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## Freedom in the World 2010 - China

Capital: Beijing

Population: 1,331,398,000

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

The Chinese government continued in 2009 to demonstrate high levels of insecurity and intolerance regarding citizens' political activism and demands for human rights protection. Aiming to suppress protests during politically sensitive anniversaries during the year, including the 60-year mark of the Communist Party's rise to power, the authorities resorted to lockdowns on major cities and new restrictions on the internet. The government also engaged in a renewed campaign against democracy activists, human rights lawyers, and religious or ethnic minorities, which included sentencing dozens to long prison terms following unfair trials. Repressive measures were intensified in the northwestern region of Xinjiang, especially after ethnic violence erupted there in July. Nevertheless, many citizens defied government hostility and asserted their rights to free expression and association.

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

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

the political sphere, Jiang maintained a hard line.

Hu Jintao succeeded Jiang as CCP general secretary in 2002, state president in 2003, and head of the military in 2004. Many observers expected Hu and Premier Wen Jiabao to implement modest political reforms to address pressing socioeconomic problems including a rising income gap, unemployment, the lack of a social safety net, environmental degradation, and corruption. However, 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 repression of perceived threats to the CCP's authority.

In March 2008, the National People's Congress bestowed additional five-year terms on Hu and Wen, while Shanghai party boss Xi Jinping was appointed vice president, setting the stage for him to potentially succeed Hu in 2012. In August, China hosted the Olympic Games in Beijing. Despite its pledges to ensure an open media environment and improved human rights protections surrounding the games, the government engaged in large-scale evictions, greater restrictions on freedom of movement, internet censorship for foreign journalists, and crackdowns on dissidents and minorities.

The atmosphere of heightened repression continued in 2009, as the global economic crisis, rising public protests, and the arrival of several politically sensitive anniversaries strengthened hard-liners within the CCP. The major dates included the 50th anniversary of the Dalai Lama's flight from Tibet in March, the 20th anniversary of the Tiananmen Square crackdown in June, the 10th anniversary of the CCP's ongoing suppression of the Falun Gong spiritual movement in July, and the 60th anniversary of the CCP's rise to power in October. Following the model used for the Olympics, the authorities imposed anniversary-related security measures including lockdowns on major cities, increased restrictions on internet access, and systematic arrests of rights activists, petitioners, and religious and ethnic minorities. Conditions in the Xinjiang Uighur Autonomous Region deteriorated during the year, both before and after ethnic violence erupted in July.

Popular unrest was not limited to Xinjiang. Growing anger over corruption, abuse of power, and impunity fueled tens of thousands of protests, particularly in rural areas. In response, CCP leaders committed more resources to tackling corruption, spurring the investigation of hundreds of mid- and high-ranking officials and a well-publicized crackdown on organized crime, although the effort stopped short of much-needed legal and institutional reforms. The CCP also tightened political control over the judiciary, expanded the use of surveillance equipment, and established a network of extralegal taskforces to coordinate the suppression of grassroots discontent.

Despite government repression, a growing nonprofit sector continued to provide crucial social services and increase citizens' rights awareness. In addition, bloggers, journalists, legal professionals, workers, and religious believers pushed the limits of permissible activity, sometimes effectively asserting the rights to free expression and association. Citizens managed to expose official corruption, obtain compensation for unpaid wages, and force the partial retraction of a plan to install monitoring and censorship software on personal computers. According to reports by activists and references on official websites, banned political publications continued to circulate – especially online – including the newly released memoir of ousted CCP leader Zhao Ziyang, the prodemocracy manifesto Charter 08, and the *Nine Commentaries*, a collection of editorials highly critical of CCP rule.

Also during the year, reconstruction continued in the wake of a May 2008 earthquake in Sichuan province that led to an estimated 70,000 deaths. The effort was marred, however, by the alleged misuse of relief funds and ongoing government attempts to cover up the disproportionate toll among children due to shoddily constructed school buildings. Under public pressure, the government published the death toll among children in May, setting the figure at 5,335, though many observers argued that the true count was probably much higher.

China weathered the global economic downturn better than many other countries,

thanks in part to a \$580 billion stimulus package. However, critics raised concerns that the government spending could boost large, underperforming state-owned enterprises at the expense of small and medium-sized companies that typically account for much of the country's tax revenue and economic dynamism. Some observers also warned that the increased investment in infrastructure could stir unrest related to land disputes.

At the international level, the CCP made concerted efforts to extend its propaganda and censorship beyond China's borders. The government invested billions of dollars in new international versions of party mouthpieces such as Xinhua News Agency, while pressuring foreign officials to silence regime critics at cultural events in Germany, Australia, South Korea, Bangladesh, and Taiwan. Chinese officials also successfully pressured Pakistan and Cambodia to repatriate Uighur asylum-seekers, who faced possible torture and execution in China. Relations between China and Taiwan continued to thaw, as new bilateral agreements facilitated transportation links, judicial assistance, and economic investment.

### **Political Rights and Civil Liberties**

China is not an electoral democracy. The CCP has a monopoly on political power and its nine-member Politburo Standing Committee 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 3,000-member National People's Congress (NPC), which is elected for five-year terms by subnational congresses, formally elects the state president for up to two five-year terms, and confirms the premier after he is nominated by the president. However, the NPC is a largely symbolic body, meeting for just two weeks a year and 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, which hold limited authority and are generally subordinate to the local CCP committees. The nomination of candidates remains tightly controlled, and many of these elections have been marred by fraud, violence, corruption, and attacks on independent candidates. Plans to expand polls to higher levels of governance, such as townships, have stalled.

Opposition groups like the China Democracy Party are suppressed, and members are imprisoned. Prominent democracy advocate Liu Xiaobo was sentenced in December 2009 to 11 years in prison for his involvement in drafting and circulating Charter 08. At least 100 other signers of the prodemocracy manifesto were reportedly summoned for questioning following its publication. Several other democracy activists received long prison sentences during the year, including Xie Changfa, sentenced to 13 years for organizing a Hunan province branch of the China Democracy Party, and Guo Quan, an online writer and professor who launched the China New People's Party, sentenced to 10 years. In October, the U.S. Congressional-Executive Commission on China published a partial list of over 1,200 political prisoners, while the San Francisco-based Dui Hua Foundation estimated that 1,150 new arrests for "endangering state security" were made in 2009. Tens of thousands of others are thought to be held in extrajudicial forms of detention for their political or religious views.

In February 2009, the government of the Macau Special Administrative Region, a Portuguese-ruled colony until 1999, passed legislation that stipulates long prison terms for crimes such as "secession," "subversion," and "association with foreign political organizations that harm state security." Human rights groups raised concerns that, as in the rest of China, such provisions could be used to restrict freedom of expression and imprison critics of the Macau or Beijing authorities. Macau immigration officers reportedly cited the law in barring entry to several prodemocracy lawmakers and activists from Hong Kong shortly after its passage.

Corruption remains endemic despite increased government antigraft efforts, generating growing public resentment. The problem is most acute in sectors with extensive state

involvement, such as construction, land procurement, and banking. While multiple bodies track and prosecute corruption, there is no independent anticorruption agency. Tens of thousands of cases were investigated at all levels in 2009, with suspects including several assistant ministers and heads of state-run conglomerates. A crackdown on organized crime in Chongqing that began in June swept up thousands of suspects, exposing criminal infiltration of key industries as well as crime bosses' collusion with senior officers in local party committees, the police, and the judiciary. Prosecution in such cases is often selective, as informal personal networks and internal CCP power struggles influence the choice of targets. Also in 2009, censors heavily restricted reporting on a Namibian bribery probe involving a state-owned company formerly headed by President Hu Jintao's son.

CCP officials increasingly seek input from academics and civic groups on pending legislation and occasionally hold public hearings, though without relinquishing control over the decision-making process. New open-government regulations took effect in 2008, but implementation has been incomplete. While some agencies have been more forthcoming in publishing accounting details or official regulations, courts have hesitated to enforce citizens' information requests, and a precise accounting of economic stimulus funds had not been released by the end of 2009 despite promises of transparency. Local officials continued to hide vital information on topics including mining disasters, tainted food products, and polluting companies. China was ranked 79 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

Despite relative freedom in private discussion and journalists' efforts to push the limits of permissible speech, China's media environment remains extremely restrictive. The authorities employ sophisticated means to control news reporting, particularly on sensitive topics. This includes setting the agenda by allowing key state-run media outlets to cover events – including negative news – in a timely but selective manner, and requiring that other outlets restrict their coverage to such approved accounts. Party directives in 2009 curbed reporting related to sensitive anniversaries, public health, environmental accidents, deaths in police custody, foreign policy, and other topics. Journalists who fail to comply with official guidance are harassed, fired, or jailed. According to international watchdog groups, at least 30 journalists, mostly freelancers, and 68 cyberdissidents remained imprisoned at year's end for disseminating proscribed information, though the actual number is likely much higher. In one prominent case, online activist Huang Qi was sentenced in November to three years in prison for publishing criticism of the authorities' response to the 2008 Sichuan earthquake. Tan Zuoren, an activist who had coordinated citizen efforts to document the death toll from school collapses during the quake, was put on trial in August, and several witnesses were beaten on their way to testify. At year's end, Tan remained in detention but had not been sentenced.

In addition to restrictions on media coverage imposed by the central government, lower-level officials also take measures to repress reports that expose shortcomings in their performance. Several journalists were assaulted during 2009 while trying to cover pollution or corruption. Others faced criminal defamation charges or were jailed on bribery charges in an apparent effort to stifle investigative reporting. Activist Wu Baoquan was sentenced in September to 18 months in prison after posting online allegations that officials in Inner Mongolia had profited from forced evictions. In December, Fu Hua of *China Business News* was sentenced to three years in prison for allegedly accepting bribes in relation to a story exposing safety problems in the construction of an airport in northeastern China. In November, the editor in chief Hu Shuli and other key staff resigned from the business magazine *Caijing* amid clashes with owners over financial matters and pressure to tone down its aggressive reporting on corruption.

Regulations have allowed greater freedom of movement for foreign journalists since 2007, but local officials continue to block, harass, and sometimes assault foreign reporters while intimidating their Chinese sources and assistants. In February 2009, the government issued a code of conduct for Chinese assistants of foreign correspondents that threatens punishment for those who engage in "independent reporting." Some

international radio and television broadcasts, including the U.S. government-funded Radio Free Asia, remain jammed. The signal of the Falun Gong-affiliated satellite station New Tang Dynasty TV remained cut off in 2009, after the French company Eutelsat, apparently under pressure from Beijing, stopped its broadcasts in June 2008.

In 2009, China was home to the largest number of internet users globally, reaching 360 million by September 2009, according to official figures. However, the government maintains an elaborate apparatus for censoring and monitoring internet use and personal communications, including via mobile telephones. The authorities block websites they deem politically threatening and detain those who post the content. In 2009, they repeatedly blocked social-networking and microblogging sites, removed political content and shut down blogs in the name of antipornography campaigns, required users to register their real identities when posting comments on news websites, and stepped up obstruction of technologies used to circumvent censorship. In May, the government announced regulations requiring the installation of censorship and surveillance software called Green Dam Youth Escort on all computers sold in China; following protests from the international business community, human rights groups, and Chinese internet users, the authorities withdrew the directive in June, but said installation would proceed for computers in schools and internet cafes. For all the government's controls, the technology's flexibility, circumvention tools, and the large volume of online communications have allowed many users to nonetheless access censored content, expose official corruption, mobilize protests, and circulate banned political texts.

The number of religious believers, including Christians, has expanded in recent years. Nevertheless, religious freedom remains sharply curtailed, and religious minorities remained a key target of repression during 2009. All religious groups are required to register with the government, which regulates their activities and guides their theology. Some faiths, such as Falun Gong as well as certain Buddhist and Christian groups, are formally outlawed, and their members face harassment, imprisonment, and torture. Other unregistered groups, such as unofficial Protestant and Roman Catholic congregations, operate in a legal gray zone, and state tolerance of them varies from place to place. In September, police and thugs destroyed the Linfen-Fushan megachurch in Shanxi; church leaders were subsequently sentenced to as much as seven years in prison. Unregistered Buddhist temples were similarly targeted for demolition during the year, particularly in Jiangxi province. Security forces led by the 6-10 Office, an extralegal agency created in 1999, continued to target Falun Gong adherents nationwide for surveillance, imprisonment, torture, and forced conversion, sometimes leading to deaths in custody. In January 2009, Chongqing resident Jiang Xiqing died while held at a "reeducation through labor" camp for practicing Falun Gong; lawyers seeking to investigate his death were detained and beaten.

Academic freedom remains restricted with respect to politically sensitive issues. The CCP controls the appointment of university officials, and many scholars practice self-censorship to preserve their positions and personal safety. Pressure to self-censor increased during 2009, particularly surrounding the June and October anniversaries. Political indoctrination is a required component of the curriculum at all levels of education.

Freedoms of assembly and association are severely restricted. Both central and local authorities issued regulations in 2009 aimed at preventing petitioners from traveling to Beijing to report injustices to senior officials. Local officials continued to face penalties if they failed to limit the flow of petitioners to the capital; as a result, petitioners were routinely intercepted, harassed, detained in illegal detention centers termed "black jails," or sent to labor camps. Thousands of detained petitioners were reportedly subjected to beatings, psychological abuse, and sexual violence. Despite such repression, workers, farmers, and others held tens of thousands of protests during the year, reflecting growing public anger over wrongdoing by officials, especially land confiscation, corruption, and fatal police beatings. Security agencies and hired thugs often use excessive force to put down demonstrations; in several instances during 2009, this drove protesters to violently attack symbols of authority, such as police cars and government buildings. In June, riot police used batons to disperse an estimated 10,000 residents of Shishou in Hubei province, who had mustered after police refused to

investigate the mysterious death of a 24-year-old hotel chef. At least eight people were subsequently sentenced to jail terms, including relatives of the deceased. In some cases, officials tolerate demonstrations as an outlet for pent-up frustration, or agree to protesters' demands.

Nongovernmental organizations (NGOs) are required to register and follow strict regulations, including vague prohibitions on advocating non-CCP rule, "damaging national unity," or "upsetting ethnic harmony." Many groups seeking more independence organize informally or register as businesses, though they are vulnerable to closure at any time. A government crackdown on several public interest groups in 2009 generated a chilling effect among civil society activists, with many putting projects on hold. In July, Beijing authorities shut down the Open Constitution Initiative, a legal aid NGO known for defending victims of the 2008 tainted-milk scandal and commissioning a report on government policies in Tibet, and raided the offices of the Yi Ren Ping Center, an organization assisting Hepatitis B patients.

The only legal labor union is the government-controlled All-China Federation of Trade Unions. Collective bargaining is legal but does not occur in practice, and independent labor leaders are harassed and jailed. Nevertheless, workers have increasingly asserted themselves informally via strikes, collective petitioning, and selection of negotiating representatives. Such tactics repeatedly yielded concessions from employers or drew government intervention on behalf of workers in 2009. Three labor laws that took effect in 2008 were designed to protect workers, counter discrimination, and facilitate complaints against employers, while also empowering CCP-controlled unions. Initial promising signs on implementation – including a sharp rise in the number of labor-dispute cases filed by workers – were overshadowed by the economic downturn, the lack of independent arbitration bodies, and a growing backlog of complaints. Dangerous workplace conditions continued to claim lives. The official number of workplace accidents during the first three months of 2009 declined compared with the same period in 2008, but the death toll for the first quarter remained high at 18,501. Forced labor, including child labor through government-sanctioned "work-study" programs and in "reeducation through labor" camps, remains a serious problem.

The CCP controls the judiciary and directs verdicts and sentences, particularly in politically sensitive cases. Judicial autonomy is greater in commercial litigation and civil suits involving private individuals. A party veteran with no formal legal training was appointed as chief justice in 2008, and he subsequently issued a doctrine emphasizing the "Supremacy of the Cause of the Party" over the law. In 2009, the government accelerated a crackdown on civil rights lawyers, law firms, and NGOs offering legal services. In March, authorities shut down the Beijing-based law firm Yitong, known for representing victims of corruption or rights abuses. In May, over 20 lawyers were effectively disbarred when their license registrations were rejected, and several were physically assaulted during the year. In November, Wang Yonghang, a lawyer from Dalian in northeastern China, was sentenced to seven years in prison for defending Falun Gong practitioners, the harshest term given to an attorney in recent memory. Prominent lawyer Gao Zhisheng remained "disappeared" and at severe risk of torture following his abduction by security forces in February.

Despite recent criminal procedure reforms, trials – which often amount to mere sentencing announcements – are frequently closed to the public. Torture remains widespread, with coerced confessions routinely admitted as evidence. Endemic corruption exacerbates the lack of due process. Since late 2008, about a dozen senior judges have been detained on bribery charges, including the vice president of the Supreme People's Court. Many suspects are deprived of court hearings altogether, detained instead by bureaucratic fiat in "reeducation through labor" camps. Based on interviews with recently released detainees, a February 2009 study by the Chinese Human Rights Defenders group reported that in addition to petty thieves and drug addicts, Falun Gong practitioners, Christians, and petitioners constituted a significant percentage of those incarcerated in the camps. The use of various forms of extralegal detention has increased in recent years, including secret jails and psychiatric arrest of petitioners and dissidents. Together, detention facilities are estimated to hold a total of three to five million detainees. Conditions in such facilities are generally harsh, with

detainees reporting inadequate food, regular beatings, and deprivation of medical care; the government generally does not permit visits by independent monitoring groups, including the International Committee of the Red Cross. Some 65 crimes – including nonviolent offenses – carry the death penalty. The number of executions remains a state secret but was thought to be close to 5,000 in 2009. Recent reforms enabling the Supreme People's Court to review capital cases have apparently led to a modest reduction in executions. In 2009, state-run media reported that executed prisoners "provide the major source of [organ] transplants in China"; some experts have also raised concerns over the possible use of those imprisoned for their religious beliefs or ethnic identity as sources for organs.

Security forces work closely with the CCP leadership at all levels, and special departments under the Ministry of Public Security are dedicated to maintaining the party's monopoly on political power. Hired thugs and urban management officers also engage in intimidation and abuse of petitioners, protesters, and whistleblowers. During 2009, the CCP significantly expanded its network of extralegal "stability maintenance" offices, including at the neighborhood level and in some enterprises. As part of their mandate, these agencies are tasked with suppressing the peaceful exercise of basic civil liberties.

In April 2009, the government published its first National Human Rights Action Plan, outlining measures that, if implemented, would lead to improvements in human rights protection. However, observers questioned its likely impact given that it imposed no specific obligations or envisioned any change in trajectory from the regime's current priorities or ongoing systemic abuses.

In the Xinjiang Uighur Autonomous Region, political indoctrination programs, curbs on Muslim religious practice, and policies marginalizing the use of Uighur language in education intensified throughout 2009. The government continued decade-old policies to alter the region's demography, offering incentives to ethnic Han to move to the area and instituting a program to transfer Uighur laborers, sometimes by force, to work in other parts of China. In February, the government began a project to demolish most buildings in the historic core of the city of Kashgar and resettle some 200,000 Uighur residents. On July 5, police forcibly suppressed a peaceful demonstration in Urumqi by Uighurs voicing frustration over the limited investigation into the deaths of Uighur factory workers in a brawl with Han employees in southern China. The police action – which according to Amnesty International included using tear gas and shooting with live ammunition into crowds of peaceful protesters – sparked an outbreak of violence between Uighurs and Han residents. State-run media reported that 197 people were killed, but the details of events that day could not be fully verified due to tight government control of information and the intimidation of witnesses. The July 5 clashes were followed by a harsh crackdown that included large-scale "disappearances" of Uighurs, imprisonment and execution of Uighurs and some Han residents following questionable legal proceedings, and an almost complete shutdown of internet access in the region that remained in effect for several months. Among those detained were the managers of websites reporting on Uighur issues. A state propaganda campaign vilifying Uighurs and the U.S.-based Uighur activist Rebiya Kadeer fueled further ethnic tensions and increased discrimination against Uighurs throughout the country.

Minorities, the disabled, and people with HIV/AIDS or Hepatitis B face severe societal discrimination. In a positive development, a court ruled in October 2009 that mandatory Hepatitis B testing violated the 2008 Employment Promotion Law. A household registration, or hukou, system remains in place, mostly affecting China's 150 million internal migrants. 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 as a result. Other restrictions on freedom of movement remained substantial during 2009, as the authorities imposed lockdowns on Beijing and neighboring provinces surrounding the October anniversary. Dissidents were restricted from traveling abroad or placed under house arrest, particularly around the June anniversary and during U.S. President Barack Obama's visit in November. Law enforcement agencies continued to seek out and repatriate North Korean refugees, who face imprisonment or execution upon return. In



August, a court in Inner Mongolia sentenced two Chinese citizens to 7 and 10 years in prison for helping 61 North Korean refugees cross into neighboring Mongolia.

Despite a growing body of property rights legislation, protection remains weak in practice, and all land is formally owned by the state. Tens of thousands of forced evictions and illegal land confiscations occurred in 2009, generally to provide land for private development, state-led infrastructure projects, or upcoming international events such as the World Expo in Shanghai. Residents who resist eviction, seek legal redress, or organize protests face violence at the hands of local police or hired thugs. In May 2009, over 1,000 villagers in Hunan reportedly clashed with police after a local man was beaten to death by security guards for a company that had begun building on confiscated land. Reforms to rural land use announced at the end of 2008 were put on hold in 2009, ostensibly due to the economic downturn.

China's policy of allowing only one child per couple remains in place, though many rural families are allowed a second child if the first is female. Although compulsory abortion and sterilization by local officials are less common than in the past, they still occur fairly frequently. According to official websites, authorities in some areas of Yunnan and Fujian mandated the use of abortion in 2009, while in other provinces officials imposed fines on families that resisted the one-child policy. These controls and a cultural preference for boys have led to sex-selective abortion and a general shortage of females, exacerbating the problem of human trafficking.

Domestic violence and sexual harassment affect one-third of Chinese families, according to statistics published in November 2008 by the CCP-controlled All-China Women's Federation. The government has taken steps in recent years to improve the legal framework related to violence against women, but implementation remains weak. The case of female hotel worker Deng Yujiao, who killed a local official as he tried to rape her in May 2009, drew public sympathy and stimulated discussion of the need to protect women's rights.

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*\*Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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