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2013 Scores

Status: Not Free
Freedom Rating: 6.5
Civil Liberties: 6
Political Rights: 7

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

At its 18th Congress in November 2012, the Chinese Communist Party announced a new slate of leaders for the next five years. Conservative figures made up a majority of the new Politburo Standing Committee, which would be headed by general secretary Xi Jinping. The delicate leadership transition had been disrupted in February, when a subordinate of Politburo member Bo Xilai fled to a U.S. consulate, setting off China's biggest political scandal in years. The subsequent months were marked by intense political wrangling, Bo's expulsion from the party, his wife's conviction for the murder of a British businessman, and a nationwide clampdown on activists. After the party congress, the new leadership pledged to strengthen anticorruption efforts, but also imposed tighter internet censorship and surveillance. Despite the regime's hostility toward organized dissent, however, a growing number of Chinese asserted basic rights, shared uncensored information online, and challenged perceived injustice, sometimes forcing government concessions. Key dissidents who had been silenced for much of 2011 as part of a crackdown in the wake of the Arab Spring were more vocal during 2012, adding to society's pushback against official repression.

The Chinese Communist Party (CCP) took power in mainland China in 1949. Party leader Mao Zedong subsequently oversaw devastating collectivist and ideological-purification 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 relaxing ideological controls and launching widespread economic and social reforms.

The CCP signaled its resolve to avoid democratization with the deadly 1989 military assault on prodemocracy protesters in Beijing's Tiananmen Square and surrounding areas. Jiang Zemin was named CCP general secretary later in 1989 and state president in 1993. He became China's top leader following Deng's death in 1997. Jiang continued Deng's policy of rapid economic growth, but maintained a hard line in the political sphere.

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. However, particularly during their second term, the CCP intensified repressive measures in response to citizen activism and perceived threats to its authority. In March 2008, Shanghai party chief Xi Jinping was appointed vice president, setting the stage for him to succeed Hu.

The CCP's next leadership transition, set to be finalized at the 18th Party Congress in late 2012, was unexpectedly upset in February of that year, when Chongqing police chief Wang Lijun fled to the U.S. consulate in Chengdu, setting off China's biggest political scandal in years. Wang, who left the consulate after 24 hours and was taken into custody by central authorities, reportedly made a number of criminal allegations against Chongqing party secretary Bo Xilai, a contender for a seat on the Politburo Standing Committee (PSC). Over the following months, Bo was expelled from the party, and his allies in the CCP's neo-Maoist wing fell out of favor amid intense political wrangling. At the party congress in November, conservative figures emerged with a majority on the new PSC. Xi became CCP general secretary, and Li Keqiang was named as his deputy; in March 2013 the pair will become state president and premier, respectively.

Despite CCP hostility toward organized dissent, a growing number of Chinese took steps to assert basic rights and combat perceived injustice. Millions of people joined public protests, online campaigns, and collective petitions to challenge local-level abuses of power, arbitrary detention of fellow citizens, corruption, and pollution, sometimes forcing government concessions.

In response, the party committed more resources to internal security forces and intelligence agencies, enhanced controls over online social media, and increased societal surveillance. Some observers expressed concerns about the destabilizing effect of the CCP's reluctance to end repressive policies and institute reforms that would fundamentally address citizen grievances. Conditions in Tibet and Xinjiang, both home to restive ethnic and religious minorities, remained highly repressive in 2012.

China's economy grew at the slowest rate since 1999, though it appeared to be rebounding at year's end. Also during 2012, China asserted its territorial claims over islands in the South and East China Seas more aggressively, souring relations with several neighboring countries. Meanwhile, the regime's mistreatment of human rights defenders drew international attention in April, when blind activist Chen Guangcheng made a daring escape from extralegal house arrest to the U.S. embassy in Beijing. Following negotiations, Chen was permitted to travel to New York for legal studies.

Political Rights and Civil Liberties

China is not an electoral democracy. The CCP has a monopoly on political power, and its Politburo Standing Committee (PSC) sets government and party policy. In November 2012, a new PSC was announced following an opaque, internal selection process. The committee shrank from nine to seven members, only two of whom – new CCP general secretary Xi Jinping and his deputy, Li Keqiang – had served on the previous panel. Party members – who number over 80

million – hold almost all top posts in the government, military, and internal security services, as well as in many economic entities and social organizations. The country's legislature, the 3,000-member National People's Congress (NPC), is elected for five-year terms by subnational congresses, formally elects the state president for up to two five-year terms, and confirms the premier after he is nominated by the president. However, the NPC is a largely symbolic body. Only its standing committee meets regularly, while the full congress convenes for just two weeks a year to approve proposed legislation.

Citizens who attempt to form opposition parties or advocate for democratic reforms have been sentenced to long prison terms in recent years. In January 2012, Li Tie of Hubei Province was sentenced to 10 years in prison for being a member of the China Social Democracy Party and for his online writings. In October, Cao Haibo of Yunnan Province was sentenced to eight years for starting online discussion groups about a possible political party. Democracy advocate and 2010 Nobel Peace Prize winner Liu Xiaobo remained behind bars in 2012, having been sentenced in 2009 to 11 years in prison. His wife, Liu Xia, was under strict house arrest throughout the year. In addition to democracy advocates, tens of thousands of grassroots activists, petitioners, Falun Gong practitioners, Christians, Tibetans, and Uighurs are believed to be in prison or extrajudicial forms of detention for their political or religious views, although complete figures are unavailable. In October, the U.S. Congressional-Executive Commission on China published a partial list of over 1,400 political prisoners. The rights group Chinese Human Rights Defenders documented 3,833 cases of arbitrary detention of human rights defenders during 2011, of which some 86 percent apparently had no basis in Chinese law.

Corruption remains endemic despite increased government antigraft efforts, and top party leaders acknowledged growing public resentment over the issue in 2012. Thousands of officials are investigated and punished each year by government or CCP entities, but prosecution is selective and highly opaque, with informal personal networks and internal CCP power struggles influencing both the choice of targets and the outcomes. During 2012, dozens of lower- and mid-level officials were disciplined, demoted, dismissed, or prosecuted after bloggers and journalists exposed evidence of corruption online. The highest-level targets in 2012 were former Chongqing party chief Bo Xilai, charged with bribery in September, and Sichuan Province deputy party secretary Li Chun Cheng, who was dismissed in December for influence peddling and questionable real-estate deals. Investigations by Bloomberg News and the *New York Times* found that the family members of Xi Jinping and outgoing premier Wen Jiabao held assets worth \$376 million and \$2.7 billion, respectively, raising questions about corruption and conflict of interest. However, the reports were suppressed in China, and both outlets' websites were blocked shortly after the articles' publication.

CCP officials increasingly seek input from academics and civic groups, though without relinquishing control over the decision-making process. Since open-government regulations took effect in 2008, many agencies have become more forthcoming in publishing official documents. However, implementation has been incomplete, and government bodies retain wide discretion to classify or withhold information, including on vital public matters such as food safety, home demolitions, and environmental disasters. Courts have largely hesitated to enforce information requests, while the poor quality of official responses dampens citizens' initial enthusiasm to lodge complaints. China was ranked 80 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Despite relative freedom in private discussion and citizen efforts to push the limits of permissible speech, China's media environment remains extremely restrictive. All media are owned, though not always directly operated, by the CCP or the state. Moreover, all news outlets are required to follow regularly issued CCP directives to avoid certain topics or publish content from party mouthpieces. Routinely censored topics include calls for greater autonomy in Tibet and Xinjiang, independence for Taiwan, the 1989 Tiananmen Square crackdown, the persecuted Falun Gong spiritual group, the writings of prominent activists, and critical commentary regarding CCP leaders. Other directives issued in 2012 barred or "guided" reporting on Chen Guangcheng's

escape, certain cases of police brutality and official corruption, and deadly floods in Beijing. Outlets that disobey official guidance risk closure, and journalists face dismissal and sometimes imprisonment. Censorship decisions during the year were often uneven or arbitrary, resulting in information vacuums on major events, fleeting openings on sensitive topics, and intrusive propaganda campaigns surrounding the Bo Xilai scandal and internal CCP power struggles. This uncertainty fueled speculation, online rumors, and increased use of circumvention tools by internet users seeking independent reporting from foreign media. Neo-Maoist programming initiatives piloted in Chongqing under Bo, such as the wholesale replacement of commercial advertisements with propaganda spots on television, were reversed after his ouster, but national media regulators continued to impose new restrictions on television entertainment programs and online video. Pressure on investigative journalism also intensified, as several periodicals and journalists known for their muckraking faced suspension, dismissals, or tighter supervision.

According to international watchdog groups, at least 67 journalists and online activists were behind bars in China in 2012, including many Uighurs and Tibetans, though the actual number was likely much higher. In the latter half of the year, human rights groups recorded dozens of cases of bloggers, petitioners, and free expression activists being displaced or detained in the run-up to the 18th Party Congress. Nevertheless, the harshness of the crackdown was not as severe as in 2011 in the wake of the Arab Spring, and key activists were more vocal in 2012 than the previous year. Authorities continued to harass prominent artist and blogger Ai Weiwei, who was abducted and held incommunicado for 81 days in 2011. During 2012, he was barred from traveling abroad, his appeal in a politically fraught tax case was rejected, and the license of his art company was revoked.

Harassment and violent assaults against foreign reporters escalated during the year, and their Chinese sources and assistants were intimidated. Two foreign correspondents – Melissa Chan of Al-Jazeera English and Chris Buckley of the *New York Times* – were forced to leave the country after the government refused to renew their visas, while others had difficulty obtaining visas to enter the country. Some international radio and television broadcasts, including the U.S. government-funded Radio Free Asia, remain jammed.

China's population of internet users, estimated at over 530 million in 2012, remained the world's largest. According to official figures, mobile-telephone users exceeded one billion, with approximately one-third accessing the internet via their devices. Alongside growing access, the government maintains an elaborate apparatus for censoring and monitoring internet and mobile-phone communications. The authorities block websites or force the deletion of content they deem politically threatening, and sometimes detain those who post such information. The U.S.-based social media platforms Twitter and Facebook remain blocked. Domestic microblogging services – with over 300 million users in 2012 – have grown rapidly in influence as a source of news, an outlet for public opinion, and a tool for mobilization, though the companies in question are obliged to adhere to official censorship directives. Several public outcries and online campaigns in 2012 were credited with forcing government concessions, such as the release of a petitioner from a labor camp, an investigation into a labor activist's death in custody, and upgrades to air-quality monitoring in Shanghai. In response to such netizen activity, authorities stepped up pressure on microblogging services to tighten existing controls, and arrests for spreading "rumors" online reportedly increased. The two leading services – Sina Weibo and Tencent – shut down their commenting functions for three days in April, Sina launched a new points-based system to encourage users to self-censor in May, and in December the NPC passed regulations requiring real-name registration for users after implementation of previous rules on the issue proved inadequate.

Religious freedom is sharply curtailed. Religious and ethnic minorities remained a key target of repression in 2012, with several deaths in custody reported. All religious groups must register with the government, which regulates their activities, makes personnel decisions, and guides their theology. Some groups, including certain Buddhist and Christian sects, are forbidden, and their members face harassment, imprisonment, and torture. The CCP continues to devote considerable

resources to suppressing the Falun Gong spiritual group and coercing adherents to renounce their beliefs. During the year, authorities abducted practitioners in home raids, sentenced them to labor camps and long prison terms, and punished those who appealed on their behalf. Other unregistered groups, including unofficial Protestant and Roman Catholic congregations, operate in a legal gray zone. State tolerance of them varies from place to place. In April 2012, authorities in Hebei Province raided a house church meeting and detained over 50 people. Most were released, but seven, including the church's preacher, were awaiting criminal sentencing at year's end.

In the Xinjiang Uighur Autonomous Region, an increased security presence that followed ethnic clashes in 2009 remained in place for much of 2012, and many of the hundreds of people detained in 2009 remained imprisoned or unaccounted for. Authorities intensified curbs on Islam in the region, raiding private study sessions and destroying thousands of publications, including copies of the Koran. In May, a court in Kashgar sentenced nine people to between six and 15 years in prison for participating in "illegal" religious activities. Policies marginalizing use of the Uighur language in education, government efforts to alter the region's demography through resettlement and work-transfer programs, and displacement linked to destructive "urban renewal" projects in the ancient city of Kashgar continued throughout 2012.

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

Freedoms of assembly and association are severely restricted. Citizens risk punishment for organizing demonstrations without prior government approval, which is rarely granted. Nevertheless, workers, farmers, and urban residents held tens of thousands of protests during 2012, reflecting growing public anger over wrongdoing by officials, especially land confiscation, corruption, pollution, and fatal police beatings. In some cases, officials tolerated demonstrations or agreed to protesters' demands. In July, for example, thousands of people peacefully protested against the construction of a copper plant in Shifang, Sichuan Province. Police responded with tear gas, stun grenades, and beatings. After photographs spread via social media, the authorities announced that they would cancel the project and release detained protesters, though residents expressed fears that the project would resume once attention died down. Local officials face penalties if they fail to limit the flow of petitioners traveling to Beijing to report injustices to the central government. As a result, petitioners are routinely intercepted, harassed, detained in illegal "black jails," or sent to labor camps without trial. Detained petitioners are reportedly subject to beatings, psychological abuse, and sexual violence.

Nongovernmental organizations (NGOs) are required to register, obtain a government sponsoring entity, and follow strict regulations, including vague prohibitions on advocating non-CCP rule, "damaging national unity," or "upsetting ethnic harmony." Hundreds of thousands of charitable organizations operate with government supervision to provide social and educational services. Groups seeking more independence organize informally or register as businesses, though they are vulnerable to closure at any time. While the number of organizations whose work is not politically sensitive continues to expand, restrictions have tightened on human rights advocacy and even previously tolerated activism on issues like public health. At least 10 NGOs assisting migrant workers in Shenzhen, Guangdong Province, were evicted from their offices or forced to close in 2012, despite eased provincial registration rules that took effect in July. Regulations from 2010 that increased obstacles to foreign donations for grassroots NGOs remain in effect.

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. Nevertheless, workers have increasingly asserted themselves informally via strikes, collective petitioning, and selection of negotiating representatives. Three 2008 labor laws were designed to protect workers, counter discrimination, and facilitate complaints against

employers, while also empowering CCP-controlled unions. However, implementation has been undermined by the lack of independent arbitration bodies, a growing backlog of complaints, and companies' exploitation of loopholes, such as the use of middleman employment agencies, to evade certain safeguards. In December 2012, amendments to the 2008 Labor Contract Law were passed to restrict the use of such agencies. Separately, new regulations that took effect in January required the establishment of mediation committees at all large companies to handle disputes internally, easing pressure on labor tribunals but strengthening the government's role in dispute resolution. Dangerous workplace conditions continue to claim lives, with many tens of thousands of deaths reported each year. Forced labor, including by inmates in "reeducation through labor" camps and juveniles in government-sanctioned "work-study" programs, remains a serious problem.

The CCP controls the judiciary and directs verdicts and sentences, especially in politically sensitive cases. In 2012, this was particularly evident in the opaque proceedings involving Bo Xilai, his wife, and their associates. Bo was held incommunicado after his detention in March, and his case was transferred to prosecutors in October, with charges of abuse of power, bribery, and sexual misconduct. His trial was pending at year's end. His wife, Gu Kailai, received a suspended death sentence for the murder of a British businessman following a one-day show trial in August. In September, former police chief Wang Lijun – whose flight to the U.S. consulate in Chengdu sparked the scandal – was sentenced to 15 years in prison for abuse of power, defection, and corruption. The cases featured blatant disregard for due process, use of the extralegal *shuanggui* detention system for interrogating party officials in isolation, and other violations of fundamental rights. Prosecutors also failed to pursue Bo and Wang for severe human rights abuses they reportedly oversaw in office, focusing instead on personal misconduct.

Adjudication in minor civil and administrative disputes is fairer than in politically sensitive or criminal cases, but even in commercial litigation and civil suits involving private individuals, previous limited progress toward the rule of law has stalled or been reversed, particularly since the appointment of a CCP veteran with no formal legal training as chief justice in 2008. Judges have increasingly been pressured to resolve civil disputes through mediation, sometimes forced, rather than actual adjudication. The downgrading of the CCP portfolio overseeing the legal system in November 2012, and more progressive wording in an October white paper on judicial reform, sparked speculation on a possible reduction of political control over the judiciary in the coming years.

Civil rights lawyers continued to face restrictions in 2012. Lawyers were prevented from seeing their clients, disbarred, harassed during sensitive times like the 18th Party Congress, and in some cases imprisoned. In March, relatives confirmed that prominent lawyer Gao Zhisheng was alive after two years of incommunicado detention by security forces, though he remained imprisoned and at severe risk of torture at year's end. In April, self-trained, blind lawyer Chen Guangcheng escaped from extralegal house arrest imposed after he completed a four-year prison term in 2010, having helped victims of forced abortions to file a class-action suit.

Criminal trials in China, which often amount to mere sentencing announcements, are frequently closed to the public, and the conviction rate is estimated at 98 percent. In March 2012, the NPC enacted amendments to the Criminal Procedure Law that will take effect in January 2013. They include improvements for ordinary criminal defendants, including exclusion of evidence obtained through torture, access for lawyers to their clients, and the possibility of witnesses being cross-examined. However, legal experts raised concerns that the revised law features exceptions for cases of "endangering state security," "terrorism," and "major bribery" – categories often employed to punish nonviolent activism and political expression. The amendments allow such suspects to be secretly detained for up to six months, essentially legalizing the practice of enforced disappearances.

Torture remains widespread, security agents routinely flout legal protections, and impunity is the norm for police brutality and suspicious deaths in custody. Many citizens – including a large contingent of political and religious prisoners – are detained by bureaucratic fiat in "reeducation through labor" camps, which permit individuals to be held for up to four years without a judicial hearing. Overall, detention facilities are estimated to hold three to five million people. Conditions are generally harsh, with reports of inadequate food, regular beatings, and deprivation of medical care; the government generally does not permit visits by independent monitoring groups. New forms of extralegal detention have multiplied in recent years, including the "black jails" for petitioners, psychiatric confinement of citizen activists, and disappearances of political dissidents for weeks or months at a time.

Fifty-five crimes, including nonviolent offenses, carry the death penalty. The number of executions each year is a state secret, but an estimate by the San Francisco-based Duihua Foundation put the number of executions in 2011 at 4,000, which would be the world's largest. Executed prisoners continue to be the primary source of organs for transplant operations, though the government announced plans in March 2012 to end the practice in the next three to five years. Some experts continued to raise concerns that those imprisoned for their religious beliefs or ethnic identity have also been used as sources for organs.

Security forces work closely with the CCP at all levels. During 2012, the party continued to expand its apparatus for "stability maintenance," a term that encompasses maintaining law and order, suppressing peaceful dissent, and closely monitoring the populace. Key components include state intelligence agencies, such as the Public Security Bureau; paramilitary forces like the People's Armed Police; and extralegal CCP-based entities like the 610 Office, stability-maintenance units, and administrative enforcers called *chengguan* who routinely engage in abusive conduct at the grassroots level. In March, the government announced that it would allocate 702 billion yuan (\$111 billion) that year for internal security forces, an increase of over 12 percent from 2011. The new total surpassed the military budget for the second consecutive year. The massive spending has fueled a lucrative market for outsourcing surveillance to civilians and private companies. As the CCP leadership transition proceeded during the year, analysts said some party chiefs were pushing to curb the growing power of the security apparatus.

Minorities, the disabled, and people with HIV/AIDS or Hepatitis B face widespread societal and official discrimination, including in access to employment and education. The *hukou* (household registration) system remains in place, mostly affecting China's 200 million internal migrants and rural residents. Some local governments have experimented with reforms, but citizens continue to face restrictions on changing employers or residence, and many migrants are unable to fully access social services, such as education for their children. Among other restrictions on freedom of movement, dissidents, human rights defenders, and certain scholars are prevented from traveling abroad or placed under house arrest, particularly during politically sensitive periods. In the run-up to the 18th Party Congress in 2012, a series of restrictions on commerce, travel, and expression were imposed on Beijing residents. Law enforcement agencies continue to seek out and repatriate North Korean refugees, who face imprisonment or execution upon return. In August 2012, Chinese authorities repatriated at least 1,000 ethnic Kachin refugees from Burma who had fled violent conflict in their region.

Property-rights protection remains weak in practice. Urban land is formally owned by the state, while rural land is collectively owned by villages. Tens of thousands of forced evictions and illegal land confiscations occurred in 2012. Residents who resist eviction, seek legal redress, or organize protests often face violence at the hands of local police or hired thugs. Regulations adopted in 2011 offered greater protections against expropriation in urban areas by defining "public interest," requiring compensation at market value, and allowing for administrative review. However, implementation has been undermined by the lack of independent courts and local governments' reliance on land development as a key source of operating revenue and a driver of

economic growth statistics. The regulations do not apply to rural land, which lies at the center of most land conflicts.

Despite increasing discussion of potential reforms, China's population controls remain in place, and couples are required to obtain government permission before conceiving. In urban areas, only one child per couple is permitted, while many rural families are limited to two children. Compulsory abortion and sterilization, though less common than in the past, still occur fairly frequently, and high-profile cases sparked public outrage during 2012. According to the Congressional-Executive Commission on China, regulations in 18 of 31 provincial-level administrative units explicitly endorse mandatory abortions as an enforcement tool. Officials who fail to meet birth and sterilization quotas risk disciplinary action, and relatives of unsterilized women or couples with unapproved pregnancies were subjected to high fines, job dismissal, and detention in 2012. These controls, combined with commercial ultrasound technology and cultural and economic pressures favoring boys, have led to sex-selective abortion and a general shortage of females, exacerbating the problem of human trafficking.

Domestic violence affects one-quarter of Chinese women, according to statistics published in 2011 by the CCP-controlled All-China Women's Federation. In 2012, the NPC placed a draft law identifying domestic violence as a crime on its legislative agenda, but no decision had been made by year's end; the problem is currently addressed inadequately via scattered provisions in other laws. Several laws bar gender discrimination in the workplace, and gender equality has reportedly improved over the past decade, but China's score and relative ranking have dropped since 2009 on the Global Gender Gap Report. Women remain underrepresented in consequential CCP and government positions.

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