008, a court in Sichuan delivered the country's first criminal conviction for sexual harassment in the workplace.

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