

CHINA (INCLUDES TIBET, HONG KONG, AND MACAU) 2014 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 25-member Political Bureau (Politburo) of the CCP and its seven-member Standing Committee. China completed its once-in-a-decade leadership transition in March 2013, and Xi Jinping held the three most powerful positions as CCP general secretary, state president, and chairman of the Central Military Commission. Civilian authorities maintained control of the military and internal security forces.

Repression and coercion were routine, particularly against organizations and individuals involved in civil and political rights advocacy and public interest issues, ethnic minorities, and law firms that took on sensitive cases. Officials continued to employ harassment, intimidation, and prosecution of family members and associates to retaliate against rights advocates and defenders. Individuals and groups regarded as politically sensitive by authorities continued to face tight restrictions on their freedom to assemble, practice religion, and travel. Authorities resorted to extralegal measures such as enforced disappearance and strict house arrest, including house arrest of family members, to prevent public expression of independent opinions. Authorities continued to censor and tightly control public discourse on the internet. Public-interest law firms continued to face harassment, disbarment of legal staff, and closure. There was severe official repression of the freedoms of speech, religion, association, and assembly of Uighurs in the Xinjiang Uighur Autonomous Region (XUAR) and of Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas. These minorities also faced severe restrictions on movement. Following incidents of violence throughout China, authorities enforced additional restrictions on religious and cultural expression for Uighurs, especially within the XUAR. Officials also approved expedited judicial procedures and in some cases mass trials for Uighur terrorism suspects in the XUAR. Rights abuses peaked around high-profile events, such as the visit of foreign officials, national meetings, and commemorations.

As in previous years, citizens did not have the right to change their government, and citizens had limited forms of redress against official abuse. Other human rights problems during the year included alleged extrajudicial killings, including

executions without due process; enforced disappearance and incommunicado detention, including prolonged illegal detentions at unofficial holding facilities known as “black jails”; torture and coerced confessions of prisoners; detention and harassment of lawyers, journalists, writers, bloggers, dissidents, petitioners, and others who sought to exercise peacefully their rights under the law; a lack of due process in judicial proceedings; political control of courts and judges; closed trials; the use of administrative detention; restrictions on freedom to assemble, practice religion, and travel; failure to protect refugees and asylum seekers; pressure on other countries to return PRC citizens forcibly; widespread corruption; intense scrutiny of and restrictions on NGOs; discrimination against women, minorities, and persons with disabilities; a coercive birth-limitation policy that in some cases resulted in forced abortion (sometimes at advanced stages of pregnancy) or forced sterilization; trafficking in persons; prohibitions on independent unions; lack of protection for workers’ right to strike; forced and child labor; and poor enforcement of wage, overtime, and occupational safety and health laws.

Although authorities prosecuted a number of abuses of power through the court system, particularly with regard to corruption, in most cases the CCP first investigated and punished officials using opaque and selectively applied internal party disciplinary procedures. In many of these cases, the information uncovered by party proceedings was turned over to courts, which “validated” the decisions. Citizens who promoted independent efforts to combat abuses of power were themselves prosecuted. For example, throughout the year the government convicted at least 10 persons associated with the New Citizens Movement on charges stemming from activities to promote transparency and good governance.

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

a. Arbitrary or Unlawful Deprivation of Life

During the year security forces reportedly committed arbitrary or unlawful killings. In many instances few or no details were available.

It was not clear to what extent police impunity was a problem. Often following cases of killings by police, authorities announced an investigation would be conducted; however, it remained unclear whether investigations resulted in findings of police malfeasance or disciplinary action.

In January, Xue Fushun’s family members disputed official accounts that Xue jumped to his death from a government building after he was detained in Shandong

Province. On January 23, Xue Fushun, father of prodemocracy activist Xue Mingkai, had been detained by local authorities and taken to a black jail. Six days later, Xue fled to a public prosecutor's office where he allegedly leaped to his death after police confronted him.

A number of violent incidents in the XUAR resulted in multiple deaths. For example, in late July state media reported 37 civilians and 59 "attackers" were killed in the towns of Elixhu and Huangdi; in late September the media reported 50 persons, including 40 "rioters," shot and killed or killed by explosions in Luntai County. Official accounts of these events generally blamed "terrorists," "separatists," and "religious extremists" for what they portrayed as violent terrorist attacks on community members and security personnel. Human rights organizations, on the other hand, asserted that security forces often shot at groups of Uighurs in their homes or during worship. The government's control of information coming out of the XUAR, together with its increasingly tight security posture there, made it difficult to verify the conflicting reports. (See also the Tibet annex for violent incidents in the TAR and other Tibetan areas.)

In September 2013 authorities detained Cao Shunli at the Beijing Capital Airport as she was attempting to travel to Geneva to attend a training session in advance of China's Universal Periodic Review at the UN Human Rights Council. In October 2013 Beijing authorities charged Cao with "picking quarrels and provoking troubles." Her family and legal counsel made repeated requests for adequate medical treatment, and on February 19, Cao, in critical condition, was transferred to an emergency medical center. A month later she succumbed to multiple organ failure, and authorities delayed family access to her body.

According to the NGO Dui Hua Foundation, in May a court in Harbin convicted seven defendants of coercing confessions through torture in connection with seven separate incidents, all committed in March 2013 (see section 1.c.). In one instance a suspect named Liang was handcuffed to a chair, and a towel was stuffed in his mouth. Liang lost consciousness and died before the interrogators realized that something was wrong. Only three of the alleged torturers were police officers. Most were what was commonly known as "special informants," citizens compensated to perform prescribed police duties.

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. In May, three individuals were sentenced in Xinjiang to death in a

mass rally where 55 defendants were prosecuted on terrorism charges (see section 6, National/Racial/Ethnic Minorities).

b. Disappearance

There were multiple reports of individuals detained by authorities and held at undisclosed locations during the reporting period.

Tenzin Lhundrup, an influential Tibetan monk who taught Buddhism and advocated for the preservation of Tibetan identity, was arrested in May while he was giving a lecture. His whereabouts remain unknown.

Deng Chuanming, an activist who filmed the Wukan protests in 2011, was reportedly taken away by the police on June 4.

At year's end the government 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. Observers estimated that fewer than a dozen remained in prison, although some accounts suggested the number might be higher. Many activists who were involved in the demonstrations continued to suffer from official harassment.

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

Chinese law prohibits the physical abuse of detainees and forbids prison guards from extracting confessions by torture, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. Amendments to the criminal procedure law exclude evidence, including confessions, obtained through illegal means, including under torture in certain categories of criminal cases.

Numerous former prisoners and detainees reported they were beaten, subjected to electric shock, forced to sit on stools for hours on end, deprived of sleep, and otherwise subjected to physical and psychological abuse. Although ordinary prisoners were subjects of abuse, prison authorities singled out political and religious dissidents for particularly harsh treatment. In some instances close relatives of dissidents also were singled out for abuse. During his November 29 trial, Yang Maodong delivered a closing statement in which he described how he was tortured during previous incarcerations, which included marathon

interrogations and sleep deprivation. He said authorities repeatedly reviled, beat, shackled him to his bed, and applied a high-wattage Taser to his groin.

The Dui Hua Foundation's quarterly *Human Rights Journal* reported that in May, a court in Harbin, Heilongjiang Province, convicted seven defendants, including three police officers, of coercing confessions through torture in connection with seven separate incidents, all committed in March 2013. The court imposed sentences ranging from a suspended one-year prison sentence to two and one-half years in prison. At least one of the defendants appealed the verdict.

The Harbin court found evidence of routine use of electric shock and other physical torture in the investigation of drug cases by officers at the Daowai District Branch Public Security Bureau. One suspect recalled being handcuffed to a metal chair and shocked with electric batons. Mustard oil was poured up his nose. When he refused to tell police where he got his drugs, they took off his shoes, applied wires to one of his toes, then connected the wires to an old-fashioned military crank telephone, which sent a current of 120 volts through his body as they cranked it, causing his entire body to convulse.

The same technique was used during another drug investigation that same month. Again, a drug suspect, surnamed Liang, was handcuffed to a chair. When he began to shout, a towel was stuffed in his mouth. One interrogator began beating Liang in the face with the sole of a shoe. During this ordeal Liang lost consciousness and died.

Aside from the three police officers, the other defendants, including the ones responsible for carrying out most of the actual physical torture, were "special informants."

The relatively light sentences attracted comment. Legal scholar Wang Gangqiao, writing in the *Beijing News* September 23, pointed out that the maximum penalty for coercing confessions through torture is three years' imprisonment, but torture resulting in serious injury or death should be punished according to the more serious offenses of intentional injury or homicide. He questioned the court's failure to hand down more serious penalties in this case.

According to reports, however, local prosecutors lacked evidence to bring homicide charges because police cremated the body of the deceased as the incident was under investigation. As a consequence authorities subsequently prosecuted for

abuse of power a deputy chief at the Daowai Public Security Bureau who ordered the cremation.

In March authorities in Heilongjiang Province sentenced 11 persons to administrative detention for “using cult activities to endanger society” after they were caught investigating illegal detention facilities for Falun Gong adherents. After their release, three human rights lawyers among the detained--Jiang Tianyong, Tang Jitian, and Wang Cheng--reported being they were tortured by police during their detention. Wang Cheng alleged police hoisted him from the ceiling, hooded him, and beat him. Police later forced the three to sign confessions that they had “disturbed public order.”

On July 17, alleged plainclothes police attacked veteran activist Hu Jia in Beijing, causing multiple bruises to his face and head.

There were widespread reports of activists and petitioners being committed to mental health facilities and involuntarily subjected to psychiatric treatment for political reasons. According to *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 (also known as ankan facilities). From 1998 to May 2010, more than 40,000 persons were committed to ankan hospitals. According to the most recent information available, in 2010 an official of the Ministry of Public Security stated that detention in “ankan” facilities was not appropriate for patients who did not demonstrate criminal behavior. Nonetheless, political activists, underground religious adherents, persons who repeatedly petitioned the government, members of the banned Chinese Democracy Party (CDP), and Falun Gong practitioners were among those housed in these institutions.

On May 20, the UN Working Group on Arbitrary Detention issued the opinion that Xing Shiku had been detained arbitrarily in violation of article 9 of the Universal Declaration of Human Rights. Since 2007 Xing had been held in the Daowai District Psychiatric Hospital in Harbin, Heilongjiang Province, because of his frequent trips to Beijing to protest local corruption and the privatization of the state-owned company where he once worked.

A 2012 law bans involuntary mental health examinations and inpatient treatment except in cases in which patients expressed intent to harm themselves or others. Critics maintained, however, that the law does not provide meaningful legal protections for persons sent to psychiatric facilities. The 2012 amendments to the

criminal procedure law require a procuratorate (the agency responsible for both prosecution and investigation) review and a court decision for the psychiatric commitment of persons who have committed serious offenses but are exempt from criminal responsibility under the law. The amendments include a provision for appealing compulsory medical treatment decisions. Civil society and media sources reported that enforcement of these laws remained uneven.

According to the National Health and Family Planning Commission, approximately 10,000 organ transplants were performed annually, while 300,000 persons needed transplants each year. Advocacy groups continued to report organ harvesting from prisoners. Director of the China Organ Donation and Transplant Committee Huang Jiefu previously stated that organs from executed prisoners accounted for 64 percent of transplants in 2012 and for 54 percent by mid-2013. According to Huang, as of January 1, 2015, all organs would come from voluntary donations by Chinese citizens. Huang stated that prisoners would still be qualified to donate, but their organs would be registered in a computerized donation system instead of being traded privately.

Prison and Detention Center Conditions

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

Forced labor remained a serious problem in penal institutions (see section 7.b.) and centers for administrative detention. In December 2013 the National People's Congress (NPC) Standing Committee passed legislation that formally abolished the Re-education through Labor (RTL) system. State media announced that all RTL inmates would be released beginning December 30 but added that all preabolition penalties would be considered legitimate. Other administrative detention measures remained, however, including custody and education for sex workers and their clients and compulsory drug rehabilitation treatment for drug users.

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. 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.

In August, one of the attorneys representing recently released human rights lawyer Gao Zhisheng alleged that prison authorities kept Gao in solitary confinement for three years, underfed, underdressed for cold weather, and without access to sunlight.

When authorities detained Uighur professor Ilham Tohti in January, they reportedly placed him in leg shackles; authorities previously deprived him of food while he was detained at the XUAR Detention Centre in Urumqi.

According to a Chinese human rights NGO, Guangzhou authorities detained activist Wang Qingying ahead of the 25th anniversary of the Tiananmen protests on the charge of “creating a disturbance.” Wang was reportedly hit, slapped, confined without adequate space and food, and interrogated for 12 hours at a time until he confessed. On June 21, authorities charged him with “inciting subversion of state power.”

Authorities did not make public information on the prison population. In a 2012 report to the NPC Standing Committee, the Ministry of Justice stated that the country had 681 prisons with 1.64 million inmates. The International Center for Prison Studies (ICPS) reported that in 2009, in addition to sentenced prisoners, 650,000 persons were held in detention centers, and it estimated there were between 100,000 and 260,000 pretrial detainees. The ICPS reported that in mid-2010 female prisoners made up approximately 5.1 percent of the prison population, and in 2005 juveniles made up 1.4 percent. The criminal procedure law that came into effect in January 2013 reiterates the requirement that juveniles be held separately from adults, but the Dui Hua Foundation reported juveniles commonly were held with adults in detention centers. Political prisoners were held with the general prison population and reported being beaten by other prisoners at the instigation of guards. Authorities did not allow some dissidents supplemental food, medicine, and warm clothing from relatives.

The law mandates that a prison shall be ventilated, allow for natural light, and be clean and warm. The law further provides that a prison “shall set up medical, living, and sanitary facilities and institute regulations on the life and sanitation of prisoners.” It also states that the medical and health care of prisoners shall be the responsibility of the public health and epidemic prevention program of the area in which the prison is located. In many cases provisions for sanitation, ventilation, heating, lighting, basic and emergency medical care, and access to potable water were inadequate.

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: It was unclear whether recordkeeping on prisoners was adequate. Authorities employed alternatives to incarceration for both violent and nonviolent offenders. According to a press interview in January by the director general of the Community Correction Management Department, approximately 1.7 million individuals had gone through community correction since 2003, with an estimated 667,000 individuals in the program at year's end. There were no prison ombudsmen per se, but prisoners and detainees are legally entitled to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. The law states that letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination, but 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. Under article 52 of the prison law, "considerations shall be given to the special habits and customs of prisoners of minority ethnic groups." Article 23 of the Detention Center Regulation has similar requirements. Little information was available about the implementation of these regulations.

The law requires that an official from the procuratorate investigate and monitor prison and detention center conditions.

Independent Monitoring: Information about prisons, including associated labor camps and factories, was considered a state secret, and the government did not permit independent monitoring of prisons or administrative detention facilities. Prisoners remained inaccessible to local and international human rights organizations and media groups. Authorities did not allow the International Committee of the Red Cross to access prisoners or perform prison visits in the country.

d. Arbitrary Arrest or Detention

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

Many activists were subjected to extralegal house arrest, denied travel rights, or administratively detained in different types of facilities, including black jails. Authorities also reportedly kept other dissidents under house arrest and denied necessary medical attention to some activists while in detention. According to international human rights NGOs, authorities detained, disappeared, or questioned more than 150 lawyers, activists, journalists, and dissidents before the 25th anniversary of the Tiananmen Square protests. Various international media outlets reported that authorities arrested 20 activists, placed 44 under house arrest, and sentenced 15 to administrative detentions. Beijing authorities removed Ding Zilin from her home and placed her under soft detention. Ding had campaigned for truth and accountability for her son and others who were killed in the violent suppression of the Tiananmen protests in 1989.

According to NGO reports, there were 104 cases of detention in mainland China for individuals demonstrating their support for protesters in Hong Kong. Some were charged under the catch-all charge of “picking quarrels and provoking trouble,” while others faced subversion charges.

Despite being released from prison in 2011, activist Hu Jia was subjected to extrajudicial house arrest for more than 100 days during the first half of the year.

On July 8, authorities placed writer Tsering Woeser and scholar Wang Lixiong under house arrest for two days without explanation, apparently to prevent them from meeting with visiting foreign dignitaries.

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 (*chengguan*), to enforce administrative measures. Oversight of these forces was highly localized

and ad hoc. By law the officials can be criminally prosecuted for abuses of power, but such cases were rarely pursued. There were multiple reports of conflicts between these officials and street vendors. In some cases mediation resulted in payment of compensation to victims of these officials.

The Ministry of Public Security coordinates the country's civilian police force, which is organized into specialized police agencies and local, county, and provincial jurisdictions. Procuratorate oversight of the police was limited. Corruption at the local level was widespread. Police and urban management officials engaged in extrajudicial detention, extortion, and assault. In October authorities tried Ding Hongfen for "destroying property" after she and more than 20 other individuals freed petitioners from a guesthouse in Wuxi City where a private security firm was operating a black jail on behalf of local government authorities. According to Amnesty International, authorities detained and tortured Ding Hongfen, Qu Fengsheng, Shen Aibin, Xu Haifeng, Wu Ping, and Zheng Bingyuan. A Chinese Human Rights Defenders' report documented 89 facilities that were used as black jails in Wuxi City alone.

In 2012 the Ministry of Supervision, Ministry of Human Resources and Social Security, and Ministry of Justice jointly issued regulations stating that police in prisons and RTL facilities faced dismissal if they were found to have beaten, applied corporal punishment, abused inmates, or instigated such acts.

The "shuanggui" system--the CCP internal disciplinary system used to investigate party members suspected of corruption--continued to operate without oversight and with allegations of torture. Many officials accused of corruption or other discipline violations were interrogated and in some cases tortured in the shuanggui system, often to extract a confession of wrongdoing, before they were turned over to the judicial system. In October 2013 a closed-door court in Quzhou sentenced six CCP officials to prison for torturing to death Yu Qiyi, an engineer for a state-owned investment firm. Media reported Yu spent 38 days under shuanggui and was repeatedly deprived of sleep, beaten, burned with cigarettes, and dunked in a bucket of ice-cold water. On June 30, the *People's Daily* reported that Guangzhou party secretary Wan Qingliang was under investigation for "serious disciplinary and legal violations" after he was taken away in the middle of a CCP meeting three days earlier.

Arrest Procedures and Treatment of Detainees

Police detention beyond 37 days requires approval of a formal arrest by the procuratorate. After formally arresting a suspect, police are authorized to detain a suspect for up to an additional seven months while the case is investigated.

After the completion of a police investigation, the procuratorate has an additional 45 days of detention to determine whether to file criminal charges. If charges are filed, authorities can detain a suspect for an additional 45 days before beginning judicial proceedings. Police 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. Some criminal defense attorneys noted that under the 2013 revised criminal procedure law their ability to meet with clients improved significantly. In some cases defense attorneys could arrange visits at any time and have private meetings with their clients in detention centers. This generally did not apply to cases considered politically sensitive, including defense attorney Pu Zhiqiang and Uighur economics professor Ilham Tohti.

The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one; who is blind, deaf, mute, or a minor; or who faces the death penalty. The 2013 revisions added defendants facing a life sentence or who are mentally ill. 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 did not often do so.

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 notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials were 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.

The law allows for residential surveillance rather than detention in a formal facility under certain circumstances. Under the revised criminal procedure law, with the approval of the next higher-level authorities, officials can enforce “residential surveillance” on a suspect 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 residence would impede the investigation. When possible, authorities must notify relatives of individuals placed under formal arrest or residential surveillance in a designated abode within 24 hours. They are not required to specify the grounds for or location of the detention. Authorities can also prevent defense lawyers from meeting with suspects in these categories of cases.

The law provides for the right to petition the government for resolution of grievances, but citizens who traveled to Beijing to petition the central government were frequently subjected to arbitrary detention, often by police dispatched from the petitioner's hometown. Some provincial governments operated black jails in Beijing or in other localities where petitioners from their districts were held in extrajudicial detention.

Forms of administrative detention include "custody and education" (for women engaged in prostitution and those soliciting prostitution) and "custody and training" (for minor criminal offenders). The law establishes a system of "compulsory isolation for drug rehabilitation." The minimum stay in such centers is two years, and the law states that treatment can include labor. Public security organs authorize detention in these centers. Such detention often was imposed as an administrative rather than criminal measure. Authorities used administrative detention to intimidate political activists and prevent public demonstrations.

Arbitrary Arrest: New Citizens Movement associates detained for peaceful advocacy of good governance included Yang Maodong, Sun Desheng, Liu Ping, Wei Zhongping, Li Sihua, Ma Xinli, Zhang Baocheng, Hou Xin, Li Wei, Wang Yonghong, Ding Jiayi, Sun Hanhui, Zhao Changqing, Qi Yueying, Zhang Xiangzhong, Li Gang, Li Huanjun, and Song Guangqiang.

Authorities 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. 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 the state secret laws. A counterespionage law approved in November 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.

Authorities placed numerous dissidents, activists, and petitioners under house arrest during the October National Day holiday period and at other sensitive times, such as during the visits of senior foreign government officials or preceding the annual plenary sessions of the NPC and the Chinese People's Political Consultative Conference, the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and the XUAR.

Conditions faced by those under house arrest varied but sometimes included complete isolation in their homes under police guard. In some instances security officials were stationed inside the homes of subjects under house arrest. Others under house arrest occasionally could leave their homes to work or run errands but were required to ride in police vehicles. In some cases police or plainclothes security officers escorted the children of politically sensitive individuals to and from school. When permitted to leave their homes, subjects of house arrest were usually under police surveillance. Authorities in the XUAR used house arrest and other forms of arbitrary detention against those accused of supporting the “three evils” of religious extremism, “splittism,” and terrorism.

Pretrial Detention: Pretrial detention can last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention.

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 Law and Politics Committee has the authority to review and influence court operations at all levels of the judiciary.

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

A CCP-controlled committee decides most major cases, and the duty of trial and appellate court judges is 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 can be directed only to the promulgating legislative body. Lawyers have little or no opportunity to rely on constitutional claims in litigation.

At the CCP Central Committee plenaries in November 2013 and October 2014, the CCP announced its intention to strengthen the rule of law by enhancing judicial independence, increasing judicial transparency, and improving legal aid for the indigent. In July the Supreme People's Court promulgated its Five-Year Plan, announcing its goal of regulating the selection of judges and their salaries, the funding of courts, and giving the tribunal that hears a case the authority to decide it. Six provinces or provincial-level cities were selected as "experimentation centers" to implement these new policies on a trial basis.

Media sources indicated public security authorities used televised confessions of foreign and domestic bloggers, journalists, and business executives in an attempt to establish guilt before their criminal trial proceedings began, such as the televised confessions of journalists Gao Yu (see section 2.a.) and Xiang Nanfu and socialite Guo Meimei.

In May the Supreme People's Court posted a message on social media applauding the death sentences of mining tycoon Liu Han and four other codefendants before the defendants had the opportunity to file their appeals.

"Judicial independence" was reportedly one of the 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. According to the work report submitted to the NPC by the Supreme People's Court, approximately 1.16 million individuals were convicted and 825 were acquitted in 2013.

In many politically sensitive trials, courts handed down 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 all trials to be open to the public, with the exceptions of cases involving state secrets, privacy issues, minors, and, 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 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 otherwise closed to the public. During the year foreign diplomats attempted to attend nearly one dozen public trials throughout the country. In each instance court officials claimed there were no available seats in the courtroom and that foreigners needed prior permission to attend trials.

Portions of some trials were broadcast, and court proceedings were a regular television feature. A few courts published their verdicts on the internet. Many courts started websites purporting to provide the public with nonconfidential information about court cases and decisions.

The revised criminal procedure law makes clear that criminal suspects may retain a lawyer on the same day of an initial police interrogation or after a "compulsory measure" has been taken to limit their freedom. Investigators are required to inform suspects of their right to retain counsel. Police must also arrange meetings between defense lawyers and their clients within 48 hours of a request.

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 *People's Daily*, in 2013 approximately 1.15 million cases received legal aid, up 13 percent from 2012, benefiting 1.28 million individuals. The revised criminal procedure law expanded the availability of legal aid to include cases that could

result in the death penalty or life imprisonment and cases involving individuals with certain physical or mental disabilities.

Human rights lawyers reported that authorities did not permit them to defend certain clients or threatened them with punishment if they chose to do so. The government suspended or revoked the licenses of lawyers or their firms to stop them from taking sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney.

The CCP continued to require law firms with three or more party members to form a CCP unit within the firm. Firms with one or two party members may establish joint CCP units with other firms. In smaller counties and cities with few lawyers, party members may join local Justice Bureau CCP units. This rule also applies to private companies and other organizations.

Authorities arrested several prominent defense attorneys during the year. For example, on May 6, well known civil rights lawyer Pu Zhiqiang was arrested after taking part in a private meeting to mark peacefully the June 4 anniversary of Tiananmen Square, and he was thereafter charged with “causing a public disturbance” and “illegally obtaining citizens’ personal information.” Media reports claimed the latter charge was related to his work collecting evidence on behalf of his clients. According to his lawyer, in December Pu’s charges were expanded to include “inciting ethnic hatred” and “separatism.”

Official state media published critical articles on activist lawyers. In an April 9 article posted to the website of the influential CCP journal *Seeking Truth*, activist lawyers were described as a “poisonous cancer” on society that “disrupted the social order and undermined public safety.” The *Global Times*, in a May 8 editorial, stated that “activist lawyers have deviated” from what their jobs were supposed to entail and must “realize they are not commandos or the authoritative forces” behind improvements to the rule of law.

Government officials continued to harass lawyers for their involvement in high-profile, rights-related cases. When defendants were able to retain counsel in politically sensitive cases, government officials sometimes prevented attorneys from organizing an effective defense. Tactics employed by court and government officials included unlawful detentions, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients.

Authorities used the annual licensing review process administered by the Beijing Lawyers Association to withhold or delay the renewal of professional lawyers' licenses, which restricted the ability of a number of human rights and public interest lawyers to practice law.

Defense attorneys may be held legally responsible if their client commits perjury, and prosecutors and judges have wide discretion to decide what constitutes perjury. In 2011 a client of well known defense attorney Li Zhuang allegedly reported to police that Li incited him to lie to the court. Lawyers across the country saw the evidence of Li's alleged perjury as inadequate and his prosecution as payback for threatening local officials in Chongqing, including its party chief at the time, Bo Xilai.

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. Often 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. According to statistics reported in domestic media, in 2012 defense attorneys took part in less than 30 percent of criminal cases; in some provinces it was less than 12 percent. According to a 2012 report by the Beijing Municipal People's Procuratorate to the National People's Congress, of 20,000 criminal cases, defense counsel handled only an estimated 500 cases, or 2.5 percent of the total.

Mechanisms allowing defendants to confront their accusers were inadequate. Only a small percentage of trials reportedly involved witnesses. A provision of the revised criminal procedure law requires witnesses to appear in court and includes protections for witnesses and financial allowances for performing the duties of a witness. Judges, however, retained significant discretion over whether live witness testimony was required. 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. Defense attorneys received minimal pretrial access to information.

The criminal code contains 55 capital offenses, including nonviolent financial crimes such as embezzlement and corruption. There was no publicly available government information on how many defendants were either sentenced to death or executed during the year. Official figures on execution were classified as a state secret. An international human rights NGO estimated that 4,000 persons were executed annually in recent years, a marked decrease since the 2007 Supreme People's Court reassertion of its authority to conduct final reviews of death sentences. The Dui Hua Foundation in October estimated that 2,400 individuals were executed in 2013. The Supreme People's Court published 152 death penalty reviews online between July 2013 and September 2014. According to the mainland magazine, *Southern Weekly*, the Supreme People's Court overturned less than 10 percent of death penalty convictions.

In two separate high-profile cases during the year, courts overturned death sentences. In June the Supreme People's Court overturned the death sentence imposed on Li Yan (see section 6, Women), who allegedly killed her husband in 2010 after years of abuse, and remanded the case for a retrial. In August after an eight-year ordeal during which his death sentence was reaffirmed four times, Nian Bin was acquitted by the Fujian High Court of murder by poisoning in a 2006 case that primarily relied on the defendant's confession, which he later claimed was elicited through torture.

In December the Inner Mongolia Higher People's Court overturned the conviction of Huugjilt, an 18-year-old ethnic Mongolian who was sentenced to death and executed for the killing of a woman in 1996. After overturning the decision, authorities arrested the police officer who originally oversaw the case. According to state media, Feng Zhiming, a deputy police chief in the northern city of Hohhot, was charged with torture to coerce confession, dereliction of duty, and taking bribes.

Political Prisoners and Detainees

Government officials continued to deny holding any political prisoners, asserting that authorities detained persons 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. Tens of thousands of political prisoners remained incarcerated, some in prisons and others in administrative detention. The government did not grant international humanitarian organizations access to political prisoners.

Foreign NGOs estimated that several hundred persons remained in prison for “counterrevolutionary crimes,” which were removed from the criminal code in 1997. Thousands of others were serving sentences under state security statutes. The government apparently neither reviewed all cases of those charged before 1997 with counterrevolutionary crimes nor released persons jailed for nonviolent offenses under repealed provisions of the criminal law. The government maintained that prisoners serving sentences for counterrevolutionary crimes and endangering state security were eligible to apply for sentence reduction and parole. Political prisoners, however, were granted early release at lower rates than other prisoners received. Observers believed that persons remained in prison for convictions in connection with their involvement in the 1989 Tiananmen prodemocracy movement, although the number was unknown because related official statistics were never made public.

Authorities in Inner Mongolia released democracy activist Hada on December 10 after he completed an additional four-year sentence in unofficial detention following completion of a 15-year sentence in 2010. Hada’s family was subjected to periods of extralegal house arrest and surveillance, their family business was closed, and his working-age son was denied employment.

Many political prisoners remained in prison or under other forms of detention at year’s end, including rights activists Wang Bingzhang and Liu Xianbin; Ablikim Abdureyim, son of Uighur activist Rebiya Kadeer; former Tiananmen student leader Zhou Yongjun; labor activist Kong Youping; Roman Catholic bishops Ma Daqin and Su Zhimin; pastor Zhang Shaojie; and Tibetan Buddhist reincarnate lama Tenzin Delek Rinpoche, who was reportedly in poor health.

Nobel Peace Prize Laureate Liu Xiaobo, coauthor of the Charter ’08 manifesto that called for increased political freedoms and human rights, remained in Jinzhou Prison in Liaoning Province. Liu’s wife, Liu Xia, remained under 24-hour surveillance, and police escorted her whenever they allowed her to leave her home. Multiple media reports indicated that Liu Xia suffered from various medical ailments resulting from her long-term isolation.

In August 2013 a Beijing court sentenced Liu Hui, Liu Xiaobo’s brother-in-law, to 11 years’ imprisonment on charges, widely seen as politically motivated, of contract fraud.

In September prodemocracy activist Zhang Lin was sentenced to three and one-half years in prison for “gathering a crowd to disrupt public order” for his role in

an April 2013 protest against an elementary school that prevented his 10-year-old daughter from attending class (see section 1.f.). The Anhui court had delayed the trial for more than a year.

At year's end reliable information was not available whether the following individuals remained in detention: Abdulla Jamal, Uighur activist Dilkex Tilivaldi, Feng Xinchun, Gonpo Lhundrub, Gonpo Thar, Jalo, Tselo, and Wang Diangang.

Criminal punishments continued to include “deprivation of political rights” for a fixed period after release from prison, during which time the individual was denied rights of free speech, association, and publication. Former prisoners reported that their ability to find employment, travel, obtain residence permits, rent residences, and access social services was severely restricted. Authorities frequently subjected former political prisoners and their families to police surveillance, telephone wiretaps, searches, and other forms of harassment or threats.

After his release on August 7, defense attorney Gao Zhisheng was reportedly being held under house arrest in Shaanxi Province to serve a one-year term of “deprivation of political rights.” Tibetan filmmaker Dhondup Wangchen was also reportedly being held for a three-year term of “deprivation of political rights” after serving six years in prison and being released on June 5. According to reports authorities refused to provide the two with passports and denied them access to adequate medical care.

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. Citizens seldom applied for state compensation because of the high cost of bringing lawsuits, low credibility of courts, and citizens' lack of awareness of the State Compensation Law. Victims' claims were difficult to assess because of vague definitions in the law and difficulties in obtaining evidence of injury or damage. Judges were reluctant to accept state compensation cases, and government agencies seldom implemented court judgments in favor of plaintiffs.

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

While the law states that the “freedom and privacy of correspondence of citizens are protected by law,” authorities often did not respect the privacy of citizens. Although the law requires warrants before law enforcement officials 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. Cases of forced entry by police officers continued to be reported.

Authorities monitored telephone conversations, fax transmissions, e-mail, text 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.

According to foreign media reports, the Ministry of Public Security used tens of millions of surveillance cameras in the country. Authorities justified the security cameras as a way to improve public safety, crime fighting, traffic management, and “social stability.” Human rights groups stated authorities increasingly relied on the cameras 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. Authorities frequently warned dissidents and activists, underground religious figures, and former political prisoners throughout the country not to meet with foreign journalists or diplomats, especially before sensitive anniversaries, at the time of important government or CCP meetings, and during the visits of high-level foreign officials. Security personnel harassed and detained the family members of political prisoners, including following them to meetings with foreign reporters and diplomats and urging them to remain silent about the cases of their relatives.

Family members of activists, dissidents, Falun Gong practitioners, journalists, unregistered religious figures, and former political prisoners were targeted for arbitrary arrest, detention, and harassment (see section 1.d.).

Chen Kegui, nephew of activist Chen Guangcheng, remained in prison at year’s end. In June the UN Working Group on Arbitrary Detention ruled that Chen was being held in contravention of the Universal Declaration of Human Rights.

Forced relocation because of urban development continued in some locations. Protests over relocation terms or compensation were common, and some protest

leaders were prosecuted. In rural areas infrastructure and commercial development projects resulted in the forced relocation of millions of persons.

Property-related disputes often turned violent between citizens and government authorities, and were widespread in both urban and rural areas. 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 the central government's efforts to impose stronger controls over illegal land seizures and to standardize compensation. Redevelopment in traditional Uighur neighborhoods in cities throughout the XUAR, such as the Old City area in Kashgar, resulted in the destruction of historically or culturally important areas. Some residents voiced opposition to the lack of proper compensation provided by the government and coercive measures used to obtain their agreement to redevelopment. There were several reports of herders in Inner Mongolia complaining of confiscation of traditional pastoral lands for development.

Foreign media reported more than 130 Tibetans had self-immolated within China's borders since 2009, many of whom did so to protest destruction of their homes.

For information on the government's family-planning policies and their consequences, see section 6, "Women."

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, although authorities generally did not respect these rights. Authorities continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. During the year authorities imposed censorship and manipulated the press and the internet, particularly around sensitive anniversaries.

Freedom of Speech: With significant exceptions, especially speech that challenged the government or the CCP, political topics could be discussed privately and in small groups without official punishment. During the year some independent think tanks, study groups, and seminars reported pressure to cancel some sessions on sensitive topics. Those who made politically sensitive comments in public

speeches, academic discussions, and comments to the media remained subject to punitive measures.

Authorities cracked down on peaceful and private commemorations of the 25th anniversary of the 1989 Tiananmen Square protests. Beijing authorities placed Ding Zilin, founder of Tiananmen Mothers, under house arrest during the anniversary. Police arrested artist Chen Guang and friends for a private performance reportedly in his home referring to the Tiananmen Square protests.

In March 2013 the government created a new broadcast and press regulatory body, the State Administration of Press, Publication, Radio, Film, and Television (SARFT).

In September 2013 the Supreme People's Court and Supreme People's Procuratorate issued a judicial interpretation that made online "rumor mongering" a punishable offense. Under the interpretation the author of a libelous internet post that is reposted more than 500 times or read more than 5,000 times or of an internet post that leads to mass protests, instigates ethnic or religious clashes, damages the country's image, or causes "a bad international effect" is subject to a maximum of three years in prison. Authorities imposed strict sentences on journalists found guilty of "rumor mongering." According to state media, in July Yunnan authorities sentenced blogger Dong Rubin to six and one-half years in prison for spreading rumors online.

The government frequently monitored gatherings of intellectuals, scholars, and dissidents where political or sensitive issues were discussed. To commemorate International Human Rights Day 2008, a group of 303 intellectuals and activists released a petition entitled Charter '08, calling for the CCP to respect human rights and implement democratic reforms. Since then Charter '08 signers continued to report official harassment, especially around sensitive dates.

In May authorities raided and detained a dozen individuals at a dinner attended by activists in Hangzhou. According to western media reports, blogger Wang Wusi said that he and 10 others were released after two hours without any charges, but authorities held Charter '08 signatory Wen Kejian overnight and confiscated his cell phone and computer.

In September authorities detained 81-year-old writer Tie Liu, along with his caregiver Huang Jing, under suspicion of "creating a disturbance." Authorities searched his home in Beijing and confiscated his writing materials, books, and

computer. NGOs reported that Tie's detention was likely in reprisal for an online essay he published that tied to corruption Politburo Standing Committee Member Liu Yunshan.

Hangzhou police criminally detained China Democracy Party members Lv Gengsong and Chen Shuqing in August and September, respectively, and were investigating both democracy activists on charges of "subversion of state power." NGO sources alleged that their arrests were related to their activities with the opposition political party, which was outlawed in 1998.

Press Freedoms: All books and magazines require state-issued publication numbers, which were expensive and often difficult to obtain. Nearly all print media, broadcast media, and book publishers were affiliated with the CCP or a government agency. 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 all broadcast programming required government approval.

In November 2013 SARFT began requiring news organizations to hold weekly lectures on the CCP's journalistic principles, and journalists applying to renew their media credentials were required to take an examination on Marxist journalistic ideals.

A June 30 SARFT notice warned Chinese journalists not to pass on any information obtained in the course of their work to any foreign media groups or to domestic media where they were not employed. It re-emphasized they were not permitted to write for foreign news agencies. The notice stated that the journalists could face penalties if they revealed information not made public previously. Gao Yu, a former senior official in Chinese official media, was detained in May and accused of giving a secret document to a foreign website. According to her defense attorney, Gao claimed authorities coerced her into making a public confession on state television by threatening to punish her son. Gao went on trial in November on a charge of "leaking state secrets" and could face life imprisonment if convicted.

Foreign journalists based in the country found a challenging environment for reporting. According to the annual "Reporting Conditions" survey of the Foreign Correspondents' Club of China (FCCC) conducted in May, 99 percent of respondents did not believe reporting conditions in China met international standards, and 80 percent believed conditions had worsened or stayed the same as

the year before. No member said that conditions for foreign journalists had improved during the year.

On March 20, authorities detained and interrogated filmmaker He Yang for almost 20 hours and seized computers, a hard disk, and other materials on charges of “endangering state security.”

Since two U.S. media websites published articles in 2012 detailing the family wealth of high-ranking Chinese officials, websites for both media outlets continued to be blocked.

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 subject to official harassment and intimidation. During the year the FCCC identified 66 cases in which police officers or unknown persons impeded foreign reporters from doing their work, including nine cases in which reporters were manhandled or subjected to physical force. The FCCC report added that while “this represents a welcome drop from last year,” such intimidation “remains unacceptable.”

The FCCC reported that although routine delays in the provision of journalist visas appeared to have shortened in recent months, 18 percent of survey respondents reported difficulties in obtaining official press accreditation or a journalist visa either because of their or their predecessors’ reporting. While some reporters who authored particularly controversial news articles ultimately had their visas renewed, their news organizations experienced difficulty obtaining visas for new journalists and staff, even when these individuals previously held journalist visas for China.

Additionally, half of the correspondents surveyed stated their Chinese assistants encountered pressure from officials or experienced harassment. Authorities continued to enforce tight restrictions on citizens employed by foreign news organizations. The code of conduct for Chinese employees of foreign media organizations threatens with dismissal and loss of accreditation those Chinese employees who engage in “independent reporting” and instructs them to provide their employers information that projects a good image of the country.

The government limited attendance at official press briefings to domestic media. Foreign media and diplomats could attend only briefings conducted by the

Ministry of Foreign Affairs and a handful of press briefings held around special events. During the year the Ministry of Defense began allowing select foreign media outlets to attend monthly 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 to fire editors and journalists responsible for articles deemed inconsistent with official policy and suspended or closed publications. The system of post-publication review by propaganda officials encouraged self-censorship by editors seeking to avoid the losses associated with penalties for inadvertently printing unauthorized content. Officials could be punished for unauthorized contact with journalists.

Government officials used criminal prosecution, civil lawsuits, and other punishments, including violence, detention, and other forms of harassment, to intimidate authors and journalists and to prevent the dissemination of controversial writings. A domestic journalist could face demotion or job loss for publishing views that challenge the government.

In September Beijing authorities detained 81-year-old writer Huang Zerong on suspicion of “picking quarrels and stirring up trouble” after he published a critical article on former director of the CCP Propaganda Department Liu Yunshan.

Journalists who remained in prison at year’s end included Gao Yu and Yang Tongyan. Uighur webmasters Dilshat Perhat and Nijat Azat continued to serve sentences for “endangering state security.” Uighur journalist Memetjan Abdulla was sentenced to life in prison in 2010, reportedly accused of transmitting “subversive” information related to the 2009 riots. During the year journalists working in traditional and new media were also imprisoned. In December the Committee to Protect Journalists reported 44 journalists were in prison.

Censorship or Content Restrictions: Authorities continued to confiscate “unauthorized publications.” According to the National Office Against Pornographic and Illegal Publications, 20.5 million illegal publications were confiscated and more than 10,000 websites involving pornography or other illegal content were punished in 2013.

Foreign journalists were denied permits to travel to the TAR, except for a very few highly controlled, government-organized press visits. Travel to Tibetan areas outside the TAR became increasingly difficult for foreign journalists. While

authorities allowed foreign journalists access to Urumqi, XUAR, local and provincial authorities continued to control strictly their travel, access, and interviews, even forcing them to leave cities in parts of the XUAR.

The Central Propaganda Department ordered media outlets to adhere strictly to the information provided by authoritative departments when reporting on officials suspected of involvement in graft or bribery. Throughout the year the Central Propaganda Department issued similar instructions regarding protests in Hong Kong, former central military commission vice chairman General Xu Caihou's arrest on corruption charges, and former security chief Zhou Yongkang's arrest. The orders included instructions for media outlets not to investigate or report on their own.

Authorities continued to ban books with content they deemed controversial. The law permits only government-approved publishing houses to print books. SARFT controlled all licenses to publish. Newspapers, periodicals, books, audio and video recordings, or electronic publications may not be printed or distributed without the approval of the State Press and Publications Administration and relevant provincial publishing authorities. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other sanctions. The CCP exerted control over the publishing industry by preemptively classifying certain topics as state secrets.

Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. The censorship process for private and government media also increasingly relied on self-censorship and, in a few cases, post-publication sanctions.

SARFT and the CCP remained active in issuing restrictive regulations and decisions constraining the content of broadcast media.

In October authorities sentenced filmmaker Shen Yongping to one year's imprisonment on charges of "illegal business activity" after he solicited online donations to complete the documentary *100 Years of Constitutional Governance*, a film about China's constitutional history since the Qing Dynasty.

Authorities continued to jam, with varying degrees of success, Chinese-, Uighur-, and Tibetan-language broadcasts of the Voice of America (VOA), the BBC, and Radio Free Asia (RFA). English-language broadcasts on the VOA generally were not jammed. Internet distribution of streaming radio news and podcasts from these

sources often was blocked. Despite the jamming of overseas broadcasts, the VOA, the BBC, RFA, Deutsche Welle, and Radio France International had large audiences, including human rights advocates, ordinary citizens, and government officials.

Overseas television newscasts, largely restricted to hotels and foreign residence compounds, were occasionally subject to censorship. Such censorship of foreign broadcasts also occurred around the anniversary of the 1989 Tiananmen massacre. Individual issues of foreign newspapers and magazines occasionally were banned when they contained articles deemed too sensitive.

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. In April authorities also removed popular U.S. television shows from video streaming websites including, *The Big Bang Theory*, *The Good Wife*, *NCIS* and *The Practice*. In responding to domestic criticism over the move, SARFT vaguely explained that the banned shows were either out of copyright or violated clause 16 of the rules of online broadcasting, a clause that prohibits pornography, violence, and “content that violates China’s constitution, endangers the country’s sovereignty and territorial integrity, provokes trouble in society, promotes illegal religion, and triggers ethnic hatred.”

Internet Freedom

In 2010 the Information Office of the State Council released its first white paper on the internet explaining that “within Chinese territory the internet is under the jurisdiction of Chinese sovereignty.” The paper outlined the government’s endeavors to allow certain freedoms of speech on the internet as long as the speech did not endanger state security, subvert state power, damage state honor and interests, jeopardize state religious policy, propagate heretical or superstitious ideas, or spread rumors and other content forbidden by laws and administrative regulations, among other ambiguous caveats. In the November 2013 Third Plenum communique, *Certain Major Issues Regarding Comprehensively Deepening Reforms*, the government affirmed the importance of managing and supervising the internet, as well as supervising online public opinion.

The internet was widely available and widely used. The China Internet Network Information Center (CNNIC) reported that by the end of 2013 the number of

internet users reached 618 million. The CNNIC reported that 53.58 million new users were added in 2013, a 3.7 percent increase from 2012.

The CCP continued to increase efforts to monitor internet use, control content, restrict information, block access to foreign and domestic websites, encourage self-censorship, and punish those who ran afoul of political sensitivities. According to news sources, more than 14 government ministries participated in these efforts, resulting in the censorship of thousands of domestic and foreign websites, blogs, cell phone text messages, social networking services, online chat rooms, online games, and e-mail. These measures were not universally effective. In addition to its own extensive system of internet censorship, the government imposed more responsibilities on internet companies to implement online censorship and surveillance regimes, and it sought to prohibit anonymous expression online.

A State Council regulation deems personal blogs, computer bulletin boards, and cell phone text messages to be part of the news media, which subjects these media to state restrictions on content. Internet service providers were instructed to use only domestic media news postings, to record information useful for tracking users and their viewing habits, to install software capable of copying e-mails, and to end immediately transmission of “subversive material.”

Under guidance from the CCP, the government employed thousands of persons at the national, provincial, and local levels to monitor electronic communications. Official monitoring focused on such tools as social networking, microblogging, and video-sharing sites. Internet companies also employed thousands of censors to implement CCP directives.

In 2011 central government authorities ordered all public spaces offering free wireless internet access to install costly software that would enable police to identify users of the service. Authorities warned Beijing cafe and restaurant owners they would face a fine of 20,000 renminbi (RMB) (\$3,260) if they offered wireless internet access without installing the software. In 2012 the NPC ratified a law requiring persons to give their real names when signing up for internet, fixed telephone line, or cell phone services. Providers must also require persons’ names when allowing them to post information publicly.

Major news portals required users to register using their real names and identification numbers to comment on news articles. Individuals using the internet in public libraries were required to register using their national identity card, and usage reportedly was monitored at all public library terminals. In August the State

Internet Information Office (SIIO) imposed new restrictions on the country's most popular mobile instant messaging service, "WeChat," which was meant to curb the sharing of unauthorized political news and information. SIIO officials stated users with public accounts, including companies, organizations, and celebrities, are required to register using their real names and to sign a contract promising to "obey the law and uphold the socialist system." The rules also bar the posting or reposting of political news and current affairs without government approval.

The government continued the crackdown on popular Weibo commentators known as "Big Vs" (verified real-name accounts with large followings). According to media accounts, in the latter half of 2013 authorities interrogated hundreds of influential Weibo microbloggers because of their large followings and outspoken posts. In July the social media accounts of "Big V" and outspoken political commentator Li Chengpeng were closed. Research commissioned by the United Kingdom newspaper the *Telegraph* in June estimated that the number of posts on Weibo may have fallen by as much as 70 percent compared with the previous year in the wake of the government's aggressive campaign to intimidate and censor influential users.

The government consistently blocked access to websites it deemed controversial, especially those discussing Taiwan, the Dalai Lama, Tibet, underground religious and spiritual organizations, democracy activists, and the 1989 Tiananmen massacre. The government also at times blocked access to selected sites operated by foreign governments, news outlets, health organizations, educational institutions, NGOs, and social networking sites, as well as to search engines that allow rapid communication or organization of users. In September following the outbreak of student protests in Hong Kong, censorship authorities abruptly blocked the photo-sharing social media site Instagram. During the year the government also blocked other countries' instant messaging services, including Japan's "Line" and South Korea's "Kakao Talk."

In March authorities shut down and suspended dozens of public WeChat instant-messaging accounts without explanation. According to media reports, the accounts belonged to users who were popular for posting commentaries and articles on current affairs.

On May 29, the government blocked almost all access to Google websites, including its mail service, photo program, maps service, and calendar application. On December 29, media reported that Gmail, the world's largest e-mail service provider, saw its traffic in China reduced to zero when large numbers of users were

blocked. In late September, after prodemocracy protests began in Hong Kong, overseas media reported that photo-sharing application Instagram was blocked in Mainland China. Facebook and Twitter remain blocked.

Some websites included images of cartoon police officers that warn users to stay away from forbidden content. Operators of web portals, blog-hosting services, and other content providers engaged in self-censorship to ensure their servers were free from politically sensitive content. Domestic websites that refused to self-censor political content were shut down, and many foreign websites were blocked. Millions of citizens had Twitter-like microblogs that circulated some news banned in the national media. The microblogs themselves were censored but often hours or days after the posting.

In 2012 the SIO and the since-reorganized State Administration of Radio, Film and Television issued a circular requiring online video content providers to review videos before making them available online and holding them responsible for the content.

Authorities employed an array of technical measures to block “sensitive” websites based in foreign countries. The ability of users to access such sensitive sites varied from city to city. The government also automatically censored e-mail and web chats based on a list of sensitive key words, such as “Falun Gong,” “Dalai Lama,” and “Tibetan independence.” On China’s first annual Constitution Day, various media outlets reported that even the words “constitution” and “constitutionalism” were blocked on popular discussion forum Tieba. During the Hong Kong democracy protests, popularly known as the “Umbrella Movement,” censors blocked search terms that included “umbrella,” “Hong Kong police,” and “tear gas,” among other related terms.

While such censorship was effective in keeping casual users away from sensitive content, it was circumvented through the use of various technologies. Information on proxy servers outside China and software for defeating official censorship was readily available inside the country, but the government increasingly blocked access to the websites and proxy servers of commercial virtual private network providers. Despite official monitoring and censorship, dissidents and political activists continued to use the internet to call attention to political causes such as prisoner advocacy, political reform, ethnic discrimination, and corruption. Internet users spanning the political spectrum complained of censorship. Authorities sometimes blocked or closed the blogs of prominent activists, artists, scholars, and university professors during the year.

There were numerous press reports of purported cyberattacks against foreign websites, foreign journalists, and foreign media organizations that carried information deemed offensive by the government.

Authorities continued to jail numerous internet writers for peaceful expression of political views.

In March, Beijing and Sichuan authorities detained and interrogated the founder of human rights website 64 Tianwang, Huang Qi, and three volunteers for “picking quarrels and provoking trouble” after they reported on an apparent self-immolation attempt in Tiananmen Square and for vandalizing a Mao Zedong portrait. Five computers, cell phones, and communications equipment were seized from Tianwang’s office.

According to online reports, Fujian security officials forcibly committed blogger Shi Genyuan to a mental health institution after detaining him at his home in June.

On October 7, the *Telegraph* reported that authorities detained poet Wang Zang after he posted a photograph of himself online carrying an umbrella in an apparent show of solidarity with prodemocracy protesters in Hong Kong (umbrellas were a symbol of the protests). According to Wang’s spouse, the day after he posted the photograph on Twitter, security officials raided his home and confiscated his computer and his umbrella.

The State Secrets Law obliges internet companies to cooperate with investigations of suspected leaks of state secrets, stop the transmission of such information once discovered, and report the crime to authorities. Furthermore, the companies must comply with authorities’ orders to delete such information from their websites, and failure to do so is punishable by relevant departments such as the police and the Ministry of Public Security.

Regulations prohibit a broad range of activities that authorities interpret as subversive or slanderous to the state.

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. In December state media reported that President Xi called for greater “ideological

guidance” in universities and urged the study of Marxism. SARFT and the Central Propaganda Department issued restrictive regulations and decisions that constrained the flow of ideas and persons. In May 2013 the *South China Morning Post* reported that the CCP issued secret instructions to university faculty identifying seven “off-limits” subjects, including universal values, freedom of the press, civil society, civil rights, an independent judiciary, elite cronyism, and the historical errors of the CCP. 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 foreign academics to self-censor their work.

There were indications throughout the year that authorities were attempting to extend their oversight of professors and academics into the classroom itself. In November the CCP-run provincial newspaper *Liaoning Daily* published an article entitled “Teacher, Please Don’t Talk About China Like That: An Open Letter to Teachers of Philosophy and Social Science,” warning teachers to refrain from being critical of the country’s political system and ideologies such as Marxism. The newspaper noted it sent reporters to “observe” university classroom lectures, where they heard professors making “inappropriate” comments to their students. Less than a week after publication of the article, the financial news magazine *Caixin* reported that Guizhou provincial authorities ordered all universities in the province to install CCTV cameras in the classrooms to “build an all-around oversight system for teaching-quality control.” Legal experts argued that such a move violated the constitutional rights of educators to free speech.

On September 23, the Urumqi People’s Intermediate Court in a closed trial sentenced Uighur economist and professor Ilham Tohti to life imprisonment after finding him guilty of advocating “separatism.” The government also seized his life savings of RMB 850,000 (\$140,000) and other assets. On November 21, the Urumqi High Court rejected Tohti’s request for an appeal and upheld his life sentence. Tohti and his students first disappeared from Beijing on January 15. He was formally arrested February 25 on accusations of promoting Xinjiang independence on his website. Tohti’s legal team was refused access to trial evidence, not permitted to cross-examine witnesses, and prevented from meeting their client for the first six months of his detention. Tohti’s lawyer, Li Fangping, reported that Tohti was shackled in chains for 20 days in detention, denied food for up to 10 days, and subjected to physical abuse from other inmates. On November 25, authorities tried seven of his students--Perhat Halmurat, Shohret Nijat, Mutellip

Imin, Abduqeyyum Ablimit, Atikem Rozi, Akbar Imin, and Luo Yuwei--from the Central Nationalities University on charges of advocating separatism. One student, Abdukeyum Ablimit, was accused of revealing state secrets. After being detained and missing since January, three of his students -- Perhat Halmurat, Shohret Nijat, and Luo Yuwei--in September confessed on state television that Tohti had instructed them to publish articles that could inflame ethnic tensions. It was not clear under what circumstances the televised confessions were obtained. On December 8, the Intermediate People's Court of Urumqi ruled that the seven students actively participated in Tohti's separatist activities and sentenced them to prison terms of between three to eight years.

On November 27, Uighur-language advocate Abduweli Ayup Gulen was released from prison in Urumqi. In August Ayup and his business associates Muhemmet Sidik and Dilyar Obul were accused of "illegal fund raising" and sentenced and fined, respectively, to 18 months' imprisonment and RMB80,000 (\$13,100); 27 months' imprisonment and RMB 130,000 (\$21,200); and two years' imprisonment and RMB 100,000 (\$16,300).

Censorship and self-censorship of artistic works was common, particularly those artworks deemed to involve politically sensitive subjects.

Authorities on a few occasions blocked entry into the country of individuals deemed politically sensitive and frequently refused to issue passports to Chinese citizens selected for international exchange programs who were considered "politically unreliable," singling out ethnic Tibetans and Uighurs and individuals from other minority nationality areas.

A number of other foreign government-sponsored exchange selectees, particularly those from minority provinces, encountered difficulties gaining approval to travel to participate in their programs.

The government used political attitudes and affiliations as criteria for selecting persons for the few government-sponsored study abroad programs but did not impose such restrictions on privately sponsored students. The government and the party controlled the appointment of high-level officials at universities. While CCP membership was not always a requirement to obtain a tenured faculty position, scholars without CCP affiliation often had fewer chances for promotion.

Foreign researchers, authors, and academics residing outside of the country reported they were subject to sanctions, including denial of visas, from authorities

when their work did not meet with official approval. Thirteen foreign academics asserted they were blacklisted and blocked from obtaining visas to travel to China for having contributed scholarly essays to a book on Xinjiang published in 2004. Other scholars were blacklisted or faced difficulties obtaining visas because of their politically sensitive work on the country.

In July a foreign academic was barred from entering the country despite presenting a valid visa at the port of entry. While no official reason was given, Western media reports attributed the turnaround to his public support for jailed Uighur scholar Ilham Tohti.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

While the law 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, relocations, and compensation, often resulting in conflict with authorities or other charges (see section 1.f.).

Media and police estimated tens of thousands participated in prodemocracy protests in September and October in the Special Administrative Region of Hong Kong. The protests were largely peaceful, although a limited number of violent clashes broke out. The NGO Chinese Human Rights Defenders reported there were 104 cases of detention in Mainland China, and of those 31 remained in detention for demonstrating their support for the Hong Kong protests.

All concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Although peaceful protests are legal, police rarely granted approval. Despite restrictions there were many demonstrations, but those with broad political or social themes were broken up quickly, sometimes with excessive force. According to an international NGO, a former leading member of the CCP’s Politics and Law Commission stated that the country experienced 30,000 to 50,000 mass incidents every year. According to a

2012 Blue Book published by the Chinese Academy of Social Sciences, such mass incidents numbered anywhere from the tens of thousands to more than 100,000 each year. As in past years, the vast majority of demonstrations concerned land disputes; housing problems; industrial, environmental, and labor matters; government corruption; taxation; and other economic and social concerns. Others were provoked by accidents or were related to personal petitions, administrative litigation, and other legal processes.

The law protects an individual's ability to petition the government, but persons petitioning the government faced restrictions on their rights to assemble and raise grievances (see section 1.d.). Most petitions addressed grievances about land, housing, entitlements, the environment, or corruption. Most petitioners sought to present their complaints at national and provincial "letters and calls" offices.

The central government's Bureau of Letters and Calls, which handles petitions filed in Beijing, announced new regulations that took effect on May 1. They require local governments to resolve complaints within 60 days and stipulate that central authorities will no longer accept petitions that have already been fielded by local or provincial governments. The regulations also encourage that all litigation-related petitions be handled at the local level through local or provincial courts.

The central government reiterated prohibitions against blocking or restricting "normal petitioning" and against unlawfully detaining petitioners; however, retaliation against petitioners continued. This was partly due to incentives the central government provided to local officials to prevent petitioners from raising complaints to higher levels. Incentives included provincial cadre evaluations based in part on the number of petitions from their provinces. This initiative aimed to encourage local and provincial officials to resolve legitimate complaints but also resulted in local officials sending security personnel to Beijing and forcibly returning the petitioners to their home provinces to prevent them from filing complaints against local officials with the central government. Such detentions often went unrecorded. Rules issued by the State Council mandate sending officials from Beijing to the provinces to resolve petition problems locally, thereby reducing the number of petitioners entering Beijing. The rules also mandate a 60-day response time for petitions and provide for a single appeal in each case.

Petitioners faced harassment, illegal detention, and even more severe forms of punishment when attempting to travel to Beijing to present their grievances.

On February 15, state media reported the Henan provincial government ordered the closure of illegal detention centers in the province. An official from the provincial petition bureau later acknowledged that some local authorities, including public security and justice departments, still detained petitioners in their homes, workplaces, and “discipline centers.”

Freedom of Association

The law 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 truly autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority.

The government maintained tight controls over civil society organizations.

In June a local government website in Shanxi Province announced that the newly formed National Security Council ordered a security review of foreign NGOs and domestic NGOs that receive foreign funding. The notice was quickly taken down and news reports about it deleted. According to the *New York Times*, Zhengzhou Yirenping, an antidiscrimination NGO, had its bank account frozen after it refused to complete the survey. On June 17, authorities raided Zhengzhou Yirenping’s office and seized computers and financial records. Local police charged founder Chang Boyang for “illegal business activity” in connection with the NGO, which was registered as a company. Chang was released on bail November 28 after six months in detention.

According to regulations issued by the State Administration for Foreign Exchange, foreign exchange donations to or by domestic institutions must “comply with the laws and regulations...and shall not go against social morality or damage public interests and the legitimate rights and interests of other citizens.” For donations to a domestic organization from a foreign NGO, the regulations require all parties and the banks to approve additional measures prior to processing a transaction. Application of the regulation varied, with some NGOs successfully navigating the requirements, others identifying other options by which to receive funds, and some severely limiting or shutting down operations.

To register, an NGO must find a government agency to serve as its organizational sponsor, have a registered office, and hold a minimum amount of funds. Finding a

government sponsor was often very difficult, since it could be held responsible for the NGO's behavior. Although the National People's Congress in March 2013 announced changes that would ease registration requirements for some NGOs, nationwide regulations had not been promulgated. In any event the proposed waiver of government sponsorship would apply only to industrial associations, charities, community services, and organizations dedicated to the promotion of technology. NGO sources reported that the proposed regulations do not apply to organizations primarily focused on advocacy or rights promotion.

On January 29, the Ministry of Finance and State Administration of Taxation issued a circular on tax exemption requirements for civil society organizations that permits charitable and public benefit activities to be conducted outside the country.

Guangdong provincial government officials continued reforms aimed at facilitating the operations and work of many NGOs, including, for example, simplifying procedures so that certain categories of NGOs could register directly with the Ministry of Civil Affairs. Implementation of regulations associated with these proposals was often inconsistent. Although some NGOs perceived to be working in nonpolitical, nonsensitive areas enjoyed increased opportunities, others continued to face interference from authorities, for example, through increased financial scrutiny. Labor NGOs in Shenzhen continued to face a challenging environment, including registration hurdles and occasional government interference with their activities. On June 16, the Guangzhou municipal government published new regulations cancelling the minimum funding requirement for civil nonenterprise organizations to register and set up offices in private residences. It also issued a regulation allowing multiple associations within the same industry to register, in contrast with a previous policy of allowing one association per industry.

Although all registered organizations came under some degree of government control, some NGOs were able to operate with a greater degree of independence. The number of NGOs continued to grow, despite the restrictions and regulations. The government used the term "social organization" to categorize social groups (shehui tuanti), such as trade and professional associations; civil noncommercial units (minban fei qiye danwei), which are the equivalent of nonprofit service providers; and foundations (jijinhui). The last category included two types of foundations: public fundraising and private fundraising foundations. The government continued to impose fundraising limits on private foundations.

According to the Ministry of Civil Affairs, by the middle of 2013, there were more than 500,000 legally registered social organizations, public institutions, and foundations. Many experts believed the actual number of NGOs to be much higher. In 2012 an official of the Ministry of Civil Affairs wrote, “In 2007 China started to use the term ‘social organization’ instead of ‘civil organization’ because ‘civil’ contrasts with ‘official’ and reflected the opposing roles of civil society and government in the traditional political order. The 16th and 17th CCP Congresses changed the name to ‘social organization. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP, known as ‘government NGOs.’”

NGOs that could not legally register faced numerous logistical challenges, including difficulty opening bank accounts and receiving foreign funding, hiring workers, fundraising, and renting office space. NGOs that opted not to partner with government agencies could register as commercial consulting companies, which allowed them to obtain legal recognition at the cost of forgoing tax-free status. Security authorities routinely warned domestic NGOs, regardless of their registration status, not to accept donations from the foreign-funded National Endowment for Democracy and other international organizations deemed sensitive by the government.

Even NGOs in areas deemed nonsensitive by the government were not immune to pressure. In August and September, authorities investigated all 22 branches of Liren Library, an NGO that ran volunteer libraries in rural areas. Schools cancelled partnerships with nine libraries, and in September officials in Henan’s Huaibin County closed a volunteer Liren library without explanation. Authorities arrested Liren Rural Library director Chen Jun in October.

Authorities supported the growth of some NGOs that focused on social problems such as poverty alleviation and disaster relief but remained concerned that these organizations might emerge as a source of political opposition. NGOs working in the TAR and other Tibetan areas continued to face a difficult operating environment, and many 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.

No laws or regulations specifically govern the formation of political parties. The Chinese Democracy Party (CDP) remained banned, and the government continued to monitor, detain, and imprison current and former CDP members.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government generally 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 refugees, asylum seekers, and other persons of concern.

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

In-country Movement: Authorities heightened 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, or to forestall demonstrations. Freedom of movement continued to be very limited in the TAR and other Tibetan areas. Police maintained checkpoints in most counties and on roads leading into many towns, as well as within major cities such as Lhasa.

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. Rural residents continued to migrate to the cities, where the per capita disposable income was approximately three times the rural per capita income, but many could not change their official residence or workplace within the country. Most cities had annual quotas for the number of new temporary residence permits that could be issued, 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.

In July the State Council issued a legal opinion that removed restrictions on rural migrants seeking household registration in small and mid-sized towns and cities. Under the new regulations, household registration will be based on place of residence and employment instead of place of birth. The opinion exempted cities with large populations. The city of Guangzhou issued a new policy to allow persons who were legally employed within the city to marry and have a child without returning to the hometown listed on their “hukou.”

The household registration system added to the difficulties rural residents faced even after they relocated to urban areas and found employment. According to the *Statistical Communique of the People’s Republic of China on 2013 National Economic and Social Development* published by the Ministry of Human Resources and Social Security, 289 million persons lived outside the jurisdiction of their household registration. Of that number, 245 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 or social insurance, in the cities where they lived and worked because they were not legally registered urban residents. Poor treatment and difficulty integrating into local communities contributed to increased unrest among migrant workers in the Pearl River Delta. Migrant workers had little recourse when abused by employers and officials. Some major cities maintained programs to provide migrant workers and their children access to public education and other social services free of charge, but migrants in some locations reported difficulty in obtaining these benefits due to onerous bureaucratic processes.

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. Some academics and activists continued to face travel restrictions, especially around sensitive anniversaries (see section 1.d.). The government exercised exit control for departing passengers at airports and other border crossings and utilized this exit control to deny foreign travel to some dissidents and persons employed in sensitive government posts. Throughout the year lawyers, artists, authors, and other activists were at times prevented from exiting the country. Border officials and police cited threats to “national security” as the reason for refusing permission to leave the country. Authorities stopped most

persons at the airport at the time of the attempted travel. Well known artist Ai Weiwei was denied a passport to attend exhibitions of his work abroad. Authorities prevented sex-worker advocate Ye Haiyan from traveling to an international AIDS conference in Australia in July. In October well known women's rights and HIV/AIDS activist Wang Qiuyun was prevented from traveling to Geneva, where she planned to attend an event on the sidelines of a review before the Committee on the Elimination of All Forms of Discrimination Against Women. Other activists also reported being blocked from traveling abroad.

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

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 hajj, other Muslim countries, or Western countries for academic or other purposes. Authorities reportedly seized valid passports of some residents of the XUAR and other citizens. Family members of Uighur activists living overseas were also denied visas.

In the TAR and Tibetan areas of Qinghai, Gansu, and Sichuan provinces, ethnic Tibetans experienced great difficulty acquiring passports. The unwillingness of Chinese authorities in Tibetan areas to issue or renew passports for ethnic Tibetans created, in effect, a ban on foreign travel for a large segment of the Tibetan population. Han residents of Tibetan areas did not experience the same difficulties.

Exile: The law neither provides for a citizen's right to repatriate nor addresses exile. The government continued to refuse reentry 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.

Emigration and Repatriation: The government continued to try to prevent many Tibetans and Uighurs from leaving the country and detained many who were apprehended in flight (see Tibet Annex). During the year 171 Tibetans transited the UNHCR reception center in Kathmandu. Lawyer Gao Zhisheng, released in

August, and filmmaker Dhondup Wangchen were denied passports and the ability to depart the country despite requests to be reunited with their families overseas.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of refugee or asylee status, and the government did not establish a system for providing protection to refugees. Although the government does not grant refugee or asylee status, it allowed the UNHCR to assist non-North Korean and non-Burmese refugees. Because 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.

Refoulement: The government did not provide protection against the expulsion or forcible return of vulnerable refugees and asylum seekers, especially North Korean and Kachin refugees, to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government continued to consider all North Koreans “economic migrants” rather than refugees or asylum seekers, and the UNHCR continued to have no access to North Korean or Burmese refugees inside China. The lack of access to durable solutions and options, as well as constant fear of forced repatriation by authorities, left North Korean refugees vulnerable to human traffickers. Reports of various exploitation schemes targeting North Korean refugees, such as forced marriages, forced labor, and prostitution, were common. The government continued to deny the UNHCR permission to operate along its borders with North Korea and Burma.

There were credible reports that authorities continued to return North Korean refugees apprehended in China, although in midyear there were reports that a group of refugees apprehended in China were permitted to go to South Korea. In early August authorities returned 20 North Korean refugees via the Tumen River after they had been detained by plainclothes police in Shandong and Yunnan provinces. Six Chinese guides and a North Korean defector with South Korean citizenship assisting the group were also apprehended. Media reported the South Korean citizen would face criminal charges in China.

Refugee Abuse: The intensified crackdown begun in 2008 against North Korean asylum seekers and refugees reportedly extended to harassment of religious communities along the border, some of which were providing shelter to refugees. The government arrested and detained individuals who provided food, shelter,

transportation, and other assistance to North Koreans. According to reports some activists or brokers detained for assisting North Koreans were charged with human smuggling, and in some cases the North Koreans were forcibly returned. There were also reports that North Korean agents operated clandestinely within the country to forcibly repatriate North Korean citizens. According to press reports, some North Koreans detained by police faced repatriation unless they could pay bribes to secure their release.

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

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

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution states that “all power in the People’s Republic of China belongs to the people” and that the organs through which the people exercise state power are the National People’s Congress (NPC) and the people’s congresses at provincial, district, and local levels. While the law provides for elections, citizens could not freely choose officials who govern them. In fact the CCP controlled virtually all elections and continued to control appointments to positions of political power.

On August 31, the NPC Standing Committee approved a framework for implementing universal suffrage for the 2017 election of Hong Kong’s chief executive. The framework states that between two and three candidates may be nominated with the approval of more than 50 percent of a nominating committee formed in accordance with the size, composition, and formation method of the existing 1,200 person Election Committee. Prodemocracy activists criticized the framework as undemocratic and designed to ensure that only candidates supportive of the PRC government were nominated by a predominantly unelected, pro-Beijing nominating committee.

Elections and Political Participation

Recent Elections: The NPC, composed of up to 3,000 deputies, elects the president and vice president, the premier and vice premiers, and the chairman of the State Central Military Commission. The NPC Standing Committee, which consisted of 175 members, oversaw these elections and determined the agenda and procedures for the NPC.

The NPC Standing Committee remained under the direct authority of the CCP, and most legislative decisions require 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' 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 local level. The government estimated that serious procedural flaws marred one-third of all elections. 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 this 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 2012, when the most recent elections were held, the local governments kept most independent candidates--those without official government backing--off the ballots despite their having met nomination criteria. No declared independent candidates won election in 2012. Election officials pressured independent candidates to renounce their candidacies, manipulated the ballot to exclude independent candidates, refused to disclose electorate information to independent candidates, and sometimes adjusted electoral districts to dilute voter support for independent candidates.

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

Participation of Women and Minorities: While the government placed no special restrictions on the participation of women or minority groups in the political process, women held few positions of significant influence in the CCP or government structure. Among the 2,987 delegates of the 12th NPC (term 2013-18), 699 (23.4 percent) were women.

Following the 18th Party Congress in November 2013, two women were members of the CCP’s 25-member Politburo. There were no women in the Politburo Standing Committee.

According to government-provided information, there were more than 230 female provincial and ministerial officials –10 percent of the overall total--and 670 female mayors and vice mayors, twice the number in 1995. Thirty-seven women were members of provincial standing committees, constituting 9 percent of standing committee members. There were approximately 20 million female CCP cadres, more than one-fifth of the party’s membership.

The government encouraged women to exercise their right to vote in village committee elections and to run in those elections, although only a small fraction of elected members were women. In many locations a seat on the village committee was reserved for a woman, who was usually given responsibility for family planning. 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. During the 2011-12 local people’s congresses elections, many electoral districts in which independent candidates campaigned used these quotas as justification to thwart the independent candidacies.

A total of 409 delegates from 55 ethnic minorities were members of the 12th NPC, accounting for 13.7 percent of the total number of delegates. All of the country's officially recognized minority groups were represented.

The 18th Communist Party Congress elected 10 members of ethnic minority groups as members of the Central Committee.

The only ministerial-level post held by an ethnic minority member was in the State Ethnic Affairs Commission, headed by Yang Jing, a Mongol from Inner Mongolia. Until November 2012, Hui Liangyu of the Hui ethnic group was a member of the Politburo. Minorities held few senior CCP or government positions of significant influence (see also section 6, "National/Racial/Ethnic Minorities").

Section 4. Corruption and Lack of Transparency in Government

Although officials face criminal penalties for corruption, the government 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.

While corruption remained a serious problem, the government clearly recognized the depth of the problem.

In January the Central Commission for Discipline Inspection (CCDI), the CCP's leading body for countering corruption among members, reported that in 2013 it had received more than 1.95 million allegations of corruption, investigated 172,532 corruption-related cases, and disciplined 182,038 officials, 13.3 percent more than in 2012. Among those investigated, 33 senior officials at the vice-ministerial level or above in the CCP, government, and state-owned enterprises were eventually removed from their posts. In addition, 30,420 officials were punished for violating one or more of the "eight rules" that serve as the mandate for the anticorruption campaign. The "shuanggui system"--the CCP internal disciplinary system used to investigate party members suspected of corruption--remained highly opaque with regard to its operating procedures and adherence to domestic laws and international human rights obligations. "Shuanggui" continued to function without independent oversight and was plagued by allegations of torture.

On July 25, the Supreme People's Procuratorate reported that prosecutors nationwide had investigated more than 25,000 individuals for bribery and embezzlement in the first six months of the year. There were 16,000 "major cases"--bribery cases exceeding RMB50,000 (\$8,160) and embezzlement cases exceeding RMB100,000 (\$16,320)--13.7 percent more than the corresponding period in 2012. Also during the first six months of the year, 320 officials who had fled abroad with illicit funds were apprehended and returned to China.

In December 2013 the CCP Central Committee unveiled a five-year plan to punish and prevent corruption. On December 26, the CCDI reported it had punished 25,855 individuals for breaches to antibureaucracy and formalism rules during 2013, including 6,247 CCP officials.

The law makes citizens and companies paying bribes to foreign government officials and officials of international public organizations subject to criminal punishments of up to 10 years' imprisonment and a fine.

The government's "frugal working style" rule bars government officials from spending public money on luxury items such as lavish banquets and luxury cars and from accepting expensive gifts. Officials are banned from using public money to send mooncakes as gifts; serving dishes containing shark fin, bird nests, and wild animal products at official banquets; and chartering planes or flying in private or corporate jets overseas.

In 2012 the Supreme People's Court urged local courts to ban family members of officials and judges from being lawyers under the local court's jurisdiction. Also in 2012 the Higher People's Court of Fujian Province forbade judges from meeting privately with representatives in a case.

Also in 2012, in an attempt to curb corruption in the judicial system, the Supreme People's Procuratorate announced the availability of a national bribery database listing individuals and companies found guilty of certain offenses, including bribing an individual or entity, and facilitating bribery. Companies and individuals must apply in writing to have the procuratorate check nationwide to determine whether a particular individual or company has been convicted of bribery offenses.

The government implemented a number of measures to further limit the various lifestyle perks of government officials. In January the CCP issued regulations making "naked officials"--those with spouses or children who are permanent

residents outside of the country or who hold foreign citizenship--ineligible for promotion. In June state media announced that 1,066 cadres in Guangdong Province had been designated “naked officials” and that 866 of them had been demoted or forced to resign, while 200 had agreed to bring their families back to China.

On June 7, the Central Commission for Discipline Inspection announced that party members who commit adultery could be removed from their positions and expelled from the CCP.

In July state media announced a new measure to be implemented in the central government and state organs by the end of the year prohibiting the use of government vehicles for officials below the ministerial and department levels.

Corruption: In numerous cases, public officials and leaders of state-owned enterprises, who generally hold high CCP ranks, were investigated for corruption. In March, Procurator-General Cao Jianming reported to the 12th National People’s Congress that in 2013 the government investigated 2,871 public servants above the county level for corruption, including eight at the provincial and ministerial levels, in 2,581 cases of graft, bribery, and embezzlement of public funds involving more than RMB one million (\$163,000). While the tightly controlled state media apparatus publicized--albeit to a limited extent--some notable corruption investigations, as a general matter there were very few details regarding the process by which party and government officials were investigated for corruption.

In June state media reported the CCP expelled retired Peoples’ Liberation Army general and former vice chairman of the central military commission Xu Caihou for accepting bribes and using his office to provide help for others in promotions.

On July 29, state media announced the CCP’s Central Committee placed former politburo standing committee member Zhou Yongkang under investigation for suspected “serious disciplinary violation.” On December 6, the official news agency Xinhua News Agency announced that Zhou had been expelled from the Communist Party and could be tried for crimes including taking bribes, adultery, and losing state secrets.

Notable organizations that worked to address official corruption included the CCDI, Ministry of Supervision, National Auditing Office, National Bureau of Corruption Prevention, International Association of Anti-Corruption Authorities, and Anti-Corruption and Governance Research Center at Tsinghua University.

Financial Disclosure: A 2010 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 spouse's or children's names, as well as their families' investments in financial assets and enterprises. According to article 23 of the regulations, the monitoring bodies are the CCDI, the Organization Department of the CCP, and the Ministry of Supervision. The regulations do not require that declarations be made public. Instead, they are to go to a higher administrative level and a human resource department. Punishments for not declaring information vary from education 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. Government officials should report their marriage status and whether their spouses are from Hong Kong, Taiwan, or a foreign country; records of private travel abroad; and the marriage status of their children. 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.

In March an official with the CCDI stated that the commission planned to institute a pilot project to require newly promoted officials to publicize personal financial information, including their families' assets and their spouses' and children's jobs, incomes, and entry and exit records. By year's end the CCDI had not provided a detailed timeline for the implementation of the pilot project, although some areas continued to experiment in financial disclosure requirements for public officials. According to a domestic media report, authorities in Ganzhou City, Jiangxi Province, experimented with having 100 newly enlisted junior cadres from the disciplinary inspection agency disclose their assets on a public website.

Public Access to Information: Open-government information regulations allow citizens to request information from the government. The regulations require government authorities to create formal channels for information requests and to include an appeals process if requests are rejected or not answered. They stipulate that administrative agencies should reply to requests immediately to the extent possible. Otherwise, the administrative agency should provide the information within 15 working days, with the possibility of a maximum extension of an

additional 15 days. In cases in which third-party rights and interests are involved, the time needed to consult the third party does not count against the time limits. According to the regulations, administrative agencies may collect only cost-based fees (as determined by the State Council) for searching, photocopying, postage, and similar expenses when disclosing government information on request. Citizens requesting information can also apply for a fee reduction or exemption. The regulations include exceptions for state secrets, commercial secrets, and individual privacy.

Publicly released provincial- and national-level statistics for open-government information requests showed wide disparities across localities, levels of government, and departments regarding numbers of requests filed and official documents released in response.

If information requesters believe that an administrative agency has violated the regulations, they can report it to the next higher-level administrative agency, the supervision agency, or the department in charge of open-government information.

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

The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, hinder the activities of civil society and rights' activist groups, and prevent what it called the "westernization" of the country. The government harassed independent domestic NGOs and did not permit them to monitor openly or to comment on human rights conditions. The government tended to be suspicious of independent organizations and scrutinized NGOs with financial and other links overseas. Most large NGOs were quasi-governmental, and government agencies had to sponsor all official NGOs.

An informal network of activists around the country continued to serve as a credible source of information about human rights violations. The information was disseminated through organizations such as the Hong Kong-based Information Center for Human Rights and Democracy, the foreign-based Human Rights in China, and Chinese Human Rights Defenders and via the internet.

The United Nations or Other International Bodies: Representatives of some international human rights organizations reported that authorities denied their visa requests or restricted the length of visas issued to them. The government continued to participate in official diplomatic human rights dialogues with foreign

governments, although some governments encountered problems scheduling such dialogues or unilateral cancellations or postponements from the Chinese side. The government remained reluctant to accept criticism of its human rights record by other nations or international organizations. It criticized reports by international human rights monitoring groups, claiming that such reports were inaccurate and interfered with the country's internal affairs.

Government Human Rights Bodies: The government did not have a human rights ombudsman or commission. The government-established China Society for Human Rights was an NGO mandated to defend the government's human rights record. The government maintained that each country's economic, social, cultural, and historical conditions influenced its approach to human rights.

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

While there were laws designed to protect women, children, persons with disabilities, and minorities, some discrimination based on ethnicity, sex, disability, and other factors persisted.

Women

Rape and Domestic Violence: Rape is illegal, and some persons convicted of rape were executed. The penalties for rape can range from three years in prison to a death sentence with a two-year reprieve and forced labor. The law does not address spousal rape. The government did not make available official statistics on rape or sexual assault, leaving the scale of sexual violence difficult to determine. Migrant female workers were particularly vulnerable to sexual violence.

Violence against women remained a significant problem. According to reports at least one-quarter of families suffered from domestic violence, and more than 85 percent of the victims were women. Domestic violence against women included verbal and psychological abuse, restrictions on personal freedom, economic control, physical violence, and rape. The government supported shelters for victims of domestic violence, and some courts provided protections to victims, including through restraining 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. In 2013 the All China Women's Federation (ACWF) reported that it received 70,000 domestic violence complaints annually. Spousal abuse typically went unreported, and an ACWF study found that only 7 percent of rural women who suffered domestic

violence sought help from police. Almost 30 percent of respondents in a recent study believed that domestic violence should be kept a private matter.

While domestic violence tended to be more prevalent in rural areas, it also occurred among the highly educated urban population. The ACWF reported that approximately one-quarter of the 400,000 divorces registered each year were the result of family violence.

According to ACWF statistics nationwide in 2008 (the most recent available statistics), there were 12,000 special police booths for domestic violence complaints, 400 shelters for victims of domestic violence, and 350 examination centers for women claiming injuries from domestic violence. Many domestic violence shelters had inadequate facilities, required extensive documentation, or went unused. The government operated most shelters, some with NGO participation. In 2012 the government provided 680,000 office spaces in government buildings for women's resource centers.

There was no strong legal mechanism to protect women from domestic abuse. According to the ACWF, laws related to domestic violence were flawed since there was no national provision for dealing with offenders. During the year the creation of such mechanisms was added to the NPC's legislative agenda, the sixth time the ACWF submitted such a proposal. Both the marriage law and the law on the protection of women's rights and interests have stipulations that directly prohibit domestic violence, but some experts complained the stipulations were too general, failed to define domestic violence, and were difficult to implement. Because of standards of evidence, even if certain that domestic violence was occurring, a judge could not rule against the abuser without the abuser's confession. Only 10 percent of accused abusers confessed to violent behavior, according to 2009 data from the Supreme People's Court's Institute of Applied Laws. The institute reported that although 40 to 60 percent of marriage and family cases involved domestic violence, less than 30 percent were able to supply indirect evidence, including photographs, hospital records, police records, or children's testimony. Witnesses seldom testified in court.

Public support increased in the fight against domestic violence. A 2013 survey found that more than 85 percent of respondents believed further antidomestic violence legislation was needed. A high-profile 2013 case set a precedent because the court acknowledged domestic violence as grounds for divorce, granted a protection order, and ordered the former husband to pay compensation for the violence his former spouse had endured during their marriage.

The Dui Hua Foundation hailed the Supreme People's Court's June decision to overturn the death sentence of Li Yan "a landmark ruling with far-reaching implications for survivors of domestic violence." Li killed her husband in 2010 after suffering months of horrific abuse. Despite pleas to the police and local authorities, they took no action to stop the abuse. More than 400 Chinese lawyers and scholars called on the Supreme People's Court to commute her death sentence.

Female Genital Mutilation/Cutting (FGM/C): The law apparently does not address FGM/C, and it was not known to occur.

Sexual Harassment: The law bans sexual harassment, and the number of sexual harassment complaints increased significantly. A 2009 Harvard University study showed that 80 percent of working women in the country experienced sexual harassment at some stage of their careers. The same study found that only 30 percent of sexual harassment claims by women achieved favorable resolutions. A 2013 NGO survey of female manufacturing workers in Guangzhou indicated that as much as 70 percent of Guangzhou's female workforce had been sexually harassed. Approximately one-half of the respondents did not pursue legal or administrative actions, while 15 percent reported leaving the workplace to escape their harasser.

Sexual harassment was not limited to the workplace. According to a *China Youth Daily* survey reported in September 2013, approximately 14 percent of women had been sexually harassed while riding the subway, and 82 percent of those polled believed the problem existed.

According to information on the ACWF website, the internet and hotlines made it easier for women who were sexually harassed to obtain useful information and legal service. A Beijing rights lawyer told the ACWF that approximately 100 to 200 million women in the country had suffered or were suffering sexual harassment in the workplace but that very few legal service centers provided counseling.

Reproductive Rights: The government restricted the rights of parents to choose the number of children they have. Although national law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization, intense pressure to meet birth-limitation targets set by government regulations resulted in instances of local family-planning officials using physical coercion to meet government goals. Such practices included the mandatory use of birth control and the abortion

of unauthorized pregnancies. In the case of families that already had two children, one parent was often pressured to undergo sterilization.

The National Population and Family Planning Commission reported that 13 million women annually terminated unplanned pregnancies. An official news media outlet also reported at least an additional 10 million chemically induced abortions were performed in nongovernment facilities. Government statistics on the percentage of all abortions that were nonelective was not available. According to Health Ministry data released in 2012, a total of 336 million abortions and 222 million sterilizations had been carried out since 1971.

The national family-planning authorities shifted their emphasis from lowering fertility rates to maintaining low fertility rates and emphasized quality of care in family-planning practices. State media reported that 85 percent of women of childbearing age used contraception. Of those, 70 percent used a reversible method. A 2010 survey, however, found that only 12 percent of women between the ages of 20 and 35 had a proper understanding of contraceptive methods. A 2013 survey published by the China World Contraception Day Organization showed more than 68 percent of women were confused about contraceptive methods and that 1.2 percent of women took oral contraceptives. The country's birth-limitation policies retained harshly coercive elements in law and practice. The financial and administrative penalties for unauthorized births were strict.

The national population and family-planning law standardized the implementation of the government's birth-limitation policies, although enforcement varied significantly. The law grants married couples the right to have one birth and allows couples to apply for permission to have a second child if they meet conditions stipulated in local and provincial regulations. In 2013 the NPC Standing Committee amended the one-child policy to allow couples in which at least one spouse is an only child to have two children. During the year implementing regulations for the amended policy were adopted on a province-by-province basis. The birth limit was more strictly applied in urban areas, where only couples meeting certain conditions were permitted to have a second child (e.g., if both of the would-be parents were only children). In most rural areas, couples were permitted to have a second child in cases where their first child was a girl. Ethnic minorities were subject to less stringent rules. Nationwide, 35 percent of families fell under the one-child restrictions, and more than 60 percent of families were eligible to have a second child, either outright or if they met certain criteria. The remaining 5 percent were eligible to have more than two children. According to government statistics, the average fertility rate for women nationwide

was 1.8, and in the country's most populous and prosperous city, Shanghai, the fertility rate was 0.8.

The National Population and Family Planning Commission reported that all provinces eliminated the birth-approval requirement before a first child is conceived, but provinces may still continue to require parents to "register" pregnancies prior to giving birth to their first child. This registration requirement could be used as a de facto permit system in some provinces, since some local governments continued to mandate abortion for single women who became pregnant. Provinces and localities imposed fines of various amounts on unwed mothers.

Regulations requiring women who violate family-planning policy to terminate their pregnancies still existed in Liaoning and Heilongjiang provinces. Other provinces--Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Shanxi, and Shaanxi--require unspecified "remedial measures" to deal with unauthorized pregnancies. A number of online media reports indicated that migrant women applying for household registration in Guangzhou were required to have an intrauterine contraceptive device implanted.

The government continued to impose "child-raising fees" on violators of the one-child policy. On December 3, the National Health and Family Planning Commission announced it would continue to charge "social maintenance fees" for family-planning policy violations. According to state media, local governments collect more than RMB20 billion (\$3.26 billion) annually in fees. On July 29, the Guangdong provincial government publicly released an audit of its social maintenance fees and reportedly collected RMB2.45 million (\$400 million) in fines between 2012 and 2013. The report found cases of misconduct by authorities in managing the fees.

In December 2013 overseas media reported that officials at Nurluq Hospital in Keriye County of Xinjiang's Hotan Prefecture carried out forced abortions on four pregnant women. According to the report, the deputy chief of Hotan's Arish Township confirmed that authorities had carried out four of six planned abortions utilizing abortion-inducing drugs. The head of the township's Family Planning Department stated the abortions were carried out following orders from higher authorities because the women had exceeded the legal limit. The husband of one victim stated that his wife had been seven months' pregnant when the procedure was performed and that the baby had been born alive before succumbing hours later to the effects of the chemical toxins. According to RFA, Arish Township

Party Secretary Sun Jibing apologized to the family of Qembemisahanim, and the county government fined the hospital RMB100,000 (\$16,300). Heyrinsa Mamut, a government employee at the Kalpin County Statistics Bureau in Aksu Prefecture, was forced to abort her pregnancy at five-months' gestation on February 15, under pressure by the family-planning commission officer and her supervisor at the statistics bureau, who threatened her with dismissal and heavy financial penalties unless she aborted her child.

The law requires each parent of an unapproved child to pay a "social compensation fee," which can reach 10 times a person's annual disposable income.

Social compensation fees were set and assessed at the local level. The law requires family-planning officials to obtain court approval before taking "forcible" action, such as detaining family members or confiscating and destroying property of families who refuse to pay social compensation fees. This requirement was not always followed, and national authorities remained ineffective at reducing abuses by local officials.

The population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures. Those who had an unapproved child or helped another do so faced disciplinary measures such as social compensation fees, job loss or demotion, loss of promotion opportunity, expulsion from the CCP (membership is an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of private property.

It continued to be illegal in almost all provinces for a single woman to have a child, with fines levied for violations. The law states that family-planning bureaus conduct pregnancy tests on married women and provide them with unspecified "follow-up" services. Some provinces fined women who did not undergo periodic pregnancy tests.

Officials at all levels remained subject to rewards or penalties based on meeting the population goals set by their administrative region. Promotions for local officials depended in part on meeting population targets. Linking job promotion with an official's ability to meet or exceed such targets provided a powerful structural incentive for officials to employ coercive measures to meet population goals. An administrative reform process initiated pilot programs in some localities that removed this criterion for evaluating officials' performance.

Although the family-planning law states that officials should not violate citizens' rights in the enforcement of family-planning policy, these rights, as well as penalties for violating them, were not clearly defined. By law citizens may sue officials who exceed their authority in implementing birth-planning policy, but few protections for whistleblowers against retaliation from local officials exist. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations.

Discrimination: The constitution states that “women enjoy equal rights with men in all spheres of life.” The Law on the Protection of Women’s Rights and Interests provides for equality in ownership of property, inheritance rights, access to education, and equal pay for equal work. The ACWF was the leading implementer of women’s policy for the government, and the State Council’s National Working Committee on Children and Women coordinated women’s policy. Many activists and observers expressed concern that discrimination was increasing. Women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems.

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.

Despite government policies mandating nondiscrimination in employment and remuneration, women reportedly earned 66 percent as much as men. The Ministry of Human Resources and Social Security and the local labor bureaus are responsible for verifying that enterprises complied with the labor law and the employment promotion law, each of which contains antidiscrimination provisions.

Many employers preferred to hire men to avoid the expense of maternity leave and childcare (paid paternity leave exists for men in some localities, but there is no national provision for paternity leave). Work units could impose an earlier mandatory retirement age for women than for men, and some employers lowered the effective retirement age for female workers to 50. In general the official retirement age for men was 60 and for women 55. Lower retirement ages also reduced pensions, which generally were based on the number of years worked. Job advertisements for women sometimes specified height and age requirements.

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 argued that this was rarely the case due to the complexity of the law and difficulties in its implementation. A 2011 interpretation of the country's marriage law by the Supreme People's Court exacerbated the gender wealth gap by stating that, after divorce, marital property belongs solely to the person registered as the homeowner in mortgage and registration documents--in most cases the husband. In determining child custody in divorce cases, judges make determinations based on the following guidelines: children under age two should live with their mothers, custody of children two to nine years of age should be determined by who can provide the most stable living arrangement, and children 10 and over should be consulted when determining custody.

A high female suicide rate continued to be a serious problem. There were approximately 590 female suicides per day, according to a report released in 2012 by the Chinese Center for Disease and Control and Prevention. This was more than the approximately 500 per day reported in 2009. The report noted that the suicide rate for women was three times higher than for men. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, birth-limitation policies, and other societal factors contributed to the high female suicide rate. Women in rural areas, where the suicide rate for women was three to four times higher than for men, were especially vulnerable. A June report in the *Economist* estimated that the overall suicide rate, while still high, began to decline as populations moved from rural areas into cities.

UNESCO reported that in 2010, 99.3 percent of women between the ages of 15 and 24 were literate, with a literacy rate of 91.3 percent for women above age 15 compared with 97 percent for men above 15.

Women faced discrimination in higher education. The required score for the National Higher Entrance Exam was lower for men than for women at several universities. According to 2012 Ministry of Education statistics, women accounted for 49.6 percent of undergraduate students and 50.3 percent of master's students but only 35 percent of doctoral students. Women with advanced degrees reported discrimination in the hiring process, since the job distribution system became more competitive and market driven.

Gender-biased Sex Selection: According to the 2010 national census, the national average male-female sex ratio at birth was 118 to 100. Sex identification and sex-selective abortion is prohibited, but the practices continued because of 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 cannot access public services including education. No data was available on the number of unregistered births.

Education: Although the law provides for nine years of compulsory education for children, in economically disadvantaged rural areas, many children did not attend school for the required period, and some never attended. Although public schools were not allowed to charge tuition, faced with insufficient local and central government funding, many schools continued to charge miscellaneous fees. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school.

In 2010 the official literacy rate for youth (defined as persons between the ages of 15 and 24) was 99 percent. The proportion of girls attending school in rural and minority areas was reportedly smaller than in cities. In rural areas 61 percent of boys and 43 percent of girls completed education at a grade higher than lower middle school. The government reported that nearly 20 million children of migrant laborers followed their parents to urban areas. Denied access to state-run schools, most children of migrant workers who attended school did so at unlicensed and poorly equipped schools.

Child Abuse: The physical abuse of children can be grounds for criminal prosecution. Kidnapping, buying, and selling children for adoption increased during the past several years, particularly in poor rural areas. There were no reliable estimates of the number of children kidnapped. Government authorities regularly estimated fewer than 10,000 children were abducted per year; however, media reports and other experts noted that as many as 70,000 may be kidnapped ever year. Most children kidnapped internally were sold to couples unable to have children. Those convicted of buying an abducted child may be sentenced to three years' imprisonment. In the past most children abducted were boys, but increased demand for children reportedly drove traffickers to focus on girls as well. The Ministry of Public Security maintained a DNA database of parents of missing

children and children recovered in law enforcement operations in an effort to reunite families.

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, but there were reports of babies sold to be future brides. For example, families would adopt and raise babies for eventual marriage to their sons.

Female Genital Mutilation/Cutting (FGM/C): The law apparently does not address FGM/C. There were no reported cases of FGM/C during the year.

Sexual Exploitation of Children: By law those who force girls under age 14 into prostitution may be sentenced to 10 years to life in prison, in addition to a fine or confiscation of property. If the case is especially serious, violators can receive a life sentence or death sentence, in addition to confiscation of property. Those inducing girls under age 14 into prostitution can be sentenced to five years or more in prison in addition to a fine. Those who visit female prostitutes under age 14 are subject to five years or more in prison in addition to paying a fine.

According to the law, the minimum age for consensual sex is 14.

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 may be sentenced up to three years in prison or put under criminal detention or surveillance in addition to paying a fine. Offenders in serious cases may receive prison sentences of three to 10 years in addition to paying a fine. In especially serious cases, offenders are to be sentenced to 10 years or more in prison or given a life sentence in addition to a fine or confiscation of property. Persons found disseminating obscene books, magazines, films, audio or video products, pictures, or other kinds of obscene materials, if the case is serious, may be sentenced up to two years in prison or put under criminal detention or surveillance. Persons organizing the broadcast of obscene motion pictures or other audio or video products may be sentenced up to three years in prison or put under criminal detention or surveillance in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to paying a fine.

Those broadcasting or showing obscene materials to minors less than age 18 are to be “severely punished.”

Infanticide or Infanticide of Children with Disabilities: The Law on the Protection of Juveniles forbids infanticide, but there was evidence that the practice continued. According to the National Population and Family Planning Commission, a handful of doctors were charged with infanticide under this law. Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth-limitation policy.

Displaced Children: There were between 150,000 and one million urban street children, according to state-run media. This number was even higher if the children of migrant workers who spent the day on the streets were included. In 2010 the ACWF reported that the number of children in rural areas left behind by their migrant-worker parents totaled 58 million, of whom 40 million were under the age of 14.

Institutionalized Children: The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages.

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.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information, see the Department of State's report at travel.state.gov/content/childabduction/english/country/china.html.

Anti-Semitism

There were no reports of anti-Semitic acts during the year. 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 2,500 in 2012.

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 conditions for such persons lagged far behind legal dictates and failed to provide persons with disabilities access to programs intended to assist them.

According to the Law on the Protection of Disabled Persons, “disabled persons are entitled to enjoyment of equal rights as other citizens in political, economic, cultural, and social fields, in family life and other aspects. Discrimination against, insult of, and infringement upon disabled persons is prohibited.”

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. In June the CDPF stated that based on 2010 census figures, 85 million persons with disabilities lived in the country. According to government statistics, in 2011 there were 5,254 vocational training facilities that served 299,000 persons with disabilities. Of the 32 million persons of working age with disabilities, more than 22 million were employed. Government statistics stated that 7.4 million persons with disabilities enjoyed “minimum-life-guarantee” stipends, and nearly three million had social insurance.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juveniles. In 2007 the Ministry of Education reported that nationwide there were 1,618 schools for children with disabilities. According to NGOs there were approximately 20 million children with disabilities, only 2 percent of whom had access to education that could meet their needs.

According to the CDPF, as of September 2013, 78,174 children with disabilities remained outside the state education system. The media estimated that the figure was approximately 28 percent of the total number of the school-age children with disabilities.

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. According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty.

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 the employees with disabilities do not make up the 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 with the law was limited. The law permits universities to exclude candidates with disabilities who were otherwise qualified. State media reported in August that a university denied admission to a disabled woman from Fujian Province because she failed to meet the physical fitness test. The high-scoring student was admitted subsequently to another university after the CDPF intervened.

The law forbids the marriage of persons with certain mental disabilities, such as schizophrenia. If doctors find that 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. The law stipulates that local governments must employ such practices to raise the percentage of births of children without disabilities.

National/Racial/Ethnic Minorities

Most minority groups resided in areas they traditionally inhabited. Government policy calls for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. Nonetheless, the substance and implementation of ethnic minority policies remained poor, and discrimination against minorities remained widespread.

Minority groups in border and other regions had less access to education than their Han counterparts, faced job discrimination in favor of Han migrants, and earned incomes well below those in other parts of the country. Government development programs often disrupted traditional living patterns of minority groups and included, in some cases, the forced relocation of persons. Han Chinese benefited disproportionately from government programs and economic growth. 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 (IMAR), the TAR, and other Tibetan areas.

Ethnic minorities represented approximately 13.7 percent of delegates to the NPC and more than 15 percent of NPC Standing Committee members, according to an official report issued in 2014. A 2011 article in the official online news source for overseas readers stated that ethnic minorities made up 41 percent of cadres in the Guangxi Zhuang Autonomous Region, 25 percent of cadres in Ningxia Hui Autonomous Region, and 51 percent of cadres in the XUAR. According to a 2012 article from the official Xinhua News Agency, 32 percent of cadres in Yunnan Province were members of an ethnic minority. According to the 2014 civil servant recruitment plan in Yunnan Province, 11.4 percent of the civil service positions are reserved for ethnic minorities, 0.9 percent of the positions are applicable to those of Han ethnicity, and 87.7 percent of the positions have no ethnicity requirement. During the year all five of the country’s ethnic minority autonomous regions had chairmen (equivalent to the governor of a province) from minority groups. The CCP secretaries of these five autonomous regions were all Han. Han officials continued to hold the majority of the most powerful CCP and government positions in minority autonomous regions, particularly the XUAR.

The government’s policy to encourage Han Chinese migration into minority areas significantly increased the population of Han in the XUAR. In recent decades the Han-Uighur ratio in the capital of Urumqi reversed from 20/80 to 80/20 and continued to be a source of Uighur resentment. Discriminatory hiring practices gave preference to Han and reduced job prospects for ethnic minorities. According to the 2010 national census, 8.75 million, or 40 percent, of the XUAR’s 21.8 million official residents were Han. Hui, Kazakh, Kyrgyz, Uighur, and other ethnic minorities constituted approximately 13 million XUAR residents, or 60 percent of the total population. Official statistics understated the Han population because they did not count the tens of thousands of Han Chinese residents on paramilitary compounds (bingtuan) and those who were long-term “temporary

workers.” 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.

China’s Regional Ethnic Autonomy 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 media of instruction.” Despite guarantees of cultural and linguistic rights, many primary, middle, and high school students had limited access to Uighur-language instruction and textbooks.

In late August officials in Cherchen County announced incentives for Han to marry ethnic minorities. Compensation included annual payments for five years as well as housing and employment preferences.

Authorities continued to implement repressive policies in the XUAR and targeted the region’s ethnic Uighur population. Officials in the XUAR continued to implement a pledge to crack down on the government-designated “three forces” of religious extremism, “splittism,” and terrorism, and they outlined efforts to launch a concentrated antiseparatist re-education campaign. Some raids, detentions, and judicial punishments ostensibly directed at individuals or organizations suspected of promoting the “three forces” appeared to target groups or individuals peacefully seeking to express their political or religious views. The government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, often citing counterterrorism as the reason for taking action.

According to the 2013 *China Law Yearbook*, in 2012 authorities arrested 1,105 individuals for “endangering state security,” a 19 percent increase from 2011. The 2013 annual work report of the XUAR High Court reported nearly 300 trials for “endangering state security.” The NGO Dui Hua Foundation estimated that arrests from Xinjiang accounted for 75 percent of “endangering state security” charges and that the number of cases in Xinjiang increased by 10 percent in 2013.

Uighurs continued to be sentenced to long prison terms, and in some cases executed without due process, on charges of separatism and endangering state security. Authorities increasingly employed show trials and mass sentencing to convict large numbers of Uighurs for state security and other crimes. In March, XUAR authorities sentenced 55 individuals, most of whom were reportedly

Uighurs, at a public trial in a stadium filled with 7,000 onlookers. They were sentenced on charges of terrorism, separatism, and murder, and three received the death penalty.

The government pressured foreign countries to repatriate Uighurs, who faced the risk of imprisonment and mistreatment upon return. Some Uighurs returned involuntarily to China disappeared. Media reported in October that a 21-year-old Uighur man died in prison under mysterious circumstances after being returned to China by Vietnamese authorities. The young man had a Turkish passport and died in the Guangxi Zhuangzu Autonomous Region on the China-Vietnam border.

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

A son of exiled Uighur leader Rebiya Kadeer, president of the World Uighur Conference, whom the government blamed for orchestrating the 2009 riots in Urumqi, reportedly remained in prison at year's end.

Radio Free Asia reported increased harassment of family members of RFA's Uighur American correspondent. The harassment of the reporter's family started in 2009 after he reported on the death of a Uighur torture victim. During the year one of his brothers in China was sentenced to five years in prison for violating state security laws, and two brothers were detained for allegedly leaking state secrets after discussing the sentencing in a telephone call with the correspondent.

Authorities did not permit possession of publications or audiovisual materials discussing independence, autonomy, or other sensitive subjects. Uighurs who remained in prison at year's end for their peaceful expression of ideas the government found objectionable included Abduhelil Zunun.

XUAR and national-level officials defended the campaign against the three forces of religious extremism, "splittism," and terrorism and other policies as necessary to maintain public order in the face of terrorist activity. Officials continued to use the threat of violence as justification for extreme security measures directed at the local population, journalists, and visiting foreigners.

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 or to strengthen existing ones and report violations of the law.

Han control of the region’s political and economic institutions also contributed to heightened tension. Although government policies continued to allot economic investment in and brought economic improvements to the XUAR, Han residents received a disproportionate share of the benefits. Job advertisements often made clear that Uighur applicants would not be considered for employment.

Protests against land seizures occurred throughout the year across the IMAR, resulting in detentions and police abuse, as the regional government sought to implement Beijing’s policy of resettling China’s nomadic population. RFA reported in October that hundreds of ethnic Mongol herding families were being forced from a large parcel of traditional grazing land in Zaruud Banner, IMAR. While local officials claimed the evictions were part of an “ecological recovery” program to protect grasslands, rights groups alleged that the land expropriations were related to officially sponsored resource extraction projects. In January six herders in Ongniud Banner, IMAR, were sentenced to prison terms ranging from one to two years for “sabotaging production management” after they tried to defend their grazing land from expropriation by a forestry firm. Four of the herders received suspended sentences, while two remained in prison for refusing to plead guilty.

(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, most lesbian, gay, bisexual, and transgender (LGBT) persons refrained from publicly discussing their sexual orientation or gender identity. Individual activists and organizations working on LGBT issues continued to report discrimination and harassment from authorities, similar to other organizations that accept funding from overseas.

In May, Beijing authorities detained nine activists to prevent their participation in a conference on LGBT NGOs. Event organizers were ordered to leave Beijing after questioning.

While homosexuality and bisexuality were removed from the Chinese Classification of Mental Disorders in 2001, transsexualism remains pathologized. For transgender individuals, family consent and certificates from mental health clinics are required for sex-change surgeries and to receive hormone therapies. According to international reports, it was extremely difficult for transgender individuals to change their gender on official documents, such as identity cards and school graduation certificates.

Although homosexuality is no longer officially pathologized, some mental health practitioners offered “corrective treatment” to LGBT persons at “conversion therapy” centers or hospital psychiatric wards, sometimes at the behest of family members. Conversion therapy clinics advertise their programs online. Conversion therapy faced scrutiny, however, when the Haidian District Court in Beijing ruled in favor of a gay male plaintiff who sued a psychiatric counseling center that attempted to “cure” him with hypnosis and electric shocks. On December 19, the court called for an investigation of the center’s license and ordered the center, Chongqing Jinyu Piaoxiang, to pay RMB3,500 (\$563) compensation to the plaintiff and post an apology on its website for offering the treatment. Although the search engine Baidu was also named in the lawsuit for advertising the “conversion therapy” program, the court did not order Baidu to pay compensation to the plaintiff but cautioned it to be attentive to advertising such services in the future.

HIV and AIDS Social Stigma

State media reported a total of 436,800 persons were living with HIV or AIDS by the end of 2013, with a 6.6 percent mortality rate. According to the Chinese Center for Disease Control and Prevention, 95 percent of confirmed HIV/AIDS patients were under follow-up care. NGOs that provided health services for those with HIV/AIDS reported complaints from neighbors when they found out they worked with HIV/AIDS patients.

A survey by Aids Concern Foundation on social stigma against individuals with HIV found that half of the interviewees felt stigmatized, with 17 percent reporting being discriminated against by family and friends and 5 percent reporting they were fired or forced to quit their jobs.

While in the past, persons with HIV/AIDS were routinely denied admission to hospitals, discrimination was less overt, and some hospitals came up with excuses

for not being able to treat them. The hospitals feared that, should the general population find out that they were treating HIV/AIDS patients, other patients would choose to go elsewhere. It was common practice for general hospitals to refer patients to specialty hospitals working with infectious diseases.

Human Rights Watch reported that in July, Guangdong authorities cancelled a conference on increasing the rights of people with HIV/AIDS, stating the topic was “too sensitive” for public discussion. In August, Henan Province Public Security Bureau officials temporarily closed two offices of the NGO China Orchid AIDS Projects without explanation.

International involvement in HIV/AIDS prevention, care, and treatment, as well as central government pressure on local governments to respond appropriately, brought improvements in many localities. Some hospitals that previously refused to treat HIV/AIDS patients had active care and treatment programs because domestic and international training programs improved the understanding of local health-care workers and their managers. In Beijing dozens of local community centers encouraged and facilitated HIV/AIDS support groups.

In 2012 Zhejiang Province eliminated its mandatory HIV testing for suspects arrested for drug charges, a move seen as a step in protecting the privacy of the individuals.

In July 2013 Guangxi Zhuang Autonomous Region implemented new legislation requiring real name registration for HIV testing and obliging individuals who tested positive to inform their spouses.

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, 61 percent of state-run companies in 2011 continued to use hepatitis B testing as a part of their pre-employment screen.

A 2011 report from a Beijing-based NGO stated that 32 percent of kindergartens surveyed would refuse to enroll children infected with hepatitis B.

Section 7. Worker 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, workers are not free to organize, and the right to strike is not protected in law. The law states that trade union representatives at each level should be elected and allows for collective bargaining for workers in all types of enterprises. Collective contracts can include “matters of remuneration, working hours, breaks, vacations, work safety and hygiene, insurance, benefits, etc.” It further provides that there may be industrial or regional collective contracts “in industries such as construction, mining, and catering services in regions at or below the county level.” Many autonomous regions and municipalities enacted local rules allowing collective wage negotiation, which are supposed to be compulsory in 25 of 31 provinces.

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 Trade Union Law provides for the reinstatement of workers dismissed for union activity, as well as other penalties for antiunion activity.

The Labor Dispute Mediation and Arbitration Law provides for labor dispute resolution through a three-stage process: mediation between the parties, arbitration by officially designated arbitrators, and litigation. A key article of this law requires employers to consult with labor unions or employee representatives on matters that have a direct bearing on the immediate interests of their workers.

All union activity must be approved by and organized under the All-China Federation of Trade Unions (ACFTU), a CCP organ chaired by a member of the Politburo tasked to “uphold the leadership of the CCP,” even while its official mandate is to protect the rights and interests of workers. The ACFTU and its

provincial and local branches continued aggressively to organize new constituent unions and add new members, especially in large, multinational enterprises.

The ACFTU and affiliated unions also represent employees in negotiating and signing collective contracts with enterprises or public institutions. The role of the ACFTU in a strike is primarily limited to participating in investigations and assisting the Ministry of Human Resources and Social Security in resolving disputes, rather than representing workers in those disputes.

Regulations require a 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. While the law does not expressly prohibit work stoppages and it is not illegal for workers to strike spontaneously, the obligation to “observe labor discipline and public order” effectively permits governments at any level to ban strikes. Some provincial legislation facilitated collective consultations, while other provincial legislation contained provisions prohibiting workers from taking collective action and allowing employers to fire workers who engage in collective action, including strikes, during the negotiation of a collective contract.

While there were no publicly available official statistics on inspection efforts to enforce these laws, domestic media occasionally reported on courts awarding monetary compensation for wrongful terminations of union representatives. Enforcement of labor laws was generally insufficient to deter wide-scale violations. Labor inspectors lack authority to compel employers to correct violations, which resulted in simple violations being treated as disputes. While the law outlines general procedures for resolving disputes, including mediation, arbitration and recourse to the courts, procedures were lengthy and subject to delays, and workers often lacked the time, resources, or organized advocacy to pursue such cases.

Despite the appearance of a strong labor movement and relatively high levels of unionization, genuine freedom of association and worker representation did not exist. ACFTU constituent unions were generally ineffective in representing and protecting the rights and interests of workers. This was particularly true in the case of migrant workers, who generally had less interaction with official unions, who tended to work in foreign-invested enterprises, and for whom, especially among second-generation migrant workers, expectations of working conditions increased.

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

Despite provisions for collective consultation related to common areas of dispute such as wages, hours, days off, and benefits, noncompliance was common. Instead, tactics used by management included forcing employees to sign blank contracts and failing to provide workers a copy of their contract.

There continued to be reports of workers throughout the country engaging in strikes, work stoppages, and other protest actions. Strikes also occurred in an increasingly broad range of sectors. While many strikes occurred in manufacturing, reports of strikes increased in the transport, sanitation, and service industries, also generally over issues of wages. Although the government restricted the release of figures for the number of strikes and protests each year, the frequency of “spontaneous” strikes remained high, especially in Guangdong and other areas with developed labor markets and large pools of sophisticated, rights-conscious workers. Local government responses to strikes varied even within jurisdictions, with authorities sometimes showing tolerance for strikes while at other times treating worker protests, or even disseminating information about protests, illegal. During a large-scale strike at a shoe factory in Dongguan, Guangdong Province, in April, for example, public security officials detained two employees at a Guangdong-based labor rights NGO (see section 2) who had been providing advice to the workers. Labor NGOs often provided information, training, and legal support to workers on collective bargaining and dispute resolution.

In May 2013 informally elected workers’ representatives at a Shenzhen furniture factory led a protest against their employers over the company’s refusal to discuss compensation for a planned relocation. Authorities detained worker leader Wu Guijun after protracted strikes and petitions were submitted to the city government

to intervene in fruitless negotiations. According to independent labor organizations, Wu was formally charged with “assembling a crowd to disturb social order” in September 2013, but later reports indicated that the procurator refused to accept the charges due to lack of evidence and sent the case back to the public security officials for further investigation. After three court hearings and more than a year in detention, Wu was released on bail in May 2014, and the Shenzhen procurator dropped charges against him in June.

Other labor activists detained in previous years reportedly remained in detention at year’s end, including Chen Yong, Kong Youping, Liu Jian, Liu Jianjun, Memet Turghun Abdulla, Wang Miaogen, Xing Shiku, Zhou Decai, Zhu Chengzhi, and Zhu Fangming.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, but there were reports that forced labor of adults and children occurred (see section 7.c.).

There were reports that employers withheld wages or required unskilled workers to deposit several months’ wages as security against the workers departing early from their labor contracts. These practices often prevented workers from exercising their right to leave their employment and made them vulnerable to forced labor.

Closures of RTL facilities, which the NPC abolished in December 2013 (see section 1.d.), continued throughout the year. Media and NGO reports indicated, however, that many of the RTL facilities were converted to drug rehabilitation centers, “custody and education centers,” or prisons, and some NGOs reported that forced labor continued in these facilities.

There were credible allegations that prison inmates were forced to work for private production facilities associated with prisons. These facilities often operated under two different names, a prison name and a commercial enterprise name. No effective mechanism prevented the export of goods made under such conditions. Goods and materials for which there was evidence of forced labor in their production included toys, garments and textiles, electronics, bricks, and coal. Media reported the discovery of notes in clothing sold by major Western brands, alleging the item was produced by forced prison labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 16. It refers to workers between the ages of 16 and 18 as “juvenile workers” and prohibits them from engaging in certain forms of dangerous work, including in mines.

The law specifies administrative review, fines, and revocation of business licenses of those enterprises that illegally hire minors and provides that underage children found working should be returned to their parents or other custodians in their original place of residence. The penalty for employing children under age 16 in hazardous labor or for excessively long hours ranges from three to seven years imprisonment, but a significant gap remained between legislation and implementation. As in previous years, there were campaigns to crack down on child labor during the year.

The government does not publish statistics on the extent of child labor, but rising wages and a tightening labor market led some companies to hire underage workers in violation of the law. Some local authorities also ignored the practice of child labor or even facilitated it to prevent employers from moving to other areas.

Reports of child labor persisted in areas suffering from labor shortages and in smaller enterprises that compensated workers on a piece-rate basis. Child labor was documented in agriculture, light manufacturing, brick making, and the service sector.

In Dongguan, Guangdong Province, a manufacturing hub hit hard by labor shortages, rising wages, and a locality in which employers admitted the use of child labor on a temporary basis was common, local authorities identified 11 suspected cases involving child workers during a labor inspection campaign from April to June. One multinational company cut ties with a factory after discovering the supplier hired underage workers and required them to work 12-hour shifts.

Abuse of the student-worker system continued as well, and as in past years, there continued to be allegations that schools and local officials improperly facilitated the supply of student laborers. This practice was confirmed by the release of a report in September by the International Labor Organization and the China National Textile and Apparel Council, identifying ways to improve labor protections, including from forced labor, for student interns. In August more than 60 students from Maoming, Guangdong Province, none older than 16 years of age,

were brought to work in a packing factory in Dongguan directly upon their entry into a vocational school.

Also see the Department of *Labor's Trafficking Victims Protection Reauthorization Act List* at www.dol.gov/ilab/reports/child-labor/list-of-goods/.

d. Discrimination with Respect to Employment or Occupation

The Employment Promotion Law provides some basis for legal protection against employment discrimination. Article 3 states, “No worker seeking employment shall suffer discrimination on the grounds of ethnicity, race, gender, or religious belief.” Article 29 charges the state with the duty to “safeguard the labor rights of handicapped persons” and article 30 outlines employment protections available to carriers of infectious diseases including, presumably, HIV. Enforcement clauses include the right to pursue civil damages through the courts. Other laws provide similar, parallel legal bases for protections for women and persons with disabilities. The labor contract law includes a provision to limit the circumstances under which employers can terminate the contracts of employees suspected of suffering from an occupational disease and those within five years of the statutory retirement age.

Discrimination in employment was widespread, including in recruitment advertisements that discriminated on the basis of gender, age, height and physical appearance, and workplace policies that discriminated on the basis of test results for HIV/AIDs and hepatitis (see section 6). The latest survey of female students on this topic, conducted by the ACWF in 2011, reported that 90 percent of respondents believed they had experienced employment discrimination.

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. Nonetheless, in January a 2012 case of employment discrimination by a private tutoring firm in Beijing was settled out of court in favor of the plaintiff. In November a Hangzhou court ruled in favor of a young woman who was refused an interview with an educational institution based on her gender and awarded her RMB2,000 (\$326) in damages.

e. Acceptable Conditions of Work

While many labor laws and regulations on worker safety were fully compatible with international standards, implementation and enforcement were inadequate. Compliance with the law was weak, and standards were regularly violated. Excessive overtime occurred, but in many cases workers encouraged noncompliance by requesting greater amounts of overtime to counterbalance low base wages and increase their overall income. Inadequately enforced labor laws, occupational health and safety laws, and regulations continued to put workers' livelihoods, health, and safety at risk.

There was no national minimum wage, but the law requires local and provincial governments to set their own minimum wage rates according to standards promulgated by the Ministry of Human Resources and Social Security. Average wage levels continued to increase, and almost all local and provincial governments raised minimum wage levels significantly during the year as a result of changing economic and demographic conditions. According to the Ministry of Human Resources and Social Security, through September minimum wages increased by an average of 14.1 percent in the 17 provinces reporting increases. Despite a steady increase in inflation, the rate of increase in minimum wages nationwide slowed since 2011, when officials first released the data publicly. The rate of average increase in the provinces reporting increases was 22 percent, 20.2 percent, and 17 percent in the years 2011, 2012, and 2013, respectively. Spot shortages of skilled labor, increased inland investment, and successful strikes led to generally increased wage levels for workers in many parts of the country.

The law mandates a 40-hour standard workweek, excluding overtime, and a 24-hour weekly rest period. 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 (SAWS) sets and enforces occupational health and safety regulations. The Law on Prevention and Control of Occupational Diseases requires employers to provide free health checkups for employees working in hazardous conditions and to inform them of the results. The Labor Contract Law provides workers with the right to report violations or remove themselves from workplace situations that may endanger their health without jeopardy to their employment.

A regulation states that labor and social security bureaus at or above the county level are responsible for enforcement of labor laws. The law also provides that where the ACFTU finds an employer in violation of the regulation, it has the power to demand that the relevant local labor bureaus deal with the case.

Companies that violate occupational, safety, and health regulations face various penalties, including suspension of business operations or rescission of business certificates and licenses. The law offers cash rewards and stipulates protections for worker “whistleblowers” who report violations, such as concealing workplace accidents, operating without proper licensing, operating unsafe equipment, or failing to provide workers with adequate safety training. Enforcement was not uniform, and penalties were insufficient to deter violations.

Nonpayment of wages remained a problem in many areas. Government 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. Although creative strategies by some multinational purchasers provided new approaches to reducing the incidence of labor violations in supplier factories, insufficient government oversight of both foreign-affiliated and purely domestic supplier factories continued to contribute to poor working conditions. An October article in official media cited national survey findings that 36 percent of respondents never received payment for overtime work on holidays, despite being mandated by law and that more than 20 percent of respondents “frequently” worked holiday overtime.

Many vulnerable workers were employed in the informal economy. In 2012 Chinese Academy of Social Sciences researchers estimated the prevalence of informal employment ranged from 20 percent to 37 percent overall, based on the definition used, with between 45 percent and 65 percent of migrants employed in the informal sector. UN experts reported that women were particularly active in the informal economy, often as domestic workers or petty entrepreneurs. 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.

The number of reported workers diagnosed with occupational diseases increased since 2000. Before 2009 approximately 10,000 were reported each year, but since 2010, the number of reported cases averaged 20,000. In Shandong Province alone, there were more than 1,000 new reported cases annually in recent years. Official data showed that by the end of 2012, the total number of workers diagnosed with occupational diseases reached 800,000 nationally, of which more than 700,000 cases were pneumoconiosis.

ACFTU occupational disease experts estimated that 200 million persons worked in hazardous environments. According to the Chinese Center for Disease Control and Prevention, only an estimated 10 percent of eligible employees received regular occupational health services. Small and medium-sized enterprises, the largest 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. Instances of pneumoconiosis, or black lung disease, and silicosis remained high. A charitable NGO that helped to treat migrant workers estimated that black lung disease affected approximately six million rural residents.

In August a dust explosion at a metal polishing workshop in Kunshan, Zhejiang Province, resulted in the deaths of 146 and injured dozens. An investigation by SAWS found that the workshop failed to meet safety standards and lacked appropriate equipment to remove combustible metal dust. The report also noted that the Kunshan municipal government had just finished a round of safety inspections of the workshop a week before the explosion but found no violations. A few days after the Kunshan explosion, a group of labor activists and academics issued an open letter arguing that since factory owners and local governments failed to protect workers, the workers themselves should be authorized to supervise and report on workplace safety. On December 30, the State Council reportedly announced that 18 individuals would be prosecuted for their role in the tragedy, according to a major labor rights NGO.

Official statistics for accidents and deaths in coalmines continued to fall. SAWS reported a total of 589 accidents and 1,049 deaths by the end of 2013, both figures down 24 percent compared with 2012. In the first half of 2014, 51 coalmine accidents killed 122 individuals. In July, without giving a specific timetable, SAWS vowed to close more than 1,700 smaller coalmines, defined as those with an annual production capacity under 90,000 tons, in a bid to enhance safety and reduce casualties. Small mines often had outdated safety control systems and were more vulnerable to flooding and gas explosions.

TIBET 2014 HUMAN RIGHTS REPORT ANNEX**EXECUTIVE SUMMARY**

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures (TAPs) and counties in other 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 Han CCP members held almost all top party, government, police, and military positions in the TAR and other Tibetan areas. Ultimate authority rests with the 25-member Central Committee Political Bureau (Politburo) of the CCP and its seven-member Standing Committee in Beijing. Civilian authorities generally maintained effective control of the security forces.

During the year the government's respect for, and protection of, human rights in the TAR and other Tibetan areas remained poor. Under the professed objectives of controlling border areas, maintaining social stability, and combating separatism, the government engaged in the severe repression of Tibet's unique religious, cultural, and linguistic heritage by, among other means, strictly curtailing the civil rights of China's Tibetan population, including the freedoms of speech, religion, association, assembly, and movement. The government routinely vilified the Dalai Lama and blamed the "Dalai [Lama] Clique" and "other outside forces" for instigating instability.

Other serious human rights abuses included extrajudicial killings, disappearances, torture, and extrajudicial detentions. There was a perception among many Tibetans that authorities systemically targeted them for political repression, economic marginalization, and cultural assimilation, as well as educational and employment discrimination. The presence of the People's Armed Police (PAP) and other security forces remained at high levels in many communities on the Tibetan Plateau, particularly in the TAR. 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 demanded freedom and human rights and expressed their support for the Dalai Lama.

The government strictly controlled information about, and access to, the TAR and many Tibetan areas outside the TAR, making it difficult to determine accurately the scope of human rights abuses. The Chinese government severely restricted travel by foreign journalists to Tibetan areas. Additionally, the Chinese

government harassed or detained Tibetans who spoke to foreign reporters, attempted to provide information to persons abroad, or communicated information regarding protests or other expressions of discontent through cell phones, e-mail, or the internet. The Chinese government also denied multiple requests by foreign diplomats for permission to visit the TAR. Because of these restrictions, many of the incidents and cases mentioned in this report could not be verified independently.

Disciplinary procedures were opaque, and it was not clear that security personnel or other authorities were punished for behavior defined under Chinese laws and regulations as abuses of power and authority.

Tibetan Self-Immolations

At least 11 Tibetans reportedly self-immolated during the year, including laypersons and Tibetan Buddhist clergy, which was significantly fewer than the 27 self-immolations reported in 2013 and the 83 self-immolations reported in 2012.

Self-immolators reportedly continued to see their acts as protests against political and religious oppression. The Chinese government implemented policies that punished friends, relatives, and associates of self-immolators. The Supreme People's Court, the Supreme People's Prosecutor's Office, and the Ministry of Public Security's joint 2012 "Opinion on Handling Cases of Self-Immolation in Tibetan Areas According to Law" criminalizes various activities associated with self-immolation, including "organizing, plotting, inciting, compelling, luring, instigating, or helping others to commit self-immolation," each of which may be prosecuted as "intentional homicide." According to the Opinion, the motive of self-immolators was "generally to split the country," and the act constituted criminal behavior, since it posed a threat to public safety and public order. The opinion stated that "ringleaders" would be targeted for "major punishment." In addition, Chinese government 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 burial or mourning activities for self-immolators.

According to an August report by International Campaign for Tibet, since 2012 at least 11 Tibetans were sentenced to prison terms or death on "intentional homicide" charges for allegedly "aiding" or "inciting" others to self-immolate. The report also listed 98 Tibetans punished since 2010 due to alleged association with a self-immolation.

Arbitrary or Unlawful Deprivation of Life

There were 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.

Four persons died of serious injuries sustained when police opened fire on a group of more than 100 protesters demanding the release of their village head, Dema Wangdak, in Shiqu (Sershul) County in Sichuan Province's Ganzi (Garze) TAP on August 12, according to media reports.

According to a February report from *Phayul*, a news website maintained by Tibetan exiles, police tortured Kunchok Dhakpa to death while in custody. He was arrested in 2013 in the TAR's Biru (Driru) County on allegations of leading a large protest against Chinese mining activities.

Disappearance

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

In May police arrested Tenzin Lhundrup, an influential Tibetan monk, in the TAR's Biru (Driru) County while giving a lecture on the status of Tibetan language and nationality. His whereabouts remained unknown.

The whereabouts of the Panchen Lama, Gedhun Choekyi Nyima, Tibetan Buddhism's second-most prominent figure after the Dalai Lama, remained unknown. The Chinese government has not made any public statements about his situation since 2010.

Torture and Other Cruel and Degrading Treatment

According to the PRC's constitution, "the State respects and protects human rights." Judges cannot apply the constitution in court cases, however, in part because interpretation is reserved to the Standing Committee of the National People's Congress.

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, even to the point of death, while incarcerated or otherwise in custody.

According to Radio Free Asia (RFA), authorities detained Tashi Paljor, a monk at Wenpo Monastery in the TAR's Changdu (Chamdo) Prefecture on February 28 because he was in possession of politically sensitive writings and recordings by the Dalai Lama. While in custody, he was beaten so badly that he died the next day.

Prison and Detention Center Conditions

The number of prisoners in the TAR and Tibetan areas was unknown. There were reports of recently released prisoners permanently disabled or in extremely poor health because of the harsh treatment they endured in prison. According to sources political prisoners endured unsanitary conditions and often had little opportunity to wash or bathe. Former prisoners reported being isolated in small cells for months at a time and deprived of sleep, sunlight, and adequate food. According to sources prisoners rarely received medical care except in the case of serious illness. Former prisoners also complained that prison guards often confiscated gifts of food and medicine from their families. There were cases of detained and imprisoned persons being denied visitors. As elsewhere in the PRC, authorities did not permit independent monitoring of prisons.

Arbitrary Arrest or Detention

Arbitrary arrest and detention was a problem in Tibetan areas. With a detention warrant, police may legally detain persons for up to 37 days without formally arresting or charging them. Police must notify the relatives or employer of a detained person within 24 hours of the detention. Following the 37-day period, police must either formally arrest or release the detainee. Police frequently violated these requirements. It was unclear how many Tibetan detainees authorities held under forms of detention not subject to judicial review.

In 2013 authorities in the TAR's Sou (Sog) County detained Gawa Sangpo for writing a letter that, among other things, stated Tibet is an independent nation. According to a March report by *Phayul*, he had been held in detention for more than a year without trial and was reportedly in poor health due to torture he suffered while in detention.

Denial of Fair Public Trial

Legal safeguards for detained or imprisoned Tibetans were inadequate in both design and implementation. Prisoners have the right to request a meeting with a government-appointed attorney, but in practical terms many defendants, particularly political defendants, did not have access to legal representation.

According to the India-based Tibetan Center for Human Rights and Democracy, on January 17, Chinese authorities in the TAR's Biru (Driru) County sentenced two Tibetan village leaders to 10 years in prison for failing to fulfill their duty to maintain stability. According to the report, authorities did not inform either man's family members about their detention and subsequent sentencing.

Trial Procedures

In cases that authorities claimed involved "endangering state security" or "separatism," trials often were cursory and closed. According to a January report from the head of the TAR's Higher People's Court, the court handled 20 cases of crimes concerning "separatism" and "national security" in 2013. No details about the cases were made publicly available.

Chinese officials made it clear that they believed ideology and politics should be a large factor for judges to consider when deciding cases. During a regional judges' conference on August 12, Deng Xiaogang, executive vice governor of the TAR and director general of the TAR Legal Affairs Committee, requested that senior judges make "ideological and political development" a priority task in the fight against separatism, and guarantee a "correct political direction" in the judiciary's work.

Security forces routinely subjected detainees and prisoners to "political re-education" sessions.

Political Prisoners and Detainees

An unknown number of Tibetans were detained, arrested, and/or 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 U.S. Congressional Executive Commission on China (CECC) political prisoner database, as of September 1, 639 Tibetan political prisoners were 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 determination difficult. An unknown number of persons continued to be held in detention centers, despite the recent moves to dismantle the “reeducation through labor” system. Of the 639 Tibetan political prisoners tracked by the CECC, 621 were ethnic Tibetans detained on or after March 10, 2008, and 18 were Tibetans detained prior to March 10, 2008. Of the 621 Tibetan political prisoners who were detained on or after March 10, 2008, 251 were believed or presumed to be detained or imprisoned in Sichuan Province, 202 in the TAR, 103 in Qinghai Province, 64 in Gansu Province, and one in the Xinjiang Uighur Autonomous Region. There were 174 persons serving known sentences, which ranged from 18 months to life imprisonment. The average sentence length was seven years and six months. Of the 174 persons serving known sentences, 73 were monks, nuns, or Tibetan Buddhist teachers.

Sentencing information was available for 15 of the 18 Tibetan political prisoners detained prior to March 10, 2008, and believed imprisoned as of September 1. Their sentences ranged from eight years to life imprisonment. The average fixed-term sentence was 12 years and four months.

In January Chinese authorities in the TAR’s Biru (Driru) County sentenced Dorje Dragtsel to 11 years in prison for leading an antimining protest. According to *Phayul*, Dorje Dragtsel also was allegedly involved in local protests against the government efforts to force Tibetans to raise the Chinese national flag atop their houses.

Arbitrary Interference with Privacy, Family, Home, or Correspondence

Authorities continued to monitor private correspondence and search some 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 reportedly even deemed certain ringtones subversive and grounds for detention. In January police in the TAR detained a young Tibetan man, Norgyay, after a random check of the content on his mobile phone. While in custody, police found photos and audio recordings of speeches by the Dalai Lama on his mobile phone, tortured him, and then “warned him to sever all connections with outside contacts,” according to RFA.

Freedom of Speech and Press

Freedom of Speech: Tibetans who spoke to foreign reporters, attempted to provide information to persons outside the country, or communicated information regarding protests or other expressions of discontent through cell phones, e-mail, or the internet were subject to harassment or detention. During the year authorities in the TAR and many other Tibetan areas sought to strengthen control over electronic media further and to punish individuals for the “creating and spreading of rumors.” Sources reported that many Tibetans, particularly monks, scholars, students, and government officials, avoided sensitive topics, even in private conversations in their own homes.

According to a report by *Phayul*, in March authorities in the TAR’s Sou (Sog) County arrested four people for sharing political content through their cell phones. In January a court sentenced writer Tsultrim Gyaltsen, from the TAR’s Biru (Driru) County, to 13 years in prison, and his colleague, Yugyal, a former police officer, to 10 years in prison, according to a report by London-based Tibet Watch. Gyaltsen and Yugyal had allegedly “engaged in separatist activities and disrupted social stability by spreading rumors.” Police seized Gyaltsen after he publicly disagreed with speeches given by high-ranking TAR officials about a crackdown in Biru.

Press Freedoms: The government severely restricted travel by foreign journalists. In December 2013 the *Washington Post* reported that “North Korea is more accessible to foreign journalists than Tibet is.” Foreign journalists may visit the TAR only after obtaining permission from the government, and permission was rarely granted, according to a report by the Foreign Correspondent’s Club of China. A few foreign journalists visited the TAR by participating in highly structured, government-organized tours during which the constant presence of government minders made independent reporting difficult. Reporting in Tibetan areas outside the TAR was also difficult. “Large areas of the country, such as Tibetan-inhabited regions outside of the TAR, are effectively off-limits to foreign reporters,” according to the Foreign Correspondent’s Club of China report.

The 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. In Qinghai Province and the Aba (Ngaba) TAP, Sichuan Province, police confiscated or destroyed “illegal” satellite dishes, replacing some of them with government-controlled cable television systems.

Domestic journalists did not report on repression in Tibetan areas. Authorities promptly censored the postings of bloggers who did so, and the authors sometimes faced punishment. Prominent Tibetan blogger and poet Tsering Woesser, who documented Tibetan protests and self-immolations and advocated for human rights for Tibetans, environmental protection for the Tibetan Plateau, and the preservation of Tibetan culture and religion, was subjected to heavy surveillance during her several-month-long visits to Lhasa, where authorities seriously restricted her freedom of movement and barred her from meeting with sensitive individuals in what she described as “soft house arrest.”

Authorities tightly controlled journalists who worked for the domestic press and could hire and fire them on the basis of political reliability. For example, in April the state-run Tibet TV television station released a job announcement seeking a number of media employees. One of the listed job requirements was to “be united with the regional Party Committee in political ideology and fighting against separatism.”

Violence and Harassment: According to the India-based *Tibet Post International*, the family of Tibetan writer Tsultrim Gyaltzen learned in March that authorities in the TAR’s Biru (Driru) County had sentenced him to 13 years in prison. Police arrested Gyaltzen in October 2013 on suspicion of involvement in activities that challenged Chinese rule. In July authorities placed under house arrest Tsering Woesser and her husband, Tibetologist Wang Lixiong, to keep them from attending a diplomatic event in Beijing.

Internet Freedom

Authorities curtailed cell phone and internet service in the TAR and other Tibetan areas during times of unrest and politically sensitive periods, sometimes for weeks or even months at a time, such as the March anniversaries of the 2008 protests and “Serf Emancipation Day,” and around the Dalai Lama’s birthday in July. Authorities closely monitored the internet throughout Tibetan areas. Reports of authorities searching cell phones they suspected of containing suspicious content were widespread. In July the Qinghai Provincial Party Committee said the province was relentlessly cracking down on illegal publications concerning Tibet and Xinjiang and that relevant government agencies were monitoring the internet and cell phones to prevent such publications and information from spreading. Under the campaign of “massive inspection of the cultural market,” security officials in the TAR and other Tibetan areas carried out a series of inspections of internet bars and cell-phone markets. Many internet bar owners were required to

sign “responsibility documents” pledging to ensure internet security. Many individuals in the TAR and other Tibetan areas reported receiving official warnings after using their cell phones to exchange what was deemed to be sensitive information in Tibetan script.

Throughout the year authorities blocked users in China from accessing foreign-based, Tibet-related websites critical of official policy in Tibetan areas. Well-organized computer hacking attacks originating from China harassed Tibet activists and organizations outside China. Authorities harassed and detained Tibet internet activists inside China. Tibet Action Institute and other civil society organizations based both in China and abroad have been penetrated by cyberespionage; a majority of these incidents were linked to China, according to a study published November 11 by internet watchdog Citizen Lab. According to the study, those behind the incidents were the same hackers responsible for high-profile attacks on major multinationals and Western governments.

Academic Freedom and Cultural Events

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. 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.

In May, Dong Yunhu, a member of the Standing Committee of the TAR’s Communist Party Committee and head of the TAR’s Department of Propaganda, declared the region must protect the “absolute security of ideology,” criticize the Dalai Clique, crack down on information concerning “Tibetan independence,” and cut all channels for “Tibetan independence” propaganda. In June, Che Minghuai, the party secretary of the TAR’s Academy of Social Science, asked scholars to battle the Dalai Clique firmly in the ideological arena.

In February, seven experts of the UN Human Rights Council wrote to the Chinese government to highlight concern about the human rights situation of 10 Tibetan singers and musicians allegedly detained, disappeared, or arbitrarily arrested since 2008. Authorities in Tibetan areas regularly banned the sale and distribution of music they deemed to have sensitive political content.

Policies promoting planned urban economic growth, rapid infrastructure development, the influx of non-Tibetans to traditionally Tibetan areas, expansion of the tourism industry, forced resettlement of nomads and farmers, and the weakening of both Tibetan-language education in public schools and religious education in monasteries continued to disrupt traditional living patterns and customs.

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 widely spoken, was used for most official communications, and was the predominant language of instruction in public schools in many Tibetan areas.

China's Regional Ethnic Autonomy 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 media of instruction." Despite guarantees of cultural and linguistic rights, many primary, middle, and high school students had limited access to Tibetan-language instruction and textbooks. According to a RFA report, in February authorities forced organizers to cancel a Tibetan-language competition in Sichuan Province's Aba (Ngaba) TAP, telling the organizers that "the Tibetan language contains words that can be used to express opposition to Chinese rule."

China's most prestigious universities provided no instruction in Tibetan or other ethnic minority languages, although Tibetan-language classes were available. "Nationalities" universities, established to serve ethnic minority students and ethnic Han 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.

Freedom of 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 against mining or other industrial activities they considered harmful to the environment or sacred sites. For example, in June authorities detained Tibetans in Qinghai Province’s Hainan (Tsolho) TAP for protesting against what they believed to be an illegal Chinese mining operation, according to *Phayul*.

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. In practical terms, however, the government severely restricted travel and freedom of movement of 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.

Following the 2012 self-immolation in Lhasa of two young Tibetans from Tibetan areas of Sichuan and Gansu provinces (the first instances of self-immolation in Lhasa in recent years), authorities largely banned Tibetans from outside the TAR, particularly monks and nuns, 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 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 card, stay in designated hotels, and

notify authorities of their plans on a daily basis. These requirements were not applied to Han Chinese visitors to Lhasa.

In late May authorities reportedly prevented travel for religious purposes to Mount Kailash (*Gang Rinpoche*), a principal pilgrimage site. The ban immediately preceded the period when the Dalai Lama provided a public teaching (Kalachakra) in northern India.

Even outside the TAR, many Tibetan monks and nuns reported it remained difficult to travel beyond their home monasteries, with officials frequently denying permission for visiting monks to stay at a monastery for religious education. Authorities allowed only temporary visits to Tibetan Buddhist monasteries by non-Tibetans, particularly ethnic Han followers of Tibetan Buddhism. Implementation of this restriction was especially rigorous in the TAR.

On June 5, authorities released Tibetan filmmaker Dhondup Wangchen from prison, but authorities continued to harass him and restrict his freedom of movement.

Foreign Travel: Many Tibetans, particularly prominent religious and cultural figures, scholars, and activists, as well as those from rural areas, continued to report difficulties in obtaining new, or renewing existing, passports. Some Tibetans reported they were able to obtain passports only after paying substantial bribes or making promises not to travel to India. Tibetans continued to encounter substantial difficulties and obstacles in traveling to India for religious, educational, and other purposes. Contacts also reported instances of local authorities revoking the passports of individuals who had traveled to India. Tight border controls sharply limited the number of persons crossing the border into Nepal and India. In 2013, 171 Tibetan refugees transited Nepal through the Tibetan Reception Center, run by the Office of the UN High Commissioner for Refugees in Kathmandu, on route to permanent settlement in India, down from 242 in 2012 and 739 in 2011.

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.

The government regulated travel by foreigners to the TAR, a restriction that is not applied to any other provincial-level entity in the PRC. In accordance with a 1989 regulation, foreign visitors must 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 must 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, although the government never issued publicly available formal prohibitions on such travel. Anecdotal evidence suggested that the decline in the number of foreign tourists to the TAR was more than offset by an increase in domestic Han visitors to the TAR. Unlike foreign tourists, ethnic Han tourists do not need special permits to visit the TAR.

Officials continued to restrict severely the access of foreign diplomats and journalists to the TAR. Foreign officials were able to travel to the TAR only with the permission of the TAR Foreign Affairs Office, and even then only on closely chaperoned trips arranged by that office. Such permission was difficult to obtain. U.S. government officials submitted 12 requests for diplomatic access to the TAR during the year, but no request was granted. 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 Speech and Press).

Discrimination and Societal Abuses

Women

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

Reproductive Rights: Family planning policies permitted Tibetans and members of some other minority groups to have more children than ethnic Han. Some Tibetans who worked for the government reported pressure from their work units to have only one child.

Prostitution in Tibetan areas was not uncommon. Nongovernmental organizations (NGOs) and health experts expressed serious concern about the growing prevalence of HIV/AIDS in the TAR and other Tibetan areas.

Discrimination: There were no formal restrictions on women's participation in the political system, and women held many lower-level government positions. They were, however, underrepresented at the provincial and prefectural levels of government. According to an official website, female cadres in the TAR accounted for more than 41 percent of the TAR's total cadres.

Children

Many rural Tibetan areas have implemented China's nationwide "centralized education" policy, which has resulted in the closure of many village 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 young students.

Trafficking in Persons

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

Ethnic Minorities

Although 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 Han residents, such as cadres (government and party officials), 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 Han more than Tibetans, causing resentment. In many predominately Tibetan cities across the Tibetan Plateau, ethnic Han or Hui migrants owned and managed many 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 ethnic Han 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. Tibetan tour guides in the TAR faced competition from government-sponsored “Help Tibet” tour guides brought from other parts of China, apparently for their greater political reliability, and put to work after receiving a crash course on Tibet.

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, and there continued to be reports of job advertisements expressly noting that Tibetans were not welcome to apply. Some claimed that ethnic Han were hired preferentially for jobs and received higher salaries for the same work. The problem intensified after May 2012 when many Tibetans of outside origin were expelled from the TAR, creating more job and business opportunities for non-Tibetans. Some Tibetans reported it was more difficult for Tibetans than ethnic Han to obtain permits and loans to open businesses. Restrictions on both local NGOs that received foreign funding and international NGOs that provided assistance to Tibetan communities increased during the year, resulting in the lack of many 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. There were reports of compulsory resettlement. According to a January Xinhua report, the TAR’s eight-year nomad resettlement program was officially completed at the end of 2013. Improving housing conditions, health care, and education for Tibet’s poorest 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 cost often forced resettled families into debt.

Although a March media report noted that Tibetans and other minority ethnic groups made up 70 percent of government employees at the provincial level in the TAR, the top CCP position of TAR party secretary continued to be held by an ethnic Han, and the corresponding positions in the vast majority of all TAR counties were also held by ethnic Han. Also within the TAR, ethnic Han continued to hold a disproportionate number of the top security, military, financial, economic, legal, judicial, and educational positions. Ethnic Han were party secretaries in seven of the 10 TAPs, which are located in Gansu, Qinghai, Sichuan, and Yunnan provinces. Two TAPs in Qinghai Province had Tibetan party

secretaries, and one TAP in Yunnan Province had an ethnic Naxi party secretary. Authorities often 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 garb 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 give them rooms.

Societal Violence

Feuds among Tibetans and the resulting violence, in some cases including killings, was a serious problem. In May at least nine Tibetans were injured in a clash over disputed land between two villages in Qinghai Province, according to *Phayul*.

HONG KONG 2014 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 (the Basic Law), specify that the SAR will enjoy a high degree of autonomy except in matters of defense and foreign affairs. In 2012 a Chief Executive Election Committee composed of 1,193 members selected C.Y. Leung as the SAR's third chief executive (CE). The Legislative Council (LegCo) was elected in September 2012 from a combination of directly elected seats and limited franchise or "small circle" functional constituencies that generally supported the Central Government. Authorities maintained effective control over the security forces.

Beginning in late September, students and prodemocracy activists held large-scale demonstrations in opposition to the Central Government's framework for implementing universal suffrage for the election of the chief executive in 2017, with protests focused on the framework's limitations on choice of candidates.

The most important human rights problems reported were the limited ability of citizens to participate in and change their government through the right to vote in free and fair elections, limitations on freedom of the press and incidents of violence against the media, and a legislature with limited powers in which certain sectors of society wielded disproportionate political influence.

Other human rights problems included denial of visas for political reasons, trafficking in persons, reports of arbitrary arrest or detention, and other aggressive police tactics hampering the freedom of assembly, and societal prejudice against certain ethnic minorities.

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 or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Basic Law prohibits torture and other forms of abuse. There were no reports of security forces engaging in torture or other cruel, inhuman, or degrading treatment or punishment; however, there were some reports of the use of excessive force by police officers. In the first half of the year, the police force's Complaints against Police Office reported 1,244 complaints of excessive use of force by police. One complaint was substantiated as reported, one was substantiated other than reported, five were unsubstantiated, three were false, 10 did not involve fault, 90 were not pursuable, 453 were withdrawn, and 65 were informally resolved. As of June there were 616 complaints pending investigation and endorsement by the Independent Police Complaints Council (IPCC). There were 28 allegations of assault by police officers on persons not in custody, of which one was deemed false, three were not pursuable, and six were withdrawn. As of June there were 18 allegations pending investigation and endorsement by the IPCC. There were also 120 allegations of assault by police officers against persons in custody in the first half of the year. Of those 11 were not pursuable and 13 were withdrawn as of June. As of June there were 96 allegations pending investigation and endorsement by the IPCC.

Many experts assessed the Hong Kong Police Force's use of force during the protests in September through December as professional and appropriate; however, some prodemocracy activists, nongovernmental organization (NGO) observers, and journalists expressed concerns about these actions. Video footage appeared to show police officers abusing Ken Tsang, a prodemocracy activist, on October 15. The seven officers involved were suspended on October 15, and police formally arrested all seven on November 26 following an investigation. The seven officers were charged with the crime of "assault occasioning actual bodily harm."

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the Correctional Services Department (CSD) permitted visits by independent human rights observers. In the past NGOs voiced concerns to the LegCo's Public

Complaints Office, alleging “widespread use of solitary confinement in prisons” and a “lack of labor protection legislation for inmates who work.”

Physical Conditions: During the year the CSD managed 30 penal institutions (comprising minimum-, medium-, and maximum-security prisons; a psychiatric center; and training, detention, rehabilitation, and drug addiction treatment centers) with a certified accommodation capacity of 11,528 persons. As of June 30, the total prison population was 8,906, of which 8,604 were adults 18 years old or older, 80.3 percent male and 19.7 percent female. As of June 30, 302 juvenile offenders under the age of 18 were held in penal institutions, including prison, training centers, detention centers, and drug addiction treatment centers. Authorities did not hold male and female prisoners together, nor were juveniles held with adults.

The average occupancy rate for all penal institutions was 77.6 percent. The CSD acknowledged overcrowding was a problem in certain types of penal institutions, such as remand (pretrial detention) facilities and maximum-security institutions. The CSD adopted a strategy of renovating existing institutions to increase space and modernize facilities.

Prisoners generally had access to potable water and adequate food. Sanitation and medical care were adequate.

In the first half of the year, there were nine reports of deaths of prisoners in CSD custody. The Coroner’s Court with a jury conducted death inquests. Inquest results had not been reported by year’s end.

Administration: Prisoners and detainees were able to send and receive letters, receive regular visits, manifest their religious beliefs or practices, and attend available religious services in correctional institutions. According to the CSD, every prisoner had unrestricted access to internal and external complaint channels. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship, request investigation of credible allegations of inhuman conditions, and initiate legal action against any alleged inhuman condition. Judicial authorities investigated credible allegations of inhuman conditions and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions, and there was an external Office of the Ombudsman. There were no reports of any problems regarding recordkeeping. Penal and

judicial authorities used community service and fines as alternatives to incarceration for nonviolent offenders.

Independent Monitoring: The government permitted human rights groups to conduct prison visits; however, as of September the CSD had not received any such requests. Justices of the peace 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. In the first six months of the year, justices of the peace made 223 unannounced visits to penal institutions.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention, but some incidents of arbitrary arrest and detention occurred during the year.

Role of the Police and Security Apparatus

The Hong Kong Police Force maintained internal security and reported to the Security Bureau. The PRC's People's Liberation Army is responsible for external security. Civilian authorities maintained effective control over the Hong Kong Police Force, and the government had effective mechanisms to investigate and punish abuse and corruption.

There were no reports of impunity involving the security forces during the year.

Human rights activists and some legislators expressed concern that the CE appointed all IPCC members and that the IPCC's lack of power to conduct independent investigations limited its oversight capacity. The IPCC cannot compel officers to participate in its investigations, and the media reported cases of police officers declining to do so. In October the IPCC announced it was investigating allegations of police misconduct related to the prodemocracy protests--including the alleged mistreatment of protester Ken Tsang--and would exercise its statutory authority to monitor the investigation by the Hong Kong Police Force's internal affairs unit, the Complaints Against Police Office.

Arrest Procedures and Treatment of Detainees

Suspects generally were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. They 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 respected this right effectively. The amount of time suspects spend behind bars before trial increased by almost 40 days since 2008, according to CSD data. In 2013 suspects spent an average of 99.5 days in custody, up from 80 days in 2010 and 60 days in 2008.

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

Arbitrary Arrest: Prodemocracy activists claimed that incidents of arbitrary arrest targeted them and were politically motivated.

Between September 26 and October 27, police reported arresting 324 persons in connection with prodemocracy protests in various parts of Hong Kong. Protesters called for open elections and criticized Beijing's handling of Hong Kong affairs. Police charged these persons with offenses including unlawful assembly, forcible entry, possession of prohibited weapons, various forms of assault, obstruction, criminal intimidation, attempted theft, arson, and public disturbance. The media reported that police released the majority of those arrested on bail or dropped the charges. On September 27, police also detained student protest leaders Joshua Wong, Lester Shum, and Alex Chow in connection with a protest in which several persons forcibly entered the grounds of Hong Kong government headquarters to stage a sit-in. Police reportedly held Wong, Shum, and Chow for approximately 40 hours until a judge ordered them released on September 28. Authorities did not formally charge the three with any crimes but reserved the right to charge them at a later date. The law allows police to detain suspects without charge for a "reasonable" period of time, which courts interpreted to mean approximately 48 hours. Police detained Wong and Shum along with approximately 30 others again on November 26 in connection with the enforcement of a civil court order to clear barricades from public roads in Mong Kok. The Kowloon City Magistrates' Court released all of the detainees the following day. Prosecutors charged Wong and Shum with obstructing a judicial bailiff who was clearing barricades and requested the case be adjourned until January 2015.

Police briefly detained 511 persons for unlawful assembly during a July 1-2 overnight sit-in during which protesters called for open elections and criticized Beijing's handling of Hong Kong affairs. Of those arrested, authorities released 25

on bail, while the rest received warnings. In August, 11 of the 25 individuals refused to renew their bail when reporting to police. They were released unconditionally, which implied that the requirement for reporting to a police station periodically was lifted. The investigation was continuing, and police retained the right to prosecute.

On July 4, authorities arrested lawmaker Raymond Wong Yuk-man for suspected common assault after he allegedly threw a glass at CE Leung Chun-ying in the Legislative Council chambers in June. He refused to renew his bail in August. Police retained the right to prosecute while the investigation was underway.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence. The judiciary provided citizens with a fair and efficient judicial process. The courts may interpret 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 touch on central government responsibilities or on the relationship between the central authorities and the SAR. Before making final judgments on these matters, which are not subject to appeal, the courts must seek an interpretation of the relevant provisions from the Standing Committee of the PRC's National People's Congress (NPC/SC). The Basic Law requires that courts follow the NPC/SC's interpretations, although judgments previously rendered are not affected. As the final interpreter of the Basic Law, the NPC/SC also has the power to initiate interpretations of the Basic Law.

The NPC/SC's mechanism for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The CE, the LegCo president, and the chief justice nominate the Hong Kong members. Human rights and lawyers' organizations expressed concern that this process, which can supersede the Court of Final Appeal's power of final adjudication, could be used to limit the independence of the judiciary or degrade the court's authority.

On June 10, the Central Government issued a "White Paper" on the status of Hong Kong, which described judges as "administrators" who must be patriotic toward China. On June 27, 1,800 lawyers dressed in black staged a silent march to protest the White Paper and its apparent lack of fundamental distinction between the executive and judicial branches of Hong Kong's government. A spokesman for Hong Kong's Department of Justice said the White Paper aimed to explain the implementation of the "one country, two systems" policy and stated the central

government had no intention of interfering with the rule of law and judicial independence in Hong Kong. The chief justice of Hong Kong's Court of Final Appeal stated in August that the local judiciary would act only on the basis of the law and noted the Basic Law protects judicial independence.

Trial Procedures

The law provides for the right to a fair 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 the public's expense if defendants cannot afford counsel. Several activists complained that legal aid did not provide attorneys who were interested in committing significant attention to their public clients. Otherwise, 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 public trial without undue delay, and defendants could confront and question witnesses testifying against them and present witnesses to testify on their behalf. Defendants and their attorneys had access to government-held evidence relevant to their cases. Defendants have the right of appeal and the right not to be compelled to testify or confess guilt.

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 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.

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. Activists regularly raised concerns about the independence of the SAR's courts, which are endowed with a high degree of autonomy under the Basic Law.

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

The law prohibits such actions, and the government generally respected these prohibitions.

The law provides that no personal data may be used for a purpose other than that stated at the time of its collection without the data subject's consent. Specific exemptions allow SAR authorities to transfer personal data to permit prevention, detection, or prosecution of a crime when certain conditions were met. Data, including digital communications intended to remain private, may be transferred to a body outside of the SAR for purposes of safeguarding the security, defense, or international relations of the SAR or for the prevention, detection, or prosecution of a crime, provided conditions set out in the ordinance were met. The Office of the Privacy Commissioner for Personal Data worked to prevent the misuse, disclosure, or matching of personal data without the consent of the subject individual or the commissioner.

The use of covert surveillance and the interception of telecommunications and digital and postal communications can be granted only to prevent or detect "serious crime" or to protect "public security." The law establishes a two-tiered system for granting approval for surveillance activities, under which surveillance of a more intrusive nature requires the approval of a judge, while surveillance of a less intrusive nature requires the approval of a senior law enforcement official. Applications to intercept telecommunications must involve crimes with a penalty of at least seven years' imprisonment, while applications for covert surveillance must involve crimes with a penalty of at least three years' imprisonment or a fine of at least HK\$ one million (\$128,700).

In May the Privacy Commissioner for Personal Data urged private organizations to embrace personal data privacy protection as part of their corporate governance responsibilities. The commissioner encouraged private organizations to respect the privacy rights of both their customers and employees.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a generally supportive government combined to promote freedom of speech and of

the press. During the year, however, media groups lodged more complaints than in the past about what they viewed as increasing challenges in this area.

Freedom of Speech: There were no legal restrictions on the ability of individuals to criticize the government or restrictions imposed by other actors publicly or privately to discuss matters of general public interest without reprisal. However, the media and civil society organizations alleged the Central Government exerted pressure on media organizations to mute criticism of the its policy priorities in Hong Kong.

Press Freedoms: The Hong Kong Journalists Association stated in July that the past year had been “the darkest for press freedom” in several decades. Journalists were attacked, media companies fired journalists who were critical of the government, and advertisers withdrew sponsorship from media perceived as critical of the Central Government or the Hong Kong government. Nevertheless, a survey conducted by the independent Public Opinion Program of the University of Hong Kong in September found respondents’ net satisfaction with press freedom rebounded to 30 percent, up 15 percent from the preceding five months.

Violence and Harassment: A number of violent attacks on media-related personalities took place during the year.

On February 26, knife-wielding assailants attacked former *Ming Pao* newspaper chief editor Kevin Lau--a journalist known for his tough investigative reporting on Mainland China. Lau suffered wounds to his back and legs. Police in Guangzhou arrested two men for conducting the attack, but the investigation yielded no progress on the attack’s motives or who ordered it. Under Lau’s leadership, *Ming Pao* investigated the suspicious death of Li Wangyang, spoke out against government policies such as Moral and National Education, reported on the financial connections of the relatives of top Chinese leaders, and advocated democratic reforms in Hong Kong.

In March four men armed with metal pipes attacked the director and news controller of the soon-to-be-launched Hong Kong *Morning News*. In May the publication announced it would not open when the group lost several of its investors. Police arrested five men in connection with the attack in April, and the investigation was continuing at year’s end.

There was no progress on investigations into 2013 attacks on the prodemocracy Next Media group or the June 2013 attack on Chen Ping, the owner of *Sun Affairs*.

Censorship or Content Restrictions: Reports of media self-censorship continued during the year. Most media outlets were owned by businesses with interests on the mainland, which led to claims that they were vulnerable to self-censorship, with editors deferring to the perceived concerns of publishers regarding their business interests.

Many mainland companies and those with significant business dealings on the mainland reportedly boycotted advertising in the Next Media Group publications and the newspaper *AM730*. Both media organizations were critical of the Central Government and the Hong Kong government.

In February, Commercial Radio fired outspoken radio host Siring Li after moving her from a popular morning show to an evening program in November 2013. Li accused her employer of bowing to government pressure in exchange for the renewal of its license.

The popular online news outlet *House News*, which was modelled after the *Huffington Post*, abruptly closed in July. *House News*' founder Tony Tsoi was a supporter of the prodemocracy Occupy Central movement. The closure prompted speculation that the move was part of a broader campaign to stifle support for Occupy Central protests.

Internet Freedom

There were no government restrictions on access to the internet, although prodemocracy activists and protesters claimed Central Government authorities closely monitored their e-mails and internet use. The internet was widely available and used extensively.

There were reports of politically motivated cyberattacks against private persons and organizations.

In June unidentified hackers launched more than 10 billion denial-of-service attacks on a private poll on universal suffrage conducted by the University of Hong Kong, in which 700,000 Hong Kong residents participated, forcing two of the poll's three service providers to withdraw.

In June unidentified hackers launched a series of cyberattacks on the *Apple Daily* website, a Next Media publication frequently critical of the Hong Kong and central governments, causing it to close temporarily.

In July and August, unidentified hackers obtained and leaked more than 900 private files obtained from the computers of Next Media, its chairman Jimmy Lai, and other Next Media employees.

In August officers from the Independent Commission Against Corruption in Hong Kong searched the homes of Jimmy Lai and his top aide Mark Simon in connection with a bribery investigation stemming from the leaked e-mails released in July and August.

The government reported that, between September 26 and November 15, police arrested 14 persons for the offense of “accessing a computer with criminal or dishonest intent.” A senior police spokesman told media, “It is an offense to incite others to commit criminal acts on the internet” and stressed that “police may request internet service providers to provide necessary information in order to assist in the investigation” of cybercrimes.

Academic Freedom and Cultural Events

There were some restrictions on academic freedom and cultural events. Some scholars suggested Hong Kong-based academics practiced some self-censorship in their China-related work to preserve good relations and research and lecturing opportunities in the mainland.

In May Civic Party lawmaker Kenneth Chan Ka-lok reported that a warning by Education Secretary Eddie Ng to teachers and students not to join Occupy Central, a campaign for universal suffrage, was meant to be intimidating and interfered with the freedom of expression. An Education Bureau spokesman said Ng’s remarks were intended to “remind” teachers, not put pressure on them.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right. The government routinely issued the required “letter of no objection” for public meetings and demonstrations--including those critical of the

Central Government--and the overwhelming majority of protests occurred without serious incident. Government statistics indicated that an average of seven to eight “public events” occurred every day. Activists and pandemocratic legislators, however, expressed concern that the government took a more restrictive view of protests that occurred at the Central Government Liaison Office (CGLO). The Hong Kong government instituted more restrictive controls on protests at the CGLO and the Legislative Council Complex in July when barriers were set up in connection with construction work to improve security at the buildings following a protest over land development in the New Territories. Authorities closed an area in front of the CGLO from July until the end of August.

On June 4, tens of thousands of persons peacefully gathered without incident in Victoria Park to commemorate the 25th anniversary of the Tiananmen Square incident. The government issued a permit to the Hong Kong Alliance in Support of Patriotic Democratic Movements in China to hold the vigil, which was reportedly the only sanctioned event in China to commemorate the Tiananmen Square anniversary.

According to organizers, 510,000 persons participated in an annual July 1 anti-Central Government demonstration. Police estimated there were 98,600 protesters. Participants denounced the Central Government’s growing interference and advocated democratic electoral reforms. Police arrested 511 participants for unlawful assembly, of whom 25 were released on bail, and the rest were released with warnings.

Media and police estimated tens of thousands participated in prodemocracy protests in September and October, although participation varied significantly from site to site and day to day. Participants protested the NPC’s August 31 decision requiring that candidates for the 2017 Chief Executive elections be selected by a majority of a 1,200-person nominating committee and limiting the total number of candidates to two or three. The protests were largely peaceful, although a limited number of violent clashes broke out in the Mong Kok and Causeway Bay districts in October when some individuals attempted to clear protester-erected barricades on several major roads. Some protesters alleged these persons may have been associated with criminal gangs or were operating at the behest of the Central Government and charged that police did not adequately respond to the incidents. Police investigated the incidents and subsequently arrested 19 individuals suspected of attacking protesters.

Protesters clashed with police the evening of October 15 after approximately 200 demonstrators reportedly attempted to establish barricades blocking a major underpass on an east-west connector on Hong Kong Island. A force of several hundred officers in protective gear attempted to clear the roadway. Eight protesters and four officers were reportedly injured in the clash. In November police repelled an attempt by protesters to storm government buildings in Hong Kong's Admiralty district. Police arrested at least 40 protesters. The independent daily newspaper *South China Morning Post* captured video of a crowd of protesters in Admiralty attacking three men they suspected of being plainclothes police officers on December 1, beating one of them unconscious. Fifty-eight persons, including at least 11 police officers, were hospitalized in connection with the November 30-December 1 protest violence.

Freedom of Association

The law provides for freedom of association, and the government generally respected it. In the first half of the year, authorities registered 919 societies and did not refuse any applications.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

Under the "one country, two systems" framework, the SAR continued to administer its own immigration and entry policies and make determinations regarding claims under the UN Convention against Torture (CAT) independently. There were 8,996 nonrefoulement claims, including those based on claims under CAT, pending Immigration Department processing as of July 31. Between March and July, the Immigration Department determined all 164 of the nonrefoulement claims it processed were substantiated. Applicants and activists continued to complain over the slow processing of claims and limited government subsidies available to applicants.

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

There continued to be claims that the Immigration Department refused entry to persons traveling to the SAR for reasons that did not appear to contravene the law. In June, three Taiwanese student leaders reported they were denied visas to prevent their joining a July 1 antigovernment rally. In May local immigration officials at the airport turned a Taiwanese academic away after he arrived to speak at a conference commemorating the 25th anniversary of the Tiananmen Square prodemocracy movement. The Immigration Department, as a matter of policy, declined to comment on individual cases. Activists, some legislators, and others contended that the refusals, usually of persons holding views critical of the mainland government, were made at the behest of PRC authorities. The Security Bureau maintained that the Immigration Department exchanged information with other immigration authorities, including the mainland, but made its decisions independently.

Foreign Travel: Most residents easily obtained travel documents from the SAR government; however, PRC authorities did not permit some human rights activists and some prodemocracy legislators to visit the mainland. In November, Chinese officials in London reportedly informed members of a British parliamentary committee investigating relations between the United Kingdom and Hong Kong that China would prevent them from making a planned trip to Hong Kong.

Emigration and Repatriation: Government policy was to repatriate undocumented migrants who arrived from the mainland, and authorities did not consider them for refugee status. As of September authorities returned 1,803 immigration offenders and illegal immigrants to the mainland.

The government did not recognize the Taiwan passport as valid for visa endorsement purposes, although convenient mechanisms existed for Taiwan passport holders to visit. Beginning in September 2013, Taiwan visitors were able to register online and stay for one month if they held a mainland travel permit.

Protection of Refugees

Access to Asylum: The SAR has a policy of not granting asylum or refugee status and has no temporary protection policy. The government's practice was to refer refugee and asylum claimants to a lawyer or the UNHCR.

Refoulement: The government recognizes a legal obligation to grant nonrefoulement protection under the CAT, as the CAT has applied to Hong Kong since 1992. In March the government introduced a Unified Screening Mechanism after a 2013 Court of Final Appeal ruling ordered it to identify refugees in accordance with the UNHCR office in Hong Kong. The new system consolidated the processing of claims based on risk of return to persecution, torture, or cruel, inhuman, or degrading treatment or punishment. Claimants continued to receive publicly funded legal assistance.

Employment: The government defines CAT claimants and asylum seekers as illegal immigrants or "overstayers" in the SAR, and as such they have no legal right to work in the city. Individuals whose claims were pending have no legal right to work, and those granted either refugee status by the UNHCR or relief from removal under the CAT were permitted to work only with approval from the director of immigration. They were also ineligible for training by either the Employees Retraining Board or the Vocational Training Council. A CAT claimant whose torture claim was accepted could apply to the director of immigration for permission to work in the SAR.

Access to Basic Services: The government, in collaboration with the NGO International Social Service's Hong Kong Branch, offered in-kind assistance, including temporary accommodation, food, clothing, appropriate transport allowance, counseling, medical services, and other basic necessities, to asylum seekers and torture claimants while their claims were being processed. In July 6,712 persons were receiving assistance.

The Hospital Authority provided waivers of medical expense at public clinics or hospitals to service users on a case-by-case basis, and the Education Bureau accepted schooling applications for minor claimants who were not expected to be removed from the SAR within a short period. The director of immigration authorized applications to attend school or university on a case-by-case basis.

In September 2013 UN refugee officials stated their concern for the welfare of nearly one thousand asylum seekers living in the SAR's New Territories. They warned the government that it was failing to provide the asylum seekers' right to an adequate standard of living.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Basic Law limits the ability of residents to change their government through the right to vote in free and fair elections. A portion of the LegCo was elected by a subset of voters representing “functional constituencies” (FCs) that speak for key economic and social sectors. Under this structure some individuals were able to control multiple votes for LegCo members. The constituencies that elected the 30 FC LegCo seats had fewer voters in total than the constituency for a single geographical constituency (GC) seat, of which there were 30 in the LegCo. Beginning in 2012 voters could elect five newly created FC seats in the district council sector, known as “super seats.” These five LegCo members were elected by voters who were not otherwise represented in any FC. The government stated that the method of selecting FC legislators did not conform to the principle of universal suffrage, but it took no steps to eliminate the FCs. In addition to the five new FC seats, five additional GC seats were added in 2012, bringing the previous 60-member legislative body to 70 seats.

The Basic Law prohibits LegCo members from introducing bills that affect public expenditure, political structure, or government policy. The SAR sends 36 deputies to the mainland’s National People’s Congress (NPC) and had 199 delegates in the Chinese People’s Political Consultative Conference. The approvals of the CE, two-thirds of LegCo, and two-thirds of the SAR’s delegates to the NPC are required to place an amendment of the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

In 2012 the CE used his authority to appoint 68 of the 534 members of the district councils, the SAR’s most grassroots-level elected bodies, despite earlier promises to eliminate all appointed seats. The government stated that it would work on phasing out the nonelected seats in two tranches in 2016 and 2020--with the exception of 27 ex-officio seats reserved for indigenous Chinese rural council representatives--but pandemocrats complained that this action violated a previous understanding between the LegCo and the government to eliminate all appointed district councilors immediately.

Elections and Political Participation

Recent Elections: In 2012, in a process widely criticized as undemocratic, the 1,193-member CE Election Committee, dominated by progovernment electors and

their allies, selected former Executive Council Convener CE Leung to be the SAR's chief executive. The PRC's State Council formally appointed him, and President Hu Jintao swore in Leung in July 2012.

The 2012 elections for a new 70-member LegCo were considered generally free and fair according to the standards established in the Basic Law. Of the 35 FC seats, 16 incumbents, all progovernment, returned uncontested. When combined with 35 GC seats, pro-PRC and pro-establishment candidates won 43 of 70 LegCo seats, while prodemocracy candidates won 27 seats.

The next chief executive election was scheduled to take place in 2017 under an electoral process to be determined, and the next LegCo election was scheduled to take place in 2016.

Between January and July, the Independent Commission against Corruption (ICAC) received 13 complaints concerning alleged breaches of provisions under the Elections (Corrupt and Illegal Conduct) Ordinance. The complaints included allegations of bribing voters, voting after giving false or misleading information to an elections officer, incurring election expenses by persons other than the candidate or his agent, publishing false or misleading statements about a candidate, publishing election advertisements that do not meet certain requirements, failing to file election returns, and providing others with refreshments and entertainment at elections. As of July, six complaints were under investigation, five were deemed nonpursuable, and two were unsubstantiated after investigation. During the same period, one person was prosecuted and convicted on the basis of reports received in 2012.

Political Parties and Political Participation: Pandemocratic parties faced a number of institutional challenges, which prevented them from securing a majority of the seats in the LegCo or having one of their members become CE. The law did not permit tax-exempt contributions to political parties. The voting process ensured probusiness representatives and government allies controlled a majority. Additionally, 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.

On August 31, the NPC/SC approved a framework for implementing universal suffrage for the 2017 Chief Executive election, but prodemocracy advocates criticized the framework as undemocratic. The NPC/SC decision states that

between two and three candidates may be nominated with the approval of more than 50 percent of a Nominating Committee formed in accordance with the size, composition, and formation method of the existing 1,200 person Election Committee. Prodemocracy activists and members of LegCo criticized the framework as undemocratic because it was designed to ensure that only candidates supportive of the central government are nominated by a predominantly unelected, pro-Beijing nominating committee.

Participation of Women and Minorities: Six of the 29 members of the Executive Council (cabinet-level secretaries and “nonofficial” councilors who advise the CE) were women. Nine of the 35 directly elected LegCo members were women, and women held two of the 35 FC seats. Thirteen of the 45 most senior government officials (secretaries, undersecretaries, and permanent secretaries) were women.

There is no legal restriction against non-Chinese running for electoral office or participating in the civil service, although 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. The government regarded ethnic origin as irrelevant to civil service appointment and did not require applicants to declare their ethnicity or race in their applications for government jobs. Some observers criticized this practice as preventing the government from monitoring hiring and promotion rates for nonethnic Chinese.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented it effectively. The SAR continued to be viewed as relatively uncorrupt.

Corruption: The ICAC is charged with the investigation and prosecution of cases, prevention, and policy development, and it is responsible for combating corruption. The ICAC generally operated effectively and independently, actively collaborated with civil society, and had sufficient resources. Between January and July, the ICAC received 391 corruption reports involving government personnel concerning alleged breaches of anticorruption laws. As of July the ICAC had 168 under investigation, deemed 182 to be nonpursuable, and deemed 41 unsubstantiated after investigation. During the same period, authorities prosecuted 14 government personnel in 11 cases based on reports received prior to 2014. Four of these were convicted, and 10 awaited trial.

Former chief secretary Rafael Hui faced multiple corruption charges, including committing misconduct while in public office and providing false information. In December Hui was found guilty on five separate charges, including three counts of misconduct in public office, one count of conspiracy to commit misconduct in public office, and one count of conspiracy to offer an advantage to a public servant. He was sentenced to seven and one-half years in prison and fined more than \$1.4 million dollars.

In September 2013 former ICAC commissioner Timothy Tong was suspected of lying and making false statements under oath due to discrepancies between his testimonies in the legislature and the contents of a report released in early September 2013 by the Independent Review Committee on ICAC's Regulatory Systems and Procedures for Handling Official Entertainment, Gifts, and Visits. Tong was accused of lavish spending on meals with officials and academics on overseas visits. The LegCo summoned him to explain the discrepancies on September 25 and 26. In July the LegCo released a report and criticized Tong for ignoring the principle of frugality and lacking prudence during his five-year tenure.

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.

Public Access to Information: There is no freedom of information law. An administrative code on access to information serves as the framework for the provision of information by government bureaus and departments and the ICAC. Under the code authorities may refuse to disclose information if doing so would cause or risk causing harm or prejudice in several broad areas: national security and foreign affairs (which are reserved to the central government); immigration issues; judicial and law enforcement issues; direct risks to individuals; damage to the environment; improper gain or advantage; management of the economy; management and operation of the public service; internal discussion and advice; public employment and public appointments; research, statistics, and analysis; third-party information; business affairs; premature requests; and information on which legal restrictions apply. Political inconvenience or the potential for embarrassment were not justifiable bases for withholding information. Between

January and June, the Office of the Ombudsman received 33 complaints relating to the code on access to information.

Through March the Constitutional and Mainland Affairs Bureau received 1,196 requests for information under the code. As of March, 152 requests were still being processed.

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

A wide 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.

Government Human Rights Bodies: There is an Office of the Ombudsman and an Equal Opportunity Commission (EOC). The government appoints both the ombudsman and the EOC commissioners, who were independent in their operations. Both organizations operated without interference from the government and published critical findings in their areas of responsibility. EOC commissioner York Chow Yat-ngok served as a vocal public advocate on minority rights, access to public and commercial buildings for persons with disabilities, and other issues within the EOC's responsibility.

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

The law provides that all permanent residents are equal, and the government enforced this. The EOC is responsible for enforcing the relevant laws.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and police enforced the law effectively. Through June police received 22 allegations of rape and 559 of indecent assault.

The government regarded domestic violence against women as a serious concern and took measures to prevent and prosecute offenses. It effectively enforced criminal statutes prohibiting domestic violence against women and prosecuted

violators. From January to June, police investigated 821 domestic violence-related cases. The law allows victims to seek a three-month injunction, extendable to six months, against an abuser. The ordinance does not criminalize domestic violence directly, although abusers may be liable for criminal charges under other ordinances. The government enforced the law and prosecuted violators, but sentences typically consisted only of injunctions or restraining orders.

The law covers molestation between married couples, homosexual and heterosexual cohabitants, former spouses or cohabitants, and immediate and extended family members. It protects victims under age 18, allowing them to apply for an injunction in their own right, with the assistance of an adult guardian, against molestation 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 authorization of arrest to an existing injunction and extend both injunctions and authorizations for arrest to two years.

The government maintained programs that provided intervention and counseling to batterers. Sixty-five integrated family service centers and 11 family and child protective services units offered services to domestic violence victims and batterers. The government continued its public information campaign to strengthen families and combat violence, and increased public education on the prevention of domestic violence.

Female Genital Mutilation/Cutting (FGM/C): There were no reports that FGM/C was practiced in Hong Kong, and authorities stated they would investigate and prosecute any allegations of FGM/C.

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 enforced the law effectively.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children as well as the right to attain the highest standard of reproductive health free from discrimination, coercion, and violence. Access to information on contraception, skilled health attendance during pregnancy and childbirth, and prenatal and postpartum care were widely available, as was emergency health care, including services for the management of complications arising from abortion.

Discrimination: Women enjoy the same legal status and rights as men. As of April women filled 36.5 percent of the civil service at all ranks and 34.1 percent at the directorate level. As of September women made up 60.8 percent of the LegCo Secretariat workforce and 53.3 percent of its directorate ranks. Approximately 24 percent of judges and judicial officers were women, while women constituted 70 percent of the nonjudges and judicial officer staff of the courts.

According to gender-rights activists and public policy analysts, while the law treats men and women equally in terms of property rights in divorce settlements and inheritance matters, women faced discrimination in employment, salary, welfare, inheritance, and promotion (see section 7.d.). Women reportedly formed the majority of the working poor and those who fell outside the protection of labor laws.

The law authorizes the EOC to work towards the elimination of discrimination and harassment as well as to promote equal opportunity between men and women. A Women's Commission served as an advisory body for policies related to women, and a number of NGOs were active in raising problems of societal attitudes and discrimination against women.

Children

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

Child Abuse: From January through June, police received reports of 470 cases of child abuse: 204 involved physical abuse (referring to victims younger than 14) and 266 involved sexual abuse (referring to victims younger than 17). The law mandates protection for victims of child abuse, such as 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, including instruction on child abuse prevention, in all 50 of the Department of Health's maternal and child health centers. It also provided public education programs to raise awareness of

child abuse and alert children about how to protect themselves. The Social Welfare Department provided 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. A law on child-care centers helped prevent unsuitable persons from providing childcare services.

Early and Forced Marriage: The legal minimum age of marriage is 16, and written consent is required for marriage before the age of 21. There was no evidence of early or forced marriage in the SAR.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. There were no reports FGM/C was practiced.

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

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

The legal age of consent for heterosexuals is 16. Under the law a person having "unlawful sexual intercourse" with a victim under 16 is subject to five years' imprisonment, while having unlawful sexual intercourse with a victim under 13 carries a sentence of life imprisonment.

The law makes it an offense to possess, produce, copy, import, or export pornography involving a child under the age of 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 country-specific information at travel.state.gov/content/childabduction/english/country/hong-kong-sar.html.

Anti-Semitism

The Jewish community numbered approximately 5,000 to 6,000 persons and reported few acts of anti-Semitism during the year. There were concerns within the Jewish community about some religious sermons in the otherwise moderate Muslim community.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, air travel and other transportation, and the provision of other state services, and the government generally enforced these provisions. The government generally implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications, although there were reports of some restrictions.

The Disability Discrimination Ordinance states that children with special education needs must have equal opportunity in accessing education. It is against the law for a school to discriminate against a student with a disability. According to the government, students with significant or multiple disabilities are placed in special segregated schools with parental consent, while students with less significant disabilities are enrolled in mainstream schools. There were occasional media reports about alleged abuses in education and mental health facilities; the most recent court case involving such abuses was in 2011.

The SAR implemented a range of legislative, administrative, and other measures for enhancing the rights of persons with disabilities. Some human rights groups argued that the SAR adhered to its own Disability Discrimination Ordinance, which they considered too limited and does not oblige the government to promote equal opportunities.

The Social Welfare Department (SWD), directly or in coordination with NGOs and employers, provided training and vocational rehabilitation services to assist persons with disabilities. As of June 16,998 persons were participating in these various programs. As of June the SWD offered 12,504 places for subsidized resident-care services for persons considered unable to live independently. As of

June the SWD provided 6,245 places for preschool services to children with disabilities with the goal of improving their opportunity to participate in mainstream schools and extracurricular activities.

As of April the government employed 3,401 civil servants with disabilities. Persons with disabilities filled approximately 2 percent of LegCo secretariat positions, 1 percent of judicial positions, and 2 percent of nonjudicial positions in the judiciary.

Instances of discrimination against persons with disabilities persisted in employment, education, and the provision of some public services. The law calls for improved building access and sanctions against those who discriminate.

Despite inspections and the occasional closure of noncompliant businesses, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities. Persons with disabilities protested that the government discriminated against them. They claimed that persons with significant disabilities who lived with their families could qualify for social security only by moving out of their families' homes and living alone or if all family members quit their jobs. The government firmly refuted this claim, noting that the government instituted a disability allowance program for the more significantly disabled (defined as those with "100 percent loss of earning capacity") to help persons with disabilities meet specific needs arising from their condition. Additionally, as with all citizens of the SAR facing financial hardship, persons with disabilities may apply for comprehensive social security assistance.

According to the EOC, the SAR lagged in providing equal opportunities for students with disabilities, despite having operated an integrated education policy since 1997.

National/Racial/Ethnic Minorities

Although 94 percent ethnic Chinese, Hong Kong 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 Race Relations Unit, which is subordinate to the Home Affairs Bureau, served as secretariat to the Committee on the Promotion of Racial Harmony and implemented the committee's programs. The EOC maintained a hotline for inquiries and complaints concerning racial discrimination. The EOC's code of practice (along with selected other EOC

materials) was available in Hindi, Thai, Urdu, Nepali, Indonesian, and Tagalog, in addition to Chinese and English.

The government introduced a Second Language Learning Framework for children of ethnic minorities in primary and secondary schools in the 2014-15 school year. Rights activists welcomed an apparent change of “mind set” by the government and pointed out what was needed was a curriculum for teaching Chinese as a second language, not a vague “framework.”

The Race Relations Unit sponsored a cross-cultural learning program for non-Chinese speaking youth through grants to NGOs.

The government had a policy to integrate non-Chinese students into the SAR’s schools. The government also provided a special grant for schools with a critical mass of non-Chinese students to develop their own programs, share best practices with other schools, develop supplementary curriculum materials, and set up Chinese-language support centers to provide after-school programs. According to the press, 31 of the 852 government schools enrolled mostly ethnic minorities and offered limited Chinese language instruction.

Activists expressed concern that there was no formal government-provided course to prepare students for the General Certificate for Secondary Education examination in Chinese, a passing grade from which is required for most civil service employment. The government provided funds to subsidize the cost of taking these examinations. Activists also noted that government programs encouraging predominantly Chinese schools to welcome minority students backfired, turning certain schools into “segregated institutions.” These schools reportedly did not teach Chinese to the nonethnic-Chinese students, although the government encouraged the parents of non-Chinese-speaking students to avail themselves of district-based programs for preprimary Chinese language learners. Students who did not learn Chinese had significant difficulty entering university and the labor market, leading to unemployment and poverty, according to reports from the government and NGOs.

Minority group leaders and activists reported that government requirements for all job applicants to speak Chinese kept non-native Chinese speakers out of civil service and law enforcement positions. The Hong Kong Police Force reportedly employed 100 nonethnic-Chinese constables during the year.

Activists and the government disputed whether new immigrants from the mainland should be considered as a population of concern under antidiscrimination laws. While concerns were raised that new immigrants do not qualify to receive social welfare benefits until they have resided in the SAR for seven years, the courts upheld this legal standard. Such immigrants can apply on a case-specific basis for assistance.

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

No laws criminalize consensual same-sex sexual activity. While the SAR has laws that ban discrimination on the grounds of race, sex, disability, and family status, no law prohibits companies from discriminating on grounds of sexual orientation or gender identity. Lesbian, gay, bisexual, and transgender (LGBT) professionals are permitted to bring partners to the SAR only on a “prolonged visitor visa.” Successful applicants, however, cannot work, obtain an identification card, or qualify for permanent residency. The government claimed public education and existing civil and criminal laws were sufficient to protect the rights of the LGBT community and that legislation was not necessary. No additional legislative mechanisms existed to aid in the prosecution of bias-motivated crimes against members of the LGBT community.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, 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 law allows employers simply to refuse to bargain. The law explicitly prohibits civil servants from bargaining collectively, something which the International Labor Organization (ILO) advised is too broad an interpretation of exclusions on collective bargaining rights allowed under the relevant ILO conventions. 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, but only Hong Kong residents could join unions or serve as union officers. Unions could affiliate, but the Trade Union Ordinance requires consent of the CE before a union can affiliate with an international organization. Through September authorities registered seven new

trade unions, while three were deregistered at the unions' request. At the beginning of the year, there were approximately 3.43 million salaried employees and wage earners, of whom 813,897, or approximately 23.7 percent of the working population, belonged to unions.

The law allows the use of union funds for political purposes, provided a union has the authorization of the majority of its voting members at a general meeting.

The law provides for the right to strike, although there are some restrictions on this right for civil servants. According to the Employment Ordinance, an employer cannot fire, penalize, or discriminate against an employee who exercises his union rights and cannot prevent or deter the employee from exercising his union rights. Under the Employment Ordinance, an employee unreasonably and unlawfully dismissed (including on the grounds of the employee exercising his trade union rights) is entitled to remedy in the form of an order for reinstatement or reengagement, subject to mutual consent of the employer and the employee. The ILO advised the Hong Kong government to take legislative action to make noncompliance with a reinstatement order a criminal offense. The government reported that as of September, four strikes involving 774 workers had occurred. Activists claimed that many more strikes took place but that the government did not want to tarnish the SAR's business-friendly image by acknowledging them.

The law provides for reinstatement and or compensation not exceeding HK\$150,000 (\$19,300) for unreasonable and unlawful dismissal.

The Workplace Consultation Promotion Division in the Labor Department facilitated communication, consultation, and voluntary negotiation between employers and employees. Tripartite committees for each of the nine sectors of the economy included representatives from some trade unions, employers, and the Labor Department. During a labor dispute, the Labor Relations Division of the Labor Department facilitates conciliation so that the dispute can be settled with minimum friction and disruption.

Worker organizations were independent of the government and political parties. Prodemocracy labor activists alleged, however, that only progovernment unions were able to participate substantively in the tripartite process, while the prodemocracy Hong Kong Confederation of Trade Unions was consistently excluded. Trade Unions reported isolated cases of antiunion dismissals.

Although there is no legislative prohibition against strikes and the right and freedom to strike are enshrined in the Basic Law, most workers had to sign employment contracts, which typically stated that walking off the job was a breach of contract and could lead to summary dismissal. Various sections of the Employment Ordinance prohibit firing an employee for striking and void any section of an employment contract that would punish a worker for striking. As in past years, thousands of workers participated in the annual May 1 Labor Day march calling for a raise in the minimum wage and better worker protections. According to the government, there were no reports that employers fired workers for participating in a strike during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced such laws. There were concerns that some migrant workers faced high levels of indebtedness assumed as part of the terms of employment, creating a risk they could fall victim to debt bondage. The SAR prohibits the collection of employment-related debt, but looser restrictions in some countries that send workers hampered prosecution. Some locally licensed employment agencies were suspected of colluding with Indonesian agencies 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 had been repaid. The government conveyed its concerns about these cases to a number of foreign missions.

There also were reports that some employers illegally forbade domestic workers from leaving the residence of work for nonwork-related reasons, effectively preventing them from reporting exploitation to authorities. SAR authorities claimed they encouraged aggrieved workers to lodge 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

There are laws to protect children from exploitation in the workplace. Regulations prohibit employment of children under the age of 15 in any industrial establishment. Other regulations limit work hours in the manufacturing sector for

persons ages 15-17 to eight hours per day and 48 hours per week between 7 a.m. and 7 p.m. The law prohibits overtime in industrial establishments with employment in dangerous trades for persons under the age of 18.

Children ages 13-14 may work in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of nine years of education and protection of their safety, health, and welfare.

The Labor Department effectively enforced these laws and regularly inspected workplaces to enforce compliance with the regulations. In the first eight months of the year, the Labor Department conducted 93,840 inspections. During the same period, there was one conviction for breaching child labor regulations.

d. Discrimination with respect to Employment or Occupation

Labor laws and regulations prohibit discrimination regarding race, sex, gender disability, sexual orientation, HIV-positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations. 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.

e. Acceptable Conditions of Work

The SAR's first statutory minimum hourly wage, HK\$28 (\$3.60), came into force in 2011. It was adjusted to HK\$30 (\$3.86) in May 2013. In September 2013 the government's Commission on Poverty set the official poverty line at 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\$3,600 (\$463), for a two-person household HK\$7,700 (\$990), for a three-person household HK\$11,500 (\$1,480), and so on. According to this definition, more than 1.31 million persons (in a population of approximately 7.18 million) were living in poverty. A study released in November 2013 by a group of Hong Kong and British academics claimed there were 160,000 more Hong Kong citizens (a total of 1.47 million) living in poverty than shown in government estimates.

Employers and employer associations often set wages. Additionally, some activists claimed that employers used employment contracts that defined workers as "self-employed" to avoid employer-provided benefits, such as paid leave, sick leave, medical insurance, workers' compensation, or Mandatory Provident Fund payments. According to the Labor Department, there were cases in which

employers faced heavy court fines for such behavior. The department held that it was seeking to promote public awareness, consultation, conciliation services, and tougher enforcement to safeguard employees' rights.

There is no law concerning working hours, paid weekly rest, rest breaks, or compulsory overtime for most employees. For certain groups and occupations, such as security guards and certain categories of drivers, there are regulations and guidelines on working hours and rest breaks. According to the General Household Survey conducted by the Census and Statistics Department during the year, approximately 17 percent of employees worked 60 hours or more per week. The law stipulates that employees are entitled to 12 days of statutory holidays and employers must not make payment in lieu of granting holidays.

In September the government raised the minimum wages for foreign domestic workers from HK\$4,010 (\$515) per month to HK\$4,110 (\$530) per month for all new contracts signed after October 1. The government also increased the mandatory food allowance for such persons working in homes where their employers did not provide meals.

The government's Standard Employment Contract requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provided a decent standard of living. Foreign domestic workers could be deported if dismissed. After leaving one employer, workers have two weeks to secure new employment before they must leave the SAR. Activists contended this restriction left workers vulnerable to abuse by employers. Workers who pursued complaints through legal channels could be granted leave to remain in the SAR but could not work, leaving them either to live from savings or depend on charitable assistance.

The government contended that the "two-week rule" was necessary to maintain effective immigration control and prevent migrant workers from overstaying and taking unauthorized work. Regarding maximum hours and rest periods, the government stated that the rules on these issues cover local and migrant workers. In its explanation of why live-in domestic helpers (both local and foreign) would not be covered by the statutory minimum wage, the government explained that "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."

Domestic workers were often required to live with their employers (who did not always provide separate accommodation for the worker), which made it difficult to enforce maximum working hours or overtime regulations. They could also be subject to physical and verbal abuse, poor living and working conditions, and limitations on freedom of movement.

During the first eight months of the year, the Labor Tribunal convicted three employers on 13 counts of wage default, annual leave default, and failure to pay awards in cases relating to the employment of foreign domestic workers. From January to August, 59 foreign domestic workers filed criminal suits, 25 of which were against employers for mistreatment, including rape (one), indecent assault (five), and wounding and serious assault (19).

In August a pretrial hearing of the case began involving Indonesian domestic helper, Erwiana Sulistyaningsih, who was allegedly severely abused while working for her former employer. The trial against her employers for violations of labor and criminal laws was slated to begin in December. The Hong Kong Police Force and Labor Department sent a team of officials to Indonesia in mid-January to collect voluntary testimony and evidence from Erwiana and to explain further her rights under Hong Kong's labor and criminal laws. Erwiana's case made international headlines after it came to light earlier this year.

Laws exist to provide for health and safety of workers in the workplace, and these laws were effectively enforced.

The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, enforcement of safety management legislation, and policy formulation and implementation. In the first eight months of the year, the Labor Department conducted 85,538 workplace inspections and served 2,131 suspension/improvement notices. During the same period, authorities levied fines totaling HK\$13,604,470 (\$1.75 million) for 1,314 infractions identified through workplace inspections.

In the first quarter, the Labor Department recorded 8,219 occupational injuries, including 2,475 classified as industrial accidents. In the same period, there were 10 fatal industrial accidents. Employers are required to report any injuries sustained by their employees in work-related accidents. Labor activists raised the issue of the increase in deadly industrial accidents, mainly due to construction and infrastructure projects.

No laws restrict work during typhoon or rainstorm warnings. Nevertheless, 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. Both progovernment and pandemocratic unions called for a review of protections for workers during inclement weather, including legal protections.

MACAU 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Macau is a Special Administrative Region (SAR) of the People's Republic of China (PRC) and enjoys a high degree of autonomy, except in defense and foreign affairs, under the SAR's constitution (the Basic Law). A 400-member Election Committee re-elected Chief Executive Fernando Chui Sai-on in August. Authorities maintained effective control over the security forces.

Prominent human rights problems reported during the year were limits on citizens' ability to change their government, constraints on press and academic freedom, and failure to enforce fully laws regarding workers' rights.

Trafficking in persons remained a problem, although authorities were building capacity to pursue trafficking cases. While there were continuing concerns national security legislation passed in accordance with article 23 of the Basic Law in 2009 could compromise various civil liberties, by year's end prosecutors had filed no cases based on the legislation.

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 or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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

Prison and detention center conditions generally met international standards, and the government permitted monitoring visits by independent human rights observers.

Physical Conditions: The Macau Prison, the SAR's only prison, has a maximum capacity of 1,475 persons, and the occupancy rate as of June was approximately 83 percent of capacity. In the first half of the year, the number of inmates who were 16 (the age of criminal responsibility) and older was 1,230; of these, 1,021 were men and 209 were women. Offenders between the ages of 12 and 16 were subject to an "education regime" that, depending on the offense, could include incarceration. During the first half of the year, authorities held approximately 20 youths in the Youth Correctional Institution.

Prisoners had access to potable water and adequate food and sanitation.

Administration: The government's recordkeeping procedures were adequate. The government continued to use alternative sentencing for nonviolent offenders. Ombudsmen were able to serve prisoners and detainees. Authorities allowed prisoners and detainees reasonable access to visitors. Inmates are eligible for a weekly one-hour visit, with video visits arranged when necessary. Inmates with children may apply for weekend visits in a designated family room. Authorities permitted religious observance, including organized activities held within the prison. 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 Macau Prison. Judges and prosecutors visited the prison at least monthly.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

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 openly 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. 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. According to the government, courts should try defendants within the “shortest period of time.” 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 be concluded 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. Judges often refused bail in cases where sentences could exceed three years.

There were three complaints of police mistreatment reported to the authorities during the first six months of the year; two of the cases were referred to prosecutors, and one case remained in disciplinary proceedings. There were no reported deaths in police custody or in prisons.

e. Denial of Fair Public Trial

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

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 (NPC) Standing Committee. When the standing committee makes an

interpretation of the provisions concerned, the courts, in applying those provisions, “shall follow the interpretation of the standing committee.”

Trial Procedures

The law provides for the right to a fair 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, have access to government-held evidence relevant to their cases, and have a right to appeal. The law provides that trials be public and by jury except when the court rules otherwise to “safeguard the dignity of persons, public morality, or to ensure 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.

The judiciary provided citizens with a fair and efficient judicial process. A lack of administrative capacity delayed the adjudication of both civil and criminal cases during the year.

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. Due to an overloaded court system, a period of up to a year often passed between the filing of a civil case and its scheduled hearing.

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

The law prohibits such actions, and the government generally respected these prohibitions. The Office for Personal Data Protection acknowledged a continuing increase in complaints and inquiries regarding data protection.

Activists critical of the government reported the government monitored their telephone conversations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights.

The law criminalizes treason, secession, subversion of the PRC government, and theft of “state secrets,” as well as “acts in preparation” to commit these offenses. The crimes of treason, secession, and subversion specifically require the use of violence, and the government stated it would not use the law to infringe on peaceful political activism or media freedom.

Press Freedoms: The independent media were active and expressed a wide range of views, and international media operated freely. The government heavily subsidized major newspapers, which tended to follow closely the PRC government’s policy on sensitive political issues, such as Taiwan; however, they generally reported freely on the SAR, including criticism of the SAR government.

Violence and Harassment: On May 3, World Press Freedom Day, security agents and government officials forcefully stopped a journalist from approaching Chief Executive Fernando Chui for an interview. On June 21, security guards dragged a journalist from an online media group out of a congregation hall at the University of Macau for photographing from a distance a graduate who was silently protesting.

Censorship or Content Restrictions: Activists raised concerns over media self-censorship, particularly because news outlets and journalists worried certain types of coverage critical of the government might limit government funding. Activists also reported the government had co-opted senior media managers to serve in various consultative or election committees, which also resulted in self-censorship. Journalists expressed concern the government’s limiting of news releases about its own activities and its publishing of legal notices only in preferred media outlets influenced editorial content.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

According to the Statistics and Census Service, as of July there were 288,008 internet subscribers out of a population of 607,500. This total did not take into account multiple internet users for one subscription, nor did it factor in 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. Some legislators expressed concern the law granted police authority to take these actions without a court order under some circumstances.

Twitter, which was banned on the mainland, was available on the government-provided free Wi-Fi service. Activists reported they freely used Facebook and Twitter to communicate. Activists also reported the government had 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

Universities demoted or fired several academics reportedly due to political activities that put them at odds with the government. The University of St. Joseph fired researcher Eric Sautede after he organized a lecture by a guest speaker critical of the Chinese Communist Party. The same university demoted Sautede's wife, Emilie Tran, in connection with her involvement in the same lecture. Meanwhile, the University of Macau suspended and later fired Bill Chou, an associate professor and political activist, charging he had forced his political beliefs on his students. The authorities allegedly targeted other professors for expressing political dissent. The SAR's universities lacked a tenure system, leaving professors vulnerable to dismissal for political reasons.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right. The law requires prior notification, but not approval, of

demonstrations involving public roads, public places, or places open to the public. In cases where authorities tried to restrict access to public venues for demonstrations or other public events, the courts generally ruled in favor of the applicants. Police may redirect demonstration marching routes, and organizers have the right to challenge such decisions in court.

Activists reported police routinely attempted to intimidate demonstrators by ostentatiously taking videos of them and advising bystanders not to participate in protests. Activists also stated authorities gave orders to demonstrators verbally rather than through written communication, which made it difficult to challenge their decisions in court. Authorities detained and later released five activists on August 24 as they attempted to conduct a survey-based “civil referendum” regarding the method for electing the SAR’s chief executive. Authorities alleged the canvassers’ collection of personal identification information was an “illegitimate” use of such data. Activists questioned the legal basis for this charge since survey respondents provided the information voluntarily.

On May 25, a reported 20,000 residents protested peacefully against proposed new retirement benefits and legal immunities for senior officials, the largest demonstration since Macau’s 1999 reversion to Chinese sovereignty. On June 4, approximately 2,000 persons participated in a vigil at Senado Square to mark the 25th anniversary of the 1989 Tiananmen Square crackdown.

Freedom of Association

The law provides for freedom of association, and the government generally respected it. 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. The SAR registered 573 new organizations from July 2013 to July.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

The Internal Security Law grants police the authority to deport or deny entry to nonresidents whom they regard under the law as unwelcome, as a threat to internal security and stability, or as possibly implicated in transnational crimes.

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. In theory persons granted refugee status ultimately enjoy the same rights as other SAR residents. The government is responsible for conducting refugee status determinations, but this process remained stalled during the year, according to the UNHCR. Authorities maintained that four pending applications for refugee status for a total of six individuals remained active. The head of the SAR's Refugee Commission made clear that resource shortages and other priorities meant resolution of the cases would likely take several years.

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.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law limits citizens' ability to change their government. Only a small fraction of citizens play a role in the selection of the chief executive, who was chosen in August by a 400-member Election Committee consisting of 344 members elected from four broad societal sectors (which have a limited franchise) and 56 members chosen from among the SAR's legislators and representatives to the NPC and Chinese People's Political Consultative Conference.

Elections and Political Participation

Recent Elections: On August 31, a 400-member selection committee re-elected Chief Executive Fernando Chui Sai-On. Chui ran unopposed and won 96 percent of the vote. The most recent general election for the 14 directly elected seats in the 33-member Legislative Assembly occurred in September 2013. A total of 145 candidates on 20 electoral lists competed for the seats. The election for these seats was generally free and fair.

There are limits on the types of bills legislators may introduce. The law stipulates that legislators may not initiate legislation related to public expenditure, the SAR's political structure, or the operation of the government. Proposed legislation related to government policies must receive the chief executive's written approval before it is introduced. The Legislative Assembly also has no power 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 companies and were active in promoting their political agendas. Those critical of the government generally did not face restrictions. Such groups participated in protests over government policies or proposed legislation without restriction.

Participation of Women and Minorities: There were seven women in the 33-member Legislative Assembly, including five of the 14 directly elected members. Women also held a number of senior positions throughout the government, including the secretary for justice and administration, the second-highest official in the SAR government. The Public Administration and Civil Service Bureau stated women made up 42 percent of the SAR government, 56 percent of the judiciary, and 46 percent of the senior staff of the Legislative Assembly. One Executive Council member was from an ethnic minority, as was the police commissioner general. As of June, 38 female judges worked in the judiciary.

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 the power to arrest and detain suspects. The Ombudsman Bureau within the CAC reviewed complaints of mismanagement or abuse by the CAC. There was also an independent committee outside the CAC called the Monitoring Committee on Discipline of CAC Personnel, which accepted and reviewed complaints about CAC personnel. The CAC regularly detected fraud in the government and private sectors. In October it announced it had uncovered a case of four persons who defrauded the government's Environmental Protection and Energy Conservation Fund of 800,000 Macau patacas (MOP, equivalent to \$100,000). The CAC transferred the case to the Public Prosecutions Office.

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 in the same position.

Public Access to Information: The law does not provide for public access to government information. Nevertheless, the executive branch published online, in both Portuguese and Chinese, extensive information on laws, regulations, ordinances, government policies and procedures, and biographies of principal government officials. The government also issued a daily press release on topics of public concern. The information provided by the legislature was less extensive.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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

The law stipulates that residents shall be free from discrimination based on race, gender, disability, language, or social status, and many laws carry specific prohibitions against discrimination. The government effectively enforced the law.

The law does not address discrimination based on sexual orientation or gender identity.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and the government effectively enforced the law. Police received 10 complaints of rape and made five arrests during the first six months of the year.

Although there is no specific law on domestic violence, the government used effectively laws criminalizing the relevant behaviors to prosecute domestic violence. Various NGOs and government officials considered domestic violence against women to be a growing problem. Domestic violence falls under several crimes in the criminal code, including the crime of mistreatment of minors, persons with incapacity, or spouses. These crimes are punishable with imprisonment ranging from one to five years. If mistreatment leads to serious physical injuries or death of the victim, the penalties may be increased to imprisonment of two to eight years in cases involving physical injury and five to 15 years in those resulting in death. There were 185 reported cases of domestic violence in the first six months of the year.

The government made referrals for victims to receive medical treatment, and medical social workers counseled victims and informed them of social welfare services. During the first half of the year, the Social Welfare Bureau (SWB) handled 70 domestic violence cases. 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 cases.

NGOs and religious groups sponsored programs for victims of domestic violence, and the government supported and helped fund these organizations and programs. The Bureau for Family Action, a government organization subordinate to the Department of Family and Community of the Social Welfare Institute, helped female victims of domestic violence by providing a safe place for them and their children, and by providing advice regarding legal actions against perpetrators. A range of counseling services was available to persons who requested them at social service centers. Two government-supported religious programs also offered rehabilitation programs for female victims of violence.

Female Genital Mutilation/Cutting (FGM/C): No laws prohibit FGM/C, and the practice did not occur.

Sexual Harassment: There is no law specifically addressing sexual harassment, unless it involves the use of a position of authority to coerce the performance of physical acts. Harassment in general is prohibited under laws governing equal opportunity, employment and labor rights, and labor relations.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and the right to both fertility and contraceptive treatment, free from discrimination, coercion, and violence. Access to information on family planning, contraception, and prenatal care was widely available, as was skilled attendance at delivery and postpartum care.

Discrimination: Equal opportunity legislation mandates that women receive equal pay for equal work. Discrimination in hiring practices based on gender or physical ability is prohibited by law, and penalties exist for employers who violate these guidelines. The law allows for civil suits, but few women took cases to the Labor Affairs Bureau (LAB) or other entities. Gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs. Observers estimated there was a significant difference in salaries between men and women, particularly in unskilled jobs. The CAC received one complaint of gender discrimination during the first six months of the year.

Children

Birth Registration: According to the Basic Law, children of Chinese national residents of Macau who were born in 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.

Child Abuse: No new cases of child abuse were reported to the authorities during the first six months of the year. The SAR's Health Bureau handled six suspected child abuse cases during the year, most of which it transferred to appropriate governmental or non-governmental institutions for follow up after hospitalization. In addition to providing measures to combat abuse, neglect, and violence against children by criminal law, the law establishes relief measures for children at risk. In this regard the SWB reported it handled three cases of abuse or neglect during the year.

Forced and Early Marriage: The minimum age of marriage is 16. Children between ages 16 and 18 who wish to marry must get approval from their parents or guardians.

Female Genital Mutilation/Cutting (FGM/C): No laws prohibit FGM/C, and the practice did not occur.

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 and 16 as the age for participation in the legal sex trade. The law prohibits child pornography. There were three reported cases of child sexual abuse and three reported cases of rape of a minor during the first six months of the year. The UN Committee on the Rights of the Child expressed concern “child sex tourism remains a serious problem in the SAR, and that alleged complicity of government officials in trafficking and sexual exploitation related offences has led to impunity for such crimes.” The government denied the allegations.

International Child Abductions: The SAR is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish population was extremely small, and 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 in employment, education, access to health care, or the provision of other state services, 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. The government provides a variety of services to

persons with disabilities, including discounted fares on wheelchair-accessible public transportation. The Social Welfare Institute 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. There were no reports of children with disabilities encountering obstacles to attending school.

National/Racial/Ethnic Minorities

Although the government has made efforts to address the complaints of individuals of Portuguese descent and the Macanese minority, members of these two groups continued to claim they were not treated equally by the Chinese majority. While they participated in political and cultural circles, some activists claimed businesses refused to hire employees who were not ethnic Chinese.

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, and transgender (LGBT) persons forming organizations or associations. There were no reports of violence against persons based on their sexual orientation or gender identity. LGBT groups openly held several public events, and one registered LGBT group openly lobbied for an extension of protections to same-sex couples in a draft law on domestic violence.

HIV and AIDS Social Stigma

The law prohibits discrimination against persons with HIV/AIDS and limits the number of required disclosures of an individual's HIV status. Employees outside medical fields are not required to declare their status to employers. There were anecdotal reports of persons whose status became known, as well as organizations supporting them, facing discrimination. There were no reported incidents of violence against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to form and join unions or "labor associations" of their choice. 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 on the basis of 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 and join unions, as could public servants.

In order to register as an official union, the government requires an organization to provide the names and personal information of its leadership structure. There is no law specifically defining the status and function of labor unions, nor are employers compelled to negotiate with them. The law provides that agreements between employers and workers shall be valid, but there is no specific statutory provision giving workers, resident or foreign, the right to collective bargaining. The government asserted striking employees are protected from retaliation by provisions of the law requiring an employer to have justified cause to dismiss an employee.

The government generally enforced the relevant legislation. The law imposes penalties ranging from MOP 20,000 to 50,000 (\$2,500 to \$6,300) for antiunion discrimination. Observers 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 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.

Even without formal collective bargaining rights, companies often negotiated with unions, although the government regularly acted as an intermediary. There was no indication disputes or appeals were subject to lengthy delays. Pro-PRC unions traditionally have not attempted to engage in collective bargaining. The Macau Federation of Trade Unions acts as an adviser and assistant to those filing complaints to the LAB, which is responsible for adjudicating labor disputes.

There were at least eight labor strikes involving several thousand casino workers during the year. In January approximately 100 casino dealers from a local gaming operator went on strike over what they deemed to be an insufficient annual bonus. Management quickly resolved the issue by doubling the dealers' annual bonus. On August 25, approximately 1,400 casino workers took to the streets to demand better pay and working conditions. Union leaders claimed the government maintained a "blacklist" of labor "agitators," but there were no new cases reported of antiunion discrimination.

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 under the age of 14. Observers 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.

There were reports forced labor occurred in conjunction with commercial sexual exploitation of migrant women.

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 chief executive's order prohibits minors under the age of 16 from working, although minors between ages 14 and 16 may work in "exceptional circumstances" if they obtain a health certificate to prove they have the "necessary robust physique to engage in a professional activity." The decree does not define "exceptional circumstances." Local laws do not establish specific regulations governing the number of hours children under 16 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.

Minors below age 16 are forbidden from certain types of work, including but not limited to domestic work, employment between 9:00 p.m. and 7:00 a.m., and at places where admission of minors is forbidden, such as casinos. The government requires employers to conduct an assessment of 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. In the SAR, this includes casinos, where secondhand smoke constitutes a health hazard.

The LAB enforced the law through periodic and targeted inspections, and prosecuted violators. Information on the penalties for violations was not available. 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.

In practice, child labor did occur. Some children reportedly worked in family-operated or small businesses, while others were subject to commercial sexual exploitation (see section 6, Children).

d. Discrimination with Respect to Employment or Occupation

Local law requires employers to provide equal pay for equal work, regardless of gender.

Under the law migrant workers enjoy treatment equal to that of local workers, including the same rights, obligations, and remuneration. According to official statistics, at the end of July there were 158,234 nonresident workers who accounted for approximately 26 percent of the population. They came mostly from the mainland PRC, Hong Kong, Indonesia, the Philippines, and Vietnam. Most of them worked in the restaurant and hotel industry, but others found employment as domestic servants, in the gaming and entertainment sectors, or in construction and retail trade. They frequently complained of discrimination in the workplace.

The Basic Law and the Labor Relations Law prohibit discrimination on a wide variety of bases. The Basic Law holds that all residents shall be equal before the law and shall be free from discrimination, irrespective of their nationality descent, race, sex, language, religion, political persuasion or ideological belief, educational level, economic status, or social conditions. The Labor Relations Law expands on this list to include discrimination on the basis of national or social origin, descent,

race, color, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership of associations, education, or economic background (see Section 6, Women). Neither set of laws explicitly prohibits discrimination on the basis of HIV status.

e. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. There is no mandatory minimum wage except for government-outsourced security guards and cleaners and foreign domestic workers at MOP 26 (\$3.26) per hour. The SAR does not calculate an official poverty line, and its median monthly income is approximately \$1,625. 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. Part-time workers and workers on temporary contracts are excluded.

The law includes a requirement that employers provide a safe working environment, and the LAB sets 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 as a 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. Employers can dismiss staff “without just cause” on condition they 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. Data on the number of cases assisted by the LAB during the year was not available. In addition the LAB could charge the worker or union a fee to process such complaints.

The LAB enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. There were approximately 140 labor inspectors in the country, almost all of whom held university degrees and most of whom had more than five years' experience. 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.

Local employers favored unwritten labor contracts of indefinite duration, except in the case of migrant workers, who were issued written contracts for specified terms. Labor groups reported employers increasingly used temporary contracts to circumvent obligations to pay for worker benefits such as pensions, sick leave, and paid holidays. The short-term nature of written contracts made it easier to dismiss workers through nonrenewal. Some workers also reported being dismissed for refusing to work in unhealthy environments.

The SAR recorded 3,589 workplace accidents during the first six months of the year. Authorities recorded seven workplace fatalities, of which four were judged to have possible links to the individuals' pre-existing health conditions. Most workplace injuries reported were minor, with one in seven injured workers returning to their duties the same day. A workplace injury permanently incapacitated one person.