

# The Politburo's Predicament

Confronting the Limitations of Chinese Communist Party Repression



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## ON THE COVER

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Photo, by Jonah M. Kessel, shows protesters calling for greater press freedom outside the offices of the newspaper *Southern Weekly* in Guangdong Province, Jan. 2013. Large banner says, "Southern Weekly defends freedom of speech."

## Executive Summary

# The Politburo's Predicament

A prominent Chinese-American businessman and online commentator is arrested in Beijing four days after President Xi Jinping urges party cadres to reassert control over social media. A pastor from a state-sanctioned church is sentenced to 12 years in prison after defending his congregants' rights. A producer for the state broadcaster is forced to resign after criticizing his station's role in aiding propaganda. And hundreds of villagers use their thumbprints and real names to sign a petition urging the release of a neighbor persecuted for his adherence to the Falun Gong spiritual practice.

This sample of incidents over the past two years illustrates the current Chinese government's determination to impose its will on society and the public resistance it has encountered as it attempts to do so. *The Politburo's Predicament* examines the state of the censorship and internal security apparatus inherited by Xi, the evolution of the system since the Communist Party leadership transfer in November 2012, and the impact of institutional and policy changes in practice. It also explores the limitations of the regime's efforts to suppress dissent, and offers recommendations to the international community on how to respond.

Drawing on an analysis of hundreds of official documents, censorship directives, and human rights reports, as well as some 30 expert interviews, the study finds that the overall degree of repression has increased under the new leadership. Of 17 categories of victims assessed, 11 experienced greater restrictions after November 2012. Among the victims are new targets whose activities were previously tolerated, including individuals from the economic elite or with official ties.

The methods of repression have also evolved. The current authorities are mounting more coordinated

and multipronged campaigns to dominate online discourse, obstruct human rights activism, and preempt public protests. Punishments meted out to dissidents have shifted, with various forms of criminal, administrative, and extralegal detention replacing the abolished "reeducation through labor" camp system. And tactics and terminology reminiscent of the Mao era, such as televised confessions and expansive community monitoring, have regained prominence.

## Repression has increased under the new leadership, yet fear of the regime appears to be diminishing.

The efforts of Xi and his cohort have reduced the potency of some perceived threats to party rule, such as independent-minded online opinion leaders and the reformist New Citizens Movement. Yet they have also fueled resentment and recruitment to the cause of rights defense, both within society and among some party members, public security personnel, and censors. In spite of the heightened repression, fear of the regime appears to be diminishing.

By broadening the targets of repression and censorship while concentrating authority over the coercive apparatus in the hands of Xi himself, the Communist Party has moved away from long-standing strategies designed to balance the need to use coercion against the damage it can cause to regime legitimacy. As a result, the actions of China's new leaders are reinforcing a vicious circle of repression that could undermine the resilience of party rule and potentially dissolve the implicit social contract of the post-Tiananmen era.

Overview

# Confronting the Limitations of Chinese Communist Party Repression

**“The most important matter is persisting in the leadership of the Party.”**

- CCP Central Committee Third Plenum Resolution, November 2013

**“At the ground level, people are more vulnerable to all sorts of punishment for what we thought was normal before, like just getting together, discussing democratic ideas. Gatherings like that, even in someone’s home, aren’t being allowed.”**

- Wendy Lin, *Chinese Human Rights Defenders*, April 2014

Since coming to power in 1949, the Chinese Communist Party (CCP) has constructed a multilayered system for censoring unwanted news, stifling opposition viewpoints, and suppressing alternative sources of popular inspiration and mobilization. Each new set of leaders has added its own innovations to the system, as each—despite outward displays of confidence—has suffered from a deep sense of insecurity, driving a constant search for more effective methods.

The current Politburo Standing Committee led by Xi Jinping is no different. Party documents and high-level speeches since Xi took power in November 2012 have explicitly rejected democratic concepts such as a free press, judicial independence, and universal human rights. Indeed, these components of democracy are viewed as an existential threat to the party’s rule.

And like its predecessors, the Xi leadership has developed its own ideas on how best to strengthen the CCP’s legitimacy and reinforce party dominance over Chinese media, politics, and society.

This study assesses the evolution of the party’s censorship and security apparatus during the first year and a half after the change of leadership in November 2012. It seeks to shed light on the following questions:

- What have been the main changes in the strategy, structure, methods, and practices of the censorship and security apparatus?
- To what degree have these adaptations been effective in achieving the CCP’s aims?
- What are the implications of these developments for the durability of CCP rule?

In preparing this report, Freedom House analysts ex-

amined hundreds of official documents and speeches, media accounts, censorship directives, and research by scholars, think tanks, and human rights groups in Chinese and English. The report also draws on roughly 30 interviews with lawyers, bloggers, civil society activists, commentators, and scholars both inside and outside China.

### Signs of crisis and the Xi leadership's response

At the time of the leadership change, commentary inside and outside China warned of the many challenges facing the country, including rampant corruption, environmental pollution, and slower economic growth. There was also a sense that certain dimensions of the CCP's repressive apparatus—such as controls on social media—were proving ineffective, and that the rapidly expanding internal security agencies were generating waste, international criticism, and a domestic backlash. And within the party, there were mounting concerns over the emergence of an alternative power center headed by security czar Zhou Yongkang.

In this context, a consensus emerged among scholars studying the party that CCP rule was stagnating, its legitimacy was waning, and some form of political change or adaptation would be required.

The efforts of Xi Jinping and his colleagues to resolve the party's problems have been multifaceted. Perhaps the most visible innovations have been Xi's more down-to-earth personality compared with his predecessor, Hu Jintao; his shift to a more nationalist propaganda narrative for the party, symbolized by the coining of the "China Dream" slogan; and his pursuit of the most aggressive anticorruption campaign in years. Meanwhile, adjustments to the censorship and security apparatus have comprised an incongruous combination of quasi-reformist rhetoric and minor institutional changes on the one hand, with ideological retrenchment and intensified repression on the other.

Specifically, management of information controls and internal security under Xi Jinping can be distinguished from that of the Hu Jintao era in four major ways:

- **Concentration of power at the very top:** Ultimate authority over information controls and domestic security has been consolidated in the hands of Xi himself via new party entities and special "leading

groups" of which he serves as head. During the Hu era, fellow members of the Politburo Standing Committee, Zhou Yongkang and Li Changchun, each held sway in their respective command of the security and information systems.

- **Strategic coordination:** The authorities have employed better-coordinated, multipronged campaigns—combining detentions, propaganda, surveillance, and cross-regional communication—to dominate online public discourse, obstruct rights activism, and preempt public protests.
- **Expanded targets:** The targets of censorship and offline repression have broadened beyond the "usual suspects" of the Hu period, reaching previously tolerated activities, topics, and individuals. Of 17 target groups identified by Freedom House, 11 experienced an increase in repression after Xi took power. Similarly, in the media, seemingly innocuous official activity and news related to public health and safety were among the most targeted topics in censorship directives. Party elites have not escaped the general trend, as Xi's aggressive but politically selective and strictly top-down anticorruption campaign has ensnared current, former, and possible future members of the Central Committee, the Politburo, and even the Politburo Standing Committee.
- **Revival of old practices:** Tactics and terminology reminiscent of the Mao Zedong era have been revived to deter and stamp out dissent, including the use of televised confessions, expansive community surveillance, and the historically loaded term "struggle" (*douzheng*), which evokes the Cultural Revolution and other harsh Maoist political campaigns.

### The impact of Xi's policies

The party's repressive actions since late 2012, combined with Xi's populism, have been effective in many ways. Public political debate and the agenda-setting capacity of microblogs are a shadow of what they were in 2010 and 2011. Detentions have largely silenced charismatic, credible, and popular critics like the activist lawyers Xu Zhiyong and Pu Zhiqiang, stalling the momentum of reformist civil society initiatives like the New Citizens Movement. The state-led anticorruption campaign has fueled Xi's popularity among many Chinese and struck fear into officials throughout the country's massive bureaucracy.

Given these developments, the massive resources employed, the regime's external displays of confidence, and day-to-day expressions of faith in the government by some Chinese citizens, one might be led to conclude that the CCP's hold on power is as strong as ever. Yet the overall increase in repression is driven by a deep sense of insecurity and an explicit assessment that the party is losing the loyalty of the public and some of its own members.

Evidence supporting that perception emerged as a recurring theme in interviews and internal party documents reviewed for this study. Civic participation in rights-defense initiatives is growing despite the heightened repression. Intensified censorship has prompted a rise in netizen resentment, while banned information circulates via alternative channels. Activities that the authorities have invested tremendous resources in suppressing—petitioners traveling to Beijing, rights lawyers taking up sensitive cases, Tibetans possessing Dalai Lama photos, or Falun Gong adherents disseminating literature on rights abuses—have continued and even expanded.

Civil society resilience is undergirded by the waning of fear as a deterrent, general disillusionment with the party, and a sense of solidarity with the victims of CCP repression at a time when more and more people feel it touching their own lives. More worrisome for the party is that these dynamics have been accompanied by a certain degree of internal resistance among the ranks of party cadres, security agents, and media censors.

#### The role of restraint in the regime's resilience

To fully appreciate the implications of the Xi leadership's actions, one must understand the relationship between the regime's survival to date and its willingness to limit rather than expand political repression.

Scholars studying the resilience of CCP political dominance, particularly since the June 4, 1989, crackdown on Tiananmen Square protesters, have pointed to a combination of factors that have facilitated the party's continued hold on power. These include nationalism as an alternative source of legitimacy, unity among party leaders, the cooptation of economic elites, and the preservation of the military's loyalty to the party. But two of the most important if contradictory pillars of CCP rule in recent decades have been rapid economic growth—with a related expansion of certain personal

freedoms—and the systemic use of coercion.

The party has sought to balance the ongoing need for coercion against the damage it can cause to other sources of resilience by employing what one might term a "containment strategy." Its basic imperatives include:

- **Contain the targets:** Relative to the country's overall population, the share of people subject to the harshest forms of repression—imprisonment, abductions, beatings, torture—must be limited so as to protect CCP legitimacy among the broader public. These tactics are used (1) against those perceived to be the most serious threats to the regime's authority, (2) against individuals who persist in undesirable behavior after verbal warnings and the use of lesser forms of violence, and (3) at key moments of regime insecurity.
- **Contain the blame:** When possible, the blame for incidents of violence against ordinary citizens must be shifted to local officials. In this manner, the central authorities and the regime itself are shielded from public resentment, but they also enhance their legitimacy by acknowledging problems and occasionally punishing some of those responsible. Another variation of the tactic is to blame the victim of repression, a crucial aspect of the party's propaganda against perceived political enemies. Dissidents are portrayed by state media as crazy, dangerous, traitorous, or instigated by foreign "anti-China" forces.
- **Contain the news:** The regime seeks to restrict the circulation of information and incriminating evidence on official wrongdoing, information supporting victims' innocence, details challenging the official narrative, and when relevant, any connection to the central party leadership. Notably, it does not attempt to control or suppress all news, but the ability to pick and choose what information is accessible requires overall control of the information landscape.

The interplay between the different dimensions of this strategy has shifted under recent generations of party leaders, as each has responded to real or perceived threats to CCP rule, as well as social, economic, and technological changes. Actions to address threats in one realm have often generated new liabilities in another.

For example, the first stages of the "Great Firewall"—China's internet filtering system—were built as early

as 1996. But Jiang Zemin, the predecessor of Hu Jintao, expanded the targets of repression with a 1998 crackdown on the China Democracy Party, the first prosecutions of cyberdissidents, and most

had to resort not only to technological and administrative methods of internet censorship, but also to offline retaliation against a growing number of online commentators and internet users. And rather than

## These dynamics hint at the Xi leadership's struggle to resolve a central predicament facing the CCP—that the very actions taken to maintain power risk alienating the population and some of its own members, undermining the regime's long-term unity, legitimacy, and security.

significantly, the 1999 launch of a campaign to wipe out Falun Gong, then practiced by tens of millions of Chinese. The development of online censorship was subsequently accelerated to contain news of abuses committed during these crackdowns and to restrict use of the internet for political organization.

In another case of containment efforts with problematic side effects, the Hu leadership was initially so successful at shifting the blame for abuses of power to lower-level officials that the years 2003 to 2006 featured a wave of petitioners traveling to Beijing to seek justice from central authorities. This was then seen as a threat to stability, and local officials were encouraged to stem the tide of petitioners, leading to new rounds of repression.

These examples illustrate a fundamental weakness of the containment strategy. At its core, it is designed to control the damage caused by the repressive apparatus, not to address and resolve underlying grievances, because to do so would mean reforms that are fatal to CCP supremacy: the rule of law, freedom of information, religious freedom, property rights, and other basic features of democratic governance.

### **The vicious circle of repression**

As with their predecessors, the policy choices available to the current Chinese authorities are tightly constrained by the internal contradictions and trade-offs of the CCP's survival strategy. Consequently, Xi and his cohort are responding to new threats by falling back on repressive tactics—including some that date to the mid-20th century—rather than changing course and experimenting with more liberal policies.

In its intensifying effort to contain information about its own abuses and policy shortcomings, the party has

cracking down only at times of acute crisis or political sensitivity, the regime now appears to be engaging in a more proactive and comprehensive quashing of dissent. This has led to the normalization of heightened repression and the regular targeting of new categories of victims, including people who see themselves as apolitical and individuals from the economic elite.

Furthermore, Xi's attempts to assert centralized control over the security apparatus and increase its effectiveness have exposed the highest echelons of the party to blame for the system's abuses. The authorities have sought to mitigate this in part by finding new ways of discrediting the victims, charging activists and online commentators with crimes like disturbing public order, spreading harmful rumors, illegal business activities, and solicitation of prostitution.

Taken together, these dynamics hint at the Xi leadership's struggle to resolve a central predicament facing the CCP—that the very actions taken to maintain power risk alienating the population and some of its own members, undermining the regime's long-term unity, legitimacy, and security.

The CCP is effectively trapped in a vicious circle. Each act of repression generates the need for more repression. As the chilling effect induced by one crackdown fades, a new escalation is required. The severity must be hidden to maintain legitimacy, motivating further censorship, but it must also be known to have a deterrent value, driving further expansion. And as the scope of repression and censorship inexorably grows, more people find themselves colliding with the unsavory dimensions of the party-state. With economic growth also slowing, the implicit social contract of the post-Tiananmen era—the

creation of conditions for prosperity and personal consumer freedoms in exchange for the surrender of political and civic rights to the CCP—begins to unravel, becoming less palatable to more and more citizens.

### China's future

It is difficult to predict the future of any regime, but the findings of this report suggest that the prospects for top-down liberalization under the current leadership are slim to none. Meanwhile, signs of support for bottom-up change are appearing: reduced fear among dissidents, ideological disloyalty within the party, noncompliance within the repressive apparatus, and growing public resentment at restrictive policies. This is a volatile combination. It could produce anything from a more radical dictatorship or violent upheaval to a successful popular movement for greater freedom. The status quo alone is destructive, depriving China and the world of vital news and information as well as human lives and potential.

Therefore, rather than tolerating CCP aggression in the hope of preserving a superficial, increasingly fragile authoritarian stability, the international community has a responsibility to prepare for a wide range of contingencies while taking action to mitigate the immediate effects of repression. Policymakers and international civil society should redouble their efforts to assist victims, pressure the CCP to respect citizens' rights, and design comprehensive diplomatic and advocacy strategies that will facilitate the best possible outcome for China's political development.

## Report structure

The remainder of this report consists of four parts:

**Part I** focuses on the **information control apparatus**. It includes sections covering key developments during the Hu era, speeches by Xi and other top officials that illustrate their approach to media freedom, an outline of major trends since November 2012, and an analysis of hundreds of censorship and propaganda directives issued during this period.

**Part II** focuses on the **legal and security apparatus**. It similarly includes sections covering key developments from the Hu era, reforms initiated under Xi, and the recent evolution of the "stability maintenance" apparatus and its targets in practice.

**Part III** explores the **limits of the effectiveness** of CCP repression, considering evidence of resilience and resistance by civil society and internal regime actors, respectively, as well as the factors that are driving these dynamics.

**Part IV** offers **recommendations** to the international community on how to respond to the report's findings and the changing nature of Chinese authoritarianism.



# Part I: Information Controls

## A. The legacy of the Hu Jintao era

By the time Xi Jinping became leader of the CCP in November 2012, the information landscape—and the party’s control over it—looked dramatically different than they did in 2002 when Hu Jintao took the helm. Indeed, this is one of the ways in which Chinese society and the party apparatus changed the most during the Hu decade, although robust media control has always been a hallmark of CCP rule.

A nearly tenfold increase in internet penetration, from 59 million users in 2002 to 560 million in 2012,<sup>1</sup> was a key aspect of the transformation, along with the rise of applications that facilitate user-generated content—from bulletin boards and blogs to social media and video-sharing sites. As the CCP explored ways of maintaining its grip on information flows, these technological advancements provoked new, innovative, and more pervasive controls.

In examining the resulting apparatus and its implications for the regime’s adaptive capacity and legitimacy on the eve of the Xi leadership’s inauguration, four points are worth special consideration:

- **Strategic control over key nodes in the information flow.** The authorities do not attempt to dictate all or even most content, especially on topics such as sports and entertainment. Rather, they seek to establish strategic control over key nodes in the information flow in order to enable the censorship and manipulation of content that is perceived to be detrimental to the regime’s survival or other party priorities. They achieve this by, for example, retaining at least majority state ownership of all traditional media outlets and mobile service providers, controlling chokepoints in internet networks to enable the blocking of access to overseas-based websites, and ensuring the dominance of domestic

search engines that filter results based on party and government imperatives.

- **Outsourcing of censorship to domestic internet companies.** In addition to search engines, the Chinese government has used the “Great Firewall” to restrict access to popular international applications and social-media sites, thereby fostering domestic alternatives. These private Chinese companies have a strong incentive to preemptively censor their own users, lest they lose their license to operate or face other state reprisals. The result is a highly manipulated and controlled information environment whose maintenance does not rely on government resources alone—an important innovation of the Hu era whose scale and effectiveness is unique to China.
- **An increase in the number of citizens who directly experience censorship.** Content restrictions that were once encountered mainly by professional journalists in newsrooms have become familiar to tens of millions of Chinese, as a growing number of internet users have their microblog posts, chat

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messages, and self-made videos deleted or held for screening by private companies’ in-house censors. Although many take it for granted that censorship is part of the netizen experience in China, the expanding interaction between ordinary users and the censorship apparatus has spurred a growth in

public dissatisfaction and frustration with the limits placed on free expression.<sup>2</sup>

- **The empowerment of citizen voices relative to official information sources.** Despite the adaptations of the censorship system, the growth in internet access and user-generated content has enabled Chinese citizens to communicate with one another in unprecedented ways. The shift was amplified by the rise of the Sina Weibo microblogging platform beginning in the summer of 2009, shortly after authorities blocked access to Twitter. Within the bounds of state censorship that Sina enforced, individual users were able to instantaneously broadcast their ideas, thoughts, and eyewitness accounts to thousands, hundreds of thousands, and in some cases millions of fellow citizens. The result was a weakening of the agenda-setting capacity of official news sources, a growing sense that officials were being put on the defensive, and a trend of alternative sources of information gaining public trust at the expense of key state media like national broadcaster China Central Television (CCTV).

“Lack of belief among party members is a problem that needs to attain the highest attention.” – Xi Jinping, August 2013

As the number of Weibo users grew to the hundreds of millions in 2011, and journalistic coverage of important breaking news events was increasingly driven by users who challenged the official narrative (most notably immediately after the Wenzhou train crash), high-level officials and party publications began voicing the need to reassert party dominance over online public debate.<sup>3</sup> Throughout 2011 and 2012, various efforts were made to limit anonymity, tighten censorship, and provoke self-censorship among users, particularly via real-name registration rules. However, the implementation and effectiveness of these measures were limited, and influential social-media commentators (many of whom already published under their real names) continued to gain credibility and millions of followers.<sup>4</sup>

## **B. The new Communist Party leadership's approach to media freedom**

It is in this context that Xi rose to take the CCP's helm. Freedom House analyzed a series of both public and internal speeches and documents issued by CCP

leaders, including Xi himself, that provide insights into how the new party leadership perceives the current information landscape and how it intends to resolve the challenges arising from the spread of social media. Four major themes stand out:

- **Emphasizing the party's leadership role in managing the media.** This approach to the information landscape is certainly not new for the CCP, but its reemphasis by the Xi leadership indicates that the party is unlikely to voluntarily loosen its grip on the media or the internet sector. One set of internal party instructions, known as Document No. 9, warned against “propagating Western news views” and “opposing Party leadership of our media, in an attempt to open breaches for the ideological infiltration of our country.”<sup>5</sup>
- **Conveying a heightened sense of insecurity.** Official documents reflect a perceived lack of control and depleted ability to influence public opinion, to the point that it is seen as an existential threat to the regime. The speeches and documents convey an especially high level of anxiety over the spread of ideas about democracy and its components, including judicial independence and an unfettered press. In an August 2013 speech by Xi to cadres involved in propaganda work, he acknowledges popular dissatisfaction with the government, notes that positive comments about the party are challenged or attacked online, and expresses concern that mainstream media are losing their influence, especially among young people who instead look to the internet for information. According to reports of the speech published by Xinhua News Agency and an apparently authentic, more complete leaked version, Xi notes that “we are currently engaged in a magnificent struggle that has many new historical characteristics; the challenges and difficulties we face are unprecedented.”<sup>6</sup> Interestingly, one of the concerns Xi voices is that party cadres themselves are not ideologically “clear,” warning that the “lack of belief among party members is a problem that needs to attain the highest attention.”<sup>7</sup> As a result, according to Xi, “on this battlefield of the internet, whether we can stand up, and gain victory, directly relates to our country's ideological security and regime security.”<sup>8</sup>
- **Placing blame on weak, inefficient management, especially online.** In a speech to cadres at the CCP's Third Plenum in November 2013, Xi alludes to several “malpractices” that he sees in the

regulation of the information and media landscape, principally “multi-headed management, overlapping of functions, lack of unity of powers and responsibility, and low efficiency.” He also notes that “online media management can by far not catch up with ... the changes in the situation ... [especially] in the face of microblogs, WeChat, and other such social media that have rapid dissemination, great influence, broad coverage, and a strong capacity for social mobilization.”<sup>9</sup>

- **Responding with militant rhetoric and calls for innovation.** In outlining what the party should do in response to the sense of weakened influence and control, Xi draws on warlike imagery, describing the situation as an “ideological battleground.” In a more disturbing use of terminology reminiscent of Mao-era campaigns, he urges a “public opinion struggle” (*yulun douzheng*).<sup>10</sup> This seemingly anachronistic aggressiveness is combined with calls for innovation, including steps to increase the attractiveness of state media content, improve expertise regarding new media to resolve a “skills panic,” and develop different approaches for different segments of the population and across various media types.

### C. Evolution of the information control apparatus under the new leadership

These speeches and attitudes have translated into a number of concrete actions, reflecting an effort to reinvigorate party dominance over public debate and media coverage that is in many ways more sophisticated, strategic, and effective than previous attempts. The effort appeared to accelerate after a January 2013 strike by journalists at a major newspaper sparked calls from various segments of society to reduce censorship.<sup>11</sup> This incident occurred alongside cumulative pressure from microblog users and exposés by investigative journalists in early 2013 that compelled the government to offer concessions, such as the release of wrongfully detained individuals, the closure of a notorious labor camp, and the dismissal of corrupt officials.<sup>12</sup>

The authorities responded to these threats and the concerns noted in the previous section with measures to intensify and centralize ideological controls, including the following:

- **June 2013 – Mass Line campaign:** At a high-level conference in Beijing, Xi launched a year-long Mass

Line education campaign to discipline officials through study sessions, self-criticism, and propaganda. The concept is closely associated with the Mao era and calls for the Communist Party to remain close to the masses. This campaign was the party’s first internal “rectification” effort in almost a decade. CCTV and other party mouthpieces repeatedly aired footage and published articles about the campaign’s launch.<sup>13</sup>

- **December 2013 – Greater ideological emphasis in journalist training:** News emerged of plans by the CCP’s Propaganda Department to appoint senior propaganda officials to head journalism programs in top-tier universities.<sup>14</sup> During the same month, regulators announced that Chinese journalists would need to pass a new ideological exam in early 2014 in order to receive or renew their press cards, a prerequisite for working in the formal media sector in China. The exam was based on a minimum 18-hour training course on topics like “Marxist news values,” with a 700-page manual.<sup>15</sup>
- **January 2014 – Enhanced influence over liberal media:** Beijing’s municipal propaganda department purchased a 49 percent stake in the *Beijing News*, a leading liberal paper, from the Guangzhou-based Southern Media Group. The new shares supplemented an existing ownership stake held by a party mouthpiece, the *Guangming Daily*.<sup>16</sup> Some observers, such as prominent blogger Wen Yunchao, interpreted the move as a blow against the process of media commercialization, which since the late 1990s had allowed more space for investigative journalism and critical commentary.<sup>17</sup> A few weeks earlier, news emerged that Southern Media Group executives had themselves submitted written testimony to assist authorities in prosecuting activists who supported the January 2013 strike at its *Southern Weekly* publication.<sup>18</sup> Other political and financial pressures—including the dismissal of prominent investigative reporters and news consumers’ preference for internet-based sources—have weakened the reporting of several liberal commercial newspapers.<sup>19</sup>
- **February 2014 – New Leading Small Group:** State media reported on the establishment of a new CCP body to coordinate work on cybersecurity and internet management, known as the Central Internet Security and Informatization Leading Group. The group is headed by Xi, Premier Li Keqiang, and longtime propaganda chief Liu Yunshan. It appears

to have full authority to coordinate decisions on the entire online sector (including cybersecurity, the urban-rural digital divide, and content regulation). Though few details about the new body's functioning have been made public, its creation signals an effort to centralize and streamline management of the Chinese internet.<sup>20</sup>

### Social-media crackdown

Perhaps the most dramatic action taken by the new leadership on information control has been its aggressive campaign to reassert dominance over social-media platforms. In one striking case, four days after Xi's August 2013 speech to party cadres, Chinese-American businessman Charles Xue, whose web commentaries on social and political issues were regularly shared with more than 12 million followers on Sina Weibo, was detained for allegedly soliciting prostitutes.<sup>21</sup> He was later shown handcuffed on state television, expressing regret over the way he had used his microblog account to influence public opinion.<sup>22</sup> The appearance and statements, which were unrelated to the actual charges against Xue, reinforced suspicions of a politically motivated prosecution, and his detention became the first in a series of events signaling a multifaceted clampdown on social media.

Regulators also tightened rules regarding journalists' creation and use of microblog accounts, a reaction to a popular practice in which reporters used microblogs to post content that had been or would be censored by their formal outlets. A veteran producer at CCTV was dismissed in 2013 over Weibo posts that questioned the use of state media to air public confessions by government critics.<sup>24</sup> In March 2014, the first signs emerged that the crackdown was being extended to Tencent's WeChat instant-messaging service, a semiprivate platform that allows users to share information with a closed circle of acquaintances, to which many Weibo users were migrating. At least 39 public accounts, which allow users to broadcast one message per day to tens of thousands of followers, were shut down or suspended. Nearly all of the targeted accounts were known for carrying commentaries or articles on current affairs, with some belonging to popular columnists, well-known journalists, or online portals.<sup>25</sup>

- **Increasing the criminalization of online speech.** In September 2013, the country's highest judicial authorities issued a joint legal interpretation that expanded the scope and severity of criminal offenses covering online speech, including alleged "online rumors." The interpretation also allowed prosecu-

## Throughout August and September 2013, police detained and interrogated hundreds of social-media users across the country.

Xue was ultimately released from custody in April 2014, prompting another round of state media coverage and repentant statements by the businessman, though it remained unclear whether he would be brought to trial. Meanwhile, several aspects of his treatment were replicated more broadly in an effort to reduce the influence of independent-minded commentators and public outcries online:

- **Silencing individuals who have large followings or alternative news feeds.** Besides Xue, other public figures with large microblog followings faced growing pressure in the form of deletions, locked accounts, and selective arrests and interrogations. Writer Murong Xuecun, who had 8.5 million followers across several microblogging platforms and frequently discussed issues like media censorship and labor camps, reported in May 2013 that web administrators had shuttered all of his accounts, apparently under orders from the authorities.<sup>23</sup>

tors to initiate criminal defamation cases when online expression "seriously harms" public order or state interests. Under the new rules, a user can receive up to three years in prison for posting content that is deemed false or defamatory if the circumstances are considered "serious," for instance if the post was viewed more than 5,000 times or reposted more than 500 times. The decision to set such a low threshold for potential imprisonment illustrated the party's increasing intolerance for the sharing of undesirable information with even a relatively small audience. Throughout August and September 2013, police detained and interrogated hundreds of social-media users across the country, with most subjected to brief periods of detention rather than full criminal prosecution.<sup>26</sup>

- **Televising contrite statements to discredit commentators and journalists.** This phenomenon, which has drawn comparisons to the Mao era, was

not limited to Xue's confession. Within weeks of that broadcast, CCTV aired an interview with Chinese real-estate mogul Pan Shiyi, whose Weibo account was followed by 16 million users and served as an important forum for raising public awareness about air-pollution indicators.<sup>27</sup> Although he was not detained, the usually articulate Pan displayed a pronounced stutter during the interview as he described the need for online opinion leaders to be more disciplined.<sup>28</sup> Over the following 10 months,

and commentary. Under Xi, however, the strategy—dubbed “Control 2.0” by David Bandurski of Hong Kong University's China Media Project<sup>32</sup>—has been further expanded and linked more systematically with repressive tactics.

With regard to social media, the effort has driven an exponential increase in the number of official microblog accounts.<sup>33</sup> In addition, important state and party media outlets have enhanced their presence

## The most dramatic action taken by the new leadership on information control has been its aggressive campaign to reassert dominance over social-media platforms.

three journalists were paraded on state television to admit their guilt after being arrested on various charges related to their reporting for domestic and overseas news outlets.<sup>29</sup>

- Increasing verbal abuse by pro-CCP users.** Since 2004, CCP and government officials at all levels have recruited and trained an army of paid web commentators, known informally as the Fifty Cent Party. Their tasks include posting progovernment remarks, tracking public opinion, disrupting or diverting criticism, and participating in public online chats with officials to provide the appearance of state-citizen interaction. In tandem with the crackdown that began in 2013, social-media observers like Oiwan Lam of Global Voices noted a more coordinated and nastier use of insults on Sina Weibo to attack those who voiced liberal viewpoints.<sup>30</sup> Indeed, some of the intellectuals who abandoned Sina Weibo during 2013—such as law professor He Weifang, who had more than 1.1 million followers—attributed their decisions as much to this verbal abuse from aggressive CCP supporters as to fears of direct official reprisal.<sup>31</sup>

### Promotion of official narratives

Such repressive measures have been combined with an increase in resources devoted to amplifying official voices and directing citizen critiques to official channels, such as formal anticorruption complaint platforms. This approach to information control is not new. During the Hu era, the party also sought to proactively promote certain content and position party-controlled media as the main (and sometimes exclusive) source of information on breaking news events, even as it marginalized independent news

on microblogging platforms, slowly overtaking or displacing the news feeds of more liberal, commercialized outlets. A comparison of two lists of the 25 most influential media accounts on Sina Weibo—released by Sina at the end of 2012 and in early 2014—shows that the CCP-run *People's Daily* displaced the popular financial magazine *Caijing* in the top spot.<sup>34</sup> Interestingly, the 2014 list also features the appearance of six thematic feeds published by Sina itself, another potential tactic for increasing control over mainstream microblog debate and news dissemination (see *Figure 1 on next page*). Depending on how manipulated one believes the ranking to be, these and other changes reflect either a desire to increase the credibility of more tightly controlled outlets or an actual increase in their influence compared with other sources.

Beyond the social-media sphere, “Control 2.0” is clearly reflected in the censorship and propaganda directives that are distributed to news outlets, websites, and portals. They often allow key state-run outlets to cover potentially damaging news in a timely but selective manner, then require other media to restrict their reporting to the established narrative. The aim is to preempt unfavorable coverage by bloggers, foreign journalists, and the more aggressive commercial news outlets (see *Case Study 1, Page 13*).

The application of this strategy under Xi is evident in an analysis by Freedom House researchers of leaked censorship and propaganda directives published between November 2012 and May 2014 (see *Figure 2*). Of the more than 300 directives examined, not surprisingly, 294 ordered some form of negative ac-

**FIGURE 1. Regaining the Upper Hand: The Influence of Media Outlets on Weibo, 2012-14**

At the end of 2012 and in early 2014, the internet portal Sina released lists of the 25 most influential media accounts on its Weibo microblogging platform.<sup>1</sup> Freedom House researchers analyzed the two lists, categorizing each outlet based on its closeness to the CCP. Although all news outlets in China are state owned, some, such as the national broadcaster China Central Television, are closely affiliated with the party, while financial magazines and more liberal, commercialized papers have a degree of independence.

The two lists show that by 2014, sources linked to the party and Weibo feeds published by Sina itself had displaced commercialized sources and outlets based in Hong Kong or the United States. For example, the CCP mouthpiece the *People's Daily* replaced the financial magazine *Caijing* in the top slot. An account maintained by the *Wall Street Journal's* Chinese edition disappeared from the list, but one operated by the U.S. National Basketball Association gained a position, though it is not strictly a news outlet. The addition of six Sina feeds (covering breaking news, entertainment, international news, sports, finance, and China news) is especially noticeable, and could represent another tactic for increasing control over mainstream microblog content.

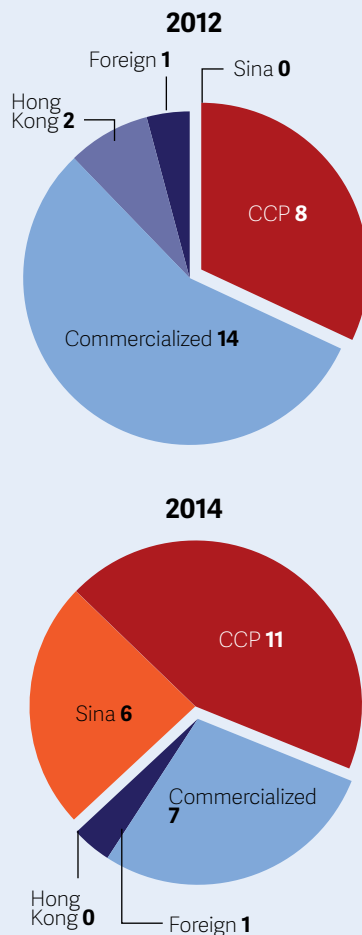
Depending on how manipulated one believes the rankings to be (they do not correlate exactly with the number of followers), the 2012–14 changes reflect either a desire to increase the credibility of more tightly controlled outlets or an actual increase in their influence compared with other sources.

**25 MOST INFLUENTIAL MEDIA ACCOUNTS**

**CENTRALLY CONTROLLED**

- CCP
- Sina
- Commercialized
- Hong Kong
- Foreign

**MORE INDEPENDENT**



tion, such as deletion of content or refraining from independent investigations. However, approximately one-third, or 109 directives, also required some form of corresponding positive action, primarily using the coverage by more tightly controlled official news sources, such as Xinhua, as the sole basis for any reporting on the topic in question. In addition, 24 directives required only positive action, demanding that media outlets or online portals publish, post, or promote a particular article in their coverage or on their home pages. The following directive, issued on March 12, 2014, illustrates the standard method of promoting Xinhua copy while restricting all other sources:

Take heed to delete the article '39 Missing in Shanxi Tunnel Explosion.' Related print and broadcast content must only use information from relevant government authorities and Xinhua wire copy.<sup>35</sup>

**D. Types of content targeted for censorship**

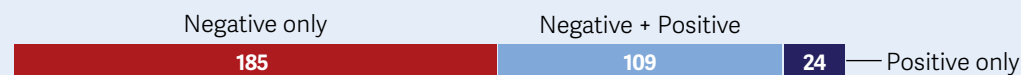
Among the topics targeted for censorship in China is a contingent of long-standing taboos, such as the writings of prominent dissidents, unfavorable coverage of CCP leaders, calls for greater autonomy in Tibet and Xinjiang, Taiwanese independence and democracy, and the Falun Gong spiritual group.<sup>36</sup> Also included are historic crimes—certain Mao-era atrocities and the June 4, 1989, massacre of protesters on and around Tiananmen Square—as well as more recent systematic rights abuses against dissidents and religious and ethnic minorities. The restrictions on both traditional media coverage and internet communications related to these topics have been well documented in a variety of academic and other studies.<sup>37</sup>

An additional facet of media and internet controls, largely unique to China, is the regular, often daily issuance of highly specific state and party directives to news outlets and websites on whether and how to cover newsworthy events on any number of topics, far beyond the established taboos described above. While the existence of this system is widely recognized, the actual content of the directives is less commonly known. Indeed, until several years ago, it was extremely difficult to obtain copies of the instructions. But in an example of the challenges the party faces in keeping its internal documents secret in the internet age, a growing number of media directives are being leaked and posted online.

1. "Weibo Influence 2012: Media" [Translation] (accessed April 2014), <http://data.weibo.com/summary/2012year/influence>; Weibo Changing List [Translation] (accessed April 2014), <http://data.weibo.com/top/influence/media> (screenshots on file with author).

**FIGURE 2. Communist Party Media Controls: Censorship and Propaganda**

Media directives in China include both negative actions—instructions to refrain from publishing content—and positive actions—promotion of official narratives or sources, especially Xinhua news agency. Of 318 directives issued between November 2012 and May 2014 and analyzed by Freedom House, 185 ordered only negative actions, 109 ordered both negative and positive actions, and 24 called for positive actions only. Xinhua was specifically mandated as a guiding source in 74 of the directives.

**CASE STUDY 1. Control 2.0 in the Age of Social Media: The Bo Xilai Trial**

Media coverage of the August 2013 trial of Bo Xilai, the former Chongqing Communist Party secretary and Politburo member, was a prime example of the CCP's Control 2.0 strategy and its evolution in the age of social media. The strategy entails proactively setting the news agenda by allowing key state-run outlets to cover potentially damaging news in a timely but selective manner, then requiring other media to restrict their reporting to the established narrative.

During Bo's trial on charges of bribery, embezzlement, and abuse of power, foreign media were barred from the courtroom, and only 19 reporters from Chinese state media were allowed to attend. Most coverage consisted of wire copy from the official Xinhua news agency or other approved sources, while journalists' social-media accounts were kept on a short leash. This was in keeping with a series of propaganda directives issued before and during the event. For example, the following instructions were reportedly issued by the Central Propaganda De-

partment on August 20, two days before the trial opened:

The media must absolutely follow Xinhua wire copy as the standard in covering the Bo Xilai trial. Heads and sponsors of news media must conscientiously strengthen monitoring of the weibo and blogs of subordinates.<sup>1</sup>

The court in Jinan took the unprecedented steps of releasing regular updates on the proceedings via a microblog account and publishing a partial transcript on its website,<sup>2</sup> but the excerpts were selective and omitted portions of the trial that touched on high-level official involvement in some of Bo's decisions.<sup>3</sup> The releases effectively directed netizen discussion toward sensationalist aspects of the case, including new revelations about the dysfunctions of the defendant's family life and the details of exotic meat that his son brought back from Africa.<sup>4</sup> Bo was ultimately convicted and sentenced to life in prison.

1. "Ministry of Truth: The Bo Xilai Trial," *China Digital Times*, August 20, 2013, <http://chinadigitaltimes.net/2013/08/ministry-of-truth-the-bo-xilai-trial-2/>.
2. 8 Yue 22 Ri Bo Xilai An Tingshen Jilu," [August 22nd Bo Xilai Court Case Transcript], *People's Daily*, August 27, 2013, <http://politics.people.com.cn/n/2013/0827/c1001-22705324.html>.
3. See Keith Zhai, "Bo Xilai trial transcripts censored, sources say," *South China Morning Post*, August 26, 2013, <http://www.scmp.com/news/china/article/1299432/bo-xilai-trial-transcripts-censored-sources-say>; "Bo Xilai's trial (day 5): Wang Lijun defected after exposure of illicit relationship with GuKailai, says Bo," *South China Morning Post*, August 26, 2013, <http://www.scmp.com/news/china-insider/article/1299447/bo-xilais-trial-day-5-wang-lijun-defected-after-exposure-illicit>; and Brian Spegele, "China's Bo Coverage: Extensive and Selective," *Wall Street Journal China Realtime* (blog), August 24, 2013, <http://stream.wsj.com/story/bo-xilai/SS-2-42626/SS-2-308457/>.
4. Carlos Tejada, Liyan Qi and Kersten Zhang, "What Meat Did Bo Guagua Bring From Africa?," *Wall Street Journal China Realtime* (blog), August 24, 2013, <http://blogs.wsj.com/chinarealtime/2013/08/24/what-meat-did-bo-guagua-bring-back-from-africa/>.

**FIGURE 3. Most Commonly Censored Breaking News Content**

In addition to long-standing taboo topics, censors in China target breaking news content on a variety of subjects. The breakdown below is based on an analysis of 318 party and government censorship directives issued between November 2012 and May 2014.

**Official wrongdoing**

72

**Innocuous official activity**

56

**Health & safety**

52

**Civil society**

32

**Foreign affairs**

30

**Media & censorship**

26

**Economics**

18

The California-based website *China Digital Times* (CDT) has become especially adept at obtaining leaked instructions and publishing them in both Chinese and English under the facetious Orwellian moniker “Directives from the Ministry of Truth.”<sup>38</sup> While it is difficult to verify their authenticity beyond the efforts of CDT staff, the leaked directives often match visible shifts in coverage and are generally treated as credible by observers of Chinese media.

Between November 1, 2012, and May 3, 2014, CDT published over 400 media directives issued by central and provincial authorities. Although the sample is by no means exhaustive, it is sufficiently robust and detailed to provide insight into several aspects of CCP information controls and the party’s sensitivity toward various types of content since the leadership change. An analysis by Freedom House researchers of 318 instructions from the central authorities during the first year and a half of the Xi leadership yielded several significant findings.

**1. Wide range of topics censored.**

The topics targeted for censorship or other forms of manipulation by the Chinese authorities are far broader than mere criticism of the regime, dissident activities, or perennially censored issues. The seven most commonly targeted topical categories of emerging news were as follows:

- **Government or Communist Party official wrongdoing (72 directives).** Among these, the forms of wrongdoing or alleged wrongdoing that were most commonly deemed sensitive were corruption (39 directives), violence by state actors (25 directives), and sex scandals (8 directives).
- **Seemingly innocuous or even positive official activity (56 directives),** including official appearances, speeches, policy initiatives, or government-initiated reforms, discussion of which the authorities sought to control.
- **Public health or safety (52 directives),** including news or commentary about environmental pollution, such as a February 2014 study of smog in Beijing;<sup>39</sup> natural disasters, such as the April 2013 earthquake in Sichuan;<sup>40</sup> manmade accidents, such as a November 2013 oil-pipeline explosion in Qingdao;<sup>41</sup> violent attacks, such as the May 2014 train station attack in Urumqi;<sup>42</sup> and food or drug safety, such as contamination of children’s food.<sup>43</sup>
- **Foreign affairs (30 directives),** including news related to the United States (such as the comments and meetings of President Barack Obama), North

Korea, Japan, and Ukraine, among other countries.

- **Civil society (32 directives),** including news related to protests, civic initiatives, the detention of prominent activists and their remarks, such as reformist lawyer Xu Zhiyong’s defense statement at his trial in January 2014.
- **Media sector and censorship policies (26 directives).** A notable proportion of these instructions (9 directives) involved efforts to limit criticism or damaging stories about flagship state outlets like Xinhua or CCTV.
- **The economic sphere (18 directives),** including information about business disputes, economic statistics, and pension shortfalls.

As noted above, restrictions on these topics often entailed not a complete news blackout, but rather various actions to control, limit, or promote the circulation of certain details, thereby distorting the information available for public consumption. They reveal a desire to control not only information that might present the party, propaganda organs, or officials in a negative light, but also facts related to potentially positive or neutral developments, including Xi’s own anticorruption campaign.

**2. A focus on news over commentary.**

Of the 318 directives analyzed, 280 sought to manage or stifle reporting of what Freedom House researchers identified as “news”—that is, events and stories one would expect to find on a news wire. (Some directives are multilayered, targeting both the factual news and related commentary on a story.) Directives concerning editorials or web-based commentary were far less common. A total of 103 directives targeted outlet-produced news commentary, while only 34 targeted interactive commentary (user-generated content on forums, blogs, and microblogs). A 2013 Harvard study of deletions on Sina Weibo highlighted the degree to which censors on the microblogging platform focus on “collective action” comments rather than mere criticism of the government.<sup>44</sup> The above findings indicate that facts about emerging events—and especially how mainstream media report on them—remain a key priority for the CCP’s information control apparatus.

**3. Censorship overkill.**

The directives exhibited an extreme attention to detail and a willingness to prohibit reporting on relatively obscure topics, leading to a sense of information-control overkill. For example, on April 10, 2014, the following directive was issued by the State



Council Information Office: “At 0:49 in the music video for Deserts Chang’s song ‘Rose-Colored You,’ the person in the ambulance is holding a ‘Free Tibet’ kerchief... Please delete this video.”<sup>45</sup> While the Tibet taboo is well known, the specificity of this directive—targeting a fleeting, mostly obstructed view of a message written in English—indicates the incredible scope and micromanagement of the party’s censorship apparatus.

Beyond the media directives, other signs that the authorities are overextending information controls have appeared in recent years. Regulatory bodies have issued a series of new rules that restrict various forms of entertainment programming, including popular shows on primetime television and online streaming sites. For example, in April 2014, the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT) ordered leading video-streaming sites to remove four U.S. television shows from their services. One of the programs, the sitcom *The Big Bang Theory*, was especially popular, scoring more than a billion views by Chinese users before its removal.<sup>46</sup>

While the stated justification for such measures is often to limit the proliferation of “vulgar content” or foreign influence, an additional goal may be to reduce competition for CCTV programming from both provincial stations and online streaming, at a time when the national broadcaster’s popularity (among young viewers especially) appears to be dropping.<sup>47</sup> Such decisions tend to generate collateral damage for the regime, as public anger over the bans and the arbitrary, biased censorship apparatus they represent typically reaches well beyond the community of committed press freedom advocates.

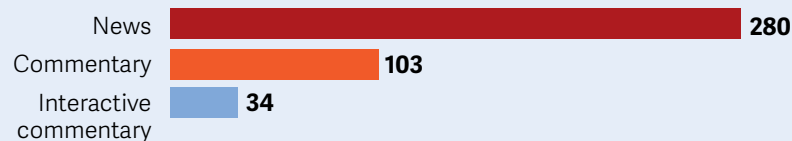
## E. Conclusion

The actions of the new CCP leadership offer little hope that the regime will significantly and voluntarily loosen information controls. On the contrary, exercising such control seems to be an even higher priority, and the focus of an even more concerted effort, than under the previous leadership.

Indeed, the authorities’ recent moves to regain dominance over online discourse have so far proven more effective than similar attempts under Hu. Following the aggressive crackdown on influential users and expanded criminalization of microblog posts in 2013, data from social-media analysis firms and other

**FIGURE 4. Censorship of News Versus Commentary**

The censorship apparatus tends to focus on news items more than professional editorials or user-generated comments. The below breakdown is based on an analysis of 318 party and government censorship directives issued between November 2012 and May 2014.



expert reviews pointed to a marked decline in traffic and political discussion on the Sina Weibo microblogging platform.<sup>48</sup> The regime’s increased success appears to have resulted from more centralized management and the strategic, simultaneous application of multiple tactics, particularly those aimed at neutralizing the political and social impact of online opinion leaders. Research has shown that the vast majority of social-media users in China repost the writings of others—especially on more sensitive topics—rather than authoring their own original messages.<sup>49</sup> Consequently, the authorities’ ability to silence an elite stratum of content producers has generated a cascading effect on social-media debate as a whole.<sup>50</sup>

The authorities’ ability to silence an elite stratum of content producers has generated a cascading effect on social-media debate as a whole.

Nevertheless, as the Chinese authorities expand the scope of censorship, increase the costs of noncompliance, and issue arbitrary regulatory decisions, they risk reinforcing the very trends they fear. In many cases, the actions of the authorities have provoked anger and disillusionment, as well as active resistance.<sup>51</sup> Even if it has been pushed underground, public discontent over censorship and injustice does not appear to have dissipated.<sup>52</sup> From this perspective, the regime’s efforts to retain its legitimacy and its hold on power in the short term may in fact be undermining these goals in the medium to long term.

## Part II: Legal and Security Apparatus

### A. The legacy of the Hu Jintao era

Close monitoring of the population and quick repression of perceived threats to one-party dominance are enduring hallmarks of CCP rule in the post-1989 era. Jiang Zemin, who led the party from 1989 to 2002 and held the state presidency from 1993 to 2003, oversaw crackdowns on groups like the China Democracy Party in 1998 and Falun Gong in 1999, as well as corresponding innovations to the security apparatus to implement them. Even so, the decade-long tenure of his successor, Hu Jintao, who served alongside Jiang loyalists on the Politburo Standing Committee, featured a dramatic expansion of the country's security apparatus and considerable changes in the legal system that resulted in a very different relationship between the security state and Chinese society.

The human, financial, and bureaucratic resources dedicated to the regime's coercive apparatus increased tremendously during the Hu era, mirrored by the growing prominence of the term "stability maintenance" or "stability preservation" (*weiwen*, short for *weihu wending*) in party rhetoric. Although the term and the emphasis on "stability above everything else" (*wending yadao yiqie*) date back to the rule of Deng Xiaoping, the rise of the shortened *weiwen* accelerated after 2007, prompting some observers in China to refer to the years of Hu's leadership as the "stability preservation decade."<sup>53</sup>

The term refers in part to maintaining law and order, but it also implies taking a hard line against peaceful dissent and closely monitoring the populace in the face of rising social tensions and legitimate public grievances. Key components on the implementation side include state intelligence and police agencies, such as the Public Security Bureau (PSB); paramilitary forces like the People's Armed Police; extralegal CCP-based entities like stability-maintenance units or the 610 Office;<sup>54</sup> and local administrative enforcers called *chengguan*.

Between 2002 and 2012, the reported budget dedicated to internal security increased from 134.8 billion yuan (\$16.2 billion) to 702 billion yuan (\$111 billion), ultimately surpassing published figures for the military budget.<sup>55</sup> Surveillance also intensified, as tens of millions of new closed-circuit cameras were installed,<sup>56</sup> monitoring by party street committees and informants increased,<sup>57</sup> and new initiatives extended the presence of party representatives into private-sector entities like law firms and internet companies.<sup>58</sup>

This expansion was driven by a number of factors, including the opportunities and threats presented by technological advancements, the greater availability of financial resources amid a rapidly growing economy, and the regime's rising insecurity in the face of a better-educated and more assertive citizenry. Internal CCP dynamics also played a role, as influential individuals within the security apparatus—most notably Politburo Standing Committee member Zhou Yongkang—took advantage of events like the "color revolutions" in Eastern Europe, the Beijing Olympics, and the Arab Spring to press for more resources.

In a parallel development during the latter half of the Hu era, the regime turned away from an earlier push for legal norms and judicial professionalism. The first years of the Hu-led Politburo Standing Committee had featured reforms that created limited autonomy for judges, and at least one major decision acknowledged the constitution as a legal basis for protecting citizens' rights.<sup>59</sup> However, these gains were rolled back after more citizens and lawyers began challenging repressive party policies through the courts, and after courts proved incapable of meeting rising public expectations. Citizens increasingly turned to nonjudicial petitions, which officials interpreted as a sign that the courts were failing to maintain social control—the central purpose of the legal reforms.<sup>60</sup>

As a result, scholars tracking rule of law developments have repeatedly noted a clear stalling in the progress of legal reforms and even a reversal beginning in 2006.<sup>61</sup> In 2008, after Wang Shengjun, a veteran of the party's security apparatus with no formal legal training, was appointed as chief justice of the Supreme People's Court (SPC), the doctrine of the "Three Supremes" was promoted in the judiciary, reminding judges to place the interests of the party above the law. As Wang noted in a June 2008 media interview, judges should consider "the supremacy of Party work, the supremacy of popular interests, and the supremacy of the constitution and law," in that order of importance.<sup>62</sup> Judges were pressured to resolve civil disputes through mediation (sometimes forced) rather than adjudication, extralegal forms of detention expanded, and harassment of defense attorneys intensified.

In examining the implications of these trends for the regime's adaptive capacity and legitimacy as Xi prepared to take power, three points are worth special consideration:

### 1. More of the population was encountering state violence.

The expansion of the "stability maintenance" apparatus and related practices spurred a rise in the number of people encountering official violence from 2002 to 2012.

On the one hand, those perceived to pose a challenge to one-party rule continued to face harsh repression. This category included individuals who explicitly advocated democratic change or started political parties, like Liu Xiaobo and Guo Quan, respectively. Both men were sentenced to 10 or more years in prison in 2009.<sup>63</sup> On the other hand, as other Chinese became more active in asserting their rights—whether by petitioning against abuses of power or, in the case of a new generation of human rights attorneys, seeking to defend fellow citizens from violations—they too began to encounter abductions, beatings, and torture.

Each year from 2007 to 2012 brought renewed restrictions on dissent surrounding a politically sensitive anniversary or event.<sup>64</sup> The year 2011, coinciding with the Arab Spring, featured one of the worst crackdowns on civil society activists in recent memory, with dozens abducted and held incommunicado for weeks or months.<sup>65</sup> In a 2011 congressional testimony, Duihua Foundation executive director John Kamm said, "Based on our analysis of sentencing trends ... we have concluded that there are now more people serving [prison] sentences for political offenses in China than

at any time since 1989, the year of the Tiananmen Square crackdown."<sup>66</sup>

In addition to political and legal activists, the regime stepped up its repression of those who asserted their religious rights or ethnic identity during Hu's leadership. The CCP devoted considerable resources to suppressing Falun Gong and coercing adherents into renouncing their beliefs, typically through the use of violence.<sup>67</sup> Hundreds of thousands of adherents were sentenced to labor camps and prison terms, making them the largest contingent of prisoners of conscience in the country.<sup>68</sup> Many were detained and punished for simply possessing spiritual texts in the privacy of their homes,<sup>69</sup> or for taking actions like printing homemade leaflets to inform others about abuses against fellow believers.<sup>70</sup>

Underground Christian congregations also reported growing harassment, ranging from arrests to indirect pressure on utility companies to deny them services.<sup>71</sup> The suppression of antigovernment protests and ethnic clashes in Tibet and Xinjiang beginning in 2008 and 2009 included new rounds of abductions, imprisonment, torture, and executions, in some instances affecting hundreds or thousands of people at a time.<sup>72</sup> Official statistics gathered by the Duihua Foundation illustrate a dramatic rise in the number of trials and indictments for "endangering state security" beginning in 2008, with many of those punished believed to be Tibetans and Uighurs.<sup>73</sup>

## The expansion of the "stability maintenance" apparatus spurred a rise in the number of people encountering official violence from 2002 to 2012.

Some observers may argue that even after this expansion, the number of Chinese subjected to the most severe forms of political repression remained small compared with the total population. However, a much broader swath of society, including many citizens with no links to political dissent or ethnic and religious minorities, encountered state violence or injustice on a lower level. This category of victims encompasses people attacked by abusive law enforcement agents like *chengguan*, riot police, or thugs implementing forced evictions, as well as those subjected to torture and wrongful conviction in ordinary legal cases. Many became petitioners in an effort to obtain justice, often

bringing them into contact with even harsher repressive measures.

### **2. Less violent but still coercive tactics were also employed.**

Part of the subtlety and sophistication of the “stability maintenance” apparatus under Hu rested in its use of restrictive but not necessarily violent tactics to suppress dissent and minimize grassroots unrest. These include widespread surveillance, pressure on family members to stop a relative’s protests, and the use of both “carrots” (like monetary compensation) and “sticks” (threats of dismissal, loss of pension, or arrest) to discourage residents from petitioning higher authorities or collectively protesting.<sup>74</sup> On the surface these tactics may successfully curb outward displays of public discontent, but by failing to address the root of citizens’ grievances, they also risk alienating people from the regime.

### **3. Stability maintenance policies generated inefficiency and new challenges for regime legitimacy and social stability.**

The backsliding on judicial reforms produced disillusionment within the legal profession and reduced popular trust in the courts, contributing to growing protests. The latter dynamic was reinforced by the increase in internet and social-media access, as news of official injustice provoked public outcries, online and offline.<sup>75</sup>

## **Ironically, the expansion of the security apparatus coincided with a rapid increase in street protests, social unrest, and rights activism.**

At the same time, the prerogatives and attributes of the “stability maintenance” apparatus itself led to waste, inefficiency, and additional abuses. To enhance their stature and secure additional resources, local authorities in some regions would respond to a single petition or act of protest with escalating repression, engulfing family members or the wider community. One extreme example of such excesses is the \$10 million that Shandong Province authorities reportedly spent on enforcing the house arrest of blind legal activist Chen Guangcheng.<sup>76</sup>

According to one study by a Chinese professor, despite the increase in central government spending

on internal security, local governments were required to collect extra revenue to cover part of the stability-related expenditures. The funds were often generated in ways that undermined citizens’ rights (fines for violating family-planning regulations, selling collective land to developers, or extracting fees from local businesses), further contributing to tensions in state-society relations.<sup>77</sup> It is therefore not surprising that the expansion of the security apparatus coincided with a rapid increase in street protests, social unrest, and rights activism.<sup>78</sup>

As these problems multiplied, Chinese scholars and some domestic media outlets began raising concerns about the country’s “stability maintenance” policies.<sup>79</sup> The authorities attempted to make adjustments, urging local authorities to limit the use of violence in responding to protests, or emphasizing preemptive monitoring, temporary detention, and even resolution of grievances to prevent such protests—an approach known as “comprehensive social-order management” in many party documents.

Still, such admonishments were drowned out in practice by ever harsher and more onerous security operations, culminating in the run-up to the 18th Party Congress in November 2012, which included a massive lockdown in Beijing and nationwide restrictions on petitioners, human rights defenders, Falun Gong practitioners, and others.<sup>80</sup> Meanwhile, violent acts against symbols of authority during protests, public outcries against abuses of the labor camp system, and a local revolt triggered by the death in custody of a village leader highlighted the costs to the regime’s legitimacy of an overzealous coercive apparatus.

## **B. The new CCP leadership’s approach to the rule of law**

Following the backsliding on judicial reforms in the latter years of the Hu era, and partly in response to dissatisfaction within legal circles and the general public, the CCP leadership under Xi has attempted to signal a shift in approach, both rhetorically and through some actions—all while retaining “stability maintenance” as a priority and avoiding reforms that might challenge party control over the judiciary. Between November 2012 and May 2014,<sup>81</sup> the new leadership’s adjustments took several forms.

### **1. Reshaping the meaning of ‘rule of law’**

In two speeches soon after he became CCP general

secretary—in December 2012 and in February 2013—Xi stressed the importance of the constitution and promotion of the rule of law. According to state media, he said, “No organization or individual should be put above the constitution and the law.”<sup>82</sup> Similar rhetorical acknowledgment of the need for judicial reform appeared in key policy documents such as the Third Plenum resolution issued in November 2013.<sup>83</sup> This represented a welcome change in tone compared with the period of 2008 to 2012, during which the doctrine of the “Three Supremes” was widely propagated among judges, explicitly placing party interests above legal norms.<sup>84</sup>

Nevertheless, such superficially progressive rhetoric has been offset by outright rejection of judicial independence and constitutionalism in internal directives. This was starkly evident in Document No. 9, the internal party memorandum titled, “A Communiqué on the Current State of the Ideological Sphere,” reportedly issued in April 2013. The document warns cadres of the dangers of “false” ideas like “Western constitutional democracy” and its components, such as judicial independence.<sup>85</sup> Subsequent official reports have emphasized the importance of constructing “the socialist rule of law with Chinese characteristics,” meaning a pliant form of legalism that serves the party’s aims.<sup>86</sup>

The regime also revealed its stance on the issue through its response to an episode in early 2013, when some members of the legal community, civil society, and the media sector called for genuine adherence to the constitution. In January, Guangdong Province censors altered a New Year editorial by the liberal *Southern Weekly* that had urged greater respect for constitutional rights, sparking the biggest standoff over press freedom in years.<sup>87</sup> Over the following months, party-controlled media and affiliated intellectuals published a series of articles, editorials, and commentaries that rejected any interpretation of “constitutionalism” that would require CCP actions to be placed under constitutional or judicial oversight. A May 2013 editorial in the journal *Red Flag* argued that constitutionalism was a feature of “capitalism and bourgeoisie dictatorship.” A subsequent article in the journal *Party Construction* claimed that constitutionalism would mean abolishing the CCP’s leadership role and overthrowing the “socialist regime.”<sup>88</sup>

## 2. Making minor improvements to upgrade judicial performance

Despite its rejection of wholesale reform, the CCP has taken steps to address discontent within legal circles

and improve public trust in the judiciary, while taking care not to undermine party control or its ability to suppress perceived threats to its rule.

For example, the leadership has made an effort to revive judicial professionalism, an aspect of legal reform that eroded during the latter part of the Hu Jintao era. The most prominent manifestation of this was the March 2013 appointment of Zhou Qiang, a man with a legal education, to replace Wang Shengjun, who lacked such qualifications, as head of the SPC.<sup>89</sup> Wang’s promotion of the “Three Supremes” doctrine had triggered widespread frustration and thousands of resignations among the country’s judges.

The party has also made small moves to increase transparency and experimented with limiting interference by local officials in the work of nearby courts. After these goals were outlined in the November 2013 Third Plenum resolution, the SPC ordered courts to publish written judgments on a website accessible to the public beginning on January 1, 2014.<sup>90</sup> In June 2014, the government announced that six provinces and municipalities would host pilot programs to remove control over local judicial funding and appointments from party cadres at the same bureaucratic level, with provincial-level officials making such decisions instead.<sup>91</sup> Even these tentative efforts have their limits, however. For example, decisions involving state secrets (potentially including politically motivated prosecutions) were excluded from the new publication guidelines.<sup>92</sup>

## 3. Deflecting petitioners

Officials under Xi have initiated several reforms to the petitioning system in an apparent effort to reduce the number of petitioners arriving in Beijing to seek justice from the central authorities.

First, the government is promoting the use of online and written petitions to help curb in-person appeals.<sup>93</sup> Second, in February 2014, the CCP Central Committee and the State Council issued an opinion instructing lower-level authorities to separate law-related petitions (complaints regarding a court decision) from other types and ensure that the former are returned to the judiciary for processing and kept out of the petitioning bureaucracy.<sup>94</sup> Third, the same opinion prohibited officials from accepting complaints from petitioners who have “leapfrogged” over lower authorities rather than working their way up the chain of command.<sup>95</sup>

There are reasons to doubt the effectiveness of these

measures in improving the quality of responses to petitioners or curbing the abuses they routinely encounter. Moreover, the changes in official guidelines appear side by side with sections urging local officials to maintain “social stability,” a signal that such officials are still ultimately responsible for curbing petitioning activity. According to Chinese legal expert Carl Minzner, in the absence of more fundamental institutional reforms,

that [social stability] imperative will likely override tentative efforts to proceduralize or separate out the “law-related petitions” from other petitions. So repression will continue ... and Chinese authorities will encounter significant difficulties in carrying out their announced policies of trying to steer law-related citizen grievances back towards legal and judicial channels.<sup>96</sup>

Similarly, Victor Clemens, a researcher with Chinese Human Rights Defenders, a rights group that maintains regular contact with petitioners throughout China, explained the current dynamics as follows:

Regulations over the past 1.5 years have been geared to trying to keep petitioners off the streets—and away from Beijing—but it is hard to say if these goals are being achieved. Authorities have claimed that they are receiving fewer petitions in Beijing, but that of course raises questions about what is happening to those folks who ordinarily would be appealing to central authorities. Our vague sense is that their grievances are not being handled or resolved any better than before, and that such folks from the provinces are simply being “contained” closer to home, like in “legal education” centers.<sup>97</sup>

#### 4. Replacing ‘reeducation through labor’

Perhaps the most significant positive change to the CCP’s coercive apparatus since November 2012 has been the abolition of the “reeducation through labor” (RTL) camp system.

A relic of the Mao era, the network of camps has long been a focus of both domestic and international criticism. Throughout the Hu period, proposals were submitted to reform or dismantle the system, which allows police to sentence citizens for up to four years without trial. However, the reform plans never took hold, as both local and central authorities found the camps to be an efficient and convenient mechanism for dealing with various “troublemakers.” At the end of 2012, there were thought to be about 350 camps

with several hundred thousand inmates, though official and unofficial estimates varied widely, with some inmate figures reaching into the millions.<sup>98</sup>

In January 2013, to the surprise of many observers, the newly appointed head of the CCP Political-Legal Committee (PLC), Meng Jianzhu, announced at an official meeting that the RTL system would be phased out in the coming year.<sup>99</sup> Reports soon emerged of detainees—including political and religious prisoners—being released from notorious camps like Masanjia in Liaoning Province.<sup>100</sup> The abolition of RTL was further solidified with a short declaration in the Third Plenum resolution,<sup>101</sup> and with a resolution by the National People’s Congress (NPC) Standing Committee that December.<sup>102</sup>

However, even as camps have been closed or repurposed and many detainees released, the party and state have shied away from actions that might signal a more fundamental break with the abuses of the RTL system, such as prosecuting guards accused of torture or permitting courts to accept petitions for redress from former detainees.<sup>103</sup>

Several factors appear to have contributed to the final dismantling of the RTL system. First, the change was initiated from a high level within the CCP, whereas previous proposals emerged from the much weaker NPC or the advisory Chinese People’s Political Consultative Conference (CPPCC).<sup>104</sup> The new leadership was likely motivated by a desire to signal a break from the past, to improve perceptions of its reform credentials, and to weaken certain security officials affiliated with outgoing Politburo Standing Committee member and PLC chief Zhou Yongkang. Second, in addition to international criticism, domestic opposition to the camps had grown in recent years. Throughout 2011 and 2012 and into 2013, a series of cases of RTL-related abuse were exposed and garnered public attention.<sup>105</sup>

Third, alternatives were developed to deal with inmate populations that central authorities still considered a threat to CCP rule or social order. These solutions included “custody and education” centers for sex workers,<sup>106</sup> “rehabilitation” centers for drug offenders,<sup>107</sup> and “community correction” centers for criminals on probation or serving a suspended sentence.<sup>108</sup> A network of extralegal “black jails” had arisen in recent years to handle petitioners, while Falun Gong cases were already being redirected to either judicial channels or extralegal forced-conversion centers.<sup>109</sup>

Indeed, for political and religious activists, the aboli-

tion of RTL has brought little relief from the risk of detention. Since late 2012, the authorities have employed judicial prosecutions, as well as short-term criminal and administrative detention, against civil society activists, social-media users charged with spreading “rumors,” and Falun Gong adherents. Some petitioners released from camps were rearrested when they continued their petitioning activities, and were then sent to mental hospitals.<sup>110</sup> While in some cases the abolition of RTL has resulted in shorter periods in custody, in others it has opened the door to longer incarceration.

Outside the realm of formal institutions, the number and use of various extralegal “reeducation” facilities appears to have expanded.<sup>111</sup> Such sites operate under different names, most commonly “legal education centers”—often referred to by activists as “brainwashing centers”<sup>112</sup>—but also “petitioner education centers” and “reprimand centers.”<sup>113</sup> It is difficult to ascertain how many such facilities exist. Accounts from official websites, former detainees, and lawyers who have attempted to investigate them indicate that hundreds operate throughout China.<sup>114</sup> According to prominent attorney Teng Biao, abusive conditions at these centers can exceed the horrors of RTL camps:

Torture occurs far more frequently and cruelly in detention centers than in jails, and labor camps were still worse, but the so-called legal education centers are the worst of all. The number of innocent citizens tortured to death in these centers across China is in four figures.<sup>115</sup>

For those released from custody, an expanded community corrections system has been employed to monitor their activities. The system combines extensive surveillance by officers and resident informants with the threat of 30 days’ detention. It is used to control known petitioners, rights defenders, or religious activists in a particular locale, as well as to track ordinary convicts on probation or serving suspended sentences.

Originally introduced via pilot projects in 2003 and nationwide in 2009, the community corrections system has grown rapidly under the Xi leadership, in tandem with the abolition of RTL. Between mid-2012 and early 2014, the total number of people who had passed through the system quadrupled, from 400,000 to 1.8 million.<sup>116</sup> As of May 2014, 709,000 people were in community corrections, according to the Ministry of Justice.<sup>117</sup> Although legislation formalizing the

system has yet to be passed, it is governed by interim provisions issued by central and provincial authorities.<sup>118</sup> Provincial regulations explicitly place the most stringent monitoring—including daily phone calls and weekly written “thought reports”—on individuals whose past or potential offenses relate to political, religious, or petitioning activities, particularly during politically sensitive national holidays or official meetings.<sup>119</sup> The regulations also require subjects of monitoring to participate three times a month in some form of organized “legal education” session, often a euphemism for political indoctrination or forced conversion.<sup>120</sup>

## C. Evolution of the security apparatus under the new leadership

The new leadership has apparently attempted to address the inefficiencies and public discontent surrounding the enormous “stability maintenance” apparatus left behind by the Hu administration. However, rather than shrinking the system, some of these efforts have actually expanded its size and influence on governance.

### 1. Consolidating control at the top

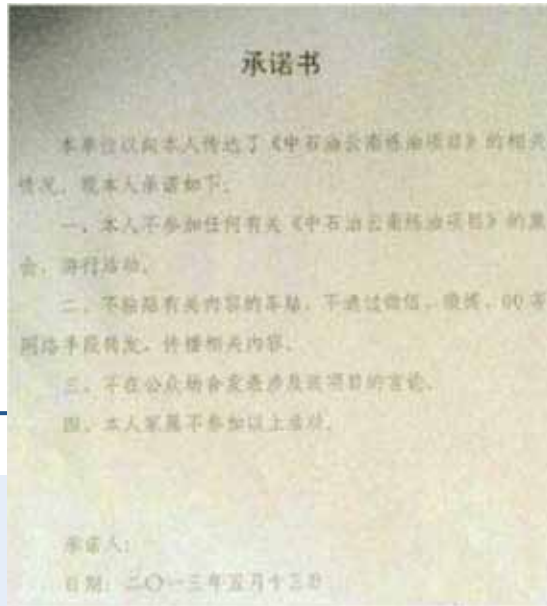
One of the key questions hanging over the CCP leadership transition in November 2012 was the possible impact of Zhou Yongkang’s retirement. Zhou had risen through the party ranks over the previous decade, joining the Politburo Standing Committee in 2007 and taking over the portfolio of the PLC—the party committee overseeing judges, prosecutors, and a wide range of internal security and intelligence agencies.

Under Zhou’s watch, the power, budget, and influence of the security apparatus had increased dramatically.<sup>121</sup> This led some observers to speculate that Zhou’s departure and the transfer of the PLC portfolio to Meng Jianzhu—a member of the Politburo but not its more powerful Standing Committee—might weaken the status of the internal security forces.

However, a close examination of developments since November 2012 shows that the bureaucratic authority of the security apparatus has in fact grown, even as the influence of Zhou and those close to him wanes.

For example, although Meng ranks lower than did Zhou, it has become clear that his immediate supervisor is Xi Jinping himself. This relationship was consolidated with the creation of the National Security Committee in November 2013. The new body is headed by Xi and tasked with overseeing both foreign affairs and domestic security.<sup>122</sup>

Promise Letter



**Copy of document sent by Kunming authorities to work units for signature on May 13, 2013, and subsequently circulated on WeChat**

This unit has conveyed to me the situation related to the “CNPC’s Yunnan refinery project.” I hereby promise the following:

- 1 I will not participate in any rally or demonstration related to “CNPC’s Yunnan refinery project.”
- 2 I will not paste car stickers with content related to the “CNPC’s Yunnan refinery project,” and will not via Weixin [WeChat], Weibo, QQ, or other similar internet media means of transmission relay related content.
- 3 I will not publicly express any personal views on the matter.
- 4 My family members will not participate in the above activities.

Zhou’s retirement and the anticorruption investigation that has since closed in on him appear to be aimed at removing a potential threat to Xi’s power—especially after 2012 rumors that Zhou had plotted against him with disgraced Politburo member Bo Xilai—rather than signaling a reduction of the security apparatus’s role in governance.

**2. Mainstreaming into overall governance**

The integration of the security apparatus into the main axes of political leadership has been apparent at lower levels of the party’s bureaucracy as well. A recent academic study tracking PLC-related personnel changes in the November 2012 rotation found that although security officials like PSB leaders no longer chaired the PLCs in many regions, more senior CCP cadres—especially deputy party secretaries—have replaced them, as opposed to judges or other members of the legal profession.<sup>123</sup>

**CASE STUDY 2. Defusing Environmental Protests in Kunming**

Officials in the southwestern city of Kunming employed a mixture of surveillance, threats, and concessions to quash a protest movement against a new state-owned petrochemical plant that residents feared would release paraxylene, a suspected carcinogen.

In February 2013, China National Petroleum Corp. (CNPC) announced that it had obtained approval for construction of an oil refinery in Anning, part of the Kunming municipality. The local government was simultaneously considering approval for an additional facility to process paraxylene, a byproduct of the refining process. On May 3, shortly after construction began, messages calling on Kunming residents to stage a protest went viral on social media. The following day, approximately 2,000 people gathered in the city’s commercial district. Over 100 police officers surrounded the group, but the demonstration passed peacefully. As one eyewitness noted, “After all, Kunming’s security forces have to breathe the city’s air just the same as anyone.”<sup>1</sup>

As news spread of plans for another protest on May 14, the Kunming authorities took steps to prevent it.



These and other personnel changes that occurred in November 2012 point to a dispersal of power over the security and law enforcement system among several officials at each bureaucratic level. While this breaks up the command structure created under Zhou, it does nothing to reduce the size or importance of the apparatus. In fact, it causes security priorities to seep into a wide array of governance areas, a process the study's authors term the "securitization of the state."

### 3. Adding resources

As noted above, the official budget for internal security began to outstrip that of national defense in 2011, drawing much international attention and speculation about the domestic threats to the CCP's power.<sup>124</sup> The trend continued through March 2013, when the government's annual budget reportedly allocated 769.1 billion yuan (\$125 billion) for internal security and 740.6 billion yuan (\$119 billion) for national defense.<sup>125</sup>

In 2014, for the first time in over a decade, the overall figure for internal security—including contributions from provincial and local governments—was not reported.<sup>126</sup> Instead, a smaller figure representing funds coming directly from the central government was released: 205 billion yuan (\$33 billion).<sup>127</sup> This figure, too, represents an increase from 2013, of approximately 5.4 billion yuan (\$870 million), or nearly 3 percent.<sup>128</sup> The rise, though smaller than in previous years, reinforces speculation that the overall number went unpublished in 2014 to avoid drawing attention to the additional resources devoted to domestic security. According to at least one interviewee who is in regular touch with grassroots activists across China, the increase in personnel and resources has been palpable at the ground level.<sup>129</sup>

### 4. Enhancing community surveillance

As noted above, as part of its "stability maintenance" efforts, the CCP in recent years has also been empha-

Employees at public institutions or companies affiliated with the government were required to come to work that day. Both government employees and a range of middle-class professionals—including accountants, doctors, teachers, and architects—were urged to sign a written promise not to join future protests (*see image at left*). Leaders of government work units were threatened with dismissal should they participate. One prominent radio host reported being closely monitored by his boss to make sure that he remained at work and deleted all of his social-media posts related to the protest.<sup>2</sup>

As a result, no large protest occurred on May 14. However, about 2,000 people gathered on May 16, this time in front of the provincial government buildings.<sup>3</sup>

There was no violence, though at least one person was arrested. The authorities subsequently increased their monitoring of local activists, restricted the sale of facemasks and t-shirts used by protesters, and intensified media censorship. Meanwhile, the mayor promised greater transparency and opened a Weibo account to communicate with the public. On May 25, the public security department staged a "live drill" involving armored vehicles, riot police, and police dogs, signaling to residents that future protests could be forcibly suppressed.<sup>4</sup>

The demonstrations died out, but media reports indicated that the refinery project had been delayed, ostensibly due to concerns about overcapacity rather than as an explicit concession to public opinion.<sup>5</sup>

1. "Anatomy of a protest: Kunming citizens voice concern over chemical plant," *East by Southeast* (blog), May 6, 2013, <http://www.eastbysoutheast.com/anatomy-of-a-protest-kunming-citizens-voice-concern-over-chemical-plant/>.
2. Email communication and interview with former Kunming resident who wished to remain anonymous, July 2013 and June 2014.
3. Jonathan Kaiman, "Chinese protesters take to streets in Kunming over plans for chemical plant," *The Guardian*, May 16, 2013, <http://www.theguardian.com/world/2013/may/16/chinese-protesters-kunming-chemical-plant>.
4. Patrick Boehler, "Kunming restricts face mask and T-shirt sales 'to prevent more environmental protests,'" *South China Morning Post*, May 27, 2013, <http://www.scmp.com/news/china/article/1247205/kunming-restricts-face-mask-and-t-shirt-sales-prevent-more-environmental>.
5. Judy Hua and Chen Aizhu, "PetroChina delays operation of refineries on overcapacity," Reuters, January 23, 2014, <http://www.reuters.com/article/2014/01/23/china-oil-delay-idUSL3N0KX1IN20140123>; Gaurav Sharma, "China's refining sector gets a reality check," *Forbes*, September 16, 2014, <http://www.forbes.com/sites/gauravsharma/2014/09/16/chinas-refining-sector-gets-a-reality-check/>.

sizing “comprehensive social-order management,” meaning steps to prevent protests and avoid the public backlash that came with their forced dispersal. This approach, which includes enhanced surveillance and early intervention, has gained further prominence under Xi.

In an October 2013 speech, Xi praised the “Fengqiao experience” and urged cadres to follow its example as part of his Mass Line campaign.<sup>130</sup> The term refers to a district in Zhejiang Province that supposedly carried out Mao’s “Four Clean-ups” political campaign in 1963 without arresting anyone. The local party leader reported that the “masses” had taken part in public security work by monitoring, reporting on, and helping to “reeducate” their neighbors. In November 1963, Mao urged other regions to follow the Fengqiao example.<sup>131</sup> Qian Gang of the University of Hong Kong’s China Media Project explains the unusual nature of Xi’s adoption of the term:

The reemergence of the “Fengqiao experience” and its rise in temperature had to do directly with the intensification of the regime of stability preservation in China. Until recently, no top Chinese leader since Mao Zedong had ever been quoted publicly in the *People’s Daily* or other state media making remarks on the “Fengqiao experience.” Not Deng Xiaoping. Not Jiang Zemin. Not Hu Jintao. But now Xi Jinping has broken the mold with his “important instructions on the development of the ‘Fengqiao experience.’”<sup>132</sup>

Shortly after Xi’s speech, an article in Guangdong Province’s *Southern Weekly* newspaper presented a contemporary example of how police were applying the “Fengqiao experience.” In July 2013, a man whose father had been killed in a traffic accident urged police to investigate whether the other driver had been under the influence of alcohol, but they failed to do so. A day before the man planned to gather others to protest, the authorities discovered his intention. The deputy chief of police used one of the man’s former classmates to urge him to accept mediation and peacefully resolve the case. The use of friends and family to pressure individuals is a common tactic for demobilizing would-be protesters, dubbed “relational repression” by professors Yanhua Deng and Kevin J. O’Brien.<sup>133</sup>

The weekly describes how the man’s protest plans were detected through a network of informants:

The town has 28 villages and two communities, but the town police sub-station only has 27 police

officers.... They also hired 48 “peace managers” stationed in each village. The peace managers’ responsibility is to get to know every household and everything that happens in these households.... In addition, the town employs a “grid management” mechanism: every village has a “village working group” and the group leader is responsible for gathering all of the information within the “grid” and communicating it to the police.<sup>134</sup>

## 5. Refocusing party members’ performance goals

The CCP’s cadre evaluation system, instituted in the 1980s, provides a unique window on the policy priorities of the party’s leadership. It is a primary method employed by the central leadership to communicate these priorities to lower-level cadres and incentivize their implementation. Performance targets are set for various policy areas and serve as the basis for determining cadres’ promotion, demotion, and even dismissal. As such, they are what ultimately motivates many officials, so that in the case of a conflict between meeting a target and legislation barring abusive behavior to achieve it, the former typically trumps the latter.

Not all performance targets are created equal. There are three categories with varying influence on a cadre’s career advancement, and the assignment of a goal to a given category indicates its significance in the eyes of senior officials.<sup>135</sup>

- **“Priority targets with veto power”** (*yipiao foujue*, literally “one-ticket veto”) – These are performance criteria that officials must meet if they are to be a candidate for promotion. The reference to “veto power” reflects the fact that failure on one such target automatically cancels out positive performance in other areas and can even lead to termination.
- **“Hard targets”** (*ying zhibiao*) – For officials whose advancement is not doomed by failure on a “veto power” target, a high score on the second-tier hard targets yields promotions and bonuses, while a low score means a stagnating career and no additional income. Hard targets typically consist of more quantifiable indicators, such as the local economic growth rate or the amount of tax revenue collected.
- **“Soft targets”** (*yiban zhibiao*) – Soft targets are often general criteria in fields such as education, health care, or cultural development that are not as easily quantifiable as hard targets and are less likely to make or break a cadre’s career. As a result, local officials typically devote less time and attention to them.

Given the impact that “veto power” targets can have on an official’s career, one would expect them to be reserved for a small number of policy areas. However, the number has expanded over the years as different parts of the party bureaucracy have sought to promote effective action on various issues.

For example, according to media reports, party authorities in the city of Dongguan, Guangdong Province, had 14 “veto power” targets by 2009.<sup>136</sup> In some regions, seemingly mundane indicators crept into this all-important category, including the number of pigs slaughtered, the number of activities held on a school campus, and the amount of alcohol and cigarettes sold.<sup>137</sup> Such excesses inevitably contributed to conflicting priorities, dilution of resources, increased corruption and faking of numerical indicators, and ultimately, reduction in the incentive power of the target system.<sup>138</sup>

The Xi leadership set out to correct the distortions, streamline the system, and reserve “veto power” status for a limited number of truly important issues.

In December 2013, the Organization Department of the CCP Central Committee published a notice instructing local leaders to limit the use of “veto power” targets.<sup>139</sup> The directive was soon reflected in lower-level cadre evaluation criteria that appeared online, calling on officials to eliminate all such targets except for a select few, and to prohibit the establishment of new “veto power” targets without authorization from the central or provincial authorities.

Based on an examination of several provincial and city-level guideline documents,<sup>140</sup> the main “veto power” areas designated by the central authorities as of May 2014 appear to be:

- Social stability (or social management)
- Population and family planning
- Party discipline

Two other areas appear in many but not all such documents, indicating that they may have been determined by provincial authorities, or by the central government for certain regions:

- Environmental protection
- Safety in production lines

Not surprisingly, “maintaining social stability” is a constant on the lists. “Social stability” targets are often broken down into several sub-indicators. First, the

documents note certain types of incidents for which a “zero” occurrence is required, such as large protests, collective petitions, a petitioner reaching Beijing or the provincial capital during a sensitive political period, or Falun Gong practitioners meditating in public or distributing leaflets.<sup>141</sup> The lists then turn to less politically fraught topics like criminal activity, gambling, prostitution, drug use, and fatal accidents such as fires, factory mishaps, or traffic collisions.

The impact of each incident or other perceived threat to social stability is assessed through a point system. Increasingly, this includes failure to conduct “social stability risk assessments” for official actions that might trigger public discontent. Any official in charge of a village, work unit, or other bureaucratic entity whose total points drop below a certain level is subject to a “veto power” decision.<sup>142</sup> It can be applied on an individual basis or collectively to multiple cadres in responsible positions. In some cases, monetary rewards and punishments are attached to the prevention or occurrence of negative incidents.

The inclusion of family planning on the list of major priorities highlights the extent to which the regime’s highly intrusive measures to control reproduction continue apace under the new leadership, despite the much-touted reform that expanded the number of families permitted to have two children.<sup>143</sup> It is the designation of family planning as a “veto power” performance target that encourages local officials to continue employing abusive practices like forced abortion and sterilization, despite nominal prohibition of such tactics by central authorities. Indeed, according to the U.S. Congressional-Executive Commission on China (CECC), at least 22 out of China’s 31 provinces retain regulations that urge officials to employ “remedial measures” for “out-of-plan” pregnancies, a CCP euphemism for abortions conducted without parents’ consent.<sup>144</sup>

The identification of party discipline as a “veto power” target area is consistent with the Xi leadership’s aggressive anticorruption campaign, designed partly to address a key source of public discontent.<sup>145</sup> The party discipline targets vary somewhat from place to place. For example, in the city of Xinghua, Jiangsu Province, actions triggering a “veto power” decision are defined to include any disciplinary violation that results in an investigation by the party’s disciplinary committee, as well as “any officials who are found to be keeping ‘little coffers,’ hidden caches of cash siphoned from public funds.”<sup>146</sup> Interestingly, in Xian, a “veto power” decision appears to be triggered not by a disciplinary violation

or action that “harmed the taxpayers’ interests,” but only when such an incident is also discovered and exposed by the official’s superiors or the media.<sup>147</sup>

Environmental protection is clearly an issue of rising importance for both the public and the regime.<sup>148</sup> The targets related to pollution appear to focus on reducing air contamination, which has become a catalyst for public protests even in medium-sized cities. Based on local government websites in the provinces of Liaoning, Hubei, and Sichuan, the environmental targets are defined to include controlling emissions involving major pollutants, PM 2.5 airborne particles, construction, and aging vehicles.<sup>149</sup> In some areas, the “veto power” effect is tied to an annual evaluation on implementation of specified emission-reduction measures.<sup>150</sup>

It is worth noting that economic performance is not listed as a “veto power” target, despite its importance to party legitimacy. Instead, economic growth is typically included as a “hard target.” This is partly because the “veto power” areas tend to focus on preventing “negative” developments that pose an immediate threat to party rule. A mediocre or poor economic performance could ultimately lead to protests and other expressions of discontent, but it is apparently not seen as a direct threat in itself. The December 2013 notice by the Organization Department of the Central Committee reinforced this point by noting that gross domestic product and growth-related targets cannot be the sole evaluation criteria for provincial officials.<sup>151</sup>

#### D. Evolving targets and tactics of repression

The Xi leadership has moved to improve the image, reorganize the structure, and refocus the goals of the security apparatus, but it has also sought to quash perceived threats to CCP rule with renewed energy since the November 2012 transition. As with the crackdown on social media, the intensified repression of civil society has combined previously employed tactics with a more subtle, systematic, and comprehensive strategy for weakening the country’s “rights defense movement.”

To identify trends in political repression under the new CCP leadership, Freedom House researchers examined 17 categories of individuals or groups that are targeted by the party-state’s coercive apparatus. These include not just dissidents, activists, and minorities, but also CCP members who face detention and abuse within the party’s extralegal *shuanggui* disciplinary system. Taken together, the categories represent tens

of millions of Chinese citizens and a wide range of human rights causes (both political and socioeconomic), although not all members of the relevant groups are subject to harsh repression or imprisonment.

The enclosed chart evaluates changes in the level of repression for each of the 17 categories between the two years preceding November 2012 and the period since the change in leadership. The assessment draws on the interviews conducted for this study, media reports, and documentation and analysis by Chinese Human Rights Defenders, the Duihua Foundation, the China Labor Bulletin, and the CECC.

Three notable trends emerged from the assessment:

- **Overall increase in repression:** Of the 17 categories, 11 experienced an increase in repression since Xi Jinping took office as head of the CCP, indicating an overall intensification of repression. (Five experienced a consistent level of repression, and only one a minor decrease.)
  - **Increase:** grassroots rights activists, online opinion leaders, ordinary internet users, civic-minded businesspeople, CCP cadres, labor leaders, scholars and professors, print and television journalists, Christians, Tibetans, Uighurs
  - **Consistent:** political dissidents, human rights lawyers, formal nongovernmental organizations (NGOs), protest participants, Falun Gong practitioners
  - **Decrease:** petitioners
- **Expansion to new targets:** Those subject to public humiliation, detention, imprisonment, and physical abuse since November 2012 include individuals whose activities, social status, or relationship with the government had previously placed them on the safe side of the party’s “red lines.” Among the new targets were a pastor from a state-sanctioned church, an internet entrepreneur, a businessman with millions of social-media followers, a nationally acclaimed lawyer, and various middle-class professionals. Party cadres also faced physical abuse, with three reportedly beaten to death in the custody of *shuanggui* officials in 2013. In several cases, people were punished not for participating in public displays of defiance, but rather for gathering privately to commemorate the killings on June 4, 1989, or to practice their religious faith.
- **Especially harsh treatment of religious and ethnic minorities:** Members of religious and ethnic minori-

ties (Falun Gong practitioners, Tibetans, Uighurs, and to a lesser degree, Christians) were more likely than other categories of victims to be subjected to long prison sentences of 10 years or more, systematic torture, and death in custody. This tendency was driven by a combination of party priorities, centrally issued incentives, routine impunity, and vilifying propaganda.

### Changing tactics

The assessment also clarified several ways in which the authorities' tactics have evolved since November 2012:








- **Shift to less overtly political charges:** There has been an increase in arrests on charges related to assembly, such as "gathering a crowd" or "disrupting public order," instead of more overtly political crimes like "inciting subversion." Some journalists, activists, and members of the economic elite have been detained on seemingly trumped-up charges of fraud, bribery, illegal business activities, or prostitution. By using these charges, the authorities may be attempting to obfuscate the political motivation behind the arrests and suggest that they are necessary to maintain order and root out corruption.<sup>152</sup>
- **Changes in types of detention:** In some cases, authorities appear inclined to use short periods of detention instead of other forms of intimidation, such as house arrest. A large number of grassroots activists and petitioners were subjected to brief stints of criminal or administrative detention, typically ranging from 5 to 37 days, even if their cases were not forwarded to prosecutors for trial and potential imprisonment.<sup>153</sup> Meanwhile, for Falun Gong practitioners, the abolition of the RTL camp system coincided with an increased use of prison sentences on the one hand, and detention in extralegal "legal education centers" for forced conversion on the other. Many petitioners were also sent to extralegal detention facilities that appeared to be proliferating under a variety of names.
- **Revival of forced confessions on national television:** Recalling the political campaigns of the Mao era, such confessions were employed against online opinion leaders and journalists, adding public humiliation to the formal punishments they faced and serving to intimidate other would-be dissidents.<sup>154</sup>
- **Imposition of high fines:** Several individuals who were sentenced to prison terms also faced very high fines, in some cases amounting to hundreds of thousands of yuan. This could be an attempt by authorities to impose an additional cost on those who may not fear imprisonment but whose families would be affected by financial penalties.<sup>155</sup>

### Changes in Repression Level for Chinese Targets



Compared with pre-November 2012 levels



Target category <i>Change in level of repression</i>	Trend summary since November 2012
<b>Political dissidents</b> <i>Consistent</i> 	The CCP's attitude toward this group remained the same, though there were fewer high-profile cases of imprisonment for organizing a political party—a reflection of the changing nature of political activism. Instead there was a crackdown on activists who met privately to commemorate the 25th anniversary of the Tiananmen Square massacre. The authorities increasingly charged dissidents with nonpolitical crimes such as "disturbing public order," which may carry shorter sentences but obfuscate the true reason for punishment.
<b>Grassroots rights activists</b> <i>Increase</i> 	The crackdown on individuals affiliated with the loosely organized New Citizens Movement or engaging independently in grassroots activism led to the detention of hundreds of people across the country and prison sentences for at least 20. While the leadership pursued a top-down anticorruption campaign, citizen-led anticorruption activities were harshly suppressed. Individuals who stood in public with banners calling for officials to declare their assets were prosecuted, and several were sentenced to prison. Anticorruption bloggers also faced reprisals. Some activists were detained merely for participating in private gatherings, representing a tightening of political space. In March 2014, Cao Shunli died in custody from mistreatment and denial of medical attention, the first such case involving a prominent civic activist in years.

Target category <i>Change in level of repression</i>	Trend summary since November 2012
<b>Human rights lawyers</b> <i>Consistent</i> 	<p>Although human rights lawyers did not suffer the sort of extralegal abductions that were employed in early 2011, they continued to face harassment and disbarment. They were also increasingly subjected to physical attacks and administrative detention when representing clients or seeking to expose extralegal detention centers. In addition to several lesser-known figures, two nationally prominent lawyers—Xu Zhiyong and Pu Zhiqiang—were arrested for their activism, with the former sentenced to four years in prison.</p>
<b>Online opinion leaders</b> <i>Increase</i> 	<p>Efforts to curtail the influence of online opinion leaders gained momentum in August 2013 and included arrests, interrogations, harassment, online verbal intimidation, and shuttered accounts. As a result, numerous politically liberal commentators, including several who had millions of followers, disappeared from what had been the premier social-media platform, Sina Weibo.</p>
<b>Ordinary internet users</b> <i>Increase</i> 	<p>A new set of judicial interpretations issued in September 2013 expanded the criminalization of online speech, particularly for alleged “rumors.” This coincided with the reported arrest and punishment via administrative detention of hundreds of ordinary internet users. Even absent the threat of arrest, the guidelines contributed to a chilling of online debate.</p>
<b>Civic-minded businesspeople</b> <i>Minor increase</i> 	<p>A number of entrepreneurs were among those swept up in crackdowns on online opinion leaders and the New Citizens Movement, in some cases because of financial support they provided to activists. These individuals include Charles Xue, Wang Gongquan, and Li Huaping. Dong Rubin, an internet entrepreneur, was sentenced in July 2014 to 6.5 years in prison and fined 350,000 yuan (\$57,000). The inclusion of even a few members of the economic elite among those targeted for political repression represented a new development, and was a reaction to their growing public influence and links to like-minded professionals.</p>
<b>CCP cadres</b> <i>Increase</i> 	<p>As part of Xi’s aggressive anticorruption campaign, the number of CCP members subjected to investigation, detention, and imprisonment increased. Many were held—and some abused—in the party’s internal, extralegal <i>shuanggui</i> detention system. At least three suspicious deaths of officials in custody occurred in 2013. Although this group of targets does not garner much public sympathy, the lack of due process and the politicized selection of targets violate the rule of law, and the campaign has generated uncertainty, fear, and displeasure among the party ranks.</p>
<b>Formal NGOs</b> <i>Consistent</i> 	<p>Registration requirements for certain NGOs, primarily service-oriented “social organizations,” were loosened under new regulations in most of China’s provinces and municipalities, though passage of national legislation was delayed. Some activists affiliated with formal NGOs noted a mild decline in official intimidation as security forces turned their attention to informal activist networks, which were viewed as more politically threatening. However, these trends were offset by increasing pressure on other NGOs, including high-level probes into the activities of foreign organizations. Two prominent advocacy groups working on public health issues also faced harassment, raids, and other obstacles to their operations due to the tightened political environment.</p>
<b>Petitioners</b> <i>Minor decrease</i> 	<p>The abolition of the “reeducation through labor” camp system resulted in the release of many petitioners, as it had been the primary form of long-term detention used against them. Nevertheless, human rights groups documented hundreds of cases of petitioners being sentenced to shorter stints of administrative detention or held in “black jails.” Instructions for courts to handle petitions on legal matters led to speculation that some petitioners might be spared retaliation. However, the impact of the new policies remained to be seen, as some repression appeared to simply shift from Beijing to localities, contributing to a proliferation of “legal education centers” and other extralegal detention facilities.</p>

<b>Target category</b> <i>Change in level of repression</i>	<b>Trend summary since November 2012</b>
<b>Protest participants</b> <i>Consistent</i> 	<p>In addition to arrests of protest organizers, various measures were taken to intimidate past or potential participants. Expanded community surveillance facilitated official efforts to intervene early and preempt demonstrations. In some cases, concessions were made, and officials reiterated Hu-era instructions for local security agents to avoid the use of force when possible. Nevertheless, as in previous years, several cases of official violence against unarmed protesters circulated on social media and made international headlines.</p>
<b>Labor leaders</b> <i>Minor increase</i> 	<p>After several years in which it was unusual for a labor leader to face arrest for organizing workers or striking, several individuals were prosecuted in early 2014 for leading or participating in a labor protest. None were sentenced to more than nine months in prison, and all were quickly released on the basis of time served or because prosecutors dropped charges. Nevertheless, the cases were widely publicized in state media in an apparent effort to deter other labor activists. More generally, according to the China Labor Bulletin, there was a noticeable increase in police interventions in the latter half of 2013, sometimes involving beatings and brief arrests. This reflected a tougher stance taken by local governments against workers' protests, though it remained unclear whether this was due to a change in the attitude of central authorities.</p>
<b>Scholars and professors</b> <i>Minor increase</i> 	<p>The space for academic discussion of democratic ideas and institutions was threatened in May 2013, when the CCP Central Committee reportedly issued orders to universities to avoid "Seven Don't Speak" topics in their teaching, including universal values, press freedom, judicial independence, and civil rights. According to multiple sources, this directive was subsequently withdrawn. Nonetheless, at least two scholars were dismissed from their positions at universities in Beijing and Shanghai for writings that criticized the one-party political system.</p>
<b>Print and television journalists</b> <i>Minor increase</i> 	<p>The space for investigative reporting shrank, as several prominent journalists were forced to leave their positions, while others were detained and faced potential imprisonment. In a new tactic reminiscent of the Mao era, at least three journalists were paraded on national television to give suspicious confessions of crimes ranging from bribery to leaking state secrets.</p>
<b>Falun Gong practitioners</b> <i>Consistent</i> 	<p>Falun Gong practitioners continued to be at risk of arbitrary detention, torture, and imprisonment amid a renewed three-year campaign to force adherents to renounce their faith, an often-violent process termed "transformation." The campaign included transformation quotas for local officials. The abolition of "reeducation through labor" led to some early releases, and some local officials reportedly began showing leniency despite central directives. Nevertheless, hundreds and possibly thousands of Falun Gong adherents were sent to "legal education centers" for forced conversion or sentenced to prison terms of up to 12 years via the courts. According to several attorneys handling Falun Gong cases, adherents are the group—with the possible exception of ethnic minorities—most likely to die from abuse in custody, and numerous such cases occur each year.</p>
<b>Christians</b> <i>Minor increase</i> 	<p>Harassment of both underground and state-sanctioned churches increased, particularly in Zhejiang Province. A government campaign against "illegal structures" led to the removal of religious symbols and the demolition of many church buildings, including facilities that were previously approved by the government. In an unusual development, Zhang Shaojie, a pastor from a state-sanctioned church, was detained in November 2013 and sentenced to 12 years in prison in July 2014, apparently in retaliation for his defense of the church's land rights and assistance to congregants seeking justice for official abuses.</p>

<b>Target category</b> <i>Change in level of repression</i>	<b>Trend summary since November 2012</b>
<b>Tibetans</b> Minor increase 	As self-immolations reached their peak in November 2012 and then continued periodically, official reprisals for those involved intensified. In a form of collective punishment, a regulation allowed those found to have assisted a self-immolator to be charged with homicide. A late 2013 crackdown in one county alone led to at least 58 detentions and 15 prison sentences of up to 18 years. At least two monks, including a popular religious leader, were beaten to death in custody in 2013 within weeks of their detention.
<b>Uighurs</b> Increase 	The already repressive environment in Xinjiang was further tightened amid official reports of attacks by Uighur extremists. The presence of security services like the People's Armed Police intensified, as did the use of informants and restrictions on religious attire and beards. The Duihua Foundation estimated that the number of "endangering state security" trials in Xinjiang increased by 10 percent to 300 in 2013. Such charges typically relate to acts involving speech or association rather than the use of violence. According to rights groups, security forces used deadly force to suppress some protests in the region. The party's intolerance for nonviolent opposition to its policies in Xinjiang was evident in the January 2014 arrest of Ilham Tohti, a prominent Uighur scholar and supporter of improved interethnic understanding. He was sentenced in September to life in prison on charges of separatism.

## E. Conclusion

The findings above indicate that Xi and his colleagues have indeed taken steps to address problems with the legal and security apparatus that had emerged toward the end of the Hu era. For example, they dealt with the fact that authority over the system was concentrated in the hands of Zhou Yongkang and his subordinates, rather than the CCP general secretary and other party officials. However, notwithstanding a handful of minor reforms, the Xi leadership has done little to fundamentally change course and bring the repressive apparatus under the rule of law or reduce its enormous role in governance. In fact, the current leaders appear to be increasing repression, expanding the targets and reach of the security agencies even more than their predecessors.

In the process, they have adjusted the tactics employed to suppress critics and perceived threats to the CCP's political dominance. On the one hand, there seems to

be a greater emphasis on more formal types of punishment—such as administrative detention, brief criminal detention, and full prosecutions—and on punishments that discredit or humiliate the target, most likely a bid to enhance the legitimacy of the crackdown. On the other hand, this has not translated into an actual reduction in the use of extralegal detention, since the abolition of the discredited RTL system has led to the reported proliferation of less visible alternative facilities.

In some ways, the increased repression has succeeded in achieving party goals, such as neutralizing the New Citizens Movement, cowing corrupt officials, and preventing some public protests. However, these accomplishments have come at a cost. The regime's actions are generating resentment among the public, damaging the party's legitimacy, and even stoking resistance from some of its own members, as discussed in the following section.



## Part III: The Limitations of Censorship and Repression

Given the prodigious resources, bureaucratic incentives, and brutality the CCP has employed against those it sees as a threat to its rule, it is tempting to conclude that the regime's opponents are fighting for a lost cause. Yet the interviews and other research conducted for this study consistently indicated that CCP censorship and repression are not as effective as they may appear at first glance.

### A. Civil society resilience

Civil society has manifested its resilience in the face of increased repression in four key ways:

- **More people are joining rights-defense activities.** People who previously would not have become involved in challenging corruption or rights abuses by the regime are increasingly willing to add their voice, or even take to the streets, to demand change.<sup>156</sup> For example, people will join a protest or sign a petition even if the complaint in question does not touch directly on their own interests. Similarly, the subset of attorneys who are willing to take on human rights cases, self-identify as human rights lawyers, and join colleagues to call for the release of detainees or fellow lawyers has grown dramatically over the past decade.<sup>157</sup> According to one such attorney, “every day new human rights lawyers become active.”<sup>158</sup> Even with so many human rights defenders being detained or disbarred by the authorities, he says, other lawyers, activists, and citizen journalists are emerging to take their place.
- **Coordinated activism yields concessions, with officials on the defensive.** A larger number of people joining rights-defense causes and initiatives puts greater pressure on the government to concede to citizens' demands, at least some of the time or temporarily. In some instances such activism can

fend off more serious repression, while in others it can lead to the dismissal and even prosecution of corrupt officials (as occurred in several cases prompted by netizens' exposure of officials' luxury watches or multiple residences).<sup>159</sup> In a case that emerged in September 2013, a teenager in Gansu was initially swept up in the authorities' social-media crackdown, but a public outcry led to his release and the suspension of the local police chief (see *Case Study 3, next page*).<sup>160</sup>

- **Activities targeted for suppression continue.** These include tenacious efforts by petitioners to have their complaints heard by higher officials, rights lawyers taking sensitive cases despite the threat of disbarment, and internet users vigorously reposting forbidden information on Weibo even as censors try to delete it.<sup>161</sup> For persecuted religious and ethnic groups, the risks of even quiet resistance are significant given the harsh repression they face. Yet such resistance is widespread. Large numbers of Tibetans continue to keep an image of the Dalai Lama in their possession despite the threat of punishment and “patriotic education” campaigns that urge them to denounce their revered spiritual leader. Similarly, despite a ferocious 15-year bid to eradicate Falun Gong, the group has survived, and some observers estimate that millions of people continue to practice.<sup>162</sup> According to a lawyer who has handled dozens of Falun Gong cases, large numbers of people have even taken up the practice for the first time in recent years.<sup>163</sup> One overseas Falun Gong website, whose editors maintain close, confidential contact with mainland adherents, has published over 500,000 statements since 1999 in which practitioners, having been released from custody, renounce statements they signed under threat of torture and reaffirm their dedication to the practice.<sup>164</sup>

### CASE STUDY 3. Civil Society Victory: Teenage Netizen Released, Police Chief Suspended after Outcry



Illustration referencing the threshold of 500 reposts included in the regulations under which Yang was initially detained.

Manhujia/Weibo, China Digital Times

At the height of the Chinese government's crackdown on social media and online "rumors" in August and September 2013, authorities in Gansu Province detained 16-year-old Yang Hui. The student was arrested on September 17 in Zhangjiachuan County after he used his microblog to castigate the local police for their handling of the death of a karaoke bar manager. He accused the authorities of covering up a murder by quickly deeming the death a suicide. The postings prompted a street protest by hundreds of people at the alleged crime scene.

A reporter from the *Beijing Times* found a notice of Yang's detention on a government website and published a story about the case. The article was posted online and picked up by other publications, drawing national and international attention. Two lawyers traveled to Gansu, and more than 40 promi-

nent attorneys signed a petition calling for Yang's release. Meanwhile, netizens began uncovering possible evidence of corruption among local officials. Yang was released without charge on September 23. The following day, the Zhangjiachuan County police chief was suspended.

Yang was thought to be the youngest and one of the first microbloggers to be detained under a judicial interpretation announced earlier in September that allows users to receive up to three years in prison for posting allegedly harmful information that is viewed more than 5,000 times or reposted more than 500 times. Although hundreds of people were detained administratively during the crackdown, as of May 2014 only one person had reportedly been sentenced to prison under the new judicial guidelines, a possible indication that the civil society pushback against Yang's detention had a much broader impact on enforcement.

1. See Patrick Boehler, "Is a 16-year-old boy's release a victory for netizens in China's internet crackdown?," *South China Morning Post*, September 25, 2013, <http://www.scmp.com/news/china-insider/article/1315878/teenagers-release-rare-victory-chinas-internet-crackdown>; and Jonathan Kaiman, "Chinese police chief suspended after online storm over teenager's detention," *The Guardian*, September 24, 2013, <http://www.theguardian.com/world/2013/sep/24/chinese-police-chief-suspended-yang-hui-detention>.
2. Dan Bloom, "Chinese blogger jailed for three YEARS for rumour mongering in bid 'to turn himself into internet star,'" *Mail Online*, April 17, 2014, <http://www.dailymail.co.uk/news/article-2606913/Chinese-blogger-jailed-three-YEARS-rumour-mongering-authorities-claim-slandered-government-celebrities-turn-internet-star.html>.

- **Information spreads despite censorship.** Even following the crackdown on microblogs, banned information continues to spread via various channels, including the more private social-media application WeChat, to which many Sina Weibo users have migrated. In recent testimony before the U.S.-China Economic and Security Review Commission, Xiao Qiang, a Chinese internet expert at the University of California, Berkeley, also noted the “fast growing traffic of Chinese internet users using circumvention tools to access blocked websites outside the Great Firewall.”<sup>165</sup> Even within the firewall, a test conducted by Freedom House researchers on a small sample of censorship directives found that 9 of the 14 articles (64 percent) targeted for deletion continued to survive on the Chinese internet over a month after the directive was issued. Queries with the exact wording of titles cited in the directives returned hundreds of search results, and at least one link within the top 10 included the full text of the original article.<sup>166</sup> In addition, users employ a variety of memes, code words, and cultural references to circumvent automatic filters and discuss or voice support for sensitive topics or individuals, with their posts sometimes reaching tens of millions of people.<sup>167</sup>

## B. The regime’s internal resistance

Even more disconcerting for the CCP than civil society resilience are signs of dissent within the party-state apparatus. Some of those tasked with implementing censorship, propaganda, and repression are instead showing sympathy with victims, questioning party methods, quietly refusing to comply with orders, and expressing regret for their role in obstructing other citizens’ freedoms.

Although it is difficult to gauge the actual extent of such actions, a number of examples since 2012 suggest that they are more than an anomaly. Comments by Xi Jinping himself also lend credence to the notion that the party is facing an internal crisis of legitimacy.

### 1. Within the media and censorship apparatus

In January 2013, during the showdown over censorship at the liberal Guangzhou newspaper *Southern Weekly*, a Sina Weibo manager acknowledged that his colleagues had deliberately let news on the story circulate until they were explicitly told to suppress it.<sup>168</sup> Two months later, a retired “news examiner” from *Southern Weekly*’s internal censorship pro-

gram passed away, and a confessional letter he had written circulated widely online. In it, he expressed regret over his role in the censorship apparatus, but not his support for the journalists in their protest. He wrote:

Looking back on the last four years, I made mistakes. I have killed some drafts that I shouldn’t have killed, I have deleted some content that I shouldn’t have deleted, but in the end I woke up, I would rather not carry out my political mission than go against my conscience, I don’t want to be a sinner against history. In the *Southern Weekly* New Year’s editorial incident, I stood up and spoke up out of [a] sense of justice. I have a clear conscience, no regrets.<sup>169</sup>

## Even more disconcerting for the CCP than civil society resilience are signs of dissent within the party-state apparatus.

In November 2013, Wang Qinglei, a veteran producer at the national broadcaster CCTV, used his Sina Weibo account to question the station’s journalistic ethics and its role in aiding the government’s campaign to rein in influential bloggers by airing their coerced confessions. He was subsequently forced to resign, then authored a lengthy open letter describing what had happened and criticizing both CCTV and the party’s propaganda and censorship system.<sup>170</sup> He also asserted that he was not alone in his views:

Kill one to warn a hundred. The leaders know very well that there are many people at CCTV who think like me, but I was just the one who dared to speak out, that’s all. This is the method they can use to fetter everyone’s thinking, futilely.<sup>171</sup>

More recently, in May 2014, following the detention of prominent attorney Pu Zhiqiang and despite heavy censorship, one of the individuals who implicitly expressed support for Pu was Zhou Zhixing, the editor of two journals read by official elites. Zhou posted the following statement on Weibo:

Joining the party used to be sacred, but it has been made profane; going to school used to be joyful, but has been made somber; going to prison used to be miserable, but has been made glorious.<sup>172</sup>

## 2. Within the security apparatus

Several activists and lawyers interviewed for this report relayed knowledge of or experience with incidents in which police disobeyed their superiors' instructions and eased pressure on targets of repression, out of either sympathy for their cause or awareness that they were not "real criminals." One human rights lawyer who has handled Falun Gong cases around the country said,

It feels like the central policy has remained the same, always wanting to repress. But because Falun Gong practitioners have talked to local officials, some of them have changed their attitude and realize that Falun Gong members are not that threatening, so they won't arrest them. Orders for arrests continue to come down from high-level authorities, but sometimes the [local] Public Security Bureau agents will say no, [we won't arrest them,] they are only exercising to be healthy.<sup>173</sup>

Another mainland activist familiar with the suppression of Falun Gong gave a similar description, explaining that security agents are assigned certain targets but do not want to participate in persecuting practitioners. They might go to someone's house and urge them to keep their activities quiet, refuse to arrest them, or arrest and then quickly release them.<sup>174</sup>

A forthcoming academic article analyzes the path-dependency problem the CCP faces with this particular issue. The authors reach the following conclusion, which could also be applied to other repressive policies, and even the "stability maintenance" imperative as a whole:

There is a growing malaise among party cadres and others charged with prosecuting the campaign.... [Yet] the unrecoverable investment of more than a decade's worth of suppression work, compounded by the ineffectiveness of these efforts (as evinced in official documents and by the continuation of resistance activities), limit the state's ability to halt its campaign.<sup>175</sup>

## 3. In CCP communications

Speeches and campaigns by CCP leaders point to

concerns about the "ideological clarity" of party members, media workers, and other officials. Xi commented on the problem in his August 2013 speech to cadres working on propaganda. Using an unusual metaphor, he likened party members' lack of "ideals and convictions" to a spiritual "calcium deficiency," and warned that without improvements, the CCP would be at risk of "rickets," a disease whose symptoms include bone tenderness and skeletal deformity.<sup>176</sup>

To some extent, such rhetoric evokes the corruption and ill-gotten wealth that is endemic among CCP officials. But it also refers to a dearth of sincere commitment to the regime, its ideology, and its authoritarian methods, as do internal directives such as Document No. 9.<sup>177</sup> If there were no officials who believed that a free press and independent judiciary might be beneficial to China, there would be no need to explain to them why and how to oppose those ideas.

## C. Factors driving these dynamics

### 1. For civil society

• **Growing personal exposure to repression and censorship:** As the targets of repression expand and the internet censorship system becomes more pervasive and intrusive, a growing number of Chinese citizens are personally encountering infringements on their freedoms. This generates a sense of solidarity with other victims and an understanding of the beneficial effect that judicial independence, official transparency, or media freedom might have on their own lives. According to Eva Pils, a Hong Kong-based law professor whose research has focused on property rights and the country's growing corps of human rights attorneys, "The rise of civil society that is more explicitly political in its goals, agenda, and language is a reaction to greater repression. Politicization comes out of day-to-day interactions with the legal problems and larger political system."<sup>178</sup> This process is reinforced by some activists' and citizens' innate sense of justice, religious faith, or commitment to universal principles, as well as a sense of entitlement among the country's growing middle class. As one lawyer explained, "People realize the

"The psychological foundation of freedom from fear is being formed."

- Xiao Qiang, Chinese internet expert, May 2014

importance of human dignity. They feel it is right to fight for human rights."<sup>179</sup>

- **Waning fear of repression:** A reduction in fear may seem unlikely given the extent of repression, but it was one of most noticeably recurring points in interviews and related research. There was a palpable chilling effect immediately after the 2011 crackdown on hundreds of activists and lawyers, which was triggered by anonymous calls for a Tunisian-style "Jasmine Revolution" in China. Many were abducted and taken to extralegal detention facilities, and a number were severely abused. Yet nearly all of them have since resumed their activism, in some cases becoming more daring, confrontational, and dedicated to political change than before.<sup>180</sup> The reduced fear is evident in activists' accounts of their conversations with security agents when "invited to tea," essentially a summons for questioning or to deliver official warnings. The activists often report turning the tables on the agents by asserting legal rights, asking for the agents' identification numbers, or urging them to acknowledge the problematic nature of their task.<sup>181</sup> Meanwhile, for the broader population, the CCP's own censorship on the 1989 crackdown and other incidents of regime violence has helped to create a generation of citizens who are unfamiliar with the party's potential brutality, weakening what had been an important deterrent to protests.<sup>182</sup>
- **Waning fear of censorship:** Rather than inducing fear, censorship of social and other media is apparently generating resentment among netizens and the general public. According to Xiao Qiang, "more and more netizens are less intimidated by repressive measures. The psychological foundation of freedom from fear is being formed."<sup>183</sup> The widespread public support received by the striking journalists of *Southern Weekly* in January 2013 reinforces Xiao's assessment. The expressions of support came not just from activists, but also from academics, students, and celebrities.<sup>184</sup> In some cases, censorship may also have the counterproductive effect of motivating netizens to seek out banned information. One recent study by Margaret Roberts, a professor at the University of California, San Diego, found that "awareness of censorship

on the part of consumers and producers of blog posts does not deter the spread of information and instead often undermines government legitimacy and induces information seeking."<sup>185</sup>

- **Safety in numbers:** Contributing to the reduction in fear is a sense of lowered individual risk as more people join rights-defense activities and netizens associate with like-minded individuals. According to one human rights attorney, "the cost [of being a human rights lawyer] is decreasing because of the safety in numbers. If the number of human rights lawyers is higher, the political risk is lower. And even if someone is disbarred, his cases are taken up by other lawyers."<sup>186</sup>
- **General disillusionment with CCP corruption:** Even when individuals do not have a direct stake in a case of repression or activism, they tend to add their support out of disillusionment with, and anger at, the CCP. Some are motivated by the perception that the authorities are arresting good people but not corrupt or abusive officials. One lawyer described the situation as follows: "Because people are realizing that the country isn't going in a good direction and is becoming more corrupt, they feel like they need to do more."<sup>187</sup>
- **Impact of activists' awareness raising:** Partly because of the regime's hard-line stance and the relative rarity of concrete victories like the release of a detainee or the punishment of a torturer, many activists define success as their ability to raise awareness and sympathy for their cause among fellow citizens. A human rights lawyer explained:

The definition of victory is not in court. In Guo Feixiong's case, for instance, we consider it a victory because we have been able to successfully raise the visibility of his case. People in China have been changing the profile picture on their Weibo account to Guo's photo. That is the impact we have been having and these things will yield a result.<sup>188</sup>

Several interviewees noted in particular the persistent efforts of Falun Gong adherents to talk to local officials, distribute leaflets and DVDs to residents, and rebut vilifying party propaganda against the group. As

## CASE STUDY 4. Civil Society Resilience: Grassroots Pro-Falun Gong Petitions



Photo of the original petition  
*Falun Dafa Information Center*

Launched in 1999, the CCP's bid to wipe out the Falun Gong meditation and spiritual discipline has become one of the party's longest-running repressive campaigns, absorbing considerable resources and pushing the authorities' enforcement capacity to its limits. Yet adherents continue to practice and expose rights abuses, and they are increasingly gaining grassroots support for their efforts. The latter trend began as assistance from prominent rights lawyers, who openly defended practitioners in court. In recent years, the phenomenon has expanded to include dozens of petitions signed by villagers to urge the release of a neighbor detained for practicing Falun Gong, or to seek justice for an individual who was tortured to death. The number of signatories has ranged from hundreds to as many as 15,000.<sup>1</sup> In some instances, local police or village

officials have joined ordinary residents in signing the documents.<sup>2</sup>

Although these events began during the Hu Jintao era, they have continued under Xi Jinping. In a clear example of spiraling repression and resistance, government efforts to punish those responsible for collecting signatures have sometimes yielded second and third rounds of petitions. One of

the most prominent cases occurred in Zhengding County, Hebei Province, where local Falun Gong adherent Li Lankui was detained in June 2012 ahead of a visit to the region by Iowa governor Terry Branstad and then vice president Xi.<sup>3</sup> A petition urging Li's release initially garnered 700 signatures. After a government crackdown,<sup>4</sup> it snowballed into multiple successive petitions, so that by early 2013 the latest document had collected nearly 11,000 signatures.<sup>5</sup>

According to two Chinese activists familiar with the trend, only a small number of the petitions have yielded the release of detainees, but many have succeeded in ensuring their access to legal counsel, raising awareness of their cases, and "recalling people's sense of justice."<sup>6</sup>

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a result, since 2011, thousands of non-adherents have signed petitions urging the release Falun Gong neighbors from custody,<sup>189</sup> or assembled to guard against their arrest (see *Case Study 4*).<sup>190</sup>

## 2. Within the regime

- **Realization that victims of repression are not ‘bad people’:** This was cited by activists and lawyers interviewed for the study as one of the reasons why not just civilian observers but also officials within the system might take action to ease or prevent the suffering of victims. Such sympathy may arise because the official personally knows the victim, because a family member has described their plight, or because a defense lawyer has demonstrated the victim’s innocence.
- **Fear of future punishment:** There appear to be two sources of this fear. First, some officials hesitate to be too active in implementing persecutory directives because they could face punishment if the regime’s attitude or leadership changes in the future. When high-level officials affiliated with particular campaigns are removed and prosecuted under new policies or due to political infighting, many subordinates can be pulled down with them, as is occurring with former security czar Zhou Yongkang and Li Dongsheng, a former vice minister of public security and 610 Office head.<sup>191</sup> Second, the fear of public exposure by activists and humiliation before family, friends, and neighbors can serve to mitigate the zeal with which officials carry out repressive measures.<sup>192</sup> Exposure of abuses by civil society can also compel higher authorities to punish them as scapegoats.
- **Inside knowledge of troubling abuses:** Individuals

working within the party-state apparatus are often privy to behind-the-scenes abuses or questionable activities, which may ultimately motivate them to resist. For some, like CCTV producer Wang Qinglei or a former prison guard who reportedly signed a petition seeking justice for a religious detainee killed in custody, this is what compelled them to speak out.<sup>193</sup>

- **Common interests with targets of repression:** According to professor Li Lianjiang of the Chinese University of Hong Kong, this is especially relevant to environmental protests, as some members of the political elite and security forces are local and therefore personally affected by pollution and other damage to the environment. By contrast, the highest-ranking officials in many regions are appointed by the central government and “parachuted in” from another region.<sup>194</sup> The result is that in some cases, local officials and government employees have helped mobilize environmental protests or participated in demonstrations, and police have avoided repressing such assemblies or expressed sympathy with the protesters’ cause.<sup>195</sup>

## D. Conclusion

Given the difficulty of obtaining comprehensive information on topics like reduced societal fear and intraparty dissent, the analysis above entails a degree of speculation as to scale. Nevertheless, even these limited examples hint at fundamental flaws in the CCP’s repressive apparatus. They indicate that even if the party appears to be winning the battle for control over the streets or social media, it may be losing the war when it comes to the hearts and minds of the Chinese people.

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## Part IV: Recommendations

Regardless of their implications for the CCP and the resilience of its authoritarian regime, the developments described in this report entail real costs for Chinese society. On an almost daily basis, injuries are suffered, families are shattered, and lives are lost. News consumers are deprived of information on matters with life-or-death consequences, including environmental pollution and threats to public health. And as the previous section indicates, even the implementers of censorship and repression can become victims of the regime, enduring the psychological toll of being forced to perpetrate crimes against fellow citizens and their own consciences.

At a time when more and more Chinese citizens are jeopardizing their livelihoods and safety by standing up against repression, it behooves those outside China, who risk much less, to join their cause.

Members of the international community weighing a response to the findings of this report should consider a combination of immediate assistance to victims, support for processes that mitigate the impact of current repression and lay a foundation for a more open and just political-legal system in the future, and careful planning on how best to facilitate a positive outcome in a variety of possible scenarios for political change in China.

### A. For policymakers in the United States, Europe, and other democracies

- **Stress that universal rights apply to China.** Speak publicly in defense of democratic institutions and their applicability to China. Avoid comments implying that universal rights do not suit China. Rhetorical concessions to the CCP's official narrative of Chinese cultural relativism and exceptionalism skew the debate in the party's favor, betray the founding values of all democracies, and reduce the legitimacy of the United States and other governments in the eyes of Chinese citizens who share these values.<sup>196</sup>
- **Hold hearings to draw attention to repression in China.** The U.S. Congress and parliaments in other countries should hold hearings on topics that
  - affect large segments of the Chinese population, such as environmental pollution, internet censorship, and systemic corruption;
  - entail egregious abuses, such as extralegal detention, torture, and deaths in custody, including against ethnic and religious minorities; and
  - highlight the work and mistreatment of prominent Chinese dissidents, scholars, and other victims of persecution.
- **Raise individual cases and other crucial topics at the highest levels.** The top echelons of the government—including the president or prime minister—should raise the cases of individual victims of political and religious repression in public and in meetings with Chinese leaders. Ministers of defense and commerce should also raise relevant cases in meetings with their Chinese counterparts. Such discussions should not be relegated only to human rights dialogues between lower-level officials. Even when the individuals named are not released from detention, there is consistent evidence that they are less likely to be mistreated in custody than their more anonymous counterparts.
- **Take action against individual perpetrators.** Although systemic accountability in China is unlikely in the near future, external pressure on individual officials and security personnel can cause them to think twice about implementing repressive measures. Democratic governments should make use of publicly available information to identify officials involved in human rights abuses and begin to



respond, for instance by refusing meetings, denying visas, and allowing lawsuits by victims in their own courts.

- **Engage in multilateral action.** Past experience has demonstrated that multilateral measures are more effective than action by an individual country in pushing the CCP to ease repression. The United States and other democracies should collaborate more closely in addressing human rights violations in China, including via collective or coordinated public statements, sharing of information about perpetrators and restrictions on their travel, and emergency support for victims. Democracies should consider collectively introducing a resolution on China at the next session of the UN Human Rights Council.
- **Speak to the Chinese public directly.** Communicate factual and important information—such as air pollution readings, examples of censorship, and the legal shortcomings of official actions against dissidents—directly to Chinese audiences via social-media posts, “town hall” meetings, and embassy websites. When heads of democratic governments visit China, they should insist on opportunities to speak at events broadcast on local media without filters.
- **Respond forcefully to repression surrounding official visits to China.** In advance of official visits to China or international events, the Chinese government typically takes extra steps to silence peaceful activists, petitioners, and religious believers, whether through detentions, house arrests, or forced relocation. Democratic officials traveling to China should signal to Chinese counterparts that such crackdowns are unacceptable. They should strongly protest if news of such repression reaches their ears after their departure, or provide support to the victims.
- **Prepare for change.** Draw up serious contingency plans for responding to various scenarios of political change in China, both negative and positive, including the emergence of widespread popular movements for a more open society. Planning should include the identification of specific points of contact and leverage (political, economic, and military) that could be used more effectively than rhetorical condemnation to dissuade Chinese authorities from employing force against protesters. More broadly, policies on China should not rely on

the assumption that the current system and conditions will persist indefinitely.

## B. For international civil society

- **Raise the international profile of Chinese dissidents.** Engage in public education and awareness campaigns to raise the profile of Chinese civil society leaders, political dissidents, scholars, religious believers, and lawyers who have been persecuted for standing up to repression, asserting the fundamental rights of Chinese citizens, or advocating for a more open, law-abiding society. Intensify efforts to make their names, biographies, and causes common knowledge in households, schools, and corporations around the world.
- **Mobilize domestic support for colleagues and coreligionists in China.** Activists should reach beyond the world of international human rights advocacy to organize networks of support in their own professions or religious communities. Rather than responding ad hoc to individual cases, for example, academics should establish permanent mechanisms for assisting persecuted scholars in China. Non-Uighur Muslim organizations should extend existing activism to support their Chinese coreligionists, and journalists, lawyers, and civic-minded entrepreneurs should work to demonstrate solidarity with their Chinese counterparts.
- **Form umbrella organizations to unify disparate efforts focused on China.** While specialized advocacy is important, diverse constituencies can magnify their impact through collective action on themes of common interest, particularly when lobbying democratic governments and international institutions on policies toward China. Tibetans, Uighurs, Christians, and Falun Gong adherents all have a stake in religious freedom and the rule of law, for instance, and all share an interest in internet freedom with organizations focused on combating censorship. Such groups should develop collaborative projects and lend weight to one another’s individual campaigns.
- **Establish a documentation center to identify and expose perpetrators.** Some human rights groups and civil society initiatives have begun the process of identifying Chinese officials who have engaged in egregious abuses, but their databases are disparate, may lack independent verification, and are not always accessible in English. A documentation

center could consolidate, research, verify, and publicize such information. The findings could highlight individual responsibility for gross human rights violations; inform policymaking, business dealings, training programs, and civil society exchanges; and provide some deterrence to members of the repressive apparatus in China.

### C. For international donors

In addition to supporting the civil society initiatives proposed above, international donors should consider the following topics for new projects on China.

- **Reviving censored content:** Tracking, preserving, and recirculating media and internet content produced within China that has been deleted by censors.
- **Disseminating details on the censorship apparatus:** Translating into Chinese and disseminating reports describing the censorship system, along with tools for seeking out alternative sources of information or circumventing the “Great Firewall.” As noted above, studies have shown that netizen awareness of censorship often yields a greater desire to access uncensored information.
- **Awareness raising inside China:** Raising public awareness of the cases of individual victims of repression, the regime’s human rights record overall, and how democratic institutions function. This is an important goal in itself, and the effectiveness of advocacy projects in China should be measured not only in concrete results—like changes in legislation or the release of a detainee—but by the degree to which they have gained exposure among Chinese citizens.
- **Support for investigative journalism:** Funding investigative reporting by both Chinese and foreign journalists on politically sensitive subjects—such as the wealth of the political elite or the various facilities for extralegal incarceration.

### D. Further research for scholars and journalists

The findings of this study point to a variety of potential areas for further research and investigative reporting, including:

- **Limits of repression and censorship:** The various limitations on the effectiveness of CCP censorship and repression, including signs of resistance among the regime’s own agents. This might include a large-scale analysis of which and how many news articles that are explicitly mentioned in censorship directives continue to circulate on the Chinese internet.
- **Activist victories:** Examination of civil society actions that yield official concessions or imply a failure of a repressive campaign, such as the cases of Yang Hui and the pro–Falun Gong petitions.
- **Motives driving ‘rights defense’:** Studies of what motivates people to join “rights defense” activities, including the role played by personal encounters with censorship and repression.
- **Deaths in custody:** Investigation of reported deaths in custody, their perpetrators, and causes, including allegations of organ harvesting. While the death of civic activist Cao Shunli received much international attention, other deaths referred to in this study, particularly of religious and ethnic minorities, have not.
- **Extralegal detention:** Investigation of various forms of extralegal detention for petitioners and dissidents, including “black jails,” “legal education centers,” and psychiatric institutions.
- **Impact of social-media crackdown:** Follow-up data analysis of social-media sites, especially Sina Weibo, to evaluate whether the initial chilling effect following the 2013 crackdown has persisted or slowly dissipated.

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- 190.** See, for example, the case of Li Shanshan, when over one hundred people gathered at the gates of a labor camp to prevent her being rearrested upon her release: Amnesty International, "Changing the Soup But Not the Medicine?" 15.
- 191.** Natalie Thomas and Sui-Lee Wee, "China sacks vice police chief with connections to Zhou Yongkang," Reuters, February 24, 2014, <http://www.reuters.com/article/2014/02/24/us-china-corruption-idUSBREA1N03Y20140224>; Interview with Yiyang Xia, March 2014.
- 192.** Interview with Yiyang Xia; Noakes and Ford, "Path-Dependence and the Management of Political Opposition Groups: Explaining the Continuing Anti-Falun Gong Campaign."
- 193.** Interview with Zhang Lianying.
- 194.** Interview with Li Lianjiang, November 2013.
- 195.** Interview with former resident of Kunming, the site of environmental protests in May 2013, June 2014.
- 196.** See, for example, comments reportedly made by Secretary of State John Kerry at a meeting with Chinese journalists and bloggers in February 2014. Michael R. Gordon, "Chinese Ask Kerry to Help Tear Down a Firewall," *New York Times*, February 15, 2014, [http://www.nytimes.com/2014/02/16/world/asia/chinese-ask-kerry-to-help-tear-down-a-firewall.html?\\_r=0](http://www.nytimes.com/2014/02/16/world/asia/chinese-ask-kerry-to-help-tear-down-a-firewall.html?_r=0); and Simon Denyer, "Chinese bloggers ask Kerry to put pressure on Beijing over Internet, press freedoms," *Washington Post*, February 15, 2014, [http://www.washingtonpost.com/world/chinese-bloggers-ask-kerry-for-support/2014/02/15/a8786670-963c-11e3-ae45-458927ccedb6\\_story.html](http://www.washingtonpost.com/world/chinese-bloggers-ask-kerry-for-support/2014/02/15/a8786670-963c-11e3-ae45-458927ccedb6_story.html).



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