INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Institutions of Democratic Governance Within China’s One-Party State

China’s political institutions remain out of compliance with the standards defined in Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed and declared an intention to ratify. Chinese leaders also have not developed political institutions to be in compliance with the standards set forth in Article 21 of the Universal Declaration of Human Rights (UDHR). During the October 2013 UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record, several countries put forward recommendations regarding China’s ratification of the ICCPR. China rejected a number of these, including recommendations to “ratify,” “establish a clear timeframe” to ratify, or “move towards ratification of the ICCPR in the near future.” China did, however, accept recommendations to “[t]ake steps toward the ratification of ICCPR” and “move towards ratification of the ICCPR at the earliest possible date.”

THIRD PLENUM: NO PLANS FOR FUNDAMENTAL POLITICAL REFORM

During the Commission’s 2014 reporting year, while central Chinese leaders expressed a commitment to rein in excessive government power, they gave no indication that they would undertake political reforms to bring China into compliance with the ICCPR or the UDHR. During the Third Plenum of the 18th National Congress of the Chinese Communist Party Central Committee in November 2013, the Party issued a major planning document, the Central Committee Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms (the Decision). While the Decision included language about “strengthening the system for restraining and supervising the use of power” and made general references to improving China’s existing “socialist democratic political system,” it did not contain plans for fundamental democratic reforms such as democratizing the Party. The Decision emphasized the continuing dominance of the Party and the goal of “strengthening and improving the Party’s leadership over overall reform.”

Referring to China’s Constitution in a novel way, the Decision stated that authorities should “raise comprehensive implementation of the Constitution to a new level,” but it is unclear what, if anything, this means for the rule of law in China. Previously, a five-year intraparty plan to establish rules, issued in November 2013, included another novel phrase, the “constitution is foremost; the Party constitution is the foundation.” One Chinese scholar noted this phrase simply means that the “Party will conduct its work within the limits of state laws.” This idea is not new. An amendment to the Chinese Communist Party Constitution adopted in 2012 and statements made by Chinese leaders in 2012 and 2013, already specify that the Party must operate within the scope of China’s Constitution and laws. Similar language also has appeared in the State and Party Constitutions as early as 1982 and
the novel phrasing does not mean that China is planning to shift to a constitutional government.\(^{21}\)

**PARTY RECENTRALIZES DECISIONMAKING AUTHORITY**

President and Party General Secretary Xi Jinping and top Party leaders\(^ {22}\) continued efforts to recentralize decisionmaking authority in the hands of the central Party,\(^ {23}\) enforce Party discipline, and remove potential barriers to central Party reform plans through Party campaigns.\(^ {24}\) To facilitate the centralization of Party authority, top leaders created new leadership organizations, including the Central Leading Small Group for Comprehensively Deepening Reforms (Reforms Leading Small Group)\(^ {25}\) and the Central State Security Committee,\(^ {26}\) among several others.\(^ {27}\) President Xi Jinping will lead each of these groups.\(^ {28}\) Sources assert that top Party officials see the Reforms Leading Small Group as a means of managing, rising above, and satisfying entrenched powerful interest groups to ensure reforms move forward.\(^ {29}\) To boost intraparty unity, improve the Party’s relations with citizens, reduce corruption, and lessen “formalism, bureaucracy, hedonism, and extravagance” among officials, along with other goals, Party officials also continued an education and ideology campaign termed the “mass line” campaign.\(^ {30}\) The campaign included requirements for officials to attend political indoctrination and criticism and self-criticism sessions.\(^ {31}\) [For more information on anticorruption efforts, see Party and Government Accountability in this section.]

**REACH OF THE STATE UNDER ONE-PARTY RULE**

The Party continued to dominate political affairs, penetrating every level of society and undertaking political indoctrination campaigns. Party branches exist at all levels, in villages\(^ {32}\) and urban neighborhoods,\(^ {33}\) public institutions (including hospitals, schools, and research institutes),\(^ {34}\) government departments, and quasi-governmental organizations.\(^ {35}\) Sources this year emphasized the Party’s continuing efforts to strengthen grassroots-level Party organizations\(^ {36}\) and implement Party-loyalty and political indoctrination and education campaigns, including within the army,\(^ {37}\) the courts,\(^ {38}\) the media,\(^ {39}\) Party branches,\(^ {40}\) and security agencies.\(^ {41}\) President Xi called for innovation in propaganda and publicity work in order to ensure their “correct political direction.”\(^ {42}\) The Party Central Committee also instituted a campaign to promote the cultivation and implementation of a list of “core socialist values” to impose ideological views and education throughout society.\(^ {43}\) For example, an opinion issued by the central Party called for strengthening Marxist ideological education in schools and class curriculum\(^ {44}\) and to infuse “core socialist values” into economic development and social governance.\(^ {45}\) Central officials replaced the term “social management”\(^ {46}\) with the term “social governance,” which reportedly is meant to convey the idea that social groups work together with the government to govern society instead of the idea that society is managed in a top-down fashion by the government.\(^ {47}\) It is uncertain how this change in terminology will be reflected in practice.
Authorities continued to harass, detain, and impose prison sentences on individuals who exercised their rights to freedoms of speech, assembly, association, and demonstration, including over 100 people during the two months prior to the 25th anniversary of the 1989 Tiananmen protests and their violent suppression by authorities (1989 protests). After the anniversary of the 1989 protests, officials formally arrested lawyers Pu Zhiqiang and Qu Zhenhong, democracy advocate Xu Guang, and student Zhao Huaxu. Authorities also criminally detained lawyer Chang Boyang, apparently in connection with his representation of individuals who had been detained for holding an event commemorating the 1989 protests. In addition, authorities criminally detained dozens of other individuals for Internet postings or for participating in private and public events memorializing the 1989 protests. Authorities gave numerous other individuals short-term administrative detentions. In an effort to silence commemorative activities, officials questioned individuals and warned others not to participate in commemorative activities, and briefly detained, imposed soft detention on, or forced to travel scores of other individuals.

During the Commission’s 2014 reporting year, authorities continued a crackdown against democracy and human rights advocates. Authorities sentenced democracy advocate Liu Benqi to three years’ imprisonment on the charge of “inciting subversion of state power” for posting messages mentioning “demonstrations,” sentenced democracy advocate Zhang Lin to three years and six months’ imprisonment on the charge of “gathering a crowd to disrupt order in a public place” for organizing protests advocating for his daughter’s right to an education, and arrested democracy advocate Lu Gengsong on the charge of “subversion of state power.” Other democracy advocates faced harassment and detention, including Qin Yongmin and Sun Feng. Still others remained in prison, including Zhu Yufu (7 years), Cao Haibo (8 years), Chen Xi (10 years), and Liu Xianbin (10 years). In addition, when human rights defender Cao Shunli died in March 2014, human rights organizations voiced concerns that her death was linked to Chinese authorities’ denial of timely and proper medical care during her time in detention. Cao had urged leaders to allow independent public participation in the drafting of the Chinese government’s reports for the 2009 and 2013 UN Human Rights Council Universal Periodic Reviews.

Elections: Trends and Update on the Decline of Democratic Governance

Sources continued to highlight government interference in village committee elections, underscoring China’s noncompliance with standards outlined in Article 21 of the Universal Declaration of Human Rights (UDHR) and Article 25 of the International Covenant on Civil and Political Rights. For example, one Chinese elections expert commented that over the last 10 years, grassroots government interference in village committee elections clearly had...
Increased.

Interference took several forms. Some village election plans issued by local authorities stipulated prerequisites for village committee election candidates, including age limits, education requirements, and condition of loyalty to the Party line, which are not in the PRC Organic Law of Village Committees. In addition, officials in at least a few locations declared certain categories of people as being “unsuitable” for or prohibited from being nominated to be village committee candidates. These categories included villagers who “distribute suggestions that counter Party theories, guidelines, and policies”; “create or disseminate political rumors”; “organize and incite mass incidents”; and “manipulate and incite people to file petitions,” among other politically sensitive activities. Official media sources highlighted perceived problems involving the unfavorable influence of clans, religions, and factions. One survey in Guangdong province reportedly found that fraudulent elections in some cases were associated with “abnormal” channels of participation involving big-time criminals, the very rich, and members of prominent families who became officials. In at least one province, some election results were nullified because of these issues.

Other sources noted allegations of corruption and numerous other undemocratic practices during some village committee and local people’s congresses’ elections. Village elections were marred by instances of improper formation of an election committee; unlawful selection of candidates; irregular campaign procedures; and in at least one case, an elected representative was not recognized by higher level officials. Chinese and international news reports also noted alleged corruption in some local people’s congresses’ elections. During one investigation of alleged election corruption in Hunan province, especially focusing on Hengyang city, authorities punished hundreds of people and stripped people’s congress delegate status from dozens of individuals at the county, city, and provincial levels.

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**Decline of Democratic Governance in Wukan**

In a retreat from democracy, government interference and other issues marred the most recent 2014 village committee election in the village of Wukan in Lufeng city, Shanwei municipality, Guangdong province. Chinese and international media reported allegations of illegalities in election processes, including vote buying and vote counting behind closed doors, the lack of transparency, and government interference. Wukan was the location of a 2011 uprising by villagers over land issues and the death of a villager in custody, which ended with the election of several of the protest organizers in an ad hoc 2012 village committee election.
Decline of Democratic Governance in Wukan—Continued

In mid-March 2014, just prior to the most recent village committee elections, officials detained two candidates, Yang Semao and Hong Ruichao, prompting allegations of government interference. Yang and Hong helped to organize the 2011 uprising and later were voted onto the 2012 village committee. Suspiciously, Yang’s detention came hours after he issued a call for a village representative assembly meeting to discuss the upcoming election. National official media sources criticized Yang’s call for the meeting and attacked him personally. Authorities released Yang on bail pending trial. Hong’s wife told reporters that people had come to their house and warned Hong not to participate in the village committee election. Hong subsequently won a seat on the 2014 village committee despite being in detention for alleged violations that occurred in 2012, and a May 2014 report indicated authorities were still holding him in detention. As of September 2014, the Commission had not observed reports that Hong has been released. Zhuang Liehong, a third organizer of the 2011 demonstrations voted onto the 2012 village committee, fled China in early 2014 for the United States for fear of retaliation against him, and is seeking asylum.

Party and Government Accountability

ANTICORRUPTION AND AUSTERITY MEASURES

During the Commission’s 2014 reporting year, central authorities amplified an ongoing significant anticorruption campaign. As part of the campaign, central authorities issued new rules and regulations to reduce government waste and moderate ostentatious or dishonest behavior by officials; measures to strengthen oversight of officials such as a requirement to file internal reports to the Party about their finances; and a five-year anticorruption action plan. Authorities issued a measure prohibiting officials who have a spouse or children residing overseas (“naked officials”) from being leaders of specified agencies and organizations. One news article reported that authorities in Guangdong province disclosed the number of “naked officials” uncovered during an investigation but relevant departments in 10 other locations refused to disclose the same information. Top authorities undertook other steps to prevent corruption and punish violators, including undertaking institutional changes within Party discipline agencies and modifying their relationships to local authorities; prohibiting Party and government officials from holding outside jobs; increasing audits of managed funds, public projects, and state asset management and land transfers; establishing a database of corruption suspects; and publicizing the names of people who had been punished for violating rules regarding “work styles.” Despite official reports that the serious anticorruption and austerity campaigns had yielded some results, there is some doubt regarding the degree to which these measures have been implemented or have been successful in reducing corruption.

Amid news that one percent of Chinese families own more than one-third of China’s wealth and increasing citizen concern over
corruption, authorities stepped up investigations and detentions of officials suspected of corruption. During 2013, authorities reportedly punished 160,000 cadres for violations of discipline and an additional 20,000 for their ostentatious or extravagant behavior. In the first half of 2014, the number of officials disciplined reportedly increased by 30 percent over the same period last year. Top Party officials are among those affected by the anticorruption campaign. In October 2013, Bo Xilai, former Party Central Committee Political Bureau (Politburo) member and Chongqing Party Secretary, who was charged with bribery, embezzlement, and abuse of power, lost his appeal. Sources asserted there were procedural violations related to Bo’s case and trial. Chinese and international media also have raised concerns regarding the questioning and detention of people associated with Zhou Yongkang, former Politburo Standing Committee member and Secretary of the Party Central Committee Political and Legal Affairs Commission who had close ties to Bo Xilai. As of March 2014, authorities reportedly had questioned or placed in custody over 300 people associated with Zhou, including family members, political supporters, staff, and proteges. Zhou has been held incommunicado since late 2013. In July, Xinhua reported that the Central Commission for Discipline Inspection had opened an investigation of Zhou Yongkang on suspicion of serious violations of discipline.

Suppression of Anticorruption Advocates

Despite high levels of official corruption and authorities’ stated commitment to address official corruption, officials have detained and imprisoned anticorruption and transparency advocates, often invoking the charge of “gathering a crowd to disturb order in a public place,” including:

- **Yuan Dong and Zhang Baocheng.** On January 29, 2014, authorities sentenced Yuan Dong to one year and six months’ imprisonment, and on April 18 sentenced Zhang Baocheng to two years, for unfurling banners with anticorruption slogans, handing out leaflets, and giving speeches in public.
- **Ding Jiaxi.** On April 18, 2014, authorities sentenced Ding to three years and six months’ imprisonment. He reportedly
joined peaceful demonstrations advocating for the disclosure of officials’ assets and for education equality.\textsuperscript{142}

• \textbf{Zhao Changqing and Li Wei.} On April 18, 2014, authorities sentenced Zhao to two years and six months’ imprisonment and Li to two years\textsuperscript{143} for their roles in organizing and participating in demonstrations advocating for disclosure of officials’ assets.\textsuperscript{144}

• \textbf{Liu Ping, Wei Zhongping, Li Sihua.} On June 19, 2014, authorities sentenced Liu and Wei to six years and six months’ imprisonment and Li to three years,\textsuperscript{145} for their participation in demonstrations calling for disclosure of officials’ assets and planning rights defense activities.\textsuperscript{146} Additional charges against Liu and Wei were related to independent election campaigning in 2011 and for an Internet posting by Liu urging people to attend a trial for a Falun Gong practitioner in 2012.\textsuperscript{147}

• Trials for additional democracy, rule of law, and anticorruption advocates have not yet begun, including those for \textbf{Huang Wenxun,}\textsuperscript{148} \textbf{Yuan Xiaohua,}\textsuperscript{149} and \textbf{Yuan Fengchu,}\textsuperscript{150} who authorities reportedly charged with “gathering a crowd to disturb order in a public place,” as well as \textbf{Liu Jiacai,} whom authorities charged with “picking quarrels and provoking trouble.”\textsuperscript{151}

\textit{Open Party and Government Affairs and Citizen Access to Information}

Some Chinese officials and government agencies have sought to be more open and accessible to citizens, but government transparency is still lacking. In March 2014, the Ministry of Finance directed that all departments that receive government allocations should disclose their budgets and financial accounts by 2015, which expanded upon a previous directive that required only organizations at the county level and above to disclose this information.\textsuperscript{152} Also in March, the National People’s Congress (NPC) Standing Committee announced it would begin to circulate among NPC delegates and disclose to the public specialized work reports and enforcement investigation reports along with deliberations and opinions.\textsuperscript{153} In August 2014, the NPC Standing Committee issued a draft amendment to the PRC Legislation Law, which included a provision that has the potential to strengthen the practice of issuing draft laws for public review and comment.\textsuperscript{154} Amid these regulatory and policy pronouncements, reports highlighted ongoing barriers to transparency. A 2013 survey by the US-China Business Council indicated that surveyed member companies believed transparency was one of the top 10 challenges faced by the Council’s member companies.\textsuperscript{155} An October 2013 State Council opinion highlighted several barriers to transparency and open government affairs, including a failure of governments in particular geographic locations to proactively release information, respond to information requests in a timely manner, respond to citizen concerns, and make public statements.\textsuperscript{156} In January 2014, the State Council issued the Implementing Regulations for the PRC Law on the Protection of State Secrets (Implementing Regulations).\textsuperscript{157} Article 5 of the Implementing Regulations stipulates that government agencies and
companies may not classify as “secret” information which should be disclosed to the public “in accordance with the law,” but also cannot “disclose information involving state secrets.”\textsuperscript{158} Reports noted criticism of the Implementing Regulations because they did not provide a definition of state secrets or clearly delineate secret classifications.\textsuperscript{159}

In April 2014, the State Council General Office issued an open information work plan, which stated that authorities should improve transparency in specific areas, including environmental protection, production accidents, finances of state-owned enterprises, food safety, government and public spending, expropriation of village and other land, and mining concession rights.\textsuperscript{160} The plan, however, also urged authorities to strengthen procedures for collecting opinions from the public, discovering and evaluating “hot issues” earlier, issuing authoritative information in a timely manner, “eliminating untrue rumors,” and “positively guiding public opinion.”\textsuperscript{161}

**IMPLEMENTATION OF OPEN GOVERNMENT INFORMATION REGULATIONS**

Open government information (OGI) requests by citizens reportedly are increasing and OGI-related court cases constituted 10 percent of China’s administrative law cases according to an October 2013 report,\textsuperscript{162} but government implementation of the 2008 Open Government Information Regulations (OGI Regulations) remains problematic. For example, during the October 2013 UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record, the China Society for Human Rights Studies recommended an evaluation of the implementation of the OGI Regulations.\textsuperscript{163} In February 2014, the Chinese Academy of Social Sciences issued a report evaluating implementation of the OGI Regulations in 2013 by some State Council departments and provincial and city governments.\textsuperscript{164} The study reportedly found that there were still numerous problems with implementation, including that a great deal of information that should have been proactively released had not been made open to the public, had been only partially released, or had not been released in a timely manner.\textsuperscript{165} Research by a Chinese university institute found that an increasing number of administrative agencies are responding to information requests by simply saying “the information does not exist.”\textsuperscript{166} The study also found that frequently courts still dismiss open government information administrative law cases.\textsuperscript{167}

The responsiveness of local governments to OGI requests varies considerably. The percentage of OGI requests granted or denied outright by municipal authorities in Shanghai, Beijing, and Guangzhou, for example, compared to the percentage of requests for which these authorities did not provide information for a variety of other reasons, differed substantially, as noted in the table below.
Requests granted or outright denied (All numbers in the table are expressed in percent of 2013 requests responded to)

<table>
<thead>
<tr>
<th>Shanghai Municipal Gov’t</th>
<th>Beijing Municipal Gov’t</th>
<th>Guangzhou City Gov’t</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;agreed to disclose&quot;</td>
<td>41.7</td>
<td>42.22</td>
</tr>
<tr>
<td>&quot;agreed to partially disclose&quot;</td>
<td>1.2</td>
<td>1</td>
</tr>
<tr>
<td>&quot;information already proactively disclosed&quot;</td>
<td>3.41</td>
<td></td>
</tr>
<tr>
<td>&quot;did not agree to disclose&quot;</td>
<td>3.9</td>
<td>3.03</td>
</tr>
<tr>
<td>TOTAL PERCENTAGE OF REQUESTS OUTRIGHT GRANTED OR DENIED [Shanghai = &quot;are clear and can respond&quot;]</td>
<td>46.8</td>
<td>49.66</td>
</tr>
</tbody>
</table>

Other reasons for not providing information

<table>
<thead>
<tr>
<th>Shanghai</th>
<th>Beijing</th>
<th>Guangzhou</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;does not exist&quot;</td>
<td>16.9</td>
<td>27.28</td>
</tr>
<tr>
<td>&quot;outside of the scope of the agency&quot; (or similar)</td>
<td>14</td>
<td>11.16</td>
</tr>
<tr>
<td>&quot;contents of request unclear&quot;</td>
<td>11.3</td>
<td>7.63</td>
</tr>
<tr>
<td>&quot;not referred to as gov. information&quot; (or similar)</td>
<td>3.9</td>
<td>3.81</td>
</tr>
<tr>
<td>&quot;repetitive request&quot;</td>
<td>1.9</td>
<td></td>
</tr>
<tr>
<td>&quot;non-governmental info. request&quot;; &quot;applicant withdraws request&quot;; or &quot;other circumstances&quot;</td>
<td>5.2</td>
<td></td>
</tr>
<tr>
<td>&quot;already sent to records hall&quot;</td>
<td></td>
<td>.48</td>
</tr>
<tr>
<td>PERCENT OF REQUESTS WHERE NO INFORMATION WAS PROVIDED [Shanghai category = (required) &quot;other types of responses&quot;]</td>
<td>53.2</td>
<td>50.34</td>
</tr>
</tbody>
</table>

Notes to Section III—Institutions of Democratic Governance

1 International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 25; UN Office of the High Commissioner for Human Rights, General Comment No. 25: The Right To Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, CCPR/C/21/Rev.1/Add.7, 12 July 96. Under General Comment 25 to the ICCPR, the language requires that: "Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power and that they are accountable through the electoral process for their exercise of that power" (para. 7); "The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions . . . [p]arty membership should not be a condition of eligibility to vote, nor a ground of disqualification" (para. 10); "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected . . ." (para. 12); "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties . . ." (para. 17); and an "independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant . . ." (para. 20).

2 International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76. China has signed, but has not yet ratified, the ICCPR. In the 2009–2010 National Human Rights Action Plan issued by the Chinese government in April 2009, officials stated that the "essentials" of the ICCPR were some of the “fundamental principles” on which the plan was framed, and that the government “will continue legislative, judicial and administrative reforms to make domestic laws better linked with this Covenant, and prepare the ground for approval of the ICCPR.” State Council Information Office, “National Human Rights Action Plan of China (2009–2010),” reprinted in Xinhua, 13 April 09, Introduction, sec. V(1).

3 Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 21. "Everyone has the right to take part in the..."
government of his country, directly or through freely chosen representatives . . . . The will of the people shall be the basis of the authority of government, this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”


12 Ibid. China accepted recommendations in paragraphs 186.3–186.10, 186.14, and 186.32 regarding ratification of the ICCPR.

13 Xinhua Insight: Why the CPC’s Third Plenary Session Is Important,” Xinhua, 30 August 14.
14 Traditionally, central Party officials use the third meeting of a new Party congress to issue plans for key policy changes.
16 Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang quanguan xianhui guanyu ruogan zhongda wenti de jueding], reprinted in Xinhua, 15 November 13.
17 Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang quanguan xianhui guanyu ruogan zhongda wenti de jueding], reprinted in Xinhua, 15 November 13.
18 Ibid., sec. 10, para. 1. The Decision emphasized “strengthening the system for restraining and supervising the use of power,” specifically referring in part to building “a system for exercising power with scientific decision-making, responsible execution, and strong supervision, [and] completing a system for the punishment and prevention of corruption.”
19 Ibid., sec. 8. For example, section 8 stated that officials should “perfect” the people’s congress system, the Party-led multiparty cooperative and the political consultative system, and the system of “autonomy” at the grassroots level. Section 8, para. 1 of the Decision also urged officials to “[a]ttach greater importance to improving the system of democracy, diversifying the forms of democracy,” and expand citizens’ “orderly political participation” at all levels in order to “gulf full play to the strength of the socialist political system.”
22 Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang quanguan xianhui guanyu ruogan zhongda wenti de jueding], reprinted in Xinhua, 15 November 13, sec. 16.
23 Ibid., sec. 9.30.
26 Chinese Communist Party Constitution [Gongchandang zhangcheng], adopted 6 September 82, amended 1 November 87, 18 October 92, 18 September 97, 14 November 02, 21 October 07, 14 November 12, General Program, The Party revised the General Program of the Party constitution to include “[t]he Party must conduct its activities within the framework of the Constitution and laws of the country.”
27 “Full Text of Hu Jintao’s Report at 18th Party Congress (Chapters 5–11)’” [Hu jintao’s full text of the Constitution and laws are adopted by the Party and the people under its leadership, the Party must act within the scope prescribed by the Constitution and laws. No organization or individual has the privilege of overstepping the Constitution and laws, and no one has the power to allow in any way to take one’s own words as the law, place one’s own authority above the law or abuse the law.” See also Choi Chi-yuk, “Xi Jinping Vows To Uphold Constitution and Rule of Law,” South China Morning Post, 25 February 13.
28 Constitution of the Communist Party of China [Gongchandang zhangcheng], adopted 6 September 82, amended 1 November 87, 18 October 92, 18 September 97, 14 November 02, 21 October 07, General Program, For example, the 2007 version of the Chinese Communist Party Constitution General Program states: “The Party must conduct its activities within the framework of the Constitution and laws of the country.” Similar statements also are included in China’s state Constitution beginning with the 1982 version. See PRC Constitution, issued 4 December 82, art. 5. The 1982 Chinese state Constitution stipulated that “no organization or indi-
vidual may enjoy the privilege of being above the Constitution and the law.” Similar language in Article 5 is also in each of the later versions of the Constitution, including those amended on March 29, 1993; March 15, 1999; and March 14, 2004.


22Alice Miller, “How Strong Is Xi Jinping,” China Leadership Monitor, Hoover Institution, Stanford University, No. 43 (Spring 2014), 13 March 14; Mamba Badkar, “Here’s Why People Are Calling Chinese President Xi Jinping a Mao-Style Authoritarian,” Business Insider, Australia, 30 November 13. These articles lay out the debate surrounding assertions that President Xi Jinping is recentralizing power in his hands at the expense of other top leaders. Conversely, the articles also discuss the assertion that Xi is not acting alone, but is acting together with the collective leadership to recentralize power.


26Christopher K. Johnson, Center for Strategic and International Studies, “China Announces Sweeping Reform Agenda at Plenum,” 18 November 13; Chu Zhuqin, “Xi Jinping Expounds on Overall National Security Concepts, First Time System Proposed for ‘11 Types of Security’” [Xi jinping chanshu zongti guojia anquan guan shouci xitong tichu ‘11 zhong anquan’], Oriental Morning Post, 16 April 14. According to the two sources, the Central State Security Committee reportedly is a platform for resolving security problems and centralizing decisionmaking over domestic and international state security issues. In addition, the second source also notes the Central State Security Committee will concern itself with the following 11 types of security issues: political, territorial, military, economic, cultural, social, technological, informational, natural resources, and nuclear. For additional information regarding the establishment of the commission, its members, and mission, see Marc Julienne, “The New Central National Security Commission,” China Analytic: How Far Will the NPC Go in Implementing Reform?, European Council on Foreign Relations and Asia Centre, March 2014, 5–8.


32 Sheng Ruwei, “More Than 60,000 Weak and Disorganized Grassroots Party Organizations Reorganized” [Liwan duo ge ruannuo huansan jiecheng dang zuhi bei zhengdun], People’s Daily, 31 May 14.

33 Gao Lei, “At the End of 2009 Total Number of Party Members Throughout the Country Reaches 77,995,000” [Niezhishi 2009 niandi quanguo dangyuan zongshu da 77995 wan ming], Chinese Communist Party Information Net, 28 June 10. At the end of 2009, there were 8,674 urban street Communist Party organizations, 34,224 town organizations, 80,000 residential committees, and 598,000 village committees.

34 Ibid. At the end of 2009, out of the country’s 570,000 public institutions (shiyi danwei), 471,000 had Party organizations.

35 Ibid. At the end of 2009, the breakdown of the number of Party members in various organizations was as follows: Out of 13,000 eligible “social associations” (shehui tuanti), 12,000 had Party organizations, and out of 16,000 eligible “private, non-commercial units” or nonprofit enterprises (minzhu feiyue danwei), 15,000 had Party organizations.

36 Sheng Ruwei, “More Than 60,000 Weak and Disorganized Grassroots Party Organizations Reorganized” [Liwan duo ge ruannuo huansan jiecheng dang zuhi bei zhengdun], People’s Daily, 31 May 14.


40 Manta Badkar, “Here’s Why People Are Calling Chinese President Xi Jinping a Mao-Style Authoritarian,” Business Insider, Australia, 30 November 13; Alice Miller, “The Road to the Third Plenum,” China Leadership Monitor, Hoover Institution, Stanford University, No. 42 (Fall 2013), 7 October 13. These articles discuss the “mass line” campaign, which includes political indoctrination and self-criticism sessions for officials.


44 Ibid., sec. 2, item 4; Teddy Ng and Li Jing, “Communist Party Orders ‘Core Socialist Values’ on the Curriculum,” South China Morning Post, 24 December 13.

45 General Office of the Chinese Communist Party Central Committee, “Opinion Regarding Cultivating and Implementing Socialist Core Values” [Guanyu peiyu he jianxing shehuizhuyi hexin jiazhiqiang de yijian], reprinted in Xinhua, 23 December 13, sec. 3.

46 For more in-depth information regarding the definition of “social management,” see CECC, 2012 Annual Report, 10 October 12, 125–26.


51 Rights Defense Network, “More Than 1,200 People From All Walks of Life Sign a Joint Letter Demanding the Release of China Democracy Party Member Xu Guang” [Yiquan liangbai yu ming geji renshi lianshu yaoqiu shifang zhongguo minzhudang ren xu guang], 10 May 14. For more information on Xu Guang, see the Commission’s Political Prisoner Database record 2004-02203.


54 Ibid.
For information on Liu Benqi's case, see the Commission's Political Prisoner Database record 2011-00767.


64 Civil Rights and Livelihood Watch, "Noted Dissident Qin Yongmin Escorted Back to Wuhan, House Searched and Items Confiscated, Detained for Nine Days" [Qin yongmin bing bei yi hui wuhan zao chaojia jiu ji tian], 2 January 14. For information on Qin Yongmin's case, see the Commission's Political Prisoner Database record 2004-02138.

65 Rights Defense Network, "Shandong Netizen Sun Feng Criminal Case Deterred for Holding Up 'Constitutional Governance, Democracy, Don't Forget June Fourth' Sign" [Shandong wangyou sun feng jupai "xianzheng minzhu, wuwang liu si" bei xingju], 26 January 14; "Will Fearless Sun Feng Become China's First Case of Inciting Subversion in 2014?" [Wu Ju sun feng jiang chengwei 2014 nian zhongguo di yi ge shandian zui?], Boxun, 30 January 14. For information on Sun Feng's case, see the Commission's Political Prisoner Database record 2004-03379.

66 Chen Guangcheng and Gao Zhisheng; Human Rights in China, Hearing of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Foreign Affairs Committee, U.S. House of Representatives, 9 April 13, Testimony of Bob Fu, ChinaAid, President, ChinaAid. For information on Bob Fu's case, see the Commission's Political Prisoner Database record 2004-02253. See also "Authorities Deny Medical Treatment to Zhu Yufu; Condition Serious," Congressional-Executive Commission on China, 16 April 13.


70 Chinese Human Rights Defenders, "Cao Shunli & Her Legacy," 21 April 14; Chinese Human Rights Defenders, "Chinese Government Must Be Held Accountable for Death of Activist Cao Shunli," 14 March 14. For more information on Cao Shunli's case, see the Commission's Political Prisoner Database record 2009-00195. See also "Inadequate Medical Care for Cao Shunli Before Her Death Contracts International Law," Congressional-Executive Commission on China, 2 April 14.


73 "A Nightmarish Year Under Xi Jinping's 'Chinese Dream': 2013 Annual Report on the Situation of Human Rights Defenders in China,' March 2014, 1. According to CHRD, there were more than 220 documented criminal detentions of rights defenders in 2013, which amounts to three times the number detained in 2012.

74 For information on Cao Shunli's case, see the Commission's Political Prisoner Database record 2013-00028.


76 Ibid.

77 Ibid.

78 Chinese Human Rights Defenders, "A Nightmarish Year Under Xi Jinping's 'Chinese Dream': 2013 Annual Report on the Situation of Human Rights Defenders in China,' March 2014, 1. According to CHRD, there were more than 220 documented criminal detentions of rights defenders in 2013, which amounts to three times the number detained in 2012.
Rights Defense Network, “China Election Monitor (2014) No. 18—Hunan Province Anhua Changsha Shi Yuelu Qu Zhengfu Zhidao Zhiding de Xuanpiao Yangshi Shi Feifa de”, 10 April 14; “Government’s Influence on Ballots Is Illegal” [Zhongguo Xuanju Guancha (2014) Zhi Shi—Rights Defense Network, “China Election Monitor (2014) No. 10—Changsha City Yuelu District Sishijiu—Ningxia Shapotou Qu Zhengfu Zhidao de Cunweihui Xuanju Shi Feifa de”], 9 February 14; “Government Directing Village Election Is Illegal” [Zhongguo Xuanju Guancha (2013) Zhi—Rights Defense Network, “China Election Monitor (2013) No. 25: The Right To Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, CCP/C/21/Add.7, 7 December 96. Under General Comment 25 to the ICCPR, the language requires that: “Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in the principle of representation that the representative shall be accountable through the electoral process for the exercise of that power” (item 7); “The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions . . . .” (item 10); “Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected . . . .” (item 12); “The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties . . . .” (item 17); and an “independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant . . . .” (item 20).

82 Wang He, “Guangdong Village Committee Term Elections Will Introduce Notary System and Will Try a New Format” [Guangdong Cunweihui Xuanju Ming Nian Yinru Gongzhengzhi Bing Shixing Xin Xingshi], Guangzhou Daily, reprinted in People’s Daily, 21 September 13; Tenth Round Village Committee Candidates Including Those Who Violate Petitioning Regulations” [Zijin Guiding 8 Lei Ren Weiyuanhui Huanjie Xuanju Gongzuo de Tongzhi], 31 December 13; Tenth Round Village Committee Election Measures [Di Shi Jie Cunmin Weiyuanhui Huanjie Xuanju Gongzuo de Tongzhi], 31 December 13; “Community, Village ‘Two Committees’ Term Elections Work Implementation Plan” [Shequ, Cun ‘liang wei’ Huanjie Xuanju Gongzuo Work Implementation Plan], Zoujiaba Street General Office (Chongqing Municipality, Wanzhou District), reprinted in Wanzhou District People’s Government, 9 October 13. For example, the Wanzhou district program document provided justification for potentially interfering in elections—this was the call on officials to “discover and resolve the problem of bias in term elections”.

83 Ibid.


85 International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 25; UN Office of the High Commissioner for Human Rights, General Comment No. 25: The Right To Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, art. 13. According to Article 13, “Any villager who has attained the age of 18 years old shall have the right to elect and stand for election regardless of his/her ethnicity, race, gender, occupation, family background, religious beliefs, level of education, property, and time of residence, except for those who have been deprived of their political rights according to law.”


98 Echo Hui, “Hunan and Shandong Lawyers Announce Formation of Lawyers’ Group” [Hunan hengyang renda huxuan an xiang lu lushi tuan xuanqiao chengji], 19 March 14; Wang Shu, “Hunan’s Electoral Disruption Case Involving 110 Million Yuan, Eligibility of 749 People’s Congress Representatives Terminated” [Hunan hengyang renda huxuan an xiang lu lushi tuan xuanqiao chengji], 19 March 14.


104 For more information about Zhuang Liehong and his role in the 2011 Wukan demonstrations, see “Wukan Youth: Zhang Jianxing,” China Digital Times, 19 June 14.


106 For information on the earlier phases of the anticorruption campaign, see Alice Miller, “The Road to the Third Plenum,” China Leadership Monitor, Hoover Institution, Stanford University, No. 42 (Fall 2013), 7 October 13, 8–10.

107 See, e.g., Central Committee of the Communist Party General Office, State Council General Office, Regulations Promoting Frugality and Curbing Waste in Party and Government Agencies [Dangzheng jiguang lixing jiegui yu fangbao zai liangfu yanjiu baoli], reprinted in Xinhua, issued and effective 25 November 13; Central Committee of the Communist Party General Office, State Council, General Office, Party and Government Agencies’ Domestic Official Receptions Management Provisions [Dangzheng jiguang guonei gaoyu jieyi yu guanli guangong yu guidai and zhengzhi yanjiu baoli], reprinted in Xinhua, issued and effective 8 December 13; Ministry of Finance et al., Central and State Agency Meetings Management Measures [Zhongyang he guojia jiguan huiyi fei guanli banfa], reprinted in People’s Daily, issued 13 September 13, effective 1 January 14; Ministry of Supervision et al., Provisions on Punishments for Granting Allowances and Subsidies in Violation of Regulations [Wei gui fafang jin tie bu tie xing wei chufen guishen jianjue shazhu], reprinted in Chinese Communist Party Information Net, issued 13 June 13, effective 1 August 13; Central Discipline Inspection Commission and Central Party Mass Line Education and Implementation Campaign Leading Small Group Circular Regarding Implementing the Spirit of the Central Government’s Eight Rules and Resolutely Halting the Use of Public Funds To Purchase Gifts During Mid-Autumn Festival and National Day Among Other Unhealthy Tendencies [Guanyu luoshi zhongyang baxiang guihou yu guihou yu sidai tongzhi], reprinted in Xinhua, 3 September 13; “Central Discipline Inspection Commission: Strictly Prohibits Use of Public Funds To Purchase Merchandise Such as Fireworks and Firecrackers To Present as Gifts on New Year’s Day and During the Spring Festival” [Zhongyang jianjue shazhu zhongyang baxiang guihou yu guihou yu sidai tongzhi], reprinted in Xinhua, 3 September 13; “Central Discipline Inspection Commission: Imposing Eight Disciplinary Rules Requiring Discipline in the Use of Public Funds” [Zhongyang jianjue shazhu zhongyang baxiang guihou yu guihou yu sidai tongzhi], reprinted in Xinhua, issued and effective 4 September 13; Central Discipline Inspection department issued related measures to standardize the compilation and analysis of reports filed by officials about their finances.


111 “Supreme People’s Procuratorate: To Establish Database of Graft Suspects at Large” [Zuigaojian: jianli zai tao zhiwu fanzui xianyiren xinxi shujuku], Procuratorial Daily, reprinted in Legal Daily, 28 March 14.


115 “Supreme People’s Procuratorate: To Establish Database of Graft Suspects at Large” [Zuigaojian: jianli zai tao zhiwu fanzui xianyiren xinxi shujuku], Procuratorial Daily, reprinted in Legal Daily, 28 March 14.

anjian], 14 April 14; Central Discipline Inspection Commission and Ministry of Supervision, “Exposure Platform—Central Discipline Inspection Commission” [Baoquanguai—zhongyang jiewei], last visited 22 April 14.  

117 “Li Keqiang: Speech at the Second State Council Clean Government Work Meeting” [Li keqiang: zai er lianzheng gongzuozu huiyi shang de jianzhang], Xinhua, 23 February 14. In February 2014, Premier Li Keqiang reported on several achievements of the campaign including a halt to construction of government buildings, a 5 percent reduction in central agencies’ expenditures, a 52 percent reduction in the number of government meetings, and a 35 percent reduction in the “three public” expenditures.  


119 “China’s Phony War on Corruption,” Wall Street Journal, 18 September 13. The Wall Street Journal reported that Xi’s anticorruption campaign may not have a lasting effect and noted a new motto of officials, “to eat quietly, to take gently and to play secretly.”  


121 Few Research Center, “Environmental Concerns on the Rise in China, Many Also Worried About Inflation, Inequality, Corruption,” 19 September 14. 2. A 2013 Pew survey found that 53 percent of Chinese citizens surveyed were concerned about corruption, a 14 percent increase from 2008.  


125 Zhang Xiaosong, “China Gave 84,000 Officials Disciplinary Sanctions During the First Half of The Year,” Up 360 Percent From Last Year” [Jinquan yang ban nian zhonggguo gua guanyuan shuanggul changbu zai 360%], Xinhua, 14 August 14.  


127 Donald Clarke, “The Bo Xilai Trial and China’s ‘Rule of Law’: Same Old, Same Old,” Atlantic, 21 August 13. See also CECC, 2013 Annual Report, 10 October 13, 80-84. Bo reported that his confession was made under pressure. “Lawyer Gu Yushu Says Not Allowed To Represent Bo Xilai,” Reuters, reprinted in South China Morning Post, 8 August 13. Authorities reportedly also denied him counsel while he was held in shuanggui detention and denied permission for a lawyer retained by his family to represent him in court. Jerome A. Cohen, “Criminal Justice in China: From the Gang of Four to Bo Xilai,” Human Rights Watch, 25 July 13.  


131 “Communist Party Central Committee Decides To Open Investigation Into Zhou Yongkang on Suspicion of Serious Disciplinary Violations” [Zhonggong zhongyang jiedui dui zhou yongkang yanzhong weiji wenti luan shenchen], Xinhua, 29 July 14.
According to Rights Defense Network, authorities tried Liu and Wei on the charges of 'crimes' on July 18th. The Xinyu Authorities' heavy sentences for Liu Ping, Wei Zhongping, and Li Sihua Will Be Tried for Their 'Crimes' on July 18th. Authority sentenced Liu, Wei, and Li for 'picking quarrels and provoking public order.' For more information, see the Commission's Political Prisoner Database records 2013-00131 on Yangu and 2013-00132 on Zhang Baosheng.


of “picking quarrels and provoking trouble,” “gathering a crowd to disturb public order,” and “using a cult to undermine implementation of the law.” For additional information on the cases of Liu, Wei, and Li, see Human Rights in China, “Two New Charges for Asset Transparency Advocate Liu Ping,” 29 August 13; Patrick Boehler, “Chinese Activist Detained ‘For Inciting Subversion of State Power,’” South China Morning Post, 8 May 13.

146 “Huang Wenxun (CPPC Number: 00069)” [Huang wenxun (CPPC bianhao: 00069)], China Political Prisoner of Concern (blog), 10 March 14.


152 Liu Rong, “First Major Revision of the Legislation Law: Plan To Give 233 New Cities Legislative Authority” [Lifa cha an cheng da xiu: haixin qing ling de fangshi quan], People’s Daily, 25 August 14; National People’s Congress Standing Committee, Legislation Law Amendment (Draft) Provisions [Lifa cha an (caozao) tiaowen], 31 August 14. Article 35 of the original Law on Legislation stipulated that the NPC Standing Committee decided which draft laws could be made available for public review and comment. Article 37 of the draft amendment stipulated that draft laws on the calendar of the Standing Committee shall be announced by the NPC Standing Committee.


157 State Council, Implementing Regulations for the PRC Law on the Protection of State Secrets [Zhonghua renmin gonghe guo baoshou guojia mimi fa shishi tiyao], issued 17 January 14, effective 1 March 14.

158 Ibid., art. 5.


161 Ibid., sec. 1.


165 Ibid.


167 Ibid.

