

CHINA (INCLUDES TIBET, HONG KONG, AND MACAU) 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount authority. CCP members hold almost all top government and security apparatus positions. Ultimate authority rests with the CCP Central Committee's 25-member Political Bureau (Politburo) and its seven-member Standing Committee. Xi Jinping continued to hold the three most powerful positions as CCP general secretary, state president, and chairman of the Central Military Commission.

Civilian authorities maintained control of security forces.

During the year the government significantly intensified its campaign of mass detention of members of Muslim minority groups in the Xinjiang Uighur Autonomous Region (Xinjiang). Authorities were reported to have arbitrarily detained 800,000 to possibly more than two million Uighurs, ethnic Kazakhs, and other Muslims in internment camps designed to erase religious and ethnic identities. Government officials claimed the camps were needed to combat terrorism, separatism, and extremism. International media, human rights organizations, and former detainees reported security officials in the camps abused, tortured, and killed some detainees.

Human rights issues included arbitrary or unlawful killings by the government; forced disappearances by the government; torture by the government; arbitrary detention by the government; harsh and life-threatening prison and detention conditions; political prisoners; arbitrary interference with privacy; physical attacks on and criminal prosecution of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others as well as their family members; censorship and site blocking; interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws that apply to foreign and domestic nongovernmental organizations (NGOs); severe restrictions of religious freedom; significant restrictions on freedom of movement (for travel within the country and overseas); refoulement of asylum seekers to North Korea, where they have a well-founded fear of persecution; the inability of citizens to choose their government; corruption; a coercive birth-limitation policy that in some cases included sterilization or abortions; trafficking in persons; and severe restrictions on labor rights, including a ban on workers organizing or joining unions of their own

choosing. Official repression of the freedoms of speech, religion, movement, association, and assembly of Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas and of Uighurs and other ethnic and religious minorities in Xinjiang worsened and was more severe than in other areas of the country.

Authorities prosecuted a number of abuses of power through the court system, particularly with regard to corruption, but in most cases the CCP first investigated and punished officials using opaque internal party disciplinary procedures. The CCP continued to dominate the judiciary and controlled the appointment of all judges and in certain cases directly dictated the court's ruling. Authorities harassed, detained, and arrested citizens who promoted independent efforts to combat abuses of power.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. In many instances few or no details were available.

There were reports Shanghai police shot and killed Ju Hailiang on April 13, while he was protesting a decision to demolish his home. Police reportedly also injured Ju's sister and his nephew. Authorities charged Ju's sister, her husband, and their son with "endangering public safety." His sister and her husband were also charged with "disorderly behavior" for throwing bricks and rocks at the police.

In Xinjiang there were reports of custodial deaths related to detentions in the expanding internment camps. Some of these deaths occurred before 2018 and were reported only after detainees escaped to other countries.

Abdulreshit Seley Hajim, a Uighur businessperson, died in May or June while being held in an internment camp. According to those interviewed by Radio Free Asia, he died from strikes to the head with a blunt object.

Although legal reforms in recent years decreased the use of the death penalty and improved the review process, authorities executed some defendants in criminal proceedings following convictions that lacked due process and adequate channels for appeal.

b. Disappearance

There were multiple reports authorities detained individuals and held them at undisclosed locations for extended periods.

The government conducted mass arbitrary detention of Uighurs, ethnic Kazakhs, and other Muslims in Xinjiang. China Human Rights Defenders reported these detentions amounted to enforced disappearance, as families were not given information about the length or location of the detention.

Human rights lawyer Gao Zhisheng, who went missing in 2017, remained missing throughout 2018. In September 2017 Radio Free Asia reported Gao's family said they were told he was in police custody at an undisclosed location, although authorities did not release any details surrounding his detention.

In November award-winning Chinese documentary photographer Lu Guang disappeared after traveling to Xinjiang to lead a photography workshop. Authorities did not respond to requests by Lu's wife and international advocacy organizations to account for Lu's status and whereabouts.

Lawyer Wang Quanzhang was reported alive in the Tianjin Detention Center in July after being held in incommunicado detention for more than three years. Wang had a closed court hearing on the charges against him on December 26. Authorities detained Wang in the July 2015 "709" roundup of more than 300 human rights lawyers and legal associates.

The government still had not provided a comprehensive, credible accounting of all those killed, missing, or detained in connection with the violent suppression of the 1989 Tiananmen demonstrations. Many activists who were involved in the 1989 demonstrations and their family members continued to suffer official harassment.

The government made no efforts to prevent, investigate, or punish such acts.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits the physical abuse and mistreatment of detainees and forbids prison guards from coercing confessions, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. Amendments to the criminal procedure law exclude evidence obtained through illegal means, including coerced

confessions, in certain categories of criminal cases. Enforcement of these legal protections continued to be lax.

Numerous former prisoners and detainees reported they were beaten, raped, subjected to electric shock, forced to sit on stools for hours on end, hung by the wrists, deprived of sleep, force fed, forced to take medication against their will, and otherwise subjected to physical and psychological abuse. Although prison authorities abused ordinary prisoners, they reportedly singled out political and religious dissidents for particularly harsh treatment.

Many human rights advocates expressed concern that lawyers, law associates, and activists detained in the “709” crackdown continued to suffer various forms of torture, abuse, or degrading treatment, similar to the 2017 reports of authorities’ treatment of Wu Gan, Li Chunfu, Xie Yang, and Jiang Tianyong.

In September, according to Radio Free Asia, Huang Qi, founder and director of 64 Tianwang Human Rights Center, sustained injuries from multiple interrogation sessions. Huang was detained in the city of Mianyang, Sichuan Province, in 2016 for “illegally supplying state secrets overseas.” Multiple contacts reported detention officials deprived Huang of sleep and timely access to medical treatment in an attempt to force Huang to confess. In October prosecutors brought more charges against Huang, including “leaking national secrets.” The Mianyang Intermediate People’s Court had not set a new trial date for Huang since its sudden cancellation of his scheduled trial in June. Huang’s mother, Pu Wenqing, petitioned central authorities in October to release him because she believed her son was mistreated. She had not been able to see him in two years. Pu disappeared on December 7 after plainclothes security personnel detained her at the Beijing train station.

Members of the minority Uighur ethnic group reported systematic torture and other degrading treatment by law enforcement officers and officials working within the penal system and the internment camps. Survivors stated authorities subjected individuals in custody to electrocution, waterboarding, beatings, stress positions, injection of unknown substances, and cold cells (see section 6, National/Racial/Ethnic Minorities). Practitioners of the banned Falun Gong spiritual movement and members of the Church of Almighty God also reported systematic torture in custody.

The treatment and abuse of detainees under the new *liuzhi* detention system, which operates outside the judicial system to investigate corruption, retained many

characteristics of the previous *shuanggui* system, such as extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days, according to press reports and an NGO report released in August (see section 4).

The law states psychiatric treatment and hospitalization should be “on a voluntary basis,” but the law also allows authorities and family members to commit persons to psychiatric facilities against their will and fails to provide meaningful legal protections for persons sent to psychiatric facilities. The law does not provide for the right to a lawyer and restricts a person’s right to communicate with those outside the psychiatric institution.

According to the *Legal Daily* (a state-owned newspaper covering legal affairs), the Ministry of Public Security directly administered 23 high-security psychiatric hospitals for the criminally insane. While many of those committed to mental health facilities were convicted of murder and other violent crimes, there were also reports of activists, religious or spiritual adherents, and petitioners involuntarily subjected to psychiatric treatment for political reasons. Public security officials may commit individuals to psychiatric facilities and force treatment for “conditions” that have no basis in psychiatry.

In February, according to Civil Rights and Livelihood Watch, a human rights oriented website, local security officers sent Chongqing dissident Liu Gang to a psychiatric hospital for the seventh time. Since 2004 Liu often criticized the Chinese Communist Party, and authorities regularly detained him on the charge of “disturbing public order.”

Some activists and organizations continue to accuse the government of involuntarily harvesting organs from prisoners of conscience, especially members of Falun Gong. The government denied the claims, having officially ended the long-standing practice of involuntarily harvesting the organs of executed prisoners for use in transplants in 2015.

Prison and Detention Center Conditions

Conditions in penal institutions for both political prisoners and criminal offenders were generally harsh and often life threatening or degrading.

Physical Conditions: Authorities regularly held prisoners and detainees in overcrowded conditions with poor sanitation. Food often was inadequate and of

poor quality, and many detainees relied on supplemental food, medicines, and warm clothing provided by relatives when allowed to receive them. Prisoners often reported sleeping on the floor because there were no beds or bedding. In many cases provisions for sanitation, ventilation, heating, lighting, and access to potable water were inadequate.

Adequate, timely medical care for prisoners remained a serious problem, despite official assurances prisoners have the right to prompt medical treatment. Prison authorities at times withheld medical treatment from political prisoners.

In May Guangdong government officials sent Xu Lin, a songwriter first detained in September 2017 for singing about the late Nobel Peace Prize Laureate and political prisoner Liu Xiaobo, to Guangzhou Armed Police Hospital with a medical emergency. Detention center authorities told Xu's wife he was ill due to food he ate in detention. In June Xu Lin was diagnosed with "breast hyperplasia," an enlargement of breast tissue that often occurs in the early stages of cancer. Authorities denied a request by Xu's wife and lawyer for his release on medical bail. Xu's wife maintained Xu Lin did not have any health problems before being detained.

Political prisoners were sometimes held with the general prison population and reported being beaten by other prisoners at the instigation of guards. Some reported being held in the same cells as death row inmates. In some cases authorities did not allow dissidents to receive supplemental food, medicine, and warm clothing from relatives.

Conditions in administrative detention facilities were similar to those in prisons. Deaths from beatings occurred in administrative detention facilities. Detainees reported beatings, sexual assaults, lack of proper food, and limited or no access to medical care.

In Xinjiang authorities constructed new internment camps for Uighurs, ethnic Kazakhs, and other Muslims. In some cases authorities used repurposed schools, factories, and prisons. According to Human Rights Watch, these camps focused on "military-style discipline and pervasive political indoctrination of the detainees." Available information was limited, but some reports described the withholding of food as punishment for those who could not learn Chinese phrases and songs.

Mihrigul Tursun, a Uighur woman from Xinjiang, recounted to media in October how Chinese authorities arbitrarily detained her multiple times after she returned to

Xinjiang in 2015. Tursun reported nine deaths in her cell, an underground, windowless room that held 68 women, occurred during her detention in 2018.

Administration: The law states letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination; it was unclear to what extent the law was implemented. While authorities occasionally investigated credible allegations of inhumane conditions, their results were not documented in a publicly accessible manner. Authorities denied many prisoners and detainees reasonable access to visitors and correspondence with family members. Some family members did not know the whereabouts of their relatives in custody. Authorities also prevented many prisoners and detainees from engaging in religious practices or gaining access to religious materials.

Independent Monitoring: Authorities considered information about prisons and various other types of administrative and extralegal detention facilities to be a state secret, and the government typically did not permit independent monitoring.

d. Arbitrary Arrest or Detention

Arbitrary arrest and detention remained serious problems. The law grants public security officers broad administrative detention powers and the ability to detain individuals for extended periods without formal arrest or criminal charges. Throughout the year lawyers, human rights activists, journalists, religious leaders and adherents, and former political prisoners and their family members continued to be targeted for arbitrary detention or arrest.

The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government generally did not observe this requirement.

Role of the Police and Security Apparatus

The main domestic security agencies include the Ministry of State Security, the Ministry of Public Security, and the People's Armed Police. The People's Armed Police is under the dual authority of the Central Committee of the Chinese Communist Party and the Central Military Commission. The People's Liberation Army is primarily responsible for external security but also has some domestic security responsibilities. Local jurisdictions also frequently used civilian municipal security forces, known as "urban management" officials, to enforce administrative measures. Oversight of these forces was localized and ad hoc. By

law, officials can be criminally prosecuted for abuses of power, but, outside of anticorruption cases, such cases were rarely pursued.

The Ministry of Public Security coordinates the civilian police force, which is organized into specialized agencies and local, county, and provincial jurisdictions. Procuratorate oversight of the public security forces was limited. Corruption at every level was widespread. Public security and urban management officials engaged in extrajudicial detention, extortion, and assault.

By regulation, state officers in prisons face dismissal if found to have beaten, applied corporal punishment to, or abused inmates, or to have instigated such acts, but there were no reports these regulations were enforced.

While civilian authorities maintained effective control of the security forces, in the absence of reliable data, it was difficult to ascertain the full extent of impunity for the domestic security apparatus. Anecdotal accounts of abuse were common on social media and appeared in state media reports as well. Authorities often announced investigations following cases of reported killings by police. It remained unclear, however, whether these investigations resulted in findings of police malfeasance or disciplinary action. There were few known government actions to increase respect for human rights by the security forces.

On April 28, police in Shanwei, Guangdong, arrested a security official for administering extrajudicial punishment, illegal detention, and illegal use of police equipment. On April 24, the security official caught a teenager who tried to steal money from a nearby Taoist temple, handcuffed him to a flagpole, beat and tortured him with a police electric shock baton, filmed the process, and uploaded it to social media.

Arrest Procedures and Treatment of Detainees

Criminal detention beyond 37 days requires approval of a formal arrest by the procuratorate, but in cases pertaining to “national security, terrorism, and major bribery,” the law permits up to six months of incommunicado detention without formal arrest. After formally arresting a suspect, public security authorities are authorized to detain a suspect for up to an additional seven months while the case is investigated.

After the completion of an investigation, the procuratorate can detain a suspect an additional 45 days while determining whether to file criminal charges. If charges

are filed, authorities can detain a suspect for an additional 45 days before beginning judicial proceedings. Public security officials sometimes detained persons beyond the period allowed by law, and pretrial detention periods of a year or longer were common.

The law stipulates detainees be allowed to meet with defense counsel before criminal charges are filed. The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one; is blind, deaf, mute, or mentally ill; is a minor; or faces a life sentence or the death penalty. This law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often did not do so. Lawyers reported significant difficulties meeting their clients in detention centers, especially in cases considered politically sensitive.

Criminal defendants are entitled to apply for bail (also translated as “a guarantor pending trial”) while awaiting trial, but the system did not appear to operate effectively, and authorities released few suspects on bail.

The law requires notification of family members within 24 hours of detention, but authorities often held individuals without providing such notification for significantly longer periods, especially in politically sensitive cases. In some cases notification did not occur. Under a sweeping exception, officials are not required to provide notification if doing so would “hinder the investigation” of a case. The revised criminal procedure law limits this exception to cases involving state security or terrorism, but public security officials have broad discretion to interpret these provisions.

Under certain circumstances the law allows for residential surveillance in the detainee’s home, rather than detention in a formal facility. With the approval of the next-higher-level authorities, officials also may place a suspect under “residential surveillance at a designated location” (RSDL) for up to six months when they suspect crimes of endangering state security, terrorism, or serious bribery and believe surveillance at the suspect’s home would impede the investigation. Authorities may also prevent defense lawyers from meeting with suspects in these categories of cases. Human rights organizations and detainees reported the practice of RSDL left detainees at a high risk for torture since being neither at home nor in a monitored detention facility reduced opportunities for oversight of detainee treatment and mechanisms for appeal.

Authorities used administrative detention to intimidate political and religious advocates and to prevent public demonstrations. Forms of administrative detention included compulsory drug rehabilitation treatment (for drug users), “custody and training” (for minor criminal offenders), and “legal education” centers for political activists and religious adherents, particularly Falun Gong practitioners. The maximum stay in compulsory drug rehabilitation centers is two years, including commonly a six-month stay in a detoxification center.

Arbitrary Arrest: Authorities detained or arrested persons on allegations of revealing state secrets, subversion, and other crimes as a means to suppress political dissent and public advocacy. These charges--including what constitutes a state secret--remained ill defined, and any piece of information could be retroactively designated a state secret. Authorities also used the vaguely worded charges of “picking quarrels and provoking trouble” broadly against many civil rights advocates. It remained unclear what this term means. Authorities also detained citizens and foreigners under broad and ambiguous state secret laws for, among other actions, disclosing information on criminal trials, commercial activity, and government activity. A counterespionage law grants authorities the power to require individuals and organizations to cease any activities deemed a threat to national security. Failure to comply could result in seizure of property and assets.

There were multiple reports authorities arrested or detained lawyers, religious leaders or adherents, petitioners, and other rights advocates for lengthy periods, only to have the charges later dismissed for lack of evidence. Authorities subjected many of these citizens to extralegal house arrest, denial of travel rights, or administrative detention in different types of extralegal detention facilities, including “black jails.” In some cases public security officials put pressure on schools not to allow the children of prominent political detainees to enroll. Conditions faced by those under house arrest varied but sometimes included isolation in their homes under guard by security agents. Security officials were frequently stationed inside the homes. Authorities placed many citizens under house arrest during sensitive times, such as during the visits of senior foreign government officials, annual plenary sessions of the National People’s Congress (NPC), the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and Xinjiang. Security agents took some of those not placed under house arrest to remote areas on so-called forced vacations.

Swedish bookseller and Hong Kong resident Gui Minhai, who went missing from Thailand in 2015 and was released by Chinese authorities in October 2017, was

detained again by Chinese authorities in late January while traveling on a train. The Chinese government issued a statement on February 12 stating Gui had violated Chinese law, and his case would be dealt with in accordance with Chinese law. The press reported Gui remained in detention, although his whereabouts were unclear.

In July authorities released Liu Xia, widow of Nobel Peace Prize Laureate Liu Xiaobo, from eight years of home confinement. Authorities had held Liu Xia without a criminal charge or a judicial proceeding against her. Liu Xia suffered deteriorating physical and emotional health, according to those who could communicate with her. Liu Xia's brother Liu Hui remained in the country on medical parole related to his 11-year sentence for a 2013 fraud conviction. Human rights advocates argued the government was holding Liu Hui as a hostage to restrict Liu Xia from publicly criticizing authorities.

According to media reports, officials had detained Bishop "Peter" Shao Zhumin, the leader of the underground Catholic Church in Wenzhou, Zhejiang, five times since he was ordained in 2016. Shao spent more than seven months in custody from May 2017 to January 2018. Authorities sent Shao to Qinghai for "re-education" during some of his previous detentions for refusing to join the state-sponsored Chinese Catholic Patriotic Association.

Pretrial Detention: Pretrial detention could last longer than one year. Defendants in "sensitive cases" reported being subjected to prolonged pretrial detention. Authorities held many of the "709" detainees in pretrial detention for more than a year without access to their families or their lawyers. Statistics were not published or made publicly available, but lengthy pretrial detentions were especially common in cases of political prisoners.

On June 29, the Tiexi District Court in Shenyang sentenced human rights advocate Lin Mingjie, after two years of pretrial detention, for assembling a group of demonstrators in front of the Ministry of Public Security in Beijing to protest Shenyang Public Security Bureau Director Xu Wenyou's abuse of power in 2016. Lin was sentenced to two years and six months in prison, including time served.

e. Denial of Fair Public Trial

Although the law states the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, the judiciary did not exercise judicial power independently. Judges

regularly received political guidance on pending cases, including instructions on how to rule, from both the government and the CCP, particularly in politically sensitive cases. The CCP Central Political and Legal Affairs Commission has the authority to review and direct court operations at all levels of the judiciary. All judicial and procuratorate appointments require approval by the CCP Organization Department.

Corruption often influenced court decisions, since safeguards against judicial corruption were vague and poorly enforced. Local governments appointed and paid local court judges and, as a result, often exerted influence over the rulings of those judges.

A CCP-controlled committee decided most major cases, and the duty of trial and appellate court judges was to craft a legal justification for the committee's decision.

Courts are not authorized to rule on the constitutionality of legislation. The law permits organizations or individuals to question the constitutionality of laws and regulations, but a constitutional challenge may be directed only to the promulgating legislative body. Lawyers had little or no opportunity to rely on constitutional claims in litigation. In March lawyers and others received central government instructions to avoid discussion of the constitutionality of the constitutional amendments that removed term limits for the president and vice president.

Media sources indicated public security authorities used televised confessions of lawyers, foreign and domestic bloggers, journalists, and business executives in an attempt to establish guilt before their criminal trial proceedings began. In some cases, these confessions were likely a precondition for release. NGOs asserted such statements were likely coerced, perhaps by torture, and some detainees who confessed recanted upon release and confirmed their confessions had been coerced. No provision in the law allows the pretrial broadcast of confessions by criminal suspects.

Jiang Tianyong remained in prison following his 2017 conviction for inciting state subversion in Changsha, Hunan. A court sentenced him to two years in prison. The case against him was based on his interviews with foreign journalists and his publishing of articles on the internet, actions that, outside the country, were widely seen as normal for someone in his profession. Authorities prevented Jiang from

selecting his own attorney to represent him at a trial that multiple analysts viewed as neither impartial nor fair.

“Judicial independence” remained one of the reportedly off-limit subjects the CCP ordered university professors not to discuss (see section 2.a., Academic Freedom and Cultural Events).

Trial Procedures

Although the amended criminal procedure law reaffirms the presumption of innocence, the criminal justice system remained biased toward a presumption of guilt, especially in high profile or politically sensitive cases.

Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. The appeals process rarely reversed convictions, and it failed to provide sufficient avenues for review; remedies for violations of defendants’ rights were inadequate.

Regulations of the Supreme People’s Court require trials to be open to the public, with the exception of cases involving state secrets, privacy issues, minors, or, on the application of a party to the proceedings, commercial secrets. Authorities used the state secrets provision to keep politically sensitive proceedings closed to the public, sometimes even to family members, and to withhold a defendant’s access to defense counsel. Court regulations state foreigners with valid identification should be allowed to observe trials under the same criteria as citizens, but foreigners were permitted to attend court proceedings only by invitation. As in past years, authorities barred foreign diplomats and journalists from attending a number of trials. In some instances authorities reclassified trials as “state secrets” cases or otherwise closed them to the public.

The Open Trial Network (Tingshen Wang), a government-run website, broadcast trials online; the majority were civil trials.

Regulations require the release of court judgments online and stipulate court officials should release judgments, with the exception of those involving state secrets and juvenile suspects, within seven days of their adoption. Courts did not post all judgments. They had wide discretion not to post if they found posting the judgment could be considered “inappropriate.” Many political cases did not have judgments posted. The Dui Hua Foundation observed a reduction in the number of judgments posted online.

Individuals facing administrative detention do not have the right to seek legal counsel. Criminal defendants are eligible for legal assistance, although the vast majority of criminal defendants went to trial without a lawyer.

Lawyers are required to be members of the CCP-controlled All China Lawyers Association, and the Ministry of Justice requires all lawyers to pledge their loyalty to the leadership of the CCP upon issuance or annual renewal of their license to practice law. The CCP continued to require law firms with three or more party members to form a CCP unit within the firm.

Despite the government's stated efforts to improve lawyers' access to their clients, in 2017 the head of the All China Lawyers Association told *China Youth Daily* defense attorneys had taken part in less than 30 percent of criminal cases. In particular, human rights lawyers reported authorities did not permit them to defend certain clients effectively or threatened them with punishment if they chose to do so. Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney. In some instances authorities prevented attorneys selected by defendants from taking the case and appointed an attorney to the case instead.

On January 18, the Guangdong Provincial Justice Department summoned prominent Guangzhou rights attorney Fu Ailing after visiting her client Zhan Huidong at the Xinhui Detention Center in Jiangmen municipality. Justice department officials repeatedly questioned her about who contacted her for legal assistance and who employed her as Zhan's defense attorney. Zhan Huidong was a prodemocracy activist who attended a memorial event for Liu Xiaobo.

The government suspended or revoked the business licenses or law licenses of some lawyers who took on sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Authorities used the annual licensing review process administered by the All China Lawyers Association to withhold or delay the renewal of professional lawyers' licenses. Other government tactics to intimidate or otherwise pressure human rights lawyers included unlawful detentions, vague "investigations" of legal offices, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients. In February a number of Chinese lawyers wrote an open letter protesting the government's harassment of lawyers who took on human rights cases.

In January the Guangdong Provincial Justice Department revoked the law license for high-profile human rights lawyer Sui Muqing. In April he requested administrative review of the department's decision to revoke his license, but he had not received a response as of August.

Lawyers who take on politically sensitive cases often become targets of harassment and detention themselves. Beijing-based lawyer Li Yuhan, who defended human rights lawyers during the "709" crackdown, remained in custody in Shenyang without formal trial proceedings, other than "pretrial meetings" in July and October. Authorities initially detained Li in October 2017.

In 2015 the National People's Congress's Standing Committee amended legislation concerning the legal profession. The amendments criminalize attorneys' actions that "insult, defame, or threaten judicial officers," "do not heed the court's admonition," or "severely disrupt courtroom order." The changes also criminalize disclosing client or case information to media outlets or using protests, media, or other means to influence court decisions. Violators face fines and up to three years in prison.

Regulations adopted in 2015 also state detention center officials should either allow defense attorneys to meet suspects or defendants or explain why the meeting cannot be arranged at that time. The regulations specify that a meeting should be arranged within 48 hours. Procuratorates and courts should allow defense attorneys to access and read case files within three working days. The time and frequency of opportunities available for defense attorneys to read case files shall not be limited, according to the guidelines. In some sensitive cases, lawyers had no pretrial access to their clients and limited time to review evidence, and defendants and lawyers were not allowed to communicate with one another during trials. In contravention of the law, criminal defendants frequently were not assigned an attorney until a case was brought to court. The law stipulates the spoken and written language of criminal proceedings shall be conducted in the language common to the specific locality, with government interpreters providing language services for defendants not proficient in the local language. Sources noted trials were predominantly conducted in Mandarin Chinese, even in minority areas, with interpreters provided for defendants who did not speak the language.

Mechanisms allowing defendants to confront their accusers were inadequate. Only a small percentage of trials reportedly involved witnesses. Judges retained significant discretion over whether live witness testimony was required or even allowed. In most criminal trials, prosecutors read witness statements, which

neither the defendants nor their lawyers had an opportunity to rebut through cross-examination. Although the law states pretrial witness statements cannot serve as the sole basis for conviction, prosecutors relied heavily on such statements. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case.

Zhuhai city authorities in Guangdong Province denied permission for prominent anticensorship campaigner Zhen Jianghua to meet with his lawyer, Ren Quanniu, on “national security” grounds. In 2017 authorities arrested Zhen, charged him with “incitement to subvert state power,” and held him in residential surveillance at an RSDL. Zhen, also known by his online moniker GuestsZhen, was the executive editor of the anticensorship website Across the Great Firewall, an overseas-registered site offering information about censorship and circumvention tools for accessing the internet beyond China’s borders.

Under the law lawyers are assigned to convicted prisoners on death row who cannot afford one during the review of their sentences. Official figures on executions were classified as a state secret. According to the Dui Hua Foundation, the number of executions stabilized after years of decline following the reform of the capital punishment system initiated in 2007. Dui Hua believed an increase in the number of executions for bosses of criminal gangs and individuals convicted of “terrorism” in Xinjiang likely offset the drop in the number of other executions.

Political Prisoners and Detainees

Government officials continued to deny holding any political prisoners, asserting persons were detained not for their political or religious views but because they had violated the law. Authorities, however, continued to imprison citizens for reasons related to politics and religion. Human rights organizations estimated tens of thousands of political prisoners remained incarcerated, most in prisons and some in administrative detention. The government did not grant international humanitarian organizations access to political prisoners.

Authorities granted political prisoners early release at lower rates than other prisoners. The Dui Hua Foundation estimated more than 100 prisoners were still serving sentences for counterrevolution and hooliganism, two crimes removed from the criminal code in 1997. Thousands of others were serving sentences for political and religious offenses, including for “endangering state security” and carrying out “cult activities.” The government neither reviewed the cases of those

charged before 1997 with counterrevolution and hooliganism nor released persons jailed for nonviolent offenses under repealed provisions.

Many political prisoners remained in prison or under other forms of detention at year's end, including writer Yang Maodong (pen name: Guo Feixiong); Uighur scholars Ilham Tohti and Rahile Dawut; activist Wang Bingzhang; activist Liu Xianbin; Taiwan prodemocracy activist Lee Ming-Che; pastor Zhang Shaojie; Falun Gong practitioners Bian Lichao and Ma Zhenyu; Catholic Auxiliary Bishop of Shanghai Thaddeus Ma Daqin; rights lawyers Wang Quanzhang, Xia Lin, Gao Zhiseng, Tang Jingling, Yu Wensheng, and Jiang Tianyong; blogger Wu Gan; Buddhist monk Xu Zhiqiang (who also went by the name Master Shengguan); and Shanghai labor activist Jiang Cunde.

Criminal punishments included “deprivation of political rights” for a fixed period after release from prison, during which an individual could be denied rights of free speech, association, and publication. Former prisoners reported their ability to find employment, travel, obtain residence permits and passports, rent residences, and access social services was severely restricted.

Authorities frequently subjected former political prisoners and their families to surveillance, telephone wiretaps, searches, and other forms of harassment or threats. For example, security personnel followed the family members of detained or imprisoned rights activists to meetings with foreign reporters and diplomats and urged the family members to remain silent about the cases of their relatives. Authorities barred certain members of the rights community from meeting with visiting dignitaries.

Civil Judicial Procedures and Remedies

Courts deciding civil matters faced the same limitations on judicial independence as criminal courts. The State Compensation Law provides administrative and judicial remedies for plaintiffs whose rights or interests government agencies or officials have infringed. The law also allows compensation for wrongful detention, mental trauma, or physical injuries inflicted by detention center or prison officials.

Although historically citizens seldom applied for state compensation because of the high cost of bringing lawsuits, low credibility of courts, and citizens' general lack of awareness of the law, there were instances of courts overturning wrongful convictions. In July Li Jinlian in Jiangxi Province applied for state compensation of 41.4 million yuan (\$6.1 million) for his wrongful conviction and subsequent

death sentence with reprieve for the 1998 murder of two children with poisoned candy. In June the Jiangxi Provincial Higher People's Court acquitted Li, ruling the previous conviction was based on unclear facts and insufficient evidence. In September the Jiangxi Higher People's Court decided to award Li approximately 2.93 million yuan (\$431,000) for his wrongful conviction. In October the Supreme People's Court accepted Li's request to reconsider the Jiangxi court decision, and on November 19, it heard Li's claim that the amount of the original award was insufficient, and a final ruling was still pending at year's end.

The law provides for the right of an individual to petition the government for resolution of grievances. Most petitions address grievances about land, housing, entitlements, the environment, or corruption, and most petitioners sought to present their complaints at local "letters and visits" offices. The government reported approximately six million petitions were submitted every year; however, persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances.

Despite attempts at improving the petitioning system, progress was unsteady. While the central government reiterated prohibitions against blocking or restricting "normal petitioning" and against unlawfully detaining petitioners, official retaliation against petitioners continued. Regulations encourage all litigation-related petitions be handled at the local level through local or provincial courts, reinforcing a system of incentives for local officials to prevent petitioners from raising complaints to higher levels. Local officials sent security personnel to Beijing to force petitioners to return to their home provinces to prevent them from filing complaints against local officials with the central government. Such detentions often went unrecorded and often resulted in brief periods of incarceration in extralegal "black jails."

On June 3, police in Guangzhou, Guangdong, detained Yang Suyuan, an activist who petitioned for employment severance benefits for staff dismissed from big state-owned banks. The police interrogated Yang, collected her fingerprints, took a DNA blood sample and facial record, and transferred her to a police station in her hometown in Qingyuan, Guangdong, for further questioning.

In June the Beijing Number 2 Intermediate People's Court tried 12 suspects accused of illegally detaining, tying up, and beating a petitioner from Jiangxi Province in June 2017. The petitioner, Chen Yuxian from Shangyou, died in Beijing eight hours after the suspects took him away. The 12 suspects were reportedly from an illegal crime group under the guise of a car rental company that

had close connections to local government officials, who had demanded the petition be intercepted. The Beijing court had not issued a verdict as of year's end.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law states the “freedom and privacy of correspondence of citizens are protected by law,” but authorities often did not respect the privacy of citizens. Although the law requires warrants before officers can search premises, officials frequently ignored this requirement. The Public Security Bureau and prosecutors are authorized to issue search warrants on their own authority without judicial review. There continued to be reports of cases of forced entry by police officers.

Authorities monitored telephone calls, text messages, faxes, email, instant messaging, and other digital communications intended to remain private. Authorities also opened and censored domestic and international mail. Security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines. Foreign journalists leaving the country found some of their personal belongings searched. In some cases, when material deemed politically sensitive was uncovered, the journalists had to sign a statement stating they would “voluntarily” leave these documents behind in China.

According to media reports, the Ministry of Public Security used tens of millions of surveillance cameras throughout the country to monitor the general public. Human rights groups stated authorities increasingly relied on the cameras and other forms of surveillance to monitor and intimidate political dissidents, religious leaders and adherents, Tibetans, and Uighurs. These included facial recognition and “gait recognition” video surveillance, allowing police not only to monitor a situation but also to quickly identify individuals in crowds. The monitoring and disruption of telephone and internet communications were particularly widespread in Xinjiang and Tibetan areas. The government installed surveillance cameras in monasteries in the TAR and Tibetan areas outside the TAR (see Special Annex, Tibet). The law allows security agencies to cut communication networks during “major security incidents.”

According to Human Rights Watch, the Ministry of State Security partnered with information technology firms to create a “mass automated voice recognition and monitoring system,” similar to ones already in use in Xinjiang and Anhui Province, to help with solving criminal cases. According to one company involved, the system was programmed to understand Mandarin Chinese and certain minority

languages, including Tibetan and Uighur. In many cases other biometric data such as fingerprints and DNA profiles were being stored as well. This database included information obtained not just from criminals and criminal suspects but also from entire populations of migrant workers and all Uighurs applying for passports.

Forced relocation because of urban development continued in some locations. Protests over relocation terms or compensation were common, and authorities prosecuted some protest leaders. In rural areas infrastructure and commercial development projects resulted in the forced relocation of thousands of persons.

Property-related disputes between citizens and government authorities sometimes turned violent. These disputes frequently stemmed from local officials' collusion with property developers to pay little or no compensation to displaced residents, combined with a lack of effective government oversight or media scrutiny of local officials' involvement in property transactions, as well as a lack of legal remedies or other dispute resolution mechanisms for displaced residents. The problem persisted despite central government claims it had imposed stronger controls over illegal land seizures and taken steps to standardize compensation.

The government continued implementing a "social credit system," which collects vast amounts of data to create scores for individuals and companies in an effort to address deficiencies in "social trust," strengthen access to financial credit instruments, and reduce public corruption. Unlike Western financial credit-rating systems, the social credit system also collected information on academic records, traffic violations, social media presence, quality of friendships, adherence to birth control regulations, employment performance, consumption habits, and other topics. This system is intended to promote self-censorship, as netizens would be liable for their statements, relationships, and even information others shared within closed social media groups.

An individual's "social credit score," among other things, quantifies a person's loyalty to the government by monitoring citizens' online activity and relationships. There were indications the system awarded and deducted points based on the "loyalty" of sites visited, as well as the "loyalty" of other netizens with whom a person interacted. The system also created incentives for citizens to police each other. Organizers of chat groups on messaging apps were responsible for policing and reporting any posts with impermissible content, making them liable for violations.

Although the government's goal is to create a unified government social credit system, there were several disparate social credit systems under several Chinese technology companies, and the specific implementation of the system varied by province and city. In Hangzhou the scoring system, which applies to residents 18 years or older, included information on individuals' education, employment, compliance with laws and regulations (such as tax payments), payment of medical bills, loan repayment, honoring contracts, participating in volunteer activities, and voluntary blood donations.

There were several cases in which an individual's credit score resulted in concrete limitations on that person's activities. Users with low social credit scores faced an increasing series of consequences, including losing the ability to communicate on domestic social media platforms, travel, and buy property. In April state media reported the social credit system "blocked" individuals from taking 11 million flights and four million train trips.

In a separate use of social media for censorship, human rights activists reported authorities questioned them about their participation in human rights-related chat groups, including WeChat and WhatsApp. Authorities monitored the groups to identify activists, which led to users' increased self-censorship on WeChat, as well as several separate arrests of chat group administrators.

The government instituted the "double-linked household" system in Xinjiang developed through many years of use in Tibet. This system divides towns and neighborhoods into units of 10 households each, with the households in each unit instructed to watch over each other and report on "security issues" and poverty problems to the government, thus turning average citizens into informers. In Xinjiang the government also required Uighur families to accept government "home stays," in which officials or volunteers forcibly lived in Uighurs' homes and monitored families for signs of "extremism." Those who exhibited behaviors the government considered to be signs of "extremism," such as praying, possessing religious texts, or abstaining from alcohol or tobacco, could be detained in re-education camps.

The government restricted the rights of men and women to have children (see section 6, Women).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution states citizens “enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration,” although authorities limited and did not respect these rights, especially when they conflicted with CCP interests. Authorities continued tight control of all print, broadcast, electronic, and social media and regularly used them to propagate government views and CCP ideology. Authorities censored and manipulated the press and the internet, particularly around sensitive anniversaries and topics.

Freedom of Expression: Citizens could discuss many political topics privately and in small groups without official punishment. Authorities, however, routinely took harsh action against citizens who questioned the legitimacy of the CCP. Some independent think tanks, study groups, and seminars reported pressure to cancel sessions on sensitive topics. Those who made politically sensitive comments in public speeches, academic discussions, or in remarks to media, or posted sensitive comments online, remained subject to punitive measures.

In July, in the midst of a national outcry over faulty children’s vaccines, police visited the homes of concerned parents to attempt to stop their online discussion of the issue. Some parents were shown a document that said police intended to charge parents who attended a planned media session with “colluding with foreign media.” The parents subsequently cancelled the press conference.

In April Cui Haoxin, a Muslim poet, was detained in a Xinjiang internment camp for one week, which he attributed to the political views he expressed in his poetry and other writings. On August 16, police in Xinjiang threatened Cui in an attempt to stop him from posting information on Twitter about these camps.

Press and Media Freedom: The CCP and government continued to maintain ultimate authority over all published, online, and broadcast material. Officially, only state-run media outlets have government approval to cover CCP leaders or other topics deemed “sensitive.” While it did not dictate all content to be published or broadcast, the CCP and the government had unchecked authority to mandate if, when, and how particular issues were reported or to order they not be reported at all.

During the year state media reported senior authorities issued internal CCP rules detailing punishments for those who failed to hew to ideological regulations, ordering a further crackdown on illegal internet accounts and platforms, and instructing the media to engage in “journalism based on Marxism.” The rules also

planned for greater political and ideological indoctrination efforts targeting at university students.

The government tightened ideological control over media and public discourse by restructuring its regulatory system. The CCP's propaganda department has direct control of the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT). Authorities also restructured SAPPRFT in March, relocating some of its responsibilities and renaming it the State Administration for Radio and Television Agency (SARFT). The new structure greatly expands CCP control of film, news media, newspapers, books, and magazines. The Cyberspace Administration of China (CAC), which directly manages internet content, including online news media, also promotes CCP propaganda.

On November 14, the CAC issued a statement saying more than 9,800 internet accounts had been "cleaned up" as part of an ongoing campaign. On November 15, the CAC issued a notice that further restricted what opinions could be posted online and said the CAC would start to require detailed logs on users from internet and media firms as part of its new policy targeting dissenting opinion and social movements online. As of November 30, the CAC said it would require internet platforms that could be used to "socially mobilize" or that could lead to "major changes in public opinion" to submit reports on their activities.

The government took further action to build its propaganda tools. In March it consolidated China Central Television, China Radio International, and China National Radio into a new super media group known as the "Voice of China." State media explained the restructuring was meant to "strengthen the party's concentrated development and management of important public opinion positions."

All books and magazines continued to require state-issued publication numbers, which were expensive and often difficult to obtain. As in the past, nearly all print and broadcast media as well as book publishers were affiliated with the CCP or the government. There were a small number of print publications with some private ownership interest but no privately owned television or radio stations. The CCP directed the domestic media to refrain from reporting on certain subjects, and traditional broadcast programming required government approval.

Journalists operated in an environment tightly controlled by the government. While the country's increasingly internet-literate population demanded interesting stories told with the latest technologies, government authorities asserted control

over those new technologies (such as livestreaming) and clamped down on new digital outlets and social media platforms.

Because the Communist Party does not consider internet news companies “official” media, they are subject to debilitating regulations and barred from reporting on potentially “sensitive” stories. According to the most recent All China Journalist Association report from 2017 on the nation’s news media, there were 231,564 officially credentialed reporters working in the country. Only 1,406 worked for news websites, with the majority working at state-run outlets such as *XinhuaNet.com* and *ChinaDaily.com*. This did not mean online outlets did not report on important issues. Instead, many used creative means to share content, but limited their tactics and topics since they were acting outside official approval.

Violence and Harassment: The government frequently impeded the work of the press, including citizen journalists. Journalists reported being subjected to physical attack, harassment, monitoring, and intimidation when reporting on sensitive topics. Government officials used criminal prosecution, civil lawsuits, and other punishment, including violence, detention, and other forms of harassment, to intimidate authors and journalists and to prevent the dissemination of unsanctioned information on a wide range of topics.

Family members of journalists based overseas also faced harassment, and in some cases detention, as retaliation for the reporting of their relatives abroad. In 2017 authorities detained dozens of relatives of at least six reporters for Radio Free Asia’s Uighur Service. The reporters, members of the country’s Uighur minority group, were reporting on the Xinjiang internment camps (see section 1).

A journalist could face demotion or job loss for publishing views that challenged the government. In many cases potential sources refused to meet with journalists due to actual or feared government pressure. In particular academics--a traditional source of information--were increasingly unwilling to meet with journalists.

During the year authorities imprisoned numerous journalists working in traditional and new media.

On June 26, a Sichuan province court sentenced political cartoonist Jiang Yefei to six years and six months in prison on charges of “inciting subversion of state power” and “illegally crossing the border.” Jiang fled to Thailand in 2008 after his cartoons criticizing the 2008 Sichuan earthquakes and lampooning Chinese government officials attracted government attention. In 2015 he was forcibly

returned to China and then held incommunicado until his June 2018 trial, which was held in secret.

On August 1, authorities entered the house of retired professor Sun Wenguang in Jinan, Shandong, during an on-air telephone interview with Voice of America (VOA). Listeners heard the police stop the interview as the professor protested their incursion. The government held Sun for approximately two weeks and then released him under “strict supervision.” A pair of VOA journalists, Yibing Feng and Allen Ai, went to Sun’s home after his release on August 13, at which point the police detained them for six hours, destroyed their cell phones, and scanned their equipment.

Authorities in Xinjiang arrested four employees of state-sanctioned Xinjiang newspapers in September and accused them of publishing inappropriate content in the Uighur-language versions of their papers. A representative for the Xinjiang Daily group confirmed the arrests and said the four were accused of being “two-faced,” a euphemism for individuals who outwardly support CCP rule while secretly disagreeing with restrictions on minority culture, language, and religion.

Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. Foreign press outlets reported local employees of foreign news agencies were also subjected to official harassment and intimidation and this remained a major concern for foreign outlets.

Journalists who traveled to Xinjiang reported very high levels of surveillance, monitoring, harassment, and interference in their work.

Foreign ministry officials again subjected a majority of journalists to special interviews as part of their annual visa renewal process. During these interviews the officials pressured journalists to report less on human rights issues, referencing reporting “red lines” journalists should not cross, and in some cases threatened them with nonrenewal of visas. Many foreign media organizations continued to have trouble expanding or maintaining their operations in the country due to the difficulty of receiving visas. Some foreign media companies were increasingly unwilling to publicize such issues due to fear of provoking further backlash by the government.

Authorities continued to enforce tight restrictions on citizens employed by foreign news organizations. The code of conduct for citizen employees of foreign media

organizations threatens dismissal and loss of accreditation for those citizen employees who engage in independent reporting. It instructs them to provide their employers information that projects “a good image of the country.”

Media outlets that reported on commercial issues enjoyed comparatively fewer restrictions, but the system of postpublication review by propaganda officials encouraged self-censorship by editors seeking to avoid the losses associated with penalties for inadvertently printing unauthorized content.

Chinese-language media outlets outside the country reported intimidation and financial threats from the government. For example, the manager of Australia’s largest independent Chinese-language newspaper, *Vision China Times*, spoke at a conference in February about the pressure Chinese officials put on the newspaper’s advertising clients in an attempt to silence the media outlet’s views. Some clients were “grilled” by Chinese consulate officials in Australia, while others were visited during trips to China and pressured to stop doing business with *Vision China Times*.

Censorship or Content Restrictions: The State Council’s Regulations on the Administration of Publishing grant broad authority to the government at all levels to restrict publications based on content, including mandating if, when, and how particular issues are reported. While the Ministry of Foreign Affairs daily press briefing was generally open, and the State Council Information Office organized some briefings by other government agencies, journalists did not have free access to other media events. The Ministry of Defense continued allowing select foreign media outlets to attend occasional press briefings.

Official guidelines for domestic journalists were often vague, subject to change at the discretion of propaganda officials, and enforced retroactively. Propaganda authorities forced newspapers and online media providers to fire editors and journalists responsible for articles deemed inconsistent with official policy and suspended or closed publications. Self-censorship remained prevalent among journalists, authors, and editors, particularly with post facto government reviews carrying penalties of ranging severity.

On February 8, the Guangdong Provincial Propaganda Department revoked the position and official title of Duan Gongwei, chief editor of the *Southern Weekly*, who oversaw two investigative financial reports about Hainan Airlines Group. The reports showed how the airline, which was reportedly linked to senior Chinese leaders, went on “acquisition sprees” despite operating with large debts.

The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by authoritative official departments, especially with respect to sensitive or prominent situations. Directives often warned against reporting on issues related to party and official reputation, health and safety, and foreign affairs.

Control over public depictions of President Xi increased, with censors aggressively shutting down any depiction that varied from official media storylines. Censors continued to block images of the Winnie the Pooh cartoon on social media because internet users used the symbol to represent President Xi Jinping. A June segment of John Oliver's *Last Week Tonight* program on HBO criticizing Xi Jinping resulted in authorities temporarily blocking access to HBO's online content.

It was extremely difficult for foreign journalists to report from the TAR, other Tibetan areas, or Xinjiang without experiencing serious interference. Foreign reporters also experienced restricted access and interference when trying to report in other sensitive areas, including the North Korean border, at places of historical significance to the founding of the Communist party, sites of recent natural disasters, and areas--including in Beijing--experiencing social unrest.

Overseas television newscasts, largely restricted to hotels and foreign residence compounds, were subject to censorship. Individual issues of foreign newspapers and magazines were occasionally banned when they contained articles deemed too sensitive. Articles on sensitive topics were removed from international magazines. Television newscasts were blacked out during segments on sensitive subjects.

Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. The government prohibited some foreign and domestic films deemed too sensitive or selectively censored parts of films before they were released. Under government regulations, authorities must authorize each foreign film released in the country, with a restriction on the total number that keeps annual distribution below 50 films.

Authorities continued to ban books with content they deemed inconsistent with officially sanctioned views. The law permits only government-approved publishing houses to print books. Newspapers, periodicals, books, audio and video recordings, or electronic publications may not be printed or distributed without the approval of central authorities and relevant provincial publishing authorities. Individuals who attempted to publish without government approval faced

imprisonment, fines, confiscation of their books, and other punishment. The CCP also exerted control over the publishing industry by preemptively classifying certain topics as state secrets.

Government rules ban the sale of foreign publications without an import permit. This includes sales on online shopping platforms, which are banned from offering “overseas publications,” including books, movies, and games, that do not already have government approval. The ban also applies to services related to publications.

One year after the death in July of Nobel Peace Prize Laureate Liu Xiaobo, the government continued to censor a broad array of related words and images across public media and on social media platforms. Besides his name and image, phrases such as “rest in peace,” “grey,” quotes from his writings, images of candles, and even candle emojis were blocked online and from private messages sent on social media. Attempts to access censored search results resulted in a message saying the result could not be displayed “according to relevant laws, regulations, and policies.” Government censors also blocked online access to news regarding Liu Xiaobo’s widow, Liu Xia.

Internet Freedom

The government tightly controlled and highly censored domestic internet usage. According to an official report released in August by the China Internet Network Information Center, the country had more than 802 million internet users, accounting for 57.7 percent of its total population. According to International Telecommunication Union data, 54 percent of the population used the internet in 2017. Major media companies estimated more than 625 million persons obtained their news from social and online media sources.

Although the internet was widely available, authorities heavily censored content. The government continued to employ tens of thousands of individuals at the national, provincial, and local levels to monitor electronic communications and online content. The government reportedly paid personnel to promote official views on various websites and social media and to combat alternative views posted online. Internet companies also independently employed thousands of censors to carry out CCP and government directives on censorship. When government officials criticized or temporarily blocked online platforms due to content, the parent corporations were required to hire additional in-house censors, creating

substantial staffing demands well into the thousands and even tens of thousands per company.

In April censors temporarily shut down prominent news app Toutiao. It reopened after its owner apologized for failing to promote “core socialist values” through the app and promised to hire 4,000 new in-house censors, bringing the total number to 10,000. Authorities permanently shuttered the company’s other app, Neihan Duanzi, which was used by its 200 million users to share jokes and memes.

On March 19, Guangdong province authorities released environmental activist Lei Ping after the government-linked China Biodiversity Conservation and Green Development Foundation submitted a letter to Xinyi police, who had detained Lei after she posted online an investigative report uncovering illegal quarry operations and their effects on local water resources.

The government continued to issue an array of regulations implementing the Cybersecurity Law, which took effect in 2017. The law allows the government to “monitor, defend, and handle cybersecurity risks and threats originating from within the country or overseas sources.” Article 12 of the law criminalizes using the internet to “creat[e] or disseminat[e] false information to disrupt the economic or social order.” For example, Guangzhou anesthesiologist Tan Qindong spent three months in jail for “damaging a company’s reputation” after his criticism of a traditional Chinese medicinal tonic began circulating widely on WeChat. Chinese news reports speculated the arrest most likely occurred at the behest of the tonic manufacturer. Authorities released Tan after he wrote an apology admitting he had “not thought clearly.” The law also codifies the authority of security agencies to cut communication networks across an entire geographic region during “major security incidents,” although the government had previously implemented such measures before the law’s passage.

CAC regulations on Internet News Information Services require websites, mobile apps, forums, blogs, instant communications services, and search engines to ensure news coverage of a political, economic, diplomatic, or commentary nature conforms to official views of “facts.” These regulations extend longstanding traditional media controls to new media--including online and social media--to ensure these sources also adhere to the Communist Party directive.

According to January state media reports, authorities closed 128,000 websites in 2017. These were deemed “harmful” due to inappropriate content, which includes politically sensitive materials, as well as pornography and gambling. The pace

continued during the year, with the CAC reporting it shuttered 3,673 websites and 1.2 million social media accounts in just the second and third quarters of the year. In July the CAC reported receiving 6.72 million “valid” reports of online “illegal and harmful” information in that month alone.

The CAC also required all live-streaming platforms, video platforms, commercial websites, web portals, and apps to register with the CAC. Online content platforms by licensed central media and their affiliates were not required to register. In April state media announced content on short video sites that violated core socialist values would be removed, and the CAC announced it had “talked” to several short video sites. Shortly thereafter, the live streaming and comment section of a prominent platform, Douyin, ceased to function. Various other platforms faced shutdowns for “illicit” or “illegal” content over the last year.

Regulators required a special permit for transmission of audio and visual materials on blogging platforms such as Weibo and instant messaging platforms such as WeChat. Platform managers were made directly responsible for ensuring user-posted content complies with their permit’s scope. This includes television shows, movies, news programs, and documentaries, which many netizens consumed exclusively through social media channels. The rules prohibit the uploading of any amateur content that would fall under the definition of news programming or “sensitive” topics.

The changes in cybersecurity law put in place by the CAC in 2017 also bolstered real-name registration requirements for websites and social media platforms, with Baidu and Sina Weibo announcing accounts without real name registration would have restricted access to certain website functions (e.g., commenting on posts). Cybercafes in Xingtai and Shanghai also began using facial recognition to match users with their photographs printed on national identification documents.

The government continued efforts to limit virtual private network (VPN) service use. A new ban on “unauthorized” VPNs went into effect on March 31. While some users, including international companies, were permitted to use VPNs, smaller businesses, academics, and citizens did not have access to authorized VPNs. However, news reports indicated authorities were not strictly enforcing the ban. Authorities stepped up efforts to block VPN service providers ahead of major events such as November trade and internet shows. A software engineer in Shanghai was sentenced to three years in prison after providing illegal VPNs to hundreds of customers since 2016, reported the government-owned newspaper

People's Court Daily. The man, surnamed Dai, was also ordered to serve three years of probation and fined 10,000 yuan (\$1,400).

Many other websites for international media outlets, such as the *New York Times*, the *Wall Street Journal*, and *Bloomberg*, in addition to those of human rights organizations, such as Amnesty International and Human Rights Watch, remained perennially blocked. In August censors blocked the Australian Broadcast Corporation's (ABC) website and phone app. ABC launched a Chinese-language site in 2017, and in 2018 ABC's stories about Chinese influence in Australia drew strong criticism from official Chinese media.

Government censors continued to block websites or online content related to topics deemed sensitive, such as Taiwan, the Dalai Lama, Tibet, and the 1989 Tiananmen Square Massacre.

Thousands of social media and other websites remained blocked, including Facebook, Twitter, Instagram, Google, and YouTube. While countless news and social media sites remained blocked, a large percentage of censored websites were gambling or pornographic websites.

Early in the year, the government warned airlines not to list Taiwan, Hong Kong, or Macau as separate countries on their websites, and it published a list of offending airlines. Officials obligated Marriott hotels to shut down its website for a week and publicly apologize for listing Tibet, Hong Kong, and Macau as separate countries. Mercedes Benz was similarly forced to apologize to the government after a posting on its official Instagram account included this quotation, "Look at the situations from all angles, and you will become more open." -- Dalai Lama." Officials' response to the posting included the state-run *People's Daily* calling Mercedes Benz an "enemy of the people."

References to same-sex acts/same sex-relations and the scientifically accurate words for genitalia remained banned following SAPPRFT's 2017 pronouncement listing same-sex acts/relations as an "abnormal sexual relation" and forbidding its depiction. In January domestic media reported a Beijing court agreed to hear a gay-rights activist's lawsuit challenging SAPPRFT regarding homosexuality, although by December no ruling had been announced. Meanwhile, in May a nationally popular Hunan-based television broadcaster blacked out parts of Eurovision, a European music performance, that depicted gay relationships and pixelated an image of the gay-pride flag.

Censors shut down a prominent feminist Weibo account on International Women's Day, March 8. With 180,000 followers, the account was one of the country's most prominent online feminist advocacy platforms. Officials had similarly shut down the account in 2017 on International Women's Day, then allowed it to reopen, but this time they shuttered the account permanently.

During the year authorities began manipulating the content of individual Twitter accounts. There were reports of authorities forcing individuals to give them access to their Twitter accounts, which authorities then used to delete their tweets. In October tens of thousands of postings from human rights advocate Wu Gan were deleted.

Authorities continued to jail numerous internet writers for their peaceful expression of political views. On June 27, authorities subjected dissident author Peng Peiyu to a two-week detention. Peng's critical writing included an essay entitled "On Xi: A Call to Arms," which he posted online shortly before his arrest. According to his attorney, Peng had been detained "many times before."

In addition there continued to be reports of cyber operations against foreign websites, journalists, and media organizations carrying information that the government restricted internet users in the country from accessing. As in the past, the government selectively blocked access to sites operated by foreign governments, including the websites or social media platforms of health organizations, educational institutions, NGOs, social networking sites, and search engines.

While such censorship was effective in keeping casual users away from websites hosting sensitive content, many users circumvented online censorship by using various technologies. Information on proxy servers outside the country and software for defeating official censorship were available, although frequently limited by the Great Firewall. Encrypted communication apps such as Telegram and WhatsApp and VPN services were regularly disrupted, especially during "sensitive" times of the year.

The State Secrets Law obliges internet companies to cooperate fully with investigations of suspected leaks of state secrets, stop the transmission of such information once discovered, and report the crime to authorities. This was defined broadly and without clear limits. Furthermore, the companies must comply with authorities' orders to delete such information from their websites; failure to do so

is punishable by relevant departments, such as police and the Ministry of Public Security.

Academic Freedom and Cultural Events

The government continued restrictions on academic and artistic freedom and on political and social discourse at colleges, universities, and research institutes. Restrictive Central Propaganda Department regulations and decisions constrained the flow of ideas and persons.

Many intellectuals and scholars exercised self-censorship, anticipating books or papers on political topics would be deemed too sensitive to be published. Censorship and self-censorship of artistic works was also common, particularly artworks deemed to involve politically sensitive subjects. Authorities frequently denied Western musicians permission to put on concerts, scrutinized the content of cultural events, and applied pressure to encourage self-censorship of discussions.

The government and the CCP Organization Department continued to control appointments to most leadership positions at universities, including department heads. While CCP membership was not always a requirement to obtain a tenured faculty position, scholars without CCP affiliation often had fewer chances for promotion. Academic subject areas deemed politically sensitive (e.g., civil rights, elite cronyism, civil society, etc.) continued to be off-limits. Some academics self-censored their publications, faced pressure to reach predetermined research results, or were unable to hold conferences with international participants during politically sensitive periods. Foreign academics claimed the government used visa denials, along with blocking access to archives, fieldwork, or interviews, to pressure them to self-censor their work. The use of foreign textbooks in classrooms remained restricted, and domestically produced textbooks continued to be under the editorial control of the CCP.

Undergraduate students, regardless of academic major, must complete political ideology coursework on subjects such as Marxism, Maoism, and Deng Xiaoping thought. In July the Ministry of Education announced its intention to strengthen party leadership at all levels of private education, including K-12.

Multiple media reports cited a tightening of ideological controls on university campuses, with professors dismissed for expressing views not in line with party thought. In August an economics professor at Guizhou University was expelled from his university after posting online an article critical of the party. In

September Xiamen University dismissed an assistant history professor for comments online that the university said “harmed the image of the party and the country.” Similar controls were applied to students. For example, a program in Chongqing required high school students to pass a review of their political ideology in order to take the national university entrance examination.

In June both foreign and domestic media reported a growing incidence of university professors being suspended or fired after their students reported them for comments deemed politically sensitive or inappropriate. In some cases the university assigned the students to act as informants.

In November media outlets reported crackdowns against student labor activists on Peking University and Renmin University campuses. Students and several recent graduates were detained and held incommunicado, one of whom was kidnapped from Peking University’s campus. Students on the scene were beaten, forced to the ground, and prevented from taking photographs or speaking by security forces. Renmin University officials allegedly harassed, threatened, employed surveillance against, and hindered the free movement of student activists (see section 7.a.).

In August the *Financial Times* reported foreign universities establishing joint venture universities in the country must establish internal CCP committees, granting greater decision-making power to CCP officials and reversing an earlier promise to guarantee academic freedom. In July the *Financial Times* reported a foreign academic was removed from the management board of the first joint venture university in the country for being critical of CCP-backed initiatives.

Authorities on some occasions blocked entry into the country of individuals deemed politically sensitive and, in some cases, refused to issue passports to citizens selected for international exchange programs who were considered “politically unreliable,” singling out Tibetans, Uighurs, and individuals from other minority areas. A number of other foreign government-sponsored exchange selectees who already had passports, including some academics, encountered difficulties gaining approval to travel to participate in their programs. Academics reported having to request permission to travel overseas and, in some cases, said they were limited in the number of foreign trips they could take per year.

The CCP’s reach increasingly extended beyond the country’s physical borders. A survey of more than 500 China scholars outside the PRC found 9 percent of scholars reported having been “taken for tea” by Chinese government authorities in the past 10 years to be interviewed or warned about their research; 26 percent of

scholars who conducted archival research reported being denied access; and 5 percent reported difficulties obtaining a visa. According to the survey, 68 percent of foreign scholars said self-censorship was a problem in the field of China studies.

The CCP actively promoted censorship of Chinese students outside the country, with media reporting examples of self-censorship and the use of financial incentives to tamp down anti-Chinese speech on foreign campuses.

Academics and intellectuals in Xinjiang, along with the hundreds of thousands of other Xinjiang residents, disappeared or died, most likely in internment camps. Some officials and academics were charged with being “two-faced,” a euphemism referring to members of minority groups serving state and party occupations who harbor “separatist” or “antiofficial” tendencies, including disagreeing with official restrictions on minority culture, language, and religion. Those disappeared and believed to be held in the camps included Rahile Dawut, an internationally known folklorist; Abdukerim Rahman, literature professor; Azat Sultan, Xinjiang University professor; Gheyretjan Osman, literature professor; Arslan Abdulla, language professor; Abdulqadir Jalaeddin, poet; and Yalqun Rozi, writer. Authorities detained former director of the Xinjiang Education Supervision Bureau Satar Sawut and removed Kashgar University president Erkin Omer and vice president Muhter Abdughopur; all were disappeared at year’s end. Courts delivered suspended death sentences for “separatism” to Halmurat Ghopur, former president of Xinjiang Medical University Hospital, and Tashpolat Tiyp, former president of Xinjiang University. Religious scholars Muhammad Salih Hajim and Abdulnehed Mehsum died in the camps, according to reports from international organizations during the year.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

While the constitution provides for freedom of peaceful assembly, the government severely restricted this right. The law stipulates such activities may not challenge “party leadership” or infringe upon the “interests of the state.” Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed demonstrations involving expression of dissenting political views.

Citizens throughout the country continued to gather publicly to protest evictions, forced relocations, and inadequate compensation, often resulting in conflict with authorities or formal charges. Media reported thousands of protests took place during the year across the country. Although peaceful protests are legal, public security officials rarely granted permits to demonstrate. Despite restrictions, many demonstrations occurred, but authorities quickly broke up those motivated by broad political or social grievances, sometimes with excessive force.

On March 20-30, more than one thousand residents from Longyan's Changting County in Fujian province protested outside the local government office against the government's plan to construct a garbage incinerator one kilometer (0.6 mile) from the town's residential areas. On March 30, local authorities called in riot police to restore order. Later that day government officials announced they were canceling the planned incinerator project.

Concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Large numbers of public gatherings in Beijing and elsewhere were canceled at the last minute or denied government permits, ostensibly to ensure public safety.

Freedom of Association

The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require all professional, social, and economic organizations officially register with and receive approval from the government. These regulations prevented the formation of autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area. The government maintained tight controls over civil society organizations and in some cases detained or harassed NGO workers.

The regulatory system for NGOs was highly restrictive, but specific requirements varied depending on whether an organization was foreign or domestic. Domestic NGOs were governed by the Charity Law and a host of related regulations. Domestic NGOs could register in one of three categories: a social group, a social organization, or a foundation. All domestic NGOs are required to register under the Ministry of Civil Affairs and find an officially sanctioned sponsor to serve as their "professional supervisory unit." Finding a sponsor was often challenging, since the sponsor could be held civilly or criminally responsible for the NGO's activities. All organizations are also required to report their sources of funding,

including foreign funding. Domestic NGOs continued to adjust to this new regulatory framework.

In 2016 the CCP Central Committee issued a directive mandating the establishment of CCP cells within all domestic NGOs by 2020. According to authorities, these CCP organizations operating inside domestic NGOs would “strengthen guidance” of NGOs in areas such as “decision making for important projects, important professional activities, major expenditures and funds, acceptance of large donations, and activities involving foreigners.” The directive also mandates authorities conduct annual “spot checks” to ensure compliance on “ideological political work, party building, financial and personnel management, study sessions, foreign exchange, acceptance of foreign donations and assistance, and conducting activities according to their charter.”

In January 2017 the Law on the Management of Foreign NGOs’ Activities in Mainland China (Foreign NGO Management Law) came into effect. The law requires foreign NGOs to register with the Ministry of Public Security and to find a state-sanctioned sponsor for their operations. NGOs that fail to comply face possible civil or criminal penalties. The law provides no appeal process for NGOs denied registration, and it stipulates NGOs found to have violated certain provisions could be banned from operating in the country. The law also states domestic groups cooperating with unregistered foreign NGOs will be punished and possibly banned.

Some international NGOs reported it was more difficult to work with local partners, including universities, government agencies, and other domestic NGOs, as the law codified the CCP’s perception that foreign NGOs were a “national security” threat. Finding an official sponsor was difficult for most foreign NGOs, as sponsors could be held responsible for the NGOs’ conduct and had to undertake burdensome reporting requirements. After the Ministry of Public Security published a list of sponsors, NGOs reported most government agencies still had no unit responsible for sponsoring foreign NGOs. Professional Supervisory Units reported they had little understanding of how to implement the law and what authorities would expect of them. The vague definition of an NGO, as well as of what activities constituted “political” and therefore illegal activities, left many business organizations and alumni associations uncertain whether they fell within the purview of the law. The lack of clear communication from the government, coupled with harassment by security authorities, caused some foreign NGOs to suspend or cease operations in the country. As of December 31, approximately 439 of the officially estimated 7,000 previously operational foreign NGOs had

registered under the Foreign NGO Management Law, with most focusing on trade and commerce activities.

According to the Ministry of Civil Affairs, by the end of 2017, there were more than 800,000 registered social organizations, public institutions, and foundations. Many experts believed the actual number of domestic NGOs to be much higher. Domestic NGOs reported foreign funding continued to drop, as many domestic NGOs sought to avoid such funding due to fear of being labeled as “subversive” in the face of growing restrictions imposed by new laws. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP that are organizationally prohibited from exercising any independence, known as government-operated NGOs or GONGOs.

For donations to a domestic organization from a foreign NGO, the Foreign NGO Management Law requires foreign NGOs to maintain a representative office in the country to send funds or to use the bank account of a domestic NGO when conducting temporary activities. By law foreign NGOs are prohibited from using any other method to send and receive funds, and such funding must be reported to the Ministry of Public Security. Foreign NGOs are prohibited from fundraising and “for-profit activities” under the law.

Although all registered organizations came under some degree of government control, some NGOs, primarily service-oriented GONGOs, were able to operate with less day-to-day scrutiny. Authorities supported the growth of some NGOs that focused on social problems, such as poverty alleviation and disaster relief. Law and regulations explicitly prohibit organizations from conducting political or religious activities, and organizations that refused to comply faced criminal penalties.

Authorities continued to restrict and evict local NGOs that received foreign funding and international NGOs that provided assistance to Tibetan communities in the TAR and other Tibetan areas. Almost all were forced to curtail their activities altogether due to travel restrictions, official intimidation of staff members, and the failure of local partners to renew project agreements.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government at times did not respect these rights.

While seriously restricting its scope of operations, the government occasionally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), which maintained an office in Beijing.

The government increasingly silenced activists by denying them permission to travel, both internationally and domestically, or keeping them under unofficial house arrest.

In some instances the government pressured other countries to return asylum seekers or UNHCR-recognized refugees forcibly. On July 13, Radio Free Asia reported a Chongqing court had secretly sentenced human rights activists Jiang Yefei and Dong Guangping in July 2017 for “inciting subversion of state power” and “illegally crossing a national border.” Jiang and Dong had fled to Thailand with their families and received refugee status from UNHCR, but Thailand then forcibly returned them from Bangkok in 2015. During their televised “confessions,” Jiang and Dong appeared to have sustained torture while in detention. The families received no notification from authorities concerning the trial. According to contacts, authorities denied Dong’s former lawyer permission to meet with his client when he visited the Chongqing Number 2 Detention Center in July 2017.

Abuse of Migrants, Refugees, and Stateless Persons: There were reports North Korean agents operated clandestinely within the country to repatriate North Korean citizens against their will. In addition, North Koreans detained by government authorities faced repatriation unless they could pay bribes to secure their release. North Korean refugees were either detained in holding facilities or placed under house arrest at undisclosed locations. Family members wanting to prevent forced returns of their North Korean relatives were required to pay fees to Chinese authorities purportedly to cover expenses incurred while in detention. While detained North Koreans were occasionally released, they were rarely given the necessary permissions for safe passage to a third country.

In-country Movement: Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major

political events, as well as to forestall demonstrations. Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas (see Tibet Addendum). Uighurs faced new restrictions on movement within Xinjiang and outside the region, as well. Although the use of “domestic passports” that called for local official approval before traveling to another area was discontinued in 2016, identification checks remained in place when entering or leaving cities and on public roads. In Xinjiang security officials set up checkpoints managing entry into public places, including markets and mosques, that required Uighurs to scan their national identity card, undergo a facial recognition check, and put any baggage through airport-style security screening. Such restrictions were not applied to Han Chinese in these areas. On September 26, the *Urumqi Evening News* announced Xinjiang railway administrative departments would stop selling tickets on all passenger services leaving Xinjiang starting on October 22. This occurred around the time reports surfaced about authorities criminally sentencing Uighurs and other Turkic Muslims en masse of groups of 200-500 persons from the internment camps to prisons in other parts of the country, such as Heilongjiang Province.

Although the government maintained restrictions on the freedom to change one’s workplace or residence, the national household registration system (*hukou*) continued to change, and the ability of most citizens to move within the country to work and live continued to expand. While many rural residents migrated to the cities, where the per capita disposable income was approximately three times the rural per capita income, they often could not change their official residence or workplace within the country. Most cities had annual quotas for the number of new temporary residence permits they could issue, and all workers, including university graduates, had to compete for a limited number of such permits. It was particularly difficult for rural residents to obtain household registration in more economically developed urban areas.

The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the *Statistical Communique of the People’s Republic of China on 2017 National Economic and Social Development* published in February by the National Bureau of Statistics of China, 291 million persons lived outside the jurisdiction of their household registration. Migrant workers and their families faced numerous obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education for their children or social insurance, in the cities where they lived and worked because they were not legally registered urban residents.

From April to June, non-Beijing residents could apply for a Beijing hukou under the special municipality's new points-based system. Under the new policy, nonnatives of the city under the legal retirement age who have held a Beijing temporary residence permit with the city's social insurance records for seven consecutive years and were without a criminal record were eligible to accumulate points for the hukou. Those with "good employment, stable homes in Beijing, strong educational background, and achievements in innovation and establishing start-ups in Beijing" were reportedly likely to obtain high scores in the point-based competition. The city was to announce the new hukou winners in the fourth quarter of the year.

Under the "staying at prison employment" system applicable to recidivists incarcerated in administrative detention, authorities denied certain persons permission to return to their homes after serving their sentences. Some released or paroled prisoners returned home but did not have freedom of movement.

Foreign Travel: The government permitted legal emigration and foreign travel for most citizens. Government employees and retirees, especially from the military, continued to face foreign travel restrictions. The government expanded the use of exit controls for departing passengers at airports and other border crossings to deny foreign travel to some dissidents and persons employed in government posts. Throughout the year many lawyers, artists, authors, and other activists were at times prevented from exiting the country. Authorities also blocked the travel of some family members of rights activists and of suspected corrupt officials and businesspersons, including foreign family members.

Border officials and police cited threats to "national security" as the reason for refusing permission to leave the country. Authorities stopped most such persons at the airport at the time of their attempted travel.

Most citizens could obtain passports, although individuals the government deemed potential political threats, including religious leaders, political dissidents, petitioners, and ethnic minorities, routinely reported being refused passports or otherwise prevented from traveling overseas.

Uighurs, particularly those residing in Xinjiang, reported great difficulty in getting passport applications approved at the local level. They were frequently denied passports to travel abroad, particularly to Saudi Arabia for the Hajj, to other Muslim countries, or to Western countries for academic purposes. Since 2016

authorities ordered Xinjiang residents to turn in their passports or told residents no new passports were available. The passport recall, however, was not limited to Uighur areas. Foreign national family members of Uighur activists living overseas were also denied visas to enter the country. During the year the government continued its concerted efforts to compel Uighurs studying abroad to return to China, often pressuring relatives in Xinjiang to ask their overseas relatives to return. Authorities also refused to renew passports for Uighurs living abroad, leading them to either go home or pursue ways to maintain legal status in those countries. Upon return, many of these Uighurs, or persons connected with the Xinjiang residents, were detained or disappeared.

Tibetans faced significant hurdles in acquiring passports, and for Buddhist monks and nuns, it was virtually impossible. Authorities' unwillingness to issue or even renew old passports for Tibetans created, in effect, a ban on foreign travel for the Tibetan population. Han Chinese residents of Tibetan areas did not experience the same difficulties.

The government continued to try to prevent many Tibetans and Uighurs from leaving the country and detained many while they attempted to leave (see Tibet Annex). Some family members of rights activists who tried to emigrate were unable to do so.

Exile: The law neither provides for a citizen's right to repatriate nor addresses exile. The government continued to refuse re-entry to numerous citizens considered dissidents, Falun Gong activists, or "troublemakers." Although authorities allowed some dissidents living abroad to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled.

Protection of Refugees

Refoulement: The government forcibly returned vulnerable asylum seekers, especially North Korean asylum seekers. The government continued to consider North Koreans as "illegal economic migrants" rather than refugees or asylum seekers and forcibly returned many of them to North Korea.

Human rights groups reported a relatively large number of North Korean asylum seekers being held in detention in Liaoning Province and Jilin Province who were in danger of imminent refoulement.

Access to Asylum: The law does not provide for the granting of refugee or asylee status. The government did not have a system for providing protection to refugees but generally recognized UNHCR-registered refugees and asylum seekers. The government did not officially recognize these individuals as refugees; they remained in the country as illegal immigrants unable to work, with no access to education, and subject to deportation at any time.

North Korean refugees and asylum seekers, particularly young women living on the margins of Chinese society, were vulnerable to trafficking and forced marriages as a result of their unrecognized status. Authorities continued to repatriate North Korean refugees and asylum seekers forcibly, including trafficking victims, generally treating them as illegal economic migrants. The government detained and deported them to North Korea, where they faced severe punishment or death, including in North Korean forced-labor camps. The government did not provide North Korean trafficking victims with legal alternatives to repatriation.

Numerous NGOs reported the government continued to deny UNHCR access to North Korean refugees and asylum seekers. Authorities sometimes detained and prosecuted citizens who assisted North Korean refugees, as well as those who facilitated illegal border crossings.

Access to Basic Services: North Korean asylum seekers in the country seeking economic opportunities generally did not have access to health care, public education, or other social services due to lack of legal status.

Durable Solutions: The government largely cooperated with UNHCR when dealing with the local settlement in China of Han Chinese or ethnic minorities from Vietnam and Laos living in the country since the Vietnam War era. The government and UNHCR continued discussions concerning the granting of citizenship to these long-term residents and their children, many of whom were born in China.

Stateless Persons: International media reported as many as 30,000 children born to North Korean women in China, most of whom were married to Chinese spouses, had not been registered because their North Korean parent was undocumented, leaving the children de facto stateless. These children were denied access to public services, including education and health care, despite provisions in the law that provide citizenship to children with at least one PRC citizen parent.

Section 3. Freedom to Participate in the Political Process

The constitution states “all power in the People’s Republic of China belongs to the people” and the organs through which citizens exercise state power are the NPC and the people’s congresses at provincial, district, and local levels. In practice the CCP dictated the legislative agenda to the NPC. While the law provides for elections of people’s congress delegates at the county level and below, citizens could not freely choose the officials who governed them. The CCP controlled all elections and continued to control appointments to positions of political power. The CCP used various intimidation tactics, including house arrest, to block independent candidates from standing for local elections.

In March the National People’s Congress removed the two-term limit for the positions of president and vice president, clearing the way for Xi Jinping to remain in office.

Elections and Political Participation

Recent Elections: On March 4, the NPC’s 2,980 delegates elected the president and vice president, the premier and vice premiers, and the chairman of the Central Military Commission. The NPC Standing Committee, which consisted of 175 members, oversaw the elections and determined the agenda and procedures for the NPC. The selection of NPC members takes place every five years, and the process is controlled by the CCP.

The NPC Standing Committee remained under the direct authority of the CCP, and all important legislative decisions required the concurrence of the CCP’s seven-member Politburo Standing Committee. Despite its broad authority under the state constitution, the NPC did not set policy independently or remove political leaders without the CCP’s approval.

According to Ministry of Civil Affairs’ 2016 statistics, almost all of the country’s more than 600,000 villages had implemented direct elections for members of local subgovernmental organizations known as village committees. The direct election of officials by ordinary citizens remained narrow in scope and strictly confined to the lowest rungs of local governance. Corruption, vote buying, and interference by township-level and CCP officials continued to be problems. The law permits each voter to cast proxy votes for up to three other voters.

The election law governs legislative bodies at all levels, although compliance and enforcement varied across the country. Under the law citizens have the

opportunity every five years to vote for local people's congress representatives at the county level and below, although in most cases higher-level government officials or CCP cadres controlled the nomination of candidates. At higher levels legislators selected people's congress delegates from among their ranks. For example, provincial-level people's congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently within the leadership team of the local people's congress, thus strengthening CCP control over legislatures.

Political Parties and Political Participation: Official statements asserted “the political party system [that] China has adopted is multiparty cooperation and political consultation” under CCP leadership. The CCP, however, retained a monopoly on political power, and the government forbade the creation of new political parties. The government officially recognized nine parties founded prior to 1949, and parties other than the CCP held 30 percent of the seats in the NPC. These non-CCP members did not function as a political opposition. They exercised very little influence on legislation or policymaking and were allowed to operate only under the direction of the CCP United Front Work Department.

No laws or regulations specifically govern the formation of political parties. The China Democracy Party (CDP) remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. CDP founder Qin Yongmin, detained with his wife Zhao Suli in 2015, remained at the Wuhan Number 2 Detention Center awaiting trial for “subversion of state power.”

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Women and members of minority groups held few positions of significant influence in the government or CCP structure. Among the 2,987 appointed delegates to the 13th NPC in the year, 742 (25 percent) were women. Following the 19th Party Congress, one member of the CCP Central Committee's 25-member Politburo was a woman. There were no women in the Politburo Standing Committee.

The election law provides a general mandate for quotas for female and ethnic minority representatives, but achieving these quotas often required election authorities to violate the election law.

A total of 438 delegates from 55 ethnic minorities were members of the 13th NPC, accounting for 16 percent of the total number of delegates. All of the country's officially recognized minority groups were represented. The 19th Party Congress elected 15 members of ethnic minority groups as members of the 202-person

Central Committee. There was no ethnic minority member of the Politburo, and only one ethnic minority was serving as a party secretary of a provincial-level jurisdiction, although a handful of ethnic minority members were serving as leaders in provincial governments. An ethnic Mongolian woman, Bu Xiaolin, served as chair of the Inner Mongolia Autonomous Region, equivalent to a provincial governor. An ethnic Hui woman, Xian Hui, also served as chair of the Ningxia Hui Autonomous Region.

Section 4. Corruption and Lack of Transparency in Government

Although officials faced criminal penalties for corruption, the government and the CCP did not implement the law consistently or transparently. Corruption remained rampant, and many cases of corruption involved areas heavily regulated by the government, such as land-usage rights, real estate, mining, and infrastructure development, which were susceptible to fraud, bribery, and kickbacks. Court judgments often could not be enforced against powerful special entities, including government departments, state-owned enterprises, military personnel, and some members of the CCP.

Transparency International's analysis indicated corruption remained a significant problem in the country. There were numerous reports of government corruption--and subsequent trials and sentences--during the year.

On March 20, the NPC adopted the National Supervision Law, which codifies the joint National Supervisory Commission-Central Commission for Discipline Inspection (NSC-CCDI). The NSC-CCDI is charged with rooting out corruption. NSC-CCDI investigations can target any public official, including police, judges, and prosecutors, and can investigate and detain individuals connected to targeted public officials. The creation of the NSC essentially vested the CCDI, the CCP's internal discipline investigation unit that sits outside of the judicial system, with powers of the state. Rules governing NSC-CCDI investigations, operations, and detentions remained unclear.

Formerly, the CCDI, a party (not state) organ, relied on an informal detention system--known as *shuanggui*--to hold party members suspected of party rule violations while a discipline investigation was underway. NSC-CCDI detention, known as *liuzhi*, faced allegations of detainee abuse and torture. *Liuzhi* detainees are held incommunicado and have no recourse to appeal their detention. While detainee abuse is proscribed by the National Supervision Law, the mechanism for detainees to report abuse is unclear. According to the compensation law, however,

suspects wrongly accused of corruption can receive compensation for time spent in liuzhi.

Although liuzhi operates outside the judicial system, confessions given while in liuzhi have been used as evidence in judicial proceedings. According to press reports and an NGO report released in August, liuzhi retained many characteristics of *shuanggui*, such as extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days.

The first reported death inside a liuzhi detention facility occurred several weeks after the enactment of the National Supervision Law. On April 9, the Fujian provincial NSC-CCDI took Chen Yong, a former government driver in Jianyang District, into liuzhi so authorities could gather information into Lin Qiang, a vice director of the district, who was suspected of corruption. On May 5, NSC-CCDI officials notified Chen's family he was in detention and when they arrived, they found him deceased in a morgue refrigerator. His sister told *Caixin Media* his face was "disfigured" and his chest was caved in with black and blue bruises on his waist. Officials stopped her from examining his lower body.

Corruption: In numerous cases, government prosecutors investigated public officials and leaders of state-owned enterprises, who generally held high CCP ranks, for corruption.

While the tightly controlled state media apparatus publicized some notable corruption investigations, as a general matter, very few details were made public regarding the process by which CCP and government officials were investigated for corruption. In September Meng Hongwei, serving as the country's first Interpol president in Lyon, France, while retaining his position as a Chinese Ministry of Public Security vice minister, disappeared after arriving in China on a September 25 flight. Media outlets reported Meng was taken into custody by "discipline authorities" upon his arrival into China for suspected corruption. The government announced Meng was being monitored while the NSC-CCDI investigated him and his associates for allegedly taking bribes, and at year's end the case remained unresolved.

In August anticorruption bodies punished 31 officials in Langfang, Hebei, following the high-profile suicide of Zhang Yi, president of the Langfang Chengnan Orthopedic Hospital. In his suicide note, Zhang alleged Yang Yuzhong, a former deputy at the Anci District People's Congress, had engaged in corrupt

practices and had interfered in the hospital's management and misappropriated hospital funds. Hebei investigative authorities revealed government and CCP officials shielded Yang Yuzhong and his criminal organization that used intentional injury, forced transactions, violent demolition, and forged seals for illegal interests. Among the officials punished were a former chairman of the Anci District Committee of the Chinese People's Political Consultative Conference, a current police station chief, village party secretaries, and the deputy head of the district's construction bureau. The investigation was part of a central government campaign against criminal organizations and officials who protect them. From February to year's end, 427 persons throughout Hebei had been investigated in connection with this campaign.

Financial Disclosure: A regulation requires officials in government agencies or state-owned enterprises at the county level or above to report their ownership of property, including that in their spouses' or children's names, as well as their families' investments in financial assets and enterprises. The regulations do not require declarations be made public. Instead, they are submitted to a higher administrative level and a human resource department. Punishments for not declaring information vary from training on the regulations, warning talks, and adjusting one's work position to being relieved of one's position. Regulations further state officials should report all income, including allowances, subsidies, and bonuses, as well as income from other jobs, such as giving lectures, writing, consulting, reviewing articles, painting, and calligraphy. Officials, their spouses, and the children who live with them also are required to report their real estate properties and financial investments, although these reports are not made public. They are required to report whether their children live abroad as well as the work status of their children and grandchildren (including those who live abroad). Officials are required to file reports annually and are required to report changes of personal status within 30 days.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and hinder activities of civil society and human rights groups. The government frequently harassed independent domestic NGOs and in many cases did not permit them to openly monitor or comment on human rights conditions. The government made statements expressing suspicion of independent organizations and closely scrutinized NGOs with financial and other links overseas. The government took significant steps during the year to bring all

domestic NGOs under its direct regulatory control, thereby curtailing the space for independent NGOs to exist. Most large NGOs were quasigovernmental, and government agencies had to sponsor all official NGOs.

The United Nations or Other International Bodies: The government remained reluctant to accept criticism of its human rights record by other nations or international organizations. The government sharply limited the visits of UN experts to the country and rarely provided substantive answers to queries by UN human rights bodies. A dozen requests for visits to the country by UN experts remained outstanding.

The government used its membership on the UN Economic and Social Council's Committee on NGOs to block groups critical of China from obtaining UN accreditation and barring accredited activists from participating in UN events. The government also retaliated against human rights groups working with the United Nations, eliciting the criticism of UN Secretary-General Antonio Guterres. In May the government requested the UN NGO Committee remove the accreditation of the German NGO the Society for Threatened Peoples after it assisted Dolkun Isa, the president of the World Uyghur Congress, in attending the UN Permanent Forum on Indigenous Issues.

Government Human Rights Bodies: The government maintained each country's economic, social, cultural, and historical conditions determined its approach to human rights. The government claimed its treatment of suspects, considered to be victims of human rights abuses by the international community, was in accordance with national law. The government did not have a human rights ombudsman or commission.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape of women is illegal and carries a sentence of three years in prison to death. The law does not safeguard same-sex couples or victims of marital rape. The separate law on sexual assault includes male victims, but it has a maximum penalty of five years in prison. Of the reported cases, most allegations of rape were closed through private settlement rather than prosecution. Some persons convicted of rape were executed.

Domestic violence remained a significant problem. Some scholars said victims were encouraged to attempt to resolve domestic violence through mediation. Societal sentiment that domestic violence was a personal, private matter contributed to underreporting and inaction by authorities when women faced violence at home. The Family Violence Law defines domestic violence as a civil, rather than a criminal, offense. Web publication Sixth Tone reported 25 percent of families had experienced domestic violence.

The government supported shelters for victims of domestic violence, and some courts provided protections to victims, including through court protective orders prohibiting a perpetrator of domestic violence from coming near a victim. Nonetheless, official assistance did not always reach victims, and public security forces often ignored domestic violence. Legal aid institutions working to provide counseling and defense to victims of domestic violence were often pressured to suspend public activities and cease all forms of policy advocacy, an area that was reserved only for government-sponsored organizations.

According to women's rights activists, a recurring problem in the prosecution of domestic violence cases was a failure by authorities to collect evidence--including photographs, hospital records, police records, or children's testimony. Witnesses seldom testified in court.

On March 18, the Guangzhou Municipal Women's Association, the Guangzhou Bar Association, and the Yuexiu District Court hosted a public roadshow aimed at raising awareness about domestic violence on the second anniversary of the Anti-Domestic Violence Law. Legal advisors from the Bar Association and the court provided free consultations at the event and noted keeping key evidence, such as hospital records or communication history, is crucial in legal proceedings.

Courts' recognition of domestic violence improved, making spousal abuse a mitigating factor in crimes committed in self-defense.

Sexual Harassment: The law prohibits sexual harassment against women; however, there is no clear definition of sexual harassment under the law. Offenders are subject to a penalty of up to 15 days in detention, according to the Beijing Public Security Bureau. It remained difficult for victims to file a sexual harassment complaint and for judges to reach a ruling on such cases. Many women remained unwilling to report incidents of sexual harassment, believing the justice system was ineffectual, according to official media. Several prominent

media reports of sexual harassment went viral on social media, helping to raise awareness of the problem, particularly in the workplace.

On June 20 in Qingyang, Gansu Province, a 19-year-old woman surnamed Li jumped to her death after allegedly suffering sexual harassment by her teacher, surnamed Wu. According to Li's father, the Qingyang People's Court May 18 decision to dismiss her sexual harassment case against Wu triggered her suicide. On June 25, the local bureau of education announced it had administratively punished Wu by giving him 10 days of detention. Li's father reportedly refused an offer from the school of 350,000 yuan (\$53,200) in exchange for dropping the case, instead demanding a public apology from the school and for Wu to be held accountable. Wu was later terminated from his post and barred from teaching.

Although many women experienced workplace sexual harassment, very few reported it. Human Rights Watch cited one statistic showing nearly 40 percent of women said they experienced sexual harassment in the workplace. A Guangzhou journalist found among 400 journalists she polled, more than 80 percent said they had suffered workplace sexual harassment.

The Law on the Protection of Women's Rights and Interests empowers victims to file a sexual harassment complaint with their employer, authorities, or both. Employers who failed to take effective measures to prevent sexual harassment could be fined. On July 1, Jiangsu Province enacted new legislation that details specific measures employers must take to protect employees against sexual harassment in the workplace. Under the new law, employers are required to establish internal regulations against harassment, provide training to employees to prevent harassment, create a complaint channel for employees who allege harassment, and address the complaints in a timely manner. Observers noted the law did not specify a timeline for compliance, nor did it spell out penalties for noncompliance.

Some women's NGOs that sought to increase public awareness of sexual harassment reported harassment by public security and faced challenges executing their programs.

On July 25, a former female intern said, after she reported to police that prominent television host Zhu Jun had forcibly kissed and groped her, police forced her to withdraw the complaint. The police claimed Zhu, as host of the annual Spring Festive gala on state media, had "enormous 'positive influence' on society." Zhu then demanded the woman and her friend who shared the case online apologize

online and in a national newspaper, pay compensation of 655,000 yuan (\$95,260), and cover the costs of legal fees for the case. In response the former intern's friend applied to file her own civil suit against Zhu for "infringement of personality rights."

In August an investigation concluded Xuecheng, abbot of the well-known Longquan Temple on the outskirts of Beijing, had sexually harassed female disciples via text messages, according to a statement posted on the website of the National Religious Affairs Administration. One of the country's best-known monks and authors, Xuecheng was an influential political adviser to the central government while heading the national Buddhist association.

Coercion in Population Control: There were reports of coerced abortions and sterilizations, although government statistics on the percentage of abortions that were coerced during the year was not available. The CCP restricts the rights of parents to choose the number of children they have and utilizes family planning units from the provincial to the village level to enforce population limits and distributions. The Population and Family Planning Law permits married couples to have two children and allows couples to apply for permission to have a third child if they meet conditions stipulated in local and provincial regulations. State media claimed the number of coerced abortions had declined in recent years in the wake of loosened regulations, including the implementation of the two-child policy. Nevertheless, citizens were subject to hefty fines for violating the law, while couples who had only one child received a certificate entitling them to collect a monthly incentive payment and other benefits that vary by province--from approximately six to 12 yuan (one to two dollars) per month up to 3,000 yuan (\$450) for farmers and herders in poor areas. Couples in some provinces were required to seek approval and register before a child was conceived.

According to international press reports, an ethnic Kazakh reported the government forced her and others in Xinjiang to abort their third child. She said in December 2017 police entered her home, forced her to undergo a medical check, and determined she was six weeks' pregnant. The next day those authorities ordered her to get an abortion. Although initially refusing, she consented when they threatened to send her brother to an internment camp, which authorities did anyway after the abortion was completed. Her husband demanded compensation for their lost child.

Under the law and in practice, there are financial and administrative penalties for births that exceed birth limits or otherwise violate regulations. The law, as

implemented, requires each woman with an unauthorized pregnancy to abort or pay the social compensation fee, which can reach 10 times a person's annual disposable income. The exact amount of the fee varied widely from province to province. Those with financial means often paid the fee so that their children born in violation of the birth restrictions would have access to a wide array of government-provided social services and rights. Some parents avoided the fee by hiding children born in violation of the law with friends or relatives. In localities with large populations of migrant workers, officials specifically targeted migrant women to ensure they did not exceed birth limitations. Minorities in some provinces, however, were entitled to higher limits on their family size.

The law maintains "citizens have an obligation to practice birth planning in accordance with the law" and also states "couples of child-bearing age shall voluntarily choose birth planning contraceptive and birth control measures to prevent and reduce unwanted pregnancies."

Since the national family planning law mentions only the rights of married couples, local implementation was inconsistent, and unmarried persons must pay for contraception. Although under both the Civil Law and Marriage Law the children of single women are entitled to the same rights as those born to married parents, in practice children born to single mothers or unmarried couples are considered "outside of the policy" and subject to the social compensation fee and the denial of legal documents, such as birth documents and the hukou residence permit. Single women could avoid those penalties by marrying within 60 days of the baby's birth.

As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations and, less frequently, coerced abortions and sterilizations. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. With the higher birth limit, and since most persons wanted to have no more than two children, it was easier to achieve population targets, and the pressure on local officials was considerably less than before. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines or job loss.

Regulations requiring women who violate the family planning policy to terminate their pregnancies still exist and were enforced in some provinces, such as Hubei, Hunan, and Liaoning. Other provinces, such as Guizhou and Yunnan, maintained

provisions that require “remedial measures,” an official euphemism for abortion, to deal with pregnancies that violate the policy.

Although many local governments encouraged couples to have a second child, families with three or more children still must pay a “social compensation fee.” In Fuzhou City, Fujian Province, one local district added the names of those who refused to pay social compensation fees to a “personal credit black list.” This listing affects one’s ability to request loans, take public transportation, purchase items, educating their children, and joining tours.

The law mandates family planning bureaus administer pregnancy tests to married women of childbearing age and provide them with basic knowledge of family planning and prenatal services. Some provinces fined women who did not undergo periodic state-mandated pregnancy tests.

Family-planning officials face criminal charges and administrative sanction if they are found to violate citizens’ human or property rights, abuse their power, accept bribes, misappropriate or embezzle family planning funds, or falsely report family planning statistics in the enforcement of birth limitation policy. Forced abortion is not specifically listed as a prohibited activity. The law also prohibits health-care providers from providing illegal surgeries, ultrasounds to determine the sex of the fetus that are not medically necessary, sex-selective abortions, fake medical identification, and fake birth certificates. By law, citizens could submit formal complaints about officials who exceed their authority in implementing birth-planning policy, and complaints are to be investigated and dealt with in a timely manner.

Discrimination: The constitution states “women enjoy equal rights with men in all spheres of life.” The law provides for equality in ownership of property, inheritance rights, access to education, and equal pay for equal work. Nonetheless, women reported discrimination, unfair dismissal, demotion, and wage discrepancies were significant problems.

On average, women earned 35 percent less than men who did similar work. This wage gap was greater in rural areas. Women also continued to be underrepresented in leadership positions, despite their high rate of participation in the labor force.

Authorities often did not enforce laws protecting the rights of women; according to legal experts, it was difficult to litigate sex discrimination suits because of vague

legal definitions. Some observers noted the agencies tasked with protecting women's rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment; others pointed to the active role played by the All China Women's Federation in passing the new domestic violence legislation.

Women's rights advocates indicated in rural areas women often forfeited land and property rights to their husbands in divorce proceedings. Rural contract law and laws protecting women's rights stipulate women enjoy equal rights in cases of land management, but experts asserted this was rarely the case due to the complexity of the law and difficulties in its implementation.

In October local government officials in Tangshan, Hebei Province, informed a woman that her land rights had been conferred to her ex-husband's hukou after their divorce. Officials urged her to negotiate with her ex-husband to divide the land interests or petition the local court to divide up the former couple's unsettled assets.

Children

Birth Registration: Citizenship is derived from parents. Parents must register their children in compliance with the national household registration system within one month of birth. Unregistered children could not access public services, including education.

Education: Although the law provides for nine years of compulsory education for children, many children did not attend school for the required period in economically disadvantaged rural areas, and some never attended. Public schools were not allowed to charge tuition, but many schools continued to charge miscellaneous fees because they received insufficient local and central government funding. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school. The gap in education quality for rural and urban youth remained extensive, with many children of migrant workers attending unlicensed and poorly equipped schools.

Child Abuse: The physical abuse of children is ground for criminal prosecution. The Domestic Violence Law also protects children. Sexual abuse of minors, particularly of rural children, was a significant problem.

In October video circulated online of a father allegedly molesting his five-year-old daughter on a train in southeastern China. The video showed a man with the child on his lap, repeatedly lifting her shirt, caressing her back, and trying to kiss her several times on the mouth. Nanchang Railway Police, Jiangxi Province, concluded the father's actions did not constitute molestation, as it was a father-daughter relationship, and thus could not be deemed illegal. The incident incited widespread public criticism on the Nanchang police station's Weibo post of its statement.

Early and Forced Marriage: The legal minimum age for marriage is 22 for men and 20 for women. Child marriage was not known to be a problem.

Sexual Exploitation of Children: The minimum legal age for consensual sex is 14. Persons who forced girls younger than 14 into prostitution could be sentenced to 10 years to life in prison in addition to a fine or confiscation of property. In especially serious cases, violators could receive a life sentence or death sentence, in addition to having their property confiscated. Those who visited girls forced into prostitution younger than 14 were subject to five years or more in prison in addition to paying a fine.

Pornography of any kind, including child pornography, is illegal. Under the criminal code, those producing, reproducing, publishing, selling, or disseminating obscene materials with the purpose of making a profit could be sentenced to up to three years in prison or put under criminal detention or surveillance in addition to paying a fine. Offenders in serious cases could receive prison sentences of three to 10 years in addition to paying a fine.

The law provides persons broadcasting or showing obscene materials to minors younger than 18 are to be "severely punished."

Infanticide or Infanticide of Children with Disabilities: The law forbids infanticide; it was unknown if the practice continued. Parents of children with disabilities frequently left infants at hospitals, primarily because of the anticipated cost of medical care. Gender-biased abortions and the abandonment and neglect of baby girls were believed to be in decline but continued to be a problem in some circumstances, due to the traditional preference for sons and the birth-limitation policy.

Displaced Children: The detention of an estimated 800,000 to two million or more Uighurs, ethnic Kazakhs, and other Muslims in Xinjiang left many children

without caregivers. While many of these children had other family willing to care for them, the government began placing the children of detainees in orphanages, boarding schools, or “child welfare guidance centers,” where they were forced to shout patriotic slogans, learn Mandarin Chinese, and answer questions about their parents’ religious beliefs and practices. The total number of such children was unknown, especially as many of these facilities were also used for orphans and regular students. Government policy aims to provide such children with state-sponsored care until they reach age 18. Media reports showed new construction for orphanages in Xinjiang greatly escalated in 2017 and 2018 to house thousands of children of parents being held in internment camps. In Hotan some boarding schools were topped with barbed wire.

Institutionalized Children: In July authorities in Henan Province’s Xinmi City shuttered legally licensed orphanage Sino-American Nonprofit Cooperative Services (SANCS) House of Mercy under the Law on Foreign Involvement in Nongovernment Organizations on the grounds that foreigners were no longer allowed to be involved in the NGO space. The orphanage, which had been operating since 1996, was run by both foreign and Chinese staff and sponsored by the Catholic Church. At the time of closing, SANCS housed more than 50 children, only 13 of whom had been confirmed to have a new home; others previously housed at the facility once again became homeless.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The government does not recognize Judaism as an ethnicity or religion. There were no reports of anti-Semitic acts during the year.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law protects the rights of persons with disabilities and prohibits discrimination, but in many instances conditions for such persons lagged behind legal requirements, and the government failed to provide persons with disabilities access to programs intended to assist them.

According to the law, persons with disabilities “are entitled to enjoyment of equal rights as other citizens in political, economic, cultural, and social fields, in family life, and in other aspects.” Discrimination against, insult of, and infringement upon persons with disabilities is prohibited. The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juveniles.

The Ministry of Education reported there were more than 2,000 separate education schools for children with disabilities, but NGOs reported only 2 percent of the 20 million children with disabilities had access to education that met their needs.

Individuals with disabilities faced difficulties accessing higher education. Universities often excluded candidates with disabilities who would otherwise be qualified. A regulation mandates accommodations for students with disabilities when taking the national university entrance exam.

Unemployment among adults with disabilities, in part due to discrimination, remained a serious problem. The law requires local governments to offer incentives to enterprises that hire persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for persons with disabilities when employees with disabilities do not make up a statutory minimum percentage of the total workforce.

Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their “gradual” implementation; compliance was limited.

The law forbids the marriage of persons with certain mental disabilities, such as schizophrenia. If doctors find a couple is at risk of transmitting congenital disabilities to their children, the couple may marry only if they agree to use birth control or undergo sterilization. In some instances officials continued to require couples to abort pregnancies when doctors discovered possible disabilities during prenatal examinations. The law stipulates local governments are to employ such practices to raise the percentage of births of children without disabilities.

National/Racial/Ethnic Minorities

Government policy called for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. The substance and implementation of ethnic minority policies nonetheless remained poor, and discrimination against minorities remained widespread. The government “sinicization” campaign resulted in ethnically based restrictions on movement, including curtailed ability of ethnic Uighurs to travel freely or obtain travel documents; greater surveillance and presence of armed police in Xinjiang; and legislative restrictions on cultural and religious practices.

According to a 2015 government census, the most recent, 9.5 million, or 40 percent, of the Xinjiang’s official residents were Han Chinese. Uighur, Hui, ethnic Kazakh, Kyrgyz, and other ethnic minorities constituted 14.1 million Xinjiang residents, or 60 percent of the total population. Official statistics understated the Han Chinese population because they did not count the more than 2.7 million Han residents on paramilitary compounds (*bingtuan*) and those who were long-term “temporary workers,” an increase of 1.2 percent over the previous year, according to a 2015 government of Xinjiang report.

The government’s policy to encourage Han Chinese migration into minority areas significantly increased the population of Han in Xinjiang. Han Chinese officials continued to hold the majority of the most powerful CCP and many government positions in minority autonomous regions, particularly Xinjiang. The rapid influx of Han Chinese into Xinjiang in recent decades has provoked Uighur resentment.

In 2017 the Xinjiang government also implemented new “Deradicalization Regulations,” codifying efforts to “contain and eradicate extremism,” according to *Xinhua*. The broad definition of extremism resulted in the reported detention since 2017 of 800,000 to possibly more than two million Uighurs, ethnic Kazakhs, and other Muslims in “transformation through education” centers, or internment camps, designed to instill patriotism and erase their religious and ethnic identities. This included many of those ordered to return to China from studying or working abroad. International media reported security officials in the centers abused, tortured, and killed some detainees (see sections 1.a, 1.b, 1.c, 1.d, and 2.d.).

Officials in Xinjiang intensified efforts to crack down on the government-designated “three evil forces” of religious extremism, ethnic separatism, and violent terrorism, including by continuing the concentrated re-education campaign. Xinjiang Communist Party Secretary Chen Quanguo, former Communist leader in

the TAR, replicated in Xinjiang policies similar to those credited with reducing opposition to CCP rule in Tibet, increasing the security budget by more than 300 percent and advertising more than 90,800 security-related jobs. Authorities cited the 2016 Xinjiang guidelines for the implementation of the national Counterterrorism Law and a “people’s war on terrorism” in its increased surveillance efforts and enhanced restrictions on movement and ethnic and religious practices.

Outside of the internment camps, the government implemented severe restrictions on expressions of minorities’ culture, language, and religious identity, including regulations prohibiting behaviors the government considered signs of “extremism” such as growing “abnormal” beards, wearing of veils in public places, and suddenly stopping smoking and drinking alcohol, among other behaviors. The regulations banned the use of some Islamic names when naming children and set punishments for the teaching of religion to children. Authorities conducted “household surveys” and “home stays” in which officials or volunteers forcibly lived in Uighurs’ homes and monitored families for signs of “extremism.”

In October the Xinjiang government released new implementing regulations on “de-extremification.” Article 17 of the regulations states county-level governments “may establish occupational skills education and training centers and other such education and transformation bodies and management departments to conduct education and transformation for persons influenced by extremism.” Some observers noted, despite this new regional law, the “re-education centers” were still illegal under the constitution.

Minority groups in border and other regions had less access to education than their Han Chinese counterparts, faced job discrimination in favor of Han Chinese migrants, and earned incomes well below those in other parts of the country. Government development programs and job provisions disrupted traditional living patterns of minority groups and in some cases included the forced relocation of persons and the forced settlement of nomads. Han Chinese benefited disproportionately from government programs and economic growth in minority areas. As part of its emphasis on building a “harmonious society” and maintaining social stability, the government downplayed racism and institutional discrimination against minorities, which remained a source of deep resentment in Xinjiang, the Inner Mongolia Autonomous Region, the TAR, and other Tibetan areas.

The law states “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever

possible, use textbooks in their own languages and use their languages as the medium of instruction.” Despite provisions to ensure cultural and linguistic rights, measures requiring full instruction in Mandarin beginning in preschool and banning the use of Uighur in all educational activities and management were implemented throughout Xinjiang, according to international media.

Some security raids, arbitrary detentions, and judicial punishments appeared to target groups or individuals peacefully seeking to express their political or religious views. Detention and punishment extended to expression on the internet and social media, including the browsing, downloading, and transmitting of banned content. Officials continued to use the threat of violence as justification for extreme security measures directed at the local population, journalists, and visiting foreigners. According to *Xinhua*, officials used surveillance and facial recognition software, biodata collection, and big data technology to create a database of Uighurs in Xinjiang for the purpose of conducting “social-instability forecasting, prevention, and containment.” Security forces frequently staged large-scale parades involving thousands of armed police in cities across Xinjiang, according to state media.

Uighurs and other religious minorities continued to be sentenced to long prison terms and in some cases executed without due process on charges of separatism and endangering state security. The government constructed new prisons in Xinjiang to alleviate the overcapacity of existing facilities, according to credible sources. In 2016 and 2017, the Xinjiang regional government posted advertisements to recruit nearly 100,000 security personnel, international media reported. Economist Ilham Tohti remained in prison, where he was serving a life sentence after his conviction on separatism-related charges in 2014.

The law criminalizes discussion of “separatism” on the internet and prohibits use of the internet in any way that undermines national unity. It further bans inciting ethnic separatism or “harming social stability” and requires internet service providers and network operators to set up monitoring systems to detect, report, and delete religious content or to strengthen existing systems and report violations of the law. Authorities searched cell phones at checkpoints and during random inspections of Uighur households, and persons in possession of alleged terrorist material, including pictures of general religious or cultural importance, could be arrested and charged with crimes. International media reported security officials at police checkpoints used a surveillance application to download and view content on mobile phones.

Ethnic Kazakh Chinese were also targeted, Radio Free Asia and other international media reported. In August Sayragul Sauytbay, an ethnic Kazakh Chinese citizen, testified in a Kazakhstan court that she was forced to work in a center where an estimated 2,500 ethnic Kazakhs were detained. She told the court she had to undergo “political indoctrination” at the camp. Kazakhs were also prevented from moving freely between China and neighboring Kazakhstan, and some were detained in re-education centers when returning to China.

The government pressured foreign countries to repatriate or deny visas to Uighurs who had left the country, and repatriated Uighurs faced the risk of imprisonment and mistreatment upon return. Some Uighurs who were forcibly repatriated disappeared after arriving in China. Family members of Uighurs studying overseas were also pressured to convince students to return to China, and returning students were detained or forced to attend re-education camps, according to overseas media.

Freedom of assembly was severely limited during the year in Xinjiang. For information about abuse of religious freedom in Xinjiang, see the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

For specific information on Tibet, see the Tibet Annex.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws criminalize private consensual same-sex activities between adults. Individuals and organizations working on lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues continued to report discrimination and harassment from authorities similar to that experienced by other organizations that accept funding from overseas.

LGBTI individuals reported incidents of violence, including domestic violence; however, they encountered difficulties in seeking legal redress, since regulations on domestic violence, including the Family Violence Law, do not include recognition of same-sex relations. Accessing redress was further limited by societal discrimination and traditional norms, resulting in most LGBTI persons refraining to publicly discuss their sexual orientation or gender identity.

NGOs working on LGBTI issues reported that although public advocacy work became more difficult for them in light of the Foreign NGO Management Law and

the Domestic Charity Law, they made some progress in advocating for LGBTI rights through specific antidiscrimination cases.

In November domestic and international media reported the Wuhu County Court in Anhui Province sentenced a novelist, surnamed Liu, to 10 years and six months' imprisonment for self-publishing and selling an erotic novel that described same-sex acts. Liu, who wrote under the alias Tianyi, published her novel *Occupy* in 2017 and sold 7,000 copies on the popular Taobao platform before authorities banned it. Although the production and sale of pornography is strictly prohibited, official and social media reaction contrasted this sentence with lesser sentences given to violent offenders. Liu filed an appeal of the ruling.

In May and June, authorities in the southwest interfered in several public LGBTI-related activities in honor of Pride Month. In one case police interrupted a film screening. In another case they pressured a reserved venue to cancel a panel discussion on LGBTI access to health care.

HIV and AIDS Social Stigma

Discrimination against persons with HIV remained a problem, impacting individuals' employment, educational, and housing opportunities and impeding access to health care. In some instances laws protecting persons with HIV from discrimination contradict laws restricting the rights of persons with HIV. During the year state media outlets reported instances of persons with HIV/AIDS who were barred from housing, education, or employment due to their HIV status.

On January 3, a public hospital in Haikou refused to operate on a patient it determined was HIV positive and insisted on transferring him to another hospital, citing they did not have adequate sterilization equipment for such a risky surgery. Local NGO Red Ribbon helped the patient find another hospital.

According to the law, companies may not demand HIV antibody tests nor dismiss employees for having HIV. On April 28, an employee in Sichuan Province was reinstated at work and received additional compensation after he reached a legal settlement with his employer, which had previously terminated his employment after he was diagnosed HIV-positive.

Other Societal Violence or Discrimination

The law prohibits discrimination against persons carrying infectious diseases and allows such persons to work as civil servants. Despite provisions in the law, discrimination against hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas, and local governments sometimes tried to suppress their activities. Despite a 2010 nationwide rule banning mandatory hepatitis B virus tests in job and school admissions applications, many companies continued to use hepatitis B testing as part of their pre-employment screening.

The law does not address some common types of discrimination in employment, including discrimination based on height, physical appearance, or ethnic identity.

Section 7. Workers' Rights

a. Freedom of Association and the Right to Collective Bargaining

The law does not provide for freedom of association, and workers are not free to organize or join unions of their own choosing. The All China Federation of Trade Unions (ACFTU) is the only union recognized under the law. Independent unions are illegal, and the law does not protect the right to strike. The law allows for collective wage bargaining for workers in all types of enterprises. The law further provides for industrial sector-wide or regional collective contracts, and enterprise-level collective contracts were generally compulsory throughout the country. Regulations require the government-controlled union to gather input from workers prior to consultation with management and to submit collective contracts to workers or their congress for approval. There is no legal obligation for employers to negotiate or to bargain in good faith, and some employers refused to do so.

The law provides for legal protections against discrimination against the officially sanctioned union and specifies union representatives may not be transferred or terminated by enterprise management during their term of office. The law provides for the reinstatement of workers dismissed for official union activity as well as for other penalties for enterprises that engage in antiunion activities. The law does not protect workers who request or take part in collective negotiations with their employers independent of the officially recognized union. In several cases reported during the year, workers attempting to do so faced reprisals including forced resignation, firing, and detention.

All union activity must be approved by and organized under the ACFTU, a CCP organ chaired by a member of the Politburo. The ACFTU and its provincial and local branches continued to establish new constituent unions and add new

members, especially among migrant workers, in large, multinational enterprises. The law gives the ACFTU financial and administrative control over constituent unions empowered to represent employees in negotiating and signing collective contracts with enterprises and public institutions. The law does not mandate the ACFTU to represent the interests of workers in disputes.

The ACFTU and the CCP used a variety of mechanisms to influence the selection of trade union representatives. Although the law states trade union officers at each level should be elected, ACFTU-affiliated unions appointed most factory-level officers, often in coordination with employers. Official union leaders were often drawn from the ranks of management. Direct election by workers of union leaders continued to be rare, occurred only at the enterprise level, and was subject to supervision by higher levels of the union or the CCP. In enterprises where direct election of union officers took place, regional ACFTU officers and local CCP authorities retained control over the selection and approval of candidates. Even in these cases, workers and NGOs expressed concern about the credibility of elections.

The law does not expressly prohibit work stoppages and does not prohibit workers from striking spontaneously. Although authorities appeared more tolerant of strikes protesting unpaid or underpaid wages, reports of police crackdowns on strikes continued throughout the year. For example, on May 27, police in Lu'an, Anhui Province, suppressed a group of teachers calling for wage parity with local civil servants, as mandated in the 1994 Teachers Law. Wage-related issues constituted 82 percent of the 6,694 strikes and collective protests recorded during 2015-17 by the Hong Kong-based labor rights NGO China Labor Bulletin.

In cases where local authorities cracked down on strikes, they sometimes charged leaders with vague criminal offenses, such as “picking quarrels and provoking trouble,” “gathering a crowd to disturb public order,” or “damaging production operations,” or detained them without any charges. The only legally specified roles for the ACFTU in strikes are to participate in investigations and to assist the Ministry of Human Resources and Social Security in resolving disputes.

Enforcement was generally insufficient to deter wide-scale violations. Labor inspectors lacked authority and resources to compel employers to correct violations. While the law outlines general procedures for resolving disputes, procedures were lengthy and subject to delays. Local authorities in some areas actively sought to limit efforts by independent civil society organizations and legal practitioners. Some areas maintained informal quotas on the number of cases

allowed to proceed beyond mediation to arbitration or the courts. Some local government authorities took steps to increase mediation or arbitration. For example, on March 6, the Maoming Municipal Intermediate Court and Maoming Municipal Trade Union jointly established the Labor Arbitration and Mediation Coordination Office to facilitate better communication and ease tensions in labor disputes. An official from the local People's Congress noted the increasing number of arbitrations, lengthy legal proceedings, and high litigation costs were not helpful in constructing positive and harmonious labor-capital relations.

Despite the appearances of a strong labor movement and relatively high levels of union registration, genuine freedom of association and worker representation did not exist. The ACFTU constituent unions were generally ineffective in representing and protecting the rights and interests of workers. Workers generally did not view the ACFTU as an advocate, especially migrant workers who had the least interaction with union officials.

China Labor Bulletin reported workers throughout the country engaged in wildcat strikes, work stoppages, and other protest actions and claimed the workers' actions were indicative of the ACFTU's inability to prevent violations and resolve disputes. Media reported a number of protests at factories in the southern part of the country.

The government increasingly targeted labor activists, students, and others advocating for worker rights during the year. For example, beginning in July and continuing through the end of the year, the government detained multiple workers, students, NGO representatives, lawyers, and others in response to demonstrations and online posts in support of workers attempting to form a union at Jasic Technology, a manufacturer of industrial welding equipment in Shenzhen. Workers at the factory reportedly tried to establish a trade union in response to complaints of low pay and poor working conditions. Although the lead organizers of the union reportedly received some information and assistance to set up an enterprise-level union from the local ACFTU branch, company management subsequently set up an enterprise union, selected management representatives to serve as union leaders, and fired the workers who had attempted to organize a union. Following protests by the workers in July, the lead organizers were reportedly physically attacked, inciting protests in Shenzhen and elsewhere. Guangdong labor activists, the Maoist organization Wu-You-Zhi-Xiang, leftist university students, and Hong Kong trade unions supported the protests.

Shenzhen police reportedly detained approximately 30 workers and representatives from the Dagongzhe Worker's Center for their alleged connection with the Jasic protests. Several of the worker activists were charged with "gathering a crowd to disrupt social order." Authorities also reportedly raided the offices of "Pioneers of the Times" and a Beijing-based publisher "Red Reference," and criminally detained a staff member of "Red Reference." On August 24, authorities in Guangdong, Beijing, and other parts of the country detained multiple workers and students from Peking, Renmin, and Nanjing Universities who had been supporting the workers. In early November the government detained nine student organizers and factory workers in Beijing, Shanghai, and Shenzhen and three activists in Wuhan. The government also detained two local ACFTU officials in Shenzhen in November. Authorities detained and questioned additional students in December.

Despite restrictions on worker action, joint action across provinces took place in several other sectors. For example, on May 1, a strike by crane drivers in the construction industry spread nationwide as operators demanded pay raises in a number of cities, including Yulin and Chongzuo in Guangxi, and Xiamen, Fujian Province. In June protests by truck drivers over stagnant pay, high fuel costs, and arbitrary fines took place at various locations in Shandong, Sichuan, Chongqing, Anhui, Guizhou, Jiangxi, Hubei, Henan, and Zhejiang Provinces, as well as in the Shanghai Special Municipality.

Coordinated efforts by governments at the central, provincial, and local levels, including harassment, detention, and the imposition of travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. Labor activist and 1989 prodemocracy movement veteran Liu Shaoming remained in custody after the Guangzhou Intermediate People's Court sentenced him to four and one-half years' imprisonment in 2017 for "inciting subversion of state power."

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor. Although domestic media rarely reported forced labor cases and the penalties imposed, the law provides a range of penalties depending on the circumstances, including imprisonment, criminal detention, and fines. It was unclear whether the penalties were sufficient to deter violations. Where there were reports forced labor of adults and children occurred in the private sector, the government reportedly enforced the law.

Although in 2013 the NPC officially abolished the re-education through labor system, an arbitrary system of administrative detention without judicial review, some media outlets and NGOs reported forced labor continued in some drug rehabilitation facilities where individuals continued to be detained without judicial process.

There were anecdotal reports some persons detained in the internment camps (see section 6) were subjected to forced labor. In December a press report stated apparel made at a forced labor camp in Xinjiang was imported by a U.S. athletic gear provider. Local authorities in Hotan prefecture, Xinjiang, also reportedly required some Uighur women and children not in the camps to perform forced labor.

There were several reports small workshops and factories subjected persons with mental disabilities to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 16. It refers to workers between the ages of 16 and 18 as “juvenile workers” and prohibits them from engaging in certain forms of dangerous work, including in mines. The government did not effectively enforce the law.

The law specifies administrative review, fines, and revocation of business licenses of enterprises that illegally hire minors and provides underage working children be returned to their parents or other custodians in their original place of residence. The penalty is imprisonment for employing children younger than age 16 in hazardous labor or for excessively long hours, but a gap remained between legislation and implementation despite annual inspection campaigns launched by local authorities across the country. It was unclear whether the penalties were sufficient to deter violations.

In January two French NGOs filed legal cases against Samsung for the company's alleged use of child labor and other abuses at its manufacturing plants in China. Samsung's suppliers in Dongguan had previously been criticized for using child labor from vocational schools.

Abuse of the student-worker system continued; as in past years, there were allegations that schools and local officials improperly facilitated the supply of student laborers. On March 17, for example, parents of students at the Guilin Electronic Vocational School reported to the authorities that more than 100 student interns had been working at an air conditioning manufacturer's production line as apprentices. The students reportedly worked 12 hours a day with no breaks, no pay, no holidays, and no sick leave. On March 30, the Guilin Municipal Education Bureau issued an administrative warning to the Guilin Electronic Vocational School, ordering the school to recall all students from the air conditioning manufacturer, located in Guangdong's Jiangmen Municipality, and instructed the school to prevent the situation from recurring.

d. Discrimination with Respect to Employment and Occupation

The law provides some basis for legal protection against employment discrimination on the grounds of ethnicity, race, gender, religious belief, disability, age, and infectious or occupational diseases. The government did not effectively implement the laws. Enforcement clauses include the right to pursue civil damages through the courts. Courts were generally reluctant to accept discrimination cases, and authorities at all levels emphasized negotiated settlements to labor disputes. As a result there were few examples of enforcement actions that resulted in final legal decisions. Discrimination in employment was widespread, including in recruitment advertisements that discriminated based on gender, age, height, birthplace, and physical appearance and health status (see section 6).

Workplace discrimination against women was common during the year. The mandatory retirement age for women was 50 for those in blue-collar jobs and 55 for those in white-collar jobs. The retirement age for men was 60 across the board.

A 2015 All China Federation of Women survey in institutions for higher education revealed more than 80 percent of women graduates reported they had suffered discrimination in the recruitment process. Examples of discrimination included job advertisements seeking pretty women, or preferring men, or requiring higher education qualifications from women compared to men for the same job. Survey results showed women were less likely to be invited for interviews or called back for a second round of interviews. In interviews some women were asked whether they had children, how many children they had, and whether they planned to have children or more children if they had a child already.

On March 5, Yuan, a former sales manager of Mead Johnson Nutrition Corporation in Guangzhou, filed a lawsuit against her former employer alleging pregnancy discrimination. Mead Johnson fired Yuan for absenteeism after she traveled and gave birth to a baby in Houston during her maternity leave in September 2016. The company also refused to recognize the hospital's medical records, citing employees should use maternity leave only to cover medical situations during pregnancy.

The hukou system remained the most pervasive form of employment-related discrimination, denying migrant workers access to the full range of social benefits, including health care, pensions, and disability programs, on an equal basis with local residents.

e. Acceptable Conditions of Work

There is no national minimum wage, but the law generally requires local and provincial governments to set their own minimum wage rates for both the formal and informal sectors according to standards promulgated by the Ministry of Human Resources and Social Security. By law employees are limited to working eight hours a day and 40 hours per week; work beyond this standard is considered overtime. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates premium pay for overtime work.

During the year the government established a new Ministry of Emergency Management that incorporated parts of the former State Administration for Work Safety; the ministry sets and enforces occupational health and safety regulations. The law requires employers to provide free health checkups for employees working in hazardous conditions and to inform them of the results. The law also provides workers the right to report violations or remove themselves from workplace situations that could endanger their health without jeopardy to their employment.

Regulations state labor and social security bureaus at or above the county level are responsible for enforcement of labor laws. Companies that violate occupational, safety, and health regulations face various penalties, including suspension of business operations or rescission of business certificates and licenses.

The government did not effectively enforce the law. Penalties were not adequate to deter violations and were seldom enforced. The number of inspectors was insufficient to monitor working conditions and did not operate in the informal

sector. Although the country's worker safety record improved over the past seven years, there were a number of workplace accidents during the year. Media and NGO reports attributed them to a lack of safety checks, weak enforcement of laws and regulations, ineffective supervision, and inadequate emergency responses.

Nonpayment of wages remained a problem in many areas. Governments at various levels continued efforts to prevent arrears and to recover payment of unpaid wages and insurance contributions.

Unpaid wages have been an acute problem in the construction sector for decades due to the prevalence of hiring subcontracted low-wage migrant workers. This informal hiring scheme made rural laborers susceptible to delayed payment or nonpayment for their work, prompting them to join in collective action. Workers occasionally took drastic measures to demand payment. In July the Ministry of Human Resources and Social Security claimed it had helped more than one million workers recover a total of 10.88 billion yuan (\$1.62 billion) in unpaid wages owed in the first half of the year. According to the Guangzhou Court, for example, from 2015 to 2017 the city's courts tried 111 criminal cases for wage arrears disputes involving 4,880 victims and 30.62 million yuan (\$4.4 million) in wages. The court reported 116 persons were convicted for malintent refusal to pay their employees' wages.

Companies continued to relocate or close on short notice, often leaving employees without adequate recourse for due compensation.

Workers in the informal sector often lacked coverage under labor contracts, and even with contracts, migrant workers in particular had less access to benefits, especially social insurance. Workers in the informal sector worked longer hours and earned less than comparable workers in the formal sector. In June truck drivers in multiple cities protested stagnant pay and poor working conditions (also see section 7.a.).

Without providing exact numbers, the Ministry of Emergency Management announced in July the number of workplace accidents fell. The ministry also reported while accident and death rates in most sectors were declining, in the construction sector these rates had steadily increased since 2016, making the sector the one with the highest number of accidents and deaths of any industrial and commercial sector for the last nine years. In January, May, and July, media reported more than 100 former construction workers affected by pneumoconiosis from Hunan made three trips to Shenzhen to petition for long overdue

compensation for the occupational illness they contracted while working in the city during the 1990s.

According to several official documents published during the year, occupational diseases were prevalent. Patients came from many industries, including coal, chemical engineering, and nonferrous metals.

Although there were fewer news reports on coal mine accidents during the year, the coal mining industry remained extremely deadly. According to the Ministry of Emergency Management, there were 219 coal mine accidents in 2017, causing 375 deaths, which represented a drop of 12 percent and 28.7 percent year-on-year, respectively. On May 9, five persons died when methane gas exploded in a coal mine in central Hunan Province. On August 6, a coal mine gas explosion in Guiyang Province killed 13 miners. In October a coal mine collapse in Shandong Province left 21 dead.

Work accidents also remained widespread in other industries. On June 5, for example, 11 persons were killed and nine injured in an iron mine blast in Liaoning Province. On August 12, a chemical plant blast in Sichuan Province killed 19 and injured 12.

TIBET 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures (TAPs) and counties in Sichuan, Qinghai, Yunnan, and Gansu Provinces to be a part of the People's Republic of China (PRC). The Chinese Communist Party's (CCP) Central Committee oversees Tibet policies. As in other predominantly minority areas of the PRC, ethnic Chinese CCP members held the overwhelming majority of top party, government, police, and military positions in the TAR and other Tibetan areas. Ultimate authority rests with the 25-member Political Bureau (Politburo) of the CCP Central Committee and its seven-member Standing Committee in Beijing, neither of which has any Tibetan members.

Civilian authorities maintained control over the security forces.

The most significant human rights issues included: forced disappearances; torture by government authorities; arbitrary detentions; political prisoners; censorship and site blocking; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions of religious freedom; significant restrictions on freedom of movement; and restrictions on political participation.

The government strictly controlled information about, and access to, the TAR and some Tibetan areas outside the TAR. The Chinese government harassed or detained Tibetans as punishment for speaking to foreigners, attempting to provide information to persons abroad, or communicating information regarding protests or other expressions of discontent through cell phones, email, or the internet, and placed restrictions on their freedom of movement.

Disciplinary procedures were opaque, and there was no publicly available information to indicate senior officials punished security personnel or other authorities for behavior defined under PRC laws and regulations as abuses of power and authority.

Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings. There were no reports officials investigated or punished those responsible for such killings that had previously taken place.

Disappearance

Authorities in Tibetan areas continued to detain Tibetans arbitrarily for indefinite periods.

The whereabouts of the 11th Panchen Lama, Gedhun Choekyi Nyima, the second-most prominent figure after the Dalai Lama in Tibetan Buddhism's Gelug school, remained unknown. Neither he nor his parents have been seen since Chinese authorities took them away in 1995, when he was six years old.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

According to credible sources, police and prison authorities employed torture and degrading treatment in dealing with some detainees and prisoners. There were reports during the year Chinese officials severely beat some Tibetans who were incarcerated or otherwise in custody. In the past, such beatings have led to death.

On August 13, Chinese authorities released Gonpo Tseten, a Tibetan from Machu (Chinese: Maqu) county of Ganlho (Chinese: Gannan) Tibetan Autonomous Prefecture (TAP) in Gansu province who had served 10 years of a 12-year prison sentence for "inciting separatism." On August 17, overseas website Free Tibet reported the authorities had severely tortured and subjected him to forced labor while he was in detention. According to media reports, Gonpo had spearheaded Tibetan protests against the Chinese government in 2008.

Prison and Detention Center Conditions

Prison conditions were harsh and potentially life threatening due to physical abuse and inadequate sanitary conditions and medical care.

There were reports of recently released prisoners permanently disabled or in extremely poor health because of the harsh treatment they endured in prison (see Political Prisoners and Detainees subsection below). Former prisoners reported being isolated in small cells for months at a time and deprived of sleep, sunlight, and adequate food. According to individuals who completed their prison terms during the year, prisoners rarely received medical care except in cases of serious

illness. There were many cases in which officials denied visitors access to detained and imprisoned persons.

Arbitrary Arrest or Detention

Arbitrary arrest and detention remained serious problems. Public security agencies are required by law to notify the relatives or employer of a detained person within 24 hours of their detention, but they often failed to do so when Tibetans and others were detained for political reasons. Public security officers may legally detain persons throughout the PRC for up to 37 days without formally arresting or charging them. Criminal detention beyond 37 days requires approval of a formal arrest by the procuratorate, but in cases pertaining to “national security, terrorism, and major bribery,” the law permits up to six months of incommunicado detention without formal arrest. After formally arresting a suspect, public security authorities are authorized to detain a suspect for up to an additional seven months while the case is investigated. After the completion of an investigation, the procuratorate can detain a suspect an additional 45 days while determining whether to file criminal charges. If charges are filed, authorities can detain a suspect for an additional 45 days before beginning judicial proceedings. Public security sometimes detained persons beyond the period allowed by law, and pretrial detention periods of a year or longer were common.

Security officials frequently violated these legal requirements. It was unclear how many Tibetan detainees the authorities held under forms of detention not subject to judicial review.

According to the Central Tibetan Administration (CTA), on January 28, authorities arrested and detained Lodo Gyatso from Nagchu (Chinese: Naqu) prefecture of the TAR after he staged a peaceful protest in front of the Potala Palace in Lhasa. Prior to the protest, Lodo Gyatso published a video announcing his plans to organize a peaceful demonstration in support of the Tibetan people’s commitment to world peace and nonviolence under the guidance of the Dalai Lama.

Denial of Fair Public Trial

Legal safeguards for detained or imprisoned Tibetans were inadequate in both design and implementation. Prisoners in China have the right to request a meeting with a government-appointed attorney, but many Tibetan defendants, particularly those facing politically motivated charges, did not have access to legal representation. In cases which authorities claimed involved “endangering state

security” or “separatism,” trials often were cursory and closed. Local sources noted trials were predominantly conducted in Mandarin, with government interpreters provided for Tibetan defendants who did not speak Mandarin. Court decisions, proclamations, and other judicial documents, however, generally were not published in Tibetan.

Trial Procedures

In its annual work report, the TAR High People’s Court stated its top political tasks as fighting separatism, criticizing “the 14th Dalai (Lama) clique,” cracking down on the clique’s followers, and maintaining social stability, including by sentencing those who they claimed instigated protests and promoted separatism. The report also stated the court prioritized “political direction,” which included absolute loyalty to the Party.

In June the TAR High People’s Court hired 16 court clerks. Among the requirements for new employees were loyalty to the CCP leadership and having immediate family members with a “good record on combatting separatism” in the Tibet region.

Security forces routinely subjected political prisoners and detainees known as “special criminal detainees” to “political re-education” sessions.

Political Prisoners and Detainees

An unknown number of Tibetans were detained, arrested, and sentenced because of their political or religious activity. Authorities held many prisoners in extrajudicial detention centers and never allowed them to appear in public court.

Based on information available from the Political Prisoner Database (PPD) of the Congressional-Executive Commission on China, as of November 27, there were 303 Tibetan political prisoners known to be detained or imprisoned, most of them in Tibetan areas. Of those 303 cases, 132 were reported to be monks (current and former), nuns, or reincarnate teachers. Of the 123 cases for which there was available information on sentencing, punishment ranged from three years to life imprisonment. Observers believed the actual number of Tibetan political prisoners and detainees to be much higher, but the lack of access to prisoners and prisons, as well as the dearth of reliable official statistics, made a precise determination difficult. Authorities continued to hold an unknown number of people in detention centers rather than prisons.

Tibetan Self-Immolations

There were three known cases of Tibetans self-immolating during the year. There have been 155 known immolations since 2009, more than half of which took place in 2012. Local contacts reported the decline in reported self-immolations was due to tightened security by authorities, the collective punishment of self-immolators' relatives and associates, and the Dalai Lama's public plea to his followers to find other ways to protest Chinese government repression. Chinese officials in some Tibetan areas withheld public benefits from the family members of self-immolators and ordered friends and monastic personnel to refrain from participating in religious burial rites or mourning activities for self-immolators. According to many contacts in Ngaba county, Sichuan province, officials place family members, relatives, and close friends of self-immolators on a security watch list to prevent them from meeting and communicating with international visitors and, in some cases, deprive them from receiving public benefits.

Self-immolators reportedly viewed their acts as protests against the government's political and religious oppression. According to multiple contacts, the law criminalizes various activities associated with self-immolation, including "organizing, plotting, inciting, compelling, luring, instigating, or helping others to commit self-immolation," each of which may be prosecuted as "intentional homicide."

Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The TAR regional government punished CCP members who followed the Dalai Lama, secretly harbored religious beliefs, made pilgrimages to India, or sent their children to study with exiled Tibetans. Authorities continued to electronically and manually monitor private correspondence and search private homes and businesses for photographs of the Dalai Lama and other politically forbidden items. Police examined the cell phones of TAR residents to search for "reactionary music" from India and photographs of the Dalai Lama. Authorities also questioned and detained some individuals who disseminated writings and photographs over the internet.

The TAR CCP has also launched specialized propaganda campaigns to counter "Tibetan independence" including promoting the proliferation of party media into every household to undermine popular support for the Dalai Lama.

The “grid system” (also known as the “double-linked household system”) continued. The grid system involves grouping households and establishments and encouraging them to report problems in other households, including monetary problems and transgressions, to the government. Authorities reportedly reward individuals with money and other forms of compensation for reporting. While this allows for greater provision of social services to those who need them, it also allows authorities to more easily control those it considers “extremists” and “splittists.”

According to contacts in the TAR, Tibetans frequently received phone calls from security officials ordering them to remove from their mobile phones photos, articles, and contact information for international contacts the government deemed sensitive. Security officials visited the residences of those who did not comply with such orders.

In June news portal *Phayul* reported local officials arrested two Tibetans from Kardze (Chinese: Ganzi) of Sichuan province for possessing photos of the Dalai Lama after they raided the two men’s residences.

Freedom of Expression, Including for the Press

Freedom of Expression: Tibetans who spoke to foreigners or foreign reporters, attempted to provide information to persons outside the country, or communicated information regarding protests or other expressions of discontent including via mobile phones, and internet-based communications, were subject to harassment or detention under “crimes of undermining social stability and inciting separatism.” During the year authorities in the TAR and other Tibetan areas sought to strengthen control over electronic media and to punish individuals for the poorly defined crime of “creating and spreading of rumors.” Supporting the CCP, criticizing the Dalai Lama, and “not creating and spreading rumors” were some of the major requirements Tibetans had to fulfill to apply for jobs and receive access to government benefits during the year.

On May 22, the government sentenced Tibetan language rights advocate Tashi Wangchuk to five years of imprisonment on the charge of “inciting separatism” for his 2015 video-recorded interview with *The New York Times*. On August 13, the Yulshul (Chinese: Yushu) Intermediate People’s Court rejected Tashi Wangchuk’s appeal. In a September 7 statement, the Foreign Correspondents Club of China (FCCC) stated the decision “not only violates Tashi’s right to free speech as

stipulated in China's constitution, but sends a message to sources they could be severely punished for accepting interviews with international media.”

Press and Media Freedom: Foreign journalists may visit the TAR only after obtaining a special travel permit from the government, and the authorities almost never granted this permission.

Authorities tightly controlled journalists who worked for the domestic press and could hire and fire them based on assessments of their political reliability. In May the TAR Press, Television, and Radio Bureau hired 26 individuals to fill positions for which one of the listed job requirements was to “resolutely implement the Party's line, principles, policies, and political stance, fight against separatism, and safeguard the motherland's unity and ethnic unity.” CCP propaganda authorities remained in charge of journalist accreditation in the TAR and required journalists working in the TAR to display “loyalty to the Party and motherland.” The deputy head of the TAR Propaganda Department simultaneously holds a prominent position in the TAR Journalist Association, a state-controlled professional association to which local journalists must belong.

Violence and Harassment: Chinese authorities arrested and sentenced many Tibetan writers, intellectuals, and singers for “inciting separatism.” Numerous prominent Tibetan political writers, including Jangtse Donkho, Kelsang Jinpa, Buddha, Tashi Rabten, Arik Dolma Kyab, Gangkye Drupa Kyab, and Shojkhang (also known as Druklo), reported security officers closely monitored them following their releases from prison between 2013 and 2018 and often ordered them to return to police stations for further interrogation. In addition, the authorities banned the writers from publishing and prohibited them from receiving services and benefits such as government jobs, bank loans, passports, and membership in formal organizations.

Censorship or Content Restrictions: The authorities prohibited domestic journalists from reporting on repression in Tibetan areas. Authorities promptly censored the postings of bloggers who did so, and the authors sometimes faced punishment.

The TAR Party Committee Information Office maintained tight control of a full range of social media platforms. According to multiple contacts, security officials often cancelled WeChat accounts carrying “sensitive information,” such as discussions about Tibetan language education, and interrogated the account owners. Many sources also reported it was almost impossible to register websites

promoting Tibetan culture and language in the TAR with the government, as required by law.

The Chinese government continued to disrupt radio broadcasts of Radio Free Asia's Tibetan and Mandarin-language services in Tibetan areas, as well as those of the Voice of Tibet, an independent radio station based in Norway.

In addition to maintaining strict censorship of print and online content in Tibetan areas, Chinese authorities sought to censor the expression of views or distribution of information related to Tibet in countries and regions outside of mainland China.

Internet Freedom

As in the past year, authorities curtailed cell phone and internet service in the TAR and other Tibetan areas, sometimes for weeks or even months at a time, during periods of unrest and political sensitivity, such as the March anniversaries of the 1959 and 2008 protests, "Serf Emancipation Day," and around the Dalai Lama's birthday in July. In addition, local observers reported authorities disrupted internet service in areas where self-immolations occurred (see section Tibetan Self-Immolations). Observers also claimed authorities threatened community members with sentences of up to 15 years for those who shared images, videos, and information of the self-immolations with people outside Tibetan areas. When the authorities restored internet service, they closely monitored its usage. There were widespread reports of authorities searching cell phones they suspected of containing suspicious content. Many individuals in the TAR and other Tibetan areas reported receiving official warnings and being briefly detained and interrogated after using their cell phones to exchange what the government deemed to be sensitive information. In July, in advance of the Dalai Lama's birthday, Radio Free Asia reported authorities warned Tibetans from using social media chat groups to organize gatherings or celebrations of the spiritual leader's birthday. The TAR Internet and Information Office is continuing a research project known as "Countermeasures to Internet-based Reactionary Infiltration by the Dalai Lama Clique."

In July, TAR Party Secretary Wu Yingjie urged the region to "resolutely manage the internet, maintain the correct cybersecurity view, and keep in mind Tibet serves as the frontline in the fight against separatism."

Throughout the year authorities blocked users in China from accessing foreign-based, Tibet-related websites critical of official government policy in Tibetan

areas. Technically sophisticated hacking attempts originating from China also targeted Tibetan activists and organizations outside mainland China.

Academic Freedom and Cultural Events

As in recent years, authorities in many Tibetan areas required professors and students at institutions of higher education to attend regular political education sessions, particularly during politically sensitive months, in an effort to prevent “separatist” political and religious activities on campus. Authorities frequently encouraged Tibetan academics to participate in government propaganda efforts, both domestically and overseas, such as making public speeches supporting government policies. Academics who refused to cooperate with such efforts faced diminished prospects for promotion and research grants.

Academics in the PRC who publicly criticized CCP policies on Tibetan affairs faced official reprisal. The government controlled curricula, texts, and other course materials as well as the publication of historically or politically sensitive academic books. Authorities frequently denied Tibetan academics permission to travel overseas for conferences and academic or cultural exchanges the Party had not organized or approved. Authorities in Tibetan areas regularly banned the sale and distribution of music they deemed to have sensitive political content.

The state-run TAR Academy of Social Science continued to encourage scholars to maintain “a correct political and academic direction” in its annual July conference to “improve scholars’ political ideology” and “fight against separatists” under the guidance of Xi Jinping.

In May the TAR Academy of Social Sciences hired five young scholars. One of the requirements listed for these positions was “to demonstrate loyalty to the Party and to criticize the Dalai Lama in both words and deeds.”

In accordance with government guidance on ethnic assimilation, state policies continued to disrupt traditional Tibetan living patterns and customs and accelerated forced assimilation through promoting the influx of non-Tibetans to traditionally Tibetan areas, expanding the domestic tourism industry, forcibly resettling and urbanizing nomads and farmers, and weakening Tibetan-language education in public schools and religious education in monasteries.

Tibetan and Mandarin Chinese are the official languages of the TAR, and both languages appeared on some, but not all, public and commercial signs. Inside

official buildings and businesses, including banks, post offices, and hospitals, signage in Tibetan was frequently lacking, and, in many instances, forms and documents were available only in Mandarin. Mandarin was used for most official communications and was the predominant language of instruction in public schools in many Tibetan areas. To print in the Tibetan language, private printing businesses in Chengdu needed special government approval, which was often difficult to obtain.

During the year the Communist Party continued to bring Larung Gar and Yachen Gar, two prominent Tibetan Buddhist educational centers, under tighter Communist Party control, giving Communist Party cadres authority over the institutions' management, finances, security, and admissions. This was part of an ongoing effort, started in 2016, to reduce the population of these institutes by evicting around 5,000 monks and nuns and destroying as many as 1,500 homes.

The law states, "schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the media of instruction." Despite guarantees of cultural and linguistic rights, many primary, middle, high school, and college students had limited access to officially approved Tibetan language instruction and textbooks, particularly in the areas of "modern-day education," which refers to nontraditional, nonreligious education, particularly computer, physical education, arts, and other "modern" subjects.

The country's most prestigious universities provided no instruction in Tibetan or other ethnic minority languages, although classes teaching the Tibetan language were available at a small number of universities. "Nationalities" universities, established to serve ethnic minority students and ethnic Chinese students interested in ethnic minority subjects, offered Tibetan language instruction only in courses focused on the study of the Tibetan language or culture. Mandarin was used in courses for jobs that required technical skills and qualifications.

Freedoms of Peaceful Assembly and Association

Even in areas officially designated as "autonomous," Tibetans generally lacked the right to organize and play a meaningful role in the protection of their cultural heritage and unique natural environment. Tibetans often faced government intimidation and arrest if they protested official policies or practices.

In February the TAR Public Security Office announced it would consider as criminals those who promote “economic, people’s livelihood, environmental, traditional, and cultural development in Tibetan areas” on behalf of the “Dalai clique” and “foreign hostile forces,” and would label these “spokespersons” as criminals.

In July local contacts reported that many monasteries and rural villages in the TAR and Tibetan areas in Sichuan and Qinghai provinces received official warnings not to organize certain gatherings, including the celebration of the Dalai Lama’s birthday. In one instance, Radio Free Asia reported authorities from Malho (Chinese: Huangnan) TAP of Qinghai province deployed large numbers of armed police to Tibetan villages and towns to discourage such celebrations. According to these contacts, many Tibetan students at various nationality universities were instructed not to organize gatherings and parties in March (Tibet Uprising Day) or July (the Dalai Lama’s birthday).

Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

Freedom of Movement

Chinese law provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government severely restricted travel and freedom of movement for Tibetans, particularly Tibetan Buddhist monks and nuns as well as lay persons whom the government considered to have “poor political records.”

In-country Movement: The People’s Armed Police (PAP) and local public security bureaus set up roadblocks and checkpoints in Tibetan areas on major roads, in cities, and on the outskirts of cities and monasteries, particularly around sensitive dates. Tibetans traveling in monastic attire were subject to extra scrutiny by police at roadside checkpoints and at airports.

Authorities sometimes banned Tibetans, particularly monks and nuns, from going outside the TAR and from traveling to the TAR without first obtaining special permission from multiple government offices. Many Tibetans reported encountering difficulties in obtaining the required permissions. This not only made it difficult for Tibetans to make pilgrimages to sacred religious sites in the

TAR. Tibetans from outside the TAR who traveled to Lhasa also reported that authorities there required them to surrender their national identification cards and notify authorities of their plans in detail on a daily basis. These requirements were not applied to ethnic Chinese visitors to the TAR.

Even outside the TAR, many Tibetan monks and nuns reported it remained difficult to travel beyond their home monasteries for religious and traditional Tibetan education, with officials frequently denying permission for visiting monks to stay at a monastery for religious education. Implementation of this restriction was especially rigorous in the TAR, and it undermined the traditional Tibetan Buddhist practice of seeking advanced teachings from a select number of senior teachers based at major monasteries scattered across the Tibetan Plateau.

Foreign Travel: Many Tibetans continued to report difficulties in obtaining new or renewing existing passports. Sources reported that Tibetans and certain other ethnic minorities had to provide far more extensive documentation than other citizens when applying for a Chinese passport. For Tibetans, the passport application process sometimes required years and frequently ended in rejection. Some Tibetans reported they were able to obtain passports only after paying substantial bribes and offering written promises to conduct only apolitical or nonsensitive international travel.

Tibetans continued to encounter significant obstacles in traveling to India for religious, educational, and other purposes. Tibetans who had traveled to Nepal and planned to continue to India reported that Chinese officials visited their homes in Tibet and threatened their relatives if they did not return immediately. Sources reported that explicit punishments included placing family members on a blacklist which could lead to the loss of a government job or difficulty in finding employment; expulsion of children from the public education system; and revocation of national identification cards, thereby preventing access to other social services, such as health care and government aid.

According to local contacts, very few Tibetans from China were able to attend teaching sessions held by the Dalai Lama throughout the year in many parts of India, as local Chinese officials refused to issue passports. Many Tibetans who possessed passports were concerned the authorities would place them on the government's blacklist, and therefore did not travel. In January the *Tibetan Journal* reported the Chinese government issued orders for the immediate return of Tibetans on pilgrimage in India and Nepal or attending the Dalai Lama's teachings, with serious consequences for those who refused.

Tightened border controls sharply limited the number of Tibetans crossing the border into Nepal and India. Between January and July, 23 Tibetan refugees transited Nepal through the Tibetan Reception Center, run by the Office of the UN High Commissioner for Refugees in Kathmandu, en route to permanent settlement in India. This reflected a decrease for two straight years.

The government restricted the movement of Tibetans in the period before and during sensitive anniversaries and events and increased controls over border areas at these times. According to local contacts, travel agents in the cities of Chengdu, Xining, and Kunming were forbidden to sell overseas package tours to Tibetans for the months of March and July, the periods around Tibet Uprising Day (March 10) and the Dalai Lama's birthday (July 6).

In February, shortly after the Tibetan New Year and in advance of Tibet Uprising Day and the convening of China's national legislature, Radio Free Asia reported that immigration authorities at Chengdu international airport detained three ethnic Tibetans holding non-Chinese passports and valid Chinese visas for eight hours before denying them entry to China and requiring they depart on the next international flight. During their detention, immigration officials and police officers interrogated and searched their web chats and notebooks as well as made copies of their telephone contacts.

The government strictly regulated travel of international visitors to the TAR, a restriction not applied to any other provincial-level entity of the PRC. In accordance with a 1989 regulation, international visitors had to obtain an official confirmation letter issued by the TAR government before entering the TAR. Most foreign tourists obtained such letters by booking tours through officially registered travel agencies. In the TAR, a government-designated tour guide had to accompany international tourists at all times. It was rare for foreigners to obtain permission to enter the TAR by road. As with prior years, authorities banned many international tourists from the TAR in the period before and during the March anniversary of the 1959 Tibetan uprising as well as other periods in which the Chinese government deemed politically sensitive. International tourists sometimes also faced restrictions traveling to Tibetan areas outside the TAR during such times.

The TAR government routinely denied foreign diplomats' requests for official travel. When foreign officials were allowed to travel to the TAR, the Foreign Affairs Office only allowed closely chaperoned trips. Authorities repeatedly

denied requests for international journalists to visit the TAR and other Tibetan areas (see Freedom of Expression section).

Although foreign officials were able to travel more freely in Tibetan areas outside of the TAR, the PAP and local public security bureaus often subjected them to multiple checkpoints.

Freedom to Participate in the Political Process

According to the law, Tibetans and other Chinese citizens have the right to vote in some local elections. The Chinese government, however, severely restricted its citizens' ability to participate in any meaningful elections. Citizens could not freely choose the officials who governed them and the CCP continued to control appointments to positions of political power.

Since 2015, the TAR and many Tibetan areas have strictly implemented the Regulation for Village Committee Management, which stipulates that the primary condition for participating in any local election is the “willingness to resolutely fight against separatism;” in some cases, this condition was interpreted to require candidates to denounce the Dalai Lama. Several sources reported that newly appointed Communist Party cadres have replaced more than 90 percent of traditional village leaders in the TAR and in Tibetan areas outside the TAR over the last two years, despite the lack of village elections.

Corruption and Lack of Transparency in Government

The law provides criminal penalties for corrupt acts by officials, but the government did not implement the law effectively in Tibetan areas, and high-ranking officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption in Tibetan areas during the year; some low-ranked officials were punished.

Discrimination, Societal Abuses, and Trafficking in Persons

Women

Coercion in Population Control: As in the rest of China, there were reports of coerced abortions and sterilizations, although government statistics on the percentage of abortions coerced during the year were not available. The CCP restricts the rights of parents to choose the number of children they have and

utilizes family planning units from the provincial to the village level to enforce population limits and distributions.

Discrimination: There were no formal restrictions on women's participation in the political system, and women held many lower-level government positions. Nevertheless, they were underrepresented at the provincial and prefectural levels of government.

Children

Many rural Tibetan areas have implemented China's nationwide "compulsory" and "centralized education" policy, which forced the closure of many village and monastic schools and the transfer of students, including elementary school students, to boarding schools in towns and cities. Reports indicated many of the boarding schools did not adequately care for and supervise their younger students. This policy also resulted in diminished acquisition of the Tibetan language and culture by removing Tibetan children from their homes and communities where the Tibetan language is used. It has also led to the removal of young monks from monasteries, forcing them instead into government-run schools.

Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

National/Racial/Ethnic Minorities

Although the 2010 TAR census figures showed that Tibetans made up 90.5 percent of the TAR's permanently registered population, official figures did not include a large number of long-, medium-, and short-term ethnic Chinese migrants, such as cadres, skilled and unskilled laborers, military and paramilitary troops, and their respective dependents. Tibetans continued to make up nearly 98 percent of those registered as permanent residents in rural areas of the TAR, according to official census figures.

Migrants to the TAR and other parts of the Tibetan Plateau were overwhelmingly concentrated in urban areas. Government policies to subsidize economic development often benefited ethnic Chinese migrants more than Tibetans. In many predominantly Tibetan cities across the Tibetan Plateau, ethnic Chinese or Hui

migrants owned and managed most of the small businesses, restaurants, and retail shops.

Observers continued to express concern that major development projects and other central government policies disproportionately benefited non-Tibetans and resulted in a considerable influx of ethnic Chinese and Hui persons into the TAR and other Tibetan areas. Large state-owned enterprises based outside the TAR engineered or implemented many major infrastructure projects across the Tibetan Plateau, with ethnic Chinese professionals and low-wage temporary migrant workers from other provinces, rather than local residents, managing and staffing the projects.

Economic and social exclusion was a major source of discontent among a varied cross section of Tibetans. Some Tibetans continued to report discrimination in employment. Some Tibetans reported it was more difficult for them than ethnic Chinese to obtain permits and loans to open businesses, and the government gave many ethnic Chinese, especially retired soldiers, incentives to move to Tibet. Restrictions increased during the year on both local NGOs that received foreign funding and international NGOs that provided assistance to Tibetan communities, resulting in a decrease of NGO programs in the TAR and other Tibetan areas. Throughout the year there were no known Tibetan Plateau-based international NGOs operating in the country.

The government continued its campaign to resettle Tibetan nomads into urban areas and newly created communities in rural areas across the TAR and other Tibetan areas. Improving housing conditions, health care, and education for Tibet's poorest persons were among the stated goals of resettlement, although there was a pattern of settling herders near townships and roads and away from monasteries, which were the traditional providers of community and social services. A requirement that herders bear a substantial part of the resettlement costs often forced resettled families into debt. The government's campaign resulted in many resettled herders losing their livelihoods and living in impoverished conditions in urban areas.

Although a 2015 media report noted that Tibetans and other minority ethnic groups made up 70 percent of government employees in the TAR, the top CCP position of TAR party secretary continued to be held by an ethnic Chinese, and the corresponding positions in the vast majority of all TAR counties were also held by ethnic Chinese. Within the TAR, ethnic Chinese also continued to hold a disproportionate number of the top security, military, financial, economic, legal, judicial, and educational positions. The law requires Party secretaries and

governors of ethnic minority autonomous prefectures and regions to be from that ethnic minority; however, ethnic Chinese were party secretaries in eight of the nine TAPs located in Gansu, Qinghai, Sichuan, and Yunnan Provinces. One TAP in Qinghai Province had a Tibetan party secretary. Authorities strictly prohibited Tibetans holding government and CCP positions from openly worshipping at monasteries or otherwise publicly practicing their religion.

Government propaganda against alleged Tibetan “proindependence forces” contributed to Chinese societal discrimination against ordinary Tibetans. Many Tibetan monks and nuns chose to wear nonreligious clothing to avoid harassment when traveling outside their monasteries and throughout China. Some Tibetans reported that taxi drivers throughout China refused to stop for them and hotels refused to provide rooms.

HONG KONG 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Hong Kong is a special administrative region (SAR) of the People's Republic of China (PRC). The 1984 Sino-British Joint Declaration and the Basic Law of the SAR specify that the SAR enjoys a high degree of autonomy under the "one country, two systems" framework, except in matters of defense and foreign affairs. Throughout the year, however, domestic and international observers continued to express concerns about central PRC government encroachment on the SAR's autonomy. In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR's chief executive. In 2016 Hong Kong residents elected the 70 representatives who compose the SAR's Legislative Council (LegCo). Voters directly elected 40 representatives, while limited-franchise constituencies elected the remaining 30.

Civilian authorities maintained effective control over the security forces.

Human rights issues included substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; and trafficking in persons.

The government took steps to prosecute and punish officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

At year's end the whereabouts of businessman Xiao Jianhua remained unknown. He was abducted in January 2017 from the SAR by individuals suspected of being central government security service officers. Swedish bookseller and Hong Kong resident Gui Minhai, who went missing from Thailand in 2015 and was released by

Chinese authorities in October 2017, was detained again in Mainland China by Chinese authorities in late January while traveling on a train (see China Human Rights Report, section 1.d. Arbitrary Arrest). Xiao's and other abductions show the Chinese Central Government's willingness to act contrary to the rule of law and undermine Hong Kong's autonomy.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, but there were reports of degrading treatment in prisons.

Prison and Detention Center Conditions

There were reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were reports of degrading treatment in prisons. In addition, according to the *South China Morning Post*, there were several allegations of abuse--including assault and the inappropriate use of solitary confinement--at the Castle Peak Bay Immigration Centre, a detention center managed by the Immigration Department.

Administration: The government investigated allegations of problematic conditions and documented the results in a publicly accessible manner. There was an external Office of the Ombudsman; however; activists and legislators urged the government to establish an independent prisoner complaint and monitoring mechanism for prisons and detention centers.

Independent Monitoring: The government permitted legislators to conduct prison visits. Justices of the peace visited prisons and may make suggestions and comments on matters, such as the physical environment of facilities, overcrowding, staff improvement, training and recreational programs and activities, and other matters affecting the welfare of inmates.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court. The government observed these requirements.

Role of the Police and Security Apparatus

The Hong Kong Police Force maintains internal security and reports to the SAR's Security Bureau. The People's Liberation Army is responsible for external security. The Immigration Department controls passage of persons into and out of the SAR, as well as the documentation of local residents. Civilian authorities maintained effective control over the police force, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Multiple sources reported suspected Chinese Central Government operatives in the SAR monitored some political activists, nongovernmental organizations (NGOs), and academics who criticized the Chinese Central Government's policies.

Activists expressed concern that the chief executive appointed all Independent Police Complaints Council members and noted that the council's lack of power to conduct independent investigations limited its oversight capacity.

Arrest Procedures and Treatment of Detainees

Police generally apprehended suspects openly with warrants based on sufficient evidence and issued by a duly authorized official. Police must promptly charge arrested suspects. The government respected this right and generally brought arrested persons before a judicial officer within 48 hours. Detainees were generally informed promptly of charges against them.

There was a functioning bail system, but, according to an August *South China Morning Post* report, foreign domestic workers accused of crimes by their employer were sometimes detained pending trial because the law requires all foreign domestic workers to live with their employer, an untenable living situation after being accused of a crime by that same employer. For example, Rahayu Septiana, an Indonesian domestic worker, spent three months in jail awaiting trial after her employer accused her of lacing the household's drinking water with urine. Septiana was released in August, one month after prosecutors told the court determined there was insufficient evidence to convict.

Authorities allowed detainees access to a lawyer of their choice. Suspects were not detained incommunicado or held under house arrest. Interviews of suspects are

required to be videotaped. The law provides accused persons the right to a prompt judicial determination, and authorities generally respected this right.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the SAR government respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary enforced this right. Defendants are presumed innocent except in official corruption cases. Under the law a current or former government official who maintained a standard of living above that commensurate with an official income, or who controls monies or property disproportionate to an official income, is considered guilty of an offense unless the official can satisfactorily explain the discrepancy. The courts upheld this ordinance. Defendants have the right to be informed promptly and in detail of the charges against them and the right to a trial without undue delay.

Trials were by jury except at the magistrate and district court level. An attorney is provided at public expense if defendants cannot afford counsel. Defendants had adequate time and facilities to prepare a defense. The government conducted court proceedings in either Chinese or English, the SAR's two official languages. The government provided interpretation service to those not conversant in Cantonese or English during all criminal court proceedings. Defendants could confront and question witnesses testifying against them and present witnesses to testify on their own behalf. Defendants have the right not to be compelled to testify or confess guilt, the right to be present at their trial, and the right of appeal.

The SAR's courts are charged with interpreting those provisions of the Basic Law that address matters within the limits of the SAR's autonomy. The courts also interpret provisions of the Basic Law that relate to central government responsibilities or the relationship between the central authorities and the SAR. The Court of Final Appeal may seek an interpretation of relevant provisions from the central government's Standing Committee of the National People's Congress (NPCSC). The Basic Law requires that courts follow the NPCSC's interpretations where cases intersect with central government jurisdiction, although judgments previously rendered are not affected. The NPCSC has issued five

interpretations of the Basic Law since 1997. The most recent interpretation, issued in 2016, required lawmakers to correctly, completely, and solemnly swear an oath to uphold the Basic Law and recognize the Hong Kong SAR as a part of China prior to taking office. Activists and other observers expressed concerns the 2016 NPCSC decision to issue an interpretation of the Basic Law in the midst of court deliberations was an encroachment on Hong Kong's autonomy. The NCCSC has not issued an interpretation of the Basic Law since 2016.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters and access to a court to bring lawsuits seeking damages for human rights violations.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the SAR government failed to respect these prohibitions. There were reports Chinese central government security services monitored prodemocracy and human rights activists in the SAR. There were also reports Chinese Central Government security services detained, questioned, and intimidated Hong Kong-based activists visiting the mainland.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and an unfettered internet combined to permit freedom of expression, including for the press, on most matters. During the year, however, some SAR and central government actions restricted or sought to restrict the right to express or report on dissenting political views, particularly support for Hong Kong independence.

Freedom of Expression: There were some legal restrictions on the ability of individuals to criticize the government publicly without reprisal. In March Koo Sze-yiu was jailed for two months after pleading guilty to desecrating the Chinese and SAR flags in protests against the Chinese Communist Party and its treatment of Nobel Laureate Liu Xiaobo and the disqualification of six Hong Kong lawmakers from taking office for improperly taking their oaths of office. A national law passed by the central government in September 2017 criminalizes any action mocking the Chinese national anthem and requires persons attending public events to stand at attention and sing the anthem in a solemn manner during its rendition. The Chinese Central Government's National People's Congress (NPC) voted to add the law to the Basic Law's Annex III, which obliges the SAR government to implement the law. SAR officials stated the law would be implemented after the LegCo passes local implementing legislation.

In September the SAR government banned the pro-independence Hong Kong National Party (HKNP). In announcing the ban, Security Secretary John Lee justified the ban as necessary to protect public safety and national security. Lee stated the HKNP had encouraged its supporters to use force to achieve its goal of Hong Kong independence. The ban came after repeated SAR and Chinese Central Government warnings that advocacy for Hong Kong independence “crosses a red line.”

Requirements for electoral candidacy and for taking the oath of office also limited free speech in the political arena. Beginning in 2016, the Electoral Affairs Commission required all LegCo candidates to sign a pledge stating the SAR is an “inalienable part” of China in order to run for office. During the year the government rejected the nomination forms of four potential candidates for LegCo by-elections in March and November because it did not find the potential candidates' pledges credible.

The NPCSC's 2016 interpretation of the Basic Law's Article 104 barred legislators-elect from taking office if they refused to receive the oath of office, altered the wording of the oath, or failed to demonstrate sufficient “sincerity” or “solemnity” when taking the oath. In 2017 the government used the NPCSC's interpretation to disqualify six legislators-elect from taking office for taking their oaths in manners that did not conform to the NPCSC's interpretation.

Press and Media Freedom: Independent media were active and expressed a wide variety of views; however, in August the Chinese central government's Ministry of Foreign Affairs unsuccessfully attempted to pressure the Foreign Correspondents

Club (FCC) to cancel an event at which HKNP convener and *proindependence advocate* Andy Chan spoke. In October SAR authorities refused to renew the work visa of Victor Mallet, Asia news editor at the *Financial Times*, after he hosted the FCC event with Andy Chan. In November the SAR government did not allow Mallet to enter Hong Kong as a tourist (Mallet is a UK citizen, and UK citizens generally can enter Hong Kong without a visa and stay for as long as six months).

Censorship or Content Restrictions: Reports of media self-censorship and suspected content control continued during the year. In August the Hong Kong Journalists Association warned of increasing self-censorship among local journalists. Many media outlets were owned by companies with business interests on the mainland, which led to claims they were vulnerable to self-censorship, with editors deferring to perceived concerns of publishers regarding their business interests. In May media reported the Chinese central government's liaison office in Hong Kong indirectly owned more than half the bookstores in the city, raising concerns the bookstores would not sell politically sensitive books.

Libel/Slander Laws: In August former chief executive C. Y. Leung announced a libel suit against an academic and an online media outlet that published the academic's article about a widely reported dinner in 2012 between Leung's aides and persons with alleged ties to triad gangs.

Internet Freedom

The SAR government did not restrict or disrupt access to the internet or censor online content, although activists claimed Chinese Central Government authorities monitored their email and internet use. According to the International Telecommunication Union, approximately 90 percent of the population used the internet in 2017.

There were reports of suspected politically motivated cyberattacks against private persons and organizations. On August 14, hours after it hosted a speech by independence advocate Andy Chan, the FCC announced its website was inaccessible because of suspected malware, according to the *Hong Kong Free Press*.

Academic Freedom and Cultural Events

There were some restrictions on academic freedom and cultural events. In September the Education Bureau instructed schools to advise students not to promote Hong Kong independence. Some suggested Hong Kong-based academics and cultural figures practiced self-censorship to preserve opportunities in the mainland and in Hong Kong. In January Hong Kong Polytechnic University did not renew lawmaker Cheng Chung-tai's teaching contract after he was convicted of flag desecration. In May Chinese President Xi Jinping announced allowing Hong Kong-based researchers to apply for more Chinese Central Government grants. Also in May, state-controlled Xinhua News Agency reported the government would support researchers who "love the country and Hong Kong," which some interpreted as establishing a political litmus test for who would receive the grants.

The SAR government condemned students and academics who discussed Hong Kong independence. In March the SAR government issued a press statement condemning Professor Benny Tai's remarks about a hypothetical future in which Hong Kong might consider becoming independent.

Activists continued to say that government-purchased school textbooks were biased in their presentation of Hong Kong's history and politics. In August activists and lawmaker Au Nok-hin expressed concern that one textbook was published by a company indirectly controlled by the Chinese Central Government's liaison office in the SAR.

In November organizers of a Hong Kong exhibition by Chinese political cartoonist Badiucao canceled the event due to threats from Chinese Central Government authorities, according to media reports. The organizers did not specify the nature of the threats.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but government actions, including prosecutions of activists and the banning of a political party, increased the risks associated with participating in political protest.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Police routinely issued the required "letter of no objection" for public meetings and demonstrations--including those critical of the SAR and Chinese Central Government--and most protests occurred without serious incident.

On June 4, tens of thousands of persons peacefully gathered without incident in Victoria Park to commemorate the 29th anniversary of the Tiananmen Square crackdown. The annual vigil and a smaller annual event in Macau were reportedly the only sanctioned events in China to commemorate the Tiananmen Square anniversary.

Continuing government prosecutions of protesters, however, raised the cost of protesting government policies and led to concerns the government was using the law to suppress political dissent. Following the 2014 Occupy protests, the government prosecuted dozens of protesters, including several prodemocracy movement leaders, for crimes related to public protest.

In February the Court of Final Appeal overturned prison sentences for prodemocracy activists Joshua Wong, Alex Chow, and Nathan Law, reinstating noncustodial sentences originally imposed by the trial court. At the same time, the Court of Final Appeal affirmed stricter sentencing guidelines to be used in the future.

In June a court sentenced two disqualified legislators-elect, Sixtus Leung and Yau Wai-ching, to four weeks in jail for unlawful assembly inside the legislature. The case stemmed from a 2016 incident in which the two attempted to enter a room to retake their oaths and scuffled with security guards.

In November the trial of nine alleged “inciters” of the Occupy protests began. The defendants faced charges related to incitement during the 2014 Occupy protests, including a charge of incitement of persons to incite others to create a public nuisance.

Freedom of Association

SAR law provides for freedom of association, and the government generally respected it; however, in September the government banned the proindependence HKNP. Under the law any person claiming to be an officer of a banned group may be sentenced to a fine of HK\$100,000 (\$12,800) and a maximum of three years in prison. Those providing meeting space or other aid to a banned group may also be sentenced to fines and jail time.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

There continued to be reports the Immigration Department refused entry to a small number of persons traveling to the SAR for political reasons. In August Immigration Department officials denied entry to Kenichiro Wada, a Japanese politician, according to the *South China Morning Post*. Several pro-Beijing Hong Kong media outlets previously called Wada an “anti-China rightist” who supported Taiwan independence. Activists and other observers contended the refusals, usually of persons holding views critical of the Chinese Central Government, were made at the behest of mainland authorities.

Foreign Travel: Most residents easily obtained travel documents from the SAR government, although Chinese Central Government authorities in the past did not permit some human rights activists, student protesters, and prodemocracy legislators to visit the mainland. Some students who participated in the 2014 protest movement previously alleged that Chinese Central Government's security agencies surveilled the protests and blacklisted them.

Protection of Refugees

Refoulement: Under the “one country, two systems” framework, the SAR continued to administer its own immigration and entry policies and make determinations regarding nonrefoulement claims independently. The Hong Kong government's Unified Screening Mechanism (USM) consolidated the processing of claims based on risk of return to persecution, torture, or cruel, inhuman, or degrading treatment or punishment.

Persons wishing to file a nonrefoulement claim may not do so while they are in the SAR legally. They must instead wait until they overstay the terms of their entry

before they can file such a claim, a process that typically results in a period of detention followed by release on recognizance. Persons whose claims are pending are required to appear periodically before the Immigration Department.

Activists and refugee rights groups expressed concerns about the quality of USM adjudications and the very low rate of approved claims, less than 1 percent, suggesting the government's threshold for approving claims was higher than other developed jurisdictions. Denied USM claimants may appeal to the Torture Claims Appeal Board. The government did not publish the board's decisions, which the Hong Kong Bar Association noted created concerns about the consistency and transparency of decisions.

Multiple activists indicated that nonrefoulement claimants faced discrimination and were the frequent target of generalizations by some political parties and media organizations.

Access to Asylum: The law does not provide for the independent granting of asylum or refugee status, but the SAR government has established a system for providing limited protection to refugees. The SAR is not a signatory to the 1951 UN Refugee Convention or its 1967 protocol. Under the "one country, two systems" framework, these international agreements are not extended to the SAR even though the Chinese Central Government is a signatory. Persons whose nonrefoulement claims are substantiated through the USM do not obtain a status that allows them to permanently live and work in the SAR. Instead, the SAR government refers them to the UNHCR for possible recognition as refugees and resettlement to a third country. Some nonrefoulement claimants had waited in the SAR for resettlement for years.

Employment: The government defines nonrefoulement claimants as illegal immigrants or "overstayers" in the SAR, and as such they have no legal right to work in the SAR while claims are under review.

Access to Basic Services: Persons with nonrefoulement claims under the USM were eligible to receive publicly funded legal assistance, including translation services, as well as small living subsidies. The children of nonrefoulement claimants could attend SAR public schools.

Section 3. Freedom to Participate in the Political Process

The Basic Law limits the ability of residents to change their government through free and fair elections, and Hong Kong voters do not currently enjoy universal suffrage in elections for the Chief Executive. Article 45 of the Basic Law establishes as the “ultimate aim” direct election of the chief executive through “universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.”

The chief executive is elected by an election committee of approximately 1,200 members (1,194 members for the 2017 election). The election committee consists of the 70 members of Hong Kong’s LegCo and a mix of professional, business, and trade elites.

Voters directly elect 40 of LegCo’s 70 seats by secret ballot. Thirty-five seats are designated as “geographic constituencies” (GCs) and 35 as “functional constituencies” (FCs). All 35 GCs are directly elected by all voters in a geographic area. Thirty FC seats are selected by a subset of voters from FCs representing various economic and social sectors, most of whom are supportive of the Chinese central government. In 2016 the constituencies that elected these 30 FC LegCo seats consisted of 239,724 registered individual and institutional voters, of whom approximately 172,820 voted, according to the SAR’s Election Affairs Office’s statistics. The five FC seats in the district council sector, known as “super seats,” were directly elected by the approximately five million registered voters who were not otherwise represented in another FC and therefore represented larger constituencies than any other seats in LegCo.

Under the Basic Law, only the SAR government, not the legislature, may introduce bills that affect public expenditure, the political structure, or government policy. The SAR sends 36 deputies to China’s NPC and had approximately 200 delegates in the Chinese People’s Political Consultative Conference--bodies that operate under the direction of the Chinese Communist Party and do not exercise legislative independence. The approval of the chief executive, two-thirds of the LegCo, and two-thirds of the SAR’s delegates to the NPC are required to place an amendment to the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

Voters directly elected all 431 of the SAR’s district council seats in 2015 following the government’s elimination of appointed district council seats.

Elections and Political Participation

Recent Elections: In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR's chief executive.

In 2016 representatives of various commercial sectors, professions, religious organizations, and social service providers as well as political representatives elected the 1,194 electors who cast ballots in the chief executive election. Residents expressed concern these small-circle elections were open to participation by a very small number (239,724) of the SAR's 7.5 million residents. Moreover, although the 2016 Election Committee election saw a historically high voter turnout of 46 percent and a record number of contested seats across industrial, professional, grassroots, and political sectors, local political observers noted that 300 members--approximately 25 percent--of the committee were elected without a poll or other transparent election process to represent 12 uncontested subsectors and one sub-subsector.

In 2016 SAR residents elected representatives to the 70-member LegCo. Proestablishment candidates won 40 of 70 LegCo seats, while prodemocracy candidates won 30.

In 2017 the Court of Final Appeal upheld a 2016 court ruling that disqualified Yau Wai-ching and Sixtus Leung, two opposition legislators-elect who used their oath-swearing ceremonies to make proindependence gestures, from serving as LegCo members because they improperly took their oath of office. The 2016 ruling came after the NPCSC earlier that month issued an unsolicited interpretation of the Basic Law that preempted the ability of the SAR's independent judiciary to rule on the matter. It marked the first time the NPCSC issued such an interpretation while a SAR judge was still deliberating the case in question. In 2016 then chief executive Leung and then secretary for justice Rimsky Yuen filed a legal challenge to the legitimacy of four other opposition legislators--veteran activist "Long Hair" Leung Kwok-hung, former Occupy protest student leader Nathan Law, university lecturer Lau Siu-lai, and university professor Edward Yiu--over the manner in which they took their oaths. In July 2017 the court granted the government's request to disqualify the four legislators.

In March and November, SAR residents voted in by-elections to fill five of the LegCo vacancies created by the disqualifications. Elections were held for four GCs and one FC. The proestablishment camp won three of the five seats, resulting in a net gain of three seats for the proestablishment camp because of the disqualifications.

Political Parties and Political Participation: In September the SAR government banned the proindependence HKNP. The government's ban of the HKNP was the first time it banned a political party since the establishment of the SAR government in 1997.

Since 2016 all LegCo candidates must sign a confirmation form pledging their allegiance to the SAR and intent to uphold the Basic Law, including provisions stating that Hong Kong is an inalienable part of China. Since that requirement was instituted, the government barred several potential candidates from running for office. In January and February, the SAR government barred three candidates from participating in the March by-election. The government barred Agnes Chow's candidacy after finding that her affiliation with Demosisto, a political party that supports "democratic self-determination," indicated that she did not truly intend to uphold the Basic Law, as she had promised to do when she signed a confirmation form. In October the government barred Lau Siu-lai from running in the November by-election because she had allegedly supported self-determination for Hong Kong.

In February the Hong Kong Bar Association publicly stated that the power of election officials to allow or deny potential candidates the right to stand for election, which a February court decision upheld, "is equivalent to the introduction of a political screening process."

The Chinese Central Government and its business supporters reportedly provided generous financial resources to parties that supported the Chinese Central Government's political agenda in the SAR, giving them a major advantage in controlling the levers of government and senior positions.

Participation of Women and Minorities: No law limits participation of women in the political process, and they did participate. In March 2017 Carrie Lam was elected to be the SAR's first female chief executive.

There is no legal restriction against ethnic minorities running for electoral office, serving as electoral monitors, or participating in the civil service. There were no members of ethnic minorities in the LegCo, and members of ethnic minorities reported they considered themselves unrepresented. The government made efforts to increase the hiring of ethnic minorities by reducing the level of Chinese-language ability needed to qualify for some jobs.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Although the SAR continued to be viewed as relatively uncorrupt, there were isolated reports of government corruption during the year.

Corruption: In February 2017 former chief executive Donald Tsang was sentenced to 20 months in jail for misconduct while in public office in connection with a below-market lease. Tsang appealed the sentence, and in July the Court of Appeal dismissed the appeal of his conviction but reduced his sentence to 12 months in jail.

Financial Disclosure: The SAR requires the most senior civil service officials to declare their financial investments annually and senior working-level officials to do so biennially. Policy bureaus may impose additional reporting requirements for positions seen as having a greater risk of conflict of interest. The Civil Service Bureau monitors and verifies disclosures, which are available to the public. There are criminal and administrative sanctions for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Prominent human rights activists critical of the Chinese Central Government also operated in the SAR.

Government Human Rights Bodies: There is an Office of the Ombudsman and an Equal Opportunities Commission (EOC). The government recruits commissioners to represent both offices through a professional search committee, which solicits applications and vets candidates. Commissioners were independent in their operations. Both organizations operated without interference from the SAR government and published critical findings in their areas of responsibility. NGOs pointed out that the EOC had limited ability to conduct investigations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape only against women but includes spousal rape. Activists expressed concern that rape was underreported, especially within the ethnic minority community.

The law does not directly criminalize domestic violence, but the government regarded domestic violence against women as a serious concern and took measures to prevent and prosecute offenses. The law allows survivors to seek a three-month injunction, extendable to six months, against an abuser. Abusers may be liable for criminal charges, depending on what acts constituted the domestic violence. The government effectively enforced the law regarding domestic crimes and prosecuted violators.

The law covers abuse between married couples, heterosexual and homosexual cohabitants, former spouses or cohabitants, and immediate and extended family members. It protects victims younger than 18 years, allowing them to apply for an injunction in their own right, with the assistance of an adult guardian, against abuse by their parents, siblings, and specified immediate and extended family members. The law also empowers the court to require that the abuser attend an antiviolence program. In cases in which the abuser caused bodily harm, the court may attach an arrest warrant to an existing injunction and extend both injunctions and arrest warrants to two years.

The government maintained programs that provided intervention, counseling, and assistance to domestic violence victims and abusers.

Sexual Harassment: The law prohibits sexual harassment or discrimination based on sex, marital status, and pregnancy. The law applies to both men and women, and police generally enforced the law effectively; however, there were multiple reports of sexual harassment in housing and the workplace.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women enjoy the same legal status and rights as men. The SAR's sexual discrimination ordinance prohibits discrimination based on sex or pregnancy status, and the law authorizes the EOC to work towards the elimination of discrimination and harassment as well as to promote equal opportunity for men and women. Although the government generally enforced these laws, women

reportedly faced some discrimination in employment, salary, welfare, inheritance, and promotion.

Children

Birth Registration: All Chinese nationals born in the SAR, on the mainland, or abroad to parents, of whom at least one is a Chinese national and Hong Kong permanent resident, acquire both Chinese citizenship and Hong Kong permanent residence, the latter allowing the right of abode in the SAR. Children born in the SAR to non-Chinese parents, at least one of whom is a Hong Kong permanent resident, acquire SAR permanent residence and qualify to apply for naturalization as Chinese citizens. Authorities routinely registered all such statuses.

Child Abuse: The law mandates protection for victims of child abuse (battery, assault, neglect, abandonment, and sexual exploitation), and the SAR government enforced the law. The law allows for the prosecution of certain sexual offenses, including against minors, committed outside the territory of the SAR. In August the Education Bureau circulated a notice to all schools listing the indicators of possible child abuse and confirmed that schools did not need to obtain parental consent before reporting suspected child abuse to the authorities, if they had reason to suspect the parents were the source of abuse.

The government provided parent-education programs through its maternal and child health centers, public education programs, clinical psychologists for its clinical psychology units, and social workers for its family and child protective services units. Police maintained a child abuse investigation unit and, in collaboration with the Social Welfare Department, operated a child witness support program. In June the government established a Children's Commission tasked with safeguarding the rights, interests, and well-being of children.

Early and Forced Marriage: The legal minimum age of marriage is 16 years; however, parents' written consent is required for marriage before the age of 21.

Sexual Exploitation of Children: Under the law a person having "unlawful sexual intercourse" with a victim younger than 16 years is subject to five years' imprisonment, while having unlawful sexual intercourse with a victim younger than 13 carries a sentence of life imprisonment. The law prohibits the commercial sexual exploitation of children and the procuring of children for prostitution. The law makes it an offense to possess, produce, copy, import, or export pornography involving a child younger than 18 or to publish or cause to be published any

advertisement that conveys or is likely to be understood as conveying the message that a person has published, publishes, or intends to publish any child pornography. Authorities enforced the law. The penalty for creation, publication, or advertisement of child pornography is eight years' imprisonment, while possession carries a penalty of five years' imprisonment.

The legal age of consensual sex is 16 years.

International Child Abductions: The SAR is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The Jewish community numbered 5,000 to 6,000 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The government took action to investigate and punish those responsible for violence or abuses against persons with disabilities. The government generally implemented laws and programs to provide persons with disabilities access to education, employment, the judicial system, and health services. The law on disabilities states that children with separate educational needs must have equal opportunity in accessing education. Some human rights groups reported the SAR's disability law was too limited and its implementation did not promote equal opportunities. The Social Welfare Department provided training and vocational rehabilitation services to assist persons with disabilities, offered subsidized resident-care services for persons considered unable to live independently, offered places for preschool services to children with disabilities,

and provided community support services for persons with mental disabilities, their families, and other local residents.

The government generally implemented laws and programs to provide persons with disabilities access to information, communications, and buildings, although there were reports of some restrictions. The law calls for improved building access and sanctions against those who discriminate.

National/Racial/Ethnic Minorities

Although ethnic Chinese made up the vast majority of the population, the SAR is a multi-ethnic society with persons from a number of ethnic groups recognized as permanent residents with full rights under the law. The law prohibits discrimination, and the EOC oversees implementation and enforcement of the law. The EOC maintained a hotline for inquiries and complaints concerning racial discrimination. Although the SAR government took steps to reduce discrimination, there were frequent reports of discrimination against ethnic minorities. In August the UN Committee on the Elimination of Racial Discrimination expressed concern that the Race Discrimination Ordinance did not clearly cover racial discrimination occurring in the course of law enforcement activity.

The government has a policy to integrate non-Chinese students into SAR schools. Nevertheless, advocacy groups said schools were de-facto segregated. Advocates also expressed concerns that schools provided inadequate Chinese language teaching to minority students. Students who did not learn Chinese had significant difficulty entering university and the labor market, according to experts.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws criminalize consensual same-sex sexual conduct between adults. While the SAR has laws that ban discrimination on the grounds of race, sex, disability, and family status, no law prohibits companies or individuals from discriminating on grounds of sexual orientation or gender identity. There are also no laws that specifically aid in the prosecution of bias-motivated crimes against members of the LGBTI community.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions without previous authorization or excessive requirements and to conduct legal strikes, but it does not protect the right to collective bargaining or obligate employers to bargain. Trade unions claimed the lack of collective bargaining rights and divisions in the labor movement weakened workers' leverage in negotiations. The law explicitly prohibits civil servants from bargaining collectively.

The law prohibits firing an employee for striking and voids any section of an employment contract that punishes a worker for striking. The commissioner of police has broad authority to control and direct public gatherings in the interest of national security or public safety. According to the law, an employer cannot fire, penalize, or discriminate against an employee who exercises his or her union rights and cannot prevent or deter the employee from exercising such rights. The government generally effectively enforced the law. Penalties for violations of antiunion laws included fines as well as legal damages paid to workers, and penalties were sufficient to deter violations. Dismissed employees, however, had difficulty proving antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law does not prohibit all forms of forced or compulsory labor, nor do laws specifically criminalize forced labor. Instead, the SAR uses its Employment and Theft Ordinances to prosecute labor violations and related offenses. Penalties for these offenses were not sufficient to deter violations.

NGOs expressed concerns some migrant workers, especially domestic workers in private homes, faced high levels of indebtedness assumed as part of the recruitment process, creating a risk they could fall victim to debt bondage. Domestic workers in Hong Kong were mostly female and mainly came from the Philippines, Indonesia, and other Southeast Asian countries. The SAR allows for the collection of maximum placement fees of 10 percent of the first month's wages, but some recruitment firms required large up-front fees in the country of origin that workers struggled to repay. Some locally licensed employment agencies were suspected of colluding with agencies overseas to profit from a debt scheme, and some local agencies illegally confiscated the passports and employment contracts of domestic workers and withheld them until they repaid their debt.

There also were reports some employers illegally forbade domestic workers from leaving the residence of work for non-work-related reasons, effectively preventing them from reporting exploitation to authorities. SAR authorities stated they encouraged aggrieved workers to file complaints and make use of government conciliation services as well as actively pursued reports of any labor violations.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

Regulations prohibit employment of children younger than 15 years in any industrial establishment. The law prohibits overtime in industrial establishments with employment in dangerous trades for persons younger than 18. Children between 13 and 14 may work in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of nine years of education and protection of their safety, health, and welfare.

The Labor Department effectively enforced these laws and regularly inspected workplaces to enforce compliance with the regulations. Penalties for violations of child labor laws include fines and legal damages and were sufficient to deter violations.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit employment discrimination based on race or ethnicity, disability, family status (marital status and/or pregnancy), or sex. The law stipulates employers must prove that proficiency in a particular language is a justifiable job requirement if they reject a candidate on these grounds. Regulations do not prohibit employment discrimination on the grounds of color, religion, political opinion, national origin or citizenship, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status.

The government generally enforced these laws and regulations. In cases in which employment discrimination occurred, the SAR's courts had broad powers to levy penalties on those who violated these laws and regulations.

Human rights activists and local scholars continued to raise concerns about job prospects for minority students, who were more likely to hold low-paying, low-

skilled jobs and earn below-average wages. Experts assessed that a lack of Chinese language skills was the greatest barrier to employment.

e. Acceptable Conditions of Work

The statutory minimum hourly wage was HK\$34.50 (\$4.41). In September the SAR increased domestic workers' minimum monthly wage from HK\$4,410 (\$564) to HK\$4,520 (\$579) and increased their minimum monthly food allowance from HK\$1,053 (\$135) to HK\$1,075 (\$137). During the year, however, there were many press reports regarding poor conditions faced by and underpayment of wages to domestic workers.

The official poverty line was half of the median monthly household income before tax and welfare transfers, based on household size. For a one-person household, the poverty line was set at HK\$4,000 (\$513), for a two-person household HK\$9,800 (\$1,250), for a three-person household HK\$15,000 (\$1,920), and so on.

There is no law concerning working hours, paid weekly rest, rest breaks, or compulsory overtime for most employees.

Laws exist to provide for health and safety of workers in the workplace. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. Employers are required to report any injuries sustained by their employees in work-related accidents.

The government generally enforced the law, and the Labor Tribunal adjudicated disputes involving nonpayment or underpayment of wages and wrongful dismissal. Labor inspectors were sufficient to deter violations except in the cases of nonpayment or underpayment of wages to and working conditions of domestic workers. Penalties for violations of minimum wage or occupational safety and health violations include fines, payments of damages, and worker's compensation payments. These penalties were sufficient to deter violations.

The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, identification of unsafe conditions, enforcement of safety management legislation, and policy formulation and implementation; it enforced occupational safety and health laws effectively.

MACAU 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Macau is a Special Administrative Region (SAR) of the People's Republic of China (PRC) and has a high degree of autonomy, except in defense and foreign affairs, according to the Basic Law. In 2017 residents directly elected 14 of the 33 representatives who comprise the SAR's Legislative Assembly. In accordance with the law, limited franchise functional constituencies elected 12 representatives, and the chief executive nominated the remaining seven. A 400-member Election Committee re-elected Chief Executive Fernando Chui Sai-On to a five-year term in 2014.

Civilian authorities maintained effective control over the security forces.

Human rights issues included criminal libel, restrictions on political participation, and trafficking in persons.

The government took steps to prosecute and punish officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

Administration: The law allows prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged deficiencies. Judges and prosecutors visited prisons at least once a month to hear prisoner complaints.

Independent Monitoring: The government permits monitoring by independent nongovernmental observers. According to the government, no independent human rights observers requested or made any visit to the prison in the SAR.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the Public Security Police (general law enforcement) and the Judiciary Police (criminal investigations), and the government has effective mechanisms to investigate and punish official abuse and corruption. There were no reports of impunity involving the security forces.

Arrest Procedures and Treatment of Detainees

Authorities detained persons with warrants issued by a duly authorized official based on sufficient evidence. Detainees had access to a lawyer of their choice or, if indigent, to one provided by the government. Detainees had prompt access to family members. Police must present persons in custody to an examining judge within 48 hours of detention. Authorities informed detainees promptly of charges against them. The examining judge, who conducts a pretrial inquiry in criminal cases, has wide powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. Investigations by the prosecuting attorney should end with charges or dismissal within eight months, or six months

when the defendant is in detention. The pretrial inquiry stage must conclude within four months, or two months if the defendant is in detention. By law the maximum limits for pretrial detention range from six months to three years, depending on the charges and progress of the judicial process; there were no reported cases of lengthy pretrial detentions. There is a functioning bail system. Complaints of police mistreatment may be made to the Commission for Disciplinary Control of the Security Forces and Services of the Macao SAR, the Commission Against Corruption, or the Office of the Secretary for Security. The government has also established a website for receiving named or anonymous complaints about irregular police activity or behavior.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

The SAR's unique civil-code judicial system derives from the judicial framework of the Portuguese legal system. The courts may rule on matters that are the responsibility of the PRC government or concern the relationship between central authorities and the SAR, but before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of the relevant provisions from the National People's Congress Standing Committee (NPCSC). The Basic Law requires that courts follow the NPCSC's interpretations when cases intersect with central government jurisdiction, although judgments previously rendered are not affected, and when the NPCSC makes an interpretation of the provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." As the final interpreter of the Basic Law, the NPCSC also has the power to initiate interpretations of the Basic Law.

Trial Procedures

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. A case may be presided over by one judge or a group of judges, depending on the type of crime and the maximum penalty involved.

Under the law, defendants enjoy a presumption of innocence and have a right to appeal. The law provides that trials be public except when the court rules otherwise to "safeguard the dignity of persons, public morality, or to provide for the normal functioning of the court." Defendants have the right to be informed promptly and in detail of the charges (with free interpretation), be present at their

trials, confront witnesses, have adequate time to prepare a defense, not be compelled to testify or confess guilt, and consult with an attorney in a timely manner. The government provides public attorneys for those financially incapable of engaging lawyers or paying expenses of proceedings. The law extends these rights to all residents.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters, and citizens have access to a court to bring lawsuits seeking damages for a human rights violation.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions; however, politicians reported suspected government monitoring of their communications in the past.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, but the government occasionally sought to restrict this right.

In August the Legislative Assembly passed an outline of legislation to amend an existing law that criminalized some actions that disrespect the Chinese national anthem.

Press and Media Freedom: Local media expressed a wide range of views, but the government took steps to restrict unfavorable news coverage.

Censorship or Content Restrictions: Media sometimes practiced self-censorship, in part because the government subsidized some media outlets. In May media reported the Central Government Liaison Office in Hong Kong indirectly owned

Plaza Cultural Macau, a local bookseller, raising concerns that central government authorities may restrict the sale of sensitive books.

Libel/Slander Laws: In October the Judiciary Police indicted lawmaker Au Kam-san for defamation after Au refused to apologize for alleging that the Judiciary Police wiretapped his phone in 2009, according to media reports.

National Security: In August the government concluded public consultations about proposed revisions to the Civil Protection Framework Law. The proposed revisions would make spreading rumors during incidents classified as emergencies punishable by a maximum of three years imprisonment.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. Activists critical of the government said the government has not fully disclosed the surveillance technologies it is using, leaving the public with little ability to confirm the law is respected by authorities.

According to the Statistics and Census Service, approximately 62 percent of the population subscribed to the internet. This did not take into account multiple internet users for one subscription, nor did it include those who accessed the internet through mobile devices.

Academic Freedom and Cultural Events

In March the organizers of an annual literary festival canceled the participation of three foreign writers after an official from the central government's Liaison Office in Macau warned the government might not allow the writers to enter the SAR, according to media reports.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government often respected these rights, despite some efforts to discourage participation in peaceful demonstrations.

Freedom of Peaceful Assembly

The law requires prior notification, but not approval, of demonstrations involving public roads, public places, or places open to the public. Police may redirect demonstration marching routes, but organizers have the right to challenge such decisions in court. In July the Legislative Assembly amended the law to require that protesters notify the police of their protest plans, a change from the previous requirement to notify the Civic and Municipal Affairs Bureau.

Critics alleged that authorities were making a concerted effort to use both intimidation and criminal proceedings against participants in peaceful demonstrations to discourage their involvement. For example, in 2017 the Legislative Assembly, in a secret ballot, voted to suspend Sulu Sou from the Legislative Assembly after prosecutors charged him with “aggravated disobedience” to police authorities because of his actions during a peaceful protest against the chief executive.

In June approximately 200 persons participated in a vigil at Senado Square to mark the 29th anniversary of the 1989 Tiananmen Square crackdown.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right. No authorization is required to form an association, and the only restrictions on forming an organization are that it not promote racial discrimination, violence, crime, or disruption of public order, or be military or paramilitary in nature.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. The Immigration Department cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The Internal Security Law grants police authority to deport or deny entry to nonresidents whom they regard under the law as unwelcome, a threat to internal security and stability, or possibly implicated in transnational crimes. In 2017 the government banned several Hong Kong politicians and activists from entering the SAR on the grounds they posed a threat to internal security, according to media reports.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Persons granted refugee status would ultimately enjoy the same rights as other SAR residents.

Pending final decisions on their asylum claims, the government registered asylum seekers and provided protection against their expulsion or return to their countries of origin. There were few applicants for refugee or asylum status and no successful applicants. Persons with pending applications were eligible to receive government support, including basic needs such as housing, medical care, and education for children, but they were not allowed to work until their refugee status was granted.

Section 3. Freedom to Participate in the Political Process

The law limits citizens' ability to change their government through free and fair periodic elections, and citizens did not have universal suffrage. Only a small fraction of citizens played a role in the selection of the chief executive, who was chosen in 2014 by a 400-member Election Committee consisting of 344 members elected from four broad societal sectors (which themselves have a limited franchise) and 56 members chosen from and by the SAR's legislators and representatives to the National People's Congress and Chinese People's Political Consultative Conference.

Elections and Political Participation

Recent Elections: In 2014 a 400-member selection committee re-elected Chief Executive Fernando Chui Sai-On. Chui ran unopposed and won 97 percent of the vote. The most recent general election for the 14 directly elected seats in the 33-member Legislative Assembly occurred in 2017. The election for these seats was generally free and fair.

There are limits on the types of bills legislators may introduce. The law stipulates that legislators may not initiate legislation related to public expenditure, the SAR's political structure, or the operation of the government. Proposed legislation related to government policies must receive the chief executive's written approval before it is introduced. The Legislative Assembly also has no power to confirm executive or judicial appointments.

A 10-member Executive Council functions as the cabinet, approving draft legislation before it is presented in the Legislative Assembly. The Basic Law stipulates that the chief executive appoint members of the Executive Council from among the principal officials of the executive authorities, members of the legislature, and public figures.

Political Parties and Political Participation: The SAR has no laws on political parties. Politically active groups registered as societies or limited liability companies were active in promoting their political agendas. Those critical of the government generally did not face restrictions, but persons seeking elected office must swear to uphold the Basic Law. In 2017 the Legislative Assembly, in a secret ballot, voted to suspend Sulu Sou from the Legislative Assembly after prosecutors charged him with "aggravated disobedience" to police authorities during a peaceful protest against the chief executive's decision to donate 123 million patacas (\$15.4 million) to a mainland university on whose board the chief executive sat. In July, Sou resumed his seat in the Legislative Assembly after a court found him guilty of unlawful assembly but sentenced him to a fine instead of imprisonment. Sou is a member of the New Macau Association, a political group generally critical of the government, and critics claimed his prosecution and suspension were politically motivated.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively.

Corruption: The government's Commission Against Corruption (CAC) investigated the public and private sectors and had power to arrest and detain suspects. The Ombudsman Bureau within the CAC reviewed complaints of

mismanagement or abuse by the CAC. An independent committee outside the CAC--the Monitoring Committee on Discipline of CAC Personnel--accepted and reviewed complaints about CAC personnel.

Financial Disclosure: By law the chief executive, judges, members of the Legislative Assembly and Executive Council, and executive agency directors must disclose their financial interests upon appointment, promotion, retirement, and at five-year intervals while encumbering the same position. The information is available to the public on the website of the Macau Courts. The law states that if the information contained in the declaration is intentionally incorrect, the declarant shall be liable to a maximum imprisonment of three years or a minimum fine equal to six months' remuneration of the position held. Furthermore, the declarant may be prohibited from appointment to public office or performing public duties for a maximum of 10 years.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international groups monitoring human rights generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence, but the domestic violence law does not cover same-sex couples. The government effectively enforced these laws. The domestic violence law stipulates that a judge may order urgent coercive measures imposed upon the defendant individually or cumulatively, and the application of these measures does not preclude the possibility of prosecuting the perpetrators for criminal responsibilities as stipulated in the criminal code.

The government made referrals for victims to receive medical treatment, and social workers counseled victims and informed them of social welfare services. The government funded nongovernmental organizations to provide victim support services, including medical services, family counseling, and housing, until their complaints were resolved.

Sexual Harassment: In 2017 the Legislative Assembly passed a sex crime bill that amended the Penal Code to make sexual harassment a crime.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Equal opportunity legislation mandates that women receive equal pay for equal work. The law prohibits discrimination in hiring practices based on gender or physical ability and allows for civil suits. Penalties exist for employers who violate these guidelines and the government generally enforced the law effectively. Media reports, however, indicated that discrimination persisted and gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs.

Children

Birth Registration: According to the Basic Law, children of Chinese national residents of the SAR who were born inside or outside the SAR and children born to non-Chinese national permanent residents inside the SAR are regarded as permanent residents. There is no differentiation between these categories in terms of access to registration of birth. Most births were registered immediately.

Early and Forced Marriage: The minimum legal age of marriage is age 16; however, children from ages 16 to 18 who wish to marry must obtain approval from their parents or guardians.

Sexual Exploitation of Children: The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors. The criminal code sets 14 years as the age of sexual consent. The law forbids procurement for prostitution of a person younger than age 18. The law also prohibits child pornography. The government generally enforced these laws effectively, but there were concerns about the participation of minors in sex work.

International Child Abductions: The SAR is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The Jewish population was extremely small. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The law mandates access to buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively.

National/Racial/Ethnic Minorities

There were reports of societal discrimination against ethnic minorities. In August the UN Committee on the Elimination of Racial Discrimination noted that the SAR's lack of a law defining and criminalizing racial discrimination was cause for concern.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

There are no laws criminalizing sexual orientation or same-sex sexual contact and no prohibition against lesbian, gay, bisexual, transgender, or intersex persons forming organizations or associations. There were no reports of violence against persons based on their sexual orientation or gender identity. The law prohibits discrimination in employment on the grounds of sexual orientation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The Basic Law provides workers the right to form and join unions, but the Legislative Assembly has not passed legislation to regulate this right. Workers may join labor associations of their choice, but employers and the government reportedly wielded considerable influence over some associations. The law does not provide that workers can collectively bargain, and, while workers have the right to strike, there is no specific protection in the law from retribution if workers exercise this right. The law prohibits antiunion discrimination, stating employees or job seekers shall not be prejudiced, deprived of any rights, or exempted from any duties based on their membership in an association. The law imposes financial penalties for antiunion discrimination, but observers noted this may not be sufficient to deter discriminatory activity. The law does not require reinstatement of workers dismissed for union activity.

The law forbids workers in certain professions, such as the security forces, to form unions, take part in protests, or to strike. Such groups had organizations that provided welfare and other services to members and could speak to the government on behalf of members. Vulnerable groups of workers, including domestic workers and migrant workers, could freely associate and form associations, as could public servants.

Workers who believed they were dismissed unlawfully could bring a case to court or lodge a complaint with the Labor Affairs Bureau (LAB) or the CAC, which also has an Ombudsman Bureau to handle complaints over administrative violations. The bureau makes recommendations to the relevant government departments after its investigation.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties range from three to 12 years' imprisonment, with the minimum and maximum sentences increased by one-third if the victim is younger than age 14. Observers previously noted these penalties generally were sufficient to deter the use of forced labor.

Children and migrants were vulnerable to sex and labor trafficking, including in construction and domestic work. The government investigated cases, but there were no convictions during the year.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

A law prohibits minors younger than age 16 from working, although minors from ages 14 and 15 may work in “exceptional circumstances” if they obtain a health certificate to prove they have the “necessary robust physique to engage in a professional activity.” The law defines “exceptional circumstances” as: the minor (younger than age 16) has completed compulsory education and has the authorization of the LAB after hearing the Education and Youth Affairs Bureau’s opinions; minors between ages 14 and 16 may work for public or private entities during school summer holidays; minors of any age may be employed for cultural, artistic or advertising activities upon authorization of the LAB after hearing the Education and Youth Affairs Bureau’s opinions and when such employment does not adversely affect their school attendance. The law governing the number of working hours (eight hours a day, 40 hours a week) was equally applicable to adults and legally working minors, but the law prohibits minors from working overtime hours. According to the civil code, minors who are age 16 can acquire full legal capacity if they marry.

The law prohibits minors younger than age 16 from certain types of work, including but not limited to domestic work, employment between 9 p.m. and 7 a.m., and employment at places where admission of minors is forbidden, such as casinos. The government requires employers to assess the nature, extent, and duration of risk exposure at work before recruiting or employing a minor. These regulations serve to protect children from physically hazardous work, including exposure to dangerous chemicals, and jobs deemed inappropriate due to the child’s age.

The LAB enforced the law through periodic and targeted inspections, and prosecuted violators. Regulations stipulate LAB inspectors shall be trained to look for child labor in order to carry out their responsibilities.

d. Discrimination with Respect to Employment and Occupation

The law provides that all residents shall be equal before the law and shall be free from discrimination, irrespective of national or social origin, descent, race, color, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership in associations, education, or economic background. Local law requires employers to provide equal pay for equal work, regardless of gender.

There were no reports the government failed to enforce the relevant laws, but some discrimination occurred. According to official statistics, at the end of June, nonresident workers accounted for approximately 27.5 percent of the population. They frequently complained of discrimination in the workplace in hiring and wages.

e. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. There was no mandatory minimum wage, except for a minimum wage for security guards and cleaners, which was set at 30 patacas (\$3.71) per hour. The SAR does not calculate an official poverty line, and its median monthly income is 16,000 patacas (\$1,980). The law provides for a 48-hour workweek (many businesses operated on a 40-hour workweek), an eight-hour workday, paid overtime, annual leave, and medical and maternity care. The law provides for a 24-hour rest period each week. All workers employed in the SAR, whether under a term contract or an indefinite contract, are entitled to such benefits as specified working hours, weekly leave, statutory holidays, annual leave, and sick leave.

The law requires that employers provide a safe working environment, and the LAB sets industry-appropriate occupational safety and health standards. The law prohibits excessive overtime but permits legal overtime (a maximum of eight hours and irrespective of workers' consent) in force majeure cases or in response to external shocks, at the discretion of the employer.

All workers, including migrants, have access to the courts in cases in which an employee is unlawfully dismissed, an employer fails to pay compensation, or a worker believes his or her legitimate interests were violated. If an employer dismisses staff "without just cause," they must provide economic compensation indexed to an employee's length of service.

The LAB provides assistance and legal advice to workers upon request, and cases of labor-related malpractice are referred to the LAB.

The LAB enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. The number of labor inspectors in the SAR was adequate to enforce compliance.

The law allows workers to remove themselves from hazardous conditions without jeopardy to their employment.