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# China Primer: Human Rights

## Overview

The nongovernmental human rights organization Freedom House describes China's party-state as an "authoritarian regime" that "has become increasingly repressive in recent years." Some analysts argue China has moved in a totalitarian direction. The party-state is dominated by one person, Xi Jinping, who became Communist Party of China (CPC) General Secretary in 2012. Xi has attempted to enforce greater ideological and cultural conformity and ever tighter control over society, aided by the use of digital technologies. In October 2022, the 20<sup>th</sup> Central Committee of the CPC selected Xi to serve a norm-breaking, third, five-year term.

Amid the apparent deepening repression in the People's Republic of China (PRC or China)—and in the broader context of an increasingly competitive bilateral relationship—U.S. policymakers have imposed measures intended to deter PRC human rights abuses, prevent U.S. complicity in such abuses, and/or hold perpetrators accountable. Since 2020, U.S. actions have focused in particular on responding to reports of mass detentions and forced labor of ethnic Uyghur and other Muslim minority groups in the Xinjiang Uyghur Autonomous Region (XUAR) and elsewhere in China. The U.S. State Department has assessed that PRC policies and practices in the XUAR constitute crimes against humanity and genocide.

**Further Reading:** CRS In Focus IF10281, *China Primer: Uyghurs*; CRS Report R43781, *The Tibetan Policy Act of 2002: Background and Implementation*; and CRS In Focus IF10803, *Global Human Rights: International Religious Freedom Policy*. For information on Hong Kong, see CRS In Focus IF12070, *China Primer: Hong Kong*.

## Selected Human Rights Issues

Under Xi's leadership, China has further restricted and suppressed civil society, religious and ethnic minority groups, human rights defenders, speech, the press, and academic discourse. The party-state has closed much of the space that had previously existed for limited social activism. The PRC oversees one of the most extensive internet censorship systems in the world, which includes blocking major foreign news and social media sites, censoring domestic social media platforms, and banning foreign messaging apps. According to the Department of State, "[PRC] law grants public security officers broad administrative detention powers and the ability to detain individuals for extended periods without formal arrest or criminal charges," and police target religious leaders and adherents, rights lawyers and activists, independent journalists, and dissidents and their family members for arbitrary detention or arrest. The nonprofit Dui Hua

Foundation has compiled a list of over 7,300 cases of political and religious prisoners in China. PRC leaders long have asserted that human rights standards vary by country, that economic development is a key human right, and that a country's human rights policies are an "internal affair."

Popular protests have continued under Xi Jinping's rule, often focused on economic grievances. Despite the government's efforts to silence negative public opinion during the COVID-19 pandemic (2020-2022), localized protests against lockdown conditions and the government's suppression of information and speech emerged in the spring of 2022 and culminated in widespread demonstrations led by university students in November of that year. The November demonstrations were highly unusual in China for being national in character and scope, directly challenging the CPC and top leaders, galvanizing a relatively broad swath of society, and partially achieving their aims. Following the demonstrations, various PRC cities began to loosen COVID-19 lockdown measures while the CPC cracked down on the budding protest movement.

## Religious and Ethnic Minority Policies

In 2016, Xi Jinping launched a policy known as "Sinicization," by which the CPC requires religious and ethnic minorities to "assimilate" or conform to majority Han Chinese culture as defined by the CPC and adhere to "core socialist values." The PRC government has mandated, for example, that schools in minority regions teach most courses in Mandarin rather than in minority languages. Since 2018, new regulations require religious organizations to obtain government permission for nearly every aspect of their operations, submit to greater state supervision, and register clergy in a national database. The government enacted regulations in 2022 that restrict internet use and online worship among religious groups. The government has continued to arrest and to persecute practitioners of the Falun Gong spiritual exercise. The State Department has consistently designated China as a "Country of Particular Concern" for "particularly severe violations of religious freedom" under the International Religious Freedom Act of 1998 (P.L. 105-292).

## Tibetans

Human rights issues in Tibetan areas of China include religious and political repression and forced assimilation. Since 2018, the PRC government has required Tibetan monks and nuns to undergo education in CPC ideology and to demonstrate "political reliability." Authorities have arbitrarily detained and imprisoned hundreds of Tibetan writers, intellectuals, and cultural figures on broad charges of "splittism" or "separatism." PRC assimilation policies in Tibetan areas have included resettling and urbanizing nomads and farmers, which have elements of forced labor, according to some reports. The International Tibet Network

documents over 700 political prisoners in Tibet. The CPC insists that PRC laws, and not Tibetan Buddhist religious traditions, govern the process by which lineages of Tibetan lamas are reincarnated, and that the state has the right to choose the successor to the Tibetan spiritual leader, the 89-year-old 14<sup>th</sup> Dalai Lama, who lives in exile in India.

## Uyghurs

Between 2017 and 2019, XUAR authorities arbitrarily detained over 1 million ethnic Uyghur and other Muslims in “vocational education and training” facilities, also known as “reeducation” centers. Detainees generally were not accused of crimes, but rather were held on the basis of past religious, cultural, scholarly, social, and online activities, as well as foreign travel, that the government later deemed “extremist,” “pre-criminal,” or potentially terrorist. Detainees were compelled to renounce many of their Islamic beliefs and customs as a condition for their release. Treatment in the centers reportedly included food deprivation, psychological pressure, sexual abuse, medical neglect, torture, and forced labor. Since 2019, the XUAR government appears to have released some detainees, prosecuted many as criminals, and sent others to work in factories. Some reeducation centers appear to have been converted to high-security prisons and new prisons have been built. Tens of thousands of Uyghurs have been coercively employed as agricultural or factory labor in Xinjiang and elsewhere in China. The whereabouts of hundreds of prominent Uyghur intellectuals and cultural figures remains unknown.

In August 2022, the United Nations Office of the High Commissioner for Human Rights determined that China’s counterterrorism and counter-“extremism” strategies have led to “interlocking patterns of severe and undue restrictions on a wide range of human rights” and may constitute crimes against humanity. It called on China to “release all individuals arbitrarily deprived of their liberty” and “urgently repeal” all discriminatory laws and policies against Uyghurs and other Muslim minorities in the XUAR.

## Selected U.S. Policy Tools

- **Democracy and Human Rights Programs:** Since 2001, congressional appropriations have funded efforts to promote human rights, democracy, the rule of law, civil society, and internet freedom in China, as well as programs to promote sustainable development, environmental conservation, and the preservation of indigenous culture in Tibetan areas. These include programs administered by relevant agencies as well as by the National Endowment for Democracy, a private nonprofit organization funded primarily by congressional appropriations.
- **International Media:** U.S. government-funded Voice of America (VOA) and Radio Free Asia (RFA) provide external sources of independent or alternative news and opinion to audiences in China. Both media outlets broadcast in Mandarin, Cantonese, and Tibetan, and RFA provides a Uyghur language service.
- **Targeted Legislation:** Congress has enacted numerous laws to respond to human rights developments and

related issues in Tibet and Xinjiang specifically. U.S. policy toward Tibet is largely guided by the Tibetan Policy Act of 2002 (Foreign Relations Authorization Act, FY2003, P.L. 107-228). Recent Tibet-related legislation includes the Reciprocal Access to Tibet Act of 2018 (P.L. 115-330), the Tibetan Policy and Support Act of 2020 (Division FF, Title III, Subtitle E of P.L. 116-260), and the Promoting a Resolution to the Tibet-China Dispute Act (P.L. 118-70). Recent Xinjiang-focused legislation includes the Uyghur Human Rights Policy Act of 2020 (P.L. 116-145) and the Uyghur Forced Labor Prevention Act (UFLPA, P.L. 117-78). Other provisions contained in broader enacted bills also have addressed human rights issues in China (e.g., Sec. 7401 of P.L. 118-31, concerning appointment of an intelligence community coordinator on PRC atrocities).

- **Targeted Sanctions:** The Global Magnitsky Human Rights Accountability Act (Title XII, Subtitle F of P.L. 114-328), as implemented under Executive Order 13818, authorizes the President to impose economic sanctions and visa denials or revocations against foreign individuals or entities responsible for human rights abuses or corruption. Other authorities also provide for visa sanctions, including against the immediate family members of human rights violators.
- **Export Restrictions:** The United States may impose restrictions on the sale or transfer of certain U.S. goods and services to PRC entities for the purpose of protecting of human rights, pursuant to the Export Control Reform Act (Title XVII, Subtitle B of P.L. 115-232).
- **Forced Labor Import Restrictions:** Section 307 of the Tariff Act of 1930 (19 U.S.C. §1307) forbids the importation of products into the United States that were produced with forced labor. UFLPA in part creates a rebuttable presumption that Xinjiang-related imports are made with forced labor.

## Congressional Considerations

The CPC appears to generally view U.S. human rights advocacy as a challenge to its hold on power, and some analysts contend the United States’ capacity to impose costs sufficient to deter PRC policies that violate human rights is limited. Others argue that sanctions and international pressure, to which they contend the CPC is sensitive, can help moderate China’s practices. Congress may, at a broad level, debate the overarching goals of U.S. human rights policy and the differing possible benefits, costs, risks, and likelihoods of success of these goals, as well as assess the effectiveness of U.S. actions to date. Specific considerations may also include whether/how to: raise human rights in bilateral diplomacy with China; bolster restrictive measures against PRC persons implicated in human rights abuses; coordinate greater international pressure on China to abide by its human rights obligations; and strengthen support for civil society and censorship circumvention efforts.

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