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INSTITUTIONS OF DEMOCRATIC GOVERNANCE

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INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

• The Communist Party exercises control over political affairs, government, and society through networks of Party committees or branches that exist at all levels in government, legislative, and judicial agencies, as well as in businesses, major social groups (including unions), the military, and most residential communities. During the 2011 reporting year, Communist Party leaders reiterated Party dominance and accelerated efforts to build or revitalize Party organizations, especially focusing on Party branches in commercial buildings, urban neighborhoods, academic institutions, and law firms.

• China's political institutions do not comply with the standards defined in Article 25 of the International Covenant on Civil and Political Rights, which Chinese leaders have signed and declared an intention to ratify. Nor do China's political institutions comply with the standards outlined in the Universal Declaration of Human Rights. While central-level Chinese leaders continued to issue measures meant to improve the efficiency of bureaucratic governance and to bolster trust in the Party, news reports did not indicate any major forthcoming political reforms. Premier Wen Jiabao emphasized the need for political reforms; however, some of his remarks were censored in the Chinese domestic news. Other top leaders appeared to criticize ideological pluralism and to emphasize the impossibility of implementing "Western-style" democracy with its separation of powers and competing political parties.

• During this reporting year, Chinese authorities expanded social controls under the banner of strengthening "comprehensive management of public security" and "safeguarding social stability." Officials engaged in a largely preemptive crackdown affecting hundreds of people, apparently disregarding their constitutional right to freedom of assembly and preventing them from gathering peacefully in so-called "Jasmine Revolution" rallies, with the purpose of advocating for democratic reforms, among other issues. In addition, authorities continued to detain, sentence, and demonstrate little tolerance for those individuals involved in political parties not sanctioned by the Communist Party. For example, authorities handed down a harsh sentence to Liu Xianbin for his democracy advocacy activities and arrested Li Tie for posting writings advocating for democracy on the Internet.

• Direct elections for local people's congress representatives are held only at the county level. Authorities appeared to discourage "independent candidates" who utilized online resources to campaign in the latest round of local people's congress elec-

tions, and news stories reported harassment of "independent candidates" and their families. At least 100 "independent candidates" announced via microblog their intention to run.

• Chinese leaders continued to voice support for village autonomy with the Party as the leading core. While village committee elections have spread across most of China, they continue to be plagued by official interference and corruption. Major revisions to the law governing village committee elections are likely to alter the balance of authority in village-governing organizations, partially because the law mandates establishment of a new "supervisory committee" or equivalent in every village. The revisions also clarify election and recall procedures. The supervisory committees may help to reduce village corruption, but they may also act to "maintain social stability" by stifling critical voices. Central-level officials continued a survey of outstanding governance problems at the grassroots level, and authorities in numerous localities reported that they instituted a variety of "democratic management" projects to improve relations between village leaders and rural residents, to reduce corruption, to improve information disclosure, and to promote "democratic" public participation. The Commission has not observed news media reports containing details on the implementation and sustainability of these pilot projects.

• Authorities continued to express support for government information disclosure and expanding the transparency of Party affairs. In addition, the State Council released the Opinion Regarding Strengthening Construction of a Government That Rules by Law in November 2010, which emphasizes enhancing government information disclosure, with a focus on budgets, allocation of public resources, approval and implementation of major construction projects, and nonprofit social causes. Beijing municipality issued a measure that reportedly will, for the first time, include Party leaders within the "scope of accountability."

• The Chinese government and Communist Party reportedly sought to improve governance accountability, and at the same time improve "social management." The government reportedly took limited steps to combat corruption, which remains a significant problem. In the 2011 reporting year, the Chinese government issued China's first white paper on corruption as well as other measures to subject officials to financial audits, encourage reporting of corruption, and protect whistleblowers. Chinese government authorities revised official evaluation models that could lead to greater accountability, relieving pressure on officials to falsify data in order to be promoted. Authorities issued a major economic and social development plan for the next five years (the 12th Five-Year Plan), which notes that authorities will "establish a community management and service platform," linking service provision and social management.

• Citizens and groups in China have little direct access to political decisionmaking processes; however, they are increasingly able to use various channels to express opinions regarding proposed policies and regulatory instruments. New meas-

ures stipulate that "major" policy decisionmaking processes should include public participation, expert argumentation, risk assessment, legal review, and group discussions. The measures also stipulate that authorities should track how their decisions are being implemented.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Call on the Chinese government to release people detained or imprisoned for exercising their right to call for political reform within China—including democracy advocate Liu Xianbin, who was sentenced to 10 years in prison in March 2011 for "inciting subversion of state power"; the people detained for mentioning the protests in the Middle East and North Africa or calls for "Jasmine" protests in personal communications or in Internet postings; and other prisoners of conscience mentioned in this report and in the Commission's Political Prisoner Database.

○ Support research programs for U.S. citizens to study political and social developments at the grassroots level in China and expand the number of U.S. consulates throughout the country.

○ Support programs that aim to reduce corruption in local people's congress and village committee elections, including expansion of domestic election monitoring systems, training of Chinese domestic election monitors, and joint U.S.-Chinese election monitoring activities.

○ Support continued substantive exchanges between Members of the U.S. Congress and members of the National People's Congress and the Chinese People's Political Consultative Conference, especially in relation to Congressional oversight processes and budgetary matters.

○ Support projects of U.S. or Chinese organizations that seek to work with local Chinese governments in their efforts to improve transparency and accountability, especially efforts to expand and improve China's government information disclosure initiatives. Such projects might include training in the U.S. Freedom of Information system for Chinese officials, joint efforts to better publicize the Open Government Information (OGI) Regulations at local levels, and citizen and group training about how to submit OGI requests.

○ Support projects that assist local governments, academics, and the nonprofit sector in expanding transparent public hearings and other channels for citizens to incorporate their input in the policymaking process. Such projects might include an exchange program component, whereby Chinese local government officials and non-governmental organization representatives would travel together to the United States to attend town hall or public meetings that address significant issues. Such projects might also include pilot projects in China in which citizens' suggestions to authorities about draft laws, regulations, or policies are made available to the public.

Introduction

China's political system is dominated by the Communist Party, and Party organizations extend into and influence every sector of society. There is limited participation by non-Party members in political decisions. During the Commission's 2011 reporting year, Chinese authorities intensified Party-building efforts and efforts to strengthen controls over society in the name of improving "comprehensive management of public security" and "safeguarding stability." Leaders launched a widespread crackdown to thwart citizens' attempts to gather for peaceful demonstrations around the country, dubbed "Jasmine" protests by the organizers, which included advocating for democratic reforms. Leaders continued to have little tolerance for outspoken democracy advocates. Authorities continued to voice support for enhanced accountability, "open government affairs," and greater public participation, although implementation of various measures was sporadic. The central government encouraged pilot grassroots-level "democratic management" programs, partially to reduce corruption, improve relations between officials and citizens, promote transparency, and encourage "democratic" public participation. While village elections for "village committees" have spread throughout China, their implementation remains problematic. Corruption remained a serious problem at all levels, and the central government issued the first "white paper" on corruption and reportedly strengthened anticorruption efforts.

China's One-Party State and Political Control

During this reporting year, Communist Party leaders accelerated efforts to reinvigorate the Party's dominance and involvement in all sectors of society. July 1, 2011, marked the 90th anniversary of the founding of the Party, which reportedly had nearly 80.3 million members by the end of 2010 [1] and has established more than 3.79 million committees and branches throughout the country.[2] These organizations exert influence over every sector of society, including villages and urban neighborhoods,[3] as well as most enterprises,[4] public service organizations (including hospitals, schools, and research institutes),[5] government departments, and quasi-governmental and non-governmental organizations.[6] Chinese leaders continued to insist upon the leading role of the Party and the infusion of Party principles in various sectors including "managing talent" (human resources), education, and the media.[7] This reporting year, Party officials focused Party-building efforts on urban residents' committees,[8] law firms, schools,[9] and rural residents.[10]

Increasing Social Controls in the Name of "Safeguarding Social Stability"

Chinese government and Party officials expanded social controls, especially mechanisms to monitor citizens and groups, in the name of strengthening "comprehensive management of public security" [11] and "safeguarding social stability." Authorities also appeared to link social control strategies with service provision, whereby outreach to citizens would involve both service provision and "management" tasks.[12] In July 2011, the Information Office of the State

Council noted that officials across China had opened 2,842 government affairs service centers at the provincial, autonomous prefectural, and municipal levels, and 25,000 (rural) township and (urban) street service centers.[13] In November 2010, central government and Party officials issued an opinion about strengthening urban Party-affiliated resident committees that noted the growing role for the committees in "safeguarding social stability."[14] In addition, local and sector-specific officials implemented measures expanding controls over society:

- In Beijing, authorities appear to be encouraging volunteers to monitor their fellow citizens; they are expected to play a "leading" role in "comprehensive management" by providing information and reports related to "stability," sometimes for a monetary reward.[15]
- In March 2011, authorities in Shanghai reportedly began to establish Party organizations in some commercial buildings to monitor activities, as a part of implementing local regulations on "comprehensive management."[16] The regulations are also the first to incorporate directives monitoring the Internet into the city's "comprehensive management" system.[17]
- Zhejiang provincial[18] and Shenzhen municipality[19] authorities initiated measures to control the movements of "critical personnel" (*zhongdian renshi*). Zhejiang includes in this category persons involved in "rights defense" activities, petitioners who take their grievances to higher administrative levels, and those suspected of "creating instability."[20]
- Education authorities strengthened the "student security informant" system, which reportedly operates covertly on campuses to safeguard stability, and the "student informant system,"[21] which authorities use to monitor the political expression and behavior of students and teachers.[22] One school bulletin board posting reportedly disclosed that students who celebrated Liu Xiaobo's Nobel Peace Prize award would not be eligible for scholarships.[23] Peking University reportedly banned students from copying sensitive materials including those critical of the Party,[24] and announced plans to arrange consultations for "troublesome students," including students with "radical thoughts" who hold critical views of the university's management or who complained about policy changes.[25]

2011 Crackdown: From Reform Advocates to Flower Vendors

Authorities conducted a largely preventative crackdown amid calls for nonviolent, "Jasmine" protests in various cities in China. Authorities prevented some citizens from exercising their constitutional right[26] to freedom of assembly, association, and speech, as well as to advocate for change including democratic reforms. [For more information on the 2011 crackdown, see Section II—Freedom of Expression and Section II—Criminal Justice.] Beginning in mid-February after the protests in the Middle East and North Africa, weekly calls for peaceful "Jasmine" protests in China to take place each Sunday appeared online, urging citizens to "stroll" around designated areas at designated times, in a gradually increasing number of cities.[27] The original anonymous statement circulated in China, also sent to and posted by an international Web site, Boxun, urged Chinese citizens to demonstrate for democratic reforms and against alleged corruption in China among other issues.[28] On February 19, 2011, a few days after the appearance of the first online call for protests, and amid commemoration of 20 years of "comprehensive management of social order" work launched in 1991,[29] top Chinese officials held a seminar for key provincial and ministry-level leaders. At the meeting, President Hu Jintao outlined eight main tasks for leaders to strengthen "social management."[30] According to the South China Morning Post, government-controlled newspapers including the Beijing Daily, the Jiefang Daily, and the Shanghai Morning Post issued front page articles warning against mass gatherings[31] and emphasizing the need to strengthen "social management" and "safeguard social harmony and stability."[32]

Authorities have reportedly arrested, detained, "disappeared," put under "soft detention," or otherwise harassed over 200 citizens, writers, scholars, and political reform advocates since mid-February.[33] Those arrested included Chen Wei,[34] Ding Mao,[35] and Ran Yunfei.[36] Relevant central or local authorities also reportedly:

- Censored words and phrases related to the unrest in the Middle East and North Africa, and related to the word "Jasmine";[37]
- Declared jasmine flowers to be contraband and instructed at least one flower vendor in Beijing municipality to report on people seeking to purchase the flowers;[38]
- Urged some church followers not to join mass gatherings;[39]
- Detained two students in Chongqing municipality for posting news of the "Jasmine" protest strolls online, prevented some students from leaving certain campuses at specific times, issued notices asking students to stay away from sensitive areas, and warned students not to hold any collective gathering in order to avoid a misunderstanding;[40]
- Presented a strong showing of security personnel and equipment at locations in municipalities designated as "Jasmine" rally sites[41] and used water trucks to flood streets and sidewalks at those sites;[42]
- Closed some subway entrances and businesses near rally sites;[43]
- Assaulted at least 2 foreign journalists, detained more than 12 international reporters in Shanghai and Beijing, and warned journalists in Beijing not to carry out interviews without permission;[44] and

2011 Crackdown: From Reform Advocates to Flower Vendors—Continued

- Disrupted mobile phone services.[45]

Chinese authorities reportedly pressured European missions and interfered in at least 60 activities organized by the U.S. Embassy in Beijing between February and April leading to their cancellation, including "cultural forums, school programs, [and] ambassadorial visits."[46] The Ministry of Education reportedly warned Chinese academics not to cooperate with groups that promote democracy while they are abroad and have stepped up scrutiny of nonprofit groups, especially those that receive funding from the United States or the European Union.[47]

Official Actions Against Democracy Advocates

Authorities continued to detain, arrest, and impose sentences on democracy advocates who exercised their right to freedom of assembly, speech, movement, and association guaranteed in China's Constitution and under international human rights standards. Authorities imposed a 10-year sentence on Liu Xianbin for "inciting subversion of state power" for writing and posting overseas articles that advocated for democratization, criticized Party rule, and supported the development of a "strong opposition organization."[48] In October 2010, officials in Wuhan city, Hubei province, arrested the prolific blogger Li Tie on charges of subversion.[49] As of September 2011, news stories have not provided information regarding his sentence. Authorities in Qianjiang city, Hubei province, also detained, held incommunicado, illegally confined to his home, or denied basic utilities to former local people's congress delegate and elections expert Yao Lifa on at least seven occasions over the past reporting year, sometimes for a few days and other times for months.[50] Amid the appearance of numerous "independent candidates" for local people's congress elections, authorities took Yao into custody on June 20 without charging him, and had not released him as of early August 2011.[51]

Intraparty Democracy and High-Level Debate Regarding Reform

China's political institutions do not comply with the standards defined in Article 25 of the International Covenant on Civil and Political Rights,[52] which China has signed and declared an intention to ratify.[53] Nor do China's political institutions comply with the standards outlined in the Universal Declaration of Human Rights.[54] These standards provide universal rights to freely choose accountable representatives through free and monitored elections, as well as protection for freedom of expression, assembly, and association. In China, however, the Communist Party continues to dominate government and allows only limited independent political participation. Chinese leaders maintain that intraparty democracy should come before democracy in society more widely.[55] The notion of intraparty democracy has been a part of the Communist Party's basic institutional design since 1956.[56]

During the reporting period, official documents and statements continued to include vague support for undefined "democratic"

processes and reforms. At the same time, in September 2011, officials issued a white paper titled "China's Peaceful Development" that states, "China is firm in upholding its core interests which include . . . China's political system established by the Constitution and overall social stability. . . ."[57] This is the first time officials have designated the current political system as a "core interest."[58] A Communist Party communique issued in October 2010 emphasized that "[g]reat impetus should be given to economic system reform, while vigorous yet steady efforts should be made to promote political restructuring."[59] The PRC Outline of the 12th Five-Year Plan on National Economic and Social Development (12th Five-Year Plan) describes plans to "develop democracy and promote socialist political culture development," without providing specifics.[60] Premier Wen Jiabao continued to assert the need for undefined political reforms including in an August 2010 statement declaring that "[w]ithout political reform, China may lose what it has already achieved through economic restructuring and the targets of its modernization drive might not be reached."[61] State press reports, however, criticized calls for rapid democratic reforms in an apparent refutation of some of Wen's remarks.[62] Other officials appeared to criticize ideological pluralism and emphasize the need for China to maintain a "correct political orientation."[63] At the March 2011 National People's Congress (NPC) annual meeting, Wu Bangguo, the Chairman of the NPC Standing Committee, said China would not "copy" western-style political systems.[64] An October 2010 People's Daily editorial reiterated that political development should proceed along a "correct political direction . . . . [P]olitical structural reform is not to weaken, but to strengthen and improve the Party's leadership . . . ."[65]

Local People's Congress Elections and Criticism of "Independent Candidates"

Communist Party members continue to dominate local people's congress elections, but the congresses reportedly are no longer the "rubber stamps" they were in the past. Only township and county congress delegates are elected by the public, so higher level congresses are not elected by ordinary citizens. In May 2009, an international researcher noted that Party members make up approximately 65 percent of township congresses and approximately 70 percent of congresses above this level.[66] In October 2010, the NPC Standing Committee passed revisions to the 1992 Deputies Law of the National People's Congress and Various Levels of Local People's Congresses of the People's Republic of China.[67] According to an official news source, the revisions will help to better protect delegates' rights to information and more clearly define their rights and duties.[68]

Central officials appeared to discourage and prevent "independent candidates" from running in local people's congress elections. While 10 or more citizens may nominate a candidate, sometimes resulting in a large number of "voter-nominated candidates," i.e., "independent candidates," in the early stages of election activities, by the time election day arrives, most such candidates reportedly are winnowed out.[69] Several articles in Party-affiliated newspapers warned of the dangers of including "independent can-

didates" in elections after blogger and writer Li Chengping, from Chengdu city, Sichuan province, gained more than 2.9 million followers on the Internet when he declared his candidacy.[70] Subsequently, more than 100 such candidates reportedly declared their candidacy online.[71] In May 2011, in Xinyu city, Jiangxi province, security personnel from an enterprise reportedly held local "independent candidates" Liu Ping, Wei Zhongping, and Li Sihua to prevent them from campaigning or participating in a district-level election.[72] The three were released shortly after the election took place.[73] Officials also reportedly detained Du Quanbing, who traveled to Xinyu to observe the election proceedings.[74] In late June, news stories reported additional harassment of "independent candidates" and their families.[75] A May article in the Party-affiliated Global Times noted that "independent candidates" could play a positive role, but also asserted that it was not suitable to allow candidates who held opinions different from those of the current political system to run; and that such candidates would bring "even more turbulence, threatening the cohesion of the nation."[76]

Village Elections and "Democratic Management" Projects

TRENDS IN VILLAGE ELECTIONS AND RELATED LEGISLATIVE DEVELOPMENTS

While village elections have spread to all provinces and most villages in China, they reportedly continue to be plagued by official interference, corruption,[77] and, in at least one case, violence.[78] Corruption problems reportedly include such things as election bribery[79] and gift-giving in exchange for votes.[80] One example of official interference occurred in July 2010 in a village in Fangshan, a suburban district in Beijing; officials there reportedly interfered with vote counting, allegedly upon orders of the incumbent village leader, leading to a standoff with villagers.[81] Fangshan officials called in 200 police, who then detained several villagers, some for reportedly "obstructing traffic."[82]

In October 2010, the NPC Standing Committee passed revisions to the PRC Organic Law of the Villagers' Committees,[83] which clarified election and recall procedures.[84] The revisions stipulate that every village must establish a "supervisory committee" or similar organization,[85] which may permanently alter the distribution of power among village-governing organizations, possibly reining in the power of village committees. The "supervisory committees" are intended to promote a more "harmonious society," prevent corruption, and deepen "open village affairs" and "democratic management."[86] The deputy minister of the Ministry of Civil Affairs noted in November 2010 that 85 percent of the country's villages had already established supervisory committees or their equivalent.[87] Some news articles note that villages are now governed by "three committees" (Party, village, and supervisory committees).[88] In general, it appears that the Party committee makes decisions, the village committee implements those decisions, and the supervisory committee oversees the decisions.[89] However, relative authority among the three committees, as well as other village organizations, may vary from village to village. The revisions also appear to provide a stronger legal foundation for the authority of "vil-

lager representative assemblies."[90] Provincial-level authorities in at least three provinces (Guangdong, Hubei, and Qinghai) revised regulations governing village committee and/or urban resident committee elections, which for the first time stipulate the establishment of official Party- and government-sponsored election observer systems.[91] It is unclear whether officials will tolerate non-governmental monitoring activities.

Major trends in grassroots governance highlight the efforts of the Party to strengthen control at the grassroots level and central authorities' efforts to improve the competence of village officials. Higher level authorities continued to encourage the same person to serve as village Party secretary and village committee head, reversing the trend started in the late 1980s to separate Party and government positions.[92] While this development may reduce perceived conflict over power in villages,[93] it strengthens Party control and may also decrease competition for and oversight of authority. This development highlights the importance of the order in which Party and village committee elections take place. Authorities reportedly sought to enhance village-level accountability and improve the competence[94] of local officials in a variety of ways, including increasing salary levels,[95] using college graduates[96] and "extra-payroll" officials,[97] and incorporating Party members "without a post" or "old" Party members as "senators" into village governing processes to promote more "harmonious" relations and to improve decision-making processes.[98] In some localities, by the end of 2010, a greater percentage of elected village and Party leaders reportedly had higher educational and professional skill levels than in the past.[99]

"DIFFICULT VILLAGES" AND "DEMOCRATIC MANAGEMENT" PROJECTS

Likely in response to growing discontent and erosion of Communist Party legitimacy at the grassroots level, central and local authorities continued programs to "transform" so-called "difficult villages" and to implement "democratic management" projects. Programs to rectify "difficult villages"[100] (i.e., villages where tensions between citizens and officials are present, where people's aspirations and demands have not been met, or where there are unresolved economic or social problems, among other problems)[101] reportedly are basically complete.[102] During this reporting year, "democratic management" pilot projects in some localities focused on strengthening the role of the Party at the grassroots level, promoting economic development, and improving participation and transparency while "safeguarding stability."[103] Hebei, Guangdong, Hunan, Shaanxi, and other provinces issued "open village affairs" or similar regulations to accomplish these goals.[104] Some villages also established "villager financial management groups,"[105] "transparent account book systems,"[106] or "Sunshine Village Affairs Projects."[107] The effects of most of these pilot projects remain unclear, and one Chinese researcher believes most to be transitory.[108]

Accountability and Transparency: Party and Government Reforms

BUILDING A "RULE BY LAW GOVERNMENT," ACCOUNTABILITY, AND OFFICIAL EVALUATION SYSTEM REFORM

The State Council and the National People's Congress (NPC) continued or initiated policy measures to enhance government accountability. At the annual meetings of the NPC and the Chinese People's Political Consultative Conference in March 2011, Wu Bangguo reportedly promised that the NPC would enhance accountability through its work on supervision of the government, especially in the areas of "low-income housing, government budgets, education reform, and strengthening primary-level courts and procura torates."[109] In November 2010, the State Council issued the Opinion Regarding Strengthening Construction of a Government That Rules by Law. The Opinion points out several problems that need to be addressed, including increasing "social contradictions" in some localities and fields, "mass incidents" occurring with some frequency, "corruption in some fields," "unjust law enforcement," and "negligible or arbitrary administration."[110] The Opinion calls for deeper reforms, stronger institutions, enhanced government supervision, restriction of administrative powers, and "a government ruled by law."[111] On June 30, the NPC Standing Committee adopted the PRC Law on Administrative Coercion, which will come into force on January 1, 2012, after a 12-year drafting process. The law is meant to resolve the problems of official infringement of citizens' legal rights and weak enforcement of regulatory instruments by government agencies, according to an official with the NPC Standing Committee Legislative Affairs Commission as reported by the Beijing Review.[112] In July, news reports indicated that the revisions of the PRC Administrative Reconsideration Law had advanced to the legislative planning phase and that it is possible the revisions will expand the scope of administrative reconsideration cases to be accepted in the future.[113] The revised PRC State Compensation Law, which came into effect on December 1, 2010, could, if implemented, provide citizens more opportunities to obtain compensation when government officials violate their rights.[114]

There have been both potentially encouraging and seemingly unconstructive developments in official evaluation system reforms. Authorities plan to revise official professional evaluation standards based on a new system that takes regional economic, geographical, and social differences into account.[115] The new standards could lead to greater accountability because they could reduce incentives for falsifying information given to higher level officials to improve promotion chances. Official responsibility and evaluation systems sometimes provide incentives to suppress citizens who want to take their grievances to higher level authorities.[116] One Chinese editorial pointed out the dangers of incorporating "stability preservation" into cadre evaluation systems, because officials may put "safeguarding stability" above everything else or seek to "control petitions" and, as a result, cover up problems.[117] One document indicates officials in one county can be marked down for collective petitions received at higher levels of government and for the number of "unsafe political incidents that affect national security."[118] In

one case, authorities said they would withhold grain subsidies if citizens made complaints to higher level officials.[119]

Accountability and Corruption

CORRUPTION

Corruption reportedly remains high, and Premier Wen Jiabao recently emphasized that corruption poses a significant danger to Communist Party rule.[120] Corruption also reportedly continues to be one of the top concerns of Chinese citizens.[121] During this reporting year, official discipline inspection and supervision entities reported receiving over 1 million accusations and complaints against officials from citizens between January and December 2010.[122] Authorities reportedly opened 7,349 malfeasance and rights infringement cases perpetrated by 10,227 government officials in 2010; 3,508 of these cases were considered major or serious.[123]

MEASURES TO CURB CORRUPTION AND PROMOTE ACCOUNTABILITY

Chinese authorities took regulatory steps to address corruption,[124] and in December 2010 the State Council issued China's first white paper on corruption titled "China's Efforts To Combat Corruption and Build a Clean Government."[125] Prior to that, on December 8, 2010, top Party and government authorities jointly issued the Provisions on Economic Responsibility Audits for Chief Leading Cadres of the Party and the Government and Executives of State-Owned Enterprises, which seek to strengthen supervision and management of cadres.[126] In addition, on December 15, 2010, authorities issued the Provisions Regarding Implementation of the Responsibility System for Construction of an Honest Party and a Clean Government.[127] In February 2011, the NPC Standing Committee amended the PRC Criminal Law to criminalize the giving of items of value to an official of a foreign government or international organization in order to obtain an improper commercial benefit. The amendment went into effect on May 1, 2011.[128] Authorities issued a new anti-bribery law that went into effect in May and will apply to state-owned enterprises and private companies.[129] In July, top Party and government officials issued the Provisions Regarding Rural Village Grassroots Officials' Honest Performance of Duties (Trial Implementation), which prohibit 41 specific types of behavior of grassroots officials, including "participating in, coddling, or supporting criminal syndicates or evil forces" and "violating stipulations by seizing and taking citizens' money or property, or by penalizing citizens."[130]

Authorities also took limited steps to encourage reporting of corruption and to protect whistleblowers. Protections for whistleblowers, however, are insufficient and authorities have discouraged independent anticorruption Web sites. The Supreme People's Court and provincial courts reportedly established corruption reporting Web sites.[131] Revisions to the PRC Law on Administrative Supervision require authorities to inform a person who files a "real-name" report about the results of the corresponding inquiry. A new section stipulates that officials must keep confidential the information they collect about citizens who provide tips.[132] According to

the Legal Daily, 70 percent or more of the cases of work-related offenses filed with procuratorate offices initially involved a tip from a citizen.[133] According to material from the Supreme People's Procuratorate reported by the Legal Daily, 70 percent of the people who filed tips with procuratorate offices were subject to some form of retribution.[134] In July, court officials in Tengzhou city, Shandong province, rejected an appeal by journalist Qi Chonghuai, known for his official corruption exposés, sending him to prison for eight years on the charge of embezzlement.[135] This follows the four-year sentence he had already completed after being convicted of extortion and blackmail following his posting of stories online about alleged corrupt practices of municipal government officials.[136] While authorities have established official tip sites, some have blocked nongovernmental whistleblower Web sites.[137] In the summer of 2011, new sites based on "confess-a-bribe" Web sites in India began to appear in China.[138] As of mid-June 2011, there were at least eight Chinese independent platforms for reporting bribes, reportedly receiving tens to hundreds of thousands of hits.[139] The sites were unregistered, leaving them vulnerable to closure.[140] Authorities began blocking access to the sites and warning some of the webmasters to close their sites by mid-June.[141] At least two of these sites were targets of cyber attacks.[142]

TRANSPARENCY AND OPEN PARTY AND GOVERNMENT AFFAIRS

Authorities reportedly strengthened policies favoring government information disclosure, although the State Council has implemented transparency commitments inconsistently, and citizens continued to face challenges in accessing information and bringing cases to court. An April 2011 report by the US-China Business Council noted that China has pledged to publicly release drafts of all economic laws and regulations for 30 days.[143] The report found, however, that over a recent 11-month period the State Council had posted no more than half of its rules and regulations for public comment, with only a few being posting for the full 30 days.[144] In contrast, the report found that the National People's Congress had posted drafts of most laws for the full 30 days.[145] At the May 2011 U.S.-China Strategic & Economic Dialogue, China pledged to issue a measure in 2011 requiring that all proposed trade- and economic-related administrative regulations and departmental rules (with certain exceptions) be published on the State Council Legislative Affairs Office Web site for at least 30 days.[146]

In November 2010, the State Council Opinion Regarding Strengthening Construction of a Government That Rules by Law (the Opinion) reiterated that "making government information public is the principle, while a few exceptions are allowed."[147] Authorities reportedly also sought to strengthen information disclosure at the grassroots level.[148] In December 2010, the Supreme People's Court passed a provision that stipulates courts shall accept five types of administrative cases brought by citizens suing government departments for failing to provide information that legally should be open to the public. The provision also stipulates that courts are not authorized to accept cases under four types of vaguely defined conditions,[149] leaving significant leeway for courts not to accept cases. The 12th Five-Year Plan, issued in March 2011, specifies

that China will establish and improve "open information" to advance digitalization of government affairs.[150] In August, just after Chinese citizens flooded the Internet with inquiries regarding the lack of transparency about a high-speed train accident in Wenzhou city, Zhejiang province,[151] central Party and government officials issued the Opinion Regarding Deepening Open Government Affairs and Strengthening Government Services, which includes an item stating that officials should "take great efforts to make transparent information about major sudden incidents and issues of concern to citizens . . . and correctly guide public opinion."[152] [For more information on media coverage of the train incident and "guiding public opinion," see Section II—Freedom of Expression.]

Nevertheless, officials continued to deny open government information requests for reasons that appear to contradict the spirit of the law. One study of open government information annual reports submitted by national, provincial, and some city government organizations conducted by researchers in China reportedly found that officials continue to refuse to grant information disclosure requests because officials claimed the "information is not available," the information would "influence social stability," and the information "involves state secrets."[153]

Voluntary disclosure of government budgetary information remained an area of progress, although challenges remain. The State Council Opinion Regarding Strengthening Construction of a Government That Rules by Law stipulates that officials should more actively make government information public and focus on "financial budgets, allocation of public resources, approval and implementation of major construction projects, and non-profit social causes."[154] In early July 2011, government departments under the State Council began to make public information on expenditures for overseas trips, public relations, and vehicles, otherwise known as the "Three Publics." By late July, 86 of the 98 departments under the State Council had made their expenditures public.[155] Central officials also have required central government departments that have their budgets approved by the National People's Congress to make their annual budgets public. As of the end of May, 88 of the 98 departments reportedly had disclosed their budgets to the public.[156] In July, the State Council Standing Committee reportedly said it was necessary to "vigorously advance" budget transparency, to expand the scope of transparency, and refine disclosed content.[157] According to one survey, the Ministry of Finance expanded the number of items it made public in the national budget.[158] Although central-level ministries, the governments of Shaanxi province and Guangxi Zhuang Autonomous Region, and other areas have opened their 2011 budgets to the public, many citizens reportedly believe that the information provided is incomplete and that the budget category of "other expenses" hides information.[159]

Central Party leaders continued to make policy announcements regarding their intent to expand the transparency of Party affairs, and the Beijing municipal government took policy steps to enhance Party accountability. In October 2010, a top Party organization issued a policy document that outlined the "guiding thought" and basic principles for putting into practice "open Party affairs" at the

lowest administrative levels, as well as the content to be made public.[160] The Beijing municipal government issued the Beijing Municipal Implementation Measure in January 2011, which for the first time includes Party leaders in the "scope of accountability."[161] Authorities announced that 13 central Party departments, 31 provinces, autonomous regions, and municipalities, and nearly half of China's prefectural-level cities have already established Party press spokesperson systems.[162]

Public Input in Decisionmaking, Interest Articulation, and Public Hearings

Citizens and groups in China have little direct access to political decisionmaking processes; however, they are increasingly able to utilize various channels to express opinions regarding proposed policies and regulatory instruments. The 12th Five-Year Plan stipulates that "it is necessary to give full play" to "people's organizations, trade associations, and mass media to express social interests" and that authorities will expand the "degree of public participation" in decisionmaking.[163] The Opinion Regarding Strengthening Construction of a Government That Rules by Law (Opinion), issued in November, stipulates that "before major decisions are made [authorities] should widely solicit and adequately assimilate opinions from all sides."[164] It requires that "public opinion . . . be solicited" with respect to "administrative laws and regulations . . . that have direct influence on rights and obligations of citizens, legal person [sic] or other organizations." In addition, the Opinion stipulates that "what opinions are adopted, and why, should be made public in appropriate formats."[165]

Endnotes

[1] "Central Organization Department: By the End of 2010, the Chinese Communist Party Reached 80.269 Million Members" [Zhongzubu: jiezhi 2010 niandi zhonggang dangyuan zongshu 80.269 wan ming], China News, 24 June 11.

[2] "At the End of 2009 Total Number of Party Members Reaches 77,995,000 Nationally" [Jiezhi 2009 niandi quanguo dangyuan zongshu da 7799.5 wan ming], Chinese Communist Party News Net, 28 June 10.

[3] Ibid. There are 6,629 urban street Communist Party organizations, 34,224 town organizations, 80,000 residential committees, and 598,000 village committees.

[4] Ibid. Over 99 percent of the various types of eligible enterprises have Party organizations.

[5] Ibid. Of the country's 570,000 public service organizations, 471,000 have Party organizations.

[6] Ibid. The numbers here include eligible 13,000 "social organizations" (shehui tuanti), of which 12,000 have Party organizations, and 16,000 eligible "nonprofit enterprises" (minban feiqiye), of which 15,000 have Party organizations.

[7] National People's Congress, Outline of the Economic and Social Development 12th Five-Year Plan of the People's Republic of China" [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], issued 14 March 11. In relation to assigning government posts, authorities must "uphold the principle of the Party managing talent" (chap. 29 (3)); in relation to the education system, authorities will "comprehensively implement the Party's educational principles. . . ." (chap. 28). "Remarks at 11th China Journalists' Day and Presentation of Awards and Report Meeting" [Zai di shiyi jie zhongguo jizhe jieji banjiang baogaohui shang de jianghua], People's Daily, 9 November 11. With regards to the media, "Party principles should be taken as basic principles in news propaganda work." "Liu Binjie: Political System Reform Must Insist on the Correct Orientation" [Liu binjie: zhengzhi tizhi gaige bixu jianchi zhengque fangxiang], China Press and Publications Daily, 17 November 10. In addition, "the Party is in charge of the media, which cannot change."

[8] Central Committee of the Communist Party General Office and State Council General Office, "Opinion Regarding Strengthening and Improving Development of Urban Residence Committees" [Guanyu jiaqiang he gaijin chengshi shechu jumin weiyuanhui jianshe de yijian], issued 9 November 10.

[9] "China's Justice Minister Calls for Better Party Building in Law Firms," Xinhua, 23 November 10.

[10] "CPC Seeks Closer Ties With China's Grassroots To Consolidate Ruling Status," Xinhua, 6 June 11. This reporting year, Party officials took measures to "consolidate [the Party's] ruling status" in a campaign aimed at rural residents. For instance, the Ganzhou municipal government, Jiangxi province, sent 20,000 Party members to 3,751 villages at the end of 2010.

[11] Central Committee of the Communist Party and State Council, Decision Concerning Strengthening Comprehensive Management of Social Order, issued 19 February 91; "Authorities Crack Down on Rights Defenders, Lawyers, Artists, Bloggers," Congressional-Executive Commission on China, 3 May 11.

[12] "Social Management Innovations Take People's Livelihood as the Main Line, 35 Pilot Project Communities Nationally Give Impetus for Innovation" [Shehui guanli chuangxin yi minsheng wei zhuxian quanguo 35 ge shidian diqu fali chuangxin], Legal Daily, reprinted in People's Daily, 13 June 11. Outreach activities allow officials to monitor and gauge if citizens are a threat to "stability," while simultaneously taking care of social welfare issues. "Focus on Social Management's Difficult Problems, Really Resolving Contradictions Requires Putting People First" [Jujiao shehui guanli nanti yiren weiben caineng zhenzheng huajie maodun], Xinhua, 19 February 11. In an economic development zone in Hefei city, Anhui province, 119 responsible personnel would "learn about the affairs of 100 households" in the city's 21 communities, engaging in "face-to-face" service provision and coordinating social management work. In Dongcheng district, Beijing, "network management" personnel work to set up a database with information on "people, land, property, matters, and sentiments."

[13] "Assessment Report on the National Human Rights Action Plan of China (2009–2010)" [Guojia renquan xingdong jihua (2009–2010 nian) pinggu baogao], Xinhua, 14 July 11, sec. 3(5).

[14] Opinion Regarding Strengthening and Improving Development of Urban Residence Committees [Guanyu jiaqiang he gaijin chengshi shechu jumin weiyuanhui jianshe de yijian], issued 9 November 10. The preface of this Opinion emphasized the "more prominent [resident committee] function of safeguarding social stability, the increasing importance of community residence committees to take on social management tasks, and the more urgent service demands of community resident committees by citizens."

[15] "Beijing Addresses New Challenges in Social Management, Makes Innovations in Comprehensive Management Work Mechanisms" [Beijing yingdui shehui guanli xin tiaozhan chuangxin zongzhi gongzuo xin tizhi], Xinhua, 18 June 10.

[16] "Building Comprehensive Management and Internet Management Included for First Time" [Luoyu zongzhi wangluo guanli bei shouci naru], Liberation Daily, 2 March 11.

[17] Ibid.

[18] "Zhejiang Police's Internal Document: Controlling the Movements of Critical Persons," China Digital Times, 2 March 10.

[19] "Shenzhen Evicts More Than 80,000 'Security High-Risk Personnel,' Including People With Mental Illnesses" [Shenzhen qingchu 8 wanyu "zhi'an gaowei renyuan" baokuo jingshenbingren], Chongqing Evening News, reprinted in Phoenix Net, 12 April 11; "Shenzhen Plans Comprehensive Investigation of 'High-Risk Personnel' To Create a Stable Situation" [Shenzhen jihua quanmian paicha "gaowei renyuan" zhizao wending jumian], Radio Free Asia, 20 November 10. The Shenzhen municipal Party Committee and the municipal government passed measures, called "Certain Opinions Regarding Strengthening Social Management Structures, Public Security, and Solid Prevention and Control Systems," which stipulate the establishment of an "intel-

ligence information network," a "basic prevention network," a "surveillance and control network," and an "Internet management and control network," among others, in order to maintain "stability."

[20] "Zhejiang Police's Internal Document: Controlling the Movements of Critical Persons," China Digital Times, 2 March 10.

[21] "China: Student Informant System To Expand, Limiting School Autonomy, Free Expression," CIA Directorate of Intelligence (Open Source Works), 23 November 10. The "student informant system" reportedly is more open, includes one student informant in each class to monitor teachers' and students' political attitudes, and employs denunciation techniques.

[22] Ibid. Education officials reportedly started to strengthen the student informant system in 2005, which then reportedly was extended to lower-tier universities and middle and high schools in some parts of the country. Public debate about the "student informant centers" reportedly focuses on the risk of propagating a "culture of denunciation," of deterring freedom of speech, and potentially harming the development of gifted students.

[23] Ibid.

[24] Huang Shaojie, "PKU Copy Rooms Censor Materials," Global Times, 19 January 11.

[25] He Dan, "Peking University's Plan Stirs Questions," China Daily, 26 March 11.

[26] PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 35.

[27] Gillian Wong, "AP Exclusive: Internet-Savvy Network of 20 Is Behind Protest Calls That Have Rattled China," Associated Press, reprinted in Yahoo!, 6 April 11; "Red Armbands Go Into Battle While Authorities Monitor Those Passing by, Communications Are Monitored as Personnel Assemble in the Capital" [Hongxiuzhang shangzhen jianshi lu ren tongxun jianting renyuan ju jingcheng], Radio Free Asia, 25 February 11; "Organizer of Chinese Jasmine Rallies Extends an Open Letter to the Whole Nation" [Zhongguo molihua jihui zuzhizhe zhi quanguo renmin gongkaixin], Boxun, 21 February 11.

[28] "Organizer of Chinese Jasmine Rallies Extends an Open Letter to the Whole Nation" [Zhongguo molihua jihui zuzhizhe zhi quanguo renmin gongkaixin], Boxun, 21 February 11. The statement appeared to say that the organizers were willing to give the Communist Party time to resolve problems, but that if it could not eliminate corruption and accept citizen "supervision," then it should "retreat from the stage of history." The statement said, "We do not support violent revolution; we persist in non-violent non-cooperation." Further, the statement indicated that the organizers did not care if China had a one-, two-, or three-party system, but that government officials must accept citizen "supervision," and that China must have judicial independence.

[29] "Peaceful Road With Chinese Characteristics Out of 20 Years of Comprehensive Management" [Zongzhi 20 nian zouchu yitiao zhongguo tese pingan zhilu], Legal Daily, 1 March 11. 2011 marks the 20th anniversary of the establishment of the Central Committee on Comprehensive Management of Social Order that was put in place in 1991, as well as the two official decisions that were issued in 1991 that contain the "guiding principles" related to "social order," "maintaining social stability," and ensuring "lasting stability and durable peace."

[30] "Hu Jintao: Firmly Raise the Standard for Scientification of Social Management" [Hu jintao: zhazha shishi tigao shehui guanli kexuehua shuiping], Xinhua, 19 February 11.

[31] Ren Siwen, "Be Conscious of Upholding Social Harmony and Stability" [Zijue weihu shehui hexie wending], Beijing Daily, 5 March 11; Ren Siwen, "Upholding Stability Begins With Each Individual" [Weihu wending cong mei geren zuoqi], Beijing Daily, 6 March 11; "Police Out in Force Again To Stop 'Jasmine' Rallies Flowering," South China Morning Post, 7 March 11.

[32] Li Liyan, "People's Editorial: Why the Communist Party Central Committee Attaches Great Importance To Strengthening of and Innovation in Social Management" [Renmin shiping: zhongyang weihe gaodu zhongshi jiaqiang he chuangxin shehui guanli], People's Daily, 23 February 11; Ren Siwen, "Be Conscious of Upholding Social Harmony and Stability" [Zijue weihu shehui hexie wending], Beijing Daily, 5 March 11; "Chinese Official Press Attack 'Jasmine' Gatherings" [Zhongguo guanmei pingji "molihua" jihui huodong], Radio Free Asia, 5 March 11.

[33] Chinese Human Rights Defenders, "Escalating Crackdown Following Call for 'Jasmine Revolution' in China," 31 March 11. According to Chinese Human Rights Defenders, "The Chinese government has criminally detained a total of 26 individuals, disappeared more than 30, and put more than 200 under soft detention." For Commission analysis, see "Authorities Crack Down on Rights Defenders, Lawyers, Artists, Bloggers," Congressional-Executive Commission on China, 3 May 11.

[34] Chinese Human Rights Defenders, "Suining City Public Security Bureau Notice of Criminal Detention to Chen Wei" [Suiningshi gonganju dui chen wei de xingshi juliu tongzhishu], reprinted in Boxun, 22 February 11; Democratic China, "Chen Wei: Me and the '92 Democracy Movement'" [Chen wei: wo yu jiuer minzhu yundong], 11 September 10.

[35] Chinese Human Rights Defenders, "Escalating Crackdown Following Call for 'Jasmine Revolution' in China," 31 March 11; Chinese Human Rights Defenders, "A Quiet Crackdown, Yet Likely the Harshest in Recent Years," 25 February 11."

[36] Human Rights in China, "Independent Intellectual Ran Yunfei Arrested on "Inciting Subversion of State Power" Charge" [Zheming duli zhishi fenzi ran yunfei bei yi shexian 'shandongzui' daibu], 28 March 11; Chinese Human Rights Defenders, "A Quiet Crackdown, Yet Likely the Harshest in Recent Years," 25 February 11; "Ran Yunfei Detained for the Crime of Subversion, All Circles Are Shocked and Decry [Detention]" [Ran yunfei bei yi dianfu zuiming xingju, gejie zhenjing qianze], Radio Free Asia, 24 February 11.

[37] Jeremy Page, "Beijing Blocks Protest Reports," Wall Street Journal, 31 January 11; Edward Wong and David Barboza, "Wary of Egypt Unrest, China Censors Web," New York Times, 31 January 11. For Commission analysis, see "Authorities Censor Access to Information on Middle East and Chinese 'Jasmine' Protests," Congressional-Executive Commission on China, 22 March 11.

[38] Andrew Jacobs and Jonathan Ansfield, "A Revolution's Namesake Is Contraband in China," New York Times, 10 May 11.

[39] "Chinese Church Leaders Urge Followers Not To Join Street Gatherings," Xinhua, 4 March 11 (Open Source Center, 4 March 11).

[40] "Jasmine Open for Third Time, Beijing Subway Closed, Hong Kong Residents Expressing Support Taken Into Custody" [Molihua kai sandu beijing ditie beifeng gangmin shengyuan beizhua], Epoch Times, 7 March 11; "Universities Targeted in 'Jasmine' Crackdown," Radio Free Asia, 7 March 11. Chinese Government Takes Strict Precautions for Fourth Jasmine Exercise, Plainclothes Police Outnumber Pedestrians" [Zhongguo zhengfu yanfang disi bo molihua huodong, jingcha bianyi chaoguo sanbuzhe renshu], Radio Free Asia, 13 March 11; "Two Chongqing Students Detained for Transmitting News of 'Jasmine Revolution'" [Chongqing liang xuesheng yin shangwang zhuanfa "molihua geming" xinxi beiju], Radio Free Asia, 2 March 11; "Beijing High School Students Admonished: Do Not Organize Collective Activities" [Beijing gaoxiao quanjie xuesheng: jinqi wu zuzhi jiti huodong], Radio Free Asia, 2 March 11.

[41] "Police Out in Force Again To Stop 'Jasmine' Rallies Flowering," South China Morning Post, 7 March 11; Ian Johnson, "Call for Protests in China Draws More Police Than Protesters," New York Times, 27 February 11; Malcolm Moore, "Heavy-Handed Reaction to China's 'Jasmine' Protests," Telegraph, 27 February 11.

[42] Ian Johnson, "Call for Protests in China Draws More Police Than Protesters," New York Times, 27 February 11; Malcolm Moore, "Heavy-Handed Reaction to China's 'Jasmine' Protests," Telegraph, 27 February 11.

[43] "Jasmine Open for Third Time, Beijing Subway Closed, Hong Kong Residents Expressing Support Taken Into Custody" [Molihua kai sandu beijing ditie beifeng gangmin shengyuan beizhua], Epoch Times, 7 March 11; Malcolm Moore, "Heavy-Handed Reaction to China's 'Jasmine' Protests," Telegraph, 27 February 11.

[44] Ian Johnson, "Call for Protests in China Draws More Police Than Protesters," New York Times, 27 February 11; Malcolm Moore, "Heavy-Handed Reaction to China's 'Jasmine' Protests," Telegraph, 27 February 11; "Police Out in Force Again To Stop 'Jasmine' Rallies Flowering," South China Morning Post, 7 March 11.

[45] Frank Ching, "Don't Look for Jasmine Revolution or Tea in China," Yale Global Online, 7 March 11.

[46] Edward Wong and Jonathan Ansfield, "Beijing Blames Foreigners For Its Fears of Unrest," New York Times, 8 May 11.

[47] Ibid.

[48] Chinese Human Rights Defenders, "Liu Xianbin Case Trial Oral Judgment Announcement of 10 Years, Family and Lawyers Cannot Visit" [Liu xianbin an fating koutou pan shi nian xingqi, jiaren lushi wufa huijian], 25 March 11; Human Rights in China, "Activist Sentenced to Ten Years for Inciting Subversion; Essays Cited as Evidence," 25 March 11; Chinese Human Rights Defenders, "Liu Xianbin Already Formally Indicted" [Liu xianbin yijing bei zhengshi qisu], 17 November 10; Chinese Human Rights Defenders, "Sichuan Activist Liu Xianbin's Criminal Sentencing Document" [Sichuan yiyi renshi liu xianbin xingshi panjueshu], 17 May 11. See the Commission's Political Prisoner Database for more information about Liu Xianbin's case.

[49] Chinese Human Rights Defenders, "Wuhan Rights Defender Li Tie Arrested on Suspicion of 'Subverting State Power' Crime" [Wuhan weiquan renshi litie bei yi shexian "dianfu guojia zhengquan zui" daibu], 17 November 10.

[50] Chinese Human Rights Defenders, "After Being Missing for 12 Days, Elections Expert Yao Lifa Free" [Xuanju zhuanjia yao lifa shizong 12 tianhou huode ziyou], 30 October 10. This instance was reportedly related to authorities' perception that Yao was trying to organize a celebration of Liu Xiaobo's Nobel Peace Prize. Chinese Human Rights Defenders, "Special Alert: Elections Expert Yao Lifa Once Again Kidnapped, Taken Away" [Tebie guanzhu: xuanju zhuanjia yao lifa zaici bei bangjia dao waidi], reprinted in Boxun, 19 November 10. This instance was reportedly to impede his investigation of a case in which a petitioner was allegedly killed by an official. Chinese Human Rights Defenders, "Elections Expert Yao Lifa Abused and Beaten During Soft Detention Period" [Xuanju zhuanjia yao lifa bei ruanjin qijian shoudao ruma ouda], 13 December 10. This instance was reportedly to stop him from meeting Qin Yongmin, a democracy advocate. Human Rights in China, "Rights Lawyer Missing More Than 48 Hours; Former Local People's Congress Deputy Detained Seven Days," 18 February 11. This instance was reportedly to prevent him from training independent candidates for local elections. "Police Question Foreigners in Seventh Jasmine Wave, Ai Weiwei and Assistant Prevented from Leaving the Country and Summoned by the Police" [Di qibo molihua jingfang pancha waijiren ai weiwei ji zhushou bei jin chujing ji chuanhuan], Radio Free Asia, 3 April 11. This instance reportedly was related to the "Jasmine Revolution" rallies. Chinese Human Rights Defenders, "As June 4th Approaches, Strict Control and Suppression Intensifies (Continuation)" [Liusi jiangling, quanguo yankong daya shengji (xu)], 3 June 11. In February, authorities placed Yao under 24-hour observation, which intensified as the anniversary of the violent suppression of the 1989 Tiananmen protests approached in early June. "Elections Expert Yao Lifa's Movements Restricted After Receiving a Call From the US Embassy" [Xuanju zhuanjia yao lifa jie meiguo shiguan dianhua hou bei xianzhi renshen ziyou], 12 June 11; "Scholar Held Amid Election Bid," Radio Free Asia, 21 June 11. Yao Lifa disappeared again after receiving calls from the U.S. Embassy and a reporter. Chinese Human Rights Defenders, "Yao Lifa Missing for Twenty Days, Home Searched Twice in One Day" [Yao lifa shizong 20 tian shi, jiazhong yitian nei bei chachao liangci], 7 July 11; Chinese Human Rights Defenders, "China Human Rights Briefing August 3–9, 2011," 9 August 11.

[51] Chinese Human Rights Defenders, "China Human Rights Briefing August 3–9, 2011," 9 August 11; "Scholar Held Amid Election Bid," Radio Free Asia, 21 June 11.

[52] 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 Human Rights Committee, 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, 7 December 96. Under General Comment 25 to the ICCPR, this 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" (Item 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" (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); 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).

[53] 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 ICCPR was one 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).

[54] 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."

[55] "How To Look at New Trends in Rural Grassroots Elections" [Ruhe kandai nongcun jiceng xuanju de xin chaoshi], Beijing Daily, reprinted in Seeking Truth, 27 September 10; Xu Dongmei, Research on Chinese Communist Party Intra-Party Democracy [Zhongguo gongchandang dangnei minzhu yanjiu], (Beijing: Party Construction Reading Materials Press, 2004), 7.

[56] Deng Xiaoping, "Report on the Revision of the Constitution of the Communist Party of China," People's Daily, 16 September 56. According to Deng, "The measures taken for the development of inner-Party democracy are not meant to weaken necessary centralization in the Party, but to supply it with a powerful and vigorous base." Constitution of the Communist Party of China, as amended 21 October 07. According to the Party Constitution, "Democratic centralism is a combination of centralism on the basis of democracy and democracy under centralized guidance. It is the fundamental organizational principle of the Party and is also the mass line applied in the Party's political activities. The Party must fully expand intra-Party democracy, safeguard the democratic rights of its members, and give play to the initiative and creativity of Party organizations at all levels as well as its members." Xu Dongmei, Research on Chinese Communist Party Intra-Party Democracy [Zhongguo gongchandang dangnei minzhu yanjiu], (Beijing: Party Construction Reading Materials Press, 2004), 3. Development of inner-Party democracy was all but abandoned during the Cultural Revolution (1966 to 1976), but was revived after 1978 when the concept of "collective leadership" once again became a guiding principle of the Party.

[57] State Council Information Office, White Paper on China's Peaceful Development (English), reprinted in Xinhua (Open Source Center, 6 September 11), issued 6 September 11, sec. III; State Council Information Office, White Paper on China's Peaceful Development (Chinese), reprinted in China Net, 6 September 11, sec. III. A subsequent article in Xinhua notes Chinese authorities' resolve to never permit "external forces to interfere in China's internal affairs." "China Will Never Allow External Interference, Says White Paper," Xinhua, 6 September 11. See also "Editorial: Political System Included in China's 'Core Interests'" [Shelun: zhengzhi zhidu jinru zhongguo "kexin liyichuan"], Global Times, 7 September 11.

[58] "Editorial: Political System Included in China's 'Core Interests'" [Shelun: zhengzhi zhidu jinru zhongguo "kexin liyichuan"], Global Times, 7 September 11.

[59] Full Text of Communique of the Fifth Plenum of the 17th CPC Central Committee, reprinted in Xinhua, 18 October 10.

[60] National People's Congress, Outline of the Economic and Social Development 12th Five-Year Plan of the People's Republic of China [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], issued 14 March 11, chap. 54. It states that China will "strengthen democratic systems, enrich democratic forms, broaden democratic channels, implement democratic elections according to law; promote democratic policies, democratic management, and democratic supervision; protect people's right to know, right to participate, and right to supervise."

[61] An Baijie, "Premier Wen Calls for Major Political Reform," Global Times, 23 August 10. Premier Wen Jiabao reportedly made a statement in August 2010 declaring that "[w]ithout the political reform, China may lose what it has already achieved through economic restructuring and the targets of its modernization drive might not be reached."

[62] Gary Huang, "Editorial Aims To Silence Calls for Political Reform: Western-Style Democracy Rejected," South China Morning Post, 28 October 10.

[63] Shi Jiangtao, "Beijing Slams Door on Political Reform," South China Morning Post, 11 March 11; "'Zheng Qingyuan' Says Political Reform Is To 'Strengthen' Party Leadership," People's Daily, 26 October 10 (Open Source Center, 26 October 10).

[64] Wang Yuting, "Wu Bangguo: Do Not Apply Mechanically Certain Western Legal Systems" [Wu bangguo: bu taoyong xifang moxie guojia falu tixi], Eastday, 10 March 11; "China Vows No Western-Style Political Reforms," Associated Press, reprinted in Washington Post, 9 March 11. He also stated China would not carry out formal privatization.

[65] "'Zheng Qingyuan' Says Political Reform Is To 'Strengthen' Party Leadership," People's Daily, 26 October 10 (Open Source Center, 26 October 10).

[66] What "Democracy" Means in China After Thirty Years of Reform, Staff Roundtable of the Congressional-Executive Commission on China, 22 May 09, Testimony of Melanie Manion, Professor of Public Affairs and Political Science, University of Wisconsin-Madison.

[67] National People's Congress, "Delegates' Law Revision (Draft) Articles and Draft Explanation" [Daibiaofa xiuzheng'an (cao'an) tiaowen ji cao'an shuoming], 28 August 10; Standing Committee of the National People's Congress, Decisions Regarding Revising Delegates Law of the National People's Congress and Various Levels of Local People's Congresses of the People's Republic of China, issued 28 October 10.

[68] Ibid.

[69] What "Democracy" Means in China After Thirty Years of Reform, Staff Roundtable of the Congressional-Executive Commission on China, 22 May 09, Testimony of Melanie Manion, Professor of Public Affairs and Political Science, University of Wisconsin-Madison. According to Manion, one development is that, despite official voter turnout figures of 90 percent, survey evidence indicates that "very high proportions of ordinary Chinese know little or nothing about local congress candidates on election day, didn't vote in the most recent congress election, and can recall nothing their congress representative have done in the past term."

[70] "New Faces Should Go Back to Reality," Global Times, 31 May 11; "Editorial: Independent Candidates Should Revert From Micro Blogs Back to Reality," Global Times, 30 May 11; Zhu Shanshan, "Grass-roots Candidates Rally Online," Global Times, 30 May 11.

[71] Peter Foster, "Chinese Activists Harness Twitter To Campaign in Elections," Telegraph, 19 June 11.

[72] Chinese Human Rights Defenders, "Jiangxi Independent Candidate Liu Ping Released After Four-Day Illegal Detention" [Jiangxi duli houxuanren liu ping bei feifa guanya 4 tian hou houshi], 17 May 11; Chinese Human Rights Defenders, "Jiangxi Independent Candidate Liu Ping and Others Lose Contact With Outside World" [Jiangxi duli houxuanren liu ping dengren yu waijie shiqu lianxi], 12 May 11; "The True Story of a Local Female Independent Election Candidate in Xinyu, China," China Elections Blog, 20 May 11. Police told Liu, who reportedly had over 30,000 followers on her microblog, that she was not qualified to run because she traveled to Beijing to petition about a land issue and because some of her nominators were not eligible. Prior to this, police officials reportedly interrupted Liu's public speeches, accused her of being in league with "hostile foreign political forces," and confiscated fliers and numerous items from her home. Chinese Human Rights Defenders, "Jiangxi Independent Candidate Liu Ping Released After Four-Day Illegal Detention" [Jiangxi duli houxuanren liu ping bei feifa guanya 4 tian hou houshi], 17 May 1. Officials called her in for questioning for "disrupting public order."

[73] Chinese Human Rights Defenders, "Xinyu City, Jiangxi, Independent Candidates Wei Zhongping and Others Regain Their Freedom," 20 May 11.

[74] Chinese Human Rights Defenders, "Chinese Civic Elections Monitor Du Quanbing Kidnapped by Police" [Zhongguo minjian xuanju guanchayuan du quanbin bei jingfang bangjia], 30 April 11.

[75] "Independent Poll Candidates Harassed," South China Morning Post, 23 June 11. Authorities warned Li Sihua, of Jiangxi province, that he may face charges of "sabotaging elections," accusing him of falsifying signatures on his nomination form. Xie Runliang, of Jiangsu province, pulled out of a local election in May one day after police called him in for a "chat." A "mysterious department" allegedly pressured a company to withhold a tennis sponsorship for the son of candidate Li Chengpeng.

[76] "New Faces Should Go Back to Reality," Global Times, 31 May 11; "Editorial: Independent Candidates Should Revert From Micro Blogs Back to Reality," Global Times, 30 May 11.

[77] Lin Wei and Chen Anyu, "Longhua District in Haikou Effectively Bans Anomalies Involved in Village-Level Election Canvassing" [Longhuachu cunji huanjie shunli tuijin], 23 July 10; Chen Anning and Bai Bin, "Treating and Sending Gifts To Win Village Cadre Election" [Wei jingxuan cun ganbu qingke songli], Hainan Daily, 12 August 10. This article discusses election canvassing bribery in one district.

[78] "Party Committee Twists Guangdong Village Committee Elections, New Shandong Village Chief Stabbed 20 Times" [Guangdong cunwei huanjie dangwei caopan shandong cunzhang xin shangren bei kan 20 dao], Radio Free Asia, 18 April 11.

[79] Chen Anning and Bai Bin, "Treating and Sending Gifts To Win Village Cadre Election" [Wei jingxuan cun ganbu qingke songli], Hainan Daily, 12 August 10; "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang Jiang Li jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[80] Chen Anning and Bai Bin, "Treating and Sending Gifts To Win Village Cadre Election" [Wei jingxuan cun ganbu qingke songli], Hainan Daily, 12 August 10; Zhao Lei, "Bribery Being Bred in Grassroots Elections," China Daily, 22 July 10.

[81] Yan Faming, Chinese Human Rights Defenders, "Fangshan Village Election Ballot Box Snatched 8 Villagers Detained" [Fangshan cunmin xuanju quan piaoxiang bei qiang 8 cunmin bei zhua], reprinted in Boxun, 17 August 10; Paul Mooney, "Village Seethes Over 'Stolen' Election," South China Morning Post, reprinted in Web site of Paul Mooney, 29 August 10.

[82] Yan Faming, Chinese Human Rights Defenders, "Fangshan Village Election Ballot Box Snatched 8 Villagers Detained" [Fangshan cunmin xuanju quan piaoxiang bei qiang 8 cunmin bei zhua], reprinted in Boxun, 17 August 10. Those detained include Qiu Lina, Zhao Yun, Ma Zhizheng, Zhao Zhenghai, and Zhao Daqing. Paul Mooney, "Village Seethes Over 'Stolen' Election," South China Morning Post, reprinted in Web site of Paul Mooney, 29 August 10. "Four

More Detained in the Beijing Suburban Village Raoyuefu Election Scandal, 13 Arrested Including the Election Committee Director" [Jingjiao raoyuefu xuanjumen zai zhua siren xuanweihui zhuren deng shisanren beizhua], Civil Rights and Livelihood, 24 August 10. Officials later detained four other villagers including Liu Jinfu, a former village leader and director of the village election commission, on charges not specified in news reports.

[83] PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued 4 November 98, amended and effective 28 October 10.

[84] "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang Jiangli jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[85] PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued 4 November 98, amended and effective 28 October 10, art. 32.

[86] "Closely Watching the 'Executive Power' of 7,000,000 Government Officials" [Dingjin 700 wan cunguan de "xingzhengquan"], Xinhua, 7 December 10. For example, in Henan province, supervisory-related organizations reportedly are mechanisms to supervise the exercise of official power, prevent corruption, and according to one official, have "become a buffer safeguarding social stability in rural areas." Li Bo, "Yijun County Sets Up Villager Supervisory Committees in Every Village" [Yijun sheli cunmin jiandu weiyuanhui cujin nongcun hexie], Shaanxi Daily, 12 August 10. One village in Shaanxi province reported that after the village established the supervisory committee, petitioning cases decreased by 40 percent. "Guo Yongping at Guanzhongwu City First District Open Village Affairs, Democratic Management, and Democratic Supervision Work Symposium Requires Deepening Open Village Affairs and Democracy for Tangible Advances in Managing 'Difficult Villages'" [Guo yongping zai guanzhongwushi yiqu cunwu gongkai minzhu guanli minzhu jiandu gongzuo zuotanhuishang yaoqiu shenhua cunwu gongkai he minzhu queshi tuijin "nandiancun" zhili], Shaanxi Daily, 27 July 10.

[87] "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang Jiangli jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[88] "Panlong District: 'Three Types of Committees' Jointly Oversee Management of Community Affairs" [Panlongqu: "sanwei" xieshou guifan shequ shiwu guanli], Yunnan Daily, 5 July 10.

[89] Qian Qilu, "To Hammer Out a Base, Promote Grassroots Democratic Political Construction in Village Pastoral Areas" [Hanshi jichu tuijin nongcun muqu jiceng minzhu zhengzhi jianshe], Inner Mongolia Daily, 13 August 10. According to this news story, the "villager party branch is to exercise the power of conducting the decision-making process, the villager representative conference is to exercise the power to vote to approve the decision, the villager committee is to exercise the power to execute the decision, and the villager supervisory committee is to exercise the power of supervising the implementation of the decision." "Promote Innovations in the Construction of Village Grassroots Party Organization—Briefing on Construction of Village Grassroots Organizations' 'Three-Three System' High-Level Forum" [Tuaijin nongcun jiceng dang zuzhi jianshe tizhi chuangxin—"nongcun jiceng zuzhi jianshe 'sansanzhi' gaozeng luntan" suyao], People's Daily, 20 October 10. In another village, the Party branch reportedly "organizes a meeting to discuss major village issues" and the villager representative assembly "makes decisions happen," while the "supervisory committee" "directs."

[90] The 2010 revision contains an entire section on the "villager representative assemblies," while the 1998 version only mentions the body once. PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued 4 November 98, amended and effective 28 October 10, sec. 4. PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa], issued and effective 4 November 98, art. 21.

[91] "Qinghai Province Establishes Village (Resident) Committee Election Observer System" [Wosheng jianli cun (ju) min weiyuanhui xuanju guanchayuan zhidu], Qinghai News Net, 1 February 11. According to this article, provincial, autonomous prefecture, and county election leading agencies chose Party members, people's congress, and people's political consultative conference delegates, experts, scholars, and retired Party and government cadres, among others, with "definite political qualities and knowledge of village/residents committee self-governance and law" to observe elections. Guangdong Province People's Congress Standing Committee, Guangdong Province Village Committee Election Measure [Guangdong sheng cunmin weiyuanhui xuanju banfa], issued 1 December 10. Hubei Province People's Congress Standing Committee, Hubei Province Village Committee Election Measures [Hubei sheng cunmin weiyuanhui xuanju banfa], issued 26 May 11.

[92] Wang Zhiyong and Sun Chunyan, "Promote the Healthy Development of Democracy" [Cujin minzhu zhengzhi jiankang fazhan], Jilin Daily, 17 March 10; "For the 306 Villages of Xiji County 'Two Committee' Elections, the Overall Quality of the Candidates Improves" [Xiji 306 ge cun "liangwei" shunli huanjie dangxuanzhe zhengti suzhi tigao], Ningxia Daily, summarized in Open Source Center, 22 December 10; Zhang Zhongbao, "Village-Level Organization Elections Complete, All Achieved 'One Shoulder To Carry' [Responsibilities of] Secretary and Leader, Five Village Committees in Qiongshan Held Successful 'Open Direct Nomination' [Elections]" [Wancheng cunji zuzhi huanjie xuanju, quanmian shixian shuji, zhuren "yijantiao" qiongshan 5 cunweihui "gongkai zhixuan" chenggong], Hainan Daily, 26 September 10; Ji Chuanpai, "Researching the 'Two Committees' Village Elections and the Work of Party Leaders" [Yanjiu cun "liangwei" huanjie xuanju he dangzheng lingdao ganbu wenze gongzuo], Beijing Daily, 9 December 10; Wu Zongyi and Han Xijiang, "Grassroots Democracy Will Become Deeper if Citizens Have More Rights To Speak" [Jiceng minzhu jiangxiang zongshen tuijin minzhong you gengduo huayuquan], Dazhong Net, 6 December 10. See the Commission's 2006 Annual Report for more information regarding the trend of recentralizing Party and government authority, which appears to be based on a September 2004 Party "Decision on Strengthening the Party's Ruling Capacity." CECC, 2006 Annual Report, 20 September 06, Section III—Institutions of Democratic Governance and Legislative Reform, 124–31.

[93] Zhang Zhongbao, "Village-Level Organization Elections Complete, All Achieved 'One Shoulder To Carry' [Responsibilities of] Secretary and Leader, Five Village Committees in Qiongshan Held Successful 'Open Direct Nomination' [Elections]" [Wancheng cunji zuzhi huanjie xuanju, quanmian shixian shuji, zhuren "yijantiao" qiongshan 5 cunweihui "gongkai zhixuan" chenggong], Hainan Daily, 26 September 10.

[94] Huang Yong et al., "Rudong County Accepts Applications From Whole County for Positions of Village Party Branch Secretaries" [Rudong mianxiang quanxian gongkai xuanbo cun zhishu], China Jiangsu Net, 17 July 10. In Rudong county, Nantong municipality, Jiangsu province, to improve the professional skill level of leaders, county authorities allowed almost 20 percent (40 out of 235) of the county's villages to choose their Party branch secretaries from among candidates anywhere in the county, not just in the village where the election was being held.

[95] "Dafang's Open Nomination System for Cadres Increases the Village's Vigor" [Dafang gongkai xuanba cunji ganbu zeng huoli], Guizhou Daily, 28 December 10. One county in Guizhou province raised salaries for village heads and deputy heads to attract candidates with better qualifications.

[96] Zhang Xinyu, "Gongliu Village Establishes Innovative Organization Combining 'Three Officials in One System'" [Gongliu chuangxin "sanguan yiti" cunji zuzhi jianshe], Yunnan Daily, 4 May 10; Lian Xiaofang, "Research To Intensify the Work of Open and Democratic Supervision of Village Affairs" [Yanjiu shenhua cunwu gongkai he minzhu guanli deng gongzuo], Ningxia Daily, 30 December 10. To reduce the reported "dishonest ethos" among officials in so-called "difficult villages," Ningxia Hui Autonomous Region officials plan to use "skilled and moral university students" as village officials and appoint officials from outside the borders of villages.

[97] Zhang Xinyu, "Gongliu Village Establishes Innovative Organization Combining 'Three Officials in One System'" [Gongliu chuangxin "sanguan yiti" cunji zuzhi jianshe], Yunnan Daily, 4 May 10. One county in the Xinjiang Uyghur Autonomous Region combined using local village officials, college-graduate officials, and "extra-payroll" officials in local organizations to resolve problems of governance.

[98] Mao Guanghui, "Party Members First Discuss Major Issues in the Village" [Cunli dashi dangyuan xianyi], Zhejiang Daily, 18 March 10. Party officials described in this article developed a "Party-Member Preliminary Consultation System" for Party members without a post. Guo Limin, "Yutai Creates Village-Level Affairs Scientific Policy Making Platform" [Yutai dazao cunji shiwu kexue jueci pingtai], Dazhong Daily, 6 August 10. According to this article, authorities reportedly established a "senator" affiliate system. The village Party committees in all 392 villages reportedly appointed "senators" from among "old" Party and government cadres and businessmen or workers who now work outside the village. These "senators" reportedly not only make suggestions, help with work, and even provide financing for a variety of projects, they also have assisted in smoothing out interactions between Hui and Han citizens, improved "harmonious relations," and resolved hundreds of disputes.

[99] "For the 306 Villages of Xiji County 'Two Committee' Elections, the Overall Quality of the Candidates Improves" [Xiji 306 ge cun "liangwei" shunli huanjie dangxuanzhe zhengti suzhi tigao], Ningxia Daily, summarized in Open Source Center, 22 December 10; Zhang Xuefei, "In Choosing Well the "Lead Goose" Villagers Go Straight to the Lead" [Xuanhao "lingtouya" cunmin you bentou], Yunnan Daily, 2 September 10; Zhang Xinyu, "Gongliu Village Establishes Innovative Organization Combining 'Three Officials in One System'" [Gongliu chuangxin "sanguan yiti" cunji zuzhi jianshe], Yunnan Daily, 4 May 10.

[100] Yang Yueqing, "Provincial Conference on Deepening Open Village Affairs and Democratic Management Opens" [Quansheng shenhu cunwu gongkai he minzhu guanli gongzuo xianchang hui zhaokai], Shaanxi Daily, 2 November 10. Shaanxi province reportedly had 314 "difficult villages" and 2,900 "weak villages." One hundred and fifty-six villages now reportedly meet "management standards."

[101] The list in the text contains representative types of "difficult villages" as defined by authorities in a variety of locations. The sources below provide more details regarding the types of "difficult villages" found in a variety of locations. Lian Xiaofang, "Research To Intensify the Work of Open and Democratic Supervision of Village Affairs" [Yanjiu shenhua cunwu gongkai he minzhu guanli deng gongzuo], Ningxia Daily, 30 December 10. In the Ningxia Hui Autonomous Region, "difficult villages" include those villages with "relatively backward economic development," where "citizen aspirations and demands have not met with a response" and where "contradictions have accumulated and citizens' complaints are relatively large." Hui Ji, Zhejiang Normal University Village Research Center, "Research Report on Guizhou Province Open Government Affairs and Democratic Management 'Difficult Villages' Governance Work" [Dui guizhousheng cunwu gongkai he minzhu guanli "nandiancun" zhili gongzuo de diaoyan baogao], 11 December 09. In Guizhou province, the category included villages that have not had successful village elections, had long-term problems with tensions between villagers and leaders, had longstanding issues with citizens taking grievances to higher authorities, or had problems with transparency of village affairs, among others. He Linping, "Huizhou 'Four-Democracy Working Method' To Realize 'Villager Management' of Village Affairs" [Huizhou "si minzhu gongzuofa" shixian cunli de shiqing "cunmin'guan"], People's Daily, 4 August 10. In a village in Guangdong province, the relationship between officials and villagers became "complicated," and there was a high number of citizen complaints because "a few village cadres had the final say over everything" and "villagers had no knowledge of the things they should know about, much less have the right to participate." The village was known as one where there were lots of complaints to higher levels, one that was "ruled by men," and one that was poor and underdeveloped.

[102] See, e.g., Jiang Qiu, "Perfecting the Systems of Open Village Affairs and Democratic Management To Promote Social Harmony and Stability in Rural Areas" [Wanshan cunwu gongkai minzhu guanli zhidu, cujin nongcun shehui hexie wending], Guangxi Daily, 27 January 11; Ministry of Civil Affairs, 2010 National Civil Affairs Work Report (Summary of Contents) [2010 nian quanguo minzheng gongzuo baogao (neirong tiyao)], reprinted in Hebei Province Department of Civil Affairs, 28 December 10. Following are some news articles illustrating the various pro-

grams to resolve problems in villages. Lian Xiaofang, "Research To Intensify the Work of Open and Democratic Supervision of Village Affairs" [Yanjiu shenhua cunwu gongkai he minzhu guanli deng gongzuo], Ningxia Daily, 30 December 10; Zhang Xuefei et al., "Carry Out Duties as Promised, Let Real Achievements Speak, Malang County Introduces 'Four Double' Commitment System to Break Bottlenecks in Supervision of Village Cadres" [An chengnuo luzhi yong shiji shuohua - malongxian tuixing "si shuang" mubiao chengnuozhi pojie cunganbu jianguan nan pingtou], Yunnan Daily, 22 July 10; He Linping, "Huizhou 'Four-Democracy Working Method' To Realize 'Villager Management' of Village Affairs" [Huizhou "si minzhu gongzuofa" shixian cunli de shiqing "cunmin guan"], People's Daily, 4 August 10.

[103] Zhou Qianjin, "Prevent the Minority From Calling the Shots in Village Affairs" [Cunli de shi fangzhi xiaoshuren shuole suan], Sichuan Daily, 18 March 10; "Li Yuanchao: It Is Necessary To Develop and Perfect Party Leadership Over Mechanisms of Village-Level Autonomy" [Li Yuanchao: yao fazhan he wanshan dang lingdao de cunji minzhu zizhi jizhi], Chinese Communist Party Information Net, 27 August 2009; "Liaoning Provincial Departments Strengthen Construction of Village Grassroots Organizations" [Liaoning sheng bushu jiaqiang nongcun jiceng zuzhi jianshe], Dongbei News Net, 15 October 10.

[104] "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang jiang li jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[105] He Xuefeng, "'Villagers Managing Expenditures, Financial Affairs Are Square" [Kaizhi cunmin dangjia caiwu yiben qingzhang], Anhui Daily, 9 August 10; "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang jiang li jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[106] Yu Qin, "Villagers Need To Show Respect for 'Transparent Account Books'" ["Luozhang," xu cunmin maizhang], Zhejiang Daily, 25 March 10.

[107] Xu Jian, "Village Affairs, Under the Sunshine Moving Towards Transparency" [Cunwu, zai yangguangxia zouxiang touming], Anhui Daily News, 1 September 10.

[108] The World and China Institute, Chinese Democratization Index 2.0 [Zhongguo Minzhuhua Zhibiao Yanjiu Baogao 2009], (Beijing: The World and China Institute, 2011), 26.

[109] "China's Top Legislature To Step Up Oversight Work Through Special Inquires," Xinhua, 10 March 11.

[110] State Council, Opinion Regarding Strengthening Construction of a Government That Rules by Law [Guanyu jiaqiang fazhi zhengfu jianshe de yijian], 8 November 10, sec. 1(1).

[111] Ibid.

[112] "Reining in Coercive Power," Beijing Review, 4 August 11. PRC Law on Administrative Coercion [Zhonghua renmin gongheguo xingzheng qiangzhi fa], issued 30 June 11, effective 1 January 12.

[113] "Six Highlights of the Draft Amendments to the Administrative Reconsideration Law" [Xingzheng fuyifa xiuding ni shixian mingaoguan an liu da tupo], Legal Education Net, 20 July 11; "State Council Legislative Affairs Office: Appropriately Expand the Scope of Acceptance of Administrative Reconsideration Cases" [Guowuyuan fazhiban: shidu kuoda xingzheng fuyi shouan fanwei], Legal Education Net, 17 July 11.

[114] PRC State Compensation Law [Zhonghua renmin gongheguo guojia peichangfa], issued 12 May 94, amended 29 April 10, effective 1 December 10, arts. 7, 35; "New Compensation Law Brings More Fairness," Global Times, 2 December 10.

[115] Zhang Xiangdong and Zheng Yi, "NDRC To Revise System for Evaluating Performance of Local Officials," Economic Observer, 28 March 11. The National Development and Reform Commission reportedly plans to divide regions into four categories to take differences into consideration: "areas optimal for development," "areas for key development," "areas where development is restricted," and areas where "development is prohibited."

[116] Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," Stanford Journal of International Law, Vol. 42 (2006), 154–55.

[117] Pan Hongqi, "Need To Avoid Negative Effects of Including Stability Preservation in Officials' Performance Evaluations" [Yi "weiwen" kaohe guanyuan zhengji xu bimian fumian xiaoying], Beijing Youth Daily, 16 October 10. The author of this article argues that it would be better to evaluate the "process" of stability preservation rather than evaluating just the results of stability preservation.

[118] Ningyuan County People's Government, Detailed Rules and Regulations for Assessing Comprehensive Order and Stability Maintenance Marks in Villages and Towns [Du xiangzhen zongzhi weiwen kaohe pingfen xize], last visited 25 May 11 (estimated date 2009). For more information about the incentives for local officials to suppress petitioners, see Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," Stanford Journal of International Law, Vol. 42 (2006), 154.

[119] "The Most Idiotic Villager Rules Ever": Petitioners Must Get Permission To Take Their Complaints to Higher Levels, Offenders Grain Rations Deducted" ["Shishang zuiniu cunmin shouze": shangfang xu jing xuke weizhe kou kouliang qian], Worker's Daily, reprinted in Xinhua, 9 December 10. In Xiaobanqiao village, Jiaojiang district, Taizhou city, Zhejiang province, local officials reportedly issued "villager behavioral guidelines" (cunmin shouze) that included the following rule: "Anyone who visits an administration office at a higher level to lodge complaints without a justifiable reason and without the permission of his respective village Party branch and villager committee is liable to be punished by having his grain subsidies withheld for a period ranging from one to 10 years." Worker's Daily reported that the villagers said a "grain subsidy" is a form of cash compensation paid to villagers on a regular basis by officials for rent or lease payments for land used by businesses. Worker's Daily reported that "legal experts" advised village cadres that the "guidelines" were in violation of state laws, but did not specify which laws.

[120] "Wen Jiabao: The Party's Largest Danger Is Corruption" [Wen jiabao: zhizheng dang de zuida weixian shi fubai], China Review News, 27 August 10.

[121] "Graft Remains Top Public Concern Prior to Annual Parliamentary Session: Survey," Xinhua, 24 February 11.

[122] "2010 Discipline Inspection and Supervision Agencies Case Investigation and Management Work Situation Press Conference" [Zhongjiwei jianchabu zhaokai 2010 nian chaban anjian gongzuo qingkuang xinwen tongqihui], Xinhua, 6 January 11.

[123] "Supreme People's Procuratorate Work Report March 11, 2011, at the 4th Plenum of the 11th National People's Congress" [Zuigao renmin jianchayuan gongzuo baogao, 2011 nian sanyue shiyi ri zai di shiyi jie quanguo renmin daibiao dahui di xici huiyishang], People's Daily, 20 March 11.

[124] See "Anti-Corruption Policies and Laws," People's Daily, 18 August 11, for a list of recent anti-corruption regulatory instruments.

[125] State Council Information Office, "White Paper on China's Efforts To Combat Corruption and Build a Clean Government," reprinted in PRC Central People's Government, 29 December 10.

[126] Central Committee of the Communist Party of China General Office, State Council General Office, Provisions on Economic Responsibility Audits for Chief Leading Cadres of the Party and the Government and Executives of State-Owned Enterprises [Dangzheng zhuyao lingdao ganbu he guoyouqiye lingdaoren yuan jingji zeren shenji guiding], issued 08 December 10.

[127] Party Central Committee and State Council, Provisions on Implementation of the Responsibility System for Construction of an Honest Party and a Clean Government [Guanyu shixing dangfeng lianzheng jianshe zerenzhi de guiding], issued 15 December 10.

[128] National People's Congress, "PRC Criminal Law Amendment (8)" [Zhonghua renmin gongheguo xingfa xiuzhengan (8)], 25 February 11, art. 164; "China Amends Criminal Law To Cover Foreign Bribery, Bribery of Non-PRC Government Officials Criminalized," E-Alert from Covington & Burling LLP, 1 March 11.

[129] "China Is Promoting Anti-Bribery Law, but Enforcement Details Are Sparse," China Trade Extra, 9 August 11.

[130] "Central Discipline Inspection: '41 Prohibitions' Standardize Township, Village-Level Grassroots Cadre Behavior," Xinhua, 15 July 11. Provisions on Rural Village Grassroots Officials' Honest Performance of Duties (Trial Implementation) [Nongcun jiceng ganbu lianjie luxing zhize ruogan guiding (shixing)], issued 14 July 11, arts. 8(1), 1(5).

[131] "Tip-Off Websites Launched To Curb Corruption," Xinhua, reprinted in China Daily, 9 February 11.

[132] Decision of the Standing Committee of the National People's Congress Regarding the Changes to the Law of the People's Republic of China on Administrative Supervision" [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai "zhonghua renmin gongheguo xingzheng jianchafa" de jueding], issued 25 June 10, arts. 3, 6.

[133] Zhao Yang, "Supreme People's Procuratorate: More Than 70 Percent of the Cases of Work-Related Offenses Originate From Citizen Reports" [Zuigaojian: qicheng yishang zhiwu fanzui anjian yuanyu qunzhong jubao], Legal Daily, 21 June 10.

[134] Du Meng, "70 Percent of Whistleblowers Subject to Retribution Trend Toward Concealed Methods, Difficult To Establish Scope" [70% jubaozhe zaoyu daji baofu shouduan riqu yingbi nanyu jieding], Legal Daily, 17 June 10.

[135] Human Rights in China, "Anti-Corruption Journalist Who Served 4 Year Sentence To Serve Eight More Years" [Fuxing 4 nian de fanfu jizhe bei caiding zai fuxing 8 nian], 28 July 11.

[136] Ibid.

[137] "Graft-Busting Site Blocked," Radio Free Asia, 11 January 11.

[138] Chris Buckley, "China Confess-a-Kickback Web Sites Draw Inspiration From India," Reuters, 13 June 11.

[139] "China's Illegal Anti-Corruption Websites Face Closure," China Times News Group, 18 June 11; "Anonymous Websites To Report Bribery Prove Wildly Popular in China Until the Censors Arrive," Associated Press, reprinted in Washington Post, 22 June 11.

[140] "China's Illegal Anti-Corruption Websites Face Closure," China Times News Group, 18 June 11.

[141] "Anonymous Websites To Report Bribery Prove Wildly Popular in China Until the Censors Arrive," Associated Press, reprinted in Washington Post, 22 June 11.

[142] "Internet Users Set Up Site To Report Bribery," South China Morning Post, 14 June 11. An administrator of the site "woxinghuiliao" said that hackers had attacked the Web site.

[143] US-China Business Council, "PRC Transparency Tracking," updated April 2011, 1.

[144] Ibid.

[145] Ibid.

[146] U.S. Department of Treasury, "Third Meeting of the U.S.-China Strategic & Economic Dialogue Joint U.S.-China Economic Track Fact Sheet," 10 May 11.

[147] State Council, Opinion Regarding Strengthening Construction of a Government That Rules by Law [Guanyu jiaqiang fazhi zhengfu jianshe de yijian], issued 8 November 10, chap. 17.

[148] Central Committee of the Chinese Communist Party General Office, Opinion Regarding Implementation of Open Party Affairs by Grassroots-Level Party Organizations [Guanyu dang de jiceng zuzhi shixing dangwu gongkai de yijian], issued 8 October 10; Xu Jian, "Village Affairs, Under the Sunshine Moving Towards Transparency" [Cunwu, zai yangguangxia zouxiang touming], Anhui Daily News, 1 September 10; "Questions and Answers by Ministry of Civil Affairs Deputy Minister Jiang Li on Deepening Implementation of the Organic Law of the Villagers' Committees" [Minzhengbu fubuzhang jiang li jiu shenru guanche cunweihui zuzhifa dawen], China Net, 3 November 10.

[149] Supreme People's Court, Provisions Regarding Several Issues in Trying Open Government Information Administrative Cases, issued 13 December 10, arts. 1–2. The provisions clarify

which government organization can be sued under certain circumstances if more than one is involved in an open government information case (art. 4). It also stipulates that the defendant in a case must explain why the information request was denied (art. 5). In cases involving state secrets, commercial secrets, or personal privacy issues, the court shall determine if the information falls within the scope of information that should be disclosed (art. 8). It also stipulates situations under which the court will make a determination regarding the reasons given by the defendant for not providing the information requested (art. 12). Zhao Yinan, "Chinese Gain Right To Sue Govt for Public Records," China Daily, 16 August 11.

[150] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11.

[151] Sharon LaFraniere, "Media Blackout in China After Wreck," New York Times, 31 July 11.

[152] Central Committee of the Chinese Communist Party General Office, State Council General Office, Opinion Regarding Deepening Open Government Affairs and Strengthening Government Services [Guanyu shenhua zhengwu gongkai jiaqiang zhengwu fuwu de yijian], issued 2 August 11, item 7. See also "Analysis of the 'Opinion Regarding Deepening Open Government Affairs and Strengthening Government Services'" [Jiedu "guanyu shenhua zhengwu gongkai jiaqiang zhengwu fuwu de yijian"], Xinhua, reprinted in PRC Central People's Government, 3 August 11; David Bandurski, China Media Project, "The CCP Pushes for Openness, Again," 3 August 11. In addition, the Opinion urges officials to "make innovations in information disclosure methods," "to move ahead with openness in administrative decision-making," "to move forward with open and transparent operation of administrative authority," "to expand openness in administrative examination and approval processes," "to deepen implementation of Open Government Information Regulations," "to make an effort to deepen open government affairs at the grassroots level," and "to strengthen openness of administrative agency internal affairs."

[153] Peking University, Center for Public Participation Studies and Support, "Some of the Open Government Information Annual Reports Are Just a Formality" [Bufen zhengfu xinxi gongkai nianbao zou xingshi], 20 May 11; Beijing University Center for Public Participation Studies and Support, "Summary of the 2009 Annual Report on China's Administrative Transparency," translated by the China Law Center, Yale Law School, 28 September 10. The 2009 annual report assesses the administrative transparency of 43 agencies of the State Council, 30 provinces, and 97 administrative units based on five indicators: information disclosure on request, disclosure on own initiative, institution building, system building, and supervision and remedy. The report determined that, on average, provinces received higher scores than the prefectures or cities. Further, the south-central China region scored the highest on average, suggesting that the level of economic development is not "strictly proportional" to the level of information disclosure.

[154] State Council, Opinion Regarding Strengthening Construction of a Government That Rules by Law [Guanyu jiaqiang fazhi zhengfu jianshe de yijian], issued 8 November 10, chap. 17. It specifically stipulates some of the categories within a budget that should be made transparent.

[155] "Reluctant Transparency," Economic Observer, 26 July 11.

[156] Chen Yannan, "Finance Ministry: 88 Central Government Departments Have Already Published 2011 Departmental Budgets" [Caizhengbu: yiyou 88 jia zhongyang bumen gongkai 2011 nian bumen yusuan], Administrative Transparency Watch Net, 24 May 11.

[157] "News on Three Public Expenses Made Public, a Good Beginning Needs a Good End" [Sangong xiaofei xinxi gongkai hao de kaitou hai xuyao yige hao jieguo], Huasheng Online, 14 June 11; The "three public expenses" are expenses for cars and transportation, travel overseas, and public relations. "Premier Wen Jiabao Convenes State Council Standing Committee Meeting" [Wen jiabao zhuchi zhaokai guowuyuan changwu huiyi], Xinhua, 6 July 11. The Standing Committee especially called for the release of more detailed information related to the "three public expenses" and other matters of concern to citizens.

[158] "Central Authorities' Budget Is Made Open to the Public for the First Time" [Zhongyang bumen yusuan shouci xiang shehui gongkai], Southern Weekend, 1 March 11; Chen Yannan, "Finance Ministry: 88 Central Government Departments Have Already Published 2011 Departmental Budgets" [Caizhengbu: yiyou 88 jia zhongyang bumen gongkai 2011 nian bumen yusuan], Administrative Transparency Watch Net, 24 May 11.

[159] "Governmental Financial Budgets: How Far Till Open and Transparent" [Zhengfu caizheng yusuan: li gongkai touming haiyou duoyuan], Zhengzhou Evening News, reprinted in Xinhua, 12 April 11.

[160] Central Committee of the Chinese Communist Party General Office, Opinion Regarding Implementation of Open Party Affairs by Grassroots-Level Party Organizations [Guanyu dang de jiceng zuzhi shixing dangwu gongkai de yijian], issued 8 October 10.

[161] Zhou Xian, "New Beijing Measures Hold Party Leaders Accountable," Beijing Daily, 22 March 11.

[162] "Chinese Communist Party Comprehensively Promotes Open Party Affairs, Welcomes the 90th Birthday of Party Establishment" [Zhonggong quanmian tuijin dangwu gongkai yingjie jiandang 90 huadan], China News Service, reprinted in Democracy and Law Times, 30 December 10; "Nationally 31 Provinces, Municipalities, Autonomous Regions, Party Committees, Organizations, and Departments Establish New Spokesperson Systems" [Quanguo 31 ge sheng qu shi dangwei zuzhi bumen jianli xinwen fayanren zhidu], Xinhua, 30 June 10.

[163] National People's Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11.

[164] State Council, Opinion Regarding Strengthening Construction of a Government That Rules by Law [Guanyu jiaqiang fazhi zhengfu jianshe de yijian], issued 8 November 10, chap. 4. Authorities plan to improve the public hearing process for major policy decisions, to expand the scope of hearings, and to standardize hearing procedures. The Opinion stipulates that hearing participants should have wide-ranging representativeness, and their opinions should be used as important references in making decisions.

[165] Ibid.