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China Primer: Human Rights

Overview and U.S. Policy

The U.S. Department of State describes the People's Republic of China (PRC) as an "authoritarian state in which the Chinese Communist Party [CCP] is the paramount authority." Some analysts argue mainland China is heading in a totalitarian direction, as it is characterized by leadership that is dominated by one person, CCP General Secretary Xi Jinping, increasing ideological conformity, and greater state control over society enhanced by the use of digital technologies. The CCP for decades has maintained power through a mix of repression and responsiveness to some public preferences, delivering prosperity to many citizens, co-opting the middle and educated classes, and stoking nationalism to bolster its legitimacy and squelch dissent. (For information on the Hong Kong Special Administrative Region, see CRS In Focus IF12070, *China Primer: Hong Kong*.)

The U.S. government employs various policy tools to support human rights in China (see "Selected U.S. Policy Tools" below). Since 2019, the United States has imposed relevant visa, economic, and trade-related sanctions and restrictions, particularly in response to reports of mass detentions and forced labor of ethnic Uyghur Muslims in the Xinjiang Uyghur Autonomous Region (XUAR). Most recently, the Uyghur Forced Labor Prevention Act (UFLPA; P.L. 117-78) restricts XUAR-related imports due to concerns over forced labor. To date, the PRC government appears to have generally resisted outside pressure to change its policies in the XUAR and elsewhere that observers contend violate human rights. As Congress considers this challenge, Members may conduct oversight of implementation of the UFLPA and other relevant laws, assess the impact of these and other policy tools, and evaluate the implications of any additional actions. Considerations may include whether/how to strengthen punitive measures against the PRC government; coordinate greater international pressure on China to abide by international human rights standards; modify relevant democracy and human rights assistance programs; or promote greater access to Xinjiang and information about the conditions facing ethnic minorities.

Selected Recent Developments

The Biden Administration did not send a U.S. official delegation to the Winter Olympic Games held in February 2022 in Beijing, due to "the PRC's ongoing genocide and crimes against humanity in Xinjiang and other human rights abuses," although U.S. athletes still competed. In August 2022, The United Nations Office of the High Commissioner for Human Rights released an assessment of human rights conditions in Xinjiang. The report states that China's counterterrorism and counter-"extremism" strategies have led to "interlocking patterns of severe and undue restrictions on a wide range of human rights" and may

constitute crimes against humanity. It calls on China to "release all individuals arbitrarily deprived of their liberty" and "urgently repeal" all discriminatory laws and policies against Uyghurs and other Muslim minorities in the XUAR, among other recommendations. In 2022, China ratified two International Labor Organization conventions on forced labor, although it denies that forced labor exists in Xinjiang.

Selected Human Rights Issues

Under Xi's leadership, China has further restricted and suppressed civil society, religious groups, human rights defenders, speech, and academic discourse. The government has enacted laws and policies that enhance the legal authority of the state to counter perceived ideological, social, political, and security threats. It has closed much of the space that had previously existed for limited social activism, such as that relating to environmental issues, women's rights, and gay rights. In 2021, the government widened the tightening of freedoms to include some relatively non-political entities, such as tech giants, private education companies, and social media influencers.

The Department of State's annual report on human rights practices states that in 2021, "[PRC] authorities continued to impose ever-tighter control of all print, broadcast, electronic, and social media and regularly used them to propagate government views and CCP ideology." The PRC government oversees one of the most extensive and stringent internet censorship systems in the world, which includes blocking major U.S. news and social media sites and censoring domestic social media platforms. In 2021, PRC authorities blocked Signal, a U.S.-based messaging app popular with Chinese social activists, dissidents, and journalists. PRC internet platforms have censored online criticism of Russia's invasion of Ukraine and disseminated pro-Russian views and misinformation about the war. An online video ("Voices of April") compiling audio recordings of people describing the severe 2022 Coronavirus Disease 2019 (COVID-19) lockdown in Shanghai circulated widely before authorities blocked it.

Further Reading: CRS Report R46750, *Human Rights in China and U.S. Policy: Issues for the 117th Congress*; CRS In Focus IF10281, *China Primer: Uyghurs*; CRS Report R43781, *The Tibetan Policy Act of 2002: Background and Implementation*; and CRS In Focus IF10803, *Global Human Rights: International Religious Freedom Policy*.

According to the Department of State, "[PRC] law grants public security officers broad administrative detention powers and the ability to detain individuals for extended periods without formal arrest or criminal charges" and police target lawyers, human rights activists, journalists, religious leaders and adherents, and former political prisoners and their family members for arbitrary detention

or arrest. The nonprofit Dui Hua Foundation has compiled over 7,600 cases of political and religious prisoners in China as of June 2022. PRC leaders long have asserted that human rights standards vary by country, and that a country's human rights policies are an "internal affair." In 2021, the PRC government released a white paper on China's democratic development that emphasized "material and cultural prosperity" when referring to human rights.

Religious and Ethnic Minority Policies

In 2016, Xi Jinping launched a policy known as "Sinicization," by which China's religious and ethnic minorities are required to "assimilate" or conform to majority Han Chinese culture as defined by the CCP and adhere to "core socialist values." The PRC government has implemented policies in Tibetan areas, Xinjiang, and Inner Mongolia requiring that nearly all primary school courses be taught in Mandarin rather than in minority languages. Since 2018, new regulations require religious organizations to obtain government permission for nearly every aspect of their operations, submit to greater state supervision, and register all clergy in a national database. The government has continued to pressure unofficial Christian congregations to register with the state and to persecute practitioners of the Falun Gong spiritual exercise. The State Department has designated China as a "Country of Particular Concern" for "particularly severe violations of religious freedom" under the International Religious Freedom Act of 1998 (P.L. 105-292) in every annual designation list since the law's passage.

Authorities have carried out coercive assimilation and employment in Tibetan areas, including by "forcibly resettling and urbanizing nomads and farmers, weakening Tibetan-language education in public schools, and weakening monasteries' role in Tibetan society," according to the Department of State. The PRC government insists that Chinese laws, and not Tibetan Buddhist religious traditions, govern the process by which lineages of Tibetan lamas are reincarnated, and that the state has the right to choose the successor to the Tibetan spiritual leader, the 87-year-old 14th Dalai Lama, who lives in exile in India.

Uyghurs

Since 2017, XUAR authorities have arbitrarily detained over 1 million Muslims, mostly Uyghurs and smaller numbers of other Muslim minorities, in reeducation centers. Detainees generally have not been accused of crimes, but rather have been held on the basis of past religious, cultural, scholarly, social, and online activities, as well as travel, that the government later deemed "extremist" or potentially terrorist. They have been compelled to renounce many of their Islamic beliefs and customs as a condition for their release. Treatment in the centers reportedly has included food deprivation, psychological pressure, sexual abuse, medical neglect, torture, and forced labor. Since 2019, the XUAR government has released some detainees, sent others to factory labor, and held many in pre-trial detention facilities or prosecuted them as criminals and sentenced them to lengthy prison terms. Tens of thousands of Uyghurs reportedly have been coercively employed in agricultural, cotton textile, apparel, consumer electronics, and other industries in Xinjiang and elsewhere.

Selected U.S. Policy Tools

- **Democracy and Human Rights Programs:** Since 2001, Congressional appropriations have funded efforts to promote human rights, democracy, rule of law, civil society, and internet freedom in China, as well as programs to promote sustainable development, environmental conservation, and preservation of indigenous culture in Tibetan areas. These include programs administered by relevant agencies as well as by the National Endowment for Democracy, a nongovernmental foundation funded primarily by congressional appropriations.
- **International Media:** U.S. government-funded Voice of America (VOA) and Radio Free Asia (RFA) provide external sources of independent or alternative news and opinion to audiences in China. Both media outlets broadcast in Mandarin, Cantonese, and Tibetan, and RFA provides a Uyghur language service.
- **Targeted Legislation:** Congress has enacted numerous laws to respond to human rights developments and related issues in Tibet and Xinjiang specifically. U.S. policy toward Tibet is largely guided by the Tibetan Policy Act of 2002 (Foreign Relations Authorization Act, FY2003, P.L. 107-228). Recent Tibet-related legislation includes the Reciprocal Access to Tibet Act of 2018 (P.L. 115-330) and the Tibetan Policy and Support Act of 2020 (Division FF, Title III, Subtitle E of P.L. 116-260). Recent Xinjiang-focused legislation includes the Uyghur Human Rights Policy Act of 2020 (P.L. 116-145) and the Uyghur Forced Labor Prevention Act (UFLPA, P.L. 117-78).
- **Targeted Sanctions:** The Global Magnitsky Human Rights Accountability Act (Title XII, Subtitle F of P.L. 114-328), as implemented under Executive Order 13818, authorizes the President to impose economic sanctions and visa denials or revocations against foreign individuals responsible for human rights abuses or corruption. Other authorities also provide for visa sanctions, including against the immediate family members of human rights violators.
- **Export Restrictions:** The United States may impose restrictions on the sale or transfer of certain U.S. goods and services to PRC entities on the basis of national security or foreign policy interests, including human rights, under the Export Administration Regulations.
- **Forced Labor Import Restrictions:** Section 307 of the Tariff Act of 1930 (19 U.S.C. §1307) forbids the importation of "goods, wares, articles, and merchandise" into the United States that were produced with forced labor. UFLPA in part creates a rebuttable presumption that Xinjiang-related imports are made with forced labor.

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