

CHINA (INCLUDES TIBET, HONG KONG, AND MACAU) 2017 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. At the 19th Communist Party Congress in October, the CCP reaffirmed Xi as the leader of China and the CCP for another five years.

Civilian authorities maintained control of the military and internal security forces.

The most significant human rights issues for which the government was responsible included: arbitrary or unlawful deprivation of life and executions without due process; extralegal measures such as forced disappearances, including extraterritorial ones; torture and coerced confessions of prisoners; arbitrary detention, including strict house arrest and administrative detention, and illegal detentions at unofficial holding facilities known as “black jails”; significant restrictions on freedom of speech, press, assembly, association, religion, and movement (for travel within the country and overseas), including detention and harassment of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others as well as their family members; censorship and tight control of public discourse on the internet, in print, and in other media; refoulement of asylum seekers to North Korea; the inability of citizens to choose their government; corruption; severe repression of organizations and individuals involved in human rights advocacy, as well as in public interest and ethnic minority issues; 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 minorities in the Xinjiang Uighur Autonomous Region (XUAR) worsened and were more severe than in other areas of the country. In the XUAR officials imposed new regulations, increased severely repressive security measures, and subjected individuals engaged in peaceful expression of political and religious

views to arbitrary arrest, detention harassment, and expedited judicial procedures without due process in the name of combatting terrorism and extremism.

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.

On July 13, political prisoner and 2010 Nobel Peace Prize laureate Liu Xiaobo died of liver cancer while in police custody in a Shenyang hospital. At the time of his death, Liu was serving a multiyear prison sentence after a court convicted him in 2009 of “inciting subversion of state power” for his role in drafting the “Charter 08” manifesto calling for political reforms.

Government officials said doctors diagnosed Liu Xiaobo with terminal liver cancer in late May following a routine physical examination. Prison medical checks had shown Liu had liver problems as early as 2010. While the government stated it had provided Liu with regular check-ups, international human rights groups maintained that by denying Liu early treatment and delaying delivery of advanced medical care, the government bore responsibility for his death.

Liu was granted “medical parole” and transferred to a hospital in Shenyang for cancer treatment in June. Foreign governments, international NGOs, and domestic activists called on the government to allow Liu Xiaobo to go overseas for medical treatment. The government refused that request but instead granted two foreign medical experts permission to travel to Shenyang to see Liu Xiaobo in person and “consult” on the case. Upon examining him, the physicians said their institutions could provide care that could prolong his life and ease his suffering. The

government refused the offers. Liu died one week later. Liu's widow, poet Liu Xia, remained under extralegal house arrest even after his death.

A number of violent incidents in the XUAR resulted in multiple deaths. For example, state media reported on January 8 that Hotan public security authorities shot and killed three members of an alleged terrorist group who had offered resistance, without providing details. There had been accusations in previous years of arbitrary killings that were reported as clashes with "terrorists" or "separatists," but tightened restrictions on news media and other sources of information from Xinjiang, together with the government's increasingly tight security posture there, made reports difficult to verify (see also the Tibet annex for incidents of abuse.)

On June 4, Akmet, an ethnic Kazakh imam from the Changji Hui Autonomous Prefecture in the XUAR, died in police custody under mysterious circumstances. There were reports police rushed his funeral and forbade clergy from being present. Afterwards, police detained more than 100 persons who posted about the case online.

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 that authorities detained individuals and held them at undisclosed locations for extended periods.

Human rights lawyer Gao Zhisheng went missing in August. Gao was released from prison in 2014 and had been living under house arrest. In August, Gao's family and friends reported they lost contact with him. In September, Radio Free Asia reported that Gao's family said they were told that he was in police custody at an undisclosed location, although authorities did not release any details surrounding his detention, including a reason for his latest disappearance.

Zhao Suli, the wife of China Democracy Party founder Qin Yongmin, remained missing since authorities detained her and Qin in January 2015. Qin was charged with "subversion of state power" but had yet to be tried. Zhao, meanwhile, had not been publicly charged with any crimes, and her family filed lawsuits against the

government as a way of trying to find out what happened to her. Her family members told Radio Free Asia that they feared she had died.

Lawyer Wang Quanzhang remained missing throughout the year. Authorities detained Wang in the July 2015 “709” roundup of more than 300 human rights lawyers and legal associates. Since then, while still awaiting trial, Wang was held in an undisclosed location without access to an attorney of his choosing. As of December, Wang’s family had neither seen nor heard from him since his detention, and his friends and family said they did not know whether or not he was still alive. The crackdown primarily targeted individuals who worked as defense lawyers on prominent religious freedom and human rights cases, including the 2008 melamine scandal; the Beijing “feminist five” detentions; the Xu Chunhe case, in which police shot an unarmed man; and cases involving sexual abuse of young girls; members of unregistered churches; and Falun Gong practitioners.

Authorities put on trial a number of prominent “709” detainees, including blogger Wu Gan in Tianjin in August. Prior to the trial, authorities held Wu for more than two years at an undisclosed location, making this a de facto case of disappearance. On December 26, the court sentenced Wu to eight years in prison followed by five years’ deprivation of political rights.

Extraterritorial disappearances occurred during the year. Chinese-born billionaire Xiao Jianhua disappeared from a luxury hotel in Hong Kong in January. Multiple press reports stated he was likely abducted by state security agents from the mainland. Xiao had Canadian citizenship as well as a passport from Antigua and Barbuda.

Swedish bookseller and Hong Kong resident Gui Minhai, who went missing from Thailand in 2015, was released late in the year but was unable to leave the country.

Uighurs and members of other ethnic minorities disappeared in the XUAR. In many cases individuals were detained upon returning home after studying abroad.

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, including coerced confessions obtained through illegal means, in certain categories of criminal cases. Enforcement of these legal protections continued to be lax.

Numerous former prisoners and detainees reported they were beaten, 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.

There were multiple reports that lawyers, law associates, and activists detained in the “709” crackdown suffered various forms of torture, abuse, or degrading treatment. The lawyers of detained blogger Wu Gan reported that authorities had severely tortured Wu because he refused to cooperate. When authorities released attorney Li Chunfu in January, he was suffering from a mental breakdown and diagnosed with schizophrenia, a condition he had never before experienced. Rights lawyer Xie Yang said in a series of statements he released in January that he was repeatedly tied up and beaten during his lengthy detention in Changsha. He said he “confessed” in his subsequent televised trial only after he was “brainwashed” as a result of the extensive torture he experienced.

In response to these reports, the government accused lawyer Jiang Tianyong of fabricating the torture accounts in coordination with the families of detained lawyers. Jiang’s family said his own cooperation with authorities during his trial broadcast online in August was a result of torture he himself had experienced while in custody.

In January, Swedish citizen Peter Dahlin shared with the *Guardian* his first-hand account of the torture he experienced during his 23-day detention in early 2016. Dahlin claimed he was blindfolded, deprived of sleep, questioned for hours, and not allowed to exercise. He also said he was connected to a lie detection machine during lengthy interrogations.

In June the government released new regulations on excluding illegally obtained evidence in criminal cases, banning confessions by torture and ending “forced self-incrimination.” The document, issued jointly by the Supreme Court, Supreme People’s Procuratorate (prosecutor’s office), Ministry of Public Security, Ministry of State Security, and Ministry of Justice, stated it is “illegal for police or prosecutors to extort confessions through torture, threats or cheating.”

Members of the minority Uighur ethnic group reported systematic torture and other degrading treatment by law enforcement officers and the penal system (see section 6, National/Racial/Ethnic Minorities). Practitioners of the banned Falun Gong spiritual movement reported systematic torture more often than other groups.

The law states that psychiatric treatment and hospitalization should be “on a voluntary basis,” but it has loopholes that allow 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 institutions.

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 had been convicted of murder and other violent crimes, there were also reports of activists 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 April authorities reportedly sent Cai Yinglan to the Ezhou Special Care Hospital in Hubei after local officials accused her of “damaging society through petitioning.” She had been petitioning for payment of unpaid farming subsidies.

In January 2015 the government officially ended the long-standing practice of involuntarily harvesting the organs of executed prisoners for use in transplants. In February former health minister Huang Jiefu publicly announced that the government now had “zero tolerance” for the practice. According to government data, more than 13,000 voluntary transplants and organ donations occurred in 2016. While long criticized for the practice of using prisoner organs, many international medical professionals and credible news organizations, such as the *Washington Post*, began to note the government’s progress. Some Falun Gong-affiliated organizations continued to question the voluntary nature of the system,

the accuracy of official statistics, and official claims about the source of organs. During the year the government further expanded its system for voluntary organ donations.

Prison and Detention Center Conditions

Conditions in penal institutions for both political prisoners and criminal offenders were generally harsh and often 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. 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 that prisoners have the right to prompt medical treatment. Prison authorities withheld medical treatment from political prisoners.

When women's rights activist Su Changlan was released from prison in October, she was in critical condition, requiring urgent medical care, according to Amnesty International. Her health had deteriorated over the course of her prison term. According to Radio Free Asia, Su had a heart condition and hyperthyroidism. Multiple human rights groups reported that authorities repeatedly denied her medical treatment and reportedly refused her husband's requests to seek outside medical treatment (see section 2.a.).

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. Authorities did not allow some dissidents supplemental food, medicine, and warm clothing from relatives.

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

Administration: Authorities used alternatives to incarceration for both violent and nonviolent offenders. According to the State Council's 2016 *White Paper on Legal Rights*, 2.7 million individuals participated in community correction, with an estimated 689,000 individuals in the program as of September 2016. The same source reported an annual increase of 51,000 individuals in community correction programs.

The law states that 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 inhuman conditions, the results were not documented in a publicly accessible manner. Many prisoners and detainees did not have reasonable access to visitors and could not engage in religious practices.

Independent Monitoring: Information about prisons and various other types of administrative and extralegal detention facilities was considered 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 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/her arrest or detention in court, and 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 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 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.

Regulations state that 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.

In the absence of reliable data, it was difficult to ascertain the full extent of impunity for the domestic security apparatus, but anecdotal accounts of abuse were common on social media and sometimes 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.

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 sometimes detained persons beyond the period allowed by law, and pretrial detention periods of a year or longer were common.

The law stipulates that 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, who has various disabilities or is a minor, or who 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 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 what is “state security.”

The law allows for residential surveillance rather than detention in a formal facility under certain circumstances. With the approval of the next-higher-level authorities, officials may place a suspect under “residential surveillance” at a designated place of residence (i.e., a place other than the suspect’s home) for up to six months when they suspect crimes of endangering state security, terrorism, or serious bribery and believe that surveillance at the suspect’s home would impede the investigation. Human rights organizations and detainees themselves reported that this practice left detainees at a high risk for torture. Authorities may also prevent defense lawyers from meeting with suspects in these categories of cases.

Authorities used administrative detention to intimidate political and religious activists 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 and religious activists, particularly Falun Gong practitioners. The maximum stay in compulsory drug rehabilitation centers is two years, including what was generally 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 activists. 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, meetings, commercial activity, and government activity. Authorities sometimes retroactively labeled a particular action as a violation of state secret laws. 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 that authorities arrested or detained lawyers, petitioners, and other rights activists for lengthy periods, only to have the charges later dismissed for lack of evidence. Many activists were subjected to extralegal house arrest, denied travel rights, or administratively detained in different types of 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 or preceding the 19th Party Congress, annual plenary sessions of the National People’s Congress (NPC), the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and the XUAR. Security agents took some of those not placed under house arrest to remote areas on so-called forced vacations. Authorities reportedly sent Liu Xiaobo’s widow, Liu Xia, and her brother to Yunnan on a “forced vacation” after Liu Xiaobo’s funeral.

Individuals who staged events to commemorate the anniversary of the Tiananmen Square Massacre were themselves targeted. In May and June, police detained at least two dozen individuals who held various ceremonies, attended protests, or assisted others who did so. Some, such as Li Xiaoling, were charged with crimes, while others were released from detention after several weeks.

Despite being released from prison in 2011, activist Hu Jia remained under extrajudicial house arrest.

Pretrial Detention: Pretrial detention could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. Many of the “709” detainees were held in pretrial detention for more than a year without

access to their families or their lawyers. Statistics were impossible to obtain, but lengthy pretrial detentions were especially common in cases of political prisoners.

e. Denial of Fair Public Trial

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

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 or as a method of negotiating release from detention. NGOs asserted such statements were likely coerced, perhaps by torture, and some detainees who confessed recanted upon release and confirmed that their confessions had been coerced. No provision in the law allows the pretrial broadcast of confessions by criminal suspects.

Authorities tried and convicted attorney Jiang Tianyong in August for inciting state subversion in Changsha. 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. Jiang was prevented from selecting his own attorney to represent him at a trial that multiple analysts viewed as neither impartial nor fair. Following the trial, Jiang remained in custody at an undisclosed location with no communication to his family. Jiang, who was known for his advocacy on behalf of family members of the “709” detainees, was sentenced on November 21 to two years in prison.

Taiwan prodemocracy activist Lee Ming-Che was convicted in September for “subverting state authority.” The case against him was largely based on the contents of text messages and chat logs with human rights activists. During the trial the court played a clip in which Lee said he had “no objection” to the charges. Lee’s wife told reports that her husband made the statement “under duress” and that the statement was the “result of the Chinese government extracting a guilty confession.” In November the court sentenced Lee to five years in prison.

“Judicial independence” remained one of the reportedly off-limit subjects that 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. An acquittal rate of less than 1 percent has persisted for many years. In November 2016 the procurator general of the Supreme People’s Procuratorate, Cao Jianming, said the average acquittal rate since 2013 was 0.016 percent. Some experts called the number “abnormally low.”

In many politically sensitive trials, courts announced guilty verdicts immediately following proceedings with little time for deliberation. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. The appeals process rarely reversed convictions and 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 that 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 the trials were reclassified as "state secrets" cases or were otherwise closed to the public. During the year foreign diplomats attempted to attend at least a dozen public trials throughout the country. In many instances court officials claimed there were no available seats in the courtroom.

The Open Trial Network (Tingshen Wang) broadcast trials online. According to the Dui Hua Foundation, the Open Trial Network had live-streamed at least 316,000 trials, including 775 from the SPC. The majority were civil trials. Only one trial for endangering state security was streamed on Tingshen. A Tibetan monk named Zhou Jiatai was tried for inciting subversion. The trial was held at Qinghai Haidong Intermediate People's Court on July 6. He was sentenced to one year in prison with one year's deprivation of political rights.

More often, in criminal trials, especially in cases deemed politically "sensitive," courts are more likely to broadcast excerpts of trials on the government's official Weibo account. This was done during the year in the trials of Jiang Tianyong and Xie Yang and previously for Zhou Shifeng, Zhai Yanmin, and Hu Shigen. All were tried for subversion.

In keeping with the CCP Central Committee's Fourth Plenum decision to reform certain aspects of the judicial system, the SPC issued updated regulations requiring the release of court judgments online. The regulations, which took effect in October 2016, stipulate that court officials should release judgments, with the exception of those involving state secrets and juvenile suspects, within seven days of their adoption. The Dui Hua Foundation reported that the website, China Judgment Online, had collected more than 5,236,539 judgments for criminal cases and more than 20,952,906 judgments for civil cases. Dui Hua found 115 judgments for endangering state security, the majority of which were for espionage. Courts do not post all judgments. They have wide discretion not to post if they find posting the judgment could be considered "inappropriate." Many important political cases do not have judgments posted, including those of Guo Feixiong, Pu Zhiqiang, and the 709 lawyers (even when the trial itself was live-streamed).

Individuals facing administrative detention do not have the right to seek legal counsel. Criminal defendants were eligible for legal assistance, although the vast majority of criminal defendants went to trial without a lawyer. According to the State Council’s 2016 *White Paper on Legal Rights*, 4.7 million cases received legal aid from 2012 to 2015.

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 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 March the head of the All China Lawyers Association told *China Youth Daily* that defense attorneys had taken part in less than 30 percent of criminal cases. In particular, human rights lawyers reported that 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 a court attorney to the case instead.

The government suspended or revoked the business licenses or law licenses of those 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 2015 the NPC’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 that 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 defendants and lawyers were not allowed to communicate with one another during trials. In contravention of the revised criminal procedure law (see section 1.d.), criminal defendants frequently were not assigned an attorney until a case was brought to court. The law stipulates that 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 that 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.

Under the law, lawyers are assigned to convicted prisoners on death row who cannot afford one during the review of their sentences. The number of capital offenses in the criminal code was reduced to 46 in 2015. Official figures on executions were classified as a state secret. According to the Dui Hua Foundation, the number of executions continued to fall. The Foundation estimated there were 2,000 executions in 2016, down from 2,400 in 2013. The high was 24,000 in 1983. The drop reflected the reform of the capital punishment system initiated in 2007. Dui Hua also reported that an increase in the number of Uighur executions likely offset the drop in the number of Han Chinese executed.

Political Prisoners and Detainees

Government officials continued to deny holding any political prisoners, asserting that persons were detained not for their political or religious views but because they violated the law. Authorities, however, continued to imprison citizens for reasons related to politics and religion. Human rights organizations estimated that 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.

Political prisoners were granted early release at lower rates than other prisoners. The Dui Hua Foundation estimated that 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 “endangering state security” and “cult” offenses covered under Article 300 of the criminal code, crimes introduced in 1997. 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 (Guo Feixiong); Uighur scholar Ilham Tohti; rights lawyer Tang Jingling; activist Wang Bingzhang; activist Liu Xianbin; pastor Zhang Shaojie; Falun Gong practitioner Bian Lichao; lawyers Wang Quanzhang, Xia Lin, and Jiang Tianyong; blogger Wu Gan; Buddhist monk Xu Zhiqiang (who also goes 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 that 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, a white paper on judicial reform released in February stated that courts had paid out more than 699 million yuan (\$100 million) from 2013 to 2016. In March the parents of Nie Shubing were awarded approximately 2.68 million yuan (\$394,000) for his wrongful execution in 1995 for a murder he did not commit. In 2005 another man had confessed to the murder, and in December 2016 the Supreme People's Court acquitted Nie, ruling that the previous conviction was based on insufficient evidence. In August the Jiangxi Higher People's Court stated that four persons who were acquitted from wrongful convictions had each received approximately 2.27 million yuan (\$330,000).

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 that 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.

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 to 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 return petitioners to their home provinces forcibly 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."

In July, President Xi participated in a national conference devoted to improving the petitioner system, which was marred by corruption. In April the *South China Morning Post* reported that the former vice chair of the Beijing Bureau for Letters and Calls had accepted nearly 5.5 million yuan (\$870,000) in bribes in order to make petition cases disappear. In 2015 a court sentenced him to 13 years in jail.

Despite attempts at improving the system, progress was unsteady. Many petitioners reported they were often detained in black jails when trying to seek redress from the government. In May a group of petitioners traveled to Beijing to get attention during the national One Belt One Road summit. According to human rights activists, police rounded up more than 200 petitioners as they drew close to the Beijing Civil Administration building. They were reportedly held in unmarked buildings for three days during which they said they had no food and no place to sleep. Authorities eventually forced the petitioners to take trains back to their hometowns.

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. They 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. In 2015 the Beijing Municipal Public Security Bureau announced it had “covered every corner of the capital with a video surveillance system.” Human rights groups stated that authorities increasingly relied on video and other forms of

surveillance to monitor and intimidate political dissidents, Tibetans, and Uighurs. The monitoring and disruption of telephone and internet communications were particularly widespread in the XUAR and Tibetan areas. 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, to help with solving criminal cases. According to the company making it, 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. Redevelopment in traditional Uighur neighborhoods in cities throughout the XUAR resulted in the destruction of historically or culturally important areas. Some residents expressed opposition to the lack of proper compensation by the government and the coercive measures used to obtain their agreement to redevelopment.

The government instituted the “double-linked household” system in the XUAR after using it in Tibet for many years. This system divides households into groups of 10 to watch over each other and report on “security issues” to the government, thus turning average citizens into informers.

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 generally limited and did not respect these rights, especially when they conflicted with CCP interests. Authorities continued tight control of 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.

Freedom of Expression: Citizens could discuss many political topics privately and in small groups without official punishment. The government, 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 January the government abruptly shut down the website and social media accounts of the Beijing-based think tank Unirule. Its members, a group of prominent economics experts known for outspoken views on government economic policy, responded with a letter protesting the “obvious aim of silencing Unirule totally” and calling for greater government tolerance of NGOs. Government censors promptly removed the letter from the internet.

On March 31, Foshan Intermediate Court sentenced Su Changlan for subversion of state power for using the internet and social media to post online messages in support of Hong Kong’s 2014 prodemocracy Occupy Central Movement. The court found her guilty of incitement to subvert state power and sentenced her to three years’ imprisonment. Su had campaigned for the land rights of local farming communities. As Su’s sentence included time served, she was released in October (see section 1.c.).

On May 26, He Weifang, a law professor at the elite Peking University and the lawyer for Nobel laureate Liu Xiaobo, announced that government pressure compelled him to close his Weibo microblog and his accounts on the private messaging system “Weixin” (aka WeChat). Over the past decade, he had

developed an online following of millions and was known for criticizing the country's lack of freedom of speech and judicial independence.

In September, Guangzhou authorities detained Peng Heping because he helped publish a poetry anthology in honor of the late political prisoner and Nobel Peace laureate Liu Xiaobo. Peng was charged with “illegal business activity.”

In a sign of the level of sensitivity around public discourse, censors blocked several versions of the Winnie the Pooh cartoon on social media because internet users (“netizens”) used the symbol to represent President Xi Jinping. The government similarly blocked the use of a popular but offensive nickname for North Korean President Kim Jong Un. Internet searches for this name returned the message, “according to the relevant laws, regulations, and policies, the search results have not been displayed.” Authorities arrested and tried a man in Jilin for “incitement to subvert state power” for posting selfies to his social media accounts wearing a T-shirt referring to President Xi as “Xitler.” In a similar case Guangdong authorities arrested a man for reposting a negative comment about Xi Jinping on the messaging app WhatsApp.

The legislature passed a law in November criminalizing disrespect for the national anthem in public, punishable by up to three years in prison and loss of political rights. The new law mirrors existing laws that punish public desecration of the flag with imprisonment.

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 that they not be reported at all. In a widely reported 2016 visit to the country’s main media outlets, President Xi told reporters that they were the “publicity front” of the government and the Party and that they must “promote the Party’s will” and “protect the Party’s authority.”

The government continued to strictly monitor the press and media, including film and television, via its broadcast and press regulatory body, the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT). The Cyberspace Administration of China (CAC) also closely regulated online news media. 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 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 2016 on the nation's news media, there were 232,925 officially credentialed reporters working in the country. Only 1,158 worked for news websites, with the majority working at state-run outlets such as xinhuanet.com and Chinadaily.com. This did not mean that online outlets did not report on important issues--many used creative means to share content--but they 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. 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.

Uighur webmaster Nijat Azat continued to serve a sentence for "endangering state security." Fellow Uighur webmaster Dilshat Perhat was scheduled to be released,

but there was no information on his case at year's end. During the year additional journalists working in traditional and new media were also imprisoned.

In June police in Sichuan Province arrested and charged citizen journalist Yang Xiuqiong with “illegally providing state secrets overseas” for her work on the banned citizen rights website *64 Tianwang*. Other site contributors, including its founder, Huang Qi, were arrested in 2016 and remained in jail. On July 4, a court in Mianyang, Sichuan, rejected *64 Tianwang* contributor Wang Shurong’s appeal of a six-year sentence for “picking quarrels and provoking troubles.” Lian Huanli, also a volunteer for the website, had been missing since May, according to media reports.

On August 3, a court in Dali, Yunnan, sentenced citizen journalist Lu Yuyu to four years’ imprisonment for “picking quarrels and stirring up trouble.” Authorities arrested Lu and his partner, Li Tingyu, in June 2016 after they spent several years compiling daily lists of “mass incidents”—the official term for protests, demonstrations, and riots—and disseminated their findings via social media. Public security officials reportedly beat Lu, who later went on a hunger strike to protest his treatment and lack of access to his attorney. The government tried Li in a secret trial, then released her in April without announcing a formal verdict.

A pair of Voice of America (VOA) reporters were assaulted and detained for four hours under false pretenses while trying to cover the trial of jailed dissident blogger Wu Gan in Tianjin on August 14. As they approached the courthouse, they were accosted by 10 plainclothes individuals, physically detained and had their laptops and cameras confiscated. The police took them to jail and accused them of beating one of the persons who had detained them. They were released with their personal effects four hours later--after their photographs were deleted.

Foreign journalists based in the country continued to face a challenging environment for reporting. According to information collected in December by the Foreign Correspondents’ Club of China (FCCC), the vast majority of respondents did not believe reporting conditions in the country met international standards. More than one-third of journalists believed that conditions had deteriorated compared with the previous year, an acceleration since 2016, when 25 percent of journalists believed conditions had deteriorated year over year. Similarly, the percentage of journalists reporting government officials had subjected them to interference, harassment, or violence while reporting increased from 57 percent to approximately two-thirds.

Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. Foreign press outlets reported that local employees of foreign news agencies were also subjected to official harassment and intimidation and that this remained a major concern for foreign outlets. Almost one-third of FCCC members who responded to FCCC inquiries reported authorities subjected their Chinese colleagues to pressure or violence. In addition FCCC members reported physical and electronic surveillance of their staff and premises.

While traveling in Hunan Province in April to report on a story of a petitioner who was attempting to travel to Beijing to lodge a protest, BBC correspondent John Sudworth and his team were physically assaulted by a group of men who refused to identify themselves; the journalists' camera equipment was also broken. Later, in the presence of uniformed police officers and government officials, the same men forced the BBC team to sign a written confession and apology, under threat of further violence.

On August 23, plainclothes officers detained Nathan VanderKlippe, a *Globe and Mail* reporter, while he reported in Xinjiang and held him for several hours. The police temporarily seized his computer and examined the photographs on his camera's memory card. After releasing him, they then followed him 120 miles to his hotel.

In November authorities in Xinjiang detained and interrogated two foreign journalists, holding them overnight and demanding the journalists turn over pictures and documents. They finally released the journalists in the morning and then followed them on the train to their next destination, where the local police and foreign affairs office again harassed them and blocked them from all hotels. Authorities spent the night keeping them awake in the lobby of a hotel, as they were "not allowed to sleep here."

On December 14, security guards in Beijing beat two South Korean journalists attempting to cover the visit of South Korean president Moon Jae-in; one of the journalists was hospitalized.

Foreign Ministry officials once 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" that journalists should not cross, and in some cases threatened them with nonrenewal of visas. Many foreign media organizations continued to

have trouble expanding or even maintaining their operations in the country due to the difficulty of receiving visas. Western media companies were increasingly unwilling to publicize such issues due to fear of stirring up further backlash by the government.

On October 25, authorities blocked journalists from the *New York Times*, the *Economist*, the *BBC*, and the *Guardian* from entering a press event where the Communist Party revealed its new Politburo members. Authorities allowed other foreign journalists to attend but excluded these journalists, ostensibly because of past reporting.

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.” Several FCCC members reported that security officials summoned local assistants for meetings that the assistants found extremely intimidating.

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 owner of the *Vision China Times* in Australia said that Chinese officials repeatedly threatened Chinese companies that advertised in his newspaper. In one case Ministry of State Security officials stopped by the company every day for two weeks. Other Chinese-language outlets signed deals with the Chinese News Service, which is the second-largest state-owned news agency in China.

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 news 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.

The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by authoritative official departments when reporting on officials suspected of involvement in graft or bribery. Throughout the year the Central Propaganda Department issued similar instructions regarding various prominent events. Directives often warned against reporting on issues related to party and official reputation, health and safety, and foreign affairs. For example, after a North Korean nuclear test, the Propaganda Department directed media companies to disable the comments function on all social media platforms, ordered media outlets to downplay the news, and decreed they follow Xinhua's lead in reporting. The orders included instructions for media outlets not to investigate or report on their own. The CAC and SAPPRFT strengthened regulations over the content that online publications are allowed to distribute, reiterating long-standing rules that only state-licensed news media may conduct original reporting.

In the first half of the year, provincial authorities inspected Hunan TV, one of the country's most watched channels, and warned the network it focused too much on entertainment and failed to comply with the CPC's requirement that media outlets bear the flag of the Communist Party.

In September the SAPPRFT issued more than a dozen new guidelines on television content. The general thrust of these guidelines was to prohibit negative reporting about government policies or officials. Additionally, the SAPPRFT planned to ramp up production of "a large number of television dramas that sing the praises of the party, the motherland, the people, as well as its heroes."

The FCCC reported it was still largely impossible for foreign journalists to report from the TAR, other Tibetan areas, or Xinjiang without experiencing serious interference. Those who took part in government-sponsored trips to the TAR and other Tibetan areas expressed dissatisfaction with the access provided. Of those who tried to report from the Tibetan area, more than 75 percent reported problems in both Tibet, which is officially restricted, and Xinjiang, which ostensibly does

not have the same restrictions on reporting. 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.

Authorities continued to block electronic distribution of the VOA and Radio Free Asia. Despite attempts to block access, the VOA and Radio Free Asia had significant audiences, including human rights advocates, ordinary citizens, English language teachers and students, and government officials.

Overseas television newscasts, largely restricted to hotels and foreign residence compounds, were subject to censorship. Individual issues of foreign newspapers and magazines occasionally were 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 the total number of films not to exceed 38.

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. The SAPPRFT controlled all licenses to publish. Newspapers, periodicals, books, audio and video recordings, or electronic publications could not be printed or distributed without the approval of the SAPPRFT 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.

In March the government issued a ban on the sale of foreign publications without an import permit. The new rules affect the popular online shopping platform Taobao, which is 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. According to a statement on the company's website, "Taobao has embargoed sales of foreign publications."²⁹

A Zhejiang court in February convicted a pair of booksellers for selling banned books. Dai Xuelin, a Beijing-based social media editor at the Guangxi Normal University Press, and his business partner Zhang Xiaoxiong were sentenced to five years and three and one-half years, respectively, in prison for running an "illegal business operation" because they resold books published in Hong Kong that were not authorized for sale in the mainland.

Following the death in July of Nobel Peace Prize laureate Liu Xiaobo, the government censored 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."

Internet Freedom

The government tightly controlled and highly censored domestic internet usage. According to an official report released in July by the China Internet Network Information Center, the country had 751 million internet users, accounting for 54.3 percent of its total population. The report noted 19.92 million new internet users in the first half of the year, with approximately 201 million going online from rural areas. Major media companies estimated that 625 million persons, mainly urban residents, obtained their news from social and online media sources.

Although the internet was widely available, it was heavily censored. 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 also reportedly paid personnel to promote official views on various websites and social media and to combat those who posted alternative views. Internet companies also employed thousands of censors to carry out CCP and government directives on censorship.

During the year the government issued a number of new regulations to tighten its control over online speech and content. The regulations increased government oversight over internet livestreaming, bulletin board services, instant messaging

applications, group chats, and other online services. The government also finalized draft regulations that strengthened government control over internet news information services; it had not yet finalized draft regulations issued for public comment during 2016 that would further strengthen government oversight over online publishing.

The Cybersecurity Law, which took effect in June, 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.” The law also codifies the authority of security agencies to cut communication networks across an entire geographic region during “major security incidents,” although they had previously exercised this authority prior to the law’s passage.

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

In June the Beijing Cyberspace Administration forced companies to close celebrity gossip social media accounts, citing new rules designed to create an “uplifting mainstream media environment.” Included in the closing was “China’s Number One Paparazzi” Zhou Wei, who had more than seven million followers on his Weibo microblog account. References to homosexuality and the scientifically accurate words for genitalia were also banned. Writers who cover lesbian, gay, bisexual, transgender, and intersex; gender; and youth health issues expressed concern over how to proceed without being shut down.

New CAC regulations on livestreaming came into effect on July 15. All live-streaming platforms, commercial websites, web portals, and apps were required to register with CAC. Licensed central media and affiliations are not required to register. Throughout the year the government published details of its crackdown on live-streaming content, detailing its efforts to shut down dozens of offending live-streaming accounts.

The SAPPRT set out further limits in September on posting audio and visual material to social media. The new rules require a special permit for transmission of audiovisual 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.

The Ministry of Industry and Information Technology issued two directives during the year restricting the use of unauthorized virtual private network (VPN) services as part of the government's longstanding crackdown on online speech and content. The ministry's move was targeted at individual rather than enterprise VPN users. Ministry officials acknowledged during a July 25 press conference the need for major corporations and other users to retain access to authorized VPN services. Nonetheless, many smaller businesses, academics, and others expressed concern over the integrity of communications transmitted using authorized VPN services. The directive reflected a more aggressive stance towards unauthorized VPN use.

The new rules and regulations issued during the year--combined with the massive online presence of citizens who must live under these restrictions--severely restricted internet freedom. The regulatory tightening imposed by security services and propaganda officials resulted in an internet management model that permits some internet traffic for commercial gain while severely curtailing political opinion.

GreatFire.org, a website run by activists tracking online censorship in the country, reported that thousands of domains, web links, social media searches, and internet protocol addresses that it monitored in the country remained blocked. In addition to social media websites such as Facebook, Twitter, and Instagram, the government continued to block almost all access to Google websites, including its email service, photograph program, map service, calendar application, and YouTube. Other blocked websites included Pinterest, SnapChat, Picasa, Wordpress, and Periscope, among many others. While countless news and social media sites remained blocked, a large percentage of censored websites were gambling or pornographic websites.

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

massacre, and all content related to the Panama Papers. Many other websites for international media outlets, such as the *New York Times*, the *Wall Street Journal*, and *Bloomberg*, remained perennially blocked, in addition to human rights websites, such as those of Amnesty International and Human Rights Watch. In addition, in July the last two major Chinese-language news websites originating outside the country were blocked--*Financial Times Chinese* and Singapore's *Lianhe Zaobao*. With their departure, all Chinese-language newspaper websites available on the mainland fell under the control of the Communist Party.

Authorities continued to jail numerous internet writers for their peaceful expression of political views. In August blogger and activist Wu Gan, known by his pen name “Super Vulgar Butcher,” was tried in a Tianjin court for “subversion of state power.” Wu spent two years in pretrial detention without access to the lawyers his family hired, and there was evidence he was tortured during that incarceration. His father was also detained for part of that time but later released without charge. Prior to his trial, Wu released a video statement denying any wrongdoing and calling his trial a “farce.” His trial was held in secret, and afterward the court released a statement stating that Wu “recognized that his behavior violated criminal law.” On December 26, the court sentenced Wu to eight years in prison followed by five years’ deprivation of political rights. Following the verdict, Wu released a statement restating he was tortured and identifying the perpetrators of this mistreatment. Family and friends believed his long detention and his lengthy sentence were due to his refusal to confess to any crimes and retract his accusations of torture.

In addition there continued to be reports of cyberattacks 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. In July, Apple Inc. removed VPN services from its app store in the country. Encrypted communication apps such as Telegram and WhatsApp were regularly disrupted, especially during “sensitive” times of the year, such as during the period prior to the 19th Party Congress.

Government officials were increasingly willing to prosecute individuals for using VPN software. In Guangzhou a Dongguan court sentenced a local citizen to nine months' imprisonment and fined him 5,000 yuan (\$758) as punishment for selling VPN software.

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 is 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.

Following President Xi's calls for establishing an alternative form of global internet governance at CAC's December 2015 World Internet Conference, the government continued its international diplomatic efforts towards the establishment of a new, government-led multilateral system to replace the existing multistakeholder system that currently includes a variety of international stakeholders, including representatives from business and civil society. The CAC and the Ministry of Foreign Affairs both released major cyberpolicy strategies during the year that called for adoption of the multilateral approach, and the government encouraged members of both the Shanghai Cooperation Organization and the BRICS (Brazil, Russia, India, China, and South Africa) to support its internet governance agenda during summit events that it hosted. The government's 2017 World Internet Conference, held December 3-5, again included calls for countries to adopt an "internet sovereignty" model that would increase government censorship power.

The government continued to introduce new measures implementing a "Social Credit System," which is intended to collect vast amounts of data to create credit 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 government's Social Credit System is designed also to collect 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 also intended to result in increased self-censorship, as netizens would be liable for their statements, relationships, and even for information others shared on social media groups. Netizens' credit scores decline

when they express impermissible ideas, spread banned content, or associate with anyone who does so, and a decline in score means a loss of access to information-sharing applications and websites. An individual’s “social credit score,” among other things, quantifies a person’s loyalty to the government by monitoring citizens’ online activity and relationships. Points are awarded and deducted based on the “loyalty” of sites visited, as well as the “loyalty” of other netizens a person interacts with.

In September the government announced new regulations that place responsibility on the organizers of chat groups on messaging apps for ensuring that impermissible content is not shared on the group chat. Under these new rules, the creator of a WeChat group, for example, could be held liable for failing to report impermissible content shared by anyone in the chat group. According to an announcement by the CAC, the companies that provide chat platforms are responsible for tracking and assigning “social credit ratings.” Users with low social credit scores lose the privilege of creating groups, and even the ability to use the platforms, a significant loss now that a majority of young persons use messaging platforms for not only social but also many economic interactions.

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 SAPPRFT and Central Propaganda Department regulations and decisions constrained the flow of ideas and persons.

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.

The CCP requires undergraduate students, regardless of academic major, to complete political ideology coursework on subjects such as Marxism, Maoism, and Deng Xiaoping thought. The government declared 2017 to be the “Year of Education Quality on University Ideological and Political Lessons,” and 29 prominent universities were inspected to assess their promotion of Marxist theory and socialist core values. State media reported the government dispatched more than 200 “experts” to at least 2,500 college and university classes nationwide to inspect and attend ideological and political classes. A *Financial Times* report in June suggested these inspections focused on universities with Western ties.

The government also placed new regulations on private K-12 schools. A *Wall Street Journal* article stated such changes were motivated by the central government’s desire to have more influence in education by requiring a CCP presence in these schools. As of July international students were also required to take political theory classes.

In June, Education Minister Chen Baosheng stressed that higher education institutions needed to better promote Marxist theory and “socialist core values.” Two Chinese professors were fired for criticizing Mao Zedong in online posts in January and June.

In December 2016 Xi Jinping chaired the National Ideology and Political Work Conference for Higher Education and called for turning the academy into a “stronghold that adheres to party leadership.” Xi stressed that “China’s colleges and universities are institutions of higher learning under the Party’s leadership; they are colleges and universities with Chinese socialist characteristics.” Xi further asserted that strengthening the role of Marxism in the curriculum was needed to “guide the teachers and students to become staunch believers in the socialist value system.” Xi specifically called on professors to become “staunch supporters of the Party’s rule.”

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 nationality 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.

Academic censorship was on the rise during the year, and the CCP's reach increasingly extended beyond the country's physical borders. In a case that made international headlines, in August the Cambridge University Press excluded 300 articles and book reviews from the online version of its prestigious *China Quarterly* periodical available in the country. It was responding to a demand by the General Administration of Press and Publication, which threatened to shut down the website if the articles were not removed. The articles touched on a broad set of themes, including Taiwan relations, the Cultural Revolution, the crackdown on prodemocracy demonstrators in Tiananmen Square, and government policies towards ethnic minorities. After widespread criticism, Cambridge University Press reversed its decision and reposted the articles. According to the *Financial Times*, this case led academics to fear that universities would be forced to make concessions or lose access to the country's lucrative market.

In September a foreign researcher announced that government authorities were systematically erasing historical records as part of their process of digitization. While working through the digitization of historical documents, they deleted Chinese journal articles from the 1950s that contradict explanations of party history promoted by President Xi. These databases are a primary source for academic research by domestic and foreign academics.

The CCP actively promotes censorship of Chinese students outside the country. A *New York Times* opinion article asserted that Chinese students on Australian campuses tended to self-censor and monitor each other, threatening free and open debate on campus. A Chinese commencement speaker at the University of Maryland who criticized China and Chinese authorities was excoriated in Chinese social media, and the student later apologized for her comments. The *New York Times* stated that the 150 chapters of the Chinese Student and Scholar Associations "...have worked in tandem with Beijing to promote a pro-Chinese agenda and tamp down anti-Chinese speech on Western campuses." A *Time* article reported Taiwan universities signed agreements with mainland Chinese counterparts promising to avoid teaching sensitive content to secure lucrative fee-paying students from China. The government stated it would no longer fund scholars going to the University of California San Diego after a commencement speech there by the Dalai Lama.

Many intellectuals and scholars exercised self-censorship, anticipating that 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 in China. In July the Beijing Municipal Bureau of Culture prohibited Justin Bieber from performing in order to “maintain order in the Chinese market and purify the Chinese performance environment.” The government continued to forbid public performances of Handel’s Messiah, according to an August report by the Economist. Authorities also scrutinized the content of cultural events and applied pressure to encourage self-censorship of discussions.

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 that 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 that 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.

Several significant demonstrations took place in Beijing in late 2016 and during the year. In January approximately 500 People’s Liberation Army veterans protested over unpaid benefits. The crowd, while sizable, was considerably smaller than the thousands of veterans who took to the streets in October 2016 outside the headquarters of the Central Military Commission. In June approximately 100 protesters clashed with Beijing police in the city’s Changping District. The protesters were parents who objected to the city’s plans to assign

their children to a new, less affluent school. Police detained at least three protesters. In July police in Beijing closed city streets to shut down a protest over the government's targeting of a company called Shanxinhui. The government had shut down the company over allegations it was a thinly disguised pyramid scheme, but protesters claimed it was a social organization that served the poor.

In February more than 100 petitioners from Raoping County in Guangdong Province protested in front of the nearby Chaozhou Municipal Government headquarters. Local officials had sold villagers' farmland to a battery disassembling and disposal mill, which resulted in severe environmental damage, including pollution of the villagers' major drinking-water source, the nearby Huang-Gang-He River. Police violently dismissed the peaceful demonstration in the evening, detaining 12 villagers.

In March police in Henan Province used tear gas and fired pepper spray at thousands of protesters who gathered to demonstrate against forced evictions in a suburb of Henan's Shangqiu City. Radio Free Asia reported that several persons, including some elderly residents, were severely injured in encounter.

In April police formally charged four demonstrators--Chen Ruifeng, Mai Pinglin, Mai Yingqiang, and Wang Er--on suspicion of "gathering a crowd to disrupt public order and to disrupt traffic."

In May prominent Guangdong human rights activist Li Biyun and dozens of villagers from Rongli village took to the streets with banners and firecrackers to celebrate the arrest of former Jiangmen Municipal Party secretary and mayor Liu Weigen, who was under investigation for bribery. Li led the march, followed by villagers holding red banners that read, "Support Xi's anticorruption campaign." Police and security forces filmed the demonstrations but took no action.

Rights lawyers and activists who advocated for nonviolent civil disobedience were detained, arrested, and in some cases sentenced to prison terms. Lawyer Tang Jingling continued to serve his five-year sentence for "inciting subversion of state power" for promoting his ideas of nonviolent civil disobedience. Yuan Xinting, also sentenced in the same case in January 2016, remained in prison. Their associate, Wang Qingying, was released from prison in November 2016. He reported being tortured while in detention.

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 under the guise of ensuring public safety.

Freedom of Association

The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require that 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, which went into effect in September 2016, 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 August 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 that 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.”

On January 1, the Law on the Management of Foreign NGOs’ Activities with 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 that NGOs found to have violated certain provisions could be placed on a “blacklist” and barred from operating in the country.

In the first year of the Foreign NGO Management Law’s implementation, some international NGOs reported that it became 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 NGO’s conduct and had to undertake burdensome reporting requirements. Even after the Ministry of Public Security published a list of sponsors in December 2016, NGOs reported that most government agencies had no unit responsible for sponsoring foreign NGOs. Potential Professional Supervisory Units reported they had little understanding of how to implement the law and what would be expected of them by authorities. The vague definition of an NGO, as well as of what activities constituted “political” and therefore illegal activities, also left many business organizations and alumni associations uncertain whether they fell under 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 September approximately 185 of the MPS-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 June there were more than 670,000 legally registered social organizations, public institutions, and foundations. Many experts believed the actual number of domestic NGOs to be much higher. Domestic NGOs reported that 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. Foreign NGOs are prohibited from using any other method to send and receive funds under the law, 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 prohibited 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, to provide protection and assistance to select categories of refugees, asylum seekers, and other persons of concern.

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

Abuse of Migrants, Refugees, and Stateless Persons: There were reports that North Korean agents operated clandestinely within the country to repatriate North

Korean citizens forcibly. According to press reports, some North Koreans detained by government authorities faced repatriation unless they could pay bribes to secure their release.

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. Public security officers maintained checkpoints in most counties and on roads leading into many towns as well as within major cities, such as Lhasa. Restrictions were not applied to Han Chinese migrants or tourists in Tibetan areas. Uighurs in the XUAR also faced restrictions on movement within the XUAR itself. 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 cities and on public roads. Such restrictions were not applied to Han Chinese in these areas.

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 Communiqué of the People’s Republic of China on 2015 National Economic and Social Development* published by the Ministry of Human Resources and Social Security, 294 million persons lived outside the jurisdiction of their household registration. Of that number, 247 million individuals worked outside their home district. Many 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.

In 2015 the government announced that all citizens were entitled to a household registration (also known as a hukou), including children born to a single parent or children born in violation of the one-child policy. On March 24, the Ministry of Public Security announced it had issued 14 million hukous to regularize the status of undocumented women and children.

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. Wu Rongrong, a women’s rights activist who gained global prominence in 2015 after being detained for trying to pass out stickers with antisexual harassment slogans, was denied a travel permit because of “unresolved legal cases” against her, and she was told the travel ban was for 10 years. After she posted about the situation on social media, which garnered international attention, the travel ban was suddenly lifted.

Uighurs, particularly those residing in the XUAR, 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 Haj, to other Muslim countries, or to Western countries for academic purposes. Since 2016 authorities ordered residents of the XUAR to turn in their passports or told residents no new passports were available. The passport recall, however, was not limited to Uighur areas. Family members of Uighur activists living overseas were also denied visas to enter the country. During the year the government also made a concerted effort to compel Uighurs studying abroad to return to China. Upon return, some of them were detained or disappeared.

In the TAR and Tibetan areas of Qinghai, Gansu, Yunnan, and Sichuan Provinces, Tibetans, especially Buddhist monks and nuns, experienced great difficulty acquiring passports. The unwillingness of government authorities in Tibetan areas to issue or renew passports for Tibetans created, in effect, a ban on foreign travel for a large segment of 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 who were apprehended while attempting 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 did not provide protection against the expulsion or forcible return of vulnerable refugees and asylum seekers, especially North Korean refugees. 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. The government continued to deny UNHCR permission to operate outside of Beijing.

Human Rights Watch (HRW) documented the government detained 41 North Koreans in July and August alone, compared with 51 documented detentions of North Korean refugees from June 2016 to July 2017. In the same report, HRW

estimated that among these 92 North Korean refugees, family members reported that at least 46 were refouled.

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 allowed UNHCR to assist the relatively small number of non-North Korean and non-Burmese refugees. 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.

Authorities continued to repatriate North Korean refugees forcibly, including trafficking victims, generally treating them as illegal economic migrants. The government detained and deported such refugees 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.

The government continued to prevent UNHCR from having access to North Korean or Burmese refugees. Authorities sometimes detained and prosecuted citizens who assisted North Korean refugees, as well as those who facilitated illegal border crossings.

In some instances the government pressured other countries to return asylum seekers or UNHCR-recognized refugees forcibly. In July, Egypt detained more than 100 Uighurs, and forcibly returned a portion to China, including some who were seeking asylum.

Access to Basic Services: North Korean asylum seekers and North Koreans 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. International media reported that as many as 30,000 children born to North Korean women in China, most of whom were married to Chinese spouses, 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.

Durable Solutions: The government largely cooperated with UNHCR when dealing with the resettlement 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. The government worked with UNHCR in granting exit permission for a small number of non-Burmese and non-North Korean refugees to resettle in third countries.

Section 3. Freedom to Participate in the Political Process

The constitution states that “all power in the People’s Republic of China belongs to the people” and that 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.

Elections and Political Participation

Recent Elections: In 2013 the NPC’s nearly 3,000 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.

In September 2016 the NPC Standing Committee expelled 45 deputies from Liaoning Province for violations of the electoral law, including vote buying and bribery. Official media described the case as "unprecedented since the founding of the People's Republic of China in 1949." More than 500 of the 617 members of the Liaoning Provincial People's Congress were implicated in the scandal and either resigned or were expelled from the body. The NPC Standing Committee also disbanded the Liaoning Provincial People's Congress Standing Committee and established a preparatory panel to function on its behalf until convening of a new provincial people's congress.

Political Parties and Political Participation: Official statements asserted that "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 policy making 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 No. 2 Detention Center awaiting trial for "subversion of state power." His wife was still missing.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. Women and/or members of minority groups held few positions of significant

influence in the government or CCP structure. Among the 2,987 appointed delegates to the 12th NPC in 2013, 699 (23 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 409 delegates from 55 ethnic minorities were members of the 12th NPC, accounting for 14 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.

The Central Commission for Discipline Inspection (CCDI) internal disciplinary system used to investigate party members suspected of party rule violations--known as "shuanggui"--continued to operate outside the judicial system and with widespread allegations of torture. According to an HRW report released in December 2016, many accused officials were detained and placed in solitary confinement, repeatedly interrogated, and in some cases tortured, until a confession of wrongdoing was given. Detainees were held outside police stations or official

detention facilities, often in hotels or party training facilities. Former detainees reported abuse that included beatings, sleep deprivation, and being forced to stand or sit in uncomfortable positions for hours and sometimes days. Some were later turned over to the judicial system for criminal prosecution.

“Shuanggui” detainees are not afforded legal procedural rights as protected under international human rights law, or those afforded to criminal suspects under domestic law. According to HRW, prosecutors, responsible for investigating and prosecuting corruption in the formal criminal justice system, often participate in shuanggui interrogations. Known as “joint investigations,” prosecutors may use these interrogation-produced confessions in subsequent criminal investigations. HRW was not aware of any case in which the court acquitted a suspect or overturned a conviction due to misconduct by investigators during shuanggui. In 2016 only two cases were found by HRW in which lower-level interrogators or guards were jailed after torturing and killing shuanggui detainees.

During the 19th Party Congress in October, President Xi announced the government would abolish the “shuanggui” system, to be replaced by new supervisory system that was in development.

Although a 2012 CCDI directive reportedly outlined better protections for detainees, the document was not made public. It was also unknown how often this system was applied. Transparency International’s analysis indicated corruption remained a significant problem in the country.

Corruption: In numerous cases government prosecutors investigated public officials and leaders of state-owned enterprises, who generally held high CCP ranks, for corruption. In March, Procurator General Cao Jianming reported to the 12th NPC that in 2016 the government investigated 47,650 officials for corruption, including 42,882 county-level officials and 445 higher-level officials.

In July the CCDI, the investigative body of the CCP that enforces political discipline--including countering corruption--published statistics stating it had punished more than 200,000 officials for corruption in the first half of the year. According to the report, the CCDI received 1.31 million complaints and opened more than 250,000 cases during that time. This included 38 senior officials from ministries and provincial administrations and more than 1,000 at the prefecture level.

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 July the CCDI announced it had completed its investigation into Chongqing city CCP secretary and Politburo member Sun Zhengcai. As a result of “serious discipline violations,” Sun was subsequently removed from his post in Chongqing.

In May a court sentenced former National Bureau of Statistics head Wang Bao'an to life in prison for accepting bribes.

In August state media announced former Liaoning provincial CCP secretary Wang Min had been sentenced to life in prison for “embezzlement, accepting bribes, and dereliction of duty” for his association with a bribery and vote-buying scheme involving members of the Liaoning Provincial People’s Congress and Liaoning deputies to the NPC.

In August the CCDI announced a court had convicted two former senior officials, former head of the supervisory body of the China Development Bank Yao Zhongmin and former Henan provincial CCP member Wu Tianjin. Yao was sentenced to 14 years in prison and fined 3.5 million yuan (\$530,000) for accepting bribes in exchange for loans and contracts. Wu was sentenced to 11 years in prison and fined one million yuan (\$150,000) for “illegally accepting another person’s property” in exchange for providing assistance to businesses.

In some cases individuals who tried to report corruption faced reprisal and retaliation. In July 2016 a real estate developer in Hunan Province, Wu Zhengge, was arrested after he hired a private investigator to find evidence of corruption by several local judges. The judges were presiding over a criminal case against Wu, who hoped to use the evidence to blackmail the judges into dismissing the case. Although the judges were placed under investigation for public corruption, Wu was later arrested and charged with disclosing personal information.

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 that 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 that 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 should report their real estate properties and financial investments, although these reports are not made public. They must 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 must 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 quasi-governmental, 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.

According to a May report by the UN special rapporteur on extreme poverty and human rights, Philip Alston, the government did not fully cooperate during his August 2016 visit. Alston said the government restricted his activities and that security agents followed him throughout his visit. Many of his meeting requests were declined, and although he submitted a list of academics he wanted to meet prior to his visit, he was told that many of them had been advised they should be on vacation during his visit. Security agents detained one person en route to a meeting with Alston. Alston's request to visit was first made in 2005, according to

the UN Office of the High Commissioner for Human Rights. A dozen other requests for visits to the country by UN experts remained outstanding.

During the year HRW reported that officials photographed and filmed human rights activists on UN premises, in clear violation of UN regulations. The government also routinely restricted travel by mainland China-based activists who wished to testify at the UN Human Rights Council in Geneva.

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 blacklisting accredited activists from participating in UN events. In April security officials barred Dolkun Isa, an ethnic Uighur rights activist and accredited NGO participant, from attending the 2017 session of the UN Permanent Forum on Indigenous Issues.

According to HRW, Chinese diplomats--in violation of UN norms--contacted UN staff and experts on treaty bodies and special procedures, reportedly harassing and intimidating some officials.

Government Human Rights Bodies: The government maintained that 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. In 2015 a separate law on sexual assault was broadened to include 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. The government took a significant step to protect women from domestic abuse through the passage of the Family Violence Law, which took effect in March 2016. NGOs stated that because

of the law, more women were willing to report domestic violence incidents to police. Nevertheless, implementation and enforcement of the law remained inconsistent. In February the *Washington Post* reported that elements of the law, including those related to court protective orders, were not being implemented correctly.

Some scholars said that even under the new law, victims were still 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. One government study of divorce records publicized during the year indicated that only 9.5 percent of victims made police reports.

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.

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 that 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.

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.

Some women's NGOs that sought to increase public awareness of sexual harassment reported harassment by public security and faced challenges executing their programs. In May police searched the houses of feminists suspected of printing clothing with antisexual harassment slogans. In September 2016 women's rights activist Shan Lihua was found guilty by the Gangzha District People's Court in Nantong, Jiangsu Province, of "picking quarrels and stirring up trouble." The indictment specifically cited Shan's activism on a rape case in Hainan Province as evidence, according to media reports.

Coercion in Population Control: There were reports of coerced abortions and sterilizations, though 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. A two-child policy was officially implemented as of January 2016. 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. Citizens are subject to hefty fines for violating the law, while couples who have only one child receive 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 are required to seek approval and register before a child is conceived.

Under the law and in practice, there are financial and administrative penalties for births that exceed birth limits or otherwise violate regulations. The National Health and Family Planning Commission announced it would continue to impose fines, called "social compensation fees," for policy violations. 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 that they did not exceed birth limitations. Minorities in some provinces, however, were entitled to higher limits on their family size.

The law maintains that “citizens have an obligation to practice birth planning in accordance with the law” and also states that “couples of child-bearing age shall voluntarily choose birth planning contraceptive and birth control measures to prevent and reduce unwanted pregnancies.” After the transition to a two-child limit, the available mix of contraceptives shifted from mainly permanent methods like tubal ligation or IUDs toward other reversible methods.

Single women are entitled to reproductive rights, and their children are entitled to the same rights as those born to married parents, according to both the Civil Law and Marriage Law. Since the national family planning law mentions only the rights of married couples, local implementation was inconsistent, and unmarried persons must pay for contraception. 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 can 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, Jiangxi, Qinghai, and Yunnan, maintained provisions that require “remedial measures,” an official euphemism for abortion, to deal with pregnancies that violate the policy.

The law mandates that family planning bureaus administer pregnancy tests to married women of childbearing age and provide them with basic knowledge of family planning and prenatal services. Under the law schools are required to provide adolescent and sexual health education at an appropriate level, but in practice information is quite limited. 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 may 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.

Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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. However, women reported that 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 that 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 (ACWF) in passing the new domestic violence legislation.

Women's rights advocates indicated that 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 that 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.

Gender-biased Sex Selection: According to the National Bureau of Statistics of China, the sex ratio at birth was 113 males to 100 females in 2016. Sex identification and sex-selective abortion are prohibited, but the practices continued because of the traditional preference for male children and the birth-limitation policy.

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 protected children. Sexual abuse of minors, particularly of rural children, was a significant problem. In 2016 the *Economist* reported that millions of children suffered from sexual abuse. The government increasingly encouraged state media to report on the problem and allowed NGOs to combat child sexual abuse. Pilot programs were underway in three major

provinces to develop and implement child protection laws and protocols for protection and treatment, including mandatory reporting.

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 under the age of 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 under age 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 that persons broadcasting or showing obscene materials to minors under the age of 18 are to be “severely punished.”

Infanticide or Infanticide of Children with Disabilities: The law forbids infanticide and it was unknown if the practice continued. Parents of children with disabilities frequently left infants at hospitals, primarily because of the 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 number of street children was unknown (estimates as high as 1.5 million), but governmental efforts to identify and provide care for these children greatly intensified. In 2013 the ACWF estimated that more than 61 million children under the age of 17 were left behind by their migrant-worker parents in rural areas. The most recent government census found approximately nine million rural children who were left behind by both parents who migrated to urban areas for work.

Institutionalized Children: The law forbids the mistreatment or abandonment of children. According to some sources, by the end of 2015, the country had 502,000 orphans, of which 92,000 were up for adoption. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages usually had disabilities or were in poor health. The government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. Adopted children were counted under the birth-limitation regulations in most locations. As a result couples who adopted abandoned infant girls were sometimes barred from having additional children. The law allowed children who are rescued to be made available for adoption within one year if their family is not identified.

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 travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The government does not recognize Judaism as an ethnicity or religion. According to information from the Jewish Virtual Library, the country's Jewish population was 2,600 in 2016. In September 2016 the *New York Times* reported that members of the Kaifeng Jewish community in Henan Province came under pressure from authorities. Approximately 1,000 Kaifeng citizens claimed Jewish ancestry. Media reports stated that authorities forced the only Jewish learning center in the community to shut down, blocked the community's ritual bath, and barred foreign tour groups from visiting.

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. The Ministry of Civil Affairs and the

China Disabled Persons Federation (CDPF), a government-organized civil association, are the main entities responsible for persons with disabilities.

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 that 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. The law permits universities to exclude candidates with disabilities who would otherwise be qualified. A regulation mandates accommodations for students with disabilities when taking the national university entrance exam.

In May the government revised the 20-year-old law covering access to education for persons with disabilities. The revisions reaffirmed a commitment to ensure education for children with disabilities, broadened vocational education for persons with disabilities, and aimed to prevent discrimination in school admissions. The updated law encourages schools to accept more students, and places the responsibility to expand school access at the county level, calling on local governments to prioritize establishing special education resources in mainstream schools.

Some observers said the law was aspirational and vague, but still an improvement over prior regulations. Others noted that parents too often were forced to resort to bribing school officials to have their child with a disability accepted into mainstream schools.

Nearly 100,000 organizations existed, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs to integrate persons with disabilities into society.

Misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems. Parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education

for their children. According to the government, many persons with disabilities lacked adequate rehabilitation services.

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 that local governments must 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. A government white paper about development in Xinjiang published in June asserted that cultural and religious rights were provided for, including the use of minority languages and the protection of cultural heritage and religious practice. The substance and implementation of ethnic minority policies nonetheless remained poor, and discrimination against minorities remained widespread. Xi Jinping directed the Communist state to “sinicize” the country’s ethnic and religious minorities: ethnically based restrictions on movement curtailed the ability of ethnic Uighurs to travel freely or obtain travel documents; authorities in Xinjiang increased surveillance and the presence of armed police; and new legislation restricted cultural and religious practices.

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. Some

claims cited the banning of minority language education, including the Uighur language in the XUAR, as signs of progress in the provision of basic education for some ethnic groups involved. 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 the source of deep resentment in the XUAR, the Inner Mongolia Autonomous Region, the TAR, and other Tibetan areas.

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

According to a 2015 government census, 9.5 million, or 40 percent, of the XUAR’s official residents were Han Chinese. Uighur, Hui, Kazakh, Kyrgyz, and other ethnic minorities constituted 14.1 million XUAR 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. As the government continued to promote Han migration into the XUAR and filled local jobs with domestic migrant labor, local officials coerced young Uighur men and women to participate in a government-sponsored labor transfer program to cities outside the XUAR, according to overseas human rights organizations.

The law states that “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, in June state media reported that the Department of Education in Hotan, a Uighur-majority prefecture, issued a directive requiring full instruction in Mandarin beginning in preschool and banning the use of Uighur in all educational activities and management. Similar measures were implemented throughout the XUAR,

according to international media. There were reports private Uighur-language schools were shut by authorities without any transparent investigation under the pretense that they promoted radical ideologies.

Officials in the XUAR intensified efforts to crack down on the government-designated “three evil forces” of religious extremism, ethnic separatism, and violent terrorism, including a concentrated re-education campaign to combat what it deemed to be separatism. XUAR Communist Party secretary Chen Quanguo, former Communist leader in the TAR, replicated in the XUAR 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 XUAR 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.

In April the XUAR government also implemented new “Deradicalization Regulations,” codifying efforts to “contain and eradicate extremism,” according to *Xinhua*. The broad definition of extremism resulted in the disappearance, jailing, or forced attendance at re-education classes of tens of thousands of Uighurs and other Muslim minorities, according to international media. This included many of those ordered to return to China from studying abroad. The regulations prohibit “abnormal” beards, the wearing of veils in public places, and the refusal to watch state television, 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 also conducted daily house-to-house checks to distribute a list of banned books to local residents in Karamay City while confiscating the actual books, overseas Uighur media reported in May. In March, Radio Free Asia reported that Uighurs in Hotan were required to turn in to authorities “unsanctioned” religious publications, items with the Islamic star and crescent logo, and religious attire, such as burkas. Authorities searched Uighur homes and punished those still in possession of items on a list of “illegal items,” according to the report. Banned items include any Quran published before 2012.

Some security raids, arbitrary detentions, and judicial punishments, ostensibly directed at individuals or organizations suspected of promoting the “three evil forces,” 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. Authorities arrested a woman in May for posting

Quranic verses to a chat site; local officials confirmed it was illegal to post to the internet anything from the Quran or mentioning Allah. 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 news, 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 the XUAR, 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 in order to alleviate the overcapacity of existing facilities, according to credible sources. Hundreds of police recruits were hired to staff the new prisons, according to government reports. 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 reportedly searched cell phones at checkpoints and during random inspections of Uighur households, and those in possession of alleged terrorist material, including digital pictures of the East Turkistan flag, could be arrested and charged with crimes.

Authorities increased surveillance and the collection of personal information as part of overall security measures in the XUAR. The government enhanced efforts to build archives of voiceprint information, facial recognition, fingerprints, blood samples, and DNA samples, according to Xinhua news and overseas media. Monitoring of social media and the internet increased, and officials described their use of “big data” to forecast, prevent, and contain social instability in Xinjiang. In July, Xinjiang residents were ordered to install on mobile phones a surveillance application to report the viewing of “terrorist information” and prevent them from accessing it, according to the *Hong Kong Free Press*. The application monitors “illegal religious” activity and “harmful information,” according to authorities.

Huang Shike, a Hui Muslim living in Xinjiang, was sentenced to two years in prison for discussing Islam on the social media platform Wechat.

Ethnic Kazakh Chinese were also targeted, RFA and other international media reported in August. In August, Kazakh students were arrested in Xinjiang for wearing Islamic clothing and praying at a university. Kazakhs were also prevented from moving freely between China and neighboring Kazakhstan, and some were detained 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 arrival. Family members of Uighurs studying overseas were also put under pressure to convince students to return to China, and returning students were detained or forced to attend re-education camps, according to overseas media. In July, Egyptian authorities detained scores of Chinese Uighur students to be interrogated by Chinese security personnel, and some of them were repatriated against their will, according to Uighur activists outside of China. In August state media reported that Hebibulla Tohti, a member of the Chinese Islamic Association, was arrested upon his return from studying at Egypt's al-Azhar University. He was sentenced to 10 years in prison for unauthorized preaching, attending a conference in Saudi Arabia in 2015, giving speeches on the importance of Uighur culture, and failing to endorse the government's policies in the Uighur region.

Freedom of assembly was severely limited during the year in the XUAR. 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. Due to societal discrimination and pressure to conform to family expectations, however, most lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons refrained from publicly discussing their sexual orientation or gender identity. Individuals and organizations working on LGBTI issues continued to report discrimination and

harassment from authorities similar to that experienced by other organizations that accept funding from overseas.

Despite reports of domestic violence among LGBTI couples, the regulations on domestic violence and the Family Violence Law do not include same-sex partnerships, giving LGBTI victims of domestic violence less legal recourse than heterosexual victims.

A court in Henan Province in July ruled that a mental hospital in Zhumadian City owed a gay man named Wu 5000 yuan (\$735) in compensation over being forced against his will in 2015 into “conversion therapy.” Hospital employees forced Wu to take medicine and injections for 19 days after diagnosing him with a “sexual preference disorder.”

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 July a court ruled in favor of a transgender man in his suit against his former employer for wrongful termination.

Xi'an police detained nine members of the gay advocacy group Speak Out hours before the conference it was hosting was slated to start.

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. The law allows employers and schools to bar persons with infectious diseases and does not afford specific protections based on HIV status. 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.

In June a Guangzhou court ruled against a food inspection laboratory for violating the contract of an employee upon learning he was HIV positive by sending him home “to rest” indefinitely. While he was still paid his full salary, he sued, asserting it was not lawful for his employer to prevent him from working. After he sued, his contract expired and was not renewed. The court ruled that the employee did not consent to this change in his contract, making it a violation of the Employment Contract Law. They also ruled that his employer had to allow him to return to work.

Other Societal Violence or Discrimination

The law prohibits discrimination against persons carrying infectious diseases and allows such persons to work as civil servants. The law does not address some common types of discrimination in employment, including discrimination based on height, physical appearance, or ethnic identity.

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 preemployment screening.

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. 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 legal protections against antiunion discrimination and specifies that 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 union activity as well as for other enterprise penalties for 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 faced reprisals including forced resignation, firing, and detention.

The All China Federation of Trade Unions (ACFTU) is the only union recognized under the law. 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 aggressively 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, the ACFTU-affiliated unions appointed most factory-level officers, often in coordination with employers. Official union leaders often were 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 provides for labor dispute resolution through a three-stage process: mediation between the parties, arbitration by officially designated arbitrators, and litigation. Employers are required to consult with labor unions or employee representatives on matters that have a direct bearing on the immediate interests of their workers. Three new labor-dispute arbitration rules aimed at streamlining the dispute settlement process were implemented during the year. One measure that took effect June 1 states that workers should seek assistance from the official union in the arbitration process. Civil society organizations alleged that these revisions effectively exclude independent labor nongovernmental organizations from representing workers in labor disputes.

The law does not expressly prohibit work stoppages, and it is legal for workers to strike spontaneously. Authorities appeared most tolerant of strikes protesting unpaid or underpaid wages. Unofficial records from the Hong Kong-based labor rights NGO China Labor Bulletin showed that between January and June the majority of strikes and collective protests were due to unpaid wages.

In some cases local authorities cracked down on such strikes, sometimes charging leaders with vague criminal offenses, such as “picking quarrels and provoking trouble,” “disturbing public order,” “damaging production operations,” or detaining them without any charges. The only legally specified role for the ACFTU in strikes is to participate in investigations and assist the Ministry of Human Resources and Social Security in resolving disputes.

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.

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.

There continued to be reports of workers throughout the country engaging in wildcat strikes, work stoppages, and other protest actions. Bus drivers from a Guangdong municipality reportedly began a strike on June 27. They approached the local authority to protest unbearably low wages and benefits, mounting workloads, and increasing living costs. More than two-thirds of the bus services were suspended, and the drivers said they would continue to strike until they receive the government’s reply.

The number of labor disputes rose steadily in recent years, and local and provincial governments responded. For example, the Guangdong government implemented the new Guangdong Provincial Labor and Human Resources Mediation Measures on May 1 to cope with the rapid increase of labor disputes.

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. The Guangzhou Intermediate People’s Court sentenced labor activist Liu Shaoming to four and one-half years’ imprisonment on July 7 after

finding him guilty of “inciting subversion of state power.” A veteran of the 1989 prodemocracy movement, Liu was initially detained in May 2015 for “picking quarrels and provoking trouble,” then formally arrested in July 2015 for the more serious charge of inciting subversion.

On September 3, authorities released Meng Han, who had been convicted in November 2016 for “gathering a crowd to disturb social order.”

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, and where there were reports that forced labor of adults and children occurred, the government reportedly enforced the law. 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.

Persons with mental disabilities were subjected to forced labor in small workshops and factories. Police raided two workshops in Heilongjiang Province in the northeast in July and freed more than 30 enslaved laborers, according to media reports.

In 2013 the NPC abolished the Re-education through Labor system, an arbitrary system of administrative detention without judicial review. Some media outlets and NGOs reported that forced labor continued in some drug rehabilitation facilities where individuals continued to be detained without judicial process. It was not possible to independently verify these reports.

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 that underage working

children be returned to their parents or other custodians in their original place of residence. The penalty is imprisonment for employing children under 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.

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.

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 Ministry of Human Resources and Social Security and the local labor bureaus were responsible for verifying that enterprises complied with the labor laws and the employment promotion law. 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).

Some employers lowered the effective retirement age for female workers to 50. This reduced overall pension benefits, which were generally based on the number of years worked. Many employers preferred to hire men to avoid the expense of maternity leave. In March the Xiamen Intermediate Court ordered a local high technology company to compensate a former senior female manager 134,640 yuan (\$19,120) for unlawfully terminating her contract during maternity leave and accusing her of embezzling company assets, according to media.

In August an official newspaper sponsored by the Ministry of Justice called attention to the worsening discrimination against women since the government

eased its birth control policy and allowed couples to have a second child starting in January 2016.

Effective from January 2016, provisional regulations require local authorities to establish a streamlined process for migrants to register as urban residents. While the regulations would provide many of the estimated 270 million migrant workers residing in urban centers with limited social benefits, the unaltered half-century-old 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. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates premium pay for overtime work.

The State Administration for Work Safety 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 that 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, 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. It remained possible for companies to relocate or close on short notice, often leaving employees without adequate recourse for due compensation.

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 January the ACFTU claimed its national network helped more than 2.2 million migrants recover a total of 22 billion yuan (\$3.3 billion) in unpaid wages owed in 2016.

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 one-half to two-thirds as much as comparable workers in the formal sector.

According to government sources, only an estimated 10 percent of eligible employees received regular occupational health services. Small and medium-sized enterprises, the country's largest group of employers, often failed to provide the required health services. They also did not provide proper safety equipment to help prevent disease and were rarely required to pay compensation to victims and their families.

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. Data from the State Administration for Work Safety showed that occupational diseases were rampant in more than 30 industries, threatening 30 percent of the country's enterprises, and newly reported cases, especially of pneumoconiosis, or black lung disease, were on the rise.

The number of workplace accidents and fatalities in the country decreased on a year-on-year basis. From January to November, the number of workplace

accidents dropped 26.9 percent compared with the previous year, while fatalities in those accidents dropped 20.6 percent.

The coal mining industry was extremely deadly. On May 7, a gas leak caused an explosion at the Jilinqiao colliery in Hunan Province, killing 18 miners, according to media reports. On August 11, a landslide occurred at an open-pit coalmine in the north, in Shanxi Province. Media reported local government officials visited the site twice to investigate internet reports of casualties, but the coalmine company denied all the rumored casualties. Authorities then detained the author of the online report for “fabricating information online.” The company head later turned himself in to police and confessed that 10 workers were killed in the accident.

Work accidents also remained widespread in other industries. On June 1, a fire raged for 12 hours at a paper company in the Tianjin port. Even though no casualties were reported, local residents were reminded of the chemical plant only two miles away where a series of explosions in 2015 left 165 persons dead and nearly 800 injured. On August 16, an explosion at a petrochemical company in the east, in Shandong Province, killed 10 persons.

TIBET 2017 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 generally maintained effective control over the security forces.

The most significant human rights issues included: disappearances; torture by government authorities; arbitrary detentions, including political prisoners; and government curtailment of the freedoms of speech, religion, association, assembly, and movement.

The presence of the paramilitary People’s Armed Police (PAP) and other security forces remained at high levels in many communities on the Tibetan Plateau, particularly in the TAR and certain parts of Tibetan areas in Sichuan Province. Repression was severe throughout the year but increased in the periods before and during politically and religiously sensitive anniversaries and events. Authorities detained individuals in Tibetan areas after they reportedly protested against government or business actions or expressed their support for the Dalai Lama. The government strictly controlled information about, and access to, the TAR and some key 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 that 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 that the government or its agents committed arbitrary or unlawful killings. There were no reports that 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 that Chinese officials severely beat some Tibetans who were incarcerated or otherwise in custody. In the past, such beatings have led to death.

On January 25, Radio Free Asia (RFA) reported that in December 2016, police detained Khedrup, a Tibetan doctor from Machu (in Chinese: Maqu) county of Gannan TAP in Gansu Province. Police suspected that he sent photos and video clips of Tibetan Tashi Rabten's self-immolation to international media. The report noted that police interrogated, tortured, beat, and applied other forms of mistreatment to Khedrup during his detention, which lasted more than one month.

On March 22, *TibetanReview.net* reported that public security officials and local police severely beat and tortured approximately 10 relatives of Tibetan farmer Pema Gyaltzen (or Pegyal) of Nyagrong (Chinese: Xinlong) county, Kardze (Chinese: Ganzi) TAP, Sichuan Province after they inquired about Pegyal's conditions following his self-immolation on March 18. After beating them, police forced these relatives to stand the entire night, resulting in acute pain in their legs

and spinal cords. Authorities released them only when officials of their townships provided letters vouching for their future good conduct.

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 of detained and imprisoned persons being denied visitors. According to local contacts, authorities detained Thewo Kunchok Nyima, a well-known monk scholar of Drepung Monastery, in 2008 for acting as the “ring leader” and the main instigator of protests in Lhasa. Kunchok Nyima has reportedly been serving a 20-year sentence, but the government has not granted his family permission to visit him in prison. His whereabouts remained unknown.

Arbitrary Arrest or Detention

Arbitrary arrest and detention was a problem. 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. With a detention warrant, public security officers may legally detain persons throughout the PRC for up to 37 days without formally arresting or charging them. Following the 37-day period, public security officers must either formally arrest or release the detainee. Security officials frequently violated these requirements. It was unclear how many Tibetan detainees the authorities held under forms of detention not subject to judicial review.

According to the India-based *Tibet Post International*, in January Chinese security officers in Serta County, Kardze (Chinese: Ganzi) TAP of Sichuan Province arrested Sonam Tashi, a Tibetan man in his twenties, after he publicly advocated for freedom in Tibet and called for His Holiness the Dalai Lama’s return to Tibet. Tashi’s whereabouts and health conditions remained unknown following his arrest.

On March 21, *Phayul.com* reported that Dukpe, a Tibetan mother of two from Ngaba's Raru Township, was arrested for shouting slogans such as "Long live the Dalai Lama" and "Freedom in Tibet." Her whereabouts and health conditions remained unknown.

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 political defendants, did not have access to legal representation. In cases that authorities claimed involved "endangering state security" or "separatism," trials often were cursory and closed. Local sources noted that trials were predominantly conducted in Mandarin, with government interpreters providing language services for Tibetan defendants who did not speak Mandarin. Court decisions, proclamations, and other judicial documents, however, were generally not published in Tibetan.

Trial Procedures

In its annual work report, the TAR High People's Court stated its top political tasks as firmly fighting against separatism, cracking down on the followers of "the 14th Dalai (Lama) clique," and maintaining social stability by, among other things, sentencing those who instigated protests, promoted separatism, and supported "foreign hostile forces." The report also stated the court prioritized "political direction," which included absolute loyalty to the core party leadership.

In May the TAR Justice Department announced its decision to hire Chinese judicial personnel from outside the TAR. Among the requirements for new employees are loyalty to the CCP leadership and a willingness to combat separatism in the 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 of the Congressional-Executive Commission on China, as of October 1, there were 507 Tibetan political prisoners known to be detained or imprisoned, most of them in Tibetan areas. 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. An unknown number of persons continued to be held in detention centers rather than prisons. In the 143 cases for which there was available information on sentencing, sentences ranged from two years' to life imprisonment. Of the 143 persons, involved in those cases, 68 were monks, nuns, or Tibetan Buddhist reincarnate teachers.

Tibetan exiles and other observers believed Chinese authorities released Tibetan political prisoners in poor health to avoid deaths in custody. On May 1, authorities released Jampal, a Tibetan man from Machu County of the Tibetan area in Gansu Province, after he served eight years of his 13-year sentence for leading a protest in front of government offices in 2008. Many speculated that authorities granted him early release due to his poor physical condition. While in prison, he was reportedly tortured and suffered head and leg injuries, which negatively affected his ability to walk.

According to several local contacts, Jigme Gyatso, a monk of Labrang Monastery in Gansu Province, was released from prison in October 2016 due to poor health. He reportedly received permission to travel freely within China to receive medical treatment for the severe torture and beatings that he endured during his imprisonment.

Tibetan Self-Immolations

Five Tibetans are thought to have self-immolated during the year, including one Tibetan Buddhist monk and three laypersons. There have been 145 such immolations since 2009, with the number per year decreasing from 83 reports of self-immolations in 2012, to seven in 2015, and three in 2016. 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 an April 15 RFA report, security officials detained at least five Tibetans, three of whom were severely beaten, for possessing the mobile phone of Wangchuk Tseten, a Tibetan man who reportedly self-immolated in Nyagrung (Chinese: Xinlong) county, Kardze (Chinese: Ganzi) TAP, Sichuan Province on April 15.

Self-immolators reportedly viewed their acts as protests against the government's political and religious oppression. The Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Public Security's joint 2012 Opinion on Handling Cases of Self-immolation in Tibetan Areas According to the Law criminalized 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."

Authorities in Gannan TAP in Gansu Province imposed restrictions on the family of Chagdor Kyab, a 16-year-old student who self-immolated on May 2 in the Bora Township to protest against "Beijing's rule in Tibetan areas." He called for Tibetan freedom and the return of the Dalai Lama to Tibet. Authorities prevented Chogdar's family from holding prayer services and blocked visits by relatives and friends. In June local contacts reported that authorities ordered Chogdar's family to receive "political education training" and threatened to discontinue the family's public benefits should they defy the orders.

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

Since 2015 the TAR has strengthened the punishment of Communist Party members who follow the Dalai Lama, secretly harbor religious beliefs, make pilgrimages to India, or send their children to study with Tibetans in exile. Authorities continued to 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.

Since November 2016 the TAR CCP has strictly implemented a real-name user identification system for landline telephones, mobile phones, and the internet. It has also launched attacks and specialized campaigns to counter and ferret out

“Tibetan independence” and promote the proliferation of party media into every home to oppose those who support the Dalai Lama.

The “grid system” (also known as the “double-linked household system”) continued. The grid system involves grouping households and establishments so that they can watch each other for societal issues and report transgressions to the government. While this allows for greater provision of social services to those who need them, it also allows for easier crackdowns on “extremists” and “splittists.”

In August the Central Tibet Administration in India reported that Jampa Choegyal from Drakyab County, Chamdo Prefecture of the TAR, was arbitrarily detained, interrogated, and subjected to beatings for contact with his relative in India via his mobile phone.

According to reports, Gendun, a Tibetan man from Sershul County in the Kardze (Chinese: Ganzi) TAP of Sichuan Province was detained and severely beaten for storing photos of His Holiness the Dalai Lama and the banned Tibetan national flag in his WeChat account.

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 through cell phones, email, or the internet 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 ill-defined crime of “creating and spreading of rumors.”

Tashi Wangchuk continued to be held without trial after being charged in 2016 with “inciting separatism.” If found guilty, he faces up to 15 years in prison.

Press and Media Freedom: Foreign journalists may visit the TAR only after obtaining a special travel permit from the government, and this permission was rarely granted. The Foreign Correspondents Club of China’s annual report stated reporting from “Tibet proper remains off-limits to foreign journalists.” This same report noted many foreign journalists were also told that reporting in Tibetan areas outside the TAR was “restricted or prohibited.”

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 announced job vacancies with one of the listed job requirements 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 local 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, namely Jangtse Dokho, Kelsang Jinpa, Buddha, Tashi Rabten, Arik Dolma Kyab, and Gangkye Drupa Kyab, reported that security officers closely monitored them following their release from prison between 2013 and 2016. In addition, they were banned from publishing and were no longer able to receive public services and benefits such as public-service jobs, bank loans, passports, and membership in formal organizations.

Censorship or Content Restrictions: Domestic journalists were not allowed to report on repression in Tibetan areas. Authorities promptly censored the postings of bloggers who did so, and the authors sometimes faced punishment.

Since the establishment of the CCP’s Central Leading Small Group for Internet Security and Informatization in 2014, the TAR Party Committee Information Office has further tightened the 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.

The Chinese government continued to jam radio broadcasts of Voice of America and RFA’s Tibetan and Chinese-language services in some Tibetan areas as well as the Voice of Tibet, an independent radio station based in Norway.

According to multiple sources, authorities in Qinghai and Sichuan provinces confiscated or destroyed “illegal” satellite dishes in many Tibetan areas. 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. In March Tashi Norbu, a Tibetan painter based in the Netherlands and whose work featured the Dalai Lama and previously was shown in an exhibit in Dharamsala, India, was forced to cancel a scheduled live-painting performance in Macau after authorities in Beijing threatened to arrest and deport him if he tried to enter a Chinese-administered region. According to Norbu, a gallery official told him a high-level Chinese military official stated that Norbu was blacklisted and forbidden entry into Macau. Norbu was advised to leave Hong Kong for his own safety.

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. They 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 outside Tibetan areas. When internet service was restored, authorities 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 the TAR Internet and Information Office received approval from the Chinese National Social Science Foundation to complete a key research project known as “Countermeasures to Internet-based Reactionary Infiltration by the Dalai Lama Clique.”

In 2016 the National People’s Congress Standing Committee passed a cybersecurity law that further strengthened the legal mechanisms available to security agencies to surveil and control content online. Some observers noted that provisions of the law, such as Article 12, disproportionately affected Tibetans and other ethnic minorities. Article 12 criminalizes using the internet to commit a wide range of ill-defined crimes of a political nature, such as “harming national

security,” “damaging national unity,” “propagating extremism,” “inciting ethnic hatred,” “disturbing social order,” and “harming the public interest.” The law also codifies the practice of large-scale internet network shutdowns in response to “major [public] security incidents,” which public security authorities in Tibetan areas have done for years without a clear basis in law. On March 8, the TAR reported that the newly established TAR branch of China’s National Cyberspace Administration has been actively engaging in a “Tibet-related cyberspace battle” both inside and outside of China.

Throughout the year authorities blocked users in China from accessing foreign-based, Tibet-related websites critical of official government policy in Tibetan areas. Well-organized computer hacking attacks originating from China harassed Tibet activists and organizations outside 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, 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. Authorities in Tibetan areas regularly banned the sale and distribution of music they deemed to have sensitive political content.

In May senior officials of the state-run TAR Academy of Social Science encouraged scholars to maintain “a correct political and academic direction” and held a conference to “improve scholars’ political ideology” and “fight against separatists” under the guidance of Xi Jinping.

Policies promoting planned urban economic growth, rapid infrastructure development, the influx of non-Tibetans to traditionally Tibetan areas, expansion

of the domestic tourism industry, forced resettlement and the urbanization of nomads and farmers, and the weakening of Tibetan-language education in public schools and religious education in monasteries continued to disrupt traditional living patterns and customs and accelerate forced assimilation.

Tibetan and Mandarin Chinese are official languages in 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. Private printing businesses in Chengdu needed special government approval to print in the Tibetan language, but it was often difficult to obtain approval.

A small number of public primary schools in the TAR continued to teach mathematics in the Tibetan language, but since June 2016, observers reported that TAR officials have replaced Tibetan language mathematics textbooks in all middle and high schools with Mandarin versions. Observers also reported that WeChat users in the TAR discussing the issue were subsequently visited by public security officers and punished for spreading rumors.

According to sources, there were previously 20 Tibetan language schools or workshops for local children operated by Tibetan Buddhist monasteries in Sichuan Province's Kardze TAP. After the 2015 release of the Kardze TAP Relocation Regulation for Minors in Monasteries, authorities forced 16 of these schools to close and relocated their students to government-run schools.

The Kardze TAP has the highest illiteracy rate (above 30 percent) in Sichuan Province, compared with a national rate of 4 to 5 percent. Despite the illiteracy problem, in 2016 the central government ordered the destruction of much of Larung Gar, the largest Tibetan Buddhist education center and a focal point for promoting both Tibetan and Chinese literacy. The central government reportedly also ordered the destruction of Yachen Gar, another Tibetan Buddhist education center in Kardze (Chinese: Ganzi) Prefecture, where both Tibetan and Chinese are taught.

China's Regional Ethnic Autonomy 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 education.

China’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 intimidation and arrest if they protested policies or practices they found objectionable. In 2015 authorities in Rebkong County in the Tibetan Region of Amdo, now administered under Qinghai Province, circulated a list of unlawful activities. The list included “illegal associations formed in the name of the Tibetan language, the environment, and education.” As was the case in the previous year, sources in the area reported this list remained in force and that no new associations had been formed since the list was published.

In July local contacts reported that many monasteries and rural villages in Tibetan areas in Sichuan and Qinghai Provinces received official warnings not to organize gatherings, including the celebration of His Holiness the Dalai Lama’s birthday. According to these contacts, many Tibetan students at various nationality universities were instructed not to organize gatherings and parties in March (Tibet Uprising Day) and July (His Holiness the Dalai Lama’s birthday).

At the Sixth Tibet Work Forum in 2015, the CCP ordered a large-scale campaign to expel students and demolish living quarters at Larung Gar, the world’s largest center for the study of Tibetan Buddhism. The expulsion and demolition campaign commenced in 2016. According to local contacts, authorities reduced the resident population to 5,000 and demolished more than 3,000 residences by August. Before the campaign began, the population at Larung Gar was estimated to be as large as 30,000. Since July 2016, authorities have banned foreign tourists from visiting the

area. In August the government appointed a prefecture police chief to serve as president of Larung Gar.

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.

In-country Movement: Freedom of movement for all Tibetans, but particularly for monks and nuns, remained severely restricted throughout the TAR as well as in other Tibetan areas. The PAP and local public security bureaus set up roadblocks and checkpoints 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, but it also obstructed land-based travel to India through Nepal. 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 other minorities had to provide far more extensive documentation than other Chinese citizens when applying for a Chinese passport. For Tibetans, the passport application process could take years and frequently ended in rejection. Some Tibetans reported they were able to obtain passports only after paying substantial bribes. Tibetans continued to encounter significant obstacles in traveling to India for religious, educational, and other purposes.

In 2016 Chinese officials in the Tibetan Regions of Kham and Amdo under the administration of Qinghai, Sichuan, and Gansu Provinces visited the homes of Tibetan passport holders and confiscated their documents. Officials claimed they collected the passports in order to affix new seals on them, but Tibetans suspected the timing was intended to make it impossible for them to attend an important religious ceremony known as the Kalachakra, which the Dalai Lama conducted in India in January. Additional reports in 2016 indicated that travel agencies in China were told by local authorities to cancel trips to India and Nepal during this same period. The apparent travel ban also reportedly extended to ethnic Chinese travelers. 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. As a result of these measures, approximately 7,000 Tibetans who were already in India legally for the 2017 Kalachakra missed the event as they had to return to the PRC or face severe repercussions. In September news reports speculated that in preparation for the 19th Party Congress meeting the government barred foreigners from entering Tibet borders between October 18 and October 28, and foreigners already travelling in the area were required to leave during those dates.

Tight border controls sharply limited the number of persons crossing the border into Nepal and India. From January to October, 41 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 was fewer than in previous years, with 120 refugees able to register at the center in 2016, 89 in 2015, and 80 in 2014.

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. In January there were reports that travel agents in Chengdu, Xining, and Kunming were forbidden to sell package overseas 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).

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

Foreign officials were able to travel to the TAR only with the permission of the TAR Foreign Affairs Office and only on closely chaperoned trips arranged by that office. With the exception of a few highly controlled trips, authorities repeatedly denied requests for international journalists to visit the TAR and other Tibetan areas (see section on Freedom of Expression).

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.

Since 2015 the TAR and many Tibetan areas have reinforced implementation of 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 is 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 officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption in Tibetan areas during the year, and some low-ranked officials were punished.

Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: There was no confirmed information on the incidence of rape or domestic violence.

Coercion in Population Control: Population and birth planning policies permitted Tibetans and members of some other minority groups to have more children than Han Chinese. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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 "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.

According to observers, by November the government had replaced the European founders and assumed management control of the Lhasa-based Braille without Borders preparatory school for blind students and its associated vocational farm. Observers speculated the change was part of China's wider effort to crackdown on foreign nongovernmental organizations (NGOs).

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, 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 development projects and other central government policies disproportionately benefited non-Tibetans and resulted in a considerable influx of Han Chinese and Hui persons into the TAR and other Tibetan areas. Many major infrastructure projects across the Tibetan Plateau were engineered and implemented by large state-owned enterprises based in other provinces, and they were managed and staffed by professionals and low-wage temporary migrant workers from other provinces rather than by local residents.

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 Tibetans than ethnic Chinese to obtain permits and loans to open businesses, and that many

Chinese, especially retired soldiers, were given incentives to move to Tibet. Restrictions on both local NGOs that received foreign funding and international NGOs that provided assistance to Tibetan communities increased during the year, resulting in a decrease of beneficial NGO programs in the TAR and other Tibetan areas.

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.

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 a Han Chinese, and the corresponding positions in the vast majority of all TAR counties were also held by Han Chinese. Within the TAR, Han Chinese also continued to hold a disproportionate number of the top security, military, financial, economic, legal, judicial, and educational positions. Han Chinese were party secretaries in eight of the nine TAPs, which are 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 "pro-independence 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.

MACAU 2017 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, under the SAR's constitution (the Basic Law). In September residents directly elected 14 of the 33 representatives who comprise the SAR's Legislative Assembly. In accordance with the Basic 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.

The most significant human rights issues reported during the year included: constraints on press and academic freedom; limits on citizens' ability to change their government; and trafficking in persons.

The government took steps to prosecute and punish officials who committed 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, Inhuman, 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.

Administration: The law allows prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged deficiencies, and judges and prosecutors made monthly visits to prisons to hear prisoner complaints.

Independent Monitoring: 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/her arrest or detention in court, and the government generally observed these requirements. Activists expressed concern that the SAR government abused prosecutorial procedures to target political dissidents, while police said they charged those they arrested with violations of the law.

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 had 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 detained. 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; however, judges have often refused bail in cases where sentences could exceed three years. 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. There were no reports of deaths in police custody.

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 is derived 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, or cessation of, 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, but activists critical of the government reported the government monitored their telephone conversations and internet usage.

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 these rights.

In August police arrested two persons for allegedly spreading false information about the government’s response to a typhoon. In December the government said it had begun drafting legislation to implement a national law passed in September that 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 when the anthem is played.

The SAR Penal Code states that anyone who initiates or organizes, or develops propaganda that incites or encourages, discrimination, hatred, or racial violence, is liable to imprisonment for one to eight years. The law also states that anyone who, in a public meeting or in writing intended for dissemination by any means or media, causes acts of violence against a person, or group of persons on the grounds of their race, color, or ethnic origin, or defames, or insults a person, or group of persons on those grounds with the intention of inciting or encouraging racial discrimination, is liable to imprisonment for between six months and five years.

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: The media practiced self-censorship, in part because the government heavily subsidized major newspapers that tended to follow closely the PRC government's policy on sensitive political issues. On August 29, the Macau Journalists Association stated at least five editors of local media outlets received messages from their senior executives instructing them to report more on positive news after a typhoon, and less on the government's accountability for problems, especially the accountability of the highest officials. On August 28, the Macau Portuguese and English Press Association released a statement protesting the Macau Electoral Affairs Commission's order to a local newspaper to remove an interview with a Legislative Assembly candidate from its website.

National Security: On August 26, SAR police denied entry to four journalists from Hong Kong who traveled to the SAR to report from the city after a typhoon. Immigration authorities asked the four journalists to sign a notice stating they "posed a risk to the stability of internal security," according to a media report. In September the International Federation of Journalists condemned the SAR's decision to deny entry to 15 Hong Kong-based journalists, some of whom intended to report on the SAR's Legislative Assembly election.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. Activists critical of the government reported the government monitored their telephone conversations and internet usage.

According to the Statistics and Census Service, approximately 59 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.

The law criminalizes a range of cybercrimes and empowers police, with a court warrant, to order internet service providers to retain and provide authorities with a range of data. Police may seize electronic evidence without a warrant under exigent circumstances, but the police must obtain judicial validation of their actions within 72 hours or destroy the evidence.

Activists previously reported the government installed enterprise-grade software capable of censoring, decrypting, and scanning secured transmissions on its free Wi-Fi service without notifying users.

Academic Freedom and Cultural Events

Academics reported self-censorship and also reported they were deterred from studying or speaking on controversial topics concerning China. Scholars also previously reported they were warned not to speak at politically sensitive events or on behalf of certain political organizations. University professors reported the SAR's universities lacked a tenure system, which left professors vulnerable to dismissal for political reasons.

In February an art gallery cancelled a scheduled performance by an ethnically Tibetan artist after it received pressure to do so from government officials, according to media reports.

b. Freedoms of Peaceful Assembly and Association

The law provides for freedom 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.

Activists alleged authorities were making a concerted effort to use both intimidation and criminal proceedings against participants in peaceful demonstrations to discourage their involvement. For example, 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. Activists reported police routinely attempted to intimidate demonstrators by ostentatiously taking videos of them and advising bystanders not to participate in protests.

In June approximately 200 persons participated in a vigil at Senado Square to mark the 28th 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 United Nations 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. During the year 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 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. Persons with pending applications were eligible to receive government support, including basic needs such as housing, medical care, and education for children, but were not allowed to work until their refugee status was recognized.

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 September. A total of 186 candidates on 24 electoral lists competed for the seats. The election for these seats was generally free and fair, although strict campaign laws limited the ability of political newcomers to compete in the election.

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 of confirmation over executive or judicial appointments.

A 10-member Executive Council functions as an unofficial 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 were required to swear to uphold the Basic Law. 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 sits. 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 there were few reported cases of officials engaging in corrupt acts.

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. In July the SAR's former top prosecutor, Ho Chio-meng, was sentenced to 21 years in prison after he was convicted of multiple crimes, including illegally awarding contracts to local

businessmen in exchange for improper personal benefits worth at least 44 million patacas (\$5.5 million).

Financial Disclosure: By law the chief executive, cabinet, 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 of 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 often were 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 same-sex couples were not covered by the domestic violence law. 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 medical social workers counseled victims and informed them of social welfare services. The government funded NGOs to provide victim support services, including medical services, family counseling, and housing, until their complaints were resolved. The government also supported two 24-hour hotlines, one for counseling and the other for reporting domestic violence.

Sexual Harassment: In June the Legislative Assembly passed a sex crime bill that amended the Penal Code to make sexual harassment a crime. Under the new law, police may take action against a suspect if the victim files a criminal complaint and a convicted offender may be sentenced to a maximum of one year in prison.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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. Gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs. However, per government statistics, between 2011 and 2016, the wage gap between men and women dropped from 2,500 patacas (\$312) in 2011 to 1,700 patacas (\$212) in 2016.

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 16 years; however, children between 16 and 18 years 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. In June the Legislative Assembly outlawed procurement for prostitution of a person younger than 18 years. The law also prohibits child pornography.

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 travel.state.gov/content/childabduction/en/legal/compliance.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 and has a plan running through 2025 to improve services and access for persons with disabilities. The Social Welfare Bureau was primarily responsible for coordinating and funding public assistance programs to persons with disabilities. There was a governmental commission to rehabilitate persons with disabilities, with part of the commission's scope of work addressing employment.

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 (LGBTI) 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 had not passed legislation to regulate this right. Workers may join labor associations of their choice, but PRC authorities wield considerable influence over some of the most powerful 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 does not require reinstatement of workers dismissed for union activity.

Workers in certain professions, such as the security forces, are forbidden 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.

In order to register as an association, the government requires an organization to provide the names and personal information of its leadership structure.

The government generally enforced the relevant legislation. The law imposes financial penalties for antiunion discrimination. Observers have previously noted this may not be sufficient to deter discriminatory activity.

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 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 14 years of age. Observers have previously noted these penalties generally were considered sufficient to deter the use of forced labor. The government has a special, interagency unit to fight human trafficking, the Human Trafficking Deterrent Measures Concern Committee. In addition to

holding seminars to raise awareness about human trafficking, the committee operates two 24-hour telephone hotlines, one for reporting trafficking and another to assist trafficking victims.

Children and migrants were vulnerable to forced prostitution and labor 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 16 years of age from working, although minors between 14 and 16 years of age 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.” Under the law, “exceptional circumstances” are defined as: the minor (younger than 16 years old) has completed compulsory education and has the authorization of the LAB after hearing the Education and Youth Affairs Bureau’s opinions; minors between 14 and 16 years of age 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. Local laws do not establish specific regulations governing the number of hours children younger than 16 years old can work. The law governing the number of working hours (eight hours a day, 40 hours a week) was equally applicable to adults and legal working minors, but the law prohibits minors from working overtime hours. According to the civil code, minors who are 16 years old can acquire full legal capacity if they marry.

The law prohibits minors younger than 16 years of age 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 are intended 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. Employers are obligated to provide professional training and working conditions appropriate to a minor's age to prevent situations that undermine his/her education and could endanger health, safety, and physical and mental development.

From July 2016 to June, LAB inspectors found two violations of child labor laws resulting in fines of 40,000 patacas (\$5,000).

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 July, nonresident workers accounted for approximately 28 percent of the population. They frequently complained of discrimination in the workplace in hiring and wages, and some classes of migrants were not provided equal employment benefits. Most worked in the restaurant and hotel industry, but others were employed as domestic servants, or in construction and retail trade.

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 (\$3.75) per hour. The SAR does not calculate an official poverty line, and its median monthly income is 15,000 patacas (\$1,875). 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. The law does not define "temporary contract" or "short-term contract." It states only that a labor contract may be either for a defined term or of indefinite duration. 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 includes a requirement 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 (up to 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/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 malpractices 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 country was adequate to enforce compliance. Health Bureau guidelines protect pregnant workers and those with heart and lung diseases from exposure to secondhand smoke by exempting them from work in smoking areas, such as casinos. In August and September, hundreds of Galaxy Entertainment employees complained to the LAB of working conditions at the time Typhoon Hato struck the SAR, with staff complaining of unpaid overtime and insufficient rest time, according to media reports.

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

From July 2016 to June, authorities recorded 24 workplace fatalities, and workplace injuries permanently incapacitated 31 persons.

HONG KONG 2017 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 on the Question of Hong Kong and the SAR’s charter, the Basic Law of the SAR (also known as the Basic Law), 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. In March the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR’s chief executive. In September 2016 Hong Kong residents elected the 70 representatives who comprise the SAR’s Legislative Council (LegCo). Voters directly elected 40 representatives, while limited-franchise constituencies that generally supported the government in Beijing elected the remaining 30.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included: the central PRC government’s encroachment on the SAR’s autonomy, and government actions that had a chilling effect on political protest and the exercise of free speech (e.g., prosecutions against protesters, lawsuits to disqualify opposition lawmakers, and statements by central and SAR government officials); and trafficking in persons.

The government took steps to prosecute and punish officials who committed 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

On January 27, individuals suspected of being central Chinese government security service officers escorted businessman Xiao Jianhua, one of the country’s richest persons, out of a hotel in the SAR and then transported him to the mainland,

according to media reports. Xiao's family reported him missing on January 28 but withdrew the report the next day. Xiao's company published a front-page advertisement in a local newspaper stating he had not been abducted but rather was "recuperating abroad." As of June central government authorities had not responded to the SAR government's request for information about the case, according to the *South China Morning Post*. Xiao's abduction renewed fears that mainland security services did not respect the SAR's high degree of autonomy specified under the "one country, two systems" framework.

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

The law prohibits such practices, but there were isolated reports of degrading treatment in prisons. There were also some reports police used excessive force.

There were no reports of death in custody due to excessive police force.

In February a court sentenced seven police officers to two years in prison for assaulting Ken Tsang, a prodemocracy activist, in 2014. The officers were suspended from duty. All were later released on bail, pending their appeals. Video footage taken during 2014 protests showed plainclothes police officers abusing Tsang. Prosecutors separately charged Tsang with assaulting and obstructing police officers, and in May 2016 Tsang was found guilty of assaulting a police officer and resisting arrest and was sentenced to five weeks in prison.

Prison and Detention Center Conditions

There were some isolated 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.

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. Several activists and former inmates claimed prisoners suffered abuses. For example, prodemocracy activist Joshua Wong publicly claimed that prisoners were forced to squat naked while answering questions and that five prison staff members pressured him to retract complaints while he was in juvenile detention. Activists urged the government to establish an

independent prisoner complaint mechanism in order to protect inmates from retaliation for complaints.

Independent Monitoring: The government permitted media outlets, legislators, and human rights groups 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.

Improvements: In January the partial redevelopment of Tai Lam Center for Women added space for 128 women inmates, alleviating the overcrowding problem for women in high-security prisons.

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, and the government generally 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 the entry 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.

Multiple sources reported that mainland operatives in the SAR monitored some prodemocracy movement figures, political activists, lawyers, nongovernmental organizations (NGOs), and academics who expressed criticism of the central government's policies. Media also reported that police intimidated, arrested, and assaulted activists and protesters during President Xi Jinping's July visit to the SAR. During the visit, some activists said they were assaulted by pro-Beijing groups. There were no reports of impunity involving the security forces during the year.

Members of focus groups expressed concern that the chief executive appointed all Independent Police Complaints Committee members, according to a *South China*

Morning Post report. Activists previously noted the committee'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. Arrested persons must be charged within 48 hours or released, and the government respected this right. Interviews of suspects are required to be videotaped. The law provides accused persons with the right to a prompt judicial determination, and authorities effectively respected this right.

Detainees were generally informed promptly of charges against them. There was a functioning bail system, and authorities allowed detainees access to a lawyer of their choice. Suspects were not detained incommunicado or held under house arrest.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. 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. 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, and defendants could confront and question witnesses testifying against them and present witnesses to testify on their own behalf. Defendants have the right of appeal, the right not to be compelled to testify or confess guilt, and the right to be present at their trial.

Defendants enjoy a presumption of innocence except in official corruption cases. Under the law a current or former government official who maintained a standard of living above that commensurate with his or her official income, or who controls monies or property disproportionate to his official income, is considered guilty of an offense unless he can satisfactorily explain the discrepancy. The courts upheld

this ordinance. 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.

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 on the relationship between the central authorities and the SAR. Before making its final judgments on these matters, which are not subject to appeal, the Court of Final Appeal may seek an interpretation of the 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. On five occasions in the past, the NPCSC issued interpretations of the Basic Law. The most recent interpretation was issued without any request for interpretation from a SAR court. Activists and other observers expressed concerns that the central government had encroached on the judiciary's independence through the NPCSC's interpretations of the Basic Law.

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, or the cessation of, 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 mainland security services monitored prodemocracy and human rights activists.

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, SAR and central government actions and statements raised the perceived risks associated with expressing dissenting political views.

Freedom of Expression: There were some legal restrictions on the ability of individuals to criticize the government publicly without reprisal. A new national law passed by the central government in September 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 when it is played. The central government's National People's Congress voted to add the law to the Basic Law's Annex III, which obliges the SAR government to adopt local legislation. SAR officials said the law would be implemented after the LegCo passes local implementing legislation. In September a court found LegCo member Cheng Chung Tai guilty of desecrating both the national and Hong Kong SAR flags after he turned several Chinese and Hong Kong SAR flags upside down on the desks of other LegCo members. The court ordered Cheng to pay a fine of 5,000 Hong Kong dollars (HK\$) (\$640).

The SAR and central government called for restrictions on discussion of Hong Kong independence. Before Chinese president Xi Jinping's July visit to the SAR, police told the proindependence Hong Kong National Party it would not be permitted to hold any public event, according to a *Hong Kong Free Press* article. In September students at several universities in the SAR hung banners in support of Hong Kong independence. In response Mathew Cheung, the SAR's chief secretary for administration (the second-most senior executive official), stated "there is no room for discussion" of Hong Kong independence. A mainland government-controlled media outlet called on SAR authorities to take legal action to forbid persons from advocating for independence. On September 19, at a rally calling for the dismissal of Benny Tai, a coorganizer of the large-scale 2014 "Occupy" protests from Hong Kong University, LegCo member Junius Ho supported another protester's call to "kill" independence advocates by saying "with no mercy" into his microphone.

Observers feared that requirements for electoral candidacy and for taking the oath of office limited free speech in the political arena. In July 2016 the Electoral Affairs Commission instituted a new requirement that all LegCo candidates sign a pledge stating that the SAR is an “inalienable part” of China in order to run for office.

The NPCSC’s November 2016 interpretation of Basic Law Article 104 barred legislators-elect from taking office if they refused to take the oath, altered the wording of the oath, or failed to demonstrate sufficient “sincerity” or “solemnity” when taking the oath. As of year’s end, the government had used the NPCSC’s interpretation to disqualify six legislators for making oaths that did not conform to the NPCSC’s interpretation. On August 25, the Court of Final Appeal dismissed the appeal bids of two of the six lawmakers. Two additional lawmakers appealed their cases on September 11; their appeals were pending at year’s end. The final two lawmakers declined to appeal their disqualification.

Press and Media Freedom: Independent media were active and expressed a wide variety of views; however, some journalists expressed concerns about increasing self-censorship.

Violence and Harassment: In February the home of a senior staff member at *Sing Pao Daily News* was splashed with red paint after staff members spotted suspicious persons following the newspaper’s managers, according to the Hong Kong Journalists Association’s annual report.

Censorship or Content Restrictions: Reports of media self-censorship continued during the year. 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. Mainland interests reportedly owned most bookstores in the SAR and restricted the sale of politically sensitive books.

Libel/Slander Laws: In March then chief executive C. Y. Leung sued LegCo member Kenneth Leung for defamation over remarks Kenneth Leung made about a HK\$50 million (\$6.4 million) payment the former chief executive received from an Australian engineering firm.

Actions to Expand Freedom of Expression, Including for the Media: In September the SAR lifted its ban on online-only media attending government press conferences.

Internet Freedom

The SAR government did not restrict or disrupt access to the internet or censor online content, although activists claimed central government authorities closely monitored their email and internet use. The internet was widely available and used extensively.

There were reports of politically motivated cyberattacks against private persons and organizations. In September hackers replaced the regular content on the prodemocracy political party Demosisto's website with promainland government messages and images mocking Demosisto's secretary general, Joshua Wong.

Academic Freedom and Cultural Events

Some suggested Hong Kong-based academics and cultural figures practiced self-censorship to preserve opportunities in the mainland.

In 2016 Hong Kong's Tiananmen Museum closed after two years of operation. The museum had been the only museum in the country commemorating the 1989 Tiananmen Square massacre. According to CNN and *Time*, the Hong Kong Alliance, a prodemocracy group that operated the museum, stated the closure was due to pressure from the owners' committee of the building, which made it difficult for the museum to operate by restricting visitor numbers, filing a lawsuit disputing the usage of the space as a museum, and forcing visitors to provide their names and personal information--a requirement that discouraged visitors from the mainland. The museum operators also cited high rent and other fundraising challenges but kept the museum's exhibits and said they hoped to move to a new and bigger location in the future. They temporarily reopened the museum from April to June but still did not have a new permanent location.

Hong Kong-based international NGOs expressed concern about pro-Beijing media outlets' sustained criticism of their activities, which the newspapers characterized as interference by "foreign forces." NGO staff members reported that these efforts to discredit their work in the SAR made it difficult for the groups to continue their existing partnerships with academic institutions and their public outreach. NGOs also expressed concern about the mainland's Foreign NGO Management Law, which went into effect on January 1, noting the law imposed onerous restrictions on their ability to operate and implement social services delivery, advocacy work,

and aid services in the mainland. The law specifically defines Hong Kong-based organizations as covered by the law's requirements.

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, increased the perceived 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 central governments--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 28th 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. Figures varied for participation in the annual July 1 prodemocracy demonstration, held on the anniversary of the 1997 transfer of sovereignty over Hong Kong to China. Police estimated 14,500 protesters; an independent polling organization estimated 27,000, and organizers claimed 60,000. Police did not interfere with the legally permitted rally.

Several government prosecutions of protesters and attempts to seek harsher penalties against protesters raised the perceived cost of protesting government policies, which could have a chilling effect on political protest in the SAR. For example, in 2016 authorities found prodemocracy activists Joshua Wong and Alex Chow guilty of participating in an illegal assembly. The charge arose after they led a group of persons over a fence into a closed SAR government complex where protests had traditionally been held at the start of the 2014 Occupy protests. In connection with the same event, prodemocracy activist Nathan Law was found guilty of inciting others to participate in an illegal assembly. Wong and Law were originally sentenced to perform 80 and 120 hours of community service, respectively, while Chow was given a suspended sentence of three weeks' imprisonment. The government filed a timely appeal of the sentences, and Wong and Law completed their community service sentences while the appeal was pending.

On August 17, the Court of Appeal overturned the lower court's sentences and ordered Wong, Law, and Chow to serve six, eight, and seven months in prison, respectively. The Court of Appeal argued the lower court's sentences were inadequate and stiffer sentences were required to deter such acts in the future, which the court characterized as violent. Wong and Law were imprisoned from August through October, when they were released on bail, pending the outcome of their appeal. Chow was imprisoned in August and released on bail in November, also pending the outcome of his appeal. On August 20, tens of thousands of persons protested the prison sentences, which would bar the three from running in local elections for five years, according to SAR law. Some commentators claimed the SAR government sought stiffer penalties against the trio in order to stifle dissent and prevent the three defendants from running for office. Two UN special rapporteurs and prominent international lawyers expressed public concern the prison sentences were inconsistent with freedoms of expression and assembly. The SAR government denied any political motivation for seeking stiffer penalties against the trio and argued the cases were handled in accordance with the law. Wong, Law, and Chow appealed their sentences.

Freedom of Association

SAR law provides for freedom of association, and the government generally respected it. Nonetheless, officials did not approve prodemocracy political party Demosisto's application to register as a legal entity, even though the application had been pending for more than one year. The mainland Foreign NGO Management Law, which came into effect on January 1 and also applies to NGOs based in the SAR, imposes onerous restrictions on NGOs' ability to operate in the mainland.

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, with some prominent exceptions.

The government cooperated with the Office of the UN 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 claims the Immigration Department refused entry to a small number of persons traveling to the SAR for political reasons. In June, shortly before Chinese president Xi Jinping's visit to the SAR, two Macau-based prodemocracy activists reported they were denied entry. In October Benedict Rogers, deputy chairman of the British Conservative Party's Human Rights Commission, was refused entry to the SAR. The Immigration Department, as a matter of policy, declined to comment on individual cases. Activists and other observers contended that the refusals, usually of persons holding views critical of the central government, were made at the behest of mainland authorities.

Foreign Travel: Most residents easily obtained travel documents from the SAR government, although central government authorities in the past have not permitted some human rights activists, student protesters, and prodemocracy legislators to visit the mainland. Some students who participated in the 2014 protest movement previously alleged the 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 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. From 2009 to the end of December, 110 of the more than 15,000 nonrefoulement claims adjudicated were substantiated, according to government statistics. Also according to government statistics, at year's end there were 5,899 nonrefoulement claims pending adjudication.

Persons wishing to file a nonrefoulement claim cannot do so while they have legally entered the SAR and must instead wait until they overstay the terms of their entry before they can file such a claim, which 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.

Applicants and activists continued to complain about the slow processing of claims, which can take several years, a shortage of government-provided interpretation services, and limited government subsidies available to applicants. Activists and refugee rights groups also expressed concerns about the very low rate of approved claims, suggesting the government's threshold for approving claims was far higher than other developed jurisdictions.

Access to Asylum: 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 Hong Kong even though the 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, they are referred to 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 usually 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. 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 residents of Hong Kong, the SAR government, and the PRC central government have vigorously debated the nature, scope, and pace of democratic and electoral reforms.

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, while only five of the FCs are directly elected. The remaining 30 FC seats are selected by a subset of voters from FCs representing various economic and social sectors, most of whom are

supportive of the central government. Under this structure a limited number of individuals and institutions were able to control multiple votes for LegCo members. In 2016 the constituencies that elected these 30 FC LegCo seats consisted of 232,498 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. The government has previously acknowledged the method of selecting FC legislators did not conform to the principle of universal suffrage, but it took no steps to eliminate the FCs during the year.

Under the Basic Law, LegCo members may not introduce bills that affect public expenditure, the political structure, or government policy; only the government may introduce these types of bills. The SAR sends 36 deputies to the mainland's National People's Congress (NPC) and had approximately 250 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. Previously the chief executive used his authority to appoint 68 of the 534 members of the district councils, the SAR's most grassroots-level elected bodies.

Elections and Political Participation

Recent Elections: In March the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR's chief executive. Lam received 777 of 1,163 valid votes. The central government's State Council formally appointed her, and on July 1, President Xi Jinping administered Lam's oath of office.

In December 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 (230,000) of the SAR's 7.5 million residents. Moreover, although the 2016 Election Committee election saw an 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 September 2016 SAR residents elected representatives to the 70-member LegCo. The election, which saw a record high turnout of 2.2 million voters, was considered generally free and fair according to the standards established in the Basic Law. The government acknowledged that election observers and other residents filed approximately 1,200 petitions concerning election misconduct with the Elections Affairs Committee following the conclusion of the LegCo election. Promainland and proestablishment candidates won 40 of 70 LegCo seats, while prodemocracy candidates won 30, an increase over the 27 the opposition camp held from 2012 to 2016.

Political Parties and Political Participation: In July 2016 the government announced for the first time that all LegCo candidates must sign a confirmation form pledging their allegiance to the SAR and their intent to uphold the Basic Law, including three provisions stating that Hong Kong is an inalienable part of the PRC. Legal scholars and prodemocracy activists criticized the government's use of the confirmation form, noting the LegCo had not approved changes to election procedures or the qualifications needed to run for legislative office. In August 2016 the government disqualified proindependence LegCo candidate Edward Leung, of the Hong Kong Indigenous party, from running in the election in the New Territories East District. An elections officer refused Leung's candidacy even though Leung had signed the confirmation form and said he would drop his proindependence stance. Leung and another candidate filed judicial review applications charging that the use of the confirmation form was not in accordance with the SAR's laws. Leung also filed an election petition in September 2016 alleging his disqualification from the race was unlawful.

In August the Court of Final Appeal upheld a November 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 November 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 that the NPCSC issued such an interpretation while a SAR judge was still deliberating the case in question and the second time it had done so in the absence of a request from SAR authorities.

In December 2016 then chief executive Leung and then secretary for justice 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 the court granted the government's request to disqualify the four legislators. Two of them filed appeals against their disqualification.

Asymmetric systemic obstacles make it harder for pandemocratic parties to secure a majority of seats in the LegCo or have one of their members become chief executive. Of the LegCo's 70 members, 30 were elected by functional constituencies, most of which were supportive of the central government; representatives from 12 of these constituencies ran unopposed. Moreover, the central government and its business supporters provided generous financial resources to parties that supported the central government's political agenda in the SAR, ensuring that these organizations would control the levers of government and senior positions. According to local press reports, several political groups expressed concern that the Central Government Liaison Office (CGLO) interfered with legislative campaigns, lobbying for pro-Beijing candidates and threatening or harassing others. In August 2016 Liberal Party candidate Ken Chow suspended his campaign for a LegCo seat, alleging CGLO affiliates had harassed him and threatened the safety of his family. The Independent Commission Against Corruption, the Liberal Party, and the SAR government undertook investigations into Chow's allegations.

Participation of Women and Minorities: No laws limit participation of women in the political process, and they did participate. In March, 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. Most elected or senior appointed positions require that the officeholder have a legal right of abode only in the SAR. 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 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.

Financial Disclosure: The SAR requires the 27 most senior civil service officials to declare their financial investments annually and the approximately 3,100 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 generally were cooperative and responsive to their views. Prominent human rights activists critical of the central government also operated freely and maintained permanent resident status in the SAR. Nonetheless, in October the SAR refused entry to a British human rights activist who had criticized the SAR's human rights record.

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 government and published critical findings in their areas of responsibility. In March the EOC

urged the government to enact legislation against discrimination on the grounds of sexual orientation, gender identity, and intersex status.

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. Activists expressed concerns that rape was underreported, especially within the ethnic minority community, and that conviction rates were low, according to a *South China Morning Post* report.

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, 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 on the basis of sex, marital status, and pregnancy. The law applies to both men and women, and police generally enforced the law effectively, though the EOC reported it saw signs that sexual harassment was underreported in the social services sector.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women enjoy the same legal status and rights as men. The SAR's sexual discrimination ordinance prohibits discrimination on the grounds of 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. While the government generally enforced these laws, women faced 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 PRC national and Hong Kong permanent resident, acquire both PRC 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 PRC citizens. Registration of all such statuses was routine.

Child Abuse: The law mandates protection for victims of child abuse (battery, assault, neglect, abandonment, and sexual exploitation), and the government enforced the law. The law allows for the prosecution of certain sexual offenses, including against minors, committed outside the territory of the SAR.

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, ran a child witness support program.

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

Sexual Exploitation of Children: There were reports girls younger than 18 from some countries in Asia were subjected to sex trafficking in the SAR.

The legal age of consensual sex is 16. Under the law, a person having “unlawful sexual intercourse” with a victim younger than 16 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 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 generally 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.

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 travel.state.gov/content/childabduction/en/legal/compliance.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 generally implemented laws and programs to provide persons with disabilities access to buildings, information, and communications, although there were reports of some restrictions.

The law on disabilities states that children with separate educational needs must have equal opportunity in accessing education. Some human rights groups reported that the SAR’s disability law was too limited and its implementation did

not promote equal opportunities. Activists said that ethnic minority students with disabilities had a particularly high dropout rate. There were occasional media reports about alleged abuses in educational, correctional, and mental health facilities.

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 law calls for improved building access and sanctions against those who discriminate. Access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities.

National/Racial/Ethnic Minorities

Although ethnic Chinese made up 94 percent 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 government took steps to reduce discrimination, there were frequent reports of discrimination against ethnic minorities.

The government has a policy to integrate non-Chinese students into SAR schools. Nonetheless, the EOC reported it continued to receive complaints from ethnic minority parents who found it difficult to enroll their children in kindergarten because school information and admissions interviews at some schools were provided only in Cantonese. Students who did not learn Chinese had significant difficulty entering university and the labor market, according to government and NGO reports.

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.

In April a court ruled that a gay civil servant's husband, whom he had married in a foreign country, was entitled to the same benefits as a heterosexual spouse. In May the government appealed that decision, and the appeal was pending.

LGBTI professionals are permitted to bring foreign partners to the SAR only on a "prolonged visitor visa." Successful applicants, however, cannot work, obtain an identification card, or qualify for permanent residency.

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 allows employers simply to refuse to bargain. The law explicitly prohibits civil servants from bargaining collectively.

Trade unions must register with the government's Registry of Trade Unions and must have a minimum membership of seven persons for registration. Workers were not prevented from unionizing; however, the law restricts members and officers of unions to those who are "ordinarily resident" in the SAR and have been employed or engaged with an industry or occupation related to the union.

The law provides for the right to strike, although there are some restrictions on this right for civil servants. The law prohibits firing an employee for striking and voids any section of an employment contract that would punish 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 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. An employee who is unreasonably and unlawfully

dismissed (including on the grounds of the employee exercising trade union rights) is entitled to reinstatement or re-engagement, subject to mutual consent of the employer and the employee, or monetary compensation for unreasonable and unlawful dismissal.

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 faced high levels of indebtedness assumed as part of the recruitment process, creating a risk they could fall victim to debt bondage. The SAR allows for the collection of placement fees of up to 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 in the Philippines and Indonesia to profit from a debt scheme, and some local agencies illegally confiscated the passports, employment contracts, and automatic teller machine cards of domestic workers and withheld them until their debt was repaid.

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 said 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 in any industrial establishment. The law prohibits overtime in industrial establishments with employment in dangerous trades for persons younger than 18. Children 13-14 years of age 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.

There were reports that girls from some countries in Asia were subjected to commercial sexual exploitation (see section 6, Children).

d. Discrimination with respect to Employment and Occupation

The law and regulations prohibit employment discrimination on the grounds of 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. Academics assessed that a lack of Chinese language skills was the greatest barrier to employment. Minority group leaders and activists reported that government Chinese-language requirements for many job applicants excluded nonnative Chinese speakers from civil service and law enforcement positions.

e. Acceptable Conditions of Work

On May 1, the statutory minimum hourly wage was readjusted to HK\$34.50 (\$4.41). In September the SAR increased domestic workers' minimum monthly wage from HK\$4,310 (\$552) to HK\$4,410 (\$564) and increased their minimum monthly food allowance from HK\$1,037 (\$133) to HK\$1,053 (\$135). The government requires employers to provide foreign domestic workers with housing, worker's compensation insurance, and a travel allowance. In its explanation of why live-in domestic workers (both local and foreign) would not be covered by the

statutory minimum wage, the government explained “the distinctive working pattern--round-the-clock presence, provision of service-on-demand, and the multifarious domestic duties expected of live-in domestic workers--made it impossible to ascertain the actual hours worked so as to determine the wages to be paid.”

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\$3,800 (\$486), for a two-person household HK\$8,800 (\$1,126), for a three-person household HK\$14,000 (\$1,791), and so on.

There is no law concerning working hours, paid weekly rest, rest breaks, or compulsory overtime for most employees. In the absence of such legislation, labor rights groups previously reported most SAR residents worked approximately 56 hours per week. An online survey of foreign domestic workers showed that 76 percent worked more than 12 hours per day and 17 percent worked more than 16 hours per day.

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. No laws restrict work during typhoon or rainstorm warnings. The Labor Department issued a “code of practice” on work arrangements in times of severe weather, which includes a recommendation that employers require only essential staff to come to work during certain categories of typhoon or rainstorm warnings. Many businesses closed during extreme weather. 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. 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.

In December 2016 a High Court judge ruled the government failed to protect adequately the human rights and safety of a Pakistani man trafficked to the SAR and forced into unpaid labor for several years. The government's appeal of the case was pending at year's end.

In 2016 the Labor Department recorded 35,768 occupational injuries and 203 workplace fatalities. In March the chief executive of the Association for the Rights of Industrial Accident Victims claimed the Highways Department had disregarded worker safety on the Hong Kong-Zhuhai-Macau bridge construction project. According to the organization, as of March, 10 workers had died and more than 600 were injured while working on the bridge since 2010.