

China

Political Rights:	7
Civil Liberties:	6
Status:	Not Free

Overview:

The new generation of Chinese leaders, led by President Hu Jintao and Prime Minister Wen Jiabao, continued its monumental task of transforming the country's economy from a centrally controlled, state-planned model into an open one run by market forces. In 2004, the most significant economic challenge faced by the government was a controlled slowing of the rapidly expanding economy. Ongoing and substantial economic reform did not lead to many significant political changes, however, as the country remains an authoritarian state under the complete control of the Chinese Communist Party (CCP).

The CCP took power in 1949 under Mao Zedong after defeating the Kuomintang, or Nationalists, in a civil war that began in the 1920s. Aiming to tighten party control, Mao led several brutal mass-mobilization campaigns that resulted in millions of deaths and politicized nearly every aspect of daily life. Following Mao's death in 1976, Deng Xiaoping emerged as China's paramount leader. Over the next two decades, Deng oversaw China's transformation from a hermetic, agrarian, and often tumultuous Communist society into an authoritarian state with a market-led economy, eager to sell its products abroad and expand its role in global affairs even as it trampled on internationally recognized human rights.

Deng and other leaders signaled their intent to maintain power at all costs with the 1989 massacre of hundreds of student protesters in Beijing. Following the crackdown, the party tapped Jiang Zemin, then Shanghai mayor and party boss, to replace the relatively moderate Zhao Ziyang as party secretary-general. Jiang became state president in 1993 and was widely recognized as China's new paramount leader following Deng's death in 1997.

Jiang continued Deng's policies of selling off state firms, encouraging private enterprise, and rolling back China's social welfare system. China's leaders appeared to agree that continued market reforms would be needed in order to boost living standards and stave off broad calls for political reform. They feared, however, that freeing up the economy too fast could increase social hardship in the near term and create a groundswell against the party.

A new generation of leaders took control during the two-stage succession process of November 2002 and March 2003. At the CCP's 16th party congress in November 2002, Hu replaced Jiang, and in March of the following year, Wen took day-to-day charge of the economy by replacing Prime Minister Zhu Rongji. The succession had been vetted by the outgoing leaders. The new government pledged to improve conditions for rural Chinese, who remain disproportionately unaffected by the rapid growth of the economy; privatize the state-owned firms that still dominate the economy; and carry out a reform of the welfare system, among many other tasks.

Rural China's woes have contributed to a "floating population," officially tallied at 80 to 130 million people, who have left their rural homes in search of work in cities. Urbanization is transforming this historically agricultural society by providing many rural migrants with modest

but unprecedented opportunities, though their shaky legal status often makes migrants vulnerable to abuse by police and employers.

In 2004, the government took several regulatory and administrative measures to cool investment-led growth in several sectors. However, these steps were undermined by noncompliance from local-level officials, whose authority has increased in line with the ongoing decentralization of the economy, and growth was still strong in the last quarter of the year. In addition, the government remained under pressure from the United States and other countries to revalue its currency, the *renminbi*, which is allegedly undervalued to boost Chinese exports. The government is open to the idea of a revaluation, but is highly unlikely to bow to this pressure as quickly as foreign governments would prefer.

Political Rights and Civil Liberties:

Chinese citizens cannot change their government democratically or express their opposition to its policies. The CCP holds all political power, and party members hold almost all top national and local governmental, police, and military posts. Direct elections of officials above the village level is expressly forbidden. The parliament—the National People’s Congress (NPC)—elects the top officials, but the NPC itself is controlled by the CCP. There is one opposition party, the China Democratic Party, but the government suppresses its activities and it exists, for all practical purposes, in theory only. The only competitive elections in China are for village committees, which are not in any case considered government bodies, and even these are tightly controlled by the CCP.

Corruption within the CCP is rampant; embezzlement and bribery are particularly serious problems. China was ranked 71 out of 146 countries surveyed in the 2004 Transparency International Corruption Perceptions Index.

Press freedom is severely limited. The government bars the media from criticizing senior CCP leaders or their policies, challenging CCP ideology, and discussing “sensitive topics”—in particular, constitutional reform, political reform, and reconsideration of the 1989 Tiananmen movement. Journalists violating these restrictions may be harassed, detained, and/or jailed. The government owns all television and radio stations and most print media outlets, and uses these organs to promote its ideology. According to the U.S. State Department’s 2003 human rights report, released in February 2004, “All media employees were under explicit, public orders to follow CCP directives and ‘guide public opinion’ as directed by political authorities.” Because of this, most journalists practice a high degree of self-censorship. The government also directly censors both the domestic and foreign media.

The government promotes use of the Internet, but regulates access, monitors use, and restricts and regulates content. According to the U.S. State Department report, China’s Internet control system employed some 30,000 people and was the world’s largest such system. Authorities target and punish Internet publishers and essayists far more frequently than journalists affiliated with more conventional media.

There is little respect in China for religious freedom, though it is recognized in the constitution. All religious groups and spiritual movements must register with the government, which judges the legitimacy of religious activity. The government also monitors the activities of the official religions (Buddhism, Taoism, Islam, Protestantism, and Catholicism). It targets leaders of unauthorized religious groups for harassment, interrogation, detention, and abuse, and destroys or seizes unregistered places of worship. The extent to which such actions are taken or

rules are enforced, though, varies widely by region. Religious controls remain particularly tight in Xinjiang and other areas that have seen ethnic unrest. In Xinjiang, the government continues to censor imams' sermons, discourage overt religious attire and religious wedding ceremonies, and restrict the building of mosques. Religious believers are denied the ability to hold public office not by law, but by a logical extension of the fact that most government positions go to CCP members, and that CCP membership and religious belief are said to be incompatible.

The government also continues to strongly repress traditional meditation groups and religious groups accused of propagating beliefs that contradict or go beyond the CCP line. Practitioners of Falun Gong receive the harshest treatment, being subjected to criminal, administrative, and extrajudicial punishment on the grounds of "endangering state security." Punishment is triggered for mere refusal to denounce the movement or its founder, even without public manifestations of its tenets. Police and other security authorities are believed to use excessive force when dealing with Falun Gong practitioners. Authorities at times also crack down on folk religions, unorthodox religious sects, and movements considered to be cults.

The government teaches atheism in schools. Academic freedom is also restricted, as universities and research institutions must also follow the CCP line. Therefore, academics also engage in self-censorship.

Freedom of assembly and association is severely restricted. Protests against political leaders or the political system in general are banned, and the constitution stipulates that assemblies may not challenge "Party leadership" or go against the "interests of the State." Security forces are known to use excessive force against demonstrators. All nongovernmental organizations must be registered with and approved by the government. Though the formation of political parties is not specifically discussed in any laws or regulations, the one opposition party that has formed, the China Democrat Party, has been targeted and suppressed by the government and has no real political power.

Independent trade unions are illegal, and enforcement of labor laws is poor. All unions must belong to the state-controlled All China Federation of Trade Unions, and several independent labor activists have been jailed for their advocacy efforts. Collective bargaining is legal in all industries, but it does not occur in practice. Despite the fact that workers lack the legal right to strike, there has been a growing wave of strikes over layoffs, dangerous working conditions, or unpaid wages, benefits, or unemployment stipends. The reaction of local officials has been mixed, with strike leaders often arrested, while other strikers are given partial concessions. Chinese labor law mandates that labor disputes be addressed first in the workplace, then by a mediation committee, then through a local government-sponsored arbitration committee, and finally, if still unresolved, through the court system; however, this procedure is rarely followed in practice.

The government controls the judiciary. The CCP directs verdicts and sentences, particularly in politically sensitive cases. Despite some recent criminal procedure reforms, trials—which in any case are often mere sentence hearings—are often closed; few criminal defendants have access to counsel. Officials often subject suspects to "severe psychological pressure" to confess, and coerced confessions are frequently admitted as evidence. Police frequently conduct searches without warrants and at times monitor telephone conversations and other personal communications to use as evidence against suspected dissidents. Many political prisoners and ordinary alleged criminals lack trials altogether, detained instead by bureaucratic fiat in "re-education through labor" camps. The U.S. State Department claimed that some 250,000 people were serving sentences in these camps in 2003. Endemic corruption further

exacerbates the lack of due process in the judicial system. According to the U.S. State Department, judicial conditions are worst in capital punishment cases. Sixty-five crimes carry the death penalty, and perpetrators are often executed within days of their arrest.

Although security forces are generally under civilian control, serious human rights abuses are widespread. These include extrajudicial and politically motivated killings, torture, physical abuse of prisoners, coercion, arbitrary arrest and detention, and lengthy incommunicado detention. For example, police can detain a person for up to 37 days before releasing or formally arresting him. Arrests to thwart political dissent are frequent. Moreover, the government does not permit independent observation of prisons or of reeducation-through-labor camps.

Although antidiscrimination laws exist, Muslims and other minorities and people with HIV/AIDS face discrimination in mainstream society, hampered in their access to jobs and other benefits. The government did pass a new law in August 2004 specifically banning discrimination against people with HIV/AIDS, and though the move was applauded by institutions like Human Rights Watch, it remains to be seen whether it will have any practical impact. Minorities in border regions, who tend to have lower levels of education, suffer the most. The majority Han Chinese population has reaped an outsized share of benefits from government programs and economic growth, despite government initiatives to improve minority living standards. Tensions between ethnic groups occasionally flare up; in November 2004, for example, a minor incident in Henan province escalated into a full-scale riot involving hundreds of Han Chinese and Hui Muslims. The violence left at least seven people dead and resulted in the government declaring martial law in the area.

The gradual implementation of reforms over the past several decades has freed millions of Chinese from CCP control of their day-to-day lives. Nevertheless, citizens require permission from the government and from their employer to move from city to city, and special restrictions are imposed on people in rural areas who wish to move to urban areas, as a massive rural-urban migration has already occurred, straining cities' infrastructures to capacity. Urban redevelopment and city planning has also resulted in forced relocations. Human Rights Watch reported that in December 2003, a Shanghai court of appeals upheld the prison sentence of a lawyer who had been charged with "circulating state secrets"—he had in fact been an advocate for residents who had been forcibly relocated. Freedom of movement within the country is still restricted during visits to China by foreign leaders and on other politically sensitive occasions. Legal emigration and foreign travel, however, are not highly restricted.

Recent reforms have allowed Chinese to marry, divorce, and sell their state-assigned housing without their employer's permission. A highly significant step taken in late 2002 allowed private entrepreneurs to become members of the CCP. A landmark property rights law aimed at protecting private property and incomes is under consideration. However, authorities continue to ignore citizens' constitutionally guaranteed "freedom of privacy," routinely monitoring phone conversations, facsimile transmissions, and e-mail and Internet communications. They also open and censor domestic mail and enter residences and offices.

China's population control policy is another significant area of personal life that has not been deregulated. Officially, Chinese couples may have no more than one child, though this is more strictly enforced in the cities. The Population and Family Planning Law requires couples to employ birth control measures and requires that couples who have an unapproved child pay "social compensation fees." The government gives preferential treatment to couples who abide by the birth limits and, in some areas, still requires couples to apply for official permission before having a child. Furthermore, it is illegal in most areas for a single woman to have a child.

The use of forced abortion or sterilization by local officials trying to keep within county birth quotas is believed to occur in occasional, isolated cases, though less frequently than in the past.

Chinese women reportedly face serious discrimination in education and employment and are far likelier than men to be laid off when state firms are downsized or privatized. Despite government crackdowns, trafficking in women and children for marriage, to provide sons, and for prostitution remains a serious problem.