

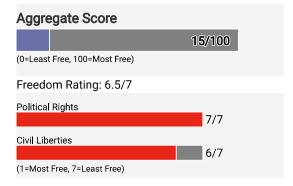


Freedom in the World 2017

China Profile

FREEDOM STATUS: NOT FREE

Freedom in the World Scores



Quick Facts

Population: 1,378,000,000

Capital: Beijing

GDP/capita: \$8,028

Press Freedom Status: Not Free

Net Freedom Status: Not Free



#China's crackdown on media, religious groups & civil society continues #FreedomReport http://freedomhou.se/fiwsn17

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Trend Arrow:

China received a downward trend arrow due to the chilling effect on private and public discussion, particularly online, generated by cybersecurity and foreign NGO laws, increased internet surveillance, and heavy sentences handed down to human rights lawyers, microbloggers, grassroots activists, and religious believers.



The ruling Chinese Communist Party (CCP) has tightened its control over the media, religious groups, and civil society associations in recent years. A renewed push for party supremacy and ideological conformity has undermined rule of law reforms and curtailed civil and political rights. The state president and CCP leader, Xi Jinping, is consolidating personal power to a degree not seen in China for decades. Faced with a slowing economy, the leadership continues to cultivate nationalism, including hostile anti-Western rhetoric, as a pillar of legitimacy. China's budding civil society and human rights movements have struggled in the midst of a multiyear crackdown.

Key Developments:

- In February, Xi Jinping held a series of meetings in which he demanded renewed loyalty
 to the CCP and ideological conformity from both official and commercial media
 outlets, and challenged them to take more innovative approaches to shaping public
 opinion.
- A new law on foreign nongovernmental organizations (NGOs), adopted in April, was
 expected to significantly constrict the activities of groups working on politically
 sensitive issues by imposing stringent registration requirements and granting
 supervisory authority to public security agencies, though it also helped clarify the
 nebulous regulatory system for NGOs.
- A party work conference on religion held in April, the first since 2001, laid out the leadership's plans to tighten control over religious organizations and activities.
- The authorities' crackdown on civil society continued throughout the year, with arrests and criminal prosecutions of bloggers, activists, and human rights lawyers.

Executive Summary:

Xi Jinping, who took office as general secretary of the CCP in November 2012, continued to concentrate personal power in 2016 to an extent not seen in China for decades. The slowing economy made the leadership's promotion of nationalism, with an increasingly hostile anti-Western tone, a key CCP strategy for continued legitimacy. The authorities also stepped up efforts to suppress growing independent labor activism linked to the country's economic situation.

Official rhetoric and propaganda presented party supremacy as essential to the "rejuvenation of the Chinese nation" and to China's national security. The latter was increasingly cited to justify criminal prosecutions of civil society and democracy activists, human rights lawyers, and bloggers. Xi took his vision of ideological conformity to new heights during the year, demanding that cadres demonstrate absolute loyalty to the party line and doubling down on media censorship. Online speech deemed politically sensitive by the authorities was punished with imprisonment.

the leadership's intolerance for their activism. Limited reforms to prevent miscarriages of justice continued to be implemented, but they were critically undermined by the CCP's intensified efforts to retain political control over the judiciary.

A plan for "comprehensive management" of all religious activity and organizations and the "Sinicization" of religion in China, laid out at an April party conference, further restricted the scope for religious freedoms. The government continued to impose conditions approaching martial law in Tibetan- and Uighur-populated regions of the country, refusing to reassess failed policies of repression for these ethnic minority groups.

Political Rights

Political Rights 1/40

A. Electoral Process 0/12

- A1. Is the head of government or other chief national authority elected through free and fair elections?
- A2. Are the national legislative representatives elected through free and fair elections?
- A3. Are the electoral laws and framework fair?

The CCP has a monopoly on political power, and its Politburo Standing Committee (PSC) sets government and party policy. At the 18th Party Congress in 2012, a new PSC—headed by Xi Jinping—was announced, the outcome of opaque intraparty politics. Xi, the CCP general secretary, also holds the position of state president, and serves as chairman of the state and party military commissions. He heads an unusually large number of "leading groups" that give him direct supervision over domestic security, economic reform, internet management, ethnic relations, and other policy areas. Xi was expected to consolidate his power further at a party congress planned for 2017, when five of the PSC's seven incumbent members were due to retire.

The 3,000 members of the National People's Congress (NPC) are formally elected for five-year terms by subnational congresses, but in practice candidates are vetted by the CCP. The NPC formally elects the state president for up to two five-year terms, and confirms the premier after they are nominated by the president. However, only the NPC standing committee meets regularly, with the full congress convening for just two weeks a year to approve proposed legislation; party organs and the executive State Council effectively control lawmaking. The current NPC was seated in March 2013 and named Xi as state president that month.

Although independent candidates who obtain the signatures of 10 supporters are by law allowed to run for seats on the lowest, county-level people's congresses, in practice they are prevented from getting their names on the ballot through intimidation, harassment, and in



candidates in 2016. Elections for village committees are also supposed to give residents the chance to choose their representatives, but in practice they are frequently undermined by fraud, corruption, and attacks on independent candidates and their supporters. Lin Zuluan—who was popularly elected in 2012 as head of the Guangdong Province village of Wukan after leading widely publicized protests against land grabs by local officials—was sentenced in September 2016 to three years in prison on corruption charges that were seen as retaliation for his continued activism.

B. Political Pluralism and Participation1/16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

The CCP seeks to monopolize all forms of political organization and harshly punishes democracy activists. Democracy advocate and 2010 Nobel Peace Prize winner Liu Xiaobo remained behind bars in 2016, having been sentenced in 2009 to 11 years in prison for his role in organizing the prodemocracy manifesto Charter 08. His wife, Liu Xia, has been under strict extralegal house arrest since 2010.

The scope for political participation narrowed further in 2016 as NGOs came under intensified pressure, particularly policy advocacy groups, including those working in areas that were previously not considered sensitive, such as the environment and women's rights. The continued imprisonment of Xu Zhiyong and others associated with his New Citizens Movement—a loosely affiliated network of individuals seeking to promote the rule of law, transparency, and human rights that was targeted in a 2013 crackdown—signaled the leadership's persistent intolerance of autonomous civic initiatives.

Restrictions on political activity remain especially harsh for ethnic minorities, including Tibetans, Uighurs, and Mongolians. Even the organization of seemingly benign social activities among such groups is perceived as threatening by the authorities. Hada, a prominent Mongolian activist, remains under de facto house arrest after 15 years in prison and four years of extralegal detention; he had been imprisoned on "separatism" and "espionage" charges in apparent retaliation for his advocacy for the rights of ethnic Mongolians. Ilham Tohti, a peaceful advocate for Uighur human rights now serving a life sentence following a 2014 separatism conviction, has been denied family visits; his wife



C. Functioning of Government 2/12

- C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?
- C2. Is the government free from pervasive corruption?
- C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

The continuing concentration of power in Xi Jinping's hands, an emerging Mao-like cult of personality, and Xi's calls for greater ideological conformity and party supremacy have elicited criticism, even from within the establishment.

Since becoming CCP leader in 2012, Xi has pursued one of the most extensive and relentless anticorruption campaigns since the beginning of the reform era. Scores of senior state and party officials had been investigated and punished by the end of 2016, including from the security apparatus, the military, the Foreign Ministry, state-owned enterprises, and state media. Former high-ranking general Guo Boxiong was sentenced to life in prison in July, and General Wang Jianping, deputy chief of the Central Military Commission's Joint Staff Department, was put under investigation in December. However, the anticorruption effort remains selective and opaque, and authorities have failed to adopt basic reforms that would address corruption more comprehensively, such as requiring officials to publicly disclose their assets, creating genuinely independent oversight bodies, and allowing independent media and civic activists to function as watchdogs.

Since open-government regulations took effect in 2008, more official documents and information have been made available to the public. However, resistance on the part of government organs to providing specific information requested by citizens has dampened initial optimism. Local experiments aimed at increasing the transparency of budget-making processes have remained limited in scope, and officials have yet to disclose budgets at all levels of government. Citizens who were part of the movement to make officials disclose their assets have been arrested and monitored.

Additional Discretionary Political Rights Question B -2/0

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?

- 1. Is the government providing economic or other incentives to certain people in order to change the ethnic composition of a region or regions?
- 2. Is the government forcibly moving people in or out of certain areas in order to change the ethnic composition of those regions?
- 3. Is the government arresting, imprisoning, or killing members of certain ethnic groups in order change the ethnic composition of a region or regions?

the Xinjiang Uighur Autonomous Region, Tibet, and Inner Mongolia, contributing to a steady increase of Han Chinese as a proportion of the regional populations. Cash incentives encourage Uighur families to have fewer children than the permitted three-child limit for ethnic minorities, and in some locales authorities have intensified crackdowns on "unauthorized births." Marriages between Uighurs and Han Chinese are also supported with cash rewards. Ostensibly bilingual education programs promote the use of Mandarin Chinese as the language of instruction and discourage the use of the Uighur language, with the result that increasing numbers of Uighur children are unable to speak Uighur fluently. [Note: Tibet is examined in a separate report.]

Civil Liberties

Civil Liberties 14/60

D. Freedom of Expression and Belief 3/16 (-1)

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination? D4. Is there open and free private discussion?

Citizens continued to be punished, often harshly, for publicizing critical views of the authorities online or to foreign media in 2016. Writer and activist Zhang Haitao was sentenced in January to 19 years in prison on charges of "incitement to subvert state power" for criticizing the government's record in Xinjiang in online articles and interviews with overseas media. Citizen journalists are routinely detained, harassed, and in some cases criminally charged. Wang Jing, a citizen reporter for the human rights website 64 Tianwang, was sentenced in April in Jilin Province to four years and 10 months in prison. The founder of 64 Tianwang, Huang Qi, was formally arrested in December on the charge of "illegally supplying state secrets overseas." Also that month, a citizen journalist and founder of Civil Rights and Livelihood Watch, Liu Feiyue, was formally arrested for "incitement to subvert state power." Lu Yuyu and Li Tingyu, who had documented tens of thousands of protests throughout China, were criminally detained in June and remained behind bars at year's end. The Committee to Protect Journalists identified 38 journalists in prison in China, the second-largest figure worldwide after Turkey's, as of December 2016.

Harassment of foreign journalists continued during the year, including physical abuse, detention to prevent meetings with certain individuals, intimidation of Chinese sources and staff, withholding or threatening to withhold visas, surveillance, and hostile editorials in

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Internet service providers are required to block websites and delete content as instructed by censors. Thousands of websites have been blocked, many for years, including major news and social media hubs like the *New York Times*, *Le Monde*, Flickr, YouTube, Twitter, Instagram, and Facebook.

Xi Jinping increased pressure on official and commercial media to ramp up censorship efforts and strictly adhere to party directives in 2016. During February visits to the headquarters of the *People's Daily*, Xinhua news agency, and China Central Television (CCTV)—the main party mouthpieces—he called on the media to demonstrate absolute loyalty to the CCP, and on other occasions he stressed that the media must serve as a tool of the party. Xi also exhorted state media workers to produce more dynamic, technologically sophisticated media products that would shape public opinion.

In June, a prohibition against the independent gathering or dissemination of original news was extended to all social media applications, while in July the Beijing branch of the Cyberspace Administration of China (CAC) reinforced rules to prevent Chinese internet portals from producing any original news content, restricting them to repackaging content provided by a small number of authorized sources. In August the CAC imposed tough new censorship requirements on internet providers, including continuous monitoring of news content and a provision holding editors in chief personally responsible for content.

Additional regulations that took effect in August required all mobile applications to use realname user registration and to store 60 days of activity, preventing anonymous online postings, and the NPC in November adopted a cybersecurity law that will require companies to store user data in China and submit to potentially intrusive security reviews.

A new rule called the "Regulation on Collecting and Using Electronic Data as Evidence," which went into effect in October, allows authorities to collect and use private digital messaging information, text messages, e-mail, personal photos, videos, text documents, and online blog and forum posts to prosecute an individual for criminal wrongdoing, including speech-related offenses. Authorities had already begun engaging in such practices prior to the new regulation, and closed group chats on the popular messaging app WeChat have regularly been shut down by censors for discussion of topics deemed sensitive by authorities.

The space for autonomous religious practice narrowed further during the year as the government restricted and harassed a wide range of religious communities and laid out plans for tighter management of religion during the first National Conference on Religious Work in 15 years. At the April meeting, authorities asserted that religion must serve as an instrument for national unity and social stability, and called on religious groups to "Sinicize" by "endorsing the political system, conforming to Chinese society, and embodying Chinese culture."



took power. While Falun Gong practitioners are no longer sent in large numbers to "reeducation through labor" camps, which were abolished in 2013, many are still criminally prosecuted, in some cases receiving long prison terms, or arbitrarily detained in "legal education centers," where they can face torture to force them to abandon their beliefs. Once released, they typically experience constant monitoring and harassment.

Curbs on the practice of Islam among the Uighur population of Xinjiang remained intense, affecting the wearing of religious attire, attendance at mosques, fasting during Ramadan, and other basic religious activities. Separately, an ongoing campaign against Protestant churches in Zhejiang Province, considered the heartland of Christianity in China, has resulted in the demolition of over 1,200 crosses and numerous churches in recent years, and congregations across the region remain under pressure. In August 2016, Hu Shigen, who led a number of underground churches, was sentenced to seven and a half years in prison in Tianjin for supposedly spreading subversive ideas.

Academic freedom is restricted with respect to politically sensitive issues. The CCP controls the appointment of top university officials, and many scholars practice self-censorship to protect their careers. Political indoctrination is a required component of the curriculum at all levels of education. The space for academic discussion of democratic concepts has shrunk further since 2015 amid top-down pressure on universities to shun "Western" ideals.

E. Associational and Organizational Rights 3/12

- E1. Is there freedom of assembly, demonstration, and open public discussion?
- E2. Is there freedom for nongovernmental organizations?
- E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

China's constitution protects the right of citizens to demonstrate, but in practice protesters rarely obtain approval and risk punishment for assembling without permission. Spontaneous demonstrations have thus become a common form of protest, with a state-affiliated research center counting around 100,000 "mass incidents" annually in recent years, some of which are met with police violence. In September 2016, police used force to end protests in the village of Wukan against the prison sentence of elected leader Lin Zuluan. Separately, according to the NGO Chinese Human Rights Defenders, 118 people around China were detained, jailed, or charged between September 2014 and September 2016 for "picking quarrels and provoking trouble" or "inciting subversion of state power" by expressing support for prodemocracy protesters in Hong Kong.

Hundreds of thousands of NGOs are formally registered, often as companies due to gaps in the relevant laws, though many operate more as government-sponsored organizations. A large number of NGOs operate without formal registration. A government crackdown on



service delivery. In January 2016, the Beijing Zhongze Women's Legal Counseling and Service Center, founded by Guo Jianmei in 1995, was shut down after experiencing increased harassment in recent years. Also during the year, the authorities drafted revisions of a number of laws that would further strengthen party oversight of domestic social organizations.

A new law on management of foreign NGOs was adopted in April, to take effect in 2017. It was expected to bring about the closure of some foreign NGOs and significantly impede the activities of others that work on sensitive topics. The law prohibits foreign NGO activities that the government deems to "endanger China's national unity, security, or ethnic unity" or "harm China's national interests and the public interest." Foreign NGOs operating in China would be required to register with the Ministry of Public Security (MPS) and to find a "professional supervisory unit"—a government or state organ willing to act as sponsor. The new law also vests authority for foreign NGO management in the MPS, rather than the Ministry of Civil Affairs, which has historically been tasked with managing civil society organizations in China. The changes give the police the authority to enter an NGO's premises at any time to conduct searches without a court warrant, to seize property, to detain personnel, and to initiate criminal procedures.

While workers in China are afforded many protections under existing laws, violations of labor and employment regulations are widespread. Local CCP cadres have long been incentivized to prioritize economic growth over the enforcement of labor rights. The authorities have increasingly cracked down on labor activists and NGOs. Three prominent activists who were detained in December 2015 received suspended prison sentences ranging from 18 months to three years in September 2016; one of them, Zeng Feiyang, is the director of the well-known labor NGO Panyu Migrant Workers Center, which operates in Guangdong Province. The only legal labor union is the government-controlled All-China Federation of Trade Unions, which has long been criticized for failing to properly defend workers' rights. A rise in strike incidents has coincided with slowing economic growth in recent years, and nearly 2,700 were documented in 2016 by the China Labour Bulletin.

F. Rule of Law 2/16

- F1. Is there an independent judiciary?
- F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?
- F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?
- F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

The crackdown on human rights lawyers that was launched in July 2015 continued in 2016, further calling into question the government's professed commitment to move toward the rule of law. Judicial reforms introduced over the past decade or more have sought to exclude evidence obtained through torture, guarantee better access to lawyers, allow witnesses to be



However, the CCP still dominates the judicial system, with courts at all levels supervised by party political-legal committees that have influence in the appointment of judges, court operations, and verdicts and sentences. While citizens can expect a degree of fair adjudication in nonpolitical cases, those that touch on politically sensitive issues or the interests of powerful groups are subject to decisive "guidance" from political-legal committees.

Close to 300 lawyers and activists have been detained or interrogated since mid-2015 as part of the government's campaign to quash the "rights defense" movement. Some were held in secret detention for months, without access to legal counsel or their families. The first trials of those detained in 2015 were held in August 2016. Zhou Shifeng—head of the Fengrui Law Firm, which employed a large number of lawyers working on politically sensitive cases—received a seven-year prison sentence. In September, Xia Lin, who had represented high-profile clients such as the dissident artist Ai Weiwei and the human rights lawyer Pu Zhiqiang, was sentenced to 12 years in prison, having already spent nearly two years in pretrial detention. Among other pending cases against prominent human rights lawyers, Li Heping was formally arrested in January and remained in incommunicado detention under unknown charges at the end of the year, while Jiang Tianyong was held in an unknown location while police investigated him for "incitement to subvert state power." As in previous years under Xi, various human rights lawyers and activists were shown on television giving what are widely assumed to be forced confessions, drawing comparisons to tactics employed during the Mao era.

Police and public security agents generally enjoy impunity for abuses. In December 2016, a court decided not to press charges against five policemen involved in the May death in custody of Lei Yang, who worked at a state-sponsored environmental NGO. This was despite the court's conclusion that the policemen had broken the law by misusing force, delaying medical treatment, and lying about the circumstances of Lei's death. Torture is widely used to extract confessions or force political and religious dissidents to recant their beliefs. Despite the abolition of "reeducation through labor" camps at the end of 2013, tens of thousands of people are still held in other forms of arbitrary detention. In February 2016, an official recanted his confession and claimed torture under "shuanggui" detention, an extrajudicial system for party members that has been used extensively during Xi's anticorruption campaign.

Conditions in places of detention, which are estimated to hold three to five million people in total, are harsh, with reports of inadequate food, regular beatings, and deprivation of medical care. While the government has gradually reduced the number of crimes carrying the death penalty, currently at 46, it is estimated that thousands of inmates are executed each year; the government treats the true figure as a state secret. While the government stated that it would end the use of organs from executed prisoners by January 2015, the number of transplanted organs has apparently not diminished, despite the virtual absence of voluntary



Chinese laws formally prohibit discrimination based on nationality, ethnicity, race, gender, religion, or health condition, but these protections are often violated in practice. Ethnic and religious minorities, LGBT (lesbian, gay, bisexual, and transgender) people, the disabled, and people with HIV/AIDS, hepatitis B, or other illnesses face widespread discrimination in employment and access to education. Legal remedies remain weak, though a court ruled in favor of a transgender man in a landmark wrongful-dismissal case in December 2016.

Despite China's international legal obligation to protect the rights of asylum seekers and refugees, Chinese law enforcement agencies continue to seek out and repatriate North Korean defectors, who face imprisonment or execution upon return.

G. Personal Autonomy and Individual Rights 6/16

- G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?
- G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?
- G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?
- G4. Is there equality of opportunity and the absence of economic exploitation?

In early 2016, Premier Li Keqiang reiterated a government plan to gradually reform China's *hukou* system—the personal registration rules that restrict China's roughly 270 million internal migrants from enjoying full legal status as residents in the cities where they work. The approach is to gradually expand the benefits of urban residency to 100 million migrants based on their education, employment record, and housing status, with the most stringent requirements in major cities like Shanghai and Beijing. The plan will still leave a large majority of migrants without equal rights or full access to social services such as education for their children in local schools.

Millions of people are affected by restrictions on foreign travel and passports, many of them Uighurs and Tibetans, and overseas Chinese nationals who engage in sensitive activities are at risk of being prevented by the authorities from returning to China, or choose not to return for fear of being arrested. In October 2016, the government announced that all residents of Xinjiang are required to hand in their travel documents to police for "safekeeping" and to apply for permission to leave the country. Many Chinese citizens also face restrictions on internal freedom of movement. While China's constitution gives individuals the right to petition the government concerning a grievance or injustice, in practice petitioners are routinely intercepted in their efforts to reach Beijing, forcefully returned to their hometowns, or extralegally detained in "black jails," psychiatric institutions, and other sites, where they are at risk of beatings, psychological abuse, or sexual violence.

permitted to establish and operate private businesses. However, those without strong informal ties to powerful officials can find themselves at a disadvantage in legal disputes with competitors or in dealings with regulators. Foreign companies can similarly face arbitrary regulatory obstacles, demands for bribes and other inducements, or negative media campaigns.

Property rights protection remains weak. Urban land is owned by the state, with only the buildings themselves in private hands. Rural land is collectively owned by villages. Farmers enjoy long-term lease rights to the land they work, but they have been restricted in their ability to transfer, sell, or develop it. Low compensation standards and weak legal protections have facilitated land seizures by local officials, who often evict the residents and transfer the land rights to developers. Corruption is endemic in such projects, and local governments rely on land development as a key source of revenue. In October 2016, authorities eased limits on the transfer of land-use rights by farmers in an effort to facilitate more efficient agricultural enterprises.

A legal amendment allowing all families to have two children—effectively abolishing the long-standing one-child policy—took effect in January 2016. Ethnic minorities are still permitted to have up to three children. While the authorities will continue to regulate reproduction, the change means that fewer families are likely to encounter the punitive aspects of the system, such as high fines, job dismissal, reduced government benefits, and occasionally detention. Abuses such as forced abortions and sterilizations are less common than in the past.

Despite passage of the country's first law designed to combat domestic violence in 2015, domestic violence continues to be a serious problem, affecting one-quarter of Chinese women, according to official figures. Several laws bar gender discrimination in the workplace, and gender equality has reportedly improved over the past decade, but bias remains widespread, including in job recruitment and college admissions. Women remain severely underrepresented in important CCP and government positions.

Exploitative employment practices such as wage theft, excessive overtime, student labor, and unsafe working conditions are pervasive in many industries. Forced labor and trafficking are also common, frequently affecting rural migrants, and Chinese nationals are similarly trafficked abroad. Forced labor is the norm in prisons and other forms of administrative detention.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology





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

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