

# Background

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## Make China Account for Its Dismal Human Rights Record

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**Abstract:** *China's human rights record is dismal and not improving. Successive editions of the U.S. Department of State's annual Country Reports on Human Rights Practices have documented China's lack of progress in human rights, ranging from continued abuses in Tibet to imprisonment and harsh treatment of political prisoners to a general crackdown on religious groups that are not sanctioned by the government. The Obama Administration should make defense of universal liberties a central part of U.S. public and private diplomacy with the People's Republic of China.*

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The Obama Administration should make defense of universal liberties a central part of U.S. public and private diplomacy with the People's Republic of China (PRC). This requires an accurate, objective evaluation of China's record. Without such an evaluation, the American public is left with isolated cases, rhetoric, and political theories that may not accurately indicate broader trends.

Conveniently, the U.S. has an off-the-shelf analysis of China's progress on human rights. Every year for 34 years, the U.S. Department of State has undertaken to prepare the "the most comprehensive record available of the condition of human rights around the world."<sup>1</sup> Its aim is to produce an objective and thorough resource "for shaping policy, conducting diplomacy, and making assistance, training, and other resource allocations."<sup>2</sup>

### Talking Points

- China's economic gains have improved the standards of living and economic empowerment of many in China, but economic improvement has not led to better conditions in civil, political, religious, and worker affairs.
- The State Department's annual *Country Reports on Human Rights Practices* provides a consistent, informative guideline on trends in China's human rights policies. The U.S. should use it as a source of critical policy benchmarks.
- The U.S. should not attempt to placate China or gain favors in other areas of the relationship by segregating its interest in China's violations of human rights. China rarely reciprocates such moves in ways that are helpful to the U.S.
- As indicated in the State Department reports, China's systematic push to reduce minority rights, cultures, and languages actually creates a less stable environment between the Han Chinese and minorities as well as between the Chinese government and minorities in China.

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This is a solemn assignment and one that the State Department takes very seriously, from the bureaucracy in Washington that issues the instructions to the officers in the field who provide the first draft to the political appointees in Washington who approve the final product. This is a labor-intensive, highly consultative process fraught with hotly contested issues. It may not be perfect, but the State Department's annual *Country Reports on Human Rights Practices* is the most authoritative accounting of human rights available. The standardized drafting process and consistency in format and phrasing also make it particularly good at measuring trends.

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***The trend line of the PRC's respect for internationally recognized human rights has remained generally flat since the 1989 Tiananmen Square massacre.***

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The trend line of the PRC's respect for internationally recognized human rights has remained generally flat since the 1989 Tiananmen Square massacre—not improving and occasionally worsening. China's upward economic trend, although an indication of rising standards of living and a degree of economic empowerment, says nothing about its observance of internationally recognized civil, political, religious, and worker rights.

The verdict is still out on whether prosperity ultimately leads to political freedom. Nothing in the interim results has yet confirmed such a connection. The payoff on the much better bet of economic freedom leading to political freedom has been delayed by the stalling of Chinese economic reforms short of true liberalization.<sup>3</sup>

## Opening Summaries of China's Human Rights Situation

Every year, the State Department's human rights report on China opens with a sentence summarizing the human rights situation in China for that year. Since 1989, none of the reports has characterized China's record as improving.<sup>4</sup> The past nine reports (2001–2009) have stated that the Chinese "Government's human rights record remained poor."<sup>5</sup> The most recent two, the 2008 and 2009 reports, indicate a worsening situation: "[T]he Government's human rights record remained poor and worsened in some areas."

Only one report in the past 20 years, the 1997 report, notes "positive steps in human rights." That report provides additional context:

The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms stemming from the authorities' very limited tolerance of public dissent, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms.

**Tiananmen Square Accounting.** The 1989 report states: "The Government, as a matter of course, does not publicly announce the names of those detained or arrested. In view of the large number detained after the Beijing massacre, concerns have arisen over the fate of those detainees whose status has not been clarified."<sup>6</sup>

The 1990 human rights report states that the U.S. government and international organizations requested information on the status of the people missing and detained after the crackdown on protesters in Tiananmen Square. Starting in 1991, the reports have noted that the Chinese government has not provided an accounting of those protesters. Since 1993,

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1. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, preface to *2009 Country Reports on Human Rights Practices*, March 11, 2010, at <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm> (July 26, 2010).
  2. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, "Overview and Acknowledgements," in *2009 Country Reports on Human Rights Practices*.
  3. China ranks 150th out of 179 countries examined in Terry Miller and Kim R. Holmes, *2010 Index of Economic Freedom* (Washington, D.C.: The Heritage Foundation and Dow Jones & Company, Inc., 2010).

the reports have included a sentence on the reporting of the Tiananmen protesters. The 1993–1996 reports record that the Chinese government has “not provided a comprehensive, credible public accounting of all those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations.” With some variation in detail, the 1997–2009 reports continue to use nearly identical wording.

**Political and Other Extrajudicial Killing.** The 1996 report notes, “There were reports of extrajudicial killings, including some carried in the Chinese press.” The 1997 report reads, “There is no reliable information about the number of extrajudicial killings nationwide.” The 1998–2002 reports state, “The official press reported a number of instances of extrajudicial killings, but no nationwide statistics are available.”<sup>7</sup>

The 2003–2006 reports simply explain, “During the year, politically motivated and other arbitrary and unlawful killings occurred.” The 2007 report states that “the government and its agents reportedly committed arbitrary or unlawful killings.” The 2003–2009 reports cite the occurrence of “arbitrary or unlawful killings.” The 2008 and 2009 reports observe, “During the year security forces reportedly committed arbitrary or unlawful killings.”

**Treatment of Tibet.** President Barack Obama made a concerted effort to demonstrate goodwill to the PRC by delaying as long as possible his first meeting with the Dalai Lama, the spiritual leader of the Tibetan Buddhists. China sees the Dalai Lama as a threat to its control of Tibet.

President Obama sent Senior Advisor and Assistant to the President for Intergovernmental

4. For the 1989–1995 reports, see U.S. Department of State, *Annual Human Rights Report*, Vols. 14–20, 1989–1995. For the 1996–2009 reports, see U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, “China Country Report on Human Rights Practices for 1996,” January 30, 1997, at [http://www.state.gov/www/global/human\\_rights/1996\\_hrp\\_report/china.html](http://www.state.gov/www/global/human_rights/1996_hrp_report/china.html) (March 25, 2010); “China Country Report on Human Rights Practices for 1997,” January 30, 1998, at [http://www.state.gov/www/global/human\\_rights/1997\\_hrp\\_report/china.html](http://www.state.gov/www/global/human_rights/1997_hrp_report/china.html) (March 23, 2010); “China Country Report on Human Rights Practices for 1998,” February 26, 1999, at [http://www.state.gov/www/global/human\\_rights/1998\\_hrp\\_report/china.html](http://www.state.gov/www/global/human_rights/1998_hrp_report/china.html) (February 12, 2010); “China,” in *1999 Country Reports on Human Rights Practices*, February 23, 2000, at <http://www.state.gov/g/drl/rls/hrrpt/1999/284.htm> (February 12, 2010); “China (Includes Hong Kong and Macau),” in *2000 Country Reports on Human Rights Practices*, February 23, 2001, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/684.htm> (February 12, 2010); “China (Includes Hong Kong and Macau),” in *2001 County Reports on Human Rights Practices*, March 4, 2002, at <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8289.htm> (February 12, 2010); “China (Includes Tibet, Hong Kong, and Macau),” in *2002 Country Reports on Human Rights Practices*, March 31, 2003, at <http://www.state.gov/g/drl/rls/hrrpt/2002/18239.htm> (February 12, 2010); “China (Includes Tibet, Hong Kong, and Macau),” in *2003 Country Reports on Human Rights Practices*, February 25, 2004, at <http://www.state.gov/g/drl/rls/hrrpt/2003/27768.htm> (February 12, 2010); “China (Includes Tibet, Hong Kong, and Macau),” in *2004 County Reports on Human Rights Practices*, February 28, 2005, at <http://www.state.gov/g/drl/rls/hrrpt/2004/41640.htm> (February 12, 2010); “China (Includes Tibet, Hong Kong, and Macau),” in *2005 County Reports on Human Rights Practices*, March 8, 2006, at <http://www.state.gov/g/drl/rls/hrrpt/2005/61605.htm> (February 12, 2010); “China (Includes Tibet, Hong Kong, and Macau),” in *2006 Country Reports on Human Rights Practices*, March 6, 2007, at <http://www.state.gov/g/drl/rls/hrrpt/2006/78771.htm> (February 12, 2010); “China (Includes Tibet, Hong Kong, and Macau),” in *2007 Country Reports on Human Rights Practices*, March 11, 2008, at <http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm> (February 12, 2010); “China (Includes Tibet, Hong Kong, and Macau),” in *2008 Country Reports on Human Rights Practices*, February 25, 2009, at <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119037.htm> (February 12, 2010); and “China (Includes Tibet, Hong Kong, and Macau),” in *2009 Country Reports on Human Rights Practices*, March 11, 2010, at <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135989.htm> (April 6, 2010). Subsequent references to specific State Department human rights reports are not footnoted unless a page number is available.
5. The 2001 and 2002 reports add “throughout the year” to the statement: “The Government’s human rights record throughout the year remained poor.” The 2005–2009 reports do not capitalize “government.”
6. U.S. Department of State, *Annual Human Rights Report*, Vol. 14, 1989, p. 803.
7. The 2000 report removes the phrase “of instances”: “The official press reported a number of extrajudicial killings, but no nationwide statistics are available.” The 2001 and 2002 reports remove the phrase “of instances” and change “are” to “were”: “The official press reported a number of extrajudicial killings, but no nationwide statistics were available.”

Affairs and Public Engagement Valerie Jarrett and other officials to the exiled Dalai Lama's home in Dharamsala, India, to encourage the Tibetan Buddhist leader not to come to Washington, D.C., before President Obama's trip to China.<sup>8</sup> The Dalai Lama kept his schedule and visited Washington, but the President did not meet with him. This was the first time since 1991 that this has happened. The President has since made amends, but the impression remains that under the right circumstances, concerns about Tibet are tradable.

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What, precisely, is the situation in Tibet? Since 1994, the State Department has found it necessary to include a separate section on Tibet. The summary sentences of the 1994–1996 Tibet sections read, “Chinese government authorities continued to commit widespread human rights abuses in Tibet.” The 1997–2001 Tibet summary sentences state that “Chinese government authorities continued to commit serious human rights abuses in Tibet.”<sup>9</sup> A list of abuses cited in several of the reports includes torture, arbitrary arrest and detention, house arrest, detention without public trial, repression of religious freedom, and arbitrary restrictions on freedom of movement. A summary sentence in the 2002 Tibet section states, “The Government's human rights record remained poor, although there were some positive developments.” The 2003 section similarly reports: “The Government's human rights record in Tibetan areas of China remained poor, although some positive developments continued.” Yet soon after, both reports note that Chinese authorities “continued to commit serious human rights abuses” and list issues of torture, arrest, and detention of Tibetans.

The summary sentence of the 2004 Tibet section does not mention any positive developments, just that “[t]he Government's human rights record in Tibetan areas of China remained poor.” The 2005–2006 reports indicate a backsliding from positive developments in 2002 and 2003: “The government's human rights record in Tibetan areas of China remained poor, and the level of repression of religious freedom remained high.” In the 2007 report, the sentence changes slightly: “The government's human rights record in Tibetan areas of China remained poor, and the level of repression of religious freedom increased.”

Following a trend in other areas, the summary sentences in the 2008 and 2009 Tibet sections cite regression in respect for human rights in Tibet. The 2008 sentence states, “The government's human rights record in Tibetan areas of China deteriorated severely during the year.” The 2009 sentence summarizes the situation by recording that:

The government's human rights record in Tibetan areas of China remained poor, and the severe repression of freedoms of speech, religion, association, and movement that increased dramatically following the March 2008 Lhasa riots and subsequent unrest that occurred across the Tibetan Plateau continued during the year.

In addition to these summary sentences, the 2004–2009 Tibet sections include a phrase similar to those in previous reports, which state that Chinese authorities “continued to commit serious human rights abuses.”

The Tibet-specific section of the 1994 report lists torture among the human rights abuses, but the larger China reports from 1999–2009 expand on the issue of torture in Tibet by criticizing the Chinese government for the “security regime” or “security apparatus” using torture, violence, and

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8. Lynn Sweet, “Valerie Jarrett Quietly Jets to India to Meet with the Dalai Lama on Tibet,” *Chicago Sun-Times*, September 14, 2009, at [http://blogs.suntimes.com/sweet/2009/09/valerie\\_jarrett\\_quietly\\_jets\\_t.html](http://blogs.suntimes.com/sweet/2009/09/valerie_jarrett_quietly_jets_t.html) (July 15, 2010), and Alex Spillius, “Barack Obama Cancels Meeting with Dalai Lama ‘to Keep China Happy,’” *Daily Telegraph* (London), October 5, 2009, at <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/barackobama/6262938/Barack-Obama-cancels-meeting-with-Dalai-Lama-to-keep-China-happy.html> (July 15, 2010).
  9. The 2000 report's Tibet summary sentence reads: “Chinese government authorities continued to commit numerous serious human rights abuses in Tibet.”

“degrading treatment” toward prisoners, detainees, and Tibetans trying to escape China. The 2003–2009 reports state that the Chinese government “continued to try to prevent many Tibetans from leaving,” and the 2007–2009 reports add that the Chinese government “detained many [Tibetans] who were apprehended in flight.”

Starting in 1998, the State Department reports discuss each year how Chinese authorities “continued to jam” the Chinese, Uighur, and Tibetan-language broadcast services of news organizations such as the Voice of America (VOA), Radio Free Asia (RFA), and the British Broadcasting Corporation (BBC).<sup>10</sup>

The Chinese government not only is blocking outside Tibetan-language services, but also is often portrayed as trying to destroy Tibetan culture. The 1994, 1996, 1998, and 2006 reports specifically mention Chinese government policies intended to reduce the influence of Tibetan culture and to increase the incentives for Han Chinese to migrate to the Tibetan Autonomous Region (TAR). The 1994 and 1996 reports state that the Dalai Lama continued to “express concern that development projects and other central government policies encourage a massive influx of Han Chinese into Tibet, which has the effect of overwhelming Tibet’s

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traditional culture and diluting Tibetan demographic dominance.”<sup>11</sup> The 1998 report quotes a report from a European Union ambassadorial delegation to Tibet, which stated that “the delegation was in no doubt that the authorities in the TAR exercise extremely tight control over the principal elements of Tibetan religion and culture.” The 2006 report notes, “The preservation and development of the unique religious, cultural, and linguistic heritage of Tibetan areas... continued to be of concern.”

A major part of Tibetans’ heritage is the ability to practice their Buddhist religion freely. The reports acknowledge that the Chinese government allows for “many traditional religious practices,” but that phrase is usually qualified by a claim that the gov-

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***The result of government and Chinese Communist Party (CCP) influence in court decisions is a judiciary that is not independent.***

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ernment “maintained tight controls on religious practices and places of worship in Tibetan areas.”<sup>12</sup> Some of the reports use different wording, but they still use “tight controls” to describe the level of interference in religious practices in Tibet.

In 2008, protests in Lhasa and other Tibetan communities during the anniversary of the 1959 Tibetan uprising were marred by violence and deaths when security forces clashed with the protesters. The 2008 report states that “[p]ress and NGO reports suggested that continued tight government controls on religious practices and places of worship in Tibetan areas was a major factor contributing to the widespread protests that began in March.” The annual reports indicate that the Chinese government limits religious freedom and expression, leading to greater frustration among the Tibetan people and dangerously increasing the potential for misunderstandings and violence.

**Judiciary and Legal and Political Prisoners.** Since 1990, the State Department has emphasized that the result of government and Chinese Communist Party (CCP) influence in court decisions is a judiciary that is not independent. The 1990 and 1991 reports note that China’s judiciary “is subject to the policy guidance of the CCP.” The 1992 report similarly states that the judiciary “is subject to the CCP’s policy guidance.”<sup>13</sup> The 1993 and 1994 reports use similar wording: “subject to the Communist Party’s policy guidance.” The 1995 report notes the Communist Party’s influence but also

10. The Uighur-language broadcasts were added in the 2003 report.

11. See also U.S. Department of State, *Annual Human Rights Report*, Vol. 19, 1994, p. 573.

12. This exact phrase appears in the 2004–2007 reports.

13. U.S. Department of State, *Annual Human Rights Report*, Vol. 17, 1992, p. 542.

states that “party and government leaders use a variety of means to pressure the courts on verdicts and sentences.”<sup>14</sup> The 1996 report again acknowledges CCP influence on policy and that “Party and government leaders use a variety of means to direct the courts on verdicts and sentences.”

The 1997 report notes that “the judiciary is subject to policy guidance from the Government and the Chinese Communist Party.” The 1998–2000 reports alter the sentence slightly to read that “the judiciary is subject to policy guidance from both the Government and the Communist Party.” Moreover, the government and CCP leaders “use a variety of means to direct courts on verdicts and sentences in politically sensitive cases.” The 2001 report states that the judiciary “receives policy guidance from both the Government and the Communist Party” and that those leaders “use a variety of means to direct the courts on verdicts and sentences.”

The 2002–2009 reports continue this theme of a lack of judicial independence and the impact of government influence on court policy and decisions. The 2002 and 2003 reports record that “the judiciary received policy guidance from both the Government and the Party, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases.” The 2004 report uses nearly identical wording. The 2005–2009 reports similarly note that the judiciary “received policy guidance from both the government and the CCP, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases.”

The 2002 and 2003 reports acknowledge that Chinese government officials “denied holding any political prisoners, asserting that authorities detained persons not for their political or religious views but because they violated the law; however, the authorities continued to confine citizens for reasons related to

politics and religion.” The 2004 and subsequent reports repeat this sentence, except for noting that officials “*continued to deny* holding any political prisoners.” A sentence acknowledging that the Chinese government has denied the presence of political prisoners has appeared in every report since 1990.

In the 2002 and 2003 reports, the State Department notes, “Trials involving capital offenses often took place under circumstances where the lack of due process or a meaningful appeal bordered on extrajudicial killing.”<sup>15</sup> The 2004–2007 reports drop the phrase “bordered on extrajudicial killing” but still note, “Trials involving capital offenses sometimes took place under circumstances involving severe lack of due process and with no meaningful appeal.” The 2004–2007 reports elaborate: “Executions took place on the day of conviction” or following a failed or denied appeal.<sup>16</sup>

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***“Arbitrary arrest and detention remain serious problems.”***

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In addition to the problems with due process in capital offenses, starting in 1997, the human rights reports note that “[a]rbitrary arrest and detention remain problems.” The 1998–2009 reports add the word “serious”: “Arbitrary arrest and detention remain serious problems.”<sup>17</sup>

The 1992 and 1993 reports blame the Chinese government’s control of information as the main obstacle to obtaining an accurate number of arrests: “A well-documented estimate of the total number of those subjected to new or continued arbitrary arrest or detention is not possible due to the Government’s tight control of information.”<sup>18</sup> Starting in the 1994 report, the sentence changes to “Because the Government tightly controls information, it is impossible to estimate accurately the total number of

14. U.S. Department of State, *Annual Human Rights Report*, Vol. 20, 1995, p. 578.

15. The 2003 report replaces “often” with “sometimes.”

16. The 2006 and 2007 reports say that “Some executions took place on the day of conviction.”

17. The 2002–2009 reports use the past tense of the verb: “Arbitrary arrest and detention remained serious problems.”

18. The 1993 report adds the phrase “for political reasons”: “A well-documented estimate of the total number of those subjected to new or continued arbitrary arrest or detention for political reasons is not possible due to the Government’s tight control of information.”

people subjected to new or continued arbitrary arrest or detention.”<sup>19</sup> Starting in 2002, the sentence states, “Because the Government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to new or continued arbitrary arrests or detention.” The phrase “new or continued” was dropped from the 2006–2009 reports.

Since 1990, the State Department has reported instances of torture and abuse of detainees in China. The 1990 report states, “Former detainees have reported the use of cattle prods, electrodes, prolonged periods of solitary confinement, and incommunicado detention, beatings, shackles, and other forms of abuse.”<sup>20</sup> The 1991–1995 reports use the same wording but add “against detained women and men” at the end of the sentence. The 1996 report adds “thumb cuffs” to the list of abuses in the sentence. The 1997–2000 reports omit the reference to “thumb cuffs” and add in the rest of the sentence that former detainees and the press gave credible reports on the torture and abuses.

Like the 1990–2000 reports, the 2001 report notes, “Former detainees and the press reported credibly that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse.” The 2002–2005 reports use similar wording: “Former detainees reported credibly that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse.”<sup>21</sup> The 2006 report drops “prolonged periods of solitary confinement and incommunicado detention.”<sup>22</sup> The 2007–2009 reports remove the references to former detainees as sources and simply states, “During the year there were reports that officials used electric shocks, beatings, shackles, and other forms of abuse.”

**Arbitrary Interference with Privacy, Family, Home, and Correspondence.** Every report since

1989 has talked about Chinese citizens being closely monitored by authorities. The 1989 report notes, “Mail is often opened and read, telephones monitored, and television cameras located at some key intersections, in luxury hotels, and in some buildings.” The 1990–1993 reports have a similar theme, stating that “some telephone conversations are recorded, and mail is frequently opened and censored.” The 1994 report suggests that less mail is opened than before, noting that “some mail is opened and censored.”

The 1995 report describes Chinese government monitoring. The 1996 and 1997 reports state that authorities often “monitor telephone conversations, fax transmissions, electronic mail, and Internet communications of foreign visitors, businessmen, diplomats, and journalists, as well as Chinese dissidents, activists, and others.” The reports further say that Chinese “[a]uthorities also open and censor domestic and international mail.” The 1998–2009 reports all note heavy surveillance.

**Free Speech.** Since the 1997 report, the State Department has claimed that the Chinese government punishes those who exercise the right to free speech and has indicated no improvement. The 1997 report says that the Chinese government continued “to control tightly dissenting views and punish those who voiced such views when it felt that its authority was directly challenged or that social stability was threatened.”

The 1998 report states that “scores of political activists were detained while the most prominent were tried and sentenced harshly.” The 1999 report states, “As scores of activists around the country were arrested and leading dissidents sentenced to lengthy prison terms...almost all dissident activity effectively was halted.” The 2000 report states that “the Government continued to threaten, arrest and imprison persons expressing their freedom of speech and press.” The 2001–2003 reports omit

19. The 1998–2001 reports change the sentence slightly: “Because the Government tightly controls information, it is impossible accurately to determine the total number of people subjected to new or continued arbitrary arrest or detention.”

20. U.S. Department of State, *Annual Human Rights Report*, Vol. 15, 1990, p. 847.

21. The 2005 report reverses the order of two words to “credibly reported.”

22. The 2006 report states “credibly reported.”

mention of the press: “[T]he Government continued to threaten, arrest and imprison persons exercising free speech.”

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***“The government continued to threaten, arrest, and imprison many individuals for exercising rights to free expression.”***

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The 2004–2006 reports change “free speech” to “free expression” and “persons” to “many individuals”: “The government continued to threaten, arrest, and imprison many individuals for exercising rights to free expression.”<sup>23</sup> The 2007–2009 reports move away from that sentence and describe how the Chinese “government also frequently monitored gatherings of intellectuals, scholars, and dissidents where political or sensitive issues were discussed.” The reports explain further that “[t]hose who aired views that disagreed with the government’s position on controversial topics or disseminated such views to domestic and overseas audiences risked punishment ranging from disciplinary action at government work units to police interrogation and detention.”<sup>24</sup>

**Free Press.** The 2007–2009 reports have noted specifically that the “[i]nternational media were not allowed to operate freely and faced heavy restrictions” inside China.

Often in a country where censorship is tight and freedom of expression is limited, there is some form of self-censorship by the people and the media. Since 1997, the State Department reports have commented on the self-censorship of journalists in China. The 1997–2004 reports state that China’s “public orders, guidelines, and statutes greatly restrict the freedom of broadcast journalists and newspapers to report the news and lead to a high degree of self-censorship.”<sup>25</sup> The 2005–2007 reports describe in greater detail the Chinese government’s efforts to regulate free speech and control the media.

They then state that these “measures greatly restricted the freedom of journalists and Internet writers to report the news and led to a high degree of self-censorship.” The 2008 and 2009 reports further explain that self-censorship by “editors and journalists...[was used] as the primary means for the party to limit freedom of the press on a day-to-day basis.”

Since 1993, the reports have discussed self-censorship by intellectuals and scholars. The 1993 report says that Chinese scholars have been “deterred from exercising free speech and have declined opportunities to publish or present papers on subjects that they fear could be construed as sensitive.” The 1994–1996 reports state that “many intellectuals and scholars, fearing that books or papers on political topics would be deemed too sensitive to be published, feel compelled to exercise self-censorship.” The 1997–2004 reports state that “intellectuals and scholars, anticipating that books or papers on political topics would be deemed too

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sensitive to be published, exercise self-censorship.”<sup>26</sup> The 2005–2009 reports reorder the sentence to read: “Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published.”

**Freedom of Assembly.** The State Department reports talk about the Chinese government’s efforts to clamp down on peacefully assembled demonstrations. The 1993 and 1994 reports state that “demonstrations involving expression of dissident political views are denied permits and suppressed if

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23. The 2004 report’s sentence is: “The Government continued to threaten, arrest, and imprison many individuals for exercising free speech.”

24. The 2007 report uses “disseminated such views to an overseas audience” in its sentence.

25. The 2002–2004 reports use the past tense: “restricted” and “led.” The 1997 report uses “leads” instead of “lead” and “laws” instead of “statutes” in its sentence.

26. The 2002–2004 reports say “exercised self-censorship.”



held.” The 1995–1998 reports express a similar theme: “Authorities deny permits and quickly move to suppress demonstrations involving expression of dissenting political views.”<sup>27</sup>

The 1999 report starts the trend of chronicling the force used against demonstrations: “At times police used force against demonstrators.” The 2000–2006 reports expand the description: “At times police used excessive force against demonstrators. Demonstrations with political or social themes were often broken up quickly and violently.” The 2007 report combines the two sentences: “Demonstrations with political or social themes were broken up quickly, sometimes with excessive force.” The 2008 and 2009 reports elaborate somewhat but maintain the core of the sentence: “Despite restrictions, there were many demonstrations, but those with political or social themes were broken up quickly, sometimes with excessive force.”<sup>28</sup>

**Freedom of Religion.** The 1996 report states that “the Government seeks to restrict all religious practice to closely controlled and government-sanctioned religious organizations and registered places of worship.” The 1997 report shortens the sentence to “seeks to restrict religious practice to government-controlled and -sanctioned religious organizations and registered places of worship.”

The 1998–2006 reports change slightly to indicate that the Chinese government “seeks to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of religious groups.”<sup>29</sup> The 2007 and 2008 reports state more expansively that “[t]he government sought to restrict legal religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of both registered and unregistered religious groups, including house churches.” The 2009 report similarly reads:

The government continued to strictly control religious practice and repress religious activity outside government-sanctioned organizations and registered places of worship. The government controlled the growth and scope of the activity of both registered and unregistered religious groups, including house churches.

The Chinese government has approved five religious groups that are blessed by the Chinese Communist Party. China often labels other religious, meditation, and exercise groups as cults. The State Department human rights reports have tracked Chinese suppression of these “cults.” The 1999 report states that Chinese authorities “initiated a general crackdown on groups considered to be ‘cults.’” The 2000 report says that the Chinese government “continued a general crackdown on other groups considered to be ‘cults.’” The 2001 report similarly states, “The Government also continued a general crackdown on other groups it considered cults.” The 2002 report uses almost identical language: “The Government continued a general crackdown on groups it labeled cults.”

The 2003 report also notes that the Chinese government “continued a general crackdown” against cults but elaborated that “[a]uthorities singled out groups they considered to be ‘cults’ for particularly severe treatment.” Starting in 2003, the reports list some of the groups that are alleged to be “cults”: “These ‘cults’ included not only Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as ‘qigong’ groups) but also religious groups that authorities accused of preaching beliefs outside the bounds of officially approved doctrine.” The 2004–2009 reports identify “authorities” instead of the “government” as those who “continued a general crackdown on groups considered to be ‘cults.’” Those reports also contain lists of groups viewed as cults by the PRC

27. The 1995 and 1996 reports use the phrase “expression of dissident political views.” The 1997 and 1998 reports use the phrase “expression of dissenting political views.”

28. The 2008 report includes “during the year” so that the sentence reads, “Despite restrictions, during the year there were many demonstrations....”

29. The 2002–2006 reports use the past tense “sought.”

government: “not only Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as ‘qigong’ groups) but also religious groups that authorities accused of preaching beliefs outside the bounds of officially approved doctrine.”

**Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.** The Chinese government does not like large protests that illustrate its vulnerability and therefore increases security on key anniversaries or dates of significance to prevent such public displays of contention. Since 1998, the State Department human rights reports have noted restrictions on the movement of people, chiefly key dissidents and protesters. The 1998 report cites several dissidents, indicating “that the authorities had restricted their freedom of movement at politically sensitive periods.” The 1999 report suggests that the restriction of movement had worsened: “The Government places some other restrictions on freedom of movement, and it increased these restrictions during the year, especially before politically sensitive anniversaries and to forestall Falun Gong demonstrations.”

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***Restrictions on the movement of people have not decreased, but the list of events that trigger and increase those restrictions has grown.***

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The 2000 report changes the sentence to read “it toughened these restrictions during the year,” identifying a worsening policy in this area of human rights. The 2001 report maintains the key elements of previous years: “[T]he Government retained the ability to restrict freedom of movement through other mechanisms, and it increased restrictions during the year, especially before politically sensitive anniversaries and to forestall FLG [Falun Gong] demonstrations.” The 2002 report reads much the same: “Authorities heightened restrictions during the year, especially before politically sensitive anniversaries and to forestall Falun Gong demonstrations.” The 2003 and 2004 reports alter the sentence slightly: “Authorities heightened restric-

tions periodically during the year, particularly before politically sensitive anniversaries and to forestall demonstrations.” The 2005–2009 reports add “visits of foreign dignitaries” to the Chinese government’s list of reasons for restricting freedom of movement.

This progression suggests that China has not improved its policies on the movement of people since 1998. The reports indicate that restrictions have not decreased, but that the list of events that trigger and increase those restrictions has grown.

**Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights.** Having a nongovernmental group (NGO) or independent monitors comment on and make recommendations for improving human rights is important to actually making progress. It allows the concerns and positions of both activists and the government to be appropriately acknowledged. A nongovernmental group or independent monitor can also make unbiased recommendations for improving the human rights situation inside a country.

China does not have genuinely independent bodies to do this and has often worked against their development. The 1990 and 1991 reports note, “There are no organizations within China which monitor or comment on human rights conditions.”<sup>30</sup> The 1992–1996 reports rephrase the sentence to read, “There are no independent Chinese organizations that publicly monitor or comment on human rights conditions in China.” The 1997–1999 reports reword the sentence, but the sentiment remains the same: “There are no independent domestic NGO’s that publicly monitor or comment on human rights conditions.” The 2000 and 2001 reports present the same information as previous reports: “The Government does not permit independent domestic nongovernmental organizations to monitor publicly human rights conditions.” The 2002–2005 reports contain essentially the same sentence.

The 2006–2008 reports suggested a worsening of policy toward human rights groups:

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30. U.S. Department of State, *Annual Human Rights Report*, Vol. 15, 1990, p. 860, and Vol. 16, 1991, p. 826.

The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and prevent what it has called the “westernization” of China. The government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; existing domestic NGOs were harassed.<sup>31</sup>

The 2009 report added a clause about the Chinese government trying to “hinder the activities of civil society and rights’ activist groups.”<sup>32</sup>

**Discrimination, Societal Abuse, and Trafficking in Persons.** The reports point to persistent societal problems, including a high female suicide rate and trafficking in children and other Chinese people.

**Women.** The 2009 human rights report plainly states, “Authorities often did not enforce laws protecting the rights of women.” Successive reports clearly demonstrate that China has had difficulty improving the human rights of women. Starting in the 1998 report, which says that “[s]uicide of women is a serious problem in the countryside,” the reports have emphasized the suicide rate of women in China. The 1999–2001 reports drop the limiting phrase “in the countryside” and simply state, “A high female suicide rate is a serious problem.” The 2002–2009 reports similarly note, “A high female suicide rate continued to be a serious problem.”

The 1993 report observes that “the ready availability of sonograms has facilitated selective abortion of female fetuses, contributing to a growing gap in the ratio of reported male and female births.” The 1993 report contains a similar sentence on the requirement to meet population goals: “Insistence that local units meet population goals exacerbates the problem, since traditional-minded parents often wish to ensure they have one or more sons without incurring official penalties.”<sup>33</sup>

The 1994 and 1995 reports similarly mention the use of technology to help with female infanti-

cide: “Regulations forbid sex-selective abortion, but because of the traditional preference for male children, particularly in rural areas, some families have used ultrasound to identify female fetuses.”<sup>34</sup> The 1996 report also notes the use of ultrasound in abortion by stating that there were “credible reports of female infanticide and the use of ultrasound tests to terminate pregnancies of female fetuses, but no reliable statistics were available to demonstrate the extent of the problem.”

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***“The government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; existing domestic NGOs were harassed.”***

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The 1997 report again identifies the use of ultrasound as a part of female infanticide, but it also compares China’s 1994 male-to-female birth ratio of 117 to 100 to the worldwide statistical norm of 106 to 100 as reported by the World Health Organization. The 1997 report notes:

Part of the statistical gap may be attributable to female infanticide, sex-selective termination of pregnancies, and abandonment or neglect of girls, but some foreign experts believe that a larger factor may be underreporting of female births by couples trying to evade family planning laws to try to have a son.

The 1998–2000 reports make the same comparison of birth ratios:

Part of the statistical gap may be attributable to female infanticide, sex-selective termination of pregnancies, abandonment or neglect of girls. Underreporting of female births by couples trying to evade family planning laws to try to have a son is another significant factor.<sup>35</sup>

31. The 2006 report uses a slightly different wording in the first sentence: “what they have called the ‘westernization’ of China.”

32. The 2009 report’s exact wording for the last part of the sentence is “in addition, domestic NGOs were harassed.”

33. U.S. Department of State, *Annual Human Rights Report*, Vol. 18, 1993, p. 615.

34. The 1994 report’s wording for the last part of the sentence is “to identify and abort female fetuses.”

The 2001 report presents the same information in one sentence:

A part of the statistical gap may be attributable to female infanticide, but experts say that sex-selective termination of pregnancies, abandonment and neglect of baby girls, and underreporting of female births by couples trying to evade family planning laws to try to have a son are more significant factors.

The same sentence on female infanticide appears in the 2002–2006 reports: “Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the birth limitation policy.” The 2007–2009 reports add “coercive” to describe the “birth limitation policy.”

*Children.* The Chinese government has trouble protecting children. Since 1994, the State Department has emphasized the problem of the kidnapping, buying, and selling of children in China.<sup>36</sup> The 1994 report states, “Kidnaping and buying and selling of children continued to be a problem in some rural areas.”<sup>37</sup> The 1995–1999 reports note, “Despite government efforts to prevent the kidnapping and buying and selling of children, the problem persists in some rural areas.”<sup>38</sup>

The 2000 report seems to indicate that this problem had grown beyond the rural areas: “Despite Government efforts to prevent kidnapping and the buying and selling of children, trafficking in children also is a problem, affecting all provinces.” The 2001 and 2002 reports indicate that the problem was confined to just the remote areas of China: “Kidnaping and the buying and selling of children continued to exist, especially in poorer rural areas.”

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***The 2007–2009 reports suggest that the problem had worsened: “Kidnapping and buying and selling of children for adoption increased over the past several years, particularly in poor rural areas.”***

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The 2003–2005 reports identify the same problem in slightly different terms: “Kidnapping and the buying and selling of children continued to occur, particularly in poorer rural areas.”

The 2006 report changes the sentence to imply that the process of kidnapping, buying, and selling children was related only to adoption: “Kidnapping and the buying and selling of children for adoption continued, particularly in poor rural areas.” The 2007–2009 reports suggest that the problem had worsened: “Kidnapping and buying and selling of children for adoption increased over the past several years, particularly in poor rural areas.”<sup>39</sup>

### **What the U.S. Should Do**

The Obama Administration has gotten off to a poor start in defending human rights in China. First, during her first trip to Asia as Secretary of State, Hillary Clinton told reporters that “we know what they’re going to say” when the U.S. raises human rights issues to Chinese government officials. She went on to say that pressing human rights in China “can’t interfere with the global economic crisis, the global climate change crisis, and the security crisis.”<sup>40</sup> President Obama broke with precedent by not meeting with the Dalai Lama before his first trip to China.

More recently, in the May 2010 U.S.–China Human Rights Dialogue, Obama Administration

35. The 2000 report’s second sentence says, “The underreporting of female births...”

36. The 1994–2002 reports spell the word “kidnaping.” The 2003–2009 reports spell the word “kidnapping.”

37. U.S. Department of State, *Annual Human Rights Report*, Vol. 19, 1994, p. 567.

38. The 1999 report reads, “Despite government efforts to prevent kidnapping and the buying and selling of children, *these problems* persist in rural areas.” (Emphasis added to show differences in wording.)

39. The 2009 report says, “Kidnapping and buying and selling children for adoption increased over the past several years, particularly in poor rural areas.”

40. Hillary Rodham Clinton, “Working Toward Change in Perceptions of U.S. Engagement Around the World,” U.S. Department of State, February 20, 2009, at <http://www.state.gov/secretary/rm/2009a/02/119430.htm> (July 16, 2010).

officials brought up the Arizona immigration law with their Chinese counterparts. Michael H. Posner, Assistant Secretary of State for Democracy, Human Rights, and Labor, briefed reporters, saying that the U.S. side brought up the issue, presumably to put them at ease, even though the Chinese expressed no concerns about the law.<sup>41</sup>

There is a disconnect between the marginal role that human rights currently plays in America's China policy and the State Department's exhaustive annual report that catalogues China's human rights abuses. The Administration can close the gap by making China account for its dismal record.

Accountability means public transparency and official benchmarks.<sup>42</sup> The benchmarks can be drawn directly from the reports on China that the State Department already expends great time, effort, and angst compiling. Indeed, the benchmarking process can also feed the development of the report as it highlights priority issues, changes in law, and so forth. This way, the annual report becomes not

only a report on the situation in China, but also a report card on U.S. policy effectiveness.

## Conclusion

As the Obama Administration seeks to measure tangible progress in its human rights dialogue and as the American public evaluates its efforts, one of their most important tools is readily available: the State Department's annual *Country Reports on Human Rights Practices*. All the hope, dialogues, and joint statements in the world will not improve China's human rights record. What is needed is a process that measures results.

Every year, the U.S. Department of State produces an official, comprehensive report on China's observance of internationally recognized human rights. This report should be used as fully as a policy tool as it is as a resource.

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41. Michael H. Posner, "Briefing on the U.S.–China Human Rights Dialogue," U.S. Department of State, May 14, 2010, at <http://www.state.gov/r/pa/prs/ps/2010/05/141899.htm> (July 16, 2010).

42. Brad Adams, "US–China Human Rights Dialogue," letter to U.S. Secretary of State Hillary Clinton, May 7, 2010, at <http://www.hrw.org/node/90312> (July 26, 2010).